

116TH CONGRESS
2D SESSION

H. R. 5949

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 2020

Mr. PANETTA (for himself and Ms. TLAIB) introduced the following bill; which was 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”.

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

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

1 (1) by redesignating subsections (h) through (k)
2 as subsections (i) through (l) respectively; and

3 (2) by inserting after subsection (g) the fol-
4 lowing new subsection:

5 “(h) RECORD RETENTION.—

6 “(1) DEADLINE FOR RETENTION.—Notwith-
7 standing any other provision of law, the system may
8 retain records related to a transfer or potential
9 transfer of a firearm to a person who is the subject
10 of a call to the system pursuant to subsections (s)
11 or (t) of section 922 of title 18, United States Code,
12 for as long as necessary to determine whether re-
13 ceipt of a firearm by the person would violate sub-
14 sections (g) or (n) of such section or State law.

15 “(2) NOTICE OF RETENTION.—If the system
16 has not determined whether receipt of a firearm by
17 a person would violate subsections (g) or (n) of sec-
18 tion 922 of title 18, United States Code, or State
19 law within 30 days after a call to the system with
20 respect to the person, the system shall notify the per-
21 son in writing (or by electronic mail if the person
22 has consented to the use of electronic mail) that—

23 “(A) the system may retain records relat-
24 ing to the person and the transfer of a firearm
25 until the system determines that receipt of such

1 firearm by the person does not violate sub-
2 sections (g) or (n) of section 922 of title 18,
3 United States Code, or State law; and

4 “(B) the person may submit to the Attor-
5 ney General information to correct, clarify, or
6 supplement records (with respect to the person)
7 retained by the system in accordance with this
8 section and any regulation established by the
9 Attorney General.”.

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

14 “(L) SEARCH OF NATIONAL DATA EX-
15 CHANGE DATABASE.—The system established
16 under this section shall search the database of
17 the National Data Exchange when conducting a
18 background check under this section.”.

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