

112TH CONGRESS
1ST SESSION

H. R. 1781

To ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2011

Mrs. MCCARTHY of New York (for herself, Ms. WASSERMAN SCHULTZ, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. ACKERMAN, Ms. NORTON, Mr. GRIJALVA, Mr. HONDA, Ms. BROWN of Florida, Mrs. CAPPS, Mr. TOWNS, Mr. SERRANO, Mr. NADLER, Mr. ELLISON, Mr. CONNOLLY of Virginia, Mr. TIERNEY, Mr. CICILLINE, Ms. CHU, Mr. ROTHMAN of New Jersey, Mr. DEUTCH, Mr. QUIGLEY, Mr. STARK, Mr. MORAN, Mr. OLVER, Mr. JOHNSON of Georgia, Ms. MATSUI, Mrs. MALONEY, Mr. FATTAH, Mr. HOLT, Mr. FARR, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Fix Gun Checks Act of 2011”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENSURING THAT ALL INDIVIDUALS WHO SHOULD BE
PROHIBITED FROM BUYING A GUN ARE LISTED IN THE NA-
TIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

Sec. 101. Penalties for States that do not make data electronically available to
the National Instant Criminal Background Check System.

Sec. 102. Requirement that Federal agencies certify that they have submitted
to the National Instant Criminal Background Check System all
records identifying persons prohibited from purchasing fire-
arms under Federal law.

Sec. 103. Adjudicated as a mental defective; mental health assessment plan.

Sec. 104. Clarification that Federal court information is to be made available
to the National Instant Criminal Background Check System.

TITLE II—REQUIRING A BACKGROUND CHECK FOR EVERY
FIREARM SALE

Sec. 201. Purpose.

Sec. 202. Firearms transfers.

Sec. 203. Effective date.

TITLE III—GAO STUDY

Sec. 301. GAO study of the implementation of the NICS Improvements Amend-
ments Act of 2007.

1 **TITLE I—ENSURING THAT ALL**
2 **INDIVIDUALS WHO SHOULD**
3 **BE PROHIBITED FROM BUY-**
4 **ING A GUN ARE LISTED IN**
5 **THE NATIONAL INSTANT**
6 **CRIMINAL BACKGROUND**
7 **CHECK SYSTEM**

8 **SEC. 101. PENALTIES FOR STATES THAT DO NOT MAKE**
9 **DATA ELECTRONICALLY AVAILABLE TO THE**
10 **NATIONAL INSTANT CRIMINAL BACKGROUND**
11 **CHECK SYSTEM.**

12 (a) AMENDMENTS.—Section 104(b) of the NICS Im-
13 provement Amendments Act of 2007 (18 U.S.C. 922 note)
14 is amended—

15 (1) by amending paragraph (2) to read as fol-
16 lows:

17 “(2) MANDATORY REDUCTIONS.—Notwith-
18 standing paragraph (1)—

19 “(A) for the first fiscal year beginning
20 after the date that is one year after the date of
21 submission of the report required under section
22 301(b) of the Fix Gun Checks Act of 2011, and
23 each of the 4 succeeding fiscal years, the Attor-
24 ney General shall withhold 15 percent of the
25 amount that would otherwise be allocated to a

1 State under section 505 of the Omnibus Crime
2 Control and Safe Streets Act of 1968 (42
3 U.S.C. 3755) if the State provides less than 75
4 percent of the records required to be provided
5 under sections 102 and 103; and

6 “(B) after the expiration of the period re-
7 ferred to in subparagraph (A), the Attorney
8 General shall withhold 25 percent of the
9 amount that would otherwise be allocated to a
10 State under section 505 of the Omnibus Crime
11 Control and Safe Streets Act of 1968 (42
12 U.S.C. 3755) if the State provides less than 90
13 percent of the records required to be provided
14 under sections 102 and 103.”; and

15 (2) by amending paragraph (3) to read as fol-
16 lows:

