

118TH CONGRESS  
1ST SESSION

# S. 598

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 1, 2023

Mr. MENENDEZ (for himself, Mr. MARKEY, Mr. BLUMENTHAL, Mr. REED, Mrs. GILLIBRAND, Mr. BOOKER, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. DURBIN, Ms. WARREN, Ms. HIRONO, Mr. MURPHY, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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 increase 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) A 2020 analysis from the RAND corpora-  
18 tion concluded that the Tiahrt Amendments limit re-  
19 searchers' access to data that provide important in-  
20 sights, such as—

21 (A) how guns flow from States with less  
22 restrictive gun laws to States with more restric-  
23 tive gun laws;

24 (B) how prohibited purchasers obtain their  
25 firearms;

1 (C) the characteristics of straw purchases;  
2 and

3 (D) whether more restrictive gun laws cre-  
4 ate a shortage of firearms for prohibited pur-  
5 chases.

6 (6) Every year, more than 165,000 people are  
7 shot in the United States.

8 (7) 2020 was one of the deadliest years on  
9 record for the United States, with an estimated  
10 21,000 people killed in firearm homicides or non-sui-  
11 cide related shootings, which is a 33-percent increase  
12 over 2019.

13 (8) In 2020, 62 percent of firearm homicide  
14 victims were Black and 15 percent of firearm homi-  
15 cide victims were Hispanic.

16 (9) In 2020, the National Tracing Center at  
17 the Bureau of Alcohol, Tobacco, Firearms and Ex-  
18 plosives processed 490,800 trace requests on fire-  
19 arms from Federal, State, and local law enforcement  
20 agencies.

21 (10) Having effective policies to prevent illegal  
22 gun trafficking makes our families and communities  
23 safer.

24 (11) Repealing the Tiahrt Amendments would  
25 support law enforcement efforts and give the public

1 vital information needed to craft the most effective  
2 policies against illegal guns.

3 **SEC. 3. REPEAL OF CERTAIN LIMITATIONS ON THE USE OF**  
4 **DATABASE INFORMATION OF THE BUREAU**  
5 **OF ALCOHOL, TOBACCO, FIREARMS AND EX-**  
6 **PLOSIVES.**

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

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

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

1 in fiscal year 2009 and thereafter” and inserting “in fiscal  
2 year 2009”.

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

10 (e) The sixth proviso under the heading “Bureau of  
11 Alcohol, Tobacco, Firearms and Explosives—Salaries and  
12 Expenses” in title I of the Science, State, Justice, Com-  
13 merce, and Related Agencies Appropriations Act, 2006  
14 (18 U.S.C. 923 note; Public Law 109–108; 119 Stat.  
15 2295–2296) is amended by striking “with respect to any  
16 fiscal year”.

17 (f) The sixth proviso under the heading “Bureau of  
18 Alcohol, Tobacco, Firearms and Explosives—Salaries and  
19 Expenses” in title I of division B of the Consolidated Ap-  
20 propriations Act, 2005 (18 U.S.C. 923 note; Public Law  
21 108–447; 118 Stat. 2859–2860) is amended by striking  
22 “with respect to any fiscal year”.

1 **SEC. 4. ELIMINATION OF PROHIBITION ON PROCESSING OF**  
 2 **FREEDOM OF INFORMATION ACT REQUESTS**  
 3 **ABOUT ARSON OR EXPLOSIVES INCIDENTS**  
 4 **OR FIREARM TRACES.**

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

8 **SEC. 5. REPEAL OF LIMITATIONS ON IMPOSITION OF RE-**  
 9 **QUIREMENT THAT FIREARMS DEALERS CON-**  
 10 **DUCT PHYSICAL CHECK OF FIREARMS IN-**  
 11 **VENTORY.**

12 The fifth proviso under the heading “Bureau of Alco-  
 13 hol, Tobacco, Firearms and Explosives—Salaries and Ex-  
 14 penses” in title II of division B of the Consolidated and  
 15 Further Continuing Appropriations Act, 2013 (18 U.S.C.  
 16 923 note; Public Law 113–6; 127 Stat. 248) is amended  
 17 by striking “and any fiscal year thereafter”.

18 **SEC. 6. ELIMINATION OF PROHIBITION ON CONSOLIDA-**  
 19 **TION OR CENTRALIZATION IN THE DEPART-**  
 20 **MENT OF JUSTICE OF FIREARMS ACQUISSI-**  
 21 **TION AND DISPOSITION RECORDS MAIN-**  
 22 **TAINED BY FEDERAL FIREARMS LICENSEES.**

23 The matter under the heading “Bureau of Alcohol,  
 24 Tobacco, Firearms and Explosives—Salaries and Ex-  
 25 penses” in title II of division B of the Consolidated and  
 26 Further Continuing Appropriations Act, 2012 (18 U.S.C.

1 923 note; Public Law 112–55; 125 Stat. 609) is amend-  
2 ed—

3 (1) by striking the first proviso; and

4 (2) in the second proviso, by striking “further”.

5 **SEC. 7. REPEAL OF REQUIREMENT TO DESTROY INSTANT**  
6 **CRIMINAL BACKGROUND CHECK RECORDS**  
7 **WITHIN 24 HOURS.**

8 Section 511 of the Consolidated and Further Con-  
9 tinuing Appropriations Act, 2012 (34 U.S.C. 40901 note;  
10 Public Law 112–55; 125 Stat. 632) is amended—

11 (1) by striking “—” and all that follows  
12 through “(1)”; and

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

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