

**TREASURY, POSTAL SERVICE, AND GENERAL
GOVERNMENT APPROPRIATIONS FOR
FISCAL YEAR 1999**

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTH CONGRESS
SECOND SESSION

COMMITTEE ON THE TREASURY, POSTAL SERVICE, AND GENERAL
GOVERNMENT APPROPRIATIONS

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PART 5

**STATEMENTS OF MEMBERS OF CONGRESS AND OTHER
INTERESTED INDIVIDUALS AND ORGANIZATIONS**



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ROLL CALL TRAINING

10-95

TOM BUSEY

P R O C E E D I N G S

1
2 MR. BUSEY: Good morning, my name is
3 Tom Busey. I'm chief of the NFA branch, National
4 Firearms Act Branch.

5 A lot of the information that Larry gave
6 you relative to chain of command organization, that
7 applies to us too. What I thought I'd get into this
8 morning is the probably three major things that the
9 branch does.

10 Our first and main responsibility is to
11 make accurate entries and to maintain accuracy of the
12 NFRTR, the National Firearms Registry and Transfer
13 Record.

14 Our second main responsibility is to go
15 look ups for agents in the field who need to find out
16 if an individual has Title 2 weapon.

17 Our third major responsibility, and not
18 quite co-equal, because the sensitivity and
19 criticalness of it is not there, but we also do
20 record inventories for inspectors who are inspecting
21 various firearms dealers. We verify the inventory
22 that we have. We send it to them, they double check

(7)

1 it, and we try to get it straight.

2 I thought I'd start off by showing you some
3 figures because, like imports branch, we also process
4 multitudes of paper. My staffing is very similar to
5 Larry's, although you can double the examiners. I
6 have 12 examiners, imports has 6, and that's
7 basically because of the volume.

8 The first chart you see up there is the
9 amount of Title 2 weapons that are registered right
10 now. There's approximately 728,000 Title 2 weapons.
11 This first graph shows it by state. As you can see,
12 the largest state for Title 2 weapons is California,
13 and then you move right on down to, I believe that's
14 Vermont, isn't it? Yes.

15 VOICE: Virgin Islands.

16 MR. BUSEY: Virgin Islands. I'm sorry.
17 Virgin Islands, 29.

18 Of that 728,000, we estimate, because we
19 don't have the time nor the inclination to do it on a
20 monthly basis, anywhere between 150 to 155,000 is the
21 flash grenades. They come in and out of the
22 inventory so quickly, and probably the accuracy of

(5)

1 those is not very good, basically because when police
2 departments and other law enforcement agencies use
3 these flash grenades, they're supposed to report to
4 us. We remove them from the inventory. But it's
5 such a continual turnover. The Kansas City Police
6 Department may report to us accurately, but the
7 Sheriff's Department up in Utha, we may not hear from
8 them.

9 Some day when we have the manpower and we
10 have the time, we need to go through and separate
11 these out.

12 In fact, we've discussed within the branch
13 setting up possibly two different registries, just so
14 the system doesn't become overburdened to separate
15 these out into an equal category but a separate
16 category.

17 The second graph shows the amount of
18 processing that we do on a fiscal year basis for both
19 '94 and '95. '95, there was a slight decrease
20 between the Form 1s, Form 2s, all the way up to the
21 Form 10s that we process. We processed 214,000
22 pieces of paper in fiscal year '95 on the

(2)

1 registration of manufactured weapons and transferred
2 weapons.

3 The second graph breaks this down into the
4 type of weapon that we have in the registry for both
5 '94 and '95.

6 Destructive devices, the second category,
7 is the largest. Machine guns, silencers, any other
8 weapon, short-barrel shotguns, sawed-off shotguns and
9 short-barrel rifles.

10 I hope that page isn't for a critical
11 lookup.

12 The next graph is the record searches that
13 were completed in 1995. As you can see, our total
14 record searches by our specialists, of which there
15 are six, was 5,368. Of that, 78.5 percent were
16 record searches for special agents in the field who
17 needed either urgent information or routine, and I'll
18 get into that.

19 We did 880 court certifications for trials
20 that came after the work cases, and we did 586
21 inventories for our inspectors in the field and
22 verifying dealers inventories.

(7)

1 The next graph, it probably wouldn't
2 interest you too much. It gets into the special
3 occupational tax and the population of special
4 occupational taxpayers, the number of manufacturers,
5 importers, and Class III dealers that are out there
6 because we also are, obviously, concerned about this
7 data base also.

8 What I thought I'd move into right away is,
9 like I say, probably either first or second, because
10 they're both probably co-equa, is the search that our
11 specialists do, our look-up specialists do, of the
12 NFRTR for special agents when they're working a case,
13 when they're trying to find out if an individual who
14 they had information on has a Title 2 weapon, do we
15 have that Title 2 weapon registered in our data base.

