

PAUL A. GOSAR, D.D.S.
FOURTH DISTRICT, ARIZONA

504 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-2315

122 N. CORTEZ STREET, SUITE #104
PRESCOTT, AZ 86301
(928) 445-1683

6499 SOUTH KINGS RANCH ROAD, SUITE 4
GOLD CANYON, AZ 85118
(480) 882-2697

220 N. 4TH STREET
KINGMAN, AZ 86401
(928) 445-1683

ONE CITY PLAZA, SUITE #161
YUMA, AZ 85364
(480) 882-2697

WWW.GOSAR.HOUSE.GOV



Congress of the United States
House of Representatives
Washington, DC 20515-0301

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March 23, 2016

The Honorable John Culberson
Chairman
Committee on Appropriations
Subcommittee on Commerce
Justice, Science, and Related Agencies
U.S. House of Representatives
H-310, The Capitol
Washington, DC 20515

The Honorable Mike Honda
Acting Ranking Member
Committee on Appropriations
Subcommittee on Commerce
Justice, Science, and Related Agencies
U.S. House of Representatives
1016 Longworth HOB
Washington, DC 20515

Dear Chairman Culberson and Ranking Member Honda:

As you begin work on the fiscal year (FY) 2017 Commerce, Justice, Science, and Related Agencies (CJS) bill, we urge you to include language that would allow Federal Firearms Licensees (FFLs) to maintain acquisition and disposition (A&D) records electronically.

As you may know, current law is ambiguous regarding the permissibility of maintaining A&D records electronically. Instead of codifying this decision into law, Congress delegated this authority to the Attorney General, who in turn delegated it to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Under this authority, ATF has created a variance system that allows FFLs to apply for permission to store their records electronically on a case-by-case basis. This system is backwards. In the 21st century, digital record keeping should be standard, not secondary. Even ATF has stated that electronic records are *superior* to physical records:

“ATF understands that using computers to record and maintain firearms acquisition and disposition records saves time and money in bookkeeping and auditing expenses. Most businesses computerize inventory, sales, customer lists, and other business records. This allows companies to automate inventories, using technology such as bar codes or radio frequency identification (RFID) chips. Furthermore, this technology may facilitate better accountability of inventory, and reduce the potential for accounting errors. Computerized records also facilitate tracing and tracking of firearms through licensee inventories, thus reducing time spent by ATF officials examining records during the inspection process. Additionally, the search capability of electronically stored records makes it easier and faster for licensees to locate specific records and respond to ATF trace requests. Therefore, ATF finds that there is good cause to authorize a variance from the firearms acquisition and disposition recordkeeping requirements of the Federal firearms regulations.”

I have also heard from FFLs in my district that the current record keeping requirement is a large burden to their businesses. One such business owner informed me that he has to go so far as to rent warehouse space just to store the massive number of A&D records that he is required to keep for a minimum of 20 years. Given that both industry and government experts agree that digital records are superior, it makes sense to make them explicitly allowed under law. Accordingly, we ask that you include language similar to the following:

SEC. ____ . Section 923(g)(1)(A) of title 18, United States Code, is amended in the 1st sentence by inserting “, which shall permit the records to be kept in digital or electronic form” before the period.

I thank you for your consideration of this request, and for your leadership on the committee.

Sincerely,

A handwritten signature in blue ink that reads "Paul A. Gosar, D.D.S." The signature is stylized and includes the letters "D.D.S." at the end.

Paul A. Gosar, D.D.S
Member of Congress