



FFL NEWSLETTER

FEDERAL FIREARMS LICENSEE INFORMATION SERVICE

June 2010

In an effort to keep Federal firearms licensees (FFLs) abreast of changing firearms laws and regulations, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will provide semiannual FFL Newsletters. Previous editions of the FFL Newsletters are available on ATF's Web site (<http://www.atf.gov>).

New Appointments in Enforcement Programs and Services—Assistant Director and Deputy Assistant Director

Mr. Arthur Herbert was appointed as the Assistant Director for the Enforcement Programs and Services Directorate (EPS) in May 2010. Mr. Herbert began his career with ATF in 1976. He has served as the Director of Industry Operations for the Chicago, Washington and Baltimore Field Divisions and as Division Chief of the Alcohol and Tobacco Programs Division. Mr. Herbert was selected as Deputy Assistant Director of the Office of Public and Governmental Affairs in 2009 before his appointment in EPS. Mr. Herbert is responsible for directing the development of policy guidance, exercising oversight of program implementation and technical and enforcement support to firearms, explosives, and alcohol and tobacco related mission functions.

Ms. Teresa Ficaretta was appointed as the Deputy Assistant Director for Enforcement Programs and Services in May 2010. Ms. Ficaretta joined ATF in 1982 as an attorney and became Deputy Chief Counsel for ATF in 2007. Ms. Ficaretta has been an invaluable asset to both our regulatory mission and our discussions with the firearms industry. Ms. Ficaretta replaces former Deputy Assistant Director Audrey Stucko who was appointed as Deputy Assistant Director for the Office of Training and Professional Development, effective May 2010.

The EPS Directorate and the Firearms and Explosives Industry Division welcome both Mr. Herbert and Ms. Ficaretta and look forward to a continued collaboration with the firearms industry.

eTrace Claims Of Illegal Gun Owner Registration

Recently, many people have voiced concern over the tracing of firearms recovered in Mexico by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). In order to clarify ATF's activities, we present the following questions and answers for your consideration:

What is a firearm trace and how is it used by law enforcement?

Firearms tracing is the systematic tracking of a firearm recovered by law enforcement through the chain of distribution to identify the first retail purchaser. This is conducted by ATF's National Tracing Center (NTC). The NTC traces firearms that have been recovered in crimes for law enforcement agencies to provide investigative leads. These investigative leads are to: (a) link a suspect to a firearm in a criminal investigation; (b) identify firearms traffickers; and (c) identify patterns and trends in illegal firearms trafficking—where sufficiently comprehensive tracing is undertaken by a given community.

What legal parameters are related to firearms tracing?

ATF is authorized to trace firearms under the Gun Control Act of 1968 (GCA). The GCA requires that firearms dealers, importers, and manufacturers be licensed and that they maintain records, commonly referred to as firearms transaction records. The primary purpose of these records is to ensure accountability for firearms and to enable tracing. For example, a firearm recovered at a crime scene can be traced from the manufacturer to the first purchaser of record. ATF is prohibited from maintaining firearms transaction records for licensees who are still in business. That is why ATF must contact active Federal firearms licensees (FFLs) directly to obtain access to their firearms transaction records. Under the GCA, FFLs have 24 hours to respond to a trace request.

When an FFL discontinues business, the FFL is required under the GCA to send its firearms transaction records to ATF. This enables ATF to trace a firearm where an FFL in the chain of distribution has gone out of business. Under the FY-2010 appropriations laws, commonly referred to as Tiahrt law, ATF is authorized to provide trace information and share information between law enforcement agencies unless that information would compromise a criminal investigation or undercover operation.

Why would ATF trace a firearm recovered in a foreign country?

ATF traces U.S.-sourced firearms recovered by foreign law enforcement agencies in foreign countries. U.S.-sourced firearms are firearms with some probable nexus to the United States, either manufactured in the United States or marked with a U.S. importer's name. ATF traces only firearms recovered by law enforcement agencies for criminal investigations regardless of whether the firearm is recovered domestically or elsewhere. ATF traces firearms recovered in foreign countries for the same reasons it traces them domestically.

Additionally, this process:

1. Serves to dispel certain myths about U.S. firearms
 - Determines the proportion of firearms recovered in a country that was legally exported from the United States to that country
 - Determines the proportion of firearms that was legally exported from the United States to a third-party country
 - Determines the proportion of firearms that was purchased in the United States and were illegally trafficked to the country—those in which ATF is interested
2. Provides the sources of illegal international arms trafficking
3. Provides situational awareness relative to the illegal movement of firearms across the region—for example, as ATF successfully completes more traces along the Southwest border, a pattern has developed indicating U.S.-sourced firearms moving through Mexico to Guatemala

What information is provided to the foreign law enforcement agency?

ATF provides foreign and domestic law enforcement agencies with similar information, with the exception of Social Security number of the firearm's purchaser (if provided on ATF Form 4473). The Social Security number of a firearms purchaser is not provided to foreign law enforcement agencies. Additionally, U.S. trace data is not accessible to foreign law enforcement agencies; they are only able to review firearms trace data for firearms recovered and traced in their respective countries.

