

107TH CONGRESS
1ST SESSION

H. R. 3494

To give the Federal Bureau of Investigation access to NICS records in law enforcement investigations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2001

Mrs. MCCARTHY of New York (for herself, Mr. WAXMAN, Mr. SHAYS, Mr. MORAN of Virginia, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, Mr. SCOTT, Ms. WATSON of California, Mrs. TAUSCHER, Ms. NORTON, Mr. TIERNEY, Mr. BLAGOJEVICH, Mr. WEXLER, Mr. CLAY, Mr. PASCRELL, Mr. NEAL of Massachusetts, Mr. LANGEVIN, Mr. FRANK, Ms. MCCOLLUM, Ms. LOFGREN, Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. ISRAEL, Mr. ABERCROMBIE, Mrs. MINK of Hawaii, Mr. WEINER, Mr. FARR of California, Ms. SLAUGHTER, Mr. PAYNE, Mrs. CAPPS, Mr. DICKS, and Mr. ROTHMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To give the Federal Bureau of Investigation access to NICS records in law enforcement investigations, 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 “Use NICS in Terrorist
5 Investigations Act”.

1 **SEC. 2. AUTHORITY OF THE FEDERAL BUREAU OF INVESTIGATION.**
2

3 Section 103 of the Brady Handgun Violence Preven-
4 tion Act (18 U.S.C. 922 note) is amended by adding at
5 the end the following:

6 “(l) **FBI ACCESS TO SYSTEM INFORMATION.**—Not-
7 withstanding subsection (h), the Attorney General shall
8 allow the Federal Bureau of Investigation to access audit
9 log records of the system established under this section,
10 for the purpose of responding to an inquiry from any Fed-
11 eral, State, or local law enforcement agency in connection
12 with a civil or criminal law enforcement investigation.”.

13 **SEC. 3. GUN SALE ANTI-FRAUD AND PRIVACY PROTECTION.**

14 (a) **PREVENTION OF FRAUD AND ABUSE.**—Section
15 922(t)(2)(C) of title 18, United States Code, is amended
16 by inserting “, not less than 90 days after the date on
17 which the licensee first contacts the system with respect
18 to the transfer” before the period.

19 (b) **INTERAGENCY COOPERATION.**—Section 922(t)(2)
20 of such title is amended by adding after and below the
21 end the following:

22 “The Attorney General shall make available to the Sec-
23 retary of the Treasury the records maintained in accord-
24 ance with subparagraph (C), to enable the Secretary to
25 conduct audits to detect fraud and misuse of the system
26 and to protect the privacy and security of the information

1 in the system. The Secretary of the Treasury shall main-
2 tain and destroy the records in accordance with all laws
3 applicable to the records.”.

○