



# FFL NEWSLETTER

## FEDERAL FIREARMS LICENSEE INFORMATION SERVICE

November 2012

In an effort to keep Federal firearms licensees (FFLs) abreast of changing Federal firearms laws and regulations, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will provide semiannual FFL Newsletters. Previous editions of the FFL Newsletters are available on ATF's Web site (<http://www.atf.gov/publications/newsletters/>).

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### Customer Service Standards

It is the goal of the Firearms and Explosives Industry Division (FEID) to respond to requests from firearms industry members within 90 days of receipt. Requests may include, but are not limited to, variances, determinations, and classifications. Please be aware that although we generally complete requests sooner than our 90 day goal, our ability to respond to industry-related inquiries is impacted by a number of factors, such as available staffing resources, the sufficiency of information received from the requestor, existing precedent for granting the request, necessary technical research and/or testing, and any applicable legal review process. Additionally, it is FEID's priority to serve the needs of the law enforcement community first, to include ATF, other Federal agencies, and State and local law enforcement entities. We attempt to balance and address exigent circumstances-which the requestor shall articulate in writing and include with the original request-with the routine needs of all firearms industry members.

This customer service goal applies to the Firearms Industry Programs Branch and the Firearms Technology Branch.

### Reminder: Top 10 Frequently Asked Firearms Questions and Answers

ATF receives numerous telephone and electronic inquiries on a daily basis. In an effort to provide individuals with the most up-to-date information, ATF has compiled a list of the top 10 most frequently asked questions and provided answers to those questions: <http://www.atf.gov/firearms/industry/0501-firearms-top-10-qas.pdf>

## Receive Firearms Industry News

To sign up is easy, and subscribers can always cancel their subscriptions. Go to <http://www.atf.gov/firearms/industry/> and look for the following icon on the right side of the page; then follow the simple instructions.

## Electronic Devices Used to Verify Change of Address

With today's ever changing technology, ATF has received inquiries whether a customer may use an electronic device (i.e. iPad, iPhone, etc.) to show proof of an address change. Specifically, Federal firearms licensees (FFLs) are asking if a customer can provide a supplemental document, via electronic device, to show proof of an address change in lieu of providing a physical copy of the document.

The Brady Act requires an FFL to identify the nonlicensed transferee by examining a valid government-issued identification document that contains the photograph of the holder. 18 U.S.C. 922(t)(1)(C). This requirement applies to all over-the-counter transfers, even where the transferee holds a permit that qualifies as an exception to the requirement for a NICS check at the time of transfer. 27 CFR 478.124(c)(3)(i).

The Brady Act incorporates the definition of an "identification document" provided by 18 U.S.C. 1028(d)(2), which is set forth in relevant part as follows:

[A] document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

ATF regulations further require that the identification document must contain the name, residence address, date of birth, and photograph of the holder. 27 CFR 478.11.

ATF has determined that a combination of valid, government-issued documents showing the transferee's current residence address may be used to satisfy the identification document requirements of the law. Refer to ATF Ruling 2001-5, Identification of Transferee, (<http://www.atf.gov/regulations-rulings/rulings/atf-rulings/atf-ruling-2001-5.html>) for additional information.

ATF has resolved that a licensee may accept the use of an electronic device to display a supplemental identification document in order to verify a current residence address. However, the document must be government issued and show the name and current address of the transferee. For example, the required valid government-issued photo identification document bearing the name, photograph, and date of birth of the transferee may be supplemented by another valid, government-issued document showing the transferee's residence address. The transferee may access his/her county property tax assessment, via the electronic device, to show his/her residential address.

However, please be aware that there may be State laws that prohibit the use of an electronic device to prove residency.

## Government Issued Documents Bearing an Incorrect Zip Code

ATF has received inquiries from Federal firearms licensees (FFLs) pertaining to zip code changes and their impact on identification documents (IDs). Specifically, FFLs have asked if a purchaser's identification document (ID) can be used to complete a firearms transaction if the zip code is the only portion of the address that has changed on the ID.

