

## Union Calendar No. 4

116TH CONGRESS  
1ST SESSION

# H. R. 1112

[Report No. 116–12]

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

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 22, 2019

Additional sponsors: Ms. OMAR, Mr. ROUDA, Ms. OCASIO-CORTEZ, Mr. SHERMAN, Mr. SCHNEIDER, Mr. LEVIN of Michigan, Mr. RASKIN, Mr. CICILLINE, Mr. DANNY K. DAVIS of Illinois, Mrs. DEMINGS, Mr. SUOZZI, Mr. MALINOWSKI, and Mr. KHANNA

FEBRUARY 22, 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 *italie*]

[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 licenses  
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”.

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116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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