

ATF FFL NEWSLETTER

Federal Firearms Licensees Information Service provided by the Department of the Treasury. Bureau of Alcohol, Tobacco and Firearms Washington, D.C

A MESSAGE TO THE FFL From Stephen Higgins Director of ATF

This is the third in our series of newsletters designed to inform you of new initiatives, regulation changes and ATF programs that may affect you and your business. We also intend to use the newsletter to answer some of your more frequently asked questions.

We believe the key to your relationship with the FFL is primarily one of assistance and education. We realize that sometimes you may find Federal laws and regulations complicated or confusing.

Records requirements do not exist because the government wants to make your life difficult.

They exist because law enforcement agencies need a mechanism to trace guns used crimes.

They exist because they give the dealer an effective means of screening firearms buyers to prevent guns from being sold to criminals.

They exist because they assist law enforcement agencies in detecting possible illegal firearms traffickers.

They exist to further ensure the integrity of existing State laws.

One of ATF's primary responsibilities is to assist you on technical recordkeeping problems rather than detect recordkeeping errors.

Notices of non-compliance will not be issued routinely on initial inspections and all notices that are issued will reflect the significance of the offenses rather than the technical requirements.

The primary purpose of the notice is to inform, to contribute toward better understanding and to encourage voluntary compliance.

We know that the majority of FFLs are eager to comply with law. It is our job to help you comply—just as it is our job to investigate intentional non-compliance.

We want to use all of our opportunities with the FFLs to create a climate of understanding of the requirements and the reasons underlying them.

We are strengthening the emphasis of a solid educational foundation through our inspection program and our renewed firearms seminars. For more information on the seminars, please see page 2.

We will:

- ❖ Continue our educational efforts through application and compliance inspections and firearms seminars.
- ❖ Emphasize to the dealers the underlying significance of legal and regulatory requirements so that dealers will recognize their value to effective law enforcement and the public interest.
- ❖ Answer your questions, assist in solving problems with the requirements, and help you with the technical aspects of recordkeeping.
- ❖ We are seeking your partnership in the war on crime. We need to develop mutual cooperation and understanding in accomplishing what we all want—to eliminate the criminal use of firearms.

Firearms License Streamlined

The new Form 8 will be phased in starting April 1, 1983. As

original licenses are issued, or current licenses renewed, the Federal firearms licensee will receive the new Form 8. The new license will be somewhat larger in size than the present one. In addition, a separate purchasing copy will not be provided to the licensee. The "purchasing certification" will appear on the license, which can be reproduced and sent to suppliers.

Effective with each renewed or original license, the licensee will receive only one copy—the original license. One additional copy by writing to the ATF Regional Regulatory Administrator who issued the license.

Names, addresses and phone numbers of ATF Regional Offices are located on page 5.

Licensee Q's and A's

The following question is among those most frequently asked by licensees. The question and answer listed below refers only to Federal laws and regulations.

There is a three-day waiting period in my state before a handgun may be delivered to a customer. Many customers wish to pay in full and complete the paperwork later. Usually the customer stops by after work to pick up his purchase. If the paperwork has to be completed at the time of purchase, I would be forced to hire more help for this period. When must the Form 4473 be completed? How would I indicate that the firearms is still on the premises several days after the form has been completed?

Form 4473 may be completed when the licensee wishes. Part 1 of the form, however, must be completed at the time the buyer takes physical possession of the firearms.

FIREARMS SEMINARS LOOK LIKE A HIT

Everything You Always Wanted To Know About Firearms Regulations

"What are the legal differences between antiques, curios, relics, reproductions, and 'antique kit' guns?"

"What is interchangeable ammunition?"

"Is military ID acceptable?"

These and hundreds of other questions were asked by licensees and answered by ATF experts during the 70 seminars held in different cities throughout the country over the past three years.

Subjects covered during the seminars include a broad range of the basic provisions of the Gun Control Act, how the law is enforced, recordkeeping requirements, licensing and renewals, and imports and exports.

Judging from the comments of some of the nearly 9,000 dealer attendees and ATF staff participating in the seminars, the information and "give and take" segments were extremely helpful to both groups.

Dealer comments included the following:

"The seminar is a very healthy step toward better cooperation and understanding between the dealers and ATF."

"I would like to see more informational meetings of this nature."

"Make the seminars a must before issuing a license."

"Extremely productive."

"The questions and answers were just like a refresher course."

"Very worthwhile."

