

117TH CONGRESS  
1ST SESSION

# H. R. 1446

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## AN ACT

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.

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.**

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

4 **SEC. 2. STRENGTHENING OF BACKGROUND CHECK PROCE-**  
5 **DURES TO BE FOLLOWED BEFORE A FED-**  
6 **ERAL FIREARMS LICENSEE MAY TRANSFER A**  
7 **FIREARM TO A PERSON WHO IS NOT SUCH A**  
8 **LICENSEE.**

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

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

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

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

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

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

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

19          (2) by adding at the end the following:

20          “(7) The Attorney General shall—

21                 “(A) prescribe the form on which a petition  
22                 shall be submitted pursuant to paragraph (1)(B)(ii);

23                 “(B) make the form available electronically, and  
24                 provide a copy of the form to all licensees referred  
25                 to in paragraph (1);

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

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

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

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

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

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

22          **SEC. 3. GAO REPORTS.**

23          Within 90 days after the end of each of the 1-year,  
24          3-year, and 5-year periods that begin with the effective  
25          date of this Act, the Comptroller General of the United

1 States shall prepare and submit to the Committee on the  
2 Judiciary of the House of Representatives and the Com-  
3 mittee on the Judiciary of the Senate a written report ana-  
4 lyzing the extent to which, during the respective period,  
5 paragraphs (1)(B)(ii) and (7) of section 922(t) of title 18,  
6 United States Code, have prevented firearms from being  
7 transferred to prohibited persons, which report shall in-  
8 clude but not be limited to the following—

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

12 (2) an aggregate description of firearm pur-  
13 chase delays and denials, with a description of deni-  
14 als, disaggregated by State and by the basis for the  
15 denial; and

16 (3) an aggregate analysis of the petitions sub-  
17 mitted pursuant to such paragraph (1)(B)(ii).

18 **SEC. 4. REPORTS ON PETITIONS SUPPORTING FIREARMS**  
19 **TRANSFERS NOT IMMEDIATELY APPROVED**  
20 **BY NICS SYSTEM, THAT WERE NOT RE-**  
21 **SPONDED TO IN A TIMELY MANNER.**

22 The Director of the Federal Bureau of Investigation  
23 shall make an annual report to the public on the number  
24 of petitions received by the national instant criminal back-  
25 ground check system established under section 103 of the

1 Brady Handgun Violence Prevention Act that were sub-  
2 mitted pursuant to subclause (I) of section  
3 922(t)(1)(B)(ii) of title 18, United States Code, with re-  
4 spect to which a determination was not made within the  
5 10-day period referred to in subclause (II) of such section  
6 922(t)(1)(B)(ii). The report shall include the following,  
7 which shall be disaggregated by State:

8           (1) The number of petitions submitted under  
9           such section that were received by the national in-  
10          stant criminal background check system established  
11          under section 103 of the Brady Handgun Violence  
12          Prevention Act.

13           (2) The number of petitioners who were discov-  
14          ered to be ineligible under Federal or State law dur-  
15          ing that 10-day period.

16           (3) The number of petitioners who were discov-  
17          ered to be ineligible under Federal or State law after  
18          that 10-day period.

19           (4) The basis of the ineligibility of the peti-  
20          tioners discovered to be ineligible under Federal or  
21          State law during that 10-day period, and the basis  
22          of the ineligibility of the petitioners discovered to be  
23          ineligible under Federal or State law after that 10-  
24          day period.

1           (5) The number of the petitioners whose peti-  
2           tions were denied and who, within 12 months after  
3           the denial, were prosecuted under Federal, State, or  
4           local law for receiving or attempting to receive a  
5           firearm.

6 **SEC. 5. REPORT TO THE CONGRESS.**

7           Within 150 days after the date of the enactment of  
8           this Act, the Attorney General, in consultation with the  
9           National Resource Center on Domestic Violence and Fire-  
10          arms, shall submit to the Congress a report analyzing the  
11          effect, if any, of this Act on the safety of victims of domes-  
12          tic violence, domestic abuse, dating partner violence, sex-  
13          ual assault, and stalking, disaggregated by State, and  
14          whether any further amendments to the background check  
15          process, including amendments to the conditions that  
16          must be met under this Act for a firearm to be transferred  
17          when the system has not notified the licensee that such  
18          transfer would not violate subsection (g) or (n) of section  
19          922 of title 18, United States Code, would likely result  
20          in a reduction in the risk of death or great bodily harm  
21          to victims of domestic violence, domestic abuse, dating  
22          partner violence, sexual assault, and stalking.

1 **SEC. 6. EFFECTIVE DATE.**

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

5 **SEC. 7. REPORT ON FIREARM TRANSFERS DENIED AS A RE-**  
6 **SULT OF A NICS CHECK.**

7 Within 90 days after the date of the enactment of  
8 this Act, the Inspector General, Department of Justice,  
9 shall prepare and submit to the Congress a written report  
10 on the number of firearm transactions with respect to  
11 which the national instant criminal background check sys-  
12 tem established under the Brady Handgun Violence Pre-  
13 vention Act has determined that receipt of a firearm by  
14 the prospective firearm transferee would violate Federal  
15 or State law, and which have been referred to the Bureau  
16 of Alcohol, Tobacco, Firearms, and Explosives for inves-  
17 tigation.

Passed the House of Representatives March 11,  
2021.

Attest:

*Clerk.*





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## AN ACT

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.