AMENDMENT TO RULES COMMITTEE PRINT 116-6
OFFERED BY MR. COLLINS OF GEORGIA

Page 3, after line 23, insert the following:

SEC. 4. DEADLINE FOR FINAL DISPOSITION OF REQUESTS
TO CORRECT RECORDS OF THE NATIONAL IN-
STANT CRIMINAL BACKGROUND CHECK SYS-
TEM.

Section 103(g) of the Brady Handgun Violence Pre-
vention Act (18 U.S.C. 922 note) is amended—

(1) by striking “If” and inserting the following:

“(1) IN GENERAL.—If”;

(2) by adding at the end the following: “The
Attorney General shall make a final disposition of
any information so submitted, within 60 days after
receipt of the information.”; and

(3) by adding after and below the end the fol-
lowing new paragraph:

“(2) PRIVATE RIGHT OF ACTION.—

“(A) IN GENERAL.—An individual ag-
grieved by a violation of the last sentence of
paragraph (1) may bring an action in the
United States district court for the district in
which the individual attempted to acquire a
firearm for a declaratory judgment on the eligibility of the individual to receive and possess a firearm.

“(B) Expedited Hearing.—The court shall hold a hearing on such an action within 30 days after the action is brought.

“(C) Burden of Proof.—At such a hearing, the United States shall bear the burden of proving by clear and convincing evidence that the individual is ineligible to receive or possess a firearm.

“(D) Remedies.—If the government does not so prove the ineligibility, the court shall order the Attorney General to correct or remove the erroneous records of the national instant criminal background check system with respect to the individual within 5 business days, and shall award the individual the costs of bringing the action and a reasonable attorney’s fee.”.

SEC. 5. ANNUAL REPORTS TO THE CONGRESS ON DISPOSITION OF CHALLENGES TO ACCURACY OF RECORDS OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

The Director of the Federal Bureau of Investigation shall submit annually to the Committee on the Judiciary
of the House of Representatives and the Committee on
the Judiciary of the Senate a written report that spec-
ifies—

(1) the total number of challenges to the accu-
rracy of the records of the National Instant Criminal
Background Check System (in this section referred
to as the “NICS system”) established under section
103 of the Brady Handgun Violence Prevention Act
that were received by the NICS system during the
year covered by the report;

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

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

(4) the total number of the challenges with re-
spect to which the initial determination of the NICS
system was not reversed, and with respect to those
challenges, the total number in which each reason
for not doing so was made; and

(5) the average length of time needed to com-
plete the processing of the challenges referred to in
paragraph (2).
SEC. 6. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the right of the people to keep and bear arms is a fundamental component of self-government and the preservation of individual liberty;

(2) deprivation of the constitutional right to bear arms requires due process under the Fifth and Fourteenth Amendments to the Constitution of the United States; and

(3) ignoring appeals of determinations made by the National Instant Criminal Background Check System violates due process.