Federal law and implementing regulations require FFLs to examine a valid government-issued identification document that bears the name, residence address, date of birth, and photograph of the holder prior to making an over-the-counter transfer to any unlicensed transferee. As explained in ATF Ruling 2001-5, a combination of valid, government-issued documents **showing the transferee's current residence address** may be used to satisfy the identification document requirements of the law.

Because the driver's license lists an incorrect zip code, the purchaser would need to produce an additional government issued document containing the proper address and/or zip code to augment the driver's license. Please refer to <http://www.atf.gov/regulations-rulings/rulings/atf-rulings/atf-ruling-2001-5.html>.

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## PCS Orders and Military Dependents Purchasing Firearms

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The Military Spouses Residency Relief Act (Public Law 111-97) amended the Service member's Civil Relief Act (50 U.S.C. app. 501-596), providing residency protection for spouses in three distinct and limited areas: voting, taxes, and land rights (use of Federally controlled lands). The law did not amend any portion of the GCA or any other Federal law. Therefore, 18 U.S.C. 922(b) still applies only to members of the Armed Forces, not their spouses or other dependants.

For purposes of purchasing firearms, the same residency rules apply to military spouses as applied to other individuals attempting to purchase a firearm—an individual resides in a State in which he/she is present with the intention of making a home in that State.

Please note that the military dependant must have the necessary document or combination of government issued documents proving residency in the state in which he/she resides. This is normally accomplished through a State issued driver's license. However, a combination of government issued documents may be used to prove residency. Please note that the government issued documents must be in the military dependant's name.

See ATF Ruling 2001-5 (Identification of Transferee) for further information: <http://www.atf.gov/regulations-rulings/rulings/atf-rulings/atf-ruling-2001-5.html>. In addition, please see ATF Ruling 2010-6—State of Residence (<http://www.atf.gov/regulations-rulings/rulings/atf-rulings/atf-ruling-2010-6.pdf>) for further information.

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## Licensed Manufacturer's Registration Requirement with the Department of State, Directorate of Defense Trade Control (DDTC)

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ATF administers the permanent import provisions of the Arms Export Control Act (AECA) and therefore has jurisdiction over the permanent importation of United States Munitions Import List (USMIL) Articles into the United States. ATF also administers the import provisions of the Gun Control Act (GCA) and the National Firearms Act (NFA).

In addition to exporters and brokers, all manufacturers of defense articles, defense services, or related technical data, as defined on the United States Munitions List (Part 121 of the International Traffic in Arms Regulations (ITAR)), are required to register with the Department of State, Directorate of Defense Trade Control (DDTC), regardless of whether the manufacturer actually exports any of the items manufactured. Registration is primarily a means to provide the U.S. Government with necessary information on who is involved in certain manufacturing and exporting activities. Registration does not confer any export rights or privileges, but is a precondition for the issuance of any license or other approval for export.

Generally, persons holding a manufacturer's license (Type 06, 07, or 10) must register as a manufacturer with the Department of State unless specifically exempted by DDTC. For further information, you should contact:

Office of Defense Trade Controls PM/DDTC  
Department of State Suite 1200 SA-I  
2401 E Street, NW, Washington, DC 20522-0112  
<http://www.pmdtdc.state.gov/>  
(202) 663-2980

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## Firearms Lost or Stolen from Interstate Shipments

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An interstate "theft/loss" occurs when a firearm that was shipped through a common carrier, including shipping and moving companies and the United States Postal Service (USPS), is lost or stolen while in transit. The reporting of these incidents is not required by regulation but is strongly recommended as a best business practice.

Interstate Theft/Loss Reports may be filed by the shipper, by the carrier, and/or by the intended recipient. In order to assist with voluntary reporting of the theft or loss of firearms from interstate shipments, ATF provides ATF Form 3310.6, *Interstate Firearms Shipment Theft/Loss Report*. This form is available online at: <http://www.atf.gov/forms/download/atf-f-3310-6.pdf> or may be ordered from the ATF Distribution Center at 202-648-6420.

