



FFL NEWSLETTER

FEDERAL FIREARMS LICENSEE INFORMATION SERVICE

AUGUST 2004

ATTORNEY GENERAL ASHCROFT APPOINTS CARL J. TRUSCOTT AS DIRECTOR OF THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

On April 1, 2004, Attorney General John Ashcroft announced that Carl J. Truscott will serve as the new Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), where he will be responsible for the Bureau's enforcement of Federal firearms, explosives, and arson laws, as well as its jurisdiction relative to the Federal alcohol and tobacco diversion laws. Mr. Truscott has 25 years of law enforcement experience and joins the Bureau from the U.S. Secret Service, where he served as the Assistant Director of the Office of Protective Research and was responsible for the Secret Service's investigative and protective intelligence, threat assessment activities, technical security, information technology, emergency preparedness, as well as science and technology. ATF plays a crucial role in working to fight violent crime, and Mr. Truscott brings strong leadership and immense law enforcement expertise to the Bureau as it works to combat crime and protect the public. ATF welcomes Director Truscott and looks forward to working with him to further the mission of the Bureau and the Department of Justice.

As Director Truscott began his tenure as the 6th ATF Director, he made remarks to the agency stating:

"I am keenly aware of the immense challenges this organization faces, particularly as the Federal law enforcement community continues its critical role in the war on terrorism. But I am also very encouraged by the history and tradition of ATF, and the extraordinary contributions all of our administrative, technical, professional, inspector, and agent personnel make on a daily basis. Our workforce has a diversity of backgrounds, experience, ideas, and skills. But we share a common mission to protect our communities from criminal elements and provide a safer America. I will be working every day to provide the strategic leadership and vision to meet these important challenges. In the end, it is not just the world-renowned expertise and core competencies of ATF that will accomplish this mission, but also the character and experience of our employees. Your professionalism and proficiency are the cornerstones of our future successes and will continue to serve as a foundation for ATF's proud tradition of safeguarding the American people from violent criminals. I look forward to serving together and I am extremely honored to have received this appointment."

NEW TENNESSEE "CERTIFICATE FOR DRIVING" IS NOT AN ACCEPTABLE IDENTIFICATION DOCUMENT

Officials with the Tennessee Department of Safety recently advised ATF that, effective July 1, 2004, persons who are not eligible for a Tennessee driver license because they are unable to show proof of U.S. citizenship or lawful permanent residence, may apply for a "Certificate for Driving" in lieu of an

official driver license. Tennessee officials further advised that, unlike a valid Tennessee driver license, the new Certificate for Driving is **not** an acceptable identification document. Accordingly, FFLs **cannot** accept the Tennessee Certificate for Driving for the purpose of verifying the identity of persons attempting to purchase a firearm. This affects both Tennessee FFLs and FFLs in other States when Tennessee residents attempt to purchase long guns.

CONTIGUOUS STATE – PART 2

In an article that appeared in the December 2002 edition of the *FFL Newsletter*, we advised FFLs that the “contiguous state” provisions of the Gun Control Act were amended in 1986, and that the GCA allows dealers to sell or dispose of a long gun to a resident of another state provided, (1) the purchaser was not otherwise prohibited from receiving or possessing a firearm under the GCA, and (2) the sale, delivery and receipt fully comply with the legal conditions of sale in the buyer’s and seller’s States.

The condition of sale relating to compliance with the applicable laws of both States cited above continues to cause confusion among dealers, particularly among those dealers who conduct business in a State whose laws presently contain language that allows “contiguous state” sales. Historically, prior to the 1986 amendments to the GCA, many States enacted provisions in their laws that allowed their residents to acquire a long gun in a contiguous State. For the most part, these State law provisions were modeled after the contiguous state provisions of the GCA. However, even though the GCA was amended in 1986 to allow the sale of long guns to residents of any State pursuant to the conditions cited above, many States have not yet amended their laws to reflect similar language. ATF takes the position that if the laws of a given State allow its residents to acquire a long gun in a contiguous State, those laws also allow its residents to acquire a long gun in any other State where the laws of that State permit such transactions, unless the language contained in that State’s law expressly prohibits its residents from acquiring a firearm outside that State. Questions regarding particular State law provisions should be referred to your local ATF office.

