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ONE HUNDRED THIRTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

February 22, 2013

The Honorable Eric Holder, Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue  
Washington, DC 20530-0001

Dear General Holder:

As the nation continues to heal its wounds following the senseless tragedy that occurred in Newtown, CT, it is important that we examine the numerous federal laws dealing with the purchase and possession of firearms.

Part of the decision making process as to whether additional laws are necessary to combat future violence is whether the existing federal firearms laws are being enforced. It is imprudent to simply call for more laws without examining the efficacy of the current laws.

Currently, federal law requires criminal history background checks by the Federal Bureau of Investigation (FBI) through the National Instant Criminal Background Check System (NICS) and state agencies on persons who attempt to purchase a firearm from a licensed dealer. An Alcohol, Tobacco, Firearms, and Explosives (ATF) Form 4473 must be filled out and submitted by any purchaser of a firearm from a federally licensed firearms dealer so that an instant background check may be run on the purchaser. Providing false information on Form 4473 is a violation of federal law. The form requires the purchaser to state whether or not he is the true purchaser of the firearm.

To assist in the Committee's understanding of the effectiveness of the current laws and the United States Attorneys utilization of these laws, please provide the Committee the following information by March 8, 2013. When providing the information, please compile it on a per year basis between 2001 and 2012. Additionally, where possible, break out the data from each of the 93 U.S. Attorneys' offices on a per year basis.

- 1.) How many individuals were denied the right to purchase a firearm due to NICS records of prohibiting factors?
- 2.) How many denials were referred for investigation by law enforcement?

3.) Out of those denied the right to purchase a firearm, how many were referred for prosecution for providing false information on a Form 4473? How many were actually prosecuted? How many of the prosecutions resulted in a conviction?

4.) For the following offenses, please indicate how many cases were referred for prosecution, how many were actually prosecuted and how many of the prosecutions resulted in a conviction.

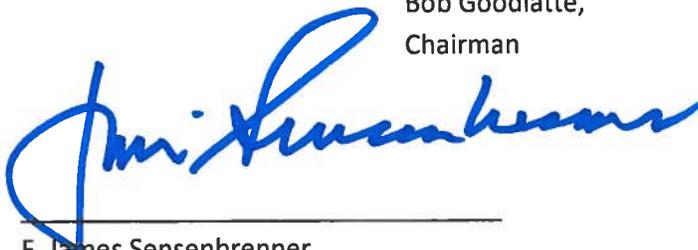
- a.) 18 USC 922(a)(1)(A)
- b.) 18 USC 922(a)(2)
- c.) 18 USC 922(a)(6)
- d.) 18 USC 922(b)(2)
- e.) 18 USC 922(d)(1)
- f.) 18 USC 922(d)(3)
- g.) 18 USC 922(d)(5)(A)
- h.) 18 USC 922(d)(8)
- i.) 18 USC 922(d)(9)
- j.) 18 USC 922(g)(4)
- k.) 18 USC 922(g)(5)(A)
- l.) 18 USC 922(g)(5)(B)
- m.) 18 USC 922(g)(6)
- n.) 18 USC 922(g)(8)
- o.) 18 USC 922(g)(9)
- p.) 18 USC 922(q)(2)(A)
- q.) 18 USC 924(h)
- r.) 18 USC 924(j)

Thank you for your attention and cooperation regarding this important matter. We look forward to working with your office in order to obtain the requested information. Should you have any questions or would like to schedule a briefing, please contact Jason Cervenak, Senior Counsel for the Committee on the Judiciary at 202.225.3951.

Sincerely,



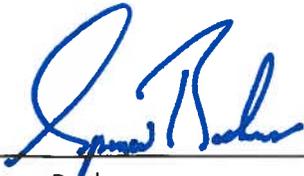
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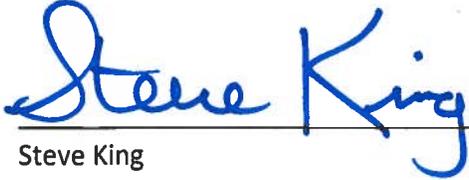
Howard Coble



Spencer Bachus



J. Randy Forbes



Steve King



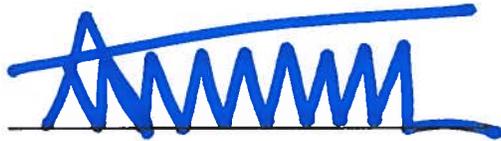
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Louie Gohmert



Jim Jordan



Ted Poe



Jason Chaffetz



Tom Marino



Trey Gowdy



Mark Amodei



Raúl Labrador



Blake Farenthold



George Holding



Ron DeSantis



Keith Rothfus

Steve Chabot

Doug Collins

Darrell Issa

Lamar Smith

cc: John Conyers, Ranking Member  
Bobby Scott, Ranking Member, Subcommittee on Crime, Terrorism, Homeland Security and  
Investigations