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United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

September 15, 2016

The Honorable Thomas E. Brandon
Deputy Director
Bureau of Alcohol, Tobacco, Firearms, and Explosives
99 New York Avenue, N.E.
Washington, DC 20226

Dear Deputy Director Brandon:

Since 1979, appropriations to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) have included a variation of a rider restricting ATF from utilizing appropriated funds for administrative expenses in connection with consolidating or centralizing firearms records maintained by Federal firearms licensees (FFL). Additionally, the Firearm Owners Protection Act of 1986 amended the Gun Control Act of 1968 by adding the following language, now located in 18 U.S.C. 926(a):

“No . . . 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.”

In June 2016, at the request of myself and Congressman Darrell Issa, the Government Accountability Office (GAO) published a report entitled, “*Firearms Data: ATF Did Not Always Comply with the Appropriations Act Restriction and Should Better Adhere to Its Policies.*” The report reveals numerous instances in which ATF failed to comply with the appropriations act restriction that call into question ATF’s adherence to law regarding how it handles data systems with retail firearms purchaser information.

It is my understanding that ATF has already complied with some of GAO’s recommendations. In March 2016, ATF converted data from out-of-business firearms industry members that had been kept on a single partitioned server, in violation of the appropriations act restriction, to digital images and permanently deleted the data from the server. Also in March 2016, ATF deleted data that was collected through an ATF program that ran from 2007 to 2009 that was found to not comply with the appropriations act restriction.

I am pleased that ATF has already made some changes and urge you to expeditiously implement all the recommendations for executive action suggested in the report. These recommendations include providing guidance to FFLs participating in the Access 2000 program to ensure that industry members submit out-of-business records as provided by statutory law and to comply with ATF policy by ensuring that firearms

purchaser names are deleted from the Multiple Sales data system two years after the date of the reports, if the firearm has not been connected to a firearms trace.

In the initial request that prompted this report, dated July 18, 2014, I asked that you examine “all current systems and subsystems maintained by ATF which contain retail firearms purchaser data.” However, 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.

In addition, please answer the following questions:

- 1) What is the status of implementing the three recommendations for executive action made by GAO? Please explain.
- 2) Do all other ATF databases comply with the appropriations act restriction and the Firearms Owners’ Protection Act of 1986? What is the factual basis for your answer?
- 3) What actions are being taken to ensure compliance with the appropriations act restriction in the future? Please provide all relevant policies or other documentation outlining future steps.
- 4) What course of action do you plan to take in order to rectify the software defect that allows ATF agents to view and print Suspect Gun Summary Reports, which can contain retail purchaser information?
- 5) How does ATF plan to fully comply with its own agency policy in deleting records from the Multiple Sales data system two years after the date of the reports, when the firearm has not been connected to a firearms trace?

Please contact Fred Ansell of the Senate Judiciary Committee staff at Fred_Ansell@judiciary-rep.senate.gov with any questions.

Sincerely,



Charles E. Grassley
United States Senator