

117TH CONGRESS
2D SESSION

H. R. 8361

To help prevent suicide by giving people more control over their own lethal means purchase decisions, through the creation of a voluntary purchase delay database.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2022

Ms. JAYAPAL (for herself and Mr. CURTIS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To help prevent suicide by giving people more control over their own lethal means purchase decisions, through the creation of a voluntary purchase delay database.

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 “Preventing Suicide
5 Through Voluntary Firearm Purchase Delay Act”.

6 **SEC. 2. VOLUNTARY PURCHASE DELAY DATABASE.**

7 (a) IN GENERAL.—Chapter 44 of title 18, United
8 States Code, is amended by inserting after section 925A
9 the following:

1 **“§ 925B. Creating a voluntary purchase delay process**
2 **in the National Instant Criminal Back-**
3 **ground Check System**

4 “(a) ESTABLISHMENT.—The Attorney General shall
5 establish and maintain a secure internet-based platform,
6 separate from other databases in the national instant
7 criminal background check system established under sec-
8 tion 103 of the Brady Handgun Violence Prevention Act
9 (34 U.S.C. 40901)(referred to in this section as ‘NICS’),
10 which shall be known as the ‘Voluntary Purchase Delay
11 Database’ (referred to in this section as the ‘Database’).

12 “(b) USE BY NICS.—Whenever the national instant
13 criminal background check system receives a lawful re-
14 quest from a licensed importer, licensed manufacturer, li-
15 censed dealer, or law enforcement agency for information
16 about the eligibility of an individual to purchase or possess
17 a firearm, NICS shall—

18 “(1) access the Database; and

19 “(2) if the name of the prospective firearms
20 transferee is in the Database, indicate to the licensee
21 that it would be unlawful to transfer a firearm to
22 the prospective firearms transferee.

23 “(c) OPERATIONS.—The Attorney General, in con-
24 sultation with other relevant agencies, shall promulgate
25 regulations to ensure that the Database is easily acces-
26 sible, user-friendly, and, at a minimum, does the following:

1 “(1) Verifies the identity of an individual who
2 elects to add his or her name to, or requests removal
3 of his or her name from, the Database.

4 “(2)(A) Allows an individual to add his or her
5 name to the Database—

6 “(i) by providing necessary documentation
7 of the identity of the individual, including gov-
8 ernment-issued photo identification, in person;
9 or

10 “(ii) by providing the documentation re-
11 ferred to in subparagraph (A) by mail or elec-
12 tronic mail accompanied by a letter from a
13 mental health professional that includes the
14 name and license number of the professional
15 and the name and date of birth of the indi-
16 vidual.

17 “(B) In subparagraph (A), the term ‘mental
18 health professional’ means a person who is licensed,
19 certified, or otherwise recognized or authorized
20 under State law to provide mental health services,
21 including a psychiatrist, psychologist, or clinical so-
22 cial worker.

23 “(3) Prevents unauthorized disclosure of the
24 identity of, or personal information about, an indi-

1 vidual who has added his or her name to the Data-
2 base.

3 “(4) Provides prior notice to an individual de-
4 scribed in paragraph (1) of the legal effect of having
5 the name of the individual included in the Database.

6 “(5) Allows an individual described in para-
7 graph (1) to list up to 5 electronic mail addresses
8 to be contacted if—

9 “(A) the individual attempts to purchase a
10 firearm from a licensed importer, licensed man-
11 ufacturer, or licensed dealer while the name of
12 the individual is in the Database; or

13 “(B) the individual requests removal of his
14 or her name from the Database.

15 “(6) Provides prior notice to an individual de-
16 scribed in paragraph (1) that listing electronic mail
17 addresses under paragraph (5) shall constitute an
18 express authorization for the Attorney General to
19 contact the address for the purposes described in
20 paragraph (5).

21 “(7) Provides information about how to relin-
22 quish a firearm.

23 “(d) USE OF INFORMATION.—

24 “(1) INADMISSIBILITY AS EVIDENCE.—The ad-
25 dition or removal of the name of an individual to the

1 Database by that individual may not be admissible
2 as evidence in any legal proceeding, except in a pro-
3 ceeding under section 925A of this title or section
4 103(g) of the Brady Handgun Violence Prevention
5 Act (34 U.S.C. 40901(g)), as evidence that—

6 “(A) the individual properly removed his or
7 her name from the Database; or

8 “(B) a licensed importer, licensed manu-
9 facturer, or licensed dealer unlawfully trans-
10 ferred a firearm to an individual whose name
11 was included in the Database.

12 “(2) LIMITATION ON USE.—Any information
13 about an individual that is contained in, or trans-
14 mitted to, the Database shall not be used for any
15 purpose other than to determine the eligibility of the
16 individual to receive a firearm.

17 “(3) PROHIBITIONS ON USE IN RELATION TO
18 EMPLOYMENT, OR PROVISION OF A BENEFIT OR
19 SERVICE.—

20 “(A) IN GENERAL.—An individual may not
21 be required to add the name of the individual
22 to, or remove the name of the individual from,
23 the Database as a condition of employment or
24 of receiving any benefit or service. An individual
25 aggrieved by a violation of this subparagraph

1 may bring an action in an appropriate district
2 court of the United States for appropriate re-
3 lief, including a reasonable attorney’s fee.

4 “(B) PROHIBITION ON INQUIRIES.—A per-
5 son may not inquire or consider whether the
6 name of an individual is, or has ever been,
7 added to the Database, for the purpose of de-
8 termining the eligibility of that individual for
9 employment, or for a benefit or service.

