From: [redacted] (b)(6)
Sent: Wednesday, July 8, 2015 6:08 PM
To: Hughes, Alphonso J.
Subject: Following Up
Attachments: nfatcalogo.png

Alphonso,
The 07 in question sent the following to their IOI and cc'd the supervisor:

As per the Report of Violations covering the inspection period of 4/28/15 through 6/10/15 for my licensed premises. Much is written and referenced in the report and I want you to know that it is my goal to be 100% in compliance with the law in regard to all facets of my operation. I have already taken corrective measures to address the concerns and deficiencies in the report and want you and your supervisors to know that I am sincere in my diligence to "get it right."

I am concerned about a few things that are not contained in the report, yet have been communicated by you to me in regard to compliance. Again, I want to make certain that I understand all of the laws and regulations surrounding my business processes so that I can clearly communicate the need for internal procedures. Please help me to understand the following:

You have instructed me to complete a separate Form 2 for each item that I manufacture. Section 3.2.4 of the ATF publication NFA Handbook states "All firearms manufactured during a single day must be listed on one Form 2." Your instructions appear to conflict with the direction in the NFA Handbook. Please advise as to the regulation you are citing.

You have instructed me to maintain a separate set of copies of my Form 2's and record on the Form 2's the recipient of the manufactured item (sale, transfer, etc.). I see no reference to this requirement in the NFA Handbook. It would appear that this process would duplicate the information already required by regulations regarding the maintenance of my A&D Book. Please advise as to the regulation that you are citing.

You have instructed me to maintain a list of the above mentioned Form 2's in transfer and to whom. Please advise as to the regulatory requirement for this activity.

I may have misunderstood your instructions, which is why I am asking for written clarification and specific citations. The record keeping requirements for this business are precise and required by law. I want to make certain that I am doing exactly what the law requires and nothing that might serve to confuse, complicate or burden the process.
Please respond in writing so that I may forward the information on to my employees so that we may all understand what is required to maintain compliance. I look forward to hearing from you.

Yes, I helped them with the language... I wanted there to be as much possible room for everyone to save face. The response:

I believe you may have misunderstood procedures that we discussed during your closing conference. I did not instruct you to do any of the procedures you have questioned in your email regarding Form 2's. We discussed suggestions to help you keep track of your serial numbers in

an effort to not duplicate serial numbers or weapons in the future as you have done in the past; however, none of those suggestions involved any of the procedures you are in question about. Let me know if you have any further questions.

The 07 has no reason to make up the instructions that they were given. But at least the IOI is now backing down. Sadly, the IOI is now quibbling over the language used in the text of the 07's automatically generated email signature. Seriously. This person seems to not be content unless they get in a final authoritative action. At the end of the day, I will help the 07 change their signature file because this is just not a fight worth waging.

I thank you for all of the attention you have expressed over this. It's above and beyond and I appreciate it.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, July 15, 2015 5:34 PM
To: Hughes, Alphonso J.
Subject: Fwd: I Hate to be a Pain
Attachments: ATT00001.png; tube_marking_050615.pdf

Thought I would reach out again on this. Have still heard nothing but crickets from Bill on my inquiries regarding this issue.

-------- Forwarded Message --------
Subject:I Hate to be a Pain
Date: Tue, 23 Jun 2015 15:05:53 -0500
From: (b)(6)
To: (b)(6)

Alphonso,
Here's hoping that the little tropical storm that followed me to the Harrisburg gun show did not cause you too much trouble. I sent the attached letter to Mr. Boyle on 5/6/15 and have followed up several times since then (most recently on 6/11 during the follow ups with the 2014-1 issue). Still have received no response. This one should be a slam dunk in that we are just asking for confirmation of what is in print already.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

National Firearms Act
Trade & Collectors Association®

May 6, 2015

Mr. William Boyle
National Firearms Act Branch Chief
244 Needy Road
Martinsburg WV 25405

Mr. Boyle,

The National Firearms Act Trade & Collectors Association (NFATCA), in addition to its collector and dealer members, counts many licensed manufacturer/SOT's as part of our growing membership roster. Our members strive to comply with legislation and regulation as they pertain to the conduct of their business and personal affairs. Getting it right is our shared goal. It has come to our attention that there is some confusion within the Industry Operations Investigator (IOI) community as to definition and marking requirements for firearm suppressors (silencers). We would like to confirm a long-established process utilized by manufacturer/SOT's.

> **18 USC 921(a)(24)** states: "The terms "firearm silencer" and "firearm muffler" mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, **and any part intended only for use in such assembly or fabrication.**" [Emphasis added.] This is also repeated and confirmed in *The NFA Handbook*, an ATF publication in Section 2.1.7.

Historically, FFL/SOT manufacturers have prepared suppressor components in anticipation of future builds and have done so under the proviso that "licensed manufacturers who are also SOT's may possess spare silencer components in conjunction with their manufacturing operations" (*The NFA Handbook*, an ATF publication in Section 2.1.7.). This preparation includes the sizing of outer tubes of suppressors, which, by definition (quoted above), are NFA items, which are then properly marked and registered on ATF Form 2 within 24 hours of manufacture (*The NFA Handbook*, Section 7.3, 7.3.1 and 7.3.2).

Please confirm that the process described above continues to meet all lawful requirements of manufacturing, marking and record keeping.

Sincerely,

(b)(6)
Executive Director

cc: Alphonso Hughes, Division Chief FESD

John K. Brown, III
President
Curt Wolf
Vice President
Jeffrey E. Folloder
Executive Director, Sec/Tres

Board of Directors

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Ohio Ordnance, Inc
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The NFATCA® Foundation is a 501(c)(3) organization, EIN 27-4349349
The NFATCA® logo is a registered trademark

From: Hughes, Alphonso J. [redacted]
Sent: Thursday, July 16, 2015 5:45 PM
To: [redacted]
Subject: RE: I Hate to be a Pain
Attachments: image001.png

[redacted] just a heads up, I chased this down and NFA sent this to FIPB to ensure the policy side was able to weigh in. I would say from the time you submitted if you haven't heard in 90 days ping me and [redacted] back. My Deputy [redacted] is actually Chief of FEID in place of Mike Fronczak for 120 days.

From: [redacted]
Sent: Wednesday, July 15, 2015 5:34 PM
To: Hughes, Alphonso J.
Subject: Fwd: I Hate to be a Pain

Thought I would reach out again on this. Have still heard nothing but crickets from Bill on my inquiries regarding this issue.

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Subject:I Hate to be a Pain
Date: Tue, 23 Jun 2015 15:05:53 -0500
From: [redacted]
To: [redacted]

Alphonso,
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--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Friday, July 17, 2015 6:40 AM
To: (b)(6)
Subject: Re: I Hate to be a Pain
Attachments: nfatcalogo.png

On 7/16/2015 4:45 PM, (b)(6) wrote:

> (b)(6) just a heads up, I chased this down and NFA sent this to FIPB to ensure the policy side was able to weigh in. I would say from the time you submitted if you haven't heard in 90 days ping me and (b)(6) (b)(6) back. My Deputy (b)(6) is actually Chief of FEID in place of Mike Fronczak for 120 days.

Roger that!

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, July 21, 2014 10:58 AM
To: (b)(6)
Subject: Guidance
Attachments: old_nfatcalogo.png

(b)(6)
I promise that this will have nothing to do with eForms!!! I thought I would solicit your guidance on an SBR issue...

The AR15 platform continues to enjoy unprecedented enthusiasm because of it nearly limitless potential for customization and personalization. As you know, the gun can be assembled in an infinite variety of calibers, barrel lengths and on. There are 10's of 1,000's (maybe a lot more) receivers out there marked with a caliber designation of "Multi". This is because, quite realistically, an AR receiver can and does accept multiple calibers and it is not uncommon for an AR owner to have a receiver marked "Multi" with uppers in 2, 3, 4 and more different calibers for use in those receivers. Multi makes sense. The problem is when one of these receiver owners wants to make a Form 1 SBR out of one of those receivers. NFA Branch will no longer accept the multiple caliber designation so the builder has to pick one. Now the caliber on the NFA form doesn't match what is actually engraved on the receiver. Ostensibly, NFA Branch would like to receive written notification of all of the calibers that could potentially be used after the actual form with the single caliber designation has been approved. That strikes me as a lot of unnecessary paperwork and confusion when actually using the caliber term "Multi" winds up being more accurate and less paperwork intensive. Be that as it may...

What guidance would you give to people who want to Form 1 SBR a receiver that has the "Multi" caliber already engraved on it?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, July 30, 2014 7:41 AM
To: (b)(6)
Subject: Re: The Number
Attachments: old_nfatcalogo.png

On 7/30/2014 5:57 AM, (b)(6) wrote:

> Good morning, (b)(6) - we do not have a specific number for the transferable machineguns. When Ken Houchens was branch chief, as I remember, he put out an estimated figure of about 185,000 – it may have been during a Knob Creek session. The figure now, of course, would be somewhat less due to destructions, for example.

Yes... I do believe it was at Knob Creek that the number was rolled out. Is there any way to query the NFRTR with this specific request? To broaden it just a bit, I'd like to publish counts:

- Registered MG's on the books, with a fully transferable sub-type
- Suppressors
- SBR's
- SBS's
- DD's
- AOW's

Is it even *possible* to pull this information? It would seem that this is a pretty straightforward database query.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, July 29, 2014 4:38 PM
To: (b)(6)
Subject: The Number
Attachments: old_nfatcalogo.png

(b)(6)
Lots of folks toss out a number between 182,000 and 185,000 for the number of fully transferable machine guns on the NFRTR. For the purposes of accuracy, would it be possible to get a specific number? I have no interest in knowing who own what or even how the guns are distributed by state. Just the actual number at a point in time.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, July 30, 2014 3:23 PM
To: Hughes, Alphonso J.
Subject: Just Great
Attachments: old_nfatcalogo.png

So I was asking (b)(6) to help me break down a number. As of the latest Firearms Commerce Annual Stat Report there are 512,790 registered machine guns on the NFRTR. Easy enough. I want to know how many of those are fully transferable. (b)(6) was oblique and suggested that I would need to file a FOIA to get more detail.

That leads me to believe that getting to the real number is not straightforward. And if it's not straightforward, a FOIA is not likely to be productive.

Care to share any insight?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]

Sent: Thursday, July 31, 2014 9:04 PM
To: [redacted]
Subject: Re: Just Great
Attachments: old_nfatcalogo.png

Hey [redacted] was trying to get some background on this situation. Looks like since nfrtr is an old oracle database there is no easy query to get this done. It looks like there will be a manual level of effort of going into independent records unless [redacted] or IT can somehow isolate these in the master tables or something. I will have the folks see if something can be done to itemize. Filing a FOIA will definitely get you the info if it can even be extracted but I see where you are going... Why bother if it can't be done. I say file it and we will work it same time and let you know either way!

Alphonso J. Hughes
Division Chief, FESD

On Jul 30, 2014, at 3:23 PM, [redacted] wrote:

> So I was asking [redacted] to help me break down a number. As of the latest Firearms Commerce Annual Stat Report there are 512,790 registered machine guns on the NFRTR. Easy enough. I want to know how many of those are fully transferable. [redacted] was oblique and suggested that I would need to file a FOIA to get more detail.
>
> That leads me to believe that getting to the real number is not straightforward. And if it's not straightforward, a FOIA is not likely to be productive.
>
> Care to share any insight?
> --

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<old_nfatcalogo.png>

From: (b)(6)
Sent: Monday, August 4, 2014 9:47 AM
To: foiamail
Cc: Hughes, Alphonso J.
Subject: FOIA Request: Statistical Data
Attachments: old_nfatcalogo.png; FOIA_mgcount.pdf

Please accept the attached FOIA request for statistical information. Please acknowledge receipt of this request at your earliest convenience.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

National Firearms Act
Trade & Collectors Association®

August 4, 2014

Bureau of Alcohol, Tobacco, Firearms and Explosives
ATTN: Disclosure Division, Room 1E400
99 New York Ave NE
Washington DC 20226

Re: Freedom of Information Act Request

The Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) publishes the *Firearms Commerce in the United States Annual Statistical Update*. The most recent publication, 2014 indicates that there are 512,790 registered machine guns in the United States. This figure is obtained from the National Firearms Act Registration and Transfer Record (NFRTR) which is maintained in ATF-009, Technical and Scientific Services Record System. Registered machine guns are sub-classified by BATF's National Firearms Act Branch as "transferable", "pre-May, 1986 dealer samples" and "post-May, 1986 weapons". I am requesting an exact count of the aforementioned sub-classifications utilizing the most current available information.

I am requesting this information as the Executive Director of the National Firearms Act Trade & Collectors Association, a registered 501(c)(6) non-profit institution, for publication in our quarterly newsletter, *The Partisan*. I request a waiver of all fees for this request. Disclosure of the requested information is in the public interest because it will contribute significantly to public understanding of the operations and activities of the government and does not serve any commercial interest.

Thank you for your consideration of this request.

Sincerely,

(b)(6)

Executive Director

John K. Brown, III
President
Jeffrey E. Folloder
Executive Director, Sec/Tres

Board of Directors

Robert Landies,
Ohio Ordnance, Inc
Curt Wolf,
US Ordnance Research
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The NFATCA® Foundation is a 501(c)(3) organization, EIN 27-4349349
The NFATCA® logo is a registered trademark

From: (b)(6)
Sent: Tuesday, August 5, 2014 4:38 PM
To: Hughes, Alphonso J.
Subject: Re: Just Great
Attachments: old_nfatcalogo.png

On 8/5/2014 2:21 PM, (b)(6) wrote:

> (b)(6) I will. We assigned an IT Specialist.

Roger that!

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6)

Sent: Friday, August 22, 2014 4:22 PM
To: (b)(6)
Subject: RE: Checking In
Attachments: image001.png

Your FOIA request had not been received here from the Disclosure Branch but Bill Boyle is working on some type of breakdown based on the cc you sent to us.

Alphonso J. Hughes
Division Chief
ATF - FESD
(b)(6)

From: (b)(6)
Sent: Friday, August 22, 2014 8:16 AM
To: Hughes, Alphonso J.
Subject: Checking In

Have you heard anything regarding the 8/4 FOIA on machine guns? I have received nothing. Not even an acknowledgment of receipt. Still need the contact information for William Boyle.

Any luck in this question from 8/10:
For the 2013 year the Commerce report lists 57,294 form 4's processed. Can you break that out into weapon type, eg.: machine guns, SBR's, suppressors, SBS's, DD's, AOW's ?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, May 6, 2015 10:58 AM
To: (b)(6)
Cc: Hughes, Alphonso J.; (b)(6)
Subject: Following Up
Attachments: nfatcalogo.png; 2014-1_employee_inquiry_v1.pdf

William,
I am following up on a written inquiry that the NFATCA made to you in writing toward the end of February. I have attached an electronic copy of the inquiry for your convenience. I look forward to hearing from you on this matter!
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

National Firearms Act
Trade & Collectors Association®

February 23, 2015

Mr. William Boyle
NFA Branch - ATF
244 Needy Rd
Martinsburg WV 25405

Mr. Boyle,

The purpose of this inquiry is to determine if the below described proposal would meet ATF's requirements for maintaining control of a "post-sample" machine gun (manufactured/imported after 1986) during repair, refurbishment and restoration. The inquiry is written on behalf of our membership and the NFA community at large.

Manufacturer O is a fully licensed Type 07 Federal Firearms Licensee (FFL) that maintains Special Occupational Taxpayer (SOT) status. Manufacturer O regularly receives post-sample machine guns during the normal course of business for the purposes of performing repair, refurbishment and restoration on these weapons. In many cases, Manufacturer O performs these tasks. However, in some cases, it is necessary for Manufacturer O to utilize sub-contractors to complete the assigned tasks.

Manufacturer O conveys post-sample machine guns to its commissioned sales person who also works for Sub-Contractor X, a licensed 07 FFL/SOT. The post-sample machine guns remain under the "chaperoning" of this employee during the entire time the weapons are physically at Sub-Contractor X. Should it be necessary for the weapons to remain for more than one business day, the chaperoning employee is the only one with access to the secured post-sample machine guns. Work is performed on these post-sample machine guns by Sub-Contractor X exclusively under the supervision of the chaperoning employee.

Section 9.5.2 of the ATF publication *NFA Handbook* states "No 'transfer' under the NFA occurs when an FFL/SOT permits a bona fide employee to take custody of its registered NFA firearms for purposes within the scope of employment and for the business purposes of the FFL/SOT." Further, 9.5.2 goes on to state that "In addition, the interstate delivery of a firearm to the employee and the employee's receipt of the firearm would not violate the GCA."

Given the above description and support, the NFATCA believes that no transfer will take place and that the chaperoning provisions outlined in ATF's recent 2014-1 Ruling are observed. We await confirmation by ATF of our conclusion.

Sincerely,

(b)(6)

President

cc: (b)(6)
Alphonso J. Hughes

John K. Brown, III
President
Curt Wolf
Vice President
Jeffrey E. Folloder
Executive Director, Sec/Tres

Board of Directors

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The NFATCA® logo is a registered trademark

From: (b)(6)
Sent: Wednesday, May 6, 2015 11:33 AM
To: Hughes, Alphonso J.
Subject: FYI CC
Attachments: nfatcalogo.png; tube_marking_050615.pdf

Copy of the letter put in the mail today to Mr. Boyle...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

National Firearms Act
Trade & Collectors Association®

May 6, 2015

Mr. William Boyle
National Firearms Act Branch Chief
244 Needy Road
Martinsburg WV 25405

Mr. Boyle,

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Please confirm that the process described above continues to meet all lawful requirements of manufacturing, marking and record keeping.

Sincerely,

(b)(6)
Executive Director

cc: Alphonso Hughes, Division Chief FESD

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The NFATCA® logo is a registered trademark

From: Hughes, Alphonso J. [redacted]

Sent: Wednesday, May 6, 2015 12:47 PM
To: [redacted]
Subject: Re: FYI CC
Attachments: nfatcalogo.png

Thanks [redacted] I'll be back in Martinsburg on Friday and will check in with Bill Boyle.

Sent from my iPhone

On May 6, 2015, at 11:33 AM, [redacted] wrote:

> Copy of the letter put in the mail today to Mr. Boyle...
> --
>
> [redacted]
> **Executive Director**
> Phone: 281.492.8288
> Website: www.nfatca.org
> Forums: www.nfatcaforums.org
>
> <nfatcalogo.png>
>
> <tube_marking_050615.pdf>

From: (b)(6)
Sent: Wednesday, May 6, 2015 12:56 PM
To: Hughes, Alphonso J.
Subject: Re: FYI CC
Attachments: nfatcalogo.png

On 5/6/2015 11:47 AM, (b)(6) wrote:

Thanks (b)(6) I'll be back in Martinsburg on Friday and will check in with Bill Boyle.

Here's hoping you had plenty of chicken soup!

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, May 6, 2015 12:57 PM
To: Boyle III, William J
Subject: Fwd: Following Up
Attachments: ATT00001.png; 2014-1_employee_inquiry_v1.pdf

First try got bounced...

