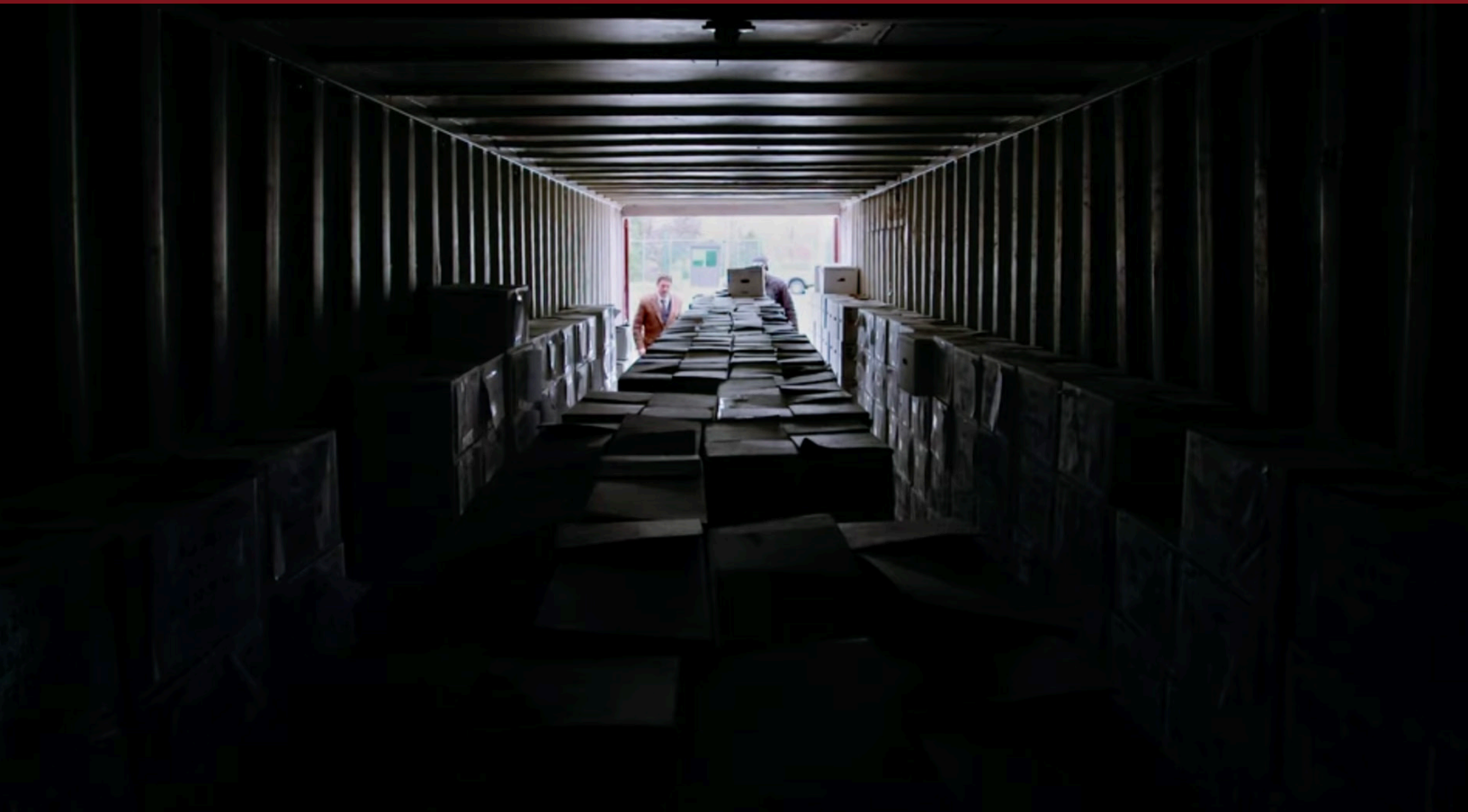


ATF'S ILLEGAL GUN OWNER REGISTRY

by Aidan Johnston | May 2022



GOATM
GUN OWNERS OF AMERICA

May 2022

By Aidan Johnston
Gun Owners of America

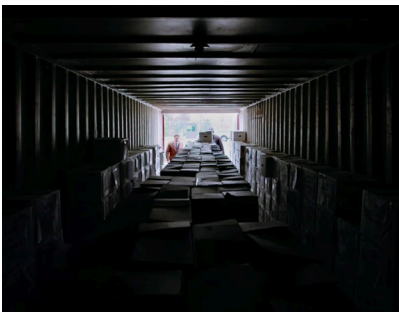


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ATF'S ILLEGAL GUN OWNER REGISTRY

by Aidan Johnston, Director of Federal Affairs

INTRODUCTION

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is maintaining a digital, searchable, centralized registry of guns and gun owners in violation of various federal prohibitions, as revealed by an ATF response to a *Freedom of Information Act* (FOIA) request by Gun Owners of America (GOA). In November of 2021, an internal ATF memo leaked by Gun Owners of America revealed that ATF had processed and digitized over 50,000,000 “out of business” records of gun dealers in FY 2021.¹ This report was picked up by major pundits and news outlets including Fox News’ Tucker Carlson² and the Blaze.³

This revelation prompted Representative Michael Cloud and 51 other members of the U.S. House of Representatives to send a letter⁴ to ATF asking more questions and demanding accountability.⁵ In response to that letter, ATF revealed to Congress that it currently maintains a database of 920,664,765 such records, of which 865,787,086 are in a digitized format as of November 2021.⁶ Unsurprisingly, ATF denied that this vast database constitutes a gun registry, which is explicitly prohibited by federal law.

Nevertheless, the revelation that ATF maintains nearly

a billion records containing private gun owner information (such as names, addresses, and social security numbers) as well as firearm information (such as make, model, and serial number) understandably shook the Second Amendment community.

Shortly thereafter, the anti-gun left sprung into damage control mode. As the report that ATF is maintaining nearly a billion gun owner records gained traction on social media, Facebook and *USA Today* teamed up to censor Gun Owners of America and the *Free Beacon*, where the story was first published.⁷ Relying on a statement by a public affairs officer within ATF, who promised *USA Today* that “ATF does not maintain a federal gun registry,”⁸ *USA Today* claimed any evidence to the contrary must be bad information – apparently on the theory that the federal government can always be trusted to tell the truth.

But when GOA scrutinized and refuted *USA Today*’s so-called “Fact Check,” which labeled GOA’s claim of a partial national gun registry as “missing context,” GOA found eleven false statements and eight statements that were themselves “missing context.”⁹

As this report details, contrary to the machinations

1 Kredo. [Biden Admin Amassing Millions of Records on US Gun Owners Amid New Crackdown on Firearms](#). 2021.

2 [“This is how a gun registry begins – Biden’s ATF Creating a Registry Through FFLs”](#) YouTube. Uploaded by Gun Owners of America. 2021.

3 Shiver. [Report: Biden admin stockpiling millions of records on US gun owners; some fear it could be the precursor to a federal database](#). 2021.

4 [Letter from Rep. Michael Cloud and 51 Other Members of Congress to ATF Acting Director Marvin Richardson](#). 2021.

5 Keene. [Republicans warn ATF taking ‘giant leap toward a federal firearm registry’](#). 2021.

6 [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.

7 Kredo. [Biden Admin Has Records on Nearly One Billion Gun Sales](#). 2022.

8 Funke. [Fact check: Claim that ATF has ‘gun registry’ with 1 billion records is missing context](#). 2022.

9 Johnston. [Facebook Censors ATF’s Gun Registry With Error-Laden USA Today “Fact Check”](#). 2022.

of the anti-gun Left, the ATF is in fact maintaining a centrally managed, digital, and searchable national gun registry, in violation of several congressional appropriations restrictions; not to mention the explicit prohibition on such registry contained in the *Firearms Owners' Protection Act* (FOPA). The goal of this report is to dispel false notions about the capabilities of this gun registry, and to highlight the obvious threat posed to the constitutionally protected right of the people to keep and bear arms by this vast government database.

Indeed, history has shown gun registration leads to gun confiscation.¹⁰ In fact, 51% of voters recognize this!¹¹ In that poll, 58% of unaffiliated voters, and even 40% of Democrats, think that “if the federal government had a list of gun owners in the United States, it is likely that the government would eventually confiscate all guns.” With that reality in mind, it is evident the only way to protect the Second Amendment is to ensure that the ATF's near-billion record gun registry is destroyed, and that the destruction is certified before Congress, in addition to ensuring that the Biden Administration's impending expansion of this registry is halted. The right of the people to keep and bear arms shall not be infringed!

10 “[How Gun Control Is Responsible for Genocide](#)” *YouTube*, uploaded by Gun Owners of America. 2022.

11 Rasmussen Reports. [Gun Owners Oppose Federal Tracking, Fear Confiscation](#). 2021.

ATF'S OUT-OF-BUSINESS RECORDS EXPLAINED

STATUTES, AUTHORITIES, AND RESTRICTIONS ON ATF RECORDKEEPING AUTHORITY

This report details how ATF is maintaining an illegal, searchable, and centralized registry of guns and gun owners. In order to understand how ATF's actions have violated the law, one must first have a working knowledge of the relevant statutes, authorities, and restrictions set in place by Congress throughout the years.

RELATED STATUTES

ATF Recordkeeping Authority

Title 18 U.S.C. 923(g)(1)(A) gives the Attorney General authority to determine what types of records a dealer must keep:

Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, sale, or other disposition of firearms at his place of business for such period, and in such form, as the Attorney General may by regulations prescribe.

ATF has taken this delegation as a broad grant of authority to mandate that what it terms "Firearms Transaction Records" be kept by dealers, complete with personal gun owner information like name, address, and social security number and personal gun information like make, model, and serial number. Since the ATF has used its regulatory authority to mandate that these types of records must be kept,¹² it also has interpreted its authority to receive and maintain these records.¹³

ATF Authority to Access Records is Generally Limited to Criminal Investigations

Regardless of what sorts of records ATF may mandate be kept by dealers and what sorts of records ATF can collect and house, federal law generally restricts the agency's access to these records, for all but certain lim-

ited purposes.¹⁴

Indeed, the statute allows ATF to access dealer records (whether held by the dealer or ATF) only for certain specific, limited purposes, including (1) with a warrant, (2) without a warrant during a criminal investigation of someone "other than the licensee," (3) without a warrant during an administrative compliance inspection of a licensee no more often than once every twelve months, or (4) without a warrant in connection with "determining the disposition of one or more particular firearms" during a *bona fide* or good faith criminal investigation.¹⁵ The statute also (5) requires that licensees send the government reports of sales of multiple handguns within a five-business-day period.¹⁶

Aside from these limited, enumerated exceptions, the government is flatly prohibited from accessing records of gun sales. Moreover, even when those records are transferred from an out-of-business dealer to the ATF, the general prohibition on accessing or using those records still applies. Likewise, the exceptions under which ATF is permitted to access those records are still the same (aside from administrative inspections to ensure dealer compliance with the law, which no longer applies).

ATF is Unable to Prove Firearm Traces Help Solve Crimes

Although ATF ostensibly maintains and accesses dealer records of gun sales pursuant to its limited statutory authority to trace crime guns in connection with a criminal investigation, ATF has been entirely unable to offer any proof that this work is efficacious in solving crimes, outside of repeating unsubstantiated platitudes.

