



Congress of the United States
House of Representatives
Washington, DC 20515-3605

February 14, 2025

Assistant Deputy Director Marvin Richardson
Bureau of Alcohol, Tobacco, and Firearms
99 New York Ave NE
Washington, DC, 20226

Dear Deputy Director Richardson,

In November 2021, a leaked document obtained by Gun Owners of America revealed that ATF was “processing” over 54.7 million Out-of-Business Records or OBR per year.¹ OBR include firearms transaction records, commonly referred to as Forms 4473. Out of concern for the free and private exercise of the right of the people to keep and bear arms, 52 members of Congress wrote to ATF to inquire as to the extent of ATF’s recordkeeping.² Former Assistant Director Board responded by stating that “ATF manages” an outrageous “920,664,765 OBR as of November 2021.”

A subsequent FOIA request by Gun Owners of America revealed this database of records to be .PDF files which are centralized and searchable in violation of several congressional appropriations restrictions and one federal statute.³ When confronted about the searchability of the database, former ATF Director Steve Dettelbach merely told the House Oversight Committee that ATF “pays additional money to have search function taken out of Adobe Acrobat.” However, ATF has done nothing to assuage fears that an ordinary version of Adobe Acrobat could be installed on ATF computers to enable complete and total search functionality.⁴

¹ Kredo, Adam. “Biden Admin Amassing Millions of Records on U.S. Gun Owners amid New Crackdown on Firearms.” *Washington Free Beacon*, 7 Nov. 2021, freebeacon.com/biden-administration/biden-admin-amassing-millions-of-records-on-u-s-gun-owners-amid-new-crackdown-on-firearms/. Accessed 14 Feb. 2025.

² Kredo, Adam. “Biden Admin Has Records on Nearly One Billion Gun Sales.” *Washington Free Beacon*, 31 Jan. 2022, freebeacon.com/guns/biden-admin-has-records-on-nearly-one-billion-gun-sales/. Accessed 14 Feb. 2025.

³ Keene, Houston, and Fox News. “Gun Rights Group’s ATF Report Accuses Agency of Making ‘illegal Gun Registry’ as Cruz Takes Aim in Senate.” *Fox News*, FOX News Network, 24 May 2022, www.foxnews.com/politics/gun-rights-atf-accuses-agency-illegal-gun-registry. Accessed 14 Feb. 2025.

⁴ “X.Com.” X (Formerly Twitter), x.com/GunOwners/status/1648401654213902342. Accessed 14 Feb. 2025.

ATF's near-billion record database of firearm purchases appears to be a digital, searchable gun registry kept in violation of federal law at 18 U.S.C. 926. Because the system is searchable by make, model, and serial number, it appears as if this registry is already capable of generating a door-to-door confiscation list of firearms—such as all AR-15s. However, it also appears weaponizable into a searchable list of which Americans owns what guns. We agree wholeheartedly with Vice President J.D. Vance:

“This database is ultimately a back door to a gun registry in this country. If you look at what liberals have done in Europe and what they’ve done in Australia, once you allow a gun registry, you effectively allow the disarming of your citizenry. This is ultimately about destroying the Second Amendment.”⁵

Shockingly, after our last inquiry ATF was unable to quantify the utility of this apparent illegal gun registry. ATF stated that it “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.” However, a firearm “trace” does not even indicate whether a particular firearm was involved in a crime or that such a trace was a key factor or necessary piece of evidence helping solve a violent crime.

Law-abiding citizens and Federal Firearms Licensee's (FFL) value their privacy, which Congress respected by only requiring gun dealers to maintain firearm transaction records for 20 years. However, this past administration's rulemaking ATF 2021R-05F forced FFLs to preserve ALL firearm transaction records permanently. When a gun store closes, these records are sent to ATF's Out-of-Business Records Center to be added to this illegal gun registry. Now, ATF has a complete record for every firearm sold dating back to 2002. Apparently, ATF needs to be reminded that Congress prohibited the federal government from creating a federal gun registry with the *Firearm's Owners Protection Act of 1986*.

We appreciated the former assistant director's letter in December of 2021, and it's imperative that the Bureau of Alcohol, Tobacco, and Firearms (ATF) remains transparent with Congress. However, we've not received a response to the questions in our follow-up letter, which are stated below. The right to keep and bear arms is enshrined in the U.S. Constitution, so it is of utmost importance that Americans can exercise their Second Amendment right freely and privately. We look forward to working with this administration to make sure that any illegal gun registries created or expanded by the Biden administration are discovered and destroyed before they are weaponized against the People. We look forward to a swift response to our inquiry no later than May 13th, 2025.

We write asking for an update on how many records the Out-of-Business Records (OBR) Center is presently maintaining, including digital and hard copy record estimates. Furthermore, we also request an up-to-date number of Out-of-Business records that have been used to successfully

⁵ Staff, Fox News, and Fox News. “JD Vance Argues to Get Rid of the ATF, Says a Gun Registry Is ‘disarming’ Citizens.” Fox News, FOX News Network, 5 Feb. 2022, www.foxnews.com/media/jd-vance-atf-gun-registry-disarming-citizens. Accessed 14 Feb. 2025.

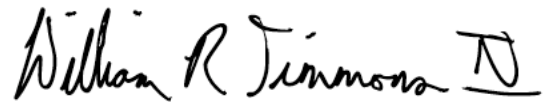
prosecute and convict violent criminals. Lastly, please answer the previous questions to our follow-up letter which include:

- Of the annual trace data that you provided in your response letter in 2022, how many and what percentage of traces were conducted that required records older than 20 years?
- Please provide a breakdown of the trace requests conducted and percentage of traces for firearms that required records which were 10 years old, then 11 years old, and for every year after up to 20 years.
- Of the nearly billion records you reportedly have on file, how many of them involve transactions that are older than 20 years?
- Your response states that the National Tracing Center (NTC) does not have the ability “to determine the successful prosecution of hundreds of thousands of crime gun traces,” nor can it “link a trace for a specific prosecution.” We understand these limitations. Without these numbers, what concrete evidence can ATF provide to demonstrate that records older than 20 years are useful or necessary for ATF to complete firearm traces?
- Your response states that “the NTC only traces crime guns, and every time must be identified as such by the requestor selecting the appropriate crime codes.” Please provide a list of all the crime codes a law enforcement agency must choose from when a trace is requested.
- Please provide a breakdown of all the trace requests conducted in the last three years by the crime codes that NTC uses.
- The Out of Business Records Imaging System is simply one database. Can you provide the number of records included in each of ATF’s other databases which include firearms purchaser information, like the Multiple Sales (MS) System, Access 2000 (A2K), and the Firearm Recovery Notification Program (FRNP)?

God Bless,



Michael Cloud
Member of Congress



William Timmons
Member of Congress



Aaron Bean
Member of Congress



Doug LaMalfa
Member of Congress



Lance Gooden
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Andy Biggs
Member of Congress



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Member of Congress



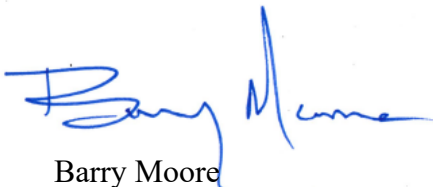
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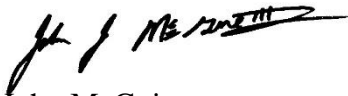
Dave Taylor
Member of Congress



Scott Franklin
Member of Congress



Abraham Hamadeh
Member of Congress



John McGuire
Member of Congress

cc: Attorney General Pam Bondi



Sheri Biggs
Member of Congress



Michael A. Rulli
Member of Congress