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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

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

Mr. PANETTA introduced the following bill; which was referred to the
Committee on _____

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; and

7 (2) by inserting after subsection (g) the fol-
8 lowing new subsection:

9 “(h) RECORD RETENTION.—

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

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

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

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

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

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