Licensees are reminded that when shipments of firearms are received, it is a best practice to review the shipment to ensure that it contains all of the expected firearms documented. It is also a best practice, upon receipt of firearms, that the acquisition(s) be recorded immediately. For licensed importers, the acquisition of a firearm must be recorded within 15 days of importation or other acquisition. For licensed manufacturers, the acquisition of a firearm must be recorded not later than the seventh day following such manufacture or other acquisition was made. For licensed dealers, pawnbrokers, and collectors, the acquisition of a firearm must be recorded not later than the close of the next business day following the date of acquisition. Additionally, for licensed dealers, pawnbrokers, and collectors, limited exceptions to this requirement can be found at 27 CFR, Part 478.125 (Record of receipt and disposition).

### ***Licensee Responsibility—Theft From Inventory***

As required by 27 CFR 478.39a, a theft or loss of firearms must be reported to your local police as well as to ATF within 48 hours after the discovery. Licensees should notify ATF on the 24-hour, 7 days a week toll free line at 1-888-930-9275 and by preparing and submitting ATF Form 3310.11, *Federal Firearms Licensee Theft/Loss Report*. This form is available online at: <http://atf.gov/forms/download/atf-f-3310-11.pdf> or may be ordered from the ATF Distribution Center at 202-648-6420.

Theft or loss of National Firearms Act (NFA) firearms should also be reported to the NFA Branch immediately upon discovery at 304-616-4500.

In addition, licensees must log the applicable firearms out of the acquisition & disposition (A&D) record as “lost” or “stolen.” Licensees must include the date of incident as the disposition date, and include the ATF issued incident number and the local police report number, if applicable.

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## **Guidance to FFLs Affected by Flooding and Other Natural Disasters**

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ATF has developed an informational brochure and a video designed to offer guidance to Federal firearms licensees who will be or are affected by flooding and other natural disasters. The brochure, “*Disaster Preparedness for Federal Firearms Licensees*”, ATF Publication 3317.7 can be found at: [www.atf.gov/publications/download/p/atf-p-3317-7.pdf](http://www.atf.gov/publications/download/p/atf-p-3317-7.pdf).

The video titled, “*Disaster Preparedness*,” can be found at [ATF Online-Training-Firearms-ATF Online Educational Seminars](http://ATF Online-Training-Firearms-ATF Online Educational Seminars).

If you have any questions concerning what you can do to prepare for a disaster, please contact your local ATF field office or call ATF’s 24-hour hot line at (800) 800-3855. Further information about ATF can be found at: [www.atf.gov](http://www.atf.gov).

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## **Ethnicity and Race on the ATF Form 4473**

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ATF has received numerous inquiries from Federal Firearms Licensees (FFLs) asking if the transferee must answer 10.b. even though the transferee has answered 10.a. Both items must be answered; an individual must select at least one race in item 10.b. regardless of ethnicity designation selected in item 10.a.

Ethnicity and race are further defined below:

**Ethnicity**-This refers to a person’s heritage. Persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race, are considered Hispanic or Latino. Any other ethnicity that does not fall within those indicated, please select the closest representation.

**Race**-More than one response may be selected.

- American Indian or Alaska Native - A person having origins in any of the original peoples of North and South America (including Central America), and who maintains a tribal affiliation or community attachment.

- Asian-A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- Black or African American-A person having origins in any of the Black racial groups of Africa.
- Native Hawaiian or Other Pacific Islander-A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- White-A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

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### Firearms Shipments via Common or Contract Carrier

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ATF has received several questions pertaining to the shipment of firearms. Under Federal law, any person intending to ship a firearm or ammunition via contract or common carrier must provide written notice to the carrier that a firearm or ammunition is being shipped. The common or contract carrier is prohibited from requiring any label, tag, or other written notice to be placed on the outside of any package indicating that such package contains a firearm. Further, a common or contract carrier is prohibited from delivering any firearm or ammunition with knowledge or reasonable cause to believe that the shipment or receipt thereof would be in violation of any provision of Federal firearms law. Refer to 27 CFR 478.31.