The identity of the firearms purchaser provided to a foreign law enforcement agency is of particular concern to people, because the purchaser is not necessarily involved in any crime. FFL and retail purchasers of firearms recovered in crimes by law enforcement may not have committed any crime; they are, however, in the chain of distribution and consequently are witnesses in linking a suspect to a firearm in a criminal investigation. This is similar to a situation where a gas station attendant sells gasoline to an arsonist who subsequently lights a fire with the gas. The attendant probably does not know for what purpose the gas will be used, but the attendant can identify the buyer. ATF traces firearms for more than 50 foreign countries each year, either through eTrace or via request by Interpol. ATF has no record of an American being at risk in a foreign country as a result of innocent involvement in the history of a firearm subsequently recovered and traced by a law enforcement agency.

What does ATF do to ensure no misuse of firearms trace data occurs? ATF has agreements with foreign and domestic law enforcement agencies regarding the use of firearms trace data. If ATF becomes aware of misuse of firearms trace data, the agency will take immediate action to discontinue the access to firearms trace data. ATF could discontinue access for an individual user, an entire agency (foreign or domestic), or a country.

Written acknowledgement of receipt of firearms ATF Field Offices have received reports where packages containing firearms have been delivered without obtaining a written acknowledgement of receipt. In some cases, the carrier may be at fault, while in others the shipping FFL has attempted to save on shipping costs by not paying the additional fees required to ensure an adult signature is obtained.

The Gun Control Act of 1968 forbids common or contract carriers (FedEx, UPS, USPS, etc.) from knowingly delivering in interstate or foreign commerce any firearm without obtaining “written acknowledgement of receipt” from the recipient of the package or other container in which there is a firearm, per 18 U.S.C. § 922(f)(2). Typically, this is accomplished when the contract carrier requests the receiving FFL or its employee to sign for the shipment when it arrives.

Likewise, it is unlawful for any person knowingly to deliver to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm is being transported or shipped, per 18 U.S.C. § 922(e). Failure to notify the contract carrier that a firearm or ammunition is being shipped can result in shipments containing firearms or ammunition being left unsecured (e.g., at the door or on a porch) and placed in danger of being stolen. FFLs are encouraged to assist in keeping their communities safe by ensuring that a written acknowledgement of receipt with an adult signature is obtained at the time of delivery of a firearm or ammunition.

Valid Identification Document

The Gun Control Act of 1968 (GCA) requires licensees to identify unlicensed transferees by examining a valid government-issued identification document prior to completing a transfer or sale. The most commonly used document that meets this requirement is a State-issued driver’s license. The driver’s license meets the requirement of the definition of “identification document” found in 27 C.F.R. § 478.11. The definition reads in part, “a document containing the name, residence address, date of birth, and photograph of the holder and which was made or issued by or under the authority of the United States Government, a State, political subdivision of a State...” A driver’s license, as such, is a document that contains the name, residence address, date of birth, and photograph of the holder and was made or issued under the authority of a State. (See 18 U.S.C. § 922(t)(1)(C), 27 C.F.R. § 478.124(c)(3)(i), and 27 C.F.R. § 478.11)

However, as stated in ATF Ruling 2001-5, licensees may accept a combination of valid government-issued documents to satisfy these identification document requirements. A valid government-issued photo identification document bearing the name, photograph, and date of birth of the transferee may be supplemented by another valid, government-issued document showing the transferee’s residence

address. A member of the Armed Forces on active duty is a resident of the State in which his or her permanent duty station is located. These persons may satisfy the identification document requirement by presenting a military identification card along with official orders showing that the permanent duty station is within the State where the licensed premises are located.

FFLs should ensure that all “identification documents” (e.g., driver’s license) used by an FFL to identify a purchaser contain the purchaser’s name, residence address, age or date of birth, and photograph and that the “identification document” is valid and issued under the authority of a State or political subdivision (a political subdivision of a State may generally be taken to mean county or municipality).

In the course of conducting your firearms operations you should carefully consider whether the identification document presented during a given firearms transaction is acceptable under the definition given. What is equally important is that the firearms transferee is properly identified, given the proper form of identification used. Regarding the name, is the name written on ATF Form 4473 the name that appears on the identification document presented by the transferee? Regarding the residence address, is the residence address written on ATF Form 4473 the same address on the identification document presented by the transferee? The firearms transferee must provide you with a residence address that is current and verifiable on a valid government-issued document. The transferee may produce multiple government-issued documents for purposes of documentation of his or her identification. Regarding the date of birth of the transferee, check it carefully. The transfer of a handgun to someone under the age of 21 is illegal. Likewise, the transfer of a long gun to someone under the age of 18 is illegal. Further, make certain the date of birth written on ATF Form 4473 by the transferee is correctly recorded, and not with the current calendar year, as sometimes happens. Regarding the photograph of the transferee, you must identify the transferee by comparing him or her to the photo. As an added measure of control you might compare the transferee’s certification signature on ATF Form 4473 with that of the identification document presented by the transferee, if one is present. As you complete the identification process, you are required to note on ATF Form 4473 (Revised August 2008), Section B., Item 20a, the form of identification used. Additionally, you may be required to make an entry in Item 20b. This entry must be made when the driver’s license or other identification document does not show the current residence address. Instructions and examples are provided on ATF Form 4473.

As you encounter different circumstances while completing the firearms transferee identification process, you may need to contact State or local government personnel in your area to clarify matters, such as whether a State's driver's license is valid even though the individual has moved to a new residence address. Of course, in this scenario the individual would nonetheless have to provide a valid government-issued document with a *current residence address* to fulfill the regulatory requirement.