SALES TO MILITARY PERSONNEL – RESIDENCY VERIFICATION

ATF has been asked to clarify how and when a license dealer may sell a firearm to someone who is on active duty with the Armed Forces. In particular, how does the licensee verify that the military person is a resident of their State and therefore entitled to purchase a firearm? An active duty member of the Armed Forces may have more than one State of residence. The Gun

Control Act (GCA) provides that a member of the Armed Forces on active duty is a resident of the State in which his or her permanent duty station is located. However, the GCA’s general definition of State of residence may also apply to some active duty members. The general definition of State of residence is the State in which an individual resides. An individual resides in a State if he or she is present in a State with an intention of making a home in the State. If a member of the Armed Forces maintains a home in one State and the member’s permanent duty station is in a nearby State to which he or she commutes each day, then the member is considered a resident of both the State in which his or her duty station is located and the State in which his or her home is maintained, and he or she may purchase a firearm in either State.

As directed by the instructions contained in the Firearms Transaction Record, ATF Form 4473, any member of the Armed Forces on active duty acquiring a firearm in the State where his or her permanent duty station is located who does not reside at his or her permanent duty station, must list both his or her permanent duty station address and his or her residence address in response to Question 2. Further, in situations where the transferee is an active duty military member acquiring a firearm where his or her duty station is located, but he or she has a driver’s license from another State, you should list the transferee’s military identification card and official orders showing where his or her permanent duty station is located in response to Question 18a.

Here are some examples:

Andrews Air Force Base is located in Maryland. A member of the Armed Forces stationed at Andrews Air Force Base who resides in Virginia, but commutes to work at Andrews Air Force Base would be considered to be a resident of both Virginia and Maryland. However, a member stationed at Andrews who resides in Maryland would be considered only to be a resident of Maryland.

The Ft. Campbell Army Base is physically located in two States; part of the base is located in Kentucky and part of the base is located in Tennessee. Given this unusual fact, under the GCA, a member of the Armed Forces who is stationed at Ft. Campbell Army Base would be considered a resident of both Kentucky and

Tennessee regardless of the State in which the member maintained his or her residence.

FFL eZ CHECK SYSTEM

Several licensees have advised us that they have had trouble accessing the FFL eZ Check system. When ATF conducted a performance check on our system, it was found to be working properly. However, ATF did change the server that supports the FFL eZ Check system. Therefore, if you previously created a bookmark using the original site, please delete the original bookmark and access the site from www.atf.gov and create a new bookmark. If you prefer to access the site directly, it can be found at this address: <http://199.196.145.75/FFLeZCheck>. Please contact ATF if you continue to have trouble accessing the FFL eZ Check System.

We would also like to remind licensees that the FFL eZ Check system cannot be utilized to verify the validity of either Type 03 (Collector) or Type 06 (Ammunition Manufacturer) licenses, as neither type of license authorizes the holder to engage in the business of dealing in firearms.

RETENTION PERIOD FOR IMPORTER AND MANUFACTURER RECORDS

ATF wishes to remind licensed firearms manufacturers and importers that, under the provisions of 27 CFR 478.129(d), your records of firearms importation, manufacture or other acquisition are **permanent** records that must be maintained for the life of the business. The information contained in these records is often essential to ATF's ability to establish during criminal proceedings that any given firearm traveled in interstate or foreign commerce.

Please note, 478.129(d) further provides that licensed importers and manufacturers may discard their records of firearm sales or other dispositions after 20 years.

TRANSPORTATION OF FIREARMS

ATF frequently receives questions regarding the transportation of firearms by individuals in their privately owned vehicles. Most commonly, someone is moving from one State to another and wishes to transport his or her firearm(s) with them

in their vehicle instead of entrusting them to a moving company.

