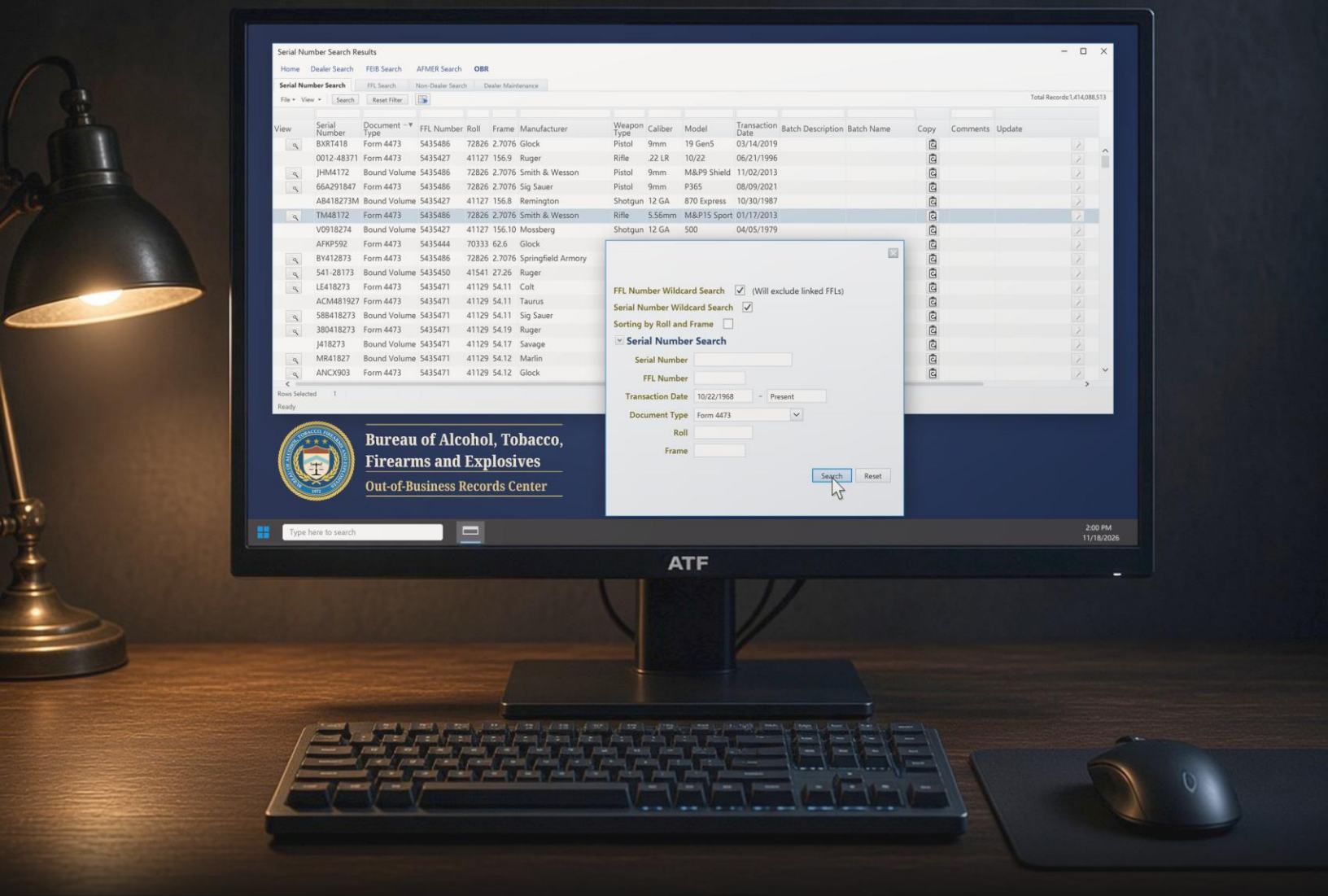
GOA
GUN OWNERS OF AMERICA

ATF's Illegal Gun Owner Registry



AIDAN JOHNSTON · 2026

AI-generated mockup based on ATF FOIA 2020-0802, Release One, p. 11

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Executive Summary

There is a national gun registry. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has a substantially complete registry of which Americans own what guns in a records center in Martinsburg, West Virginia. It is searchable, and it could be used against law-abiding gun owners for mass gun confiscation. Gun Owners of America spent years raising awareness about ATF's database because of the serious threat it poses to the constitutionally protected right of the people to keep and bear arms.

Gun Owners of America believes that a gun registry is any system that records or centralizes or registers guns, gun sales, or gun owners. A firearm's gun registration and paper trail begins when a manufacturer makes the firearm commercially and stamps it with a serial number. Manufacturers then keep records identifying which firearm was sold to which gun dealer, and gun dealers keep track of which gun was sold to which individual.

When gun dealers go out of business, they send their records to ATF's Out of Business Records Center. ATF bureaucrats then store those records in a digital, searchable, centralized database of guns and gun owners, which ATF calls the Out of Business Records Imaging System, or OBRIS.[1] In May 2026, ATF reported that it maintains 1,414,088,513 records.[2] Gun Owners of America refers to this as ATF's gun registry.

These out-of-business records include everything from background check forms to police reports to an original copy of the gun store's federal license.[3] ATF has never released a breakdown of the records by type, but ATF counts each page towards the total record count. A single page may record one gun, several guns, or no guns at all, and similarly it may record one gun owner, multiple gun owners, or none at all.[4] So ATF has never revealed exactly how many gun owners and guns are in the registry.

ATF's gun registry includes personal information about gun owners from the form filled out prior to a background check, known as a Firearms Transaction Record, or Form 4473.[5] On that form, the buyer must give his or her full name, current residence address, date and place of birth, height, weight, and

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[1] Letter from Daniel L. Board, Jr., Assistant Director, Public and Governmental Affairs, ATF, to Rep. Michael Cloud (Dec. 21, 2021), at 1.

[2] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4.

[3] Bureau of Alcohol, Tobacco, Firearms and Explosives, Response to Gun Owners of America FOIA Request 2020-0802, Release One (Mar. 2, 2022) [hereinafter FOIA Release One], at 14, https://www.gunowners.org/wp-content/uploads/FOIA-Release-One.pdf.

[4] Privacy Protections and the Second Amendment: Examining ATF's Relationship to the Tiahrt Amendment: Hearing Before the Subcomm. on Fed. Law Enforcement of the H. Comm. on Oversight and Gov't Reform, 119th Cong. (May 14, 2026) (written statement of Robert Cekada, Director, ATF), at 13; ATF Form 4473 (5300.9), Firearms Transaction Record (rev. Aug. 2023), at 1, https://www.atf.gov/firearms/docs/4473-part-1-firearms-transaction-record-over-counter-atf-form-53009.

[5] 27 C.F.R. § 478.124(a), (c)(1)–(2), (c)(4), https://www.ecfr.gov/current/title-27/chapter-II/subchapter-B/part-478/subpart-H/section-478.124.

race.[6] It also records detailed information about the gun that they purchased, such as its make, model, and serial number.[7] When a dealer goes out of business, those forms are sent to ATF.[8]

Congress has enacted three main laws to check ATF's ability to create a gun registry, all of which have been ignored or circumvented.

First and foremost, ATF is prohibited from issuing any new rules that require gun registration. Nevertheless, an ATF rule finalized by the Biden Administration in August 24, 2022, requires gun stores to keep background check paperwork permanently, an increase from the prior 20 year recordkeeping requirement.[9] By ignoring the ban on new gun registration rules, President Biden was able to convert all commercial background check forms since August 2002 into permanent gun registration records.[10]

Congress has also prohibited ATF from "consolidating or centralizing" dealers' records since 1978.[11] Yet ATF itself claims that "Congress mandated that ATF centralize out-of-business records."[12] ATF ignored that ban. For decades, it has moved dealers' records from gun stores to its regional offices and then to a single out-of-business records center, and inside that center it consolidates boxes of paper records into one digital, searchable database. ATF's standard operating procedure is now to digitize all paper records it receives from out-of-business gun stores. During the Biden administration, ATF's digital record count increased by 100 million records annually.[13]

Finally, federal law also bars ATF from electronically retrieving these records by the gun buyer's name.[14] Yet ATF has built a system with all the search functionality a registry might need, and the name search is simply disabled.[15] This report even proves that, using AI technology available to the federal government, the name search and address search could be enabled in less than a day. In short, ATF has increased its search capability over time despite this restriction on the use of funds.

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[6] ATF Form 4473, at 1, 7; 27 C.F.R. § 478.124(c)(1)–(2).

[7] 27 C.F.R. § 478.124(c)(1)–(2), (c)(4).

[8] 18 U.S.C. § 923(g)(4); 27 C.F.R. § 478.127; *FOIA Release One*, at 14.

[9] Definition of "Frame or Receiver" and Identification of Firearms, 87 Fed. Reg. 24,652, 24,652, 24,746 (Apr. 26, 2022), https://www.federalregister.gov/documents/2022/04/26/2022-08026/definition-of-frame-or-receiver-and-identification-of-firearms.

[10] 27 C.F.R. § 478.129(b) (2021); 87 Fed. Reg. at 24,722.

[11] Treasury, Postal Service, and General Government Appropriations Act, 1979, Pub. L. No. 95-429, 92 Stat. 1001, 1002 (1978); Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. No. 112-55, div. B, tit. II, 125 Stat. 552, 609 (2011) (codified at 18 U.S.C. § 923 note), https://www.govinfo.gov/app/details/PLAW-112publ55.

[12] ATF Publication 3312.10 (rev. Sept. 2016), reproduced in FOIA Release Two, at 14, https://www.gunowners.org/wp-content/uploads/FOIA-Release-Two.pdf.

[13] Letter from Daniel L. Board, Jr., Assistant Director, Public and Governmental Affairs, ATF, to Rep. Michael Cloud (Dec. 21, 2021); Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4.

[14] Pub. L. No. 112-55, 125 Stat. at 610.

[15] *FOIA Release One*, at 11; Firearms Electronic Record-Keeping, 91 Fed. Reg. 25,210, 25,215–16 (proposed May 8, 2026).

History proves that gun registration leads to gun confiscation. This registry could be used by a tyrannical government to seize the guns of every registered American gun owner. Unless this federal gun registration system is dismantled and destroyed in full, it will always pose a threat to the Second Amendment.

This report is organized in three main parts. Part I shows how Gun Owners of America helped expose ATF's illegal gun registry, from the internal ATF registration documents leaked to GOA in 2021 through recent congressional oversight and denials of gun registration by ATF that followed. Part II explains how the registry actually works and how it remains searchable. Part III addresses why law enforcement concerns do not justify the existence of a national gun registry and why the system should be dismantled. The appendix is a chronological account of how the registry was built, how earlier statutory and appropriations restrictions were written, and how ATF found ways around them despite congressional oversight.

Gun Owners of America is currently fighting ATF's gun registry in federal court alongside 17 States' attorneys general.[16] GOA also endorses Representative Michael Cloud's and Senator James Risch's No REGISTRY Rights Act (H.R. 563 and S. 119), to destroy this gun registry and protect gun owners from future gun confiscation efforts.[17] Finally, GOA is incredibly grateful to President Trump for beginning to curtail the registry. However, GOA does not believe the President should settle for ATF's May 2026 proposal to keep records for up to 60 years.[18] We urge the administration to order ATF to delete all unlawful registration records and to cease collecting and digitizing gun records immediately. Congress banned federal gun registration four decades ago. It is long past time for ATF to obey that law.[19]

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[16] *Morehouse Enters., LLC v. ATF*, No. 3:22-cv-00116-PDW-ARS (D.N.D. filed July 5, 2022).

[17] H.R. 563, 119th Cong. (2025); S. 119, 119th Cong. (2025). *See also* Erich Pratt, written testimony submitted to the U.S. Senate Committee on Homeland Security and Governmental Affairs, hearing on "The Second Amendment" (Apr. 15, 2026) (official revised statement), at 5, 8.

[18] Firearm Records Retention Periods, 91 Fed. Reg. 24,413 (May 6, 2026), https://www.federalregister.gov/documents/2026/05/06/2026-08929/firearm-records-retention-periods.

[19] Firearm Owners' Protection Act, Pub. L. No. 99-308, § 106, 100 Stat. 449, 459–60 (1986) (codified at 18 U.S.C. § 926(a)).

PART I - Exposing ATF's Illegal Gun Registry

Leaked ATF Memo Shows 54 Million Records Processed in One Year

In November of 2021, GOA obtained a leaked internal ATF memo from an anonymous source revealing that ATF had processed at least 54,700,000 "out-of-business" records of gun dealers that had closed in fiscal year 2021 alone.[21] At that pace, ATF was adding roughly a million gun-sale records a week. Major pundits and news outlets picked up the story, including Tucker Carlson, then host of *Tucker Carlson Tonight* on *Fox News*, and *The Blaze*.[22] (See Figure 1)

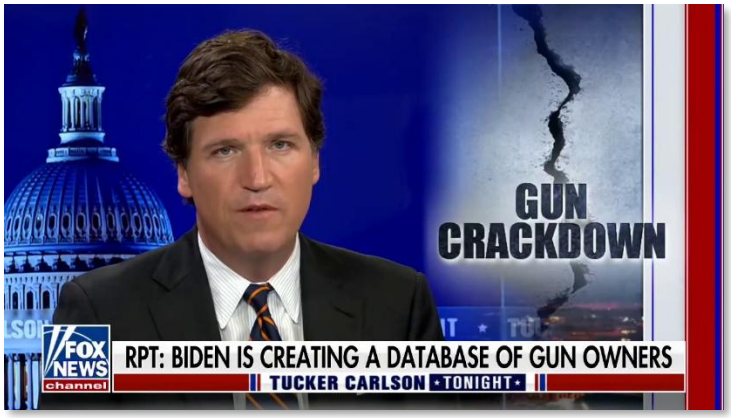


Figure 1: On November 10, 2021, *Tucker Carlson Tonight* on *Fox News* reported that the Biden administration was creating a database of gun owners.[20]

ATF Tells Rep. Cloud It Has Nearly a Billion Records

Gun Owners of America's publication of the leaked November 2021 memo prompted Representative Michael Cloud and 51 other members of the U.S. House of Representatives to send a letter to ATF on November 22, 2021, asking more questions and demanding accountability.[24] In response to that letter, ATF revealed on December 21, 2021, that



Figure 2: Rep. Jim Jordan on The Ingraham Angle, January 31, 2022.[23]

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[20] *Tucker Carlson Tonight* (Fox News broadcast Nov. 10, 2021), https://archive.org/details/FOXNEWSW_20211111_010000_Tucker_Carlson_Tonight.

[21] Adam Kredo, *Biden Admin Amassing Millions of Records on U.S. Gun Owners Amid New Crackdown on Firearms*, Wash. Free Beacon (Nov. 6, 2021), https://freebeacon.com/biden-administration/biden-admin-amassing-millions-of-records-on-u-s-gun-owners-amid-new-crackdown-on-firearms/.

[22] Gun Owners of America, *This is how a gun registry begins – Biden's ATF Creating a Registry Through FFLs*, YouTube (2021); Phil Shiver, *Report: Biden admin stockpiling millions of records on US gun owners; some fear it could be the precursor to a federal database*, Blaze (Nov. 9, 2021), https://www.theblaze.com/news/biden-stockpiling-records-on-gun-owners.

[23] *Is this the start of a national gun registry? Biden ATF reportedly has records on nearly 1 billion gun sales*, Fox News (Jan. 31, 2022), https://www.foxnews.com/video/6294709916001.

[24] Letter from Representative Michael Cloud and 51 other Members of Congress to Marvin G. Richardson, Acting Director, Bureau of Alcohol, Tobacco, Firearms and Explosives (Nov. 22, 2021), https://www.gunowners.org/wp-content/uploads/Cloud-Letter-to-ATF-November-22-2021.pdf; Houston Keene, *Republicans warn ATF taking "giant leap toward a federal firearm registry,"* Fox News (Nov. 22, 2021), https://www.foxnews.com/politics/republicans-atf-groundwork-backdoor-federal-gun-registry.

it maintained a database of 920,664,765 such records, of which 865,787,086 were in a digitized format as of November 2021.[25] The revelation that ATF maintained nearly a billion records containing gun owners' personal information shook the Second Amendment community.[26] On January 31, 2022, then-Ranking Member of the House Judiciary Committee Representative Jim Jordan told Laura Ingraham, "Every single gun purchase by a law-abiding American is being preserved, so what? So that the federal government can set up a national database?"[27] (See Figure 2)



Figure 3: Rep. Michael Cloud (R-TX), identified on screen as having "investigated ATF gun owner database," discusses ATF's records with Laura Ingraham on The Ingraham Angle, February 1, 2022.

After ATF's December 21, 2021, admission that it held 920 million records, the anti-gun movement sprang into damage control mode. The story initially broke as an exclusive in the *Washington Free Beacon*. As news that ATF held nearly a billion gun-owner records gained traction on social media, Facebook and *USA Today* teamed up to censor Gun Owners of America's Facebook post sharing the *Free Beacon* story.[28] Relying on a statement by a public affairs officer within ATF, who promised *USA Today* that "ATF does not



Figure 4: GOA Senior Vice President Erich Pratt tells Laura Ingraham that Biden's ATF "registered nearly 1 billion gun owner records" and that the list is "a prelude to gun confiscation."

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[25] Letter from Daniel L. Board, Jr., Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Representative Michael Cloud (Dec. 21, 2021), https://www.gunowners.org/wp-content/uploads/Board-Letter-to-Cloud-December-21-2021.pdf.

[26] Letter from Daniel L. Board, Jr., Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Representative Michael Cloud (Dec. 21, 2021). *See also* Adam Kredo, *Biden Admin Has Records on Nearly One Billion Gun Sales*, Wash. Free Beacon (Jan. 31, 2022), https://freebeacon.com/guns/biden-admin-has-records-on-nearly-one-billion-gun-sales/.

[27] *The Ingraham Angle* (Fox News broadcast Jan. 31, 2022), https://archive.org/details/FOXNEWSW_20220201_030000_The_Ingraham_Angle.

[28] Adam Kredo, *Biden Admin Has Records on Nearly One Billion Gun Sales*, Wash. Free Beacon (Jan. 31, 2022), https://freebeacon.com/guns/biden-admin-has-records-on-nearly-one-billion-gun-sales/; Daniel Funke, *Fact check: Claim that ATF has "gun registry" with 1 billion records is missing context*, USA Today (Feb. 9, 2022), https://www.usatoday.com/story/news/factcheck/2022/02/09/fact-check-claim-atf-has-gun-registry-missing-context/9304431002/; Aidan Johnston, *Facebook Censors ATF's Gun Registry With Error-Laden USA Today "Fact Check,"* Gun Owners of America (Feb. 14, 2022), https://www.gunowners.org/facebook-censors-atfs-gun-registry-with-error-laden-usa-today-fact-check/.

maintain a federal gun registry,"[29] *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."[30]

GOA Publishes Its First Report on ATF's Gun Registry

Gun Owners of America and the Gun Owners Foundation (GOF) used a Freedom of Information Act (FOIA) request, and a lawsuit to enforce it, to gather further damning information about this illegal national gun registry. ATF made five productions totaling 1,443 pages.[31]

In May 2022, GOA released a report entitled ATF's Illegal Gun Owner Registry.[32] The report showed that, contrary to the claims of the anti-gun Left, ATF maintains a centrally managed, digital, and searchable national gun registry, in violation of the Firearm Owners' Protection Act of 1986 (FOPA) and several congressional appropriations restrictions, which ban a federal registry of guns or gun owners.

President Biden Expands the Registry

While GOA was working to expose ATF's illegal registry, President Biden was busy expanding it. On May 21, 2021, President Biden proposed a rule to make Firearm Transaction Records or Forms 4473 into permanent gun registration forms.[33] At the time, dealers could destroy Forms 4473 after 20 years. President Biden's rule proposed that gun stores would be required to keep the forms for as long as they stay in business and transfer them to ATF when they went out of business. Gun Owners of America, the

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[29] Daniel Funke, *Fact check: Claim that ATF has "gun registry" with 1 billion records is missing context*, USA Today (Feb. 9, 2022), https://www.usatoday.com/story/news/factcheck/2022/02/09/fact-check-claim-atf-has-gun-registry-missing-context/9304431002/.

[30] Aidan Johnston, *Facebook Censors ATF's Gun Registry With Error-Laden USA Today "Fact Check,"* Gun Owners of America (Feb. 14, 2022), https://www.gunowners.org/facebook-censors-atfs-gun-registry-with-error-laden-usa-today-fact-check/.

[31] Bureau of Alcohol, Tobacco, Firearms and Explosives, *Response to Gun Owners of America FOIA Request 2020-0802, Release One* (Mar. 2, 2022), https://www.gunowners.org/wp-content/uploads/FOIA-Release-One.pdf; *Release Two* (Mar. 14, 2022), https://www.gunowners.org/wp-content/uploads/FOIA-Release-Two.pdf; *Release Three* (Sept. 1, 2022), https://www.gunowners.org/wp-content/uploads/FOIA-Release-Three.pdf; *Release Four, Part 1* (Oct. 3, 2022), https://www.gunowners.org/wp-content/uploads/FOIA-Release-Four-Part-1.pdf; *Release Four, Part 2* (Oct. 3, 2022), https://www.gunowners.org/wp-content/uploads/FOIA-Release-Four-Part-2.pdf; *Release Five* (Nov. 3, 2022), https://www.gunowners.org/wp-content/uploads/FOIA-Release-Five.pdf.

[32] Houston Keene, *Gun rights group's ATF report accuses agency of making "illegal gun registry" …*, Fox News (May 24, 2022), https://www.foxnews.com/politics/gun-rights-atf-accuses-agency-illegal-gun-registry; Gun Owners of America, *ATF's Illegal Gun Owner Registry* (May 2022).

[33] Definition of "Frame or Receiver" and Identification of Firearms, 86 Fed. Reg. 27,720 (May 21, 2021) (notice of proposed rulemaking, Docket No. 2021R-05).

Gun Owners Foundation, and grassroots activists sent in over 60,000 public comments opposing the Biden gun registration rule.[34]

Unfortunately, Attorney General Garland signed the gun registration rule, which took effect on August 24, 2022.[35] Because gun stores already had the last 20 years of records on hand when the permanent recordkeeping rule went into effect, it had a 20-year retroactive effect.[36] This means there currently exists a substantially complete registry, partly in ATF's out-of-business center and partly in active gun store records, of all guns and gun owners that engaged in commercial transactions since August 24, 2002.[37] As of the date of publication, that is a total registry of all firearm transactions in the United States for the last 24 years.[38]

But President Biden wasn't content to slowly wait for gun stores to go out of business to expand ATF's gun registry over time. On June 23, 2021, the Biden Administration announced a zero-tolerance policy under which ATF would revoke the license of a gun store, known as a Federal Firearms License (FFL), for even a single harmless violation, like a paperwork error.[39] Each mistake would result in a license revocation, triggering the process whereby the dealer's out-of-business records would be sent to ATF. In January 2022, ATF updated its license revocation policy and began putting hundreds of gun stores out of business for honest recordkeeping mistakes.[40]

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[34] *Twenty-Seven Congressmen Comment to Oppose the ATF's Homemade Gun Ban, Backdoor Registry*, Gun Owners of America (Aug. 20, 2021), https://www.gunowners.org/twenty-seven-congressmen-comment-to-oppose-the-atfs-homemade-gun-ban-backdoor-registry/; Gun Owners of America & Gun Owners Foundation, Comment on Definition of "Frame or Receiver" and Identification of Firearms, ATF 2021R-05 / FR Doc. 2021-10058 (June 4, 2021).

[35] 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* (Apr. 11, 2022), https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2022/04/11/fact-sheet-the-biden-administration-cracks-down-on-ghost-guns-ensures-that-atf-has-the-leadership-it-needs-to-enforce-our-gun-laws/; Definition of "Frame or Receiver" and Identification of Firearms, 87 Fed. Reg. 24,652 (Apr. 26, 2022) (effective Aug. 24, 2022).

[36] Definition of "Frame or Receiver" and Identification of Firearms, 87 Fed. Reg. 24,652, 24,746 (Apr. 26, 2022), https://www.federalregister.gov/documents/2022/04/26/2022-08026/definition-of-frame-or-receiver-and-identification-of-firearms; 27 C.F.R. § 478.129(b) (2021).

[37] 87 Fed. Reg. at 24,652, 24,746.

[38] 87 Fed. Reg. at 24,746; 18 U.S.C. § 923(g)(4).

[39] White House, *Fact Sheet: Biden-Harris Administration Announces Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety* (June 23, 2021).

[40] ATF O 5370.1E, *Federal Firearms Administrative Action Policy and Procedures* (Jan. 28, 2022), https://www.gunowners.org/wp-content/uploads/2022-ATF-O.5370.1E-Federal-Firearms-Administrative-Action-Policy-Procedures-1.pdf; Statement for the Record of Steven Dettelbach, Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, Before the Subcomm. on Commerce, Justice, Science, and Related Agencies of the H. Comm. on Appropriations, at 13 (Apr. 18, 2023), https://www.justice.gov/d9/2023-06/fiscal_year_2024_budget_request_for_the_bureau_of_alcohol_tobacco_firearms_and_explosives.pdf.

Congress Targets the Registry

Representative Cloud soon introduced the GOA-backed H.R. 6945, the No Retaining Every Gun In a System That Restricts Your Rights (No REGISTRY Rights) Act, on March 7, 2022, a bill that drew 70 cosponsors.[41]

Registry opponents also turned to the annual spending bills, where one amendment can defund the registry without a standalone statute. In late 2023, Representative Cloud offered an amendment that would have prohibited any funds in that spending bill from being used for ATF's Out of Business Records Imaging System Database (OBRIS, ATF's database of scanned out-of-business records).[42]

GOA and our allies then won the first recorded vote. The House Appropriations Committee adopted, 29 to 25, an amendment offered by Representative Andrew Clyde on July 9, 2024, barring ATF from using funds to record or maintain out-of-business dealer records.[43] (See Figure 5)



Figure 5: Rep. Michael Cloud speaks at the House Appropriations full-committee markup of the FY 2025 CJS bill, July 9, 2024.[44]

In 2025, language barring ATF from using funds to record or maintain out-of-business dealer records no longer needed an amendment. The GOA-backed language was written into the base text of the fiscal year 2026 House funding bill itself.[45] The House marked up comparable language again in its draft funding bill for fiscal year 2027.[46]

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[41] H.R. 6945, 117th Cong. (introduced Mar. 7, 2022), https://www.govinfo.gov/app/details/BILLS-117hr6945ih.

[42] H.R. Rep. No. 118-273, at 11, 25 (Nov. 14, 2023).

[43] H. Comm. on Appropriations, Full Committee Votes, Roll Call 3 (July 9, 2024), Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY 2025, motion by Mr. Clyde, https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=117502.

[44] H. Comm. on Appropriations, *Full Committee Markup of FY25 CJS, Interior and Environment, and Energy and Water Bills* (July 9, 2024), at 1:59:38, https://www.youtube.com/watch?v=w28_rljCuy8.

[45] Commerce, Justice, Science, and Related Agencies Appropriations Act, 2026, H.R. 5342, 119th Cong. § 608 (as reported to the House, H.R. Rep. No. 119-272); *id.* § 609.

[46] Commerce, Justice, Science, and Related Agencies Appropriations Act, 2027, H.R. 8845, 119th Cong. § 580 (as reported, H.R. Rep. No. 119-652); H. Comm. on Appropriations, FY2027 CJS full-committee mark at the corresponding section.

Since the ATF leak, registry opponents in Congress have offered standalone House and Senate bills and annual appropriations rider text. In the 119th Congress, Representative Cloud and Senator Risch reintroduced the No REGISTRY Rights Act as H.R. 563 and S. 119.[47]

GOA Files Multiple Lawsuits to Fight the Registry

GOA also challenged the 2022 permanent-record retention rule and the zero-tolerance policy in court.[48] In 2022, GOA, the Gun Owners Foundation (GOF), and 17 States sued over the rule that made dealer records permanent. After the Biden Administration weaponized the zero-tolerance policy against our plaintiff in North Dakota, GOA and GOF filed a second federal lawsuit against the policy. ATF backed down and restored our plaintiff's Federal Firearms License. GOA also backed a second lawsuit against the zero-tolerance policy, filed in Florida on August 29, 2023.[49]

President Trump Begins to Undo Biden's Registration Scheme

Four years to the day after President Biden's first registry-expanding announcement, on April 7, 2025, ATF, under the leadership of Acting Director Kash Patel announced that ATF had repealed and ceased enforcing the Biden-era zero-tolerance inspection policy.[50] The new administrative action policy, issued May 6, 2025, replaced a "zero tolerance" standard for certain violations with a more objective, fact-specific analysis.[51] Repealing zero tolerance ended one driver of forced transfers of dealer records into ATF's out-of-business holdings.

During the 119th Congress, the Senate Committee on Homeland Security held a hearing where GOA Senior Vice President Erich Pratt warned Congress of the dangers of this registry.[52] At the same time,

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[47] H.R. 563, 119th Cong. (2025); S. 119, 119th Cong. (2025). *See also* Written Testimony of Erich Pratt, GOA Senior Vice President, submitted to the S. Comm. on Homeland Sec. & Governmental Affairs, hearing on "The Second Amendment" (Apr. 15, 2026) (official revised statement), at 5, 8.

[48] Complaint, *Morehouse Enters., LLC v. ATF*, No. 3:22-cv-00116 (D.N.D. 2022); Complaint, *Morehouse Enters., LLC v. ATF*, No. 3:23-cv-00129 (D.N.D. filed July 11, 2023). Complaint, *Kiloton Tactical, LLC v. ATF*, No. 3:23-cv-23985 (N.D. Fla. filed Aug. 29, 2023), https://foundation.gunowners.org/wp-content/uploads/kiloton-v-atf/23985-01-Complaint.pdf.

[49] *Morehouse Enters., LLC v. ATF*, No. 3:22-cv-00116-PDW-ARS (D.N.D. filed July 5, 2022); Complaint, *Morehouse Enters., LLC v. ATF*, No. 3:23-cv-00129 (D.N.D. filed July 11, 2023). Complaint, *Kiloton Tactical, LLC v. ATF*, No. 3:23-cv-23985 (N.D. Fla. filed Aug. 29, 2023), https://foundation.gunowners.org/wp-content/uploads/kiloton-v-atf/23985-01-Complaint.pdf.

[50] White House, *FACT SHEET: Biden-Harris Administration Announces Initial Actions to Address the Gun Violence Public Health Epidemic* (Apr. 7, 2021), https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2021/04/07/fact-sheet-biden-harris-administration-announces-initial-actions-to-address-the-gun-violence-public-health-epidemic/.

[51] Department of Justice and Bureau of Alcohol, Tobacco, Firearms and Explosives, *DOJ, ATF Repeal FFL Inspection Policy and Begin Review of Two Final Rules* (Apr. 7, 2025), https://www.atf.gov/news/press-releases/doj-atf-repeal-ffl-inspection-policy-and-begin-review-two-final-rules; ATF Order 5370.1H, *Federal Firearms Administrative Action Policy and Procedures* (May 6, 2025), https://www.atf.gov/media/22596/download. *See also* ATF, *ATF Updates National Policy on Federal Firearm Licensee Inspections To Promote Fairness, Consistency, and Public Safety*.

[52] *The Second Amendment: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 119th Cong. (Apr. 15, 2026) (testimony of Erich Pratt, Senior Vice President, Gun Owners of America). *See* Written Testimony of Erich Pratt (Apr. 15, 2026), *available at* https://www.hsgac.senate.gov/hearings/the-second-amendment/.

GOA called on the Trump administration to eliminate the registry and set a record retention period of "zero years."[53] To be clear, GOA does not support any retention of gun records by ATF whatsoever. However, on May 6, 2026, ATF proposed keeping out-of-business records for 20 or 30 years[54] rather than indefinitely. GOA critiqued this proposed rule in its public comments, and the Trump administration has yet to publish a final rule.[55]

Current State of ATF's Illegal Registry: 1.4 Billion Records

As of May 19, 2026, ATF holds 1,414,088,513 out-of-business records in its illegal gun registry, centralized in federal hands.[56] These records, collected from out-of-business dealers, converted from microfilm, and gathered in digital form, represent the largest gun registry in American history. Despite partial administrative rollbacks under President Trump, the registry itself remains intact. GOA has exposed an illegal, searchable, centralized system that Congress has repeatedly banned and ATF has repeatedly expanded.

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[53] Gun Owners of America & Gun Owners Foundation, Comment on Firearm Records Retention Periods (RIN 1140-AA95) (June 2, 2026), *available at* https://www.gunowners.org/wp-content/uploads/GOA_ATF_OOB_Records_Retention_Comment.pdf.

[54] Firearm Records Retention Periods, 91 Fed. Reg. 24,413 (May 6, 2026).

[55] *See* Gun Owners of America & Gun Owners Foundation, Comment on Firearm Records Retention Periods (RIN 1140-AA95) (June 2, 2026), *available at* https://www.gunowners.org/wp-content/uploads/GOA_ATF_OOB_Records_Retention_Comment.pdf.

[56] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4.

PART II - What We Know About ATF's Illegal Gun Registry

How ATF's Registry Works

The bulk of ATF's gun registry was digitized from the records of gun stores that went out of business. ATF requires that firearm dealers maintain lots of paperwork, including Firearm Transaction Records, known as Forms 4473. When a gun store goes out of business and the Federal Firearms License is discontinued, these records are delivered to ATF and become known as "out-of-business records." Some of these forms contain personal gun, gun owner, and firearm transaction information, while other records do not.

Those Firearms Transaction Records capture a commercial sale after a background check. Every time a person buys a gun from a commercial dealer, the buyer fills out Form 4473 and the dealer runs a National Instant Criminal Background Check System (NICS) background check.[57] That form records the buyer's name, address, and the firearm's make, model, and serial number.[58] It remains with the dealer until the dealer goes out of business or otherwise discontinues business, when 18 U.S.C. § 923(g)(4) requires those records to be delivered to ATF.[59]

What Types of Gun and Gun Owner Records Are in the Registry?

While ATF has never released a breakdown of the 920 million records by type, ATF's March 2022 response to GOA's FOIA request lists the records that out-of-business dealers must send to the registry.[60]

Those records, which make up the out-of-business registry, include:

- Original Federal firearms license
- Acquisition / Disposition (A&D) Records (a "bound volume" 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.*

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[57] 18 U.S.C. § 922(t); 27 C.F.R. § 478.124.

[58] 27 C.F.R. § 478.124.

[59] 18 U.S.C. § 923(g)(4); 27 C.F.R. § 478.127.

[60] Bureau of Alcohol, Tobacco, Firearms and Explosives, *Response to Gun Owners of America FOIA Request 2020-0802, Release One* (Mar. 2, 2022), at 14, https://www.gunowners.org/wp-content/uploads/FOIA-Release-One.pdf.

