

The SPEAKER pro tempore. Pursuant to clause 2(b) of rule XIX, the previous question is ordered on the motion to recommit.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. JORDAN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 8 is postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentlewoman from Ohio (Ms. FUDGE), the whole number of the House is 431.

ENHANCED BACKGROUND CHECKS ACT OF 2021

Mr. NADLER. Mr. Speaker, pursuant to House Resolution 188, I call up the bill (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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 188, the bill is considered read.

The text of the bill is as follows:

H.R. 1446

Be it enacted by the Senate and House of Representatives 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 PROCEDURES TO BE FOLLOWED BEFORE A FEDERAL 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 submitted, electronically through a website established 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 respond to the contact referred to in subparagraph (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 post-marked); 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”;

(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 involved 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 receipt 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 licensee receives the notification; or

“(ii) 30 calendar days after the date of the initial 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 background check system established under section 103 of the Brady Handgun Violence Prevention Act that were submitted pursuant to subclause (I) of section 922(t)(1)(B)(ii) of title 18, United States Code, with respect 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 Firearms, shall submit to the Congress a report analyzing the effect, if any, of this Act on the safety of victims of domestic violence, domestic abuse, dating partner violence, sexual assault, and stalking, and whether any further amendments to the background check process, including amendments 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 violence, domestic abuse, dating partner violence, sexual assault, 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.

The SPEAKER pro tempore. The bill is debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The gentleman from New York (Mr. NADLER) and the gentleman from Ohio (Mr. JORDAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1446.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1446, the Enhanced Background Checks Act of 2021, is a critical bill to provide law enforcement the necessary time to keep firearms out of the hands of those who are not legally eligible to own them.

The 2015 massacre at Emanuel AME Church in Charleston, which killed nine innocent people, stands as a tragic reminder of how current background check laws sometimes fall short.

Under current law, a licensed gun dealer conducting a background check on a prospective purchaser is permitted to sell the firearm to the purchaser if there has been no determination from the background check system, commonly called NICS, after 3 business days.

This is the case even if the system has not indicated that the person has actually passed the background check. Often, we refer to this as a default proceed transaction.

While 96 percent of background checks are processed within 3 business days, an analysis of FBI data showed that over 35,000 guns were transferred to prohibited purchasers between 2008