

From: Moran, Molly (OAG)
To: Weich, Ron (SMO); Thiemann, Robyn (OLP)
CC: Reich, Steven (ODAG)
Sent: 8/4/2011 11:29:44 AM
Subject: RE: Firearms Industry Files Suit Against ATF to Stop Multiple Sales Reporting of Rifles
Attachments: NSSF complaint 8-3-11.pdf

It's a characterization of ATF's response to a finding in OIG's report on Project Gunrunner. The allegation from the complaint is pasted below. Complaint attached (w/o exhibits).

12. Federally-licensed firearms dealers are not statutorily required to maintain records reflecting the information demanded by ATF in its letter to these dealers and Congress has not conferred statutory authority on ATF to collect the information demanded. In response to the Department of Justice Office of Inspector General's review of proposed ATF action "seeking a requirement for reporting multiple sales of long guns[.]" the ATF itself questioned its authority to impose such a new legal requirement:

Summary of ATF Response. ATF concurred with this recommendation, but noted that it may require a change to the *Gun Control Act*, which is beyond ATF's and the Department's authority. ATF stated that it would explore the full range of options to seek information regarding multiple sales of long guns.

A copy of the pertinent segment of the U.S. Department of Justice Office of the Inspector General Evaluation and Inspections Division's *Review of ATF's Project Gunrunner* in November 2010, is attached as Exhibit D.

From: Weich, Ron (SMO)
Sent: Thursday, August 04, 2011 11:26 AM
To: Moran, Molly (OAG); Thiemann, Robyn (OLP)
Cc: Reich, Steven (ODAG)
Subject: FW: Firearms Industry Files Suit Against ATF to Stop Multiple Sales Reporting of Rifles

DP

DP

Thx.

From: ATF
Sent: Wednesday, August 03, 2011 9:23 AM
To: All Assistant Directors; All Deputy Assistant Directors; Melson, Kenneth E. (ATF); Hoover, William J. (ATF); Sarnacki, Jeffrey P. (ATF); All Special Agents in Charge
Cc: ATF Thomasson, Scot L. (ATF); Office of Legislative Affairs; ATF Wade, Jill C (SMO); Weich, Ron (SMO)
Subject: Firearms Industry Files Suit Against ATF to Stop Multiple Sales Reporting of Rifles

fyi

ATF

DOJ- Bureau of Alcohol, Tobacco, Firearms & Explosives
Chief - Office of Legislative Affairs

ATF

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To: ALL MEDIA
For immediate release

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August 3, 2011

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Firearms Industry Files Suit Against ATF to Stop Multiple Sales Reporting of Rifles

NEWTOWN, Conn. -- The National Shooting Sports Foundation (NSSF), the trade association for America's firearms industry, today filed a lawsuit challenging the legal authority of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) under the Gun Control Act to compel 8,500 federally licensed firearms retailers in Arizona, California, New Mexico and Texas to report the sale of two or more rifles.

Specifically, the regulation calls for reporting multiple sales of any semi-automatic rifle larger than .22 caliber and capable of accepting a detachable magazine that are purchased following an FBI background check by the same individual within five consecutive business days.

NSSF's lawsuit, filed in the U.S. District Court for the District of Columbia, seeks an injunction to block ATF from implementing the reporting requirement. ATF has sent "demand letters" to firearms retailers in the four states to inform retailers they must begin reporting such sales by August 14.

NSSF Senior Vice President and General Counsel Lawrence G. Keane pointed out that if ATF can require this record-keeping and reporting requirement of law-abiding retailers in these four states simply by sending a letter demanding the information, then there is no record or report ATF cannot require of any licensee, anywhere in the country, for as long as ATF wants. "This is the proverbial 'slippery slope,' and our industry is extremely concerned about it," said Keane.

Keane added, "At the time Congress authorized the reporting of multiple sales of handguns, it could have required it for the sale of long guns, but it did not. Acting ATF Director Ken Melson himself has questioned ATF's legal authority to impose this new requirement."

Despite its lawsuit, NSSF is encouraging all retailers, not just those along the Southwest border, to continue to cooperate with law enforcement and report any suspicious activity to the ATF. "The firearms industry and NSSF take pride in having a longstanding cooperative relationship with ATF," said NSSF President and CEO Steve Sanetti. "Retailers have long been considered a vital source of information for law enforcement in combating illegal firearm trafficking."

Even if ATF had the legal authority to require multiple sales reporting for long guns, NSSF believes the policy would still be unwise to implement. "We believe the policy will make it more difficult for retailers to assist law enforcement," said Keane. Illegal firearms traffickers will simply alter their schemes to avoid and evade the reporting requirement, making it more difficult for retailers to identify and report suspicious activity. For example, traffickers could simply recruit more "straw purchasers" and have them illegally purchase firearms from multiple licensees, or simply move their illegal trafficking activities to other states where the reporting requirement does not exist.

Sanetti pointed out that for more than a decade, the firearms industry has done its part to help prevent illegal straw purchases through the Don't Lie for the Other Guy program. The program, a cooperative effort between NSSF and ATF, educates retailers on how to spot potential illegal purchasers and warns the public that it's a serious crime to attempt such a purchase. The program is active in firearms retailer shops across the country. Over the last several years, the firearms industry has solely funded the rollout of Don't Lie for the Other Guy in border-state areas to deter individuals with intent to illegally purchase firearms. See www.dontlie.org.

Also today lawyers representing the National Rifle Association filed a separate lawsuit in the U.S. District Court for the District of Columbia challenging ATF's requirement for reporting multiple sales of rifles.

[Read the NSSF complaint.](#)

The National Shooting Sports Foundation is the trade association for the firearms industry. Its mission is to promote, protect and preserve hunting and the shooting sports. Formed in 1961, NSSF has a membership of more than 6,000 manufacturers, distributors, firearms retailers, shooting ranges, sportsmen's organizations and publishers. For more information, log on to www.nssf.org.

NSSF is celebrating its 50th anniversary in 2011. Learn about the Foundation's history at www.nssf.org/50.



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National Shooting Sports Foundation | 11 Mile Hill Rd | Newtown | CT | 06470

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