For example, ATF routinely parrots that the ability to trace crime guns "is a valuable crime gun intelligence tool"¹⁷ which "provides critical information to assist domestic and international law enforcement agencies investigate and solve firearms crimes."¹⁸ Speaking specifically about out-of-business records, ATF boldly

12 18 U.S.C. 923(g)(1)(A).

13 18 U.S.C. 923(g)(4).

14 18 U.S.C. 923(g)(1)(A).

15 18 U.S.C. 923(g)(A)-(B).

16 18 U.S.C. 923(g)(3).

17 [Letter from Rep. Michael Cloud and 51 Other Members of Congress to ATF Acting Director Marvin Richardson](#), 2021.

18 [Bureau of Alcohol, Tobacco, Firearms, and Explosives National Tracing Center Website](#).

promotes on its website that “[t]hese records have proved pivotal in other criminal investigations.”¹⁹

In response to such vague assertions, 52 Members of the U.S. House of Representatives asked the bureau:

How many firearm traces using these records were essential to the successful prosecution of a violent criminal in the last three years? In the case of each successful prosecution of a violent criminal, in what year was the essential firearm transfer record completed?²⁰

In response, ATF offered no substantiating evidence. In fact, ATF's response to Congress was quite the opposite, stating that the National Tracing Center (NTC):

has no ability to determine the successful prosecution of hundreds of thousands of crime gun traces it completes annually, nor does it have any way to link a trace for a specific prosecution for a particular year.²¹

In other words, although ATF ostensibly maintains out-of-business records in a gun registry for law enforcement purposes, ATF can provide no evidence to substantiate that these records are even useful for solving crimes.

This is unsurprising given that, historically, gun registration systems have abysmally failed to help solve crimes.

For example, during the Heller II case, plaintiff Dick Anthony Heller's second major fight to restore his rights from infringement by the District of Columbia, it was revealed that,

the police also aren't using the registration records

¹⁹ *Ibid.*

²⁰ [Letter from Rep. Michael Cloud and 51 Other Members of Congress to ATF Acting Director Marvin Richardson](#). 2021.

²¹ [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.

²² Miller. *MILLER: Dick Heller challenges D.C.'s gun registration, files for summary judgment in Heller II*. 2013.

²³ Lott. *The War on Guns*. 2016. 40.

²⁴ [Submitting Firearms Trace Requests](#). 2017.

²⁵ Bureau of Alcohol, Tobacco, Firearms, and Explosives. [Congressional Budget Submission Fiscal Year 2019](#). 2018. 5.

to solve crimes. “Lt. Shelton cannot recall any specific instance where registration records were used to determine who committed a crime,” except for possession offenses...²²

Similarly, a registry maintained by the government of Honolulu, Hawaii also failed to help solve even a single crime:

Honolulu Police Chief Lee Donohue told a state senate committee in 2000 “that he could not point to any crimes that had been solved by registration, and he estimated that his officers spent over 50,000 hours each year on registering guns.”²³

Indeed, ATF employs 335 employees to search out-of-business records. ATF's National Tracing Center operates 17.5 hours a day²⁴ and according to the latest data, 97.8% of ATF employees are full time.²⁵ So we'll consider that ATF has 327 full time equivalent (FTE) employees who have access to the trace system.

Therefore, GOA estimates that, working full time on firearm trace requests, ATF's 327 FTE employees may be expending as many as 680,160 hours a year (or 13,080 hours a week) tracing firearms—even though ATF is unable to prove the efficacy of its firearms trace system. This means taxpayer dollars fund around 700,000 ATF employee working hours on an illegal national gun registry that could otherwise be allocated to demonstrably efficacious law enforcement tasks and tools.

It would seem, then, that neither these cities' nor ATF's gun registries are primarily useful for law enforcement purposes. Gun registries are, however, incredibly useful at forcing law-abiding citizens to comply with gun control laws.

Prohibition on the Creation of a Registry

While, as noted above, the Attorney General has the authority to prescribe certain rules and regulations to enforce federal gun laws, 18 U.S.C. 926(a)(3) explicitly prohibits the establishment of a registry of guns, gun owners, or firearm transactions and dispositions:

No such rule or regulation prescribed after the date of the enactment of the Firearms Owners' Protection Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established.

Nothing in this section expands or restricts the Secretary's authority to inquire into the disposition of any firearm in the course of a criminal investigation.²⁶

In addition to prohibiting a registry, the statute also bans ATF from creating new rules to gather more gun records for entry into its databases. Therefore, ATF is prohibited both from creating a national gun registry, and from imposing new rules requiring records be transferred to a government facility.

Records Required to be Sent to ATF

Although ATF is prohibited from creating a national gun registry, federal law does permit the ATF to store the firearm transaction records of out-of-business gun dealers, and to use those records for certain specific, limited purposes.

When a federal firearms licensee (FFL) discontinues business operations (and there is no successor), the statute requires the dealer to "deliver" its records to the ATF. 18 U.S.C. 923(g)(4) reads:

Where a firearms or ammunition business is discontinued... the records required to be kept by this chapter shall... be delivered within thirty days

after the business discontinuance to the Attorney General.

Whereas 18 U.S.C. 923(c) mandates that Federal Firearms Licensees maintain their records in a "bound volume," ATF has waived this congressional mandate in favor of digitalization, to allow FFLs to "utilize 'computerized' A&D records in lieu" of the paper records discussed in the statute.²⁷ Therefore, whereas ATF once received and maintained shipping containers full of disorganized boxes of physical, paper records, it now often receives computerized data from dealers, such as on flash drives and disks. In addition, whereas ATF used to store paper records the way they were received, the agency now converts all paper records into computerized data.

As noted above, the statute specifies that out-of-business records must be turned over to the Attorney General. But as explained, it seems unlikely Congress ever imagined (much less intended) that ATF would receive these records in a digitized (and thus easily searchable) form, or that the agency would convert these records into a centralized and searchable database.

RELATED CONGRESSIONAL APPROPRIATIONS Prohibition on Searching Records by Name

In addition to FOPA's prohibition on creation of a national gun registry, ATF is also prohibited from electronically accessing out-of-business records "by name or personal identification code." This prohibition began as an annual appropriations rider in 1997, which was made permanent in 2011 as part of the *Consolidated and Further Continuing Appropriations Act, 2012*:

[t]hat, hereafter, no funds made available by this or any other Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.²⁸

Notably, this prohibition does not prohibit the electronic retrieval of information by any category other than "by name or any personal identification code." Therefore, as detailed below, ATF has gone out of its way to make the records it obtains retrievable by nearly

²⁶ 18 U.S.C. 926(a)(3).

²⁷ [Bureau of Alcohol, Tobacco, Firearms, and Explosives Response to Gun Owners of America Freedom of Information Act Request 2020-0802 Release One](#). 209.

²⁸ [Public Law 112-55](#).

every other category, including by serial number, make, model, and weapon type.

Prohibition on the Centralization or Consolidation of Records

In addition to the prohibitions listed above, ATF is also prohibited from consolidating or centralizing records of the acquisition and disposition of firearms. This prohibition began as an appropriations rider in 1978, and was made permanent in 2011 as part of the *Consolidated and Further Continuing Appropriations Act, 2012*:

[t]hat no funds appropriated herein or hereafter shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees.²⁹

In other words, ATF is not permitted to consolidate or centralize *any portion* of gun sale records it obtains. However, documented throughout ATF's FOIA response to GOA is the admission and evidence of a centralized database of gun and gun owner records, as well as numerous instances where portions of records are consolidated on portable media storage devices and in various smaller databases and servers.

Appropriations for Microfilm and Microfiche Record Management Systems

In addition to the several above prohibitions Congress has imposed on ATF's maintenance and use of records, Congress has also appropriated funds specifically related to ATF's out-of-business recordkeeping as they relate to microfilm and microfiche records, on two occasions.

Congress first appropriated \$650,000 for ATF to "improve information retrieval systems at the National Firearms Tracing Center" or NTC.³⁰ In connection with a later appropriations act,³¹ these funds were used by the Bureau of Alcohol, Tobacco, Firearms, and

Explosives to convert paper records into microfilm and microfiche, as well as to set up a computer system for tracking which records were located on which microfilm or microfiche roll and frame.³²

Appropriations Do Not Supersede Statute

While Congress has seen fit to place restrictions on ATF's ability to create a gun registry through various statutory and appropriations act restrictions, other appropriations have been made for questionable and perhaps unauthorized salaries and expenses—such as the enactment of a computerized microfiche and microfilm system.

It must be noted that congressional appropriations cannot supersede congressional authorization provided in the form of a statute. In other words, while Congress may have earmarked money for a specific cause, an agency does not have blanket authority to ignore an existing statutory prohibition when allocating those funds.

At the time, congressional appropriations also restricted ATF's ability to centralize and consolidate records by statute, ATF was still prohibited from creating a registry of guns and gun owners. Therefore, at most ATF was appropriated funds to "improve information retrieval systems"³³ while not "consolidating or centralizing... records, or any portion thereof."

Conference Report Earmarks for Digital Record Conversion

Congressional appropriations act conference reports have specifically discussed ATF's out-of-business recordkeeping, as it relates to the agency's conversion of records to digital images, on two occasions.

In the 108th Congress, conferees earmarked \$4.2 million of funding for "converting tens of thousands of existing records of out-of-business Federal firearms dealers from film to digital images at the National Firearms Tracing Center."³⁴ Again, in the 109th Congress a second committee report also designated further funding

29 [Ibid.](#)

30 [Public Law 102-141.](#)

31 [Public Law 103-329.](#)

32 Government Accountability Office. [Federal Firearms Licensee Data – ATF's Compliance with Statutory Restrictions.](#) 1996.

33 [Public Law 102-141.](#)

34 [H. Rept. 108-792.](#)

for ATF to “continue the conversion and integration of records.”³⁵ do not.

Conference Report Earmarks Do Not Supersede Statute

Lacking even more in authority than a congressional appropriations bill, congressional conference report language cannot supersede congressional authorization provided in the form of a statute.

In other words, contemporaneous congressional appropriations restrictions prohibiting ATF from “consolidating or centralizing” records or searching for information “by name” still have the force of law. Therefore, at most, ATF was appropriated funding to convert paper and/or microfiche records into “digital images” but without “consolidating or centralizing” those records, or searching those records by name. By statute, ATF was still prohibited from creating a registry of guns and gun owners.

ATF Exploits One Statute to Undermine Another

In disregard of the statutory limitations on its authority, ATF has justified the creation of a national gun registry by stringing together and misinterpreting the scope of its statutory authority. In obvious disregard for the prohibition on maintaining a centralized database of firearms and gun owners, ATF now digitizes *all* dealer out of business records, and formats them all into a single, centralized, searchable database known as the Out of Business Record Imaging System or OBRIS. If this sounds like a registry, that’s because it is.

Moreover, while Congressional appropriations restrictions ostensibly limit ATF’s ability to electronically retrieve records by name and to centralize or consolidate records, ATF’s database is searchable by nearly every data point except by name and ATF openly admits that its program is centrally managed.

WHAT RECORDS IS ATF KEEPING?