There has also been some confusion over whether an expired driver's license can satisfy the GCA requirement. If the law of the State that issued the driver's license provides that a driver's license is valid after the expiration date, either for a certain period of time or for a certain category of persons, such as military personnel, then the license qualifies as a valid identification document for GCA purposes for that period of time or for that class of persons. This will not be a common occurrence. If you are not certain of the validity of an expired license in your State, we suggest you contact your State's Department of Motor Vehicles. If you are still uncertain about the validity and acceptance of an expired license for GCA purposes, contact your local ATF office.

In addition, ATF has been asked whether firearms purchasers may be exempted from the requirement for an identification document with a photograph based on religious objections. The Brady law does not provide for such an exemption. All over-the-counter transfers are subject to the photo identification requirement.

The identification process in a firearms transaction is a vital regulatory requirement, and the identification document used is key to this process. This process also lends itself to good business practices by ensuring both compliance and completeness. The identification process and the transfer of firearms should be completed by the same firearms operations personnel. In situations where there is vast business activity and/or customer unfamiliarity, the identification process would aid in preventing the illegal transfers of firearms. Your continued efforts help law enforcement reduce violent crime and protect the public by insuring firearms are not diverted to criminal elements.

Reminder

ATF I 5300.2, Youth Handgun Safety Act Notice

Each licensed importer, manufacturer, dealer, or collector who delivers a handgun to a non-licensee shall provide the non-licensee with the written notification, ATF I 5300.2.

The notification states:

1. The misuse of handguns is a leading contributor to juvenile violence and fatalities.
2. Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and save lives.
3. Federal law prohibits, except in limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from transferring a handgun to a person under 18.
4. A knowing violation of the prohibition against selling, delivering, or otherwise transferring a handgun to a person under the age of 18 is, under certain circumstances, punishable by up to 10 years in prison.
5. As used in the Youth Handgun Safety Act Notice, the term "juvenile" means a person who is less than 18 years of age.

Internet Sales

There are numerous provisions within the GCA that govern the transfer, sale, or disposition of a firearm between an FFL and a non-licensed person. Generally FFLs may not transfer firearms to persons who reside outside their State of residence, with the exception of long-gun transactions that take place over the counter and comply with the laws of the FFL's State and the purchaser's State. Thus, an FFL who locates a purchaser for a handgun over the Internet could transfer the firearm to the purchaser only if he or she was a resident of the State where the FFL's premises is located. Transfers of long guns could take place at the FFL's premises for sales to instate and out-of-State residents, if the transaction is over the counter and complies with the appropriate State laws. For all other transactions, the FFL must ship the firearm to an FFL in the State where the purchaser resides. The instate FFL would then have the purchaser complete an ATF Form 4473 and conduct a background check in compliance with the Brady law.

FFLs are required to conduct business from their licensed premises. Licensees may not conduct firearms transactions from locations other than their licensed premises, with the exception of gun shows or other events dedicated to the sporting use of firearms and held in the State where the FFL's premises is located. Thus, an FFL who locates purchasers through the Internet must complete the transaction and all required paperwork at the premises indicated on the FFL's license. For Internet sales requiring the firearm to be transferred to another FFL in the purchaser's State of residence, the second FFL would comply with this requirement of the law. Licensees must verify the license status of

the receiving licensee. FFLs may verify the licensed status by using FFL EZcheck. The FFLs can access the FFL EZcheck at <http://www.atfonline.gov/fflezcheck>.

Moreover, it is a requirement for licensees conducting firearms transaction via the Internet to be in compliance with State and local laws. For information on State and local regulations, the Office of the Attorney General can be contacted in each particular State to inquire about possible restrictions on firearm possession and transfer. You can also access State laws in the ATF P 5300.5, *State Laws and Published Ordinances—Firearms* (2009 - 29th Edition) located at <http://www.atf.gov/publications/>.

State Firearms Freedom Acts

A number of States have passed Firearms Freedom Acts. The passage of such laws has generated questions from industry members in regards to the effect of these laws on their firearms business activity.

As you may know, Federal law requires a license to engage in the business of manufacturing firearms or ammunition, or to engage in the business of dealing in firearms, even if the firearms or ammunition remain within the same State. All firearms manufactured by a licensee must be properly marked so they can be traced by law enforcement officers if later used in a crime. Additionally, licensees must record the type, model, caliber or gauge, and serial number of each firearm manufactured or otherwise acquired, and the date such manufacture or other acquisition was made. The required information must be recorded in the licensee's records not later than the seventh day following the date such manufacture or other acquisition was made. Firearms Transaction Records (ATF Forms 4473) must be executed and NICS background checks must be conducted prior to disposition of firearms to unlicensed persons. These requirements, as well as other Federal requirements and prohibitions, apply whether or not the firearms or ammunition have crossed State lines.

If you have any questions regarding Federal firearms laws and regulations, please contact your local ATF office. ATF works closely with the firearms industry and appreciates the important role the industry plays in combating violent crime. A list of ATF office phone numbers can be found at <http://www.atf.gov/contacts/field.htm>.

Reminders

Flea Markets

Gun Show Guidelines

The Gun Control Act of 1968 (GCA):

- Prohibits persons from engaging in the business of dealing in firearms without a license issued by ATF.
- The term “dealer” in firearms includes “a person who devotes time, attention and labor to dealing in firearm as a regular course of trade or business with the principal objective of livelihood and profit through repetitive purchase and resale of firearms...” (18 U.S.C. §921(a)(21)(c))
- An applicant for a Federal firearms license must have a permanent business premises from which to conduct firearms business. (18 U.S. C. Section 923(d))
- Persons licensed by ATF to deal in firearms may only conduct their business from the business location listed on their license or at a bona fide gun show. (18 U.S.C. Section 923(j))
- A flea market is Not a gun show.