10 “(e) PROCEDURES FOR REMOVING NAME FROM
11 DATABASE.—The Attorney General shall establish proce-
12 dures by which an individual may remove his or her name
13 from the Database, which shall include the following:

14 “(1) Removal upon request made to the Attor-
15 ney General by the applicable individual, which shall
16 take effect on the date that is 21 days after the date
17 on which the request is received.

18 “(2) Removal upon request made to the Attor-
19 ney General supported by a declaration from a men-
20 tal health professional that the individual does not
21 present a substantial risk of harm to self, which
22 shall take effect not later than 24 hours after the
23 time at which the request is received.

24 “(f) NO LIMIT ON NUMBER OF ADDITIONS OR RE-
25 MOVALS.—There shall be no limit on the number of times

1 an individual may add or remove his or her name from
2 the Database.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 44 of title 18, United States Code, is amended
5 by inserting after the item relating to section 925A the
6 following:

“925B. Creating a voluntary purchase delay process in the National Instant
Criminal Background Check System.”.

7 **SEC. 3. EFFECT OF REGISTRATION WITH VOLUNTARY PUR-**
8 **CHASE DELAY DATABASE.**

9 (a) PROHIBITION ON SALE OR OTHER DISPOSI-
10 TION.—The first sentence of section 922(d) of title 18,
11 United States Code, is amended—

12 (1) in paragraph (8), by striking “or” at the
13 end;

14 (2) in paragraph (9), by striking the period and
15 inserting “; or”; and

16 (3) by inserting after paragraph (9) the fol-
17 lowing:

18 “(10) is an individual whose name is included
19 in the Voluntary Purchase Delay Database estab-
20 lished under section 925B.”.

21 (b) INCORPORATION OF INFORMATION INTO THE
22 NICS SYSTEM.—

23 (1) IN GENERAL.—Section 922(t) of title 18,
24 United States Code, is amended—

1 (A) in paragraph (1)(B)(ii), by inserting
2 “or that the sale or other disposition of a fire-
3 arm to such other individual would violate sub-
4 section (d) of this section” before the semicolon;

5 (B) in paragraph (2), in the matter pre-
6 ceding subparagraph (A), by inserting “and
7 sale or other disposition of a firearm would not
8 violate subsection (d) or State law” before the
9 comma;

10 (C) in paragraph (4), by inserting “or that
11 sale or other disposition of a firearm to such
12 other individual would not violate subsection (d)
13 or State law” before the first comma; and

14 (D) in paragraph (5), by inserting “or that
15 sale or other disposition of a firearm to such
16 other individual would violate subsection (d) or
17 State law” before the third comma.

18 (2) CORRECTION OF ERRONEOUS INFORMA-
19 TION.—Section 103(g) of the Brady Handgun Vio-
20 lence Prevention Act (34 U.S.C. 40901(g)) is
21 amended by inserting “or that sale or other disposi-
22 tion of a firearm to a prospective transferee would
23 violate section (d) of such section or State law” be-
24 fore the first comma.

1 (c) INCLUSION IN EXCEPTION TO PROHIBITION RE-
 2 LATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS
 3 WITH RESPECT TO FIREARMS.—Section 103(i)(2) of the
 4 Brady Handgun Violence Prevention Act (34 U.S.C.
 5 40901(i)(2)) is amended by inserting “or individuals to
 6 whom the sale or disposition of a firearm would violate
 7 section 922(d) of title 18, United States Code, or State
 8 law” before the period.

9 **SEC. 4. EDUCATION AND OUTREACH CAMPAIGN REGARD-**
 10 **ING THE VOLUNTARY PURCHASE DELAY**
 11 **DATABASE.**

12 The Attorney General, in consultation with the Cen-
 13 ters for Disease Control and Prevention, the National
 14 Center for Injury Prevention and Control, the National
 15 Institute of Mental Health, the National Suicide Preven-
 16 tion Lifeline, the Substance Abuse and Mental Health
 17 Services Administration, and the Division of Behavioral
 18 Health of the Indian Health Services, shall provide for the
 19 planning and implementation of a national public-private
 20 partnership for an education campaign to raise awareness
 21 of the Voluntary Purchase Delay Database established
 22 under section 925B of title 18, United States Code, that,
 23 at a minimum—

24 (1) provides information about this Act;

1 (2) explains how an individual may add his or
2 her name to the database, and the effects of doing
3 so; and

4 (3) provides information about how to relin-
5 quish a firearm (as defined in section 921 of such
6 title).

7 **SEC. 5. RULE OF INTERPRETATION.**

8 This Act and the amendments made by this Act shall
9 not be interpreted to create a duty or obligation of any
10 mental health professional, and a mental health profes-
11 sional shall not be held liable in a civil action arising from
12 an act or omission relating to the Voluntary Purchase
13 Delay Database established under section 925B of title
14 18, United States Code, except that this sentence shall
15 not be interpreted to exempt a mental health professional
16 from liability for penalties for intentional misuse of the
17 database. In this section, the term “mental health profes-
18 sional” means a person who is licensed, certified, or other-
19 wise recognized or authorized under State law to provide
20 mental health services, including a psychiatrist, psycholo-
21 gist, or clinical social worker.

22 **SEC. 6. EFFECTIVE DATE.**

23 This Act and the amendments made by this Act shall
24 take effect 1 year after the date of enactment of this Act.

1 **SEC. 7. SEVERABILITY.**

2 If any provision of this Act or any amendment made
3 by this Act, or any application of such provision or amend-
4 ment to any person or circumstance, is held to be uncon-
5 stitutional, the remainder of the provisions of this Act and
6 the amendments made by this Act, and the application of
7 the provision or amendment to any other person or cir-
8 cumstance, shall not be affected.

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