ATF requires a variety of documents be maintained by firearm dealers, and to be delivered to ATF upon discontinuance of a Federal Firearms Licensee’s business, the latter known as “out-of-business records.” Some of these forms contain personal gun, gun owner, and firearm transaction information, while other records

ATF’s Out of Business record registry includes the following records:³⁶

- Original Federal firearms license
- Acquisition / Disposition (A&D) Records (a “bound book” listing acquisitions and dispositions)*
- ATF Forms 4473 – Firearms Transaction Records*
- ATF Forms 3310.4 – Report of Multiple Sales or Other Disposition of Pistols and Revolvers*
- ATF Forms 3310.12 – Report of Multiple Sales or Other Disposition of Certain Rifles*
- ATF Forms 3310.11 – Federal Firearms Licensee Theft / Loss Report
- Law Enforcement Certification Letters

* *Indicates that a record contains personal gun, gun owner, and firearm transaction information.*

35 [H. Rept. 109-272.](#)

36 [Bureau of Alcohol, Tobacco, Firearms, and Explosives Response to Gun Owners of America Freedom of Information Act Request 2020-0802 Release One.](#) 14.

EXAMPLE FIREARMS TRANSACTION RECORD / FORM 4473

PAGES WITH PERSONAL DATA

OMB No. 1140-0020

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Firearms Transaction Record

WARNING: The information you provide will be used to determine whether you are prohibited by Federal or State law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. 921 et. seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine. Any person who exports a firearm without a proper authorization from either the Department of Commerce or the Department of State, as applicable, is subject to a fine of not more than \$1,000,000 and up to 20 years imprisonment.

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at the licensed premises (including business temporarily conducted from a qualifying gun show or event in the same State in which the premises is located) unless the transaction qualifies under 18 U.S.C. 922(c). **All entries must be handwritten in ink unless completed under ATF Rul. 2016-2.** PLEASE PRINT.

Transferor's/Seller's
Transaction Serial
Number (if any)

Section A - Must Be Completed By Transferor/Seller Before Transferee/Buyer Completes Section B

1. Manufacturer and Importer (if any) (If the manufacturer and importer are different, include both.)	2. Model (if designated)	3. Serial Number	4. Type	5. Caliber or Gauge
1.				
2.				
3.				

6. Total Number of Firearms to be Transferred (Please spell total number e.g., one, two, etc. Do not use numerals.)	7. Check if any part of this transaction is a pawn redemption. <input type="checkbox"/> Record Line Number(s) From Question 1:
	8. Check if this transaction is to facilitate a private party transfer. <input type="checkbox"/>

Section B - Must Be Completed Personally By Transferee/Buyer

9. Transferee's/Buyer's Full Name (If legal name contains an initial only, record the initial followed by "IO" in quotes. If no middle initial or name, record "NMN")

Last Name (including suffix, e.g., Jr, Sr, II, III)	First Name	Middle Name
---	------------	-------------

10. Current State of Residence and Address (U.S. postal abbreviations are acceptable. Cannot be a post office box.)

Number and Street Address	City	State	ZIP Code	County/Parish/Borough
---------------------------	------	-------	----------	-----------------------

11. Place of Birth U.S. City and State	-OR-	Foreign Country	12. Height Ft. _____ In. _____	13. Weight (lbs.)	14. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Non-Binary	15. Birth Date Month _____ Day _____ Year _____
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16. Social Security Number (optional, but will help prevent misidentification)	17. Unique Personal Identification Number (UPIN) or Appeals Management Database Identification (AMD ID) (if applicable)
--	---

18a. Ethnicity <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	18b. Race (Select one or more race in 18.b. Both 18.a. and 18.b. must be answered.)		
	<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Black or African American	<input type="checkbox"/> White
	<input type="checkbox"/> Asian	<input type="checkbox"/> Native Hawaiian or Other Pacific Islander	

19. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.)

United States of America (U.S.A.) Other Country/Countries (Specify):

20. If you are an alien, record your U.S.-issued alien or admission number (AR#, USCIS#, or I94#):

21. Answer the following questions by checking or marking either the "yes" or "no" box to the right of the questions:	Yes	No
a. Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are only picking up a repaired firearm(s) for another person, you are not required to answer 21.a. and may proceed to question 21.b.	<input type="checkbox"/>	<input type="checkbox"/>
b. Are you under indictment or information in any court for a felony , or any other crime for which the judge could imprison you for more than one year, or are you a current member of the military who has been charged with violation(s) of the Uniform Code of Military Justice and whose charge(s) have been referred to a general court-martial?	<input type="checkbox"/>	<input type="checkbox"/>
c. Have you ever been convicted in any court, including a military court, of a felony , or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation?	<input type="checkbox"/>	<input type="checkbox"/>
d. Are you a fugitive from justice?	<input type="checkbox"/>	<input type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.	<input type="checkbox"/>	<input type="checkbox"/>

Previous Editions Are Obsolete

STAPLE IF PAGES BECOME SEPARATED

ATF Form 4473 (5300.9)
Revised May 2020

Figure 1. Note required sensitive information in Section A Boxes 1-5, Section B Boxes 9-20

ILLEGAL ATF GUN REGISTRY EXPLAINED

Nearly four decades after the *Firearms Owners' Protection Act* first prohibited a national gun registry, and many millions of dollars in taxpayer funding later, ATF has reached a point where it has converted nearly one billion records (required to be kept by FFLs) into a single, centralized, and searchable national gun registry, that is routinely searched by multiple data fields (except, reportedly, by gun owner name). While ATF and others maintain this does not constitute a gun registry, and that all relevant statutes and restrictions are being adhered to, the information referenced in this section, revealed in a FOIA response by ATF to Gun Owners of America, proves otherwise.

SEARCHABILITY AND ACCESSIBILITY OF OUT-OF-BUSINESS RECORDS

Illegal Searchability and Accessibility of Records Summarized

Everyone from Members of Congress³⁷ to Big Tech³⁸ have berated Gun Owners of America for reporting that ATF's database of gun owner records is searchable. But the registry is, in fact, searchable by and through several different programs and functions.

Indeed, ATF maintains only that registry records in their final file format are not searchable by name. What ATF does not mention, however, is that throughout its processes to digitize and consolidate records, the records are received from dealers and maintained by ATF in fully searchable formats (including by name). Moreover, ATF's centralized database, even in its final form, is fully searchable by text for any of a variety of other factors (just not by name, supposedly).

What is more, it appears the only reason ATF's registry is not searchable by name is because ATF has merely disabled the ability for its software to search that particular record field. Of course, something that is so easily disabled could be easily re-enabled. In other words, this terrifying and legally prohibited power resides at

ATF's fingertips, and American gun owners are merely relying on the agency's promise that it is not and will not abuse that power.

As detailed below, ATF records reveal its gun registry to be searchable by weapon type, make, model, serial number, and caliber, among other functions. This search functionality is, for example, all that is necessary to generate a door-to-door confiscation list for a semi-automatic weapons ban, a so-called "assault weapons" ban, or President Biden and ATF's upcoming ban on AR-15 pistols.³⁹

Search Functionality Through Software and File Formats

By statute, Federal Firearms Licensees are required to maintain records in a paper format. However, with FFLs maintaining computerized records "in lieu" of the statutory requirements for "bound volume[s]," ATF has taken to receiving and maintaining these computerized records as well—despite the various statutory prohibitions on consolidating and centralizing records.⁴⁰

Moreover, throughout ATF's media conversion process, dealer records are maintained in file types that are inherently searchable. ATF also uses a variety of programs which allow or include unlimited search functionality. The processes, programs, and file formats used to convert and store records varies based upon the format by which each record was received by ATF.

Paper Records

When ATF receives paper records from dealers, they are run through Imaging Business Machines L.L.C. (IBML) ImageTrac scanners to turn them into digitized form.

According to the ImageTrac Client User Guide provided by ATF, the machines are capable of utilizing IBML's proprietary software (and registered trademark) DocNetics.⁴¹ According to IBML's Capture Suite Brochure, DocNetics "[i]ncludes powerful recognition engines for" the following image conversion capabilities:

37 Swalwell. [President Biden Does Not Want to Take Your Guns Away](#). Newsweek. 2022.

38 Johnston. [Facebook Censors ATF's Gun Registry With Error-Laden USA Today "Fact Check"](#). 2022.

39 ATF 2021R-08 *Factoring Criteria for Firearms With Attached "Stabilizing Braces"*.

40 [Bureau of Alcohol, Tobacco, Firearms, and Explosives Response to Gun Owners of America Freedom of Information Act Request 2020-0802 Release One](#). 209.

41 *Ibid.* 147.

- OMR (Optical Mark Recognition)
- MICR (Magnetic Ink Character Recognition)
- Barcode recognition
- DocType (document type classification)
- Logo Detection
- ICR (Intelligent Character Recognition)
- IWR (Intelligent Handwriting Recognition) for cursive handwriting.⁴²

IBML advertises the quality control capabilities of DocNetics as able to “Check[...] OCR data” (or Optical Character Recognition data), “flag documents for rescanning,” and “redact part of documents for security.”⁴³ In effect, ATF can read *all* of the handwriting on a particular Firearms Transaction Record and turn the *entire* record into digital searchable data. Technically, DocNetics is capable of disabling a single portion of the document (such as a field for “name”) from being searched. Notably, like with ATF’s final, searchable database, **this feature can be enabled or disabled.**

DocNetics is also advertised as being able to “[a]utomatically perform... database lookups to validate and/or populate other fields,” indicating a capability to scan a record and match it to another field. This technology could easily be used to scan a Firearms Transaction Record and match the record to a home address or, if the search feature were enabled for the name field on the record, to match a record to a particular name.

The potential for abuse is thus readily apparent. Although ATF claims that it does not search its records by name, it can search by address. Thus, once a particular gun owner (target) is identified, it would seem that ATF could simply search for all firearms owned by that person, by matching up records with the same address, birth date, social security number, etc. Theoretically, ATF could also identify family members who share the

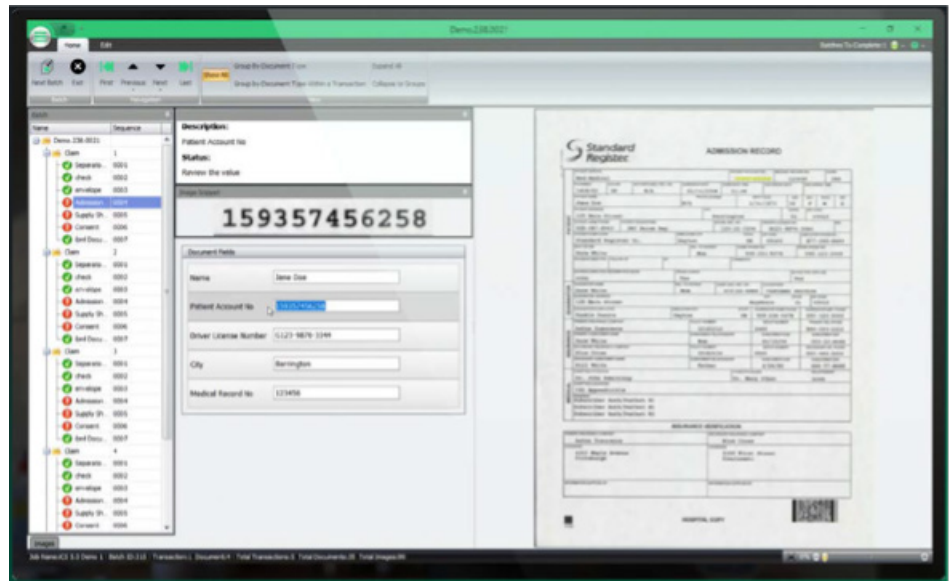


Figure 3. IBML DocNetics Scan and Optical Character Recognition of Example Handwritten Patient Medical Data, Including the Patient’s Name, Address, and Policy Numbers.

same address, along with neighbors, friends, etc. Or, as noted above, ATF could simply compile a “hit list” of all gun owners who purchased a certain type, make, or model of politically unpopular firearm.