According to the earliest record count obtained in GOA's FOIA, on September 25, 2020 ATF had 420,350,563 records imaged in its Enterprise Content Management–Out of Business Records (ECM-OBR) system and approximately 40,885,300 paper records in a warehouse awaiting imaging, plus 397,009,542 Digital Reel records converted from microfilm and microfiche. At that time, about 91 percent of ATF's ECM-OBR and pending records had been digitized. [61]

In 2021, ATF told Representative Michael Cloud it held 865,787,086 digitized records and 54,877,679 were still on paper, so 94 percent were digitized.[62]

As of May 19, 2026, ATF told Representative Michael Cloud it held 1,414,088,513 out-of-business record images and pages: 912,184,571 images stored in ATF's Enterprise Content Management system, 397,009,542 images stored in Digital Reel as converted microfilm or microfiche, and 104,894,400 pages still in hardcopy awaiting image conversion.[63] (See Figure 6) The two image counts together are 1,309,194,113 digitized images, so 93 percent were digitized. Director Robert Cekada's May 14, 2026, written testimony reported that as of March 1, 2026, the Out-of-Business Records Center maintained over 1.38 billion out-of-business records, and that the National Tracing Center (NTC) receives an average of 7.3 million out-of-business records per month based on calendar year 2025 counts.[64]

ESTIMATED OUT OF BUSINESS FFL RECORD COUNTS (as of 05/19/2026):

OUT OF BUSINESS (OOB) RECORD FORMAT	COUNT
IMAGES STORED IN ECM SYSTEM	912,184,571
IMAGES STORED IN DIGITAL REEL (CONVERTED MICROFILM/MICROFICHE)	397,009,542
PAGES IN HARDCOPY (PENDING IMAGE CONVERSION)	104,894,400
TOTAL OOB RECORD IMAGES/PAGES	1,414,088,513

*For reporting purposes, an image is the equivalent of a single one-sided page of a document

Figure 6: ATF's estimated out-of-business record counts as of May 19, 2026 as submitted to Congress.[65]

[61] *Id.* at 8, 12.

[62] Letter from Daniel L. Board, Jr., Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Representative Michael Cloud (Dec. 21, 2021).

[63] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4.

[64] *Privacy Protections and the Second Amendment: Examining ATF's Relationship to the Tiahrt Amendment: Hearing Before the Subcomm. on Fed. Law Enforcement of the H. Comm. on Oversight and Gov't Reform*, 119th Cong. (May 14, 2026) (written statement of Robert Cekada, Director, ATF), at 13.

[65] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4.

ATF's own label for that count has changed. In 2021, ATF told Congress it managed "920,664,765 OBR [out-of-business records]," of which "865,787,086 of those records are in digitalized format."[66] In 2026, ATF still described its chart as "the approximate number of OBRs," but labeled the total in images and pages and explained that "an image is the equivalent of a single one-sided page of a document."[67]

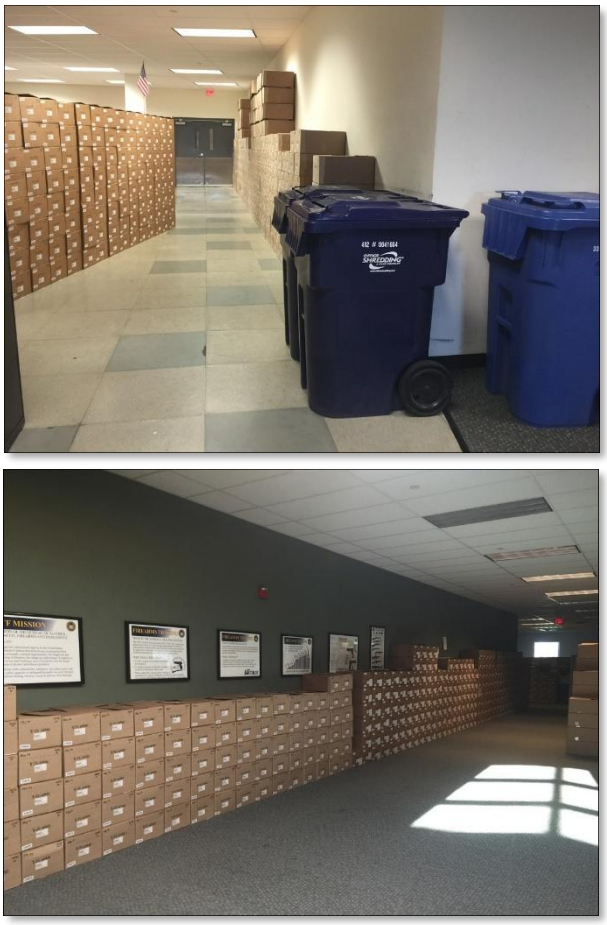


Figure 7: Out-of-business record boxes in the halls of ATF's National Tracing Center.[68]

Most Records Are from Out-of-Business Gun Dealers

Paper Records

By statute and regulation, Federal Firearms Licensees have long been required to maintain records in a paper format and in "bound volume[s][69]." These paper records are shipped to ATF when a gun store goes out of business[70]. FOPA and its out-of-business record transmittal requirement[71] only ever contemplated a paper record system. Even though many gun owners were wary of the idea of a registry, no one could imagine that ATF would actually be able to turn this massive archive of paper records into a registry. Indeed, the records overflowed from the ATF warehouse into

[66] Letter from Daniel L. Board, Jr., Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Representative Michael Cloud (Dec. 21, 2021), at 1.

[67] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4.

[68] U.S. Gov't Accountability Off., *Firearms Data: ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies*, GAO-16-552, fig. 4 (June 2016), https://www.gao.gov/products/gao-16-552.

[69] 18 U.S.C. § 923(g); 27 C.F.R. § 478.125.

[70] 18 U.S.C. § 923(g)(4); 27 C.F.R. § 478.127.

[71] Firearm Owners' Protection Act of 1986, Pub. L. No. 99-308, 100 Stat. 449 (codified in relevant part at 18 U.S.C. §§ 923(g)(4), 926(a)).

shipping containers[72] in the parking lot. ATF lost records to mold, moisture, and poor storage conditions.[73] At one point, ATF was concerned the weight of the records might collapse the floor.[74]

As computer technology advanced, ATF began to modernize its recordkeeping system, which eventually became today's digital registry. By fiscal year 1992 ATF had already computerized a five-item index of the microfilmed out-of-business records. In the mid-2000s Congress funded conversion of those films to digital images, and under the Bush administration ATF began scanning paper out-of-business records into non-searchable image files (work later associated with OBRIS, around 2006).[75] Now, ATF's standard operating procedure is to digitize all paper records it receives from out-of-business gun stores. One report leaked by Gun Owners of America revealed that ATF processed 54.7 million out-of-business records in fiscal year 2021.[76] Since then, ATF has nearly doubled that pace: ATF's digitized records grew from 865,787,086 in December 2021 to 1,309,194,113 as of May 19, 2026, an average of roughly 100 million records digitized each year.[77]

Throughout ATF's paper-to-digital-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 vary based upon the format by which each record was received by ATF.

ATF maintains that registry records in their final file format are not searchable by name. The final records remain searchable by weapon type, make, model, serial number, caliber, and other fields.[78]

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[72] *See, e.g.*, Jeanne Marie Laskas, *Inside the Federal Bureau of Way Too Many Guns*, GQ (Aug. 30, 2016), https://www.gq.com/story/inside-federal-bureau-of-way-too-many-guns.

[73] Phil Rogers & Shelby Bremer, *How Crime Guns Are Traced in the US: One Page at a Time*, NBC Chicago (Sept. 16, 2021), https://www.nbcchicago.com/violence-in-chicago/how-crime-guns-are-traced-in-the-us-one-page-at-a-time/2615068/; Melissa Block, *The Low-Tech Way Guns Get Traced*, NPR (May 20, 2013), https://www.npr.org/2013/05/20/185530763/the-low-tech-way-guns-get-traced.

[74] U.S. Gov't Accountability Off., *Firearms Data: ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies*, GAO-16-552, at 62 (June 2016), https://www.gao.gov/products/gao-16-552; Block, *The Low-Tech Way Guns Get Traced*, NPR (May 20, 2013), https://www.npr.org/2013/05/20/185530763/the-low-tech-way-guns-get-traced.

[75] U.S. Gen. Accounting Off., GAO/GGD-96-174, *Federal Firearms Licensee Data: ATF's Compliance with Statutory Restrictions* 9, 43 (Sept. 11, 1996), https://www.gao.gov/products/ggd-96-174. H.R. Conf. Rep. No. 108-792 (2004). Gun Owners of America & Gun Owners Found., Comment on Firearm Records Retention Periods, RIN 1140-AA95, at 8 (June 2, 2026) (regulations.gov ATF-2026-0003-3751), https://www.gunowners.org/wp-content/uploads/GOA_ATF_OOB_Records_Retention_Comment.pdf.

[76] Adam Kredo, *Biden Admin Amassing Millions of Records on U.S. Gun Owners Amid New Crackdown on Firearms*, Wash. Free Beacon (Nov. 6, 2021), https://freebeacon.com/biden-administration/biden-admin-amassing-millions-of-records-on-u-s-gun-owners-amid-new-crackdown-on-firearms/.

[77] Letter from Daniel L. Board, Jr., Assistant Director, Public and Governmental Affairs, ATF, to Rep. Michael Cloud (Dec. 21, 2021); Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4.

[78] *FOIA Release One*, at 11.

One example of a paper record that ATF might receive from an out-of-business gun store is a Firearm Transaction Record or Form 4473.[79] ATF's own orders require an out-of-business dealer to forward even Forms 4473 "where a National Instant Criminal Background Check System (NICS) check was made, but a transfer was not completed."[80] As a result, the collection includes records of people whose purchase was never completed. ATF receives these records from gun dealers, centralizes them at its Martinsburg, West Virginia office, and converts them into a digital format indexed and searchable by dealer and serial number.[81]

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 and Scan Client User's Guide that ATF released in response to GOA's FOIA request, the machines use IBML's proprietary software (and registered trademark) DocNetics.[82] According to IBML's *Capture Suite Brochure*, DocNetics "[i]ncludes powerful recognition engines for" the following image conversion capabilities:

- 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.[83]

IBML advertises the capabilities of DocNetics as able to "Checks barcodes, MICR data and OCR data" (or Optical Character Recognition data), "flag documents for rescanning," and "redact parts of documents for security."[84] In effect, this software can read all of the handwriting on a particular Firearms Transaction Record and turn the entire record into digital searchable data.

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[79] 18 U.S.C. § 923(g)(4); 27 C.F.R. § 478.127; ATF Order 1340.6B, *Obtaining and Shipping Out of Business Records to the National Tracing Center – Out of Business Records Repository* (Oct. 4, 2021) § 5.b.(1), *reproduced in* Bureau of Alcohol, Tobacco, Firearms and Explosives, *Response to Gun Owners of America FOIA Request 2020-0802, Release Two* (Mar. 14, 2022), at 9, https://www.gunowners.org/wp-content/uploads/FOIA-Release-Two.pdf; ATF Publication 3312.10 (rev. Sept. 2016), *reproduced in FOIA Release Two*, at 13–14.

[80] ATF Order 1340.6A (Sept. 16, 2016) § 4.b.(1), *reproduced in FOIA Release Two*, at 4; ATF Order 1340.6B (Oct. 4, 2021) § 5.b.(1), *reproduced in FOIA Release Two*, at 9.

[81] *FOIA Release One*, at 8–9. *See* ATF Order 1340.6B, *Obtaining and Shipping Out of Business Records to the National Tracing Center – Out of Business Records Repository* (Oct. 4, 2021) § 8.h, *reproduced in FOIA Release Two*, at 11. U.S. Gov't Accountability Off., GAO-16-552, *Firearms Data: ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies* 7 (June 2016).

[82] *ImageTrac and Scan Client User's Guide*, in *FOIA Release One*, at 147.

[83] Imaging Business Machines L.L.C., *Capture Suite Brochure* 4.

[84] *Id.* at 3, 5; *see* https://www.ibml.com/wp-content/uploads/2022/02/Advance-Critical-Capture-with-ibml-Capture-Suite.pdf.

DocNetics can redact part of documents for security as the document is being scanned. Like 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.

Through this process, ATF has taken hundreds of millions of paper records from out-of-business dealers and turned the paper records into digital, searchable gun registration documents. ATF apparently only indexes paper records by FFL number.[85]

Microfilm Records

Before it was possible to digitalize paper records, ATF received funding from Congress to convert paper records into microfilm for faster analysis.[86] The General Accounting Office (GAO) described ATF's system to Congress as follows:

> In fiscal year 1992, ATF began using a minicomputer to create an index of the out-of-business microfilm records containing the information necessary to identify whether ATF had a record relating to a firearm being traced. The index contains the following key information:
>
> (1) the cartridge number of the microfilm;
>
> (2) an index number;
>
> (3) the serial number of the firearm;
>
> (4) the federal firearms licensee number;
>
> (5) and the type of document on microfilm, i.e., a Firearms Transaction Record (ATF Form 4473) or bound logbook pages.
>
> The indexed information that is captured by the minicomputer is then stored on a mainframe computer's database to allow searches of the indexed information by a tracer. The other information on the microfilm frames, including the firearms purchaser's name, remains on the microfilm cassette and must be viewed with a microfilm reader.

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[85] *FOIA Release One*, at 9.

[86] U.S. Gen. Accounting Off., GAO/GGD-96-174, *Federal Firearms Licensee Data: ATF's Compliance with Statutory Restrictions* 10 (Sept. 11, 1996), https://www.gao.gov/products/ggd-96-174.

> Since the establishment of the out-of-business records computerized index, firearm traces are to begin with a query of the Out-of-Business Records System, rather than a query of the manufacturer or importer.[87]

Thus, nearly 400,000,000 out-of-business records were converted from paper into a microfilm or microfiche format. Later, when software was invented to digitalize old microfilm databases, ATF began to convert these records into a digital microfilm format as well. [88]

Digital Records

In recent years, ATF waived the requirements for FFLs to maintain "bound volume[s]," allowing computerized records "in lieu" of the statutory requirements.[89] Now, most records that ATF receives from out-of-business gun dealers are in a digital format rather than paper. ATF receives and maintains these computerized gun store records.[90]

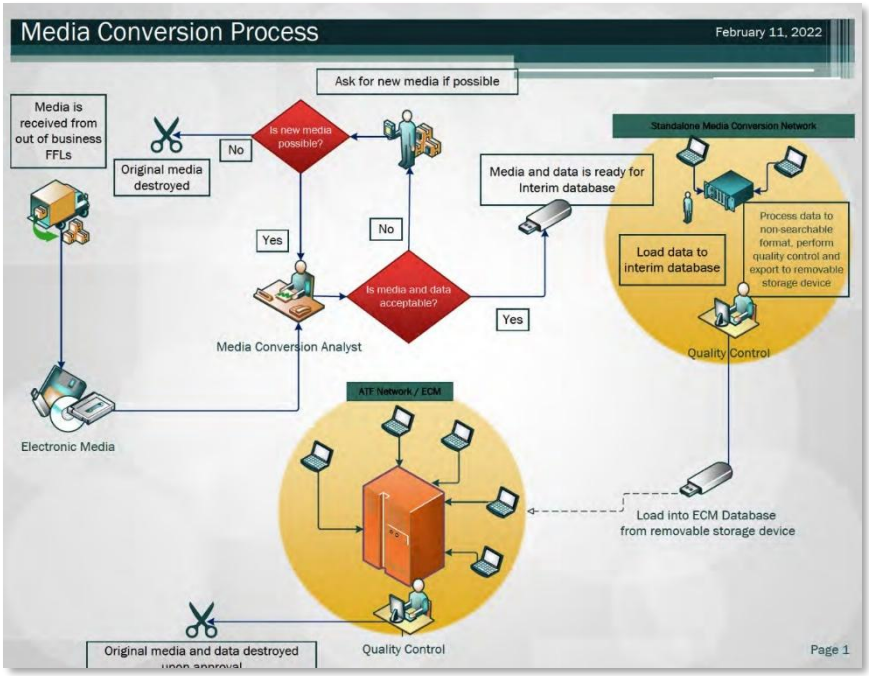


Figure 8: ATF's Media Conversion Process chart, dated February 11, 2022.

ATF's process for adding digital records to its gun registry is different from paper records. When a gun store with digital records closes up shop, ATF Order 1340.6A requires records to be submitted by dealers as a "complete printout or download." This "Media Conversion Process" takes the digital dealer records and converts them for entry into ATF's registry. [91] (See Figure 8)

During the Media Conversion Process, gun and gun owner data is kept in several searchable file formats throughout the media conversion process:

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[87] U.S. Gen. Accounting Off., GAO/T-GGD-96-104, *Alcohol, Tobacco and Firearms: Issues Related to Use of Force, Dealer Licensing, and Data Restrictions* 25–26 (Apr. 25, 1996) (testimony before the Subcommittee on Treasury, Postal Service, and General Government, House Committee on Appropriations), https://www.gao.gov/products/t-ggd-96-104.

[88] *FOIA Release One*, at 8.

[89] ATF Rul. 2016-1 (Apr. 29, 2016), https://www.atf.gov/firearms/docs/ruling/2016-1-requirements-keep-firearms-records-electronically; 27 C.F.R. § 478.22.

[90] *FOIA Release One*, at 209.

[91] Excerpt from ATF Order 1340.6A, Computerized Records, in *FOIA Release One*, at 14; *WI-Media Conversion_v11*, in *FOIA Release One*, at 217.

1. The initial download for ATF "must provide an American Standard Code for Information Interchange (ASCII) text file," which is a searchable file format, "containing all acquisition and disposition records".[92]
2. If ATF determines that dealer-submitted "media data files are not […] suitable for conversion" to the gun registry, then it will ask FFLs for an "alternate electronic media format" including several searchable "Excel, PDF or text file" formats.[93]
3. Records are imaged as PDFs and a "Jpgconvert" command is run.[94]
4. Records are rescanned on a Xerox machine and emailed as PDFs.[95]
5. ATF employees 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.[96]
6. Searchable text (.txt) files are converted into searchable "Excel spreadsheet[s]" and the information is "delimit[ed]" to also make the data more easily searchable.[97]
7. ATF takes certain files and "convert[s] the data to the Comma Separated Variable (CSV) format," which is also searchable.[98]
8. 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.[99]
9. Certain CSV data is accessed by ATF using "Adobe PDF," which includes search functionality.[100]
10. Just prior to being uploaded to the registry, converted media and images are 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.[101]
11. Even after converted records are uploaded to the registry, ATF keeps searchable duplicates: "[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."[102]

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[92] *FOIA Release One*, at 14.
[93] *FOIA Release One*, at 210.
[94] *FOIA Release One*, at 22–23.
[95] *FOIA Release One*, at 27–28.
[96] *FOIA Release One*, at 211.
[97] *FOIA Release One*, at 212.
[98] *FOIA Release One*, at 212–213.
[99] *FOIA Release One*, at 213.
[100] *FOIA Release One*, at 214.
[101] *FOIA Release One*, at 215.
[102] *FOIA Release One*, at 218.

EXAMPLE: An internal ATF guidance memo shows how searchable Firearm Transaction Records remain after all ATF's manipulation and conversion of the data. One guide refers to a hypothetical file named "Weapon.txt (OBR_WEAPON_TRANSACTIONS Table)." The proposed scenario envisions several errors in data entry:

> [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.[103]

Here, ATF is casually referring to adding 8,000 weapon transactions from a single file to the database, through a file format which is entirely searchable.[104]

ATF receives out-of-business records in a paper format and in a digital format. These digital files are extremely searchable in nature, and ATF uses the file formats to manipulate the data the way it sees fit. At most stages of the process, ATF could search these records by name to find out who bought which gun.

The Registry Is Searchable

Congress has long restricted how ATF may search its records. Since 2011, federal law has permanently provided:

> [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.[105]

Everyone from members of Congress to Big Tech berated Gun Owners of America for reporting that ATF's database of gun owner records is searchable.[106] But the FOIA documents ATF provided to Gun Owners of America prove the "fact checkers" wrong. ATF's registry is, in fact, searchable by several different programs and functions, as detailed in the sections that follow.

Although GOA is concerned the registry could be abused in the future for gun confiscation, ATF currently uses the registry for gun tracing. A trace follows a gun from its manufacturer, to the dealer, to the first retail buyer. There is no way ATF could trace a gun to an owner if it were not able to search the database. The very nature of a firearm trace proves the database is searchable. The question is how searchable ATF's registry is.

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[103] *FOIA Release One*, at 217.

[104] *WI-Media Conversion_v11*, in *FOIA Release One*, at 217.

[105] Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. No. 112-55, div. B, tit. II, 125 Stat. 552, 610 (2011) (codified at 18 U.S.C. § 923 note).

[106] Rep. Eric Swalwell, *President Biden Does Not Want to Take Your Guns Away*, Newsweek (Apr. 21, 2022); Aidan Johnston, *Facebook Censors ATF's Gun Registry With Error-Laden USA Today "Fact Check,"* Gun Owners of America (Feb. 14, 2022).

ATF's Microfilm Records Are Extremely Searchable

The searchability of ATF's microfilm records is a great example of ATF software's search capabilities far exceeding what the agency publicly claims.

When describing the way ATF searches its microfilm records to trace a gun to its owner, ATF claims that "[m]icrofilm or digital photographs" are "visually inspected to determine disposition data" such as personal gun owner information when using the registry.[107] This sounds as if ATF's record searches merely involve visual examination of nonsearchable image files. That description is misleading.

ATF stores 397,009,542 microfilm and microfiche records in a program called Digital ReeL.[109] Digital ReeL is a proprietary microfilm and microfiche "conversion solution" run by BMI Imaging Systems.[110] On its website, BMI Imaging Systems advertises a "Digital ReeL Training Video" on "Text Search" functionality (See Figure 9), stating:



Figure 9: BMI Imaging Systems' "Text Search" training video for Digital ReeL.[108]

> Utilize text search to quickly and effectively locate data. You don't need to know where it is, just what it is![111]

Digital ReeL functionality is also advertised to include "global text search to quickly locate keywords, phrases, names, numbers, etc."[112] This powerful functionality (the ability to search records by text) is hardly what ATF advertises when it discusses its Microfilm records.

Other Digital Records Can Be Searched and Results Filtered

The non-microfilm digital records that ATF maintains are also searchable, just not by name. The Enterprise Content Management System, the platform for ATF's non-microfilm digital records, has a "Quick Search drop down" available once an employee has "logged in."[113]

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[107] *FOIA Release One*, at 13–14.

[108] BMI Imaging Systems, *Digital ReeL Training Videos*.

[109] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4; *FOIA Release One*, at 8.

[110] BMI Imaging Systems, *Digital ReeL Conversion Solution*.

[111] BMI Imaging Systems, *Digital ReeL Training Videos*.

[112] BMI Imaging Systems, *Digital ReeL*, https://bmiimaging.com/what-we-offer/digital-reel/.

[113] *FOIA Release One*, at 25.

ATF searches its database of records through the "OBR Image repository." ATF claims it "only allows NTC personnel to search OOB [out-of-business] records by FFL Number and Serial Number."[114] (See Figure 10) This alone is a key admission by ATF that its database of gun and gun owner records is indeed searchable.



Figure 10: ATF's Serial Number Search (left) and FFL Search (right) screens for out-of-business records.[115]

However, ATF's FOIA response to GOA contains records documenting far more functionality than ATF admits. ATF can search by serial number, by FFL number, and by document type. But, ATF is also able to conduct "Wildcard Search[es]" which do not require a serial number or an FFL number.[116] Wildcard searches produce vast search results, which can then be filtered down. 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.[117]

ATF's FOIA response also explains what the firearm data is for. When a dealer submits records electronically, ATF extracts the serial number, manufacturer, type, caliber, model, and date of acquisition, which "allows NTC personnel to query the ECM-OBR repository by serial number, rather than having to search by FFL number and then manually scan through all of the FFL's OOB records to locate a particular transaction."[118]

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[114] *FOIA Release One*, at 12.

[115] *Id.* at 9, 11.

[116] *FOIA Release One*, at 10–11.

[117] *FOIA Release One*, at 11.

[118] *FOIA Release One*, at 9.

4. To narrow the returned search results, filter by entering additional criteria over each of the column labels if a white box is displays. Note: this filter is case sensitive. If the white box is not displayed, click the Query by Example icon to filter by the available fields. 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.

Figure 11: ATF's instructions for filtering serial number search results.[119]

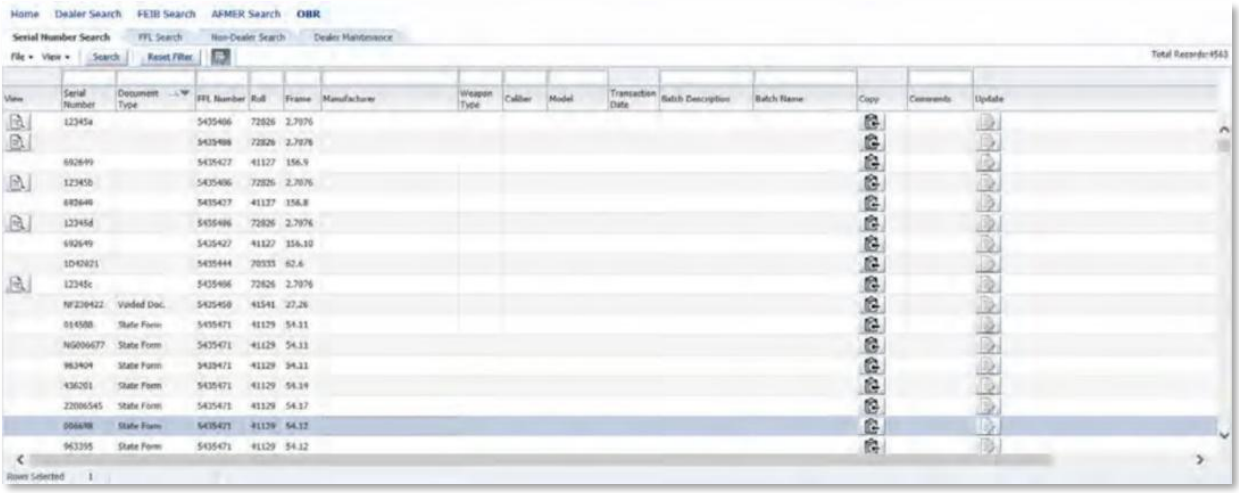


Figure 12: Serial number search results in ATF's out-of-business records system.[120]

That is the search functionality of a gun registry, and it is presently enabled. (See Figure 12)

Further, the IBML "ImageTrac and Scan Client User's Guide" contains directions detailing how the "search feature" is accessed "by selecting Search from the application menu" and "by using the keyboard shortcut Ctrl + F."[121] The search feature apparently includes the ability to "Search by" (1) "Document Data," (2) "Document Type," and (3) "Document ID" and includes various "filters." (See Figure 13)

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.[122] IBML advertises PostScan as

[119] *Id.* at 11.

[120] *Id.*

[121] *FOIA Release One*, at 116.

[122] *FOIA Release One*, at 61–62.

capable of creating "[i]mage and data archives" and "data entry/automated data capture systems."[123] Listed on the components diagram of the ImageTrac scanner is even one part labeled the "Registration Module."[124]

ATF processes out-of-business records in "batches": groups of scanned images or converted data files that are loaded into its database together.[125] In ATF's own examples, one batch is named "A1118FFLC01683," and another is named "Batch_14965," with the batch description "2013-05-28."[126] ATF's National Tracing Center process guide also documents increased search functionality.



Figure 13: The "Search for Documents" window in IBML ImageTrac.

1. The "Webcenter Content" is capable of "system Searches [sic]" which includes a "batch search" which is routinely used to locate records.[127]
2. An "operator can elect to view multiple batch names in the search results" as well.[128] "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."[129]
3. "Upon 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."[130]

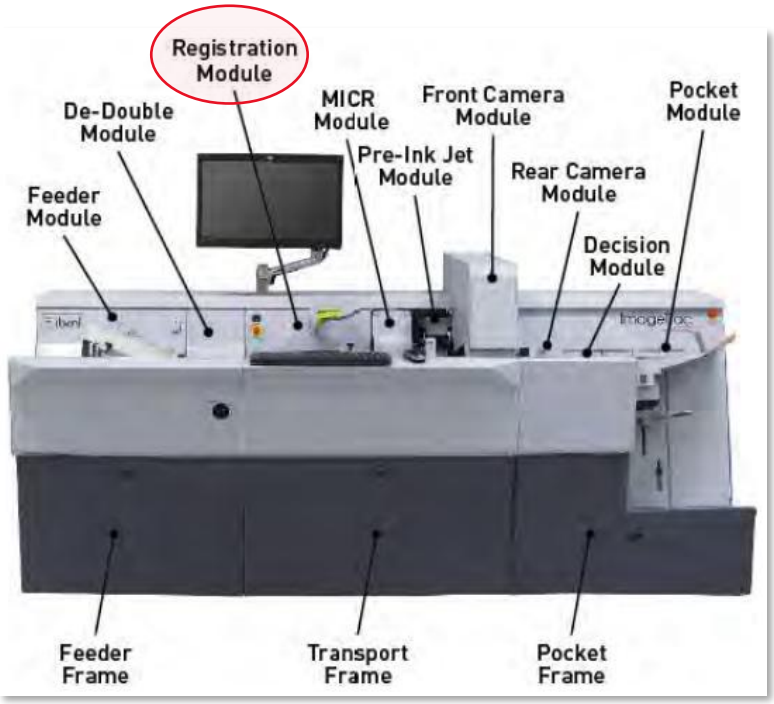


Figure 14: Components of the IBML ImageTrac scanner including the aptly named "Registration Module."[1]

[123] Imaging Business Machines L.L.C., *Capture Suite Brochure* 6.
[124] *FOIA Release One*, at 61–62, 65.
[125] *FOIA Release One*, at 12, 26, 216–17.
[126] *Id.* at 5, 25.
[127] *FOIA Release One*, at 22.
[128] *FOIA Release One*, at 26.
[129] *FOIA Release One*, at 95.
[130] *FOIA Release One*, at 217–218.

ATF's gun registry has many search features. While the media, Big Tech, politicians, and ATF bureaucrats don't ever talk about the Registration Module listed on ATF's ImageTrac scanner diagram or the make, model, and serial number search functionality, it clearly exists, as documented by the FOIA documents returned to GOA by ATF. (See Figure 14)

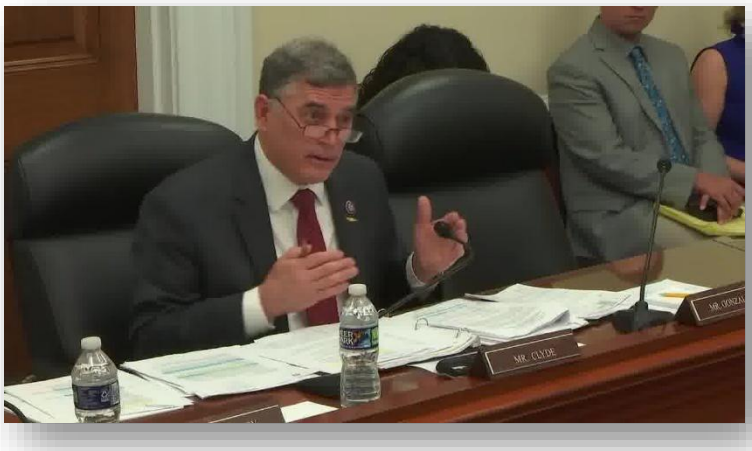


Figure 15: Rep. Andrew Clyde questions then-Director Steven Dettelbach at a House Appropriations CJS hearing, April 18, 2023.[131]

ATF Merely Disables Search-by-Name Functionality

ATF maintains that out-of-business records in their final file format are not searchable by name. But throughout the digitization and consolidation process, ATF receives and holds dealer records in fully searchable formats, including by name, before converting them to the final format. In 2023, then-Director Dettelbach testified that ATF pays extra to have the search function taken out of its software.[132] In 2026, Director Cekada said Dettelbach "was mistaken in his description" and that ATF's scanner was programmed without optical character recognition, but he also warned that a future administration could "try and develop a registry."[133] Either way, the name limit reflects choices about how ATF processes the records, and a future ATF could make different choices.

Even with name search disabled, those records remain searchable by weapon type, make, model, serial number, caliber, and other fields. That is enough functionality to generate a door-to-door confiscation list for a semi-automatic or so-called "assault weapons" ban, or a ban on AR-15 pistols.

ATF's own 2026 statements show that its inability to search by name depends on choices about how the records are processed. In a June 10, 2026, letter to Representative Cloud, ATF said it "does not utilize optical character recognition or similar technologies to capture purchaser names or other personally identifiable information (including any metadata) associated with OBRs" and therefore "does not have

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[131] H. Comm. on Appropriations, *Budget Hearing – Fiscal Year 2024 Request for the Bureau of Alcohol, Tobacco, Firearms, & Explosives* (Apr. 18, 2023), at 1:42:20, https://www.youtube.com/watch?v=QSy8LeqILCs.

[132]Steven M. Dettelbach, Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, testimony before the House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Budget Hearing – Fiscal Year 2024 Request for the Bureau of Alcohol, Tobacco, Firearms, & Explosives* (Apr. 18, 2023), at 1:44:22, https://www.youtube.com/watch?v=QSy8LeqILCs&t=6262s.

[133] Dan Zimmerman, *SNW Talks With ATF Director Robert Cekada About Jensen, Firearm Records and Much, Much More*, Shooting News Wkly. (Oct. 9, 2026), https://www.shootingnewsweekly.com/atf/snw-talks-with-atf-director-robert-cekada-about-jensen-firearm-records-and-much-much-more/; Michael Clements, *ATF Director Denies Existence of Gun Registry, Warns That Future Admins Could Develop One*, Epoch Times (Oct. 10, 2026), https://www.theepochtimes.com/us/atf-director-denies-existence-of-gun-registry-warns-that-future-admins-could-develop-one-6101370.

the capability to conduct a search of the OBR by an individual's name."[134] On May 8, 2026, ATF proposed rules requiring closing dealers to provide records "in an electronic format suitable for imaging (e.g., .pdf, .tiff, .jpeg), with search functions disabled to permit NTC to convert these records into static image files not searchable by name."[135] The proposal itself acknowledges that the electronic records dealers submit can be searched unless those functions are turned off.

Then-Director Steven Dettelbach described the same practice in 2023. He testified that ATF is "as far as I know" "the only customer that pays additional money to have search function taken out of Adobe Acrobat," and that the agency does not search "by personal identifier."[136] The software ATF buys can search until the search function is "taken out." ATF's FOIA records further state that users can filter results by serial number, document type, FFL number, manufacturer, weapon type, caliber, and model.[137] (See Figure 15)

The Registry Is Centralized and Consolidated

ATF now interprets part of the *Firearms Owners' Protection Act* at 18 U.S.C. § 923(g)(4) as a congressional mandate, stating that "Congress mandated that ATF centralize out-of-business records of Federal Firearms Licensees (FFLs) by establishing a records repository."[138] For all its discussion of centralized management, ATF has nothing to say about the appropriations rider that has barred it, every year since 1978 and permanently since 2011, from centralizing or consolidating these records.[139] While ATF begins with paper records, microfilm records, and digital records, they are all currently centralized in the Out of Business Record Center in Martinsburg, West Virginia.[140]

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[134] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4.

[135] Firearms Electronic Record-Keeping, 91 Fed. Reg. 25,210, 25,215–16 (proposed May 8, 2026) (RIN 1140-AA94, Docket ATF-2026-0002).

