

# United States Senate

WASHINGTON, DC 20510

November 3, 2011

The Honorable Daniel Inouye  
Chairman  
Senate Committee on Appropriations  
Washington, DC 20510

The Honorable Barbara Mikulski  
Chairwoman  
Subcommittee on Commerce, Justice,  
Justice, Science and Related Agencies  
Senate Committee on Appropriations  
Washington, DC 20510

The Honorable Harold Rogers  
Chairman  
House Committee on Appropriations  
Washington, DC 20515

The Honorable Frank Wolf  
Chairman  
Subcommittee on Commerce,  
Science, and Related Agencies  
House Committee on Appropriations  
Washington, DC 20515

Dear Chairmen and Chairwoman:

As supporters of the Second Amendment and the rights of law-abiding gun owners, we are writing to urge the House and Senate Appropriations Committees to maintain several House-passed firearms provisions in the upcoming Conference Report on H.R. 2112, the legislative vehicle for the Fiscal Year 2012 Commerce, Justice, Science (CJS), and Related Agencies Appropriations Act. While these provisions had broad, bipartisan support in the Senate, the amendments that would have reinstated these provisions in the Senate version of H.R. 2112 did not receive a vote.

Over the years, Congress has taken many actions to preserve Second Amendment rights and prevent undue encroachment on those rights on the part of the Executive Branch. One of the most common ways in which Congress has accomplished this goal has been through a number of general provisions in CJS Appropriations bills. Most of these protections have been in place for a number of years – some going back as far as three decades – and none of them have been the source of any significant controversy.

The House CJS Appropriations bill (H.R. 2596) made permanent nine separate Second Amendment protections. However, the Senate version of H.R. 2112 stripped the House language and extended these protections only through Fiscal Year 2012. We believe these protections should not be subject to yearly reinstatement, they should be permanently fixed in the law.

Specifically, the House-passed provisions would make permanent the following protections:

- **Firearms Database Prohibition.** A prohibition on the use of funds to create, maintain or administer a database of firearms owners or their firearms. This prohibition has been in place since FY 1979 and prevents the federal government from establishing a national gun registry.

- **Curio and Relic Definition.** A prohibition on the use of funds to change the definition of a “curio or relic.” This provision protects the status of collectible firearms for future generations of firearms collectors. This provision has been included since Fiscal Year 1997.
- **Physical Inventory Prohibition.** Prohibition on a requirement to allow a physical inventory of Federal Firearms Licensees. The Clinton Administration proposed a rule in 2000 to require an annual inventory by all licensees. While the Bush Administration eventually withdrew the proposal, Congress has still passed this preventive provision every year, beginning in FY 2007.
- **Information Retrieval Prohibition.** A prohibition on the use of funds to electronically retrieve personally identifying information gathered by federal firearms licensees. This provision prohibits the creation of a gun registry from dealers’ records that are required by law to be surrendered to the federal government when a dealer goes out of business. This provision has been included since FY 1997.
- **Business Activity.** A prohibition on the use of funds to deny a Federal Firearms License (FFL) or renewal of an FFL on the basis of business activity. This provision prohibits BATFE from denying federal firearms license applications or renewals based on a dealer’s low business volume alone. Congress added this general provision in FY 2005.
- **Information Gathering Prohibition.** A prohibition on the use of funds to maintain any information gathered as a part of an instant background check or to maintain information for more than 24 hours. This provision protects the privacy of law-abiding gun buyers by prohibiting information about legal gun purchases from being kept by government authorities. It has been included since FY 1999.
- **Firearms Trace Data Disclaimer.** A requirement that any trace data released must include a disclaimer stating such trace data cannot be used to draw broad conclusion about firearms-related crime. This provision has been included since FY 2005.
- **Firearms Parts Export to Canada.** A prohibition on the use of funds to require an export license for small firearms parts valued at less than \$500 for export to Canada. This provision removed an unnecessary and burdensome requirement on U.S. gun manufacturers that was imposed under the Clinton Administration. It has been included since FY 2006.
- **Importation of Curios and Relics.** A prohibition on the use of funds to arbitrarily deny importation of qualifying curio and relic firearms. This provision insures that collectible firearms that meet all legal requirements for importation into the United States are not prevented from import by Executive Branch fiat. This provision has been included since FY 2006.

Once again, these are non-controversial protective measures that have long had the support of members of both parties. Had a vote taken place, they most certainly would have been included in the Senate bill. Once again, we urge the House and Senate Appropriations Committees, particularly those who will serve on the upcoming Conference Committee on H.R. 2112, to work to ensure that the language making these protections permanent are included in the Conference Report.

Thank you for your attention regarding this matter.

Sincerely,

Orin Hatch

Pat McClellan

James Inhofe

Kelly A. Ayotte

Mark Begich

Tom Coburn

Joni DeMint

Olympia Snowe

Michael B. Enzi

Ron Johnson

Li Zeng

James M. Udall

Dean Heller

Mike Johanns

Rob Portman

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John Barrasso

John Thune

Lloyd Winter

Pat Roberts

John Boozman

Wainwright

Jan Totten  
Max Baucus

Sayby Claiborne

Chuck Hagel

McK

Lee Hefner

Jim Vitter  
Jeff Merkley