Digital Records

ATF Order 1340.6A documents that ATF requires records to be submitted by dealers as a “complete print-out or download.” The download “must provide an American Standard Code for Information Interchange (ASCII) text file,” **which is a searchable file format**, “containing all acquisition and disposition records” that requires “no special processing.”⁴⁴

In other words, ATF demands that out-of-business dealers provide their records to ATF in a file format that ATF is prohibited from searching.

If ATF determines that these dealer-submitted “media data files are not... suitable for conversion” then it will ask FFLs for an “alternate electronic media format” which includes several **searchable** “Excel, PDF, or text file” formats.⁴⁵ ATF then takes those digitized records from dealers, and converts them for entry into ATF’s centralized database.

42 Imaging Business Machines L.L.C.. [Capture Suite Brochure](#). 4.

43 *Ibid.* 5.

44 *Ibid.* 14, 209.

45 [Bureau of Alcohol, Tobacco, Firearms, and Explosives Response to Gun Owners of America Freedom of Information Act Request 2020-0802 Release One](#). 14, 209.

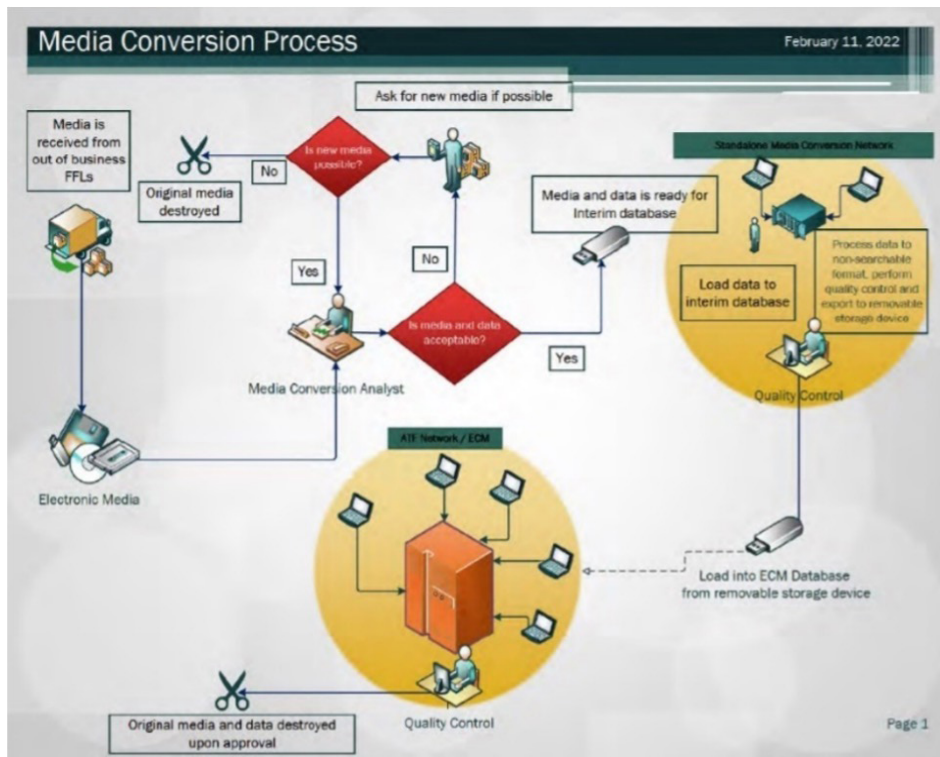


Figure 4. Media Conversion Process as of February 11, 2022

During the National Tracing Center process, records are imaged as PDFs and a “jpgconvert” command is run; both PDF and .jpg file types are searchable formats.⁴⁶ Further, records are “Xeroxed” into PDFs, which are searchable, and subsequently emailed.⁴⁷

During the media conversion process, data is kept in several file formats. In fact, ATF employees apparently take searchable Excel (.xls) files and transform the data by “type of licensee... serial number... [and] acquisition date” to make the information more easily searchable.⁴⁸

Searchable text (.txt) files are then converted into searchable “Excel spreadsheet[s]” and the information is “delimit[ed]” to also make the data more easily searchable.⁴⁹

46 *Ibid.* 22-23.

47 *Ibid.* 27-31.

48 *Ibid.* 211.

49 *Ibid.* 212.

50 *Ibid.* 212-213.

51 *Ibid.* 213.

52 *Ibid.* 214.

53 *Ibid.* 215.

54 *Ibid.* 217.

55 *Ibid.* 218.

ATF then takes the resulting files and “convert[s] the data to the Comma Separated Variable (CSV) format,” which is also searchable.⁵⁰ Then ATF employees “[c]onvert names to OBR codes” and “[s]eparate address field into street address, city, state, and zip code” to again make the data more easily searchable.⁵¹ This CSV data is accessed by Adobe PDF, which includes search functionality.⁵²

The converted media and images are then put on a media storage device with a “directory that contains all the data files which will all have a ‘.txt’ extension,” which is searchable, just prior to being delivered to OBRIS.⁵³ One such file referred to in the guide is the “Weapon.txt (OBR_

WEAPON_TRANSACTIONS Table).” ATF describes a hypothetical whereby some data was incorrectly entered. The example casually describes registering 8000 weapons at once:

[I]f the original .txt file contains lines for 8000 weapon transactions and 5 records cause errors and are copied to the .bad file, the 7995 records will have been successfully added to the database. Only the 5 errors need be corrected and resubmitted.⁵⁴

Records that are eventually stored in OBRIS are also duplicated for a period of time. Even though converted records have been uploaded to the final ATF OBRIS system, searchable “[o]riginal media and converted data files” are “maintained in a secure location or on the secure stand-alone network environment (Media Conversion Network) for a period of 30 days.”⁵⁵

Serial Number	Document Type	FFL Number	Roll	Frame	Manufacturer	Weapon Type	Caliber	Model	Transaction Date	Batch Description	Batch Name	Corp	Comments	Update
123456		5405406	73026	2.7076										
551849		5405407	41127	156.4										
123450		5405406	73026	2.7076										
552640		5405407	41127	156.8										
123451		5405406	73026	2.7076										
551849		5405407	41127	156.10										
1043821		5405414	30003	02.6										
123452		5405406	73026	2.7076										
M229422	Special Dec.	5405406	41041	25.26										
551850	State Form	5405471	41129	54.11										
N0004077	State Form	5405471	41129	54.11										
551851	State Form	5405471	41129	54.11										
551851	State Form	5405471	41129	54.14										
22081542	State Form	5405471	41129	54.17										
204456	State Form	N000471	41129	54.17										
551205	State Form	5405471	41129	54.12										

Figure 5. Example FFL Search Criteria Results

Figure 6. FFL Search Criteria

Discussing the agency’s ability to conduct “Serial Number Searches,” ATF plainly states that:

A user can filter results using Serial Number, Document Type, FFL Number, Roll, Frame, Manufacturer, Weapon Type, Caliber, Model, Batch Description, Batch Name and Comments.⁵⁷

ATF could not more clearly describe the searchability functionality (presently enabled) of a gun registry. A simple query can turn up all firearms of a certain make, model, weapon type, manufacturer, or even a particular firearm by serial number. The ability to search or create a list of gun owners by name is superfluous should ATF agents intend to create a list of

DATABASE AND PROGRAM SEARCH FUNCTIONALITY

Digital Records

Throughout ATF’s media conversion process, the agency routinely accesses data through software and systems that are inherently searchable. Often, ATF’s procedural manuals will refer to the software’s search functionality, which is documented in this section.

ATF claims that it’s “Enterprise Content Management” and “OBR Image repository only allows NTC personnel to search OOB records by FFL Number and Serial Number.”⁵⁶ However, ATF’s FOIA to GOA contains records documenting far more functionality than ATF admits.

Figure 7. Serial Number Search Criteria

56 Ibid. 12.

57 Ibid. 11-12.

Serial Number	Document Type	FFL Number	Full	Frame	Manufacturer	Project Date	Caliber	Model	Transaction Date	Batch Description	Batch Size	Corp	Comments	Update
123456		5405406	73026	2.7076										
5405406		5405406	73026	2.7076										
5405407		5405407	73027	2.7077										
5405408		5405408	73028	2.7078										
5405409		5405409	73029	2.7079										
5405410		5405410	73030	2.7080										
5405411		5405411	73031	2.7081										
5405412		5405412	73032	2.7082										
5405413		5405413	73033	2.7083										
5405414		5405414	73034	2.7084										
5405415		5405415	73035	2.7085										
5405416		5405416	73036	2.7086										
5405417		5405417	73037	2.7087										
5405418		5405418	73038	2.7088										
5405419		5405419	73039	2.7089										
5405420		5405420	73040	2.7090										
5405421		5405421	73041	2.7091										
5405422		5405422	73042	2.7092										
5405423		5405423	73043	2.7093										
5405424		5405424	73044	2.7094										
5405425		5405425	73045	2.7095										
5405426		5405426	73046	2.7096										
5405427		5405427	73047	2.7097										
5405428		5405428	73048	2.7098										
5405429		5405429	73049	2.7099										
5405430		5405430	73050	2.7100										
5405431		5405431	73051	2.7101										
5405432		5405432	73052	2.7102										
5405433		5405433	73053	2.7103										
5405434		5405434	73054	2.7104										
5405435		5405435	73055	2.7105										
5405436		5405436	73056	2.7106										
5405437		5405437	73057	2.7107										
5405438		5405438	73058	2.7108										
5405439		5405439	73059	2.7109										
5405440		5405440	73060	2.7110										
5405441		5405441	73061	2.7111										
5405442		5405442	73062	2.7112										
5405443		5405443	73063	2.7113										
5405444		5405444	73064	2.7114										
5405445		5405445	73065	2.7115										
5405446		5405446	73066	2.7116										
5405447		5405447	73067	2.7117										
5405448		5405448	73068	2.7118										
5405449		5405449	73069	2.7119										
5405450		5405450	73070	2.7120										

Figure 8. Example Serial Number Search Results

gun owners by weapon type, such as an AR-15. For example, should ATF wish to target a certain type of make or model of firearm for confiscation (such as an AR-15), it could search for all owners of that type of firearm, and then create a list of gun owners' names and addresses for confiscation. This is precisely what Congress sought to avoid with its explicit statutory prohibitions on such a registry.

