

From: Jeff Folloder
To: (b) (6)
Subject: Avoiding a Storm
Date: Wednesday, July 27, 2016 9:01:03 AM
Attachments: [nfatcalogo.png](#)

(b) (6)

As you are likely aware, there continues to be much confusion over what is and is not allowed as far as location for marking on various firearms, particularly those weapons made on a Form 1 or 2 from a preexisting weapon. Many makers have chosen the "tang" of a weapon for their marking location. The tang being a part that is covered by a part such as a trigger group or pistol grip. Said group or grip could be easily removed to reveal the markings.

Earl Griffith's August 25, 2014 letter (attached) appears to make clear that marking in this location is *not* allowed because easily removed does not equate to "simple manipulation" and is inconspicuous. However, the information in this letter has not been widely communicated. Some IOI's took issue with that location and others did not. Further, factory markings (ex: HK markings on the top rib of the 9X series weapons) which are wholly or partially concealed with the mounting of an optic have not been at issue, or at least not enough of an issue to have even been discussed in NFA circles.

Fast forward to today. Some 07's are reporting that they have been explicitly instructed to *not* mark on the tang. However, they have been told that they *can* mark on the barrel, even when the barrel marking would be concealed by an easily removed hand guard. Some 07's are being told to not worry about it. I am not sure what guidance to give our members. I do know that there is a lot of confusion out there and that there appears to be an inconsistent interpretation/application of the marking regulations and requirements. One would think that if the marking does not require significant effort to view, then all is well. This should not be causing this amount of confusion and internet arguing.

Thoughts?

--

Jeff Folloder

Executive Director

Phone: (b) (6)

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Forums: www.nfatcaforums.org





U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

* Martinsburg, WV 25405

www.atf.gov

AUG 25 2014

This is in reference to your letter dated July 25th, 2014, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), National Firearms Act Branch (NFA), in which you presented questions pertaining to engraving your Trust's name on your MKE AT-94 rifles, along with photos of two proposed locations for the engraving.

As background to your inquiry, a regulation implementing the NFA, § 27 CFR § 479.102 states the following:

- (a) *You, as a manufacturer, importer, or maker of a firearm, must legibly identify the firearm as follows:*
 - (1) *By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by you on any other firearm. For firearms manufactured, imported, or imported, or made on and after January 30, 2002, the engraving, casting or stamping (impressing) of the serial number must be to a minimum depth of .003 inches and in a print size no smaller than 1/16 inch; and*
 - (2) *By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame, receiver, or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered or removed. For firearms manufactured, imported, or made on and after January 30, 2002, the engraving, casting, or stamping (impressing) of this information must be to a minimum depth of .003 inches. The additional information includes:*
 - (i) *The model, if such designation has been made;*

- (ii) *The caliber or gauge;*
 - (iii) *Your name (or recognized abbreviation) and also, when applicable, the name of the foreign manufacturer or maker;*
 - (iv) *In the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) where you as the manufacturer maintain your place of business, or where you, as the maker, made the firearm; and*
 - (v) *In the case of an imported firearm, the name of the country in which it was manufactured and the city and State (or recognized abbreviation thereof) where you as the importer maintain your place of business. For additional requirements relating to imported firearms, see Customs regulations at 19 CFR part 134.*
- (b) *The depth of all markings required by this section will be measured from the flat surface of the metal and not the peaks or ridges. The height of serial numbers required by paragraph (a)(1) of this section will be measured as the distance between the latitudinal ends of the character impression bottoms (bases).*

Your specific question, consolidated and paraphrased below, is followed by FTB's comprehensive answer:

Question: Am I in compliance if I engrave my trust's name, city and state on the pressed and pinned barrel or the receiver's tang, as indicated by red lines on the attached images, submitted with this letter?

Answer: No, the placement of the markings under the hand guard or trigger group housing results in such information not being readily noticeable with simple manipulation of the firearm, and is inconspicuous. Therefore, markings in either of the proposed locations would not be in compliance with marking requirements of 27 CFR §§ 478.92 and 479.102. For your information, ATF Ruling 2002-6, held that an imported firearm with any part of the required marking partially or wholly obstructed from plain view is not marked in accordance with 27 CFR §§ 478.92 and 479.102. For your convenience a copy of ATF Ruling 2002-6 is enclosed.

We thank you for your inquiry and trust the foregoing has been responsive.

Sincerely yours,



Earl Griffith
Chief, Firearms Technology Branch

From: Jeff Folloder
To: (b) (6)
Subject: Knob Creek
Date: Wednesday, March 30, 2016 2:19:40 PM

(b) (6)

What are the chances that I could get some updated stats for NFA Forms processing for the Knob Creek show/meeting next week? The basics by form (received/processed), current volume (increasing, peak, etc.), current backlog, etc.?

Hope all is well in your world. I'm in the NE right now and I am just not used to 30 degree mornings in March/April!

--

(b) (6)

Direct: (b) (6)

(This message sent from the road)

From: Jeff Folloder
To: (b) (6)
Subject: Re: NFRTR Accuracy
Date: Thursday, March 10, 2016 8:36:47 AM
Attachments: [ATT00001.png](#)

Sorry I missed you yesterday. I'm traveling, you are traveling... a 1000 directions. Still on the road but will be looking for your call. I think I even set my phone up to NOT send "Private Number" calls to voice mail in case you use one again.

Jeff

On 3/7/2016 9:54 AM, (b) (6) wrote:

Call you later on this! I have been on HQ panels since last week thru about 3:00 pm today or so. Talk soon!

From: Jeff Folloder [[mailto:\(b\) \(6\)](#)]
Sent: Friday, March 04, 2016 6:58 AM
To: (b) (6)
Cc: John Brown (b) (6)
Subject: NFRTR Accuracy

(b) (6)

As you are undoubtedly aware, applicants have noticed that a large number of NFA transfer applications are being delayed. Folks have begun to notice that NFA Branch is going to significant effort to insure that the applicant forms' descriptive information accurately matches what is currently in the NFRTR. If there is a discrepancy (ex.: model name not precisely the same, barrel length not the same), the applicant is asked to either correct or verify/validate with proof (ex.: a photograph of the engraved model name).

While we applaud the initiative to improve the accuracy of the data that resides within the NFRTR, we also understand the frustration of the NFA community in regard to the increase in processing time. We would like to address this initiative in publication and at upcoming shows. May we have your comments on the issue to use in public?

--

Jeff Folloder

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Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Subject: Tracking 41F
Date: Wednesday, March 02, 2016 11:29:28 AM
Attachments: [nfatcalogo.png](#)

(b) (6)

I'll ask before it's time...! Are you tracking the surge up to the July start of 41F? It would probably be a good idea to know:

- How many transfer applications from Jan 1 to July 13?
- How many of those were trusts?

For the subsequent year:

- How many transfer applications from July 14, 2016 to July 12, 2017?
- How many of those were trusts?

This set of stats could prove or disprove the notion that the majority of trust transfers were done to avoid a CLEO approval signature.

--

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From: Jeff Folloder
To: (b) (6)
Subject: doc
Date: Tuesday, January 05, 2016 4:32:06 PM
Attachments: [nfatcalogo.png](#)
[NFA TRUSTS Final Rule TPs 01-3-16 FINAL.DOCX](#)

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NFA TRUSTS FINAL RULEMAKING

Talking Points:

- In this final rule, ATF is amending its regulations governing the application to make or transfer a National Firearms Act (NFA) item to help ensure that prohibited persons do not gain access to them. In this way, the rule will help enhance public safety.
 - The NFA imposes special rules on items such as machineguns, short barreled rifles, short barreled shotguns, and silencers.
- The final rule standardizes the requirements for making or transferring an NFA item by ensuring that responsible persons for a trust or legal entity are subject to the same identification and background check requirements as individuals.
 - This approach addresses the prior disparity – where individuals were required to submit photographs, fingerprint cards, and undergo a background check, while persons associated with a trust or legal entity did not.
 - By standardizing the requirements, the final rule helps to foreclose the possibility that prohibited persons could come into possession of NFA items simply by creating a trust or corporation to serve as the transferee.
- The final rule eliminates the Chief Law Enforcement Officer (CLEO) certification requirement for all applicants—individuals and legal entities—and replaces it with a CLEO notification requirement. This change will significantly reduce the burden on the public associated with making or transferring an NFA item.
- The CLEO notification requirement also ensures that CLEOs will be made aware that an application to register an NFA item has been made in their jurisdiction
- The final rule clarifies the definition of “responsible person” for trusts and legal entities to address concerns about the definition’s scope while maintaining the important objective of ensuring background checks for relevant parties associated with a trust or legal entity.
- This rule adds a new section to 27 CFR part 479 to address the possession and transfer of NFA items registered to a decedent.
- The rule is effective 180 days after the publication date.

Background:

- On September 9, 2013, ATF published a notice of proposed rulemaking (NPRM), in response to a petition for rulemaking, dated December 3, 2009, filed on behalf of the National Firearms Act Trade and Collectors Association (NFATCA).

- The NPRM included the following proposals: defining the term “responsible person” for a trust or legal entity; requiring each responsible person to submit photographs and fingerprints, as well as CLEO certification; modifying the CLEO certification to remove a statement from the CLEO about the use of the firearm for other than lawful purposes; and adding a new section to 27 CFR part 479 to address the possession and transfer of firearms registered to a decedent.
 - NOTE: Silencers are “firearms” under the NFA definition. That said, the “regular person” would not consider a silencer a firearm. As a result, the talking points speak in terms of “NFA items.” Where “firearm” is used in this background section, however, it is in the NFA definitional sense.
- ATF received approximately 9,500 comments to the proposed rule, most of which focused on concerns related to the CLEO certification requirement.
- This final rule has been revised from the NPRM to: 1) eliminate the requirement for CLEO certification and add a CLEO notification requirement instead; and 2) clarify that the term “responsible person” for a trust or legal entity includes those persons who have the power and authority to direct the management and policies of the trust or legal entity to receive, possess, ship, transport, deliver, transfer or otherwise dispose of a firearm for, or on behalf of, the trust or entity.
 - In the case of a trust, those with the power or authority to direct the management and policies of the trust includes any person who has the capability to exercise such power and possesses, directly or indirectly, the power or authority under any trust instrument, or under state law, to receive, possess, ship, transport, deliver, transfer, or otherwise dispose of a firearm for, or on behalf of the trust.
 - Examples of who may be considered a responsible person include settlors/grantors, trustees, partners, members, officers, directors, board members, or owners. An example of who may be excluded from this definition of responsible person is the beneficiary of a trust, if the beneficiary does not have the current capability to exercise the powers or authorities listed above.
- As a result of the increased use of trusts or legal entities to acquire NFA firearms the number of qualifying firearms being acquired without a background check has greatly increased. Between 2004 and 2014, the number of NFA applications received from trusts and legal entities increased from 1,938 to 90,726. In 2013 and 2014, ATF received a combined total of 162,759 applications from trusts and legal entities – none of which were subject to a background check.
- A primary objective of the Final Rule is to ensure that prohibited individuals are not able to use trusts and other legal entities to illegally acquire NFA firearms. For example, ATF encountered a situation in which a trustee of a trust applicant was determined to be prohibited from possessing a firearm. Although ATF denied the transfer, if the trust name had been different from that of the prohibited transferee or a different firearm was being transferred, ATF would not have had the information to

deduce that the trust included the prohibited transferee and the transfer would have been approved.

Q and A:

Q. Why did ATF prepare an NPRM (and final rule)?

A. The proposed regulations were in response to a petition for rulemaking, dated December 3, 2009, filed on behalf of NFATCA. The petitioner requested to amend 27 CFR 479.63 and 479.85, as well as corresponding ATF Forms 1 and 4. The proposed regulations were intended to make the requirements, relating to identification and background checks, the same for trusts and legal entities as they are now for individuals, thus providing important and public security benefits.

Q: Is this rule a solution in search of a problem? Can ATF identify any crimes that were committed by responsible persons of trusts or legal entities?

A: Although most individuals who apply to remake or acquire an NFA firearm are not prohibited from possessing or receiving firearms, there have been a significant number of instances in which prohibited persons have submitted NFA applications. From 2010 to 2014 there were approximately 270 NFA applications by individuals, out of 115,842 applications, that were disapproved due to background check denials. The NFA Branch also tracked the number of applications received from trusts and legal entities during the same period. The Department believes that the disapprovals would have been higher if background checks would have been conducted on responsible persons associated with the 217,996 applications received from trusts or legal entities during this time, as the FBI's denial rate on NICS background checks between November 30, 1998 and December 31, 2014, is approximately 1.24%.

Q: An individual representing a trust or legal entity must complete Form 4473 and pass a background check prior to receiving NFA firearms from a Federal firearms licensee (FFL). Why is the final rule necessary if these procedures apply?

A: Although individuals are subject to these requirements, only the individual receiving the firearm on behalf of the trust or legal entity is subject to these requirements. This means that the other individuals within the trust or legal entity are not subject to these requirements. Further, the requirement to complete Form 4473 and undergo a background check apply only when a firearm is received from an FFL--no individual is subject to these requirements when the trust or legal entity "makes" an NFA firearm. The final rule addresses this.

Q: How will CLEO notification be accomplished?

A: The Department has revised the regulations in 27 CFR 479.62 and 479.84 to require the applicant or responsible persons to mail a completed copy of the application (Form 1, 4, or 5) or a completed copy of Form 5320.23 (*National Firearms Act (NFA) Responsible Person Questionnaire*), respectively, to the chief law enforcement officer of the locality in

which the applicant or responsible person is located. In the case of a trust, it is considered located at the primary location where the firearm will be maintained. to the

Q: Will new responsible persons, added after the making or transfer, be subject to the same requirements?

A: The Department notes that it did not propose to make any changes on this issue in the proposed rule. Rather the Department requested input and guidance relative to identification of new responsible persons who receive, possess, ship, transport, deliver, transfer, or otherwise dispose of a firearm for, or on behalf of, an entity. The Department is not requiring new responsible persons to submit a Form 5320.23 within 30 days of any change of responsible persons in this final rule.

The Department further notes that nothing in this rulemaking has altered the requirement for trusts and legal entities to submit new applications to make or transfer (as applicable) if the trust or legal entity intends to possess additional NFA items, or if there is a sufficient change in control or ownership of the trust or legal entity that it is considered a new or different entity under relevant law. In either case, at the time of such application, the trust or legal entity will need to identify current responsible persons, who will submit photographs and fingerprints, and undergo a background check.

Q: ATF already has a significant backlog of NFA applications; won't this requirement just add delay to an already overburdened system?

A: Although there is a backlog of NFA applications, that backlog has decreased over the last year. ATF processes applications as quickly as its resources allow, and that will continue after the effective date of this final rule. Also, neither current backlogs nor the possibility of future backlogs should prevent ATF from ensuring that prohibited persons are denied firearms.

Q: Will trusts and corporate entities still be able to use the ATF eForms system to submit applications after this rule goes into effect?

A: No. The eForms system was not designed to allow the filing of forms where fingerprints and photographs were required. ATF will continue to work toward improving the eForms system and expanding its use.

Q: Were any new sections to 27 CFR part 479 added by the proposed rule (and final rule)?

A: Yes. The final rule adopts, unchanged from the proposed rule, a new section to address the possession and transfer of firearms registered to a decedent. The new section clarifies that the executor, administrator, personal representative, or other person authorized under state law to dispose of property in an estate may possess a firearm registered to a decedent during the term of probate without such possession being

treated as a “transfer” under the NFA. It also specifies that the transfer of the firearm to any beneficiary of the estate may be made on a tax-exempt basis.

Q. What are the estimated costs to applicants, legal entities, CLEOs, and ATF?

- A. ATF estimates a total additional cost of \$29.4 million annually for trusts and legal entities to gather, procure, and submit such information to ATF and for ATF to process the information and conduct a background check on responsible persons.

ATF estimates the total cost of the notification requirement is approximately \$5.8 million annually (\$0.5 million for individuals; \$5.3 million for trusts and legal entities). The costs of the current CLEO certification requirement are approximately \$2.26 million annually.

The final rule estimated cost increase is approximately \$1.6 million annually. However, the final rule estimated cost savings for individuals are approximately \$1.8 million annually. This rule is not an “economically significant” rulemaking as defined by Executive Order 12866.

Q. Are any forms being revised?

- A. Yes. A change from CLEO certification to CLEO notification will require a revision to Form 1 (*Application to Make and Register a Firearm*), Form 4 (*Application for Tax Paid Transfer and Registration of a Firearm*) and Form 5 (*Application for Tax Exempt Transfer and Registration of a Firearm*). There is also a new form, Form 5320.23 (*National Firearms Act (NFA) Responsible Person Questionnaire*), that will be required to be completed by responsible persons of a trust or legal entity.

Q. Are there specific requirements for the “responsible person?”

- A. Yes. Each responsible person will be required to complete ATF Form 5320.23 (*National Firearms Act (NFA) Responsible Person Questionnaire*), and submit photographs and fingerprints when the trust or legal entity files an application to make an NFA firearm or is listed as the transferee on an application to transfer an NFA firearm. In addition, each responsible person for the trust or legal entity is required to notify the CLEO of the locality in which the responsible person is located that an application is being submitted to ATF.

Q. How will ATF process applications that were received prior to the publication date?

- A. Applications postmarked prior to the effective date of the final rule will be processed under the current regulations. Only those applications postmarked on or after the effective date of the final rule will be subject to the new regulations.

Q. Where can I find the “Machineguns, Destructive Devices and Certain Other Firearms; Background Checks for Responsible Persons of a Trust or Corporation or Other Legal Entity With Respect to the Making or Transferring of a Firearm” final rule?

- A. The final rule was published in the Federal Register on [redacted] [date]. It can be found at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>

From: Jeff Folloder
To: (b) (6)
Cc: [John Brown](#)
Subject: As Promised
Date: Tuesday, December 15, 2015 7:39:16 AM
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!

--

Jeff Folloder

Executive Director

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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

Mr. Jeffrey Folloder
National Firearms Act Trade &
Collectors Association
20603 Big Wells Drive
Katy, TX 77449

Re: Appeal No. AP-2015-05939
Request No. 2015-0052
MWH:RNB

VIA: U.S. Mail

Dear Mr. Folloder:

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 

Matthew Hurd, Senior Attorney, for
Sean O'Neill, Chief, Administrative Appeals Staff
Signed by: Hurd, Matthew (OIP)

From: Jeff Folloder
To: [Boucher, Stephanie M.](#); [Richardson, Marvin G.](#); [John Brown](#)
Subject: FOIA 2015-0052 Administrative Appeal
Date: Thursday, September 17, 2015 6:37:37 AM
Attachments: [nfatcalogo.png](#)
[FOIA_appeal_091615_copy.pdf](#)
[FOIA_mgcount.pdf](#)
[082515_FOIA_response.pdf](#)

Attached please find the administrative appeal of ATF's Disclosure Division decision to not provide any information in response to our September 5, 2014 FOIA request. For reference, you will also find a copy of the original FOIA request and the Disclosure Division written response.

