

119TH CONGRESS  
1ST SESSION

# H. R. 3868

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

JUNE 10, 2025

Mr. CLYBURN (for himself, Mr. AMO, Ms. ANSARI, Mr. AUCHINCLOSS, Ms. BARRAGÁN, Mrs. BEATTY, Mr. BELL, Mr. BERA, Mr. BEYER, Mr. BOYLE of Pennsylvania, Ms. BROWN, Ms. BROWNLEY, Mr. CASTEN, Ms. CASTOR of Florida, Mr. CARBAJAL, Mr. CARSON, Mr. CARTER of Louisiana, Mrs. CHERFILUS-McCORMICK, Ms. CLARKE of New York, Mr. CLEAVER, Mr. COHEN, Mr. COURTNEY, Ms. CRAIG, Ms. CROCKETT, Mr. DAVIS of Illinois, Ms. DEAN of Pennsylvania, Ms. DELAURO, Mr. DELUZIO, Mr. DESAULNIER, Ms. DEXTER, Mr. DOGGETT, Mr. EVANS of Pennsylvania, Mr. FIELDS, Mrs. FLETCHER, Mr. FOSTER, Mrs. FOUSHEE, Mr. FROST, Mr. GARAMENDI, Mr. GARCÍA of Illinois, Mr. GARCIA of California, Mr. GOLDMAN of New York, Mr. GOMEZ, Mr. GOTTHEIMER, Mrs. HAYES, Mr. HORSFORD, Mr. HOYER, Ms. HOYLE of Oregon, Mr. IVEY, Ms. JACOBS, Ms. KELLY of Illinois, Mr. KENNEDY of New York, Mr. KHANNA, Mr. KRISHNAMOORTHY, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Mr. LARSEN of Washington, Ms. LEE of Nevada, Ms. LOFGREN, Mr. LYNCH, Mr. MAGAZINER, Ms. MCBRIDE, Ms. MCCLELLAN, Ms. MCCOLLUM, Mr. MCGARVEY, Mrs. MCIVER, Mr. MEEKS, Mr. MENENDEZ, Mr. MFUME, Ms. MOORE of Wisconsin, Mr. MOSKOWITZ, Mr. MORELLE, Mr. MOULTON, Mr. NADLER, Mr. NEGUSE, Ms. NORTON, Mr. PALLONE, Ms. PELOSI, Mr. PETERS, Ms. PINGREE, Ms. PLASKETT, Mr. POCAN, Mr. QUIGLEY, Mrs. RAMIREZ, Ms. SALINAS, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SCHNEIDER, Mr. DAVID SCOTT of Georgia, Mr. SHERMAN, Ms. SHERRILL, Mr. SMITH of Washington, Ms. STEVENS, Ms. STRICKLAND, Mr. SUBRAMANYAM, Mr. SWALWELL, Mr. TAKANO, Mr. THANEDAR, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Ms. TITUS, Ms. TLAIB, Ms. TOKUDA, Mr. TRAN, Ms. UNDERWOOD, Mr. VARGAS, Mr. VEASEY, Mrs. WATSON COLEMAN, Ms. WILLIAMS of Georgia, Mrs. SYKES, Ms. BONAMICI, Ms. JOHNSON of Texas, Mrs. MCBATH, and Ms. OCASIO-CORTEZ) 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 2025”.

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.

○