ATF often touts that “[m]icrofilm or digital photographs” are “visually inspected to determine disposition data” such as personal gun owner information when using the database, making it appear as if ATF’s

record searches merely involve visual examination of nonsearchable image files.⁵⁸ On the contrary, the Enterprise Content Management System which hosts all the records has a “Quick Search drop down” available once an employee has “logged in.”⁵⁹

Further, the IBML “ImageTrac Scan Client User’s Guide” contains directions detailing how the “search feature” is not only accessed “by selecting Search from the application menu” but also “by using the keyboard shortcut Ctrl + F.”⁶⁰ The search feature apparently includes the ability to “Search by” (1) “Document Data,” (2) “Document Type,” and (3) “Document ID” and includes various “filters.”

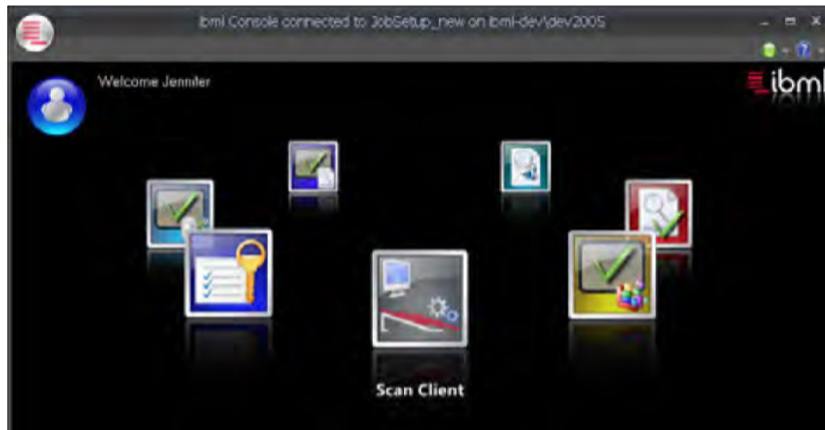


Figure 9. IBML Scan Client Getting Started Screen, with apparent Search Functionality Icon Displayed in Red with a Magnifying Glass and Green Checkmark.

When using IBML ImageTrac, the user guide reveals that scans can be run through a post scan processing tool or other software tool in order to pull more data and information.⁶¹ IBML advertises PostScan as capable of creating “[i]mage and data archives” and “data entry/automated data capture systems.”⁶² Listed on the components diagram of the ImageTrac scanner is even one part labeled the “Registration Module.”⁶³

ATF’s National Tracing Center process guide also documents increased functionality. The

58 *Ibid.* 13-14.

59 *Ibid.* 25.

60 *Ibid.* 116-117.

61 *Ibid.* 61-62.

62 Imaging Business Machines L.L.C.. *Capture Suite Brochure*. 6.

63 *Bureau of Alcohol, Tobacco, Firearms, and Explosives Response to Gun Owners of America Freedom of Information Act Request 2020-0802 Release One*. 61.

“Webcenter Content” is capable of “system Searches [sic]” which includes a “batch search” which is routinely used to locate records.⁶⁴

An “operator can elect to view multiple batch names in the search results” as well.⁶⁵ “Batches are shown in the list by using the filtering sections at the top of the screen.” ATF operators may “[u]se the Search Batch Name feature to search for a particular batch by name.”⁶⁶

Finally, “[u]pon notification that the media data/image files have been loaded into OBRIS,” the final record database, the ATF quality control employee is directed to “Select Search.”⁶⁷

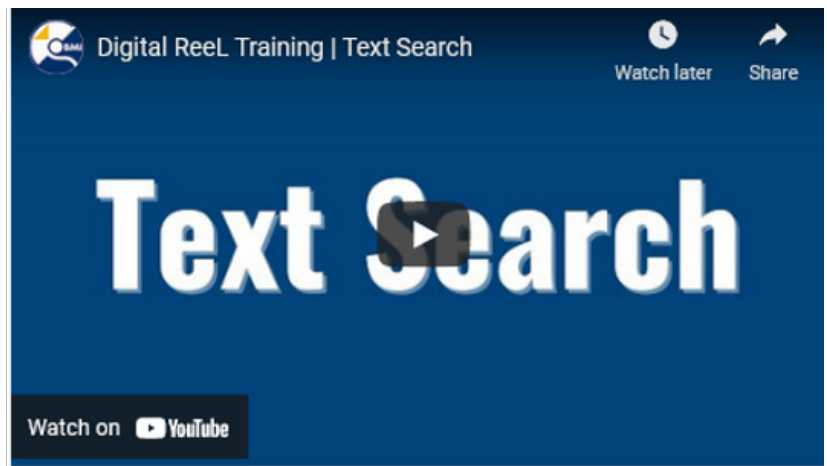


Figure 12. Digital Reel Training Video on Text Search Functionality

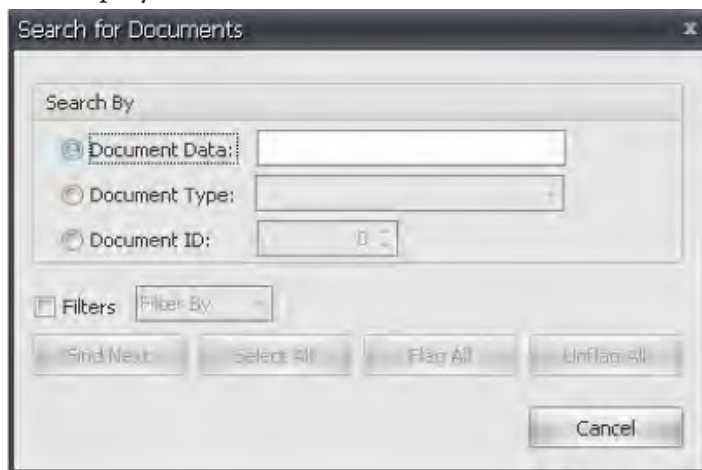


Figure 10. IMBL ImageTrac Search Menu

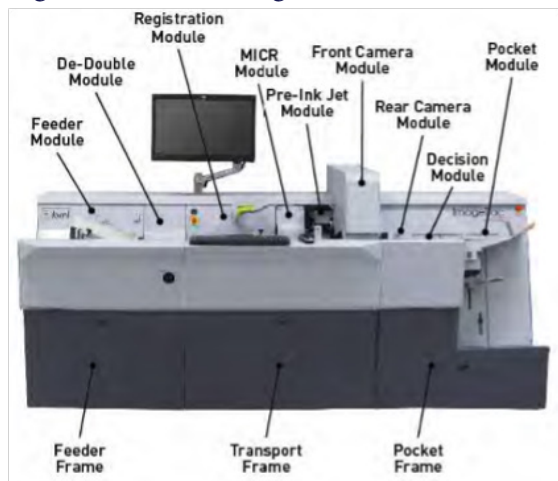


Figure 11. IBML ImageTrac Scanner Component Diagram Highlighting “Registration Module”

Microfilm and Microfiche Records

Nearly 400,000,000 Microfilm and microfiche records are also stored in “Digital Reel [sic].”⁶⁸ Digital Reel is a proprietary microfilm and microfiche “conversion solution” run by BMI Imaging Systems.⁶⁹ On its website, BMI Imaging Systems advertises a “Digital Reel Training Video” on “Text Search” functionality, stating: “Utilize text search to quickly and effectively locate data. You don’t need to know where it is, just what it is!”⁷⁰ Functionality is also advertised to include “[f]ull-text searching to locate words, phrases and numbers across the entire archive.” This powerful functionality (the ability to search records by text) is hardly what ATF advertises when it discusses its Microfilm records.

**CONSOLIDATION AND CENTRALIZATION OF OUT-OF-BUSINESS RECORDS
Illegal Centralization and Consolidation of Records Summarized**

ATF’s digital database of nearly a billion records is unquestionably centralized. ATF admits as much throughout its FOIA response to GOA. Moreover, when ATF takes records (paper or digitized) from various FFLs across the country, and groups them together into ATF file systems, then hundreds of millions of paper records have been consolidated into one computerized system, in violation of the law.

64 Ibid. 22.
65 Ibid. 26.
66 Ibid. 94-95.
67 Ibid. 218.
68 Ibid. 8.
69 BMI Imaging Systems. [Digital Reel Conversion Solution.](#)
70 BMI Imaging Systems. [Digital Reel Training Videos.](#)

When analyzing ATF's actions in the following sections, it is critical to remember that this prohibition applies not only to the "records" but also "any portion thereof." At nearly every step of its process of turning millions of Firearms Transaction Records into a digital searchable database, ATF violates this prohibition by centralizing or consolidating various portions of dealers' out-of-business records.

ATF's Centralization of Records

According to documents provided in ATF's FOIA response to GOA, "digital" records received from dealers are "centrally managed and shared by multiple applications and business groups across the ATF enterprise" using their Enterprise Content Management (ECM) system.⁷¹

Access requests for employees to use these systems are also "centrally managed" through another broader system known as the "Access (formerly eRequest) module within the ATF Service Catalog."⁷²

In fact, ATF interprets part of the *Firearms Owners' Protection Act* at 18 U.S.C. 923(g)(4) as a "mandate" to "centralize out-of-business records of Federal Firearms Licensees by establishing a records repository." For all its discussion of centralized management, ATF has nothing to say about the *Firearms Owners' Protection Act* prohibition on enacting a registry of guns, gun owners, and firearm transactions on government property.⁷³

Paper Record Centralization

Throughout the ATF's National Tracing Center procedural guidelines for scanning paper records are found references to several computerized and centralized networks used to consolidate these records.

While digitizing and scanning records, ATF employees "Log into" an "Image Server located on the shared drive."⁷⁴ Of course, taking many records and consolidating them onto a server or shared drive constitutes the centralization of records.

ATF employees also go on to "log into" the ECM system and "Upload images to Webcenter Content."⁷⁵ In other words, ATF scans records into images. Then these images are centralized on the "Webcenter" before continuing the registration process.

At another point when scanning paper records, Firearms Transaction Records are Xeroxed and emailed around by ATF employees—indicating the files are transferred via several different programs and server clients with unknown security measures and de-duplication processes in place.⁷⁶

When using the IBML ImageTrac machine to scan paper records, "[d]ata communication between [a] HostPC and the Transport PC... is established through connection to [the] ImageServer." Again, records are centralized between multiple Personal Computers and a server in order to facilitate the consolidation of paper records into digital files.⁷⁷

Digital Record Centralization

When an FFL is turning over digital out-of-business records, ATF recommends that, "if possible, as dictated by the size of the file" that the FFLs should "email them to" the NTC Receiving Section's email address, rather than transferring the electronic records via physical storage device. During this additional email process, records necessarily pass through whatever email clients and related servers an FFL might chose as well as ATF's email servers and systems.⁷⁸

When ATF receives digital records, employees "copy

71 [Bureau of Alcohol, Tobacco, Firearms, and Explosives Response to Gun Owners of America Freedom of Information Act Request 2020-0802 Release One](#). 8.

72 *Ibid.* 12-13.

73 18 U.S.C. 926(a)(3).

74 [Bureau of Alcohol, Tobacco, Firearms, and Explosives Response to Gun Owners of America Freedom of Information Act Request 2020-0802 Release One](#). 17.

75 *Ibid.* 22.

76 *Ibid.* 27-31.

77 *Ibid.* 66-77.