The NFATCA is disappointed and frustrated with the current state of affairs and hopes that a reasonable resolution to the issue is obtained.

--

Jeff Folloder

Executive Director

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"Power Through Experience"

National Firearms Act Trade & Collectors Association®

September 16, 2015

Melanie Ann Pustay
Director, Office of Information Policy
US Department of Justice
1425 New York Avenue NW, Ste 11050
Washington DC 20530-0001

Reference: 2015-0052

Ms. Pustay,

I am in receipt of Stephanie Boucher's letter dated August 25, 2015 in which she declines to provide the FOIA information requested by the National Firearms Act Trade & Collectors Association on September 5, 2014. This letter will serve as the **administrative appeal** of the BATF Disclosure Division's rejection of the FOIA request made by the National Firearms Act Trade & Collectors Association.

I am aware that the systems in which the requested data reside create a situation that would provide less than 100% accuracy in regard to delivery of the requested information. Such is the nature of migrating systems through hand written files to modern database storage systems. However, BATF has, in the past, provided this same information to our organization with the caveat that there is in an inherent margin of error associated with aggregating the disparate systems. Indeed, Mr. Ken Houchens, in his role as NFA Branch Chief and Gary Schaible have given us these numbers on numerous occasions in the past in order to facilitate the needed communication and cooperation with industry and community.

The information requested is particularly useful in providing a reference framework for the NFA community and it is understood that the information that ATF provides in response to our FOIA request will have a built-in margin of error. As such, we respectfully request that you provide the information requested and provide us with a suitable margin of error statement that we will be happy to use when communicating the data points.

Sincerely,

COPY

Jeffrey E. Folloder
Executive Director

cc: Stephanie Boucher, ATF
Marvin Richardson, ATF
John K. Brown, NFATCA

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
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National Firearms Act Trade & Collectors Association®

August 4, 2014



John K. Brown, III
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Heckler & Koch USA
Robert Segel,
Small Arms Review

"Power Through Experience"

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,

Jeffrey E. Folloder
Executive Director



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

www.atf.gov

August 25, 2015

REFER TO: 2015-0052

Mr. Jeffrey E. Folloder
National Firearms Act Trade & Collectors Association
20603 Big Wells Drive
Katy, TX 77449

Dear Mr. Folloder:

This responds to your Freedom of Information Act request dated September 5, 2014, in which you requested records concerning the count of sub-classifications of registered machine guns. Your request has been assigned number 2015-0052. Please refer to this number on any future correspondence.

Please be advised that a search has been conducted in the National Firearms Registration and Transfer Record and, based on our search, we were not able to locate any responsive records subject to the Freedom of Information Act. Specifically, ATF utilizes customized Standard Query Language (SQL) to collect information from system databases. In the instant case, an SQL query may not capture all methods in which the requested information has been manually entered into system data fields. Thus, while each individual record is accurate, there is an inherent albeit wholly unintentional margin of error as to the aggregate statistical information requested.

If you are not satisfied with my response to your request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be postmarked or transmitted electronically within sixty days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Stephanie M. Boucher
Chief, Disclosure Division

From: Jeff Folloder
To: (b) (6)
Cc: [John Brown](#)
Subject: Fwd: FOIA Fail
Date: Wednesday, September 09, 2015 8:07:34 AM
Attachments: [ATT00001.png](#)

(b) (6)

I had not heard back from you on this so I thought I would resend. As you know, if a challenge to the FOIA determination is to be made, it must be done within a limited amount of time. I'd like to hear your thoughts.

Jeff

----- Forwarded Message -----

Subject: FOIA Fail

Date: Tue, 1 Sep 2015 08:25:00 -0500

From: Jeff Folloder (b) (6)

To: (b) (6)

CC: John Brown (b) (6)

(b) (6)

I Got the response from disclosure division. "...we were not able to locate any responsive records subject to the Freedom of Information Act."

So basically, Disclosure doesn't want to tell me, even with a stated margin of error, how many machine guns of each class are on the books.

I am disappointed. Are there any next steps that you would advise?

--

Jeff Folloder

Executive Director

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From: Jeff Folloder
To: (b) (6)
Subject: Thank You, Sir!
Date: Wednesday, August 12, 2015 9:32:52 AM
Attachments: [nfatcalogo.png](#)
[ATF_081115_tuberresponse.pdf](#)

(b) (6)

I received the response from FIPB regarding marking bare suppressor tubes. I actually received a phone call from the gentleman who wrote the letter while he was doing a backgrounder. He was incredulous that folks in the field thought that doing this was illegal. I carefully explained that not everyone in the world of NFA, including IOI's, was as conversant with the NFA regs as we would like them to be. We were all smiling and nodding.

We will be distributing the letter and encouraging 07's to keep it on hand in the hopefully unlikely event that it is needed again. As always, thank you for your support.

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org





U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

www.atf.gov

903010:DLH

801056

18 U.S.C. 921(a)(24)
27 CFR 479.11, 479.68,
479.102, 479.103

5300

Jeffrey E. Folloder
Executive Director
National Firearms Act Trade & Collectors Association
20603 Big Wells Drive
Katy, TX 77449

Re: Marking and Registration of Silencers

Dear Mr. Folloder:

This is in response to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), National Firearms Act (NFA). This letter has been forwarded to ATF's Firearms Industry Programs Branch for a response.

Specifically, your letter states; "historically, FFL/SOT manufacturers have prepared silencer components in anticipation of future builds and have done so under the proviso that licensed manufacturers who are also SOTs may possess spare silencer components in conjunction with their manufacturing operations. This preparation includes the sizing of outer tubes of silencers which, by definition are NFA items, which are then properly marked and registered on ATF Form 2 within 24 hours of manufacture." You want a confirmation that the above process meets all lawful requirements of manufacturing, marking and record keeping.

Licensed manufacturers who hold a SOT may possess spare silencer components in conjunction with their manufacturing operations. The silencer must be marked in accordance with 27 C.F.R. § 479.102. The regulations require that the markings be conspicuous and legible; meaning that the markings may be placed on any external part, such as the outer tube or end cap. ATF strongly recommends that manufacturers place all required markings on the outer tube of the silencer, as this is the accepted industry standard. Moreover, this practice eliminates the need to re-mark in

Jeffrey E. Folloder
National Firearms Act Trade & Collectors Association

the event an end cap bearing the markings is damaged and requires replacement. In accordance with 27 C.F.R. §479.103, a manufacturer must prepare an ATF Form 2, Notice of Firearms Manufactured Or Imported and file it with ATF's National Firearms Act Branch no later than the next business day. In addition, the licensed manufacturer must comply with all provisions in the Gun Control Act including recording/recordkeeping requirements.

If the manufacturer completes and submits ATF Form 2 not later than the next business day after sizing and serializing the outer tubes, then this would be a correct procedure. There is no regulation regarding a time frame for the manufacturer to have produced a completed product/silencer. The process that you have described does continue to meet all lawful requirements of manufacturing, marking and record keeping.

We trust that the foregoing has been responsive to your request. Please feel free to contact the Firearms Industry Programs Branch at fipb@atf.gov if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Courtney', is centered on the page. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ed Courtney
Chief, Firearms Industry Programs Branch

Enclosure: Original request

From: Jeff Folloder
To: (b) (6)
Cc: (b) (6) [John Brown](#)
Subject: Recognition Deserved
Date: Wednesday, July 29, 2015 3:42:42 PM
Attachments: [nfatcalogo.png](#)

(b) (6)

I have had several Federal Firearms Licenses over the years. I have also had the opportunity to interact with many IOI's throughout the years as Executive Director of the NFATCA. In general, I have personally had pretty good interaction with every Houston Division IOI that I have encountered.

Today I had the opportunity to work with (b) (6) during the site inspection for my new FFL application. I am in the process of consolidating two existing licenses into one new license while significantly changing the the ownership/corporate structure. Something that I would consider to me a moderately complicated process. (b) (6) called me yesterday afternoon with some preliminary questions and set up an appointment to meet with me this morning. Our interaction went beyond "pretty good."

(b) (6) was superbly prepared for the site inspection, asked insightful questions and carefully explained the need for his inquiries. He was diligent in covering all of the appropriate material with me, even though he knew I had already been through the process before. He took the time to also listen to me with attention and respect. There was no confrontation or posturing, just effective and efficient communication. I am thoroughly impressed with (b) (6) performance and want you to know about it. More importantly, I want to make sure that he knows that I appreciate his professionalism and want it recognized beyond me just saying to him "I think you did a great job." Please let me know if you need anything more from me to insure that he is properly recognized for his efforts.

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Subject: Following Up
Date: Wednesday, July 08, 2015 6:07:44 PM
Attachments: [nfatcalogo.png](#)

(b) (6)

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.

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Subject: Re: Checking In
Date: Friday, May 29, 2015 6:03:23 PM
Attachments: [nfatcalogo.png](#)

On 5/29/2015 4:38 PM, (b) (6) wrote:

Jeff, I engaged (b) (6) first who had provided info and comment to the branch chief. (b) (6) 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) (b) (6) 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...

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Subject: Fwd: Really?
Date: Thursday, May 28, 2015 8:51:37 AM
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: Jeff Folloder (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 CL3 dealer had me fill one out.

Is this true?

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Subject: Re: NFA Outstanding issues
Date: Wednesday, May 27, 2015 5:50:39 PM
Attachments: [nfatcalogo.png](#)
[2014-1_employee_inquiry_v1.pdf](#)
[tube_marking_050615.pdf](#)

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

Jeff,

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.

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



National Firearms Act Trade & Collectors Association®

February 23, 2015



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

Board of Directors

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Small Arms Review

Tomas M. Garza
Steering Committee Chair

"Power Through Experience"

(b) (6)

NFA Branch - ATF
244 Needy Rd
Martinsburg WV 25405

(b) (6)

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,

John K. Brown, III
President

cc: Jeffrey E. Folloder
(b) (6)



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

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Steering Committee Chair

"Power Through Experience"

National Firearms Act Trade & Collectors Association®

May 6, 2015

(b) (6)

National Firearms Act Branch Chief
244 Needy Road
Martinsburg WV 25405

(b) (6)

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,

Jeffrey E. Folloder
Executive Director

cc: (b) (6) Division Chief FESD

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: Jeff Folloder
To: (b) (6)
Cc: (b) (6) [John Brown](#)
Subject: Following Up
Date: Wednesday, May 06, 2015 10:57:46 AM
Attachments: [nfatcalogo.png](#)
[2014-1_employee_inquiry_v1.pdf](#)

(b) (6),

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!

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



National Firearms Act Trade & Collectors Association®

February 23, 2015



John K. Brown, III
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"

(b) (6)

NFA Branch - ATF
244 Needy Rd
Martinsburg WV 25405

(b) (6)

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.

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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,

John K. Brown, III
President

cc: Jeffrey E. Folloder
(b) (6)

From: Jeff Folloder
To: (b) (6)
Subject: Update
Date: Saturday, May 02, 2015 9:15:43 AM
Attachments: [nfatcalogo.png](#)

Just keeping you in the loop. The situation has kind of, sort of, resolved. (b) (6) was the IOI who staunchly believed that it was "illegal" to mark and register metal tubes as suppressors. In reference to those tubes, which were quite numerous, she kept saying "these are all illegal." I suggested that the FFL call the DIO, (b) (6) tried to reassure the FFL that she was not doing anything illegal and that he would try to get the situation resolved ASAP.

(b) (6) dispatched an area supervisor, (b) (6) drove a few hours from the DFW area to Coleman. At that time, (b) (6) decided to agree that the tubes were not suppressors and that they could not be marked and registered. At this point, even after showing the IOI and her supervisor the exact statute:

18 USC 921(a)(24) 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. "

And the corroborating information in Section 2.1.7 of the ATF publication of the NFA Handbook... Nobody budged. Since the IOI and her supervisor were holding firm, the FFL notified the ATF employees that she would be contacting her retained counsel because there was an obvious impasse.

Fast forward to yesterday. After a lot of consultation, the IOI informed the FFL that "we are going to agree to disagree" and that the FFL is to "continue doing things as they have done" with regard to marking and registering tubes solely intended for use as suppressors. While the practical outcome is that the FFL is actually not breaking the law and doing things right and is not getting "written up" for it... The IOI has certainly left the impression that *she* thinks the FFL is doing something wrong, even when she has clearly discovered that there is nothing being done incorrectly in that regard. More importantly, the paraphrase of the IOI's statements is: "I think what you are doing is illegal, but you go right ahead and keep doing that illegal thing."

I'm at a loss. We've got some training opportunities on a lot of fronts and I would love to help if you think it would be of value.

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Subject: Re: More Story
Date: Friday, May 01, 2015 6:59:42 AM
Attachments: [nfatcalogo.png](#)

On 5/1/2015 4:49 AM, (b) (6) wrote:

Jeff if they are now going to litigate the issue let it pan out. I am sure the FD will reach out to Firearms and Ammunition Technology Division for clarification on the definition.

I'm waiting on the name of the second person that showed up. From what I understand, this second person arrived as a white knight but then also went into the mode of stating that you cannot mark just a tube as a suppressor and register it. They even said that they had confirmed this with FTB. A few things about that statement strike me as odd:

- 1) There really is no FTB anymore. There is FATD, Firearms and Ammunition Technology Division, and FTCB, Firearms Technology Criminal Branch.
- 2) The actual Code reads: "(24) 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.** "

Clearly, something is wrong here. The lawyer has been retained to defend against this issue if the inspector and her support decide to make it one. At this stage there is nothing to litigate because no report or deficiency has been filed. I'd like to avoid that. It would seem that we could avoid a lot of this just by doing things right.

I will provide you the name so that you can be in the loop. Your call as to whether anything else should be done to avoid a bad trip.

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Subject: Re: Morning!
Date: Wednesday, October 01, 2014 11:39:40 AM
Attachments: [nfatcalogo.png](#)

On 10/1/2014 10:32 AM, (b) (6) wrote:

Jeff,

Hey, got tied up this morning on some other pressing items. I will call you later this afternoon.

Roger that. Did you try to call yesterday afternoon from a 202 number? I got a call from 202-648-9999 at about 3:45 my time (I was on another line). I know it's an ATF number, but no message was left.

By the way, I *do* appreciate the communication and the effort. There are a lot of folks trying to stir this up for their own personal financial gain and I am more concerned with getting it right in the quickest, most expedient way.

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Cc: [John Brown](#)
Subject: Re: Morning!
Date: Wednesday, October 01, 2014 7:41:48 AM
Attachments: [nfatcalogo.png](#)

On 9/30/2014 3:46 PM, (b) (6) wrote:

What number are you at?

(b) (6)

I hope we get to touch base today. I am very concerned that the clarifications to 2014-1 could become an ongoing thing if we do not make a concerted effort to get it right the first time. IMO, the guidance on sub-contracting should remain in place, along with the "chaperoning" language. That has been needed for quite some time. There are folks who will be upset that this could potentially cause problems for some 07/SOT's who build post sample machine guns "on spec" for their stockpile, since that is not typically done with a specific department in mind.

The repair guidance is something we need to nail down. Most post sample weapons are owned by non 07's by way of "love letter." These letters were submitted with the original transaction and, ostensibly, ATF already has a copy of the letter. Requiring copies of copies that may or may not be retained since there was never a retention requirement duplicates unneeded effort. There are at least three lawfully owned post sample machine gun classes that do not require love letters:

1. Post samples that were acquired by a manufacturer or importer from a going out of business purchase.
2. Post samples that were manufactured by the 07
3. Post samples that were temporarily imported, etc.

In each of these cases, the weapons are lawfully and properly owned by the licensee. There is no practical way for the licensee to secure expert repairs of these weapons because there is likely no third party, non-involved LE/Mil agency that would create a love letter for such repair. By making this requirement, ATF is effectively depriving the licensee of the use and value of their property.

I recommend that the clarification letter for 2014-1 specifically address the February, 2000 open letter that clearly states that ATF does not consider the temporary conveyance of an NFA firearm for repair to be a transfer under the terms of the NFA. For purposes of specificity, ATF might wish to actually home in on the term "temporary conveyance" so as to prevent folks from engaging in the practice of open ended repairs.

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Cc: [John Brown](#); [Curt Wolf](#)
Subject: Re: Morning!
Date: Tuesday, September 30, 2014 4:39:58 PM
Attachments: [old_nfatcalogo.png](#)

On 9/30/2014 3:28 PM, (b) (6) wrote:

I would say wait because we are going to address the letter to you and the NFATCA. I failed to mention below [FFL SOT w/ a demo letter](#).....

From: Jeff Folloder [[mailto:\(b\) \(6\)](#)]
Sent: Tuesday, September 30, 2014 4:12 PM
To: (b) (6)
Cc: John Brown
Subject: Re: Morning!

On 9/30/2014 2:24 PM, (b) (6) wrote:

Yes, I have a final draft in legal review. Hoping by end of week to you electronically.

In a nutshell – Post 86 dealer sample repairs – [FFL SOT](#) is an agent of the gov't so repairs as normal. Can be transferred for repair purposes.

May I share this information with the public or would you prefer that I wait?
When you release it on an official level, feel free to mention that NFATCA was the catalyst that helped bring the clarification to light...

That is going to be problematic for some. ATF has never required retention of a demo letter and the original is sent to NFA Branch! One must assume that if an FFL/SOT is already in possession of a post sample, then there was a demo letter in the first place. Further, demo letters are not the only instrument used to lawfully obtain a post sample.

--

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



From: Jeff Folloder
To: (b) (6)
Cc: [John Brown](#)
Subject: Morning!
Date: Wednesday, September 24, 2014 7:49:48 AM
Attachments: [old_nfatalogo.png](#)

(b) (6)

I thought I'd check in on the 2014-1 situation. If you have not already spoken to John Brown about this, I suspect that you will, soon. The situation is rapidly beginning to boil and I am wary that this could get out of hand quickly. I am hopeful that we can short circuit any silliness by achieving a resolution in the near term that will satisfy all.

I look forward to hearing from you.

