

Table of Contents

CHAPTER 1: Introductory Principles and Explanations	1
Primary Sources of Federal Firearm Laws	1
<u>National Firearms Act</u>	1
<u>Gun Control Act</u>	2
<u>Arms Control and Disarmament Act of 1961</u>	2
<u>Arms Export Control Act of 1976</u>	2
<u>Regulations</u>	2
<u>Table of Congressional Acts, Statutes, and Related Regulations</u>	3
<u>Regulatory Departments and Agencies</u>	5
<i>Department of Justice & the Bureau of Alcohol, Tobacco, Firearms and Explosives</i>	5
<i>Department of Commerce</i>	7
<i>Department of State</i>	7
Fictional Limitation of the Interstate Commerce Clause	8
Lawful Uses of Firearms Include Self-Defense	9
Non-exclusivity of Federal Law and Conflicting State Laws	9
Limitation on Rules and Regulations	10
ATF Online.Gov/eForms/FFLeZCheck	10
Alternative Methods or Procedures and Variations from Requirements	
Under Gun Control Act	15
<u>Alternative Methods or Procedures</u>	15
<i>Application for Alternate Method or Procedure</i>	15
<i>Required Compliance with Alternative</i>	16
<i>Director Withdrawal of Alternative</i>	16
<u>Emergency Variations for Method of Operation</u>	16
<i>Application for Variance</i>	16
<i>Required Compliance with Variance</i>	16
<i>Director Withdrawal of Variance</i>	17
<u>Retention of Approved Applications for Alternative Methods or</u>	
<u>Procedures and Emergency Variances</u>	17
Abbreviated References and Simplifications	17
CHAPTER 2: What is Being Regulated?	19
Regulating Agency	19
Definition of a Person	19
Definition of a Firearm	19
<u>Subsection (A): Firearms Expel a Projectile by the Action of an Explosive</u>	20
<i>BB and Pellet Guns</i>	20
<i>Working Guns</i>	20
<i>Tasers & Stun Guns</i>	20
<i>Readily Converted and Starter Guns</i>	21
<u>Subsection (B): Frames and Receivers Are Firearms</u>	21
<i>No Requirement that a Barrel Can Be Connected</i>	21
<i>Practicality Supersedes Definition to Regulate Only Lower Receivers</i>	22

Table of Contents

<u>Merging of Subsections (A) and (B): The Incomplete (80%) Lower Receiver.</u>	24
<i>How Many Firearms in a Weapon?</i>	28
<u>Subsection (C): Mufflers and Silencers Are Firearms.</u>	29
<i>Purpose Over Function</i>	29
<u>Subsection (D): Any Destructive Device.</u>	30
<i>Exclusion from Definition.</i>	31
<i>Tear Gas & Pyrotechnic Devices.</i>	31
<i>37/38 mm Gas/Flare Guns.</i>	32
<i>Request for ATF Determination.</i>	33
<u>Exclusion: Antique Firearms.</u>	33
Definition of Ammunition.	34
<u>Armor-Piercing Ammunition.</u>	34
<i>SS109/M855 5.56 Ammunition.</i>	35
Types of Firearms Defined.	38
<u>Shotgun.</u>	38
<u>Rifle.</u>	38
<u>Handgun.</u>	39
<i>Pistol.</i>	39
<i>Revolver.</i>	39
Prohibited Firearms.	39
<u>Stolen Firearms and Ammunition.</u>	39
<u>Machine Guns.</u>	39
<i>Defined.</i>	39
<i>Illegal to transport.</i>	40
<i>Illegal to transfer or possess.</i>	40
<i>The National Firearms Act.</i>	40
<u>“Plastic” or Undetectable Firearms.</u>	40
<i>Exception: “Security Exemplars.”</i>	41
<i>Exception: Compliance Testing and Development of New Technology.</i>	41
<i>Exception: Firearms for Military or Intelligence Agencies.</i>	42
<i>Exception: Firearms Existing Prior to November 10, 1988.</i>	42
CHAPTER 3: Juveniles and Prohibited Persons.	43
Juveniles: Possession of Handguns or Handgun Ammunition.	43
<u>Transfers to and Possession of Handguns and Handgun Ammunition</u>	
<u>by Juveniles.</u>	43
<i>Exceptions.</i>	43
<i>Permanent Confiscation Protection.</i>	44
<i>Penalties for Juveniles.</i>	44
<i>Penalties for Non-Juvenile.</i>	45
Transfers to Juveniles by Licensees.	45
Prohibited Persons.	47
Conviction or Under Indictment for Crime Punishable by Term Exceeding	
One Year.	47

Table of Contents

<u>Prohibited Transactions</u>	47
<i>Unlawful Sale or Distribution to Prohibited Persons</i>	47
<i>Unlawful Firearms Transactions by Prohibited Persons</i>	47
<i>Unlawful Sale or Distribution by Licensee to Prohibited Person</i>	48
<u>Exception: Indicted Licensee</u>	48
<u>Definitions</u>	48
<i>Conviction Defined</i>	48
<i>Indictment Defined</i>	49
<i>Crimes Punishable by More than One-Year's Imprisonment</i>	49
<u>Not A Serious or Violent Crime</u>	49
Fugitive from Justice	52
<u>Prohibited Transactions</u>	52
<i>Unlawful Sale or Distribution to Prohibited Persons</i>	52
<i>Unlawful Firearms Transactions by Prohibited Persons</i>	52
<i>Unlawful Sale or Distribution by Licensee to Prohibited Persons</i>	52
<u>Definitions</u>	52
<i>Fugitive from Justice</i>	52
Unlawful User of or Addicted to Any Controlled Substance	53
<u>Prohibited Transactions</u>	53
<i>Unlawful Sale or Distribution to Prohibited Person</i>	53
<i>Unlawful Firearms Transactions by Prohibited Persons</i>	53
<i>Unlawful Sale or Distribution by Licensee to Prohibited Persons</i>	53
<u>Definitions</u>	53
<i>Controlled Substance</i>	53
<i>Unlawful User or Addiction</i>	54
<i>State Authorized Medical Use of Marijuana</i>	54
Adjudicated as a Mental Defective or Has Been Committed to Any	
Mental Institution	56
<u>Prohibited Transactions</u>	56
<i>Unlawful Sale or Distribution to Prohibited Person</i>	56
<i>Unlawful Firearms Transactions by Prohibited Persons</i>	56
<i>Unlawful Sale or Distribution by Licensee to Prohibited Persons</i>	56
<u>Definitions</u>	57
<i>Mental Institution</i>	57
<i>Adjudicated as a Mental Defective</i>	57
<i>Committed to a Mental Institution</i>	57
<i>ATF Open Letter</i>	57
<u>Social Security & Veterans Affairs Beneficiaries</u>	58
Illegal Aliens and Aliens Admitted Under Nonimmigrant Visas	60
<u>Prohibited Transactions</u>	60
<i>Unlawful Sale or Distribution to Prohibited Person</i>	60
<i>Unlawful Firearms Transactions by Prohibited Persons</i>	61
<i>Unlawful Sale or Distribution by Licensee to Prohibited Persons</i>	61
<u>Definitions</u>	61
<i>Alien</i>	61
<i>Illegally or Unlawfully in the United States</i>	61

Table of Contents

<i>Nonimmigrant Visa</i>	62
<u>FFL Acceptance of Driver's Licenses Issued Without Proof of Lawful Residency</u> ..	62
<u>Limited Nonimmigrant Visa Exceptions</u>	63
<i>Procedure</i>	65
Nonimmigrant Visa Waivers.....	66
Dishonorable Discharge from Armed Forces	66
<u>Prohibited Transactions</u>	66
<i>Unlawful Sale or Distribution to Prohibited Person</i>	66
<i>Unlawful Firearms Transactions by Prohibited Persons</i>	66
<i>Unlawful Sale or Distribution by Licensee to Prohibited Persons</i>	67
<u>Definitions</u>	67
<i>Discharged under Dishonorable Condition</i>	67
Renounced United States Citizenship	67
<u>Prohibited Transactions</u>	67
<i>Unlawful Sale or Distribution to Prohibited Persons</i>	67
<i>Unlawful Firearms Transactions by Prohibited Persons</i>	67
<i>Unlawful Sale or Distribution by Licensee to Prohibited Person</i>	68
<u>Definitions</u>	68
Court-Ordered Domestic Restraining Order	68
<u>Prohibited Transactions</u>	68
<i>Unlawful Sales and Dispositions to Prohibited Persons</i> ..	68
<i>Unlawful Firearms Transactions by Prohibited Persons</i>	68
<i>Unlawful Sale or Distribution by Licensee to Prohibited Persons</i>	69
<u>Definitions</u>	69
<i>Actual Notice</i>	69
<u>Regulations for Storage of Seized Firearms</u>	70
Misdemeanor Conviction for Domestic Violence	70
<u>Prohibited Transactions</u>	70
<i>Unlawful Sales and Dispositions to Prohibited Persons</i>	70
<i>Unlawful Firearms Transactions by Prohibited Persons</i>	70
<i>Unlawful Sale or Distribution by Licensee to Prohibited Person</i>	71
<u>Definitions</u>	71
<i>Misdemeanor Crime of Domestic Violence</i>	71
Employees of Prohibited Persons	72
Repeated Convictions for Violent Felonies or Serious Drug Offenses	73
<u>Violent Felony</u>	74
<u>Serious Drug Offense</u>	74
Possession Violates State Law or Published Ordinance	75
Prohibited Persons: Pardons, Expunctions, Reversals, Etc.	75
<u>Relief from Federal Felony Conviction</u>	75
<i>Presidential Pardon of Federal Conviction</i>	75
<u>Relief from State or Foreign Conviction</u>	76
<i>Pardon</i>	76
<i>Expunction, Reversal, or Setting Aside of Conviction</i>	76
<i>Restoration of Civil Rights</i>	76
<i>Exceptions</i>	76

