

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2184  
OFFERED BY M. \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Firearm Due Process  
3 Protection Act of 2025”.

**4 SEC. 2. ENFORCEMENT OF DEADLINE FOR FINAL DISPOSI-  
5 TION OF REQUESTS TO CORRECT RECORDS  
6 OF THE NATIONAL INSTANT CRIMINAL BACK-  
7 GROUND CHECK SYSTEM; DUE PROCESS PRO-  
8 TECTIONS.**

9       Section 925A of title 18, United States Code, is  
10 amended—

11           (1) by inserting “(a) IN GENERAL.—” before  
12 “Any person”;

13           (2) by inserting “or aggrieved by a violation of  
14 the penultimate sentence of section 103(g) of the  
15 Brady Handgun Violence Prevention Act” after “(s)  
16 or (t) of section 922”;

17           (3) by striking the last sentence; and

1 (4) by adding after and below the end the fol-  
2 lowing:

3 “(b) PROCEDURAL RULES.—

4 “(1) EXPEDITED HEARING.—The court shall  
5 hold a hearing on an action brought under sub-  
6 section (a), within 30 days after the action is  
7 brought.

8 “(2) BURDEN OF PROOF.—At such a hearing,  
9 the respondent shall bear the burden of proving by  
10 clear and convincing evidence that the individual is  
11 ineligible to receive or possess a firearm.

12 “(c) REMEDIES.—

13 “(1) IN GENERAL.—The court shall assess  
14 against the respondent reasonable attorney fees and  
15 other litigation costs reasonably incurred in an ac-  
16 tion brought under subsection (a) in which the com-  
17 plainant has substantially prevailed.

18 “(2) SUBSTANTIALLY PREVAILED.—For pur-  
19 poses of this section, a complainant has substantially  
20 prevailed if the complainant has obtained relief  
21 through—

22 “(A) a judicial order;

23 “(B) an enforceable written agreement or  
24 consent decree; or

1           “(C) a voluntary or unilateral change in  
2           position by the United States, if the complain-  
3           ant’s claim is not insubstantial.”.

4 **SEC. 3. ANNUAL REPORTS TO THE CONGRESS ON DISPOSI-**  
5 **TION OF CHALLENGES TO ACCURACY OF**  
6 **RECORDS OF THE NATIONAL INSTANT CRIMI-**  
7 **NAL BACKGROUND CHECK SYSTEM.**

8           The Director of the Federal Bureau of Investigation  
9 shall submit annually to the Committee on the Judiciary  
10 of the House of Representatives and the Committee on  
11 the Judiciary of the Senate a written report that speci-  
12 fies—

13           (1) the total number of challenges to the accu-  
14 racy of the records of the National Instant Criminal  
15 Background Check System (in this section referred  
16 to as the “NICS system”) established under section  
17 103 of the Brady Handgun Violence Prevention Act  
18 that were received by the NICS system during the  
19 year covered by the report;

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

22           (3) the total number of the challenges with re-  
23 spect to which the initial determination of the NICS  
24 system was reversed, and with respect to those chal-

1       lenges, the total number in which each reason for  
2       the initial determination was made;

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

8               (5) the average length of time needed to com-  
9       plete the processing of the challenges referred to in  
10       paragraph (2).

11 **SEC. 4. SENSE OF THE CONGRESS.**

12       It is the sense of the Congress that—

13               (1) the right of the people to keep and bear  
14       arms is a fundamental component of self-govern-  
15       ment, self-defense, and the preservation of individual  
16       liberty;

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

21               (3) ignoring appeals of determinations made by  
22       the National Instant Criminal Background Check  
23       System (NICS) violates due process; and

1           (4) NICS should have the burden of showing a  
2           valid reason for the denial of this constitutional  
3           right.