-------- Forwarded Message --------
Subject: Following Up
Date: Wed, 06 May 2015 09:57:34 -0500
From: (b)(6)
To: (b)(6)
CC: (b)(6)

William,
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--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

National Firearms Act
Trade & Collectors Association®

February 23, 2015

Mr. William Boyle
NFA Branch - ATF
244 Needy Rd
Martinsburg WV 25405

Mr. Boyle,

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Manufacturer O conveys post-sample machine guns to its commissioned sales person who also works for Sub-Contractor X, a licensed 07 FFL/SOT. The post-sample machine guns remain under the "chaperoning" of this employee during the entire time the weapons are physically at Sub-Contractor X. Should it be necessary for the weapons to remain for more than one business day, the chaperoning employee is the only one with access to the secured post-sample machine guns. Work is performed on these post-sample machine guns by Sub-Contractor X exclusively under the supervision of the chaperoning employee.

Section 9.5.2 of the ATF publication *NFA Handbook* states "No 'transfer' under the NFA occurs when an FFL/SOT permits a bona fide employee to take custody of its registered NFA firearms for purposes within the scope of employment and for the business purposes of the FFL/SOT." Further, 9.5.2 goes on to state that "In addition, the interstate delivery of a firearm to the employee and the employee's receipt of the firearm would not violate the GCA."

Given the above description and support, the NFATCA believes that no transfer will take place and that the chaperoning provisions outlined in ATF's recent 2014-1 Ruling are observed. We await confirmation by ATF of our conclusion.

Sincerely,

(b)(6)

President

cc: (b)(6)
Alphonso J. Hughes

John K. Brown, III
President
Curt Wolf
Vice President
Jeffrey E. Folloder
Executive Director, Sec/Tres

Board of Directors

Robert Landies,
Ohio Ordnance, Inc
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Robert Segel,
Small Arms Review

Tomas M. Garza
Steering Committee Chair

"Power Through Experience"

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Phone: 281.492.8288 • Web: www.nfatca.org • Email: info@nfatca.org
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The NFATCA® Foundation is a 501(c)(3) organization, EIN 27-4349349
The NFATCA® logo is a registered trademark

From: Boyle III, William J (b)(6)

Sent: Saturday, May 9, 2015 5:37 PM
To: (b)(6)
Subject: RE: Following Up
Attachments: image001.png

Hi (b)(6)

Let me check on this. I know we have had it under review.

Thank you.

Bill

William J. Boyle, III
Chief
National Firearms Act Branch
Office (b)(6)
Fax (b)(6)

From: (b)(6)
Sent: Wednesday, May 06, 2015 12:57 PM
To: Boyle III, William J
Subject: Fwd: Following Up

First try got bounced...

-------- Forwarded Message --------
Subject: Following Up
Date: Wed, 06 May 2015 09:57:34 -0500
From: (b)(6)
To: (b)(6)
CC: (b)(6)

William,
I am following up on a written inquiry that the NFATCA made to you in writing toward the end of February. I have attached an electronic copy of the inquiry for your convenience. I look forward to hearing from you on this matter!
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Saturday, May 9, 2015 6:43 PM
To: Boyle III, William J
Subject: Re: Following Up
Attachments: nfatcalogo.png

On 5/9/2015 4:37 PM, (b)(6) wrote:

> Hi (b)(6),
>
> Let me check on this. I know we have had it under review.

Thank you, sir! Looks like I am not the only one who works on the weekends!

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Boyle III, William J (b)(6) (b)(6)

Sent: Saturday, May 9, 2015 6:48 PM
To: (b)(6)
Subject: RE: Following Up
Attachments: image001.png

No Sir. I should have this out to you by the end of next week. Sorry for the delay on my part.

Bill

William J. Boyle, III
Chief
National Firearms Act Branch
Office (b)(6)
Fax (b)(6)

From: (b)(6)
Sent: Saturday, May 09, 2015 6:43 PM
To: Boyle III, William J
Subject: Re: Following Up

On 5/9/2015 4:37 PM, (b)(6) wrote:

Hi (b)(6),

Let me check on this. I know we have had it under review.

Thank you, sir! Looks like I am not the only one who works on the weekends!

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Thursday, May 21, 2015 5:05 PM
To: (b)(6)
Subject: Really?
Attachments: nfatcalogo.png

(b)(6)
Saw this posted on one of the boards. I know that the form is not required on a trust/corp transfer, but....

Forgot to put the ATF 5330.20 when I sent in a Form 4. Called NFA Branch to see how I could send/fax to marry it up with my application. Was told that this form is no longer required. Being a "trust, but verify" person, I called back 2 days later and spoke with another person, who also confirmed that the form is no longer required. I don't see any notice on the ATF website that this has changed. In fact, I just put another Form 4 in the mail and my CL3 dealer had me fill one out.

Is this true?
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6)

Sent: Wednesday, May 27, 2015 5:42 PM

To: (b)(6)

Subject: NFA Outstanding Issues

(b)(6)

Any responses to any of the questions you sent the NFA Branch previously? Just following up, I will be in HQ tomorrow and want to engage the branch on all things outstanding for NFATCA.

Alphonso J. Hughes
Division Chief, FESD
Bureau of ATF, F & E Services Division
Office: (b)(6) 0
Direct: (b)(6)
Nextel/Cell: (b)(6)

From: (b)(6)
Sent: Wednesday, May 27, 2015 5:50 PM
To: Hughes, Alphonso J.
Subject: Re: NFA Outstanding issues
Attachments: nfatcalogo.png; 2014-1_employee_inquiry_v1.pdf; tube_marking_050615.pdf

On 5/27/2015 4:42 PM, (b)(6) wrote:

(b)(6)

> Any responses to any of the questions you sent the NFA Branch previously? Just following up, I will be in HQ tomorrow and want to engage the branch on all things outstanding for NFATCA.

Nope. I will admit to being hopeful after receiving the 5/9 note from Mr. Boyle that a response would be delivered by end of week. Sadly, no response received. I really do not want to get you in an uncomfortable position. But with that said, I'm wondering if there is a reason that we are not enjoying the more open and responsive communication that was promised at our meeting at SHOT. If there is a failure on our part, I want to know about it and correct it.

I set my calendar to follow up and I try not go outside the line of command unless I feel the situation truly warrants it. Thank you for your help and your tenacity.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

National Firearms Act
Trade & Collectors Association®

February 23, 2015

Mr. William Boyle
NFA Branch - ATF
244 Needy Rd
Martinsburg WV 25405

Mr. Boyle,

The purpose of this inquiry is to determine if the below described proposal would meet ATF's requirements for maintaining control of a "post-sample" machine gun (manufactured/imported after 1986) during repair, refurbishment and restoration. The inquiry is written on behalf of our membership and the NFA community at large.

Manufacturer O is a fully licensed Type 07 Federal Firearms Licensee (FFL) that maintains Special Occupational Taxpayer (SOT) status. Manufacturer O regularly receives post-sample machine guns during the normal course of business for the purposes of performing repair, refurbishment and restoration on these weapons. In many cases, Manufacturer O performs these tasks. However, in some cases, it is necessary for Manufacturer O to utilize sub-contractors to complete the assigned tasks.

Manufacturer O conveys post-sample machine guns to its commissioned sales person who also works for Sub-Contractor X, a licensed 07 FFL/SOT. The post-sample machine guns remain under the "chaperoning" of this employee during the entire time the weapons are physically at Sub-Contractor X. Should it be necessary for the weapons to remain for more than one business day, the chaperoning employee is the only one with access to the secured post-sample machine guns. Work is performed on these post-sample machine guns by Sub-Contractor X exclusively under the supervision of the chaperoning employee.

Section 9.5.2 of the ATF publication *NFA Handbook* states "No 'transfer' under the NFA occurs when an FFL/SOT permits a bona fide employee to take custody of its registered NFA firearms for purposes within the scope of employment and for the business purposes of the FFL/SOT." Further, 9.5.2 goes on to state that "In addition, the interstate delivery of a firearm to the employee and the employee's receipt of the firearm would not violate the GCA."

Given the above description and support, the NFATCA believes that no transfer will take place and that the chaperoning provisions outlined in ATF's recent 2014-1 Ruling are observed. We await confirmation by ATF of our conclusion.

Sincerely,

(b)(6)

cc: (b)(6)
Alphonso J. Hughes

John K. Brown, III
President
Curt Wolf
Vice President
Jeffrey E. Folloder
Executive Director, Sec/Tres

Board of Directors

Robert Landies,
Ohio Ordnance, Inc
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The NFATCA® logo is a registered trademark

National Firearms Act
Trade & Collectors Association®

May 6, 2015

Mr. William Boyle
National Firearms Act Branch Chief
244 Needy Road
Martinsburg WV 25405

Mr. Boyle,

The National Firearms Act Trade & Collectors Association (NFATCA), in addition to its collector and dealer members, counts many licensed manufacturer/SOT's as part of our growing membership roster. Our members strive to comply with legislation and regulation as they pertain to the conduct of their business and personal affairs. Getting it right is our shared goal. It has come to our attention that there is some confusion within the Industry Operations Investigator (IOI) community as to definition and marking requirements for firearm suppressors (silencers). We would like to confirm a long-established process utilized by manufacturer/SOT's.

> **18 USC 921(a)(24)** states: "The terms "firearm silencer" and "firearm muffler" mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, **and any part intended only for use in such assembly or fabrication.**" [Emphasis added.] This is also repeated and confirmed in *The NFA Handbook*, an ATF publication in Section 2.1.7.

Historically, FFL/SOT manufacturers have prepared suppressor components in anticipation of future builds and have done so under the proviso that "licensed manufacturers who are also SOT's may possess spare silencer components in conjunction with their manufacturing operations" (*The NFA Handbook*, an ATF publication in Section 2.1.7.). This preparation includes the sizing of outer tubes of suppressors, which, by definition (quoted above), are NFA items, which are then properly marked and registered on ATF Form 2 within 24 hours of manufacture (*The NFA Handbook*, Section 7.3, 7.3.1 and 7.3.2).

Please confirm that the process described above continues to meet all lawful requirements of manufacturing, marking and record keeping.

Sincerely,

(b)(6)
Executive Director

cc: Alphonso Hughes, Division Chief FESD

John K. Brown, III
President
Curt Wolf
Vice President
Jeffrey E. Folloder
Executive Director, Sec/Tres

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From: Hughes, Alphonso J. (b)(6)

Sent: Wednesday, May 27, 2015 6:19 PM
To: (b)(6)
Subject: Re: NFA Outstanding Issues
Attachments: nfatcalogo.png

No worries and understood. I had similar testimony from another org rep. I'm on it!

Sent from my iPhone

On May 27, 2015, at 5:50 PM, (b)(6) > wrote:

> On 5/27/2015 4:42 PM, (b)(6) wrote:
>
> (b)(6)
>
> Any responses to any of the questions you sent the NFA Branch previously? Just following up, I will be in HQ tomorrow and want to engage the branch on all things outstanding for NFATCA.

Nope. I will admit to being hopeful after receiving the 5/9 note from Mr. Boyle that a response would be delivered by end of week. Sadly, no response received. I really do not want to get you in an uncomfortable position. But with that said, I'm wondering if there is a reason that we are not enjoying the more open and responsive communication that was promised at our meeting at SHOT. If there is a failure on our part, I want to know about it and correct it.

I set my calendar to follow up and I try not go outside the line of command unless I feel the situation truly warrants it. Thank you for your help and your tenacity.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<nfatcalogo.png>

<2014-1_employee_inquiry_v1.pdf>

<tube_marking_050615.pdf>

From: (b)(6)
Sent: Thursday, May 28, 2015 8:51 AM
To: Hughes, Alphonso J.
Subject: Fwd: Really?
Attachments: ATT00001.png

Even inquires such as this are being ignored. I *know* that (b)(6) is a busy guy and that his email box and voice mail is overflowing... Still, one would think that this is kind of important to the process.

-------- Forwarded Message --------
Subject: Really?
Date: Thu, 21 May 2015 16:04:57 -0500
From: (b)(6)
To: (b)(6)

(b)(6)
Saw this posted on one of the boards. I know that the form is not required on a trust/corp transfer, but....

Forgot to put the ATF 5330.20 when I sent in a Form 4. Called NFA Branch to see how I could send/fax to marry it up with my application. Was told that this form is no longer required. Being a "trust, but verify" person, I called back 2 days later and spoke with another person, who also confirmed that the form is no longer required. I don't see any notice on the ATF website that this has changed. In fact, I just put another Form 4 in the mail and my C.L.3 dealer had me fill one out.

Is this true?
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]

Sent: Thursday, May 28, 2015 1:37 PM
To: [redacted]
Subject: Re: Really?
Attachments: ATT00001.png

[redacted] do me a favor resend to [redacted] That is not like him to not respond. I can assure you no one is ignoring but maybe inundated for some reason.

Sent from my iPhone

On May 28, 2015, at 8:51 AM, [redacted] wrote:

> Even inquires such as this are being ignored. I *know* that [redacted] is a busy guy and that his email box and voice mail is overflowing... Still, one would think that this is kind of important to the process.
>
> -------- Forwarded Message --------
> **Subject:**Really?
> **Date:**Thu, 21 May 2015 16:04:57 -0500
> **From:** [redacted]
> **To:** [redacted]
>
> [redacted]
> Saw this posted on one of the boards. I know that the form is not required on a trust/corp transfer, but....
>
> *Forgot to put the ATF 5330.20 when I sent in a Form 4. Called NFA Branch to see how I could send/fax to marry it up with my application. Was told that this form is no longer required. Being a "trust, but verify" person, I called back 2 days later and spoke with another person, who also confirmed that the form is no longer required. I don't see any notice on the ATF website that this has changed. In fact, I just put another Form 4 in the mail and my CL3 dealer had me fill one out.*
>
> Is this true?
> --
>
> [redacted]
> **Executive Director**
> Phone: 281.492.8288
> Website: www.nfatce.org
> Forums: www.nfatcaforums.org
>
> <mime-attachment.png>

From: [redacted] (b)(6) >
Sent: Thursday, May 28, 2015 3:13 PM
To: Hughes, Alphonso J.
Subject: Re: Really?
Attachments: nfatcalogo.png

On 5/28/2015 12:36 PM, [redacted] (b)(6) wrote:

> (b)(6) do me a favor resend to (b)(6) That is not like him to not respond. I can assure you no one is ignoring but maybe inundated for some reason.

Will do! I know that (b)(6) is buried...

--

[redacted] (b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Friday, May 29, 2015 5:31 PM
To: Hughes, Alphonso J.
Subject: Checking In
Attachments: nfatcalogo.png

Alphonso,
Did you discover anything worth discussing?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]

Sent: Friday, May 29, 2015 5:38 PM
To: [redacted]
Subject: RE: Checking In
Attachments: image001.png

[redacted] I engaged [redacted] first who had provided info and comment to the branch chief. Bill, I gave him a deadline to get his hands around the issues presented by NFATCA and give you a call sometime on or before COB Monday.

If you do not hear from him by Monday 3 PM please call his direct line [redacted] (Bill Boyle). I will follow up with him again Tuesday morning to make sure he reached out to NFATCA reps on pending inquiries.

From: [redacted]
Sent: Friday, May 29, 2015 5:31 PM
To: Hughes, Alphonso J.
Subject: Checking In

Alphonso,
Did you discover anything worth discussing?

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Friday, May 29, 2015 6:03 PM
To: Hughes, Alphonso J.
Subject: Re: Checking In
Attachments: nfatcalogo.png

On 5/29/2015 4:38 PM, [redacted] wrote:

> [redacted] I engaged [redacted] first who had provided info and comment to the branch chief. Bill, I gave him a deadline to get his hands around the issues presented by NFATCA and give you a call sometime on or before COB Monday.
>
> If you do not hear from him by Monday 3 PM please call his direct line [redacted] (Bill Boyle). I will follow up with him again Tuesday morning to make sure he reached out to NFATCA reps on pending inquiries.

Thank you, sir. Enjoy your weekend. We are bracing for more rain here in the Houston area. Hopefully it will not be as bad as it has been...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6)

Sent: Friday, May 29, 2015 6:28 PM
To: (b)(6)
Subject: Re: Checking In
Attachments: nfatcalogo.png

Omg didn't even put 2 and 2 together. Stay safe brother Mother Nature has been unforgiving lately.

Sent from my iPhone

On May 29, 2015, at 6:03 PM, (b)(6) wrote:

> On 5/29/2015 4:38 PM, (b)(6) wrote:
>
> > (b)(6) I engaged (b)(6) first who had provided info and comment to the branch chief. Bill, I gave him a deadline to get his hands around the issues presented by NFATCA and give you a call sometime on or before COB Monday.
> >
> > If you do not hear from him by Monday 3 PM please call his direct line (b)(6) (Bill Boyle). I will follow up with him again Tuesday morning to make sure he reached out to NFATCA reps on pending inquiries.
>
> Thank you, sir. Enjoy your weekend. We are bracing for more rain here in the Houston area. Hopefully it will not be as bad as it has been...
>
> --

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<nfatcalogo.png>

From: [redacted]
Sent: Friday, May 29, 2015 7:03 PM
To: Hughes, Alphonso J.
Subject: Re: Checking In
Attachments: nfatcalogo.png

On 5/29/2015 5:27 PM, [redacted] wrote:

> Omg didn't even put 2 and 2 together. Stay safe brother Mother Nature has been unforgiving lately.

Ya think? Was just watching the news. Total rainfall for Texas in the past 2 weeks has been enough to cover the entire state in 8 inches of water. The *whole* state. I've lived through many hurricanes here.. This past few weeks has been mind numbing.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Saturday, May 30, 2015 8:23 AM
To: Hughes, Alphonso J.
Subject: Re: Checking In
Attachments: nfatcalogo.png

On 5/29/2015 5:27 PM, [redacted] wrote:

> Omg didn't even put 2 and 2 together. Stay safe brother Mother Nature has been unforgiving lately.

Heard back from [redacted] (confirming the new news that the separate compliance form is not required) last night at around 8:30 my time.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Saturday, May 30, 2015 10:10 AM
To: (b)(6)
Subject: Re: Really?
Attachments: nfatcalogo.png

On 5/29/2015 8:20 PM, (b)(6) wrote:

Greetings (b)(6)

Please excuse my delay in reply to your question…

TRUE: The NFA Branch no longer requires the Certification, you will find questions contained in ATF Form 5330.20, **Certification of Compliance** with 18 U.S.C. 922(g)(5)(B), relating to non-immigrant status incorporated as part revision made to current ATF Form(s)…

In summary, **the submission of Form 5330.20 will not be required to support an ATF Form submitted to the NFA Branch...**

(b)(6)
The separate compliance form requirement is no longer needed. Even if the new forms are not out yet?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Saturday, May 30, 2015 10:28 AM
To: (b)(6)
Subject: RE: Really?
Attachments: image001.png

At this time, the NFA Branch is not requiring the additional Form (Cert.) previous used...

From: (b)(6)
Sent: Saturday, May 30, 2015 10:10 AM
To: (b)(6)
Subject: Re: Really?

On 5/29/2015 8:20 PM, (b)(6) wrote:

Greetings (b)(6)–

Please excuse my delay in reply to your question…

TRUE: The NFA Branch no longer requires the Certification, you will find questions contained in ATF Form 5330.20, **Certification of Compliance** with 18 U.S.C. 922(g)(5)(B), relating to non-immigrant status incorporated as part revision made to current ATF Form(s)…

In summary, **the submission of Form 5330.20 will not be required to support an ATF Form submitted to the NFA Branch...**

(b)(6)
The separate compliance form requirement is no longer needed. Even if the new forms are not out yet?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Saturday, May 30, 2015 11:07 AM
To: (b)(6)
Subject: Re: Really?
Attachments: nfatcalogo.png

On 5/30/2015 9:28 AM, (b)(6) wrote:

> At this time, the NFA Branch is not requiring the additional Form (Cert.) previous used...