Table of Contents

Prohibited Persons: Applications for Relief	76
<u>Applications for Relief-General</u>	76
<i>Congressional Funding Restrictions</i>	77
<u>Applications-for-Relief Process</u>	79
<i>Application Requirements</i>	79
<i>Certified Copies Required</i>	81
<i>Incomplete or Improperly Executed Application</i>	81
<i>False Statements in Application</i>	81
<u>Grounds for Granting Application for Relief</u>	82
<i>General Standards</i>	82
<i>Discharged from Parole/Probation More Than Two Years</i>	82
<i>Possession Violation of State Law</i>	82
<u>Granting of Relief Published</u>	82
<u>Denial of Application for Relief</u>	82
<i>Petition Challenging Denial</i>	82
Licensees: Relief from Indictments & Disabilities	83
<u>Licensees: Relief from Indictment</u>	83
<i>Continue Operations Until Conviction</i>	83
<i>License Expiration During Indictment Period</i>	83
<u>Licensees with Disabilities: License Renewals and Applications for Relief</u>	83
<i>License Renewal if Expiration Within 30 Days of Disability</i>	83
<i>Applications for Relief by Licensees</i>	83
<i>Benefit of Lack of ATF Funding</i>	84
<i>Thirty Days to File Application for Relief</i>	84
<i>Licensee Has 30 Days After Denial to Discontinue Licensed Operations</i>	85
CHAPTER 4: Locations Where Firearms Are Prohibited	87
School Zones	87
<u>Possession Prohibition</u>	89
<u>Discharge Prohibition</u>	90
<u>No Prohibition for More Stringent State Laws</u>	90
Federal Facilities	91
<u>Federal Facilities Other than Federal Court Facilities</u>	91
<i>Knowing Possession</i>	91
<i>Conspicuous Posting of Law</i>	91
<u>Federal Facilities Including Federal Court Facilities</u>	92
<i>Intent or Attempt to Commit Crime</i>	92
<i>Killing a Person in a Federal Facility</i>	92
<i>No Requirement for Conspicuous Posting of Law</i>	92
<u>Federal Court Facilities Only</u>	92
<i>Conspicuous Posting of Law</i>	93
<i>Additional Punishment</i>	93
<u>United States Post Office</u>	93

Table of Contents

CHAPTER 5: Transportation of Firearms	95
Personal Interstate Transportation of Firearms	95
Transporting through the United States Postal Service	96
Transporting Through a Common or Contract Carrier–Notice Requirement	97
Common or Contract Carrier’s Obligation to Aid in Enforcement of the Law	97
Exception: Personal Transportation of Firearm on Common or Contract Carrier	98
Transportation and Shipment of Stolen Firearms and Ammunition	100
Transportation of Firearms with Tampered Serial Numbers	101
Transportation of Firearms or Ammunition by Person Under Indictment for a Felony	101
CHAPTER 6: Firearm Transfers by Unlicensed Persons	103
Private Transfers within State	103
Firearms License Required for Business Transfers	103
Restrictions on Firearms Transactions with Unlicensed Individuals or Businesses	104
<u>Nonlicensee Shipment to Licensee Allowed</u>	104
<u>Licensee Out-of-State Transfer to Nonlicensee Generally Prohibited</u>	104
Nonresident of Any State “Sporting Purpose” Requirement	104
Determining State of Residence	104
<u>Examples</u>	105
<u>Out-of-State College Students</u>	106
<u>Dual Foreign and State Residences</u>	106
Out-of-State Resident Transfer Restrictions	106
<u>Receipt from Non-resident State</u>	106
<i>Exception for Bequests and Intestate Succession</i>	107
<i>Exception for Rifles/ Shotguns from Licensee</i>	107
<i>Exceptions for Loans/Rentals</i>	108
<i>Non-resident U.S. Citizens Returning to the United States</i>	108
<i>Nonresident Aliens</i>	109
<i>Unconstitutionality of Restriction</i>	109
<u>Transfers to Residents of Another State</u>	110
<i>Exception for Bequests and Intestate Succession</i>	110
<i>Exceptions for Loans/Rentals from Licensee</i>	110
<i>Transportation with Common Carrier</i>	110
Loans and Rentals by Clubs and Associations	110
Transfers of Destructive Devices, Machine Guns, Short-Barreled Shotguns, and Short-Barreled Rifles	111
ATF eForms and Form 6 for Imports	111
Import Permits for Firearm Barrels by Nonlicensees	112
<u>Application Approval/Disapproval</u>	113
<u>Requirements for Release from Customs</u>	113
<u>Import Permit</u>	113
<i>ATF Form 6A (Release and Receipt of Imported Firearms, Ammunition and Implements of War)</i>	114
<u>Options for Failure to Obtain Prior Import Authorization</u>	114

Table of Contents

Import Permits by Members of the U.S. Armed Forces on Active Duty Outside the United States.	115
<u>Statutory Import Requirements.</u>	115
<u>Import Permit Requirements.</u>	115
<u>Import Permit Process.</u>	116
<i>ATF Form 6-Part II.</i>	116
<i>International Import Certificate (IIC).</i>	118
<u>Application Approval/Disapproval.</u>	118
<u>Requirements for Release from Customs.</u>	118
<i>Import Permit (Form 6, Part II).</i>	118
<i>ATF Form 6A.</i>	118
<i>Appointed Agents to Obtain Release.</i>	119
<u>Souvenirs.</u>	119
<u>Options for Failure to Obtain Prior Import Authorization.</u>	119
<u>Returning with Firearms/Ammunition Furnished by Licensee.</u>	120
Exemptions from Import Restrictions.	121
<u>Returning with Firearms or Ammunition.</u>	121
<i>Methods of Proof.</i>	121
<i>Electronic Export Systems and ATF Guidelines.</i>	121
<u>For Government and Its Agencies.</u>	123
<u>Antiques.</u>	123
<u>Provisions Covering Aliens Admitted under Nonimmigrant Visas.</u>	123
<i>Exception to the Exception.</i>	124
CHAPTER 7: Licensees: Authority, Restrictions and Requirements.	125
Transfers in Violation of State Law.	125
Transactions with Prohibited Persons.	125
Transfers to and from Indicted Licensees.	126
<u>Prohibited Transactions in General.</u>	126
<i>Unlawful Sale or Distribution to Prohibited Person.</i>	126
<i>Unlawful Firearms Transactions by Prohibited Persons.</i>	126
<i>Unlawful Sale or Distribution by Licensee to Prohibited Person.</i>	126
<u>Exception: Indicted Licensee.</u>	126
<u>Application for Relief from Prohibited Person Disabilities</u>	127
Transfers to Unlicensed Persons Through Interstate or Foreign Commerce.	127
<u>General Exceptions to Prohibitions.</u>	127
<u>Licensee Aiding in Nonlicensee Transactions.</u>	128
Interstate Transfers.	129
<u>Transfers from Another State.</u>	129
<i>Exception for Bequests and Intestate Succession.</i>	129
<i>Exception for Rifles/ Shotguns from Licensee.</i>	129
<i>Exception for Loans/Rentals from Licensee.</i>	130
<u>Transfers to Another State.</u>	130
<i>Exception for Transactions between Licensees.</i>	131
<i>Exception for Bequests and Intestate Succession.</i>	131
<i>Exception for Rifles/ Shotguns from Licensee.</i>	131

