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## H.R. 2814 Takes ATF's Gun Registry Public

Since the campaign trail, President Biden and the Democratic Party have made it a priority to repeal the *Protection of Lawful Commerce in Arms Act* or PLCAA. This legislation protects the firearm industry from frivolous lawsuits, ensuring that anti-gun advocates and judges are not allowed to institute backdoor gun control through the courts. The current proposal to repeal PLCAA is H.R. 2418.

Section 3 of H.R. 2418 would allow the ATF's illegal national gun registry<sup>1</sup> to be made public:

### SEC. 3. DISCOVERABILITY AND ADMISSIBILITY OF GUN TRACE INFORMATION IN CIVIL PROCEEDINGS.

The contents of the maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives shall not be immune from legal process, shall be subject to subpoena or other discovery, shall be admissible as evidence, and may be used, relied on, or disclosed in any manner, and testimony or other evidence may be permitted based on the data, on the same basis as other information, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding.

In November of 2021, ATF told Rep. Michael Cloud that it maintains a list of 920,664,765 gun and gun owner records in its out-of-business records center.<sup>2</sup> ATF also maintains a series of other digital and searchable databases, such as the Firearm Tracing System (FTS) targeted by the bill. This database includes personally identifying information from a gun owner's Firearm Transaction Records (Forms 4473) as well as individual gun information, such as make model and serial number.<sup>3</sup>

Data system	Purpose	Responsible ATF branch	Data sources	Contents related to firearms purchaser information	Number of records	Who can view the information	Imports information from	Exports information to
Access 2000 (A2K)	Stores the electronic disposition records of participating industry members (limited to manufacturers, importers, and distributors, and not retail dealers) to allow National Tracing Center (NTC) personnel to search—during a gun trace—via secure web portal by exact firearm serial number and obtain firearms disposition data	NTC	Participating industry members upload data to ATF-owned servers or, in some cases, private servers using ATF software	Electronic disposition records, including firearms information (e.g., serial number, model), name and address to which firearm was shipped, and transaction date	252,433,229, representing the same number of firearms <sup>a</sup>	44 authorized NTC employees and contractors (searching by exact serial number only)	Closed system with no direct link to any other ATF system	Closed system with no direct link to any other ATF system

Following the passage of this legislation, if a litigious antigun group or individual wishes too, they could request this list and dox nearly every gun owner in America. This is extremely dangerous and would endanger the free exercise of the Second Amendment for millions of gun owners across the nation.

This has already happened in California, where the state Attorney General “accidentally” released the information of all permit holders. This made each one of the names on this list a potential target for criminals, as they had their home address. Sam Paredes of Gun Owners of California had this to say in response to the California Department of Justice's failure:

*Let's be clear: this was not a breach; it was a leak. No bad actor broke into the DOJ system to access the information. The DOJ, either through incompetence or with malicious intent leaked the data. This violation of trust has far-reaching consequences as it impacts people who have firearms in their home and those who don't. It's like a neon sign advertising “there's guns here to steal” and the flip side is “this home is unarmed and vulnerable.” Hundreds of thousands of Californians have been put in harm's way in the very place where they should feel the most safe – their homes.<sup>4</sup>*

If the anti-gun movement had their way, not only would they be able to sue the Second Amendment industry out of existence, but they would also be able to publicly identify every gun and every gun owner in the United States, just like the California Department of Justice did.



## Sources

1. Johnston. ATF's Illegal Gun Owner Registry. 2022. <https://www.gunowners.org/gunregistry>
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. ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies. Government Accountability Office. 2016. 62.
4. Paredes. The Leak Of California Gun Owners' Private Info Is A Flat-Out Dangerous Violation Of Public Trust. Daily Caller.2022.