



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

November 22, 2021

The Honorable Marvin G. Richardson
Acting Director/Deputy Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Ave NW
Washington, DC 20226

Dear Acting Director Richardson,

Congress enacted a prohibition on the creation of a federal gun registry that could allow the government to target American citizens who own guns. We are concerned that this Administration is leveraging its power in a way to establish a federal gun registry. Moreover, we are opposed to a recent proposed regulation that would require federal firearms licensees (FFLs) to facilitate the creation of a federal gun registry.

According to recently published documents, the ATF has collected 54.7 million records in FY 2021 alone. It is an outrage that the federal government would maintain such extensive records of law-abiding citizens' law-abiding firearm transfers.

Indeed, current regulations require FFLs to send firearm transaction records to the ATF when an FFL goes out of business. However, Congress has also made it clear in the *Firearms Owners' Protection Act* that the federal government shall not create a federal gun registry and has prohibited ATF from creating any centralized databases with its funding.

For decades, FFLs have only been required to maintain firearm transaction records for 20 years, after which they can be destroyed. Many gun owners value the privacy afforded by the destruction of these records of their law-abiding firearm transfers after this period.

However, the Administration's proposed rulemaking ATF 2021R-05 would require FFLs to preserve all firearm transaction records. This means that 100% of all lawful commercial firearm transfers would eventually end up in an ATF computer system, thereby creating a permanent database.

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.”

With that in mind, we have several questions for which we would like written responses:

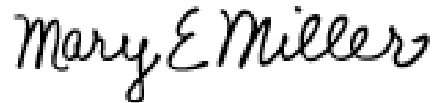
- How many records does the ATF’s Out-of-Business Records Center (OOB) have in total?
- How many of these records have been processed into a digitalized format?
- How many firearm traces using these records were essential to the successful prosecution of a violent criminal in the last three years?
- In the case of each successful prosecution of a violent criminal, in what year was the essential firearm transfer record completed?
- 18 U.S. Code § 926 prohibits “any system of registration of firearms, firearms owners, or firearms transactions or dispositions [from] be[ing] established.” Explain in detail how the Out-of-Business Records Center policy combined with proposed rule change in ATF-2021R-05 does not violate the statutory restriction on a federal gun or gun owner registry.

It is critical that the Bureau of Alcohol, Tobacco, Firearms, and Explosives does not use its power to encroach on the privacy of gun owners and restrict their Second Amendment rights. Please provide a written response to the questions above no later than December 31, 2021.

God bless,



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Member of Congress



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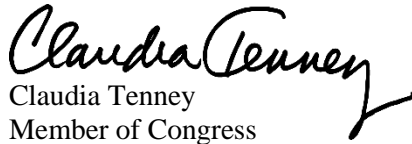
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