The GCA prohibits any person from engaging in the business of selling, dealing, or trading in firearms at a flea market. The only exceptions would be an unlicensed individual making an occasional firearm sale or for a Federal firearms licensee to display firearms and take orders of firearms.

Licensed Federal Firearms Dealers Displaying Firearms at a Flea Market:

- **May** display and take orders for firearms, and the delivery of the firearm **MUST** take place from the licensed business premises.
- **May Not** make sales of firearms to anyone at a flea market, unless selling firearms classified as curios and relics to other licensed firearms dealers.

Non-Licensed Residents of the State in Which the Flea Market Is Being Held:

- **May occasionally** acquire or dispose of firearms to residents of that State as long as the activity does Not fall under the definition of “dealer” in firearms.
- **May** dispose of firearms to a licensed firearms dealer from any State.
- **May Not** acquire from or dispose of firearms to residents of any other State.
- **May Not** engage in the business of dealing in firearms without being licensed.

Non-Licensed Residents of Another State:

- **May** dispose of firearms to a licensed firearms dealer.
- **May Not** acquire firearms from OR dispose of firearms to a non-licensed individual.
- **May Not** engage in the business of dealing in firearms without being licensed.

Gun Show Guidelines

A licensee may conduct business temporarily at a gun show if the gun show is located in the same State specified on the license. Provided, that such business shall not be conducted from any motorized or towed vehicle.

A gun show is a function sponsored by any national, State, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

(Defined in 27 C.F.R.478.100)

Federal firearms licensees may only sell firearms at bona fide gun shows within the State in which their licensed premises is located.

Dealers Licensed in This State:

- **Must** display license.
- **Must** comply with all recordkeeping requirements of ATF regulations concerning acquisitions and dispositions of firearms, including the recording of the place of sale.
- **May** dispose of handguns to residents of this State only, provided that the purchaser is at least 21 years of age and all provisions of the Brady law are met.
- **May** dispose of long guns to residents of any State, provided that the purchaser is at least 18 years of age, the laws of both States are complied with, and all provisions of the Brady law are met.
- **May** dispose of firearms to any FFL.
- **May** acquire firearms from any FFL licensed in the State and from any non-licensed individual.
- **May** take orders of any firearm from a non-licensee and ship the same firearm to a licensee in the purchaser's State of residence from whom the purchaser can take possession after the provisions of the Brady law are met.

Dealers Not Licensed in This State:

- **Must** display license.
- **Must** comply with all recordkeeping requirements of ATF regulations concerning acquisitions of firearms.
- **May** acquire firearms from any FFL licensed in the State and from any non-licensed individual.
- **May** make a sale and deliver curio or relic firearms to any other FFL licensed in any State as long as the laws of both States are complied.
- **May** ship curio or relic firearms from this show to any other FFL.
- **May** display and take orders.

Non-Licensed Residents of This State:

- **May** acquire long guns or handguns from FFLs licensed in this State, provided all provisions of the Brady law are met.
- **May** dispose of personal firearms to any FFL.
- **May** acquire from and dispose of personal firearms to non-licensed residents of the State. However, non-licensed individuals may not be engaged in the business of dealing in firearms without a Federal firearms license.
- **Cannot** acquire from or dispose of firearms to non-licensed residents of any other State.

Non-Licensed Residents from Another State:

- **May** dispose of firearms to any FFL.
- **May** acquire long guns only from FFLs licensed in the State, provided the laws of both States are complied with and all provisions of the Brady law are met.
- **Cannot** acquire handguns.
- **May** order firearms from any FFL and have them shipped from the show to an FFL in their State of residence by a commercial or contract carrier in accordance with State and Federal law.
- **Cannot** acquire from or dispose of firearms to non-licensed individuals.

Gun Shows and Dealers Out-of-State

An FFL is prohibited from selling firearms at a gun show outside the State in which the licensed premises is located. Nonetheless, an FFL may, prior to an out-of-State gun show, make arrangements to consign firearms to an FFL located in the State where the gun show is located. This enables the FFL located in the State of the gun show to sell these firearms on behalf of the out-of-State FFL.

To consign the firearms, the out-of-State FFL must make any arrangements to transfer firearms to the FFL located in the same State as the gun show from his or her own premises. ATF recommends that the consignment agreement be in writing and signed and dated by both FFLs. The FFL should verify the validity of the license of the FFL in the State of the gun show before transferring the firearms. After transferring the firearms, the two FFLs must record the respective dispositions and acquisitions in their acquisition in the acquisition and disposition (A&D) records. The FFL located in the State of the gun show must record the acquisition of the consigned firearms by the close of the next business day following the date of the acquisition. Once sold at the out-of-State gun show, the out-of-State FFL must record the disposition of the firearms not later than 7 days following the date of the disposition.

Following the gun show, any unsold firearms may be transferred back to the out-of-State FFL. After the return of these firearms, the FFLs must again record their respective acquisitions and dispositions of the firearms in their A&D records within the time frames stated above. The FFL in the same State as the gun show must document the disposition of the firearms to the out-of-State FFL. Likewise, the out-of-State FFL must document the acquisition of any returned firearms.

ATF Form 6 Import Applications

This is intended to provide firearms importers with guidance to common problems associated with the execution of permit applications for the importation of firearms, firearm components, ammunition, and defense articles. Form 6 permit applications with incorrect or missing manufacturer name and model designations and/or descriptions have resulted in returned, delayed, and denied permits by ATF.

