

Exhibit A

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June 1, 2020

By email to foiamail@atf.gov

Bureau of Alcohol, Tobacco, Firearms & Explosives
U.S. Department of Justice
Attn: Disclosure Division/Room 4E.301
99 New York Avenue NE
Washington, D.C. 20226

Re: **FREEDOM OF INFORMATION ACT (FOIA) REQUEST
of Gun Owners of America and Gun Owners Foundation regarding
ATF Processing of Dealer "Out Of Business" Records**

Dear Sirs:

We represent Gun Owners of America ("GOA") and Gun Owners Foundation ("GOF"), and submit this Freedom of Information Act ("FOIA") request on their behalf to the Bureau of Alcohol, Tobacco, Firearms & Explosives ("ATF").

GOA is a nonprofit social welfare organization exempt from federal income tax under section 501(c)(4) of the Internal Revenue Code. GOA's tax-exempt mission and purposes include educating the public and conducting activities in defense of the Second Amendment and the right to keep and bear arms. GOA's principal office is located at 8001 Forbes Place, Suite 202, Springfield, Virginia 22151. (For further information on GOA, please see <https://gunowners.org>.) GOF is a Virginia non-stock corporation, organized and operated as a non-profit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the U.S. Internal Revenue Code. GOF is supported by gun owners across the country, and through contributions made through the Combined Federal Campaign. GOF's principal office is located at 8001 Forbes Place, Suite 202, Springfield, Virginia 22151. (For further information on GOF, please see <https://gunowners.com>.)

Record Request

When a Federal Firearms Licensee ceases operations, without a successor business, 18 U.S.C. § 923(g)(4) and 27 C.F.R. § 478.127 require that its out-of-business records be turned over to ATF's NTC Out-of-Business ("OOB") Records Center in Martinsburg, West Virginia. As ATF's website notes, "NTC receives an average of 1.2 million out-of-business records per month and is the only repository for these records within the United States."¹ We request the following records:

- records identifying the current number of pages of records housed by the OOB Records Center;
- records showing how OOB records are currently stored by ATF, including whether Forms 4473 and/or "bound books" are being scanned into digitized form, and/or turned into a searchable database through manual entry or use of "optical character recognition" software;
- records describing the capabilities of any digital database of OOB records that may exist, such as ability to search for all 4473's ever completed by a particular person;
- any ATF policies or procedures governing access to OOB records; and
- any ATF records discussing how any such digitized database of OOB records that may exist comports with the 18 U.S.C. § 926(a)(3) prohibition on maintenance of a national gun registry.

This request *does not seek* copies of individual 4473s, bound books, or other OOB records, except to the extent a sample or example is necessary to demonstrate the existence or use of the above-sought records. Please limit your search to the time period beginning January 1, 2015 through the date you begin to process this request.

Please email the documents to wjo@mindspring.com, or mail the documents to the following address:

Robert J. Olson, Esquire
William J. Olson, P.C.
370 Maple Ave W., Suite 4
Vienna, VA 22180-5615

Fee Waiver Request

We request that the search, review, and copying fees be waived as provided under section 5 U.S.C. § 552(a)(4)(A) and 28 CFR § 16.10(k). GOA and GOF are nonprofit organizations seeking the requested documents to educate the public on a matter of great public

¹ <https://www.atf.gov/explosives/discontinue-being-federal-explosives-licensee>.

importance, by releasing information that — in addition to contributing to public understanding on the workings of government — may have great effect on substantive policy discussions relating to the exercise of citizens' rights under the Second Amendment. GOA and GOF routinely publish the results of findings from documents they receive through FOIA requests, free-of-charge on their websites, in releases to members and supporters, and through dissemination of information to the news media.

The fees should be waived because release of the requested documents is in the public interest, and the requested information is likely to contribute significantly to public understanding of the operations or activities of the government. Additionally, the records sought by GOA and GOF are likely to contribute significantly to public understanding of the operations or activities of the government.

The release of the requested documents is not primarily for any commercial interest or purpose, including any commercial interest of GOA or GOF. GOA and GOF intend to disseminate to the general public, free of charge, any important information it obtains as a result of this request.

If our clients' waiver request is denied, we would appreciate an estimate of the costs involved in procuring any of the requested documents if such costs exceed \$250. If the costs do not exceed \$250, however, we do not need an estimate, and we will guarantee payment.

We request that the 20-day response time imposed by 5 U.S.C. § 552(a)(6)(A)(i) and 28 CFR § 16.6(b) be adhered to strictly. We look forward to hearing from you within 20 business days.

Thank you for your prompt attention to this request.

Sincerely yours,



Robert J. Olson

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cc: Gun Owners of America
Gun Owners Foundation