

109TH CONGRESS  
1ST SESSION

# S. 578

To better manage the national instant criminal background check system  
and terrorism matches.

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## IN THE SENATE OF THE UNITED STATES

MARCH 9, 2005

Mr. LAUTENBERG (for himself, Mr. CORZINE, Mr. SCHUMER, Mrs. CLINTON, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. REED, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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# A BILL

To better manage the national instant criminal background  
check system and terrorism matches.

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 “Terrorist Apprehension  
5       and Record Retention Act of 2005” or the “TARR Act  
6       of 2005”.

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)—

17           “(A) all information related to the prospec-  
18 tive transaction shall automatically and imme-  
19 diately be transmitted to the appropriate Fed-  
20 eral and State counterterrorism officials, includ-  
21 ing the Federal Bureau of Investigation;

22           “(B) the Federal Bureau of Investigation  
23 shall coordinate the response to such an event;  
24 and

25           “(C) all records generated in the course of  
26 the check of the national criminal background

1           check system, including the ATF Form 4473,  
2           that are obtained by Federal and State officials  
3           shall be retained for a minimum of 10 years.”.

4           (b) CONFORMING AMENDMENTS.—

5           (1) TITLE 18.—Section 922(t)(2)(C) of title 18,  
6           United States Code, is amended by inserting after  
7           “transfer” the following: “, except as provided in  
8           paragraph (7)”.

9           (2) OTHER LAW.—Section 617(a)(2) of the De-  
10          partments of Commerce, Justice, and State, the Ju-  
11          diciary, and Related Agencies Appropriations Act,  
12          2004 (118 Stat. 95) is amended by inserting after  
13          “or State Law” the following: “, except for informa-  
14          tion required to be maintained by section 922(t)(7)  
15          of title 18, United States Code”.

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