18 U.S.C. section 926A and 27 CFR 478.138 provides basic guidelines for the interstate transportation of firearms in the United States. Notwithstanding any other law, rule, or regulation of a State or political subdivision thereof, a person who is not prohibited from transporting, shipping, or receiving a firearm in interstate or foreign commerce is entitled to transport a firearm for any lawful purpose to and from locations where its lawful for that person to possess or carry such firearms. During the transportation, the firearm must be unloaded and neither the firearm nor any ammunition being transported can be readily accessible or directly accessible from the passenger compartment of the vehicle. In the case of a vehicle that does not have a compartment separate from the passenger compartment (such as sport utility vehicles or vans), the firearm or ammunition must be in a locked container in a location other than the glove compartment or console.

IS AN EXPIRED DRIVER'S LICENSE A VALID IDENTIFICATION DOCUMENT?

The Gun Control Act (GCA) requires licensees to identify nonlicensed transferees by examining a valid government-issued identification document. The identification document must contain the name, residence address, date of birth, and photograph of the holder. There has been some confusion over whether an expired driver's license can satisfy the GCA requirement. If the law of the State that issued the driver's license provides that a driver's license is valid after expiration, either for a certain period of time or for a certain category of persons such as military personnel, then the license qualifies as a valid identification document for GCA purposes for that period of time or for that class of persons. This will not be a common occurrence. If you are not certain if an expired license in your state ever can be valid, we suggest you contact your State's Department of Motor Vehicles. If you then have any concerns about whether you can accept it for GCA purposes, contact your local ATF office.

POSSESSION OF HANDGUNS BY PERSONS WHO ARE UNDER 21 YEARS OF AGE

ATF has been asked if there are any restrictions on persons under the age of 21 relating to possession of a handgun. It is generally unlawful for a juvenile (someone under the age of 18) to possess a handgun. However, there are some exceptions provided in the law. A juvenile can receive and possess a handgun with the prior written consent of the juvenile's parent or guardian (who is not prohibited by Federal, State, or local law from possessing a firearm) if the firearm is to be used for certain specified activities such as employment, ranching, target practice, hunting, or a safety course. The firearm must be unloaded and in a locked container, and the firearm must be taken directly from the place of transfer to a place at which the specified activity is to be conducted. Please note, State or local law may have additional restrictions or prohibitions. Because this exception is complicated, we suggest you contact ATF if you have specific questions. Moreover, there are some additional narrow exceptions, such as for members of the Armed Forces about which ATF can provide you more detailed information.

5-YEAR PERIOD FOR "GRANDFATHERED" PERMITS ENDS

The permanent provisions of the Brady law, 18 U.S.C. § 922(t) became effective November 30, 1998. Section 922(t) generally requires Federal firearms licensees (FFLs) to initiate a National Instant Criminal Background Check System (NICS) check before transferring a firearm to an unlicensed individual. However, the Brady law contains a few exceptions to the NICS check requirement, including an exception for holders of certain State permits to possess, carry, or acquire firearms.

In 1998, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) wrote Open Letters to the FFLs in every State, advising them whether particular State permits qualified as a NICS check alternative under permanent Brady. In many States, ATF found that a permit that qualified as an alternative under "interim Brady", did not meet the requirements to qualify as an alternative under permanent Brady. However, ATF made a decision to "grandfather" these permits. This meant they

could be used as an alternative to a NICS check under permanent Brady for the duration of the permit, but not to exceed five years from the date of issuance.

As of November 30, 2003, all of the grandfathered permits stopped qualifying as NICS alternatives – either because they had expired or because the five-year Federal limit had been reached. Accordingly, as of November 30, 2003, FFLs may no longer accept grandfathered permits as an alternative to a NICS check. FFLs in affected States should have received an open letter from ATF in the fall of 2003 telling them to stop accepting grandfathered permits.

An updated version of the "Permanent Brady Permit Chart" is available on ATF's Web site at: http://www.atf.gov/firearms/bradylaw/permit_chart.htm. We recommend you look at the chart to see what, if any, permits in your State continue to qualify as alternatives to a NICS check. Beyond the expiration of the grandfathered permits, there have been some additional changes since November 1998. If you have any questions, please contact your local ATF field office.

