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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025
<http://appropriations.senate.gov>

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January 6, 2016

The Honorable Loretta E. Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20535-0001

Dear Attorney General Lynch:

I write with regard to President Obama's planned executive actions affecting American citizens' Second Amendment rights. Throughout my tenure in Congress, I have worked tirelessly with multiple Administrations to improve the enforcement and implementation of existing firearm laws. While I am open to examining any and all proposals to keep Americans safe from harm, I have grave concerns that the new rules that the President has put forward will unnecessarily restrict the Second Amendment rights of law-abiding citizens, while having no direct impact on reducing gun violence.

On January 5, 2016, President Obama defended his constitutionally questionable executive fiat with claims that Congress has forced his hand due to their failure to address gun control legislation. I would like to bring to your attention several provisions within the Fiscal Year (FY) 2016 Commerce, Justice, and Science spending bill, which I authored, that do just that.

Funding for the Department of Justice, under the direction of my Appropriations subcommittee, already targets funding to support the Department's efforts to improve agency operations to better enforce existing gun measures. Specifically, the bill provides \$163 million in funding for Federal Bureau of Investigations (FBI) operations above the fiscal year 2015 level – \$75 million more than what President Obama requested – with specific direction to continue making substantial technical and operational improvements to the National Instant Criminal Background Check System (NICS).

The bill also provides additional resources for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), with direction to make improvements to the National Integrated Ballistics Information Network (NIBIN). This funding will enable the ATF to continue to collect, report, and share ballistic intelligence with Federal, State, local and tribal law enforcement partners to identify, target, and disrupt violent criminals, including serial shooters. These funds will support work with State and local law enforcement agencies and laboratories to collect ballistic information to provide leads to investigators and enable successful prosecutions.

In each of these cases, the Committee's recommendation supports the Department's ability to enforce existing firearms laws, perform regulatory oversight, and provide training to support our local law enforcement officials. Under no circumstances does the bill expand firearms regulations, nor does it grant the President the authority to unilaterally change the law. President Obama has yet to describe precisely how these proposals are expected to actually reduce gun-related crime or prevent mass-shootings, such as the recent tragedy that occurred in San Bernardino, California. The tangible outcomes of these broad restrictions are simply unknown and ill-defined.

In 26 days my subcommittee will receive a spending plan from your Department detailing how funding will be allocated in FY2016. Soon after, the President will present his FY2017 budget request. While I expect to review the Department's request for future programs and funding, I also expect that your plan to execute the funding Congress provided for FY2016 will be consistent with the enacted law – not the whims of the President or his Administration. America has had quite enough of executive overreach.

If the President and you can clearly demonstrate that his new executive actions will, in fact, aid in the protection of the American people in a manner that respects our constitutionally protected Second Amendment rights, I promise to give full consideration to these facts and proposals in the FY2017 appropriations process. Let me be clear: I will not sit idly by and allow the Department to implement unlawful, unconstitutional actions.

In order to have a more direct dialogue, I request your presence at a hearing I have scheduled for the Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies on Thursday, January 28, 2016, at 10:30 a.m. The purpose of this hearing is to discuss the President's firearms proposals and any potential infringement on law abiding Americans' Second Amendment Rights.

I also invite you to testify at a hearing before the Subcommittee regarding the Department of Justice's FY2017 budget request on February 25, 2016, at 10:30 a.m. In addition to discussing the Department's budget request, I also expect to follow up with you on any remaining questions with regard to the President's proposed firearm restrictions. The Subcommittee looks forward to your participation in these hearings.

Sincerely,

A handwritten signature in blue ink that reads "Richard Shelby". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Richard C. Shelby
Chairman
Senate Subcommittee on Commerce,
Justice, Science and Related Agencies