



# FFL NEWSLETTER

## FEDERAL FIREARMS LICENSEE INFORMATION SERVICE

November 2009

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>).

### Protecting America

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Federal Bureau of Investigation (FBI) are committed to protecting our nation from individuals who seek to acquire firearms for use in criminal activity, including violence towards innocent people. To be successful, we need the assistance of the firearms industry.

As a Federal Firearms Licensee (FFL), you have an important role in this effort. You and your employees routinely interact with persons who are purchasing firearms and are well positioned to note transactions that are unusual or suspicious.

FFLs and law enforcement have a long-standing history of mutual support and concern for public safety. Therefore, we ask you to report suspicious activity by purchasers or attempted purchasers.

**Below are some key indicators that are associated with individuals who are purchasing firearms or ammunition for use in criminal activity:**

- Buying a large number of the same or similar model firearms.
- Attempting to conceal conversations (beyond mere price negotiations).
- Acting evasively during conversations or while responding to questions.
- Purchasing firearms in a way revealing intent to circumvent legal restrictions.
- Purchasing firearms in a manner meant to avoid the multiple sales reporting requirements.
- Inquiring about illegal conversions of firearms.
- Expressing interest in the deadly force of the firearm beyond the interest typically shown by purchasers.
- Expressing interest in a desired ammunition's ability to penetrate law enforcement body armor.

**Note:** Both ATF and the FBI do not intend to interfere with an individual's right to purchase a firearm or deny the Constitutional rights of law-abiding citizens. There may be a perfectly legitimate reason why any one of the indicators described above is present; it is up to you to determine when that is *not* the case. We are asking you to alert ATF when you observe suspicious activities so that ATF can determine whether the activity warrants the attention of law enforcement.

In addition to alerting ATF when you observe suspicious activity associated with purchases or attempted purchases of firearms, there are steps you may wish to take that can assist in keeping firearms away from individuals who seek them for criminal activity:

Ask questions about the purchase, the intended use of the firearm, and its intended user. Hesitant or evasive answers may suggest that the purchaser intends to use the firearm for illegal purposes. By asking questions, you may prevent a potentially unlawful firearms transaction.

Exercise your right to decline a transaction if the customer appears nervous, avoids eye contact, seems jittery, uneasy, or vague, or if you are unsure whether the sale is legal.

Contact your local ATF field office to report any suspicious events associated with the purchase of firearms. Make a note of the customer's physical appearance. If possible without personal risk, note the make, model, color, and license plate number of the customer's vehicle. Retain any documentation that may be related to the declined sale such as a partially completed ATF Form 4473 or cancelled sales receipt.

If you have lawfully sold a firearm, ammunition, or provided gunsmith services and you later uncover any unusual information about your customer, you are encouraged to contact ATF.

To report suspicious activity, call ATF toll free at 1-800-ATF-GUNS(1-800-283-4867) or contact any of the local ATF field offices listed below:

Atlanta	(404) 417-2600
Baltimore	(443) 965-2000
Boston	(617) 557-1200
Charlotte	(704) 716-1800
Chicago	(312) 846-7200
Columbus	(614) 827-8400
Dallas	(469) 227-4300
Denver	(303) 844-7450
Detroit	(313) 202-3400
Houston	(281) 372-2900
Kansas City	(816) 559-0700
Los Angeles	(818) 265-2500
Louisville	(502) 753-3400
Miami	(305) 597-4800
Nashville	(615) 565-1400
Newark	(973) 413-1179
New Orleans	(504) 841-7000
New York	(718) 650-4000
Philadelphia	(215) 446-7800
Phoenix	(602) 776-5400
San Francisco	(925) 479-7500
Seattle	(206) 389-5800
St. Paul	(651) 726-0200
Tampa	(813) 202-7300
Washington	(202) 648-8010

Together, with your help, we can protect our communities. Your information can make a difference.

### ATF Strives to Improve Customer Service Through Online Notification:

*Changes To Rules and Regulations, the FFL Newsletter, and Open Letter Updates Are Available Via Subscription Service.*

Last year, ATF initiated an online subscription service that allows FFLs, industry members, the public, and others to receive an e-mail update when certain ATF Internet sites are updated.

