

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

Page 3, after line 23, insert the following:

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

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

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

8 “(1) IN GENERAL.—If”;

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

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

15 “(2) PRIVATE RIGHT OF ACTION.—

16 “(A) IN GENERAL.—An individual ag-
17 grieved by a violation of the last sentence of
18 paragraph (1) may bring an action in the
19 United States district court for the district in
20 which the individual attempted to acquire a

1 firearm for a declaratory judgment on the eligi-
2 bility of the individual to receive and possess a
3 firearm.

4 “(B) EXPEDITED HEARING.—The court
5 shall hold a hearing on such an action within
6 30 days after the action is brought.

7 “(C) BURDEN OF PROOF.—At such a hear-
8 ing, the United States shall bear the burden of
9 proving by clear and convincing evidence that
10 the individual is ineligible to receive or possess
11 a firearm.

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

20 **SEC. 5. ANNUAL REPORTS TO THE CONGRESS ON DISPOSI-**
21 **TION OF CHALLENGES TO ACCURACY OF**
22 **RECORDS OF THE NATIONAL INSTANT CRIMI-**
23 **NAL BACKGROUND CHECK SYSTEM.**

24 The Director of the Federal Bureau of Investigation
25 shall submit annually to the Committee on the Judiciary

1 of the House of Representatives and the Committee on
2 the Judiciary of the Senate a written report that speci-
3 fies—

4 (1) the total number of challenges to the accu-
5 racy of the records of the National Instant Criminal
6 Background Check System (in this section referred
7 to as the “NICS system”) established under section
8 103 of the Brady Handgun Violence Prevention Act
9 that were received by the NICS system during the
10 year covered by the report;

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

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

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

23 (5) the average length of time needed to com-
24 plete the processing of the challenges referred to in
25 paragraph (2).

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

2 It is the sense of the Congress that—

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

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

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

