

Congress of the United States
Washington, DC 20515

April 10, 2024

Steven Dettelbach
Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Ave NE
Washington, DC 20226

Dear Director Dettelbach,

It has come to our attention that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) released a list of federally licensed firearms dealers (FFLs) that are on the ATF Demand 2 Program in response to a Freedom of Information Act (FOIA) request from both USA Today and Brady United.^{1,2} The information from this list comes from the National Tracing Center's (NTC) Firearms Tracing System (FTS). The release of this information is in direct violation of the Tiahrt Amendment, which since 2003, has prohibited ATF from disclosing the contents from the FTS database to anyone other than a law enforcement agency or prosecutor in connection with a criminal investigation.³

A Demand 2 Program is issued to FFLs who had 25 or more firearms traced to them the previous calendar year with a "time-to-crime" of three years or less. ATF's release in response to a FOIA of the names of FFLs on ATF's Demand 2 Program *necessarily* involved releasing information contained in the FTS, i.e., the identity of the FFL, the existence of trace requests, the number of traces received (at least 25), and the "time to crime" for those traces. ATF's release of this data from the FTS is a clear violation of the Tiahrt Amendment. It is our understanding that this is the first time ATF has ever released the identity of those FFLs currently of ATF's Demand 2 Program, which has been in existence for approximately 20 years.

FFLs who are on the Demand 2 Program, lawfully sold firearms to customers, after a Brady background check, that were recovered by law enforcement supposedly in connection with some undisclosed crime. **However, there is no assumption that FFLs on the Demand 2 Program are guilty of any wrongdoing.**⁴

Disclosing information from the National Trace Center for non-law enforcement related purposes can seriously damage the reputation of law-abiding firearms dealers since the information lacks the context of a trace. There are many reasons why an FFL may have a high number of traces. For instance, the FFL or customer is, a victim of burglary, or the FFL has a high volume of sales will which inherently make it more likely to have sold firearms show up in traces.

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The Tiahrt Amendment protects FFLs from unnecessary reputational damage while allowing information to be transmitted to law enforcement agencies for legitimate investigations into firearm related crimes. Unfortunately, ATF decided to ignore this important protection, and USA Today and Brady United are now using this information to negatively influence public opinion of FFLs by releasing "name and shame" lists of honest businesses. We believe this is a blatant attack on the firearms industry and ultimately an attack on our ability to exercise our Second Amendment right to keep and bear arms.

Congress has the responsibility to provide oversight over ATF, and we ask you to answer the following questions:

1. Does ATF acknowledge that information from the Demand 2 Program comes from the Firearms Trace System database?
2. Does ATF acknowledge that the Tiahrt Amendment prohibits ATF from disclosing contents, specifically including pursuant to a FOIA request, from the Firearms Trace System database to anyone other than a law enforcement agency or prosecutor in connection with a criminal investigation?
3. How did ATF justify violating the Tiahrt Amendment to release the names of FFLs that are part of the Demand 2 Program?
4. What actions will ATF take to ensure that it will not violate the Tiahrt Amendment in the future?
5. Does ATF acknowledge there is no assumption of guilt for FFLs who are placed on the Demand 2 Program?
6. Does ATF acknowledge how the release of information from the Firearms Trace System for non-law enforcement purposes can result in unnecessary reputational damage for FFLs who are on the Demand 2 Program?
7. How will ATF remedy the reputational damage to FFLs resulting from ATF's violation of the Tiahrt Amendment?
8. Does ATF intend to apologize to the FFLs on Demand 2 Program for releasing their names to a gun control group and a media organization for the reputation harm ATF's release has caused their business?

Please provide answers in writing within 60 days of receipt of this letter and thank you for looking into this important matter.

A handwritten signature in blue ink, appearing to read "Jeff Duncan". The signature is stylized with a large, looping initial "J" and a cursive "Duncan".

Jeff Duncan
Member of Congress

Congress of the United States

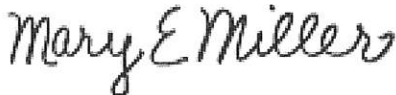
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Andrew S. Clyde
Member of Congress



Andy Biggs
Member of Congress



Mary E. Miller
Member of Congress



Ben Cline
Member of Congress



Doug LaMalfa
Member of Congress



Josh Brecheen
Member of Congress



Diana Harshbarger
Member of Congress



Chuck Fleischmann
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Eli Crane
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Aaron Bean
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Bill Posey
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Byron Donalds
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Alex X. Mooney
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Bob Good
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Rudy Yakym III
Member of Congress


William R. Timmons, IV
Member of Congress



Lauren Boebert
Member of Congress

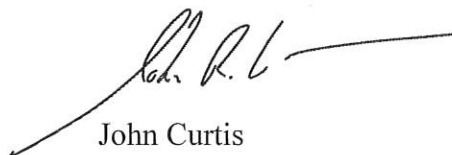

Austin Scott
Member of Congress


Elise Stefanik
Member of Congress

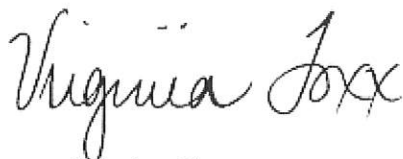

Pete Sessions
Member of Congress


Mark Alford
Member of Congress

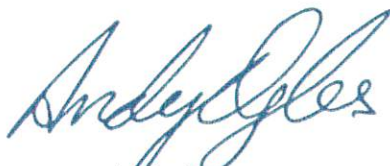

Rich McCormick, MD, MBA
Member of Congress



John Curtis
Member of Congress


John Rose
Member of Congress


Virginia Foxx
Member of Congress

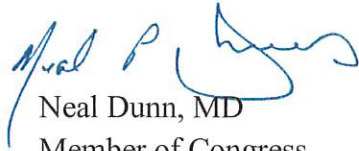

Dan Bishop
Member of Congress


Andy Ogles
Member of Congress

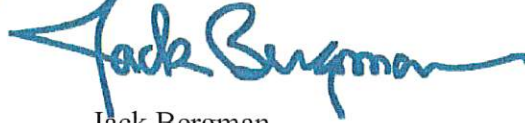

Blake Moore
Member of Congress

Congress of the United States

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A handwritten signature in blue ink, appearing to read "Neal P. Dunn".

Neal Dunn, MD
Member of Congress

A handwritten signature in blue ink, appearing to read "Jack Bergman".

Jack Bergman
Member of Congress

A handwritten signature in black ink, appearing to read "Michelle Fischbach".

Michelle Fischbach
Member of Congress

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Sources:

1. USA Today, Gun Shops that Sell the Most Guns Used in Crime Revealed in New List, Nick Penzenstadler, February 15, 2024
<https://www.usatoday.com/story/news/investigations/2024/02/15/shops-selling-most-crime-guns-revealed-atf/72581120007/>
2. Brady United, Report: Brady Unveils over 1,500 Gun Dealers Linked to Large Amount of Crime Guns, February, 24, 2024 <https://www.bradyunited.org/press-releases/dl2-report>
3. Congressional Research Service, Firearms-Related Appropriations Riders, Mainon Schwartz, November 22, 2019 (IF11371) <https://www.crs.gov/Reports/IF11371>
4. Bureau of Alcohol, Tobacco, Firearms and Explosives, National Tracing Center
<https://www.atf.gov/firearms/national-tracing-center>