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# ATF's Illegal Gun Registry 101

## ATF's Firearm Record Database is a Registry that Violates Multiple Federal Statutes

- Despite being prohibited by law from maintaining a registry of guns, gun owners, and firearm transactions, ATF<sup>1</sup> maintains nearly a billion such records and the Biden Administration is encouraging dealers to supply even more.<sup>2</sup>
- Despite being prohibited from centralizing or consolidating records,<sup>3</sup> ATF admits to consolidating records required to be kept by Federal Firearms Licensees (FFLs) into a “centrally managed” database.<sup>4</sup>
- Despite being prohibited from electronically retrieving information from these records by name or other personal identifiers,<sup>5</sup> ATF asks FFLs to turn in searchable records or convert paper records it receives into a searchable format.<sup>6</sup> ATF is capable of searching through these records in nearly every way except by name,<sup>7</sup> and this is only because the feature has been voluntarily switched off—not because ATF lacks the technological capability.<sup>8</sup>

## Current Source of Registry Records, Alleged Purpose, and ATF's Illegal Registry Expansion

- At present, ATF's near-billion record registry is only a partial national gun registry. By regulation it only necessarily contains the last 20 years of records from the date when a Federal Firearms Licensee discontinues its business license.<sup>9</sup> What was the purpose of this regulation? To conduct record searches in the investigation of violent crimes. However, ATF has been unable to even prove the efficacy of maintaining these records insofar as helping solve or prosecute any violent crimes.<sup>10</sup>
- Alarmingly, ATF has also “strongly recommended,” urged, and permitted active FFLs to turn over current records even before they go out of business, in violation of appropriations restrictions.<sup>11</sup> ATF deceived Rep. Michael Cloud and 51 additional Members of Congress about the ongoing violation and is engaged in a coverup to quietly comply with the statute.<sup>12</sup>

## Biden to Expand the Partial Billion-Record Gun Registry into a Complete Gun Registry

- On top of the current abuses, the Biden Administration is seeking to turn this partial registry into a complete and total national gun registry of every firearm sold since August 24th, 2002.<sup>13</sup> This rule must not be allowed to go into effect, and its promulgation must be reversed by Congress.

## It is the Duty of Congress to Destroy this Illegal, Centralized, Searchable Gun Registry

- **Despite clear law prohibiting this activity, ATF has been compiling digital records of FFL transactions for years, and today they have nearly a billion records in searchable format.**<sup>14</sup> This illegal registry, which infringes on the Second Amendment, must be destroyed and the destruction of these records promptly certified to Congress. For good measure, the statute abused by ATF to justify compiling these records should be struck from the U.S. Code.
- Without action by Congress, this illegal ATF registry could be used for mass gun confiscation, by this government or potentially one day even by this nation's enemies.



## Sources

1. 18 U.S.C. 926(a)(3).
2. Letter from Daniel L. Board Jr., Assistant Director of Government Affairs for ATF to Rep. Michael Cloud and 51 Other Members of Congress Concerning ATF's Gun Registry. 2021.
3. Public Law 112-55.
4. Johnston. ATF's Illegal Gun Owner Registry. 17-20.
5. Public Law 112-55.
6. Johnston. ATF's Illegal Gun Owner Registry. 12-13.
7. Ibid. 15.
8. Ibid. 13.
9. 27 C.F.R. 478.129.
10. Ibid. 7.
11. Johnston. ATF's Illegal Gun Owner Registry. 24.
12. Ibid. 24-25.
13. Ibid. 25-26.
14. Letter from Daniel L. Board Jr., Assistant Director of Government Affairs for ATF to Rep. Michael Cloud and 51 Other Members of Congress Concerning ATF's Gun Registry. 2021.