Thanks... And again, looks like we both work weird/long hours... There are a lot of folks that are skeptical about this change in posture. There are many instances of forms getting kicked back for not including the compliance cert. And those were for trust/corp apps that did not need them in the first place.

Here's hoping that all of the examiners and their assistants are aware that this form is no longer required.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Saturday, May 30, 2015 11:12 AM
To: (b)(6)
Subject: RE: Really?
Attachments: image001.png

Keep the faith, and have a great weekend...

From: (b)(6)
Sent: Saturday, May 30, 2015 11:07 AM
To: (b)(6)
Subject: Re: Really?

On 5/30/2015 9:28 AM, (b)(6) wrote:

> At this time, the NFA Branch is not requiring the additional Form (Cert.) previous used...

Thanks... And again, looks like we both work weird/long hours... There are a lot of folks that are skeptical about this change in posture. There are many instances of forms getting kicked back for not including the compliance cert. And those were for trust/corp apps that did not need them in the first place.

Here's hoping that all of the examiners and their assistants are aware that this form is no longer required.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Saturday, May 30, 2015 1:59 PM
To: (b)(6)
Subject: Re: Really?
Attachments: nfatcalogo.png

On 5/30/2015 10:12 AM, (b)(6) wrote:

> Keep the faith, and have a great weekend...

Right back at ya!

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]

Sent: Saturday, May 30, 2015 4:49 PM
To: [redacted]
Subject: Re: Checking In
Attachments: nfatcalogo.png

Gotcha. Relit the fire. [redacted] they have been getting slammed. Pardon their delays but I will ensure comm remains open.

Sent from my iPhone

On May 30, 2015, at 8:23 AM, [redacted] wrote:

> On 5/29/2015 5:27 PM, [redacted] wrote:
>
> > Omg didn't even put 2 and 2 together. Stay safe brother Mother Nature has been unforgiving lately.
>
> Heard back from [redacted] (confirming the new news that the separate compliance form is not required) last night at around 8:30 my time.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatce.org
Forums: www.nfatcaforums.org

<nfatcalogo.png>

From: [redacted]
Sent: Monday, June 1, 2015 8:32 AM
To: Hughes, Alphonso J.
Subject: Re: Checking In
Attachments: nfatcalogo.png

On 5/30/2015 3:48 PM, [redacted] wrote:

> Gotcha. Relit the fire. [redacted] they have been getting slammed. Pardon their delays but I will ensure comm remains open.

Just got off the phone with Bill. He said that he had a note that I was waiting to hear back from him on a few things. He also indicated that he was uncertain as to what the things were.

I started off with the inquiry regarding a legal workaround for 2014-1 discussed at SHOT. He said that he had signed off on a letter and that I should have received it. I did not. He is checking into it. I asked him to send me a pdf in the interim.

I then asked about the suppressor manufacturing issue inquiry. He seemed a little unsure of the exact issue but did recall something on the matter. Not sure where he was with it. He's checking into it.

At least we have communication. I did not complain or bemoan anything. I just want response and I will take it in whatever form I can get. Thanks for your assistance.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Monday, June 1, 2015 5:29 PM
To: Hughes, Alphonso J.
Subject: Re: Checking In
Attachments: nfatcalogo.png

On 5/30/2015 3:48 PM, [redacted] wrote:

> Gotcha. Relit the fire. [redacted] they have been getting slammed. Pardon their delays but I will ensure comm remains open.

As I mentioned, Mr. Boyle called me at 7:30 this morning. We discussed the two outstanding items. At least one was done and I asked him to send me a copy of the response pdf. It's 5:30+ his time and I've received nothing. The postal folks have not delivered today, so maybe a hard copy will be there for me later on? Just keeping you in the loop.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]

Sent: Monday, June 1, 2015 6:30 PM
To: [redacted]
Subject: Re: Checking In
Attachments: nfatcalogo.png

He is in the ER as we speak. As soon as we get him checked out I will have him reach out. If he generated it I will have it scanned. I asked for a copy myself which i haven't received yet!

Sent from my iPhone

On Jun 1, 2015, at 5:29 PM, [redacted] wrote:

> On 5/30/2015 3:48 PM, [redacted] wrote:
>
> > Gotcha. Relit the fire. [redacted] they have been getting slammed. Pardon their delays but I will ensure comm remains open.
>
> As I mentioned, Mr. Boyle called me at 7:30 this morning. We discussed the two outstanding items. At least one was done and I asked him to send me a copy of the response pdf. It's 5:30+ his time and I've received nothing. The postal folks have not delivered today, so maybe a hard copy will be there for me later on? Just keeping you in the loop.
>
> --

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<nfatcalogo.png>

From: [redacted] (b)(6) >
Sent: Monday, June 1, 2015 7:01 PM
To: Hughes, Alphonso J.
Subject: Re: Checking In
Attachments: nfatcalogo.png

On 6/1/2015 5:29 PM, [redacted] (b)(6) wrote:

> He is in the ER as we speak. As soon as we get him checked out I will have him reach out. If he generated it I will have it scanned. I asked for a copy myself which i haven't received yet!

Holy crap! Our stuff can wait. T's & P's... Because health is number one.

--

[redacted] (b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Wednesday, June 3, 2015 8:05 AM
To: Hughes, Alphonso J.
Subject: Re: Checking In
Attachments: nfatcalogo.png

On 6/1/2015 5:29 PM, [redacted] wrote:

> He is in the ER as we speak. As soon as we get him checked out I will have him reach out. If he generated it I will have it scanned. I asked for a copy myself which i haven't received yet!

Had my own little family crisis yesterday. [redacted]. Will be heading back over there today. Let me know how Bill is doing.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, January 13, 2015 1:25 PM
To: (b)(6)
Cc: (b)(6)
Subject: SHOT Topics
Attachments: nfatcalogo.png; SHOT_ATF_topics2015.pdf

It's an ambitious list! I doubt that there will be time for all of it. Looking forward to meeting with ATF in Las Vegas.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

National Firearms Act
Trade & Collectors Association®

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Curt Wolf
Vice President
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Executive Director, Sec/Tres

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Small Arms Review

Tomas M. Garza
Steering Committee Chair

"Power Through Experience"

NFATCA/ATF SHOT Show Review

January 21, 2015 - Las Vegas

The following topics are offered for review and discussion:

- **NFA Handbook** update. Review/participation
- **FTB Manual** update. Status/review/participation.
- **FOIA request** status on registered machine guns.
- **41P** update on legal entities.
- **40P** update on theft/loss in transit reporting.
- **2014-1** ongoing clarifications. Form 5 use for post sample repair conveyance.
- **2015-1** discussion.
- **NFA Branch** processing concerns:
  - Description discrepancies
  - FFL rejections
  - Superfluous questions
- **eForms** update. Status/projections and NFATCA participation.
- Multiple **long arm sale reporting** update.
- Intended use of an accessory versus actual use. ATF **conflicting guidance**.
- Other topics (time permitting)
  - Binary explosives
  - MG manufacture by trusts
  - 2015 Statistics publications

20603 Big Wells Drive • Katy, Texas • 77449
Phone: 281.492.8288 • Web: www.nfatca.org • Email: info@nfatca.org
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The NFATCA® Foundation is a 501(c)(3) organization, EIN 27-4349349
The NFATCA® logo is a registered trademark

From: (b)(6)

Sent: Tuesday, January 13, 2015 1:53 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: SHOT Topics
Attachments: image001.png

Hi (b)(6)
We should be ok in providing info on the topics you had previously forwarded.
See you next week.
Many thanks
(b)(6)

From: (b)(6)
Sent: Tuesday, January 13, 2015 1:25 PM
To: (b)(6)
Cc: (b)(6)
Subject: SHOT Topics

It's an ambitious list! I doubt that there will be time for all of it. Looking forward to meeting with ATF in Las Vegas.
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, January 14, 2015 9:30 AM
To: Hughes, Alphonso J.
Subject: Heads Up
Attachments: nfatcalogo.png

Just wanted you to know that i spoke with (b)(6) yesterday. He expressed the frustration that he, you and Marvin were experiencing in regard to our still unanswered FOIA request. Thanks for keeping a look out!

You might want to suggest that somebody from ATF keep an eye on the booth from *outside* the booth space this year. May prevent the idiots from trying to deface it again...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, May 27, 2014 11:19 AM
To: (b)(6)
Subject: Re: HK Briefcase
Attachments: old_nfatcalogo.png

On 5/27/2014 9:11 AM, (b)(6) wrote:

> Similar to other circumstances of the like, applicant should decide on a particular design / configuration, to establish registration of type firearm, having designated use...

(b)(6)

This is a rather oblique answer. I probably need to be much more specific.

Scenario One:
HK94 (9mm carbine) registered as an SBR with a $200 stamp. Registrant decides to temporarily take off the shoulder stock and replace same with pistol end cap. HK94 is installed in operational briefcase. Does the registrant have to obtain an ***additional*** registration as an AOW in this configuration?

Scenario Two:
HK94 registered as a registered receiver machine gun with a $200 stamp. Registrant decides to temporarily take off the shoulder stock and replace same with pistol end cap. HK94 is installed in operational briefcase. Does the registrant have to obtain an ***additional*** registration as an AOW in this configuration?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, December 15, 2015 7:37 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: As Promised
Attachments: nfatcalogo.png; 120915_FOIA_Appeal_Response.pdf

Here is the copy of the FOIA appeal that we received. Hopefully this will result in some usable information!

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

December 9, 2015

(b)(6)
National Firearms Act Trade &
Collectors Association
20603 Big Wells Drive
Katy, TX 77449

Re: Appeal No. AP-2015-05939
Request No. 2015-0052
(b)(6)

VIA: U.S. Mail

Dear Mr. (b)(6)

You appealed from the action of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on your Freedom of Information Act request for access to records concerning the count of certain sub-classifications of registered machine guns.

After carefully considering your appeal, and as a result of discussions between ATF personnel and this Office, I am remanding your request to ATF for a search for responsive records. If ATF locates releasable records, it will send them to you directly, subject to any applicable fees. You may appeal any future adverse determination made by ATF. If you would like to inquire about the status of this remand, please contact ATF directly.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

12/9/2015
X (b)(6)

(b)(6), Senior Attorney, for
Sean O'Neill, Chief, Administrative Appeals Staff
Signed by (b)(6) (OIP)

From: (b)(6)
Sent: Tuesday, December 15, 2015 3:05 PM
To: (b)(6)
Subject: Error Handling
Attachments: nfatcalogo.png; DAW_95081.jpg

(b)(6)
I just got back a Form 4 for serial (b)(6), (b)(3) - 26 U.S.C. § 6103
(b)(6), (b)(3) - 26 U.S.C. §6103

(b)(6), (b)(3) - 26 U.S.C. § 6103 Should I put "n/a" in the box or what? I've attached a picture of the can. The maker did not actually use a model!
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Thursday, December 17, 2015 2:18 PM
To: (b)(6)
Subject: 95081

Good afternoon,

I am a research assistant for the NFA Branch and I am following up on an email I received from Mr. (b)(6) This is regarding an error letter that you received on the above referenced serial number transferring to (b)(6), (b)(3) - 26 U.S.C. § 6103 on a Form 4.

(b)(6), (b)(3) - 26 U.S.C. § 6103
(b)(6), (b)(3) - 26 U.S.C. § 6103 . Please update section 4d on the Form 4 applications by either updating the model to (b)(6), (b)(3) - 26 U.S.C. § 6103. Then, mail the applications back to me at the address on the error letter.

If there are any questions, please let me know.

Thank you,

(b)(6)
Contractor - Team Rolling Bay
Firearms Explosives Services Division
(b)(6)

From: (b)(6)
Sent: Thursday, December 17, 2015 2:26 PM
To: (b)(6)
Subject: Re: 95081
Attachments: nfatcalogo.png

On 12/17/2015 1:17 PM (b)(6) wrote:

> Good afternoon,
>
> I am a research assistant for the NFA Branch and I am following up on an email I received from Mr. (b)(6) This is regarding an error letter that you received on the above referenced serial number transferring to (b)(6), (b)(3) - 26 U.S.C. § 6103 on a Form 4.
>
> (b)(6), (b)(3) - 26 U.S.C. § 6103
> (b)(6), (b)(3) - 26 U.S.C. § 6103. Please update section 4d on the Form 4 applications by either updating the model to "(b)(6), (b)(3) - 26 U.S.C. § 6103. Then, mail the applications back to me at the address on the error letter.

(b)(6),
I sent the error letter and forms back yesterday. I had crossed the original out and wrote (b)(6), (b)(3) - 26 U.S.C. § 6103 (b)(6), (b)(3) - 26 U.S.C. § 6103 If that is wrong, I guess you can either go with what is already on the form or send it back yet again for another correction.

Please advise.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Thursday, December 17, 2015 2:58 PM
To: (b)(6)
Subject: RE: 95081
Attachments: image001.png

NFA Branch – 10
244 Needy Road – Ste. 1250
Martinsburg, WV 25405

Thank you,

(b)(6)
Contractor - Team Rolling Bay
Firearms Explosives Services Division
(b)(6)

From: (b)(6)
Sent: Thursday, December 17, 2015 2:26 PM
To: (b)(6)
Subject: Re: 95081

On 12/17/2015 1:17 PM, (b)(6) wrote:

> Good afternoon,
>
> I am a research assistant for the NFA Branch and I am following up on an email I received from Mr. (b)(6) This is regarding an error letter that you received on the above referenced serial number transferring to (b)(6), (b)(3) - 26 U.S.C. § 6103 on a Form 4.
>
> (b)(6), (b)(3) - 26 U.S.C. § 6103
> (b)(6), (b)(3) - 26 U.S.C. § 6103. Please update section 4d on the Form 4 applications by either updating the model to (b)(6), (b)(3) - 26 U.S.C. § 6103. Then, mail the applications back to me at the address on the error letter.

(b)(6)
I sent the error letter and forms back yesterday. I had crossed the original out and wrote (b)(6), (b)(3) - 26 U.S.C. § 6103
(b)(6), (b)(3) - 26 U.S.C. § 6103. If that is wrong, I guess you can either go with what is already on the form or send it back yet again for another correction.

Please advise.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Friday, September 5, 2014 9:54 AM
To: Hughes, Alphonso J.
Subject: Re: Not a Word
Attachments: old_nfatcalogo.png

On 9/4/2014 11:36 AM, [redacted] wrote:

[redacted]

I recommend calling that Division in ATF HQ to check up on the request and requesting a call back. To date we (FESD) have not received a FOIA data call assignment/request from that Division based on what you submitted to the mail box. They may have a backlog but I recommend you inquire just in case your request may be in a pending or problem status with them and you unknowing. I pulled Stephanie's info off www.atf.gov and pasted below.

I copied you on an email just sent. Also sending it via mail and will also call.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Monday, September 15, 2014 10:55 AM
To: Hughes, Alphonso J.
Subject: Re: NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS
Attachments: old_nfatcalogo.png

On 9/15/2014 9:46 AM, [redacted] wrote:

> [redacted] stand by on the question. FTB, FIPB and ourselves are getting that very question. Marvin will be out today we will discuss how ATF should clarify the ruling. Stand by!

My phone is ringing off the wall on this! It is literally making it impossible, in a practical manner, for FFL/SOT's to secure repair of their lawfully owned post-sample weapons!

Thank you for your help.

On another matter, I still have yet to hear back from disclosure regarding the FOIA. My calendar says that today is actually the deadline for them to notify me that they would need more time. No answers to phone call, email and written inquiry.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]

Sent: Monday, September 15, 2014 10:47 AM

To: [redacted]

Subject: RE: NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS

[redacted] stand by on the question. FTB, FIPB and ourselves are getting that very question. Marvin will be out today we will discuss how ATF should clarify the ruling. Stand by!

From: [redacted]
Sent: Friday, September 12, 2014 1:16 PM
To: Hughes, Alphonso J.
Cc: [redacted]
Subject: Fwd: NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS

Specific Issue becomes apparent; how will the September 4 notice impact the following scenario:

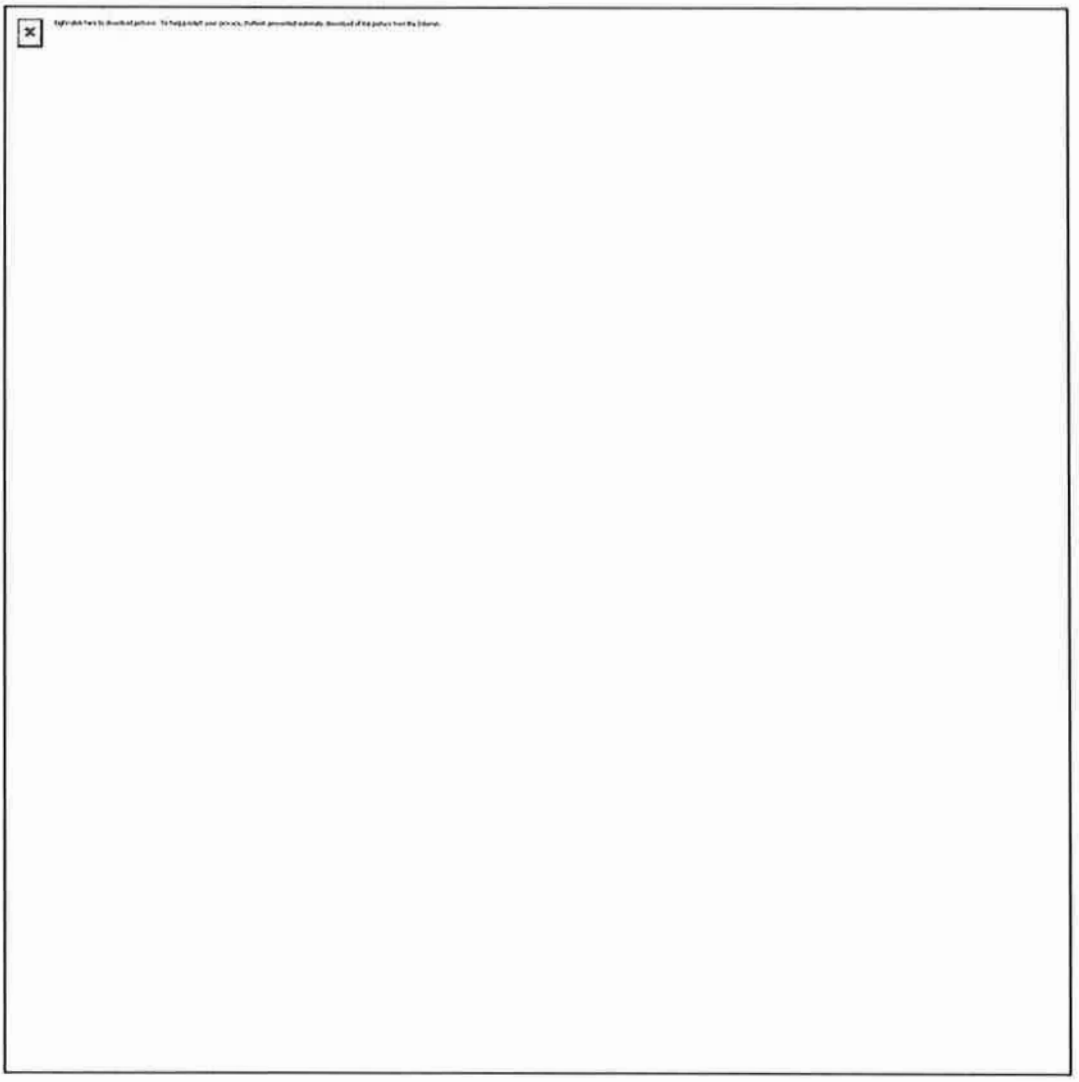
I am an FFL/SOT in lawful possession of a "post sample" machine gun. It breaks. I want to get it repaired. The February 18, 2000 open letter from ATF states that "The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) does not consider the temporary conveyance of an NFA firearm to a gunsmith for repair to be a "transfer" under the terms of the NFA. Thus, an ATF Form 5 application is not required." So I would get a Form 5 (although not absolutely necessary), create a repair order, box the gun up, send it off to an 07/SOT, have it repaired and get it back.