[136]Steven M. Dettelbach, Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, testimony before the House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Budget Hearing – Fiscal Year 2024 Request for the Bureau of Alcohol, Tobacco, Firearms, & Explosives* (Apr. 18, 2023), at 1:44:22, https://www.youtube.com/watch?v=QSy8LeqILCs&t=6262s.

[137]*FOIA Release One*, at 11.

[138] ATF Publication 3312.10 (rev. Sept. 2016), *reproduced in FOIA Release Two*, at 14, https://www.gunowners.org/wp-content/uploads/FOIA-Release-Two.pdf.

[139] Pub. L. No. 112-55, 125 Stat. at 609.

[140] 27 C.F.R. § 478.127 (2025), https://www.govinfo.gov/app/details/CFR-2025-title27-vol3/CFR-2025-title27-vol3-sec478-127.

ATF Consolidates Records from Gun Stores to Regional Offices and Ultimately to an Out-of-Business Records Center

When the Gun Control Act of 1968 took effect, out-of-business records went to regional offices, not to one national office. The new regulations told a dealer who closed for good, with no successor, to deliver the records within 30 days to a regional official.[141]

By 1977, ATF was directing that the records be moved from the regions to headquarters. A 1977 records schedule for ATF's regional offices, lists out-of-business firearms dealer records with this instruction: "Forward to Bureau Headquarters on discontinuance of business."[142]

Congress then banned centralization. In 1978, it barred ATF from spending its appropriation on "consolidating or centralizing" the records kept by federal firearms licensees.[143] That ban has been permanent since 2011 and now reads:

> *Provided*, That 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[.][144]

ATF kept centralizing anyway. In April 1979, six months after the ban was enacted, ATF told the National Archives that about 3,000 cubic feet of out-of-business dealer records were "stored at the ATF Distribution Center in Arlington, VA." The records were "referenced on a daily basis and are used to trace firearms for ATF's National Firearms Tracing Center."[145]

ATF's own regulations show the same shift from the regions to a center. In 1968, a closing dealer's records were to be delivered to "the Assistant Regional Commissioner."[146] Beginning November 15, 1986, they were to be delivered to "the ATF Firearms Records Repository" in Arlington, Virginia.[147] In 1988, the rule named the national facility the "ATF Firearms Out-of-Business Records Center."[148]

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[141] 26 C.F.R. § 178.127, 33 Fed. Reg. 18555, 18571 (Dec. 14, 1968), https://www.govinfo.gov/app/details/FR-1968-12-14.

[142] Bureau of Alcohol, Tobacco & Firearms, U.S. Dep't of the Treasury, Request for Authority to Dispose of Records, No. NC1-436-77-02, at 25 (approved Feb. 23, 1977), https://www.archives.gov/records-mgmt/rcs/schedules/index.html?dir=/departments/department-of-justice/rg-0436.

[143] Treasury, Postal Service, and General Government Appropriations Act, 1979, Pub. L. No. 95-429, 92 Stat. 1001, 1002 (1978), https://www.govinfo.gov/app/details/STATUTE-92/STATUTE-92-Pg1001.

[144] Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. No. 112-55, div. B, tit. II, 125 Stat. 552, 609 (2011), https://www.govinfo.gov/app/details/PLAW-112publ55.

[145] Bureau of Alcohol, Tobacco & Firearms, U.S. Dep't of the Treasury, Request for Authority to Dispose of Records, No. NC1-436-79-05, item 1 (received Apr. 18, 1979; approved Apr. 24, 1979), https://www.archives.gov/records-mgmt/rcs/schedules/index.html?dir=/departments/department-of-justice/rg-0436.

[146] 26 C.F.R. § 178.127, 33 Fed. Reg. at 18571, https://www.govinfo.gov/app/details/FR-1968-12-14.

[147] T.D. ATF-241, 51 Fed. Reg. 39612, 39628 (Oct. 29, 1986), https://www.govinfo.gov/app/details/FR-1986-10-29.

[148] T.D. ATF-270, 53 Fed. Reg. 10480, 10505 (Mar. 31, 1988), https://www.govinfo.gov/app/details/FR-1988-03-31.

ATF Consolidates and Centralizes Records Within Its Out-of-Business Records Center

FOIA documents provided to GOA detail numerous clear-cut ways in which **digital records** are centralized by ATF once they arrive at ATF's Out of Business Records Center. At each step below, ATF copies gun owners' records onto another ATF database, server, or network, and each copy is another place where those records are further consolidated and centralized. Each of these copies violates Congress's ban on consolidating or centralizing dealers' records.

Violation 1: "[D]igital" records received from dealers are "centrally managed."[149]

Violation 2: Records are "shared by multiple applications and business groups across the ATF enterprise" using ATF's ECM system.[150]

Violation 3: 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."[151]

Violation 4: 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 "e-mail 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 choose as well as ATF's email servers and systems.[152]

Violation 5: When ATF receives digital records, employees "copy original data from media source to a secure stand-alone network environment (Media Conversion Network)," which is a stand-alone network on which records are consolidated during the conversion process.[153]

Violation 6: When ATF receives a Text (.txt) file, it is converted into an Excel spreadsheet, then into Comma-Separated Values (.csv) format, and loaded into the "eMEDIA SQL Server Database."[154] This is yet another server database containing a consolidated portion of gun and gun owner records.

Violation 7: When operators "[l]oad TIFF images" (scanned page images) "into 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."[155] Indeed, these PEPS and OBR RBE servers constitute additional servers centralizing portions of records.

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[149] *FOIA Release One*, at 8.

[150] *FOIA Release One*, at 8.

[151] *FOIA Release One*, at 12–13.

[152] *FOIA Release Two*, at 10.

[153] *FOIA Release One*, at 211.

[154] *FOIA Release One*, at 212–213.

[155] *FOIA Release One*, at 216–217.

Violation 8: "Images [are d]elivered to OBRIS," or the Out of Business Records 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.[156]

Violation 9: Many 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.[157]

FOIA documents provided by ATF to GOA also prove that ATF unlawfully centralizes **paper records**. The ATF's National Tracing Center procedural guidelines for scanning paper records contain references to several computerized and centralized networks used to centralize these records.

Violation 10: While digitizing and scanning records, ATF employees "Log into" an "Image Server located on the shared drive."[158] Of course, taking many records and consolidating them onto a server or shared drive constitutes the centralization of records.

Violation 11: ATF employees also go on to "log into" the ECM system and "Upload images to Webcenter Content."[159] ATF scans records into images. Then these images are centralized on the "Webcenter" before continuing the registration process.

Violation 12: When scanning paper records, ATF employees Xerox and email Firearms Transaction Records, indicating the files are transferred via several different programs and server clients with unknown security measures and de-duplication processes in place.[160]

Violation 13: When using the IBML ImageTrac machine to scan paper records, "[d]ata communication between [a] Host PC and the Transport PC… is established through connection to [the] Image Server." Again, records are centralized between multiple Personal Computers and a server in order to facilitate the consolidation of paper records into digital files. [161]

When the *Firearms Owners' Protection Act* was enacted, ATF's record system was comprised of old paper records—in later years, enough to fill shipping containers—which the agency could sort through manually and access specific files should it ever need to perform a firearm trace for a particular firearm.[162] Over the years, however, ATF consolidated records into a microfilm and later a computerized, digitized format,

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[156] *FOIA Release One*, at 217.

[157] *FOIA Release One*, at 218.

[158] *FOIA Release One*, at 17.

[159] *FOIA Release One*, at 22, 25.

[160] *FOIA Release One*, at 27–31.

[161] *FOIA Release One*, at 66.

[162] GAO-16-552, at 62; Jeanne Marie Laskas, *Inside the Federal Bureau of Way Too Many Guns*, GQ (Aug. 30, 2016), https://www.gq.com/story/inside-federal-bureau-of-way-too-many-guns; Block, *The Low-Tech Way Guns Get Traced*, NPR (May 20, 2013), https://www.npr.org/2013/05/20/185530763/the-low-tech-way-guns-get-traced.

where they can be accessed from a centralized system.[163] Consolidated records greatly increase the speed and ease at which the ATF can access gun and gun owner records.

The same FOIA documents also show consolidation in the narrower sense of combining many dealers' records into single files, batches, and portable media before they reach the final system:



Figure 16: Left: non-searchable PDF images prepared for upload to ATF's Enterprise Content Management system. Right: the XML file that associates those images with a batch for upload.[164]

Violation 14: ATF routinely receives and stores Firearms Transaction Record data on "[P]ortable storage device[s] such as USB, CD, DVD, diskette, floppy disk, etc."[165] "[B]atches" of image files are "copied to the media storage device," and "data files" are "copied to the secure workstation" prior to delivery into the final OBRIS database.[166] (See Figure 16) 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.

Violation 15: 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." Multiple records are scanned into batches, and multiple batches can be accessed at once, consolidating many records into one repository.[167]

Data from gun store records is also consolidated into varying data sets.

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[163] GAO/GGD-96-174, at 9, https://www.gao.gov/products/ggd-96-174; *FOIA Release One*, at 8.

[164] *FOIA Release One,* at 4–5.

[165] *FOIA Release One*, at 209.

[166] *FOIA Release One*, at 215.

[167] *FOIA Release One*, at 26.

Violation 16: Scans are used to "produce files necessary for loading into OBR and IMAGING system."[168]

Violation 17: 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."[169]

Violation 18: Other data is consolidated into "tiff_xxxxxxxx.csv spreadsheets used to create TIFF image files for IMAGING load."[170]

Violation 19: TIFF image files are "[p]lace[d] in [a] folder until ready to copy to formatted media storage device for upload into OBRIS…"[171]

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.

ATF's Registry Is Unlawful

What Is a Gun Registry?

Federal law defines and prohibits a gun registry in multiple statutes. In general, the Firearm Owners' Protection Act of 1986 (FOPA) prohibits records required to be maintained under the Gun Control Act "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. It also prohibits "any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established."

The Brady Handgun Violence Prevention Act of 1993 contains a parallel prohibition. Section 103(i) states that no department, agency, officer, or employee of the United States may use the National Instant Criminal Background Check System "to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions," except for records on persons already prohibited from receiving a firearm.[172]

After Hurricane Katrina, Congress reinforced the point in a 2006 amendment to the Stafford Act (codified at 42 U.S.C. § 5207). That statute prohibits federal officers and anyone acting under color of federal law, during a major disaster or emergency, from requiring registration of any firearm for which registration is not already required by federal, state, or local law.[173]

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[168] *FOIA Release One*, at 213.

[169] *Id.*

[170] *Id.*

[171] *FOIA Release One*, at 215.

[172] Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, § 103(i), 107 Stat. 1536, 1542 (1993); 34 U.S.C. § 40901(i), https://www.govinfo.gov/content/pkg/USCODE-2024-title34/html/USCODE-2024-title34-subtitleIV-chap409-sec40901.htm.

[173] 42 U.S.C. § 5207(a)(2), https://www.law.cornell.edu/uscode/text/42/5207.

Read together, these statutes point to a working definition of a gun registry: any system that records, centralizes, or registers firearms, firearm owners, or firearm transactions or dispositions in a government-controlled facility or database.

ATF Has Circumvented the Prohibition on Searching Records "By Name"

ATF is also prohibited from electronically accessing out-of-business records "by name or any personal identification code." This prohibition began first as an annual appropriations rider in the Omnibus Consolidated Appropriations Act, 1997 and was made permanent in 2011 as part of the Consolidated and Further Continuing Appropriations Act, 2012.[174] The rider forbids only electronic retrieval "by name or any personal identification code." It does not bar retrieval by other fields. ATF has used its limited scope as a loophole.

Currently, ATF records are indexed by FFL number and, in limited cases, by firearm descriptors such as serial number. Within serial-number searches, they can be filtered by make, model, caliber, and weapon type.[175] That, together with the names and addresses on the records themselves, is enough to build lists of owners of particular firearms without ever running a name query.

This report also demonstrates that the underlying files are stored in formats that support free-text search, and then-Director Dettelbach testified that ATF has paid to have the search function removed from the software it uses.[176] On that account, ATF could switch that function back on, and the ban is observed by ATF only as a software setting.

Maintaining a centralized, digitized collection that is searchable by every other field that identifies the gun, and that a future administration could make searchable by name, defeats the purpose of the restriction even if the name field remains disabled today.

ATF Has Violated the Restriction on Consolidating and Centralizing Records

Federal law also bars ATF 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:[177]

> [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

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[174] Omnibus Consolidated Appropriations Act, 1997, Pub. L. No. 104-208, 110 Stat. 3009, 3009-319 (Sept. 30, 1996); Treasury and General Government Appropriations Act, 1998, Pub. L. No. 105-61, 111 Stat. 1272, 1277–78 (Oct. 10, 1997); Pub. L. No. 112-55, 125 Stat. at 610. *See also* U.S. Gov't Accountability Off., GAO-16-552, at 10 n.22 (June 2016).

[175] *FOIA Release One*, at 11.

[176] H. Comm. on Appropriations, *Budget Hearing – Fiscal Year 2024 Request for the Bureau of Alcohol, Tobacco, Firearms, & Explosives* (Apr. 18, 2023), at 1:44:28, https://www.youtube.com/watch?v=QSy8LeqILCs&t=6265s.

[177] Treasury, Postal Service, and General Government Appropriations Act, 1979, Pub. L. No. 95-429, 92 Stat. 1001 (Oct. 10, 1978); Pub. L. No. 112-55, 125 Stat. at 609.

> records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees.[178]

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.

Since the rider was first enacted, ATF has moved from scattered paper files to a central database in Martinsburg that holds more than 1.4 billion records. Roughly 93 percent are already digital.[179] The collection is managed in enterprise systems (Enterprise Content Management and Digital Reel) that index records by FFL number and, in limited cases, by firearm descriptors. FOIA responses have confirmed that portions of the records have also been consolidated onto portable media and into smaller databases and servers.

The digital registry itself is a consolidation and centralization within the Department of Justice of acquisition-and-disposition records, or portions of them. In a 2011 email about sending out-of-business records off-site, an ATF official wrote: "In this case, consolidating OBR records fits a clear GCA purpose and is thus permissible."[180] A 1999 Treasury Department legal memo on ATF's records was even more direct: "Despite these restrictions, ATF does have some ability to centralize and computerize records."[181] In other words, ATF's position is not that it avoids consolidating and centralizing these records, but that it is allowed to.

ATF's own records show how far it has stretched that claimed allowance. In April 1979, six months after Congress first enacted the rider, ATF told the National Archives that about 3,000 cubic feet of out-of-business dealer records were already "stored at the ATF Distribution Center in Arlington, VA," where they were "referenced on a daily basis" to trace firearms.[182] In 1986, ATF rewrote its regulation so that a closing dealer's records went to "the ATF Firearms Records Repository" in Arlington rather than to a regional office, and in 1988 it moved the national facility to Landover, Maryland, and named it the "ATF

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[178] Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. No. 112-55, div. B, tit. II, 125 Stat. 552, 609 (2011), https://www.govinfo.gov/app/details/PLAW-112publ55.

[179] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4.

[180] Email from ATF official, Subject: RE: Sending records off-site (Oct. 6, 2011), *reproduced in* Bureau of Alcohol, Tobacco, Firearms and Explosives, *Response to Gun Owners of America FOIA Request 2020-0802, Release Three* (Sept. 1, 2022) [*hereinafter FOIA Release Three*], at 8, https://www.gunowners.org/wp-content/uploads/FOIA-Release-Three.pdf.

[181] Memorandum from Assistant General Counsel (Enforcement), Department of the Treasury, to Deputy Assistant Secretary (Management Operations), CC-56,583, Legal Restrictions on the Bureau of Alcohol, Tobacco and Firearms' Ability to Centralize and Computerize Records (June 7, 1999), *reproduced in FOIA Release Three*, at 12–13.

[182] Bureau of Alcohol, Tobacco & Firearms, U.S. Dep't of the Treasury, Request for Authority to Dispose of Records, No. NC1-436-79-05, item 1 (received Apr. 18, 1979; approved Apr. 24, 1979), www.archives.gov/records-mgmt/rcs/schedules/index.html.

Firearms Out-of-Business Records Center."[183] ATF's FOIA records now say that its Enterprise Content Management system "allows digital content to be centrally managed and shared by multiple applications and business groups across the ATF enterprise."[184] Its procedures describe records from many different dealers being copied onto a single portable storage device, loaded into the "eMEDIA SQL Server Database," run through the PEPS and OBR RBE servers, and finally "[d]elivered to OBRIS," where ATF employees "Login" and retrieve gun and gun owner information.[185] This report documents nineteen instances in that process where records, or portions of them, are consolidated or centralized within the Department of Justice. Each step is paid for with the "salaries or administrative expenses" that the rider says no appropriated funds may be used for "in connection with consolidating or centralizing" these records.

GAO Found ATF in Violation of the Consolidation and Centralization Prohibition in 2016

In June 2016, GAO reviewed four ATF data systems that hold gun buyer information. It found that two of them "did not always comply with the appropriations act restriction prohibiting consolidation or centralization of FFL records."[186]

The first violation involved Access 2000 (A2K), a program ATF set up so large manufacturers, importers, and wholesalers could answer trace requests electronically instead of by phone, fax, or email. ATF puts a server at each participating company, and the company loads its own sales records onto it. When ATF needs to trace a gun, it searches that server by exact serial number. GAO found that arrangement lawful while the companies were in business, because the records stayed with each company.[187] But starting in 2000, when an A2K company went out of business, ATF moved its records onto "a single partitioned server within NTC" (the National Tracing Center). GAO concluded that "ATF's maintenance of the disposition records in this manner violated the appropriations act restriction on consolidation or centralization," and that "this arrangement was not supported by any specific authority."[188]

GAO explained that A2K exists to help companies answer trace requests, a duty that ends when a business closes. Out-of-business records are supposed to go to ATF's separate out-of-business records system, which stores them as images that can't be searched by text. The A2K server, by contrast, "went beyond the consolidation of out-of-business records… incident to specific responsibilities under the Gun Control Act." ATF officials admitted "it would have been technically possible for ATF to reconfigure the server

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[183] T.D. ATF-241, 51 Fed. Reg. 39612, 39628 (Oct. 29, 1986), www.govinfo.gov/app/details; T.D. ATF-270, 53 Fed. Reg. 10480, 10505 (Mar. 31, 1988), www.govinfo.gov/app/details.

[184] FOIA Release One, at 8.

[185] FOIA Release One, at 209, 212–213, 216–218.

[186] U.S. Gov't Accountability Off., *Firearms Data: ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies*, GAO-16-552 (June 2016), Highlights page; *id.* at 9–10 & nn.20–22 (citing Pub. L. No. 95-429, 92 Stat. 1002 (1978); Pub. L. No. 112-55, 125 Stat. 552, 609–10 (2011)).

[187] GAO-16-552, at 21, 24–25.

[188] *Id.* at 26.

to allow the records to be queried by any field, including fields with retail purchaser information." ATF agreed that its handling of those records "would violate the appropriations act restriction," and it permanently deleted them from the server in March 2016, after GAO raised the issue.[189]

The second violation was in the Firearm Recovery Notification Program (FRNP), a database that flags guns tied to an open ATF criminal investigation so agents are alerted when a flagged gun is traced. From 2007 through 2009, ATF's four southwest border field divisions used routine dealer inspections to enter guns into FRNP under the "Southwest Border Secondary Market Weapons of Choice Program." GAO found this violated the restriction "because the individual firearms were not suspected of being involved in criminal activity associated with an ATF criminal investigation." GAO added that information about a gun obtained from a dealer, "in and of itself, and unaccompanied by purchaser information, is not permitted to be collected and consolidated within ATF without a specific basis in statute." ATF deleted 855 records covering 11,693 guns in March 2016.[190]

ATF had been warned years before GAO stepped in. In October 2009, under the heading "ATF Chief Counsel Opinion," ATF Field Operations told its industry operations supervisors to "cease collecting used firearm data in worksheets and submitting them to the National Tracing Center," adding that completed worksheets could be kept "as part of the inspection report (inventory) but cannot centralize the information in a database."[191] ATF later told Congress: "We terminated this program in 2009, nearly seven years ago, when we internally concluded that it was not fully consistent with firearms data limitations."[192] Yet the data stayed in ATF's system until March 2016, when, as Senator Grassley noted, "ATF deleted data that was collected through an ATF program that ran from 2007 to 2009."[193] For more than six years after its own field guidance said the data could not be centralized, ATF kept it in a database.

GAO also found that both violations broke the Antideficiency Act, which bars agencies from spending money Congress has prohibited. Under that law, the head of the agency must report the violation to the President, Congress, and the Comptroller General.[194]

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[189] *Id.* at 26–27 & n.59.

[190] *Id.* at 33–35.

[191] Email from Assistant to AD Industry Operations, IOI Program Manager, Field Operations, to All Area Supervisors, Industry Operations, Subject: Suspect Gun Worksheets and Southwest Border Weapons of Choice Program CANCELLED (Oct. 2, 2009), *reproduced in FOIA Release Three*, at 23–24.

[192] Letter from Thomas E. Brandon, Deputy Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Sen. Ronald Johnson, Chairman, Senate Committee on Homeland Security and Governmental Affairs (Sept. 26, 2016), *reproduced in* Bureau of Alcohol, Tobacco, Firearms and Explosives, *Response to Gun Owners of America FOIA Request 2020-0802, Release Four, Part 2* (Oct. 3, 2022) [*hereinafter FOIA Release Four Part 2*], at 71–72, https://www.gunowners.org/wp-content/uploads/FOIA-Release-Four-Part-2.pdf.

[193] Letter from Sen. Charles E. Grassley to Thomas E. Brandon, Deputy Director, Bureau of Alcohol, Tobacco, Firearms and Explosives (Sept. 15, 2016), *reproduced in FOIA Release Four Part 2*, at 69.

[194] GAO-16-552, at 46–47; *see id.* app. VII.

GAO drew the line between a lawful and an unlawful system at searchability. GAO found that the A2K server stored the records in a manner "that made them more easily searchable than other out-of-business records. Unlike OBRIS, which requires the manual review of potentially relevant records identified through an index, the A2K server within NTC generated records automatically in response to an industry member–specific text query, that is, exact firearm serial number."[195] ATF itself told GAO that keeping the A2K records on the server meant "records which were formerly accessible on a discrete basis under A2K would be readily accessible in a database which would, in our opinion based on the 1996 GAO Report, violate the appropriation rider."[196] In January 2016, ATF's draft answers to GAO still said that the records in OBRIS "are not searchable through character recognition and still require an analyst to locate a specific record manually."[197] Eight months after GAO's report, that changed. In mid-February 2017, ATF moved those records into its Enterprise Content Management system, where staff can now "query the ECM-OBR repository by serial number" for records submitted electronically.[198] That is the same kind of serial-number retrieval GAO cited when it found the A2K server unlawful, so GAO's reasoning on A2K applies to the system ATF runs today.

ATF Hid a Decades-Long Violation of the Consolidation Prohibition from Congress in 2021

As early as 2003, an internal memorandum entitled "The Legality of the National Tracing Center Accepting Records from Federal Firearms Licensees Who Still Are In Business" records that numerous FFLs still in business asked ATF whether they could voluntarily turn over firearms records more than 20 years old. ATF's Acting Associate Chief Counsel wrote that:

> "The GCA does not contain any provisions either requiring or allowing FFLs who are still in business to give records which are over 20 years old to ATF. However, the GCA also does not contain any prohibition on the FFL giving the records to ATF or on ATF receiving the records."[199]

The memo's conclusion is redacted, but ATF's own publication says: "Starting in 2004, ATF began accepting records that are more than 20 years old from dealers, in lieu of the FFL destroying them."[200] If

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[195] GAO-16-552, at 81, *reproduced in* Bureau of Alcohol, Tobacco, Firearms and Explosives, *Response to Gun Owners of America FOIA Request 2020-0802, Release Four, Part 1* (Oct. 3, 2022) [*hereinafter FOIA Release Four Part 1*], at 89, https://www.gunowners.org/wp-content/uploads/FOIA-Release-Four-Part-1.pdf.

[196] GAO-16-552, at 27, 82, *reproduced in FOIA Release Four Part 1*, at 35, 90.

[197] Email from ATF official, Subject: FW: GAO Letter – Out-of-Business Records Imaging System (OBRIS) (2 questions) (Jan. 11, 2016), *reproduced in FOIA Release Three*, at 3–4.

[198] *FOIA Release One*, at 8–9.

[199] Acting Associate Chief Counsel (Firearms, Explosives, and Arson), Memorandum to the Assistant Director (Firearms, Explosives, Arson), "Subject: The Legality of the National Tracing Center Accepting Records from Federal Firearms Licensees Who Still Are In Business" (Feb. 12, 2003), *reproduced in FOIA Release Three*, at 15–19.

[200] ATF Publication 3312.10 (rev. Sept. 2016), *reproduced in FOIA Release Two*, at 14.

a gun store wanted to turn over the names, addresses, and firearm details of American gun owners voluntarily, ATF would accept them.

ATF's statutory authority to accept out-of-business records is limited to 18 U.S.C. § 923(g)(4), which contemplates receiving records from a discontinued licensee. An ATF ruling, however, created a separate process for active FFLs:

> "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."[201]

For 18 years, active FFLs sent records older than 20 years to ATF, which retained them at the Out-of-Business Records Center even though they were not the records of out-of-business dealers. Under ATF Order 1340.6B, ATF required "a written statement from the FFL that clearly states that the FFL is not going OOB [out-of-business] and is only sending in records greater than 20 years old."[202] A copy of that statement was kept "as part of the inspection report" while the records were processed as out-of-business records, even though they were not.

In short, ATF requested and received Firearms Transaction Records from active FFLs with no statutory authority to do so and in tension with statutory restrictions on collection of such records. ATF has no authority to "strongly recommend" that FFLs turn records over to the bureau before they go out of business.

This practice drew congressional scrutiny. Representative Michael Cloud and 51 other members of Congress raised concerns that ATF might be violating statutory restrictions in a manner similar to findings in a 2016 GAO report. In a November 2021 letter, the 52 members wrote:

> "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.'"[203]

ATF did not disclose its then-current non-statutory policy of consolidating and centralizing active FFL records into the Out-of-Business Record Center. Instead, in its December 2021 response, ATF stated that

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[201] ATF Ruling 2016-1 (Apr. 29, 2016), ¶ 13, https://www.atf.gov/firearms/docs/ruling/2016-1-requirements-keep-firearms-records-electronically; *see also* ATF Order 1340.6B, *Obtaining and Shipping Out of Business Records to the National Tracing Center – Out of Business Records Repository* (Oct. 4, 2021) § 5.a.(2), *reproduced in FOIA Release Two*, at 9.

[202] ATF Order 1340.6B (Oct. 4, 2021) § 5.a.(2), *reproduced in FOIA Release Two*, at 9, https://www.gunowners.org/wp-content/uploads/FOIA-Release-Two.pdf.

[203] Letter from Representative Michael Cloud and 51 other Members of Congress to Marvin G. Richardson, Acting Director, Bureau of Alcohol, Tobacco, Firearms and Explosives (Nov. 22, 2021).

"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."[204]

In the final rule, ATF 2021R-05F, issued after the congressional letter, ATF addressed the process by which FFLs "voluntarily ship records older than 20 years" to the bureau.[205] The rule changed the policy 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."[206] The rule took effect on August 24, 2022 (87 Fed. Reg. 24,652), ending the 18-year practice.

ATF's 2022 rule is a tacit acknowledgment that it was violating the statute in 2021 when Congress raised concerns about potential violations. However, ATF did not acknowledge the issue when subjected to congressional oversight. Instead, it covered its tracks and addressed the practice quietly in its next rulemaking.[207] GAO's published compilations of Antideficiency Act reports for fiscal years 2022 through 2025 list no ATF report of the appropriations violation to the President, Congress, and the Comptroller General, and ATF has not made it clear that the active gun store records have been deleted from the out-of-business records database, so the violation is apparently uncured.[208]

ATF Denies Its Digital, Searchable Database of Gun Records Is a Registry

At a hearing of the Senate Committee on Homeland Security and Governmental Affairs, Senator Joshua Hawley discussed the registry with GOA Senior Vice President Erich Pratt. After Pratt described how the records can be searched by make, model, and serial number, Senator Hawley said: "Speaking of registries, my understanding is that sitting right now in a warehouse in West Virginia, and you described this in your testimony, is roughly 1 billion gun owner records, 94 percent of them that are already in digital format." Pratt answered, "Yes." Senator Hawley asked, "Now, Federal law is supposed to prohibit a

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[204] Letter from Daniel L. Board, Jr., Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Representative Michael Cloud (Dec. 21, 2021).

[205] Definition of "Frame or Receiver" and Identification of Firearms, 87 Fed. Reg. 24,652, 24,722 (Apr. 26, 2022), https://www.federalregister.gov/documents/2022/04/26/2022-08026/definition-of-frame-or-receiver-and-identification-of-firearms.

[206] *Id.*

[207] Definition of "Frame or Receiver" and Identification of Firearms, ATF 2021R-05F (2022); 87 Fed. Reg. 24,652 (effective Aug. 24, 2022).

[208] *GAO-16-552,* at 46–47; *see id.* app. VII; U.S. Gov't Accountability Off., B-334682, *Fiscal Year 2022 Antideficiency Act Reports Compilation* (Feb. 8, 2023), https://www.gao.gov/products/b-334682; U.S. Gov't Accountability Off., B-335654, *Fiscal Year 2023 Antideficiency Act Reports Compilation* (Dec. 20, 2023), https://www.gao.gov/products/b-335654; U.S. Gov't Accountability Off., B-336351, *Fiscal Year 2024 Antideficiency Act Reports Compilation* (Dec. 20, 2024), https://www.gao.gov/products/b-336351; U.S. Gov't Accountability Off., B-337853, *Fiscal Year 2025 Antideficiency Act Reports Compilation* (Apr. 30, 2026), https://www.gao.gov/products/b-337853.

national gun registry, but I am wondering, what would you call that?" Pratt said, "We call that a registry."[209]

Dir. Dettelbach Says "We Do Not Keep a Gun Registry"

On May 23, 2024, Representative Harriet Hageman questioned then-Director Steven Dettelbach before the House Committee on the Judiciary. She recited ATF's own December 2021 disclosure of 920,664,765 records, of which 865,787,086 were in a digitized format, and she asked for the latest count of what she called ATF's "illegal digital, searchable, national gun registry." Director Dettelbach answered, "Zero. We obey the law."[210] (See Figure 17) (See Figure 18)

When Representative Hageman said that he had testified that ATF pays Adobe Acrobat extra to have certain search functionality eliminated, Director Dettelbach said, "That is not correct." Asked whether ATF's digital database of gun owner records could be opened in Adobe Acrobat and searched by name, he said:

> *"We pay to have search functions limited. We don't pay Adobe Acrobat. I believe we pay somebody else."*[211]

Asked whether name search could be re-enabled "on the ATF's illegal gun registry," Dettelbach said, "It is not an illegal registry." He added, "I am not an expert in Adobe Acrobat coding. I do know that we do not keep a gun registry."[212]

Representative Hageman then asked whether the database could be searched "by make, model, and serial number, enough searchability to create a list of say all AR-15 owners." Director Dettelbach replied that he was "trying not to erroneously misstate things of a technical nature" and said, "We do not keep a registry. We use these things for pending homicide investigations."[213]

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[209] *The Second Amendment: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 119th Cong. 24 (Apr. 15, 2026) (S. Hrg. 119-382), https://www.govinfo.gov/app/details/CHRG-119shrg63505.

[210] *Oversight of the Bureau of Alcohol, Tobacco, Firearms, and Explosives: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. 71 (May 23, 2024) (Serial No. 118-81).

[211] *Id.* at 71.

[212] *Id.* at 71.

[213] *Id.* at 72.



Figure 17: Rep. Harriet Hageman questions then-Director Steven Dettelbach at a House Judiciary oversight hearing, May 23, 2024. She asked for the latest count of what she called ATF's "illegal digital, searchable, national gun registry."[214]



Figure 18: Then-Director Steven Dettelbach testifies before the House Committee on the Judiciary, May 23, 2024. Asked for the latest record count of that registry, he replied, "Zero. We obey the law."[215]

Dir. Cekada Says "There Is No Searchable Gun Database for American Gun Owners"

Director Robert Cekada testified on May 14, 2026, before the Subcommittee on Federal Law Enforcement of the House Committee on Oversight and Government Reform. In his opening statement he said:

"ATF complies with all laws enacted by Congress. We do not have an illegal firearms registry, and we are committed to upholding the Second Amendment rights of law-abiding citizens and to protect their privacy."[216]

Representative Summer Lee asked Director Cekada to confirm that "ATF's gun tracing database is not the same as a searchable national registry of law-abiding gun owners." Director Cekada answered, "There is no searchable gun database for American gun owners."[217] (See Figure 19) (See Figure 20)

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[214] *Oversight of the Bureau of Alcohol, Tobacco, Firearms, and Explosives: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. 71–72 (May 23, 2024), https://www.govinfo.gov/app/details/CHRG-118hhrg55811.

[215] *Oversight of the Bureau of Alcohol, Tobacco, Firearms, and Explosives: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. 71–72 (May 23, 2024), https://www.govinfo.gov/app/details/CHRG-118hhrg55811.

[216] *Privacy Protections and the Second Amendment: Examining ATF's Relationship to the Tiahrt Amendment: Hearing Before the Subcomm. on Fed. Law Enforcement of the H. Comm. on Oversight and Gov't Reform*, 119th Cong. 6 (May 14, 2026) (Serial No. 119-63) (opening statement of Robert Cekada, Director, ATF).

[217] *Id.* at 9.



Figure 19: Rep. Summer Lee questions Director Robert Cekada at a House Oversight subcommittee hearing, May 14, 2026. She asked him to confirm that ATF's tracing database "is not the same as a searchable national registry of law-abiding gun owners."[218]



Figure 20: Director Robert Cekada testifies before the House Oversight Subcommittee on Federal Law Enforcement, May 14, 2026. He told Rep. Summer Lee, "There is no searchable gun database for American gun owners."[219]

Representative Paul Gosar then asked, "does the Federal Government maintain any Federal firearm databases?" Director Cekada said the closest thing he would call a database is the National Firearms and Transfer Record for NFA firearms, and that "[a]s it applies to any other firearms that are under the Gun Control Act (GCA), there is no database." Representative Gosar pointed to the 2021 leak, reported by Gun Owners of America, of more than 50 million out-of-business records processed in a single year and asked whether that was "a firearm database maintained by the Federal Government." Director Cekada said, "It is not a firearms database." He described out-of-business delivery under the statute and said, "In the system, the only thing that is actually searchable is a serial number."[220]

Representative Andrew Clyde later asked how optical scanning of Forms 4473 at about four per second could be reconciled with FOPA's bar on rules requiring that records "be recorded or transferred to a facility owned, managed, or controlled by the United States." He said, "Help me understand the optical recording of these 4473s. Now, you can have the 4473s. You can search them." Director Cekada answered that "from our perspective" the program predates his supervision, that ATF lacks space for the volume of paper, and that "[e]ven with the optical scanning, again, which only gives us very limited access to the serial number, that still leaves us with massive amounts of paper records."[221]

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[218] *Privacy Protections and the Second Amendment: Examining ATF's Relationship to the Tiahrt Amendment: Hearing Before the Subcomm. on Fed. Law Enforcement of the H. Comm. on Oversight and Gov't Reform*, 119th Cong. (May 14, 2026), https://www.youtube.com/watch?v=P3EbNo1Garc.

