

116TH CONGRESS
2D SESSION

S. 3299

To repeal certain impediments to the administration of the firearms laws.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2020

Mr. MENENDEZ (for himself, Mr. MARKEY, Mr. BLUMENTHAL, Ms. HARRIS, Mrs. GILLIBRAND, Mr. BOOKER, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To repeal certain impediments to the administration of the firearms laws.

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 “Tiahrt Restrictions Re-
5 peal Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) The Tiahrt Amendments severely limit the
9 authority of the Bureau of Alcohol, Tobacco, Fire-

1 arms and Explosives (ATF) to disclose crime gun
2 trace data to the public.

3 (2) The Tiahrt Amendments prevent the collec-
4 tion of valuable information, and the establishment
5 of effective policies to prevent illegal guns from
6 being used in crimes.

7 (3) The Tiahrt Amendments impede enforce-
8 ment of the gun laws by requiring most background
9 check records to be destroyed within 24 hours, and
10 by barring the Government from requiring annual
11 inventory audits by owners of gun shops.

12 (4) A 2012 study by researchers at Johns Hop-
13 kins Bloomberg School of Public Health found that
14 the Tiahrt Amendments dramatically increased gun
15 sales to criminals.

16 (5) A 2016 study from the University of Pitts-
17 burgh Graduate School of Public Health found that
18 in 2008, 79 percent of all guns recovered by police
19 from crime scenes belonged to someone other than
20 the perpetrator—30 percent had been stolen.

21 (6) A gun is stolen in the United States every
22 2 minutes.

23 (7) Every year, nearly 115,000 Americans are
24 shot.

1 (8) In 2016, 38,658 Americans were killed with
2 a gun.

3 (9) In 2016, 289,223 firearms were recovered
4 and traced in the United States, of which 211,384
5 were traced to a final retail purchaser.

6 (10) Having effective policies to prevent illegal
7 gun trafficking makes our families and communities
8 safer.

9 (11) Repealing the Tiahrt Amendments would
10 support law enforcement efforts and give the public
11 vital information needed to craft the most effective
12 policies against illegal guns.

13 **SEC. 3. REPEAL OF CERTAIN LIMITATIONS ON THE USE OF**
14 **DATABASE INFORMATION OF THE BUREAU**
15 **OF ALCOHOL, TOBACCO, FIREARMS AND EX-**
16 **PLOSIVES.**

17 (a) The matter under the heading “Bureau of Alco-
18 hol, Tobacco, Firearms and Explosives—Salaries and Ex-
19 penses” in title I of division B of the Consolidated and
20 Further Continuing Appropriations Act, 2012 (18 U.S.C.
21 923 note; Public Law 112–55; 125 Stat. 609–610) is
22 amended by striking the 6th proviso and inserting the fol-
23 lowing: “*Provided further*, That, during the current fiscal
24 year and in each fiscal year thereafter, no funds appro-
25 priated under this or any other Act may be used to pub-

1 licly disclose part or all of the contents of the Firearms
2 Trace System database maintained by the National Trace
3 Center of the Bureau of Alcohol, Tobacco, Firearms and
4 Explosives or any information required to be kept by li-
5 censees pursuant to section 923(g) of title 18, United
6 States Code, or required to be reported pursuant to para-
7 graphs (3) and (7) of such section if the particular con-
8 tents or information is determined to be exempt from dis-
9 closure under subsection (b)(7) or (c) of section 552 of
10 title 5, United States Code:”.

11 (b) The 6th proviso under the heading “Bureau of
12 Alcohol, Tobacco, Firearms and Explosives—Salaries and
13 Expenses” in title II of division B of the Consolidated Ap-
14 propriations Act, 2010 (18 U.S.C. 923 note; Public Law
15 111–117; 123 Stat. 3128–3129) is amended by striking
16 “beginning in fiscal year 2010 and thereafter” and insert-
17 ing “in fiscal year 2010”.

18 (c) The 6th proviso under the heading “Bureau of
19 Alcohol, Tobacco, Firearms and Explosives—Salaries and
20 Expenses” in title II of division B of the Omnibus Appro-
21 priations Act, 2009 (18 U.S.C. 923 note; Public Law 111–
22 8; 123 Stat. 574–576) is amended by striking “beginning
23 in fiscal year 2009 and thereafter” and inserting “in fiscal
24 year 2009”.

1 (d) The 6th proviso under the heading “Bureau of
2 Alcohol, Tobacco, Firearms and Explosives—Salaries and
3 Expenses” in title II of division B of the Consolidated Ap-
4 propriations Act, 2008 (18 U.S.C. 923 note; Public Law
5 110–161; 121 Stat. 1903–1904) is amended by striking
6 “beginning in fiscal year 2008 and thereafter” and insert-
7 ing “in fiscal year 2008”.

8 (e) The 6th proviso under the heading “Bureau of
9 Alcohol, Tobacco, Firearms and Explosives—Salaries and
10 Expenses” in title I of the Science, State, Justice, Com-
11 merce, and Related Agencies Appropriations Act, 2006
12 (18 U.S.C. 923 note; Public Law 109–108; 119 Stat.
13 2295–2296) is amended by striking “with respect to any
14 fiscal year”.

15 (f) The 6th proviso under the heading “Bureau of
16 Alcohol, Tobacco, Firearms and Explosives—Salaries and
17 Expenses” in title I of division B of the Consolidated Ap-
18 propriations Act, 2005 (18 U.S.C. 923 note; Public Law
19 108–447; 118 Stat. 2859–2860) is amended by striking
20 “with respect to any fiscal year”.

1 **SEC. 4. REPEAL OF LIMITATION ON IMPOSITION OF RE-**
 2 **QUIREMENT THAT FIREARMS DEALERS TO**
 3 **CONDUCT PHYSICAL CHECK OF FIREARMS**
 4 **INVENTORY.**

5 (a) The 5th proviso under the heading “Bureau of
 6 Alcohol, Tobacco, Firearms and Explosives—Salaries and
 7 Expenses” in title II of division B of the Consolidated and
 8 Further Continuing Appropriations Act, 2013 (18 U.S.C.
 9 923 note; Public Law 113–6; 127 Stat. 248) is amended
 10 by striking “and any fiscal year thereafter”.

11 (b) The matter under the heading “Bureau of Alco-
 12 hol, Tobacco, Firearms and Explosives—Salaries and Ex-
 13 penses” in title I of division B of the Consolidated and
 14 Further Continuing Appropriations Act, 2012 (18 U.S.C.
 15 923 note; Public Law 112–55; 125 Stat. 609–610) is
 16 amended by striking the 7th proviso.

17 **SEC. 5. REPEAL OF REQUIREMENT TO DESTROY INSTANT**
 18 **CRIMINAL BACKGROUND CHECK RECORDS**
 19 **WITHIN 24 HOURS.**

20 Section 511 of the Consolidated and Further Con-
 21 tinuing Appropriations Act, 2012 (18 U.S.C. 922 note;
 22 Public Law 112–55; 125 Stat. 632) is amended—

23 (1) by striking “for—” and all that follows
 24 through “(1)”; and

- 1 (2) by striking the semicolon and all that fol-
- 2 lows and inserting a period.

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