

110TH CONGRESS
2D SESSION

S. 2935

To prevent the destruction of terrorist and criminal national instant criminal background check system records.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2008

Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. LEVIN, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mr. REED, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prevent the destruction of terrorist and criminal national instant criminal background check system records.

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 “Preserving Records
5 of Terrorist & Criminal Transactions Act of 2008” or the
6 “PROTECT Act of 2008”.

1 **SEC. 2. IDENTIFICATION OF TERRORISTS.**

2 (a) IN GENERAL.—Section 922(t) of title 18, United
3 States Code, is amended by inserting after paragraph (6)
4 the following:

5 “(7) If the national criminal background check
6 system indicates that a person attempting to pur-
7 chase a firearm or applying for a State permit to
8 possess, acquire, or carry a firearm is identified as
9 a known or suspected member of a terrorist organi-
10 zation in records maintained by the Department of
11 Justice or the Department of Homeland Security,
12 including the Violent Gang and Terrorist Organiza-
13 tion File, or records maintained by the Intelligence
14 Community, including records maintained under sec-
15 tion 343 of the Intelligence Authorization Act for
16 Fiscal Year 2003 (50 U.S.C. 404n–2), all records
17 generated in the course of the check of the national
18 criminal background check system, including the
19 ATF Form 4473, that are obtained by Federal and
20 State officials shall be retained for a minimum of 10
21 years.”.

22 (b) CONFORMING AMENDMENTS.—Section
23 922(t)(2)(C) of title 18, United States Code, is amended
24 by inserting after “transfer” the following: “, except as
25 provided in paragraph (7)”.

1 **SEC. 3. RETENTION OF RECORDS.**

2 (a) 180 DAYS.—Section 922(t)(2)(C) of title 18,
3 United States Code, is amended by inserting before “de-
4 stroy” the following: “not less than 180 days after the
5 transfer is allowed,”.

6 (b) REPEALS.—

7 (1) Section 617(a) of Public Law 108–199 (118
8 Stat. 95) is amended by striking paragraph (2).

9 (2) Section 615 of Public Law 108–447 (118
10 Stat. 2915) is amended by striking paragraph (2).

11 (3) Section 611 of Public Law 109–108 (119
12 Stat. 2336) is amended by striking paragraph (2).

13 (4) Section 512 of Public Law 110–161 (Divi-
14 sion B) is amended by striking paragraph (2).

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