

FEDERAL FIREARMS LICENSEE INFORMATION SERVICE

PROVIDED BY THE U.S. DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

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STREAMLINED APPLICATION PROCESS

In response to concerns voiced by the firearms industry, ATF has reduced the paperwork volume of the Federal firearms license application package.

The Violent Crime Control and Law Enforcement Act of 1994 increased the amount of information required to qualify for a Federal firearms license. The collection of this information initially increased the number of forms in the application package to 6. This increased paperwork caused the Firearms and Explosives Licensing Center (FELC) in Atlanta to become extremely backlogged. ATF has now consolidated the information so the package will consist of only 2 forms. We anticipate that the reduced number of forms in the package will decrease applicant preparation hours, ATF processing time, and printing costs, thereby saving taxpayer dollars.

ATF believes that this form consolidation enables ATF to obtain the information it needs to maintain our licensing standards while at the same time providing some relief from the paperwork burden to licensees. Though some questions may have been deleted as a result of the consolidation, ATF's field inspection program provides an opportunity to clarify any areas of concern and assist in determining whether the applicant is eligible for a firearms license.

In addition, some of the new information required (e.g. pictures, fingerprints and notification to local law enforcement of intent to engage in business) is only necessary on a one time basis. Once this information is provided to ATF, if there are no changes in the location and conduct of the business, it will not be required again in 3 years when the license is renewed.

The new simplified licensing package is now available and can be obtained by contacting the FELC or your local ATF Regulatory Enforcement office.

NEW PUBLICATIONS

The following publications have been updated and are scheduled to be printed and distributed to you in October of 1995.

ATF P 5300.4, Federal Firearms Regulation Reference Guide (Formerly known as (Your Guide to) Federal Firearms Regulation), more commonly known as the red book . The color of the new book is yellow.

ATF P 5300.11, Firearms Curios or Relics List

NEW FACES

There have been two recent personnel changes within ATF that will be of interest to the firearms industry.

Mr. Andrew L. Vita has been appointed as Associate Director for Enforcement. Mr. Vita joined ATF as a special agent in the Bureau's Chicago office in 1969. Subsequent assignments included Group Supervisor in Chicago; Special Agent in Charge of the Organized Crime Branch, Washington, DC; and Special Agent in Charge of the Special Programs Branch, Washington, DC. In 1983, Mr. Vita was named Assistant Special Agent in Charge of the Philadelphia District Office and Supervisor of the Northeast National Response Team. In March 1988, he was appointed Special Agent in Charge of the Seattle District Office, and in 1989, he was reassigned as Special Agent in Charge of the Los Angeles District Office. Mr. Vita entered the Senior Executive Service in July 1991. With ATF's restructuring in 1994, Mr. Vita was named as Deputy Associate Director of Criminal Enforcement Programs. He was promoted to his current position in August 1995.

Mr. Vita is a graduate of the University of Illinois, the Center of Creative Leadership, and the Federal Executive Institute. He is a member of the International Association of Chiefs of Police (IACP), having served as Chairman of the Firearms Committee and an ATF/(International Association of Bomb Technicians(IABTI) Critical Incident Peer Counselor.

Mr. Walfred A. (Wally) Nelson has been appointed as the Chief, Firearms and Explosives Regulatory Division and will officially report for duty in January 1996. Currently Mr. Nelson is Assistant District Director for the Midwest District in Chicago. He directs the alcohol, tobacco, firearms and explosives inspection activities for the district, which is composed of eight area offices and nineteen posts of duty in ten states.