[219] *Privacy Protections and the Second Amendment: Examining ATF's Relationship to the Tiahrt Amendment: Hearing Before the Subcomm. on Fed. Law Enforcement of the H. Comm. on Oversight and Gov't Reform*, 119th Cong. (May 14, 2026), https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=119277.

[220] *Id.* at 11.

[221] *Id.* at 33.

Representative Gosar closed his round by saying he was "strongly opposed to any gun owners database" and that "[w]hether it lasts 60 years, 30 years, 20 years, and ten years, a registry is still a registry."[222]

Director Cekada has denied that ATF maintains an illegal registry in later interviews as well. On October 9, 2026, he told Shooting News Weekly that "None of these things are a live registry as people would believe" and "We are 100% in compliance with the law."[223] On October 10, 2026, *The Epoch Times* published a separate interview under the headline that he "Denies Existence of Gun Registry."[224] On October 22, 2026, he told Legally Armed America that ATF does not have access to Forms 4473 of dealers still in business and that the records are "not to go fishing through the records for who may have bought a particular type of firearm or suppressor."[225] ATF posted a clip of that interview on November 6, 2026, with the written caption, "Is ATF scrolling through 4473s to build a list of gun owners? No."[226]

In the October 9 Shooting News Weekly interview, Director Cekada tried to shrink the 1.4 billion figure with what he called "Rob Cekada math":

> When people hear 1.4 billion records, there isn't actually 1.4 billion firearms transaction records. What happens is, for example, this sheet of paper, if this was a 4473, over the years, it was a few pages to six pages, whatever it is, each page on the out of business records, only the out of business records. We have zero live records from federal firearms licensees that are in business. Each page is one of those records that contributes to the 1.4 billion number. And if there's only 3.5% of those 1.4 billion records, which are pages that have actually been scanned into a system called IBM-L. That system is a high speed digital scanner that IBM programmed prior to even installing it at our site to not be able to utilize object character recognition. … So I'm going to use Rob Cekada math. … If you take the 1.4 billion records and then multiply by 3.5%, it comes out to be roughly 49 million, which is a huge number. But then if you divide that by either five or six, I'll go with six because it's an easier number for me. Let's go. It's about 8.5 million records that are in—that have been digitized. When I say records, 4473s, out-of-business records. And they could be anything that's within a couple years old or 60 years old. Depends on what's in the system there. The rest of the records are all in boxes and boxes and boxes throughout two buildings.[227]

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[222] *Id.* at 12 (statement of Rep. Paul Gosar).

[223] Dan Zimmerman, *SNW Talks With ATF Director Robert Cekada About Jensen, Firearm Records and Much, Much More*, Shooting News Wkly. (Oct. 9, 2026), https://www.shootingnewsweekly.com/atf/snw-talks-with-atf-director-robert-cekada-about-jensen-firearm-records-and-much-much-more/.

[224] Michael Clements, *ATF Director Denies Existence of Gun Registry, Warns That Future Admins Could Develop One*, Epoch Times (Oct. 10, 2026), https://www.theepochtimes.com/us/atf-director-denies-existence-of-gun-registry-warns-that-future-admins-could-develop-one-6101370.

[225] Robert Cekada, interview, *ATF Director: Could Your Suppressor Make You a Felon Later?*, Legally Armed America, YouTube (Oct. 22, 2026), https://www.youtube.com/watch?v=JcypJqYSblc.

[226] ATF Headquarters, X post (Nov. 6, 2026, 2:00 p.m. ET), https://x.com/ATFHQ/status/2118780467461710034.

[227] Dan Zimmerman, *SNW Talks With ATF Director Robert Cekada About Jensen, Firearm Records and Much, Much More*, Shooting News Wkly. (Oct. 9, 2026), https://www.shootingnewsweekly.com/atf/snw-talks-with-atf-director-robert-cekada-about-jensen-firearm-records-and-much-much-more/.

He is right that the 1.4 billion figure counts pages, not unique transactions or unique guns. A Form 4473 that runs several pages adds several pages to the count. His own written testimony to Congress five months earlier said "the OBRC maintains over 1.38 billion pages of OBR documents."[228] ATF's June 10, 2026, letter, discussed above, likewise labels its count in images and pages rather than records.[229]

But he is wrong that most of those pages sit in boxes. The letter counted 1,414,088,513 images and pages as of May 19, 2026: 912,184,571 images in ATF's Enterprise Content Management system, 397,009,542 images in Digital Reel converted from microfilm and microfiche, and 104,894,400 hardcopy pages awaiting image conversion.[230] That is 1,309,194,113 digitized images, about 93 percent of the total, with only about 7.4 percent still on paper. Director Cekada's claim that 3.5 percent has been scanned and "the rest of the records are all in boxes" is close to the reverse of ATF's own count. ATF's December 21, 2021, letter showed the same thing, with 865,787,086 of 920,664,765 records, or 94 percent, already digitized.[231] Even if his 3.5 percent refers only to the records run through ATF's IBML scanners, his claim that the rest are in boxes is still false by ATF's own count.

The page count can also understate the number of guns, because a single Form 4473 can cover more than one firearm. The current form has lines for three firearms, asks for the total number of firearms to be transferred, and allows continuation sheets for more.[232] So the registry is not one gun per page, but it is nowhere near as small as Director Cekada suggested.

Finally, scanning without optical character recognition does not make the records unsearchable. Director Cekada told the House Oversight subcommittee that "the only thing that is actually searchable is a serial number."[233] His written testimony said the scanned image files "are indexed/tagged by FFL number and in limited cases may also have a secondary index to the firearm descriptors (e.g., serial number)."[234]

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[228] *Privacy Protections and the Second Amendment: Examining ATF's Relationship to the Tiahrt Amendment: Hearing Before the Subcomm. on Fed. Law Enforcement of the H. Comm. on Oversight and Gov't Reform*, 119th Cong. (May 14, 2026) (written statement of Robert Cekada, Director, ATF), at 13.

[229] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4.

[230] *Id.*

[231] Letter from Daniel L. Board, Jr., Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Representative Michael Cloud (Dec. 21, 2021), at 1.

[232] ATF Form 4473.

[233] *Privacy Protections and the Second Amendment: Examining ATF's Relationship to the Tiahrt Amendment: Hearing Before the Subcomm. on Fed. Law Enforcement of the H. Comm. on Oversight and Gov't Reform*, 119th Cong. 11 (May 14, 2026) (Serial No. 119-63).

[234] *Privacy Protections and the Second Amendment: Examining ATF's Relationship to the Tiahrt Amendment: Hearing Before the Subcomm. on Fed. Law Enforcement of the H. Comm. on Oversight and Gov't Reform*, 119th Cong. (May 14, 2026) (written statement of Robert Cekada, Director, ATF), at 13.

ATF Cannot Explain Why This Searchable Database Is Not a Gun or Gun Owner Registry

Both Director Dettelbach and Director Cekada dodge the question of what counts as a registry. They assert that ATF does not have an *illegal* registry without defining terms. They simply point to the statutory restrictions and claim present compliance. But gun owners have several concerns: statutory compliance and risk of future noncompliance based on present technical capability. This report shows that ATF has violated statutory protections against gun registration. And, ATF does have a giant database of guns and gun owners which could be modified to search by name or generate a door-to-door confiscation list.

ATF's 1.4 billion centralized, largely digitized, searchable firearm-transaction records fit any reasonable definition of a registry. And if the ability to filter by make, model, serial number, caliber, and weapon type—and to re-enable name search—are not the defining features of a registry, what features would push this collection into illegal territory?

House Democrats Proudly Defend ATF's Registry

House Democrats have defended ATF's out-of-business records system and, in some cases, openly called for a national gun registry. Their statements from 2022 through 2025 show both positions.

As recently as December 2025, Representative Ilhan Omar stated that it was "important … to create a registry so we know where the guns are," and added, "we can actually start a buyback program."[236] (See Figure 21) Other House Democrats have said similar things.



Figure 21: Representative Ilhan Omar in December 2025, saying it is "important … to create a registry so we know where the guns are" so that "we can actually start a buyback program."[235]

During the July 9, 2024, House Appropriations markup of Clyde's anti-registry amendment, Representative Bonnie Watson Coleman (D-NJ) stated, "I think it was a wonderful idea that we have a registry of every gun that is owned by a civilian in the United States of America…"[237] And Representative Joseph Morelle (D-NY), offering an amendment to strike Second Amendment riders, added:

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[235] @GunOwners, X (Dec. 1, 2025), https://x.com/GunOwners/status/1995561688540840128.

[236] Gun Owners of America & Gun Owners Found., Comment on Firearm Records Retention Periods, RIN 1140-AA95, at 8 & n.22 (June 2, 2026) (regulations.gov ATF-2026-0003-3751), https://www.gunowners.org/wp-content/uploads/GOA_ATF_OOB_Records_Retention_Comment.pdf (citing a video of Rep. Ilhan Omar posted by @GunOwners, X (Dec. 1, 2025), https://x.com/GunOwners/status/1995561688540840128).

[237] H. Comm. on Appropriations, *Full Committee Markup of FY25 CJS, Interior and Environment, and Energy and Water Bills*, YouTube (July 9, 2024), at 1:42:59, https://www.youtube.com/watch?v=w28_rljCuy8.

> "Another point I'd like to raise[:] the majority's attempt to prohibit a federal firearms registry. We register automobiles as a measure to ensure accountability and safety to those on the roads. Creating a registry of lethal weapons is hardly an infringement on the Second Amendment."[238]

Representative Matt Cartwright (D-PA) opposed Clyde's amendment on the ground that scanning out-of-business records into images "does not amount to the creation of a gun registry."[239]

In 2022, Representative Eric Swalwell published a *Newsweek* opinion essay titled "President Biden Does Not Want to Take Your Guns Away." He wrote that letters and statements to ATF "falsely claim there is a 'backdoor gun registry.'" He quoted *Fox News*' Laura Ingraham as saying that "the U.S. government is storing just under 1 billion gun purchase files and digitizing them, presumably for searchability down the road. ... This massive log of gun purchases, it's not a significant leap toward the ultimate goal of a national gun registry." Representative Swalwell called that an "unfounded conspiracy theory" and wrote that a "top gun manufacturer lobbyist himself recently tweeted that he toured the ATF's crime gun trace center and concluded that the ATF 'does not maintain an illegal gun registry.'"[240]

Some Democrats deny that the existing system is a registry; others openly call for one.

ATF Claims the Statutory Ban on Gun Registration Does Not Apply

Congress Required Dealers to Send Out-of-Business Records to ATF

ATF kept records of firearm transactions since the Gun Control Act of 1968. Ever since, Congress has been playing a game of cat-and-mouse with the bureaucrats at ATF trying to register law-abiding Americans' gun purchases. ATF will take some tyrannical action to register guns, Congress will block or reverse that action. Congress has always been wary of allowing the federal government to create a national gun registry, which is why it has enacted so many statutes and appropriations restrictions to prevent registration.[241] In 1996, GAO concluded that the main statutory ban on gun registration does not apply to ATF's out-of-business records requirement because that requirement predates the ban.[242]

About a decade after the Gun Control Act, ATF attempted to enact a telephone registry regulation. Congress defunded it in every ATF appropriations act from fiscal year 1979 through fiscal year 1993. In 1986, Congress also passed FOPA to kill the rule once and for all.

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[238] *Id.* at 2:20:17–2:20:49.

[239] *Id.* at 1:34:16–1:36:18.

[240] Rep. Eric Swalwell, *President Biden Does Not Want to Take Your Guns Away*, Newsweek (Apr. 21, 2022), https://www.newsweek.com/president-biden-does-not-want-take-your-guns-away-opinion-1699426.

[241] *See* 18 U.S.C. § 926(a); Treasury, Postal Service, and General Government Appropriations Act, 1979, Pub. L. No. 95-429, 92 Stat. 1001, 1002 (1978); Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. No. 112-55, 125 Stat. 552, 609–10 (2011) (18 U.S.C. § 923 note); Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, § 103(i), 107 Stat. 1536, 1542 (1993).

[242] GAO/GGD-96-174, at 9, https://www.gao.gov/products/ggd-96-174.

But the FOPA didn't only kill the ATF telephone registry, it also codified certain ongoing practices and served as an update to the Gun Control Act (GCA). Since the Gun Control Act of 1968, Congress has delegated to the Secretary of the Treasury, and now the Attorney General, authority to determine what types of records a dealer must keep, codified at 18 U.S.C. § 923(g)(1)(A):

> 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.[243]

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, optionally, 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, it also has interpreted its authority to receive and maintain these records.[244] Federal law also requires each licensed collector to keep acquisition-and-disposition records "in a bound volume."[245]

When an 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) provides:

> Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, such records shall be delivered within thirty days after the business discontinuance to the Attorney General.[246]

The statute therefore authorizes delivery of the records when a business ends. It does not authorize ATF to keep every page, convert the collection into a centralized digital system, or retain the portions that identify gun owners.

ATF's Defenders Claim Two Exceptions to the Gun Registry Ban

In 1986 Congress wrote a general prohibition on federal gun registration into the Firearm Owners' Protection Act. The prohibition has two parts: it bars new rules that would transfer dealer records to a government facility or establish a registration system, and it contains a neutral sentence that neither expands nor restricts the Attorney General's authority to inquire into a particular firearm's disposition during a criminal investigation. ATF's current practices rest on narrow readings of those two sentences.

18 U.S.C. § 926(a) provides in relevant part:

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[243] 18 U.S.C. § 923(g)(1)(A).

[244] 18 U.S.C. § 923(g)(1)(A); 18 U.S.C. § 923(g)(4).

[245] 18 U.S.C. § 923(g)(2), https://www.govinfo.gov/content/pkg/USCODE-2024-title18/html/USCODE-2024-title18-partI-chap44-sec923.htm.

[246] 18 U.S.C. § 923(g)(4).

> **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.**[247]
>
> 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.

This is a restriction on rules creating gun registries issued after 1986. It bars any new regulation that would require dealer records, or any portion of them, to be recorded at or transferred to a federal or state facility, and it bars any new regulation that would establish a system of registration of firearms, firearms owners, or firearms transactions. The second sentence is neutral. It neither expands nor restricts the Attorney General's existing authority to inquire into the disposition of a particular firearm during a criminal investigation. It does not create an affirmative exception that authorizes the receipt, centralization, or long-term maintenance of out-of-business records.

Reading the Gun Control Act and the Firearm Owners Protection Act harmoniously, ATF may receive records when a business ends, but ought to destroy any portion that identifies a gun owner or a firearms transaction or disposition. Examples of records, or portions of records, that could be retained include original copies of federal firearms licenses, ATF Forms 3310.11 (Federal Firearms Licensee Theft/Loss Reports), and law-enforcement certification letters that do not identify private purchasers.

ATF's own orders read the law the same way. In its chapter on gun shows, ATF Order 3310.4C tells agents: "Federal law prohibits consolidating or centralizing records of FFLs and prohibits establishment of a system of registration of firearms or firearms owners."[248] The same order calls the National Tracing Center "the central repository" for the records ATF uses to trace firearms, including out-of-business records, and it directs that "[o]ut-of-business firearms licensee records will be maintained indefinitely."[249]

However, ATF and its defenders offer two theories to escape the requirements of section 926(a).

ATF's primary defense can be seen in a 1996 GAO report,[250] which claims that ATF's registry is grandfathered in as a pre-1986 rule or regulation. On out-of-business records it says: "ATF's current regulatory requirement concerning the out-of-business records predates the Firearms Owners' Protection Act, and is thus not subject to section 926(a)."[251] The same report agrees with ATF that section 926(a)

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[247] 18 U.S.C. § 926(a) (emphasis added).

[248] ATF Order 3310.4C, *Firearms Enforcement Program* (Mar. 19, 2013), *reproduced in FOIA Release One*, at 276.

[249] ATF Order 3310.4C, *reproduced in FOIA Release One*, at 280, 287.

[250] U.S. Gen. Accounting Off., GAO/GGD-96-174, *Federal Firearms Licensee Data: ATF's Compliance with Statutory Restrictions* 4 (Sept. 11, 1996), https://www.gao.gov/products/ggd-96-174.

[251] GAO/GGD-96-174, at 9.

"limits ATF only from prescribing certain rules or regulations," meaning rules issued after May 19, 1986.[252] A 2016 GAO report[253] implies the same exemption by noting that ATF's regulation "remains essentially the same," with "only technical administrative changes" since FOPA.

The other defense relies on the criminal investigation language at the end of 926(a). An August 2026 Department of Justice Office of the Inspector General report (DOJ-OIG 26-079) frames this as a justification for the out-of-business collection. It describes FOPA as "prohibit[ing] ATF from issuing a rule or regulation to establish a registration system... and restrict[ing] ATF from receiving and maintaining firearm transaction records except to obtain firearm disposition information related to a criminal investigation."[254] The DOJ-OIG reading interprets the neutral clause into an affirmative law-enforcement exception.

Neither of the government's theories holds. First, the grandfather theory protects only pre-1986 rules that have not been expanded. Post-1986 digitization, centralization, and indefinite retention are new. For example, President Biden's rule in 2022 went beyond any grandfathered rule by requiring records older than 20 years be kept permanently and be sent to ATF upon business discontinuance.[255] And second, the criminal-investigation sentence is neutral; it does not create an affirmative exception for bulk receipt and long-term maintenance of records that identify gun owners. The better, harmonious reading remains that ATF may require licensees to keep the records the statute permits and may receive them when a business ends, but may not maintain the portions that contain gun-owner information on government premises in a digital searchable database as it currently does.

ATF's Registry Is Not Justifiable as a Law Enforcement Tool

ATF Does Not Know If 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" which "provides critical information to assist domestic and international law

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[252] *Id.* at 5.

[253] U.S. Gov't Accountability Off., *Firearms Data: ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies*, GAO-16-552, at 24 & n.51 (June 2016), https://www.gao.gov/products/gao-16-552.

[254] U.S. Dep't of Just., Off. of the Inspector Gen., *Audit of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Management of Firearm Trace Requests at the National Tracing Center*, Audit Division 26-079 (Aug. 2026), at 3.

[255] Definition of "Frame or Receiver" and Identification of Firearms, 87 Fed. Reg. 24,652, 24,746–47 (Apr. 26, 2022), https://www.federalregister.gov/documents/2022/04/26/2022-08026/definition-of-frame-or-receiver-and-identification-of-firearms.

enforcement agencies investigate and solve firearms crimes."[256] Speaking specifically about out-of-business records, ATF boldly promotes on its website that "[t]hese records have proved pivotal in other criminal investigations."[257]

As it turns out, 52 Members of the U.S. House of Representatives sought objective data from ATF about how useful firearm traces are for solving crimes. In a letter to ATF, they asked:

> 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?[258]

ATF offered Congress no evidence that the registry helps solve crimes. In fact, ATF's response to Congress was quite the opposite, stating that despite all the data collected by the NTC, ATF:

> 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.[259]

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.

GOA and Congress began this oversight in 2021. Since then there have been numerous hearings, letters to ATF, bills, and appropriations riders aimed at the registry and the tracing system. Yet in 2026 the Department of Justice Office of the Inspector General is still faulting ATF for not collecting data on the success or utility of traces in criminal investigations. ATF now holds 1.4 billion records and still cannot show any data proving those records help solve crimes. After more than five years of sustained oversight, the agency still had not fully measured whether traces help solve crimes. The Inspector General's August 2026 report (26-079) addresses this directly. On page 20 it finds:

> Although the number of firearm trace requests that the NTC receives has steadily increased over the past 20 years, we found that the NTC has not fully captured or measured its return

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[256] Letter from Daniel L. Board, Jr., Assistant Director, Public and Governmental Affairs, ATF, to Rep. Michael Cloud (Dec. 21, 2021), at 1; Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Tracing Center*, https://www.atf.gov/firearms/national-tracing-center (last visited Nov. 13, 2026).

[257] Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Tracing Center*, https://www.atf.gov/firearms/national-tracing-center (last visited Nov. 13, 2026).

[258] Letter from Representative Michael Cloud and 51 other Members of Congress to Marvin G. Richardson, Acting Director, Bureau of Alcohol, Tobacco, Firearms and Explosives (Nov. 22, 2021).

[259] Letter from Daniel L. Board, Jr., Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Representative Michael Cloud (Dec. 21, 2021), https://www.gunowners.org/wp-content/uploads/Board-Letter-to-Cloud-December-21-2021.pdf.

> on investment (such as success or value) through outcome-based metrics or key performance indicators (KPIs).[260]

On page 21 the report continues:

> While the NTC's current application of the 'successful' and 'unsuccessful' codes may be useful internal performance metrics, we believe performance metrics could be modified or expanded to demonstrate the value of the NTC's services to stakeholders (for example Congress, DOJ, NTC customers, such as LEAs) by quantifying the degree to which the NTC has fulfilled its self-defined mission to provide valuable leads to LEAs. Further quantifying the NTC's performance could support funding requests to assist the NTC with addressing its resource needs arising from the increasing number of trace requests.[261]

The same page notes that neither the NTC nor the law-enforcement agencies that request traces document or communicate the outcome of the leads—whether they resulted in an apprehension or helped disrupt firearms trafficking. The report's conclusion states that the NTC "lacks outcome-based performance measures that assess the impact of traces on law enforcement investigations such as arrests, prosecutions, or disruption of criminal activity." Its formal recommendation is narrow: that ATF track whether a firearm trace identified a firearms purchaser.[262]

The mere possibility that supporting data might someday exist cannot be a reason for pro-gun members of Congress or President Trump to keep a national gun registry in place.

About Half of All Law Enforcement Agencies Do Not Use Gun Tracing

Yet, while advocates for this gun registration system claim it is a valuable law enforcement tool, about half of all law enforcement agencies do not use ATF's free trace resource. Representative Joseph Morelle and ATF Director Steven Dettelbach discussed this at a House Appropriations Committee budget hearing on April 18, 2023:[263]

> Rep. Joseph Morelle: "The, the [National Tracing Center] allows law enforcement agencies to submit gun crime gun trace request ATF for processing. I understand fewer than half of the nation's law enforcement agencies utilized the program in 2021, which undermines your ability,

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[260] U.S. Dep't of Just., Off. of the Inspector Gen., *Audit of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Management of Firearm Trace Requests at the National Tracing Center*, Audit Division 26-079 (Aug. 2026), at 20.

[261] *Id.* at 21.

[262] *Id.* at 21–23.

[263] Steven M. Dettelbach, Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, testimony before the House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Budget Hearing – Fiscal Year 2024 Request for the Bureau of Alcohol, Tobacco, Firearms, & Explosives* (Apr. 18, 2023), at 1:21:30, https://www.youtube.com/watch?v=QSy8LeqILCs&t=4890s.

> as I understand, to identify, investigate, prosecute gun traffickers and other bad actors. Can you talk about the consequences of underutilization with respect to crime and solve rates?"[264]
>
> Dir. Steven Dettelbach: "So are the number of raw traces is going up and up and up, so it was a 13 percent increase year over year. However, you are correct that about half of all law enforcement agencies don't use the free resource that we provide for them to trace their crime guns."[265]

If half of all law enforcement agencies get by without ATF's free trace service, it is hard to argue the registry records are indispensable, and it raises the question whether the other half needs it either. It does not matter that the trace system is provided for free. Those agencies appear capable of doing their work without this ostensibly essential tool.

Director Dettelbach went on to voice his frustration with law enforcement who do not see the necessity of tracing every single gun they recover in all cases:

> I hope that we will come to a place—where when a crime gun happens, when a murder happens, when a homicide happens, when a shooting happens, when a drug dealer gets caught with a gun—that when law enforcement sees that firearm they'll understand that's just like fingerprinting.[266]
>
> You know, you wouldn't conduct the criminal investigation of the homicide without submitting the trace of the firearm so that we can understand more evidence about the case and help identify the killer.[267]

Half of law enforcement agencies appear to deal with murder, homicide, shootings, and narcotics enforcement without using the trace system. They don't see eye-to-eye with the director that the ability to trace a gun is as essential as fingerprinting and other longstanding law enforcement tools.

Most of the Time a Trace Is Not Helpful in Solving a Crime

Metadata released by ATF may actually provide some insight into why traces just aren't that useful. ATF's official first-purchaser success rate for 2025 traces was 75.2 percent.[268] Firearms go untraced 25 percent of

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[264] Rep. Joseph Morelle, question at House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Budget Hearing – Fiscal Year 2024 Request for the Bureau of Alcohol, Tobacco, Firearms, & Explosives* (Apr. 18, 2023), at 1:21:03, https://www.youtube.com/watch?v=QSy8LeqILCs&t=4863s.

[265] Steven M. Dettelbach, Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, testimony before the House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Budget Hearing – Fiscal Year 2024 Request for the Bureau of Alcohol, Tobacco, Firearms, & Explosives* (Apr. 18, 2023), at 1:21:30, https://www.youtube.com/watch?v=QSy8LeqILCs&t=4890s.

[266] H. Comm. on Appropriations, *Budget Hearing – Fiscal Year 2024 Request for the Bureau of Alcohol, Tobacco, Firearms, & Explosives* (Apr. 18, 2023), at 1:22:20, https://www.youtube.com/watch?v=QSy8LeqILCs&t=4940s.

[267] *Id.* at 1:22:35.

[268] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026).

the time because of mistakes in the data, because a dealer was missing its records, or because a firearm predates the Gun Control Act of 1968 and its serialization and recordkeeping requirements.[269]

In the remaining 75 percent of cases, it doesn't appear that a firearm trace is particularly useful in identifying a brand-new potential suspect. In one chart, ATF reported that 70.6 percent of the time law enforcement already knows the possessor of the firearm that they are tracing. Those figures mean that over 70 percent of the time, law enforcement is not using a trace to find an unknown criminal who left a firearm at a crime scene. This might happen because a criminal was arrested with a gun in hand, or because the criminal died on scene and was found with the firearm. Therefore, the majority of the time a trace is only useful in identifying whether the firearm was trafficked or stolen, and the police already knew who possessed the gun in the commission of a crime. Conversely, this means that a trace can only provide a new data point to potentially help identify the possessor of a crime gun in 29.4 percent of all cases in which a firearm can be traced.[270]

But the lack of utility of this backdoor gun registry is unsurprising. 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 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...[271]

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."[272]

Gun registration doesn't help solve crimes, because only law-abiding citizens comply. It would seem, then, that neither these cities' nor ATF's gun registries are primarily useful for law enforcement purposes.

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[269] Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Firearms Commerce and Trafficking Assessment, Vol. II, Part III: Crime Guns Recovered and Traced Within the United States*, at 3–4 (2023), https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-iii-crime-guns-recovered-and-traced-us.

[270] Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Firearms Commerce and Trafficking Assessment, Volume II, Part III: Crime Guns Recovered and Traced Within the United States and Its Territories* (Jan. 11, 2023), at 26 (Figure IFT-05), https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-iii-crime-guns-recovered-and-traced-us.

[271] Emily Miller, *MILLER: Dick Heller challenges D.C.'s gun registration, files for summary judgment in Heller II*, Wash. Times (Dec. 11, 2013).

[272] John R. Lott Jr., *The War on Guns* 40 (2016).

Gun registries are, however, incredibly useful at forcing law-abiding citizens to comply with gun control laws.

Universal Background Checks Are About Expanding ATF's Gun Registry

Today, the only gun owners whose firearms are not registered are those who bought their guns in private sales without a background check, or who built their own firearms at home, derogatorily referred to as "ghost guns." Gun control advocates want to close that so-called "loophole." Gun-grabbers rarely admit that they want a national gun registry. Instead, they promote "universal background checks." But the purpose of "universal background checks" or UBCs is to create a gun registration paper trail for every private sale, which is ideal for any future gun registration effort.

As far back as 1994, Senator Howard Metzenbaum, introducing the gun control package known as "Brady II," explained: "Registration allows for speedier and more reliable tracing of guns used in crime. Without registration of secondary transfers, the investigative trail often leads to a dead end after the primary sale by a dealer."[273] In January 2013, the Deputy Director of the Justice Department's National Institute of Justice summarized the research for the administration. He wrote that the effectiveness of universal background checks "depends on the ability to reduce straw purchasing, requiring gun registration and an easy gun transfer process."[274] On the Senate floor, Senator Chuck Grassley warned that "the Deputy Director of the National Institute of Justice has written, that universal background checks can be enforced only if gun registration is mandated. … [T]he language currently before us requires recordkeeping, a step toward registration."[275] When the Senate took up UBCs that spring, the Chicago Tribune editorial board explained:

> "It would, however, create a paper trail. Requiring record keeping is key to enforcement of background checks. Without it, there would be no way to know whether gun sellers were doing background checks."[276]

Two police chiefs writing for the National Law Enforcement Partnership to Prevent Gun Violence went further. They wrote that "the bill must take the same record-keeping requirement that already applies to dealers and extend it to such private sellers," because otherwise "there is no paper trail. And without a

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[273] 140 Cong. Rec. 3287 (1994) (statement of Sen. Howard Metzenbaum), https://www.govinfo.gov/app/details/GPO-CRECB-1994-pt3/GPO-CRECB-1994-pt3-3-2.

[274] Greg Ridgeway, Deputy Director, National Institute of Justice, U.S. Department of Justice, *Summary of Select Firearm Violence Prevention Strategies* (Jan. 4, 2013), at 5, https://www.nssf.org/wp-content/uploads/2023/06/NIJGunPolicyMemo1-4-2013.pdf.

[275] 159 Cong. Rec. S2576 (daily ed. Apr. 11, 2013) (statement of Sen. Chuck Grassley), https://www.govinfo.gov/content/pkg/CREC-2013-04-11/html/CREC-2013-04-11-pt1-PgS2572-4.htm.

[276] Chicago Tribune Editorial Board, *Background check gun bill falters in Senate*, Centralmaine.com (Mar. 19, 2013), https://www.centralmaine.com/2013/03/19/background-check-gun-bill-falters-in-senate_2013-03-18/.

paper trail, law enforcement often can't connect a gun to the criminal who fired it."[277] The Senate bill itself required "a record of transaction of any transfer that occurred between an unlicensed transferor and unlicensed transferee."[278] Researchers at Johns Hopkins have also explained that routing every sale through a dealer "would have the effect of mandating the same record keeping for all firearm transfers."[279]

Giffords Law Center also connects the dots between gun registration and UBCs. Their website explains that "Centralized records of gun ownership would greatly increase the efficiency of the tracing process," but that "in order for law enforcement to have complete information about gun ownership, Congress would need to close the private sale loophole."[280] Everytown also recognizes that under Universal Background Checks, "records of gun sales by unlicensed sellers would be kept and could be used in tracing efforts when guns are recovered in crimes."[281]

This is why Gun Owners of America prefers to refer to the policy as "universal registration checks."[282] These proposals would create Form 4473s and Firearm Transaction Records for every firearm transferred in private sales.

ATF's Gun Registry Is a Threat to the Second Amendment

The Purpose of Gun Registration Is Gun Confiscation

In a Rasmussen Reports survey of 1,000 likely voters conducted November 14-15, 2021, 51 percent of voters recognized the confiscation risk.[283] In that poll, 58 percent of unaffiliated voters, and even 40 percent 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."

The American people are right. Gun registration always leads to confiscation. GOA's 2026 comment to ATF noted that this pattern has played out in the history of other nations: "Stalin's atrocities, the killing

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[277] Chief William Citty & Chief Jim Johnson, *Senate must pass a strong background check law*, Hill, Congress Blog (Apr. 9, 2013), https://thehill.com/blogs/congress-blog/judicial/146900-senate-must-pass-a-strong-background-check-law/, *reprinted in* Avenue News (Apr. 9, 2013), https://www.avenuenews.com/opinion/senate-must-pass-a-strong-background-check-law/article_0a36d392-a12e-11e2-8e55-0019bb2963f4.html.

[278] Safe Communities, Safe Schools Act of 2013, S. 649, 113th Cong. § 122 (as placed on the calendar, Mar. 22, 2013), https://www.govinfo.gov/content/pkg/BILLS-113s649pcs/html/BILLS-113s649pcs.htm.

[279] Johns Hopkins Summit on Reducing Gun Violence in America, *Gun Policy Summit Recommendations* (Jan. 15, 2013), https://publichealth.jhu.edu/events/summit-on-reducing-gun-violence-in-america/information-for-media.

[280] Giffords Law Center, *Maintaining Records of Gun Sales* (May 4, 2020; updated Sept. 24, 2026), https://giffords.org/lawcenter/gun-laws/policy-areas/gun-sales/maintaining-records-of-gun-sales/.

[281] Everytown Research & Policy, *Five Things to Know About Crime Guns, Gun Trafficking, and Background Checks* (May 24, 2021; updated Aug. 8, 2023), https://everytownresearch.org/report/five-things-to-know-about-crime-guns/.

[282] @GunOwners, X (Aug. 16, 2023, 4:20 PM EDT), https://x.com/GunOwners/status/1691907719647695013.

[283] Rasmussen Reports, *Gun Owners Oppose Federal Tracking, Fear Confiscation* (Nov. 17, 2021), https://www.rasmussenreports.com/public_content/politics/current_events/gun_control/gun_owners_oppose_federal_tracking_fear_confiscation.

fields of Cambodia, the Holocaust, to name but a few."[284] The comment continued that British attempts at gun confiscation provided the spark to the Revolutionary War, and that even in the modern United States the registration-confiscation pipeline continues. GOA Senior Vice President Erich Pratt discussed this pattern with Senator Josh Hawley at a congressional hearing once:

> **Mr. Pratt:** New York City… registered guns in the 1960s, passed a ban in the 1990s, and then they did spot checks on people that they believed were not complying with the law.
> **Senator Hawley:** In 1967, correct, New York required registration of rifles, I think it was.
> **Mr. Pratt:** That is right.
> **Senator Hawley:** Shotguns, as well. [New York] Promised then that, "Oh, it would not be used for confiscation." But then, in fact, they were confiscated. I think they went door-to-door back in the late 1960s.
> **Mr. Pratt:** Mayor David Dinkins signed the ban, and that is exactly what they did.
> **Senator Hawley:** Then, in 1991, New York City also banned another class of weapons, and officials used, as I understand it, an existing database to do the same thing, to force confiscation.
>
> There is also, I suppose, the example of our Australian friends. In 1996, I think it was, Australia passed the National Firearms Agreement (NFA), they called it, which, as I understand it, restricted gun ownership and mandated the creation of a firearm registry. Then, lo and behold, they went and used that to enforce mandatory buybacks.



Figure 22: J.D. Vance on *Tucker Carlson Tonight*, February 4, 2022.[285]

> I seem to recall more than one Democratic candidate for President talking about mandatory buybacks. I mean, this is not a far-fetched conspiracy theory. This is something that has happened in our country. It has happened in our ally nations. You have members of the opposition party who are saying it is a great model.[286]

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[284]Gun Owners of America & Gun Owners Found., Comment on Firearm Records Retention Periods, RIN 1140-AA95, at 8 (June 2, 2026), https://www.gunowners.org/wp-content/uploads/GOA_ATF_OOB_Records_Retention_Comment.pdf.

[285] *JD Vance: Allowing gun registry effectively allows the disarming of your citizenry*, Fox News (Feb. 4, 2022), https://www.foxnews.com/video/6295584853001. *See also* https://www.foxnews.com/media/jd-vance-atf-gun-registry-disarming-citizens.