Does 2014-1 negate the ability of FFL/SOT holders to send their weapons out for bona fide repair without physically accompanying the gun and maintaining control of the weapon at all times?

-------- Original Message --------
Subject:NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS
Date: Fri, 12 Sep 2014 11:29:22 +0000
From: Johanna Reeves/F.A.I.R. Trade Group <Mailing@FairTradeGroup.org>
Reply-To: Johanna Reeves/F.A.I.R. Trade Group <Mailing@FairTradeGroup.org>
To:<jeff.folloder@nfatca.org>

F.A.I.R. Trade Group Member News Alert -
For Immediate Distribution

View this email in your browser



News

The following article is provided courtesy Reeves & Dola, LLP, www.reevesdola.com (Teresa Ficaretta, Esq., author).

NEW ATF RULING WILL IMPACT INDUSTRY ABILITY TO MANUFACTURE AND REPAIR MACHINEGUNS

On September 4, 2014, ATF posted to its website ATF Rul. 2014-1, addressing the transfer and possession of machineguns by qualified manufacturers and importers.

The ruling addresses the restrictions of Section 922(o) of the Gun Control Act (18 U.S.C. 922(o)) and sets forth rules for qualified manufacturers and importers to lawfully transfer machineguns for further manufacturing or for repair. This new ruling will have a significant impact on the manufacture and import of machineguns, and will affect the ability of U.S. companies to service their foreign customers because of the transfer and possession restrictions presented in the ruling. The complete text of the ruling can be found here.

I. Background

Section 922(o), Title 18, U.S.C., makes it unlawful for any person to transfer or possess a machinegun. The statute provides exemptions from its prohibitions for transfer[s] to or by, or possession by or under the authority of a Federal, State, or local government agency. Regulations implementing section 922(o) provide that qualified manufacturers may manufacture machineguns for sale or distribution to a Federal, State, or local government agency so long as they are registered in the National Firearms Registration and Transfer Record, and their transfer is restricted to the distribution for official use of Federal, State, or local government agencies. See 27 C.F.R. 478.36, 27 C.F.R. 479.103 and 479.105(c). Regulations also authorize specifically the manufacture of machineguns for purposes of exportation in compliance with regulations of the Department of State issued under the Arms Export Control Act. 27 C.F.R. 479.105(c).

ATF has consistently interpreted 18 U.S.C. § 922(o) to allow qualified manufacturers to stockpile machineguns they manufacture for sale to Federal, State, and local government agencies. As stated in the regulations in 27 C.F.R. 479.105(c), ATF also has consistently interpreted the statute to allow the manufacture and stockpiling of machineguns for export. These positions are outlined in ATF's National Firearms Act Handbook (the "NFA Handbook"), E-Publication 5320.8, Section 7.5, and available here.

ATF has been inconsistent, however, on whether qualified manufacturers and importers may transfer machineguns to other qualified licensees for purposes of

further manufacture, repair, alteration, or integration into another defense article. Section 7.6.1 of the NFA Handbook states that qualified NFA manufacturers may contract with other qualified manufacturers to produce machineguns for sale to Federal, State, or local government agencies or for dealer sales samples. This section of the NFA Handbook goes on to state that a variance is required for these types of transfers, as the regulations in 27 C.F.R. 479.105 limit the number of machineguns that may be transferred. Accordingly, section 7.6.1 indicates that both manufacturers who participate in the production of the machineguns must obtain a variance authorizing the transfer from one manufacturer to the other pursuant to 27 C.F.R. 479.26.

A number of manufacturers have received variances from ATF authorizing the transfer of unlimited quantities of machineguns between licensed manufacturers during the manufacturing process pursuant to the provisions outlined in the NFA Handbook. However, in 2012, ATF officials began making statements at industry trade shows concerning the legality of such transfers under 18 U.S.C. § 922(o). For example, at the 2012 Sporting, Hunting, and Outdoor Trade Show (SHOT Show) held in Las Vegas, Nevada, ATF officials announced the agency's position that allowing licensed manufacturers to transfer machineguns to a second qualified manufacturer for additional manufacturing processes is inconsistent with the plain meaning of section 922(o). These officials announced that the agency would be providing written clarification at some point in the future. ATF Rul. 2014-1 appears to be this clarification.

II. Holdings of ATF Rul. 2014-1

The ruling has three separate holdings which we address below:

1. Stockpiling of machineguns for future sale. The first holding states that licensed manufacturers who are properly qualified under the National Firearms Act (NFA) may manufacture and stockpile machineguns for future sale to Federal, State, or local government agencies without first obtaining a specific contract or order from such government agency, provided the machineguns are properly registered under

the NFA and are only distributed for the official use of such government agencies.

2. Delivery of machineguns to a second manufacturer-maintaining constructive possession. The ruling states that qualified manufacturers may deliver machineguns (including frames or receivers) to another qualified manufacturer but may not transfer such firearms to the second manufacturer without violating section 922(o). However, the ruling states that the delivery to a second manufacturer will not violate section 922(o) if the first manufacturer maintains continuous dominion or control over the machineguns.

3. Transfers of machineguns between manufacturers when the second manufacturer has a government contract or "official written request" from a government agency. The last holding in ATF Rul. 2014-1 states that a manufacturer may transfer machineguns it has manufactured to another qualified manufacturer if the first manufacturer has a government contract or official written request that meets the following requirements:

- The document is from a Federal, State, or local government agency and is on official letterhead;
- The document states that the first manufacturer is an agent of the government agency authorizing the transfer of the machineguns to the second manufacturer;
- The document is signed and dated by an authorized government official and includes the official's title and position;
- The document states that the firearms to be transferred are machineguns as defined by Federal law.
- The document states that the machineguns to be transferred are particularly suitable for official use by the requesting Federal, State, or local government agency; and
- The document includes a statement that the Federal, State, or local government agency requests and authorizes the manufacturer to transfer the machineguns to and/or from other licensed manufacturers for assembly,

repair, development, testing, other manufacturing processes, or storage, as the case may be, for that government agency.

The ruling states that manufacturers who wish to transfer machineguns under the third holding, as outlined above, must attach a copy of the government contract or other official written request to the transfer application submitted to ATF's NFA Branch.

III. CAUTION! ATF Rul. 2014-2 Modifies ATF Rul. 2004-2

In the last paragraph of ATF Rul. 2014-1 ATF states that ATF Rul. 2004-2 is "clarified" with respect to the documentation required under the GCA for qualified importers to transfer an imported machinegun to another qualified licensee for inspection, testing, calibration, repair, reconditioning, further manufacture, or incorporation into another defense article. We fear this "clarification" will significantly impact the ability of U.S. companies to service the repair needs of their foreign customers.

In ATF Rul. 2004-2, ATF used its variance authority under the Gun Control Act and National Firearms Act to establish a procedure for qualified importers to bring exported machineguns and other NFA firearms into the U.S. temporarily for purposes of inspection, testing, calibration, repair, or incorporation into another defense article. The ruling recognized the fact that many manufacturers have a legitimate need to import machineguns they exported to foreign law enforcement agencies for purposes of repairs under warranty, recalibration, or incorporation into another defense article. Consequently, ATF Rul. 2004-2 notes that such importations are necessary for national defense. The ruling further indicates ATF was aware most of these temporary importations take place pursuant to the Department of States' International Traffic in Arms Regulations, 22 C.F.R. Part 120-130 (ITAR). However, ATF expressed concern in the ruling that importers utilizing such regulations were not complying with the registration provisions of the NFA, which help ensure the security and accountability of the firearms while within the U.S. Accordingly, ATF Rul. 2004-2 requires importers temporarily importing NFA

firearms under State Department requirements to also register the firearms on ATF Form 2.

ATF Rul. 2004-2 also addresses transfers of machineguns following their temporary importation. The ruling states that conveyance of temporarily imported NFA firearms does not amount to a "transfer" as that term is used in the NFA. Accordingly, no transfer application must be submitted to ATF to lawfully accomplish such conveyances. The ruling does not specifically address the requirements of 18 U.S.C. § 922(o). However, the ruling clearly authorizes the conveyance of imported machineguns to a properly qualified manufacturer for repair, re-manufacture, or any of the other purposes outlined in the ruling.

It is important to highlight that the "clarification" of ATF Rul. 2004-2 by ATF Rul. 2014-1 effectively OVERRULES the transfer/conveyance language in the 2004 ruling. This is because the language in the 2014 ruling makes it clear ATF holds a conveyance of a machinegun is a transfer that violates section 922(o), absent a government contract or other document specifically authorizing the transfer of the imported machinegun to a manufacturer. Because the machineguns will be the property of foreign governments, obtaining a written authorization from a Federal, State, or local government agency may be difficult. It may be problematic for a Federal, State, or local government agency to provide a written authorization for the transfer of the machineguns on its behalf when the machineguns are the property of a foreign government. Accordingly, it will be challenging for importers to utilize the procedure authorized in ATF Rul. 2014-1 to lawfully transfer temporarily imported machineguns to another manufacturer.

IV. CAUTION! Prior Inconsistent Rulings Modified

ATF Rul. 2014-1 also modifies any prior letter rulings or marking variances that are inconsistent with the positions outlined in the ruling. Consequently, businesses who operate under privately issued variances that authorize transfers of machineguns between qualified manufacturers ***may no longer rely upon that variance.*** We

discuss this below .

V. Impact of ATF Rul. 2014-1

The practical impact of ATF Rul. 2014-1 on industry operations is as follows:

1. **Manufacture and stockpiling of machineguns** Qualified manufacturers may continue to manufacture and stockpile machineguns for future sale to Federal, State, and local government agencies.

2. **Transfers of machineguns to a second manufacturer**. ATF marking variances or private letter rulings specifically authorizing the transfer of machineguns from one qualified manufacturer to another qualified manufacturer ***are no longer valid***. Businesses who utilize the services of another qualified manufacturer to manufacture machineguns must have an employee accompany the registered machineguns to the premises of the second manufacturer and maintain continuous dominion and control over the machineguns while the manufacturing operations are conducted. Alternatively, the first manufacturer may obtain a government contract or other document specifically authorizing the transfer to the second manufacturer. Such a document must meet all requirements of ATF Rul. 2014-1 as set forth above and must be submitted to the NFA Branch with the Form 3 transfer application.

In the case of machineguns manufactured for export, transfers to another qualified manufacturer must meet all the requirements outlined above. However, we suspect it may be difficult to obtain a contract or other written authorization from a U.S. Federal, State, or local government agency specifically authorizing the transfer to a second manufacturer when the machineguns are being made for export to a foreign customer. The only alternative to this requirement is for the first manufacturer to maintain continuous dominion and control over the machineguns while they are on the premises of the second manufacturer.

3. **Transfers of machineguns temporarily imported under Department of State requirements**. Persons and businesses properly qualified under the GCA and

NFA may continue to temporarily import machineguns exported to foreign governments for purposes of repair, recalibration, and incorporation into another defense article. These temporary imports must comply with ITAR regulations in 22 C.F.R. Parts 120-130 and be registered on ATF Form 2 within 15 days of release from Customs custody. However, these machineguns may not be transferred to another qualified manufacturer absent a contract with a Federal, State, or local government agency specifically authorizing the transfer to the qualified manufacturer OR a written authorization that meets all the requirements set forth in ATF Rul. 2014-1. As with transfers of machineguns manufactured for export to foreign customers, it may be difficult to obtain such an authorization from a domestic agency when the machineguns are owned by a foreign customer. Alternatively, those who have a need for another qualified manufacturer to perform repair or manufacturing operations on temporarily imported machineguns must maintain continuous dominion and control over the weapons while on the premises of the qualified manufacturer to avoid both licensees violating 18 U.S.C. § 922(o).

*****

This Alert is for general informational and educational purposes only and should not be construed or relied upon as legal advice or legal opinion. This Alert is not intended to take the place of consultation with an attorney and does not create an attorney-client relationship.

The F.A.I.R. Trade Group is a 501(c) (6) organization dedicated since 1994 to protecting the interests of the firearms and ammunition import and export community. F.A.I.R. operates entirely on the funds derived from our dues-paying membership. If you are interested in becoming a member or contributing to the organization, please visit our website at: www.fairtradegroup.org.

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From: [redacted]
Sent: Thursday, September 18, 2014 11:22 AM
To: Hughes, Alphonso J.
Cc: Fronczak, Michael F.; Richardson, Marvin G.; [redacted]
Subject: Clarification Requested
Attachments: old_nfatcalogo.png; 2014-1_clarification_091814.pdf

Please see the attached letter regarding ATF's recent ruling, 2014-1.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

John K. Brown, III
President
Jeffrey E. Folloder
Executive Director, Sec/Tres

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Robert Segel,
Small Arms Review

"Power Through Experience"

September 18, 2014

Alphonso Hughes, Chief, F&E Services Division
Bureau of Alcohol, Tobacco, Firearms & Explosives
244 Needy Rd
Martinsburg WV 25405

Mr. Hughes,

ATF Ruling 2014-1 has established guidelines for the proper processes and procedures for lawfully sub-contracting the manufacture of "post sample" machine guns. Many required procedures for specific scenarios were clarified and documented. Unfortunately, 2014-1 has also created a significant amount of confusion and concern in regard to the practical application of the guidance. 2014-1 does not specifically address repair of lawfully owned "post sample" machine guns and implies that it is now nearly impossible to send these guns out for repair without chaperoning or obtaining written LE/Military consent for a transaction that said agency is not involved in.

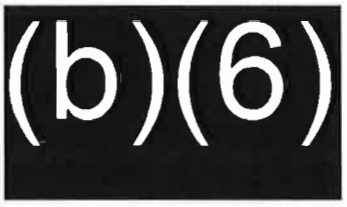
As an example: An FFL/SOT is in lawful possession of a "post sample" machine gun. It breaks. The FFL/SOT wants to get it repaired. The February 18, 2000 open letter from ATF states that "The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) does not consider the temporary conveyance of an NFA firearm to a gunsmith for repair to be a "transfer" under the terms of the NFA. Thus, an ATF Form 5 application is not required." So he would obtain a Form 5 (although not absolutely necessary, it is ATF recommended), create a repair order, box the gun up, send it off to an 07/SOT, have it repaired and get it back. Is this procedure still valid or has 2014-1 superseded it? If the February, 2000 guidance is no longer valid, ATF has now made it virtually impossible for FFL/SOT's to obtain repairs, even from the original manufacturer, for their lawfully owned weapons. Surely this was not the intention of the 2014-1 ruling!

RIF

Our membership is quite alarmed by the implications of this ruling and would like to be assured that they will continue to be able to conduct lawful commerce with their lawfully obtained weapons without undue and unnecessary burden. Further, many concerns have been raised by member FFL/SOT's who secured ATF recommended Form 5 approval to obtain repairs under the February, 2000 guidance. Will NFA Branch approve the return of these weapons on a new Form 5, as they had in the past, or will 2014-1 render these weapons "frozen" in place, thus depriving the original owners of their property? In most cases, the original agency letters requesting demonstration of the weapons are no longer valid (ATF only recognizes them as valid for six months) and securing a second, valid letter would be practically impossible.

This serious matter needs to be clarified and resolved quickly. I look forward to your helpful response.

Sincerely,



cc: Michael Fronczak
Marvin Richardson
(b)(6)

From: (b)(6)
Sent: Tuesday, November 26, 2013 4:06 PM
To: (b)(6)
Subject: Frustrating
Attachments: old_nfatcalogo.png

Trying to do a rush Form 3 for an NFATCA Customer. NFATCA FFL/SOT (b)(3) - 26 U.S.C. § 6103

I've got serial numbers in the system for guns that I have yet to receive, yet guns that I have in hand with approved Form 3's are not showing up. Specifically, ser (b)(6) But there are others.

You want me to wait or you want me to file it old school?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Tuesday, November 26, 2013 4:30 PM
To: (b)(6)
Subject: RE: Frustrating
Attachments: image001.png

Hey, (b)(6) – I don't know why it won't pull up – it looks OK to me – I am gone for a few days and won't be able to look more until next week

---

From: (b)(6)
Sent: Tuesday, November 26, 2013 4:06 PM
To: (b)(6)
Subject: Frustrating

Trying to do a rush Form 3 for an NFATCA Customer. NFATCA FFL/SOT (b)(3) - 26 U.S.C. § 6103

I've got serial numbers in the system for guns that I have yet to receive, yet guns that I have in hand with approved Form 3's are not showing up. Specifically, ser (b)(6) But there are others.

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--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6)

Sent: Tuesday, December 10, 2013 3:58 PM
To: (b)(6)
Subject: Info

(b)(6)

I have compiled most of the information you requested and was waiting on the FOIA to send the actual process request to my office. I will be forwarding the compiled information to FOIA for vetting so that we will not have to wait for the actual FOIA to reach us.

Alphonso J. Hughes
Division Chief, FESD
Bureau of ATF, F & E Services Division

From: (b)(6)

Sent: Tuesday, December 10, 2013 10:48 PM
To: (b)(6)
Subject: RE: Two Items
Attachments: image001.jpg; image002.png

Greeting (b)(6) –

Yes of course, we continue to evolve, have additional Examiners, as well as adopting to the e-forms landscape, and will have more to report in 2014...

Assignments are changing slightly, yet to be made official as to report, as we strive first and foremost to be most efficient, work in order received, setting certain priorities, creating additional lines receiving review, and make most of resource available...

To digress, I understand an 07 manufacturer in Illinois to be privileged receiving SBR w/out supplemental content required, rather an 01 dealer made need proof of government contract?

Cold Weather not welcome here, challenge to overcome this week!

United States Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

(b)(6)
National Firearms Act Branch
244 Needy Road – Suite 1250
Martinsburg, WV 25405-9431
(b)(6)

From: (b)(6)
Sent: Tuesday, December 10, 2013 6:14 PM
To: (b)(6)
Subject: Two Items

(b)(6)
Have there been additional changes to who is doing what at NFA Branch? Lots of folks reporting "new" names and that there are names that don't match the most recently reported assignments.

Also, I still need to know what kind of content that you require for a memorandum attachment to Form 3 transfers in Illinois for manufacturer SBR transfers.

Hope all is well and that the weather isn't taking too much out of you...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Wednesday, December 11, 2013 8:13 AM
To: (b)(6)
Subject: RE: Two Items
Attachments: image001.png

You may want to check w/ them to ensure they applied as to represent themselves w/ their 07, feel free to put them in direct contact, we will be glad to review again...

From: (b)(6)
Sent: Wednesday, December 11, 2013 6:56 AM
To: (b)(6)
Subject: Re: Two Items

On 12/10/2013 9:48 PM, (b)(6) wrote:

> Greeting (b)(6)
>
> Yes of course, we continue to evolve, have additional Examiners, as well as adopting to the e-forms landscape, and will have more to report in 2014...
>
> Assignments are changing slightly, yet to be made official as to report, as we strive first and foremost to be most efficient, work in order received, setting certain priorities, creating additional lines receiving review, and make most of resource available...
>
> To digress, I understand an 07 manufacturer in Illinois to be privileged receiving SBR w/out supplemental content required, rather an 01 dealer made need proof of government contract?
>
> Cold Weather not welcome here, challenge to overcome this week!