--

Jeff Folloder

Executive Director

Phone: 281.492.8288

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Subject: Re: NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS
Date: Monday, September 15, 2014 10:55:46 AM
Attachments: [old_nfatcalogo.png](#)

On 9/15/2014 9:46 AM, (b) (6) wrote:

Jeff, 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.

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Cc: [JOHN BROWN](#)
Subject: Fwd: NEW ATF RULING WILL IMPACT MANUFACTURE AND IMPORT OF MACHINEGUNS
Date: Friday, September 12, 2014 1:16:10 PM

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:(b) (6) /F.A.I.R. Trade Group <(b) (6)>
Reply-To:(b) (6) /F.A.I.R. Trade Group <(b) (6)>
To:<(b) (6)>

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 Ficaretti, 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: Jeff Folloder
To: (b) (6) : (b) (6)
Subject: Re: FOIA Woes
Date: Thursday, February 06, 2014 7:59:43 AM
Attachments: [old_nfatcalogo.png](#)

On 2/5/2014 9:32 AM, (b) (6) wrote:

Jeff/John,

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 John Brown to possibly request a meeting with ATF with your agenda & data request you had for SHOT and push that to (b) (6) for consideration/coordination. Just trying to think of all the options for you.

(b) (6)

I appreciate the candor and sincerity of your words. Not sure that your guidance is going to lead to an acceptable resolution, though (b) (6) originally offered us exactly one appointment time for the SHOT Show: during the one time that is more chaotic and untenable than any other for us ~ set up day. As a non-profit on a spartan budget with even more spartan personnel resources, there simply was no reasonable way for us to make it work. ATF severely curtailed their travel and availability as a result of budget constraints and left us no choice but to decline the meeting at SHOT.

My very frank question to you would be: would meeting there have made a difference? Clearly, ATF/DOJ are not moving with any alacrity toward fulfilling FOIA requests from *anyone*. Several industry organizations have been forced into the awkward position of having to file law suits to force Disclosure to turn over the requested FOIA information on a variety of fronts. And now other bureaus and agencies appear to be involved in similar stone wall activities related to basic information requests. This does not bode well.

The information that we requested was to obtain data that would assist ATF in making the roll out of eFoms more accurately understood by the very community it was deployed to help. We want to highlight the sheer volume of work involved and help develop a road map for success. Despite the fact that the industry feels that ATF continues to push them away, we believe there are still areas where we can work together toward mutual benefit. And with that said, I can assure you that the continued presence of a virtual cone of silence is not going to help industry's impression of ATF's lack of meaningful interaction. Take this example:

...the latest eForms notice from (b) (6) ...

New eforms user registrations: 405
Form 1 submissions: 208
Form 3 submissions: 930
Form 4 submissions: 898

That is for a recent one week period. If you add up the Form 1 & 4 totals (the paying ones),

assume they are an average number and that the average will not increase over time (a bad assumption) and do the math... It winds up being a little more than 57,500 apps for a 52 week period that translates into a little more than \$11.5 MILLION. Industry is going to shout "Now tell me again why we cannot pay to get the damn system fixed?"

You and I know that there is no budget assigned to eFoms, yet NFA Branch is going to take in \$11mm+ and meekly claim no funds to fix it. That is not going to go over well. Our offers to sit down and discuss the situation have been met with FOIA Disclosure like silence.

(b) (6), I am at a loss. I know how government works. I am familiar with the unique peculiarities of keeping the ball rolling in government. In this case, the ball isn't even rolling. Matter of fact, somebody came over, picked up the ball, took it off the court, put it in a closet and threw a padlock on the door.

The application flood is absolutely going to continue growing at an exponential rate. At some point, Congress is going to get involved because we are nearing the point that functionality will come to all but a screeching halt. That is not going to be a good look for any of us.

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Subject: Re: Information Request
Date: Thursday, November 21, 2013 7:56:04 AM
Attachments: [old_nfatacalogo.png](#)

On 11/18/2013 4:30 PM, (b) (6) wrote:

Jeff,

I will give you a call on the NFA work back tomorrow. Find attached request for excel version of exhibits.

Did not hear back from you, but I'm assuming that you have one or two other things on your plate! <ggg>. I'm also trying to get some stats for an article that I am doing. Have been in touch with (b) (6) and (b) (6) trying to get the following stats on the eForms roll out...

1. How many current system users?
2. Users by type (SOT v individual)?
3. How many forms processed?
4. Form totals by type?
5. How many failed form applications?
6. Most common reason for form application failure?
7. Exactly when did the system go live?
8. Up time percentage since start?
9. Number of unique sessions per month?
10. Number of hits per month?
11. Number of help desk inquiries per month?
12. Percent resolution on help desk requests?

FWIW, this appears to be the same platform that was rolled out for the DEA part of DOJ to submit some of their forms (agency, not user/public based). They seem to be experiencing some of the same growing pains...

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Cc: (b) (6)
Subject: Re: Information Request
Date: Thursday, November 14, 2013 5:11:54 PM
Attachments: [old_nfatcalogo.png](#)

On 11/14/2013 3:23 PM, (b) (6) wrote:

(b) (6) hope you and the family are well.

What kind of timeframe are you looking at? I think the AFMER data is fairly easy and readily available. We are still trying to compile NFA data.

I am in Washington this week but I will get with the AFMER Analyst ASAP.

Don't stay in DC too long... It will do things to your mind!!!

As to the NFA data, the most current possible with a 5 year look back. Any actual spreadsheets from AFMER are helpful so that I can re-sort...

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Jeff Folloder
To: (b) (6)
Subject: Keep (b) (6) In Line!
Date: Wednesday, March 17, 2010 10:25:21 AM

(b) (6)

Not sure if you remember me... we met at SHOT. Make sure that you keep (b) (6) working hard and away from Chik-Fil-A! We would love to have you address the crowd at this year's SAR East show in York. A more formal invitation will be coming to you soon...

--



Jeff Folloder
NFA Trade and Collectors
Association

Website: www.nfatca.org
Direct: (b) (6)

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Email:

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From: Ficaretta, Teresa
To: [John Brown](#) (b) (6)
Subject: Contact information
Date: Thursday, August 30, 2012 9:19:00 AM

John: My contact information after Friday is as follows:

e-mail: (b) (6)

cell: (b) (6)

From: Ficaretta, Teresa
To: (b) (6)
Subject: RE: Need Some Numbers
Date: Friday, July 27, 2012 1:27:00 PM
Attachments: [image002.png](#)

Got your voice-mail. Go ahead and proceed as described.

From: (b) (6)
Sent: Friday, July 27, 2012 12:52 PM
To: (b) (6)
Cc: Ficaretta, Teresa
Subject: FW: Need Some Numbers

Thanks for your quick response (b) (6)

(b) (6)
Division Chief
Firearms & Explosives Services Division
(b) (6)

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From: (b) (6)
Sent: Friday, July 27, 2012 12:39 PM
To: (b) (6)
Subject: RE: Need Some Numbers

(b) (6)

The guidance provided to PAD staff on NFA queries has been to refer all media to the "Firearms Commerce in the United States" publications posted at <http://www.atf.gov/publications/firearms/>. NFATCA should be directed to get readily-available and releasable information from those publications as well. I'm not familiar with all the acronyms in the request, but I know there is an array of good info in the publication.

If you feel there is additional NFA information that can be publicly (widely) released, pursuant to the NFATCA request, please share that information with PAD as well. Perhaps we can meet about it before releasing to the industry so we have the proper context and know any pitfalls or concerns. I'm not familiar with all federal laws restricting the release of NFA information. However, as a general practice, PAD tries to limit release of firearms-related information to aggregate statistics that won't indicate individuals, entities or investigations.

Since it is an industry member, you or (b) (6) can direct Mr. Folloder to the website references. PAD does not need to muddy the waters by becoming yet another entity within ATF as a direct source of info to the industry.

(b) (6)

(b) (6)

Acting Chief
ATF - Public Affairs Division
Direct) 202-648-(b) (6)
Main) 202-648-8500



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From: (b) (6)
Sent: Friday, July 27, 2012 12:23 PM
To: (b) (6)
Subject: FW: Need Some Numbers

(b) (6)

As we discussed today, the below request for NFA data came in from the National Firearms Act Trade and Collectors Association (NFATCA). It is similar to requests that have recently been made by reporters through PGA in the wake of the Aurora Colorado shooting.

While we can certainly provide much of the data that has been requested, we was wondering if we ought to direct NFATCA through Public Affairs for this particular request. Please let me know your thoughts and feel free to reach out to me with any questions.

Regards,

(b) (6)

Division Chief

Firearms & Explosives Services Division

(b) (6)

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From: (b) (6)

Sent: Wednesday, July 25, 2012 3:44 PM

To: (b) (6)

Subject: FW: Need Some Numbers

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From: Jeff Folloder [mailto:(b) (6)]

Sent: Wednesday, July 25, 2012 1:45 PM

To: (b) (6)

Subject: Need Some Numbers

Doing an article for our newsletter and need some metrics... Don't want people's names...
Want some data from the NFRTR:

- Total number of transferable machine guns
- Total number of pre-May machine guns
- Total number of post-May machine guns
- Total number of machine gun registrants (individual, corp, sole prop, LLC, etc.)
- Total number of suppressors
- Total number of SBR's
- Total number of SBS's
- Total number of DD's

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Ficaretta, Teresa
To: (b) (6)
Cc: (b) (6)
Subject: RE: Need Some Numbers
Date: Wednesday, July 25, 2012 4:13:00 PM
Attachments: [image001.png](#)

I think it needs to come from PGA – that way we stay consistent, with only one set of numbers going out. I believe Mr. Brandon expressed his preference that we handle all requests for data that way.

(b) (6) your views?

From: (b) (6)
Sent: Wednesday, July 25, 2012 4:04 PM
To: (b) (6) Ficaretta, Teresa
Cc: (b) (6)
Subject: FW: Need Some Numbers

FYI – Jeff Folloder reached out to the NFA branch directly for some statistics regarding NFA firearms. The data requested is similar to the data that has been recently provided to reporters through PGA.

Should NFA provide the data directly to Folloder, or should we refer him to PGA?

(b) (6)
Division Chief
Firearms & Explosives Services Division
(b) (6)

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From: (b) (6)
Sent: Wednesday, July 25, 2012 3:44 PM
To: (b) (6)
Subject: FW: Need Some Numbers

SEE REQUEST; please provide instruction on how we should prepare reply?

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From: Jeff Folloder [mailto:(b) (6)]
Sent: Wednesday, July 25, 2012 1:45 PM
To: (b) (6)
Subject: Need Some Numbers

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- Total number of suppressors
- Total number of SBR's
- Total number of SBS's
- Total number of DD's

--

Jeff Folloder

Executive Director

Phone: (b) (6)

Website: www.nfatca.org

Forums: www.nfatcaforums.org



From: Ficaretta, Teresa
To: (b) (6)
Cc: [Jeff Folloder](#)
Subject: RE: Questions
Date: Thursday, May 24, 2012 7:29:00 AM

John & Jeff: I have asked (b) (6) to assist me in answering your questions. Martinsburg was shut down yesterday due to a broken sewer pipe. The building may be closed for the next couple of days, so please bear with us. If you don't hear back from me next week, please don't hesitate to remind me.

From: John K. Brown, III [mailto:(b) (6)]
Sent: Tuesday, May 22, 2012 5:15 PM
To: Ficaretta, Teresa
Cc: Jeff Folloder
Subject: Questions

Teresa,

In the transfer process there seems to be an increasing number of questions and denials on licensing naming conventions by the NFA Branch. For purposes of clarification I would like to get some interpretation on the difference between the "License name", the "Trade name", and the "License". What is actually on the FFL EZ check, on the printed license and an approved form may in fact be very different. What we are finding is that a transfer must match the FFL EZ check exactly. Here you must use the "Trade name" exactly. This is a little confusing and I feel may need some clarification on ATF's part for the industry. What is on the physical license may not match what is on the FFL EZ check.

Your thoughts counsel?

Thanks

John

From: Herbert, Arthur W.
To: (b) (6)
Cc: Ficareta, Teresa; (b) (6)
Subject: NFA Branch Shenanigans
Date: Wednesday, May 23, 2012 9:51:43 AM
Attachments: image001.png

(b) (6)

This is one of the topics posted on NFATCA web-site.

The following is comment by Jeff Folloder. Please give us an update/explanation during our managers meeting (today) and why NFATCA refers to this as NFA Branch Shenanigans. See below – copied from NFATCA web-site

1. NFA Branch Shenanigans

Recently, several Illinois Manufacturer/SOT's have inquired regarding an apparent change in NFA Branch policy. While "regular" folks are prevented from owning suppressors in the state of Illinois, state regulations have allowed licensed manufacturers to own them for business purposes. The feedback we are getting is that NFA Branch is now refusing to approve Form 3 transfers to 07/SOT's in Illinois and when asked is giving a response of something along the lines of the denials being part of a "reinterpretation of the regulations." The state regulations are reprinted below and the NFATCA will keep you advised and informed as we learn new information.

Illinois State Regulations

5/24-1(a)(6) refers to the possession of silencers.

5/24-2 EXEMPTIONS.

(g-5) Subsection 24-1(a)(6) does not apply to or affect persons licensed under federal law to manufacture any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, firearms, or ammunition for those firearms equipped with those devices, and actually engaged in the business of manufacturing those devices, firearms, or ammunition, but only with respect to activities that are within the lawful scope of that business, such as the manufacture, transportation, or testing of those devices, firearms, or ammunition. This exemption does not authorize the general private possession of any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this subsection (g-5). During transportation, those devices shall be detached from any weapon or not immediately accessible.



Jeff Folloder

NFATCA Executive Director
www.nfatca.org

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Unclassified information that may be statutorily or otherwise prohibited from being released without appropriate approval. Any review, use, or dissemination of this e-mail message and any attached file(s) in any form outside of the Bureau of Alcohol, Tobacco, Firearms & Explosives or the Department of Justice without express authorization is strictly prohibited.

From: Ficaretta, Teresa
To: (b) (6)
Cc: [Jeff Folloder](#)
Subject: RE: Questions
Date: Wednesday, May 23, 2012 6:35:00 AM

I will discuss this with (b) (6) and get back to you. I think the reason they are getting pickier on matching up the names is because once we shift to e-Forms the software will be even pickier. But let me confirm and I'll get back to you with some answers.

From: John K. Brown, III [mailto:(b) (6)]
Sent: Tuesday, May 22, 2012 5:15 PM
To: Ficaretta, Teresa
Cc: Jeff Folloder
Subject: Questions

Teresa,

In the transfer process there seems to be an increasing number of questions and denials on licensing naming conventions by the NFA Branch. For purposes of clarification I would like to get some interpretation on the difference between the "License name", the "Trade name", and the "License". What is actually on the FFL EZ check, on the printed license and an approved form may in fact be very different. What we are finding is that a transfer must match the FFL EZ check exactly. Here you must use the "Trade name" exactly. This is a little confusing and I feel may need some clarification on ATF's part for the industry. What is on the physical license may not match what is on the FFL EZ check.

Your thoughts counsel?

Thanks

John

From: Ficaretta, Teresa
To: (b) (6)
Subject: FW: Questions
Date: Wednesday, May 23, 2012 6:36:00 AM

Please review John Brown's e-mail below and let's discuss how I should respond.

From: John K. Brown, III [mailto:(b) (6)]
Sent: Tuesday, May 22, 2012 5:15 PM
To: Ficaretta, Teresa
Cc: Jeff Folloder
Subject: Questions

Teresa,

In the transfer process there seems to be an increasing number of questions and denials on licensing naming conventions by the NFA Branch. For purposes of clarification I would like to get some interpretation on the difference between the "License name", the "Trade name", and the "License". What is actually on the FFL EZ check, on the printed license and an approved form may in fact be very different. What we are finding is that a transfer must match the FFL EZ check exactly. Here you must use the "Trade name" exactly. This is a little confusing and I feel may need some clarification on ATF's part for the industry. What is on the physical license may not match what is on the FFL EZ check.

Your thoughts counsel?

Thanks

John

From: John K. Brown, III
To: [Ficareta, Teresa](#)
Cc: [Jeff Folloder](#)
Subject: Questions
Date: Tuesday, May 22, 2012 5:14:56 PM

Teresa,

In the transfer process there seems to be an increasing number of questions and denials on licensing naming conventions by the NFA Branch. For purposes of clarification I would like to get some interpretation on the difference between the "License name", the "Trade name", and the "License". What is actually on the FFL EZ check, on the printed license and an approved form may in fact be very different. What we are finding is that a transfer must match the FFL EZ check exactly. Here you must use the "Trade name" exactly. This is a little confusing and I feel may need some clarification on ATF's part for the industry. What is on the physical license may not match what is on the FFL EZ check.

Your thoughts counsel?

Thanks

John

From: (b) (6)
To: (b) (6)
Cc: [Ficareta, Teresa](#); (b) (6)
Subject: John Brown Articles on ATF Weight Loss Plan
Date: Tuesday, May 22, 2012 2:49:01 PM
Attachments: [NFATCA Report The ATF Weight Loss Plan - Part II.mht](#)
[NFATCA Report The ATF Weight Loss Plan- Part I.mht](#)
[John Brown Article installment on ATF Weight Loss Plan part 3 .pdf](#)

Attached for our reading pleasure are the 3 installments of the John Brown articles on his "ATF Weight Loss Plan"

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NFATCA Report: The ATF Weight Loss Plan - Part II

By John Brown

For those of you who had the opportunity to read our last article welcome back. For those of you who missed the last article, our objective is to help tame the fears of an ATF compliance inspection by providing you with enough information so that you are well prepared for an inspection. In our last article we detailed what we call the “Raw Count” or the actual comparison of inventory on hand compared to your open entries in your bound book. The raw count is simply making certain that what you have on hand for sale matches what you have in your bound book. In simple terms, if you have 150 open entries in your bound book, then you had better have that many articles that you can account for in your shop. With ATF policy requiring inspectors to apply 100% compliance standards to any inspection, that will mean that you are likely to see the inspector check every serial number you have on hand to make certain that a corresponding entry is in your bound book. For those of you that have NFA items this raw count will also apply to that inventory. For every open entry in your records, that serial number must be accounted for in the count. As we will explore in part III, reconciling your NFA inventory can be a rather arduous process, especially when you are looking at the printouts from the National Firearms Registry and Transaction Record. We will deal with that one later.