Table of Contents

<i>Exceptions for Loans/Rentals from a Licensee</i>	132
<i>Unconstitutionality of Restriction</i>	132
Providing Firearms to Employees of Licensee	133
Loan or Rental of Firearms by a Licensee	133
<u>Exceptions: Person to Whom a Licensee May Not Loan or Rent a Firearm</u>	133
<u>Requirements for Loans or Rentals by a Licensee</u>	134
Licensee Transfers of Destructive Devices, Machine Guns, Short-Barreled Shotguns, & Short-Barreled Rifles	134
<u>Exception: Transactions Between Licensees</u>	135
<u>Exception: Research Organizations</u>	135
Licensee Transfers of Armor-Piercing Ammunition	136
<u>General Prohibitions</u>	136
<i>Application for Testing or Experimentation</i>	137
<i>Application for Sporting or Industrial Purposes</i>	137
<u>Prohibitions for Licensed Dealers</u>	138
<i>Restriction on Transfers</i>	138
<i>Exception: Pre 8/28/86 Inventory</i>	138
<i>Recordkeeping Requirements for Licensed Dealers</i>	138
<i>Violations by Licensed Dealers</i>	139
<i>ATF Information for Licensed Dealers</i>	139
<u>General Recordkeeping Requirements</u>	139
Transactions Between Licensees	139
<u>NFA Firearms</u>	140
Verification of Licensee Status	140
<u>Requirement for Certified Copy of Transferee's License</u>	140
<u>Exceptions</u>	141
<u>Multilicensed Businesses</u>	141
<u>Expired License</u>	142
<u>Certified Copy of License</u>	142
Handgun Sales: Gun Storage or Safety Devices	143
<u>Exceptions</u>	143
<u>Qualified Gun Storage or Safety Device</u>	143
<u>Penalties</u>	144
<u>Liability</u>	144
Handguns Sales: Signs and Written Notices	145
<u>Sign Displayed at Licenses Premises</u>	145
<i>Exception</i>	147
<u>Youth Handgun Safety Act Notice</u>	147
<i>Content</i>	147
<i>Methods and Format of Providing Written Notification</i>	149
CHAPTER 8: Transfer Process and Background Checks	151
Required Use of Form 4473	151
<u>Applicable Transfers</u>	151
<u>Pawnbrokers</u>	151
<u>Firearms Consultants and Experts</u>	152

Table of Contents

<u>Gunsmiths</u>	153
<u>Law Enforcement Officers</u>	153
<u>Electronic Version of ATF Form 4473 Approved</u>	155
<i>Requirements</i>	155
<i>Form 4473 Download</i>	160
<i>Exception</i>	160
<i>Collecting Additional Information</i>	160
<i>Loss of Right to Use e-4473</i>	160
<i>Previous Variances</i>	160
Firearms Transfer Process	161
<u>Required Information for Form 4473</u>	161
<i>Residence Address</i>	161
<i>Correcting Errors on Printed Forms</i>	164
<i>Information Collected in Addition to Form 4473</i>	164
<i>Certification by Transferee</i>	164
<i>False or Fictitious Statements</i>	164
<i>Optional information from Transferee</i>	165
<u>Documentation Required from Transferee</u>	165
<i>Acceptable Documentation</i>	166
<i>Concealed-Carry Weapon Permits</i>	167
<i>Active-Duty Military</i>	167
<i>Nonimmigrant Alien</i>	168
<u>NICS Background Check and Documentation of Information from NICS</u>	168
<u>Identification of Firearm on Form 4473</u>	168
<u>Licensee Signs and Dates Form 4473 & Transfers Firearm</u>	169
<i>Transferees Who Are Not Individuals</i>	169
The Brady Act: The Era of Background Checks	169
<u>Step One: Licensee Must Contact the National Instant Criminal</u> <u>Background Check System</u>	170
<u>Step Two: NICS's Response</u>	170
<i>NICS Denial Reversed</i>	171
<i>Conditions for Transfer</i>	172
<i>One Transaction/Thirty-Day Rule</i>	172
<u>Step Three: The Licensee Verifies the Identity of the Transferee</u>	173
<i>Discovery of Incorrect or Incomplete Form 4473 Information</i>	173
State Waiting Periods: California Example	174
<u>No DROS Response</u>	175
<u>Delayed and Release After Delayed DROS Response</u>	175
<u>Delayed and Undetermined DROS Response</u>	177
<u>Cancelled DROS Response</u>	178
<i>Prospective Purchaser Cancels Transaction and No Response from CA DOJ</i>	178
<i>FFL Cancels DROS after 10-day Waiting Period and No CA DOJ Response</i>	178
<i>FFL Cancels DROS after 10-day Waiting Period and Received initial "Delayed"</i> <i>CA DOJ Response</i>	179
<u>Firearm Not Transferred</u>	180

Table of Contents

Exceptions to Background Checks.	180
<u>Penalties for Licensee’s Failure to Comply.</u>	183
<u>Immunity for Government.</u>	183
NICS Appeals & Voluntary Appeal File.	183
<u>NICS Appeals to FBI of Delays and Denials.</u>	183
<u>Voluntary Appeal File for Misidentifications.</u>	184
Legal Action for Wrongful Denial.	186
Transfers When Purchaser Does Not Appear in Person (Mail Order Residents).	187
<u>Statutory Provisions.</u>	187
<u>Regulatory Provisions: Persons Exempt from Background Checks.</u>	188
<u>ATF Procedure 2013-2: Persons Exempt from Background Checks.</u>	190
CHAPTER 9: Recordkeeping and Inspections.	193
Records Must Be Maintained and Entries Must Be Accurate.	193
<u>Records Required.</u>	193
<u>Gunsmiths.</u>	193
<u>False Statements or Representations.</u>	193
<u>Location of Records.</u>	194
<u>Electronic Acquisition and Disposition Records.</u>	194
1. <i>Required Information.</i>	194
2. <i>Tracking of Corrections.</i>	194
3. <i>Inclusive Electronic System.</i>	195
4. <i>Query Capability.</i>	195
5. <i>Downloaded/Printed A&D Records Kept on Business Premises.</i>	196
6. <i>Storage Device Retention and Access.</i>	197
7. <i>Printout Retention.</i>	197
8. <i>Limited to Firearms and Antique Firearms.</i>	197
9. <i>Offsite Storage of Electronic Records.</i>	197
10. <i>Change in Host Facility.</i>	198
11. <i>No Intermingling.</i>	198
12. <i>Backups.</i>	198
13. <i>Retention of Records.</i>	198
14. <i>Discontinuance of Business.</i>	198
<u>Electronic Records Not Required.</u>	199
<u>Loss of Right to Use Electronic Records.</u>	199
Sales Information Required to be Collected.	199
<u>Identifying Information.</u>	199
<u>ATF Form 4473.</u>	199
<u>Exception.</u>	200
<u>Retention of Form 4473.</u>	200
<u>Purchaser Not Appearing in Person (Mail Order Residents).</u>	200
<u>Multiple Sales/Dispositions.</u>	201
<u>Form 3310.4 (Report of Multiple Sale or Other Disposition of Pistol and Revolvers).</u>	201
<u>Form 3310.12 (Multiple Sale or Other Disposition of Certain Rifles).</u>	202
<u>Recipients of Reports.</u>	203
<u>Deadline (Same Day).</u>	204