In order to properly identify the foreign manufacturer on an ATF Form 6, it is necessary to include the accurate and complete name of the manufacturer in box 8a. Applicants often try to oversimplify this step by only listing the foreign country, city of origin, or trade name. A complete application must identify the manufacturer by using its registered official business name so as to enable the ATF Imports Branch to properly identify the firearms sought for importation. Providing this information will prevent delay in processing applications. Any supporting documentation that will assist the ATF Imports Branch in verifying new or lesser known manufacturers should be submitted with the application. It is incumbent upon the applicant to provide sufficient supporting documentation with their application

so that the Imports Branch can make a timely and accurate determination on the legal import status of the goods you wish to import.

Processing delays also may occur when an applicant erroneously files an ATF Form 6 with an incorrect model description of the defense article to be imported. Providing inexact model designations can make it difficult, if not impossible, for the ATF Imports Branch to properly identify the defense article to be imported. One common mistake is to use descriptive terms when identifying the model. For example, when describing shotguns, applicants may write "double barrel" or "over/under" as the model designation. ATF requires make and model designations that properly identify the article, such as Remington (manufacturer) 870 (model number). Specific model numbers are very important for tracing firearms and rendering accurate decisions on the importability of firearms.

Importers may encounter problems with model descriptions on some historic firearms, which are not always clearly marked with model designation. When an importer is unable to locate manufacturer and model markings on a firearm, the ATF Form 6 application may still be approved if the importer can provide sufficient alternate evidence of the design, construction, dimensions, and features of the weapon. Such evidence may be provided in a short letter or memorandum included with the Form 6 application; detailing the research efforts that were performed by the applicant and furnishing close-up photographic documentation of the article, scale tracings of handguns, a description of any markings that are discernible, and the type of action, magazine capacity, caliber, finish, barrel and overall length, and any other information could prove useful to its identification. This supplemental information should include additional descriptions such as double barrel, over/under, side by side, single shot, etc. Providing supplemental information in these types of cases will greatly aid the ATF Imports Branch when required identification information, such as a model number, is not available.

Further information on this topic may be obtained by writing the ATF Imports Branch at Bureau of Alcohol, Tobacco, Firearms and Explosives, Imports Branch, 244 Needy Road, Martinsburg, West Virginia 25405. Telephone inquiries should be directed to (304) 616-4550.

FBI/NICS News

NICS Offers Firearm Background Checks via the Internet

The Brady Handgun Violence Prevention Act of 1993 (Brady Act) required the U.S. Attorney General to establish the National Instant Criminal Background Check System (NICS) so any Federal Firearms Licensee (FFL) may contact by telephone, or by other electronic means, for information to be supplied immediately on whether the transfer of a firearm would violate state or federal law. To meet the "electronic means" requirement, the NICS E-Check process was developed. This function enables FFLs to conduct unassisted NICS background checks for firearm transfers via the Internet. The FFLs, via electronic communication, data enter the prospective firearm transferee's descriptive information directly into the NICS and initiate the transaction search process. The NICS E-Check is easy to use once the registration process has been completed. Currently, it is available in those states whose FFLs are serviced by the FBI Criminal Justice Information Services (CJIS) Division's NICS Section and those states whose FFLs contact the NICS Section for long gun transactions only. Registering for the NICS E-Check provides FFLs the option to use either the NICS Contracted Call Centers or the Internet to initiate firearm background checks.

The NICS E-Check offers many benefits not offered by the NICS Contracted Call Centers:

- The ability to retrieve background check results 24/7. The NICS Section's operational hours are 8 a.m. to 1 a.m. (EST).
- The ability to retrieve checks initiated at the NICS Contracted Call Centers or via the NICS E-Check.
- The ability to print completed NICS background check search requests and results. The FFL can attach these pages to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Form 4473 for verification purposes. This feature does not replace the requirement to fill out the ATF Form 4473.
- The ability to save daily background check activity to a spreadsheet. This provides FFLs with a daily electronic log of all transactions they initiated. Not only does this provide search features, it also provides a log that FFLs can compare with their ATF Form 4473 paper files. This is a great tool to help improve results of ATF inspections.

- Added customer protection against identity theft. Using NICS E-Check, a customer's personal descriptive data (social security number) is not relayed over a phone, securing a customer's information and making it less likely to be heard or stolen by another customer.
- Added safeguards against theft of license number and codeword. The FFL will not recite their license number or codeword for someone to hear. If unauthorized persons use the FFL's information to initiate background checks, additional transactions will appear on audit logs provided to the ATF for inspections.
- The FFL never disengages the customer to contact the NICS Contracted Call Center.

To register to be a NICS E-Check user, access the NICS E-Check help pages at <http://www.nicsezcheckfbi.gov>. Additional questions pertaining to the registration process can be addressed by calling the NICS E-Check Customer Service at 1-877-FBI-NICS (324-6427), Option 3, or by e-mail at echeck@leo.gov.

New NICS Appeal Packet

As of January 2010, the NICS Section began providing a fingerprint card with each NICS Appeal Brochure. The NICS Appeal Services Teams are constantly striving to streamline the appeal process for an expedient appeal turnaround. By providing an appellant with the appeal packet, fingerprints can be taken in the beginning stage of their appeal and reduce the need for additional correspondence between the appellant and the NICS Section.