So let's assume that your raw count is complete and in your double checking to find out why you have more guns than you have in your open entries. You realize that after staying up half the night double checking everything you have finally reconciled the numbers and everything has been found. It was a long day and when you go to bed that night you realize that you have lost about 5 pounds because you didn't eat and have continued on your fast until you can reconcile everything. The weight loss plan will continue its successful journey because now you are going to toss and turn all night long just trying to figure out, what's next? Now starts day two of the ATF weight loss plan.

Assuming that you have done some sort of inventory in the last year you figure that you can now move on with the inspectors to other things. What happens next is a thorough examination of all of your forms, especially your federal 4473s. I have always been told that you must have someone other than yourself look through your 4473s. This is great advice and I would encourage you to have anyone aside from yourself look through your 4473s and any State forms that may be required in your state. A lot of things can happen to you in looking over your 4473s but your worst enemy is the old expression “familiarity breeds content.” If you are like me and have been looking over these forms for over 30 years you absolutely must have someone else monitor the quality of your forms. Any mistakes on a 4473 can be a written violation. It was not until my most recent inspection, in the closing conference, the inspector spent about ten minutes explaining how critical the 4473 accuracy was a legal instrument. That conversation had a huge impact on my closing conference. The moral to this story is, always have someone else review your work. No matter how good you think you are, I will guarantee an independent eye can catch your oversights. If the same person looks over the same forms they supervised being filled out and monitors that process for quality control, you are bound to make a mistake sooner or

later. Keep in mind, once again, that this will be a 100% compliance inspection and every single 4473 will be scrutinized in your compliance inspection. We have now made it a policy to have someone else recheck every single 4473 at the end of every business day. At the end of every month they are checked again for quality control. No matter how hard you try you will still inadvertently make a mistake. Have someone else perform your quality check to insure that you are 100% compliant, especially if you are manually handling your 4473s.

If you are keeping your 4473s as a manual process I would heartily recommend that you consider the eForm 4473 available from ATF. The program is easy to download and is available at www.atf.gov/applications/e4473/. The good news with this process is that you can't move through the form without completing every step required. You will still be keeping a paper copy of your 4473 but the program, as designed, makes it nearly impossible for you to make a mistake. So at this point you ask yourself, what are the advantages of using the eForm 4473? The answer is simple and already provided on the ATF website:

Q: What are the advantages to filing Form 4473s electronically?

- Eliminate or reduce possible clerical errors
- Eliminate or reduce blanks or omissions on the form
- Flag seller if buyer has indicated he/she may be prohibited
- Answers will be legibly printed
- Ease in filling out the form (for example, when the buyer lists their ZIP Code, the city, State, and county (if applicable) can be automatically populated)

The application is free to any FFL and is an almost sure-fire method of eliminating the common mistakes in the manual process. So step II in your compliance program is making it through the inspection of your 4473s. Unfortunately, this process too may be grueling, especially when you think that just because you have reviewed everything yourself, you just are absolutely certain they are all correct. Again in many cases this is not the way things pan out. Study all of your 4473s and get help in monitoring your quality process.

Once again you are now finished with the examination of your 4473s. You came in early to double check them and now this portion of your inspection is finished. But hold on, you're far from being finished.

In the next article or The ATF Weight Loss Plan: Part III, we will explore how to make your NFA portion of your inspection less painful than it can be. For this portion of your inspection you're going to need to understand the many tools that your inspector will be working with in this review.

Like what you see? Come join us and dig into helping the entire community make a difference with the NFA industry. Log into www.nfatca.org and help preserve NFA ownership for you and your family today.

"NFATCA Report: The ATF Weight Loss Plan - Part II," by John Brown - May 2012

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NFATCA Report: The ATF Weight Loss Plan- Part I

By John Brown

For those of you who looked for my article last month I apologize for the omission. Some personal matters arose that needed my complete attention and there just wasn't time to finish my article before the issue went to press.

Just about the time that you think that you have some extra time on your hands, you answer the door and there stand two people you don't know. One has on smartly pressed 5.11 pants and a polo shirt that you look at for a moment before your heart sinks to your feet. Your senses tell you that these people, who aren't really smiling the way you would expect, are from the government. All of a sudden a beautiful blue shield nicely cased in a wallet appears with the appropriate government ID and they introduce themselves as Industry Operations Inspectors from ATF. Now your heart, which just sank to your feet, has stopped and you can't catch your breath. You try not to show it but you know in your head that the panic has set in. You have been waiting for this moment for perhaps years and it's finally here. The rush of emotions that you will feel at that very moment is indescribable.

You have lain awake at night waiting for this moment for ten years and it is finally here, but you're never really ready for the shock and awe that hits your body, your brain, and your overall being. You think you're going to pass out but you know that would not be cool. The inspectors might think you are already guilty of something and that's the last thing you want them to think. So, you take a deep breath, smile and ask them to come on in. You want to tell them something that will delay this inevitable process, like your dog died, and you have to go to his funeral, but you know in your heart that that will only put off what you have been waiting for and cause you to lose even more sleep. Sounds awful but that is the gut wrenching feeling you get, no matter how well you are prepared for an ATF inspection.

I have had my FFL for over thirty years and no matter how hard you try and prepare for an audit there is nothing you can do to get rid of the jitters during the first few minutes of this introduction. My advice is simple: relax, be a good listener, and let the Inspectors do their work. They have done this work hundreds of times and know what they have been trained to do. Trying to steer their process in any other direction is going to lengthen the inspection and likely delay your time in getting back to running your business. It may not feel this way sometimes but Inspectors don't want to spend any more time in your shop or your home than the time that you likewise want them there. They want to do their job, have a closing conference with you, and move on. They would prefer to get in and get out. They know and appreciate the fact that you have a business to run and that dragging out an inspection will simply interfere with normal operations, so let them lead the way, do their job and get on their way. You doing a lot of talking out of pure nervousness is simply going to lengthen their stay. Once again, keep your mouth shut, be a good listener, and let them do their job.

Like many FFLs in the country, not having an inspection for long periods of time is not unusual. Some FFLs have not had an inspection in as long as 20 years. The unfortunate side effect of this kind of timeline is that your inspection is going to last

longer than you might expect. That process, of experiencing long periods between inspections, is rapidly changing and Directors of Industry Operations (DIOs) have been pushing their Inspectors to tighten up this timeline and in many cases perform at least one inspection every three years. I know, the wait is simply killing you. There is not an FFL in the country that is not preoccupied by the thought process that revolves around, “when are they going to show up?” The answer is simple, you just don’t know. The only thing you can bet on is they will show up, eventually. The good news for many of you is that if ATF does perform more frequent inspections then there is less to look over and you have already been through enough information to continue to polish your operation and be ready for the next inspection.

No matter how short or long an inspection may be you can bet on one simple thing: you will do everything in your power to be 100% in compliance and make certain that you don’t have any trouble, hence the ATF weight loss plan. In a recent inspection, one of our members tells us of losing eight pounds in a week, simply as a result of putting in the extra effort to make certain that all of the work surrounding his compliance was in total excellence. The result of the loss was working all day long with the inspectors and then staying up half the night to make certain that the next day went flawlessly. The amount of time and energy that you are willing to put into an audit is incredible, especially when you want things to go well. The work can be exhausting if for no other reason to make certain that you have checked all of your work at least a half a dozen times. It is a natural tendency for most FFLs to try and stay ahead of the inspection. The time and the effort will generally reward you and your examiners, in the amount of work that is required to complete an inspection.

During the next few articles we want to provide you with as much information as possible to make life easier during an inspection. We will start out with the simple issues and move into the more complex examples of things you must be prepared to deal with. As a primer to this process we will also keep you informed on the professionals in the field that are available to assist you, if in fact you want additional oversight in what you are doing in your compliance process. To ease into this process let’s start with step number one.

Being prepared for an inspection is basically a simple process. You must know your numbers and know them well. The best example that will get you on the right track is a simple count. The number of Title one and NFA items that can be counted in your inventory must match the open entries in your bound book. That is a simple process. If you have 50 guns on your shelves that would simply mean that you have that many open entries in your bound book. This is a simple inventory reconciliation process that shows that you have a matching number of entries to available inventory. This is the first level of initiating your “count.” Obviously, the detail to the count is to insure that every open entry in your bound book matches an item that you have physically in your available inventory. This may sound like a simple process but in fact it can be very complex. If you have a large retail store you may be dealing with an ever increasing turnover of inventory and every changing bound book that must, in the end, match. The obvious detail beyond the count is to insure that every entry in that bound book can be accounted for on the shelf. This is where the tough work begins, making certain that not only the raw numbers match, but so do serial numbers - making certain that you have a one to one match of what you say you have. Make no mistake about it, ATF does and will expect a 100% compliance check on your inventory versus your bound book. Keeping up with that process is one of the principle responsibilities that an FFL has in keeping your records. Making certain that you check for 100% accuracy in your inventory will all but make an Inspector’s job faster and more efficient.

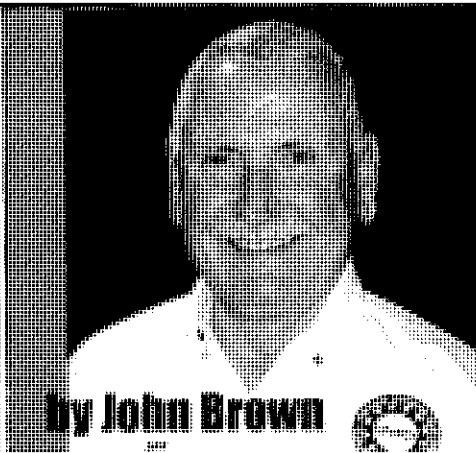
Consider the raw count the first step in your own self compliance check. In follow-on articles we will take you into the depths of what to expect next and the specifics of what you can expect and how to prepare. This is where the real fun begins in preparing for the “real deal.” We want to give you as much information as possible to help alleviate some of the fear in an inspection.

Like what you see? Come join us and dig into helping the entire community make a difference with the NFA industry. Log into www.nfatca.org and help preserve NFA ownership for you and your family today.

"NFATCA Report: The ATF Weight Loss Plan- Part I," by John Brown - April 2012

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by John Brown



IN THE UN FILE UNIT

The ATF Weight Loss Plan - Part III

In this third installment of the ATF Weight Loss Plan, we will explore the final portion of an NFA inspection: the NFA portion of your inventory. Our objective is to help alleviate the fears of an ATF compliance inspection by providing you with enough information so that you are well prepared for an inspection.

One of the final things that your inspection will entail will be the thorough review of your NFA inventory. This may be the most painful portion of your inspections through no fault of your own. The inspector will bring a printout of your inventory that is a printout of the National Firearms Registry and Transfer Record (NFRTR) that details the serial numbers of your NFA inventory. That's right, the serial number. If you were to have to locate anything in your inventory strictly by the serial number you may want to assess how you would find anything in your inventory.

The registry focuses on the serial number of your NFA items and the other information that may help you identify that item in many cases is difficult to decipher from the information that is located on the printout. It is my suggestion that if you have a significant inventory, you list those serial numbers in a way that allows you to search for the number. For example, a simple Excel spreadsheet will allow you to quickly and efficiently find a serial number and retrieve the necessary information that you need to retrieve the weapon for the inspector. Finding the serial number and retrieving the weapon will make your inspection go much faster. If

you are using any of the software systems that keep track of your serial numbers, e.g. eBound by Gunderson, your search will be much faster and easier for you to perform. In addition to the search, any notes that you can place about the physical location of your item will also speed up the process.

At this point we will assume that you have a good handle on your existing inventory and that you have the necessary tools to track what you have and where you have it stored. In addition to this portion

of your NFA inventory you will also want to make up a list of all of the NFA items that you have dispositioned in the last year. This list will help you quickly and efficiently let your inspector know what is no longer in your inventory that may show up on their printout. In many situations your inspector will ask for a serial number that you may have dispositioned during the last year but it is still showing up on the registry. I would further suggest to save time during this particular process, that you make copies of the Form 3s or 4s for at least the last 90 days to prove the disposition. The inspector will most likely keep a copy of that disposition in an effort to make certain that the registry is correct.

In addition to the forms that have already been dispositioned from your inventory, I would also suggest that you have copies of anything that you have in process for disposition from your inventory. This will help your inspector also know what will soon leave your inventory.

At this point you will have completed the inventory of your NFA items and everything should be accounted for. It will also be at this stage that you will have completed the majority of your inspection and you should be feeling pretty good about the inspection, especially if you have organized your inventory.

Once this portion of the inspection is complete the only thing you have remaining will be your closing conference. If you have done well in your inspection your inspector will finalize your inspection with a summary of all of the issues of your inspection. If you have any violations in your inspection the inspector will cover those violations in detail with you and provide you coaching on how to avoid any similar problems in the future. In addition to covering any issues during the closing conference the inspector will cover a host of issues including any new processes or help that is available in the conduct of your business. Under normal circumstance your closing conference is very detailed. I know you can't wait for it to be over with, but take your time and listen as this conference contains a lot of good information. Once this is concluded you will sign the closing documents and your inspections will be complete.

If during your inspection you experience a host of problems or issues, you may be summoned to what ATF terms a warning conference. At this conference, held at your local ATF field office, you would be officially warned about issues and specific corrective action that may be required to get your practices in order to comply with all ATF regulations. Rest assured if you attend a warning conference, follow on inspections within the next year will surely be in order. Use your time wisely before the next inspection to put your house in order. You will certainly want to correct issues that were covered in your warning conference and to improve on your overall operations.

Given the fact that your inspection feels like it is finally over, make no mistake, it is not. As certain as the formal part of your inspection is over; the clock is ticking before your local inspectors will return and initiate the process once again. Use this time wisely to learn from your previous experience and prepare for your next inspection.

If all else fails, call the NFATCA and we will gladly provide you with resources that can help your next experience be a little less painful.

Come join us and dig into helping the entire community make a difference with the NFA industry. Log into www.nfatca.org and help preserve NFA ownership for you and your family today.

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From: (b) (6)
To: (b) (6)
Cc: [Ficareta, Teresa](#); (b) (6)
Subject: John Brown articles in Small Arms of the World
Date: Thursday, April 19, 2012 1:25:56 PM
Attachments: [NFATCA Report The ATF Weight Loss Plan - Part II.mht](#)
[NFATCA Report The ATF Weight Loss Plan- Part I.mht](#)

Small Arms Review has a division called "Small Arms of the World" It is a weekly series of articles that is available on line only. They currently mail to over 5,000 readers. Attached is a series of articles authored by John Brown of NFATCA entitled the "ATF Weight Loss Installment 1 and 2. Will forward the 3rd when it is available. Note these articles are not on the NFATC A website but found at the Small Arms of the World web site:

(will forward anything else that comes up that we might find interesting)
Thank you
John

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From: Ficaretta, Teresa
To: (b) (6)
Subject: RE: Quick Question
Date: Thursday, March 29, 2012 6:58:00 AM

We will be issuing a ruling on the machinegun issue, and I hope it will be posted within the next few weeks.

As to the notification requirement, that is already spelled out in ATF Rul. 2009-5. I am copying a link to the ruling below:

<http://www.atf.gov/regulations-rulings/rulings/atf-rulings/atf-ruling-2009-5.pdf>

If you have further questions, don't hesitate to e-mail or call. I hope you are well and that your son has been safely deployed.

Teresa

From: John K. Brown, III [mailto:(b) (6)]
Sent: Wednesday, March 28, 2012 4:00 PM
To: Ficaretta, Teresa
Subject: Quick Question

Teresa,

We have been spreading the word on the marking variance issue concerning machine guns. I will have to say that if we had some letter from ATF on this life and credibility would be a lot easier. We are relying on the information from SHOT and a straightforward interpretation of 922(o). It is not easy but many manufacturers that did not attend SHOT look me in the eyes and say, "You have no idea what you are talking about. I have been doing this for years!"

I think I remember you telling me that a ruling? coming out later this year. It would be nice to tackle this in a new letter or some form of communication. Your thoughts?

On another issue, I heard today that anytime a manufacturer is chaperoning receivers back and forth to a plater that they must notify FTB in writing before they make the trip. This came directly from an IOI. We can advise 07's to do that but I have never heard of this since we started nulling the variance letters. Is this a new part of the process when chaperoning receivers?

Thanks for you help.

John

From: Ficaretta, Teresa
To: (b) (6)
Subject: RE: FTB
Date: Friday, January 27, 2012 11:01:00 AM

John is a strong advocate for communication and collaboration with the industry. So I think he should be included. Do you want to meet for dinner in Annapolis again? Just let me know dates that might work for you.

-----Original Message-----

From: John Brown [mailto:(b) (6)]
Sent: Friday, January 27, 2012 10:38 AM
To: Ficaretta, Teresa
Subject: RE: FTB

Teresa,
(b) (6) would be fine as long as he is making a contribution to what we are trying to do. I think a webcast might work but it has to be spot on for helping both of us. The tin foil hat boys are not helping either one of us out at this point and the accusation that I am a CI is reverberating through the industry like nothing I have ever seen before. I have enjoyed doing what I have been able to accomplish over the last seven years but when (b) (6) stands in front of a crowd and says " we don't have any interest in input from the industry", people look at me and the NFATCA and say we are a complete failure. You and I both know better but the tin foil hats prevail.
We have a lot to talk about.
John

-----Original Message-----

From: Ficaretta, Teresa [mailto:(b) (6)]
Sent: Friday, January 27, 2012 7:44 AM
To: (b) (6)
Subject: RE: FTB

Let's get together soon. Should (b) (6) come along as well, or just me?

-----Original Message-----

From: John Brown [mailto:(b) (6)]
Sent: Friday, January 27, 2012 7:43 AM
To: Ficaretta, Teresa
Subject: RE: FTB

You're the best. I want to take some time, hopefully next week, to meet with you privately. There were some real issues at SHOT which you should at least know about. I am not sure how we can salvage all we have worked for with some of the attitudes that were clearly displayed to audiences of over 100 people. I am saddened by the entire debacle. We have worked so hard for almost eight years to step so far back.

-----Original Message-----

From: Ficaretta, Teresa [mailto:(b) (6)]
Sent: Friday, January 27, 2012 7:09 AM
To: (b) (6)
Subject: RE: FTB

John: I checked on this, and a call was made to (b) (6). She also received a letter relating to her questions. As you know, we do have staffing shortages in FTB. We are requesting a waiver from the hiring freeze so we can hire 2 more FEOs. Please let me know if there are any more problems in getting responses from FTB.

Teresa

-----Original Message-----

From: John Brown [mailto:(b) (6)]
Sent: Wednesday, January 25, 2012 4:08 PM
To: Ficaretta, Teresa
Subject: FW: FTB

This is an ongoing problem.