Last year, nearly, 20,000 individuals subscribed to receive automatic FFL Newsletter updates while 18,000 and 18,500, respectively, have subscribed to receive Open Letter and Firearms Industry News updates.

To sign up is easy, and subscribers can always cancel their subscriptions. Just go to <http://www.atf.gov> and look for the letter icon ☒ in center of the page; then follow the simple instructions.



### Warning

#### *Counterfeit Cashier's Check Scam (Information for Licensees)*

If you use Internet auction or classified sites to sell merchandise, you need to be aware of the *Counterfeit Cashier's Check Scam*.

This is the basic scam, but there are many variations. Sellers should remember that there are regulations concerning the export of firearms, so they should be extremely cautious in dealing with potential buyers overseas. Be wary of anyone offering more than the purchase price of an item. Cashier's checks are easily counterfeited, so if you accept them, treat them with caution, and remember, if it sounds too good to be true, it usually is.

Note: ATF does not get involved in civil disputes between private individuals, unless a Federal law or regulation has been violated. If you feel you have been a victim of this scam, please contact your State Attorney General's Office at [http://naag.org/attorneys\\_general.php](http://naag.org/attorneys_general.php)

#### "Buyer/Seller Beware"

### Pistol Grips and Shotguns

Firearms with pistol grips attached:

The definition of a shotgun under the GCA, 18 U.S.C. § 921(a)(5), is "a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosives to fire through a smooth bore either a number of ball shot or single projectile for each single pull of the trigger. Under the GCA, 18 U.S.C. § 921(a)(29)(A), handgun means "a firearm which has a short stock and is designed to

be held and fired by the use of a single hand.” Federal law provides under 18 U.S.C. 922(b)(1), that if the firearm to be transferred is “other than a rifle or shotgun,” the purchaser must be 21 years of age or older.

Certain commercially produced firearms do not fall within the definition of shotgun under the GCA even though they utilize a shotgun shell for ammunition. For example, firearms that come equipped with a pistol grip in place of the buttstock are not shotguns as defined by the GCA.

A firearm with a pistol grip in lieu of the shoulder stock is not designed to be fired from the shoulder and, therefore, is not a shotgun. Since it is a firearm “other than a rifle or shotgun,” the purchaser must be 21 years of age or older. Additionally, interstate controls apply. The licensee and transferee must be residents of the same State.

Other questions raised pertain to entries made in the licensee’s required records with respect to firearm “type.” These entries should indicate the firearm type as “pistol grip firearm.”

#### AGE RESTRICTION & INTERSTATE TRANSFER REMINDERS

Licensees are reminded that firearm frames, receivers, and other firearms that are neither handguns nor long guns (rifles or shotguns) are considered “Other Firearms.” They cannot be sold or delivered by a licensee to any person under 21 years of age. Additionally, 18 U.S.C. 922(b)(3) states that a licensee shall not sell or deliver any firearm other than a shotgun or rifle to any person who does not reside in the State in which the licensee’s place of business or activity is located; this restriction includes handguns, pistol grip firearms utilizing shotgun ammunition, and frames and receivers.

### Improving Firearms Security

The public depends on us to provide guidance for preventing firearms theft and to assist gun enthusiasts by providing sound advice about firearms safety and security. Our efforts to diminish opportunities for the theft of firearms are important and there are many steps we can take without cost.

ATF encourages you to take precautions that readily become part of everyday procedures. Many of these ideas have come directly from retailers based on their personal experiences. Please review and consider them for your business:

- Keep display cases locked at all times.
- Periodically check your alarm and backup systems to ensure they are working.
- Show only one firearm at a time to your customers.

- Avoid leaving a customer unattended while handling a firearm.
- Discourage customers from getting behind the counter.
- Be cautious in meeting with customers after business hours.
- Avoid displaying more firearms than you can control at a gun show.
- Consider contracting for an employee screening/background check.
- Secure your Bound Book.
- Periodically re-examine/evaluate all doors, windows, locks, security system, keys, etc.