Table of Contents

<i>Law Enforcement Nondisclosure and Destruction</i>	205
<u>Exports</u>	206
Licensee Transfers of Armor-Piercing Ammunition	206
<u>General Recordkeeping Requirements</u>	206
<u>Licensed Importers</u>	206
<u>Licensed Manufacturers</u>	207
<u>Licensed Dealers</u>	208
<u>Licensed Collectors</u>	208
<i>Sales to Nonlicensees</i>	208
<i>Sales to Licensees</i>	209
Reporting of Lost or Stolen Firearms	210
Retention of Approved Applications for Alternative Methods or Procedures and Emergency Variances	210
Attorney General (ATF) Inspections-General	210
<u>Warrant Needed: Suspected Violation of Firearms Laws</u>	210
<i>Limited Scope of Inspection</i>	211
<u>No Warrant Needed-Licensee Compliance, Nonlicensee Criminal Investigation, or Tracing (Dealers, Manufacturers, & Importers)</u>	211
<u>No Warrant Needed-Licensee Compliance or Nonlicensee Criminal Investigation-(Collectors)</u>	212
<i>Location of Inspection</i>	212
<u>Hours for Inspection</u>	212
<i>Gunsmiths</i>	212
<i>Firearms Consultants & Experts</i>	213
<u>Seizure of Records and Documents</u>	213
<u>Disclosure of Information from Records</u>	213
Letters Requiring Submission of Information to ATF	214
<u>Form 5300.5: Report of Firearms Transactions</u>	214
<u>Form 5300.11: Annual Firearms Manufacturing and Exportation Report</u>	214
<u>Alternative Methods of Record Submission</u>	215
Requests for Information Related to Criminal Investigation	216
Disposition of Records When Business Discontinued	217
<u>Succeeded by New Licensee</u>	217
<u>Permanent Discontinuance</u>	217
Retention of Firearms Records	217
<u>Form 4473, Firearms Transaction Record and Related Records</u>	218
<i>Completed Transactions (20 Years)</i>	218
<i>Uncompleted Transactions (5 Years)</i>	218
<u>Records for Transactions Where Background Check Not Required</u>	218
<i>Transferee Holds Permit or License to Possess, Acquire, or Carry a Firearm</i>	218
<i>ATF Certified Compliance with Background Check Impracticable</i>	219
<u>Other Firearms Transaction Records</u>	219
<i>Form 3310.4 (Multiple Sales)</i>	219
<i>Form 3310.11 (FFL Firearms Inventory Theft/Loss Report)</i>	219
<i>Records of Importation & Manufacture (including Forms 6 and 6A)</i>	219
<u>Inapplicable Provisions</u>	220

Table of Contents

Penalties.	220
<u>Nonlicensee.</u>	220
<u>Licensee.</u>	220
Licensees and Their Personal Firearm Collections.	221
<u>Requirements to Avoid Background Check and Form 4473.</u>	221
<u>Firearms Dispositions from Personal Collection.</u>	222
<u>Firearms Disposed of to Evade Licensee Restrictions.</u>	223
Prevention of Government Control Over Records and Preclusion of National Registry.	223
CHAPTER 10: General Licensing Requirements	225
Licensing Requirement.	225
Licensing Applications.	225
<u>General Information.</u>	225
<u>Types of Federal Firearms Licenses.</u>	226
<u>License Application Process: ATF Form 7.</u>	227
<i>Incomplete or Improperly Executed Application.</i>	229
<u>Scope of License.</u>	230
<i>No Exemptions from State Laws.</i>	230
<i>Licensed Importers/Manufacturers Do Not Need a Dealer License.</i>	230
<i>Destructive Devices and Ammunition.</i>	230
<u>License Fees-General.</u>	231
<u>Refundability.</u>	231
<u>Multiple Businesses or Locations.</u>	231
Requirements for Licensees.	232
License Approval and Receipt.	234
<u>Sixty-Day Approval Time.</u>	234
<u>License Numbers.</u>	234
<u>Review of License for Errors.</u>	234
<u>ATF Discovery of License Error.</u>	235
<u>Continuance of Business While ATF Possesses License.</u>	235
<u>Posting of Federal Firearms License.</u>	236
<u>Law Enforcement Notification.</u>	236
Firearms License Denials.	236
<u>Denial of Application for License.</u>	236
<i>Written Notice of Denial (Form 4498).</i>	236
<u>Challenges to Denial of License.</u>	237
<i>Applicant Must File Request for Hearing.</i>	237
<i>Hearing.</i>	237
<i>Notice After Hearing.</i>	238
<i>Court Review of Denial.</i>	238
<i>License Denials Based on Criminal Charges.</i>	239
Firearms License Renewals.	239
<u>Sixty-Day Approval.</u>	240
<u>Letters of Authorization.</u>	240
<u>Alien with Nonimmigrant Visa.</u>	241

Table of Contents

<u>Failure to File on Time.</u>	241
<u>Application for Common Expiration Date.</u>	242
Firearms License Revocation, Suspension, or Imposition of Civil Fine.	243
<u>Grounds for Revocation of License.</u>	245
<u>Challenges to Revocation of a License.</u>	246
<i>Written Notice from ATF (Form 4500).</i>	246
<i>Licensee Must File Request for Hearing.</i>	247
<i>Hearing.</i>	248
<i>Notice After Hearing.</i>	249
<i>Court Review of Denial.</i>	250
<i>License Revocations Based on Criminal Charges.</i>	251
License Issues Affected by Changes in Business.	251
<u>Licenses Nontransferable.</u>	251
<u>Change of Address</u>	251
<u>Change of Business Name.</u>	252
<u>Corporation or Association Change of Control.</u>	253
<u>Discontinuance or New Owner of Business.</u>	253
<u>Right of Business Succession Upon Death or Bankruptcy of Licensee.</u>	253
<u>Continuing Partnership upon Death or Insolvency of Partner.</u>	254
Licenses Who Become “Prohibited Persons”	254
<u>Application for Relief.</u>	254
<u>Ongoing Operations Pending Final Action on Application.</u>	255
<u>Petition Challenging Denial.</u>	255
Licenses Under Felony Indictment.	255
Licenses for Skeet, Trap, Target, and Similar Activities.	256
CHAPTER 11: Licensed Firearms Dealers.	257
Definition of a Firearms Dealer.	257
<u>Engaged in the Business of Selling Firearms.</u>	257
<u>Gunsmiths.</u>	261
<i>Installation of Drop-in Replacement Parts Requires a Dealer’s License.</i>	261
<i>Camouflaging & Engraving Firearms Requires a Dealer’s License.</i>	262
<u>Pawnbroker.</u>	262
<u>Firearms Consultant or Expert</u>	263
<u>Auctioneers.</u>	263
<i>Estate Auctions-No License Required.</i>	263
<i>Consignment Auctions-License Required.</i>	264
Federal Firearms License Required.	264
<u>Firearms.</u>	264
<u>Ammunition.</u>	265
Firearms Dealer License Application.	265
<u>Application Fee.</u>	265
<u>Gunsmiths.</u>	266
<u>Firearm Consultants & Experts.</u>	266

Table of Contents

Firearms License Renewals	267
<u>Gunsmiths</u>	267
<u>Firearms Consultants & Experts</u>	267
Armor-Piercing Ammunition	267
<u>Prohibitions for Licensed Dealers</u>	267
<u>Restriction on Transfers</u>	267
<u>Exception: Pre 8/28/86 Inventory</u>	267
<u>Recordkeeping Requirements for Licensed Dealers</u>	267
<u>Violations by Licensed Dealers</u>	268
<u>ATF Information for Licensed Dealers</u>	268
License Revocation	268
Recordkeeping Requirements	268
<u>Initial Firearms Inventory Requirement</u>	269
<u>Bound Firearms Book: Firearms Acquisition and Disposition Record</u>	269
<u>Gunsmiths</u>	269
<u>Firearms Purchased to Salvage Parts</u>	269
<u>Replacing Customers' Damaged Frames or Receivers</u>	270
<u>Firearm Consultants or Experts</u>	270
<u>Pawnbrokers</u>	270
<u>Timeliness of Entry</u>	271
<u>Purchases & Acquisitions (Next Business Day)</u>	271
<u>Sales (7 Days)</u>	271
<u>Separate Form 4473's for To-Be Recorded Sales to Nonlicensees</u>	271
<u>Disposition to Licensees</u>	272
<u>Alternative Records</u>	272
Gunsmiths and Organized Shooting Events	273

CHAPTER 12: Arms Export Act of 1976

<i>(Importers, Exporters, and Manufacturers)</i>	275
General Background	275
<u>Arms Control and Disarmament Act of 1961</u>	275
<u>Arms Export Control Act of 1976</u>	276
Section 2778's Restrictions on Defense Articles and Defense Services	278
United States Munitions List of Defense Articles and Defense Services	279
Regulatory Oversight: Department of Justice, Department of State, or	
Department of Commerce	281
<u>Permanent Imports</u>	281
<u>Exports and Temporary Imports</u>	282
<u>Sporting Shotguns, Black Powder Firearms, Nonmilitary Spec Items</u>	282
Defense Articles for Exports and Temporary Imports-United States	
Munitions List Categories	283
Military Firearms or Ammunition Restrictions on Import After Export	289
<u>Exception for Curios and Relics</u>	290
<u>Process to Import Curios and Relics Under Exception</u>	290
Overview of Export/Temporary Import Procedure	291

