



## Representative Eric Croft Sponsor Statement

### **HJR 9**

#### **Preventing the Unlawful Retention of Gun Owner Records**

When the United State Congress passed the Brady Bill in 1993 to establish a system to keep firearms out of the hands of criminals, it was clear that this system was not to be used by government as a way to monitor legitimate firearm ownership by law-abiding Americans.

The Brady Bill established the “national instant criminal background check system” to check criminal backgrounds during firearm purchases. In order to ensure that non-criminal records were not retained, language was included that directly addressed this fundamental issue. Under the section referring to lawful firearm purchases, the code clearly states the intent to “destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.”<sup>1</sup>

The problem arose when the Administration gave this clear statutory language a novel interpretation. Final regulations purporting to implement the Brady Bill state that all information regarding legitimate firearm purchases would be retained for “audit” purposes and “will be destroyed after not more than six months after the transfer is allowed.”<sup>2</sup>

By extending the holding of non-criminal records for up to one hundred and eighty days, the Administration has violated both the spirit and letter of the original Brady Bill.

HJR 9 urges the President of the United States and the Congress to prevent federal agencies from using the Brady Bill Act as a vehicle to unlawfully collect data about legitimate firearm owners. HJR 9 also requests that necessary statutory changes be implemented to ensure this does not occur again in the future.

The sponsor and co-sponsors of HJR 9 respectfully ask you to join us in seeing that this message is clearly heard at our nation’s capitol.

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<sup>1</sup> 18 USC Sec. 922 (t)(2)(c)

<sup>2</sup> 28 CFR Sec. 25.9 (a) (1)