The last step is very important. The most common means of access for thieves is after hours through doors and windows, so securing all doors and windows with properly functioning alarms is a good measure. Make sure to test your alarm system, and make sure your contact numbers and codes are up to date.

Any security features that delay a thief’s access increase the possibility of deterrence and arrest. Consider having burglar bars installed on windows and doors; adding high-security show cases, which add an extra layer of protection; and placing barriers, such as concrete-filled posts, around your business to discourage the use of vehicles to “crash through” entranceways and windows.

A good business practice would be to secure your inventory at the end of the day, either by locking it via hardened cables, covering inventory from view or placing it in a vault.

*Safety and Security Information for Federal Firearms Licensees*, ATF P. 3317.2, provides a number of other tips for protecting you, your staff, and your inventory. The publication can be obtained as follows:

By contacting the ATF Distribution Center directly at 301-583-4696 and requesting ATF P 3317.2

By obtaining an ATF Distribution Center online order form via: <http://www.atf.gov/forms/dcof/>

By online viewing or downloading at: <http://www.atf.gov/publications/>

Remember, if you become a victim of firearms theft/loss, the incident must be reported to the ATF Stolen Firearms Program Manager at 1-800-800-3855 within 48 hours after the theft or loss is discovered. This verbal notification must be followed up by a written notification on ATF F 3310.11,

*Federal Firearms Licensee Firearms Inventory Theft/Loss Report*, during this 48-hour period. This form can be found in *Safety and Security Information* and can be ordered separately from the ATF Distribution Center. The theft or loss must also be reported to local law enforcement authorities. Your assistance is greatly appreciated.

### **Here Are Some Reminders for Completing ATF Form 4473**

While conducting compliance inspections, Industry Operations Investigators are finding that some FFLs are not properly recording NICS contact and response information on their Forms 4473. ATF Form 4473, May 2007 Revision, incorporated several changes pertaining to the recording of the NICS' response. These requirements continue to apply on the current (August 2008) edition.

#### **Questions 21a-f**

##### NICS Contact

1. In answering Question 21a, the licensee or his employee must record the date of initial contact with NICS or the appropriate State agency Point of Contact (POC). For Question 21b, the licensee must record the NICS or State transaction number. In 21c the licensee must record the initial NICS or State agency response. The licensee can record the name and Brady identification number of the NICS examiner if desired in 21f. If the initial NICS or State agency response is "proceed," the NICS information is complete.
2. If the initial response is "delayed," the licensee may include the date the firearm may be transferred in the blank provided in 21c. The date will be provided by NICS: although recording the date is optional, it will assist in ensuring that the licensee or employees will not transfer the firearm prior to three business days. If the initial response is "delayed," the licensee is required to record the follow-up NICS or State agency response in 21d. If the transaction is Proceed, Denied, or Cancelled, the licensee should check the appropriate box and record in 21d, the follow-up date when NICS or the State responded.
3. If the licensee proceeds with the firearm transfer after three business days, the licensee must check Box 21d, "No resolution was provided within 3 business days." If that box is checked, the licensee must record all subsequent information in 21e. When NICS or the State agency responds with a final resolution, the licensee must record the date and response by NICS or the State in 21e.
4. For firearms transferred to a non-licensee, a Form 4473 must be completed and a NICS background check must be conducted before the firearm can be transferred.
5. Two out of the 10 violations most cited by IOIs involve the improper recording of NICS information. The fourth most cited violation is not recording the date when NICS was contacted and failing to put it on Form 4473. The tenth is failure to contact NICS and wait the stipulated time prior to the transfer of the firearm, or failure to record the NICS Transaction Number. You are reminded that all information regarding NICS must be recorded on the ATF Form 4473, whether the response is a Proceed, Delay, or Denial. Furthermore, if it is delayed, you must wait the stipulated time before transferring the firearm.

