

Union Calendar No.

116TH CONGRESS
1ST SESSION

H. R. 1112

[Report No. 116-]

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2019

Mr. CLYBURN (for himself, Mr. KING of New York, and Mr. CUNNINGHAM) introduced the following bill; which was referred to the Committee on the Judiciary

FEBRUARY --, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on February 8, 2019]

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 2019”.*

6 **SEC. 2. STRENGTHENING OF BACKGROUND CHECK PROCE-**

7 **DURES TO BE FOLLOWED BEFORE A FEDERAL**

8 **FIREARMS LICENSEE MAY TRANSFER A FIRE-**

9 **ARM TO A PERSON WHO IS NOT SUCH A LI-**

10 **CENSEE.**

11 *Section 922(t)(1)(B)(ii) of title 18, United States Code*
12 *is 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 the*
16 *licensee that the receipt of a firearm by such other*
17 *person would violate subsection (g) or (n) of this sec-*
18 *tion—*

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

1 *cally through a website established by the Attor-*
2 *ney General or by first-class mail, a petition for*
3 *review which—*

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

9 *“(bb) requests that the system respond*
10 *to the contact referred to in subparagraph*
11 *(A) within 10 business days after the date*
12 *the petition was submitted (or, if the peti-*
13 *tion is submitted by first-class mail, the*
14 *date the letter containing the petition is*
15 *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; and”;*
21 *and*

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

23 *“(7) The Attorney General shall—*

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

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

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

10 “(D) respond on an expedited basis to any
11 such petition received by the Attorney General.”.

12 **SEC. 3. NEW TERMINOLOGY FOR THOSE WITH MENTAL ILL-**
13 **NESS.**

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