



Facts about Firearms Trace Data and the federal Tiahrt Amendment

Who compiles firearms trace data? The Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) compiles these records when it traces firearms in response to requests from law enforcement agencies.

What are the limitations of the trace data? The Congressional Research Service has repeatedly said "firearm trace data may be biased" and "cannot be used to test for statistical significance between firearm traces in general and the wider population of firearms available to criminals or the wider American public."¹ These limitations exist because the "tracing system is an operational system designed to help law enforcement agencies identify the ownership path of individual firearms. It was not designed to collect statistics."²

Traced guns aren't always "crime guns"; firearms may be traced for reasons unrelated to any armed crime. For example, the BATFE trace request form lists "crime codes" for traffic offenses and election law violations, among many others.

What is the Tiahrt Amendment? Every year since 2003, the U.S. Congress has passed increasingly strong language to keep this firearms trace information confidential. The legislation—a series of "riders" to the appropriations bill that funds BATFE—is widely known as the "Tiahrt Amendment," after its sponsor, Rep. Todd Tiahrt (R-Kan).

Is this data available to law enforcement? Yes! The FY 2007 version of the Tiahrt amendment ensures that trace data is available to federal, state, and local agencies "in connection with and for use in a bona fide criminal investigation or prosecution" or for use in administrative actions by BATFE—which is, of course, the principal agency responsible for overseeing the conduct of federally licensed firearms dealers. The language and history of the Gun Control Act are clear: Congress always intended to keep this information confidential, and to allow its use only for legitimate law enforcement purposes. The firearms trace database includes information such as the agency requesting a gun trace, the location from which the gun was recovered, and the identity of the dealer and original retail buyer.

Both BATFE and the Fraternal Order of Police (FOP) oppose release of trace data. See enclosed letter from the FOP detailing their position.

Why is the Tiahrt amendment so important? BATFE has fought for years in the federal courts to keep the databases confidential, because they contain information (such as names of gun buyers) that could jeopardize ongoing investigations—not to mention law enforcement officers' lives. For example, a suspected gun trafficker could search databases for names of "straw purchasers" he had used to buy handguns, or for traces requested on guns he had sold. That information could lead him to names of officers, informants and other witnesses against his crimes.

The information included in these reports includes the name, address, make, models, and serial numbers of the guns purchased, and, if released, could provide criminals with a shopping list of gun owner addresses. The Massachusetts legislature passed Chapter 189 of the Acts of 1982 (amended Section 10 of Chapter 66), to prohibit The Boston Globe from publishing a list of Massachusetts gun owners because of security concerns. As one legislator remarked to our legislative agent, "I don't own a gun. I have no attention of owning a gun. But I don't want the criminals to know there are no guns at my house."

¹ Congressional Research Service, *Gun Control: Statutory Disclosure Limitations on ATF Firearms Trace Data and Multiple Handgun Sales Reports* 3 (June 30, 2006).

² Congressional Research Service, *Assault Weapons @: Military-Style Semiautomatic Firearms Facts and Issues* (May 13, 1992).