Mr. Nelson joined ATF in 1972 as an Inspector in Tuscola, Illinois. During the period from 1973 to 1978, he served as an Inspector in Peoria, Illinois, Kansas City, Missouri, Omaha, Nebraska and as a Special Inspector

in St. Paul, Minnesota. From 1978 to 1985 he served as Area Supervisor for the Detroit Area Office. From 1985 to 1987 he was a Management Examiner on the staff of the Assistant Director (Compliance Operations), which included service as National Training Coordinator. He served in the U.S. Army from 1969 to 1971, which included a tour with the Infantry and Military Police in Vietnam. He attended Indiana University, Bloomington, Indiana and received a BA in American history in 1969.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT TEMPORARY REGULATIONS

Temporary regulations were published in the Federal Register on April 6, 1995, pursuant to the enactment of the Violent Crime Control and Law Enforcement Act of 1994. Except for certain marking requirements, the regulations were effective upon publication in the Federal Register.

FIREARMS THEFT

Federal firearms licensees are required to report the theft or loss of firearms from their inventory or collection to local authorities as well as to ATF within 48 hours after the theft or loss is discovered.

The notification to ATF must be made through our toll free theft hotline number which is 1-800-800-3855

The hotline is operational 24 hours a day, 7 days a week. The caller should indicate that he is a Federal firearms licensee and be ready to furnish his license number. The hotline representative will provide the licensee with an incident number which should be recorded in the licensee's bound book.

The verbal notification must be followed up by a written notification to ATF within the same 48-hour period. The written notification should be made on ATF F 3310.11, Federal Firearms Licensee Theft/Loss Report, in accordance with the instructions on the form. This form is available from the ATF Distribution Center, P. O. Box 5950, Springfield, Virginia 22150-5950, (703) 455-7801.

RESTRAINING ORDERS

The Violent Crime Control and Law Enforcement Act of 1994 amended existing firearms statutes to make it unlawful for persons subject to certain restraining orders to receive, ship, transport or possess firearms or ammunition. To be disabling, the restraining order must:

Be issued after a hearing of which notice was given to the person and at which the person had an opportunity to participate.

Specifically restrain the person from harassing, stalking, or threatening an intimate partner (e.g., spouse or former spouse) or the child of an intimate partner .

Include a finding that the person subject to the order represents a credible threat to the intimate partner or child OR explicitly prohibits the use, attempted use, or threatened use of physical force against the partner or child that would reasonably be expected to cause bodily injury.

This new amendment does not prohibit persons subject to such restraining orders from receiving or possessing firearms or ammunition for use in performing official duties on behalf of a Federal, State or local law enforcement agency.

ATF Forms 4473, Firearms Transaction Record, have been amended to include this category of prohibited person. Federal firearms licensees should destroy all obsolete 4473 s and use only those that include this category.

If you have any questions regarding prohibitive restraining orders, please contact your nearest ATF office.

NOTE: We were unable to revise ATF Form 5300.35 (Brady form) due to the strict wording of the Brady Handgun Violence Prevention Act regarding the information that can be requested on that form. However, if a licensee has reason to believe that a person is subject to a disabling restraining order, the licensee should not transfer a firearm to that individual.

LAW ENFORCEMENT SALES

The Violent Crime Control and Law Enforcement Act of 1994 amended existing firearms statutes to make it unlawful to manufacture, transfer or possess a semiautomatic assault weapon or a large capacity ammunition feeding device. One of the exceptions to the restrictions on these items is for law enforcement officers purchasing them for official use.

Licensees may transfer semiautomatic assault weapons and large capacity ammunition feeding devices to law enforcement officers with the following documentation:

A written statement from the purchasing officer, under penalty of perjury, stating that the weapon or device is being purchased for use in performing official duties and that the weapon or device is not being acquired for personal use or for purposes of transfer or resale; AND

A written statement from a supervisor of the purchasing officer, under penalty of perjury, stating that the purchasing officer

is acquiring the weapon or feeding device for use in official duties, that the weapon or device is suitable for use in performing official duties, and that the weapon or device is not being acquired for personal use or for purposes of transfer or resale.

In the case of semiautomatic assault weapons, licensees are required to retain the above statements in their permanent records for a period of 5 years.