Under Federal law, a licensed dealer is not required to provide a copy of his Federal firearms license to the common or contract carrier prior to transferring a firearm to another licensee. However, common or contract carriers may have their own policies regarding such requirements. Additionally, unlicensed individuals shipping a firearm to a licensee are not required to provide a copy of their driver's license to that licensee. This may be an internal policy of that business, but it is not required under Federal law.

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### Out-of-Business Procedures

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When a licensee elects to discontinue his or her business, ATF recommends that licensees compose a letter to the Chief, Federal Firearms Licensing Center (FFLC), notifying ATF of their intent to discontinue business. The letter should include the licensee's name, address and full Federal firearms license number. The Federal firearm license should also be attached to the letter. In addition, he or she must deliver the required records within 30 days following the discontinuance of business to the ATF Out-of-Business Records Center or to any ATF office in the division in which the business was located. However, if there are no records to submit, the licensee must inform ATF of such.

The records should be addressed to:

ATF Out-of-Business Center  
244 Needy Road  
Martinsburg, West Virginia 25405

The required records to be submitted include: any copies of the Federal firearms license, acquisition & disposition (A&D) records, ATF Forms 4473, ATF Forms 3310.4, *Report of Multiple Sale or Other Disposition of Pistols and Revolvers*, ATF Forms 3310.11, *Federal Firearms Licensee Theft/Loss Report*, and ATF Forms 3310.12, *Report of Multiple Sale or Other Disposition of Certain Rifles* (where applicable). Licensed importers must also submit any ATF Forms 6, *Permit for Importation of Firearms, Ammunition and Implements of War*, and ATF Forms 6A, *Release and Receipt of Imported Firearms, Ammunition and Implements of War*. Licensees are reminded to detach any forms not required by Federal firearms law and regulations (State required paperwork, invoices, receipts, etc.)

ATF also recommends that licensees shipping multiple boxes of records label each box in order (e.g. 1 of 3, 2 of 3, 3 of 3) and include a copy of their Federal Firearms license and the letter sent to the Chief, FFLC in each box.

Further, please note that prior to submitting A&D records, licensees should verify that all entries in the A&D record are complete and accurate.

All firearms recorded in the A&D record should have disposition information recorded. Because all firearms should have disposition information recorded, licensees have the option of transferring the firearms to their personal collection. For sole proprietorships, no NICS check is required to transfer a firearm from the business

inventory to his or her personal collection. However, the A&D record must reflect the disposition of the firearm from business inventory to personal use, and the date of such transfer. For corporations, LLCs, or partnerships holding a FFL, an ATF Form 4473 and NICS check is required when such entity transfers a firearm to one of its officers (or partners in the case of a partnership) for his or her personal use or collection. The disposition of the firearm must be recorded in the A&D record accordingly.

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## Out-of-Business with Succession

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Federal firearm licenses are not transferable. In the event of the lease, sale, or other transfer of the operations authorized by the Federal firearms license, the successor must obtain the license required prior to starting his or her business activity. See 27 CFR 478.51. If there is a change in ownership of the business, the individual must notify the Chief, FFLC within 30 days of such change in control. Upon expiration of the license, the corporation or association must file an ATF Form 7 as required by 27 CFR 478.44.

In certain circumstances, specified people may succeed an existing FFL. The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee, a receiver or trustee in bankruptcy, or an assignee for benefit of creditors other than the licensee may carry on the same firearms or ammunition business at the same address and until the expiration date of the current license. See 27 CFR 478.56.