A strikingly high percentage of the dealers polled said the information gained from the seminars would help them in their future operations.

One distributor hosted a seminar for 150 dealers who buy from him and several chain stores have requested that ATF conduct a seminar for their personnel.

Dealers and ATF staff both commented that the exchange of information and open discussion of problems helped each to better understand the other's position.

Approximately 25 additional seminars will be held before October 1, 1983.

When you receive your dealer invitation, remember that the dealer who attended the seminar before you found the exchange of information lively and useful.

We think you will gain from the seminars and we hope you will choose to participate.

In the meantime, if you have any questions, contact your local ATF office. They will be glad to help.

Our Federal laws and regulations are intended to stop the criminal use of firearms. We believe you, the licensee, are essential to achieving this objective.

We are committed to assist you in understanding the regulations and to developing a closer working relationship so that minimal regulation, consistent with the law and public interest, can work.

Current FFL list is available on magnetic tape, labels or printouts. Prices quoted on request. For a copy of the order form, write to:

Chief, Disclosure Branch
Bureau of Alcohol, Tobacco & Firearms
1200 Pennsylvania Avenue
Federal Building, Room 4405
Washington, DC 20226
Telephone: (202) 566-7118

NEWS YOU CAN USE

.22 Caliber Rimfire Ammunition Records Eliminated

On January 5, 1983, ATF sent a press release to all trade (guns, sports) magazines alerting all FFLs to a change in the Gun Control Act of 1968.

Public Law 97-377 signed by President Reagan on December 21, 1982, states no licensee need maintain any records for .22 caliber rimfire ammunition. This includes the receipt, sale, or disposition of the ammunition and applies to licensed dealers, importers, manufacturers and collectors.

This final rule does not affect recordkeeping requirements for pistol and revolver ammunition or ammunition interchangeable between rifles and handguns, other than the .22 caliber rimfire.

All licensees are still prohibited from transferring .22 caliber rimfire ammunition for use in handguns to persons under the age of 21, and to persons under the age of 18 if that ammunition is for use in rifles.

If you need further information contact ATF, Special Operations Branch, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 or telephone: (202) 566-7591.

Black Powder Form Eliminated

ATF eliminated Form 5400.3, Transaction Record for Black Powder To Be Used In Antique Weapons, effective June 18, 1982.

The form is no longer required and dealers need not maintain sales records of exempt quantities of black powder. Sales of commercially manufactured black powder in quantities of 50 pounds or less are exempt only if the powder is to be used for sporting, cultural or recreational purposes.

Although no form is now required, ATF officials caution that a dealer selling an exempt quantity of black powder must establish to his own satisfaction that the buyer intends to use the powder only for sporting, cultural or recreational purposes.

Other dealer requirements regarding black powder storage and recordkeeping are still in effect. Examples include inventory records and disposition records for sales to other dealers and to unlicensed individuals for non-exempt uses.

Three Firearms Defined As Machineguns

ATF has issued a ruling holding that the SM10 and SM11A1 pistols and SAC carbines manufactured or assembled on or after June 21, 1982, are machineguns and are subject to the registration provisions of the National Firearms Act (NFA).

The three weapons are blow back-operated, fire from an open bolt position with the bolt incorporating a fixed firing pin, and the barrels of the pistol are threaded to accept a silencer. Components parts of each weapon include a disconnecter and a trip that prevent more than one shot from being fired with a single pull of the trigger.

The NFA defines a machinegun to include any weapon that shoots, is designed to shoot, or can be readily restored to shoot automatically more than one shot, without manual reloading, by a single pull of the trigger.

ATF holds that the SM10 and SM1141 pistols and SAC carbines fit that definition and consequently are considered machineguns as defined by NFA.

This ruling does not apply to SM10 and SM1141 pistols and SAC carbines manufactured or assembled before June 21, 1982. Persons desiring to modify those weapons to shoot automatically must submit an application to ATF and pay the required tax.

