

FEDERAL RESTRICTIONS ON THE PURCHASE AND SALE OF AMMUNITION

Restricting ammunition sales to in-person transactions requiring a photo ID, or more identification such as a fingerprint, coupled with requiring the federally-licensed retailer to maintain detailed records and report any purchase of more than 1,000 rounds, or some other equally arbitrary number, is a trip to the past — an unworkable past at that.

The result of such efforts would be to punish millions of recreational target shooters, hunters and sportsmen for seeking convenience, discounts and expanded choices in ammunition purchases, and to penalize retailers for utilizing e-commerce in their business model.

SURVEY SHOWS WIDE, NEGATIVE IMPACT

A survey of gun owners found that efforts to restrict the sale of ammunition online would have a significant negative impact on most gun owners.i

SURVEY FINDINGS:

- Purchasing ammunition online is common. **Over half of gun owners (53 percent) purchased their ammunition online** over a one year period.
- Looking forward, **over 80 percent said they were likely to purchase ammunition from an online retailer** within the next 12 months. Of these consumers, nearly two-thirds said they were “very likely” to do so.
- Of the individuals that purchase ammunition online, **more than**

- Restrictions on the ammunition sales would punish millions of target shooters, hunters and sportsmen for seeking convenience, discounts and expanded choices in ammunition purchases, and would penalize retailers for utilizing e-commerce in their business model.
- Ammunition registration has not proven to be an effective law enforcement tool in the past.
- It’s infeasible to have ammunition logs for the over 10 billion rounds of ammunition sold in the United States every year.
- Restricting ammunition sales would have no effect on crime rates, but will impose a heavy compliance cost on independent businesses that depend on internet sales and burden the exercise of Second Amendment.

half (54 percent) typically buy over 500 rounds per purchase.

- Lower prices and quantity discounts were cited as the reasons that **86 percent of gun owners purchased ammunition from an online retailer.** Nearly 60 percent also said online retailers have a better selection and that it was easier to find rare calibers.

While anti-gun groups seek to vilify online purchases of ammunition, these attacks are misguided and uninformed. As more and more shopping is done online, be it for books, clothes or groceries, it is natural that ammunition retailers would seek to meet the consumer in the electronic marketplace. Removing or restricting this option would add new costs and would be a time-consuming burden to retailers and their consumers.

Over 70 percent of all ammunition purchased is used for

target and sport shooting, where the consumption of 1,000 rounds or more is often routine for a weekend trip to the range.

There are many sportsmen’s groups, ranges, and sport shooting organizations that will make bulk ammunition purchases in order to receive various discounts.

TRIED AND FAILED POLICY

Not only are these types of proposals bad for businesses and consumers, they have also been tried in the past and failed.

In 1986, Congress repealed the 1960s-era ban on mail order sales that also called for the keeping of detailed purchase logs.ii During congressional hearings on the issue, the director of the Bureau of Alcohol, Tobacco and Firearms (ATF) provided a statement that, “The Bureau and Department have

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recognized that current record keeping requirements for ammunition have no substantial law enforcement value. In addition, their elimination would remove an unnecessary recordkeeping burden from licensees.”ⁱⁱⁱ

These facts have not changed with the passage of time. As recently as July of 2012 at the United Nations Conference on the Arms Trade Treaty, Assistant Secretary of State Thomas Countryman discouraged treaty negotiators from including ammunition, warning of “significant burdens associated with licensing, authorizations, and recordkeeping.” He continued, “Our own experience in regulating domestic transfers has shown that there is little utility for law enforcement in imposing the same controls on ammunition transfers as we do on arms. Accordingly, the United States largely eliminated most controls on domestic transfers of ammunition.”^{iv} It is completely irrational to implement the same ineffective policy over and over and expect different results.

NOT A CRIME DETERRENT

Anti-gun groups argue that restricting the sale of ammunition will reduce crime rates. This is false. The restrictions would affect only lawful businesses and individuals. It would not affect criminals or their ability to obtain ammunition. Current federal law already makes it illegal for felons to possess ammunition. People with ill-intentions will find ways to acquire ammunition, and more importantly they are not purchasing it over the internet anyway.

Since 1986, it has been legal in 46 states to purchase ammunition by mail order without any risk to public safety. Only California and Massachusetts prohibit these transactions, and there is no evidence that their bans have reduced crime in either state. Recently New York and Connecticut have also enacted bans.

Further, despite the fear tactics of the anti-gun lobby regarding criminals stockpiling ammunition for misuse, the empirical evidence demonstrates that criminal shootings involve less than four rounds, on average.^v

IMPOSES ONEROUS BURDEN

In this difficult budget environment, the ATF and other law enforcement agencies do not have the time or resources to devote to compiling ammunition reports regarding lawful purchases involving the exercise of a constitutionally protected fundamental right.

The cost of compliance (obtaining a license to sell ammunition not currently required) will have a negative economic impact, force independent businesses that depend on internet sales to survive to close their doors. The U.S. cannot afford to destroy jobs.

As with all other markets, whether online or in brick-and-mortar stores, the ability to offer discounts for bulk sales is a valid business model that provides law-abiding gun owners with choices. Preventing individuals from purchasing ammunition for hunting, shooting sports, or self-defense in the quantity that suits their needs will not deter criminals from illegally acquiring and misusing weapons – rather it will constrain citizens exercising their constitutional rights.

ⁱ Southwick Associates, Ammunition Survey, Oct. 2012.

ⁱⁱ Firearm Owners' Protection Act, Public Law 99-308, approved May 19, 1986.

ⁱⁱⁱ Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, “Memorandum Re: S. 49 The ‘Firearms Owners Protection Act,’” Printed in: U.S. House of Representatives, Committee on the Judiciary, Legislation To Modify the 1968 Gun Control Act, Hearing Report, October 38, 30, Nov. 8, 1985, and February 19 and 27, 1986. Part 2, p.1168.

^{iv} Thomas Countryman, the assistant secretary of the Bureau of International Security and Nonproliferation at the State Department, full statement, Printed in: Julian Pecquet, “UN arms trade treaty shouldn’t regulate ammunition,” The Hill, July 10, 2012. Last accessed Jan. 25, 2013: <http://thehill.com/blogs/global-affairs/un-treaties/236969-us-says-un-arms-trade-treaty-shouldnt-cover-ammunition>

^v Christopher S. Koper, “Impact of Handgun Types on Gun Assault Outcomes: a Comparison of Gun Assaults Involving Semiautomatic Pistols and Revolvers,” Injury Prevention, 2003;9, p.151-155.

