

Calendar No. 391

117TH CONGRESS
2D SESSION**H. R. 1446**

IN THE SENATE OF THE UNITED STATES

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Read the first time

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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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

24 “(aa) certifies that such other person
25 has no reason to believe that such other
26 person is prohibited by Federal, State, or

1 local law from purchasing or possessing a
2 firearm; and

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

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

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

17 “(7) The Attorney General shall—

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

20 “(B) make the form available electronically, and
21 provide a copy of the form to all licensees referred
22 to in paragraph (1);

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

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

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

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

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

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

19 **SEC. 3. GAO REPORTS.**

20 Within 90 days after the end of each of the 1-year,
21 3-year, and 5-year periods that begin with the effective
22 date of this Act, the Comptroller General of the United
23 States shall prepare and submit to the Committee on the
24 Judiciary of the House of Representatives and the Com-
25 mittee on the Judiciary of the Senate a written report ana-

1 lyzing the extent to which, during the respective period,
2 paragraphs (1)(B)(ii) and (7) of section 922(t) of title 18,
3 United States Code, have prevented firearms from being
4 transferred to prohibited persons, which report shall in-
5 clude but not be limited to the following—

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

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

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

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

19 The Director of the Federal Bureau of Investigation
20 shall make an annual report to the public on the number
21 of petitions received by the national instant criminal back-
22 ground check system established under section 103 of the
23 Brady Handgun Violence Prevention Act that were sub-
24 mitted pursuant to subelause (I) of section
25 922(t)(1)(B)(ii) of title 18, United States Code, with re-

1 spect to which a determination was not made within the
2 10-day period referred to in subclause (II) of such section
3 922(t)(1)(B)(ii). The report shall include the following,
4 which shall be disaggregated by State:

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

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

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

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

22 (5) The number of the petitioners whose peti-
23 tions were denied and who, within 12 months after
24 the denial, were prosecuted under Federal, State, or

1 local law for receiving or attempting to receive a
2 firearm.

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

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

20 **SEC. 6. EFFECTIVE DATE.**

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

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