17 “(3) WAIVER BY ATTORNEY GENERAL.—If a
18 State provides substantial evidence, as determined
19 by the Attorney General, that the State is making
20 a reasonable effort to comply with the requirements
21 of sections 102 and 103, including an inability to
22 comply due to court order or other legal restriction,
23 the Attorney General may reduce the percentage
24 of—

1 “(A) the amount withheld under paragraph
2 (2)(A) to not less than 5 percent; and

3 “(B) the amount withheld under para-
4 graph (2)(B) to not less than 15 percent.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a)(2) shall take effect on the first day of the
7 first fiscal year beginning after the date that is one year
8 after the date of submission of the report required under
9 section 301(b) this Act.

10 **SEC. 102. REQUIREMENT THAT FEDERAL AGENCIES CER-**
11 **TIFY THAT THEY HAVE SUBMITTED TO THE**
12 **NATIONAL INSTANT CRIMINAL BACKGROUND**
13 **CHECK SYSTEM ALL RECORDS IDENTIFYING**
14 **PERSONS PROHIBITED FROM PURCHASING**
15 **FIREARMS UNDER FEDERAL LAW.**

16 Section 103(e)(1) of the Brady Handgun Violence
17 Prevention Act (18 U.S.C. 922 note) is amended by add-
18 ing at the end the following:

19 “(F) SEMIANNUAL CERTIFICATION AND
20 REPORTING.—

21 “(i) IN GENERAL.—The head of each
22 Federal department or agency shall submit
23 to the Attorney General a written certifi-
24 cation indicating whether the department
25 or agency has provided to the Attorney

1 General the pertinent information con-
2 tained in any record of any person that the
3 department or agency was in possession of
4 during the time period addressed by the
5 report demonstrating that the person falls
6 within a category described in subsection
7 (g) or (n) of section 922 of title 18, United
8 States Code.

9 “(ii) SUBMISSION DATES.—The head
10 of a Federal department or agency shall
11 submit a certification under clause (i)—

12 “(I) not later than July 31 of
13 each year, which shall address any
14 record the department or agency was
15 in possession of during the period be-
16 ginning on January 1 of the year and
17 ending on June 30 of the year; and

18 “(II) not later than January 31
19 of each year, which shall address any
20 record the department or agency was
21 in possession of during the period be-
22 ginning on July 1 of the previous year
23 and ending on December 31 of the
24 previous year.

1 “(iii) CONTENTS.—A certification re-
2 quired under clause (i) shall state, for the
3 applicable period—

4 “(I) the number of records of the
5 Federal department or agency dem-
6 onstrating that a person fell within
7 each of the categories described in
8 section 922(g) of title 18, United
9 States Code;

10 “(II) the number of records of
11 the Federal department or agency
12 demonstrating that a person fell with-
13 in the category described in section
14 922(n) of title 18, United States
15 Code; and

16 “(III) for each category of
17 records described in subclauses (I)
18 and (II), the total number of records
19 of the Federal department or agency
20 that have been provided to the Attor-
21 ney General.”.

1 **SEC. 103. ADJUDICATED AS A MENTAL DEFECTIVE; MENTAL**
2 **HEALTH ASSESSMENT PLAN.**

3 (a) DEFINITION.—Section 921(a) of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(36) The term ‘adjudicated as a mental defective’
7 means, with respect to a person, that—

8 “(A) a court, board, commission, or other law-
9 ful authority has determined, as a result of marked
10 subnormal intelligence, mental illness, incompetency,
11 or disease of the person, that the person—

12 “(i) is a danger to himself or others;

13 “(ii) lacks the mental capacity to contract
14 or manage his own affairs; or

15 “(iii) be compelled to receive services, in-
16 cluding counseling, medication, or testing to de-
17 termine compliance with prescribed medications,
18 but not including testing for use of alcohol or
19 for abuse of any controlled substance or other
20 drug;

21 “(B) the person has been found insane by a
22 court in a criminal case;

23 “(C) the person has been found incompetent to
24 stand trial; or

25 “(D) the person has been found not guilty by
26 reason of lack of mental responsibility pursuant to

1 articles 50a and 72b of the Uniform Code of Mili-
2 tary Justice (10 U.S.C. 850a, 976b).”.

