

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
One Hundred Tenth Congress

June 12, 2007

The Honorable Jerry Lewis
Ranking Member
Committee on Appropriations
1016 Longworth HOB

Dear Ranking Member Lewis,

We understand that on June 18, 2007, the Appropriations Committee will mark up the Commerce, Justice, Science appropriations bill, to which Representative Tiahrt will offer an amendment to continue confidential treatment of firearms trace data. The Tiahrt provision has been included in prior appropriations bills back to 2003, and we strongly support its inclusion once again.

The Tiahrt amendment ensures that firearm trace data is made available only to federal, state, and local agencies "in connection with and for use in a bona fide criminal investigation or prosecution" or for use in administrative actions by Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) – which is, of course, the principal agency responsible for overseeing the conduct of federally licensed firearms dealers. Congress always intended to keep this information confidential, and to allow its use only for legitimate law enforcement purposes.

The Department of Justice (DOJ) and the Fraternal Order of Police (FOP) have consistently supported the Tiahrt amendment because the non-disclosure protection "will better serve the more than 17,000 Federal, State, local and international law enforcement agencies that request firearms traces from the Bureau of Alcohol, Tobacco, Firearms, and Explosives."¹ DOJ explained that the amendment would "confirm that law enforcement or prosecution agencies that receive trace data information for a *bona fide* criminal investigation or prosecution may share or exchange that information with other law enforcement or prosecution agencies in connection with such investigations or prosecutions... and confirm that ATF may provide to law enforcement agencies firearms trace analyses for use in such law enforcement activities as identifying trafficking patterns and allocating resources."² The FOP has expressed strong support for this provision out of concern for the safety of law enforcement officers and the integrity of law enforcement investigations.

Firearms trace data is critically important information developed by ATF to assist state and local law enforcement in investigating and solving violent crimes. This data tracks the transfer of a firearm from the manufacturer to the gun's first purchaser, and can assist law enforcement in ultimately pinpointing the individual who used the gun to commit a particular crime.

For example, during the investigation of the recent Virginia Tech incident, ATF provided the Virginia State Police (VSP) with trace information that allowed the VSP to determine where and from whom Cho Seung-Hui purchased the two handguns he used in the shootings. Firearms trace information was also

¹ DOJ letter dated July 26, 2006.

² *Id.*

used to solve a theft of 22 firearms from a security service in Atlanta that were subsequently purchased by an undercover police officer on the streets of New York.

ATF considers this information law-enforcement-sensitive because it is often the first investigative lead in a case. Disclosure outside of law enforcement can tip off criminals to the investigation, compromise cases and endanger the lives of undercover officers, witnesses and confidential sources.

Congress has recognized ATF's crucial role in that investigative process and has protected ATF's ability to share that sensitive data with law enforcement, while avoiding the risks that wider disclosure would entail.

We urge you to support the Tiahrt amendment and retain the confidentiality necessary for law enforcement to investigate and prosecute serious criminal activity.



Lamar Smith
Ranking Member
House Judiciary Committee

Sincerely,



J. Randy Forbes
Ranking Member
Subcommittee on Crime, Terrorism, and
Homeland Security

cc: C.W. Bill Young
Ralph Regula
Harold Rogers
James T. Walsh
David L. Hobson
Joe Knollenberg
Jack Kingston
Rodney P. Frelinghuysen
Roger F. Wicker
Todd Tiahrt
Zach Wamp
Tom Latham
Robert Aderholt
Jo Anne Emerson
Kay Granger
John E. Peterson
Virgil H. Goode, Jr.
Ray LaHood
Dave Weldon
Michael K. Simpson
John Abney Culberson
Ander Crenshaw
Dennis R. Rehberg
John Carter
Rodney Alexander