-----Original Message-----

From: (b) (6)
Sent: Wednesday, January 25, 2012 3:44 PM
To: (b) (6)
(b) (6) Jeff Folloder
Subject: FTB

Hello Board,

Does anyone have a phone # for a direct person at FTB. I have left 3 messages ther in the month of January and cannot get a call bacI to save my life.

Thank you!

--

(b) (6)

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From: John Brown
To: [Ficaretta, Teresa](#)
Subject: RE: FTB
Date: Friday, January 27, 2012 10:37:48 AM

Teresa,

(b) (6) would be fine as long as he is making a contribution to what we are trying to do. I think a webcast might work but it has to be spot on for helping both of us. The tin foil hat boys are not helping either one of us out at this point and the accusation that I am a CI is reverberating through the industry like nothing I have ever seen before. I have enjoyed doing what I have been able to accomplish over the last seven years but when (b) (6) stands in front of a crowd and says " we don't have any interest in input from the industry", people look at me and the NFATCA and say we are a complete failure. You and I both know better but the tin foil hats prevail.

We have a lot to talk about.

John

-----Original Message-----

From: Ficaretta, Teresa [[mailto:\(b\) \(6\)](#)]
Sent: Friday, January 27, 2012 7:44 AM
To: john.brown@nfatca.org
Subject: RE: FTB

Let's get together soon. Should (b) (6) come along as well, or just me?

-----Original Message-----

From: John Brown [[mailto:\(b\) \(6\)](#)]
Sent: Friday, January 27, 2012 7:43 AM
To: Ficaretta, Teresa
Subject: RE: FTB

You're the best. I want to take some time, hopefully next week, to meet with you privately. There were some real issues at SHOT which you should at least know about. I am not sure how we can salvage all we have worked for with some of the attitudes that were clearly displayed to audiences of over 100 people. I am saddened by the entire debacle. We have worked so hard for almost eight years to step so far back.

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From: Ficaretta, Teresa [[mailto:\(b\) \(6\)](#)]
Sent: Friday, January 27, 2012 7:09 AM
To: (b) (6)
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From: John Brown [[mailto:\(b\) \(6\)](#)]
Sent: Wednesday, January 25, 2012 4:08 PM
To: Ficaretta, Teresa
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This is an ongoing problem.

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From: (b) (6)

Sent: Wednesday, January 25, 2012 3:44 PM

To: (b) (6)

(b) (6)

Jeff Folloder

Subject: FTB

Hello Board,

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Thank you!

--

(b) (6)

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From: (b) (6)
To: [Ficaretta, Teresa](#)
Subject: FW: NFATCA Site
Date: Friday, January 27, 2012 8:12:06 AM

Teresa;
NFATCA communiqué via link in message from (b) (6)

(b) (6)

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From: (b) (6)
Sent: Thursday, January 26, 2012 9:53 AM
To: (b) (6)
Subject: NFATCA Site

NFATCA response to SHOT (and allegations that J. Brown is an informant) below.

<http://www.nfatca.org/012512.htm>

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From: Ficaretta, Teresa
To: (b) (6)
Cc: (b) (6)
Subject: RE: FTB
Date: Thursday, January 26, 2012 10:23:00 AM

Thanks - I suspected as much.

-----Original Message-----

From: (b) (6)
Sent: Thursday, January 26, 2012 10:09 AM
To: Ficaretta, Teresa
Cc: (b) (6)
Subject: Fw: FTB

Teresa - FTB has followed up with the caller below. There is no indication that there is an ongoing problem as stated by John Brown. I am confident we can address any additional specific examples that he may provide. I am concerned that this may be an over-generalization on Mr. Brown's part.

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----- Original Message -----

From: (b) (6)
Sent: Thursday, January 26, 2012 09:58 AM
To: (b) (6)
Subject: Fw: FTB

(b) (6)

See (b) (6) email below. The industry member told (b) (6) that she had been talking with (b) (6). I'm surprised about her email and then the follow up email from (b) (6) that stated this is a recurring problem. I plan to get with (b) (6) and see if she can tell how many times this person actually called us.

----- Original Message -----

From: (b) (6)
Sent: Thursday, January 26, 2012 08:54 AM
To: (b) (6)
Subject: RE: FTB

(b) (6)

I spoke with (b) (6). Her concern was the shipping of two items FTB classified as machineguns (see attached letter) back to (b) (6) for exportation or destruction. She was worried about the 60 day time frame to have this accomplished and did not want them abandoned to ATF. I have her FEDEX account (b) (6) and will give it to (b) (6) to ship these items back to (b) (6).

(b) (6)

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-----Original Message-----

From: (b) (6)
Sent: Thursday, January 26, 2012 8:25 AM
To: (b) (6)
Cc: (b) (6)
Subject: Fw: FTB

(b) (6)

Please call this company and find out what they want and what number she has been calling. I do not think that we have not attempted to call this person back. Let me know the results of this call.

Thanks, (b) (6)

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----- Original Message -----

From: (b) (6)
Sent: Wednesday, January 25, 2012 05:15 PM
To: (b) (6)
Cc: (b) (6)
Subject: FW: FTB

Let me know if we are getting overloaded or do we have some problem with our phones.

This person below claims that they have left three message and no one has returned her calls.

(b) (6)

Firearms Technology Branch

-----Original Message-----

From: (b) (6)
Sent: Wednesday, January 25, 2012 5:10 PM
To: (b) (6)
Subject: FW: FTB

(b) (6) - Let's discuss tomorrow. thanks!

(b) (6)

Deputy Chief, F&E Industry Division
ATF, Enforcement Programs and Services
Room 6.N-648
Office (b) (6)
Cell (b) (6)

-----Original Message-----

From: Ficaretta, Teresa

Sent: Wednesday, January 25, 2012 4:18 PM

To: (b) (6)

Subject: FW: FTB

Would you check with FTB and find out what the problem is with the phones? Do we still have a contractor assisting with phone coverage? Or is the problem that the FEOs are overloaded and cannot get back to the industry? This may be more evidence of why we need to fill both FEO positions.

BTW, in prioritizing our 3 critical vacancies, we put the two FEOs first.

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From: John Brown [mailto:(b) (6)]

Sent: Wednesday, January 25, 2012 4:08 PM

To: Ficaretta, Teresa

Subject: FW: FTB

This is an ongoing problem.

-----Original Message-----

From: (b) (6)

Sent: Wednesday, January 25, 2012 3:44 PM

To: (b) (6)

(b) (6)

Jeff Folloder

Subject: FTB

Hello Board,

Does anyone have a phone # for a direct person at FTB. I have left 3 messages ther in the month of January and cannot get a call bacL to save my life.

Thank you!

--

(b) (6)

From: Ficaretta, Teresa
To: (b) (6)
Subject: FW: Small Arms Ammunition
Date: Friday, November 25, 2011 3:25:00 PM

Fyi – we'll give John Brown another week or so to respond.

From: Larry Keane [mailto:(b) (6)]
Sent: Friday, November 25, 2011 2:43 PM
To: Ficaretta, Teresa; (b) (6)
Subject: Re: Small Arms Ammunition

Correct. NSSF does not object to ATF withdrawing the rule making on this issue: defining small arms ammunition.

Lawrence G. Keane
Senior Vice President, Assistant Secretary
& General Counsel
National Shooting Sports Foundation, Inc.
11 Mile Hill Road
Newtown, CT 06470-2359

(b) (6)
(203) 426-1087 - FAX
(b) (6) - CELL
(b) (6)
www.nssf.org

From: Ficaretta, Teresa [mailto:(b) (6)]
Sent: Friday, November 25, 2011 01:36 PM
To: Larry Keane; (b) (6)
Subject: Small Arms Ammunition

Larry & John: Because the advance notice of proposed rulemaking on small arms ammunition has already gone to the Department of Justice for review, our Counsel's office is asking for written confirmation that industry members wish to cancel the petition for rulemaking on this subject. I would appreciate it if you would respond to this e-mail confirming my understanding that neither NSSF nor NFATCA object to our withdrawing this rulemaking document.

I hope you had a wonderful Thanksgiving.

Teresa

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Department of Justice without express authorization is strictly prohibited.

From: Larry Keane
To: [Ficaretta, Teresa](#); (b) (6)
Subject: Re: Small Arms Ammunition
Date: Friday, November 25, 2011 2:42:58 PM

Correct. NSSF does not object to ATF withdrawing the rule making on this issue: defining small arms ammunition.

Lawrence G. Keane
Senior Vice President, Assistant Secretary
& General Counsel
National Shooting Sports Foundation, Inc.
11 Mile Hill Road
Newtown, CT 06470-2359

(b) (6)
(203) 426-1087 - FAX
(b) (6) - CELL
(b) (6)
www.nssf.org

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Sent: Friday, November 25, 2011 01:36 PM
To: Larry Keane; (b) (6)
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From: Ficaretta, Teresa
To: [John Brown](#) (b) (6)
Subject: MOU
Date: Friday, July 29, 2011 12:54:00 PM

John: As we will both be at the Importers and Manufacturers conference next week, I thought it might be a good opportunity for both of us to sign the MOU on the FTB handbook. If you are amenable, I will bring it along so we can find a moment to sign it. We believe this is a worthwhile project and look forward to continuing our work with the NFATCA.

I hope all is well with you.

Teresa

From: Ficaretta, Teresa
To: (b) (6)
Subject: RE: WAG Determination
Date: Thursday, July 28, 2011 10:57:00 AM

Thank you.

From: (b) (6)
Sent: Thursday, July 28, 2011 10:52 AM
To: Ficaretta, Teresa
Subject: FW: WAG Determination

Teresa,

Please see (b) (6) determination below that the importers conference qualifies as a WAG.

(b) (6)
Deputy Division Chief
FESD
(b) (6)

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From: (b) (6)
Sent: Thursday, July 28, 2011 10:49 AM
To: (b) (6)
Cc: Roessner, Joel J.
Subject: FW: WAG Determination

Several ATF employees have been offered free attendance to the Firearms Industry Importer, Exporter and Manufacturer Conference, to be held on August 2-3, 2011 in Reston, Virginia. ATF must determine that it is in the interests of the Bureau for its employees to attend this event. This event will include refreshments and an evening reception (related to the event) hosted by the sponsors of the event. The event sponsors are: the National Shooting Sports Foundation, The Firearms and Ammunition Importers Roundtable and the National Firearms Act Trade and Collectors Association. Pursuant to 5 CFR 2635.204(g), this e-mail shall serve as a determination of agency interest with regard to the attendance of ATF employees at this event.

ATF has an interest in its employees' attendance at this event. Approximately 100+ persons will attend this event, including firearm manufacturers, importers, dealers and brokers. This event will provide ATF employees an opportunity to information-gather, network and provide the firearms industry with guidance on how to maintain compliance with Federal law. Please note that no ATF-led presentation may include an endorsement of any

private entity, and should not include any law enforcement sensitive or classified information.

It is the determination of the Office of Chief Counsel, that it is in the interests of ATF that the ATF intendeas listed in the attached agenda be permitted to attend the aforementioned event.

(b) (6)

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Office of the Chief Counsel
Administration and Ethics Division
99 New York Avenue, NE
Rm # (b) (6)
Mail Stop: (b) (6)
Washington, DC 20226
Tel: (b) (6)
Fax: (b) (6)
Cell (b) (6)

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ATTORNEY WORK PRODUCT PRIVILEGED DOCUMENT
ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

From: (b) (6)
To: Roessner, Joel J.
Cc: Ficareta, Teresa
Sent: Wed Jul 27 12:44:15 2011
Subject: WAG Determination

Joel,

Representatives from ATF will be attending the 2011 Firearms Industry Importer, Exporter and Manufacturer Conference on August 2nd and August 3rd. The conference is being jointly sponsored by the National Shooting Sports Foundation, The Firearms and Ammunition Importers Roundtable (FAIR) and the National Firearms Act Trade and Collectors Association (NFATCA).

During the conference the ATF representatives will make presentations and answer questions pertaining to firearms laws and regulations. The conference attendees are expected to be firearm manufacturers, importers, dealers and brokers. A link to the conference agenda is [here](#).

This year the cosponsors mentioned above are sponsoring the event and the ATF representatives are invited guests. During the conference the cosponsors will provide light refreshments (coffee pastries) and an evening reception with hors d'oeuvres will be held for all of the participants.

We are asking for you to determine if our attendance at the conference and evening reception would be regarded as attending a widely held gathering and therefore allowed under ATF ethics rules.

Thanks in advance.

(b) (6)
Deputy Division Chief
FESD
(b) (6)

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Firearms Industry Importer, Exporter and Manufacturer Conference 2011



Sponsored by NSSF, the FAIR
Trade Group and NFATCA.



August 2-3, 2011
Hyatt Regency Reston
1800 Presidents Street
Reston VA 20190
703.709.1234

WWW.NFATCA.ORG/CONFERENCE

TUESDAY, AUGUST 2, 2011	
8:00 am to 9:00 am	Registration Coffee, Tea, Pastries, Juice
9:00 am to 9:15 am	Welcome Day One <i>Walker English (FAIR Trade Group), John Brown (NFATCA), Larry Keane (NSSF)</i>
9:15 am to 9:30 am	ATF Opening Remarks <i>William J. Hoover, Acting Deputy Director ATF</i>
9:30 am to 10:15 am	Industry Perspectives - Global Regulation <i>Wayne Weber, Heckler & Koch USA</i>
10:15 am to 10:30 am	Break - Light snack, beverages
10:30 am to 11:00 am	FES Division Update <i>Steven Albro, Deputy Chief, Firearms and Explosives Services Division</i>
11:00 am to 11:45 am	ATF Compliance <i>Harry McCabe, Deputy Assistant Director, Field Operations IO; (b) (6), Chief, Firearms Industry Programs Branch (Inventory & Recordkeeping) & Local Field Office Area Supervisor.</i> The panel will review common compliance issues that come up for importers, including inventory procedures, recordkeeping with off-the-shelf computer programs, common inspection findings, and more.
11:45 am to 1:00 pm	Lunch
1:00 pm to 2:00 pm	TTB FAET Seminar <i>Connie Owings, Firearms & Ammunition Excise Tax Industry Program Analyst, Alcohol and Tobacco Tax and Trade Bureau</i>
2:00 pm to 2:45 pm	Firearms Imports Branch Update <i>(b) (6), Branch Chief</i> Topics to include an update on the eForm 6, completion and submission of the Form 6A, importation of armor piercing and non-sporting ammunition, and the shotgun study.
2:45 pm to 3:00 pm	Break - Light snack, beverages
3:00 pm to 3:45 pm	Firearms Technology Branch Review <i>John Spencer, Branch Chief and (b) (6), Assistant Chief</i>
3:45 pm to 4:00 pm	UN Update <i>(b) (6), Deputy Chief, International Affairs, ATF</i>
4:00 pm to 5:00 pm	Year in Review - ATF Panel & Moderator <i>Arthur Herbert, Assistant Director, Enforcement Programs and Services (panel chair); (b) (6) (b) (6) Division Chief, Firearms and Explosives Industry Division; (b) (6), Deputy Chief, Firearms and Explosive Division (b) (6), Industry Analyst; (b) (6) Industry Liaison Analyst; (b) (6) (ATF counsel)</i> The panel will include the day's presenters to review common issues and questions not addressed in the earlier sessions.
5:00 pm to 6:00 pm	FAIR/NFATCA/NSSF Reception Light hors d'oeuvres, open bar (limited)

WEDNESDAY, AUGUST 3, 2011	
8:00 am to 8:45 am	Coffee, Pastries, Juice
8:45 am to 9:00 am	Welcome Day Two <i>Walker English, John Brown & Larry Keane</i>
9:00 am to 9:45 am	Export Control Reform and the Impact on the Firearms Industry (Commerce) <i>Kevin Wolf, Assistant Secretary of Commerce for Export Administration</i> Change within the federal government is underway in how it controls exports of U.S. companies. It is imperative to be aware of what changes are in the works and how these proposed changes may impact the firearms industry.

9:45 am to 10:30 am	Export Control Reform and the Impact on the Firearms Industry (DDTC) <i>Robert S. Kovac, Managing Director, Directorate of Defense Trade Controls</i> Bob Kovac will present the DDTC perspective of export control reform efforts with focus on the changes that will affect the firearms export trade.
10:30 am to 10:45 am	Break - Light snack, beverages
10:45 am to 11:15 am	Export Control Reform (Congressional Perspective) <i>Rep. Max Sandlin (D-Tex) (retired)</i>
11:15 am to 12:00 pm	DDTC Licensing <i>Chuck Schwinger, Division Chief, Small Weapons and Firearms (Invited)</i> This session will include a comprehensive review of the State Department registration and licensing requirements of firearms exports under the International Traffic in Arms Regulations (ITAR), common errors in license applications, and recent changes in the regulations.
12:00 pm to 1:15 pm	Lunch
1:15 pm to 2:15 pm	Retransfers of US-Origin Firearms <i>Sue Plant (PM-RSAT for Gov. to Gov.) & Chuck Schwinger (DDTC for DCS) (Invited)</i> The State Department's Bureau of Political Military Affairs Office of Regional Security and Arms Transfers (PM-RSAT) is responsible for handling arms transfers and third party transfers, disposal, and change of end-use involving U.S. -origin equipment procured via the U.S. Foreign Military Sales (FMS) Program and all government to government grant assistance programs. DDTC is responsible for authorizing all transfers involving U.S.-origin military equipment acquired through direct commercial sales. Learn about the retransfer approval process and what information and documentation is required for submissions.
2:15 pm to 3:00 pm	DDTC Enforcement Update <i>Glenn Smith, Chief of DDTC Enforcement</i> A review of significant AECA enforcement cases in the last year that will include a discussion on civil enforcement trends, voluntary and directed disclosures, consent agreements, and what steps companies can take to avoid violations.
3:00 pm to 3:15 pm	Break - Light snack, beverages
3:15 pm to 4:00 pm	FCPA Review <i>Brian Benczkowski, Esq. and Sam Williamson, Esq. (Kirkland & Ellis LLP)</i> The Department of Justice is devoting a significant amount of resources to enforce the Foreign Corrupt Practices Act (FCPA). With these aggressive anti-corruption efforts, it is important to understand the scope of the FCPA and what steps are necessary to protect your company against fraud and corruption. The expert panel will discuss trends in anti-bribery enforcement, designing and implementing compliance programs to detect and deter corrupt payments, best practices relating to agents and third parties, conducting due diligence and responding to discovery or allegations of corrupt payments.
4:00 pm to 4:45 pm	US Embargoes & Sanctions <i>John Pisa-Relli, Legal Director – Trade Compliance, Thales USA, Inc.</i> The U.S. Treasury Department's Office of Foreign Assets Control (OFAC) administers and enforces economic and trade sanctions against targeted foreign countries, regimes, and individuals whose activities threaten the national security, foreign policy or economy of the United States. Effective OFAC compliance is critical because violations of these sanctions programs, inadvertent or otherwise, can result in penalties, not the least of which is the possible suspension of import or export activities. Learn what these sanctions programs are and how they impact your international business.
4:45 pm	Farewell Remarks <i>Walker English, John Brown & Larry Keane</i>



11 Mile Hill Road
Newtown, CT 06470-2359
T: 203.426.1320
F: 203.426.1087
www.nssf.org



1425 K Street, NW, Ste 350
Washington, DC 20005
T: 202.683.4200
F: 203.426.1087



20603 Big Wells Drive
Katy, TX 77449
T: 281.492.8288
F: 866.897.0182
www.nfatca.org

From: Ficaretta, Teresa
To: (b) (6)
Subject: RE: FW: Presentations
Date: Thursday, July 28, 2011 7:33:00 AM

Thanks. We can load them on their computer as soon as we get there.