An 07 manufacturer in Illinois applied for a Form 3 transfer. You rejected it stating that they must submit the appropriate memorandum. (b)(3) - 26 U.S.C. § 6103

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Wednesday, December 11, 2013 8:55 AM
To: [redacted]
Subject: Re: Two Items
Attachments: old_nfatcalogo.png

On 12/11/2013 7:13 AM, [redacted] wrote:

> You may want to check w/ them to ensure they applied as to represent themselves w/ their 07, feel free to put them in direct contact, we will be glad to review again...

Roger that. I just sent him your contact info...

Thanks!

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Monday, December 23, 2013 9:16 AM
To: Hughes, Alphonso J.
Subject: Checking In
Attachments: old_nfatcalogo.png

With today being pretty much the last day for any "real" work for the rest of the year... Any word on the data pull that I FOIA'd?

If I do not get the opportunity, here's wishing you and yours a very peaceful Christmas.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Tuesday, December 24, 2013 10:14 AM
To: Hughes, Alphonso J.
Subject: Re: Checking In
Attachments: old_nfatcalogo.png

On 12/24/2013 8:21 AM, [redacted] wrote:

> [redacted] that data has been pulled and transmitted to FOIA already, I will check with Disclosure Branch today and see if it got sent yet. There were a couple good charts generated showing NFA processing over time.

I suspect that the FOIA disclosure folks are not in any big hurry... I know that you did your part! Merry Christmas. Three more NFA form stacks for me and then I am done for the holidays...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]

Sent: Tuesday, December 24, 2013 10:44 AM
To: [redacted]
Subject: RE: Checking In
Attachments: image001.png

[redacted] Happy Holidays to you and yours and do you mind if I come stop by your booth at SHOT? I know the meeting schedule didn't pan out but I wouldn't mind seeing you guys. If so, let me know the area you will be in.

From: [redacted]
Sent: Tuesday, December 24, 2013 10:14 AM
To: Hughes, Alphonso J.
Subject: Re: Checking In

On 12/24/2013 8:21 AM, [redacted] wrote:

> [redacted] that data has been pulled and transmitted to FOIA already, I will check with Disclosure Branch today and see if it got sent yet. There were a couple good charts generated showing NFA processing over time.

I suspect that the FOIA disclosure folks are not in any big hurry... I know that you did your part! Merry Christmas. Three more NFA form stacks for me and then I am done for the holidays...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6)

Sent: Monday, January 6, 2014 11:08 AM
To: (b)(6)
Subject: FOIA

(b)(6)

Happy New Year! Please let me know when you receive the information you requested from the ATF Disclosure Branch. Several follow-up inquiries by my staff to HQ as to status of your receipt have gone unanswered so far. I have an analyst following up daily with that branch.

Alphonso J. Hughes
Division Chief, FESD
Bureau of ATF, F & E Services Division
Office: (b)(6)

From: [redacted]
Sent: Monday, January 6, 2014 11:14 AM
To: Hughes, Alphonso J.
Cc: [redacted]
Subject: Re: FOIA
Attachments: old_nfatcalogo.png

On 1/6/2014 10:08 AM, [redacted] wrote:

[redacted]

> Happy New Year! Please let me know when you receive the information you requested from the ATF Disclosure Branch. Several follow-up inquiries by my staff to HQ as to status of your receipt have gone unanswered so far. I have an analyst following up daily with that branch.

Right back at ya... I have received nothing from Disclosure Branch. I did notice that NSSF has received and published some information, though. Did they go through the FOIA process and if so, did they make the request before or after ours?

http://www.ammoland.com/2014/01/atf-permit-processing-time-chart/

I'd also point out that I am very skeptical of the 9 month estimate on turnaround for a Form 1 or 4.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]

Sent: Monday, January 6, 2014 11:24 AM
To: [redacted]
Subject: RE: FOIA
Attachments: image001.png

No that was posted to the ATF website on Friday at the request of the executive staff after many received congressional and after such suggestions post the Importer's Conference. I don't have any knowledge of any request ever coming into ATF from the NSSF. So they (NSSF) must have set up an alert or have somebody monitoring the ATF website for changes daily. My recommendation is that, that information be refreshed every 2-3 months so the most accurate times are posted.

Let me pick your brain on this one >>>Have you seen situations where perfected application (those received without errors) being processed in longer than 9-10 months? If so I want to know about those and see what are the circumstances. I can tell you with eForms gaining momentum I expect average times to stay consistent on tax paid.

From: [redacted]
Sent: Monday, January 06, 2014 11:14 AM
To: Hughes, Alphonso J.
Cc: [redacted]
Subject: Re: FOIA

On 1/6/2014 10:08 AM, [redacted] wrote:

[redacted]

> Happy New Year! Please let me know when you receive the information you requested from the ATF Disclosure Branch. Several follow-up inquiries by my staff to HQ as to status of your receipt have gone unanswered so far. I have an analyst following up daily with that branch.

Right back at ya... I have received nothing from Disclosure Branch. I did notice that NSSF has received and published some information, though. Did they go through the FOIA process and if so, did they make the request before or after ours?

http://www.ammoland.com/2014/01/atf-permit-processing-time-chart/

I'd also point out that I am very skeptical of the 9 month estimate on turnaround for a Form 1 or 4.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Monday, January 6, 2014 11:28 AM
To: Hughes, Alphonso J.
Cc: [redacted]
Subject: Re: FOIA
Attachments: old_nfatcalogo.png

On 1/6/2014 10:24 AM, [redacted] wrote:

> No that was posted to the ATF website on Friday at the request of the executive staff after many received congressional and after such suggestions post the Importer's Conference. I don't have any knowledge of any request ever coming into ATF from the NSSF. So they (NSSF) must have set up an alert or have somebody monitoring the ATF website for changes daily. My recommendation is that, that information be refreshed every 2-3 months so the most accurate times are posted.
>
> Let me pick your brain on this one >>>Have you seen situations where perfected application (those received without errors) being processed in longer than 9-10 months? If so I want to know about those and see what are the circumstances. I can tell you with eForms gaining momentum I expect average times to stay consistent on tax paid.

I will see if I can get you some specifics. I assume that you want names and serial numbers... But yes, we are regularly being told by folks that times are pushing an entire year.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]
Sent: Friday, January 10, 2014 9:53 AM
To: [redacted]
Subject: RE: Collecting Data
Attachments: image001.png

Thanks [redacted] regarding the over 9 month collection.

I still can't believe that you have not received it. I am going to brief our DAD on this situation as well. We are all here responding as required and within timeframes and it being hung up somewhere outside. I will do one last attempt, again, to get a status from disclosure.

From: [redacted]
Sent: Friday, January 10, 2014 8:32 AM
To: Hughes, Alphonso J.
Cc: [redacted]
Subject: Collecting Data

I'm compiling a spreadsheet for you with data from folks who have experienced longer than 9 months wait for approval on Form 1/4. I'd like to get more than a smattering of information so that the data slug will be statistically significant.

In regards to the data that I FOIA's... Still have received nothing. I assume you know that, though. That data was going to be used for a variety of projects, including a review of the how NFA Branch has tackled the ever increasing workload in the NFATCA newsletter that was to be distributed at SHOT. We were also going to feature eForms. Looks like we missed those deadlines...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, January 20, 2014 9:23 AM
To: Hughes, Alphonso J.; Saavedra, Edward D.; (b)(6)
Cc: (b)(6)
Subject: NFA Examiner Staff
Attachments: old_nfatcalogo.png

Gentlemen,
Mr. (b)(6) has done a wonderful job of keeping the NFATCA abreast of changes and assignments at NFA Branch, specifically concerning the Examiners and Research Assistants (contractors). The last time that we visited this subject there were:

- 12 Examiners
- 7 Specialists
- 2 Supervisors
- ~12 Research Assistants

I do realize that ATF staffing at SHOT was severely curtailed and that it is likely that local Las Vegas personnel were staffing the booth at SHOT Show. With that said... We received a significant number of folks at the NFATCA booth stating that they had just learned from ATF that there were **25 Examiners** on board as of a "recent hiring." We were very careful to state that we would be happy to confirm that, but that it does not jibe with what we have been told. We went on to explain the difference between the various roles and asked if the total number of folks involved with the process might be getting confused with the number thrown out as actual Examiners. "No... ATF is saying that with new hires they now have 25 Examiners."

If this is, in fact, true, please provide us with a list of the person and their assignments so that we can tout this welcome addition to combat the flood of paper! If it is not true, we should probably endeavor to correct the innacurate picture that is being advertised.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Saavedra, Edward D. (b)(6) (b)(6)

Sent: Tuesday, January 21, 2014 7:43 AM
To: (b)(6)
Cc: (b)(6); Hughes, Alphonso J.
Subject: RE: NFA Examiner Staff

(b)(6)

Here is the current breakdown of branch

1. Examiners- 15 (6 in training)
2. Research Assistants – 12 **contact is running until April 2014, at this time we cannot say if this will be renewed.**
3. Specialist- 8- At current Specialist have been tasked to assist in approving limited forms (2,9,10 & 5320.20 *** paper only***) , they are still In training
4. LIE Supervisor – 2

We hope to add additional examiners, but due to funding we cannot, give you a timeline or the number we would be adding at this point.

V/R
Edward D Saavedra Jr.
Chief - National Firearms Act Branch
Bureau of Alcohol, Tobacco, Firearms & Explosives
244 Needy Road
Martinsburg, WV 25405
Office: (b)(6)
Fax: (b)(6)

From: Hughes, Alphonso J.
Sent: Monday, January 20, 2014 6:25 PM
To: (b)(6)
Cc: Saavedra, Edward D.; (b)(6)
Subject: Re: NFA Examiner Staff

Not true. Ed can you work with (b)(6) to rectify?

Alphonso J. Hughes
Division Chief, FESD

On Jan 20, 2014, at 9:23 AM, " (b)(6) wrote:

Gentlemen,
Mr. (b)(6) has done a wonderful job of keeping the NFATCA abreast of changes and assignments at NFA Branch, specifically concerning the Examiners and Research Assistants (contractors). The last time that we visited this subject there were:

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(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

<old_nfatcalogo.png>

From: [redacted]
Sent: Tuesday, January 21, 2014 8:20 AM
To: Saavedra, Edward D.
Cc: [redacted] Hughes, Alphonso J.
Subject: Re: NFA Examiner Staff
Attachments: old_nfatcalogo.png

On 1/21/2014 6:43 AM, [redacted] wrote:

[redacted]

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We hope to add additional examiners, but due to funding we cannot, give you a timeline or the number we would be adding at this point.

Ed,
Than you for the very prompt response. May I have your permission to publish this information? I believe that doing so may go a long way toward belaying unrealistic expectations that may have been generated by the inaccuracies conveyed at SHOT Show.

Would it be possible to obtain the names and specific assignments for each of the various positions that you have outlined? Also, would there be any benefit that you could enjoy from the NFATCA urging its membership to contact their federal representatives and urge them to extend the current contract and expand funding for additional full time resources?

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Saavedra, Edward D. (b)(6)

Sent: Tuesday, January 21, 2014 10:43 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: NFA Examiner Staff
Attachments: image001.png; NFA State Assignment Map effective November 2013.pptx

(b)(6)

No problem with posting the stats below, I have enclosed the updated state assignment as of Nov 2013, Specialist will not be assigned to any states, as they are temporally assisting all examiners with all F 2's, 9's, 10's and 5320.20.

V/R
Edward D Saavedra Jr.
Chief - National Firearms Act Branch
Bureau of Alcohol, Tobacco, Firearms & Explosives
244 Needy Road
Martinsburg, WV 25405
Office: (b)(6)
Fax: (b)(6)

From: (b)(6)
Sent: Tuesday, January 21, 2014 8:20 AM
To: Saavedra, Edward D.
Cc: (b)(6) Hughes, Alphonso J.
Subject: Re: NFA Examiner Staff

On 1/21/2014 6:43 AM, (b)(6) wrote:

(b)(6)

Here is the current breakdown of branch

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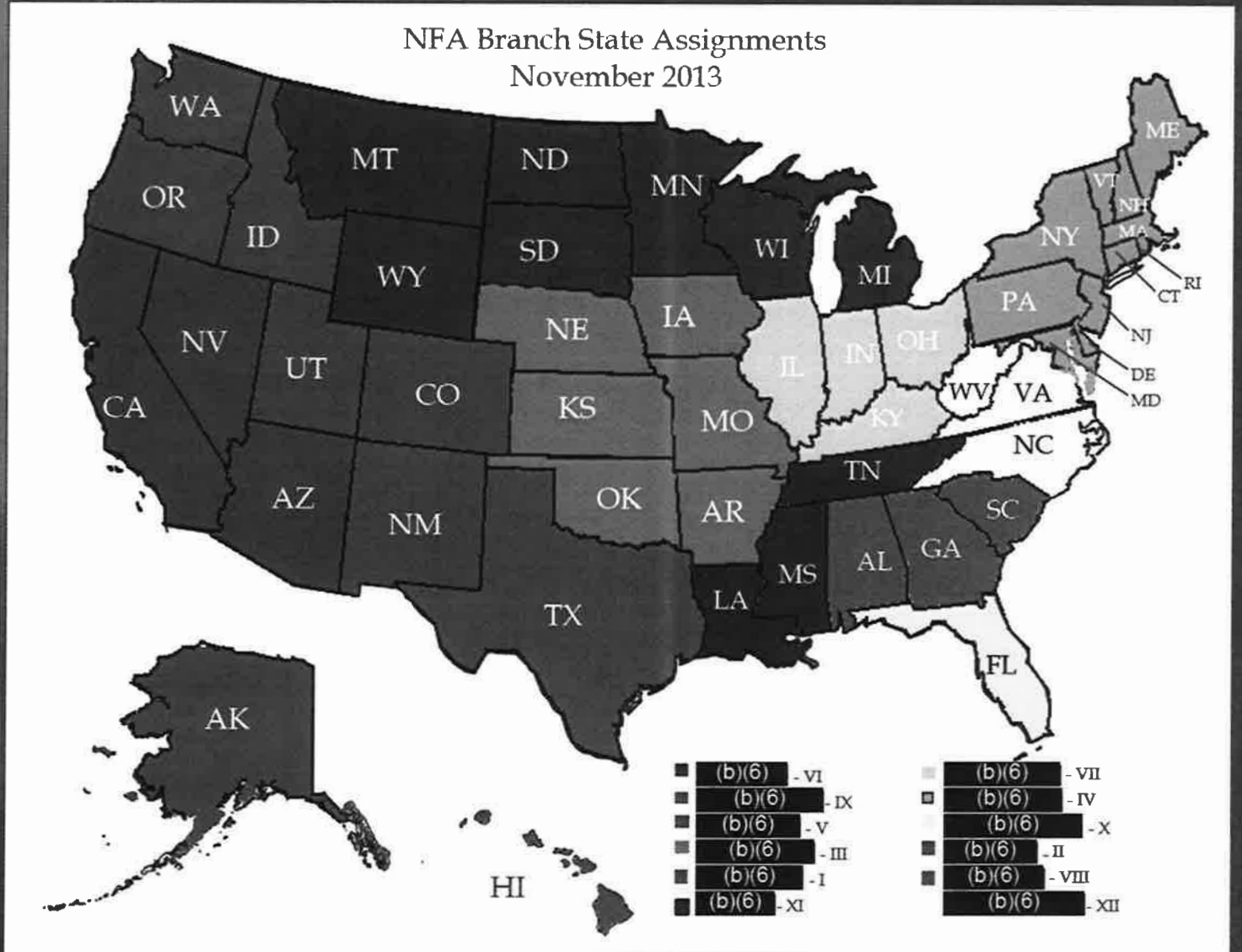
(b)(6)
Executive Director
Phone: 281 492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

National Firearms Act Branch



From: (b)(6)
Sent: Wednesday, January 22, 2014 7:39 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Staffing & FOIA
Attachments: old_nfatcalogo.png

I've begun broadcasting the staffing levels on the Internet. I'm still not sure how or why the folks at SHOT were telling folks that there were 25 Examiners...

Any word on Disclosure sending my info along?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, January 22, 2014 8:22 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Re: Staffing & FOIA
Attachments: old_nfatcalogo.png

On 1/22/2014 7:15 AM, (b)(6) wrote:

> Thanks (b)(6) I appreciate that. I suspect somebody may have asked the FFLC Chief what the staffing levels were her branch and someone may have overheard a conversation and may have thought that applied to NFA Branch. Just can't see how that message was mixed up intentionally at least.
>
> FOIA – I had one of my analyst staff attempt to follow up twice from everyone from the branch chief down and those messages have gone unanswered no return call. My staff even provided the info a second time to the branch. I am going to have a conversation with Marvin today about this. There are several high priority items that appear to not have been received by requesters for months now.

I will not speculate in a conspiratorial manner, but this seems to be a very strange way to manage information when the Bureau has clearly stated that it wishes to reengage and work with the industry that it regulates. I appreciate your efforts on this. Hopefully we can arrive at resolution!

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, January 22, 2014 6:53 PM
To: (b)(6)
Cc: (b)(6)
Subject: eForms Issue
Attachments: old_nfatcalogo.png

(b)(6)

I've encountered a little issue with eForms and I am uncertain as to what the right way to correct it might be. (b)(3) - 26 U.S.C. § 6103 . It holds several licenses: (b)(3) - 26 U.S.C. § 6103

(b)(3) - 26 U.S.C. § 6103

(b)(3) - 26 U.S.C. § 6103

How do we correct this? The Coleman folks are already faced with the scenario of having to submit a transfer applications on eForms for these items that perpetuates false information or revert to paper, which will take ages to approve.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Friday, January 24, 2014 9:42 AM
To: (b)(6)
Cc: (b)(6)
Subject: Re: eForms Issue
Attachments: old_nfatcalogo.png

On 1/24/2014 8:05 AM, (b)(6) wrote:

> The manufacturer issue is a coding issue on our side – for other errors, as you know, with a paper transfer you could submit a correction letter with it. An eForm submission picks up what we show in the system so that would need to be changed prior to submission of an eform transfer – my advice then would be to get any corrections into NFA and handled before you submit the eform transfer.

So I should consider your most generous correction of the items that I brought to your attention as a one-time tip of the hat, as opposed to an ongoing process, correct? I do appreciate that you cannot get buried with these types of requests.

There are a LOT of coding errors that I have seen on (b)(3) - 26 U.S.C. § 6103 and lots of other folks' inventories. The entries absolutely do not match what is on the approved Form 3's (or 2's, etc.). If I understand your guidance correctly, you recommend:

1. Identify the error
2. Confirm that the inventory listing does not match the approved Form in hand
3. Notify NFA Branch of the error in writing (or email?)
4. Await confirmation of correction
5. Process eForm application

The only other options absent the process enumerated above are to file a paper form application (horrendous wait) or file an eForm with the known errors and attempt to correct after the fact.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Friday, January 24, 2014 11:32 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: eForms Issue
Attachments: image001.png

Yes, sir – that would work

From: (b)(6)
Sent: Friday, January 24, 2014 9:42 AM
To: (b)(6)
Cc: (b)(6)
Subject: Re: eForms Issue

On 1/24/2014 8:05 AM, (b)(6) wrote:

> The manufacturer issue is a coding issue on our side – for other errors, as you know, with a paper transfer you could submit a correction letter with it. An eForm submission picks up what we show in the system so that would need to be changed prior to submission of an eform transfer – my advice then would be to get any corrections into NFA and handled before you submit the eform transfer.

