

117TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on _____

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 “Gun Records Restora-
5 tion and Preservation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) The Tiahrt Amendments prevent the collec-
9 tion of valuable information, and the establishment
10 of effective policies to prevent illegal guns from
11 being used in crimes.

1 (2) The Tiahrt Amendments impede enforce-
2 ment of the gun laws by requiring most background
3 check records to be destroyed within 24 hours, and
4 by barring the Federal Government from requiring
5 annual inventory audits by owners of gun shops.

6 (3) A 2012 study by researchers at Johns Hop-
7 kins Bloomberg School of Public Health found that
8 the Tiahrt Amendments dramatically increased gun
9 trafficking to the criminal market.

10 (4) A 2016 study from the University of Pitts-
11 burgh Graduate School of Public Health found that
12 in 2008, 79 percent of all guns recovered by police
13 from crime scenes belonged to someone other than
14 the perpetrator—30 percent had been stolen.

15 (5) Every year, more than 123,000 Americans
16 are shot.

17 (6) 2020 was one of the deadliest years on
18 record for the United States, with an estimated
19 19,300 people killed in firearm homicides or non-sui-
20 cide related shootings, which is a 25 percent increase
21 over 2019.

22 (7) In 2019, 58.9 percent of firearm homicide
23 victims were Black and 15.9 percent of firearm
24 homicide victims were Hispanic.

1 (8) In 2019, the National Tracing Center at
2 Bureau of Alcohol, Tobacco, Firearms, and Explo-
3 sives processed 450,000 trace requests on firearms
4 from Federal, State, and local law enforcement
5 agencies.

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

9 (10) 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 II 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.

23 (b) The 6th proviso under the heading “Bureau of
24 Alcohol, Tobacco, Firearms and Explosives—Salaries and
25 Expenses” in title II of division B of the Consolidated Ap-

1 propriations Act, 2010 (18 U.S.C. 923 note; Public Law
2 111–117; 123 Stat. 3128–3129) is amended by striking
3 “beginning in fiscal year 2010 and thereafter” and insert-
4 ing “in fiscal year 2010”.

5 (c) The 6th proviso under the heading “Bureau of
6 Alcohol, Tobacco, Firearms and Explosives—Salaries and
7 Expenses” in title II of division B of the Omnibus Appro-
8 priations Act, 2009 (18 U.S.C. 923 note; Public Law 111–
9 8; 123 Stat. 574–576) is amended by striking “beginning
10 in fiscal year 2009 and thereafter” and inserting “in fiscal
11 year 2009”.

12 (d) The 6th proviso under the heading “Bureau of
13 Alcohol, Tobacco, Firearms and Explosives—Salaries and
14 Expenses” in title II of division B of the Consolidated Ap-
15 propriations Act, 2008 (18 U.S.C. 923 note; Public Law
16 110–161; 121 Stat. 1903–1904) is amended by striking
17 “beginning in fiscal year 2008 and thereafter” and insert-
18 ing “in fiscal year 2008”.

19 (e) The 6th proviso under the heading “Bureau of
20 Alcohol, Tobacco, Firearms and Explosives—Salaries and
21 Expenses” in title I of the Science, State, Justice, Com-
22 merce, and Related Agencies Appropriations Act, 2006
23 (18 U.S.C. 923 note; Public Law 109–108; 119 Stat.
24 2295–2296) is amended by striking “with respect to any
25 fiscal year”.

1 (f) The 6th proviso under the heading “Bureau of
2 Alcohol, Tobacco, Firearms, and Explosives—Salaries and
3 Expenses” in title I of division B of the Consolidated Ap-
4 propriations Act, 2005 (18 U.S.C. 923 note; Public Law
5 108–447; 118 Stat. 2859–2860) is amended by striking
6 “with respect to any fiscal year”.

7 **SEC. 4. ELIMINATION OF PROHIBITION ON PROCESSING OF**
8 **FREEDOM OF INFORMATION ACT REQUESTS**
9 **ABOUT ARSON OR EXPLOSIVES INCIDENTS**
10 **OR FIREARM TRACES.**

11 Section 644 of division J of the Consolidated Appro-
12 priations Resolution, 2003 (5 U.S.C. 552 note; Public
13 Law 108–7; 117 Stat. 473) is repealed.

14 **SEC. 5. REPEAL OF LIMITATIONS ON IMPOSITION OF RE-**
15 **QUIREMENT THAT FIREARMS DEALERS CON-**
16 **DUCT PHYSICAL CHECK OF FIREARMS IN-**
17 **VENTORY.**

18 The 5th proviso under the heading “Bureau of Alco-
19 hol, Tobacco, Firearms and Explosives—Salaries and Ex-
20 penses” in title II of division B of the Consolidated and
21 Further Continuing Appropriations Act, 2013 (18 U.S.C.
22 923 note; Public Law 113–6; 127 Stat. 248) is amended
23 by striking “and any fiscal year thereafter”.

1 **SEC. 6. ELIMINATION OF PROHIBITION ON CONSOLIDA-**
2 **TION OR CENTRALIZATION IN THE DEPART-**
3 **MENT OF JUSTICE OF FIREARMS ACQUISSI-**
4 **TION AND DISPOSITION RECORDS MAIN-**
5 **TAINED BY FEDERAL FIREARMS LICENSEES.**

6 The matter under the heading “Bureau of Alcohol,
7 Tobacco, Firearms and Explosives—Salaries and Ex-
8 penses” in title II of division B of the Consolidated and
9 Further Continuing Appropriations Act, 2012 (18 U.S.C.
10 923 note; Public Law 112–55; 125 Stat. 609) is amended
11 by striking the 1st proviso.

12 **SEC. 7. REPEAL OF REQUIREMENT TO DESTROY INSTANT**
13 **CRIMINAL BACKGROUND CHECK RECORDS**
14 **WITHIN 24 HOURS.**

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

18 (1) by striking “—” and all that follows
19 through “(1)”; and

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