

117TH CONGRESS
1ST SESSION

S. 3387

To require 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

DECEMBER 14, 2021

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

A BILL

To require 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 2021”.

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 shall
15 retain records related to a transfer or potential
16 transfer of a firearm to a person who is the subject
17 of a call to the system pursuant to subsection (s) or
18 (t) of section 922 of title 18, United States Code,
19 for as long as necessary to determine whether re-
20 ceipt of a firearm by the person would violate sub-
21 section (g) or (n) of 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 subsection (g) or (n) of sec-
25 tion 922 of title 18, United States Code, or State
26 law within 30 days after a call to the system with

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

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

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

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

20 “(L) SEARCH OF NATIONAL DATA EX-
21 CHANGE DATABASE.—When determining wheth-
22 er receipt of a firearm by a person would violate
23 subsection (g) or (n) of section 922 of title 18,
24 United States Code, the system established

1 under this section shall search databases con-
2 taining relevant information, including—

3 “(i) the National Data Exchange;

4 “(ii) the Interstate Identification
5 Index System (as defined in article I of the
6 National Crime Prevention and Privacy
7 Compact, set forth in section 217 of the
8 Crime Identification Technology Act of
9 1998 (34 U.S.C. 40316));

10 “(iii) the National Crime Information
11 Center databases;

12 “(iv) the database created for use by
13 the National Instant Criminal Background
14 Check System and that contains descrip-
15 tive information on persons determined to
16 be disqualified from possessing a firearm
17 based upon State or Federal law (com-
18 monly known as the ‘NICS Index’); and

19 “(v) any other database determined
20 by the Attorney General to be relevant to
21 conducting a background search.”.

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