So I should consider your most generous correction of the items that I brought to your attention as a one-time tip of the hat, as opposed to an ongoing process, correct? I do appreciate that you cannot get buried with these types of requests.

There are a LOT of coding errors that I have seen on (b)(3) - 26 U.S.C. § 6103 and lots of other folks' inventories. The entries absolutely do not match what is on the approved Form 3's (or 2's, etc.). If I understand your guidance correctly, you recommend:

1. Identify the error
2. Confirm that the inventory listing does not match the approved Form in hand
3. Notify NFA Branch of the error in writing (or email?)
4. Await confirmation of correction
5. Process eForm application

The only other options absent the process enumerated above are to file a paper form application (horrendous wait) or file an eForm with the known errors and attempt to correct after the fact.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, January 27, 2014 8:56 AM
To: (b)(6)
Subject: New Gig?
Attachments: old_nfatcalogo.png

How's it going?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Monday, January 27, 2014 9:27 AM
To: (b)(6)
Subject: RE: New Gig?
Attachments: image001.png

So far so good but only one week in the saddle. Snows each day I drive in from PA.

(b)(6)
ATF-NICS Liaison
DENI Branch
Violent Crime Intelligence Division

(b)(6) (office)
(fax)

From: (b)(6)
Sent: Monday, January 27, 2014 8:56 AM
To: (b)(6)
Subject: New Gig?

How's it going?
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, January 27, 2014 5:56 PM
To: (b)(6)
Cc: (b)(6)
Subject: eForms Working Group
Attachments: old_nfatcalogo.png

Group,
How does NFATCA become a participant in the working group discussed via NSSF? Our members are at the very sharp point of this issue and I would like to believe that our participation as a representative for more than 1,000 potential non-individual users would be a significant advantage for the group.
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Tuesday, January 28, 2014 4:07 PM
To: [redacted]
Subject: Re: Can You Still...
Attachments: old_nfatcalogo.png

On 1/28/2014 2:36 PM, [redacted] wrote:

> That will have to get done at Martinsburg.... Probably a manual locate .

Thanks bud! I'll send in the request...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, January 28, 2014 4:19 PM
To: (b)(6)
Subject: Never Mind
Attachments: old_nfatcalogo.png

Pages stuck together in the book...

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, February 4, 2014 8:07 AM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Still Bangin'
Attachments: old_nfatcalogo.png

Alphonso,
I tried to follow up with Disclosure and have gotten absolutely zero response. Frankly, I expected that. Mostly because it would seem that on all matters concerning the industry being regulated, DOJ has erected an impenetrable barrier to eliminate the flow of information. The fact that our industry is now forced to file lawsuits to compel disclosure under the law is almost saddening. The fact that this mode of operation has now flowed to both DHS and ICE and CBP (see the 1/29/14 DC District Court filing by TRAC) would indicate that non-disclosure has become a de facto policy of this administration.

I am at a loss. I know that you would like to work with us to help make the "business" of regulation ore efficient and more understandable. Yet you are bound by the direction of your superiors. How do we move forward in such an environment?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Tuesday, February 4, 2014 4:16 PM
To: (b)(6)
Subject: RE: Time to Talk?
Attachments: image001.png

What time are you available?

From: (b)(6)
Sent: Tuesday, February 04, 2014 10:49 AM
To: (b)(6)
Subject: Time to Talk?

Do you have any available time? The concept of multiple NFA type registration is making my brain ache...
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]

Sent: Wednesday, February 5, 2014 10:33 AM

To: [redacted]

Subject: RE:

[redacted]

I am absolutely saddened by the experience you are having with getting the information. Next step: At SHOT you were suppose to have a meeting with ATF but the schedules did not align. It may be plausible for [redacted] to possibly request a meeting with ATF with your agenda & data request you had for SHOT and push that to [redacted] for consideration/coordination. Just trying to think of all the options for you.

From: (b)(6)
Sent: Wednesday, October 15, 2014 4:29 PM
To: (b)(6)
Subject: Help?
Attachments: nfatcalogo.png

I was trying to transfer a gun from the (b)(3) - 26 U.S.C. § 6103

For some reason, the Form 3 was sent to the transferee. There was a mistake on the Form. I fat fingered the model number and the form says (b)(3) - 26 U.S.C. § 6103 (b)(3) - 26 U.S.C. §6103. The following was written in the Approved box:

(b)(3) - 26 U.S.C. § 6103

Signed by (b)(6). Is this safe to ship or do I need to do something?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Thursday, October 16, 2014 7:23 AM
To: (b)(6)
Subject: Following Up
Attachments: nfatcalogo.png

I see that the "code" at the bottom refers to the corrections needed on the Form 3 (b)(3) - 26 U.S.C. § 6103 the model). Should I just fax the corrections to (b)(6) What fax #?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Thursday, October 16, 2014 9:16 AM
To: (b)(6)
Subject: Matter is Handled <eom>
Attachments: nfatcalogo.png

--

(b)(6)
Executive Director
Phone 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, June 13, 2016 4:22 PM
To: (b)(6)
Subject: Form 5 Questions
Attachments: nfatcalogo.png

(b)(6)
The current Form 5 (5320.5) on the ATF website dated May 2014 has preparation instructions for legal entities (trusts, LLC's, etc.) that include the Responsible Persons requirements of 41F. This includes submitting fingerprints, photos and a 5320.23 for each RP. Is it correct to assume that this requirement does not kick in until July 13?

FWIW, the form on eForms is dated November 2004!
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, June 13, 2016 4:11 PM
To: (b)(6)
Subject: Form 5
Attachments: nfatcalogo.png

(b)(6)

The current Form 5 (5320.5) dated May 2014 has preparation instructions for legal entities (trusts, LLC's, etc.) that include the Responsible Persons requirements of 41F. This includes submitting fingerprints, photos and a 5320.23 for each RP. Is it correct to assume that this requirement does not kick in until July 13?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, June 14, 2016 9:59 AM
To: (b)(6)
Subject: Re: Form 5 Questions
Attachments: nfatcalogo.png

On 6/14/2016 8:07 AM, (b)(6) wrote:

> (b)(6) that is an incorrect instruction on the form. Ignore it.

I thought so... Thanks for getting back to me.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Thursday, June 16, 2016 7:51 AM
To: (b)(6)
Subject: Possible?
Attachments: nfatcalogo.png

(b)(6)
I'd like to contemplate building a graphic model of NFA Form applications and how 41F has affected the submission rate.

I'd like to know the total number of Form 1 & 4 submissions by week for 7/1/15 - 12/31/15 (pre 41F announce).
I'd like to know the total number of Form 1 & 4 submissions by week for 1/1/16 - 7/13/16 (post 41F announce).

And then a count on the 6 months after the rule goes into effect.

Possible?

What is current weekly volume? I suspect that we are at peak.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6)

Sent: Friday, October 10, 2014 4:50 PM
To: (b)(6)
Cc: Fronczak, Michael F.; Richardson, Marvin G.; (b)(6)
Subject: 2014-1: Clarification Requested (NFATCA)
Attachments: 2014-1_clarification_091814.pdf; NFATCA - 2014-1 - Reply.pdf; image001.png

Dear NFATCA Reps:

Please find response to your clarification request re: ATF Ruling 2014-1 dated 9/18/2014. Should you have any questions or concerns please contact me at the below contact number.

Alphonso J. Hughes
Division Chief, FESD
Bureau of ATF, F & E Services Division
Office: (b)(6)

From: (b)(6)
Sent: Thursday, September 18, 2014 11:22 AM
To: Hughes, Alphonso J.
Cc: Fronczak, Michael F.; Richardson, Marvin G.; (b)(6)
Subject: Clarification Requested

Please see the attached letter regarding ATF's recent ruling, 2014-1.
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatceforums.org

NATIONAL FIREARMS ACT TRADE & COLLECTORS ASSOCIATION
NFATCA

John K. Brown, III
President
Jeffrey E. Folloder
Executive Director, Sec/Tres

Board of Directors

Robert Landies,
Ohio Ordnance, Inc
Curt Wolf,
US Ordnance Research
Wayne Weber,
Heckler & Koch USA
Robert Segel,
Small Arms Review

"Power Through Experience"

September 18, 2014

Alphonso Hughes, Chief, F&E Services Division
Bureau of Alcohol, Tobacco, Firearms & Explosives
244 Needy Rd
Martinsburg WV 25405

Mr. Hughes,

ATF Ruling 2014-1 has established guidelines for the proper processes and procedures for lawfully sub-contracting the manufacture of "post sample" machine guns. Many required procedures for specific scenarios were clarified and documented. Unfortunately, 2014-1 has also created a significant amount of confusion and concern in regard to the practical application of the guidance. 2014-1 does not specifically address repair of lawfully owned "post sample" machine guns and implies that it is now nearly impossible to send these guns out for repair without chaperoning or obtaining written LE/Military consent for a transaction that said agency is not involved in.

As an example: An FFL/SOT is in lawful possession of a "post sample" machine gun. It breaks. The FFL/SOT wants to get it repaired. The February 18, 2000 open letter from ATF states that "The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) does not consider the temporary conveyance of an NFA firearm to a gunsmith for repair to be a "transfer" under the terms of the NFA. Thus, an ATF Form 5 application is not required." So he would obtain a Form 5 (although not absolutely necessary, it is ATF recommended), create a repair order, box the gun up, send it off to an 07/SOT, have it repaired and get it back. Is this procedure still valid or has 2014-1 superseded it? If the February, 2000 guidance is no longer valid, ATF has now made it virtually impossible for FFL/SOT's to obtain repairs, even from the original manufacturer, for their lawfully owned weapons. Surely this was not the intention of the 2014-1 ruling!

Our membership is quite alarmed by the implications of this ruling and would like to be assured that they will continue to be able to conduct lawful commerce with their lawfully obtained weapons without undue and unnecessary burden. Further, many concerns have been raised by member FFL/SOT's who secured ATF recommended Form 5 approval to obtain repairs under the February, 2000 guidance. Will NFA Branch approve the return of these weapons on a new Form 5, as they had in the past, or will 2014-1 render these weapons "frozen" in place, thus depriving the original owners of their property? In most cases, the original agency letters requesting demonstration of the weapons are no longer valid (ATF only recognizes them as valid for six months) and securing a second, valid letter would be practically impossible.

This serious matter needs to be clarified and resolved quickly. I look forward to your helpful response.

Sincerely,

Executive Director

cc: Michael Fronczak
Marvin Richardson
(b)(6)

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of Enforcement Programs and Services

Martinsburg, WV 25405

www.atf.gov

901000:(b)(6)
5320

OCT 10 2014

Mr. (b)(6)
Executive Director
NFATCA
20603 Big Wells Drive
Katy TX 77449-6269

Mr (b)(6)

This responds to your request for clarification of ATF Ruling 2014-1 as it applies to machineguns possessed by Federally licensed firearms dealers pursuant to 18 U.S.C. § 922(o) and implementing regulations, 27 CFR 479.105. Specifically, in light of Ruling 2014-1, you seek further explanation regarding the transfer of both post-86 "dealer sales sample" machineguns received by Federally licensed firearm dealers and "post-86" machineguns manufactured and stockpiled by Federally licensed firearm manufacturers. Pursuant to the following analysis, licensees possessing machinegun sales samples may lawfully transfer those machineguns if they possess that firearm with a valid government authorization as outlined in 27 CFR 479.105(d)--a letter from a government entity expressing a need for that particular model or interest in seeing a demonstration of that particular weapon. However, any transfer without such authorization, including machineguns stockpiled by manufacturers, cannot be considered a transfer "to or by" the government and are therefore unlawful under section 922(o).

Federally licensed firearms dealers are permitted to receive transfer of and possess "post-86" machineguns pursuant to 27 CFR 479.105(d), the regulations implementing section 922(o). This permits licensed dealers to obtain sample firearms for use in demonstrations to government agencies in order to gain future government business. Once a demonstration is complete however, licensed dealers may keep these machineguns in inventory until such time they go out of business. This eliminates the need to dispose of the firearm and obtain a new sample for a subsequent demonstration to a government agency. Following demonstration however, these dealer sales samples sometimes require repair and must be transferred to the original manufacturer or other licensee capable of providing the necessary service. You have inquired whether ATF Ruling 2014-1 prohibits licensed dealers from transferring these firearms for repair.

Further, you note that Federally licensed manufacturers who are special (occupational) taxpayers often produce and stockpile machineguns for future sale to government entities. These licensees are

(b)(6)

permitted to stockpile these machineguns pursuant to 27 CFR 479.105(c) but are not required to possess authorization similar to that required by 27 CFR 479.105(d).

The Gun Control Act (GCA), 18, U.S.C. § 922(o), generally makes it unlawful for any person to transfer or possess a machinegun. Pursuant to a statutory exception, machineguns may legally be possessed and transferred if that machinegun was lawfully possessed prior to May 19, 1986—the effective date of that section. Machineguns produced or registered after that period are known as "post-86" machineguns. However, section 922(o)(2)(A) also exempts transfer[s] "to or by, or possession by or under the authority of" a Federal, State, or local government agency. In recognizing that government agencies may seek a demonstration of a particular machinegun prior to purchase, ATF published implementing regulations permitting licensed manufacturers to stockpile machineguns and licensed dealers to obtain sample machineguns pursuant to the request of a government agency, 27 CFR 479.105(c) and 27 CFR 479.105(d), respectively. Pursuant to 27 CFR 479.105(d), licensed dealers may receive "post-86" machineguns "if it is established by specific information the expected governmental customers who would require a demonstration of the weapon...and letters from government entities expressing a need for a particular model or interest is seeing a demonstration of a particular weapon."

ATF Ruling 2014-1 addressed the transfer of post-86 machineguns, holding that although a person licensed and qualified under the GCA and National Firearms Act (NFA) would normally be prohibited from transferring a machinegun, such licensee could lawfully transfer a machinegun to another licensee if acting as an "agent" of the government. That is, by providing sufficient documentation that the licensee was an agent of the government, such transfer might be considered a "transfer by" the "interested government department or agency."

As stated, the transfer of "post-86" dealer sales samples to licensed dealers is legally permissible when that dealer is acting on behalf of a government agency as evidenced by the government authorization provided in the required documentation. Further, as noted above, licensed dealers may continue to possess the firearm under that authority. Based upon this analysis, ATF advises that licensed dealers maintaining these dealer sales samples in inventory may lawfully transfer these firearms to other licensees for repair purposes. The authority to receive initial transfer and continued possession of these firearms is sufficient to consider such activity a transfer "by" the government, as required by section 922(o) of the GCA, in relation to that particular post-86 dealer sales sample. Therefore, Federal licensees possessing "post-86" machinegun "dealer sales samples" may lawfully transfer those machineguns if they possess that firearm with a valid authorization as outlined in 27 CFR 479.105(d)-a letter from a government entity expressing a need for that particular model or interest in seeing a demonstration of that particular weapon.

However, it should be noted that Federal licensees possessing post-86 machineguns pursuant to 27 CFR 479.105(f) do not have similar government "agency" authority as they possess no documentation, such as that outlined in 27 CFR 479.105(d), reflecting government authorization as to a particular firearm. Therefore, there is no authority on which to support the proposition that these licensees are acting as agents of the government and therefore that any "transfer" is a transfer "by" the government.

(b)(6)

Similarly, those manufacturers stockpiling machineguns as inventory for possible future sale to government entities possess no such authorization. A manufacturer possessing these machineguns cannot be said to be an "agent" of the government simply by possessing

machineguns for the potential future sale of these machineguns. Therefore any transfer of these machineguns is not a transfer "by" the government and is therefore prohibited by 18 U.S.C. § 922(o).

Finally, please note that ATF has *not* changed its long-held position that a "conveyance' for repair is not a "transfer" under the NFA. Machineguns are unique in that they are NFA firearms that are also subject to specific transfer provisions under section 922(o) of the GCA. Therefore, to lawfully transfer a machinegun, a possessor must comply with the transfer provision of both the NFA and the GCA. Because "transfer" has different meanings under the CGA and NFA, an action may constitute merely a "conveyance" under the NFA while it is a "transfer" under the GCA. This is the case when a post-86 machinegun is sent out for repair. Such transaction will be continue to be considered only a conveyance under the NFA and may be effected on a Form 5. However, such transactions will be unlawful under the GCA unless the transfer is "to or by" the government or an agent thereof.

Please contact me at (b)(6) if you have any questions.

(b)(6)

/ Alphonso Hughes
Chief, Firearms and Explosives Services Division

From: [redacted]
Sent: Saturday, October11, 2014 8:53 AM
To: Hughes, Alphonso J.
Subject: RE: 2014-1: Clarification Requested (NFATCA)
Attachments: image001.png

thank you very much sir. I'm at Knob Creek right now and will get back to you the beginning of the week

Sent from my mobile device.

-------- Original message --------
From: [redacted]
Date: 10/10/2014 4:49 PM (GMT-05:00)
To: [redacted]
Cc: [redacted]
Subject: 2014-1: Clarification Requested (NFATCA)

Dear NFATCA Reps:

Please find response to your clarification request re: ATF Ruling 2014-1 dated 9/18/2014. Should you have any questions or concerns please contact me at the below contact number.

Alphonso J. Hughes
Division Chief, FESD
Bureau of ATF, F & E Services Division
Office: [redacted]

From: [redacted]
Sent: Thursday, September 18, 2014 11:22 AM
To: Hughes, Alphonso J.
Cc: Fronczak, Michael F.; Richardson, Marvin G.; [redacted]
Subject: Clarification Requested

Please see the attached letter regarding ATF's recent ruling, 2014-1.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Friday, August 22, 2014 4:56 PM
To: Hughes, Alphonso J.
Subject: Re: Checking In
Attachments: old_nfatcalogo.png

On 8/22/2014 3:22 PM, [redacted] wrote:

> Your FOIA request had not been received here from the Disclosure Branch but Bill Boyle is working on some type of breakdown based on the cc you sent to us.

You were copied on the FOIA letter that I sent. They even specifically ask it to be sent to their email box...

I'm looking forward to the MG numbers and the form breakouts...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. (b)(6)

Sent: Thursday, September 4, 2014 12:37 PM
To: (b)(6)
Subject: RE: Not a Word
Attachments: image001.png

(b)(6)

I recommend calling that Division in ATF HQ to check up on the request and requesting a call back. To date we (FESD) have not received a FOIA data call assignment/request from that Division based on what you submitted to the mail box. They may have a backlog but I recommend you inquire just in case your request may be in a pending or problem status with them and you unknowing. I pulled Stephanie's info off www.atf.gov and pasted below.

Bureau of Alcohol, Tobacco, Firearms and Explosives
Disclosure Division
Stephanie Boucher, Division Chief
99 New York Avenue, NE,
Room 1E 400
Washington, DC, 20226
***Voice** (202) 648-8740*
***Fax** (202) 648-8619*
foiamail@atf.gov

From: (b)(6)
Sent: Wednesday, September 03, 2014 9:08 AM
To: Hughes, Alphonso J.
Subject: Not a Word

Alphonso,
By DOJ rules I should have heard something from the ATF FOIA folks on the 29th. Of course, it may be as late as the 15th of this month if they feel like they will be needing extra time on the request. But I have heard absolutely nothing. Any advice?