[286] *The Second Amendment: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 119th Cong. 25 (Apr. 15, 2026) (S. Hrg. 119-382), https://www.govinfo.gov/app/details/CHRG-119shrg63505.

In fact, in 1992, a New York City paper reported that police raided the home of a Staten Island man who refused to comply with the city's ban on assault weapons and seized an arsenal of firearms, with spot checks planned for other homes.[287] This is the very reason that gun owners are concerned about their names and addresses being stored in ATF's billion records database.

Erich Pratt also testified that, "History shows repeated cases where gun registration paved the way for confiscation." He listed examples from the past century, including Greece, Ireland, Jamaica, and Bermuda. In more recent times, he noted, the governments of Australia and Venezuela carried out large-scale firearm confiscations, and Canada is now threatening to use its registry for door-to-door confiscations. Pratt then turned to the most severe examples: countries such as Turkey, China, Germany, Guatemala, Uganda, Cambodia, and the Soviet Union, where strict gun control laws (including gun owner registration) were implemented prior to the genocides committed in each of those countries.[288]

Then-Senate candidate J.D. Vance made the same point on *Tucker Carlson Tonight* on February 4, 2022:

> This database is ultimately a back door to a gun registry in this country. And if you look at what liberals have done in Europe, what they've done in Australia, once you allow gun registry, you effectively allow the disarming of your citizenry. This is ultimately about destroying the Second Amendment, just as the Democrats' alliance with Big Tech is about destroying the First Amendment. And my basic argument here, Tucker, is look, if the Democrats are going to ignore the heavily armed drug cartels on our southern border that use the ATF to go after law-abiding citizens, why don't we just get rid of the ATF?[289] (See Figure 22)

In the examples above, registration came before confiscation. GOA is not being alarmist when it raises concerns that ATF's 1.4 billion centralized, searchable records are a registry, or that they could be used for door-to-door confiscation. Gun confiscation is the logical conclusion of ATF's illegal gun registry. It is what anti-gun advocates have said they want. The only way to break the pattern and protect our Second Amendment rights is to destroy ATF's illegal registry and, ultimately, to abolish the ATF.

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[287] *The Second Amendment: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 119th Cong. 9 (Apr. 15, 2026) (S. Hrg. 119-382), https://www.govinfo.gov/app/details/CHRG-119shrg63505 (oral statement of Erich Pratt); Written Testimony of Erich Pratt, GOA Senior Vice President, submitted to the S. Comm. on Homeland Sec. & Governmental Affairs, hearing on "The Second Amendment" (Apr. 15, 2026) (official revised statement), at 7 & n.17 (citing John Marzulli, *Weapons ban defied: S.I. man, arsenal seized*, Daily News (Sept. 5, 1992)).

[288] Written Testimony of Erich Pratt, GOA Senior Vice President, submitted to the S. Comm. on Homeland Sec. & Governmental Affairs, hearing on "The Second Amendment" (Apr. 15, 2026) (official revised statement), at 7.

[289] *JD Vance argues to get rid of the ATF, says a gun registry is "disarming" citizens*, Fox News (Feb. 4, 2022), https://www.foxnews.com/media/jd-vance-atf-gun-registry-disarming-citizens.

ATF's Existing Registry Could Be Misused for Gun Confiscation by Weapon Type

Some members of Congress have already admitted what gun registration records are for. In December 2025, Representative Ilhan Omar said it was "important … to create a registry so we know where the guns are," so that, "we can actually start a buyback program."[290]

ATF's own records show that registry search results can be filtered by make, model, weapon type, manufacturer, and caliber, and that a particular firearm can be found by serial number.[291] The ability to search or create a list of gun owners by name is superfluous should ATF agents intend to create a list of 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 filter the records for that type of firearm and then read the names and addresses off the matching records to create a confiscation list. This is precisely what Congress sought to avoid with its explicit statutory prohibitions on such a registry.

In 2021 the Biden Administration proposed Factoring Criteria for Firearms with Attached "Stabilizing Braces," ATF 2021R-08.[292] Owners of pistols equipped with stabilizing braces then faced a choice. They could reconfigure their pistols at personal cost, register them with the federal government as short-barreled rifles, turn them in, or destroy them. A Congressional Research Service report dated April 19, 2021, reported unofficial estimates that between 10 and 40 million stabilizing braces were already in circulation.[293]

ATF would not have been able to use its gun registry to find those who purchased a stabilizing brace and attached it to their firearms at home, but the same could not be said for those who commercially purchased or transferred many of these brace-equipped pistols. ATF's out-of-business records can, in fact, be searched by serial number and filtered by make, model, and weapon type. Therefore, ATF could use those fields to pull the records of commercially sold AR-15 pistols, and those records carry the buyers' home addresses and the firearms' serial numbers, the makings of a door-to-door confiscation list.[294] GOA filed

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[290] Gun Owners of America & Gun Owners Found., Comment on Firearm Records Retention Periods, RIN 1140-AA95, at 8 & n.22 (June 2, 2026) (regulations.gov ATF-2026-0003-3751), https://www.gunowners.org/wp-content/uploads/GOA_ATF_OOB_Records_Retention_Comment.pdf (citing a video of Rep. Ilhan Omar posted by @GunOwners, X (Dec. 1, 2025), https://x.com/GunOwners/status/1995561688540840128).

[291] *FOIA Release One*, at 11.

[292] Factoring Criteria for Firearms With Attached "Stabilizing Braces," 86 Fed. Reg. 30,826 (June 10, 2021), https://www.federalregister.gov/documents/2021/06/10/2021-12176/factoring-criteria-for-firearms-with-attached-stabilizing-braces.

[293] William J. Krouse, Cong. Research Serv., IF11763, *Handguns, Stabilizing Braces, and Related Components* (updated Apr. 19, 2021), https://www.everycrsreport.com/reports/IF11763.html.

[294] *FOIA Release One*, at 11; 27 C.F.R. § 478.124(c)(1).

a lawsuit against the Biden Pistol Brace Ban and thankfully, a federal court eventually vacated the pistol-brace rule.[295]

AI Could Convert the Registry into a Door-to-Door Confiscation Tool in an Afternoon

In under an hour on a Saturday morning, your author "vibe coded" a gun-registration scanning tool. That means he described what he wanted in plain English, and Grok Bot wrote, installed, and tested the code on his home gaming PC. The PC has a single Nvidia RTX 4070 Ti graphics card with 12 GB of memory. It runs Qwen3-VL 8B, a free, open-source model that reads images, entirely on the PC, with nothing sent to the cloud.

A user photographs or uploads a scanned ATF Form 4473 through a web page. In about 20 seconds, the tool reads the buyer's and dealer's handwritten entries and shows them as typed text. It saves each form as a new row in a spreadsheet and flags any uncertain entries for human review. It also links the buyer's home address to Google Maps, so the user can see where the buyer lives with one click. The first request came in at 9:18 AM, and the tool was live at 10:14 AM. (See Figure 23)

ATF has told Congress it holds 1,414,088,513 pages of out-of-business firearms records.[296] The figures that follow are GOA's rough estimates. On your author's one gaming PC, scanning all of them would take about 900 years. But that's the slow way. Renting the same kind of model from Amazon's government cloud would take about three trillion tokens, or a bit more than a million dollars. If ATF borrowed all of the Department of Energy's (DoE) more than 160,000 supercomputer GPUs, the scanning itself would take a couple hours.[297]

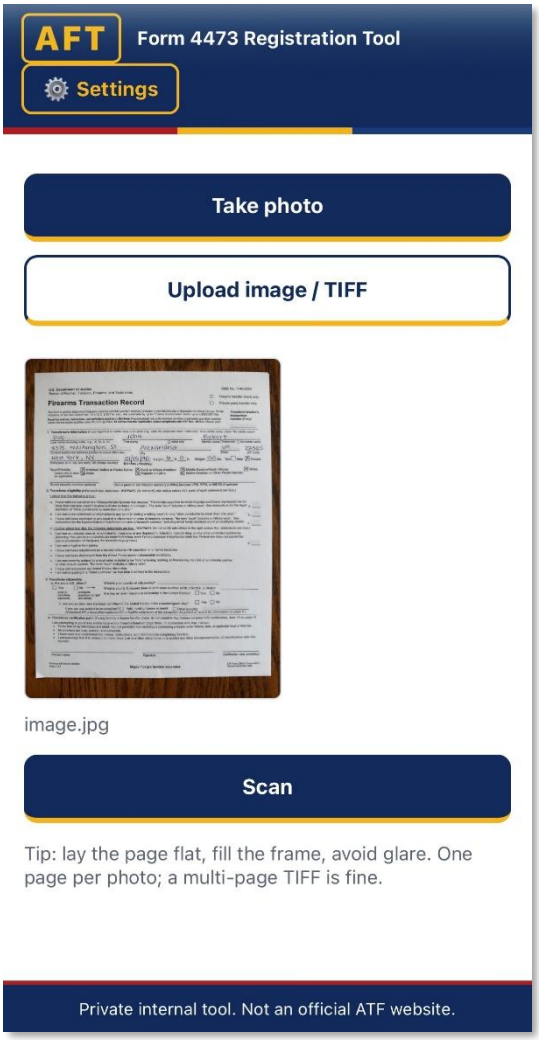


Figure 23: The Form 4473 Registration Tool on a phone, with a photographed Form 4473 loaded and ready to scan. This is not an official ATF tool, but was created by GOA to demonstrate how easily the registry could be converted using basic AI tools.

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[295] Written Testimony of Erich Pratt, GOA Senior Vice President, submitted to the S. Comm. on Homeland Sec. & Governmental Affairs, hearing on "The Second Amendment" (Apr. 15, 2026) (official revised statement), at 5, 29; *Mock v. Garland*, No. 4:23-cv-00095-O, slip op. at 11–12 (N.D. Tex. June 13, 2024), https://storage.courtlistener.com/recap/gov.uscourts.txnd.372609/gov.uscourts.txnd.372609.110.0.pdf.

[296] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4.

[297] *Facts About Frontier*, Oak Ridge Nat'l Lab. (Nov. 7, 2023), https://www.ornl.gov/news/facts-about-frontier/; *Aurora*, Argonne Leadership Computing Facility, https://www.alcf.anl.gov/aurora; *Polaris Machine Overview*, Argonne Leadership Computing Facility, https://docs.alcf.anl.gov/polaris/; *Perlmutter Architecture*, Nat'l Energy Research Scientific Computing Ctr.,

The result would be a searchable list of who bought which gun, with every buyer one click from a map of their home. Turning ATF's archive of paper and images into a searchable gun registry is no longer a question of whether the technology exists. While this data exists on ATF servers, it will always be capable of abuse as a door-to-door gun confiscation tool.

ATF's Gun Registry Poses a National Security Risk

GOA has major security concerns about ATF's 1.4 billion record database of gun and gun owner records. Throughout the FOIA response we received, terminology suggesting a secure structure (such as "secure stand-alone network environment" and "secure location") occurred only a handful of times throughout a process filled with dozens of potential vulnerabilities since downloadable, transferrable, files are mailed to ATF by FFLs and transported throughout the registration process on USB drives, CDs, DVDs, and floppy disks. ATF guidance[298] provides no instructions for encrypting the data or mailing it securely. By one industry estimate, more than 104 million packages were stolen in the United States in a single recent year.[299] 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 labeled with the FFL's license number and marked "National Tracing Center—Out of Business Records Repository."[300] In other words, the boxes are marked "steal me, I contain the names, addresses, and social security numbers of countless gun owners."

At one point in ATF's media conversion process, some records are Xeroxed and emailed internally. But, it gets worse. ATF allows FFLs that go out of business to email their digital records to ATF, in the searchable text-file format ATF requires.[301] 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 address information and, in some cases, Social Security numbers 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

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https://docs.nersc.gov/systems/perlmutter/architecture/; *Compute Platforms with GPUs*, Lawrence Livermore Nat'l Lab., https://hpc.llnl.gov/hardware/compute-platforms-gpus.

[298] ATF Orders 1340.6A (Sept. 16, 2016) (superseded) and 1340.6B (Oct. 4, 2021), *reproduced in FOIA Release Two*, at 3–12.

[299] Rebecca Edwards, *2025 U.S. Package Theft Report and Worst Metro Cities for Porch Pirates*, SafeWise (Nov. 6, 2025), https://www.safewise.com/research/porch-pirate-package-theft/.

[300] *FOIA Release Two*, at 11.

[301] *FOIA Release Two*, at 10; *FOIA Release One*, at 14.

of redundant security measures and precautions to keep this treasure trove of data from being misused or falling into the wrong hands.



Figure 24: In the 1984 film Red Dawn, a Cuban Colonel orders a KGB major to begin door-to-door gun confiscation during an invasion of the United States.[302]

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 personal protection of citizens and 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.[303] 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. GOA and the Gun Owners Foundation later made the same national-security point in their 2026 comment.[304] Just two years before FOPA, the 1984 film "Red Dawn" depicted invading forces being instructed to "[g]o to the sporting goods store" and "[f]rom the files, obtain form 4473," which "w[ould] contain descriptions of weapons and lists of private ownership" for confiscation. (See Figure 24)

GOA's comment to ATF on its 2026 recordkeeping proposal also pointed out that some 1985 rulemaking commenters had expressed "fears that the recordkeeping will be used as a data base for future firearms registration."[305] 50 Fed. Reg. 26,702 (June 28, 1985). It also noted that the Chinese Communist Party has been caught operating secret "police stations" within the United States, and that gun owners' privacy concerns "have only exacerbated since ATF began digitizing transaction records in 2006."[306]

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

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[302] *Red Dawn* (MGM/UA Entertainment Co. 1984).

[303] U.S. Const. amend. II, https://constitution.congress.gov/constitution/amendment-2/.

[304] Gun Owners of America & Gun Owners Found., Comment on Firearm Records Retention Periods, RIN 1140-AA95, at 9 (June 2, 2026), https://www.gunowners.org/wp-content/uploads/GOA_ATF_OOB_Records_Retention_Comment.pdf.

[305] *Id.* at 7.

[306] *Id.* at 7 & nn.15, 17, 8, citing Larry Neumeister & Eric Tucker, *Secret Chinese Police Station in New York Leads to Arrests*, Associated Press (Apr. 17, 2023), https://apnews.com/article/chinese-government-justice-department-new-york-police-transnational-repression-05624126f8e6cb00cf9ae3cb01767fa1.

abide by such voluntary self-limiting principles when entering ATF's billions of data points into its "social credit" system.

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.[307]

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.[308] 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.[309]

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.[310]

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?"

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[307] James Call, *Foreigners Hack Florida's Gun Database*, Tallahassee Democrat (May 23, 2017), https://www.tallahassee.com/story/news/2017/05/23/foreigners-hack-floridas-gun-database/102065706/.

[308] KC Maas & Josh Levs, *Newspaper sparks outrage for publishing names, addresses of gun permit holders*, CNN (Dec. 25, 2012).

[309] Riehl, *North Carolina's WRAL-TV Publishes Identifying Info of Concealed Carry Holders*, AmmoLand (2012), https://www.ammoland.com/2012/07/north-carolinas-wral-tv-publishes-identifying-info-of-nc-concealed-carry-holders/.

[310] Hammack, *Should Gun Data Lists Be Muzzled?*, Roanoke Times (2019), https://roanoke.com/archive/should-gun-data-lists-be-muzzled/article_550cd15a-08d4-56a8-8def-0de8e45fb9e3.html.

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.[311]

Hundreds of ATF Accounts Have Access to the Registry

According to ATF records described in 2022, nearly 400 user accounts have access to nearly a billion private gun and gun owner records. Of those, 335 accounts have "OBR_SEARCH" access with search functionality, and another 64 have "OBR_ADMIN," or administrative, access to the records.[312] ATF records do not discuss the qualifications of the people behind these hundreds of accounts 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.

Thousands of Law Enforcement Agencies Can Obtain Registry Data Through Traces

ATF's National Firearms Commerce and Trafficking Assessment reported 8,782 participating agencies by 2021. In August 2026, the Department of Justice Office of the Inspector General reported that more than 10,000 agencies now participate, describing growth since 2020.[313]

Foreign Governments Can Obtain Registry Data Through Traces

In the "most expansive federal report in over two decades on guns and crime" released by ATF in 2023, ATF revealed which foreign governments use American gun-purchase data and how little they value the privacy restrictions enacted by Congress to protect American gun owners.[314]

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[311] U.S. Const. amend. II, https://constitution.congress.gov/constitution/amendment-2/.

[312] *FOIA Release One*, at 13.

[313] Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Firearms Commerce and Trafficking Assessment, Volume II, Part II*, at 16 of 31 (Jan. 11, 2023), Figure NTC-08, https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-ii-ntc-overview; U.S. Dep't of Just., Off. of the Inspector Gen., *Audit of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Management of Firearm Trace Requests at the National Tracing Center*, Audit Division 26-079 (Aug. 2026), at 11.

[314] Lindsay Whitehurst, *First sweeping federal gun crime report in 20 years released*, Associated Press (Feb. 1, 2023); Bureau of Alcohol, Tobacco, Firearms, and Explosives, *National Firearms Commerce and Trafficking Assessment (NFCTA): Crime Guns – Volume Two* (Feb. 1, 2023).

ATF shares gun and gun owner information with foreign governments through eTrace, its online firearm tracing system.[315] NFCTA Volume II, Part IV reports that, as of 2021, ATF had eTrace memoranda of understanding with law-enforcement agencies in 47 countries (1,843 foreign eTrace user accounts). Law-enforcement agencies across 125 foreign countries submitted 165,874 international trace requests for crime guns recovered between 2017 and 2021.[316]

ATF's eTrace is "a web-based crime gun trace request submission system" that "serves as a portal to ATF's FTS database." Registered users "can initiate a search of all traces submitted by their LEA [Law Enforcement Agency], based on virtually any data field or combination of data fields, such as firearm serial numbers."[317] ATF believes "ongoing comprehensive data collection and analysis of... guns are necessary."[318]

ATF allows "[l]aw enforcement agencies [to] request firearm traces for any investigative reason."[319] ATF treats "any" reason as enough reason to search their registration system, and they don't even require that the reason for searching the system be reported or recorded. Oversight of the use of the system by law enforcement agencies is impossible because "those reasons are not necessarily reported to the federal government."[320]

Enemies and Rivals of the United States, Human Rights Violators Can Use and Request Access to ATF's Registry

"The ATF National Tracing Center (NTC) and ATF International Affairs Division (IAD) cooperate with international law enforcement partners" even if that foreign country does not recognize the natural right to keep and bear arms as protected by the Second Amendment.[321] As of 2021, ATF allows access to the eTrace system "at no cost" by "47 countries, representing 1,843 eTrace user accounts."[322] However, law enforcement agencies in at least "125 foreign countries" have submitted trace requests to ATF for crime guns recovered between 2017 and 2021,

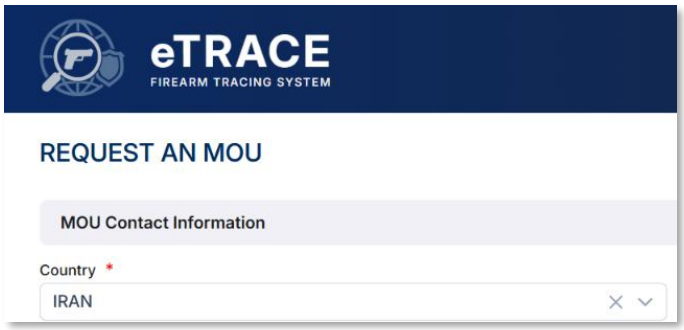


Figure 25: ATF's eTrace "Request an MOU" form with Iran selected as the country.

[315] *NFCTA Volume II PART IV: Crime Guns Recovered Outside the United States and Traced by Law Enforcement*, at 1.

[316] *Id.* at 1–2.

[317] *NFCTA Volume II PART II: National Tracing Center Overview*, at 16.

[318] *NFCTA Volume II PART IV: Crime Guns Recovered Outside the United States and Traced by Law Enforcement*, at 22.

[319] *NFCTA Volume I ATF Firearms Trace Data Disclaimer*, at 7.

[320] *Id.*

[321] *NFCTA Volume II PART IV: Crime Guns Recovered Outside the United States and Traced by Law Enforcement*, at 1.

[322] *NFCTA Volume II PART II: National Tracing Center Overview*, at 16; *NFCTA Volume II PART IV: Crime Guns Recovered Outside the United States and Traced by Law Enforcement*, at 1.

including agencies in China, Russia, Saudi Arabia, Turkey, Venezuela, and Yemen, to name a few human rights violators.[323] Drop down menu options include the ability for "Iran" and "Korea, North" to apply for access while the "Soviet Union" and "West Germany" are listed as "Ref[erence] Only" and not for use. (See Figure 25)

The most common reason a foreign trace failed was that the firearm "was manufactured outside of the U.S. and not imported into the U.S.," meaning there was "no U.S. nexus."[324] When a request does trace to an American gun purchaser and a "Form 4473 [is] located," then "purchaser information [is] provided" to the foreign requester.[325] Forms 4473 include the names and addresses, and may include the social security numbers, of American citizens and lawful gun purchasers.[326]

In addition to legitimate law enforcement agencies and foreign governments, one must wonder whether any enemies of the American people, foreign or domestic, perhaps misused this form to gain access to private gun and gun owner data. After all, as recently as 2017, the GAO discovered that its investigators were able to pose as a "fictitious federal agency" and obtain "over 100 controlled items with an estimated value of $1.2 million, including night-vision goggles, simulated rifles, and simulated pipe bombs" from a government surplus program because the agency failed at "verifying and approving federal agency applications."[327]

The 2026 Ransomware Attack on ATF Raises Serious Concerns About 1.4 Billion Gun Records

The Department of Justice confirmed in August 2026 that ATF had been hit by a ransomware attack and the Russian cybergang Qilin claimed responsibility.[328] It remains unclear what data, if any, the attackers took.

The day of the attack, ATF stated that it was "responding to a cybersecurity incident affecting a standalone system." ATF claimed that "[t]he impacted system operates separately from the ATF enterprise network," and that "there is no indication that the incident has affected the ATF enterprise network, the ATF eForms

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[323] *NFCTA Volume II PART IV: Crime Guns Recovered Outside the United States and Traced by Law Enforcement*, at 2, 23.

[324] *Id.* at 4, 10.

[325] ATF Online, *eTrace 4.0 Request an MOU* (last visited Nov. 11, 2026); *see* Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Firearms Commerce and Trafficking Assessment, Volume II, Part II: National Tracing Center Overview*, at 3 of 31 (Jan. 11, 2023), Figure NTC-02, https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-ii-ntc-overview.

[326] ATF Form 4473.

[327] U.S. Gov't Accountability Off., GAO-17-532, *DOD Excess Property: Enhanced Controls Needed for Access to Excess Controlled Property*, Highlights (July 2017); Kanya Bennett, *Even Fake Law Enforcement Agencies Can Get Weapons of War for "Policing,"* American Civil Liberties Union (July 26, 2017); U.S. Gov't Accountability Off., GAO-17-532, *DOD Excess Property: Enhanced Controls Needed for Access to Excess Controlled Property* 26 (July 2017).

[328] Harold Hutchison, *ATF Hit By Ransomware Attack, DOJ Says*, Conservative Daily News / Daily Caller News Foundation (Aug. 26, 2026), https://conservativedailynews.com/2026/08/atf-hit-by-ransomware-attack-doj-says/.

system, or any other ATF system." ATF said senior Department officials had designated the event a "major incident."[329]

Gun owners can be grateful that the August 2026 ransomware attack did not reach the out-of-business records database.[330] It could next time. Whatever security precautions ATF claims to have in place, the risk of maintaining 1.4 billion records of who owns what guns is not worth it. A foreign government, a criminal network, or a hostile actor with access to names, addresses, and firearm serial numbers could target specific owners or use the data for blackmail.

Australia shows what happens when criminals know where the guns are. Police and reporting have repeatedly documented that thieves systematically target rural properties and farmers for firearms. In New South Wales, more than 90 percent of stolen firearms in recent years have come from rural and regional areas. National figures show thousands of licensed guns stolen annually, with theft from legal owners as the primary source of illegal firearms. Organized criminals and outlaw motorcycle gangs have used associates to identify and rob country gun owners, including by infiltrating gun clubs to learn who has firearms at home. Farmers are soft targets precisely because they are known to possess guns for pest control and other legitimate purposes.[331]

A centralized, searchable database of gun owners multiplies that risk. Thieves in Australia scout isolated farms or work inside gun clubs to find guns; a breach of ATF's records could expose gun owners nationwide in a single download. Congress should treat the August 2026 attack on a separate ATF system as a warning. The only way to eliminate the risk is to delete the registry and stop collecting this gun registration data in the first place. Lawful gun purchases don't belong in some government database for the next 60 years waiting to be hacked or used for gun registration.[332]

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[329] Press Release, Bureau of Alcohol, Tobacco, Firearms and Explosives, *ATF Responds to Cybersecurity Incident* (Aug. 26, 2026), https://www.atf.gov/news/press-releases/atf-responds-to-cybersecurity-incident; @GunOwners, X (Aug. 26, 2026, 8:03 PM EDT), https://x.com/GunOwners/status/2092764886560375137.

[330] John Crump, *Hackers Leak ATF Files After Qilin Ransomware Breach*, AmmoLand (Sept. 1, 2026), https://www.ammoland.com/2026/09/atf-ransomware-breach-qilin-investigation-files-leaked/; Jonathan Greig, *DOJ Firearms Agency Says Hackers Breached System Containing Investigation Targets*, The Record (Aug. 27, 2026), https://therecord.media/doj-atf-cyberattack-qilin-ransomware.

[331] Halina Baczkowski, *Farmers Are Easy Targets for Gun Theft — and It's on the Rise*, ABC News Australia (Nov. 16, 2019), https://www.abc.net.au/news/2019-11-16/farmers-easy-targets-for-unsecured-guns-stolen-for-drug-trade/11700110; Ava Benny-Morrison, *Organised Criminals and Bikies Target Country Areas to Gather Firearm Supplies*, Sydney Morning Herald (May 28, 2016), https://www.smh.com.au/national/nsw/organised-criminals-and-bikies-target-country-areas-to-gather-firearm-supplies-20160525-gp3m15.html.

[332] Aidan Johnston (@RealGunLobbyist), X (Sept. 1, 2026, 11:00 p.m. Eastern), https://x.com/RealGunLobbyist/status/2094983893577339037.

PART III - How to Eliminate ATF's Illegal Gun Registry

Ending this registry is a job for the Executive, Legislative, and Judicial branches of government. Each branch has its own tools to rein in the registry. The courts can enforce the registry prohibitions by enjoining the rules that built the registry and decide whether ATF may keep these records. Congress can order the records destroyed by statute and enact clearer protections into law. And the executive branch can start dismantling the registry by enforcing and respecting the statutory restrictions on gun registration.

GOA Is Fighting ATF's Registry in Court

GOA Filed Two Lawsuits Against Biden's Zero Tolerance Policy

GOA fought ATF's zero-tolerance revocation policy in two lawsuits. The policy treated minor paperwork errors as willful violations and revoked dealers' licenses, which in turn forced the transfer of their records into ATF's out-of-business collection. Morehouse Enterprises, LLC (doing business as Bridge City Ordnance), Gun Owners of America, and the Gun Owners Foundation filed one challenge in the District of North Dakota in July 2023.[333] Kiloton Tactical, LLC, Eric Hanley, and Firearms for Liberty Coalition filed a second, GOA-backed challenge in the Northern District of Florida in August 2023.[334]

Both GOA lawsuits ended after the Trump administration completely withdrew the zero-tolerance policy on April 7, 2025. GOA remains ready to file suit again if the policy is ever reenacted, but remains hopeful that the May 2026 proposed rule defining "willfully" (RIN 1140-AA88) will prevent it from reoccurring. That proposal would define "willfully" for license-revocation proceedings to prevent license revocation for simple paperwork mistakes, which the Biden Administration used as a pretext for massively expanding the registry.[335]

GOA and 17 States Sue Over Permanent Records

GOA and GOF sued to halt the Biden Administration rule requiring Firearm Transaction Records or Forms 4473 be kept permanently, alleging it violates the Second Amendment, the Firearm Owners' Protection Act, the Gun Control Act of 1968, the Administrative Procedure Act, and the Constitution's

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[333] Complaint, *Morehouse Enters., LLC v. ATF*, No. 3:23-cv-00129 (D.N.D. filed July 11, 2023), ECF No. 1, https://foundation.gunowners.org/litigation/atf-zero-tolerance-policy-i/.

[334] Complaint, *Kiloton Tactical, LLC v. ATF*, No. 3:23-cv-23985-MCR-ZCB (N.D. Fla. filed Aug. 29, 2023), ECF No. 1; Gun Owners Foundation, *ATF Zero Tolerance Policy II*, https://foundation.gunowners.org/litigation/atf-zero-tolerance-policy-ii/.

[335] Defining "Willfully" for Firearms Violations, 91 Fed. Reg. 25,201, 25,204 (proposed May 8, 2026) (RIN 1140-AA88); *see Bryan v. United States*, 524 U.S. 184 (1998).

separation of powers.[336] GOA and GOF were joined by the Attorneys General of 17 states in the filing: Arizona, West Virginia, Alaska, Arkansas, Idaho, Indiana, Kansas, Kentucky, Louisiana, Missouri, Montana, Nebraska, Oklahoma, South Carolina, Texas, Utah, and Wyoming.[337] Arizona Attorney General Mark Brnovich said that "ATF [wa]s attempting to overshoot the authority granted to it by Congress."[338]

The complaint explained that:

> "[t]he Final Rule's requirement that dealers maintain records in excess of 20 years, and subsequently transfer them to the ATF out-of-business records center, represents a 'rule or regulation prescribed after the date of the enactment of the Firearms Owners' Protection Act [that] require[s] 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…."[339]

GOA and GOF's reply in support of a preliminary injunction added, "But that is the whole point – by now requiring that dealers maintain certain records indefinitely, those records eventually will be transferred to the federal government."[340]

The district court denied a preliminary injunction, and the case has been stayed since February 9, 2024, first pending the Supreme Court's review in *Garland v. VanDerStok* and later while the Executive Branch reviews the rule.[341] There has been no final merits ruling on the out-of-business-records claim.[342]

GOA Urges the Trump Administration to Destroy ATF's Registry

President Trump Could Reverse the Biden Permanent Recordkeeping Rule Tomorrow

Because GOA's lawsuit is still ongoing, it is the best vehicle for obtaining a permanent solution to the Biden permanent-recordkeeping requirement. The Department of Justice should agree that the 2021R-

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[336] Complaint, *Morehouse Enters., LLC v. ATF*, No. 3:22-cv-00116-PDW-ARS (D.N.D. July 5, 2022), ECF No. 1. Amended Complaint (July 27, 2022).

[337] Plaintiffs' Motion for Preliminary and/or Permanent Injunction, *Morehouse Enters., LLC v. ATF*, No. 3:22-cv-00116-PDW-ARS (D.N.D. July 25, 2022), ECF No. 14; Amended Complaint for Declaratory and Injunctive Relief, *Morehouse Enters., LLC v. ATF*, No. 3:22-cv-00116-PDW-ARS (D.N.D. July 27, 2022).

[338] Ariz. Att'y Gen., *Arizona Attorney General Mark Brnovich Sues Biden Administration to Protect Second Amendment* (July 27, 2022), https://www.azag.gov/press-release/arizona-attorney-general-mark-brnovich-sues-biden-administration-protect-second.

[339] Complaint ¶ 686, *Morehouse Enters., LLC v. ATF*, No. 3:22-cv-00116-PDW-ARS (D.N.D. July 5, 2022), ECF No. 1, at 150–51.

[340] Plaintiffs' Reply in Support of Motion for Preliminary Injunction at 10, *Morehouse*, ECF No. 78, at 11 (filed Aug. 19, 2022).

[341] Order, *Morehouse*, ECF No. 85 (Aug. 23, 2022); *Morehouse Enters., LLC v. ATF*, No. 22-2812 (8th Cir. Aug. 22, 2023); Defendants' Unopposed Motion to Stay Proceedings, *Morehouse*, ECF No. 137 (Feb. 9, 2024); Joint Status Report, *Morehouse*, ECF No. 165 (May 1, 2025); Joint Status Report, *Morehouse*, ECF No. 204 (Aug. 3, 2026).

[342] *Morehouse*, ECF Nos. 137, 138 (Feb. 9, 2024); ECF No. 198 (May 4, 2026); ECF No. 204 (Aug. 3, 2026).

05F rule violated the Firearm Owners' Protection Act's ban on post-1986 rules and regulations requiring gun registration. It could then agree never to reimpose such a requirement again. That is one of the single most important things President Trump could do, and it could be done immediately without notice-and-comment rulemaking.

Second, President Trump could order that the records be deleted from the registry. The Administrative Procedure Act sets requirements for new rules and regulations; it does not impose procedural hurdles before the President can act. GOA's position is that ATF's possession of the out-of-business records violates 18 U.S.C. § 926(a). The records should be deleted immediately.

GOA Asks ATF for "Zero Years" of Record Retention

GOA Senior Vice President Erich Pratt testified before the Senate Committee on Homeland Security and Governmental Affairs on April 15, 2026, at a hearing titled "The Second Amendment." Under the heading "ATF retention of Out of Business records should be ZERO years," Pratt wrote that from a constitutional standpoint "the proper retention period is zero years. That is the only position consistent with the Second Amendment's command that the right to keep and bear arms 'shall not be infringed.'" He warned that any rule proposing a 20-year record retention requirement "would simply revert to the pre-2022 status quo. Anything longer would be an expansion, not a reform." And he said, "Maintaining the current system, where ATF indefinitely retains out-of-business records, effectively results in a national gun registry. That is a nonstarter."[343]

In oral testimony and questioning, GOA Senior Vice President Erich Pratt doubled down, explaining to the Committee that a "shall not be infringed" view "would mean the ATF retains those 4473s for zero years, not 10, not 20, 30, or indefinitely, but zero." When Senator Joshua Hawley asked whether Americans should be concerned that a future administration could misuse those records, Pratt said, "We should be concerned about it, and that is why that registry cannot continue to exist, Senator."[344]

The Trump Administration Proposes Up to 60 Years of Registry Record Retention

On May 6, 2026, ATF published a notice of proposed rulemaking, Firearm Records Retention Periods, at 91 Fed. Reg. 24,413. While Gun Owners of America is incredibly grateful to see the Trump Administration acknowledge the registry as a problem, ATF's current proposed regulation does not go far enough.

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[343] Written Testimony of Erich Pratt, GOA Senior Vice President, submitted to the S. Comm. on Homeland Sec. & Governmental Affairs, hearing on "The Second Amendment" (Apr. 15, 2026) (official revised statement), at 8–9.

[344] *The Second Amendment: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 119th Cong. 18, 25 (Apr. 15, 2026) (S. Hrg. 119-382), https://www.govinfo.gov/app/details/CHRG-119shrg63505 (oral testimony and questioning of Erich Pratt).

