

111TH CONGRESS
1ST SESSION

S. 2820

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2009

Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mr. LEVIN, Mr. REED, Mrs. FEINSTEIN, and Mr. WHITEHOUSE) 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 2009” or the
6 “PROTECT Act of 2009”.

7 **SEC. 2. IDENTIFICATION OF TERRORISTS.**

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

1 “(7) If the national criminal background check sys-
 2 tem indicates that a person attempting to purchase a fire-
 3 arm or applying for a State permit to possess, acquire,
 4 or carry a firearm is identified as a known or suspected
 5 member of a terrorist organization in records maintained
 6 by the Department of Justice or the Department of Home-
 7 land Security, including the Violent Gang and Terrorist
 8 Organization File, or records maintained by the Intel-
 9 ligence Community, including records maintained under
 10 section 343 of the Intelligence Authorization Act for Fis-
 11 cal Year 2003 (50 U.S.C. 404n-2), all records generated
 12 in the course of the check of the national criminal back-
 13 ground check system, including the ATF Form 4473, that
 14 are obtained by Federal and State officials shall be re-
 15 tained for a minimum of 10 years.”.

16 (b) CONFORMING AMENDMENT.—Section
 17 922(t)(2)(C) of title 18, United States Code, is amended
 18 by inserting after “transfer” the following: “, except as
 19 provided in paragraph (7)”.

20 **SEC. 3. RETENTION OF RECORDS.**

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

25 (b) REPEALS.—

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

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

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

7 (4) Section 512 of division B of Public Law
8 110–161 (121 Stat. 1926) is amended by striking
9 paragraph (2).

10 (5) Section 511 of division B of Public Law
11 111–8 (123 Stat. 596) is amended by striking para-
12 graph (2).

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