BEFORE YOU MOVE

The new requirements under the Violent Crime Control and Law Enforcement Act of 1994 regarding certification by licensees that their firearms business will be conducted in compliance with State and local law and notification to the Chief Law Enforcement Officer that a firearms business will be conducted in their jurisdiction have necessitated the creation of a new form for amended licenses.

A licensee who moves his or her licensed premises to a different location during the term of an existing license is required to submit ATF Form 5300.38, Application for Amended Federal Firearms License, in accordance with the instructions on the form, to the Firearms and Explosives Licensing Center (FELC) not less than 30 days prior to the move.

For further information contact the FELC at (404) 679-5040.

FINAL BRADY REGULATIONS

Final Brady regulations were published in Volume 60 of the Federal Register on February 27, 1995. These regulations have been made available through the Internet and they are also included in the new Federal Firearms Regulation Reference Guide.

MULTIPLE SALES REPORTS

Licensees must forward ATF Form 3310.4, Multiple Sale or Other Disposition of Pistols and Revolvers, to the ATF Criminal Enforcement Field Division Office for their area, not later than the close of business on the day the multiple sale or other disposition occurs. Both copies 1 and 2 should be mailed to ATF in accordance with the instructions on the form. The addresses of ATF's criminal enforcement offices are listed on the reverse side of the multiple sale form.

NO IMPORT PERMITS TO ARMSCOR

The Armaments Corporation of South Africa (ARMSCOR) was indicted by a U.S. Federal Grand Jury in October 1991, for violating and conspiring to violate the Arms Export Control Act (AECA). The Department of State advised ATF that the AECA prohibits the granting of a license to export an item on the United States Munitions List to applicants who are the subject of an indictment for violating the AECA or when any party to the export is the subject of such indictment. In administering the import provisions of the AECA, ATF is subject to the guidance of the Departments of State and Defense on matters affecting world peace and the external security and foreign policy of the United States. The Department of State has requested that all import requests for defense articles or defense services from ARMSCOR be denied. Accordingly, ATF will deny all import applications for defense articles or defense services when ARMSCOR or any of its successors or subsidiaries is a party to the importation.

Provided below is a list of South African companies affiliated with ARMSCOR. This list is not all inclusive. If you have reason to believe that a company not on the list is a successor or subsidiary of ARMSCOR and the company would benefit from the importation you are planning, you should contact the Firearms and Explosives Imports Branch at (202) 927-8320 for a determination concerning the company's relationship to ARMSCOR.

Advena

Atlas Aircraft Corporation

Bonanero Park Ltd.

Dendex

Denelpen

Dinmar

Eloptro

Ergotech

Gennan

Gerolek

Houwteg

Industek

Infoplan

Kentron

LIW

Lyttleton Engineering Works

Media Makers

Mexa

Musgrave Manufacturers and Distributors

Naschem (formerly an African Explosives and Chemicals Industries factory)

OTR (Overbag Test Range)

Pretoria Metal Pressings

Simera Aircraft

Somchem (formerly an African Explosives and Chemicals Industries factory)

Swartklio Products (formerly Ronden, the Cape Peninsula Fireworks Firm)

Umed

LICENSING TELEPHONE

For several years, the Firearms and Explosives Licensing Center (FELC), in Atlanta, Georgia, was accessible by a toll-free number for questions related to licensing. The toll-free number was officially disconnected on March 1, 1995. The licensing center can continue to be reached at (404) 679-5040.

CHANGE IN EXCISE TAX DEPOSITS

Public Law No. 103-465, the Uruguay Round Agreements Act, changes the deposit requirements for importers and manufacturers who are liable for the firearms and ammunition excise tax imposed by 26 U.S.C. 4181. Effective January 1, 1995, taxpayers who are required to make deposits of tax with respect

to semimonthly periods (generally any person who incurs more than \$2,000 in excise tax for any month in the preceding quarter) will be required to accelerate the last deposit for the fiscal year.

Under existing deposit rules, the deposit for the last semimonthly period of September (September 16-30) would be due on October 9. However, the new provisions of the law require that semimonthly depositors make the deposit for the period September 16-25 no later than September 29.