From: (b) (6)
Sent: Wednesday, July 27, 2011 5:02 PM
To: Ficaretta, Teresa
Subject: FW: FW: Presentations

Teresa,

See below.

I have submitted the FESD and FEIB presentations to (b) (6) as PDFs, but Jeff Folloder (NFATCA) who is assisting with some of the technical details for the conference has indicated that he would like to have the actual PowerPoints so that he could have the presentations pre-loaded on the computer and thereby ensuring more timely transitions between speakers.

I told him that we were only going to be submitting PDFs and that the ATF speakers have been instructed to bring their presentations loaded on Flash drives.

(b) (6)
Deputy Division Chief
FESD
(b) (6)

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From: Jeff Folloder [mailto:(b) (6)]
Sent: Wednesday, July 27, 2011 4:42 PM
To: (b) (6)
Cc: (b) (6)
Subject: Re: FW: Presentations

On 7/27/2011 2:47 PM, (b) (6) wrote:
Attached

(b) (6)
Can I get these in Power Point? I'm assembling a master presentation so that you guys can just click away with the remote and not have to fidget with swapping out laptops.

--

Jeff Folloder

NFA Trade and Collectors Association

Website: www.nfatca.org

Direct: (b) (6)

From: (b) (6)
To: (b) (6)
Cc: [Ficareta, Teresa](#); [Herbert, Arthur W.](#)
Subject: FW: July 2011 issue Firearms Business attached
Date: Monday, July 25, 2011 8:18:35 AM
Attachments: [FB243.pdf](#)

Attached is the July 2011 issue of The New Firearms Business

Thank you

(b) (6)

(b) (6)

Firearms Industry Technical Advisor
Bureau of Alcohol, Tobacco, Firearms & Explosives
99 New York Ave. N.E.
Room 6N-568
Washington, D.C. 20226

Tel: (b) (6)

E-mail (b) (6)

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Vol. 18, No. 6

July 2011

Top Story

* **Chicago's City Council has lifted a ban on building of shooting ranges within city limits on the same day that a federal court ruled the city can't continue its ban.**

Page 1

Politics

* **Rep. Darrell Issa has issued a sharp rebuke to the Dept. of Justice for its refusal to provide requested documents in the congressional probe into ATF's Mexican gun trafficking programs.**

Page 3

Inside This Issue

* **Gun control is predicted to be a top priority of Obama's second term.** Page 3

* **The Second Amendment Foundation has filed suit challenging the federal ban on interstate handgun sales.**

Page 3

Regulatory

* **The Bureau of ATF has issued guidance to licensees on how to comply with record-keeping issues when NICS changes its initial response.**

Page 6

Upcoming Trade Events

* **A calendar of both domestic and international upcoming trade events for industry.**

Page 7



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Top Story

* **The FAIR Trade Group has filed suit against the Bureau of ATF over the Bureau's ban on importation of barrels for certain firearms.**

Page 4

* **Karl Kleber, the well-known owner of TransArms, has gotten permission to return to Germany after pleading guilty to exporting AK-style drums to the U.S. and concealing their true origin.**

Page 4

Chicago Council Approves Firing Ranges in City

Chicago's City Council swiftly approved allowing gun ranges to open in the city on the same day a federal court ruled the city can't continue to ban the ranges.

The council approved the Mayor Rahm Emanuel-backed ordinance July 6th as they anticipated the ruling by the federal appellate court in Chicago would be forthcoming. The court struck down a provision of the city's gun ordinance banning the ranges.

After the U.S. Supreme court struck down the city's handgun ban last year, then mayor Richard Daley pushed through an ordinance that required gun owners to receive firing range training but prohibited ranges in the city.

The Second Amendment Foundation file suit arguing

against forcing gun-owning residents to travel outside the city to receive training.

The 3 - 0 ruling by the U.S. Court of Appeals for the Seventh Circuit reversed a lower court ruling and ordered that court to issue a preliminary injunction against the city to prevent it from the opening of gun ranges within the city limits.

Joining SAF in the original lawsuit were Action Target, Inc., the Illinois State Rifle Association and three Chicago residents. Their attempts to obtain a temporary restraining order against the gun range ban were twice rejected by the district court. The Appeals Court ruling is reported to be severely critical of the lower court's ruling. The city had argued that citizens could fulfill their training requirement by visiting a suburban range.

(continued on page 2)



Chicago Gun Range Ban Lifted

(continued from page 1)

The Appeals Court observed, "It's hard to imagine anyone suggesting that Chicago may prohibit the exercise of a free-speech or religious-liberty right within its borders on the rationale that those rights may be freely enjoyed in the suburbs. That sort of argument should be no less unimaginable in the Second Amendment context."

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Publisher & Editor-in-Chief - **Robert M. Hausman**

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The New Firearms Business is published on the 1st & 15th of each month, with single issues in June, July & August at: P.O. Box 480, Barre, Vermont 05641 U.S.A.

Phone: 802-479-0044 FAX: 802-479-3308

E-Mail: FirearmsB@aol.com

Web site: www.firearmsgroup.com

Domestic Subscription Rates:

Annual: \$150 Two years: \$275 Three years: \$360
(for those in U.S., Canada & Mexico).

All others \$162 (annual), \$262 (2 yrs.), \$375 (3 yrs.)

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Rep. Issa: DOJ Should be “Ashamed”

Rep. Darrell Issa (R-CA) who has been investigating ATF’s Mexican gun-running interdiction efforts has issued his strongest condemnation yet of the Dept. of Justice. Issa said DOJ officials should be “ashamed” for handing over heavily redacted documents about the program.

Issa and Sen. Chuck Grassley (R-IA), the ranking member of the Senate Judiciary Committee, have tried for the past five months to find out who authorized the “Fast and Furious” operation, which might have contributed to the death of a Customs & Border patrol agent.

Through the two have doggedly pursued the DOJ and ATF for documents in the case, both have accused the DOJ of “stonewalling” their efforts.

In April, Issa subpoenaed the DOJ for thousands of documents related to the operation, including e-mail correspondence and departmental records. But according to committee aides, the DOJ has only given the committee documents that are publicly available or heavily redacted.

After more than two months of requests, Assistant Attorney General Ronald Weich told lawmakers that the department was cooperating and actively working to respond to the committee’s requests.

Outraged, Issa held up a piece of white paper with a giant black box of entirely redacted text on it. “You should be ashamed of yourself,” Issa said to Weich. “It doesn’t take so long if you don’t spend your life redacting it.”

“The pages go on like this forever,” he said, referencing the blackened piece of paper, “You’ve given us black paper instead of white. You might as well have given us a ream still in its original binder. How dare you make an opening statement of cooperation.”

In response, Weich is reported as repeating variation’s of the department’s expressed desire to work with the committee to meet its request. If the committee continues not to receive the requested documents, Issa can move to hold Attorney General Eric Holder in contempt.

No conclusions were reached during the latest hearing as to who might have authorized the program. Both President Obama and Holder have denied ordering it. One letter of Weich’s to Grassley came to light in which Weich said ATF had not “knowingly allowed the sale of assault weapons to a straw purchaser.” Issa disclosed e-mails that contradict this statement and imply that Acting ATF Director Kenneth Melson knew of the operation since March 2010.

In one of the e-mails, under the heading “Director’s questions,” the supervisor of the Fast and Furious operation wrote to the assistant special agent in charge of Phoenix field operations with an Internet protocol address for one of the video monitoring units in a gun store authorized to sell guns to suspects.

“With this information, Acting Director Melson was able to sit at his desk in Washington and - himself - watch a live feed of the straw buyers entering the gun stores to purchase dozens of AK-47 variants,” said a Republican committee statement. © FB

Mexican Politician Calls for Prosecution in Mexico of U.S. Gun Policy Officials

Mexican Sen. Rene Arce Islas is saying he and colleagues will press for extradition and prosecution in Mexico of American officials who authorized and ran the ATF Fast and Furious operation.

“I obviously feel violated. I feel my country’s sovereignty was violated,” Sen. Islas told *Fox News*. “They should be tried in the United States and the Mexican government should also demand that they also be tried in Mexico, since the incidents took place here. There should be trials in both places.”

Islas is chairman of Mexico’s Commission for National Security, a congressional panel similar to the U.S. Senate Judiciary Committee. ©FB

Gun Control Called Top Goal of Obama’s Second Term

Former U.S. Ambassador to the United Nations, John Bolton, said recently that President Obama plans an ambitious gun-control agenda if he wins a second term, according to a report in *Politico*.

“We can understand that, as he likes to say, he’s playing the long game, and that ‘leading from behind’ means waiting until he’s elected to a second term when he faces no further political constraints and his true agenda can come to the floor,” Bolton said. “And I believe right at the top of it is (to) increase gun control at the federal level and at the international level.” © FB

Arizona Makes Colt Revolver Official State Gun

Arizona Governor Jan Brewer has signed a bill into law that makes the Colt Single Action Army Revolver the state’s official firearm. © FB

ATF Offers Rewards in Gun Shop Burglaries

The Bureau of ATF is offering a reward of up to \$2,500 for information on the persons responsible for the theft of firearms that occurred at 111 Gun Shop in Jeffersontown, KY on April 26.

ATF is offering a \$5,000 reward for information on the burglary of Angel’s Gun Shop and Business Center located at 30871 Blue Star Highway, Midway, Fla. last March 20th in which 12 firearms were stolen. This was the second burglary and theft of firearms at the store in the last 18 months. © FB

SAF Challenges Interstate Handgun Sales Ban

The constitutionality of the federal ban on interstate handgun sales as well as the state of Virginia’s law prohibiting sales of handguns to non-residents is being challenged by the Second Amendment Foundation.

The NICS check should allow law-abiding citizens to exercise their Second Amendment rights regardless of their place of residence, the suit contends. Impetus for the suit is the lack of handgun dealers in Washington, D.C. effectively nullifying their newfound right to purchase handguns. © FB



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FAIR Trade Group Sues ATF

The FAIR Trade Group has brought suit against the Bureau of ATF for arbitrarily changing interpretation of federal law regarding the importation of certain firearm barrels.

FAIR says ATF reversed years of statutory interpretation of the Gun Control Act and is acting in conflict with published implementing regulations regarding the importability of certain firearms barrels. ATF is enforcing the new interpretation of the law without any change to the regulations.

As a result of ATF's actions, FAIR says importers not only lost access to marketable goods but were also left with goods in transit and goods overseas that lost value. Firearms owners, collectors and potential buyers were denied access to these goods which, in many cases, have no available replacement.

ATF chose to reverse course 37 years after the Gun Control Act was passed and 18-years after the last amendments to the law. No underlying justification has been offered for ATF's decision to affirmatively reverse a published regulation to the detriment of the industry without appropriate and required notice and comment, FAIR says. FAIR is concerned that ATF is increasingly acting without regard to statutory obligations to the detriment of firearms collectors, sport shooters and enthusiasts.

For example, ATF opposed State Dept. authorization for the importation of M1 Carbines from Korea. This despite the fact that the U.S. government sells M1 Carbines through the Civilian Marksmanship program. Ironically, current law directs the ATF to approve the importation of M1 Carbines, according to FAIR.

Regulation

Dealer Arrested, Inventory Seized After Investigation

Charles F. Ludington, 61, owner of Ludco Gun Shop in Parker City, IN, has been charged with violating numerous federal firearms laws after a three month investigation by the Bureau of ATF.

Between August and November of 2010, Ludington's firearms dealership underwent a routine inspection by ATF. The results indicated that Ludington had acquired but could not account for 997 firearms that were recorded in his inventory. Ninety-three firearms were located in the physical inventory that had not been logged into the A&D record. In twenty-five instances, a firearm was found in physical inventory but the A&D books reflected the firearm had been sold.

Finland Adopts Stricter Handgun Controls

Finland, which has one of the highest gun ownership rates in the world, has increased requirements for handgun ownership. The move was prompted by several high-profile shooting incidents over the past four years.

Under the new measures, applicants for a handgun license must be at least 20-years-old and prove active involvement in shooting for sport or hunting. License holders must prove every five years that they remain actively involved in shooting sports. Some applicants aged 15 - 18 could be granted a special permit for rifles and shotguns if a guardian is licensed.

Call for reform emerged after an 18-year-old student killed 8 people at a high school before killing himself. In another incident, a 22-year-old killed 10-people at a vocational school before shooting himself. Both gunmen held handgun licenses.

Finland had an estimated 1.6 million guns in circulation in 2009 in a population of 5.3 million, ranking it fourth in gun ownership after the United States, Yemen, and Switzerland, according to a study by the Graduate Institute of International and Development Studies in Geneva. © IFT

Indian Court Classifies Air Guns as Firearms

The Delhi High Court has ruled that shooters can no longer use air rifles or air pistols for target shooting practice without acquiring a proper firearms license.

The court's move quashed a government notification that exempted these arms from regulations and controls under the Arms Act, saying, "Air guns, air pistols and air rifles are not mere toys and they are very much subject to the provisions of the Act, being firearms." © IFT

German Dealer Kleber Reportedly Back in Europe

Karl Kleber, the well-known owner of TransArms in Germany, is reported as having received permission to return to Germany, after being held in the U.S. for several months in a smuggling case.

Kleber pleaded guilty to exporting 5,000-Chinese-made 75-round AK-style drums to American Tactical Imports of Rochester, NY and concealing the drums' true origin. © IFT

(continued on page 6)

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Additionally, inspectors uncovered documents suggesting that, on at least seven occasions, Ludco sold firearms to persons who were prohibited by federal law from possessing them. He was also cited with selling a handgun to an out-of-state resident in violation of federal law, and numerous other regulatory and record-keeping violations, according to the Dept. of Justice. At the conclusion of the audit, the inspectors issued Ludington a warning not to engage in such unlawful conduct in the future.

As a result of the audit, an investigation was initiated. On five separate occasions between January and March 2011, undercover Indiana state police detectives, ATF agents, and a confidential informant went to Ludco posing as customers. On each of those occasions, Ludington sold firearms despite the fact that someone other than the actual purchaser of the firearms was filling out the mandatory paperwork (a straw purchase). In three of those instances, an informant (who is also a convicted felon) informed Ludington that he wanted to purchase a firearm. Ludington reportedly knew the purchaser was a convicted felon, yet sold the firearm anyway. Ludington assisted an undercover ATF agent, acting as a straw purchaser, in filling out the required paperwork for the firearms the convicted felon wanted to buy. Ludington allowed the felon to purchase two 9mm pistols, two 7.62x39mm rifles, a 9mm rifle, and a .45 caliber revolver. While the undercover ATF agent was filling out the required paperwork, Ludington asked the convicted felon whether he needed any ammunition. The felon handed Ludington the currency to complete the purchase of the firearms.

After execution of search warrants more than 3,000 firearms in Ludington's inventory was seized. The government is seeking forfeiture of all the firearms on grounds that Ludington's business is permeated with an active scheme to defraud federal regulators and violate federal law, and that proceeds of unlawful firearms sales were used to maintain Ludco's extensive firearms inventory.

If convicted of the charges, Ludington faces a maximum of 10-years in prison and a \$250,000 fine. © FB

Regulatory

ATF Guidance on Change in NICS Response

ATF has provided guidance to retailers by way of a May 2011 open letter on how to comply with recordkeeping requirements where there is a change to the response initially received by the National Instant Criminal Background Check System (NICS) during a transfer.

ATF has received inquiries from FFLs in which they have expressed concern on how to properly record a transaction when a response initially provided by NICS or the appropriate state agency was "denied" and afterward a "proceed" response is received.

When the initial response to the FFL is "denied" and the FFL is subsequently contacted by NICS or the state that the response should be changed to "proceed", the FFL should indicate the changed response in question 21d. The FFL should line through the word "Delayed" and write above it the word "Denied", put an "X" in the box next to "Proceed" and write the date, and provide an explanation for the change in question 30c of the Form 4473.

If the "proceed" response is received and the purchaser returns to pick up the firearm within 30 days of the date NICS or the state were originally contacted it is not necessary to complete a new Form 4473 and the FFL may transfer the firearm provided that the transfer complies with all applicable federal and state laws. The purchaser must complete Section C of the Form 4473 if the transfer occurs on a different day from the date the purchaser completed Section A.

If the "proceed" response is received more than 30-days after the initial background check which resulted in the "denied" response, the FFL must complete a new Form 4473 and conduct a new NICS check.

The FFL should be aware that a new NICS Transaction Number (NTN) will not be provided when the "denied" response is changed to a "proceed" response. In addition to keeping the original Form 4473 as part of the required records, the FFL should maintain a copy of the Form 4473 in the FFL's records of denied transactions.

NICS Denial Overturn

NICS denial overturns occur when a purchaser appeals a "denied" response. If the purchaser appeals and the "denied" response is overturned, NICS issues an overturn certificate to the purchaser. The purchaser then may return to the original FFL with the overturn certificate. If the purchaser returns within 30-days of the initial background check, the FFL is not required to complete a new Form 4473. The original Form 4473 should be amended to indicate the "proceed" response in question 21d. The FFL should line through the word "Delayed" in question 21d, write above it "Denied", and put an "X" in the box next to "Proceed."