16 These procedures are in effect right now.
17 There's some changes in here that you probably
18 already have heard about relative to the involvement
19 of management and overseeing the results that
20 specialists come up with when they do a record
21 search.

22 The record search can be made either by a

1 call in by special agents with a dedicated number.
2 We just recently have constructed in our work area a
3 separate four-walled office that has the two look-up
4 specialists in it. They're isolated from the other
5 activity of the branch and the division, and their
6 only responsibilities are to take these phone calls
7 from special agents who are doing either weapons
8 searches or individual searches.

9 They can either do that by the telephone
10 number by telephone or by fax machine, which we've
11 recently had installed a separate fax machine,
12 separate from the rest of the division, in that room
13 by itself. That takes nothing but look ups. The
14 search can be requested by name, by the firearms
15 serial number, or both.

16 The specialist that's sitting in there that
17 takes the request enters the information on the NFA
18 record search form, and there's a lot of information
19 that we put on there relative to the name of the
20 agent, the badge number, the address/telephone
21 number, and of course all of the information that we
22 can possibly get from the agent.

(7)

1 The more information that we receive,
2 relative to the individual that they're doing the
3 search on, the better. If we have a birth date,
4 current address, anything. And of course, a lot of
5 times we don't. All we get is just a first and last
6 name. Middle initials even help us.

7 Because as we go through the search, the
8 further we have to go to make sure it's right, all
9 the way back to the actual microfilm records and the
10 actual hard copy of the transfer registration
11 document, even middle initials can help us eliminate
12 erroneous individuals.

13 For a name search, the specialist will
14 search the data base, using the first three letters
15 of the last name. The example given here is Smith,
16 S-M-I. What happens is, they run the S-M-I. They'll
17 get, let's say, 10,000 hits on S-M-I. Then they'll
18 run the state and the S-M-I, and maybe they'll get
19 400. In this case, they probably would. With some
20 more uncommon names, you may only get 3 or 15 or 20
21 names.

22 Then they'll run the fourth letter, to even

(13)

1 break it down further. It's S-M-I, and then it'll be
2 T.

3 Let me say that when we testify in court,
4 we testify that the data base is 100 percent
5 accurate. That's what we testify to, and we will
6 always testify to that. As you probably well know,
7 that may not be 100 percent true. If our data base
8 was absolutely error free, we could simply run the
9 name of the individual and his first name, and if it
10 didn't come up, we could guarantee everyone that that
11 individual doesn't have a Title 2 weapon registered
12 to him.

13 But since sometimes in the entry part of
14 this game people invert letters and vowels, you could
15 put the name in, it won't come up that way.

16 So we run multiple methods of running it.
17 If the last name and first name, if the guy's first
18 name or the lady's first name, looks like a last
19 name, we'll run that first. We'll invert it, just to
20 see what we come up with.

21 So this way, we try to eliminate the
22 possibility of have somebody in there who has a Title

(11)

1 2 that we come up with a report that says they do
2 not. We are going to a new data base whose
3 capabilities will allow us to do more varied kind of
4 queries and hopefully better queries, phonetics,
5 Sound, Soundex (ph). Soundex will help us.

6 For a serial number, we'll just search the
7 exact serial number. We have come up with a couple
8 of incidences, and this shows the skill of the
9 specialists that are in there, where a 2 has looked
10 like a 2 and a 2 has looked like a 2. If you run the
11 wrong one, you come up with no registration. If you
12 run them both, you find out that it is registered
13 that way. There was a mistake in the printing on the
14 form, or it was a mistake in the call in.

15 So we do the exact serial numbers, but we
16 do look for idiosyncracies in the serial number that
17 might make it more apt that some kind of inversion
18 could have taken place.

19 The specialists will analyze the results of
20 the search. Like I say, since the serial number is
21 exact, the only records where the serial number is
22 identified, will be provided.

(12)

1 The specialists will eliminate records
2 based on the type and description of the firearm.
3 For the name search, we do the name, we run the FFL,
4 the licensee data base, and the SOT data base with
5 the name to see if there's any trade names.

6 If there's any trade names, then we go back
7 to the registry to run the trade name to see if that
8 trade name has any Title 2 weapons registered to it,
9 because in many cases the agents call in with a name.
10 That individual turns out to be a licensee, turns out
11 to be a special occupational taxpayer.

12 Although there was nothing registered under
13 his name, there were weapons registered under his
14 trade name, his company name. In many cases, they
15 may have two or three different trade names.

16 Again, as I emphasized a minute ago, to
17 ensure the thoroughness of the search, the requesting
18 agent should supply as much information as he
19 possibly can. A lot of times that information is
20 only first name/last name, and that's all he has,
21 based on an informant or tip or whatever, and that's
22 what we run with. is that.

