

Calendar No. 30

116TH CONGRESS
1ST SESSION

H. R. 1112

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2019

Received; read the first time

MARCH 5, 2019

Read the second time and placed on the calendar

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 2019”.

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)(1)(B)(ii) of title 18, United States
7 Code is 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 peti-
19 tion shall be submitted pursuant to paragraph
20 (1)(B)(ii);

21 “(B) make the form available electroni-
22 cally, and provide a copy of the form to all li-
23 censees referred to in paragraph (1);

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

4 “(D) respond on an expedited basis to any
 5 such 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 and

13 (2) an aggregate description of firearm pur-
14 chase delays and denials, and an aggregate analysis
15 of the petitions submitted pursuant to such para-
16 graph (1)(B)(ii).

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

21 The Director of the Federal Bureau of Investigation
22 shall make an annual report to the public on the number
23 of petitions received by the national instant criminal back-
24 ground check system established under section 103 of the
25 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 respect to which a determination was not made within the 10-day period referred to in subclause (II) of such section.

SEC. 5. NEW TERMINOLOGY FOR THOSE WITH MENTAL ILLNESS.

Section 922 of title 18, United States Code, is amended in each of subsections (d)(4) and (g)(4) by striking “adjudicated as a mental defective” and inserting “adjudicated with mental illness, severe developmental disability, or severe emotional instability”.

SEC. 6. 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

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

Attest: **CHERYL L. JOHNSON,**
Clerk.

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