Voluntary Appeal File (VAF) Packet vs Appeal Packet

What is the difference between the VAF and an appeal? The VAF is for individuals who experience extended delays or erroneous denials and wish to have the NICS Section maintain their information to avoid future delays/denials. The appeal process is for individuals who have been denied on an attempt to purchase or redeem a firearm and want to challenge that decision. If an individual appeals a delayed transaction, the appeal will be rejected, and a VAF packet will be mailed for the customer to complete.

FBI/NICS News (cont'd.)

Denial Overturn Appeal Certificate

Please be advised the NICS Section has implemented the use of a new Firearm Appeal Certificate (Certificate). The new Certificate was formatted to a smaller version. The NICS Section's logo was minimized and relocated to the top left portion of the document. The new Certificate will be embossed directly over the NICS Section's logo. A sample of the new Certificate has also been provided for review. If you have any questions, you may contact the NICS Section's Customer Service at 1-877-FBI-NICS (324-6427), option 5.

Let the NICS Know When Your Contact Information Changes

If the NICS Section needs to contact your business, do we have the correct contact information on file for you? When your FFL contact information changes, there are two agencies to contact. The ATF Licensing Center will need to be contacted at 1-866-662-2750. The NICS Section also needs your updated contact information. Please keep us informed of any contact information changes by calling the NICS Section's Customer Service at 1-877-FBI-NICS (324-6427), option 2.



FBI Criminal Justice Information Services Division's NICS Section Firearm Appeal Certificate

This is to certify the NICS Section has resolved
the appeal of

«Title»«First_Name»«Middle_Name»«Last_Name»«Cadence
».

«Title»«Last_Name» is eligible to purchase or redeem
a firearm from «FFL_Name»

APPEALED NTN: «NTN»

INITIATION DATE: «Initiation_Date»

*FFL - If initiation date is older than 30 days, a NICS recheck MUST
be conducted. See the instructions below on conducting a recheck.*

INSTRUCTIONS TO THE FFL

This certificate may only be used for one transaction at the FFL where the denial occurred; however, multiple firearms may be purchased if permitted by state law.

- Verify the above certificate is embossed with the NICS Section seal.
- Verify the identity of the person presenting this certificate is the same as the name that appears above.
- If more than 30 days have elapsed since the initiation of the original NTN appearing above on this certificate, federal law requires a NICS recheck must be conducted by the FFL before allowing the transfer. State law may require a NICS recheck for transactions less than 30 days old.
- If this is a state Point-of-Contact (POC) check, please contact your POC to complete the NICS recheck.
- If this is an FBI check, call the NICS Customer Service at 1-877-FBI-NICS(324-6427) (select option 2) and advise the NICS Customer Service Representative you wish to perform an appeal recheck. Record the new NTN, date, and status on the original Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Form 4473.
- Provide the original denied NTN, appearing above on this certificate, to the NICS Customer Service Representative.
- The NICS Section's best practice recommendation: Retain the original copy of this certificate with the ATF Form 4473 for inspection purposes.

(Revised 03/02/2010)

Purchase of Firearms By Nonimmigrant Aliens

Generally it is unlawful for nonimmigrant aliens in the United States to purchase or possess firearms and/or ammunition. However, there is an exception for nonimmigrant aliens who possess a valid hunting license issued in the United States.

Under the GCA, it is generally unlawful for FFLs to transfer a firearm to a person who does not reside in the State where the FFL is licensed (See 18 U.S.C. § 922(b)(3)). With respect to aliens (including nonimmigrant aliens), ATF regulations provide that they are considered residents of a particular State if they have the intention of making a home in that State and have resided in the State continuously for at least 90 days prior to purchasing the firearm (See 27 C.F.R. § 478.11). Each alien must provide the FFL with documentation demonstrating that he or she has resided in the State continuously for at least 90 days prior to the transfer of the firearm See 27 C.F.R. § 478.124(c)(3)(ii). For nonimmigrant aliens, travel outside the United States is a break in the 90-day continuous residency requirement. Therefore, nonimmigrant aliens who travel outside the United States for employment or other purposes on a fairly frequent basis will be unable to purchase a firearm if they are not able to satisfy the 90 days of continuance residency requirement.

ATF Introduces On-Line Video Seminars

As many of you know; we will continue to conduct Partnership for Progress educational seminars for licensees all across the country. To date we have helped educate and train thousands of licensees just like you. While those efforts will continue we realize some of you are unable to attend these events in person. Now as a result of the power of the internet you can attend them 24/7 from the comfort of your computer.

Our purpose in developing these on line seminars is to provide you with information on a host of topics dealing with the laws, rules & regulations governing the sale and transfer of firearms.

It is our hope that you will use these video seminars to enhance your knowledge and understanding and increase the level of compliance with of the Federal laws and regulations governing the commerce in firearms.

We've categorized each learning session based on the topic it deals with.

These video seminars are currently posted to the web site.

Gun Show Do's and Don'ts

Sale of Firearms and Ammunition to Aliens

Recognizing and Deterring Illegal Straw Purchases

Future seminars will include the following topics:

Documentation needed to verify for permanent residence when selling to members of the military.

Record Keeping Requirements for FFLs

ATF Inspection Findings

Recognizing and Deterring Illegal Straw Purchases

Proper Completion of ATF form # 4473

New topics will be going up each month.