78 [Bureau of Alcohol, Tobacco, Firearms, and Explosives Response to Gun Owners of America Freedom of Information Act Request 2020-0802 Release Two](#). 10.

original data from media source to a secure stand-alone network environment (Media Conversion Network),” which is a centralized server on which records are consolidated during the conversion process.⁷⁹

When ATF receives a Text (.txt) file, it is converted into a Comma Separated Variable (.csv) file and consolidated into the “eMEDIA SQU Server Database.”⁸⁰ This is yet another server database containing a consolidated portion of gun and gun owner records.

When operators “[l]oad TIFF images into the PEPS database,” ATF notes that any errors in the process “will be critical to the system [and will] generate...violations in the database.” Therefore, ATF ensures that “batches of image files” are not “processed through RBE” or the “OBR RBE Server” unless the “database files have been successfully copied.”⁸¹ Indeed, these PEPS and OBR RBE servers constitute additional servers centralizing portions of records.

“Images [are d]elivered to OBRIS,” or the Out of Business Record Imaging System which is the final centrally managed system of records. ATF Employees “Login to OBRIS” and can search it to electronically retrieve gun and gun owner information.⁸²

As it turns out, records remain in duplicate for some time, during which both portions are centralized: (1) all ATF records are centralized on OBRIS and (2) a portion of the records are centralized on the Media Conversion Network. “Original media and converted data files” are “maintained in a secure location or on the secure stand-alone network environment (Media Conversion Network) for a period of 30 days” prior to approval for destruction.⁸³

ATF's Consolidation of Records

When the *Firearms Owners' Protection Act* was enacted, ATF's record “system” was comprised of shipping

containers full of old records, which the agency could sort through manually and access specific files should it ever need to perform a firearm trace for a particular firearm. Over the years, however, ATF consolidated records into a microfilm and later a computerized, digitized format, where they can be accessed from a centralized system. Consolidated records greatly increase the speed and ease at which the ATF can access gun and gun owner records.

ATF routinely receives and stores Firearms Transaction Record data on “[P]ortable storage device[s] such as USB, CD, DVD, diskette, floppy disk, etc.”⁸⁴ “[B]atches” of records and “data files” are routinely “copied to the media storage devices” and then copied again onto a workstation prior to delivery into the final OBRIS database.⁸⁵ When multiple records and data files from numerous out-of-business dealers are copied onto a single storage device, those records by definition have been consolidated.

ATF's National Tracing Center procedures also reveal a great deal of record consolidation. After scanning images and while using Adobe Acrobat PRO, an ATF “operator can elect to view multiple batch names in the search results by eliminating a digit(s) at the end of the batch name.” Essentially, multiple records are scanned into batches, and multiple batches can be accessed at once, consolidating many records into one repository.⁸⁶

Data from these records is also consolidated into varying data sets. Scans are used to “produce files necessary for loading into OBR and IMAGING system.” First, some data is consolidated to generate a “weapons.csv” for “load[ing] into [the] OBR table.” Other “meta data” is consolidated into a “batches.csv.” Finally, other data is consolidated into a “tiff_XXXXXXXX.csv spreadsheet[which is] used to create TIFF image files for IMAGING load.” This data is then “[p]lace[d] in [a] folder until ready to copy to formatted media storage device

79 [Bureau of Alcohol, Tobacco, Firearms, and Explosives Response to Gun Owners of America Freedom of Information Act Request 2020-0802 Release One](#), 211.

80 *Ibid.* 213.

81 *Ibid.* 216-217.

82 *Ibid.* 217.

83 *Ibid.* 218.

84 *Ibid.* 209.

85 *Ibid.* 215.

86 *Ibid.* 26.

for upload into OBRIS...⁸⁷ In other words, information from many individual records is consolidated into files by data type, consolidated into a folder, then consolidated again onto a single portable media storage device before being finally consolidated into a centrally managed database.

Media Conversion Data and Image Upload for ECM

Images (Non-Searchable PDFs):

Name	Date modified	Type	Size
14965-00-4061515	8/21/2020 8:56 AM	Adobe Acrobat D...	89 KB
14965-00-4061516	8/21/2020 8:56 AM	Adobe Acrobat D...	85 KB
14965-00-4061517	8/21/2020 8:56 AM	Adobe Acrobat D...	85 KB
14965-00-4061518	8/21/2020 8:56 AM	Adobe Acrobat D...	84 KB
14965-00-4061519	8/21/2020 8:56 AM	Adobe Acrobat D...	86 KB
14965-00-4061520	8/21/2020 8:56 AM	Adobe Acrobat D...	86 KB
14965-00-4061521	8/21/2020 8:56 AM	Adobe Acrobat D...	86 KB
14965-00-4061522	8/21/2020 8:56 AM	Adobe Acrobat D...	86 KB
14965-00-4061523	8/21/2020 8:56 AM	Adobe Acrobat D...	86 KB
14965-00-4061524	8/21/2020 8:56 AM	Adobe Acrobat D...	87 KB
14965-00-4061525	8/21/2020 8:56 AM	Adobe Acrobat D...	86 KB
14965-00-4061526	8/21/2020 8:56 AM	Adobe Acrobat D...	86 KB
14965-00-4061527	8/21/2020 8:56 AM	Adobe Acrobat D...	86 KB
14965-00-4061528	8/21/2020 8:56 AM	Adobe Acrobat D...	85 KB
14965-00-4061529	8/21/2020 8:56 AM	Adobe Acrobat D...	85 KB
14965-00-4061530	8/21/2020 8:56 AM	Adobe Acrobat D...	85 KB
14965-00-4061531	8/21/2020 8:56 AM	Adobe Acrobat D...	85 KB
14965-00-4061532	8/21/2020 8:56 AM	Adobe Acrobat D...	86 KB
14965-00-4061533	8/21/2020 8:56 AM	Adobe Acrobat D...	86 KB
14965-00-4061534	8/21/2020 8:56 AM	Adobe Acrobat D...	86 KB
14965-00-4061535	8/21/2020 8:56 AM	Adobe Acrobat D...	86 KB
14965-00-4061536	8/21/2020 8:56 AM	Adobe Acrobat D...	87 KB