3 (b) MENTAL HEALTH ASSESSMENT PLAN FOR INSTI-
4 TUTIONS OF HIGHER EDUCATION.—Part B of title I of
5 the Higher Education Act of 1965 (20 U.S.C. 1011 et
6 seq.) is amended by adding at the end the following:

7 **“SEC. 124. MENTAL HEALTH ASSESSMENT PLAN FOR INSTI-
8 TUTIONS OF HIGHER EDUCATION.**

9 “(a) RESTRICTION ON ELIGIBILITY.—Each college,
10 university, or postsecondary institution that receives Fed-
11 eral funds under this Act or any form of financial assist-
12 ance under any Federal program, including participation
13 in any federally funded or guaranteed student loan pro-
14 gram, shall develop and implement, not later than 1 year
15 from the date of enactment of this section, a mental health
16 assessment plan that, at a minimum, includes—

17 “(1) a framework through which such college,
18 university, or postsecondary institution will address
19 the risks posed by students, including full-time stu-
20 dents and part-time students, who, as a result of ap-
21 parent mental illness or incompetency, pose a safety
22 risk to themselves or others;

23 “(2) the establishment of a team that will as-
24 sess the mental health needs of, and safety risks
25 posed by, any such student, consisting of—

1 “(A) educators;

2 “(B) administrators;

3 “(C) counselors; or

4 “(D) other qualified members of the edu-
5 cational community;

6 “(3) a procedure for reporting such students to
7 the team described in paragraph (2);

8 “(4) a procedure for making voluntary referrals
9 for such students to on- and off-campus mental
10 health resources;

11 “(5) a procedure for making involuntary refer-
12 rals for such students to State or local mental health
13 authorities for mandatory evaluation, which shall in-
14 clude reporting such referrals to a State agency re-
15 sponsible for identifying persons described in section
16 922(g)(4) of title 18, United States Code; and

17 “(6) a procedure for informing and educating
18 the families of students who have been identified as
19 posing safety risks to themselves or others.

20 “(b) INFORMATION AVAILABILITY.—Each college,
21 university, or postsecondary institution that provides the
22 plan described in subsection (a) shall make available to
23 the students, faculty, and staff at such college, university,
24 or postsecondary institution, a copy of the mental health
25 assessment plan required under subsection (a).”.

1 **SEC. 104. CLARIFICATION THAT FEDERAL COURT INFOR-**
2 **MATION IS TO BE MADE AVAILABLE TO THE**
3 **NATIONAL INSTANT CRIMINAL BACKGROUND**
4 **CHECK SYSTEM.**

5 Section 103(e)(1) of the Brady Handgun Violence
6 Prevention Act (18 U.S.C. 922 note), as amended by sec-
7 tion 102 of this Act, is amended by adding at the end
8 the following:

9 “(G) APPLICATION TO FEDERAL
10 COURTS.—In this paragraph—

11 “(i) the terms ‘department or agency
12 of the United States’ and ‘Federal depart-
13 ment or agency’ include a Federal court;
14 and

15 “(ii) for purposes of any request, sub-
16 mission, or notification, the Director of the
17 Administrative Office of the United States
18 Courts shall perform the functions of the
19 head of the department or agency.”.

20 **TITLE II—REQUIRING A BACK-**
21 **GROUND CHECK FOR EVERY**
22 **FIREARM SALE**

23 **SEC. 201. PURPOSE.**

24 The purpose of this title is to extend the Brady Law
25 background check procedures to all sales and transfers of
26 firearms.