Table of Contents

Registration Requirement	293
<u>Exemptions to Registration Requirement</u>	294
<u>Registration Procedure: Form DS-2032</u>	295
<u>Copies of Registration to the Attorney General</u>	297
<u>Annual Renewal of Registration</u>	297
<u>Notification of Changes in Submitted Information</u>	297
<u>Notification of New Business Resulting from Merger</u>	298
<u>Notification of Intended Sale or Transfer of Ownership or Control to</u>	
<u>Foreign Person</u>	299
<u>Records Maintenance Requirement</u>	299
<u>Types of Records</u>	299
<u>Format of Records</u>	300
<u>Length of Storage</u>	300
<u>Availability for Inspection</u>	300
<u>Recordkeeping Pursuant to Licensing Exceptions</u>	300
Certification Letter	301
<u>Special Comprehensive Export Authorizations</u>	303
Licensing Requirement and Violations	303
<u>Exemptions to License Requirement</u>	304
<u>General Exemptions for Unclassified Defense Articles</u>	304
<u>Firearms and Ammunition</u>	306
<u>Foreign Trade Zones & U.S. Customs and Border Protection Warehouses</u>	310
<u>Brokers of Munitions List Articles or Services</u>	311
<u>License Expiration</u>	311
Types of Export/Temporary Import Licenses	312
<u>Unclassified Permanent Exports, DSP-5</u>	312
<u>Classified Exports or Temporary Imports, DSP-85</u>	312
<u>Form DSP-83</u>	312
<u>Unclassified Temporary Imports, DSP-61</u>	313
<u>Exemption: No License Required for Temporary Import and Subsequent Export</u>	314
<u>Exemption: No License Required for Temporary Import, but Required for</u>	
<u>Subsequent Export</u>	314
<u>Exception Requirements</u>	315
<u>Exception Procedures</u>	317
<u>Unclassified Temporary Exports, DSP-73</u>	317
Exports of Technical Data and Classified Defense Articles	318
<u>Restrictions on Exports of Technical Data</u>	319
<u>Foreign Production or Technical Assistance</u>	319
<u>Reexports, Transfers, or Diversions</u>	319
<u>Classified Technical Data</u>	319
<u>General Exemptions from Licensing Requirements</u>	320
<u>Exemptions for Plant Visits</u>	324
<u>Conditions When License Not Required for Classified Plant Visit</u>	324
<u>No License Required When Plant Visit Approved by DDTC</u>	325
<u>Conditions When DDTC Approval Not Required</u>	325

Table of Contents

General License Application Requirements	326
<u>Applications Including Items Regulated by Department of Commerce</u>	328
<u>Country of Ultimate Destination</u>	328
U.S. Customs and Border Protection’s Electronic System	331
<u>Shipment Value Exceeding Amount Stated on License</u>	332
<u>Permanent Export of Hardware</u>	333
<i>Filing Deadlines</i>	333
<i>Shipment by U.S. Postal Service</i>	334
<u>Permanent Export of Technical Data and Defense Services</u>	334
<i>Reporting of Export Information</i>	334
<i>Shipment by U.S. Postal Service</i>	335
<u>Temporary Exports/Imports</u>	335
License Application Vetting	336
<u>Possible Disqualification Criteria</u>	336
<u>Discretion to Deny Application (Indictment or Reasonable Cause)</u>	337
<u>Lack of Discretion to Approve Applications in Some Circumstances</u>	338
<u>Advisory Opinions</u>	339
<u>Denial, Revocation, Suspension, or Amendment of Licenses</u>	339
<i>Grounds for Denial, Revocation, or Suspension</i>	339
<i>Notification</i>	340
<i>Reconsideration</i>	340
Retention and Return of Export License	341
<u>Electronic Decrement</u>	341
<u>Not Electronically Decrement</u>	341
<u>Unused License</u>	341
<u>Revoked License</u>	341
License Amendments	342
<u>Forms to Amend Export License</u>	342
<u>Allowed Amendments</u>	342
<u>Disallowed Amendments</u>	343
Supplemental Agreements for Defense Services	343
<u>Types of Supplemental Agreements</u>	344
<i>Manufacturing License Agreement</i>	344
<i>Technical Assistance Agreement</i>	344
<i>Distribution Agreement</i>	344
<u>Required Agreement Information and Clauses for Proposed Agreements</u>	345
<i>Required Information for Agreements</i>	345
<i>Required Clauses for Agreements</i>	346
<i>Additional Clauses Required for Manufacturing License Agreements</i>	347
<u>Nontransfer and Use Assurances</u>	349
<i>Timing of submission of assurances</i>	349
<u>Application for and Approval of Supplemental Agreements</u>	350
<i>Required Information in Letters of Transmittal</i>	350
<i>Required Clauses for Letters of Transmittal</i>	351
<i>Post-Approval</i>	352

Table of Contents

<u>Notifications to DDTC</u>	353
<i>Agreements Not Completed</i>	353
<i>Agreements Terminated</i>	354
<i>Coproduction or Licenced Production Outside United States</i>	354
Offshore Procurement	354
Exports to Warehouses or Distributions Points Outside the United States	356
<u>Preapproval of Agreements Required</u>	356
<u>Required Information for Agreements</u>	356
<u>Required Clauses or Statements</u>	357
<u>Required Clauses for Significant Military Equipment</u>	359
<u>Transmittal Letters</u>	359
<i>Required Statements</i>	359
<i>Required Clauses</i>	360
Reporting of Exports to the Secretary of State	360
Reporting of Political Contributions, Gifts, Commissions, etc.	361
<u>Secretary of State Authorized to Require Reporting</u>	361
<u>Regulatory Definitions</u>	361
<i>Fee or Commission</i>	361
<i>Political Contributions</i>	362
<u>Obligation to Furnish Information to the DDTC</u>	362
<i>License Applications</i>	362
<i>Suppliers</i>	363
<i>Combining Payment Made on One's Behalf</i>	363
<i>Corrected Information</i>	363
<u>Information Required to Be Furnished to DDTC</u>	364
<i>Guidelines Provided by DDTC</i>	365
<u>Supplemental Reports Based on Subsequent Payments</u>	369
<u>Information Required from Vendor to Applicant or Supplier</u>	369
<i>Required Vendor Information</i>	369
<i>Respond Within 20 Days</i>	370
<i>Aggregate Amount to Protect Vendor's Commercial Interests</i>	370
<u>Information Required by Recipient of Fee or Commission</u>	371
<u>Recordkeeping Requirements</u>	371
<u>Confidential Business Information</u>	372
Violations of Export Laws & Penalties	372
<u>Actions Violating Export Laws</u>	372
<i>Exporting/Importing Without a License</i>	372
<i>Additional Violations</i>	373
<i>Responsibility for Employees and Agents</i>	373
<i>Indirect Violations</i>	374
<i>Ineligible Persons</i>	374
<i>Misrepresentation and Omission of Facts</i>	374
<u>Penalties for Violations</u>	375
<i>Seizure and Forfeiture</i>	376
<i>Debarment</i>	376
<u>Voluntary Disclosures</u>	378

Table of Contents

Exports to Countries Supporting Acts of International Terrorism Prohibited.	378
<u>Prohibited Actions.</u>	378
<u>Prohibited Countries.</u>	380
<u>Criminal and Civil Penalties.</u>	381
Exports to Countries Not Fully Cooperating with Antiterrorism Efforts.	381
<u>Prohibited Transactions.</u>	381
<u>Waiver.</u>	381
CHAPTER 13: Licensed Firearms Importers.	383
Definition of a Firearms Importer.	383
<u>Exception: Foreign-Trade Zone.</u>	384
Regulatory Authority by the ATF.	384
<u>U.S. Customs and Border Protection.</u>	385
<u>Imports for Government.</u>	385
Federal Firearms License Required for Import Businesses.	385
<u>Firearms.</u>	385
<u>Ammunition.</u>	386
<u>Penalty.</u>	386
Firearms Importer License Fees.	386
<u>FFL Type 8.</u>	386
<u>FFL Type 11.</u>	386
Registration Requirement.	386
<u>Registration and Related Fees.</u>	386
<u>Changes in Information.</u>	387
<u>Penalties.</u>	388
Excise Tax on Sale or Use of Firearms and Ammunition.	388
Permit Requirements: Three Categories for Importers.	388
ATF’s “eForms” and Permit Applications.	389
Permit Requirements: Item Listed on USMIL and Subject to the Gun Control Act.	389
<u>Permit Application: Form 6-Part I.</u>	391
<u>Application Approval/Disapproval.</u>	392
<u>Requirements for Release from Customs and Border Protection.</u>	393
<u>Import Permit (Form 6, Part I).</u>	393
<u>Export License from Exporting Country.</u>	393
<u>ATF Form 6A.</u>	393
<u>Electronic Submission of ATF Form 6A to CBP.</u>	394
<u>Option to Require Additional Documentation.</u>	395
<u>Certification and Release.</u>	395
<u>BIS Form 647P (Delivery Verification Certificate/ Certificate of Delivery).</u>	395
<u>Post-Customs-Release Requirements.</u>	395
<u>Options for Failure to Obtain Prior Import Authorization.</u>	396
<u>Inquiries of ATF Regarding Importation under the Gun Control Act.</u>	397
Permit Requirements: Item Listed on USMIL and Subject to the National Firearms Act.	397
<u>Import Restrictions and Exceptions.</u>	397

