

117TH CONGRESS
1ST SESSION

S. 1801

To amend section 923 of title 18, United States Code, to require an electronic, searchable database of the importation, production, shipment, receipt, sale, or other disposition of firearms.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2021

Mr. LEAHY (for himself, Mr. WHITEHOUSE, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 923 of title 18, United States Code, to require an electronic, searchable database of the importation, production, shipment, receipt, sale, or other disposition of firearms.

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 “Crime Gun Tracing
5 Modernization Act of 2021”.

6 **SEC. 2. ELECTRONIC, SEARCHABLE DATABASES.**

7 Section 923(g) of title 18, United States Code, is
8 amended by adding at the end the following:

1 “(8)(A) In this paragraph, the term ‘foreign intel-
2 ligence information’ has the meaning given the term in
3 section 101 of the Foreign Intelligence Surveillance Act
4 of 1978 (50 U.S.C. 1801).

5 “(B) Not later than 3 years after the date of enact-
6 ment of this paragraph, the National Tracing Center of
7 the Bureau of Alcohol, Tobacco, Firearms, and Explosives
8 shall establish and maintain electronic, searchable data-
9 bases of all records within its possession of the importa-
10 tion, production, shipment, receipt, sale, or other disposi-
11 tion of firearms required to be submitted to the Bureau
12 of Alcohol, Tobacco, Firearms, and Explosives by persons
13 licensed under this chapter.

14 “(C) Each licensee under this chapter may provide
15 the National Tracing Center with electronic access, con-
16 sistent with the requirements of this paragraph, to all
17 records within the licensee’s possession that are required
18 to be kept under this chapter.

19 “(D) A licensee may voluntarily relinquish possession
20 of any non-electronic record required to be kept under this
21 chapter to the Bureau of Alcohol, Tobacco, Firearms, and
22 Explosives if—

23 “(i) 10 years have elapsed from the date of the
24 firearm transaction; or

1 “(ii) in the case of paper acquisition and dis-
2 position books, 10 years have elapsed without any
3 open disposition entries and without any dispositions
4 recorded in that record.

5 “(E) The National Tracing Center—

6 “(i) shall have remote access to and may query,
7 search, or otherwise access the electronic databases
8 described in this paragraph; and

9 “(ii) may, with the permission of a State, or po-
10 litical subdivision of a State, have remote access to,
11 and may query, search, or otherwise access the data-
12 bases of the firearms registration system or pawn-
13 broker records system of the State or political sub-
14 division.

15 “(F) The National Tracing Center may query,
16 search, or otherwise access the electronic databases de-
17 scribed in this paragraph for only the following purposes:

18 “(i) To obtain information related to a bona
19 fide law enforcement investigation by any Federal,
20 State, local, tribal, or foreign law enforcement agen-
21 cy.

22 “(ii) To obtain information that is—

23 “(I) foreign intelligence information; or

1 “(II) necessary to understand, or assess
2 the importance of, foreign intelligence informa-
3 tion.

4 “(iii) To obtain information necessary during a
5 compliance inspection of an active licensee who has
6 submitted non-electronic records in accordance with
7 subparagraph (D).

8 “(G) The databases established under this para-
9 graph—

10 “(i) shall be electronically searchable by date of
11 acquisition or disposition, license number, and the
12 information identified on each firearm or other fire-
13 arm descriptor, including the manufacturer, im-
14 porter, model, serial number, type, and caliber or
15 gauge;

16 “(ii) shall not be electronically searchable by
17 the personally identifiable information of any indi-
18 vidual; and

19 “(iii) shall include in search results the entire
20 contents of the relevant records kept by the licensee.

21 “(H) This paragraph shall take effect notwith-
22 standing any other provision of law, including any tem-
23 porary or permanent restrictions placed on funds made

- 1 available to the Bureau of Alcohol, Tobacco, Firearms,
- 2 and Explosives, or the Department of Justice.”.

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