1 **SEC. 202. FIREARMS TRANSFERS.**

2 (a) IN GENERAL.—Chapter 44 of title 18, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 932. Background checks for firearm transfers by**
6 **unlicensed persons**

7 “(a) DEFINITIONS.—In this section—

8 “(1) the term ‘unlicensed transferee’ means a
9 person who—

10 “(A) is not licensed under this chapter;

11 and

12 “(B) desires to receive a firearm from an
13 unlicensed transferor; and

14 “(2) the term ‘unlicensed transferor’ means a
15 person who—

16 “(A) is not licensed under this chapter;

17 and

18 “(B) desires to transfer a firearm to an
19 unlicensed transferee.

20 “(b) RESPONSIBILITIES OF TRANSFERORS OTHER
21 THAN LICENSEES.—

22 “(1) IN GENERAL.—It shall be unlawful for an
23 unlicensed transferor to transfer a firearm to an un-
24 licensed transferee, unless the firearm is trans-
25 ferred—

1 “(A)(i) through a licensed dealer under
2 subsection (d);

3 “(ii) through a law enforcement agency
4 under subsection (e);

5 “(iii) after inspecting a permit that con-
6 firms a background check under subsection (f);

7 or

8 “(iv) in accordance with an exception de-
9 scribed in subsection (g); and

10 “(B) in accordance with paragraph (2).

11 “(2) CRIMINAL BACKGROUND CHECKS.—Except
12 as provided in subsection (g), an unlicensed trans-
13 feror—

14 “(A) subject to subparagraph (B), may not
15 transfer a firearm to an unlicensed transferee
16 until—

17 “(i) the licensed dealer through which
18 the transfer is made under subsection (d)
19 makes a notification described in sub-
20 section (d)(3)(A);

21 “(ii) the law enforcement agency
22 through which the transfer is made under
23 subsection (e) makes a notification de-
24 scribed in subsection (e)(4)(A); or

1 “(iii) the unlicensed transferee has
2 presented a permit that confirms that a
3 background check has been conducted, as
4 described in subsection (f); and

5 “(B) may not transfer a firearm to an un-
6 licensed transferee if—

7 “(i) the licensed dealer through which
8 the transfer is made under subsection (d)
9 makes the notification described in sub-
10 subsection (d)(3)(B); or

11 “(ii) the law enforcement agency
12 through which the transfer is made under
13 subsection (e) makes the notification de-
14 scribed in subsection (e)(3)(B).

15 “(3) ABSENCE OF RECORDKEEPING REQUIRE-
16 MENTS.—Nothing in this section shall permit or au-
17 thorize the Attorney General to impose record-
18 keeping requirements on any unlicensed transferor.

19 “(c) RESPONSIBILITIES OF TRANSFEREES OTHER
20 THAN LICENSEES.—

21 “(1) IN GENERAL.—It shall be unlawful for an
22 unlicensed transferee to receive a firearm from an
23 unlicensed transferor, unless the firearm is trans-
24 ferred—

1 “(A)(i) through a licensed dealer under
2 subsection (d);

3 “(ii) through a law enforcement agency
4 under subsection (e);

5 “(iii) after inspecting a permit that con-
6 firms a background check in accordance with
7 subsection (f); or

8 “(iv) in accordance with an exception de-
9 scribed in subsection (g); and

10 “(B) in accordance with paragraph (2).