If you have any suggestions for additional topics that might be of help to you or want to share your thoughts or comments on our on line seminar program drop us an e-mail at ATF on line seminars@atf.gov

You can view them from the following link that is on the ATF web site or by accessing the following link. ATF Online Educational Seminars for FFLs: <http://www.atf.gov/training/firearms/ffl-educational-seminars/>

ATF State Laws and Published Ordinances— Firearms Publication (2008-29th Edition P 5300.5)

ATF announces the availability of the revised December 2009 publication - *ATF State Laws and Published Ordinances – Firearms (5300.5)*. Hard copies or CD ROM versions of the publication are currently available at the ATF Distribution Center. You can contact the ATF Distribution Center at 301-583-4696, or order online at <http://www.atf.gov/forms/dcofl>. Or view online (www.atf.gov/publications)

ATF Safety and Security Information for Federal Firearms Licensees (P 3317.2, Revised February 2010)

Theft/Loss Reporting Procedures (www.atf.gov/publications)

ATF Disaster Preparedness for Federal Firearms Licensees (P 3317.7, December 2009)

Disaster preparedness is the process that an FFL takes to prepare for, minimize the effects of, and recover from an event that causes any disruption to its business.

(www.atf.gov/publications)

National Firearms Act (NFA) – Short Barreled Rifles and Shotguns— Frequently Asked Questions

ATF has posted a series of frequently asked questions regarding Short Barreled Rifles and Short Barreled Shotguns.

ATF Ruling 2009-5 - Firearms Manufacturing Activities— Frequently Asked Questions

ATF authorizes licensed manufacturers who perform a manufacturing process on firearms for, or on behalf of, another licensed manufacturer not to place their serial numbers and other required identification markings on the firearms, provided such firearms already have been properly marked with a serial number and other identifying markings as required by 27 C.F.R. §§478.92(a) and 479.102(a) and that all of the other requirements stated in this ruling have been met.

ATF Ruling 2010-1 – Temporary assignment of a firearm by an FFL to an unlicensed employee does not constitute a transfer, however, temporary assignment of a firearm to an unlicensed agent, contractor, volunteer or other non-employee is a transfer

The temporary assignment of a firearm by an FFL to its unlicensed employees for bona fide business purposes, where the actual custody of the firearm is transferred for a limited period of time, and where title and control of the firearm remain with the FFL, is not a transfer for purposes of the Gun Control Act, and, accordingly, the FFL need not contact NICS for a background check, record a bound book disposition entry, nor complete an ATF Form 4473. The temporary assignment of a firearm by an FFL to its unlicensed agents, contractors, volunteers, or any other person who is not an employee of the FFL, even for bona fide business purposes, is a transfer or disposition for purposes of the Gun Control Act, and, accordingly, the FFL must

contact NICS for a background check, record a disposition entry, and complete an ATF Form 4473. Revenue Ruling 69-248 is superseded and ATF Ruling 73-19 is modified. Industry Circular 72-23 is no longer in effect.

Chad Yoder Selected as Chief, Firearms and Explosives Industry Division

The Firearms & Explosives Industry Division is headed by Division Chief Chad J. Yoder. Chief Yoder joined ATF in 1997 and has served in the Public Safety Branch, the Inspection Division, the Field Management Staff, and as Area Supervisor of the Falls Church, Virginia, area office. Having worked with the firearms and explosives industry as a field investigator, a headquarters specialist, and an area supervisor, he is pleased to be overseeing the activities of the Firearms and Explosives Industry Division.

Debra Satkowiak Selected as Deputy Chief, Firearms and Explosives Industry Division

In May 2010, Debra Satkowiak was named as the Deputy Chief of the Firearms and Explosives Industry Division. Ms. Satkowiak began her career with ATF in 1991 in the Detroit Field Division. She has served in the Career Development Division and in 2004, as an Industry Operations Area Supervisor in the Detroit Field Division. After serving for 3 years in that capacity, she worked in the Office of Public and Governmental Affairs. In September 2008, she became the Chief of the Explosives Industry Programs Branch in the Arson and Explosives Programs Division where she served until appointment as the Deputy Chief of the Firearms and Explosives Industry Division. Ms. Satkowiak looks forward to continuing the industry relationships that she has developed throughout her career and fostering new partnership opportunities.

Adam P. Rogers Selected as Chief, Firearms Industry Programs Branch

In February 2010 Adam P. Rogers was selected as the new Chief, Firearms Industry Programs Branch (FIPB). Adam replaces Special Agent David Brown, Chief, Firearms Enforcement Branch, who transferred to the Baltimore Field Division in 2009. Adam began his career with ATF as an Industry Operations Investigator (IOI) in the Chicago Field Division. As an IOI, Adam has represented ATF at numerous industry-related outreach programs, such as his participation in ATF gun shows and presentations to local firearms organizations. Adam has an expanded knowledge of ATF by his past work experience at Federal Explosives Licensing

Center and Firearms Industry Programs Branch. Adam looks forward to partnering with the firearms industry in educational and outreach programs, and to providing timely and consistent responses to the industry members.

Reminder

Sign up for Electronic Mail

ATF offers FFLs the option of receiving ATF information by e-mail. This voluntary service allows FFLs to receive newsletters, open letters, and import notices by e-mail. The e-mail service does not replace traditional ATF mailings to FFLs; instead, it provides an option for those who prefer to receive this information electronically.

Any FFL interested in signing up for a subscription should go to <http://www.atf.gov>, click on the “@” icon in the right corner of the page, and follow the simple instructions. Please include e-mail address, your name, business name, and FFL number. Only the licensee or a responsible person can request and receive information using the e-mail service.

Office of Enforcement Programs and Services (EPS)

This page reflects recent personnel changes to the Office of Enforcement Programs and Services. The following EPS managers or offices can be contacted on issues regarding firearms and ammunition.