Table of Contents

<u>Conditional Importation to Determine Authorization</u>	398
<u>Permit Application</u>	398
<u>Sales Samples</u>	399
<u>Sales Samples that Are Also Curio or Relic Firearms</u>	400
<u>Permit Decision Notification</u>	401
<u>Time Limitation of Approval</u>	401
<u>Civil and Criminal Liabilities if Imported Without Approved Application</u>	402
<u>Import Control Regulations Under Gun Control Act Applicable</u>	402
<u>Non-Import Returns into United States</u>	402
Permit Requirements: Item Listed on USMIL, but Not Subject to the Gun Control Act or the National Firearms Act	402
<u>Time Periods or Terms of Permits</u>	403
<u>Imports by the Federal Government</u>	403
<u>Other Exemptions</u>	404
<u>Permit Applications and Approvals</u>	404
<i>Form 6-Part I</i>	404
<i>Approved Application Becomes the Permit</i>	405
<i>Disapproval of Application</i>	405
<i>Denial, Revocation, Suspension, or Revision of Permits</i>	405
<i>Reconsideration of Adverse Decision</i>	406
<i>Permit Applications for Import of Plastic Explosives</i>	406
<u>Customs Release</u>	407
<i>Provide Permit to Customs</i>	407
<i>Firearms and Ammunition</i>	407
<i>Form 6A</i>	407
<u>Articles in Transit</u>	407
Import Permits for Licensees Who Are Not Licensed Importers	408
<u>Import Permit Application</u>	408
<u>Application Approval/Disapproval</u>	409
<u>Requirements for Release from Customs</u>	410
<i>Import Permit</i>	410
<i>ATF Form 6A</i>	410
<u>Options for Failure to Obtain Prior Import Authorization</u>	411
Import Certification and Delivery Verification	411
<u>Import Certification</u>	411
<u>Delivery Verification</u>	412
<u>U.S. Customs and Border Protection May Require More</u>	413
Illegal to Import If Illegal to Possess	413
Firearms and Ammunition Allowed for Import	413
<u>General Import Requirements</u>	413
<i>Sporting Purpose</i>	414
<i>Semiautomatic “Assault” Weapons</i>	414
<i>Frame, Receiver, or Barrel of Prohibited Firearm</i>	415
<u>Conditional Importation for Testing</u>	416
<u>Application for Conditional Import</u>	417

Table of Contents

<u>Unlawful to Import Parts to Make Firearm Otherwise Not Importable.</u>	417
<u>Request to Assemble Nonsporting Semiautomatic Rifles or Shotguns.</u>	417
<u>Assembly of Nonsporting Semiautomatic Rifle or Shotgun from Imported Parts.</u>	418
<u>Imports of Curios and Relics Allowed.</u>	419
<u>Surplus Military Firearms.</u>	420
<u>Importing Plastic Guns Prohibited.</u>	423
Regulated Defense Articles and Defense Services.	423
<u>U.S. Munitions Import List.</u>	424
<u>Forgings, Castings, Extrusions, and Machined Bodies.</u>	426
<u>Models and Mockups.</u>	426
Restricted Countries.	427
<u>List of Rogue Countries.</u>	427
<u>Specified Firearms and Ammunition.</u>	427
<u>Transportation and Shipment Restrictions.</u>	428
<u>Exemptions for Imports from Restricted Countries.</u>	428
<u>Limited Exceptions for Category I(a) Gun Control Act Firearms.</u>	429
Identifying Marks for Firearms and Armor-Piercing Projectiles.	430
<u>Firearms Must Be Identifiable by Serial Number.</u>	430
<u>Armor-Piercing Projectiles.</u>	430
Licensee Transfers of Armor-Piercing Ammunition.	431
<u>General Prohibitions.</u>	431
Specific Recordkeeping Requirements for Licensed Importers.	432
<u>Gun Control Act.</u>	432
<u>Importation or Acquisition (Record Within 15 Days).</u>	432
<u>Disposition of Firearms to Licensee (Record Within 7 Days).</u>	432
<u>Disposition of Armor-Piercing Ammunition (Record Within 7 Day).</u>	433
<u>Variances.</u>	433
<u>Disposition of Firearms to Nonlicensees.</u>	434
<u>Consolidation of Records of Importation and Disposition Under the</u>	
<u>Gun Control Act.</u>	434
<u>National Firearms Act.</u>	437
<u>Other Defense Articles (Not Regulated Under the Gun Control Act or</u>	
<u>National Firearms Act).</u>	437
Federal Excise or Sales Tax on Sales or Use of Firearms and Ammunition.	437
Penalties, Seizures, and Forfeitures.	437
<u>Penalties for Unlawful Importation.</u>	437
<u>Penalties for False Statements or Concealment of Facts.</u>	438
<u>Fines, Imprisonment, and Forfeiture for Illegal Imports.</u>	438
CHAPTER 14: Licensed Firearms Manufacturers.	439
Definition of a Firearms Manufacturer.	439
<u>Manufacturer Defined.</u>	439
<u>Engaged in the Business of Manufacturing.</u>	439
<u>Gunsmith Activities.</u>	440
<u>Installation of Drop-In Replacement Parts.</u>	443
<u>Camouflaging & Engraving Firearms.</u>	443

Table of Contents

<u>Completion of Blanks or “80% Receivers”</u>	444
Compliance with Arms Export Control Act of 1976: Registration Required	447
Federal Firearms License Required	447
<u>Firearms</u>	447
<u>Ammunition</u>	448
Firearms Manufacturer License Application	448
<u>Application Fee</u>	448
Armor-Piercing Projectiles	448
<u>License Transfers of Armor-Piercing Ammunition</u>	449
<i>General Prohibitions</i>	449
Specific Recordkeeping Requirements for Licensed Manufacturers	450
<u>Firearms Must Be Identifiable by Serial Number</u>	450
<u>Records of Completion or Acquisition</u>	450
<i>Record Within 7-Days</i>	450
<u>Records of Disposition</u>	450
<i>Disposition of Firearms to Another Licensee (Record Within 7 Days)</i>	450
<i>Disposition of Armor-Piercing Ammunition (Record Within 7 Days)</i>	450
<i>Variances</i>	451
<i>Disposition of Firearms to Nonlicensees</i>	451
<u>Consolidation of Records of Manufacture and Records of Disposition</u>	452
Federal Excise or Sales Tax on Sales or Use of Firearms and Ammunition	455
<u>Amount of Tax</u>	455
<u>Use Rather than Sale</u>	455
<i>Materials and Parts Used in Manufacture or Production</i>	456
<u>Attachment of Tax to Firearm</u>	457
<i>Generally</i>	457
<i>Credit Sales</i>	457
<i>Consignment Sales</i>	457
<i>Installment Sale</i>	457
<i>Use Rather than Sale</i>	458
<i>Use After Leases</i>	458
<i>Subsequent Events After Tax Attaches</i>	458
<u>Determination of Items Subject to the Excise Tax</u>	458
<i>Parts or Accessories</i>	459
<i>Component Parts</i>	459
<i>Nontaxable Parts</i>	459
<i>Nontaxable Accessories</i>	460
<i>Loans to Employees and Writers for Trade Publications</i>	460
<u>Exemptions from Excise Tax</u>	460
<i>NFA Transfer Tax Paid</i>	460
<i>Sales to Defense Department or Coast Guard</i>	460
<i>Small Manufacturers, Producers, & Importers</i>	461
<i>Other Tax-Free Sales of Firearms and Ammunition</i>	461