11 “(2) CRIMINAL BACKGROUND CHECKS.—Except
12 as provided in subsection (g), an unlicensed trans-
13 feree—

14 “(A) subject to subparagraph (B), may not
15 receive a firearm from an unlicensed transferor
16 until—

17 “(i) the licensed dealer through which
18 the transfer is made under subsection (d)
19 makes a notification described in sub-
20 section (d)(3)(A);

21 “(ii) the law enforcement agency
22 through which the transfer is made under
23 subsection (e) makes a notification de-
24 scribed in subsection (e)(4)(A); or

1 “(iii) the unlicensed transferee has
2 presented a permit that confirms that a
3 background check described in subsection
4 (f) has been conducted; and

5 “(B) may not receive a firearm from an-
6 other unlicensed transferor if—

7 “(i) the licensed dealer through which
8 the transfer is made under subsection (d)
9 makes a notification described in sub-
10 subsection (d)(3)(B); or

11 “(ii) the law enforcement agency
12 through which the transfer is made under
13 subsection (e) makes a notification de-
14 scribed in subsection (e)(4)(B).

15 “(d) BACKGROUND CHECKS THROUGH LICENSED
16 DEALERS.—A licensed dealer who agrees to assist in the
17 transfer of a firearm between unlicensed transferor and
18 an unlicensed transferee shall—

19 “(1) enter such information about the firearm
20 as the Attorney General may require by regulation
21 into a separate bound record;

22 “(2) record the transfer on a form specified by
23 the Attorney General;

24 “(3) comply with section 922(t) as if transfer-
25 ring the firearm from the inventory of the licensed

1 dealer to the unlicensed transferee (except that a li-
2 censed dealer assisting in the transfer of a firearm
3 under this subsection shall not be required to comply
4 again with the requirements of section 922(t) in de-
5 livering the firearm to the unlicensed transferee) and
6 notify the unlicensed transferor and unlicensed
7 transferee—

8 “(A) of such compliance; and

9 “(B) if the transfer is subject to the re-
10 quirements of section 922(t)(1), of any receipt
11 by the licensed dealer of a notification from the
12 national instant criminal background check sys-
13 tem that the transfer would violate section 922
14 or State law;

15 “(4) not later than 31 days after the date on
16 which the transfer occurs, submit to the Attorney
17 General a report of the transfer, which—

18 “(A) shall be on a form specified by the
19 Attorney General by regulation; and

20 “(B) shall not include the name of or other
21 identifying information relating to the unli-
22 censed transferor or unlicensed transferee;

23 “(5) if the licensed dealer assists an unlicensed
24 transferor in transferring, at the same time or dur-
25 ing any 5 consecutive business days, 2 or more pis-

1 tols or revolvers, or any combination of pistols and
2 revolvers totaling 2 or more, to the same unlicensed
3 transferee, in addition to the reports required under
4 paragraph (4), prepare a report of the multiple
5 transfers, which shall—

6 “(A) be prepared on a form specified by
7 the Attorney General; and

8 “(B) not later than the close of business
9 on the date on which the transfer requiring the
10 report under this paragraph occurs, be sub-
11 mitted to—

12 “(i) the office specified on the form
13 described in subparagraph (A); and

14 “(ii) the appropriate State law en-
15 forcement agency of the jurisdiction in
16 which the transfer occurs; and

17 “(6) retain a record of the transfer as part of
18 the permanent business records of the licensed deal-
19 er.

20 “(e) BACKGROUND CHECKS THROUGH LAW EN-
21 FORCEMENT AGENCIES.—A State or local law enforce-
22 ment agency that agrees to assist an unlicensed transferor
23 in carrying out the responsibilities of the unlicensed trans-
24 feror under subsection (b) with respect to the transfer of
25 a firearm shall—

1 “(1)(A) contact the national instant criminal
2 background check system under section 922(t); and

3 “(B)(i) receive an identification number as de-
4 scribed in section 922(t)(1)(B)(i); or

5 “(ii) wait the period described in
6 922(t)(1)(B)(ii);

7 “(2) conduct such other checks as the agency
8 considers appropriate to determine whether the re-
9 ceipt or possession of the firearm by the unlicensed
10 transferee would violate section 922 or State law;

11 “(3) verify the identity of the unlicensed trans-
12 feree by—

13 “(A) examining a valid identification docu-
14 ment (as defined in section 1028(d)) of the un-
15 licensed transferee containing a photograph of
16 the unlicensed transferee; or