ATF's summary explains that the agency "is proposing these records be retained [by gun dealers] for a specific period rather than indefinitely, and is considering either 20 or 30 years for the specified period."[345] And for records already in ATF's possession, the notice says, "ATF is therefore proposing to limit the period NTC retains OOB records to no longer than 20 years [or 30 years] from the date it receives the records." That clock runs from receipt at the National Tracing Center, not from the original sale.[346]

Under this proposal, ATF would require records be kept for up to 30 years by Federal Firearms Licensees, and then upon business discontinuance ATF would keep the records for an additional 30 years, for a grand total of 60 years of record retention. Therefore, an American citizen purchasing his or her first handgun at age 21 could have his or her gun registered in an ATF database until he or she turns 81. That retention period would create a federal registry of generations of American gun owners. GOA's comments to ATF were clear: "Ideally, ATF's record retention period should be zero years – a number that the GCA permits and the Constitution requires."[347]

GOA Urges Congress to Destroy the Registry as Well

The No REGISTRY Rights Act would delete ATF's existing registry, strike the two sentences of 18 U.S.C. § 923(g)(4) that ATF has been abusing to justify creation of its illegal registry, and force the ATF to certify the destruction of these records before Congress.

Passing the No REGISTRY Rights Act is an essential step towards restoring the Second Amendment in this country. Even if the Trump Administration were to destroy the registry, a future administration could again try to use these records and policies to compile lists of gun owners.[348]

At a hearing, Senator Hawley once asked GOA what Congress should do to help eliminate ATF's gun registry. GOA Senior Vice President Erich Pratt said: "The No REGISTRY Rights Act by Cloud in the House and Risch in the Senate would delete that registry. If Congress would take that up and send it to the President, that would be fantastic." Senator Hawley replied, "I hope we will do that post haste."[349]

Congress has also tried to stop the registry through GOA-backed appropriations proposals:

1. Representative Cloud's November 2023 Out of Business Records Imaging System defund amendment

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[345] Firearm Records Retention Periods, 91 Fed. Reg. 24,413 (proposed May 6, 2026) (RIN 1140-AA95, Docket ATF-2026-0003).

[346] *Id.* at 24,419.

[347] Gun Owners of America & Gun Owners Found., Comment on Firearm Records Retention Periods, RIN 1140-AA95, at 9 (June 2, 2026) (regulations.gov ATF-2026-0003-3751), https://www.gunowners.org/wp-content/uploads/GOA_ATF_OOB_Records_Retention_Comment.pdf.

[348] 87 Fed. Reg. 24,652 (Apr. 26, 2022) (effective Aug. 24, 2022).

[349] *The Second Amendment: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 119th Cong. 25 (Apr. 15, 2026) (S. Hrg. 119-382), https://www.govinfo.gov/app/details/CHRG-119shrg63505.

2. Representative Clyde's July 2024 amendment defunding 18 U.S.C. § 923(g)(4) record receipt language; and
3. Subsequent boilerplate rider proposals.

Nevertheless, GOA's lasting legislative answer is to pass the No REGISTRY Rights Act and formally order the records destroyed.[350]

[350] H.R. 563, 119th Cong. (2025); S. 119, 119th Cong. (2025). *See also* H.R. Rep. No. 118-273 (Nov. 14, 2023); H. Comm. on Appropriations, Roll Call 3 (July 9, 2024), motion by Representative Clyde.

Conclusion

Despite being prohibited from maintaining a registry of guns, gun owners, and firearm transactions, ATF maintains 1,414,088,513 records of guns, gun owners, and Firearms Transaction Records as of May 19, 2026.[351] Firearm transaction records have also been consolidated and centralized, despite federal restrictions to the contrary.[352] For decades, ATF has moved these records from gun stores to regional offices to a single records center, and inside that center it has turned boxes of paper into one digital database. And while ATF is prohibited from electronically retrieving information from these records by name, ATF is capable of searching through these records in nearly every way except by name, and the barrier to name searches reflects choices about how the records are processed, not a lack of technological capability.

ATF has repeatedly violated the law or circumvented the congressional intent of the statutory and appropriations restrictions imposed to prevent gun registration. As a result, it has created a centralized, searchable gun registry of gun sales across the nation. In addition to the broad statutory violation of the Firearm Owners Protection Act posed by the existence of the out-of-business records database, this report also documents a more particular violation of the consolidation and centralization record appropriations restriction that occurred from 2004 to 2022 and has yet to be rectified. Congress and the Trump administration should investigate this violation as well.

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 violent crime.

This illegal registry, which infringes on the Second Amendment as well as several federal laws, must be destroyed immediately. If Congress banned a common firearm tomorrow, this registry could be used to produce a list of those firearms and the names and addresses of the people who bought them. ATF's existing archive of firearms could do so with its existing search and filter capabilities and full search functionality could be re-enabled in less than a day using AI tools.

The Trump Administration has begun to rein in the registry, including by repealing the Biden-era zero-tolerance policy. But ATF has also proposed keeping out-of-business records for 20 or 30 years. Gun owners need President Trump to delete the registry now. Congress should also pass the No REGISTRY Rights Act and order the records destroyed. Anything less leaves 1.4 billion gun-owner records in government possession for a future tyrannical government to abuse.

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[351] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4.

[352] Pub. L. No. 112-55, 125 Stat. at 609; *FOIA Release One*, at 8.

Appendix: Chronological Timeline of the Creation of ATF's Illegal Gun Registry

Congress Blocks ATF's First Gun Registration Attempt

1968 – Gun Control Act and the First Forms 4473

The origin of the transaction records that now feed ATF's digitized out-of-business archive can be traced to the Gun Control Act of 1968, which required licensees to keep records "in such form as the [Attorney General] may by regulations prescribe," and to ATF's 1968 regulation creating the Firearms Transaction Record, Form 4473. The GCA would mandate that:[353]

> (d) Each… licensed dealer shall maintain such records of… receipt, and sale or other disposition, of firearms and ammunition at such place, for such period and in such form as the Secretary may by regulations prescribe.

The statute only places requirements on gun stores and their recordkeeping. Congress never mandated that gun purchasers fill out any paperwork, much less that they disclose personally identifying information. ATF used this authority to mandate the creation of the Form 4473 by regulation, stating:[354]

> A licensed importer, licensed manufacturer, or licensed dealer shall not sell… any firearm to any person… unless he records the transaction on a firearms transaction record, Form 4473. [A gun store] shall obtain a Form 4473 from the transferee showing the name, address, date and place of birth, height, weight, and race of the transferee, and certification by the transferee that he is not prohibited…. The licensee shall identify the firearm to be transferred by listing in the Form 4473 the name of the manufacturer, the name of the importer (if any), the type, model, caliber or gauge, and the serial number of the firearm.[355]

At the same time, ATF also set guidelines for what should happen to these records when a gun store would close permanently:

> Where discontinuance of the business is absolute, the records prescribed by this subpart shall be delivered within 30 days following the business discontinuance to the Assistant Regional Commissioner for the internal revenue region in which the business was operated[356]

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[353] 26 C.F.R. § 178.124, 33 Fed. Reg. 18,555, 18,569–70 (Dec. 14, 1968). Firearms Regulations, 43 Fed. Reg. 11,800 (proposed Mar. 21, 1978). Pub. L. No. 95-429, 92 Stat. 1001 (Oct. 10, 1978). Retention of Firearms Transaction Records, 50 Fed. Reg. 26,702, 26,703 (June 28, 1985); Gun Control Act of 1968, Pub. L. No. 90-618, 82 Stat. 1213 (Oct. 22, 1968), codified as amended at 18 U.S.C. § 923(g). 26 C.F.R. § 178.124, 33 Fed. Reg. 18,555, 18,569 (Dec. 14, 1968).

[354] 26 C.F.R. § 178.124(a), 33 Fed. Reg. 18,555, 18,569 (Dec. 14, 1968) (now 27 C.F.R. § 478.124).

[355] 33 Fed. Reg. 18,555, 18,570 (Dec. 14, 1968) (26 C.F.R. § 178.124), https://www.govinfo.gov/app/details/FR-1968-12-14.

[356] 33 Fed. Reg. at 18,571.

These were the first out-of-business records. ATF would eventually collect hundreds of millions of these records as gun stores went out of business.

1968 – Out-of-Business Records Sent to Regional Offices

In 1968, ATF instructed gun dealers going out of business to send records to the IRS Assistant Regional Commissioner for the region where the business had operated—not to any single national address:[357]

> Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, the records prescribed by this subpart shall be delivered within 30 days following the business discontinuance to the Assistant Regional Commissioner for the internal revenue region in which the business was operated: Provided, however, Where State law or local ordinance requires the delivery of records to other responsible authority, the Assistant Regional Commissioner may arrange for the delivery of the records required by this subpart to such authority.

1972 – ATF Centralizes Gun Tracing, but Not the Records

In 1972, ATF moved all of its gun tracing into one office at its Washington headquarters. In 1974, an ATF official described the change:[358]

> What we did in October of 1972 was to consolidate all firearms tracing for the Bureau of Alcohol, Tobacco, and Firearms at one point at the National Headquarters.

The new Tracing Center worked by telephone. Tracers called the manufacturer or importer, followed the gun to the wholesaler or retailer, and then handed the lead to an agent.[359] The Tracing Center in Washington did not store any out-of-business records. The same official estimated that there were "thirty million of these [out-of-business] records sitting in storage warehouses around the United States."[360]

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[357] 26 C.F.R. § 178.127, 33 Fed. Reg. 18555, 18571 (Dec. 14, 1968), https://www.govinfo.gov/app/details/FR-1968-12-14; Proposed Rule, 33 Fed. Reg. 16285, 16299 (Nov. 6, 1968), https://www.govinfo.gov/app/details/FR-1968-11-06.

[358] Law Enforcement Assistance Admin., U.S. Dep't of Justice, *Policy Development Seminars 1974, Volume 1*, at 15 (1974) (NCJ 18164), https://www.ojp.gov/ncjrs/virtual-library/abstracts/policy-development-seminars-1974-v-1-guns-and-weapons-violence.

[359] *Id.* at 16, 18.

[360] *Id.* at 19–20.

1977 – ATF Begins to Send Out-of-Business Gun Dealer Records from the Regions to Headquarters

In 1977, while the regulations still required a closing dealer to deliver the records to a regional official, a document in the National Archives states:[361]

> Out-of-Business Firearms Licensees Records - These are records on ATF F 4473, parts I and II, Firearms Transaction Record, or equivalent forms, bound ledgers, and related records maintained by federally licensed firearms dealers.
>
> Forward to Bureau Headquarters on discontinuance of business.

The instruction to ATF's regional offices is clear: send out-of-business gun dealer records to Bureau Headquarters.[362]

1978 – First Gun Registration Rule Proposed by ATF and Blocked by Congress

Only a decade after the Gun Control Act, ATF proposed its first major gun registration rule. A Notice of Proposed Rulemaking was published on March 21, 1978, requiring that:[363] (See Figure 26)

> [A] Federal firearms licensee report by telephone information on firearms receipts and disposition when requested by ATF.[364]

This was a bridge too far for Congress, where Republicans and Democrats feared a central gun registry. Therefore, every ATF appropriations act from fiscal year 1979 through fiscal year 1993 included a rider that stated, in the words first enacted in 1978:[365]

> [N]o funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipt and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco

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[361] Bureau of Alcohol, Tobacco & Firearms, U.S. Dep't of the Treasury, Request for Authority to Dispose of Records, No. NC1-436-77-02, at 1, 25 (approved Feb. 23, 1977), https://www.archives.gov/records-mgmt/rcs/schedules/index.html?dir=/departments/department-of-justice/rg-0436.

[362] *Id.*

[363] Firearms Regulations, Notice No. 321, 43 Fed. Reg. 11,800 (Mar. 21, 1978) (notice of proposed rulemaking). https://www.govinfo.gov/app/details/FR-1978-03-21.

[364] 43 Fed. Reg. at 11,803.

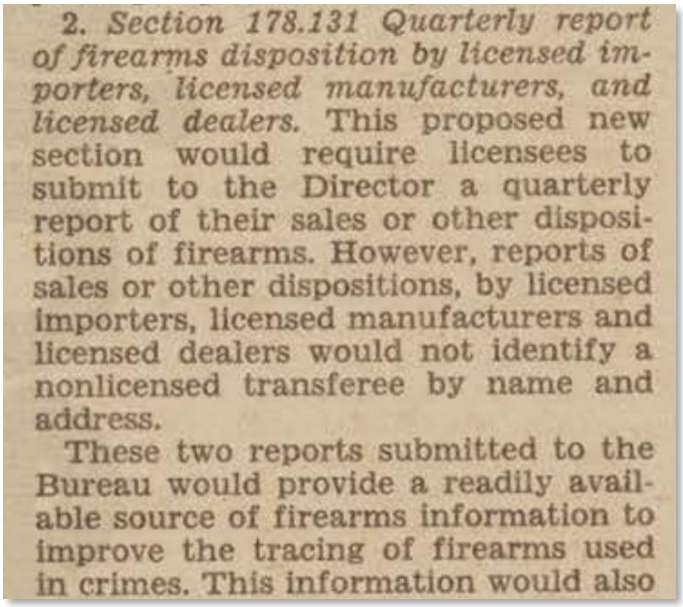
[365] Treasury, Postal Service, and General Government Appropriations Act, 1979, Pub. L. No. 95-429, 92 Stat. 1001, 1002 (Oct. 10, 1978). U.S. Gen. Accounting Off., GGD-96-174, *Federal Firearms Licensee Data: ATF's Compliance with Statutory Restrictions* 3 n.8 (Sept. 1996), https://www.gao.gov/products/ggd-96-174.

> and Firearms, on Firearms Regulations, as published in the *Federal Register*, volume 43, number 55, of March 21, 1978.

The fiscal year 1994 act dropped the reference to the 1978 proposal but kept, and broadened, the ban on consolidating or centralizing licensee records.[366]

1978 – Congress Bars Funding for the March 21 Firearms Regulations and for Consolidating or Centralizing Licensee Records

In 1978, the Bureau of Alcohol, Tobacco and Firearms proposed new firearms regulations, published March 21. Among other things, the proposal would have required licensed manufacturers, licensed importers, and licensed dealers to send ATF a quarterly report of their firearm sales.[368]


2. *Section 178.131 Quarterly report of firearms disposition by licensed importers, licensed manufacturers, and licensed dealers.* This proposed new section would require licensees to submit to the Director a quarterly report of their sales or other dispositions of firearms. However, reports of sales or other dispositions, by licensed importers, licensed manufacturers and licensed dealers would not identify a nonlicensed transferee by name and address.

These two reports submitted to the Bureau would provide a readily available source of firearms information to improve the tracing of firearms used in crimes. This information would also

Figure 26: ATF Notice No. 321, 43 Fed. Reg. 11800 (Mar. 21, 1978), proposing that licensees "submit to the Director a quarterly report of their sales or other dispositions of firearms."[367]

In April 1978, Representative Delbert L. Latta of Ohio appeared before the House Appropriations Subcommittee on the Treasury, Postal Service, and General Government during that subcommittee's hearings on the fiscal year 1979 Treasury bill. Representative Edward J. Patten of New Jersey presided.

After the Bureau had already testified on its budget request, Latta told the subcommittee that the March 21 proposal would establish a national computerized central firearms records system, and he asked the subcommittee to determine whether such a program should be funded without specific authorization by the Congress:[369]

> Since the representatives of the Bureau of Alcohol, Tobacco and Firearms testified before this subcommittee on their fiscal year 1979 budget request, the agency has proposed firearms

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[366] Treasury, Postal Service, and General Government Appropriations Act, 1993, Pub. L. No. 102-393, 106 Stat. 1729, 1731 (Oct. 6, 1992), https://www.govinfo.gov/content/pkg/STATUTE-106/pdf/STATUTE-106-Pg1729.pdf; Treasury, Postal Service, and General Government Appropriations Act, 1994, Pub. L. No. 103-123, 107 Stat. 1226, 1229 (Oct. 28, 1993), https://www.govinfo.gov/content/pkg/STATUTE-107/pdf/STATUTE-107-Pg1226.pdf.

[367] 43 Fed. Reg. 11,800 (Mar. 21, 1978), https://www.govinfo.gov/app/details/FR-1978-03-21.

[368] Firearms Regulations, Notice No. 321, 43 Fed. Reg. 11800 (proposed Mar. 21, 1978), https://www.govinfo.gov/app/details/FR-1978-03-21.

[369] Treasury, Postal Service, and General Government Appropriations for Fiscal Year 1979, Part 1: Hearings Before a Subcomm. of the H. Comm. on Appropriations, 95th Cong. 828 (1978) (statement of Rep. Delbert L. Latta), https://www.govinfo.gov/app/details/CHRG-95hhrg24130Op1.

> regulation which could have a definite impact on that agency's budget. These regulations printed in the March 21 *Federal Register* would establish a national computerized central firearms records system by requiring all firearms license holders to report quarterly to BATF all firearms transactions.
>
> This information would feed into a national data bank. This is the essence of firearms registration which this Congress has repeatedly and repeatedly said we do not want for America. It is a centralizaton [sic] of purchase and sales records. If this system is implemented, it would be simple for BATF to later request the names and addresses of all— and I emphasize "all"—firearms owners, setting up a comprehensive registration system in this country.
>
> The concept of registration has been repeatedly rejected by the Congress. In 1968, during debate on the Gun Control Act, registration amendments were repeatedly offered and repeatedly rejected by margins exceeding 2-to-1. No matter what the guise or in what form, registration was defeated again and again and again.
>
> The legislative history is abundantly clear. Congress does not approve of firearms registration and never authorized it, nor did it give any agency the power to impose it with one broad stroke of the administrative pen.
>
> At a public briefing held on March 16 on these proposals, Treasury Department officials estimated that centralizaton [sic] of such records would cost the United States taxpayers an estimated $5 million, not counting computer costs. As the BATF regulations are scheduled for implementation later this year, these 5 million-plus dollars would have to come from the agency's fiscal year 1979 budget. Therefore, Mr. Chairman, I believe it is imperative that this subcommittee, one, determine whether or not such a program is in keeping with the actions previously taken by the Congress; two, whether it should appropriate the funds for such a controversial program, without specific—and I emphasize "specific"—authorization by the Congress; and three, receive information from the Treasury Department on the projected costs of this unauthorized program not only in fiscal year 1979 but for subsequent years. This is merely opening the door.

The bill the committee reported, and the law enacted that October, barred use of ATF appropriations both for consolidating or centralizing the records of receipt and disposition of firearms maintained by Federal firearms licensees and for issuing or carrying out the March 21 proposed rules. The enacted text reads:[370]

> $131,322,000: Provided, That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury

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[370] H.R. 12930, 95th Cong. (1978); Pub. L. No. 95-429, tit. I, 92 Stat. 1001, 1002 (1978), https://www.govinfo.gov/app/details/STATUTE-92/STATUTE-92-Pg1001.

> the records of receipt and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the *Federal Register*, volume 43, number 55, of March 21, 1978.

1979 – Out-of-Business Gun Dealer Records Already Stored in Arlington

By 1979, out-of-business gun dealer records were stored in one place, in Arlington, Virginia. That April, ATF asked the National Archives for permission to microfilm the records and then destroy the paper. The request, which the National Archives catalogs as "Out-of-Business Federally Licensed Firearms Dealers Records," describes them this way:[371]

> These records are stored at the ATF Distribution Center in Arlington, VA. These records consist of approx. 3,000 cu. ft. of Out-Of-Business Federally Licensed Firearms Dealers records consisting of ATF form 4473, Firearms Transaction Record and associated ledgers. These records are referenced on a daily basis and are used to trace firearms for ATF's National Firearms Tracing Center, which is located at 1200 Penna. Ave., N.W. The firearms traces are performed primarily for state and local law enforcement agencies, and ATF's special agents. The records are to be microfilmed.

The National Archives received the request on April 18, 1979, more than seven years before the rule that first named a single national address for the records took effect on November 15, 1986.

1980 – A Contractor Begins Microfilming the Arlington Records

In 1980, a year after it asked the National Archives for permission, ATF began having the out-of-business records in Arlington microfilmed under contract. The Treasury Department reported:[372]

> Since 1975, ATF has accumulated records from over 45,000 out-of-business firearms dealers at its storage facility in Arlington, Va. In fiscal 1980, the REMAC Corp. began microfilming these documents under a contract with ATF. When the project is completed, ATF expects to trace lost or stolen firearms more efficiently, and to reduce significantly its document storage requirements.

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[371] Bureau of Alcohol, Tobacco & Firearms, U.S. Dep't of the Treasury, Request for Authority to Dispose of Records, No. NC1-436-79-05, item 1 (received Apr. 18, 1979; approved Apr. 24, 1979), https://www.archives.gov/records-mgmt/rcs/schedules/index.html?dir=/departments/department-of-justice/rg-0436; Nat'l Archives & Recs. Admin., Records Control Schedules: Record Group 436, https://www.archives.gov/records-mgmt/rcs/schedules/index.html?dir=/departments/department-of-justice/rg-0436.

[372] U.S. Dep't of the Treasury, *Annual Report of the Secretary of the Treasury* 123 (1980), https://archive.org/details/SecTreasAnnReport1980.

1985 – 20-Year Record Destruction Instituted

Due to "ever-increasing storage costs" by FFLs and ATF's record center, ATF began to question whether these records were even worth retaining. In a study cited in ATF's 1985 rulemaking, ATF determined that:[373]

> [R]elatively 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.[374]

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."[375]

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."[376] At the time, "ATF [wa]s of the opinion that this loss can be justified."[377]

ATF also published shorter-period estimates from the same study. "With a retention period of five years; we would lose the ability to trace 59.1% of the firearms; with a period of 10 years, we would lose 35.3%; and with a period of 15 years, we would lose the ability to trace 20.3% of the requested traces."[378]

During the 1985 rulemaking process, one commenter 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."[379] Later, the Biden Administration would eliminate the rule.[380]

Gun Owners of America also filed a Freedom of Information Act request, separate from the out-of-business FOIA request referenced throughout this report, demanding to see the study and data on which

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[373] Retention of Firearms Transaction Records, 50 Fed. Reg. 26,702 (June 28, 1985).

[374] 50 Fed. Reg. at 26,702.

[375] 50 Fed. Reg. at 26,702.

[376] 50 Fed. Reg. at 26,703.

[377] *Id.*

[378] Retention of Firearms Transaction Records, 50 Fed. Reg. 26,702, 26,703 (June 28, 1985); Aidan Johnston, *This Is How ATF Should Dismantle The Illegal Registry*, Gun Owners of America (Apr. 10, 2026), https://www.gunowners.org/this-is-how-atf-should-dismantle-the-illegal-registry/; @GunOwners, X (Apr. 10, 2026, 12:56 PM EDT), https://x.com/GunOwners/status/2042647894986014806.

[379] Retention of Firearms Transaction Records, T.D. ATF-208, 50 Fed. Reg. 26,702 (June 28, 1985).

[380] Definition of "Frame or Receiver" and Identification of Firearms, 87 Fed. Reg. 24,652, 24,746 (Apr. 26, 2022), https://www.federalregister.gov/documents/2022/04/26/2022-08026/definition-of-frame-or-receiver-and-identification-of-firearms.

ATF had based the existing 1985 rulemaking. ATF responded with empty hands, apparently unable to find or access this 1985 report.[381]

Congress Bans Gun Registration, but ATF Builds a Registry Anyway

1986 – Congress Bans Gun Registration

In 1986 Congress wrote the first permanent ban on a gun registry into the United States Code. After Congress blocked ATF's 1978 registration-style reporting proposal, and after ATF's 1985 rule allowed dealers to destroy transaction records more than 20 years old, Congress passed FOPA. This law contained the first and best-known prohibition against a gun registry in the United States Code:[382]

> 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.[383]

1986 – Congress Also Requires "Out-of-Business" Records to Be Collected

Although the *Firearm Owners Protection Act* protects against any future regulation or rule requiring a gun registry, it also codified ATF's requirement that gun stores turn over their firearm transaction records when they went out of business. When an 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:[384]

> 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.

The statute distinguishes a successor licensee who must receive the records from an absolute discontinuance that requires delivery to the Attorney General.

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[381] Letter from Adam C. Siple, Chief, Information and Privacy Governance Division, ATF, to Robert Olson (Mar. 11, 2022), ATF FOIA No. 2022-00168, filed as Exhibit 30 to the declaration in *Morehouse Enters., LLC v. ATF*, No. 3:22-cv-00116-PDW-ARS (D.N.D. July 27, 2022), ECF No. 22-30.

[382] Firearms Owners' Protection Act, Pub. L. No. 99-308, § 106, 100 Stat. 449, 459–60 (May 19, 1986) (amending 18 U.S.C. § 926(a)). Retention of Firearms Transaction Records, 50 Fed. Reg. 26,702, 26,703 (June 28, 1985) (effective July 29, 1985). ATF Notice No. 321, 43 Fed. Reg. 11,800 (Mar. 21, 1978); Pub. L. No. 95-429, 92 Stat. 1002 (Oct. 10, 1978).

[383] Pub. L. No. 99-308, § 106, 100 Stat. at 459–60.

[384] 18 U.S.C. § 923(g)(4).

1986 – Creation of the Out-of-Business Records Center

In 1986, ATF issued a temporary rule to carry out the Firearm Owners' Protection Act. Hidden among those statutory changes was a rewrite of the out-of-business records rule that, for the first time, named a single national facility and a street address. ATF said only that the section "is revised to change the location where the firearms and ammunition records of a discontinued business are to be sent."[385] The new rule, which took effect on November 15, 1986, read:[386]

> Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, the records prescribed by this subpart shall be delivered within 30 days following the business discontinuance to the ATF Firearms Records Repository, 3800 South Four Mile Run Drive, Arlington, Virginia 22206: Provided, however, Where State law or local ordinance requires the delivery of records to other responsible authority, the Regional director (compliance) may arrange for the delivery of the records required by this subpart to such authority.

Sending gun owner and gun records to a single centralized location was now mandatory: if the store closed with no successor, the records "shall be delivered" there within 30 days. Regional offices were no longer a place to send the records. The Regional director (compliance) appears only in the exception at the end, and only to arrange delivery to a State or local authority when State law or local ordinance required it.

Because it was a temporary rule, it took effect without first being proposed for public comment; ATF found advance notice and comment "impractical and unnecessary."[387] ATF's explanation of the rule never said why it made the records change. It does not mention the Records Repository, Arlington, regional offices, cost, tracing, or the appropriations rider that already barred "consolidating or centralizing" licensee records. ATF asked for comments only afterward, in a proposal published the same day that used the temporary rule as its text. That proposal likewise did not discuss the records rule.[388]

The 1986 rule did not start the Arlington collection. As the 1977 and 1979 entries show, ATF's own records schedule had told the regions since 1977 to send these records to headquarters, and by 1979 about 3,000 cubic feet of them were stored in Arlington. What the 1986 rule changed was the dealer's legal duty: for the first time, the regulations required dealers themselves to send the records to the national facility, and the regional offices dropped out as a destination.

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[385] T.D. ATF-241, 51 Fed. Reg. 39612, 39628 (Oct. 29, 1986), https://www.govinfo.gov/app/details/FR-1986-10-29.

[386] T.D. ATF-241, 51 Fed. Reg. at 39628, https://www.govinfo.gov/app/details/FR-1986-10-29.

[387] T.D. ATF-241, 51 Fed. Reg. at 39612–13, https://www.govinfo.gov/app/details/FR-1986-10-29.

[388] T.D. ATF-241, 51 Fed. Reg. at 39612; Notice No. 609, 51 Fed. Reg. 39635 (Oct. 29, 1986), https://www.govinfo.gov/app/details/FR-1986-10-29.

In 1988, ATF issued the final version of the 1986 temporary rule, and it took effect that May. ATF's explanation described the Arlington-only rule and said a commenter had asked that regional delivery be put back:[389]

> Section 178.127 provides that upon the discontinuance of a firearms or ammunition business the records kept pursuant to Subpart H shall be delivered to the ATF Firearms Records Repository. At the suggestion of a commenter, this section has been revised to permit the delivery of the records to any local ATF office or to the regional director (compliance), as well as to the repository.

The final rule also renamed the facility the "ATF Firearms Out-of-Business Records Center" and moved its street address to Landover, Maryland. It read:[390]

> Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, the records prescribed by this subpart shall be delivered within 30 days following the business discontinuance to the regional director (compliance) for the region in which the business was located, any other ATF office located in that region, or the ATF Firearms Out-of-Business Records Center, 3361 75th Avenue, Landover, Maryland 20785: Provided, however, Where State law or local ordinance requires the delivery of records to other responsible authority, the regional director (compliance) may arrange for the delivery of the records required by this subpart to such authority.

From May 1988, the national Center was one permitted destination for out-of-business records, not the only one.

1990 – 28 Million Documents Still Waiting to Be Microfilmed

By 1990, the microfilm conversion had fallen far behind. GAO reported:[391]

> Several businesses have ceased operations recently, resulting in a backlog of 28 million documents to be microfilmed as of June 1990.

Because "many of the records (from over 80,000 manufacturers, retailers, and distributors) have not been microfilmed," GAO wrote, "BATF staff have to sort through boxes of records stored in the section's warehouse to locate needed information." ATF estimated that "it could take up to 20 years to microfilm these records at the current rate."[392]

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[389] T.D. ATF-270, 53 Fed. Reg. 10480, 10487 (Mar. 31, 1988), https://www.govinfo.gov/app/details/FR-1988-03-31.

[390] T.D. ATF-270, 53 Fed. Reg. at 10505, https://www.govinfo.gov/app/details/FR-1988-03-31.

[391] U.S. Gen. Accounting Off., GAO/GGD-91-67, *Management of BATF* 39 (Mar. 19, 1991), https://archive.org/details/DTIC_ADA263312.

[392] *Id.* at 40.

1991 – ATF Begins Converting Paper Records to Microfilm

After decades of maintaining mostly paper records, ATF struggled to store them; years later, at ATF's records center in West Virginia, Forms 4473 would overflow into shipping containers in the parking lot.[393] According to GAO testimony to Congress:

> Before fiscal year 1991, ATF stored the out-of-business records in boxes with an NTC file number assigned to each firearms licensee. If during a trace ATF determined that the firearms licensee that sold the firearm was out of business and had sent in its records, a tracer would locate the boxes containing the records and manually search them for the appropriate serial number. This was a time-consuming and labor-intensive process for ATF, which also involved storage problems.[394]
>
> In 1991, ATF began a major project to microfilm the out-of-business records and destroy the originals. Instead of boxes, the out-of-business records were stored on microfilm cartridges, with the firearms licensee numbers assigned to them. Although this system occupied much less space than the hard copies of the records, it was still time consuming to conduct firearm traces because the researcher had to examine up to 3,000 images on each microfilm cartridge to locate a record.[395]

While boxes of records had been consolidated onto rolls of microfilm, ATF's project did not initially include automatic or computerized search functionality. However, it would not be long before the agency's new recordkeeping plan gained new funding for expanded functionality. ATF officials later estimated that in fiscal years 1992 through 1995, ATF microfilmed "about 47 million documents contained in about 20,000 boxes."[396]

1992 – Congress Funds Computerized Microfilm Record System

ATF continued to push for computerized storage until Congress finally allowed the agency to scan these records into a partially computerized microfilm system. In Public Law 102-141, enacted October 28, 1991, Congress appropriated $650,000 "for improvement of information retrieval systems at the National Firearms Tracing Center."[397] In connection with a later appropriations act, these funds were used by the Bureau of Alcohol, Tobacco, Firearms, and Explosives to convert paper records into microfilm, as well as

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[393] Laskas, *Inside the Federal Bureau of Way Too Many Guns*, GQ (Aug. 30, 2016), https://www.gq.com/story/inside-federal-bureau-of-way-too-many-guns; Block, *The Low-Tech Way Guns Get Traced*, NPR (May 20, 2013), https://www.npr.org/2013/05/20/185530763/the-low-tech-way-guns-get-traced; GAO-16-552, at 62.

[394] U.S. Gen. Accounting Off., GAO/T-GGD-96-104, *Alcohol, Tobacco and Firearms: Issues Related to Use of Force, Dealer Licensing, and Data Restrictions* 25 (Apr. 25, 1996), https://www.gao.gov/products/t-ggd-96-104; *see also* U.S. Gen. Accounting Off., GAO/GGD-96-174, *Federal Firearms Licensee Data: ATF's Compliance with Statutory Restrictions* 8, 43 (Sept. 11, 1996), https://www.gao.gov/products/ggd-96-174.

[395] U.S. Gen. Accounting Off., GAO/T-GGD-96-104, at 25, https://www.gao.gov/products/t-ggd-96-104.

[396] U.S. Gen. Accounting Off., GAO/GGD-96-174, *Federal Firearms Licensee Data: ATF's Compliance with Statutory Restrictions* 45 (Sept. 11, 1996), https://www.gao.gov/products/ggd-96-174.

[397] U.S. Gen. Accounting Off., GAO/GGD-96-174, *Federal Firearms Licensee Data: ATF's Compliance with Statutory Restrictions* 10 n.14 (Sept. 11, 1996); Pub. L. No. 102-141, 105 Stat. 836 (Oct. 28, 1991), https://www.govinfo.gov/app/details/STATUTE-105/STATUTE-105-Pg834.

to set up a computer system for tracking which records were located on which microfilm cartridge and frame.[398]

At this point, congressional appropriations since 1978 had restricted ATF's ability to centralize and consolidate records by statute. Therefore, ATF was still prohibited from creating a registry of guns and gun owners. ATF stated that:[399]

> [T]he storage and retrieval systems utilized for these records have been carefully designed to comply with a separate statutory restriction relating to the establishment of a system of registration of firearms, firearms owners, or firearms transactions or dispositions.[400]

The General Accounting Office "concur[red] with this conclusion."[401] They justified the program by focusing on how "[t]he computerized index… does not capture and store firearms purchasers' names or other identifying information into an automated file"—even though the term "automated file" is nowhere to be found in any statute or appropriations restriction.[402]

1993 – Congress Prohibits Gun Registration a Second Time

In 1993, Congress passed the Brady Handgun Violence Prevention Act,[403] which subsequently failed to reduce violence committed with handguns by criminals. This bill included another prohibition on the establishment of a gun registry:[404]

> PROHIBITION RELATING TO ESTABLISHMENT OF REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—No department, agency, officer, or employee of the United States may—
>
> (1) require that any record or portion thereof generated by the system established under this section be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof; or

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[398] Pub. L. No. 103-329, 108 Stat. 2382 (Sept. 30, 1994); U.S. Gen. Accounting Off., GAO/GGD-96-174, *Federal Firearms Licensee Data: ATF's Compliance with Statutory Restrictions* (Sept. 1996), at 9–10.

[399] Treasury, Postal Service, and General Government Appropriations Act, 1979, Pub. L. No. 95-429, 92 Stat. 1001, 1002 (Oct. 10, 1978). U.S. Gen. Accounting Off., GAO/GGD-96-174, *Federal Firearms Licensee Data: ATF's Compliance with Statutory Restrictions* 2–3 & n.8 (Sept. 11, 1996).

[400] U.S. Gen. Accounting Off., GAO/T-GGD-96-104, at 27, https://www.gao.gov/products/t-ggd-96-104.

[401] *Id.*

[402] U.S. Gen. Accounting Off., GAO/GGD-96-174, *Federal Firearms Licensee Data: ATF's Compliance with Statutory Restrictions* 4 (Sept. 11, 1996).