Where a firearm or ammunition business is succeeded, the new owner of the business must notify the Chief, FFLC, within 30 days of the succession. If a person is succeeding an existing Federal firearms license, he or she has the option of delivering the records to ATF (as described above) or to maintain them. The successor should notify ATF that he or she will maintain the records.

Where a licensed business is discontinued and succeeded by a person identified above, the required records must appropriately reflect the succession and must be delivered to the successor. Although not required by law, ATF recommends that the successor draw a line below the last entry in the A&D record and place a note below that line indicating that the business was succeeded on a specific date.

Please remember that before continuing a firearms business, each successor must inventory the firearms possessed for such business and shall record them in the A&D record.

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## Residence as a Licensed Business Premises

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ATF has received several inquiries about obtaining a Federal firearms license at a residence. One requirement for the issuance of a Federal firearms license includes, in part, that the applicant has a premises from which he conducts business or from which he intends to conduct such business within a reasonable period of time. See 27 CFR 478.47(b)(5)(i). The definition of a business premises is, "the property on which the manufacturing or importing of firearms or ammunition or the dealing in firearms is or will be conducted. A private dwelling, no part of which is open to the public, shall not be recognized as coming within the meaning of the term." See 27 CFR 478.11.

A person may obtain a Federal firearms license at a residence, provided that State and local laws and/or ordinances, which include zoning ordinances, allow such activity. Please note that the Application for a FFL (ATF Form 7) requires that the applicant certify that within 30 days after the application is approved, the business will comply with the requirements of State and local law applicable to the conduct of business.

Information concerning how to become an FFL is available online at: <http://atf.gov/firearms/how-to/become-an-ffl.html>.

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## New Move in EPS

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### *Nicholas E. O'Leary Selected as Chief, Firearms Industry Programs Branch*

In September 2012, Nicholas E. O'Leary was selected as the new Chief, Firearms Industry Programs Branch (FIPB). Nicholas replaces Adam Rogers, Chief, FIPB, who transferred to the Louisville Field Division.

Nicholas began his career with ATF as an Industry Operations Investigator (IOI) in the Boston Field Division. In July 2010, Nicholas was promoted to the

Program Manager position in FIPB. In addition to serving as Program Manager for the Branch, Nicholas was a certified instructor and played an instrumental part in the development of training materials for ATF's Industry Operations Investigator (IOI) Advanced Firearms Class. He also served as Acting Chief for several months before being selected as Chief.

Nicholas has represented ATF in numerous industry-related training and educational outreach programs. He places an importance on education and communication. He intends to utilize innovation and available technology to further these goals of education and improved communication, to foster new relationships and maintain existing relationships with the firearms industry.

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## Who to Contact with your Firearms Related Questions

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ATF receives numerous telephone calls and emails daily regarding firearms related issues (i.e. laws and regulations, licensing, importation, etc.) In order to better assist you with meeting your needs, ATF is providing a list of phone numbers and email addresses for your convenience. In addition, if you would like to receive firearms industry news updates, please visit the following link to sign up: [http://service.govdelivery.com/service/subscribe.html?code=USATF\\_34](http://service.govdelivery.com/service/subscribe.html?code=USATF_34).

**ATF Web Site:**  
<http://www.atf.gov>

**Frequently Asked Questions:**  
<http://www.atf.gov/firearms/faq/>

### Top 10 Questions and Answers:

<http://www.atf.gov/firearms/industry/0501-firearms-top-10-qas.pdf>

### Firearms Regulatory General Questions:

ATF Field Offices: <http://www.atf.gov/field/>  
FIPB: [fipb@atf.gov](mailto:fipb@atf.gov)

### Firearms Licensing Questions:

(866) 662-2750  
[nlc@atf.gov](mailto:nlc@atf.gov)

### Firearms Imports Questions:

(304) 616-4550  
[eps@atf.gov](mailto:eps@atf.gov)

### National Firearms Act Questions:

(304) 616-4500  
[eps@atf.gov](mailto:eps@atf.gov)