17 “(B) confirming that the unlicensed trans-
18 feror has examined a valid identification docu-
19 ment described in subparagraph (A);

20 “(4) notify the unlicensed transferor and trans-
21 feree—

22 “(A) of the compliance by the law enforce-
23 ment agency with the requirements under para-
24 graphs (1), (2), and (3); and

1 “(B) of any receipt by the law enforcement
2 agency of a notification from the national in-
3 stant criminal background check system or
4 other information that the transfer would vio-
5 late section 922 or would violate State law;

6 “(5) not later than 31 days after the date on
7 which the transfer occurs, submit to the Attorney
8 General a report of the transfer, which—

9 “(A) shall be on a form specified by the
10 Attorney General by regulation; and

11 “(B) shall not include the name of or other
12 identifying information relating to the unli-
13 censed transferor or unlicensed transferee;

14 “(6) if the law enforcement agency assists an
15 unlicensed transferor in transferring, at the same
16 time or during any 5 consecutive business days, 2 or
17 more pistols or revolvers, or any combination of pis-
18 tols and revolvers totaling 2 or more, to the same
19 unlicensed transferee, in addition to the reports re-
20 quired under paragraph (5), prepare a report of the
21 multiple transfers, which shall be—

22 “(A) prepared on a form specified by the
23 Attorney General; and

1 “(B) not later 24 hours after the transfer
2 requiring the report under this paragraph oc-
3 curs, submitted to—

4 “(i) the office specified on the form
5 described in subparagraph (A); and

6 “(ii) the appropriate State law en-
7 forcement agency of the jurisdiction in
8 which the transfer occurs; and

9 “(7) maintain records of the transfer at such
10 place, and in such form, as the Attorney General
11 may prescribe.

12 “(f) PURCHASE PERMITS CONFIRMING BACKGROUND
13 CHECKS.—An unlicensed transferor may transfer a fire-
14 arm to an unlicensed transferee if the unlicensed trans-
15 feror verifies that—

16 “(1) the unlicensed transferee has presented to
17 a licensed dealer or a law enforcement official a per-
18 mit or license that allows the unlicensed transferee
19 to possess, acquire, or carry a firearm, and the li-
20 censed dealer or law enforcement official, as the case
21 may be, has verified to the unlicensed transferor
22 that the permit or license is valid;

23 “(2) the permit or license was issued not more
24 than 5 years before the date on which the permit or
25 license is presented under paragraph (1) by a law

1 enforcement agency in the State in which the trans-
2 fer is to take place;

3 “(3) the law of the State provides that the per-
4 mit or license is to be issued only after a law en-
5 forcement official has verified that neither the na-
6 tional instant criminal background check system nor
7 other information indicates that possession of a fire-
8 arm by the unlicensed transferee would be in viola-
9 tion of Federal, State, or local law; and

10 “(4) if the permit or license does not include a
11 photograph of the unlicensed transferee, the unli-
12 censed transferor has examined a valid identification
13 document (as defined in section 1028(d)) of the unli-
14 censed transferee containing a photograph of the un-
15 licensed transferee.

16 “(g) EXCEPTIONS.—Unless prohibited by any other
17 provision of law, subsections (b) and (c) shall not apply
18 to any transfer of a firearm between an unlicensed trans-
19 feror and unlicensed transferee, if—

20 “(1) the transfer is a bona fide gift between im-
21 mediate family members, including spouses, parents,
22 children, siblings, grandparents, and grandchildren;

23 “(2) the transfer occurs by operation of law, or
24 because of the death of another person for whom the

1 unlicensed transferor is an executor or administrator
2 of an estate or a trustee of a trust created in a will;

3 “(3) the transfer is temporary and occurs while
4 in the home of the unlicensed transferee, if—

5 “(A) the unlicensed transferee is not other-
6 wise prohibited from possessing firearms; and