#### **Questions 33-36**

##### Seller's Name, Signature, Title, and Date

6. The person transferring (selling) the firearm(s) must complete Questions 33-36. These questions are not to be completed until all requirements are met and the firearm(s) is being transferred. If the firearm(s) transfer is delayed, the actual person transferring the firearm(s) will complete Questions 33-36 when the transfer occurs.
7. Exception: For denied or cancelled transactions, the person who completed
8. Section B must complete Questions 33-35. Any questions concerning the attempted purchase will enable law enforcement to speak with the individual having contact with the potentially prohibited person.
9. If the pages of the 4473 become separated, they can be stapled together. The instructions must be kept as a permanent record of the transaction since the instructions are part of the form and cannot be discarded.

## FFL Newsletter Questions

1. **How does a licensee handle the following situation: A handgun and long gun are purchased at the same time by a single transferee who is subject to a waiting period for the handgun, but wants to take the long gun at the time of sale, both firearms being on the same 4473? How should the licensee handle a partial transfer (taking the long gun, but retaining the handgun until the waiting period is met)? Are there any ATF references for this issue?**

A licensee may transfer a handgun and a long gun in one transaction. In a situation where the handgun is subject to a waiting period, the licensee should wait until the waiting period has expired and transfer both firearms at the same time. Since you must sign and date at the time the transfer takes place, there would be no place to sign and date the second transfer. As an alternative, the transaction could be completed utilizing separate 4473s.

2. **Is an Out-of-State concealed handgun permit valid in any other (non-issuing) State for purchasing a firearm?**

No, a concealed carry permit issued by a State does not give any right to purchase a firearm in another State under the provisions of Brady, nor does it grant the right to carry concealed across State lines unless there is a reciprocity agreement granting permission to do so.

3. **Does your event qualify as a Gun Show?**

A Gun Show or other qualifying event is defined in 27 CFR 478.100(b) as a “gun show or an event 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.”

If you can answer “yes” to both of the following questions, your event does qualify as a gun show.

1. Is this event a function sponsored by any national, State, or local organization?
2. Is that organization devoted to the collection, competitive use, or other sporting use of firearms, or (as well) is it an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community?

## NFA Forms and Their Use

### Form 1, Application to Make and Register a Firearm

ATF Form 1 (5320.1) is used by any person seeking to make and register an NFA firearm to apply for the required permission to make and register it and to pay the required making tax. The NFA firearm can not be made until the Form 1 is approved. The exception to this requirement is that a federally licensed manufacturer who has paid the special (occupational) tax (SOT) to manufacture NFA firearms does not need prior permission in order to manufacture. However, the manufacturer must file ATF Form 2 as described below.

If the applicant is an individual person, the application must include the applicant’s fingerprints, photographs, and the completed Law Enforcement Certificate.

### Form 2, Notice of Firearms Manufactured or Imported

ATF Form 2 (5320.2) is used by a federally licensed manufacturer (who has paid the SOT) to manufacture NFA firearms and to register any the licensee has manufactured. A manufacturer must submit the Form 2 by the close of the next business day after each firearm is manufactured.

ATF Form 2 is also used by a federally licensed importer who has paid the SOT to import NFA firearms after receiving an approved ATF Form 6 permit. The importer must submit the Form 2 within 15 days of the release of the NFA firearms from Customs custody.

### Form 3, Application for Tax-Exempt Transfer of a Firearm and Registration to a Special (Occupational) Taxpayer

ATF Form 3 (5320.3) is used only when both parties to the transaction are FFLs who can deal, import, or manufacture firearms and who have paid the applicable SOT. The NFA provides an exemption from the transfer tax liability for this type of transaction; the exemption is applied for by filing a Form 3.

ATF is often asked about a situation where one of the parties acquired an NFA firearm on Form 3, but no longer has a license or current SOT, and, thus, is no longer qualified to deal in NFA firearms. In this case, any subsequent transfer is subject to the transfer tax because the exemption from this tax is only good when both parties are properly qualified at the same time.

### Form 4, Application for Tax Paid Transfer and Registration of a Firearm

ATF Form 4 (5320.4) is used to apply for any transfer of an NFA firearm and pay the transfer tax to an end user.

ATF is often asked why the transfer of a firearm to an FFL who can deal, import, or manufacture firearms and who has paid the applicable SOT is taxable since many licensees believe this type of transfer is not taxable because the transferee is qualified. The answer is that the only exemptions from payment of the transfer tax occur when the both parties are qualified to deal, import, or manufacture NFA firearms; or to transfer to a government entity; or meet one of the exemptions described below.

