

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.

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## 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. HIGGINS 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

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## 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.

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”.

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

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

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

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

19           “(I) not fewer than 10 business days  
20 (meaning a day on which State offices are  
21 open) has elapsed since the licensee contacted  
22 the system, and the system has not notified the  
23 licensee that the receipt of a firearm by such  
24 other person would violate subsection (g) or (n)  
25 of this section, and the other person has sub-

1           mitted, electronically through a website estab-  
2           lished by the Attorney General or by first-class  
3           mail, a petition for review which—

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

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

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

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

23                 “(7) The Attorney General shall—

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

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

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

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

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

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

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

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

1 **SEC. 3. GAO REPORTS.**

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

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

17           (2) an aggregate description of firearm pur-  
18 chase delays and denials, and an aggregate analysis  
19 of the petitions submitted pursuant to such para-  
20 graph (1)(B)(ii).

21 **SEC. 4. REPORTS ON PETITIONS SUPPORTING FIREARM**  
22 **TRANSFERS NOT IMMEDIATELY APPROVED**  
23 **BY NICS SYSTEM, THAT WERE NOT RE-**  
24 **SPONDED TO IN A TIMELY MANNER.**

25       The Director of the Federal Bureau of Investigation  
26 shall make an annual report to the public on the number

1 of petitions received by the national instant criminal back-  
2 ground check system established under section 103 of the  
3 Brady Handgun Violence Prevention Act that were sub-  
4 mitted pursuant to subclause (I) of section  
5 922(t)(1)(B)(ii) of title 18, United States Code, with re-  
6 spect to which a determination was not made within the  
7 10-day period referred to in subclause (II) of such section.

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

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

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