

# Congress of the United States

Washington, DC 20515

July 31, 2020

The Honorable Nancy Pelosi  
Speaker of the House  
United States House of Representatives  
H-232, U.S. Capitol  
Washington, DC 20510

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
S-230, U.S. Capitol  
Washington, DC 20510

The Honorable Kevin McCarthy  
Minority Leader  
United States House of Representatives  
H-204, U.S. Capitol  
Washington, DC 20510

The Honorable Charles Schumer  
Minority Leader  
United States Senate  
S-220, U.S. Capitol  
Washington, DC 20510

Dear Speaker Pelosi, Leader McCarthy, Majority Leader McConnell and Minority Leader Schumer:

As our country continues to experience a surge in gun sales correlated with the COVID-19 pandemic, it is increasingly evident that Congress must take action to ensure the integrity of the National Instant Criminal Background Check System (NICS) and prevent firearms from getting into the hands of dangerous individuals. To do this, we urge the inclusion of the bicameral NICS Data Integrity Act in the next COVID-19 response package.

While federal law allows a gun to be sold at a dealer's discretion if an initiated background check has not been completed within three days, the Federal Bureau of Investigation (FBI) continues to investigate these open cases afterward. Should FBI determine through such investigation that an attempted purchaser is prohibited, these "delayed denials" are referred to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to retrieve transferred guns. However, FBI regulation requires NICS to purge incomplete firearm background checks from its systems if a final determination has not been made within 88 days.


In 2018 alone, delayed background checks resulted in 3,960 weapons being sold to individuals legally prohibited from obtaining them. But an internal FBI report shows that between 2014 and mid-2019, the agency was required to purge the data of over 1.1 million incomplete background checks, meaning significantly more firearms could still be in the hands of individuals prohibited from possessing them.

The unprecedented surge in gun sales correlated to the COVID-19 pandemic makes this loophole even more dangerous. In June 2020 alone, NICS initiated more than 3.9 million background checks—the most in NICS history. According to internal FBI data from earlier this year, 76,558 background checks were delayed past 3 days in March 2020, a number nearly three times higher than the number of delayed background checks in March 2019. Of the 76,558 delayed, incomplete background checks from March, an estimated 54,000 have already been purged.

This surge in firearm purchases poses a significant threat to public safety if background checks aren't fully completed: just last month, we marked five years since an incomplete background check allowed a white supremacist to improperly obtain a gun and kill nine churchgoers in Charleston, South Carolina. We cannot let this happen again.


When data is purged from the NICS system, there is no way to know how many people have purchased guns without a completed background check or how many firearms remain in the hands of prohibited individuals. During this uncertain time, it is more important than ever to ensure our firearm background check system maintains all data until a background check has been adequately completed. Please help strengthen the NICS system by including the NICS Data Integrity Act in the next COVID-19 legislative vehicle.

Sincerely,



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Dianne Feinstein  
United States Senator



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Jimmy Panetta  
Member of Congress

Richard Blumenthal  
United States Senator

Christopher S. Murphy  
United States Senator

Edward J. Markey  
United States Senator

Robert Menendez  
United States Senator

Cory A. Booker  
United States Senator

Kamala D. Harris  
United States Senator

Sherrod Brown  
United States Senator

Chris Van Hollen  
United States Senator

Donald S. Beyer Jr.  
Member of Congress

Jennifer Wexton  
Member of Congress

Anthony G. Brown  
Member of Congress

Salud O. Carbajal  
Member of Congress

André Carson  
Member of Congress

Judy Chu  
Member of Congress

David N. Cicilline  
Member of Congress

Gilbert R. Cisneros, Jr.  
Member of Congress

Jason Crow  
Member of Congress

Henry Cuellar  
Member of Congress

Madeleine Dean  
Member of Congress

Theodore E Deutch  
Member of Congress

Alcee L. Hastings  
Member of Congress

Jahana Hayes  
Member of Congress

Sheila Jackson Lee  
Member of Congress

Joseph P. Kennedy, III  
Member of Congress

Zoe Lofgren  
Member of Congress

Lucy McBath  
Member of Congress

Eleanor Holmes Norton  
Member of Congress

Jamie Raskin  
Member of Congress

Bradley S. Schneider  
Member of Congress

Eric Swalwell  
Member of Congress

David Trone  
Member of Congress