If the transferee is an unlicensed individual rather than a licensee, the application must include the transferee's fingerprints, photographs, and the completed Law Enforcement Certificate.

### Form 5, Application for Tax Exempt Transfer and Registration of a Firearm

ATF Form 5 (5320.5) is a multi-purpose form used for claiming an exemption from the payment of the transfer tax. The exemptions apply to:

- Any transfer to or from a government agency.
- The transfer of an unserviceable NFA firearm as a curio or ornament.
- The transfer of an NFA firearm to a lawful heir when the firearm is registered to a decedent.
- The shipment of an NFA firearm for repair and for return after repair.

If the transferee is unlicensed, the application must include as attachments, the transferee's fingerprints, photographs, and the completed Law Enforcement Certificate. (Exceptions: The Law Enforcement Certificate is not required when the transfer is being made to a lawful heir of an estate. Also, the Law Enforcement Certification, fingerprints, and photographs are not required for the return of a firearm from repair).

There are no other tax-exempt transfers. ATF is often asked whether an NFA firearm can be transferred tax-exempt for testing or consignment to a licensee. In these cases, there is no transfer tax exemption, and the transfer must be made via a Form 4.

### Form 9, Application and Permit for Permanent Exportation of a Firearm

ATF Form 9 (5320.9) is used for the permanent exportation of an NFA firearm from the United States. The Form 9 is submitted subsequent to acquiring an export license from the Department of State. Proof of exportation must be submitted to ATF within 6 months of the approval of the Form 9 to relieve transfer tax liability.

### Form 10, Application for Registration of Firearms Acquired by Certain Governmental Entities

ATF Form 10 (5320.10) is only used by a State or local government agency to register an unregistered NFA firearm that the agency wants to maintain in its possession. The Form 10 is the only means of registration for an unregistered firearm, and the firearm may only be registered to and possessed by a government agency. Federal agencies are exempt from registration requirements, so there is no need for a Federal agency to file a Form 10.

### Form 5320.20, Application to Transport Interstate or to Temporarily Export Certain NFA Firearms

The GCA, 18 U.S.C. 922 (a)(4), requires that a person obtain permission from ATF to transport a machinegun, short-barreled rifle, short-barreled shotgun, or destructive device across State lines. Regulation 27 CFR 478.28 exempts an FFL who can deal, import, or manufacture firearms and who has paid the applicable SOT based on this[?] requirement and also exempts a person licensed as a collector of curios or relics if the firearm being transported is a curio or relic. Note that there is no requirement for any person to receive permission to move a silencer or firearm classified as an "any other weapon" across State lines. The NFA Branch will also accept an ATF Form 5320.20 to notify the NFA Branch of an intrastate change of address.

### Form 5630.7, Special Tax Registration and Return - NFA

This form is used for the initial filing of the special tax by a person who is already licensed to import, manufacture, or deal in firearms. After the initial filing, the taxpayer will receive a renewal return for subsequent tax years. We caution that the same business structure described on the special tax return must be the same as that specified on the license and that the name, trade name, and address must also be identical to those on the license.

### Clarification on Submission of Multiple Handgun Sale Forms.

When submitting ATF F 3310.4, *Report of Multiple Sale or Other Disposition of Pistols and Revolvers* (dated March 2009), please send Copy 1 to the **ATF, National Tracing Center, P.O. Box 0279, Kearneysville, WV 25430-0279** or, if you prefer, you may fax it to 1-877-283-0288.

Dealers submitting the form have been inadvertently using the address for Clarksburg, WV, to submit the form to ATF. The Clarksburg address is only provided for Chief Law Enforcement Officers to use in submitting their certification Statements.

If you need any additional information regarding F 3310.4, you may contact us at **304-260-1559**.