XML File (Associates Images to Batch for ECM Upload):

```
<?xml version="1.0" encoding="UTF-8"?>
- <DocMeta xmlns:schemaLocation="(b) (7)(E)
  <FFLNumber>6803523</FFLNumber>
  <DocumentType>AND</DocumentType>
  <BatchDesc>2013-05-28</BatchDesc>
  <DocumentAuthor>(b) (6)</DocumentAuthor>
  <BatchDate>2020-08-20T12:00:00</BatchDate>
  <BatchName>Batch_14965</BatchName>
  <SecurityGroup>OBR</SecurityGroup>
  <BatchMulti>Y</BatchMulti>
  <OriginatorNumber>37</OriginatorNumber>
  <BatchNumber>14965</BatchNumber>
  <Indexed>Y</Indexed>
- <Documents>
  - <Document>
    <DocNumber>1</DocNumber>
    <Page>14965-00-4061515.pdf</Page>
    <Page>14965-00-4061516.pdf</Page>
    <Page>14965-00-4061517.pdf</Page>
    <Page>14965-00-4061518.pdf</Page>
    <Page>14965-00-4061519.pdf</Page>
    <Page>14965-00-4061520.pdf</Page>
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CAUSE FOR SECURITY CONCERN

According to ATF, nearly 400 users have access to nearly a billion private gun and gun owner records. 335 employees have access to the database with “OBR_SEARCH” access with search functionality. Another 64 ATF employees have “OBR_ADMIN” or administrative access to the records.⁸⁸ ATF records do not discuss the qualifications of these hundreds of ATF employees to be entrusted with this sensitive information such as, for example, whether such personnel are vetted, interviewed, hold a security clearance, etc. Nor has ATF provided any proof that OBRIS records are housed in any sort of secure location, such as a “sensitive compartmented information facility” like those used by the FBI.

Throughout ATF records, terminology such as “secure stand-alone network environment” and “secure location” occur only a handful of times throughout a process filled with dozens of potential vulnerabilities since downloadable, transferrable, unencrypted files are mailed to ATF by FFLs and transported throughout the registration process on USB drives, CDs, DVDs, and floppy disks. ATF guidance⁸⁹ provides no instructions for encrypting the data or mailing it securely, even though hundreds of millions of packages are stolen a year and package theft is only on the rise as of late. Have packages ever gone missing or been stolen while in transit to the National Tracing Center?

While we don’t know the answer to that question, we do know that ATF mandates that boxes of physical records to be mailed to NTC must be identifiably marked as gun records with the FFL’s license number and marked “National Tracing Center—Out of Business Records Repository.” In other words, the boxes are marked “steal me, I contain the names, addresses, and social security numbers of countless gun owners.”⁹⁰

At one point, some records are even Xeroxed and emailed internally. But, it gets worse. ATF prefers FFLs to email their digital records to ATF when they go out of business in an unencrypted and searchable format!⁹¹

87 *Ibid.* 215.

88 [Bureau of Alcohol, Tobacco, Firearms, and Explosives Response to Gun Owners of America Freedom of Information Act Request 2020-0802 Release One](#), 13.

89 [Bureau of Alcohol, Tobacco, Firearms, and Explosives Response to Gun Owners of America Freedom of Information Act Request 2020-0802 Release Two](#), 3-12.

90 *Ibid.* 11.

91 *Ibid.* 10.

What servers are these records being uploaded to and transmitted through. How does ATF keep emailed records secure from third parties or even corporate data collection? Are the records ever archived and stored on email servers, or is there a policy for eliminating the storage duplicated and permanently archived records emailed to ATF by FFLs?

Yet in spite of this seeming utter lack of security over this mountain of sensitive gun owner information, the ATF OBRIS system is perhaps the greatest database of American citizens who are actively exercising any enumerated constitutional right. This system includes extremely sensitive information, such as Social Security numbers and address information for people who own firearms, as well as the make, model, and serial numbers of the specific firearms they own. As such, one would expect to see a plethora of redundant security measures and precautions to keep this treasure trove of data from being misused or falling into the wrong hands.

Indeed, the OBRIS system is a database cataloging several decades of Americans' exercise of their Second Amendment right to keep and bear arms. Since a well-armed citizenry provides not only for personal protection of citizens, but also ensures "the security of a free state," the vast scope of centralized records contained in this single governmental database presents serious national security concerns. Should the information contained in ATF's system fall into the wrong hands (such as a disgruntled or rogue ATF employee, a hostile actor, or even a foreign state, including potentially this nation's enemies), we run the risk that one day we might see a literal "Red Dawn" door-to-door confiscation type of event on a national scale.

Indeed, ATF has yet to provide gun owners any assurances that such a security breach has not already occurred. And whereas ATF promises that it has "disabled" the search feature so that OBRIS records cannot be searched by name, one would not imagine that the People's Republic of China would similarly abide by such voluntary self-limiting principles when entering ATF's billions of data points into its "social credit" system.

92 James Call. [Foreigners Hack Florida's Gun Database](#). 2017.

93 Maas and Levs. [Newspaper sparks outrage for publishing names, addresses of gun permit holders](#). 2012.

94 Hammack. [Should Gun Data Lists Be Muzzled?](#) 2019.

95 Riehl. [North Carolina's WRAL-TV Publishes Identifying Info of Concealed Carry Holders](#). 2012.

The significance of these security threats is that a foreign or domestic actor could jeopardize the safety of gun owners if the information on this registry were to fall into the wrong hands. If the Chinese government, or other human rights violators, were to gain access to the information of private citizens who protest against their regimes, what is stopping those countries from blackmailing private citizens with releasing their home address, the types of guns they own, and how many? If a domestic individual or group decides to threaten an individual by publicly releasing their private information, it could lead to dangerous consequences which are only there in the first place because of the illegal actions of ATF.

Such possibilities are not remote, but have actually happened as recently as 2017, when the gun owner registry of concealed carry permit holders maintained by the state of Florida was hacked:

The names of some 16,000 concealed weapon permit holders were revealed when the Department of Agriculture and Consumer Services' computer network was hacked earlier this month. ... hackers broke the security wall to the on-line registration program a couple weeks ago and now know the names of 16,000 Floridians who are licensed to carry a firearm.⁹²

Likewise, in 2012, government bureaucrats gave *The Journal News* the names and addresses of all handgun permit holders in New York's Westchester and Rockland counties pursuant to a *Freedom of Information Act* request, leading to the publication of an interactive map of where gun owners lived in those counties.⁹³

That same year, *WRAL-TV* also published an article with a section entitled "Find concealed carry permit-holders in your area"—publicly sharing a database of gun owners searchable by address.⁹⁴

Similarly, *The Roanoke Times* used Virginia's gun owner registry to publish a map including the names and addresses of everyone with a concealed handgun permit.⁹⁵

It's the government's duty to protect all of the rights of its citizens: both free speech and privacy, in addition to their right to keep and bear arms. There are many questions about the security of this registry which are cause for concern, but which ATF has not addressed:

1. Are records only accessible from secured workstations at ATF facilities, or are they remotely accessible?
2. Are there measures in place to ensure that records accessed remotely are only accessed in connection with a criminal investigation, or are all access requests granted "in good faith?"
3. Have any ATF employees ever been fired for, convicted, or suspected of misusing this database?
4. Does ATF have any system in place to monitor, catalogue, audit, or otherwise analyze the accessing of the records contained within its registry?
5. What security measures would stop a third party from utilizing accounts with access to the database—either by consent or through coercion of an ATF employee?
6. Who has physical access to paper records or servers on which these digital records are stored at all steps of processing records into the OBRIS database—beginning when records are mailed from an FFL and ending with the destruction of original records and the deletion of duplicates?

Even if all of these questions are answered, it would still do nothing to reduce the security risk inherently posed by the ATF records system. As was previously demonstrated, the information is searchable and is stored on a central system which is housed in digital format. Its mere existence poses a threat to "the security of [our] free State" as protected by the Second Amendment.

THE BIDEN ADMINISTRATION'S RECENT ILLEGAL REGISTRY EXPANSION

ILLEGAL REGISTRY EXPANSION SUMMARY

As revealed by this report, ATF maintains an illegal, searchable, and centralized gun registry with 920,664,765 out-of-business records, as of November 2021. However, ATF does not require that records older than 20 years be kept by FFLs or turned over to ATF upon business discontinuance. Instead, the records can be destroyed.⁹⁶

However, the Biden Administration has finalized a rule, slated to go into effect on August 24th, 2022, which will mandate that every Firearms Transaction Record be kept permanently—eliminating an FFLs ability to destroy records older than 20 years. With every Firearms Transaction Record kept forever, these forms will eventually become out-of-business records and permanently end up in ATF's illegal gun registry of every commercially transferred firearm in the United States.

The implementation of this rule to expand ATF's gun registry constitutes a clear violation of the *Firearms Owners' Protection Act*, which prohibits “any rule or regulation” from being newly enacted to require records be transferred to the government. The Biden Administration would create a complete national gun registry, to supersede ATF's existing partial national gun registry, and would require that more records be kept on government property. Gun Owners of America is currently preparing a lawsuit to halt the implementation of this illegal gun registry expansion. But litigation can be a slow process, and the threat of tyranny is around the corner. Congress must act!

96 27 C.F.R. 478.129.

97 [50 Federal Register 155](#), 26702.

98 *Ibid.*

99 *Ibid.*

100 *Ibid.*, 26703.

101 *Ibid.*

102 [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.

RECORDS ARE REQUIRED TO BE KEPT FOR AT LEAST 20 YEARS

Since the passage of the *Gun Control Act of 1968*, gun owners have been filling out Forms 4473 or Firearms Transaction Records prior to purchasing a firearm. Federal Firearms Licensees were “required to keep records pertaining to firearms transactions indefinitely” and “on a permanent basis.”⁹⁷ However, due to “ever-increasing storage costs” by FFLs and ATF's record center, ATF began to study the usefulness of these records.

In 1985, ATF determined that,

relatively few requests for traces of guns involved transactions older than 20 years. Accordingly, a 20-year record retention period would not have a significant impact on ATF's capability to trace crime-related firearms.⁹⁸

ATF also reported a “diminished frequency in utilizing records over 20 years of age” and therefore found that a permanent record retention policy was “not justifiable.”⁹⁹

In fact, based on “calendar year 1982 as [its] base,” ATF instituted this rule knowing it would result in “a loss of” their ability to trace “approximately 14%” of all firearms each year. With its “20 year retention period” ATF estimated that “86% of the traces could be made.”¹⁰⁰ At the time, “ATF [wa]s of the opinion that this loss can be justified.”¹⁰¹

Since the institution of the 20-year record retention policy, ATF's ability to trace crime guns has skyrocketed 6900%—rather than plummeted—even with the increasing popularity of homemade firearms! Whereas ATF told Congress that in 2021 it received 548,186 firearm trace requests¹⁰² the White House claims that, only about

1,300 firearms a year are untraceable because the

federally licensed firearms dealer destroyed the relevant records that were more than 20 years old.¹⁰³

of-Business] and is only sending in records greater than 20 years old.”¹⁰⁶

According to these ATF numbers, then, only 0.2% of all trace requests are unable to be completed because of ATF's 20-year retention policy. Meanwhile, ATF's ability to trace firearms has increased 6900% compared to its original estimate during the 1985 rulemaking process.

These records are apparently kept “as part of the inspection report” and processed as out-of-business records, even though they are no such thing.¹⁰⁷

In ATF Order 1340.6A, the bureau attempted to legitimize this arbitrary behavior by stating:

President Biden's new record retention policy is not about tracing more guns, it is about retaining all Firearms Transaction Records in a digital, searchable registry. During the 1985 rulemaking process, one commentator even advocated for a ten-year retention period “to allay fears that the recordkeeping will be used as a data base for future firearms registration.”¹⁰⁴

Where a business is discontinued and succeeded by a new licensee, the records may be delivered to the successor to maintain *or* they must be delivered to the NTC (emphasis added).¹⁰⁸

ATF ILLEGALLY ACCEPTS RECORDS FROM ACTIVE FEDERAL FIREARMS LICENSEES

ATF's authority to accept out-of-business records can only be justified by 18 U.S.C. 923(g)(4), which contemplates receiving records from a discontinued licensee. However, an ATF ruling provides a process for active FFLs to send Firearms Transaction Records to ATF prior to business discontinuance:

However, ATF is misrepresenting the statute as written. Congress stated that “the records required to be kept by this chapter... shall be delivered to the successor.”¹⁰⁹ There is no “or” in the statute!

In other words, ATF has requested and received Firearms Transaction Records from active FFLs with no statutory authority to do so, and despite varying statutory prohibitions on its collection of such records. ATF has no business “strongly recommending” to FFLs that they turn in records to ATF's illegal gun registry before they go out of business nor inserting conjunctions into a statute where Congress did not put them. Congress must put a stop the ATF's shenanigans.

It is strongly recommended that upon reaching 20 years, those electronic firearms acquisition and disposition records be either permanently maintained by the licensee or forwarded to the ATF Out-of-Business Records Center for preservation.¹⁰⁵

ATF DECEIVES 52 MEMBERS OF CONGRESS ABOUT ONGOING STATUTORY VIOLATIONS

Apparently, for years these records older than 20 years have been sent to ATF by active FFLs, and were kept at the Out-of-Business Records Center even though they were not the records of out-of-business FFLs. According to ATF Order 1340.6B, the bureau even,

Records from active FFLs kept in the same databases and record centers as out-of-business records from discontinued FFLs constitutes a violation of ATF's prohibition on the centralization and consolidation of records. In fact, ATF was cited for this very same violation in 2016 by the Government Accountability Office (GAO), when it was determined that ATF kept records from out-of-business FFLs in a system that is designed to manage only active FFLs known as Access2000 or