[403] Pub. L. No. 103-159; Jens Ludwig & Philip J. Cook, *Homicide and Suicide Rates Associated With Implementation of the Brady Handgun Violence Prevention Act*, 284 JAMA 585 (2000).

[404] Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, § 103(i), 107 Stat. 1536, 1542 (1993) (codified at 18 U.S.C. § 922 note).

> (2) use the system established under this section to establish any system for the registration of firearms, firearm owners, or firearm transactions or dispositions.

Because this restriction is generally limited to the background check system related to the Brady Handgun Violence Prevention Act, it provides little protection against the misuse of gun store records required to be kept under the Gun Control Act.

1994 – Prohibition on Centralizing Records Updated

In the fiscal year 1994 appropriations act, enacted October 28, 1993, Congress revised the anti-registry prohibition that began as an appropriations rider in 1978. The new rider language would eliminate the reference to the long-dead proposed rulemaking to create a telephonic gun registry and would specify that its protections also prohibited the centralization of "any portion" of records, not just the full records. This language would become boilerplate each year until it was finally made permanent in 2011 as part of the Consolidated and Further Continuing Appropriations Act, 2012: [405]

> [N]o 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.[406]

ATF is not permitted to consolidate or centralize *any portion* of gun sale records it obtains from this point onward.

1996 – GAO Helps ATF Circumvent the Anti-Registration Statutes

In 1996, the General Accounting Office (now the Government Accountability Office) first examined the legality of the ATF's microfilm gun registry. The goal of the survey was to:

> [D]etermine whether ATF's Out-of-Business Records System and Multiple Sales System comply with the legislative data restrictions [and] to assess ATF's overall legal interpretation of the data restrictions.[407]

GAO's legal interpretation first proved the uselessness of the *Firearm Owners Protection Act* restriction on the creation of a gun registry finding that:

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[405] Treasury, Postal Service, and General Government Appropriations Act, 1994, Pub. L. No. 103-123, 107 Stat. 1226, 1229 (Oct. 28, 1993). U.S. Gen. Accounting Off., GGD-96-174, at 3 n.8 (Sept. 1996). Pub. L. No. 112-55, 125 Stat. at 609. U.S. Gov't Accountability Off., GAO-16-552, *ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies* 10 & n.22 (June 2016).

[406] Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. No. 112-55, div. B, tit. II, 125 Stat. 552, 609 (2011), https://www.govinfo.gov/app/details/PLAW-112publ55.

[407] U.S. Gen. Accounting Off., GAO/GGD-96-174, *Federal Firearms Licensee Data: ATF's Compliance with Statutory Restrictions* 1 (Sept. 11, 1996), https://www.gao.gov/products/ggd-96-174.

> The current regulatory requirements concerning these records and reports do not violate section 926 because they predate the Firearms Owners' Protection Act and thus are not subject to section 926(a).[408]

GAO also suggested that this practice was codified in 1986 by FOPA after Congress considered "placing constraints on ATF's maintenance of these records and reports, but [failed] to do so."[409]

GAO's own account of that history shows how close Congress came to banning the practice outright. GAO wrote that the Senate-passed version of FOPA, S. 49, "prohibited the Secretary of the Treasury from maintaining out-of-business records at a centralized location and from entering them into a computer for storage or retrieval. This restrictive provision was dropped from the version of the bill enacted by Congress."[410]

ATF's defenders read that as permission to centralize and computerize the records. But Congress also enacted FOPA at section 926(a), which bars any rule or regulation requiring "that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established."[411] Congress has also kept the rider against "consolidating or centralizing" licensee records in place since 1978 and made it permanent in 2011.[412] And what ATF built in 2017 is a serial-number query of those records, the same kind of retrieval GAO cited when it found the A2K server unlawful.[413]

When examining whether or not ATF had violated the appropriations restriction on centralizing records, GAO also "determined that the two systems do not violate the appropriation rider prohibition against consolidating or centralizing licensee records."[414] In fact, GAO purported that:

> ATF has the requisite authority to maintain firearms licensees' out-of-business records at a central government facility to conduct firearms traces, notwithstanding the data restriction provisions…
>
> [T]he collection of out-of-business licensees records does not violate the appropriations rider prohibition against consolidating or centralizing licensee records because of ATF's specific authority contained in section 923(g)(4) to collect these records. The requirement to collect these records has been in existence either in regulation or statute since the appropriations rider was passed for fiscal year 1979.[415]

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[408] *Id.* at 4.

[409] *Id.* at 5.

[410] *Id.* at 10 & n.13, *reproduced in FOIA Release Three*, at 54.

[411] 18 U.S.C. § 926(a).

[412] Pub. L. No. 95-429, 92 Stat. 1001, 1002 (1978); Pub. L. No. 112-55, 125 Stat. 552, 609 (2011) (18 U.S.C. § 923 note).

[413] *FOIA Release One*, at 9; GAO-16-552, at 81.

[414] U.S. Gen. Accounting Off., GAO/GGD-96-174, *Federal Firearms Licensee Data: ATF's Compliance with Statutory Restrictions* 4 (Sept. 11, 1996).

[415] U.S. Gen. Accounting Off., GAO/T-GGD-96-104, at 27–28, https://www.gao.gov/products/t-ggd-96-104.

Finally, GAO noted the simultaneous 1992 appropriations "for improvement of information retrieval systems at the National Firearms Tracing Center" as evidence that Congress intended to fund the microfilm system and restrict ATF in a different way.[416] Therefore, GAO determined that:

> ATF necessarily gathers specific firearms transaction data, and must centralize or consolidate the data to some degree. However, the Firearms Owners' Protection Act, and its legislative history, indicate a clear congressional concern that a registry of firearms, firearms owners, or firearms transactions or dispositions not be established.
>
> Therefore, to the extent that the centralization or consolidation of firearms transaction records is incident to carrying out a specific ATF responsibility and does not entail the aggregation of data on firearms transactions in a manner that would go beyond the purposes of the Gun Control Act of 1968, as amended, we do not believe that the rider would be violated.[417]

1997 – Congress Restricts ATF's Ability to Search by Name

Congress prohibited ATF from electronically retrieving out-of-business records "by name or any personal identification code." This prohibition began as an annual appropriations rider in the Omnibus Consolidated Appropriations Act, 1997 (enacted September 30, 1996), and was made permanent in 2011 as part of the Consolidated and Further Continuing Appropriations Act, 2012:[418]

> [H]ereafter, 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.[419]

The name-search prohibition does not prohibit the electronic retrieval of information by any category other than "by name or any personal identification code." GAO described ATF's system this way:

> The index contained the following information: (1) the cartridge number of the microfilm; (2) an index number; (3) the serial number of the firearm; (4) the FFL number; and (5) the type of document on microfilm[.] … Other information, however, including a firearms purchaser's name or other identifying information and the manufacturer, type, and model remained stored on

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[416] U.S. Gen. Accounting Off., GAO/GGD-96-174, *Federal Firearms Licensee Data: ATF's Compliance with Statutory Restrictions* 10 (Sept. 11, 1996).

[417] *Id.* at 6.

[418] Omnibus Consolidated Appropriations Act, 1997, Pub. L. No. 104-208, 110 Stat. 3009, 3009-319 (Sept. 30, 1996); Treasury and General Government Appropriations Act, 1998, Pub. L. No. 105-61, 111 Stat. 1272, 1277–78 (Oct. 10, 1997); Pub. L. No. 112-55, 125 Stat. at 610. *See also* U.S. Gov't Accountability Off., GAO-16-552, at 10 n.22 (June 2016).
https://www.govinfo.gov/app/details/PLAW-112publ55

> microfilm cartridges and was not computerized. Therefore, this information was not accessible to ATF personnel through a text search.[420]

ATF has gone out of its way to make the records it obtains retrievable by nearly every other category, including by serial number, make, model, and weapon type.[421]

2003 – ATF Begins Receiving Records from Active FFLs at Out-of-Business Record Center

Freedom of Information Act documents reveal that as early as 2003,[422] ATF ran into a new issue with regards to its collection of gun and gun owner records: receiving records from a gun store *before* it went out of business. An internal memorandum entitled "The Legality of the National Tracing Center Accepting Records from Federal Firearms Licensees Who Still Are In Business" reads:

> Numerous FFLs who are still in business have asked ATF if they voluntarily may provide ATF with firearms records that are more than 20 years old.

ATF's Acting Associate Chief Counsel determined that:

> The GCA does not contain any provisions either requiring or allowing FFLs who are still in business to give records which are over 20 years old to ATF. However, the GCA also does not contain any prohibition on the FFL giving the records to ATF or on ATF receiving the records.

ATF determined that it was legally able to circumvent the registry restrictions enacted by 18 U.S.C. § 926(a) preventing the creation or maintenance of a gun registry so long as there was no rule or regulation "requir[ing]" it. If a gun store wanted to turn over the names, addresses, and firearm details of American gun owners voluntarily, ATF would happily accept the records.[423] Storing records from still-active federal firearms licensees in the out-of-business records database still violated the consolidation and centralization prohibition.

2004–2005 – Congress Funds Digitization of ATF Records

In the 108th Congress, a conference report 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

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[420] U.S. Gov't Accountability Off., *Firearms Data: ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies*, GAO-16-552, at 74–75 (June 2016), https://www.gao.gov/products/gao-16-552.

[421] *FOIA Release One*, at 9, 11.

[422] Acting Associate Chief Counsel (Firearms, Explosives, and Arson), Memorandum to the Assistant Director (Firearms, Explosives, Arson), "Subject: The Legality of the National Tracing Center Accepting Records from Federal Firearms Licensees Who Still Are In Business" (Feb. 12, 2003), *reproduced in FOIA Release Three*, at 15–19.

[423] Acting Associate Chief Counsel (Firearms, Explosives, and Arson), Memorandum to the Assistant Director (Firearms, Explosives, Arson), "Subject: The Legality of the National Tracing Center Accepting Records from Federal Firearms Licensees Who Still Are In Business" (Feb. 12, 2003); *see* 18 U.S.C. § 926(a) (flush language following para. (3)).

National Tracing Center." [424] In the 109th Congress a second committee report also designated further funding for ATF to "continue the conversion and integration of records."[425]

Contemporaneous congressional appropriations restrictions prohibiting ATF from "consolidating or centralizing" records or searching for information "by name" still had the force of law and by statute ATF was still prohibited from creating a registry of guns and gun owners. ATF's system of digitized out-of-business records would become known as the Out of Business Records Imaging System, or OBRIS.[426]

2004–2011 – Tiahrt Amendments

Beginning in the 108th Congress, appropriations riders collectively known as the Tiahrt Amendments barred public disclosure of firearms-trace data and of information licensees must keep under 18 U.S.C. § 923(g), except for use in a bona fide criminal investigation or prosecution.

> Provided further, That no funds appropriated under this or any other Act may be used to disclose to the public the contents or any portion thereof of any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of section 923(g) of title 18, United States Code, except that this provision shall apply to any request for information made by any person or entity after January 1, 1998.[427]

Later versions expanded that restriction so that no funds could be used to disclose part or all of the contents of the Firearms Trace System database, or information required to be kept or reported under section 923(g), to anyone other than a law-enforcement agency or prosecutor "solely in connection with and for use in a bona fide criminal investigation or prosecution."[428]

The Tiahrt Amendment was revised in the fiscal year 2008, 2009, and 2010 appropriations acts, the last two of which were enacted during the Obama Administration.[429] Congress enacted a further version in 2011.[430] Each of these Tiahrt Amendments purported to bind future Congresses: the 2008, 2009, and 2010 versions apply "beginning in fiscal year [2008, 2009, or 2010] and thereafter," and the 2011 version applies

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[424] H.R. Conf. Rep. No. 108-792 (2004).

[425] H.R. Conf. Rep. No. 109-272 (2005).

[426] *FOIA Release One*, at 8.

[427] Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, div. B, tit. I, 118 Stat. 3, 53 (Jan. 23, 2004).

[428] Consolidated Appropriations Act, 2005, Pub. L. No. 108-447, 118 Stat. 2809, 2859–60 (2004), https://www.govinfo.gov/content/pkg/PLAW-108publ447/html/PLAW-108publ447.htm; Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006, Pub. L. No. 109-108, 119 Stat. 2290, 2295–96 (2005), https://www.govinfo.gov/content/pkg/PLAW-109publ108/html/PLAW-109publ108.htm.

[429] Pub. L. No. 110-161; Pub. L. No. 111-8; Pub. L. No. 111-117.

[430] Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. No. 112-55 (Nov. 18, 2011).

"during the current fiscal year and in each fiscal year thereafter."[431] They are therefore considered to be in effect at present.

2011 – Congress Makes the Registry Restrictions Permanent

The Consolidated and Further Continuing Appropriations Act, 2012, enacted in 2011, as Public Law 112-55, made permanent two appropriations restrictions that had been renewed year after year: the 1978 bar on consolidating or centralizing FFL acquisition-and-disposition records, and the 1996 bar on electronically retrieving out-of-business records by name or personal identification code.

The consolidation restriction now reads that "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."[432]

The name-search restriction now reads "[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."[433]

Congress Finds Several Violations of Anti-Gun Registry Laws

2014 – Sen. Grassley Leads Registration Inquiry

A Senate inquiry and a later GAO report found registration problems even as the holdings continued to grow. During its investigation into ATF for the infamous "Fast and Furious" gunwalking scandal, some members of Congress discovered some of the early warning signs that ATF had built an illegal gun registry. A joint letter by Senator Chuck Grassley of Iowa and Representative Darrell Issa of California explained their concerning find:

> Under the Gun Control Act, ATF does have responsibility for various law enforcement functions, such as the tracing of firearms. However, given the ambiguity in ATF's use of the Suspect Gun Database for tracing firearms, it and any other new database should be examined for compliance with ATF's data restrictions.[434]

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[431] Pub. L. No. 110-161; Pub. L. No. 111-8; Pub. L. No. 111-117; Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. No. 112-55 (Nov. 18, 2011).

[432] Treasury, Postal Service, and General Government Appropriations Act, 1979, Pub. L. No. 95-429, 92 Stat. 1001 (Oct. 10, 1978); Pub. L. No. 112-55, 125 Stat. at 609.

[433] Omnibus Consolidated Appropriations Act, 1997, Pub. L. No. 104-208, 110 Stat. 3009, 3009-319 (Sept. 30, 1996); Treasury and General Government Appropriations Act, 1998, Pub. L. No. 105-61, 111 Stat. 1272, 1277–78 (Oct. 10, 1997); Pub. L. No. 112-55, 125 Stat. at 610. *See also* U.S. Gov't Accountability Off., GAO-16-552, at 10 n.22 (June 2016).

[434] Letter from Sen. Chuck Grassley and Rep. Darrell Issa to Gene L. Dodaro, Comptroller General of the United States (July 18, 2014), *reprinted in Grassley, Issa: Independent Review Needed of Suspect Gun Database Used in Operation Fast and Furious*, Office of Sen. Chuck Grassley (July 18, 2014).

And a press release added details about the potential gun registration scheme with which Congress was concerned:

> It is unclear what objective standards, if any, are required to enter purchase information into the database, and it appears that the information is never removed, even though the purchaser may never have been convicted or even accused of a crime. ATF Director B. Todd Jones revealed during his confirmation hearings last summer that ATF has kept purchaser information on all 173,784 firearms added to the database since 1992, including purchaser information from cases that were closed long ago.[435]

The letter called for the GAO to update its 1996 report on whether ATF had violated various statutory and appropriations act restrictions on the creation of an illegal gun registry.[436]

2016 – GAO Report Finds Gun Registry Violations

In 2016, the Government Accountability Office published a damning report in response to Senator Grassley's and Representative Issa's inquiry, entitled "Firearms Data: ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies." The report provides a valuable condemnation of several ATF data collection systems when it found:[437]

> [1] A2K [or Access2000 which is a system for recording] for out-of-business FFL records did not comply with the restriction because ATF maintained these data on a single server at ATF.
>
> [2] a 2007 through 2009 program using FRNP [or the Firearm Recovery Notification Program] did not comply. ATF cancelled this program in 2009 and deleted the related data in March 2016. Also, a technical defect allows ATF agents to access FRNP data (including purchaser data) beyond what ATF policy permits.[438]
>
> [3] ATF inconsistently adheres to its policy when deleting MS [or Multiple Sales] records. Specifically, until May 2016, MS contained over 10,000 names that were not consistently deleted within the required 2 years.[439]

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[435] *Grassley, Issa: Independent Review Needed of Suspect Gun Database Used in Operation Fast and Furious*, Office of Sen. Chuck Grassley (July 18, 2014).

[436] Letter from Sen. Chuck Grassley and Rep. Darrell Issa to Gene L. Dodaro, Comptroller General of the United States (July 18, 2014), *reprinted in Grassley, Issa: Independent Review Needed of Suspect Gun Database Used in Operation Fast and Furious*, Office of Sen. Chuck Grassley (July 18, 2014), https://www.grassley.senate.gov/news/news-releases/grassley-issa-independent-review-needed-suspect-gun-database-used-operation-fast.

[437] U.S. Gov't Accountability Off., *Firearms Data: ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies*, GAO-16-552, Highlights page (June 2016), https://www.gao.gov/products/gao-16-552.

[438] U.S. Gov't Accountability Off., GAO-16-552, *ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies*, Highlights (June 2016), https://www.gao.gov/products/gao-16-552; U.S. Gov't Accountability Off., GAO-16-552, Highlights (June 2016), https://www.gao.gov/products/gao-16-552.

[439] U.S. Gov't Accountability Off., GAO-16-552, Highlights (June 2016), https://www.gao.gov/products/gao-16-552.

ATF purportedly addressed these concerns during the GAO's period of oversight, and in the end GAO generally upheld that the ATF was in compliance with the law at the time of the report's publication. ATF used this to mislead Congress, stating:

> [t]he current GAO Report reflects ATF's commitment to abiding by firearms data limitations, concluding that the overwhelming majority of data in our systems is fully compliant with these limitations.[440]

After the release of the report, Senator Grassley criticized the decision to only investigate a handful of systems. In a letter, he urged further review of additional systems for violations, writing:

> the report published by GAO in June 2016 only covers 4 of the 16 systems maintained by ATF that contain retail firearms purchaser information. Due to the fact that the report uncovered a multitude of instances in which the ATF was not adhering to the appropriations restriction, I am now requesting that GAO examine the remaining 12 data systems at ATF that contain retail firearms purchaser data for compliance with the appropriations restriction.[441]

ATF has yet to publish a full report on whether all of its systems are in full compliance with federal law.

President Biden Supercharges ATF's Registry

2021 – President Biden's Zero Tolerance Policy Rapidly Expands Out-of-Business Registry

On June 23, 2021, the Biden Administration announced a new "Zero Tolerance" policy for revoking the licenses of FFLs.[442] As part of this new policy, ATF updated its "Federal Firearms Administrative Action Policy and Procedures" (ATF Order 5370.1E) in January 2022.[443]

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[440] Letter from ATF Deputy Director Thomas Brandon to Senator Ron Johnson, Senate Committee on Homeland Security (Sept. 26, 2016), *reproduced in FOIA Release Four Part 2*, at 71, https://www.gunowners.org/wp-content/uploads/FOIA-Release-Four-Part-2.pdf;

Letter from ATF Deputy Director Thomas Brandon to Senator Thad Cochran, Senate Committee on Appropriations (Sept. 26, 2016), *reproduced in FOIA Release Four Part 2*, at 74;

Letter from ATF Deputy Director Thomas Brandon to Representative Jason Chaffetz, House Committee on Oversight and Government Reform (Sept. 26, 2016), *reproduced in FOIA Release Four Part 2*, at 77;

Letter from ATF Deputy Director Thomas Brandon to Representative Harold Rogers, House Committee on Appropriations (Sept. 26, 2016), *reproduced in FOIA Release Four Part 2*, at 80.

[441] Letter from Senator Chuck Grassley to ATF Deputy Director Thomas Brandon (Sept. 15, 2016), *reproduced in FOIA Release Four Part 2*, at 69–70.

[442] White House, *Fact Sheet: Biden-Harris Administration Announces Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety* (June 23, 2021).

[443] ATF O 5370.1E, *Federal Firearms Administrative Action Policy and Procedures* (Jan. 28, 2022), https://www.gunowners.org/wp-content/uploads/2022-ATF-O.5370.1E-Federal-Firearms-Administrative-Action-Policy-Procedures-1.pdf; Houston Keene, *Internal ATF Docs Show "Zero Tolerance" Guidelines for Shutting Down Gun Stores*, Fox

Gun Owners of America obtained copies of this updated ATF order, revised under the Biden Administration in January of 2022, along with the prior version (ATF Order 5370.1D) that existed under the Trump Administration. GOA released both versions alongside its May 2022 report. A review of the changes in ATF's policy showed that the Biden Administration was seeking to weaponize ATF's

News (Feb. 10, 2023), https://www.foxnews.com/politics/internal-atf-docs-show-zero-tolerance-guidelines-shutting-down-gun-stores.

bureaucracy against the entire Second Amendment industry. According to data published by ATF as analyzed by the Trace:[444]

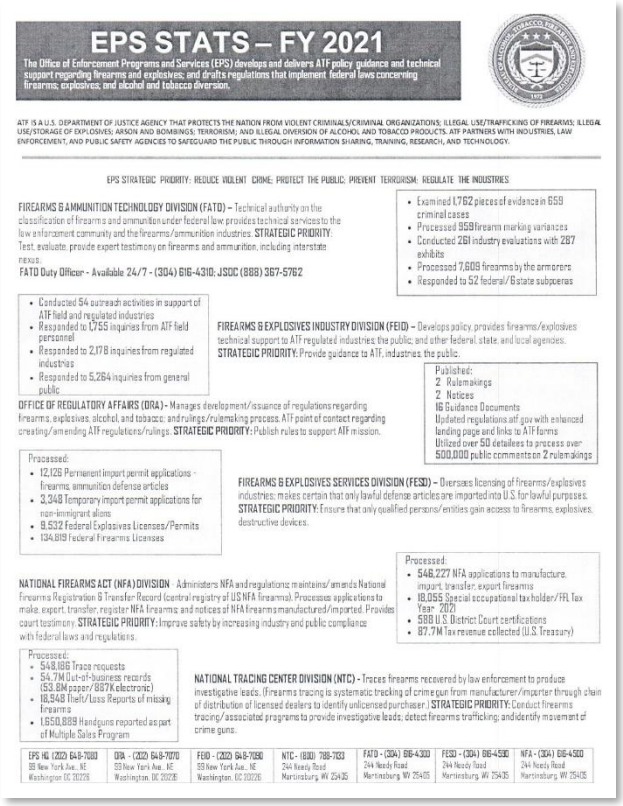
- New data shows ATF gun store revocations at highest rate in 16 years.
- ATF revoked 92 licenses in 2022, the most since 2008.
- The total more than triples the number of licenses revoked in 2021, when a similar number of dealers were inspected.
- Investigators conducted just over 7,000 inspections in 2022, compared with more than 13,000 in 2019, yet revoked more licenses than in any year since 2008.[445]
- Another 136 dealers received warning conferences, the steepest penalty inspectors can recommend without revocation.

The Biden Administration's Zero Tolerance policy was overly harsh (seemingly intentionally so) on honest gun stores. In fact, between January and September of 2022, ATF field offices in Charlotte, Columbus, Houston, Louisville, New Orleans, and St. Paul revoked licenses more frequently than they issued "warning conferences", a much less severe penalty that ATF's own manual deemed necessary to "assess the FFL's potential to achieve compliance and determine any potential risks to public safety and firearm traceability."[446]

2021 – GOA Discovers ATF Processed 54 Million Records in One Year

The *Washington Free Beacon* published an internal ATF document leaked by Gun Owners of America on November 6, 2021. The document revealed that ATF had "processed" over 54.7 million records from gun stores that had gone out of business in fiscal year 2021. (See Figure 27) Gun Owners of America called this an illegal gun registry, and the *Free Beacon* reported:[447]

> Gun activists described this figure as worryingly high and said it contributes to fears that the Biden


EPS STATS – FY 2021

The Office of Enforcement Programs and Services (EPS) develops and delivers ATF policy guidance and technical support regarding firearms and explosives; and drafts regulations that implement federal laws concerning firearms, explosives, and alcohol and tobacco diversion.

ATF IS A U.S. DEPARTMENT OF JUSTICE AGENCY THAT PROTECTS THE NATION FROM VIOLENT CRIMINALS/CRIMINAL ORGANIZATIONS; ILLEGAL USE/TRAFFICKING OF FIREARMS; ILLEGAL USE/STORAGE OF EXPLOSIVES; ARSON AND BOMBINGS; TERRORISM; AND ILLEGAL DIVERSION OF ALCOHOL AND TOBACCO PRODUCTS. ATF PARTNERS WITH INDUSTRIES, LAW ENFORCEMENT, AND PUBLIC SAFETY AGENCIES TO SAFEGUARD THE PUBLIC THROUGH INFORMATION SHARING, TRAINING, RESEARCH, AND TECHNOLOGY.

EPS STRATEGIC PRIORITY: REDUCE VIOLENT CRIME; PROTECT THE PUBLIC; PREVENT TERRORISM; REGULATE THE INDUSTRIES

FIREARMS & AMMUNITION TECHNOLOGY DIVISION (FATD) – Technical authority on the classification of firearms and ammunition under federal law; provides technical services to the law enforcement community and the firearms/ammunition industries. STRATEGIC PRIORITY: Test, evaluate, provide expert testimony on firearms and ammunition, including interstate nexus.

FATD Duty Officer - Available 24/7 - (304) 616-4310; JSOC (888) 367-5762

- Examined 1,762 pieces of evidence in 659 criminal cases
- Processed 959 firearm marking variances
- Conducted 261 industry evaluations with 287 exhibits
- Processed 7,609 firearms by the armorers
- Responded to 52 federal/8 state subpoenas

- Conducted 54 outreach activities in support of ATF field and regulated industries
- Responded to 1,755 inquiries from ATF field personnel
- Responded to 2,178 inquiries from regulated industries
- Responded to 5,284 inquiries from general public

FIREARMS & EXPLOSIVES INDUSTRY DIVISION (FEID) – Develops policy, provides firearms/explosives technical support to ATF regulated industries, the public, and other federal, state, and local agencies. STRATEGIC PRIORITY: Provide guidance to ATF, industries, the public.

OFFICE OF REGULATORY AFFAIRS (ORA) – Manages development/issuance of regulations regarding firearms, explosives, alcohol, and tobacco; and rulings/rulemaking process. ATF point of contact regarding creating/amending ATF regulations/rulings. STRATEGIC PRIORITY: Publish rules to support ATF mission.

Published:
- 2 Rulemakings
- 2 Notices
- 16 Guidance Documents

Updated regulations all go with enhanced landing page and links to ATF forms

Utilized over 50 detailees to process over 500,000 public comments on 2 rulemakings

Processed:
- 12,126 Permanent import permit applications - firearms, ammunition defense articles
- 3,348 Temporary import permit applications for non-immigrant aliens
- 9,532 Federal Explosives Licenses/Permits
- 134,819 Federal Firearms Licenses

FIREARMS & EXPLOSIVES SERVICES DIVISION (FESD) – Oversees licensing of firearms/explosives industries; makes certain that only lawful defense articles are imported into U.S. for lawful purposes. STRATEGIC PRIORITY: Ensure that only qualified persons/entities gain access to firearms, explosives, destructive devices.

NATIONAL FIREARMS ACT (NFA) DIVISION - Administers NFA and regulations; maintains/amends National Firearms Registration & Transfer Record (central registry of U.S NFA firearms). Processes applications to make, export, transfer, register NFA firearms; and notices of NFA firearms manufactured/imported. Provides court testimony. STRATEGIC PRIORITY: Improve safety by increasing industry and public compliance with federal laws and regulations.

Processed:
- 546,227 NFA applications to manufacture, import, transfer, export firearms
- 18,055 Special occupational tax holder/FFL Tax Year 2021
- 588 U.S. District Court certifications
- $7.7M Tax revenue collected (U.S. Treasury)

Processed:
- 548,186 Trace requests
- 54.7M Out-of-business records (53.8M paper/887K electronic)
- 18,948 Theft/Loss Reports of missing firearms
- 1,850,889 Handguns reported as part of Multiple Sales Program

NATIONAL TRACING CENTER DIVISION (NTC) - Traces firearms recovered by law enforcement to produce investigative leads. (Firearms tracing is systematic tracking of crime gun from manufacturer/importer through chain of distribution of licensed dealers to identify unlicensed purchaser.) STRATEGIC PRIORITY: Conduct firearms tracing/associated programs to provide investigative leads; detect firearms trafficking; and identify movement of crime guns.

EPS HQ (202) 648-7080	ORA - (202) 648-7070	FEID - (202) 648-7080	NTC - (800) 788-7133	FATD - (304) 616-4300	FESD - (304) 616-4500	NFA - (304) 616-4500
99 New York Ave., NE Washington, DC 20226	99 New York Ave., NE Washington, DC 20226	99 New York Ave., NE Washington, DC 20226	244 Needy Road Martinsburg, WV 25405	244 Needy Road Martinsburg, WV 25405	244 Needy Road Martinsburg, WV 25405	244 Needy Road Martinsburg, WV 25405

Figure 27: ATF Office of Enforcement Programs and Services, *EPS Stats – FY 2021*.[448]

[444] Champe Barton, *New data shows ATF gun store revocations at highest rate in 16 years*, USA Today (Oct. 5, 2022).

[445] Champe Barton, *ATF Revokes Three Times as Many Gun Dealer Licenses in 2022*, Trace (Oct. 5, 2022).

[446] Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Firearms Compliance Inspection Results Monthly Report*, ATF Order 5370.1E § 7.d.

[448] Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Enforcement Programs and Services, *EPS STATS – FY 2021*, https://freebeacon.com/wp-content/uploads/2021/11/ATF-Office-of-Enforcement-Programs-FY-2021-Stats.pdf.

> administration is trying to keep track of all Americans who own firearms, in violation of federal statutes. The procurement of these records by the ATF comes as the Biden administration moves to alter current laws to ensure that gun records are stored in perpetuity. Currently, gun shops can destroy their records after 20 years, thereby preventing the ATF from accessing the information in the future.[449]

However, ATF publicly denied the claim when asked by the *Washington Free Beacon*:

> An ATF spokesman declined to comment on internal agency records but told the *Free Beacon* that the agency's "National Tracing Center processes millions of out of business records each month." However, "those out of business records do not constitute an initiation or continuation of any federal gun registry," the spokesman said.[450]
>
> On November 10, 2021, *Tucker Carlson Tonight* covered the 54 million records. He said, "The Biden administration apparently has secretly amassed a database of more than 50 million gun owners in this country. They're not supposed to be doing that."[451]

Despite ATF's reassurances to the public, the release of this document prompted Congress to investigate. Representative Michael Cloud of Texas led 51 other House Republicans in a letter which stated:

> 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.[452]

The letter asked the ATF to respond promptly to a series of questions, which led to ATF's admission that it held nearly a billion records.

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[448] Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Enforcement Programs and Services, *EPS STATS – FY 2021*, https://freebeacon.com/wp-content/uploads/2021/11/ATF-Office-of-Enforcement-Programs-FY-2021-Stats.pdf.

[449] Adam Kredo, *Biden Admin Amassing Millions of Records on U.S. Gun Owners Amid New Crackdown on Firearms*, Wash. Free Beacon (Nov. 6, 2021), https://freebeacon.com/biden-administration/biden-admin-amassing-millions-of-records-on-u-s-gun-owners-amid-new-crackdown-on-firearms/.

[450] *Id.*

[451] *Tucker Carlson Tonight* (Fox News broadcast Nov. 10, 2021), https://archive.org/details/FOXNEWSW_20211111_010000_Tucker_Carlson_Tonight.

[452] https://freebeacon.com/wp-content/uploads/2022/01/GN-ATF-re-Out-of-Business-Record-Keeping_11.22.212.pdf

2021 – ATF Admitted to Rep. Cloud It Had Nearly a Billion Records

In a December 21, 2021, written response to Representative Michael Cloud and 51 other House Republicans, ATF formally admitted that it had nearly one billion gun store records in a database. A letter from ATF Assistant Director of Public and Governmental Affairs Daniel L. Board Jr. stated that:[453]

> In total, ATF manages 920,664,765 OBR as of November 2021. This includes digital and an estimated number of hard copy records that are awaiting image conversion. It is currently estimated that 865,787,086 of those records are in digitalized format.[454]

Pro-gun members of Congress were shocked at the revelation:

> "ATF's response letter was disturbing as they revealed they have accumulated and are building a database of nearly a billion gun records," Cloud told the *Free Beacon*.[455] "Americans have every right to be concerned about the Biden administration misusing their power to create an illegal federal firearms registry, and it's up to Congress to get to the bottom of this."[456]

2022 – Rep. Jim Jordan Discusses ATF Records on The Ingraham Angle

> On January 31, 2022, Representative Jim Jordan told Laura Ingraham, "Every single gun purchase by a law-abiding American is being preserved, so what? So that the federal government can set up a national database?" He also said "almost a billion purchases are in this database that is searchable and usable by the government."[457]

2022 – Rep. Michael Cloud Discusses ATF Records on The Ingraham Angle

> On February 1, 2022, Representative Michael Cloud discussed ATF's records on The Ingraham Angle. He asked, "when does this database become a registry?" and said, "we can track a billion gun records."[458]

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[453] Letter from Daniel L. Board, Jr., Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Representative Michael Cloud (Dec. 21, 2021).

[454] https://www.documentcloud.org/documents/21200364-letter-response-rep-michael-cloud-r-tx-51-x-gop-co-signers_federal-gun-registry-signed-letter

[455] Adam Kredo, *Lawmakers Investigate Biden Admin Over Database Containing One Billion Gun Sale Records*, Wash. Free Beacon (Feb. 3, 2022), https://freebeacon.com/guns/lawmakers-investigate-biden-admin-over-database-containing-one-billion-gun-sale-records/.

[456] *Id.*

[457] *The Ingraham Angle* (Fox News broadcast Jan. 31, 2022), https://archive.org/details/FOXNEWSW_20220201_030000_The_Ingraham_Angle.

[458] *The Ingraham Angle* (Fox News broadcast Feb. 1, 2022), https://archive.org/details/FOXNEWSW_20220202_030000_The_Ingraham_Angle.

2022 – Erich Pratt Discusses ATF Records on The Ingraham Angle

On February 3, 2022, Erich Pratt told Laura Ingraham that Biden's ATF "registered nearly 1 billion gun owner records," which he called "a prelude to gun confiscation."[459]

2022 – J.D. Vance Discusses ATF Records on *Tucker Carlson Tonight*

On February 4, 2022, J.D. Vance appeared on *Tucker Carlson Tonight*, which reported that ATF had nearly one billion records on gun sales. Vance said, "This database is ultimately a backdoor to a gun registry in this country. If you look at what they've done in Europe and done in Australia, once you allow gun registry you effectively allow the disarming of your citizenry."[460]

2022 – ATF Seeks Funding to Upgrade Its Gun Registry

In order to facilitate its gun registration schemes, ATF has repeatedly requested increases in its annual budget from Congress.[461] Under the Biden Administration, the ATF initially requested a roughly 4.8 percent agency budget increase for fiscal year 2022.[462] However, to facilitate this new registry expansion in FY 2023, the ATF requested a 13 percent budgetary increase, including $14,400,000 to modernize the National Tracing Center, which is the branch that maintains, accesses, and searches the digital, searchable, gun registries to which ATF has access.[463]

This would "[i]ncrease[] by more than 40% the funding for the National Tracing Center."[464] ATF was transparent with exactly how the system will be monetized:

> This initiative to consolidate firearms tracing applications through an eTrace modernization effort with enhanced data sharing capabilities will serve as a key building block in significantly improving the operational proficiency of the NTC Division.[465]

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[459] *The Ingraham Angle* (Fox News broadcast Feb. 3, 2022), https://archive.org/details/FOXNEWSW_20220204_030000_The_Ingraham_Angle.

