

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 8361**  
**OFFERED BY MR. NADLER OF NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Preventing Suicide  
3 Through Voluntary Firearm Purchase Delay Act”.

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

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

8       **“§ 925E. Creating a voluntary purchase delay process**  
9                   **in the National Instant Criminal Back-**  
10                   **ground Check System**

11       “(a) ESTABLISHMENT.—The Attorney General shall  
12 establish and maintain a secure internet-based platform,  
13 separate from other databases in the national instant  
14 criminal background check system established under sec-  
15 tion 103 of the Brady Handgun Violence Prevention Act  
16 (34 U.S.C. 40901)(referred to in this section as ‘NICS’),  
17 which shall be known as the ‘Voluntary Purchase Delay  
18 Database’ (referred to in this section as the ‘Database’).

1       “(b) USE BY NICS.—Whenever the national instant  
2 criminal background check system receives a lawful re-  
3 quest from a licensed importer, licensed manufacturer, li-  
4 censed dealer, or law enforcement agency for information  
5 about the eligibility of an individual to purchase or possess  
6 a firearm, NICS shall—

7               “(1) access the Database; and

8               “(2) if the name of the prospective firearms  
9 transferee is in the Database, indicate to the re-  
10 questor that it would be unlawful to transfer a fire-  
11 arm to the prospective firearms transferee.

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

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

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

21                       “(i) by providing necessary documentation  
22 of the identity of the individual, including gov-  
23 ernment-issued photo identification, in person;  
24 or

1           “(ii) by providing the documentation re-  
2           ferred to in clause (i) by mail or electronic mail  
3           accompanied by a letter from a mental health  
4           professional that includes the name and license  
5           number of the professional and the name and  
6           date of birth of the individual.

7           “(B) In subparagraph (A), the term ‘mental  
8           health professional’ means a person who is licensed,  
9           certified, or otherwise recognized or authorized  
10          under State law to provide mental health services,  
11          including a psychiatrist, psychologist, or clinical so-  
12          cial worker.

13          “(3) Prevents unauthorized disclosure of the  
14          identity of, or personal information about, an indi-  
15          vidual who has added his or her name to the Data-  
16          base.

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

20          “(5) Allows an individual described in para-  
21          graph (1) to list up to 5 electronic mail addresses  
22          to be contacted if—

23                 “(A) the individual attempts to purchase a  
24                 firearm from a licensed importer, licensed man-

1           ufacturer, or licensed dealer while the name of  
2           the individual is in the Database; or

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

5           “(6) Provides prior notice to an individual de-  
6           scribed in paragraph (1) that listing electronic mail  
7           addresses under paragraph (5) shall constitute an  
8           express authorization for the Attorney General to  
9           contact the address for the purposes described in  
10          paragraph (5).

11          “(7) Provides information about how to relin-  
12          quish a firearm.

13          “(d) USE OF INFORMATION.—

14          “(1) INADMISSIBILITY AS EVIDENCE.—The ad-  
15          dition or removal of the name of an individual to the  
16          Database by that individual may not be admissible  
17          as evidence in any legal proceeding, except in a pro-  
18          ceeding under section 925A of this title or section  
19          103(g) of the Brady Handgun Violence Prevention  
20          Act (34 U.S.C. 40901(g)), as evidence that—

21                 “(A) the individual properly removed his or  
22                 her name from the Database; or

23                 “(B) a licensed importer, licensed manu-  
24                 facturer, or licensed dealer unlawfully trans-

1           ferred a firearm to an individual whose name  
2           was included in the Database.

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

8           “(3) PROHIBITIONS ON USE IN RELATION TO  
9           EMPLOYMENT, OR PROVISION OF A BENEFIT OR  
10          SERVICE.—

11           “(A) IN GENERAL.—An individual may not  
12           be required to add the name of the individual  
13           to, or remove the name of the individual from,  
14           the Database as a condition of employment or  
15           of receiving any benefit or service. An individual  
16           aggrieved by a violation of this subparagraph  
17           may bring an action in an appropriate district  
18           court of the United States for appropriate re-  
19           lief, including a reasonable attorney’s fee.

20           “(B) PROHIBITION ON INQUIRIES.—A per-  
21           son may not inquire or consider whether the  
22           name of an individual is, or has ever been,  
23           added to the Database, for the purpose of de-  
24           termining the eligibility of that individual for  
25           employment, or for a benefit or service.

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

5           “(1) Removal upon request made to the Attor-  
6 ney General by the applicable individual, which shall  
7 take effect on the date that is 21 days after the date  
8 on which the request is received.

9           “(2) An expedited removal process, which shall  
10 take effect not later than 24 hours after the time at  
11 which a removal request is submitted, that ensures  
12 to the greatest extent possible that the individual  
13 does not pose substantial harm to themselves or oth-  
14 ers. The Attorney General shall consider input from  
15 stakeholders in development of the expedited re-  
16 moval process.

17       “(f) NO LIMIT ON NUMBER OF ADDITIONS OR RE-  
18 MOVALS.—There shall be no limit on the number of times  
19 an individual may add or remove his or her name from  
20 the Database.”.

21       (b) CLERICAL AMENDMENT.—The table of sections  
22 for chapter 44 of title 18, United States Code, is amended  
23 by inserting after the item relating to section 925D the  
24 following:

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

1   **SEC. 3. EFFECT OF REGISTRATION WITH VOLUNTARY PUR-**  
2                   **CHASE DELAY DATABASE.**

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

6               (1) in paragraph (10), by striking “or” at the  
7           end;

8               (2) by redesignating paragraph (11) as para-  
9           graph (12); and

10              (3) by inserting after paragraph (10) the fol-  
11           lowing:

12              “(11) is an individual whose name is included  
13           in the Voluntary Purchase Delay Database estab-  
14           lished under section 925E; or”.

15           (b) INCORPORATION OF INFORMATION INTO THE  
16   NICS SYSTEM.—

17              (1) IN GENERAL.—Section 922(t)(1)(B)(ii) of  
18           title 18, United States Code, is amended by insert-  
19           ing “or that the sale or other disposition of a fire-  
20           arm to such other individual would violate subsection  
21           (d)(11) of this section” before the semicolon.

22              (2) CORRECTION OF ERRONEOUS INFORMA-  
23           TION.—Section 103(g) of the Brady Handgun Vio-  
24           lence Prevention Act (34 U.S.C. 40901(g)) is  
25           amended by inserting “or that sale or other disposi-  
26           tion of a firearm to a prospective transferee would

1       violate section (d) of such section or State law” be-  
2       fore the first comma.

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

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

14       The Attorney General, in consultation with the Cen-  
15       ters for Disease Control and Prevention, the National  
16       Center for Injury Prevention and Control, the National  
17       Institute of Mental Health, the National Suicide Preven-  
18       tion Lifeline, the Substance Abuse and Mental Health  
19       Services Administration, the Division of Behavioral  
20       Health of the Indian Health Services, and the U.S. De-  
21       partment of Veterans Affairs shall provide for the plan-  
22       ning and implementation of a national public-private part-  
23       nership for an education campaign to raise awareness of  
24       the Voluntary Purchase Delay Database established under



1 section 925E of title 18, United States Code, that, at a  
2 minimum—

3 (1) provides information about this Act;

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

7 (3) provides information about how to relin-  
8 quish a firearm (as defined in section 921 of such  
9 title).

10 **SEC. 5. RULE OF INTERPRETATION.**

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

1   **SEC. 6. EFFECTIVE DATE.**

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

4   **SEC. 7. SEVERABILITY.**

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

