

118TH CONGRESS
1ST SESSION

H. R. 2403

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

MARCH 30, 2023

Mr. CLYBURN (for himself, Mr. AGUILAR, Mr. AUCHINCLOSS, Ms. BALINT, Ms. BARRAGÁN, Mrs. BEATTY, Mr. BERA, Mr. BEYER, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BOWMAN, Mr. BOYLE of Pennsylvania, Ms. BROWN, Ms. BROWNLEY, Ms. BUDZINSKI, Ms. BUSH, Mr. CARTER of Louisiana, Mr. CASTEN, Ms. CASTOR of Florida, Mrs. CHERFILUS-McCORMICK, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. COHEN, Ms. CRAIG, Ms. CROCKETT, Ms. DEAN of Pennsylvania, Ms. DEGETTE, Ms. DELAURO, Mr. DESAULNIER, Mrs. DINGELL, Mr. DOGGETT, Mr. EVANS, Mr. FOSTER, Ms. LOIS FRANKEL of Florida, Mr. FROST, Mr. GARAMENDI, Ms. GARCIA of Texas, Mr. GARCÍA of Illinois, Mr. GOLDMAN of New York, Mr. GOMEZ, Mr. GOTTHEIMER, Mr. GRIJALVA, Mrs. HAYES, Mr. HIGGINS of New York, Mr. HIMES, Mr. HORSFORD, Mr. HOYER, Mr. HUFFMAN, Mr. IVEY, Mr. JACKSON of Illinois, Ms. JACKSON LEE, Ms. JACOBS, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Ms. KAMLAGER-DOVE, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. KIM of New Jersey, Mr. KRISHNAMOORTHY, Ms. KUSTER, Mr. LARSEN of Washington, Ms. LEE of California, Mrs. LEE of Nevada, Ms. LEGER FERNANDEZ, Ms. LOFGREN, Mr. LYNCH, Ms. MANNING, Mrs. MCBATH, Mrs. McCLELLAN, Mr. MEEKS, Ms. MENG, Mr. MFUME, Ms. MOORE of Wisconsin, Mr. MORELLE, Mr. MOSKOWITZ, Mr. MOULTON, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEGUSE, Mr. NORCROSS, Ms. NORTON, Ms. OMAR, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Ms. PETTERSEN, Ms. PLASKETT, Mr. POCAN, Mr. RUPPERSBERGER, Mr. RYAN, Ms. SALINAS, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. DAVID SCOTT of Georgia, Mr. SCOTT of Virginia, Ms. SEWELL, Mr. SMITH of Washington, Ms. STANSBURY, Ms. STEVENS, Ms. STRICKLAND, Mr. SWALWELL, Mr. TAKANO, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Ms. TITUS, Ms. TLAIB, Ms. TOKUDA, Mr. VEASEY, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Ms. WILLIAMS of Georgia, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on the Judiciary

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 2023”.

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)—

14 (A) in subparagraph (B), by striking
 15 clause (ii) and inserting the following:

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

20 “(I) not fewer than 10 business days
 21 (meaning a day on which State offices are

1 open) has elapsed since the licensee contacted
2 the system, and the system has not notified the
3 licensee that the receipt of a firearm by such
4 other person would violate subsection (g) or (n)
5 of this section or State, local, or Tribal law, and
6 the other person has submitted, electronically
7 through a website established by the Attorney
8 General or by first-class mail, a petition for re-
9 view which—

10 “(aa) certifies that such other person
11 has no reason to believe that such other
12 person is prohibited by Federal, State,
13 local, or Tribal law from purchasing or
14 possessing a firearm; and

15 “(bb) requests that the system re-
16 spond to the contact referred to in sub-
17 paragraph (A) within 10 business days
18 after the date the petition was submitted
19 (or, if the petition is submitted by first-
20 class mail, the date the letter containing
21 the petition is postmarked); and

22 “(II) 10 business days have elapsed since
23 the other person so submitted the petition, and
24 the system has not notified the licensee that the
25 receipt of a firearm by such other person would

1 violate subsection (g) or (n) of this section or
2 State, local, or Tribal law;” and

3 (B) in subparagraph (C)—

4 (i) by adding “or” at the end of
5 clause (i); and

6 (ii) by striking clause (ii) and all that
7 follows through the 2nd comma in clause
8 (iii) and inserting the following:

9 “(ii) the transfer could be completed
10 lawfully pursuant to subparagraph (B)(ii)
11 if the person had attained 21 years of
12 age”; and

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

14 “(7) The Attorney General shall—

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

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

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

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

1 “(8)(A) If, after 3 business days have elapsed since
2 the licensee initially contacted the system about a firearm
3 transaction, the system notifies the licensee that the trans-
4 fer to, or receipt of, a firearm by such other person would
5 not violate subsection (d), (g), or (n) (as applicable), or
6 State, local, or Tribal law, the licensee may continue to
7 rely on that notification for the longer of—

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

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

12 “(B) If such other person has met the requirements
13 of paragraph (1)(B)(ii) or (1)(C) (as applicable) before the
14 system destroys the records related to the firearm trans-
15 action, the licensee may continue to rely on such other
16 person having met the requirements for an additional 25
17 calendar days after the date such other person first met
18 the requirements.”.

19 **SEC. 3. CONFORMING AMENDMENT.**

20 Section 103(l)(3) of the Brady Handgun Violence
21 Prevention Act (34 U.S.C. 40901) is amended by striking
22 “, but in no case more than 10 business days,”.

23 **SEC. 4. GAO REPORTS.**

24 Within 90 days after the end of each of the 1-year,
25 3-year, and 5-year periods that begin with the effective

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

10 (1) an assessment of the overall implementation
11 of such subsections, including a description of the
12 challenges faced in implementing such paragraphs;

13 (2) an aggregate description of firearm pur-
14 chase delays and denials, with a description of deni-
15 als, disaggregated by State and by the basis for the
16 denial; and

17 (3) an aggregate analysis of the petitions sub-
18 mitted pursuant to such paragraph (1)(B)(ii).

19 **SEC. 5. REPORTS ON PETITIONS SUPPORTING FIREARMS**
20 **TRANSFERS NOT IMMEDIATELY APPROVED**
21 **BY NICS SYSTEM, THAT WERE NOT RE-**
22 **SPONDED TO IN A TIMELY MANNER.**

23 The Director of the Federal Bureau of Investigation
24 shall make an annual report to the public on the number
25 of petitions received by the national instant criminal back-

1 ground check system established under section 103 of the
2 Brady Handgun Violence Prevention Act that were sub-
3 mitted pursuant to subclause (I) of section
4 922(t)(1)(B)(ii) of title 18, United States Code, with re-
5 spect to which a determination was not made within the
6 10-day period referred to in subclause (II) of such section
7 922(t)(1)(B)(ii). The report shall include the following,
8 which shall be disaggregated by State:

9 (1) The number of petitions submitted under
10 such section that were received by the national in-
11 stant criminal background check system established
12 under section 103 of the Brady Handgun Violence
13 Prevention Act.

14 (2) The number of petitioners who were discov-
15 ered to be ineligible under Federal, State, local, or
16 Tribal law during that 10-day period.

17 (3) The number of petitioners who were discov-
18 ered to be ineligible under Federal, State, local, or
19 Tribal law after that 10-day period.

20 (4) The basis of the ineligibility of the peti-
21 tioners discovered to be ineligible under Federal,
22 State, local, or Tribal law during that 10-day period,
23 and the basis of the ineligibility of the petitioners
24 discovered to be ineligible under Federal, State,
25 local, or Tribal law after that 10-day period.

1 (5) The number of the petitioners whose peti-
2 tions were denied and who, within 12 months after
3 the denial, were prosecuted under Federal, State, or
4 local law for receiving or attempting to receive a
5 firearm.

6 **SEC. 6. REPORT TO THE CONGRESS.**

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

1 **SEC. 7. 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.

5 **SEC. 8. REPORT ON FIREARM TRANSFERS DENIED AS A RE-**
6 **SULT OF A NICS CHECK.**

7 Within 90 days after the date of the enactment of
8 this Act, the Inspector General, Department of Justice,
9 shall prepare and submit to the Congress a written report
10 on the number of firearm transactions with respect to
11 which the national instant criminal background check sys-
12 tem established under the Brady Handgun Violence Pre-
13 vention Act has determined that receipt of a firearm by
14 the prospective firearm transferee would violate Federal,
15 State, local, or Tribal law, and which have been referred
16 to the Bureau of Alcohol, Tobacco, Firearms and Explo-
17 sives for investigation.

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