### ATF Encourages Support of the National Center for Missing & Exploited Children (NCMEC)

NCMEC spearheads national efforts to help locate and recover missing children and raises public awareness about ways to help prevent child abduction, endangerment, and sexual exploitation. A private, nonprofit organization established in 1984, NCMEC operates under a Congressional mandate and works in cooperation with the DOJ's Office of Juvenile Justice and Delinquency Prevention in coordinating the efforts of law enforcement, social-service agencies, elected officials, judges, prosecutors, educators, and the public and private sectors to help prevent child abduction and sexual

exploitation; help find missing children; and to assist victims of child abduction and sexual exploitation, their families, and the professionals who serve them. NCMEC is a national voice, mobilizer, and advocate for those too young to vote or speak up for their own rights—our children. NCMEC is working to make a safer childhood for our children. From its creation in 1984 through March 2009, NCMEC has played a role in the recovery of more than 138,500 children, assisted law enforcement with more than 154,100 missing-child cases, received more than 2.3 million telephone calls through the nationwide, toll-free hotline 1-800-THE-LOST (1800-843-5678), and received more than 675,200 reports about sexually exploited children on the CyberTip line, [www.cybertipline.com](http://www.cybertipline.com). NCMEC has circulated millions of photographs of missing children, has a current missing child recovery rate of 96.8% and has trained more than 256,300 professionals in the U.S. and Canada. For further information please view the NCMEC website at: [www.missingkids.com](http://www.missingkids.com).



## FBI/NICS News

### NICS Surpasses 100 Million Transactions

On Saturday, April 4, 2009, at 8:35 p.m., the 100 millionth NICS transaction was initiated by a Type 01 FFL. This landmark transaction was initiated 1 day short of the 2-year anniversary of the 75 millionth transaction, initiated on April 5, 2007.

### NICS Contracted Call Centers Making Callbacks on Proceed Transactions

In September 2008, the NICS Contracted Call Centers (simply "Call Centers") began calling FFLs with the results on proceeded transactions. Prior to this change, all callbacks were completed by NICS Section personnel responsible for processing the background checks. The primary reason for this change was to increase the overall efficiency of the NICS Section while providing better customer service to the FFLs and the citizens attempting to purchase firearms. This change in processing callbacks went smoothly and continues to benefit the FFLs and citizens. The following are changes that the FFLs will notice or should be aware of as a result of Call Center callbacks for proceeded transactions:

- Not all responses will be provided by the Call Center, only those with proceed responses.
- The Brady ID number provided by the Call Center is seven digits.
- The Brady ID number provided by the NICS Section will continue to be four digits.
- When an FFL initiates a new check, if there are transactions that have been resolved without notification of the FFL, the Call Center staff will provide the response for such resolved transactions. If it is not a convenient time for the FFL to take the responses, the FFL should advise the Call Center staff about a more suitable time. The Call Center will still attempt to contact the FFL with the final response for their resolved transactions at a later time; however, the FFL may contact the NICS Customer Service at (877) 444-6427 to obtain the final response for their resolved transactions.

### NICS on the Internet

By accessing the NICS Web site at <http://www.fbi.gov/hq/cjisd/nics.htm>, FFLs can access useful information and resources for their daily business operations. On the NICS Web site, you will find the following categories of information:

- General Information
- Appeals.
- For FFLs.
- Regulations.
- Forms.
- News and Stories.
- Reports and Statistics.
- Statutes and Legislation.
- Related Sites.

A plethora of information is located within each category. You can also access information helpful in identifying trends under the Reports and Statistics category. The following are two resources available under this category:

- Total NICS Firearm Background Checks - This consists of a breakdown (by State) of the number of background checks by type of check (handgun, long gun, prepawn, redemption, etc.).
- Total NICS Firearm Background Checks by State - This data consist of State totals for the number of checks conducted each month. This report reflects data from January 1, 2009, to present.



## Suggestions for Conducting Inventories

Violations associated with inventory discrepancies are among the most cited. Firearms that cannot be accounted for by FFLs cannot be traced by ATF.

It is a very important part of your business to conduct periodic inventories to ensure that there are no discrepancies in your physical inventory. It is as important as balancing your checking account, because your firearms inventory is your money, the assets of your firearms business.

