



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

FLINTLOCK RIDGE OFFICE CENTER • 11 MILE HILL ROAD • NEWTOWN, CT 06470-2359

TEL (203) 426-1320 • FAX (203) 426-1087 • EMAIL lkeane@nssf.org • www.nssf.org

LAWRENCE G. KEANE
SENIOR VICE PRESIDENT &
GENERAL COUNSEL

August 23, 2007

VIA FACSIMILE

Governor Edward G. Rendell
Office of the Governor
225 Main Capitol Building
Harrisburg, PA 17120

Re: Pennsylvania Instant Check System

Dear Governor Rendell:

The National Shooting Sports Foundation (“NSSF”) is the non-profit trade association for the firearms, ammunition, hunting and recreational shooting sports industry. Our membership includes Pennsylvania-based federally licensed firearms retailers, most of which are small mom-n-pop businesses that are the backbone of our nation’s and Pennsylvania’s economy. We write to express both our concern about the proposed September 2 to September 6 shutdown of the Pennsylvania Instant Check System (PICS) and to our appreciation that you have agreed to have the State Police review the timing of this extended shutdown. We urge you to include on the 7-person committee you have formed to examine this issue, a representative from the firearms retailer community so that the views of the small business owner directly affected by the shutdown of the PICS system can be heard and considered.

While we do not oppose improvements and upgrades to PICS that will make the background checks more accurate and, hopefully, quicker, our Pennsylvania retailer members are extremely frustrated by the lack of adequate coordination and planning and wholly inadequate advance notice provided to them about this extended outage by the State Police. It is our understanding that this upgrade has been in the works since perhaps as long ago as 2001, which only serves to heighten the level of frustration. As you have come to learn, the timing of this upgrade is ill advised because it coincides with the opening of the dove season and a Canadian goose season. Many retailers spent money to advertise Labor Day sales during the time the PICS system will be unavailable. Unfortunately, the decision to schedule this shutdown of the PICS system was done without consulting the firearms retailers – the business interest most adversely impacted by this decision. Had there been an effort to consult with members of the retailer

community we are confident that many of these problems could have been avoided. Clearly, doing this upgrade in early July, a historically slow time of year for dealers, on adequate advance notice, would have been preferable to the untenable situation that retailers now face.

We were heartened to learn today in published media reports that you will be forming a 7-person committee to examine this issue. We feel it is vital that this committee has representation for all impacted parties, specifically an individual from the licensed firearms retailer community. These are the small business owners that have a vital financial impact on the state, and at the same time are the most affected by this shutdown.

We would recommend that George Romanoff, the owner of Ace Sporting Goods located in Washington, Pennsylvania be appointed to the committee. Mr. Romanoff is also the president of the Pennsylvania Association of Firearms Retailers (PAFR), which is an association of Pennsylvania firearms retailers. The PAFR is affiliated with the NSSF through our National Association of Firearms Retailers (NAFR). Mr. Romanoff is a member of the NAFR advisory committee. Mr. Romanoff can be reached at: 800-660-5470.

In conducting its review of this matter, we strongly urge the committee to give serious consideration to having the Federal Bureau of Investigation – National Instant Check System (NICS) conduct the federally mandated background check before a firearm can be sold. We have spoken directly with FBI – NICS and they have indicated to NSSF their willingness to assist the Pennsylvania State Police in conducting background check while the PICS system is being upgraded. Pennsylvania law does not require a more extensive background check than the already comprehensive check that is performed by the FBI. In fact, a PICS check accesses the same federal databases searched by the FBI. While searches of state-specific databases are not mandated by Pennsylvania law, the FBI – NICS has informed NSSF that as part of temporarily performing background checks it could contact PICS to search those state databases not being upgraded and which will be operational during the outage. The FBI – NICS has also advised us that there is precedent for their temporarily conducting checks for other “point-of-contact” or “partial point-of-contact” states.

If the committee decides for some reason not to avail itself of the opportunity to have the FBI – NICS conduct background that will adequately protect public safety, we would urge the committee to evaluate when would the shutdown be least disruptive. The FBI-NICS has also informed NSSF that first week of July is traditionally the slowest week of the year, and the next slowest week is the first week of January.

Governor Rendell
August 23, 2007
Page 3 of 3

Whenever the system is upgraded those improvements should be done during time periods that will least disrupt the lawful commerce in firearms and bar the free exercise of a federal and state constitutional right of law abiding citizens to purchase firearms. The upgrade should be done during the overnight hours when retailers are not open. The upgrades should also be done as quickly as possible. Given the advances in information technologies (IT), it is difficult to understand why it should take four days to upgrade the PICS system. Periodically the FBI – NICS schedules outages for systems upgrades, but they never last for four days. Typically, they are for a few hours and are usually completed well ahead of schedule. And, the FBI - NICS gives plenty of advance notice.

Moving forward, we would urge the State Police and PICS to form an advisory committee of retailers that can offer constructive comments and feedback to PICS. Had such a committee existed the problems and frustration we are now forced to experience could easily have been avoided.

Once again, we do sincerely appreciate that you will have the State Police reconsidering the timing of the shutdown. We do think it is critically important that a firearms retailer be appointed to the committee that will undertake this review. Finally, we urge the State Police to genuinely consider our recommendations.

Sincerely,



Lawrence G. Keane

CC: Col. Jeffrey Miller