(12)

1 I mentioned before we'll run the SOT data
2 base and we'll run the FFL data base, licensee data
3 base, to see if we come up with anything there, and
4 then we'll go back to the NFRTR to find out if they
5 have any weapons registered to them.

6 Depending on what we come up with, when we
7 come up with similar names, and we don't have a date
8 of birth, if we come up with Allison Stevens or Tom
9 Bussey, and we come up he's in a different state,
10 we'll get the hard copy or the microfilm copy of the
11 actual transfer record to see if the date of birth is
12 the same as the agent has.

13 Depending on the volume that we're dealing
14 with, a lot of times what we're doing now is we are
15 sending -- I have been there a year now, and before I
16 got there, we were sending basically either hit or no
17 hit, and we'd send the hit. We would send possibles
18 if they were real close, but due to some difficulties
19 that we've had and to make sure that we don't -- we
20 try not to send the wrong information, we have been
21 sending probably more information than the agent
22 needs.

(17)

1 If we come up with, if there's 22
2 Tom Smiths in the State of Arkansas that have
3 registered weapons, we send all 22 Tom Smiths, even
4 if the date of birth is different, just to give the
5 agent the opportunity to do the investigative work,
6 rather than just telling, here's the one that we
7 think might be it, the other 19 we don't think are
8 it. We'll let the agent decide whether that other 19
9 might possibly be the individual they're looking for.

10 That's why we can go all the way back to
11 the hard copy. We can go all the way back to the
12 microfilm to really pin down if the individual we
13 have is the one you're looking for.

14 What we've started, since there was a
15 problem in Baltimore with a look up and there was a
16 problem up in Minnesota, I think it was, about six
17 months ago, from now on, before negative information
18 is sent to an agent -- if the agent indicates that
19 it's a routine, he's not in a big rush for it, we
20 used to get it back to him on the same business day.
21 Now if an agent says it's routine, he may not get it
22 back until the next business day. If it's an urgent.

(13)

1 he will get it back that day.

2 We'll call the information back to him and
3 the hard copy of the information will be mailed to
4 him. If he needs it real fast, we FedEx it.

5 The reason why the routine may not get back
6 the same day anymore is all the negative
7 information -- by negative, I mean, if the specialist
8 does a look up on a name and comes up with zero,
9 can't find that name anywhere, before that
10 information goes back to the field agent, it comes to
11 the branch chief's office. The branch chief sits
12 down and basically doesn't do anymore than what the
13 specialist did in the look up, but goes over all the
14 information on the printouts to see if all the
15 procedures have been followed right to the very end.

16 Did they look at the PFL data base. Did
17 they look at the SOT data base. Did they have names
18 that were similar to the name that was requested.
19 Did they check out the actual hard copy of the
20 microfilm to see if this was the individual and
21 someone had just misspelled it when it went into the
22 data base.

(16)

1 Once the branch chief reviews this
2 completely, then he'll return the information to the
3 look-up specialist, who will communicate, transmit
4 this information to the field agent.

5 What we're doing is, we're hoping that by
6 this second level of review, and it really doesn't
7 say anything negative about the look-up specialist at
8 all, because the people we have right now have been
9 doing it for a long time and they're excellent in
10 their searches; but you do these searches and you run
11 these printoffs on the screen and you track down
12 these printoffs hour after hour for a full day.

13 I remember during the Oklahoma City bombing
14 we were running it 24 hours a day. I think we ran it
15 for about two weeks straight. Sometimes things are
16 missed because there's only so many minutes in an
17 hour and so many hours in a day. So this gives the
18 branch chief time to just sit there and say, geez, I
19 wonder if this Ivan Smith might be the Evan Smith
20 that the agent wants. It's the same state. Then we
21 check to see maybe if it's in the same city that the
22 agent's looking for this guy at.

(17)

1 So it gives a little more opportunity to
2 scope out different possibilities. The specialists
3 are, like I say, they're turning these things out all
4 day long for eight hours.

5 So we're hoping that eliminates the
6 possibility that anything goes out erroneous because
7 we know you're basing your warrants on it, you're
8 basing your entries on it, and you certainly don't
9 want a Form 4 waved in your face when you go in there
10 to show that the guy does have a legally-registered
11 Title 2 weapon. I've heard that's happened. I'm not
12 sure.

13 Like I say, we'll give the information back
14 by telephone and then we'll send hard copies back to
15 you.

16 At that point, the log entry is closed out,
17 and we maintain these files for future reference in
18 case one or the other of us has to CYA for one reason
19 or another.

20 The important factors, again, are: If it's
21 communicated to the field agents, and I believe that
22 my boss, Terry Cates, who's down -- well, he's back

1 now, but he was down at the conference in South
2 Florida with the district directors and SACs -- one
3 of the topics he was talking about, again, is look
4 up, the look ups that we do for agents.

