

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.

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## 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

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## 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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