Table of Contents

CHAPTER 15: Licensed Firearms Collectors.	463
Definition of Firearms Collector.	463
Scope and Requirement of Federal Firearms License for Collectors.	463
Return of Curio or Relic to Unlicensed Person.	464
Curios and Relics Definitions and Determination.	464
<u>Defined by Regulations.</u>	464
<u>Request for ATF Determination.</u>	465
Ammunition.	465
Obtaining a Federal Firearms Collectors License.	466
<u>Application.</u>	466
<u>License Fee.</u>	467
<u>Scope of License.</u>	467
<u>Multiple Premises.</u>	468
Imports of Curios and Relics.	468
Recordkeeping Requirements Specific to Collectors.	469
<u>Records Requirement.</u>	469
<i>Bound Volume.</i>	469
<i>Information Recorded for Acquisitions.</i>	469
<i>Information Recorded for Dispositions.</i>	469
<i>Bound Book Format.</i>	470
<i>Disposition to Licensees.</i>	470
<u>Deadlines for Recording.</u>	470
<i>Purchasers & Acquisitions (1 Day).</i>	470
<i>Sale or Other Disposition (7 Days).</i>	471
<u>Armor-Piercing Ammunition.</u>	471
<i>Sales to Nonlicensees.</i>	471
<i>Sales to Licensees.</i>	472
<u>Alternate Records.</u>	472
Other Obligations.	473
CHAPTER 16: Firearms Serialization and Markings	
(Manufacturers and Importers)	475
Firearm Serialization Requirements.	475
<u>Firearms Must Be Identifiable by Serial Number.</u>	475
<u>Additional Information Required Under the Regulations.</u>	475
Marking Requirements Under the Regulations and ATF Rulings.	476
<u>Individualization.</u>	476
<u>Who Must Add Serial Number.</u>	476
<u>Method.</u>	478
<u>Depth and Size.</u>	478
<u>Legible: Roman Letters or Arabic Numbers.</u>	478
<u>Location on Firearm.</u>	479
<u>Adoption of Serial Number, Caliber/Gauge, and Model.</u>	480
<u>Deadline for Marking Firearms.</u>	481
<u>During Manufacturing or Within Seven Days.</u>	481
<u>Requirements if Unable to Mark Within Seven Days.</u>	482

Table of Contents

<u>Markings Required under Customs and Duties Regulations.</u>	483
Requests for Alternate Means of Identification.	483
<u>Destructive Devices.</u>	484
<u>Machine Guns, Silencers, and Parts.</u>	487
Armor-Piercing Ammunition.	487
<u>Marking of Ammunition.</u>	487
<u>Labeling of Packages.</u>	487
CHAPTER 17: Law Enforcement Officers.	489
Purchase of Firearms.	489
Restrictions on State and Local Laws that Prohibit Carrying of Concealed	
Firearms by Law Enforcement Officers.	490
<u>General Allowance.</u>	490
<u>Limitations and Qualifications.</u>	490
<i>Qualified Law Enforcement Officer.</i>	490
<i>Required Identification.</i>	491
<i>Firearm Defined.</i>	491
Restriction on State and Local Laws that Prohibit the Carrying of Concealed	
Firearms by Retired Law Enforcement Officers.	492
<u>Limitations and Qualifications.</u>	492
<i>Qualified Law Enforcement Officer.</i>	492
<i>Required Identification.</i>	494
<i>Firearm Defined.</i>	495
School Zones.	495
Airline Passengers.	496
Gun Storage.	496
CHAPTER 18: Gun Shows and Events.	497
Temporary Business Location for Gun Shows.	497
<u>Transferring Firearms to Local Licensee at Out-of-State Gun Show.</u>	497
Licensing Fees for Gun Shows.	500
Posting of FFL License.	500
Records Required to be Kept for Gun Shows.	500
Records Inspection/Examination by Attorney General.	500
Dealer's License Required to Sell Firearms at Gun Shows?.	501
ATF's Gun Show Guidelines.	501
<u>Federal Licensees.</u>	502
<i>Licensed in State Where Event Held.</i>	502
<i>Licensed in State Other Than Where Event Held.</i>	502
<u>Nonlicensees.</u>	503
<i>Non-Licensed Residence of State Where Event Held.</i>	503
<i>Non-Licensed Residents from State Other than Where Event Held.</i>	503

Table of Contents

CHAPTER 19: Exemptions to the Gun Control Act.	505
Government Departments and Agencies.	505
<u>Importing Firearms by Law Enforcement Agencies.</u>	505
<u>Exception to the Exemption: Domestic Violence Conviction.</u>	506
<u>Exception to the Exemption: Plastic Guns.</u>	507
Civilian Marksmanship Program	507
<u>Background and Previous Law.</u>	507
<i>Exemption from Gun Control Act.</i>	507
<i>Exception to the Exemption. Plastic Guns.</i>	508
<u>Corporation for the Promotion of Rifle Practice and Firearm Safety.</u>	508
<u>Transfers of Firearms, Ammunition, and Parts.</u>	509
<i>Loans for Programs.</i>	509
<i>Sales to Affiliated Organizations.</i>	509
<i>Sales to Affiliated Gun Club Members.</i>	509
<i>Current Gun Control Act Exemptions.</i>	509
Licensee Shipping to Military Members or Recognized Clubs.	511
<u>Individuals.</u>	511
<u>Clubs.</u>	511
<u>Written Request.</u>	512
<u>Plastic Gun Restriction.</u>	512
CHAPTER 20: NFA Firearms.	513
Manufacturing Exemption for Manufacturers Doing Business with Government ..	513
Exemptions for Security Providers at Nuclear Facilities.	514
Defining Firearms under the NFA.	515
<u>NFA Firearms Defined.</u>	516
<i>Short-Barreled Shotgun.</i>	516
<i>Short-Barreled Rifle.</i>	516
<i>Any Other Weapon.</i>	516
<i>Machine Gun.</i>	518
<i>Muffler or Silencer.</i>	518
<i>Destructive Device.</i>	519
<u>The Short-Barreled Rifle Conundrum.</u>	521
<i>Unassembled Parts Kits.</i>	523
<i>Assembly of Weapons from Parts Kits.</i>	524
<i>Shell Used to Convert Pistol to a Rifle.</i>	525
<i>Pistol Stabilizing Braces.</i>	526
<u>Exceptions from NFA Firearms Definition.</u>	529
<i>Collector's Item & Not Likely to Be Used as a Weapon.</i>	529
<i>Antique Firearm.</i>	529
<u>Determinations of Whether an Item Is an NFA Firearm.</u>	529
<i>Not Likely to Be Used as a Weapon.</i>	529
<i>Destructive Device.</i>	530

Table of Contents

Machine Guns	530
<u>Specific Devices and Firearms Qualifying as Machine Guns</u>	530
<i>Auto Sears</i>	531
<i>KG-9 Pistol</i>	531
<i>SM10 & SM11A1 Pistols/SAC Carbines</i>	532
<i>YAC STEN MK II</i>	534
<u>Generally: Illegal to Transfer or Possess Machine Guns</u>	534
<i>Exception: Possession of Machine Guns Prior to May 19, 1986</i>	534
<u>Exception to Transfer/Possession of Machine Guns: Government Agencies</u>	535
<i>Importation and Manufacture</i>	535
<i>Dealer Sales Samples</i>	535
<u>Discontinuance of Business</u>	536
<u>Illegal to Transport</u>	536
<u>Applications to Make, Transfer, or Import Machine Guns</u>	537
<i>Applications Denied Unless Government Involved or Pre-May 19, 1986 Possession</i> ...	537
<i>Government Transactions</i>	537
Registration of NFA Business	539
<u>Imports</u>	540
<u>Exports</u>	540
Occupational Taxes for NFA Businesses	540
<u>Special (Occupational) Tax Requirements</u>	540
<i>Single Sale of a Firearm</i>	541
<i>Each Place of Business Taxed</i>	541
<u>Amount of Occupational Tax</u>	541
<i>No Proration of Tax</i>	542
<i>Reduced Rates for Small Importers & Manufacturers</i>	542
<u>Exclusion from Occupational Tax</u>	543
<i>Exclusive Business with U.S. Government</i>	543
<u>Filing of Occupational Tax Return (ATF Form 5630.7)</u>	543
<i>Employer Identification Number Requirement</i>	543
<i>Required Information for ATF Form 5630.7</i>	544
<i>Proof of Taxpayer Identification for Individuals Filing First Return</i>	545
<i>Signing of Form 5630.7</i>	545
<u>Multiple Locations, Businesses, & Partnerships</u>	546
<i>Multiple Locations</i>	546
<i>Multiple Businesses at Same Location</i>	547
<i>Partnerships</i>	547
<u>Special Tax Stamp</u>	547
<i>Lost or Destroyed</i>	547
<u>Changes of Ownership</u>	548
<i>Death of Owner</i>	548
<i>Bankruptcy of Owner</i>	548
<i>Change in Partnership or Unincorporated Association</i>	548
<i>Corporation Changes</i>	549
<u>Change in Business Location</u>	549
<u>Change of Business Name</u>	550