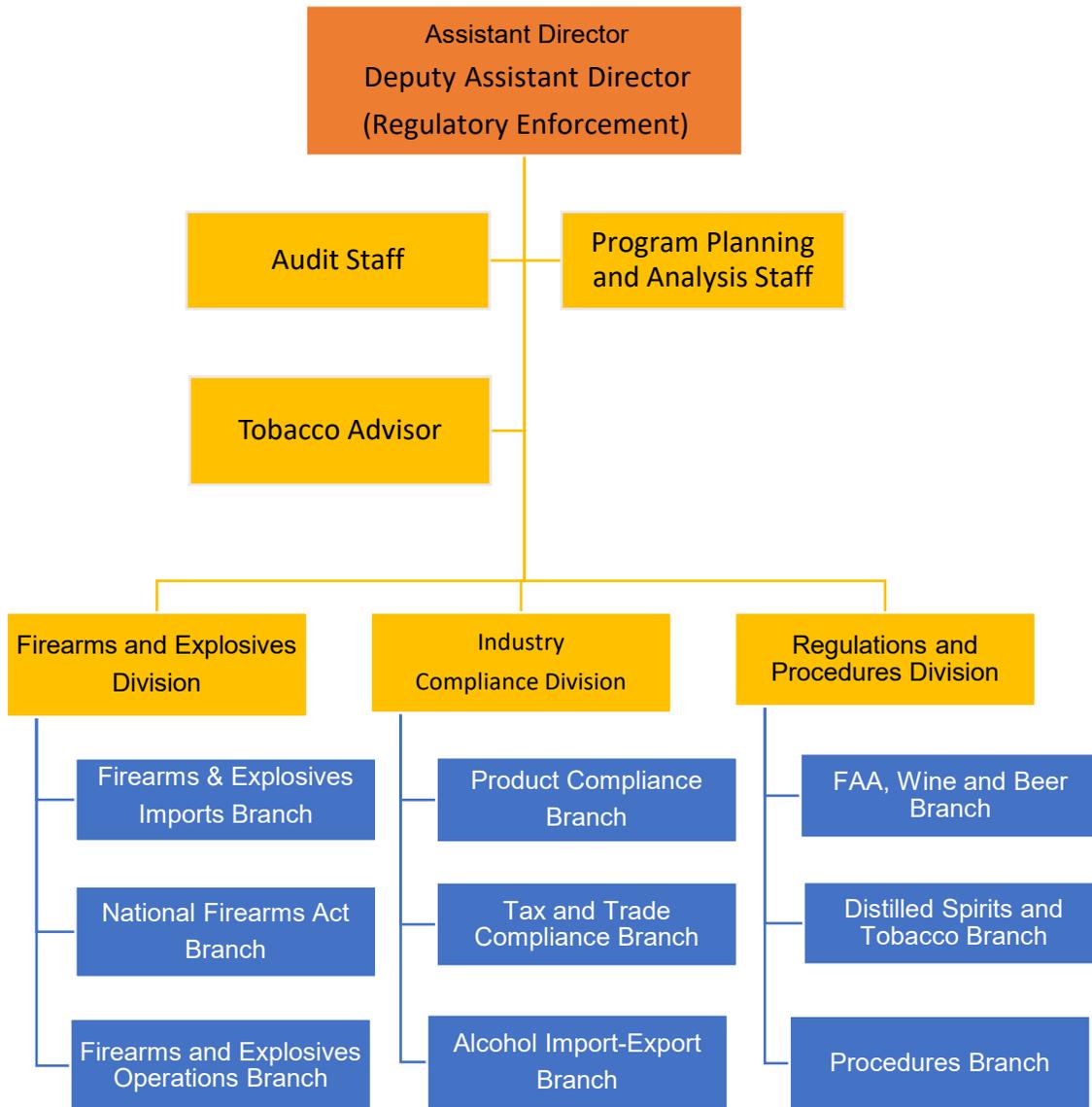
All SM10 and SM1141 pistols, and SAC carbines manufactured or assembled on or after June 21, 1982, are subject to NFA provisions.

For technical information, contact:

Chief, Firearms Technology Branch
Bureau of Alcohol, Tobacco & Firearms
12th Street & Pennsylvania Avenue
Washington, DC 20226
Telephone: (202) 566-7371

NEW ORGANIZATION

OFFICE OF REGULATORY ENFORCEMENT



ATF SPOTLIGHTS

The Dealer

Much of the success of our criminal firearms program is directly attributable to the cooperation and assistance we receive from many of our nearly 220,000 licensees.

The following two case histories exemplify the teamwork between ATF agents and licensees that often results in successful prosecutions and convictions.

After making numerous one and two handgun purchases, a Nigerian national ordered 14 handguns. He told the FFL there was a crime wave in Nigeria. The FFL notified ATF agents who discovered the national was in this country

on a student visa attending a Midwestern university, and was planning an immediate return to Nigeria.

