

117TH CONGRESS
1ST SESSION

S. 974

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

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2021

Mr. MENENDEZ (for himself, Mr. MARKEY, Mr. DURBIN, Mr. BLUMENTHAL, Mr. MURPHY, Mr. BOOKER, Mr. REED, and Mrs. GILLIBRAND) 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 “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

1 of effective policies to prevent illegal guns from
2 being used in crimes.

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

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

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

17 (5) Every year, more than 123,000 Americans
18 are shot.

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

1 (7) In 2019, 58.9 percent of firearm homicide
2 victims were Black and 15.9 percent of firearm
3 homicide victims were Hispanic.

4 (8) In 2019, the National Tracing Center at
5 the Bureau of Alcohol, Tobacco, Firearms and Ex-
6 plosives processed 450,000 trace requests on fire-
7 arms from Federal, State, and local law enforcement
8 agencies.

9 (9) Having effective policies to prevent illegal
10 gun trafficking makes our families and communities
11 safer.

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

16 **SEC. 3. REPEAL OF CERTAIN LIMITATIONS ON THE USE OF**
17 **DATABASE INFORMATION OF THE BUREAU**
18 **OF ALCOHOL, TOBACCO, FIREARMS AND EX-**
19 **PLOSIVES.**

20 (a) The matter under the heading “Bureau of Alco-
21 hol, Tobacco, Firearms and Explosives—Salaries and Ex-
22 penses” in title II of division B of the Consolidated and
23 Further Continuing Appropriations Act, 2012 (18 U.S.C.
24 923 note; Public Law 112–55; 125 Stat. 609–610) is
25 amended by striking the 6th proviso.

1 (b) 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, 2010 (18 U.S.C. 923 note; Public Law
5 111–117; 123 Stat. 3128–3129) is amended by striking
6 “beginning in fiscal year 2010 and thereafter” and insert-
7 ing “in fiscal year 2010”.

8 (c) The 6th proviso under the heading “Bureau of
9 Alcohol, Tobacco, Firearms and Explosives—Salaries and
10 Expenses” in title II of division B of the Omnibus Appro-
11 priations Act, 2009 (18 U.S.C. 923 note; Public Law 111–
12 8; 123 Stat. 574–576) is amended by striking “beginning
13 in fiscal year 2009 and thereafter” and inserting “in fiscal
14 year 2009”.

15 (d) The 6th proviso under the heading “Bureau of
16 Alcohol, Tobacco, Firearms and Explosives—Salaries and
17 Expenses” in title II of division B of the Consolidated Ap-
18 propriations Act, 2008 (18 U.S.C. 923 note; Public Law
19 110–161; 121 Stat. 1903–1904) is amended by striking
20 “beginning in fiscal year 2008 and thereafter” and insert-
21 ing “in fiscal year 2008”.

22 (e) The 6th proviso under the heading “Bureau of
23 Alcohol, Tobacco, Firearms and Explosives—Salaries and
24 Expenses” in title I of the Science, State, Justice, Com-
25 merce, and Related Agencies Appropriations Act, 2006

1 (18 U.S.C. 923 note; Public Law 109–108; 119 Stat.
2 2295–2296) is amended by striking “with respect to any
3 fiscal year”.

4 (f) The 6th proviso under the heading “Bureau of
5 Alcohol, Tobacco, Firearms and Explosives—Salaries and
6 Expenses” in title I of division B of the Consolidated Ap-
7 propriations Act, 2005 (18 U.S.C. 923 note; Public Law
8 108–447; 118 Stat. 2859–2860) is amended by striking
9 “with respect to any fiscal year”.

10 **SEC. 4. ELIMINATION OF PROHIBITION ON PROCESSING OF**
11 **FREEDOM OF INFORMATION ACT REQUESTS**
12 **ABOUT ARSON OR EXPLOSIVES INCIDENTS**
13 **OR FIREARM TRACES.**

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

17 **SEC. 5. REPEAL OF LIMITATIONS ON IMPOSITION OF RE-**
18 **QUIREMENT THAT FIREARMS DEALERS CON-**
19 **DUCT PHYSICAL CHECK OF FIREARMS IN-**
20 **VENTORY.**

21 The 5th proviso under the heading “Bureau of Alco-
22 hol, Tobacco, Firearms and Explosives—Salaries and Ex-
23 penses” in title II of division B of the Consolidated and
24 Further Continuing Appropriations Act, 2013 (18 U.S.C.

1 923 note; Public Law 113–6; 127 Stat. 248) is amended
2 by striking “and any fiscal year thereafter”.

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

8 The matter under the heading “Bureau of Alcohol,
9 Tobacco, Firearms and Explosives—Salaries and Ex-
10 penses” in title II of division B of the Consolidated and
11 Further Continuing Appropriations Act, 2012 (18 U.S.C.
12 923 note; Public Law 112–55; 125 Stat. 609) is amended
13 by striking the 1st proviso.

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

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

20 (1) by striking “—” and all that follows
21 through “(1)”; and

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

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