[460] *Tucker Carlson Tonight* (Fox News broadcast Feb. 4, 2022), https://archive.org/details/FOXNEWSW_20220205_010000_Tucker_Carlson_Tonight.

[461] Aidan Johnston, Gun Owners of America, *ATF's Illegal Gun Owner Registry* (May 2022).

[462] U.S. Dep't of Just., *FY 2022 Budget Summary* (May 2021), https://web.archive.org/web/20230520063029/http://www.justice.gov/jmd/page/file/1398931/download; U.S. Dep't of Just., Bureau of Alcohol, Tobacco, Firearms, and Explosives, *FY 2023 Budget Request At A Glance*, https://www.justice.gov/jmd/page/file/1489416/download.

[463] Bureau of Alcohol, Tobacco, Firearms, and Explosives, *FY 2023 Budget Request At A Glance*; Bureau of Alcohol, Tobacco, Firearms, and Explosives, *FY 2023 Budget Request* 72.

[464] White House, *President Biden's Budget Invests in Reducing Gun Crime to Make Our Communities Safer* (Mar. 28, 2022).

[465] Bureau of Alcohol, Tobacco, Firearms, and Explosives, *FY 2023 Budget Request At A Glance* 2.

2022 – Rep. Michael Cloud and 44 Representatives Introduce ATF Registry Repeal

Representative Michael Cloud introduced H.R. 6945, the No Retaining Every Gun In a System That Restricts Your (REGISTRY) Rights Act. By the end of the 117th Congress, the bill had 70 total cosponsors, plus the sponsor.[466]

"The Second Amendment is clear, the right of the people to keep and bear Arms shall not be infringed," Representative Cloud said.[467] "There is no reason for law-abiding American gun owners to be subjected to excessive scrutiny on the firearms they own by the federal government. My bill would dismantle ATF's record-keeping, restore privacy for American gun owners, and reverse the groundwork laid in the creation of a federal firearms registry."

According to Representative Cloud's office, "Congressman Cloud's No REGISTRY Rights Act would require ATF to delete all existing firearm transaction records accumulated by the ATF, therefore dismantling their current database and preventing the possible creation of a federal gun registry. The bill would also require Federal Firearm Licensees (FFLs) to destroy their firearm transaction records once they go out of business, ensuring the ATF doesn't continue to accumulate these records."[468]

2022 – President Biden Requires FFLs Keep Gun Purchase Records Forever

Since 1985, ATF had a policy allowing gun stores to destroy the paperwork containing this sensitive information after twenty years. The Attorney General signed the new rule on April 11, 2022, it was published on April 26, 2022, and it took effect on August 24, 2022.[469] In the White House's own words, the new policy:[470]

> [R]equire[d] federally licensed firearms dealers to retain key records until they shut down their business or licensed activity. At that time, these dealers must transfer the records to ATF.[471]

All Firearm Transaction Records became permanent documents. Every Form 4473 is retained forever, either by an FFL or by the ATF. Whereas gun owners might previously have expected their local gun store to destroy this sensitive information after twenty years, it is now inevitable that these records will end up in the government's possession.[472]

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[466] H.R. 6945, 117th Cong. (introduced Mar. 7, 2022), https://www.govinfo.gov/app/details/BILLS-117hr6945ih.

[467] Press Release, Rep. Michael Cloud, *Congressman Cloud Introduces Bill to Dismantle Potential ATF Gun Registry* (Mar. 8, 2022), https://cloud.house.gov/posts/congressman-cloud-introduces-bill-to-dismantle-potential-atf-gun-registry.

[468] *Id.*

[469] Definition of "Frame or Receiver" and Identification of Firearms, 87 Fed. Reg. 24,652 (Apr. 26, 2022), https://www.govinfo.gov/content/pkg/FR-2022-04-26/pdf/2022-08026.pdf.

[470] 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* (Apr. 11, 2022).

[471] *Id.*

[472] Definition of "Frame or Receiver" and Identification of Firearms, 87 Fed. Reg. 24,652, 24,667 (Apr. 26, 2022) (effective Aug. 24, 2022); *id.* at 24,746–47. 18 U.S.C. § 923(g)(4). *See also* White House, *FACT SHEET: The Biden Administration Cracks*

Gun Owners of America, more than 60,000 of its grassroots activists, and 27 members of the Second Amendment Caucus 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.[473]

The rule change to permanent recordkeeping took effect on August 24, 2022. It applied retroactively to all records then maintained by Federal Firearms Licensees. The retroactive August 24, 2022, effective date means ATF's registry would eventually contain a complete data set of all Firearms Transaction Records dating back to August 24, 2002.[474]

2022 – GOA Publishes First Comprehensive Report Based on FOIA, "ATF's Illegal Gun Owner Registry"

Gun Owners of America released an initial version of this report entitled "ATF's Illegal Gun Owner Registry" on May 24, 2022, based on a FOIA request which uncovered the extent to which ATF's near-billion record registry was illegally centralized and searchable. According to *Fox News*:

> Gun Owners of America (GOA), a gun rights advocacy group, blasted the ATF for their "illegal gun registry" in their new report on the finalized rule requiring federal firearms licensees (FFLs) to maintain purchase records indefinitely.
>
> The group's report on Freedom of Information Act (FOIA) requested documents revealed the ATF "is maintaining a digital, searchable, centralized registry of guns and gun owners in violation of various federal prohibitions."[475]

As GOA exposed the ATF's illegal centralization and search functionality, members of Congress began to react:

> [Representative Michael] Cloud told *Fox News Digital* that a "federal firearms registry is explicitly banned by law" and gave props to GOA for their FOIA request of the ATF.[476]

Thanks to Gun Owners of America's FOIA request, it has become abundantly clear that ATF has illegally built a centralized, and even searchable, firearms database," Cloud said. "It is now more important than

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Down on Ghost Guns, Ensures That ATF Has the Leadership it Needs to Enforce Our Gun Laws (Apr. 11, 2022), https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2022/04/11/fact-sheet-the-biden-administration-cracks-down-on-ghost-guns-ensures-that-atf-has-the-leadership-it-needs-to-enforce-our-gun-laws/.

[473] *Twenty-Seven Congressmen Comment to Oppose the ATF's Homemade Gun Ban, Backdoor Registry*, Gun Owners of America (Aug. 20, 2021), https://www.gunowners.org/twenty-seven-congressmen-comment-to-oppose-the-atfs-homemade-gun-ban-backdoor-registry/.

[474] Definition of "Frame or Receiver" and Identification of Firearms, 87 Fed. Reg. 24,652 (Apr. 26, 2022) (effective Aug. 24, 2022).

[475] Houston Keene, *Gun rights group's ATF report accuses agency of making "illegal gun registry" …*, Fox News (May 24, 2022), https://www.foxnews.com/politics/gun-rights-atf-accuses-agency-illegal-gun-registry.

[476] *Id.*

ever for Congress to pass my No REGISTRY Rights Act to delete these records and protect the Second Amendment."[477]

2022 – GOA, GOF, and 17 States Sue Over President Biden's Gun Registration Rule

Gun Owners of America and the Gun Owners Foundation sued in the U.S. District Court for the District of North Dakota to challenge the Biden Administration's 2022 frame-or-receiver and permanent-recordkeeping rule (*Morehouse Enterprises, LLC v. ATF*, No. 3:22-cv-00116). On July 25, 2022, GOA and GOF filed a motion for a preliminary injunction against that rule. On July 27, 2022, they were joined by the attorneys general of 17 States: Arizona, West Virginia, Alaska, Arkansas, Idaho, Indiana, Kansas, Kentucky, Louisiana, Missouri, Montana, Nebraska, Oklahoma, South Carolina, Texas, Utah, and Wyoming.[478] The case is currently stayed while the Trump Administration weighs whether to roll back the Biden-era rule.[479]

2023 – Representative Cloud Reintroduces the No REGISTRY Rights Act

Representative Michael Cloud of Texas reintroduced the No REGISTRY Rights Act in the 118th Congress. A 2023 *Fox News* report stated that the reintroduced bill had 62 of Representative Cloud's colleagues as cosponsors.[480]

"The Second Amendment is clear: the right of the people to keep and bear Arms shall not be infringed," Representative Cloud said.[481] "The Federal Government does not have the right to subject its law-abiding, citizen firearm owners to excessive scrutiny," he continued. "My bill would dismantle ATF's record keeping, restore privacy for American gun owners, and reverse the groundwork laid for the creation of a federal firearms registry."

GOA Director of Federal Affairs Aidan Johnston told *Fox News Digital*, "ATF has no business maintaining nearly a billion gun and gun owner records in a digital, searchable database," and that "Gun Owners of America proudly supports Rep. Michael Cloud's No REGISTRY Rights Act to rein in this rogue agency and completely eliminate ATF's unconstitutional gun registry."[482]

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[477] *Id.*

[478] *Morehouse Enters., LLC v. ATF*, No. 3:22-cv-00116-PDW-ARS (D.N.D. filed July 5, 2022); Plaintiffs' Motion for Preliminary and/or Permanent Injunction, *Morehouse Enters., LLC v. ATF*, No. 3:22-cv-00116-PDW-ARS (D.N.D. July 25, 2022), ECF No. 14. CourtListener docket: https://www.courtlistener.com/docket/63571760/morehouse-enterprises-llc-v-bureau-of-alcohol-tobacco-firearms-and/.

[479] Joint Status Report, *Morehouse Enters., LLC v. ATF*, No. 3:22-cv-00116-PDW-ARS (D.N.D. May 1, 2025), ECF No. 165, https://storage.courtlistener.com/recap/gov.uscourts.ndd.53548/gov.uscourts.ndd.53548.165.0.pdf; Joint Status Report, *Morehouse Enters., LLC v. ATF*, No. 3:22-cv-00116-PDW-ARS (D.N.D. Aug. 1, 2025), ECF No. 169, https://storage.courtlistener.com/recap/gov.uscourts.ndd.53548/gov.uscourts.ndd.53548.169.0.pdf.

[480] Houston Keene, *Texas congressman introduces anti-gun registry bill as ATF cracks down on gun stores*, Fox News (Mar. 1, 2023), https://www.foxnews.com/politics/texas-congressman-introduces-anti-gun-registry-bill-atf-cracks-down-gun-stores.

[481] *Id.*

[482] *Id.*

2023 – Dir. Dettelbach Denies the Registry

Before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies on April 18, 2023, then-Director Steven Dettelbach stated, ATF is, "as far as I know… the only customer that pays additional money to have search function taken out of Adobe Acrobat."[483] He also said ATF does not search by personal identifier.[484]

"We are, I think, the only customer of Adobe Acrobat. We pay extra money to remove the search function from that, so that we can, then, try our best to trace it as quickly as we can, and get that same information back to that homicide detective, that gang detective, that narcotics detective, who's working the case." Then-Director Dettelbach told the House Committee on the Judiciary those words on April 26, 2023, eight days after his Appropriations testimony.[485]

2023 – ATF Targeted a GOA Plaintiff with Zero Tolerance; GOA Sued

Morehouse Enterprises, in North Dakota, was a plaintiff with GOA and the Gun Owners Foundation in the challenge to ATF's 2021R-05F registry rule.[486] After that suit was filed, according to the complaint, ATF conducted its first-ever compliance inspection of the store. The inspection found five violations out of thousands of acquisitions and sales—minor technical and recordkeeping errors that did not result in a prohibited person obtaining a firearm. Under the Biden zero-tolerance policy, those errors were treated as grounds to revoke the license.[487]

Rather than allow the policy to be used against a plaintiff that had challenged the registry rule, GOA and GOF filed another lawsuit on July 11, 2023, in the District of North Dakota, challenging the zero-tolerance policy itself. Erich Pratt, GOA's Senior Vice President, said:

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[483]Steven M. Dettelbach, Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, testimony before the House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Budget Hearing – Fiscal Year 2024 Request for the Bureau of Alcohol, Tobacco, Firearms, & Explosives* (Apr. 18, 2023), at 1:44:22, https://www.youtube.com/watch?v=QSy8LeqILCs&t=6262s.

[484]*Id.*

[485] *Oversight of the Bureau of Alcohol, Tobacco, Firearms and Explosives: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. 57 (Apr. 26, 2023) (Serial No. 118-15, CHRG-118hhrg51997) (testimony of Steven M. Dettelbach), https://www.govinfo.gov/app/details/CHRG-118hhrg51997 (HTML: https://www.govinfo.gov/content/pkg/CHRG-118hhrg51997/html/CHRG-118hhrg51997.htm).

[486] Ariz. Att'y Gen., *Arizona Attorney General Mark Brnovich Sues Biden Administration to Protect Second Amendment* (July 27, 2022), https://www.azag.gov/press-release/arizona-attorney-general-mark-brnovich-sues-biden-administration-protect-second.

[487] Complaint ¶¶ 6–7, 150, 155–61, 182, 184–85, *Morehouse Enters., LLC v. ATF*, No. 3:23-cv-00129 (D.N.D. filed July 11, 2023), ECF No. 1, https://foundation.gunowners.org/wp-content/uploads/morehouse-v-atf-2023/gov.uscourts.ndd .60827.1.0.pdf.

> "This zero tolerance policy towards lawful commerce guaranteed by the Second Amendment is just the latest example of this Administration weaponizing federal agencies against their political enemies."[488]

Rather than defend its zero-tolerance policy on the merits, the Biden administration attempted to moot GOA's lawsuits by reversing the license revocations when challenged. After the August 16, 2023, hearing, ATF determined not to issue a final notice of revocation to Bridge City Ordnance.[489]

A second zero-tolerance challenge followed on August 29, 2023, when Kiloton Tactical, LLC, Eric Hanley, and Firearms for Liberty Coalition filed *Kiloton Tactical, LLC v. ATF*, No. 3:23-cv-23985-MCR-ZCB (N.D. Fla.). GOA funded and backed the case. In the Kiloton Tactical case, ATF likewise reversed its initial decision after the administrative hearing and renewed the license. Both licenses were restored, but the underlying policy challenge continued until the Trump administration repealed zero tolerance in early 2025.[490]

2023 – Rep. Cloud Amendment to Stop ATF's Gun Registry Reported to House Floor

House Report 118-273 made Representative Cloud's amendment (Part A #76) to H.R. 5893, the fiscal year 2024 Commerce, Justice, Science bill, in order on November 14, 2023.[491] The amendment would have "[p]rohibit[ed] the ATF from using funds to maintain its Out of Business Records Imaging System Database (OBRIS)."

2024 – Dir. Dettelbach Denies the Registry

On May 23, 2024, then-ATF Director Dettelbach told the House Committee on the Judiciary, "[w]e pay to have search functions limited. We don't pay Adobe Acrobat. I believe we pay somebody else," and "we do not keep a gun registry."[492]

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[488] Houston Keene, *Second Amendment Group Files Lawsuit Against ATF over "Zero Tolerance" Policy for Closing Gun Stores*, Fox News (July 11, 2023), https://www.foxnews.com/politics/second-amendment-group-files-lawsuit-against-atf-over-zero-tolerance-policy-closing-gun-stores; Gun Owners of America, *GOA and GOF Sue ATF over Zero Tolerance Policy for Federal Firearms Licensees*, https://www.gunowners.org/goa-and-gof-sue-atf-over-zero-tolerance-policy-for-federal-firearms-licensees/.

[489] Order Denying Motion for Preliminary Injunction at 3, *Morehouse Enters., LLC v. ATF*, No. 3:23-cv-129 (D.N.D. Jan. 2, 2024), ECF No. 49, https://foundation.gunowners.org/wp-content/uploads/morehouse-v-atf-2023/gov.uscourts.ndd .60827.49.0.pdf.

[490] *Kiloton Tactical, LLC v. ATF*, No. 3:23-cv-23985-MCR-ZCB, slip op. at 4–5 (N.D. Fla. Feb. 13, 2024), https://foundation.gunowners.org/wp-content/uploads/kiloton-v-atf/23985-38-OrderDenyingPreliminaryInjuction.pdf; Bureau of Alcohol, Tobacco, Firearms and Explosives, *DOJ, ATF Repeal FFL Inspection Policy and Begin Review of Two Final Rules* (Apr. 7, 2025), https://www.atf.gov/news/press-releases/doj-atf-repeal-ffl-inspection-policy-and-begin-review-two-final-rules.

[491] H.R. Rep. No. 118-273, at 1, 11 (Nov. 14, 2023). https://www.govinfo.gov/app/details/CRPT-118hrpt273.

[492] *Oversight of the Bureau of Alcohol, Tobacco, Firearms, and Explosives: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. 71 (May 23, 2024) (Serial No. 118-81).

2024 – Reps. Clyde and Cloud Amendment Passes House Appropriations Committee

The House Appropriations Committee adopted Representative Clyde's amendment 29 to 25 on July 9, 2024. The language was inserted as section 626 of H.R. 9026: "None of the funds made available by this Act may be used to record, or maintain any recording of, any record delivered to the Attorney General pursuant to section 923(g)(4) of title 18, United States Code."[493]

The Trump Administration Rolls Back Biden Administration Registration Efforts

2025 – Rep. Cloud and Sen. Risch Introduce H.R. 563 and S. 119

In the 119th Congress, Senator James Risch introduced the No REGISTRY Rights Act as S. 119 on January 16, 2025, and Representative Michael Cloud introduced H.R. 563 on January 20, 2025.[494] As of publication, S. 119 has 13 cosponsors and H.R. 563 has 75 cosponsors.[495]

2025 – President Trump's ATF Repeals President Biden's Zero Tolerance Policy

Acting Director Kash Patel announced, with the Department of Justice and ATF, on April 7, 2025, that ATF was repealing the Biden-era zero-tolerance policy. On May 6, 2025, ATF issued a new Federal Firearms Administrative Action Policy requiring a fact-specific analysis rather than "zero tolerance" for certain violations.[496]

After repealing the zero-tolerance policy, ATF offered to restore licenses that had been revoked or surrendered under it. In May 2025 the bureau announced that federal firearms licensees that surrendered their licenses, had their licenses revoked, or had their applications denied based on the Enhanced Regulatory Enforcement Policy may reapply, and that new applications and pending matters would be judged under the new administrative action policy.[497]

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[493] H. Comm. on Appropriations, Full Committee Votes, Roll Call 3 (July 9, 2024), Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY 2025, motion by Mr. Clyde, https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=117502; H.R. 9026, 118th Cong. § 626 (as reported July 11, 2024), https://www.congress.gov/118/bills/hr9026/BILLS-118hr9026rh.htm; *see also* H.R. Rep. No. 118-582.

[494] H.R. 563, 119th Cong. (2025); S. 119, 119th Cong. (2025). *See also* Erich Pratt, written testimony submitted to the U.S. Senate Committee on Homeland Security and Governmental Affairs, hearing on "The Second Amendment" (Apr. 15, 2026) (official revised statement), at 5, 8.

[495] H.R. 563, 119th Cong., Cosponsors, Congress.gov, https://www.congress.gov/bill/119th-congress/house-bill/563/cosponsors; S. 119, 119th Cong., Cosponsors, Congress.gov, https://www.congress.gov/bill/119th-congress/senate-bill/119/cosponsors; Bill Status, H.R. 563, 119th Cong., GovInfo (updated Nov. 10, 2026), https://www.govinfo.gov/bulkdata/BILLSTATUS/119/hr/BILLSTATUS-119hr563.xml.

[496] Department of Justice and Bureau of Alcohol, Tobacco, Firearms and Explosives, *DOJ, ATF Repeal FFL Inspection Policy and Begin Review of Two Final Rules* (Apr. 7, 2025), https://www.atf.gov/news/press-releases/doj-atf-repeal-ffl-inspection-policy-and-begin-review-two-final-rules; ATF Order 5370.1H, *Federal Firearms Administrative Action Policy and Procedures* (May 6, 2025), § 6, https://www.atf.gov/media/22596/download.

[497] Bureau of Alcohol, Tobacco, Firearms and Explosives, *Protecting Second Amendment Rights* (May 21, 2025), https://www.atf.gov/firearms/protecting-second-amendment-rights.

2025 – Defunding the Registry Included in FY 2026 ATF Funding Bill

The fiscal year 2026 House Commerce, Justice, Science bill, H.R. 5342, included in its base text section 608 (no funds to record or maintain recordings of records delivered under 18 U.S.C. § 923(g)(4)) and section 609 (no funds for the Out of Business Records Imaging System Database), plus section 566 (no funds to create, operate, or maintain a federal firearms registry).[498]

2026 – GOA Proposes "Zero-Year" Record Retention

On April 10, 2026, GOA Director of Federal Affairs Aidan Johnston published "This Is How ATF Should Dismantle The Illegal Registry," attaching GOA's memorandum, "ATF's Proposed Changes to FFL Recordkeeping Requirements Must Safeguard Gun Owners' Privacy." GOA's memorandum asked that ATF's record retention period "ideally should be zero years" and concluded that ATF "should entirely eliminate its out of business records center, and destroy all such records."[499]

2026 – GOA Senior Vice President Erich Pratt Tells the Senate Retention Should Be "Zero Years"

On April 15, 2026, GOA Senior Vice President Erich Pratt submitted written testimony to the U.S. Senate Committee on Homeland Security and Governmental Affairs hearing on "The Second Amendment." In oral testimony and questioning, he told the Committee that a "shall not be infringed" view "would mean the ATF retains those 4473s for zero years, not 10, not 20, 30, or indefinitely, but zero," and that "that registry cannot continue to exist, Senator."[500]

2026 – Defunding the Registry Included in FY 2027 ATF Funding Bill

The fiscal year 2027 House Commerce, Justice, Science subcommittee mark of April 24, 2026, again includes base-text language prohibiting funds from being used to record, digitize, or maintain recordings of records delivered under 18 U.S.C. § 923(g)(4) (section 580), plus a general prohibition on creating, operating, or maintaining a federal firearms registry (section 560).[501]

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[498] Commerce, Justice, Science, and Related Agencies Appropriations Act, 2026, H.R. 5342, 119th Cong. §§ 566, 608, 609 (as reported to the House, H.R. Rep. No. 119-272), https://www.congress.gov/119/bills/hr5342/BILLS-119hr5342rh.htm.

[499] Aidan Johnston, *This Is How ATF Should Dismantle The Illegal Registry*, Gun Owners of America (Apr. 10, 2026), https://www.gunowners.org/this-is-how-atf-should-dismantle-the-illegal-registry/; @GunOwners, X (Apr. 10, 2026, 12:56 PM EDT), https://x.com/GunOwners/status/2042647894986014806; Retention of Firearms Transaction Records, 50 Fed. Reg. 26,702 (June 28, 1985); Gun Owners of America, *ATF's Proposed Changes to FFL Recordkeeping Requirements Must Safeguard Gun Owners' Privacy* (Apr. 10, 2026), §§ II.A–II.B, at 3–4. *See also* Federal Firearms Act, ch. 850, 52 Stat. 1250 (June 30, 1938); Gun Control Act of 1968, Pub. L. No. 90-618, 82 Stat. 1213 (Oct. 22, 1968).

[500] Written Testimony of Erich Pratt, GOA Senior Vice President, submitted to the S. Comm. on Homeland Sec. & Governmental Affairs, hearing on "The Second Amendment" (Apr. 15, 2026) (official revised statement); *The Second Amendment: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 119th Cong. 18, 25 (Apr. 15, 2026) (S. Hrg. 119-382), https://www.govinfo.gov/app/details/CHRG-119shrg63505 (oral testimony and questioning).

[501] H. Comm. on Appropriations, Subcomm. on Commerce, Justice, Science, and Related Agencies, Subcommittee Mark, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2027, §§ 560, 580 (Apr. 24, 2026), https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=119251.

2026 – ATF Proposes 20/30-Year Record Retention Rule

ATF published Firearm Records Retention Periods, 91 Fed. Reg. 24,413 (May 6, 2026), proposing that Form 4473 records and NTC out-of-business records be kept for 20 or 30 years rather than indefinitely.[502]

In ATF's own summary, ATF wrote: "Specifically, ATF is proposing these records be retained for a specific period rather than indefinitely, and is considering either 20 or 30 years for the specified period." For dealer Forms 4473, ATF "proposes to remove the requirement in § 478.129(b) that FFLs must retain Forms 4473 permanently and replace it with a requirement that FFLs retain Forms 4473 for either 20 or 30 years." For records already in ATF's possession, "ATF is therefore proposing to limit the period NTC retains OOB records to no longer than 20 years [or 30 years] from the date it receives the records."[503]

Gun Owners of America criticized ATF for proposing a 40 to 60 year gun registration period and urged the Administration to adopt a stronger rule.[504]

2026 – Director Cekada Tells House Oversight There Is No Searchable Gun Database

ATF Director Robert Cekada testified on May 14, 2026, before the Subcommittee on Federal Law Enforcement of the House Committee on Oversight and Government Reform. In his opening statement he said, "ATF complies with all laws enacted by Congress. We do not have an illegal firearms registry, and we are committed to upholding the Second Amendment rights of law-abiding citizens and to protect their privacy."[505]

Representative Summer Lee asked Director Cekada to confirm that "ATF's gun tracing database is not the same as a searchable national registry of law-abiding gun owners." Director Cekada answered, "There is no searchable gun database for American gun owners."[506]

Representative Paul Gosar then asked, "does the Federal Government maintain any Federal firearm databases?" Director Cekada said the closest thing he would call a database is the National Firearms and Transfer Record for NFA firearms, and that "[a]s it applies to any other firearms that are under the Gun Control Act (GCA), there is no database." Representative Gosar pointed to the 2021 leak, reported by Gun Owners of America, of more than 50 million out-of-business records processed in a single year and asked whether that was "a firearm database maintained by the Federal Government." Director Cekada

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[502] Firearm Records Retention Periods, 91 Fed. Reg. 24,413 (proposed May 6, 2026) (RIN 1140-AA95, Docket ATF-2026-0003).

[503] *Id.*

[504] Gun Owners of America & Gun Owners Found., Comment on Firearm Records Retention Periods, RIN 1140-AA95, at 7, 9 (June 2, 2026) (regulations.gov ATF-2026-0003-3751), https://www.gunowners.org/wp-content/uploads/GOA_ATF_OOB_Records_Retention_Comment.pdf.

[505] *Privacy Protections and the Second Amendment: Examining ATF's Relationship to the Tiahrt Amendment: Hearing Before the Subcomm. on Fed. Law Enforcement of the H. Comm. on Oversight and Gov't Reform*, 119th Cong. 6 (May 14, 2026) (Serial No. 119-63) (statement of Robert Cekada, Director, ATF).

[506] *Id.* at 9.

said, "It is not a firearms database." He described out-of-business delivery under the statute and said, "In the system, the only thing that is actually searchable is a serial number."[507]

Representative Andrew Clyde later asked how optical scanning of Forms 4473 at about four per second could be reconciled with FOPA's bar on rules requiring that records "be recorded or transferred to a facility owned, managed, or controlled by the United States." He said, "Help me understand the optical recording of these 4473s. Now, you can have the 4473s. You can search them." Director Cekada answered that "from our perspective" the program predates his supervision, that ATF lacks space for the volume of paper, and that "[e]ven with the optical scanning, again, which only gives us very limited access to the serial number, that still leaves us with massive amounts of paper records."[508]

2026 – ATF Admits It Has 1,414,088,513 Records in Its Registry

ATF's June 10, 2026, letter to Representative Cloud reported 1,414,088,513 pages of out-of-business records as of May 19, 2026.[510] ATF's 2026 letter to Congress broke the records down by type: 912,184,571 pages in the Enterprise Content Management system, 397,009,542 pages converted from microfilm and microfiche, and 104,894,400 hard-copy pages awaiting scanning.[511] Approximately 1.309 billion pages, or nearly 93 percent, are already digitized.



Figure 28: Out-of-business record boxes in ATF's National Tracing Center warehouse.[509]

2026 – ATF Ransomware Attack Raises Security Concerns

The Department of Justice confirmed on August 26, 2026, that ATF had been hit by a ransomware attack, and the Russian cybergang Qilin claimed responsibility, according to Cybernews.[512]

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[507] *Id.* at 11.

[508] *Id.* at 33.

[509] U.S. Dep't of Just., Off. of the Inspector Gen., *Audit of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Management of Firearm Trace Requests at the National Tracing Center*, Audit Division 26-079 (Aug. 2026), app. 4.

[510] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4.

[511] *Id.* at 4.

[512] Harold Hutchison, *ATF Hit By Ransomware Attack, DOJ Says*, Conservative Daily News / Daily Caller News Foundation (Aug. 26, 2026), https://conservativedailynews.com/2026/08/atf-hit-by-ransomware-attack-doj-says/.

2026 – Director Cekada Again Denies the Registry

Director Robert Cekada sat for an on-camera interview with Louis Bonham of Shooting News Weekly on October 9, 2026; ATF Chief Counsel Robert Leider also participated. Asked whether ATF's Martinsburg digital database of about 1.4 billion transactions "is in fact a registry prohibited by the Firearms Owners Protection Act," Director Cekada said ATF is "required by law to maintain those records" in order to provide traces.[513]

He said, "When people hear 1.4 billion records, there isn't actually 1.4 billion firearms transaction records," because each page of an out-of-business record is counted, and that ATF has "zero live records from federal firearms licensees that are in business."[514]

He said only about 3.5 percent of those pages have been scanned, that the scanner was programmed without optical character recognition, and that then-Director Dettelbach "was mistaken in his description" of paying Adobe and turning a feature off. He said, "None of these things are a live registry as people would believe," and "We are 100% in compliance with the law."[515] Director Cekada did not explain what his 3.5 percent figure covers, and it matches nothing in ATF's own count. ATF's June 10, 2026, letter reports 912,184,571 images in its Enterprise Content Management system, where its high-speed IBML scanners send scanned paper records, and 397,009,542 more images converted from microfilm and microfiche, about 93 percent of the total.[516]

His full explanation of the 1.4 billion figure was:

> When people hear 1.4 billion records, there isn't actually 1.4 billion firearms transaction records. What happens is, for example, this sheet of paper, if this was a 4473, over the years, it was a few pages to six pages, whatever it is, each page on the out of business records, only the out of business records. We have zero live records from federal firearms licensees that are in business. Each page is one of those records that contributes to the 1.4 billion number. And if there's only 3.5% of those 1.4 billion records, which are pages that have actually been scanned into a system called IBM-L. That system is a high speed digital scanner that IBM programmed prior to even installing it at our site to not be able to utilize object character recognition. … So I'm going to use Rob Cekada math. … If you take the 1.4 billion records and then multiply by 3.5%, it comes out to be roughly 49 million, which is a huge number. But then if you divide that by either five or six, I'll go with six because it's an easier number for me. Let's go. It's about 8.5 million records that are in—that have been digitized. When I say records, 4473s, out-of-business records. And they could be anything that's within a couple years old or 60

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[513] Dan Zimmerman, *SNW Talks With ATF Director Robert Cekada About Jensen, Firearm Records and Much, Much More*, Shooting News Wkly. (Oct. 9, 2026), https://www.shootingnewsweekly.com/atf/snw-talks-with-atf-director-robert-cekada-about-jensen-firearm-records-and-much-much-more/.

[514] *Id.*

[515] *Id.*

[516] Letter from Justin Ward, Assistant Director, Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives, to Rep. Michael Cloud (June 10, 2026), at 4; *FOIA Release One*, at 9.

> years old. Depends on what's in the system there. The rest of the records are all in boxes and boxes and boxes throughout two buildings.[517]

The Epoch Times published an interview by Michael Clements the next day, October 10, 2026, under the headline "ATF Director Denies Existence of Gun Registry, Warns That Future Admins Could Develop One." Director Cekada described a widow who asked ATF to list her late husband's guns: "I said, 'Ma'am, I'm sorry, we can't do that.' And she was shocked because she thought, like everyone thinks, that we have this ability. We just don't."[518]

He said, "Congress needs to strengthen Tiahrt, and frankly, they need to ensure that the Firearms Owners Protection Act covers any potential gap that somebody could find in the future," and that "there could be an administration that would be helping Congress, who has control to make new laws, to try and develop a registry."[519]

Director Cekada appeared again on October 22, 2026, on Legally Armed America in an interview titled "ATF Director: Could Your Suppressor Make You a Felon Later?"[520] On November 6, 2026, ATF posted a clip of that interview with this written caption: "Is ATF scrolling through 4473s to build a list of gun owners? No. ATF doesn't have access to FFLs' 4473s if they are still in business."[521] In the clip, Director Cekada said, "We don't have access to 4473s for any federal firearms licensee that's still in business," that ATF receives those records when a licensee goes out of business, and that "the purpose of those records is not to go fishing through the records for who may have bought a particular type of firearm or suppressor" but to enable crime-gun traces.[522]

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https://www.shootingnewsweekly.com/atf/snw-talks-with-atf-director-robert-cekada-about-jensen-firearm-records-and-much-much-more/

[518] Michael Clements, *ATF Director Denies Existence of Gun Registry, Warns That Future Admins Could Develop One*, Epoch Times (Oct. 10, 2026), https://www.theepochtimes.com/us/atf-director-denies-existence-of-gun-registry-warns-that-future-admins-could-develop-one-6101370.

[519] *Id.*

[520] Robert Cekada, interview, *ATF Director: Could Your Suppressor Make You a Felon Later?*, Legally Armed America, YouTube (Oct. 22, 2026), https://www.youtube.com/watch?v=JcypJqYSblc.

[521] ATF Headquarters, X post (Nov. 6, 2026, 2:00 p.m. ET), https://x.com/ATFHQ/status/2118780467461710034.

[522] Robert Cekada, interview, *ATF Director: Could Your Suppressor Make You a Felon Later?*, Legally Armed America, YouTube (Oct. 22, 2026), https://www.youtube.com/watch?v=JcypJqYSblc; ATF Headquarters, X post (Nov. 6, 2026, 2:00 p.m. ET), https://x.com/ATFHQ/status/2118780467461710034.

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., as GOA's primary point of contact for Congress and the executive branch and helping to define and execute no-compromise strategies in response to political developments. Aidan lobbied Congress to enact Public Law 118-42, which prevented the Veterans Administration from disarming veterans and enacted a historic budget cut to ATF in response to a period of weaponization. Aidan also lobbied for Public Law 119-21, which eliminated a 92-year-old tax on suppressors, short-barreled rifles, short-barreled shotguns, and AOWs or Any Other Weapons.

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

About Gun Owners of America

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.[523]

It was founded by the late Senator 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 owners' 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.

[523] Gun Owners of America, *About GOA*, https://www.gunowners.org/about/. Complaint ¶ 6, *Morehouse Enters., LLC v. ATF*, No. 3:22-cv-00116-PDW-ARS (D.N.D. July 5, 2022), ECF No. 1.