

BATFE Requests "Emergency" Authority To Track Semi-Automatic Rifle Sales

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The Bureau of Alcohol, Tobacco, Firearms and Explosives has [proposed](#) that it be given emergency authority for six months, beginning January 5, to require about 8,500 firearms dealers along the border with Mexico "to alert authorities when they sell within five consecutive business days two or more semiautomatic rifles greater than .22 caliber with detachable magazines." A *Washington Post* [story reporting](#) on the BATFE proposal described that definition as being applicable to "so-called assault weapons," but it would also apply to many rifles that have never been labeled with that term.

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The reporting requirement will apparently be imposed under the "authority" the BATFE has used in the past to demand reporting of other types of transactions from certain limited groups of dealers over the past 10 years, but the new proposal is far broader than any previous use of this authority. Of course, there's no law today that prevents dealers from reporting suspicious transactions (or attempted transactions) to the BATFE, and dealers often do so. The BATFE is also free to inspect dealers' sales records—either for annual compliance inspections or during a criminal investigation.



NRA-ILA's chief lobbyist, Chris Cox, denounced the attempt to establish a registry of Americans who purchase semi-automatic rifles that gun control supporters ultimately want to see banned. "This administration does not have the guts to build a wall, but they do have the audacity to blame and register gun owners for Mexico's problems," Cox told the *Post*. "NRA supports legitimate efforts to stop criminal activity, but we will not stand idle while our Second Amendment is sacrificed for politics."

The *Post* says "The plan by the Bureau of Alcohol, Tobacco, Firearms and Explosives revives a proposal that [has languished at the Justice Department](#) and in the Obama administration for several months," and that the gist of the plan was proposed by Mayors Against Illegal Guns (MAIG) last year. In its August 2009 [Blueprint for Federal Action on Guns](#), MAIG indeed proposed that "ATF should identify the long guns most linked to crime and require dealers to report multiple sales of such guns."

The idea must have appealed to the BATFE, because in June of this year Congress' Government Accountability Office released a [report](#) noting that BATFE officials had claimed that U.S. efforts to stop the smuggling of firearms to Mexico are hindered by "a lack of required background checks for private firearms sales, and limitations on reporting requirements for multiple sales."

Curiously, in September, a [draft](#) of the Department of Justice's Inspector General's Office's unfavorable review of BATFE's Project Gunrunner, established to combat the trafficking of firearms to Mexico, didn't mention multiple sales at all. But the [final version](#) of the review, released in November, mentions "multiple sales" 43 times and says "the lack of a reporting requirement for multiple sales of long guns – which have become the cartels' weapons of choice – hinders ATF's ability to disrupt the flow of illegal weapons into Mexico."

Whether BATFE intends its plan as another expansion of its oft-criticized firearm sales record tracing empire, or to lay the groundwork for legislation or regulations restricting "assault weapon" sales, or to fatten the files the agency keeps at its National Tracing Center in West Virginia remains to be seen. And the legality of requiring sales

reports on any long guns is also in doubt. When the Congress specifically imposed multiple sales reporting on handguns only, it implicitly stated its intention that the same requirement not apply to sales of long guns.

However, it is crystal clear that some in the Obama Administration agree with those who believe the answer to crime is always more gun control. In September, MAIG [blamed](#) crime in states that have "strong" gun laws, on states that don't have the same laws. And ever since President Obama took office, gun control supporters have been blaming Mexico's crime problem on America's gun laws.

The fact that Mexico's multi-billion dollar drug cartels have machine guns, rocket launchers, grenades, and other potent weaponry you cannot buy in the United States is, to gun control supporters, irrelevant. The fact that most of the cartels' guns have never been on this side of the U.S. border is, as far as they are concerned, a trifling inconvenience. The fact that the cartels will never have enough "assault weapons" or any other guns from the U.S. to hand out to all the Mexican policemen, soldiers and politicians on their payrolls, is, in their view, an unimportant detail. And the fact that the murder rate in the United States is at a 45-year low, while crime in Mexico is through the roof (the murder rate in Juarez is 115 times higher than in El Paso) is, they would certainly say, a contradiction best ignored.

To read the BATFE's Federal Register notice about the plan, and for information on how to send your comments, click [here](http://edocket.access.gpo.gov/2010/pdf/2010-31761.pdf) (<http://edocket.access.gpo.gov/2010/pdf/2010-31761.pdf>). Comments about the proposal will be accepted for two months; if you choose to comment, please state your firm but polite opposition to the plan.

Needless to say, the NRA will not only comment, but take whatever other action is appropriate to block this sweeping expansion of federal recordkeeping on gun owners. Stay tuned

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11250 Waples Mill Road, Fairfax, VA 22030 800-392-8683

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