7 “(B) the unlicensed transferee believes
8 that possession of the firearm is necessary to
9 prevent imminent death or great bodily harm to
10 the unlicensed transferee;

11 “(4) the transfer is approved by the Attorney
12 General under section 5812 of the Internal Revenue
13 Code of 1986; or

14 “(5) upon application of the unlicensed trans-
15 feror, the Attorney General determined that compli-
16 ance with subsection (b) is impracticable because—

17 “(A) the ratio of the number of law en-
18 forcement officers of the State in which the
19 transfer is to occur to the number of square
20 miles of land area of the State does not exceed
21 0.0025;

22 “(B) the location at which the transfer is
23 to occur is extremely remote in relation to the
24 chief law enforcement officer (as defined in sec-
25 tion 922(s)(8)); and

1 “(C) there is an absence of telecommuni-
2 cations facilities in the geographical area in
3 which the unlicensed transferor is located; or

4 “(6) the transfer is a temporary transfer of
5 possession without transfer of title that takes
6 place—

7 “(A) at a shooting range located in or on
8 premises owned or occupied by a duly incor-
9 porated organization organized for conservation
10 purposes or to foster proficiency in firearms;

11 “(B) at a target firearm shooting competi-
12 tion under the auspices of or approved by a
13 State agency or nonprofit organization; or

14 “(C) while hunting, fishing, or trapping,
15 if—

16 “(i) the activity is legal in all places
17 where the unlicensed transferee possesses
18 the firearm; and

19 “(ii) the unlicensed transferee holds
20 any required license or permit.

21 “(h) PROCESSING FEES.—A licensed dealer or law
22 enforcement agency that processes the transfer of a fire-
23 arm under this section may assess and collect a fee, in
24 an amount not to exceed \$15, with respect to each firearm
25 transfer processed.

1 “(i) RECORDS.—Nothing in subsection (e)(7) shall be
2 construed to authorize the Attorney General to inspect
3 records described in such subsection or to require that the
4 records be transferred to a facility owned, managed, or
5 controlled by the United States.”.

6 (b) PENALTIES.—Section 924(a)(5) of title 18,
7 United States Code, is amended by inserting “or section
8 932” after “section 922”.

9 (c) CONFORMING AMENDMENT.—The table of sec-
10 tions for chapter 44 of title 18, United States Code, is
11 amended by adding at the end the following:

“932. Background checks for firearm transfers by unlicensed persons.”.

12 **SEC. 203. EFFECTIVE DATE.**

13 The amendments made by this Act shall take effect
14 180 days after the date of enactment of this Act.

15 **TITLE III—GAO STUDY**

16 **SEC. 301. GAO STUDY OF THE IMPLEMENTATION OF THE**
17 **NICS IMPROVEMENTS AMENDMENTS ACT OF**
18 **2007.**

19 (a) STUDY.—The Comptroller General of the United
20 States shall conduct a study to determine—

21 (1) the effects that the NICS Improvements
22 Amendments Act of 2007 (in this section referred to
23 as the “NIAA”) has had on State reporting to the
24 national instant criminal background check system
25 established under section 103 of the Brady Handgun

1 Violence Prevention Act (in this section referred to
2 as the “NICS system”);

3 (2) which States are in compliance with the
4 NIAA, and which are not;

5 (3) any challenges or obstacles that States or
6 local units of government face in complying with the
7 reporting requirements of the NIAA, including chal-
8 lenges or obstacles States face in transmitting men-
9 tal health records and in providing reportable infor-
10 mation on unlawful drug use to the NICS system;
11 and

12 (4) the compliance of States with section 105 of
13 the NIAA, including any challenges or obstacles
14 faced by States in doing so.

15 (b) REPORT TO THE CONGRESS.—Within 1 year after
16 the date of the enactment of this Act, the Comptroller
17 General shall submit to the Congress a written report that
18 contains the results of the study required by subsection
19 (a).

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