Additionally, in question 30c, the FFL should indicate "NICS Overturn." The FFL must attach a copy of the NICS Firearm Appeal Certificate to the Form 4473. The FFL may then transfer the firearm. The purchaser must complete Section C of the Form 4473 if the transfer occurs on a different day from the date the purchaser completed Section A. (continued on next page)

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NRA 2014 Annual Meetings & Exhibits Indianapolis, IN April 25-27

NRA 2015 Annual Meetings & Exhibits Nashville, TN

To have your event listed, e-mail the details to: FirearmsB@aol.com

© IFT

NY FFL Dealer Convicted of Drug Charges

John B. Rumble, Jr. a federal firearms licensee in the Utica, NY area, was convicted in early June on six firearms counts. He is facing a maximum sentence of 10-years in federal prison when sentenced in November.

The six firearms counts include conspiracy to make false statements in FFL records, two counts of selling firearms to a drug user, two counts of making false statements in FFL records and one count of being a drug user in possession of 150 firearms. This last count makes the case stand out.

Although no drugs were apparently found, ATF obtained a search warrant for hair and urine samples in which the hair sample yielded a positive result for the presence of marijuana, a paramount finding in convicting Rumble on the "drug user in possession of firearms" charge.

Rumble came to police attention when DEA agents dismantled the Louis Tomassini drug trafficking organization which had possessed three firearms traced back to Rumble. Upon examining Rumble's Acquisition and Disposition book, ATF agents discovered three "straw purchasing" conspiracies and identified six potential co-conspirators. ©FB

NICS Denial Overturn

(continued from previous page)

In addition to keeping the original ATF Form 4473 as part of the required records, ATF recommends that the FFL maintain a copy of the Form 4473 in the FFL's records of denied transactions. ©FB

ATF Agents Testify in Mexican Gun-Running Scandal

Three ATF agents testified before the House Oversight and Government Reform committee last month on the Bureau of ATF's "Fast and Furious" operation intended to stop gun smuggling from Arizona to Mexico.

The agents testified that they wanted to "intervene and interdict" the sale of numerous firearms but were repeatedly ordered to step aside.

"Allowing loads of weapons that we knew to be destined for criminals - this was the plan," John Dodson, a BATF agent, testified to the panel. "It was so mandated."

He added, "My supervisors directed me and my colleagues not to make any stop or arrest, but rather, to keep the straw purchaser under surveillance while allowing the guns to walk."

ATF agent Olindo James Casa said that "on several occasions I personally requested to interdict or seize firearms, but I was always ordered to stand down and not to seize the firearms."

Rep. Darrell Issa (R-CA) chairman of the panel, has spearheaded the congressional investigation into the ATF program. He said the hopes of scoring a knockout blow against the Mexican cartels badly misfired, and then continued over the objections of agents.

The program came to a halt in January with the death of U.S. Border Patrol agent Brian Terry. Two guns purchased under ATF surveillance were found near Terry's corpse, but it is unknown whether they were used in his death.

The agents reportedly testified that senior ATF officials had sanctioned the operation. ©FB

J&G Sales Denies Involvement in ATF Electronic Monitoring of Gun Sales

J&G Sales, a major Arizona retailer, denies a Fox News report that the Bureau of ATF had installed cameras in its retail location to monitor gun sales.

J&G Sales also denies a report by Fox News that ATF had installed GPS devices in the stocks of rifles it sells to track the rifles' location after the sale. The allegations were made as part of the network's coverage of the "Project Gunrunner" and "Project Fast and Furious" ATF programs.

In an e-mail to customers, J&G said, "At no time did we install special cameras at BATFE request. And we have never installed or used GPS tracking units in any way, and we have never been asked to do either of these things by the BATFE or any other government agency."

"As responsible business owners and members of the firearms community, we have expressed concern about certain transactions to the BATFE. But rest assured, we only report the data that we and every other firearms dealer is legally obligated to do under the law." ©FB

Sen. Inhofe's Amendment Makes Military Brass Available

An amendment to ensure spent small arms cartridge casings are made available for public sale has been added to the committee-passed National Defense Authorization Act for fiscal year 2012, by Senator James Inhofe (R-Okla.).

There have been efforts in Congress to discontinue the sale of military surplus spent brass casings in recent years.

"It is common sense that serviceable and safe military spent brass cases are made available for commercial sale as military-sourced spent brass cases are of the calibers most widely used for marksmanship training and competition by civilians," commented NRA-ILA Executive Director Chris Cox.

"We are grateful for Senator Inhofe's leadership to help ensure the continued availability of these spent casings by civilians."

©FB

Calif. Bill Would Mandate Bright Colors for Air & BB Guns

A proposed state bill by Sen. Kevin de Leon (D-Los Angeles) would mandate that all air, BB and airsoft guns sold in California be colored in bright hues of white, red, orange, yellow, green, blue, pink or purple or to have their entire outer surface be see-through.

Federal law already mandates a bright orange ring at the end of barrels on airsoft and some toy guns. A state law approved in 2004 forced all imitation guns, except the ones de Leon now wants to add, to feature bright color schemes or be transparent.

The new ban proposal stems from an incident last December in which a LAPD officer shot and injured a 13-year-old boy who had been holding a pellet gun.

If the legislation is implemented, it is predicted to have a severe negative impact on the airsoft industry which reportedly enjoys one-fifth of its sales in California. © FB

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Fee Documents

1. **ATF National Firearms Act Handbook** A comprehensive 195-page reference to America's National Firearms Act of 1934 for entities dealing in NFA firearms as well as their attorneys. Its 15-chapters organize the information contained therein into a user-friendly format to get technical questions answered readily. Also covered are the Gun Control Act of 1968 and the Arms Export Control Act as they impact the NFA. Cost: **\$65 post-paid**. Buyers outside the U.S. must add \$15 to cover added shipping costs.

2. **ATF Cumulative End-of-Year U.S. Firearms & Ammunition Imports** These reports detail the total amount of various firearm types and small arms ammunition imported to the U.S. annually. Country of origin and ports-of-arrival are listed. Years available: 1993 through 2009. Price: **\$50 per year or all 16 reports \$499!** Add \$20 for foreign postage.

3. **ATF Firearms Manufacturing & Export Reports -**

(for years) 1975 through 2006. Detailing total annual firearm 1998, firearms manufacturers' shipments 1899-1998 & more. **Both reports \$75.**

4. **ATF Inspector Manuals** Offered as a 4-volume set containing **Regulatory Enforcement Inspector Handbook, Firearms Compliance Inspections, Investigative Priorities, Procedures & Techniques** plus bonus report the Office of the U.S. Inspector General's report **"Inspections of Firearms Dealers by the Bureau of ATF"** which reviewed ATF's licensee inspection process. Though redacted before release through the FOIA, this set contains over 370-pgs. of material that will allow all FFL's to ensure their firms' operations are in strict compliance with ATF regulations. New **Reduced Price: \$200 This report sold to subscribers only.**

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From: Herbert, Arthur W.
To: (b) (6)
Cc: [Ficareta, Teresa](#); (b) (6)
Subject: www.NFATCA.org; message about Small Arms Ammunition meeting
Date: Monday, March 21, 2011 6:28:35 PM

(b) (6)

In case you did not have the opportunity to review, the NFATCA web-site contained the following message about the meeting –

important The NFATCA *White Paper* challenging the effort of regulation writers at ATF that seeks to redefine large caliber ammunition as explosives is being presented today, March 21, 2011 at ATF headquarters. Clearly, some in ATF have sought to expand the scope of regulation with a burden that neither addresses a valid public safety concern nor accounts for the dramatic increases in resources required to administer such a frivolous endeavor.

The NFATCA strongly opposes this initiative and has led the charge to prevent it from happening. We have been joined by NRA, NSSF, SAAMI, SCI and others in this effort and we are all optimistic that our efforts will be successful. Feel free to review the White Paper by [clicking here](#).

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From: John Brown III
To: [Melson, Kenneth E.](#)
Cc: [Herbert, Arthur W.](#); [Ficareta, Teresa](#); (b) (6)
Subject: Defining Small Arms Ammunition
Date: Thursday, March 17, 2011 3:13:42 PM
Attachments: [SAA NFATCA.pdf](#)

Director Melson,

As I promised, the NFATCA is delivering our findings on the small arms ammunition to you personally, prior to our meeting this coming Monday. This is the long awaited Industry position on defining small arms ammunition. I will present a series of slides on Monday to initiate discussions on this subject.

Please feel free to call me with any questions. Look forward to seeing you on Monday.

All my best,

John Brown

President - NFATCA



Defining Small Arms Ammunition

An **NFATCA** sponsored White Paper created by an inter-industry committee representing the interests of the entire shooting sports community, public safety and legislative clarity.

National Firearms Act Trade & Collectors Association
20603 Big Wells Drive ~ Katy, Texas 77449 ~ 281.492.8288
info@nfatca.org ~ www.nfatca.org

Contents

Introduction	3
The Issue at Hand	4
History	5
Proposed Solution	8
Implementation	9
Summary	10

Introduction

The Bureau of Alcohol Tobacco Firearms and Explosives (ATF) is charged with, among other missions, enforcing regulations surrounding firearms, ammunition and explosives. ATF is often required to render interpretations of enforcement policy when legislation is received from Congress and when confusion or uncertainty results from legislative or regulatory conflict or vagueness. In 2002, Congress passed the Homeland Security Act. This Act was in direct response to the tragic events of September 11th, 2001, known as 9/11. Included in this Act was a provision known as the Safe Explosives Act (SEA), which substantially amended existing Federal explosives law. The pre-SEA law was enacted as Title XI of the Organized Crime Control Act of 1970. Federal explosives law is codified as Title 18 United States Code, Chapter 40. Importation, Manufacture, Distribution and Storage of Explosive Materials

A March, 2005 report of the Department of Justice, Office of Inspector General (OIG) clearly stated that " SEA did not change the explosives types subject to the ATF's licensing authority, as defined in 18 U.S.C. § 841, and it did not increase the number of explosives under the ATF's control." Indeed, since the effective date of the 1970 Act, except for criminal misuse, small arms ammunition and components thereof have been exempt from its provisions. However, regulation writers at ATF have determined a need to define the term "small arms ammunition" for the first time to exclude "large bore" ammunition designed for small arms from the historic exemption.. This activity has caused much confusion and uncertainty in the firearms community for a variety of reasons. There are two main issues at hand to be considered.

Primarily, most legislation, including Federal firearms and explosives laws, and regulations pertaining to small arms never actually defines the term *small arms*. The term is referred to on a regular basis in legal and regulatory documentation (some referenced in this White Paper) stretching back nearly 100 years. Still, there is no clear definition of the term. As a result, ATF has had to operate under "individual response" or "private letter" determinations as to what is and is not a small arm on a case by case basis. It is essential that *small arms* must be defined before *small arms ammunition* can be defined.

Secondarily, if real threats to public safety are to be regulated, they should be clearly defined and the relationship of any proposed restriction should be clearly explained. This process not only lends credibility to restrain an otherwise lawful conduct but also avoids expenditure of unnecessary resources against undefined or ill-conceived objectives. Should the ATF wish to create a legal definition of small arms, it should follow the rule-making process with precision.

In an era of fiscal restraint and recession, limited resources and continued public mandate, ATF should clearly illustrate the presence of an identified threat to public safety and use a fact-based, legally proscribed approach to regulation that is neither arbitrary nor capricious.

The Issue at Hand

Both the Gun Control Act, Title 18, Chapter 44 of the United States Code and the National Firearms Act, Title 26, Chapter 53 of the United States Code include within the definition of destructive devices, along with grenades, bombs, rockets and missiles, firearms with a bore diameter greater than one half inch. It is important to note that there are a great many firearms that do have a bore larger than one half inch that are not destructive devices. And while these laws allow for the Attorney General to exempt shotguns and large-bored rifles with a sporting purpose from this definition, an example of a "class" of firearm that can be defined as both firearm and destructive device is a 12 gauge shotgun. In a standard hunting configuration sporting shotguns are defined as a *firearm*. Maintain the shoulder fired configuration but shorten the barrel to 14 inches and the gun is now classified as a *National Firearms Act (NFA) item* (a short barreled shotgun). Add a large capacity 20 round drum magazine and the firearm is now classified as a *destructive device*. All three firearms utilize the same ammunition. Despite their different classifications, are not all three firearms small arms? Furthermore, the non-explosive ammunition for a 20mm firearm, which is a destructive device under both laws, is not itself a destructive device.

Clearly, the classification of the firearm does not eliminate its nature as a small arm, nor does it change the definition of the ammunition used. However, that is precisely what ATF Counsel seeks to accomplish by unilaterally declaring that all ammunition above a certain size should no longer be considered as small arms ammunition and should now be regulated as an explosive. Ammunition is a component of a system that can generally be used in a variety of firearms platforms. Similar to fertilizer components, it is not the component itself or the quantity involved that solely determines explosive nature. It is also the use intent and method of use that contributes to the explosive nature.

We believe that large caliber firearms are already sufficiently regulated to protect the interests of public safety. Further, particularly dangerous ammunition (such as explosive-tipped) is also currently regulated as destructive devices and as an explosive. In the case of this dangerous ammunition, a reasoned approach is employed that utilizes a variety of salient features. Classification is based upon destructive capacity, not arbitrary metrics (such as single attributes of diameter alone). We are unaware of any public safety situation that would warrant ATF to dramatically expand its regulatory authority in such a needless manner as "all ammunition above .50 caliber is now considered an explosive." However, that is *exactly* what is happening. Further, ATF wishes to require that all possessors or users of such "large ammunition" hold ATF explosives user permits, with all of the associated administration, inspection and regulation. This will inevitably burden an already under-funded Bureau and enable a significant number of new permittees to acquire *actual* explosives.

History

As previously mentioned, there is a distinct absence of a definition of small arms (or the attendant ammunition), including in the Gun Control Act (GCA), the Organized Crime Control Act (OCCA) or in an ATF Rulings. However, many United States Departments, various organizations and international bodies have defined the term. And while there is a good bit of variation in each definition, there is remarkable similarity.

Small Arms:

- Man portable, individual, and crew-served weapon systems used mainly against personnel and lightly armored or unarmored equipment. (DOD Dictionary of Military Terms, 2009)
- Small arms and light weapons range from clubs, knives and machetes to those weapons just below those considered major conventional weapon systems. (United Nations, 1977, para. 24)
- A term used by the military. Small arms include all weapons that can be carried by one man and fired with one or both hands. By military definition, this also includes machine guns and all weapons with a bore diameter of no more than 1". (Steindler's New Firearms Dictionary, p. 259, 1985)
- Firearms capable of being carried by a person and fired without mechanical support; usually have a bore diameter of less than one inch. (NRA Firearms Sourcebook, p. 462, 2006)
- Guns that can be carried and operated by one man. They include shoulder arms, sometimes called long guns, hand guns (pistols and revolvers), and machine guns. Generally firearms with calibers up to 1 inch in diameter are so classified. (Olson's Encyclopedia of Small Arms, p. 164, 1985)
- Guns that can be carried and operated by one man. They include shoulder arms, sometimes called long guns, hand guns (pistols and revolvers), and machine guns. Generally firearms with calibers up to 1 inch in diameter are so classified. (Shooter's Bible Small Arms Lexicon and Concise Encyclopedia, p. 197, 1968)

Small Arms Ammunition:

- Small arms ammunition including ammunition not exceeding .75 caliber for a rifle or shotgun shells of any caliber. (Department of Transportation, SafetTravel.dot.gov website)
- Small- caliber ammunition, as used herein, describes a cartridge or families of cartridges intended for use in various types of hand-held or mounted weapons through 30 millimeter. (Dept. of Army, TM 9-1300-200, Sec 3-1, Small Arms Ammunition)
- Ammunition for small arms, i.e., all ammunition up to and including 20 millimeters (.787 inches). (DOD Dictionary of Military Terms, 2009)

- A military term for ammunition for firearms with bores not larger than one inch. (SAAMI Glossary)
- A military term for ammunition for firearms with bores not larger than one inch. (AFTE Glossary, p.6, 1980)
- Any small arms cartridge with a bullet that has a diameter up to and including 1". (Steindler's New Firearms Dictionary, p. 259, 1985)
- Ammunition having a bullet diameter of one inch or less, used in small arms. (Olson's Encyclopedia of Small Arms, p. 164, 1985)
- Ammunition having a bullet diameter of one inch or less, used in small arms. (Shooter's Bible Small Arms Lexicon and Concise Encyclopedia, p. 197, 1968)

ATF Firearms Technology Branch (FTB) has regularly held via opinion letters that many types of ammunition in excess of .50 caliber are, in fact, neither explosives nor destructive devices.

The OCCA purpose, at Section 1101, demonstrates that it was not the intent of Congress to impede the firearms community or obstruct commerce within that community by restricting ammunition as an explosive.

The Sporting Arms and Ammunition Manufacturers' Institute, Inc. (SAAMI) has rigorously tested the behavior of a sampling of a wide range of ammunition when subject to fire and other perilous activities. Through careful documentation, SAAMI can categorically state that the tested ammunition does not behave as a traditional explosive and does not present a substantially increased risk when subjected to such activities.

- Ammunition ignited outside a firearm has significantly lower velocities and energies than when shot from a firearm.
- Ammunition dropped from extreme heights is unlikely to ignite. If a cartridge ignites, it does not "propagate".
- Ammunition struck by a fired round of ammunition tends to not ignite. When one does, there is no chain reaction in ammunition groups.
- Blasting caps are commonly used to ignite explosives. Igniting ammunition with a blasting cap is difficult and when it does happen, it does not propagate in groups of ammunition.
- Even in the most extreme conditions of compression and friction (impact from large objects such as a forklift, bulldozer, etc.), ammunition is unlikely to ignite and does not propagate in groups of ammunition.
- Large quantities of ammunition subject to a bonfire provided a lot of noise, but did not present significant danger to even a "turn out" uniformed fire fighter at normal working distances.
- A fully involved retail ammunition store fire, where enormous quantities of ammunition were present, was controlled within 10 seconds by fire fighters. Projectiles were low velocity and did not impede the fire fighters' activities.

- A loaded semi-trailer full of ammunition was set ablaze. Again, the fire was controlled within 10 seconds by fire fighters. Projectiles were low velocity and did not impede the fire fighters' activities.

The Homeland Security Act of 2002 is incorporated herein for reference.

The March 2005 report of the OIG is incorporated herein for reference.

The Congressional testimony supporting the OCCA is incorporated herein for reference.

Proposed Solution

The OIG determined that the Safe Explosives Act did not change or expand the explosives types subject to ATF's regulatory authority. However, the Act and current ATF action present an opportunity to clearly define terms and actions for the firearms community and the public at large. It is incumbent upon ATF to "fill in the blanks" and utilize the rule making process to define terms and communicate effectively.