### Firearms Technology Questions:

(304) 616-4300  
[fire\\_tech@atf.gov](mailto:fire_tech@atf.gov)

### Firearms & Explosives Services Division Questions:

(304) 616-4590

### To Receive ATF Forms and Publications:

ATF Distribution Center  
(202) 648-6420  
<http://www.atf.gov/forms/firearms/>

### Report Stolen Firearms:

(888) 930-9275 (Monday-Friday 8 a.m.–4:30 p.m. EST)  
(800) 800-3855 (Evenings, Weekends and Holidays)

### Out of Business Questions:

National Tracing Center  
(800) 788-7133

## FBI/NICS News

**The FBI Criminal Justice Information Services Division's National Instant Criminal Background Check System (NICS) Section promotes the many tools developed at the request of the firearm dealer to improve their NICS experience.**

### Modification to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Form 4473 and Processing a NICS Background Check:

On July 9, 2012, all Federal firearms licensees (FFLs) were directed to begin using the new version of the ATF Form 4473. If you have not read the open letters published on the ATF Web site, you can view them by visiting this Web site: <http://www.atf.gov/firearms/open-letters> The open letters pertaining to these changes were published on December 8, 2011, "Future Amendment of Nonimmigrant Alien Provisions" and December 22, 2011, "State of Residence." In short, as of July 9, 2012, it is no longer necessary to collect a nonimmigrant's 90-days proof of residency prior to conducting a NICS background check. In addition, only a nonimmigrant admitted under a nonimmigrant visa is required to have an exception. (Refer to question 11 and 12 on the ATF form 4473)

When the FFL calls to conduct a background check on a non-U.S. citizen (Alien), the NICS Contracted Call Centers and NICS E-Check no longer ask "What exception did the buyer provide?" The question now asked by the NICS Contracted Call Center and NICS E-Check is, "What response was provided on Question 12?" The Federal firearms licensee response should be "Yes," "No," or "Not answered."

In addition, question 10, regarding race on the new version of the ATF Form 4473, is now captured with two separate questions:

10.a. Ethnicity

10.b. Race

The NICS Contracted Call Center will ask:

#### **How did the customer respond to 10.a.?**

Valid Response for 10.a.:

- Hispanic or Latino
- Not Hispanic or Latino

#### **10.b.?**

Valid Responses (multiple responses can be received) for 10b:

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

Attention:

- All FFLs: The Ethnicity (10.a.) and Race (10.b.) are both required fields.
- NICS E-Check Users: If the customer selects "Not Hispanic or Latino," provide the code or codes listed in question 10.b.
- The Point-of-Contact states have been notified of these modifications/changes.

### Modification of the NICS Section Phone Menu:

On August 1, 2012, the NICS Section modified the telephone scripts/menu options when calling the NICS Section at 1-877-324-6427 for a NICS background check and/or customer service. The new menu options have been put into place to allow for improved customer navigation. Below you can view the menu changes pertaining to FFLs.

#### **Greeting (You will hear this message every time you contact the NICS Section by phone):**

Thank you for calling the FBI NICS Section. Please listen carefully as our menu options may have changed. Your call may be monitored or recorded for quality purposes.

For Federal Firearms Licensee information, Appeal and Voluntary Appeal File process information, and much more pertaining to the FBI NICS Section, please visit our Web site at [www.fbi.gov/nics](http://www.fbi.gov/nics).



## FBI/NICS News (cont'd.)

### Main Menu:

- If you are a Federal Firearms Licensee calling to request a NICS background check, press 1\*.
- For Federal Firearms Licensee Customer Service, press 2\*.
- For questions on denied or delayed transactions, or other general inquiries, press 3.
- For Fax on Demand options, press 4.
- If you know your party's extension, press 5.
- If you are calling from a court or law enforcement agency, press 6.
- To repeat this menu, press the pound key.

Pressing option 1 will transfer the Federal firearms licensee to one of the NICS Contracted Call Centers for a NICS background check. (This process has not changed.)