5 The more information that we can get over
6 the phone on the individual that you're looking for,
7 the better it is for us and the better the
8 information comes back.

9 I mean, if you have a middle initial, give
10 it to us. If he has a "junior" or a "senior" on the
11 end, give it to us.

12 The second part of the information, the
13 routine and urgent, we've already gone over.

14 So, again, I kind of consider this probably
15 the most important support function that we have.
16 Equal to it, of course, is maintaining the accuracy
17 of the data base to begin with.

18 If the information that's in the data base
19 is not accurate, it doesn't make any difference how
20 good of a search we do, it'll come out wrong.

21 So the information on the 728,000 weapons
22 that are in the data base has to be 100 percent

(17)

1 accurate. Like I told you before, we testify in
2 court and, of course, our certifications testify to
3 that, too, when we're not physically there to
4 testify, that we are 100 percent accurate.

5 But we have found instances in our records
6 where names have been misspelled, they've been
7 inverted; vowels i-e have been changed; and, of
8 course, computer programs only pull up what you put
9 in.

10 We've made monumental strides in correcting
11 this. A major correction event took place in 1986.
12 About a year ago, we instituted a quality review team
13 in the division. That's three individuals who review
14 every transfer record that goes through an examiner
15 to register a Title 2 weapon, or to transfer a Title
16 2 weapon.

17 Before it actually gets entered into the
18 data base and stays there permanently, it goes from
19 that examiner to a specialist, who reviews it and the
20 screen to see if the name was spelled correctly when
21 it was put in, because obviously that's the most
22 important thing. is the name and the spelling and the

1 order that it's put in. And, of course, the serial
2 number of the weapon, type of weapons and the
3 description of the weapon.

4 This quality review team, when I first came
5 in a year ago, our error rate was between 49 and 50
6 percent, so you can imagine what the accuracy of the
7 NFRTR could be, if your error rate's 49 to 50
8 percent. The error rate now is down to below 8
9 percent, and that's total. That's common errors and
10 critical errors.

11 We do a little finagling upstairs on
12 what -- you know, we consider a common error is an
13 error in the data base entry, but it doesn't affect a
14 look up. It wouldn't hurt an agent who doesn't
15 really have any damage.

16 A critical error is one where the
17 gentleman's name is spelled wrong. Those error rates
18 are probably below 3 percent. The total error rate's
19 about 8 percent.

20 We hope the QRT team has made sure that,
21 since a year ago, all the entries that go in are
22 absolutely 100 percent accurate.

(21)

1 The only way we can go back, we have a
2 project -- we established a project, we established a
3 task force. We haven't begun yet because we haven't
4 converted to the new data base. As soon as the new
5 data base comes into effect, we'll begin the task
6 force assignment.

7 What we're going to do is we're going to go
8 back, starting with the latest entry and working back
9 to the oldest entry and review every hard copy of
10 every document with its entry into the data base to
11 see if it's correct. I think originally we figured
12 this would take 781 man days to do this with five
13 people sitting at a computer eight hours a day.

14 But it's the only way that we can feel that
15 we can ever get it completely accurate. It was fine
16 to begin putting everything in accurate a year ago or
17 at least be guaranteed a year ago it was accurate,
18 but what are you going to do with the entries that go
19 back to the early '80s and the '70s and the '60s?

20 This is the only way we feel we could
21 correct it. No one in ISD or no one that I've known
22 has come up with a program that we can use. This new

1 data base will help us. And the reason why we're
2 waiting is because the new data base will put fields
3 and menus in there. I believe it comes from
4 Ed Owens' shop, or maybe it's Jerry out at Tracing
5 Center, has ownership of the data base dealing with
6 the weapons data base.

7 Once that goes in, if we have an MPS in
8 there that's listed as an MPS, this will correct that
9 to bring it -- to correct it as an MPS. But you
10 can't do anything -- there's no data base, that I
11 know of, or no program, to correct misspellings of
12 names.

13 We will have an address. We were supposed
14 to have an address correction, zip code in the data
15 base, but we'll see when it finally gets converted
16 over. I'm not sure.

17 And the third thing we do is for field
18 inspectors who do regulatory compliance inspections.
19 They call into us to get an inventory from us of
20 Title 2 weapons. We send the inventory out. They do
21 the physical inventory, and we make adjustments to
22 settle any problems between the physical inventory

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1 and the written inventory.

2 That's really the end of my presentation.

3 I wanted to concentrate on those three areas. I
4 wanted to leave time for Q and As, because I figured
5 there might be some Q and As on the look up.

6 (Pause.)

7 No questions. Okay. Thank you very much.

8 (End of requested excerpt.)
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