“obtain[s] a written statement from the FFL that clearly states that the FFL is not going OOB [Out-

103 White House. [FACT SHEET: The Biden Administration Cracks Down on Ghost Guns, Ensures That ATF Has the Leadership it Needs to Enforce Our Gun Laws](#). 2022.

104 50 Federal Register 155. 26702.

105 [ATF Ruling 2016-1](#).

106 [Bureau of Alcohol, Tobacco, Firearms, and Explosives Response to Gun Owners of America Freedom of Information Act Request 2020-0802 Release Two](#). 9.

107 *Ibid.*

108 *Ibid.* 4.

109 18 U.S.C. 923(g)(4).

A2K. According to the report:

ATF's collection and maintenance of the records of out-of-business A2K industry members at NTC violated the appropriations act restriction on consolidation or centralization of firearms records. However, ATF officials transferred the records to OBRIS, and in March 2016 removed these records from A2K.¹¹⁰

In fact, Congressman Michael Cloud and 51 elected representatives of the people raised concerns that ATF might be violating statutory restrictions in a similar manner to this 2016 GAO report. In a November 2021 letter, 52 Members of Congress said:

This gives us serious cause for concern that the Biden Administration is intent on creating a federal gun registry by circumventing the legislative process. In fact, a GAO report from 2016 was titled, "ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies."¹¹¹

Rather than disclose this non-statutory policy of consolidating and centralizing active FFL records into the ATF's Out-of-Business Record Center to Congress—which was recertified only a month earlier in an October 2021 ATF Order¹¹²—ATF chose to omit that activity in its response to Congress, stating that:

GAO's findings relative to the title of the report refer[ed] to a discrete situation that in no way reflects any larger issue regarding OBR.¹¹³

In a final rulemaking issued by ATF since the sending of this letter to Members of Congress, ATF has re-

vealed its intention to change this policy of requesting active dealer records via the rulemaking process. In ATF 2021R-05F, the bureau discusses changing the process by which FFLs "voluntarily ship records older than 20 years" to the ATF.¹¹⁴ ATF intends to change the rule so that "FFLs will no longer be able to ship their records to ATF that are older than 20 years without discontinuing business or licensed activity."¹¹⁵ Of course, a statement that illegal activity will not occur in the future represents an admission that such illegal ATF activity has occurred and continues to occur.

In summary, when Congress raised concerns that ATF might be violating appropriations restrictions in a similar manner as outlined in a previous GAO report citation, ATF told Congress that there was no ongoing or similar violation. In fact, ATF has been demonstrably violating this appropriations restriction in an identical manner, by "recommending" that FFLs send their records to ATF even before they go out-of-business. Rather than admit its fault, ATF then quickly moved to rectify this mistake by including a policy change in the next rulemaking it was able to finalize.

THE BIDEN ADMINISTRATION RULE SEEKS TO KEEP ALL DEALER RECORDS FOREVER

As noted briefly above, on May 21st, 2021, the Biden Administration proposed a rule entitled *Definition of "Frame or Receiver" and Identification of Firearms*. In this rule, ATF proposed reversing its 1985 rulemaking allowing FFLs to destroy records that were older than 20 years.¹¹⁶ According to the White House:

the final rule requires federally licensed firearms dealers to retain key records until they shut down their business or licensed activity... Previously, these dealers were permitted to destroy most re-

110 United States Government Accountability Office. [ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies](#). 2.

111 [Letter from Rep. Michael Cloud and 51 Other Members of Congress to ATF Acting Director Marvin Richardson](#). 2021.

112 [Bureau of Alcohol, Tobacco, Firearms, and Explosives Response to Gun Owners of America Freedom of Information Act Request 2020-0802 Release Two](#). 8-12.

113 [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.

114 *ATF 2021R-05F Definition of "Frame or Receiver" and Identification of Firearms*. 2022.

115 *Ibid.*

116 [50 Federal Register 155](#). 26702.

cords after 20 years...¹¹⁷

Instead, Federal Firearms Licensees will now be required to maintain Firearms Transaction Records *forever*.

Gun Owners of America,¹¹⁸ more than 50,000 of our grassroots activists, and 28 members of the Second Amendment Caucus¹¹⁹ in the United States House of Representatives commented against this rule change, citing concerns that it would lead to the creation of a complete national gun registry.

Gun Owners of America also filed a *Freedom of Information Act* request (separate from the out-of-business FOIA request referenced numerous times herein) with ATF, demanding to see the study and data on which ATF had based the existing 1985 rulemaking.¹²⁰ ATF responded with empty hands, apparently unable to find or access this 1985 report.¹²¹

The rule change to permanent recordkeeping is now set to go into effect on August 24th, 2022. When implemented, it will retroactively apply to all records currently maintained by Federal Firearms licensees. This means that ATF's registry will eventually contain a complete data set of all Firearms Transaction Records dating back to August 24th, 2002.

In addition to representing a gross infringement of Second Amendment rights, the Biden Administration's attempt to register every gun and gun owner in this manner violates the *Firearms Owners' Protection Act's* prohibition on the use of rules and regulations to create a national gun registry, not to mention laying the groundwork for a tyrannical authoritarian state. Thus, Gun Owners of America is finalizing plans to sue to halt the implementation of this new, illegal rule.

117 White House. [FACT SHEET: The Biden Administration Cracks Down on Ghost Guns, Ensures That ATF Has the Leadership it Needs to Enforce Our Gun Laws](#). 2022.

118 Gun Owners of America. [Comment on FR Doc # 2021-10058](#). 2021.

119 Gun Owners of America. [Twenty-Seven Congressmen Comment to Oppose the ATF's Homemade Gun Ban, Backdoor Registry](#). 2021.

120 ATF 2022-00168 FREEDOM OF INFORMATION ACT (FOIA) REQUEST of Gun Owners of America and Gun Owners Foundation Regarding "Study" Referenced in 1985 ATF Rulemaking. 2022.

121 ATF 2022-00168 Final Response. 2022.

ELIMINATING THIS INFRINGEMENT

GUN OWNERS OF AMERICA'S LEGAL RECOURSE

GOA's team of attorneys and lobbyists have been preparing for this fight. We've known the ATF's illegal gun registry would be expanded since the Biden Administration announced it as a proposed rule back in May of 2021.¹²²

GOA plans on fighting this tooth and nail in the courts. Just as we opposed the Trump Administration's arbitrary ban on bump stocks,¹²³ GOA will also sue Biden's ATF to halt the implementation of this rule, whose promulgation violates the Second Amendment, *Firearms Owners' Protection Act*, *Gun Control Act of 1968*, and the *Administrative Procedures Act*. Not to mention the Constitution's separation of powers, where Congress is the body which is supposed to enact the nation's laws.

As the Supreme Court has held,

Congress alone has the institutional competence, democratic legitimacy, and (most importantly) constitutional authority to revise statutes in light of new social problems and preferences. Until it exercises that power, the people may rely on the original meaning of the written law.¹²⁴

DUTY OF CONGRESS

Congress Must Strike Down President Biden's Illegal Registry Expansion

Congress must provide oversight for the Biden Administration's rogue ATF by striking down its illegal gun registration rule using the *Congressional Review Act*.

Thankfully, Senator Ted Cruz introduced such a Joint Resolution of Disapproval and a discharge petition to strike down the rule pursuant to the *Congressional Review Act*.¹²⁵ **Congress must pass this legislation to protect the Second Amendment from further ATF infringement.**

Inevitably, anti-gun advocates will argue this rule will reduce crime. But as GOA has explained, homemade firearms are less responsible for homicides than hands and feet.¹²⁶ Additionally, requiring a registry with serial numbers does not save lives or demonstrably help solve or prosecute crimes.¹²⁷

Congress Must Destroy ATF's Gun Registry

In November of 2021, ATF admitted to Representative Michael Cloud and 51 other House GOP that they are currently maintaining nearly a billion records of guns and gun owners.¹²⁸

As proved by this report, this is an illegal national gun registry. The revelation of its existence led to the creation of the *No REGISTRY Rights Act*. This legislation has over 60 cosponsors and counting, led by Rep. Michael Cloud in the U.S. House of Representatives and Sen. Ted Cruz is expected to introduce a Senate version with over 15 original cosponsors.

The *No REGISTRY Rights Act* would delete ATF's existing registry, eliminate the statute ATF has been abusing to justify creation of its illegal registry, and force the ATF to certify the destruction of these records before Congress. Polling overwhelmingly indicates that Republicans and Independents believe a gun registry will lead to gun confiscation. Even 40% of Democrats agree!¹²⁹

This is an essential step towards restoring the Second

122 [FACT SHEET: Biden-Harris Administration Announces Initial Actions to Address the Gun Violence Public Health Epidemic](#). 2021.

123 [Gun Owners of America v. Garland](#).

124 *Wis. Cent. Ltd. v. United States*, 138 S. Ct. 2067, 2074 (2018).

125 [Sen. Cruz and Colleagues To Introduce Resolution Prohibiting the Biden DOJ From Expanding Firearm Definitions and Creating National Gun Registry](#). 2022.

126 Johnston. [Why Biden's "Ghost Gun Ban" Won't Stop Crime and Will Enact a Gun Registry](#). 2022.

127 [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.

128 *Ibid.*

129 Rasmussen Reports. [Gun Owners Oppose Federal Tracking, Fear Confiscation](#). 2021.

Amendment in this country—especially should President Biden's illegal rule go into effect on August 24th, 2022.

If the destruction of these records is not completed prior to the implementation of the Biden Administration's Proposed Rule ATF 2021R-08 to ban braced firearms, then ATF could use the registry to compile a list of all AR-15 pistol owners, in order to force registration compliance with the arbitrary rule or to simply confiscate (potentially by literally going door-to-door) the millions of newly criminalized firearms.

CONCLUSION

Despite being prohibited from maintaining a registry of guns, gun owners, and firearm transactions, ATF maintains nearly a billion such records of guns, gun owners, and Firearms Transaction Records.

Despite being prohibited from centralizing or consolidating records, ATF admits to consolidating records required to be kept by Federal Firearms Licensees into a “centrally managed” database of nearly a billion records.

Despite being prohibited from electronically retrieving information from these records by name, ATF either requires that FFLs turn in searchable records or converts paper records it receives into a searchable format. ATF is capable of searching through these records in nearly every way except by name, and this is only because the feature has been voluntarily switched off—not because ATF lacks the technological capability.

ATF has violated the law or circumvented the congressional intent of each statutory or appropriations restriction that has been imposed. As a result, it has created a centralized, searchable gun registry of gun sales across the nation. Strikingly, while ATF purports to maintain this illegal registry for law enforcement purposes, it was unable to even prove the efficacy of the registry insofar as it might help solve violent crimes or be critical in the successful prosecution of a violent crime.

This illegal registry, which infringes on the Second Amendment as well as several federal laws, must be destroyed immediately and the destruction of these records should be certified before Congress. For good measure, the statute which ATF has abused as authority to enact this registry should be struck from the United States Code.

At present, ATF's near-billion record registry is only a partial national gun registry. By regulation it only necessarily contains records that were up to 20 years old, and only when a Federal Firearms Licensee discontinued its business license. But in practice, the ATF has also “strongly recommended”, urged, and permitted non-out-of-business-FFLs to turn over current records even before they go out of business. Now, the Biden Administration is seeking to turn this partial registry

into a *complete and total* national gun registry, beginning with every firearm sold since August 24th, 2002. This rule must not be allowed to go into effect, and its promulgation must be reversed by Congress.

If Congress does not destroy the registry using the *No REGISTRY Rights Act*, and if Congress does not reverse the Biden Administration's expansion of the registry using a Joint Resolution of Disapproval pursuant to the *Congressional Review Act*, this illegal ATF registry could be used for mass gun confiscation, by this government or potentially one day even by this nation's enemies.



ABOUT THE AUTHOR

Aidan Johnston is the Director of Federal Affairs for Gun Owners of America. Aidan spends most of his days on Capitol Hill in Washington D.C., serving as GOA's primary point of contact for two branches of federal government and helping to define and execute no-compromise strategies in response to political developments.

Before working for GOA, he earned a Bachelor of Arts in Political Science from George Washington University. He also interned for GOA, the Susan B. Anthony List, and Senator Pat Roberts.

Aidan grew up in St. Louis, Missouri, only shooting guns recreationally. He first began to realize the significance of the Second Amendment when he bought his first gun for self-defense during a period of rioting and looting.

Now a firearm enthusiast, Aidan likes to collect interesting firearms such as his 3D printed and 80% receivers as well as black powder firearms. Aidan is a former bump stock owner.

Aidan resides in Northern Virginia, near the nation's capital.

Follow Aidan on Twitter [@RealGunLobbyist](#).



Gun Owners of America (GOA) is a non-profit lobbying organization formed in 1976 to preserve and defend the Second Amendment rights of gun owners. GOA sees firearms ownership as a freedom issue.

The GOA Story

GOA was founded in 1976 by the late Sen. H.L. (Bill) Richardson. The GOA Board of Directors brings over 100 years of combined knowledge and experience on guns, legislation and politics. GOA's Board is not satisfied with the "status quo." Americans have lost some of our precious gun rights and we want them back! This is why GOA is considered the "no compromise" gun lobby.

From state legislatures and city councils to the United States Congress and the White House, GOA represents the views of more than two million gun owners whenever their rights are threatened.

GOA has never wavered from its mission to defend the Second Amendment.

Over the last 30 years, GOA has built a nationwide network of attorneys to help fight court battles in almost every state in the nation to protect gun owner rights. GOA staff and attorneys have also worked with members of Congress, state legislators and local citizens to protect gun ranges and local gun clubs from closure by overzealous government anti-gun bureaucrats.

**GOA GUN OWNERS
OF AMERICA™**