Regulations implementing the new deposit requirements were published in Volume 60 of the Federal Register on June 28, 1995. In addition, ATF Industry Circular 95-3 announcing the new regulatory requirements was sent to all excise taxpayers on July 10, 1995.

GOING OUT OF BUSINESS

ATF continues to receive inquiries regarding the records to be surrendered upon permanent discontinuance of business by Federal firearms licensees. If the business is being discontinued completely, the licensed dealer is required, within 30 days, to forward his records to the

ATF

Out-of-Business Records Center

Falling Waters, West Virginia 25419

The records consist of the licensee's bound acquisition/disposition (A/D) records, ATF Forms 4473, ATF Forms 5300.35 (Brady forms), ATF Forms 3310.4 (Multiple Sale), and records of transactions in semiautomatic assault weapons. If the licensee was granted a variance to use a computerized recordkeeping system, the licensee is required to provide a complete print-out of his entire A/D records.

If someone is taking over the business, the original licensee will underline the final entry in each bound book, note the date of transfer, and forward all records and forms to the successor (who must apply for and receive his own license before lawfully engaging in business) or forward the records and forms to the ATF Out-of-Business Records Center. If the successor licensee receives records and forms from the original licensee, the successor licensee may choose to forward these records and forms to the ATF Out-of-Business Records Center.

Failure to surrender the required records is an offense punishable by fine and/or imprisonment. A licensee discontinuing business must immediately notify the Firearms and Explosives Licensing Center in Atlanta, Georgia.

RESTORATION OF FEDERAL FIREARMS PRIVILEGES

ATF anticipates that the 1996 fiscal year Congressional appropriations provisions will continue to prohibit ATF from expending funds to investigate and act upon applications for relief from Federal firearms disabilities, except for applications filed by corporations. For more specifics, contact the Firearms Enforcement Branch at (202) 927-8040.

THE NET

This edition of the FFL Newsletter is the first of several ATF publications to be made available to the public through the Internet. Information published by ATF may be accessed by using the ATF address atf.ustreas.gov. In the future we anticipate extending internet services to the explosives industry. For further information, contact Ms. Lee Alston-Williams, Firearms and Explosives Operations Branch, (202) 927-8310.

INDUSTRY MEETINGS

During the past year, ATF has worked to implement a strategic plan that will enable us to operate more effectively and fulfill our mission in the fight against violent crime. One of the major goals of this plan is to establish a cooperative working relationship with the firearms and explosives industry. A stronger working relationship with the firearms and explosives industry will strengthen our ability to define key issues and design administrative and legislative solutions.

In working toward this goal, ATF has held several meetings with various segments of the firearms and explosives industry. These meetings have provided a forum for the concerns of the industry to be passed on to ATF. In turn, ATF has been able to more clearly enunciate its responsibilities and objectives, and has identified areas of common interest with the industry where we can work for improvement through collaborative efforts.

Some examples of the meetings held during the last year are:

January 1995 A series of meetings in Las Vegas during last year's SHOT SHOW with various segments of the firearms industry.

May 1995 Gunshow Promoters in Denver, Colorado

May 1995 Fireworks Industry in Cincinnati, Ohio

July 1995 Auctioneers in Buffalo, New York

August 1995 Pyrotechnics Industry in Stevens Point, Wisconsin

SHOT SHOW

Once again, we have accepted an invitation from the National Shooting Sports Foundation to participate in the SHOT SHOW. Although the details are not yet final, we anticipate having another series of meetings with industry groups during this event. In addition, we will have a booth at the show. Please stop by! We would be happy to listen to any questions, comments, or suggestions you may wish to offer.

The FFL Newsletter is published by the Bureau of Alcohol, Tobacco and Firearms, Firearms and Explosives Operations Branch, 650 Massachusetts Avenue, NW, Suite 5100, Washington, DC 20226. Letters to the editor are encouraged.