Table of Contents

<u>Penalties and Interest</u>	551
<i>Failure to Pay Special (Occupational) Tax</i>	551
<i>Succeeding Business and Name Changes</i>	551
<i>Delinquency</i>	552
<i>Fraudulent Return</i>	552
<i>Application of State Laws</i>	553
NFA Forms to Request Making, Manufacturing, Importing, Transferring, Exporting, or Registering NFA Firearms	553
Manufacturing or “Making” Tax for Each NFA Firearm	556
<u>Exemption from “Making” Tax</u>	557
Transfer Tax Stamps for Each NFA Firearm	557
<u>Exemptions from Transfer Taxes</u>	558
<i>Exemption for Federal Government</i>	558
Exemption for State Governments.....	559
<i>Exemption for Transfers Between Licensees</i>	561
<i>Exemption for Unserviceable Firearms</i>	563
<i>Exemption for Exports</i>	564
<i>Exemption for Transfers to United States Insular Possessions</i>	565
<i>Exemption for Transfers to a Lawful Heir</i>	565
<u>Transfer Tax & Import Duty</u>	566
Serialization of NFA Firearms	566
<u>Manufacturers, Importers, and Makers</u>	566
<u>Alternative Methods</u>	568
<u>Frames & Receivers/Incomplete Firearms</u>	568
<u>Destructive Devices</u>	568
<u>Unlawful to Remove or Alter Serial Number</u>	569
Registration of NFA Firearms	569
<u>Registration Requirements</u>	569
<i>Manufacturers, Importers, and Makers</i>	569
<i>Registration of Unserialized Firearm</i>	570
<i>Registration by State Government or Law Enforcement</i>	571
<u>Lawful Possession Required for Registration</u>	572
<u>Registration Requirement for NFA Firearm Transfers</u>	572
<u>Required to Retain Proof of Registration</u>	572
Importation of NFA Firearms and Registration of Imported NFA Firearms	573
<u>Importation Restrictions of NFA Firearms</u>	573
<u>Alternative Method for Temporary Imports of NFA Weapons</u>	574
<u>Permit Requirements: Item Listed on USMIL and Subject to the National Firearms Act</u>	575
<u>Registration of Imported NFA Firearms</u>	576
<u>When Temporary Importation of NFA Weapons to Licensee Is Not a Transfer</u> ...	577
Exportation of NFA Firearms	577
<u>Form 9: Application and Permit for Exportation of Firearms</u>	578
<u>Transfer to Exporter</u>	578
<u>Form 9 Approval/Disapproval</u>	579

Table of Contents

<u>Shipment Procedures by Exporter.</u>	579
<i>Exported by Parcel Post.</i>	579
<i>Exported by Other than Parcel Post.</i>	579
<i>Export Not Made After Permit Issued.</i>	580
<u>Procedure by Customs.</u>	580
<i>Inspection.</i>	580
<u>Exporter Must Provide Proof of Exportation.</u>	580
Required Business Records & Reports for NFA Firearms.	581
<u>NFA Business Records.</u>	581
<i>Gun Control Act Record Keeping Requirements Applicable.</i>	581
<i>Additional NFA Requirements.</i>	581
<i>Criminal Conduct for False Entries.</i>	582
<u>Stolen/Lost Firearms or Records.</u>	582
<i>Stolen or Lost Firearms.</i>	582
<i>Stolen or Lost Records.</i>	582
Restrictions on Use of NFA Records.	583
ATF Inspections.	583
<i>Time of Inspections.</i>	583
<i>Location of Inspections.</i>	583
<i>Scope of Inspections.</i>	583
The Department of Justice’s Solution in Search of a Problem.	584
Manufacturing or “Making” NFA Firearms.	587
<u>Process for “Making” NFA Firearms.</u>	587
<u>ATF Review of Application to Make NFA Firearm.</u>	591
<i>Approval/Disapproval.</i>	591
<i>Cancellation of Stamp.</i>	591
<u>Proof of Registration.</u>	591
Transfer of NFA Firearms.	592
<u>Exception for Transactions Between Licensees.</u>	592
<u>Exception: Research Organizations.</u>	592
<u>Transfer Process for NFA Firearms.</u>	593
<i>Additional Requirements Beyond the Application.</i>	597
<u>ATF Director Review of NFA Transfer Application.</u>	597
<u>Approval and Registration of NFA Firearm Transfer.</u>	598
<u>Post-Approval Process.</u>	598
<u>Disapproval of NFA Firearm Transfer.</u>	599
<u>Possession by Estates During Probate Not a “Transfer”.</u>	599
National Firearms Tax Stamps.	601
<u>Redemption of or Allowance for NFA Tax Stamps.</u>	601
<u>Refund of Tax Stamps Taxes.</u>	601
<i>Taxes Paid Pursuant to Assessment.</i>	601
<i>Taxes Paid for Making or Transfer Not Taking Place.</i>	601
<u>Unlawful Conduct Related to NFA Tax Stamps.</u>	602
<i>Counterfeiting.</i>	602
<i>Mutilation or Removal.</i>	602
<i>Use of Mutilated, Insufficient, or Counterfeited Stamps.</i>	602

Table of Contents

<i>Reuse of stamps</i>	603
Interstate/Foreign Transportation of NFA Firearms by Nonlicensees	
Requires Approval	603
<u>Exception for Licensees</u>	604
<u>Request for Transport Authorization</u>	604
Alternative Methods/Procedures and Emergency Variations	605
<u>Alternative Methods or Procedures</u>	605
<i>Application to Director of Industry Operation</i>	605
<i>Approval Criteria</i>	605
<i>Post-Approval Compliance</i>	606
<i>Withdrawal by ATF Director</i>	606
<u>Emergency Variations from Requirements</u>	606
<i>Application</i>	606
<i>Approval Criteria</i>	606
<i>Post-Approval Compliance</i>	607
<i>Withdrawal by ATF Director</i>	607
<i>Recordkeeping Requirement</i>	607
Penalties and Forfeitures	607
<u>Penalties</u>	607
<u>Forfeitures</u>	607
CHAPTER 21: Firearm Seizure and Forfeiture	609
The Gun Control Act's Confiscation Provisions	609
National Firearms Act Forfeiture Provisions	611
Government Required to Specifically Identify Firearms/Ammunition	612
<u>Period for Government to Commence Charges</u>	612
<u>Return upon Acquittal or Dismissal</u>	612
<u>Attorney Fees Recoverable for Legal Action to Have Firearms/Ammunition</u> <u>Returned</u>	613
CHAPTER 22: Criminal Conduct and Enhanced Penalties	615
Transfers with Intent or Knowledge of Criminal Use	615
Travel to Other States to Acquire or Transfer Firearms to Engage in Specified Crimes	615
Theft of Firearms	617
Theft of Firearms from Licensee	617
Use of a Firearm During a Violent/Drug-Trafficking Crime	618
<u>Use of Restricted Firearms</u>	618
<u>Subsequent Convictions</u>	619
<u>No Probation or Concurrent Sentences</u>	619
<u>Murder Resulting from Use of Firearms During Commission of Violent</u> <u>or Drug-Trafficking Crime</u>	620
Use of Armor-Piercing Ammunition During the Commission of a Violent or Drug-Trafficking Crime	620
Smuggling or Importing Firearms for Violent or Drug-Trafficking Crimes	621

Table of Contents

CHAPTER 23: Miscellaneous Provisions.	623
Lost or Stolen Firearms.	623
<u>Reporting Requirements.</u>	623
<i>Telephone ATF.</i>	623
<i>File ATF Form 3310.11 (FFL Firearms Inventory Theft/Loss Report.</i>	623
<i>Contact Local Authorities.</i>	624
<i>File ATF Form 3310.6 (Interstate Firearms Shipment Theft/Loss Report).</i>	624
<u>Recordkeeping Requirement.</u>	624
<u>Subsequent Discovery of Firearm.</u>	625
Natural Disasters: Securing and Moving Firearms Records and Inventory.	625
<u>Lost or Stolen Firearms.</u>	625
<u>Destroyed Business.</u>	625
<u>Voluntary Steps to Prepare for Pending Natural Disaster.</u>	626
<u>Voluntary Procedures to Evacuate Premises and/or Store Records and</u> <u>Inventory Elsewhere.</u>	626
<u>Voluntary Procedures When Firearms Premises Destroyed or Inventory</u> <u>and Records Destroyed/Damaged.</u>	627
Protection of Lawful Commerce in Arms Act.	627
<u>Findings and Purposes.</u>	627
<u>Qualified Civil Liability Actions Precluded.</u>	629
Body Armor.	632
<u>Employee Exception.</u>	633
<u>Penalty.</u>	633
ATF Forms and Publications.	633
<u>State Laws and Published Ordinances—Firearms.</u>	633
<u>Requests for ATF Forms.</u>	634