--

(b)(6)
Executive Director
Phone: 281.492.6288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: Hughes, Alphonso J. [redacted]
Sent: Monday, September 15, 2014 12:14 PM
To: [redacted]
Subject: RE: NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS
Attachments: image001.png

Let me call you later. I just can't see why this isn't in the pipeline to even come here to our Division as an information request. You didn't miss anything when submitting the request correct? Did you leave a voicemail message for the Disclosure Chief?

From: [redacted]
Sent: Monday, September 15, 2014 10:55 AM
To: Hughes, Alphonso J.
Subject: Re: NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS

On 9/15/2014 9:46 AM, [redacted] wrote:

> [redacted] stand by on the question. FTB, FIPB and ourselves are getting that very question. Marvin will be out today we will discuss how ATF should clarify the ruling. Stand by!

My phone is ringing off the wall on this! It is literally making it impossible, in a practical manner, for FFL/SOT's to secure repair of their lawfully owned post-sample weapons!

Thank you for your help.

On another matter, I still have yet to hear back from disclosure regarding the FOIA. My calendar says that today is actually the deadline for them to notify me that they would need more time. No answers to phone call, email and written inquiry.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Sunday, August 18, 2013 1:03 PM
To: (b)(6)
Subject: Oops
Attachments: old_nfatcalogo.png; MODFFL_2011_signed_red.pdf

(b)(6)
One of my customers just noticed a typo on my FFL. I must admit that I am embarrassed because I never caught it! My SOT is right as is (b)(3) - 26 U.S.C. § 6103.

It is ***not*** (b)(3) - 26 U.S.C. § 6103

Can I trouble you for an updated license with a correction?
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

1 **PAGE(S) WITHHELD IN FULL (WIF)**

OR REFERRED TO ANOTHER AGENCY

☑ **WIF**

☐ **REFERRED TO:**

Page Number 485

Exemption (b)(1) ☐

Exemption (b)(2) ☐

Exemption (b)(3) ☐

Applicable Statute

Exemption (b)(4) ☐

Exemption (b)(5) ☐

Applicable Privilege:

Deliberative Process Privilege ☐

Attorney Client Privilege ☐

Attorney Work Product ☐

Exemption (b)(6) ☑

Exemption (b)(7)(A) ☐

Exemption (b)(7)(B) ☐

Exemption (b)(7)(C) ☐

Exemption (b)(7)(D) ☐

Exemption (b)(7)(E) ☐

Exemption (b)(7)(F) ☐

Duplicate ☐ **Of Pages**

Non-Responsive ☐

Outside of Scope of Request ☐

String E-Mail ☐

Located in Document

From: (b)(6)

Sent: Monday, August 19, 2013 9:25 AM
To: (b)(6)
Subject: RE: Oops
Attachments: image001.png

You should have received a new copy of your license already this is correct in our system for we show trade name as (b)(3) - 26 U.S.C. §6103

(b)(6)
Department of Justice
ATF/FFLC
Legal Instrument Examiner
Phone (b)(6)
Fax (b)(6)
Email (b)(6)

From: (b)(6)
Sent: Sunday, August 18, 2013 1:03 PM
To: (b)(6)
Subject: Oops

Theresa,
One of my customers just noticed a typo on my FFL. I must admit that I am embarrassed because I never caught it! My SOT is right as is (b)(3) - 26 U.S.C. § 6103

It is ***not*** (b)(3) - 26 U.S.C. § 6103 !

Can I trouble you for an updated license with a correction?
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Friday, August 23, 2013 9:04 AM
To: (b)(6)
Subject: Weirdness
Attachments: old_nfatcalogo.png

(b)(6)

I've been poking around with the new eForm system. The first thing that struck as being *wrong* was the weapons it shows as being owned (b)(3) - 26 U S C . § 6103 (b)(3) - 26 U S C . § 6103 (b)(3) - 26 U S C . §6103 More importantly, is this going to cause a problem with my IOI come inspection time when the A&D books do not match the "official" record?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Friday, August 23, 2013 5:10 PM
To: [redacted].
Subject: Re: FW: Weirdness
Attachments: old_nfatcalogo.png

On 8/23/2013 1:43 PM, [redacted] wrote:

> Hey, [redacted] I told [redacted] I would reply.
>
> The inventories are generated based on the EIN for the entity – so, if the EIN covers several FFLs, the eForms inventory will include all the firearms. For eForms purposes it doesn't matter which FFL and the eForms inventory has nothing to do with what would be covered in an inspection.

I figured as much but wanted to be sure... Thanks and have a great weekend!

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Thursday, August 29, 2013 10:30 AM
To: (b)(6)
Subject: RE: Where...?
Attachments: image001.png

(b)(6)

Things are great here. It's been about three months since the move and I am just now feeling settled.

In the past ATF Field Operations would prepare a presentation on inspection results during the SHOT show. ATF usually posted that presentation online, however that didn't happen this past SHOT show for some reason.

The most recent available presentation is from the 2012 SHOT show at the following link:

http://www.atf.gov/files/firearms/industry/011812-industry-operation-inspection-results-presentation.pdf

The results of compliance inspections don't tend to change much from year to year, so it is still a good resource. The below publication may also be helpful depending on what you are trying to do:

http://www.atf.gov/publications/factsheets/factsheet-ffl-compliance.html

Take care.

(b)(6)
DIO - Charlotte Field Division
(b)(6)

From: (b)(6)
Sent: Thursday, August 29, 2013 9:36 AM
To: (b)(6)
Subject: Where...?

There is a publication on the ATF website about the results of audit/inspections of FFL's. I'll be hornswaggled if I can find it. Suggestions? BTW, I haven't got to use the word hornswaggled in an email in ages!

Hope all is well with you and yours...
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Friday, September 13, 2013 5:34 PM
To: (b)(6)
Cc: (b)(6)
Subject: Gun Trusts & Entities

I am surprised that I was not contacted by NFATCA about this trust issue having been a member and having reached out before.

I have about 200 estate and business planning attorneys using GunDocx nationwide, my trust system. We combine trusts with LLCs for a variety of purposes. When you engineer such things, rather than simply deliver a form such as some other "gun trust" attorneys do... you start to see how important it is to get the definitions in the proposed rule absolutely correct.

I am working on a response to the proposed Rules right now... and they are a major problem where trusts are concerned. Definitions are way overbroad, and I think will actually put many unintended players involved in trust administration at risk.

Are you aware of Trust Protectors? Persons holding Powers of Appointment over Trust Property? Independent Special Trustees (called for in almost EVERY estate planning trust)?

These Rules, if done the way they currently read, are going to expose a lot of folks to criminal prosecution for failure to comply. AND, it will be due to lack of insight into how trusts work, and how they differ from LLCs and corporations.

Is ATF aware of the huge differences between an "estate" and a "trust" in administration, benefits, duties of fiduciaries, rights of beneficiaries, etc.?

(b)(6) Principal Attorney THE PRIVATE CLIENT LAW GROUP, Brislawn Lofton, PLLC
5555 Lakeview Drive, Suite 201, Kirkland, WA 98033
(b)(6) (b)(6) FAX

(b)(6)
www.brislawnlofton.com

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From: [redacted] (b)(6)
Sent: Friday, August 22, 2014 8:16 AM
To: Hughes, Alphonso J.
Subject: Checking In
Attachments: old_nfatcalogo.png

Have you heard anything regarding the 8/4 FOIA on machine guns? I have received nothing. Not even an acknowledgment of receipt. Still need the contact information for William Boyle.

Any luck in this question from 8/10:
For the 2013 year the Commerce report lists 57,294 form 4's processed. Can you break that out into weapon type, eg.: machine guns, SBR's, suppressors, SBS's, DD's, AOW's ?
--

[redacted] (b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Friday, September 5, 2014 9:48 AM
To: foiamail
Cc: Hughes, Alphonso J.; [redacted]
Subject: Attn: Stephanie Boucher
Attachments: old_nfatcalogo.png; foia_inquiry_090514.pdf; FOIA_mgcount.pdf

Ms. Boucher,
Please see the attached documents regarding my August 4, 2014 FOIA Request. I await your timely response.
--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

National Firearms Act
Trade & Collectors Association®

September 5, 2014

Stephanie Boucher, Division Chief
BATF Disclosure Division, Room 1E400
99 New York Ave NE
Washington DC 20226

Ms. Boucher,

On August 4, 2014 I submitted, on behalf of the NFATCA, a Freedom of Information Act (FOIA) request. This request was submitted via the foiamail@atf.gov email facility, as instructed on the BATF website. A copy of the request was submitted at the same time to Alphonso Hughes, Division Chief, FESD. A copy of the original request is included for your review.

This letter is being submitted to the same email address and via the United States Postal Service. It is my understanding that I should have received some form of response to the original request by now. I have not received a response, nor has FESD received a data call assignment/request based upon my original FOIA request to the Disclosure Division. Please advise as to when I should expect notification of action taken or delayed on this matter.

Sincerely,

(b)(6)

John K. Brown, III
President
Jeffrey E. Folloder
Executive Director, Sec/Tres

Board of Directors

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The NFATCA® logo is a registered trademark

National Firearms Act
Trade & Collectors Association®

August 4, 2014

Bureau of Alcohol, Tobacco, Firearms and Explosives
ATTN: Disclosure Division, Room 1E400
99 New York Ave NE
Washington DC 20226

Re: Freedom of Information Act Request

The Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) publishes the *Firearms Commerce in the United States Annual Statistical Update*. The most recent publication, 2014 indicates that there are 512,790 registered machine guns in the United States. This figure is obtained from the National Firearms Act Registration and Transfer Record (NFRTR) which is maintained in ATF-009, Technical and Scientific Services Record System. Registered machine guns are sub-classified by BATF's National Firearms Act Branch as "transferable", "pre-May, 1986 dealer samples" and "post-May, 1986 weapons". I am requesting an exact count of the aforementioned sub-classifications utilizing the most current available information.

I am requesting this information as the Executive Director of the National Firearms Act Trade & Collectors Association, a registered 501(c)(6) non-profit institution, for publication in our quarterly newsletter, *The Partisan*. I request a waiver of all fees for this request. Disclosure of the requested information is in the public interest because it will contribute significantly to public understanding of the operations and activities of the government and does not serve any commercial interest.

Thank you for your consideration of this request.

Sincerely,

(b)(6)

Executive Director

John K. Brown, III
President
Jeffrey E. Folloder
Executive Director, Sec/Tres

Board of Directors

Robert Landies,
Ohio Ordnance, Inc
Curt Wolf,
US Ordnance Research
Wayne Weber,
Heckler & Koch USA
Robert Segel,
Small Arms Review

"Power Through Experience"

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The NFATCA® Foundation is a 501(c)(3) organization, EIN 27-4349349
The NFATCA® logo is a registered trademark

From: (b)(6)
Sent: Friday, September 12, 2014 1:16 PM
To: Hughes, Alphonso J.
Cc: (b)(6)
Subject: Fwd: NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS

Specific Issue becomes apparent; how will the September 4 notice impact the following scenario:

I am an FFL/SOT in lawful possession of a "post sample" machine gun. It breaks. I want to get it repaired. The February 18, 2000 open letter from ATF states that "The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) does not consider the temporary conveyance of an NFA firearm to a gunsmith for repair to be a "transfer" under the terms of the NFA. Thus, an ATF Form 5 application is not required." So I would get a Form 5 (although not absolutely necessary), create a repair order, box the gun up, send it off to an 07/SOT, have it repaired and get it back.

Does 2014-1 negate the ability of FFL/SOT holders to send their weapons out for bona fide repair without physically accompanying the gun and maintaining control of the weapon at all times?

-------- Original Message --------
Subject:NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS
Date: Fri, 12 Sep 2014 11:29:22 +0000
From: Johanna Reeves/F.A.I.R. Trade Group <Mailing@FairTradeGroup.org>
Reply-To: Johanna Reeves/F.A.I.R. Trade Group <Mailing@FairTradeGroup.org>
To:<jeff.folloder@nfatca.org>

F.A.I.R. Trade Group Member News Alert -
For Immediate Distribution

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News

The following article is provided courtesy Reeves & Dola, LLP, www.reevesdola.com (Teresa Ficaretta, Esq., author).

NEW ATF RULING WILL IMPACT INDUSTRY ABILITY TO MANUFACTURE AND REPAIR MACHINEGUNS

On September 4, 2014, ATF posted to its website ATF Rul. 2014-1, addressing the transfer and possession of machineguns by qualified manufacturers and importers. The ruling addresses the restrictions of Section 922(o) of the Gun Control Act (18 U.S.C. 922(o)) and sets forth rules for qualified manufacturers and importers to lawfully transfer machineguns for further manufacturing or for repair. This new ruling will have a significant impact on the manufacture and import of machineguns, and will affect the ability of U.S. companies to service their foreign customers because of the transfer and possession restrictions presented in the ruling. The complete text of the ruling can be found here.

I. Background

Section 922(o), Title 18, U.S.C., makes it unlawful for any person to transfer or possess a machinegun. The statute provides exemptions from its prohibitions for transfer[s] to or by, or possession by or under the authority of a Federal, State, or local government agency. Regulations implementing section 922(o) provide that qualified manufacturers may manufacture machineguns for sale or distribution to a Federal, State, or local government agency so long as they are registered in the National Firearms Registration and Transfer Record, and their transfer is restricted to the distribution for official use of Federal, State, or local government agencies. See 27 C.F.R. 478.36, 27 C.F.R. 479.103 and 479.105(c). Regulations also authorize specifically the manufacture of machineguns for purposes of exportation in compliance with regulations of the Department of State issued under the Arms Export Control Act. 27 C.F.R. 479.105(c).

ATF has consistently interpreted 18 U.S.C. § 922(o) to allow qualified manufacturers to stockpile machineguns they manufacture for sale to Federal, State, and local government agencies. As stated in the regulations in 27 C.F.R. 479.105(c), ATF also has consistently interpreted the statute to allow the manufacture and stockpiling of machineguns for export. These positions are outlined in ATF's National Firearms Act

Handbook (the "NFA Handbook"), E-Publication 5320.8, Section 7.5, and available here.

ATF has been inconsistent, however, on whether qualified manufacturers and importers may transfer machineguns to other qualified licensees for purposes of further manufacture, repair, alteration, or integration into another defense article. Section 7.6.1 of the NFA Handbook states that qualified NFA manufacturers may contract with other qualified manufacturers to produce machineguns for sale to Federal, State, or local government agencies or for dealer sales samples. This section of the NFA Handbook goes on to state that a variance is required for these types of transfers, as the regulations in 27 C.F.R. 479.105 limit the number of machineguns that may be transferred. Accordingly, section 7.6.1 indicates that both manufacturers who participate in the production of the machineguns must obtain a variance authorizing the transfer from one manufacturer to the other pursuant to 27 C.F.R. 479.26.

A number of manufacturers have received variances from ATF authorizing the transfer of unlimited quantities of machineguns between licensed manufacturers during the manufacturing process pursuant to the provisions outlined in the NFA Handbook. However, in 2012, ATF officials began making statements at industry trade shows concerning the legality of such transfers under 18 U.S.C. § 922(o). For example, at the 2012 Sporting, Hunting, and Outdoor Trade Show (SHOT Show) held in Las Vegas, Nevada, ATF officials announced the agency's position that allowing licensed manufacturers to transfer machineguns to a second qualified manufacturer for additional manufacturing processes is inconsistent with the plain meaning of section 922(o). These officials announced that the agency would be providing written clarification at some point in the future. ATF Rul. 2014-1 appears to be this clarification.

II. Holdings of ATF Rul. 2014-1

The ruling has three separate holdings which we address below:

1. Stockpiling of machineguns for future sale. The first holding states that licensed manufacturers who are properly qualified under the National Firearms Act (NFA) may manufacture and stockpile machineguns for future sale to Federal, State, or local government agencies without first obtaining a specific contract or order from such government agency, provided the machineguns are properly registered under the NFA and are only distributed for the official use of such government agencies.

2. Delivery of machineguns to a second manufacturer-maintaining constructive possession. The ruling states that qualified manufacturers may deliver machineguns (including frames or receivers) to another qualified manufacturer but may not transfer such firearms to the second manufacturer without violating section 922(o). However, the ruling states that the delivery to a second manufacturer will not violate section 922(o) if the first manufacturer maintains continuous dominion or control over the machineguns.

3. Transfers of machineguns between manufacturers when the second manufacturer has a government contract or "official written request" from a government agency. The last holding in ATF Rul. 2014-1 states that a manufacturer may transfer machineguns it has manufactured to another qualified manufacturer if the first manufacturer has a government contract or official written request that meets the following requirements:

- The document is from a Federal, State, or local government agency and is on official letterhead;
- The document states that the first manufacturer is an agent of the government agency authorizing the transfer of the machineguns to the second manufacturer;
- The document is signed and dated by an authorized government official and includes the official's title and position;
- The document states that the firearms to be transferred are machineguns as defined by Federal law.

- The document states that the machineguns to be transferred are particularly suitable for official use by the requesting Federal, State, or local government agency; and
- The document includes a statement that the Federal, State, or local government agency requests and authorizes the manufacturer to transfer the machineguns to and/or from other licensed manufacturers for assembly, repair, development, testing, other manufacturing processes, or storage, as the case may be, for that government agency.

The ruling states that manufacturers who wish to transfer machineguns under the third holding, as outlined above, must attach a copy of the government contract or other official written request to the transfer application submitted to ATF's NFA Branch.

III. CAUTION! ATF Rul. 2014-2 Modifies ATF Rul. 2004-2

In the last paragraph of ATF Rul. 2014-1 ATF states that ATF Rul. 2004-2 is "clarified" with respect to the documentation required under the GCA for qualified importers to transfer an imported machinegun to another qualified licensee for inspection, testing, calibration, repair, reconditioning, further manufacture, or incorporation into another defense article. We fear this "clarification" will significantly impact the ability of U.S. companies to service the repair needs of their foreign customers.

In ATF Rul. 2004-2, ATF used its variance authority under the Gun Control Act and National Firearms Act to establish a procedure for qualified importers to bring exported machineguns and other NFA firearms into the U.S. temporarily for purposes of inspection, testing, calibration, repair, or incorporation into another defense article. The ruling recognized the fact that many manufacturers have a legitimate need to import machineguns they exported to foreign law enforcement agencies for purposes of repairs under warranty, recalibration, or incorporation into another defense article. Consequently, ATF Rul. 2004-2 notes that such importations are necessary for national defense. The ruling further indicates ATF

was aware most of these temporary importations take place pursuant to the Department of States' International Traffic in Arms Regulations, 22 C.F.R. Part 120-130 (ITAR). However, ATF expressed concern in the ruling that importers utilizing such regulations were not complying with the registration provisions of the NFA, which help ensure the security and accountability of the firearms while within the U.S. Accordingly, ATF Rul. 2004-2 requires importers temporarily importing NFA firearms under State Department requirements to also register the firearms on ATF Form 2.

ATF Rul. 2004-2 also addresses transfers of machineguns following their temporary importation. The ruling states that conveyance of temporarily imported NFA firearms does not amount to a "transfer" as that term is used in the NFA. Accordingly, no transfer application must be submitted to ATF to lawfully accomplish such conveyances. The ruling does not specifically address the requirements of 18 U.S.C. § 922(o). However, the ruling clearly authorizes the conveyance of imported machineguns to a properly qualified manufacturer for repair, re-manufacture, or any of the other purposes outlined in the ruling.

