

116TH CONGRESS
2D SESSION

S. 3815

To permit the search and retention of certain records with respect to conducting criminal background checks, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2020

Mrs. FEINSTEIN (for herself, Mr. BLUMENTHAL, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To permit the search and retention of certain records with respect to conducting criminal background checks, and for other purposes.

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 “National Instant
5 Criminal Background Check System (NICS) Data Integ-
6 rity Act of 2020”.

1 **SEC. 2. SEARCH OF NATIONAL DATA EXCHANGE.**

2 (a) RETENTION OF BACKGROUND CHECK
3 RECORDS.—Section 103 of the Brady Handgun Violence
4 Prevention Act (34 U.S.C. 40901) is amended—

5 (1) by redesignating subsections (h) through (k)
6 as subsections (i) through (l), respectively;

7 (2) in subsection (g), in the last sentence, by
8 striking “subsection (k)” and inserting “subsection
9 (l)”; and

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

12 “(h) RECORD RETENTION.—

13 “(1) DEADLINE FOR RETENTION.—Notwith-
14 standing any other provision of law, the system may
15 retain records related to a transfer or potential
16 transfer of a firearm to a person who is the subject
17 of a contact of the system pursuant to section 922(t)
18 of title 18, United States Code, for as long as nec-
19 essary to determine whether receipt of a firearm by
20 the person would violate subsections (g) or (n) of
21 such section or State law.

22 “(2) NOTICE OF RETENTION.—If the system
23 has not determined whether receipt of a firearm by
24 a person would violate subsections (g) or (n) of sec-
25 tion 922 of title 18, United States Code, or State
26 law during the 30-day period beginning on that date

1 on which the system is contacted with respect to the
2 person, the system shall notify the person in writing
3 (or by electronic mail if the person has consented to
4 the use of electronic mail) that—

5 “(A) the system may retain records relat-
6 ing to the person and the transfer of a firearm
7 until the system determines that receipt of such
8 firearm by the person does not violate sub-
9 sections (g) or (n) of section 922 of title 18,
10 United States Code, or State law; and

11 “(B) the person may submit to the Attor-
12 ney General information to correct, clarify, or
13 supplement records (with respect to the person)
14 retained by the system in accordance with this
15 section and any regulation established by the
16 Attorney General.”.

17 (b) SEARCH OF NATIONAL DATA EXCHANGE.—Sec-
18 tion 103(e)(1) of the Brady Handgun Violence Prevention
19 Act (34 U.S.C. 40901(e)(1)) is amended by adding at the
20 end the following new subparagraph:

21 “(L) SEARCH OF NATIONAL DATA EX-
22 CHANGE DATABASE.—The system established
23 under this section shall search the database of

- 1 the National Data Exchange when conducting a
- 2 background check under this section.”.

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