



**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

*Assistant Director*

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JUN 05 2012

Washington, DC 20226  
[www.atf.gov](http://www.atf.gov)

The Honorable Don Young  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Young:

This letter is in response to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) dated April 24, 2012. Your inquiry concerns the manner in which ATF handles records of firearms acquisition and disposition maintained by Federal firearms licensees (FFL). I welcome receiving such inquiries and concerns so that ATF can respond to Congress and the public in a clear and expeditious manner.

Regarding your concern about ATF centralizing firearm ownership records, please be assured that ATF fully complies with Federal laws prohibiting such consolidation. In that regard, ATF has no general database or registry of firearms other than the National Firearms Registration and Transfer Record which is mandated by Congress in 26 U.S.C. 5841. Moreover, to the extent that ATF maintains any firearms purchaser information, it is done only to the extent necessary to fulfill ATF's statutory enforcement responsibilities. In addition, ATF does not have the computer infrastructure that could support the volume of data required for such a database, the personnel to administer such a system, nor the budget to acquire it. Therefore, I can assure you that ATF has neither the inclination nor the capability to create a registry of firearms owned by licensees or individuals. We are available at your convenience to further discuss this issue should you so desire.

In your letter, you also expressed concern about the photocopying and removal of certain records of FFLs by ATF Industry Operations Investigators (IOI). ATF's authority is limited to copying or removing required records without a warrant for the purpose of examination to ensure compliance with recordkeeping requirements of the Gun Control Act, 18 U.S.C. Chapter 44, or as evidence of a crime. ATF sometimes copies such records, and FFLs sometimes request that ATF temporarily remove the records to minimize the intrusion an inspection may cause an FFL's business. In any event, turning over such records to ATF is voluntary. Moreover, copies of documents obtained from an FFL with no violations are purged or destroyed once the inspection is closed. In response to your letter and similar inquiries from others in the delegation, we have reissued guidance to our field personnel clarifying ATF's policy on this issue.

IOIs receive extensive classroom and on-the-job training to ensure regulatory inspections are conducted lawfully. The training covers ATF's regulatory authority, including the right of entry and examination during regulatory compliance inspections of industry members, such as FFLs. Inspection findings are documented in written reports completed by the IOI and reviewed by a

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supervisor. These narrative reports may contain copies of documents with violations, work notes, and other information which was examined during the inspection. Employees who violate ATF or Department of Justice rules, regulations, and/or policies are subject to discipline up to and including removal from employment. Inspection reports including relevant attachments are maintained and archived in ATF's National Field Office Case Information System (N-FOCIS). N-FOCIS cannot be queried by purchaser information.

I can assure you that ATF conscientiously uses all lawful means available to reduce violent crime and protect the public, and that those means do not include creating a centralized database of firearms purchasers. In order to better address your constituents concerns regarding ATF inspections, we are planning to host a town hall meeting in Anchorage on Tuesday, June 5, 2012, at the Federal Building Annex. Please let us know if we may be of further assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Joseph J. Allen". The signature is fluid and cursive, with the first name "Joseph" being the most prominent part.

Joseph J. Allen  
Acting Assistant Director  
Public and Governmental Affairs