

United States Senate

WASHINGTON, DC 20510

December 23, 2010

Mr. Kenneth E. Melson
Acting Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue, NE
Room 5S 144
Washington, D.C. 20226

Dear Acting Director Melson:

We understand the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) proposes to expand existing reporting requirements for gun dealers through the regulatory process. First, we strongly oppose further expansion of these unnecessarily burdensome reporting requirements. Furthermore, any proposed expansion to existing authority should be debated in a transparent manner by the Congress, rather than through the rule-making process.

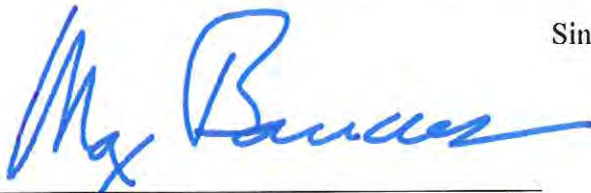
The Bureau should focus on enforcing existing laws rather than implementing additional regulations on law-abiding citizens. There are many commonsense ways to curb violence which have not infringed upon the rights of the American people to keep and bear arms.

As you know, BATFE currently has authority to require dealers to report multiple handgun purchases within a five-day period. This statutory authority is found in Title 18, section 923(g). Additionally, gun dealers are presently required to run all purchases through the NICS process, ensuring that only law-abiding citizens can purchase guns. Any consideration of further expansion of such authority must be done by Congress through the transparent legislative process, not by agency bureaucrats through the regulatory rule-making process. In fact, in response to Department of Justice Office of the Inspector General's recent review of "Project Gunrunner", you note that proposals to expand multiple sales rules may be "beyond ATF's and the Department [of Justice]'s authority."

The situation along the United States-Mexico border is very serious and requires our full attention. We appreciate your efforts in addressing the violence, but our priority must be securing the border, not adding burdensome and needless regulations onto law-abiding American citizens.

Again, we urge the BATFE to refrain from implementing these unnecessary one-size-fits-all regulations and bypassing the transparent legislative process. The border situation requires serious deliberative review, but using the regulatory rule-making process at the expense of law-abiding American citizens is not the right way forward.

Sincerely,



Max Baucus, U.S. Senator



Jon Tester, U.S. Senator