It is important to highlight that the "clarification" of ATF Rul. 2004-2 by ATF Rul. 2014-1 effectively OVERRULES the transfer/conveyance language in the 2004 ruling. This is because the language in the 2014 ruling makes it clear ATF holds a conveyance of a machinegun is a transfer that violates section 922(o), absent a government contract or other document specifically authorizing the transfer of the imported machinegun to a manufacturer. Because the machineguns will be the property of foreign governments, obtaining a written authorization from a Federal, State, or local government agency may be difficult. It may be problematic for a Federal, State, or local government agency to provide a written authorization for the transfer of the machineguns on its behalf when the machineguns are the property of a foreign government. Accordingly, it will be challenging for importers to utilize the procedure authorized in ATF Rul. 2014-1 to lawfully transfer temporarily imported machineguns to another manufacturer.

IV. CAUTION! Prior Inconsistent Rulings Modified

ATF Rul. 2014-1 also modifies any prior letter rulings or marking variances that are inconsistent with the positions outlined in the ruling. Consequently, businesses who operate under privately issued variances that authorize transfers of machineguns between qualified manufacturers ***may no longer rely upon that variance.*** We discuss this below.

V. Impact of ATF Rul. 2014-1

The practical impact of ATF Rul. 2014-1 on industry operations is as follows:

1. **Manufacture and stockpiling of machineguns**. Qualified manufacturers may continue to manufacture and stockpile machineguns for future sale to Federal, State, and local government agencies.

2. **Transfers of machineguns to a second manufacturer**. ATF marking variances or private letter rulings specifically authorizing the transfer of machineguns from one qualified manufacturer to another qualified manufacturer ***are no longer valid***. Businesses who utilize the services of another qualified manufacturer to manufacture machineguns must have an employee accompany the registered machineguns to the premises of the second manufacturer and maintain continuous dominion and control over the machineguns while the manufacturing operations are conducted. Alternatively, the first manufacturer may obtain a government contract or other document specifically authorizing the transfer to the second manufacturer. Such a document must meet all requirements of ATF Rul. 2014-1 as set forth above and must be submitted to the NFA Branch with the Form 3 transfer application.

In the case of machineguns manufactured for export, transfers to another qualified manufacturer must meet all the requirements outlined above. However, we suspect it may be difficult to obtain a contract or other written authorization from a U.S. Federal, State, or local government agency specifically authorizing the transfer to a second manufacturer when the machineguns are being made for export to a foreign customer. The only alternative to this requirement is for the first manufacturer to

maintain continuous dominion and control over the machineguns while they are on the premises of the second manufacturer.

3. **Transfers of machineguns temporarily imported under Department of State requirements**. Persons and businesses properly qualified under the GCA and NFA may continue to temporarily import machineguns exported to foreign governments for purposes of repair, recalibration, and incorporation into another defense article. These temporary imports must comply with ITAR regulations in 22 C.F.R. Parts 120-130 and be registered on ATF Form 2 within 15 days of release from Customs custody. However, these machineguns may not be transferred to another qualified manufacturer absent a contract with a Federal, State, or local government agency specifically authorizing the transfer to the qualified manufacturer OR a written authorization that meets all the requirements set forth in ATF Rul. 2014-1. As with transfers of machineguns manufactured for export to foreign customers, it may be difficult to obtain such an authorization from a domestic agency when the machineguns are owned by a foreign customer. Alternatively, those who have a need for another qualified manufacturer to perform repair or manufacturing operations on temporarily imported machineguns must maintain continuous dominion and control over the weapons while on the premises of the qualified manufacturer to avoid both licensees violating 18 U.S.C. § 922(o).

*****

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The F.A.I.R. Trade Group is a 501(c) (6) organization dedicated since 1994 to protecting the interests of the firearms and ammunition import and export community. F.A.I.R. operates entirely on the funds derived from our dues-paying membership. If you are interested in becoming a member or contributing to the organization, please visit our website at: www.fairtradegroup.org.

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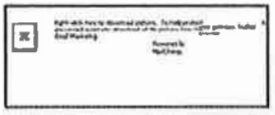

From: (b)(6)
Sent: Friday, September 12, 2014 2:29 PM
To: (b)(6)
Subject: Your Thoughts?
Attachments: old_nfatcalogo.png

I sent this to Alphonso for comment and I am sending to you, as well.

Is this position effectively eliminated with the publication of 2014-1?
https://www.atf.gov/press/releases/2000/02/021800-openletter-nfa-repair-of-firearms.html

I am an FFL/SOT in lawful possession of a "post sample" machine gun. It breaks. I want to get it repaired. The February 18, 2000 open letter from ATF states that "The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) does not consider the temporary conveyance of an NFA firearm to a gunsmith for repair to be a "transfer" under the terms of the NFA. Thus, an ATF Form 5 application is not required." So I would get a Form 5 (although not absolutely necessary, it is recommended), create a repair order, box the gun up, send it off to an 07/SOT, have it repaired and get it back.

Does 2014-1 negate the ability of FFL/SOT holders to send their weapons out for bona fide repair without physically accompanying the gun and maintaining control of the weapon at all times?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Monday, September 15, 2014 1:04 PM
To: Hughes, Alphonso J.
Subject: Re: NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS
Attachments: old_nfatcalogo.png

On 9/15/2014 11:13 AM, [redacted] wrote:

> Let me call you later. I just can't see why this isn't in the pipeline to even come here to our Division as an information request. You didn't miss anything when submitting the request correct? Did you leave a voicemail message for the Disclosure Chief?

I'm not sure if my voice mail wound up in the right box. That was why I sent another email AND a real letter.

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Monday, November 24, 2014 3:42 PM
To: (b)(6)
Subject: SHOT Topics
Attachments: nfatcalogo.png

(b)(6)
I am told that (b)(6) is having significant issues with his computer and email is currently a no-go or near no-go for him. He has asked me to forward on to you the topics we would like to cover at our SHOT Show meeting:

- NFA Handbook update review/participation
- FTB Manual status/participation
- FOIA Request status (zero response)
- 41P Update
- Form 5 use for post sample repair conveyance
- eForms status/projections
- 40P Update
- Multiple long arm sale reporting update

Also, please confirm the date/time/location of the meeting.

--

(b)(6)
[redacted]ve Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Tuesday, November 25, 2014 7:46 AM
To: (b)(6)
Cc: (b)(6)
Subject: RE: SHOT Topics
Attachments: image001.png

Thanks(b)(6)
Can you forward the specifics re: your mention of no response on a FOIA request?
Date, topic(s) etc.
Many thanks

(b)(6)

(b)(6)
Firearms Industry Technical Advisor
Bureau of Alcohol,Tobacco, Firearms & Explosives
99 New York Ave. N.E.
Room 6N-526
Washington, D.C. 20226

Tel: (b)(6)
Cell: (b)(6)
E-mail: (b)(6)

From: (b)(6)
Sent: Monday, November 24, 2014 3:42 PM
To: (b)(6)
Subject: SHOT Topics

(b)(6)
I am told that (b)(6) is having significant issues with his computer and email is currently a no-go or near no-go for him. He has asked me to forward on to you the topics we would like to cover at our SHOT Show meeting:

- NFA Handbook update review/participation
- FTB Manual status/participation
- FOIA Request status (zero response)
- 41P Update
- Form 5 use for post sample repair conveyance
- eForms status/projections
- 40P Update
- Multiple long arm sale reporting update

Also, please confirm the date/time/location of the meeting.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, November 25, 2014 8:27 AM
To: (b)(6)
Cc: (b)(6)
Subject: Re: SHOT Topics
Attachments: nfatcalogo.png; foia_mgcount.pdf; foia_inquiry_090514.pdf

On 11/25/2014 6:45 AM, (b)(6) wrote:

> Thanks(b)(6)
> Can you forward the specifics re: your mention of no response on a FOIA request?
> Date, topic(s) etc.

(b)(6)
I've attached two documents for your review. The original document was delivered via email and regular post in the beginning of August. It was also cc'd to Alphonso Hughes. I know that the request was received and Alphonso clearly communicated to me that he had already designated the resources and was merely waiting on a green light from Disclosure Division. That did not happen. I followed up via email and post with Stephanie Boucher on September 5. Still no response.

This lack of response precisely mirrors my experience with FOIA disclosure from November of 2013 when I requested statistical data regarding the processing of NFA forms via the eForms system. I gave up on hearing back and just used the top line stats as published by ATF.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

National Firearms Act
Trade & Collectors Association®

August 4, 2014

Bureau of Alcohol, Tobacco, Firearms and Explosives
ATTN: Disclosure Division, Room 1E400
99 New York Ave NE
Washington DC 20226

Re: Freedom of Information Act Request

The Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) publishes the *Firearms Commerce in the United States Annual Statistical Update*. The most recent publication, 2014 indicates that there are 512,790 registered machine guns in the United States. This figure is obtained from the National Firearms Act Registration and Transfer Record (NFRTR) which is maintained in ATF-009, Technical and Scientific Services Record System. Registered machine guns are sub-classified by BATF's National Firearms Act Branch as "transferable", "pre-May, 1986 dealer samples" and "post-May, 1986 weapons". I am requesting an exact count of the aforementioned sub-classifications utilizing the most current available information.

I am requesting this information as the Executive Director of the National Firearms Act Trade & Collectors Association, a registered 501(c)(6) non-profit institution, for publication in our quarterly newsletter, *The Partisan*. I request a waiver of all fees for this request. Disclosure of the requested information is in the public interest because it will contribute significantly to public understanding of the operations and activities of the government and does not serve any commercial interest.

Thank you for your consideration of this request.

Sincerely,

(b)(6)

John K. Brown, III
President
Jeffrey E. Folloder
Executive Director, Sec/Tres

Board of Directors

Robert Landies,
Ohio Ordnance, Inc
Curt Wolf,
US Ordnance Research
Wayne Weber,
Heckler & Koch USA
Robert Segel,
Small Arms Review

"Power Through Experience"

20603 Big Wells Drive • Katy, Texas • 77449
Phone: 281.492.8288 • Web: www.nfatca.org • Email: info@nfatca.org
The NFATCA® is a 501(c)(6) organization, EIN 20-2820282
The NFATCA® Foundation is a 501(c)(3) organization, EIN 27-4349349
The NFATCA® logo is a registered trademark

National Firearms Act
Trade & Collectors Association®

John K. Brown, III
President
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Board of Directors

Robert Landies,
Ohio Ordnance, Inc
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Robert Segel,
Small Arms Review

"Power Through Experience"

September 5, 2014

Stephanie Boucher, Division Chief
BATF Disclosure Division, Room 1E400
99 New York Ave NE
Washington DC 20226

Ms. Boucher,

On August 4, 2014 I submitted, on behalf of the NFATCA, a Freedom of Information Act (FOIA) request. This request was submitted via the foiamail@atf.gov email facility, as instructed on the BATF website. A copy of the request was submitted at the same time to Alphonso Hughes, Division Chief, FESD. A copy of the original request is included for your review.

This letter is being submitted to the same email address and via the United States Postal Service. It is my understanding that I should have received some form of response to the original request by now. I have not received a response, nor has FESD received a data call assignment/request based upon my original FOIA request to the Disclosure Division. Please advise as to when I should expect notification of action taken or delayed on this matter.

Sincerely,

(b)(6)

20603 Big Wells Drive • Katy, Texas • 77449
Phone: 281.492.8288 • Web: www.nfatca.org • Email: info@nfatca.org
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The NFATCA® Foundation is a 501(c)(3) organization, EIN 27-4349349
The NFATCA® logo is a registered trademark

From: [redacted]
Sent: Tuesday, November 25, 2014 1:29 PM
To: [redacted]
Subject: Additional Topic(s)
Attachments: nfatcalogo.png

Status of 2014-1 clarification.
If there is time we may have other items of mutual interest to discuss.
--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, September 18, 2013 11:33 AM
To: (b)(6)
Subject: Average Time?
Attachments: old_nfatcalogo.png

In very broad strokes... How many minutes/hours does it take to process one manual Form 4 from receipt to approval? I'm not talking about the wait time... the actual person/hours involved to clear one Form.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted] (b)(6) >
Sent: Monday, September 30, 2013 3:16 PM
To: [redacted] (b)(6)
Subject: What is Planned?

If the shut down happens, how will NFA Branch be affected?

[redacted] (b)(6)

From: [redacted]
Sent: Wednesday, October 16, 2013 8:30 AM
To: [redacted]
Subject: Re: SBR Engraving Q
Attachments: old_nfatcalogo.png

On 10/16/2013 7:26 AM, [redacted] wrote:

> Caliber marking is required and should be on either the receiver or barrel. If engraving the caliber is considered "bad" by an applicant, an easy solution is to use a receiver that is already marked.

Yeah... but the receiver is marked "Multi" and that gets rejected by ATF. I'll tell him to mark the barrel and be done...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Tuesday, October 22, 2013 12:24 PM
To: (b)(6)
Subject: Putting Together a Slide Show...
Attachments: old_nfatcalogo.png

Could you easily lay your hands on a list of the folks that have served as NFA Branch Chief or Acting Chief over the years? If it's not easy to lay your hands on, don't worry about it, though.

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Wednesday, October 30, 2013 3:31 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: State Assignments
Attachments: image001.jpg; image002.png

Able to confirm precisely the number of Examiners you identify; in the short term, this remains the limited number, till other vacancy announcement is posted to consider further hiring of additional Examiners...

State Law assignments continue to remain a work-in-progress, as with two of the named Examiner(s) on-boarding next month (November);

Below is rough draft provided, as expected Nov. 2013, with current assignment, and change moreover to continue with training and development furthermore :

(b)(6)

TX . . . . . .
NC, VA, WV . . . . . .
IL, IN, KY, OH . . . . . .
MI, MN, MT, ND, SD, WI, WY . . .
AZ, CA, NV, ...
AR, IA, KS, MO, NE, OK . . . .
FL . . . . . .
LA, MS, TN, ...
CT, DE, MA,MD,ME,NH,NJ,NY,PA,RI,VT
CO, NM, UT, ...
AL, GA, SC, ...
AK, HI, ID, OR, WA . . . . . .

United States Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

(b)(6)
National Firearms Act Branch
244 Needy Road – Suite 1250
Martinsburg, WV 25405-9431
(b)(6)

From: (b)(6)
Sent: Wednesday, October 30, 2013 7:06 AM
To: (b)(6)
Cc: (b)(6)
Subject: State Assignments

(b)(6)
Could you fill in the blanks as to who is assigned to which states at this point? Also, how many more folks will be hired in the coming months to help out with the onslaught?

Branch Chief
Edward Saavedra

Specialists
(b)(6)

Section Chief (Examiner Supervisors)
(b)(6)

Examiners
(b)(6)

Secretary
Vacant

Customer Service contractors (answer the main NFA number)
(b)(6)
--

(b)(6)
Executive Director
Phone: 281.492.8288
Website www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]

Sent: Tuesday, November 5, 2013 10:41 PM
To: [redacted]
Subject: RE: Two Things
Attachments: image001.png

10-4; review made possible, as expecting to provide prior to 2014, in good faith...

FYI: Transfer of silencer [redacted] will seek to provide copy be week's-end;

Thank you for your patience, hope your pizza order was an hour or less...

From: [redacted]
Sent: Tuesday, November 05, 2013 6:02 PM
To: [redacted]
Subject: Two Things

I will be sending out an overnight letter tomorrow with documents for the matter that we discussed. Please review and process accordingly. Let me know when it is done, if you can!

Also, it appears that I have a [redacted] If it has been approved, please send me a copy of the Form.

I shall now go order pizza...

--

[redacted]
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)
Sent: Wednesday, November 6, 2013 5:00 PM
To: (b)(6)
Subject: DD Transfers to Non-DD Dealers
Attachments: old_nfatcalogo.png

(b)(6)

In the past NFA Branch has cheerfully allowed the transfer of one or two DD's per year to non-DD licensed FFL/SOT's. It seems as though this is no longer the case or that requirements have changed. Can you let me know what is currently required in the way of documentation in order for a non-DD FFL/SOT to obtain a few such weapons per year?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: (b)(6)

Sent: Thursday, November 7, 2013 12:02 AM
To: (b)(6)
Subject: RE: DD Transfers to Non-DD Dealers
Attachments: image001.jpg; image002.png

REFERENCE:

We have understood the allowance of the conventional FFL to acquire the occasional Destructive Device (DD) for **personal collection w/out being licensed** to deal/mfg. destructive devices...

The way we determine each transaction is to require each **acquisition giving reason before processing the application...ANY time a** TRANSFEROR and/or TRANSFEREE is an FFL, a determination of the cause as whether any DD transactions has taken place previously in that calendar year, considering each on its own merit on **a case-by-case basis...**

If the FFL is acquiring the destructive device for prospective sale, or demonstration, it would **seem to indicate potential becoming engaged in the business, and would require further scrutiny...**

The consistent procedure we require from an FFL involved in DD transactions is to **substantiate reason for acquisition, and/or disposition; the NFA Branch allows for applications to be approved for collection, or the occasion acquisition / transfer** with valid reason served (most common referral as ***being no more than one or two DD transactions in a calendar year***)...

- "Engaged in the Business:"
  - "*With the principle objective of livelihood and profit*" (**as being repetitive**)
  - Conversely, expect to receive letter from the FFL who is **not engaged in the business of DD(s)** submits application, the FFL may request in writing the transaction for the **"occasional sale, exchange, collecting, hobbyists, etc..."**

United States Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

(b)(6)
National Firearms Act Branch
244 Needy Road – Suite 1250
Martinsburg, WV 25405-9431
(b)(6)

From: (b)(6)
Sent: Wednesday, November 06, 2013 5:00 PM
To: (b)(6)
Subject: DD Transfers to Non-DD Dealers

(b)(6)

In the past NFA Branch has cheerfully allowed the transfer of one or two DD's per year to non-DD licensed FFL/SOT's. It seems as though this is no longer the case or that requirements have changed. Can you let me know what is currently required in the way of documentation in order for a non-DD FFL/SOT to obtain a few such weapons per year?

--

(b)(6)
Executive Director
Phone: 281.492.8288
Website: www.nfatca.org
Forums: www.nfatcaforums.org

From: [redacted]
Sent: Thursday, November 7, 2013 6:36 AM
To: [redacted]
Subject: Re: DD Transfers to Non-DD Dealers
Attachments: ATT00001.jpg; ATT00002.png; old_nfatcalogo.png

I think that I see where the "newness" is taking place. It would appear as though some of the examiners are now kicking back DD transfers with a note asking for "documentation." This is new(ish)...

Thanks!

On 11/6/2013 11:02 PM, [redacted] wrote:

REFERENCE:

We have understood the allowance of the conventional FFL to acquire the occasional Destructive Device (DD) for **personal collection w/out being licensed** to deal/mfg. destructive devices...

The way we determine each transaction is to require each **acquisition giving reason before processing the application...ANY time a** TRANSFEROR and/or TRANSFEREE is an FFL, a determination of the cause as whether any DD transactions has taken place previously in that calendar year, considering each on its own merit on **a case-by-case basis...**

If the FFL is acquiring the destructive device for prospective sale, or demonstration, it would **seem to indicate potential becoming engaged in the business, and would require further scrutiny...**

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- "Engaged in the Business"
  - *"With the principle objective of livelihood and profit"* **(as being repetitive)**
  - Conversely, expect to receive letter from the FFL who is **not engaged in the business of DD(s)** submits application, the FFL may request in writing the transaction for the **"occasional sale, exchange, collecting, hobbyists, etc..."**