Working with U.S. Customs agents, ATF conducted surveillance throughout the Nigerian's last day in the United States and arrested him after he failed to notify the airlines about the guns he carried.

A search of his suitcases revealed 27 handguns and 1200 rounds of ammunition. The subject was convicted and sentenced to five years, suspended in light of deportation proceedings.

An FFL, suspecting a "straw purchase" of three handguns notified ATF agents who located the suspects, both convicted felons, shortly after they checked into a local motel.

In addition to finding the three illegally purchased handguns, ATF agents located two other handguns, a quantity of narcotics and \$30,000 in gold coins in the room.

After raising obliterated serial numbers and tracing the two handguns through the ATF tracing center, agents learned that one of the handguns and the coin collection had been reported as stolen in another state. The other firearm also had been reported stolen in another burglary.

The two felons, who received sentences of 4 and 15 years respectively, previously had been convicted of multiple felonies, including manslaughter, assault, and narcotics violations.

ATF REORGANIZATION

The Bureau of Alcohol, Tobacco and Firearms has recently restructured its Headquarters operations in order to bring all functions relating to a particular commodity or regulatory matter within one division.

We feel this step will improve our service to all of our regulated industries including Firearms and Explosives by decreasing the number of Headquarters offices that you must contact to obtain information or to solve problems.

A new Firearms and Explosives Division has been established and will be responsible for administering the statutes and regulations involving the regulated firearms and explosives industries. This division has three branches:

- Firearms and Explosives Operations Branch (New)
- Firearms and Explosives Imports Branch (Formerly the Imports Branch)
- National Firearms Act Branch

The latter two branches were transferred intact from a division within the Office of Technical and Scientific Services.

The Firearms and Explosives Operations Branch will be responsible for preparing regulations, forms, publications, and procedures, and acting on variances that pertain to firearms and explosives.

The Firearms and Explosives Imports Branch will continue to process applications to import firearms, ammunition and implements of war and to administer the import provisions of the Gun Control Act, National Firearms Act, and Arms Export Control Act.

The National Firearms Act Branch will continue to process applications to register, make, manufacture, transfer and/or export NFA firearms, and to maintain National Firearms Registration and Transfer Records.

As in the past, with the exception of those functions that have always been centralized, your first contact to resolve problems or to obtain information should be with your local or regional ATF office. If further assistance is necessary, then the pertinent office should be contacted.

REGIONAL REGULATORY OFFICES

Midwest Region

(Illinois, Minnesota, Missouri, Wisconsin, Kansas, Nebraska, North Dakota, South Dakota, Iowa)

Office of the Regional Regulatory Administrator
Bureau of Alcohol, Tobacco & Firearms
230 S. Dearbon Street, 15th Floor
Chicago, Illinois 60604
(312) 353-3778

(Indiana, Ohio, Kentucky, West Virginia, Michigan)

Technical Services
Cincinnati Field Office
Bureau of Alcohol, Tobacco & Firearms
550 Main Street, Room 6501 A
Federal Office Building
Cincinnati, Ohio 45202
(513) 684-3331

Southeast Region

(Georgia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Florida)

Office of the Regional Regulatory Administrator
Bureau of Alcohol, Tobacco & Firearms
3835 Northeast Expressway, Room 200
Atlanta, Georgia 30340
(404) 455-2631

Southeast Region

(Texas, Louisiana, Arkansas, Oklahoma, Colorado, New Mexico, Wyoming)

Office of the Regional Regulatory Administrator
Bureau of Alcohol, Tobacco & Firearms
1114 Commerce Street, Room 701
Dallas, Texas 75242
(214) 264-2328

North Atlantic Region

(New York, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Puerto Rico)

Office of the Regional Regulatory Administrator
Bureau of Alcohol, Tobacco & Firearms
6 World Trade Center, 6th Floor
New York, New York 10048
(212) 264-2328

(Pennsylvania, Maryland, New Jersey, Delaware, Virginia)

Technical Services
Philadelphia Field Office
Bureau of Alcohol, Tobacco & Firearms
Federal Building, U.S. Post Office, 6th Floor
Ninth and Market Streets
Philadelphia, Pennsylvania 19107
(215) 597-2217

Western Region

**(California, Montana, Idaho, Washington, Oregon,
Nevada, Utah, Arizona, Hawaii, Alaska)**

Office of the Regional Regulatory Administrator
Bureau of Alcohol, Tobacco & Firearms
525 Market Street, 34th Floor
San Francisco, California 94105
(415) 974-9616