Here are some suggestions for conducting a thorough inventory:

1. Reconcile the Acquisition and Disposition (A&D) bound book prior to conducting the inventory, meaning that any firearms not already logged into the acquisitions should be logged in, and any firearms transferred on a 4473 to another licensee, or any other disposition should be logged out into the disposition record making sure that the A&D information is entered in a timely manner.
 

A physical comparison of the serial number to the open entry in the bound records should be conducted to determine if there are any firearms missing from inventory.
2. Should there be any firearms not accounted for, they should be reconciled by means of review of invoices, 4473s, etc., to determine if they were disposed of and not recorded. Any firearms that were in inventory and not recorded should then be recorded in the acquisitions.
 

Also, you should physically check gun to book and book to gun to ensure that a thorough inventory has been conducted: just counting your firearms inventory and counting your open entries in the book may result in an exact number, but might not be the exact firearm(s).
3. Any firearms that cannot be reconciled after a complete and thorough search must be reported on ATF Form 3310.11 as stolen or missing from inventory to the local police department and to ATF (at 1-800-800-3855) within 48 hours of discovery.

Remember it is always better for you to find these errors prior to our inspection of your business, because they can result in a violation [just to make sure].

## Annual Firearms Manufacturing and Exportation Report (AFMER)

ATF would like to remind all licensed firearms manufacturers (holders of type 07 and/or type 10 FFLs) of their obligation to submit an Annual Firearms Manufacturing and Exportation Report (AFMER) to ATF by April 1 of each year. The report documents manufacturing volume for the previous calendar year, so the report due April 1, 2010, will cover manufacturing activity for calendar 2009. Manufacturers will receive a filing notice during the winter of 2010 providing a blank copy of the AFMER form and instructions for its submission. New in 2010 will be an option for scanning your signed and dated AFMER form into a PDF format and sending the PDF file as an e-mail attachment to ATF. Any questions about the AFMER program should be directed to Program Analyst Erica Reid at 202-648-7114.

## Availability of State Laws and Published Ordinances-Firearms (ATF P 5300.5)

We would like to make you aware of the availability of the 2008, *29th Edition State Laws and Published Ordinances—Firearms* (ATF P 5300.5) on our website. In addition, limited numbers of the publication will be available in; CD-ROM and bound printed versions by mid February. The CD-ROM will make searching and identifying information easier and more efficient; it will be provided in an Acrobat Adobe PDF format, displaying the publication as it would appear in print and permitting it to be reprinted by a personal computer. You can obtain your preference of either version by contacting the ATF Distribution Center at 301-583-4696. **The publication may also be viewed and downloaded from the ATF Web site link <http://www.atf.gov/publications/download/p/atf-p-5300-5.pdf>.**

This publication is designed to help Federal firearm licensees comply with Federal and State firearms laws. It will assist you in complying with the Gun Control Act of 1968 (GCA). The GCA prohibits licensees from selling or delivering a firearm to a nonlicensee whose receipt or possession of the firearm would violate State or local laws applicable at the place of sale or delivery. This publication will assist you in making lawful over-the-counter sales of rifles and shotguns to out-of-State residents-transactions that must meet the legal requirements of both your State of residence and the purchaser's State of residence.

The Firearms Programs Division staff is available to answer questions about the issues addressed in this letter. You may reach them by telephone at (202) 648-7090.

## 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.

Acting, Assistant Director  
Enforcement Programs and Services  
Audrey Stucko  
(202) 648-7080

Deputy Assistant Director  
Enforcement Programs and Services  
Audrey Stucko  
(202) 648-7080

Acting, Chief, Firearms Programs Division  
Chad Yoder (202) 648-7090

Acting, Deputy Chief, Firearms Programs Division  
Melinda Whitworth (202) 648-7090

Acting Chief, Firearms Enforcement Branch  
Barbara A. Osborne (202) 648-7090

Chief, Firearms Technology Branch  
John Spencer (304) 260-3414

Chief, Brady Operations Branch  
Christine Dixon (304) 260-3860

Chief, National Integrated Ballistics Identification  
Network (NIBIN) Branch  
Michael O'Neil (202) 648-7175

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  
Vacant (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  
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<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/>



**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
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ATF Federal Firearms Licensing Center  
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