

TREASURY, POSTAL SERVICE, AND GENERAL
GOVERNMENT APPROPRIATIONS FOR
FISCAL YEAR 1997

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTH CONGRESS
SECOND SESSION

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

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NOTE: Under Committee Rules, Mr. Livingston, as Chairman of the Full Committee, and Mr. Obey, as Ranking
Minority Member of the Full Committee, are authorized to sit as Members of all Subcommittees.

MICHELLE MRDEZA, ELIZABETH A. PHILLIPS, DANIEL A. CANTU, and JENNIFER MUMMERT,
Staff Assistants

PART 5

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



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CORRECTIONS BY GARY N. SCHAIBLE CONCERNING
TRANSCRIPT OF ROLL CALL TRAINING BY
TOM BUSEY, CHIEF, NATIONAL FIREARMS ACT BRANCH
OCTOBER 18, 1995

I am a specialist in the National Firearms Act (NFA) Branch. I am custodian of NFA records and provide technical advice to ATF personnel, other government agencies, industry members, and the public. I have served in the NFA Branch for over 15 years as Chief, supervisory coordinator, and specialist. I am intimately familiar with all aspects of the NFA Branch.

I have reviewed the attached transcript of the above-referenced training session and identified the following inconsistencies:

Comment 1 (page 3, line 18):

Mr. Busey's statements concerning flash grenades are erroneous in several respects. Flash grenades are registered in the National Firearms Registration and Transfer Record (NFRTR) as destructive devices. They are explosive, concussion-producing hand grenades that produce a blinding light, a loud noise, and smoke. Flash grenades are commonly used by Federal, State, and local law enforcement agencies in hostage and rescue situations, for dynamic entries, and in training. It is common for police departments to acquire a number of registered flash grenades that are used shortly after receipt. Mr. Busey stated that the accuracy of registrations for flash grenades "is not very good" because the registrants fail to report their destruction, as they are required to do. Mr. Busey also stated that the NFA Branch removes flash grenades from the registry when they are reported as used.

The fact that the NFRTR may include a significant number of flash grenades that no longer exist does not mean the registry is "inaccurate." The system was never intended to reflect transactions, including destruction, that occur without notification to ATF. Additionally, there is no requirement in the law or regulations that registrants report the use or destruction of any registered NFA firearm to ATF. The NFA Branch merely requests that registrants report their use of flash grenades so an "expended" entry may be made in the NFRTR. They are not removed from the registry.

Comment 2 (page 9, line 2):

Mr. Busey's statement that NFA specialists testify that the data base is 100 percent accurate was a misstatement of the facts. I have never testified that the data base is 100 percent accurate nor, to the best of my knowledge, has any other of the NFA Branch personnel, including Mr. Busey.

Comment 3 (page 17, lines 17-20):

Mr. Busey's inference that the integrity of the NFRTR is dependent on the data base being 100 percent accurate is erroneous. By using a variety of search techniques, evidence of non-registration introduced at a criminal trial is reliable beyond a reasonable doubt.

Comment 4 (page 19, line 3):

The reference to an error rate of 49-50 percent is based on an informal, undocumented estimate by personnel from the Firearms and Explosives Regulatory Division. It is unknown how the error rate was calculated. As Mr. Busey stated, the estimate resulted in a number of changes in the NFA Branch to improve data entry and the procedures for performing a search of the NFRTR. The Quality Review Team, a group of Firearms and Explosives Regulatory Division employees who review data entry into the NFRTR, was formed, in part, as a response to estimated error rate.

I declare under penalty of perjury that the foregoing four comments are true and correct.
Executed on February 13, 1996.



Gary N. Schaible