1. Define the term *small arms*. Any definition that is considerably more restrictive than the ones previously cited should clearly demonstrate a current public safety concern.
2. Define the term *small arms ammunition*. We propose as a definition the following:
 - All cartridges or shot shells (including blanks) for rifles, shotguns or handguns (as defined in 18 U.S.C. § 921) other than destructive devices, as long as they use inert projectiles (including tracers)
 - Cartridges or shells (including blanks) for destructive devices or antique firearms (e.g., black powder cannons), as long as they use inert projectiles (including tracers) or projectiles designed for target practice containing less than 1/4 ounce of explosive (e.g., 40mm practice grenades)
 - Cartridges for powder actuated industrial devices
 - Components for all cartridges and shells described above, including:
 - Smokeless powder and black powder substitutes
 - Black powder used in fixed cartridges, or bulk black powder as excluded from certain federal regulation under 18 U.S.C. § 845(a)
 - Primers
 - Projectiles, bullets and shot
3. Exempt the defined small arms ammunition from explosives regulation.

Further, it should be clearly communicated that the classification of a firearm as a destructive device does not automatically confer the same status on the ammunition that the referenced firearm utilizes.

Implementation

Inasmuch as it is demonstrated that ammunition of a given size or greater does not become an explosive or even behave like one, it is still necessary to create definitions and clarify the implementation of existing regulations so that the interests of public safety can continue to be served. It is crucial that any effort expended by ATF in streamlining this issue and the regulations relating to it be done in cooperation with the firearms community.

- Form a working group composed of FTB, industry associations, leaders and subject matter experts to provide informed content and perspective.
- Clarify existing definitions of firearms (destructive device, etc.)
- Implement the formal rule making process to:
 - Define small arms
 - Define small arms ammunition
 - Clearly define what does constitute ammunition as explosive with meaningful metrics
- Create a communication program via participating organizations to inform the community of what is happening.

Summary

We are aware of no bona fide public safety issue requiring the reclassification of non-explosive ammunition as an explosive. Extensive testing has shown that ammunition does not behave as a traditional explosive and poses no immediate threat to the general public or first responders. Regulations are currently in place to restrict public access to items classified as destructive devices and some types of ammunition that possess explosive characteristics. Components of military ordnance are likewise heavily regulated and restricted.

Should ATF take the position that any ammunition with a diameter larger than one half inch is an explosive, the results would be severely catastrophic and riddled with unintended consequences. This classification would result in numerous possessors of the newly reclassified ammunition applying for an explosives license and user permits. In turn, this would result in Industry Operations Investigators (IOI's) being responsible for an exponentially increased volume of un-funded work. Additional burdens on the owners of this ammunition, such as having to abide by Department of Transportation regulations for movement of the ammunition (over the road, sea and air) and having to maintain an approved and regularly inspected storage magazine, would further inundate the IOI division.

Still, the firearms community can always benefit from clarification of existing regulations and the development of precise and understandable definitions where none exist. ATF should endeavor to serve the public interest by collaborating with the firearms community to create these clarifications and new definitions.



*John Brown, III, President, NFATCA
with assistance from NRA, NRA-ILA, SAAMI, SCI & NSSF*

From: McCabe, Harry L.
To: [Ficareta, Teresa](#)
Subject: RE: Knob Creek Invitation
Date: Thursday, February 24, 2011 4:50:58 PM

thx

Harry L. McCabe, III
Deputy Assistant Director
Field Operations (IO)
(b) (6) (Direct)
(b) (6) (Cell)

From: Ficareta, Teresa
Sent: Thursday, February 24, 2011 4:39 PM
To: McCabe, Harry L.
Cc: (b) (6).
Subject: Knob Creek Invitation

Below is information about the Knob Creek event. Arthur will contact John Brown, President of NFATCA, to let him know that field representatives will cover the event. I'll let you know once he makes that call so (b) (6) can contact Jeff Folloder.

I have asked (b) (6) and (b) (6) to provide you with a briefing paper outlining issues that are likely to arise at the meeting. We will also have an NFA expert and an FTB expert on call to assist you with technical issues. They will provide you with contact information as the date gets closer.

Thanks so much for assisting us with this event. And I hope (b) (6) is working on his list of great jokes – he is sure to be a big hit!

From: Jeff Folloder [mailto:(b) (6)]
Sent: Thursday, February 24, 2011 7:57 AM
To: (b) (6).
Cc: (b) (6)
Subject: Knob Creek Invitation

(b) (6)
As you may already know, the Spring Knob Creek Machine Gun Shoot & Show is coming up. The official show is held on the weekend of April 8-10, 2011 at the range located in West Point, Kentucky. As usual, we will be having our regular get together on the Thursday before the event takes place. ATF has always participated in this meeting and it has always been well received. It's a great opportunity to get NFA and FTB personnel in front of folks who really appreciate the effort. The Q&A's are always informed and spirited!

Please consider this as an official invitation and request to have ATF attend and participate in the event. Of course, we will have badges available for any staff that you send and will do our best to prevent rivers of mud from creating a parking hazard. Okay, we have the first one covered... But we can't do anything about the

mud! I look forward to hearing from you!

--

Jeff Folloder

NFA Trade and Collectors Association

Website: www.nfatca.org

Direct: (b) (6)

From: Ficaretta, Teresa
To: [McCabe, Harry L.](#)
Cc: (b) (6)
Subject: Knob Creek Invitation
Date: Thursday, February 24, 2011 4:38:00 PM

Below is information about the Knob Creek event. Arthur will contact John Brown, President of NFATCA, to let him know that field representatives will cover the event. I'll let you know once he makes that call so (b) (6) can contact Jeff Folloder.

I have asked (b) (6) and (b) (6) to provide you with a briefing paper outlining issues that are likely to arise at the meeting. We will also have an NFA expert and an FTB expert on call to assist you with technical issues. They will provide you with contact information as the date gets closer.

Thanks so much for assisting us with this event. And I hope (b) (6) is working on his list of great jokes – he is sure to be a big hit!

From: Jeff Folloder [mailto:(b) (6)]
Sent: Thursday, February 24, 2011 7:57 AM
To: (b) (6)
Cc: (b) (6)
Subject: Knob Creek Invitation

(b) (6)

As you may already know, the Spring Knob Creek Machine Gun Shoot & Show is coming up. The official show is held on the weekend of April 8-10, 2011 at the range located in West Point, Kentucky. As usual, we will be having our regular get together on the Thursday before the event takes place. ATF has always participated in this meeting and it has always been well received. It's a great opportunity to get NFA and FTB personnel in front of folks who really appreciate the effort. The Q&A's are always informed and spirited!

Please consider this as an official invitation and request to have ATF attend and participate in the event. Of course, we will have badges available for any staff that you send and will do our best to prevent rivers of mud from creating a parking hazard. Okay, we have the first one covered... But we can't do anything about the mud! I look forward to hearing from you!

--

Jeff Folloder

NFA Trade and Collectors Association

Website: www.nfatca.org

Direct: (b) (6)

From: Ficaretta, Teresa
To: (b) (6)
Cc: [Herbert, Arthur W.](#); (b) (6)
Subject: RE: Knob Creek Invitation
Date: Thursday, February 24, 2011 4:36:00 PM

Arthur and I agree that EPS need not attend another of these events, particularly right after the SHOT Show. I have discussed with Harry McCabe, and he will send DIO (b) (6) to the event. Arthur will call John Brown to advise him that we will not be attending. Either Harry or Mr. (b) (6) will call NFATCA to let them know the field will cover the event.

I advised Harry that EPS will provide (b) (6) with information on issues that are likely to be raised at the event. (b) (6), please collaborate on that paper and provide it to (b) (6) at least a couple of weeks in advance. I also advised him that we would have an NFA expert and an FTB expert standing by during the meeting with NFATCA so (b) (6) can contact them for technical assistance as needed. Please determine who on your staffs will handle this and provide contact information to (b) (6).

From: (b) (6)
Sent: Thursday, February 24, 2011 11:00 AM
To: Ficaretta, Teresa; (b) (6)
Cc: Herbert, Arthur W.; (b) (6)
Subject: RE: Knob Creek Invitation

While it would break precedent, (b) (6) and I believe that attending once per year is sufficient. We attended in October and don't need to be there this spring.

If contractor layoffs or furloughs come, it will be difficult to explain to our employees why we continue to send people to Knob Creek every 6 months.

From: Ficaretta, Teresa
Sent: Thursday, February 24, 2011 10:45 AM
To: (b) (6)
Cc: Herbert, Arthur W.; (b) (6)
Subject: RE: Knob Creek Invitation

What are your recommendations on attendance?

From: (b) (6)
Sent: Thursday, February 24, 2011 10:15 AM
To: (b) (6); Ficaretta, Teresa; (b) (6)
Cc: Herbert, Arthur W.
Subject: Re: Knob Creek Invitation

The DIO is notified

(b) (6)

From: Ficareta, Teresa
To: (b) (6)
Cc: (b) (6)
Subject: RE: SHOT Show Breakfast
Date: Thursday, December 30, 2010 9:01:00 AM

Thanks. I discussed with Arthur, and he'd still prefer to have the meeting in a conference room, if at all possible.

From: (b) (6)
Sent: Thursday, December 30, 2010 8:52 AM
To: Ficareta, Teresa
Cc: (b) (6)
Subject: FW: SHOT Show Breakfast

I have an email out to John Brown (and still a little early for (b) (6)) but this is what was sent regarding the meeting

From: Jeff Folloder [mailto:(b) (6)]
Sent: Thursday, December 16, 2010 1:08 PM
To: (b) (6)
Subject: SHOT Show Breakfast

(b) (6)

Please see the attached. If I do not have a chance to communicate with you before Christmas, I'd like to take the opportunity to wish you and yours a blessed holiday and a prosperous New Year!

--

Jeff Folloder
NFA Trade and Collectors
Association

Website: www.nfatca.org
Direct: (b) (6)

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Enter your name and email address below:

Name: []
Email: []
(X) Subscribe [GO]

From: (b) (6)
To: [Ficareta, Teresa](#)
Cc: (b) (6)
Subject: FW: SHOT Show Breakfast
Date: Thursday, December 30, 2010 8:51:46 AM
Attachments: [shot_breakfast_v1.docx](#)

I have an email out to John Brown (and still a little early for Jeff Folloder) but this is what was sent regarding the meeting

From: Jeff Folloder [mailto:(b) (6)]
Sent: Thursday, December 16, 2010 1:08 PM
To: Schaible, Gary N.
Subject: SHOT Show Breakfast

Gary,
Please see the attached. If I do not have a chance to communicate with you before Christmas, I'd like to take the opportunity to wish you and yours a blessed holiday and a prosperous New Year!

--

Jeff Folloder
NFA Trade and Collectors
Association

Website: www.nfatca.org
Direct: (b) (6)

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Small Arms Review
Mark Mann (Advisor),
The Rifleman

"Power Through Experience"

National Firearms Act Trade & Collectors Association

October 20, 2017

(b) (6)

Bureau of Alcohol, Tobacco, Firearms & Explosives
99 New York Ave, NE
Washington DC 20226

(b) (6)

The year is coming to a close and 2011 is right around the corner. That can only mean that SHOT Show is upon us! Given the unprecedented success of last year's meeting between the management of ATF and NFATCA, I would like to extend to you and your senior staff a formal invitation for this coming January:

Wednesday, January 19, 2011

7:30am ~ 8:30am

Dal Toro Ristorante
(Palazzo Resort/Casino)

In keeping with ATF's concerns regarding industry influence at public events, breakfast will be available a la carte for individual purchase by attendees, should they choose to do so.

We are planning to have ten NFATCA attendees and have set the room for up to fourteen ATF attendees. Please advise as to who will be available for this meeting.

Sincerely,

<electronic signature>

John K. Brown, III
President

From: Ficaretta, Teresa
To: [John Brown](#) (b) (6)
Subject: Manufacturing ruling
Date: Wednesday, December 29, 2010 3:22:00 PM

John: I left a voice-mail message for you, but also wanted to send an e-mail asking you to call me ASAP. We will be posting a ruling on manufacturing today and I wanted to give you some advance notice. Please give me a call at (b) (6) If I don't answer you can call my cell at (b) (6) - (b) (6)

From: (b) (6)
To: [Ficaretti, Teresa](#); (b) (6)
Cc: (b) (6)
Subject: breakfast_agenda_v2
Date: Friday, December 17, 2010 10:01:52 AM
Attachments: [breakfast_agenda_v2.docx](#)

Issues from the NFATCA



National Firearms Act Trade & Collectors Association

October 20, 2017

2011 SHOT Show NFATCA Meeting with ATF

Wednesday, January 19, 2011

7:30am ~ 8:30am

Dal Toro Ristorante

(Palazzo Resort/Casino)

John K. Brown, III
President

Teresa Starnes
Vice President

Jeffrey E. Folloder
Executive Director, Sec/Tres

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Curt Wolf,
US Ordnance Research
John Tibbetts,
Ex-Officio
Robert Segal (Advisor),
Small Arms Review
Mark Mann (Advisor),
The Rifleman

"Power Through Experience"

Our meeting will be brief, given the requirements of the various participants' commitments for exhibition at SHOT Show. The following topics are proposed by NFATCA for consideration at this important meeting:

1. Small Arms Ammunition definition initiative.
2. CLEO Signature removal from Forms 1&4.
3. Incorporation of Citizenship Compliance form into existing forms.
4. eForms progress.
5. Credit Card processing for NFA Branch.
6. Manufacturer Definition petition status.
7. Shotgun/AOW situation.
8. FTB Manual.
9. ATF Initiatives.

From: Ficaretta, Teresa
To: (b) (6)
Subject: RE: Compliance Initiative
Date: Wednesday, July 21, 2010 1:31:00 PM

This request raises a number of different legal and policy issues. There could be Federal Advisory Committee Act issues, disclosure issues, the appearance that we are giving preferential treatment to this industry group, etc. Moreover, I'm not sure that we can spare any IOIs to participate in a "think tank" exercise. If we are going to continue to provide good customer service, don't we need all our team members working on processing the NFA documents that we receive? If the NFATCA has questions about a particular issue, we are always happy to assist them. But this sounds like a much greater effort than a couple of questions. You might want to follow up with Jeff to find out exactly what he has in mind.

From: (b) (6)
Sent: Wednesday, July 21, 2010 12:59 PM
To: (b) (6); Ficaretta, Teresa
Subject: FW: Compliance Initiative

FYI

Please see the below request for information from the NFATCA.

I will attempt to reach out to Jeff to determine exactly what he is asking for, however I'd be interested in any first impressions you all might have.

(b) (6)
Deputy Division Chief
FESD

(b) (6)

From: Jeff Folloder [mailto:(b) (6)]
Sent: Wednesday, July 21, 2010 11:04 AM
To: (b) (6)
Subject: Compliance Initiative

(b) (6)
I trust that you have not melted in the summer heat! The NFATCA is putting together an initiative to help our members and the industry at large better deal with compliance issues. We are trying to assemble a "think tank" to answer questions in a structured format and to provide guidance in establishing "best practice" processes.

Are there any restrictions/policies regarding obtaining help from past and present IOI's and others that were involved in the official process? I want to make sure that we *always* stay on the right side of regulation on this!

--

Jeff Folloder
NFA Trade and
Collectors
Association
Website: www.nfatca.org

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Name: []	
Email: []	
(X) Subscribe [GO]	



Direct:

(b) (6)



From: Ficaretta, Teresa
To: (b) (6)
Subject: Re: another presentation for the manufacturers conference
Date: Friday, June 25, 2010 1:50:33 PM

Neither one-I am just resigned to the fact that we have no input. I promise to be on my best behavior at the conference.

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From: (b) (6)
To: Ficaretta, Teresa
Sent: Fri Jun 25 13:47:02 2010
Subject: RE: another presentation for the manufacturers conference

I guess I have to ask – is that good or bad?

I don 't know that the NFATCA is doing well on their first conference of this nature

From: Ficaretta, Teresa
Sent: Friday, June 25, 2010 1:46 PM
To: (b) (6)
Subject: Re: another presentation for the manufacturers conference

That's what I thought you would say.

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From: (b) (6)
To: Ficaretta, Teresa
Sent: Fri Jun 25 13:22:28 2010
Subject: RE: another presentation for the manufacturers conference

Yes, the conference is being funded by the NFATCA and we are only invited guests to give presentations. That being said, we don't have much ('cause we did add (b) (6) and (b) (6) the presenters) control over the agenda! I have no idea what (b) (6) will talk about (unless it was the topic she wanted for the Importers Conference) – I did ask before about ITAR (wondering why it was of interest to the manufacturers) as to who was giving the presentation and all they said was that they have someone who can discuss it in detail

From: Ficaretta, Teresa
Sent: Friday, June 25, 2010 11:40 AM
To: (b) (6)
Subject: Re: another presentation for the manufacturers conference

What presentation is (b) (6) giving? And am I correct that this Conference is being funded by NFATCA? Does that mean we have little control over the agenda?

One more question-what is ITAR-mania?

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From: (b) (6)
To: Herbert, Arthur W.; Ficaretta, Teresa; McCabe, Harry L.
Cc: (b) (6)
Sent: Fri Jun 25 07:03:12 2010
Subject: FW: another presentation for the manufacturers conference
FYI – attached is the most recent agenda from the NFATCA for their manufacturer’s conference

Please let me know if you have any questions

From: Jeff Folloder [mailto:(b) (6)]
Sent: Thursday, June 24, 2010 8:06 PM
To: (b) (6)
Cc: (b) (6)
Subject: Re: another presentation for the manufacturers conference

(b) (6) :

Hey, Jeff – you will have speakers from FTB and NFA – and I hope to have the names today – we have also asked for two other presentations and you have names for those – are you close to having a finalized agenda? In order to have our acting Director speak, I have to put in a request and need the date and time for him.

Attached please find a Word doc with the working agenda...

--



Jeff Folloder
NFA Trade and Collectors
Association

Website: www.nfatca.org
Direct: (b) (6)

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Name: []
Email: []
(X) Subscribe [GO]

From: (b) (6)
To: [Ficaretta, Teresa](#)
Subject: RE: another presentation for the manufacturers conference
Date: Friday, June 25, 2010 1:47:05 PM

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From: Jeff Folloder [mailto:(b) (6)]

Sent: Thursday, June 24, 2010 8:06 PM

To: Schaible, Gary N.

Cc: (b) (6)

Sub tation for the manufacturers conference

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