117TH CONGRESS
1ST SESSION

H. R. 1446

To amend chapter 44 of title 18, United States Code, to strengthen the background check procedures to be followed before a Federal firearms licensee may transfer a firearm to a person who is not such a licensee.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2021

Mr. CLYBURN (for himself, Ms. ADAMS, Mr. AUCHINCLOSS, Ms. BASS, Mrs. BEATTY, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BROWN, Ms. BUSH, Mr. CARSON, Mr. CASTEN, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. COHEN, Mr. CONNOLLY, Mr. COOPER, Mr. DANNY K. DAVIS of Illinois, Ms. DEAN, Mrs. DEMINGS, Mr. DESAULNIER, Mr. ESPAILLAT, Mr. GARcía of Illinois, Mr. HASTINGS, Mr. HEGGINS of New York, Ms. HOULAHAN, Ms. JACKSON LEE, Ms. JACOBS of California, Mr. KILMER, Mr. LANGEVIN, Mrs. LAWRENCE, Ms. LEE of California, Mr. LEVIN of Michigan, Mr. LOWENTHAL, Mr. MALINOWSKI, Mrs. CAROLYN B. MALONEY of New York, Mr. MCEACHIN, Ms. MENG, Mr. MFUME, Ms. MOORE of Wisconsin, Mr. NADLER, Mr. NEGUSE, Ms. NORTON, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERS, Mr. RASKIN, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Ms. STEVENS, Ms. STRICKLAND, Mr. SWALWELL, Mrs. TRAHAN, Mr. TRONE, Ms. WASSERMAN SCHULTZ, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to strengthen the background check procedures to be followed before a Federal firearms licensee may transfer a firearm to a person who is not such a licensee.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Enhanced Background Checks Act of 2021”.

SEC. 2. STRENGTHENING OF BACKGROUND CHECK PROCES-
DURES TO BE FOLLOWED BEFORE A FED-
ERAL FIREARMS LICENSEE MAY TRANSFER A FIREARM TO A PERSON WHO IS NOT SUCH A LICENSEE.

Section 922(t) of title 18, United States Code is amended—

(1) in paragraph (1)(B), by striking clause (ii) and inserting the following:

“(ii) in the event the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section—

“(I) not fewer than 10 business days (meaning a day on which State offices are open) has elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section, and the other person has sub-
mitted, electronically through a website estab-
lished by the Attorney General or by first-class
mail, a petition for review which—

“(aa) certifies that such other person
has no reason to believe that such other
person is prohibited by Federal, State, or
local law from purchasing or possessing a
firearm; and

“(bb) requests that the system re-
respond to the contact referred to in sub-
paragraph (A) within 10 business days
after the date the petition was submitted
(or, if the petition is submitted by first-
class mail, the date the letter containing
the petition is postmarked); and

“(II) 10 business days have elapsed since
the other person so submitted the petition, and
the system has not notified the licensee that the
receipt of a firearm by such other person would
violate subsection (g) or (n) of this section;
and”; and

(2) by adding at the end the following:

“(7) The Attorney General shall—

“(A) prescribe the form on which a petition
shall be submitted pursuant to paragraph (1)(B)(ii);
“(B) make the form available electronically, and
provide a copy of the form to all licensees referred
to in paragraph (1);

“(C) provide the petitioner and the licensee in-
volved written notice of receipt of the petition, either
electronically or by first-class mail; and

“(D) respond on an expedited basis to any such
petition received by the Attorney General.

“(8)(A) If, after 3 business days have elapsed since
the licensee initially contacted the system about a firearm
transaction, the system notifies the licensee that the re-
ceipt of a firearm by such other person would not violate
subsection (g) or (n), the licensee may continue to rely
on that notification for the longer of—

“(i) an additional 25 calendar days after the li-
censee receives the notification; or

“(ii) 30 calendar days after the date of the ini-
tial contact.

“(B) If such other person has met the requirements
of paragraph (1)(B)(ii) before the system destroys the
records related to the firearm transaction, the licensee
may continue to rely on such other person having met the
requirements for an additional 25 calendar days after the
date such other person first met the requirements.”.
SEC. 3. GAO REPORTS.

Within 90 days after the end of each of the 1-year, 3-year, and 5-year periods that begin with the effective date of this Act, the Comptroller General of the United States shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report analyzing the extent to which, during the respective period, paragraphs (1)(B)(ii) and (7) of section 922(t) of title 18, United States Code, have prevented firearms from being transferred to prohibited persons, which report shall include but not be limited to the following—

(1) an assessment of the overall implementation of such subsections, including a description of the challenges faced in implementing such paragraphs; and

(2) an aggregate description of firearm purchase delays and denials, and an aggregate analysis of the petitions submitted pursuant to such paragraph (1)(B)(ii).

SEC. 4. REPORTS ON PETITIONS SUPPORTING FIREARM TRANSFERS NOT IMMEDIATELY APPROVED BY NICS SYSTEM, THAT WERE NOT RESPONDED TO IN A TIMELY MANNER.

The Director of the Federal Bureau of Investigation shall make an annual report to the public on the number
of petitions received by the national instant criminal back-
ground check system established under section 103 of the
Brady Handgun Violence Prevention Act that were sub-
mitted pursuant to subclause (I) of section
922(t)(1)(B)(ii) of title 18, United States Code, with re-
spect to which a determination was not made within the
10-day period referred to in subclause (II) of such section.

SEC. 5. REPORT TO THE CONGRESS.

Within 150 days after the date of the enactment of
this Act, the Attorney General, in consultation with the
National Resource Center on Domestic Violence and Fire-
arms, shall submit to the Congress a report analyzing the
effect, if any, of this Act on the safety of victims of domes-
tic violence, domestic abuse, dating partner violence, sex-
ual assault, and stalking, and whether any further amend-
ments to the background check process, including amend-
ments to the conditions that must be met under this Act
for a firearm to be transferred when the system has not
notified the licensee that such transfer would not violate
subsection (g) or (n) of section 922 of title 18, United
States Code, would likely result in a reduction in the risk
of death or great bodily harm to victims of domestic vio-
ence, domestic abuse, dating partner violence, sexual as-
sault, and stalking.
SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 210 days after the date of the enactment of this Act.