Pressing option 2 will take you to the Federal firearm licensee Customer Service Menu listed below.

### FFL Customer Service Menu:

Greeting: If you are a Federal firearms licensee, there is a wealth of information and resources available at your fingertips at [www.fbi.gov/nics-ffl](http://www.fbi.gov/nics-ffl).

- If your call was disconnected while being transferred for further review, press 1.
- If you are checking the status of a previous NICS background check, press 2.
- For enrollments, general information, and other requests, press 3.
- If you are calling for NICS E-Check enrollment or other information regarding the NICS E-Check, press 4.
- For mailed copies of NICS forms or brochures, press 5.
- To repeat this menu, press 9.

### Process Changes at the NICS Contracted Call Centers:

The Call Centers that support the NICS take their duties and responsibilities to the FBI and the Federal firearms licensee (FFL) community very seriously.

They have a team dedicated to Quality Assurance (QA) to ensure that the services they provide are of exceptional quality. With that in mind, we wanted to make you aware of a new tool the NICS Call Centers employed April 2012. The QA staff now has the ability to not only listen in and observe their employees during NICS calls, but also to view the monitor screens as their Customer Service Representatives (CSR) populate the NICS with the information provided by the FFLs. If a discrepancy is detected, the QA staff has the ability to join the call to rectify the situation. Doing so benefits the NICS Section and the FFLs because it decreases instances of a NICS check having to be re-run with corrected data and also decreases instances of you, as the FFLs, having to retrieve your documentation to notate the change. If the QA staff should become involved in the call, the FFLs will hear something similar to the following: "Sir/Ma'am, for quality assurance purposes, I would like to interrupt this call and briefly place you on hold. May I place you on hold?" It is important to the NICS Section that we keep you apprized of any processing changes that may impact your experience with the NICS. If you have any questions on this communication or anything relative to the NICS, please contact the FFL NICS Liaison Specialist at [nicsffl@leo.gov](mailto:nicsffl@leo.gov).

### 2012 Busy Season and Possible Modifications to the NICS Section Process:

The NICS Section is dedicated to providing the firearm community the absolute best customer service possible. However, the NICS Section forecasts are extraordinarily busy for the 2012 Busy Season. Please be prepared for modifications when calling the NICS Section Customer Service. For Example, Customer Service phone calls may be suspended during the busiest hours of any given day depending on the predicted incoming call forecast. These types of calls include but are not limited to: NICS transaction status checks, Appeal or Voluntary Appeal File-related questions, and general NICS-related questions. This modification will be put into place to process the incoming NICS background checks as efficiently as possible. When the modifications take place, the phone menu will be customized accordingly. This is the perfect opportunity, for the Federal firearms licensee, to enroll with the NICS E-Check. To learn more about enrolling with the NICS E-Check visit the NICS FFL Web site at [www.fbi.gov/nics-ffl](http://www.fbi.gov/nics-ffl). By doing

## FBI/NICS News (cont'd.)

so, you can check the status of all your NTN's, 24 hours a day, seven days a week. Also, to receive notification of these modifications and messages/updates pertaining to NICS, sign up to receive NICS Messages by visiting the NICS FFL Web site listed above.

### NICS FFL-Dedicated Web Site [www.fbi.gov/nics-ffl](http://www.fbi.gov/nics-ffl):

This Web site was developed with Federal firearms licensees (FFLs) in mind. The NICS Section has made it easy for FFLs to have a wealth of information at their fingertips. Be in the know when you access [www.fbi.gov/nics-ffl](http://www.fbi.gov/nics-ffl).

Listed below are only a few of the options when accessing the NICS Federal Firearms License Web site:

**The NICS Process in Motion Video**-This animated video walks the Federal firearms licensee and their employees through the NICS background check process and provides other valuable information.

