

Union Calendar No. 290

119TH CONGRESS
1ST SESSION

H. R. 2184

[Report No. 119–338]

To enforce the requirement that the National Instant Criminal Background Check System make a final disposition of requests to correct its records within 60 days, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2025

Mr. EMMER (for himself, Mr. BEAN of Florida, Mr. BIGGS of Arizona, Mr. BOST, Mr. CARTER of Georgia, Mr. COLLINS, Mr. DONALDS, Mr. ESTES, Mr. FINSTAD, Mr. FLEISCHMANN, Mr. GOSAR, Mr. NORMAN, Ms. TENNEY, Mr. TIMMONS, and Mr. RESCHENTHALER) introduced the following bill; which was referred to the Committee on the Judiciary

OCTOBER 3, 2025

Additional sponsors: Mr. VAN DREW, Mr. NEWHOUSE, Mr. GROTHMAN, Mr. MANN, Mr. BARR, Mr. ROGERS of Alabama, Mr. CALVERT, Ms. STEFANIK, Mrs. FISCHBACH, and Mr. HAMADEH of Arizona

OCTOBER 3, 2025

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 March 18, 2025]

A BILL

To enforce the requirement that the National Instant Criminal Background Check System make a final disposition of requests to correct its records within 60 days, and for other purposes.

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 “Firearm Due Process*
 5 *Protection Act of 2025”.*

6 **SEC. 2. ENFORCEMENT OF DEADLINE FOR FINAL DISPOSI-**
 7 **TION OF REQUESTS TO CORRECT RECORDS**
 8 **OF THE NATIONAL INSTANT CRIMINAL BACK-**
 9 **GROUND CHECK SYSTEM; DUE PROCESS PRO-**
 10 **TECTIONS.**

11 *Section 925A of title 18, United States Code, is amend-*
 12 *ed—*

13 *(1) by inserting “(a) IN GENERAL.—” before*
 14 *“Any person”;*

15 *(2) by inserting “or aggrieved by a violation of*
 16 *the penultimate sentence of section 103(g) of the*
 17 *Brady Handgun Violence Prevention Act” after “(s)*
 18 *or (t) of section 922”;*

19 *(3) by striking the last sentence; and*

20 *(4) by adding after and below the end the fol-*
 21 *lowing:*

22 *“(b) PROCEDURAL RULES.—*

23 *“(1) EXPEDITED HEARING.—The court shall hold*
 24 *a hearing on an action brought under subsection (a),*
 25 *within 30 days after the action is brought.*

1 “(2) *BURDEN OF PROOF.*—*At such a hearing, the*
2 *respondent shall bear the burden of proving by clear*
3 *and convincing evidence that the individual is ineli-*
4 *gible to receive or possess a firearm.*

5 “(c) *REMEDIES.*—

6 “(1) *IN GENERAL.*—*The court shall assess*
7 *against the respondent reasonable attorney fees and*
8 *other litigation costs reasonably incurred in an action*
9 *brought under subsection (a) in which the complain-*
10 *ant has substantially prevailed.*

11 “(2) *SUBSTANTIALLY PREVAILED.*—*For purposes*
12 *of this section, a complainant has substantially pre-*
13 *vailed if the complainant has obtained relief*
14 *through—*

15 “(A) *a judicial order;*

16 “(B) *an enforceable written agreement or*
17 *consent decree; or*

18 “(C) *a voluntary or unilateral change in*
19 *position by the United States, if the complain-*
20 *ant’s claim is not insubstantial.”.*

1 **SEC. 3. ANNUAL REPORTS TO THE CONGRESS ON DISPOSI-**
2 **TION OF CHALLENGES TO ACCURACY OF**
3 **RECORDS OF THE NATIONAL INSTANT CRIMI-**
4 **NAL BACKGROUND CHECK SYSTEM.**

5 *The Director of the Federal Bureau of Investigation*
6 *shall submit annually to the Committee on the Judiciary*
7 *of the House of Representatives and the Committee on the*
8 *Judiciary of the Senate a written report that specifies—*

9 *(1) the total number of challenges to the accuracy*
10 *of the records of the National Instant Criminal Back-*
11 *ground Check System (in this section referred to as*
12 *the “NICS system”) established under section 103 of*
13 *the Brady Handgun Violence Prevention Act that*
14 *were received by the NICS system during the year*
15 *covered by the report;*

16 *(2) the total number of the challenges that were*
17 *processed to final disposition by the NICS system;*

18 *(3) the total number of the challenges with re-*
19 *spect to which the initial determination of the NICS*
20 *system was reversed, and with respect to those chal-*
21 *lenges, the total number in which each reason for the*
22 *initial determination was made;*

23 *(4) the total number of the challenges with re-*
24 *spect to which the initial determination of the NICS*
25 *system was not reversed, and with respect to those*

1 *challenges, the total number in which each reason for*
2 *not doing so was made; and*

3 *(5) the average length of time needed to complete*
4 *the processing of the challenges referred to in para-*
5 *graph (2).*

6 **SEC. 4. SENSE OF THE CONGRESS.**

7 *It is the sense of the Congress that—*

8 *(1) the right of the people to keep and bear arms*
9 *is a fundamental component of self-government, self-*
10 *defense, and the preservation of individual liberty;*

11 *(2) deprivation of the constitutional right to bear*
12 *arms requires due process under the Fifth and Four-*
13 *teenth Amendments to the Constitution of the United*
14 *States;*

15 *(3) ignoring appeals of determinations made by*
16 *the National Instant Criminal Background Check*
17 *System (NICS) violates due process; and*

18 *(4) NICS should have the burden of showing a*
19 *valid reason for the denial of this constitutional right.*

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