Assistant Director

Enforcement Programs and Services

Arthur Herbert
(202) 648-8500

Deputy Assistant Director

Enforcement Programs and Services

Teresa Ficaretta
(202) 648-8500

Chief, Firearms and Explosives Industry Division

Chad Yoder (202) 648-7090

Deputy Chief, Firearms and Explosives Industry Division

Debra Satkowiak (202) 648-7090

Chief, Firearms Industry Programs Branch

Adam Rogers (202) 648-7090

Chief, Firearms Technology Branch

John Spencer (304) 260-3414

Chief, Firearms and Explosives Services Division

Scott Mendoza (304) 616-4590

Deputy Chief, Firearms and Explosives Services Division

Steve Albro (304) 616-4590

Chief, Industry Records Branch

Brenda Bennett (304) 260-5351

Chief, Law Enforcement Support Branch

Benjamin Hayes (304) 260-3685

Chief, National Firearms Act Branch

Edward D. Saavedra (304) 616-4500

Chief, Firearms and Explosives Imports Branch

Kevin Boydston (304) 616-4550

Chief, Federal Firearms Licensing Center

Patricia Power (304) 616-4600

Chief, National Tracing Center Division

Charles Houser (800) 788-7133

Chief, Firearms Tracing Branch

David Johnson (800) 788-7133

To Receive ATF Forms and Publications:

ATF Distribution Center
1519 Cabin Branch Dr.
Landover, MD 20785-3816
(301) 583-4696
<http://www.atf.gov/forms/dcof/>

Report Stolen Firearms:

(Monday – Friday 8 a.m. – 4:30 p.m. EST)
(888) 930-9275
(Evenings, Weekends and Holidays)
(800) 800-3855

To Obtain Assistance Regarding Your License:

ATF Federal Firearms Licensing Center
244 Needy Road
Martinsburg, WV 25405
(866) 662-2750

To Ship Out-of-Business Records:

ATF National Tracing Center
244 Needy Road
Martinsburg, WV 25405
(800) 788-7133

ATF Web Site:

<http://www.atf.gov>

A listing of ATF field office phone numbers can be found on the following link:

<http://www.atf.gov/field/>

Addresses and Telephone Numbers For ATF Field Divisions

Atlanta Field Division

2600 Century Parkway
Suite 300
Atlanta, GA 30345-3104
(404) 417-2600

Baltimore Field Division

G.H. Fallon Building
31 Hopkins Plaza, 5th Floor
Baltimore, MD 21201
(443) 965-2000

Boston Field Division

10 Causeway Street, Room 791
Boston, MA 02222
(617) 557-1200

Charlotte Field Division

6701 Carmel Road
Suite 200
Charlotte, NC 28226
(704) 716-1800

Chicago Field Division

525 West Van Buren Street
Suite 600
Chicago, IL 60607
(312) 846-7200

Columbus Field Division

230 West Broad Street
Suite 400
Columbus, OH 43215
(614) 827-8400

Dallas Field Division

1114 Commerce Street,
Room 303
Dallas, TX 75242
(469) 227-4300

Denver Field Division

1961 Stout Street
Room 674
Denver, CO 80294
(303) 844-7450

Detroit Field Division

1155 Brewery Park Blvd.
Suite 300
Detroit, MI 48207-2602
(313) 202-3400

Houston Field Division

15355 Vantage Pkwy West
Suite 200
Houston, TX 77032-1965
(281) 372-2900

Kansas City Field Division

2600 Grand Avenue
Suite 200
Kansas City, MO 64108
(816) 559-0700

Los Angeles Field Division

550 N. Brand Avenue
Suite 800
Glendale, CA 91203
(818) 265-2500

Louisville Field Division

600 Dr. Martin Luther King Jr. Place
Suite 322
Louisville, KY 40202
(502) 753-3400

Miami Field Division

11410 NW 20TH Street
Suite 200
Miami, FL 33178
(305) 597-4800

Nashville Field Division

5300 Maryland Way
Suite 200
Brentwood, TN 37027
(615) 565-1400

Newark Field Division

1 Garret Mountain Plaza
Suite 500
West Paterson, NJ 07424
(973) 413-1179

New Orleans Field Division

One Galleria Boulevard
Suite 1700
Metairie, Louisiana 70001
(504) 841-7000

New York Field Division

241 37th Street, 3rd Floor
Brooklyn, NY 11232
(718) 552-4000

Philadelphia Field Division

The Curtis Center
601 Walnut Street
Suite 1000 E
Philadelphia, PA 19106
(215) 446-7800

Phoenix Field Division

201 East Washington Street
Suite 940
Phoenix, AZ 85004
(602) 776-5400

San Francisco Field Division

5601 Arnold Road
Suite 400
Dublin, CA 94568-7724
(925) 479-7500

Seattle Field Division

Jackson Federal Building
915 2nd Avenue, Room 790
Seattle, WA 98174
(206) 389-5800

St. Paul Field Division

30 East Seventh Street
Suite 1900
St. Paul, MN 55101
(651) 726-0200

Tampa Field Division

400 North Tampa Street
Suite 2100
Tampa, Florida 33602
(813) 202-7300

Washington Field Division

1401 H Street NW.
Suite 900
Washington, DC 20005
(202) 648-8010

U.S. Department of Justice
Bureau of Alcohol, Tobacco,
Firearms and Explosives
2600 Century Parkway NE
Suite 400
Atlanta, GA 30345

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