

107TH CONGRESS  
1ST SESSION

# S. 1788

To give the Federal Bureau of Investigation access to NICS records in law enforcement investigations, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2001

Mr. SCHUMER (for himself, Mr. KENNEDY, Mr. REED, Mr. TORRICELLI, Mr. LEVIN, Mrs. BOXER, and Mr. CORZINE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To give the Federal Bureau of Investigation access to NICS records in law enforcement investigations, 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 “Use NICS in Terrorist  
5 Investigations Act”.

6 **SEC. 2. AUTHORITY OF THE FEDERAL BUREAU OF INVES-**  
7 **TIGATION.**

8 Section 922(t)(2) of title 18, United States Code, is  
9 amended—

1 (1) in subparagraph (B), by striking “and” at  
2 the end;

3 (2) in subparagraph (C), by striking the period  
4 at the end and inserting “; and”; and

5 (3) by inserting after subparagraph (C) the fol-  
6 lowing:

7 “(D) allow the Federal Bureau of Investigation  
8 to access NICS audit log records for the purpose of  
9 responding to an inquiry from any federal, state, or  
10 local law enforcement agency in connection with a  
11 civil or criminal law enforcement investigation.”.

12 **SEC. 3. GUN SALE ANTI-FRAUD AND PRIVACY PROTECTION.**

13 (a) PREVENTION OF FRAUD AND ABUSE.—Section  
14 922(t)(2)(C) of title 18, United States Code, is amended  
15 by inserting before the semicolon the following: “, con-  
16 sistent with the responsibility of the Attorney General  
17 under section 103(h) of the Brady Handgun Violence Pro-  
18 tection Act (18 U.S.C. 922 note) to ensure privacy of the  
19 system and to prevent system fraud and abuse, but in no  
20 event fewer than 90 days after the date on which the li-  
21 censee first contacts the system with respect to the trans-  
22 fer”.

23 (b) INTERAGENCY COOPERATION.—Section 922(t)(2)  
24 of title 18, United States Code, is amended by adding  
25 after subparagraph (D) the following:

1 “During the period that records are maintained pursuant  
2 to subparagraph (C), the Department of Justice and its  
3 divisions, including the Federal Bureau of Investigation,  
4 shall make those records available to the Department of  
5 the Treasury and its divisions, including the Bureau of  
6 Alcohol, Tobacco, and Firearms, for the purpose of con-  
7 ducting system audits to detect fraud and misuse of the  
8 system and to protect the privacy and security of the sys-  
9 tem. The Department of the Treasury shall maintain and  
10 destroy those records in accordance with all statutory re-  
11 quirements imposed on the Department of Justice.”.

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