**Recent NICS News**-View NICS current information and updates to the system and/or process.

**Contact the FFL NICS Liaison Specialist**-E-mail the NICS Liaison Specialist with questions and/or comments.

**View and Order the NICS Resolution Cards for Your Denied/Delayed Customers**-Now you and/or your employees (if they have Internet access) can get online and order NICS Resolution Cards (50 card limit per request).

**Receive NICS Messages**-Federal firearms licensees (FFLs) and their employees can receive updates through a list server. The list serve will allow the FFLs to be informed of system changes/outages/general updates, etc. The FFLs can add their e-mail address, request the e-mail address on file to be replaced with a new e-mail address, or ask to be removed from the e-mail list. There is no limit to how many store employees can request updates. To be added to the list, you will need the store's Federal firearms license number and current e-mail address. NICS updates will be sent to you from e-mail address <mailto:nicsfflupdates@leo.gov>

**NICS Federal firearm license Manual**-This manual is a must for all new Federal firearm licensees (FFLs). Even if you have been a FFL for a while, this manual has the most up-to-date FFL information.

**NICS FFL Enrollment and NICS E-Check Information**-Information for the new Federal firearm licensee enrolling with the NICS Section or a current Federal firearms licensee wishing to enroll with the NICS E-Check. Enrollment forms are available and information too.

**Appeal and Voluntary Appeal File (VAF) Process Information**-Information for your denied and delayed individuals.

**The VAF Process Video**-This video was developed for customers who experience constant or extended delays.

**Non U.S. Citizen/Documentation Information**-Guides for the FFL when conducting a NICS background check on non-U.S. citizens.

**FFL NICS Quick Reference Guide**-Use this sheet as your go-to when you need the basic NICS information.

### NICS Background Checks Are Good for 30 Days:

The applicable regulation, 27 CFR 478.102(c), states that a NICS check is valid for 30 days from when the check was initiated. The 30-calendar day period should be counted beginning on the day after the date of initiation.

### General NICS Reminders for FFLs:

*NICS Cannot Provide Your Customer the Reason for Their Delay or Denial Over the Phone:*

Due to the Privacy Act of 1974, the NICS Section cannot provide the reason for your customer's delay or denial over the telephone. If a prospective transferee has had extended delays or has been denied the transfer of a firearm, the Federal firearms licensee (FFL) should give the individual a NICS Resolution Card. The FFL should circle the word DELAY or DENIED on the top portion of the card and write the NICS Transaction Number on the line provided on the bottom portion of the card. The NICS Resolution Card directs the

## FBI/NICS News (cont'd.)

customer to the NICS Appeal Web site <http://www.fbi.gov/nics-appeals> for customers to begin their VAF or appeal process. For customers without Internet access, they may contact the NICS Section's Customer Service at 1-877-FBI-NICS (324-6424) for a packet to be sent via U.S. mail.

### **Please Keep Your FFL Contact Information Up to Date:**

If the NICS Section must contact your business, do we have the correct contact information on file for you? When your Federal firearms license, contact information changes, there are two agencies to contact: the ATF Licensing Center at 1-866-662-2750, and the NICS Section's Customer Service at 1-877-FBI-NICS (324-6427), option 2 for FFL Customer Service then option 3.

### **Where Do You Mail Your ATF Form 3310.4—“Report of Multiple Sale or Other Disposition of Pistols and Revolvers”?**

The NICS Section has been receiving numerous ATF Form 3310.4 erroneously at their address in Clarksburg, West Virginia. The ATF Form 3310.4 provides instructions on the back of the form regarding where this information should be sent. Section 6a advises that a copy of the form should be submitted to the National Tracing Center no later than the close of business on the day the multiple sale or other disposition occurs. The form can be provided in a couple different ways. It can either be faxed to 1-877-283-0288, emailed to [MultipleHandgunSalesForms@atf.gov](mailto:MultipleHandgunSalesForms@atf.gov), or mailed to the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, National Tracing Center, P.O. Box 0279, Kearneysville, WV 25430-0279.