FIREARMS TRANSFERS AFTER THE MANDATORY 3-BUSINESS DAY WAITING PERIOD HAS ELAPSED AND NO RESPONSE HAS BEEN RECEIVED FROM NICS

ATF has received questions regarding the transfer of firearms after the 3-business day waiting period. Specifically, ATF has been asked as to when a licensee may lawfully transfer a firearm in the event that they get a "delayed" response from the National Instant Criminal Background Check System (NICS).

Federal law states that any licensee who does not receive a response from NICS that the buyer is prohibited from receiving firearms within 3 business days of contacting NICS is permitted to transfer the firearm, notwithstanding any State or local law to the contrary. If the FFL resides in a State that requires a waiting period longer than three business days, the FFL must comply with both Federal and State law.

Please note that the three business days **do not** include the day the NICS check is initiated. For example:

An FFL licensed to conduct business in a State that **does not** have a mandatory waiting period, who

received a “delayed” response from NICS after initiating the background check on Monday and does not receive a follow-up response, may transfer the firearm to the customer at the start of business on Friday. The FFL has to wait a **full** three business days before completing the transfer. An FFL licensed to conduct business in a State that **does** have a mandatory waiting period – assume it’s a 5-day waiting period for the purposes of this example- who received a “delayed” response from NICS after initiating the background check on Monday but does not receive a follow-up response, may **not** transfer the firearm to the customer at the start of business on Friday. Rather, the FFL must wait until the conclusion of the State-mandated 5-day waiting period, as calculated under the State law, before transferring the firearm to the customer.

An FFL licensed to conduct business in a State that **does** have a mandatory waiting period – again, assume it’s a five day waiting period for the purposes of this example - contacts NICS on Monday in order to initiate a background check and receives a “proceed” response. The FFL must still wait until the conclusion of the State-mandated 5-day waiting period, as calculated under the State law, before transferring the firearm to the customer.

90-DAY RESIDENCY REQUIREMENT FOR THE PURCHASE OF FIREARMS BY NONIMMIGRANT ALIENS

ATF is responsible for enforcing the Gun Control Act of 1968 (GCA), as well as other Federal firearms statutes and regulations. Under the GCA, 18 U.S.C. section 922 (g)(5)(B) generally makes it unlawful for nonimmigrant aliens in the United States to purchase or possess firearms and/or ammunition. However, there is an exception for nonimmigrant aliens who possess a valid hunting license issued in the United States.

Under the GCA, it is generally unlawful for a Federal firearms licensee (FFL) to transfer a firearm to a person who does not reside in the State where the FFL is licensed (See 18 U.S.C. 922(b)(3)). With respect to aliens (including nonimmigrant aliens), ATF regulations provide that they are considered residents of a particular State if they have the intention of making a home in that

State and have resided in the State for at least 90 days prior to purchasing a firearm. (See 27 CFR 478.11 [formerly 178.11]). Each alien must provide the FFL with documentation demonstrating that he or she has resided in the State continuously for at least 90 days immediately prior to the transfer of the firearm. (See 27 CFR 478.124(c)(3)(ii). ATF Ruling 2004-1.

For nonimmigrant aliens, travel outside the United States is viewed as a break in the 90-day continuous residency requirement. The Bureau of Immigration and Customs Enforcement (ICE) documents such foreign travel by nonimmigrant aliens in their database, and this information could result in a “denied” response by the National Instant Criminal Background Check System (NICS) Operations Center. Therefore, nonimmigrant aliens who travel outside the United States for employment or other purposes on a fairly frequent basis will be unable to purchase a firearm if they are not able to satisfy the 90-day residency requirement.

REORGANIZATION OF TITLE 27, CODE OF FEDERAL REGULATIONS

On November 25, 2002, the President signed into law the Homeland Security Act of 2002, which divided the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, into two separate agencies. One part was established in the Department of Justice as the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) that oversees firearms, explosives, and arson programs. This agency will also deal with the Federal criminal laws concerning alcohol and tobacco smuggling and diversion. A corresponding entity was created to handle the regulatory and taxation aspects of the alcohol and tobacco industries, to include collection of firearms and ammunition excise taxes. This agency is known as the Alcohol and Tobacco Tax and Trade Bureau and will remain within the Treasury Department. Additionally, these changes required reorganization of Title 27 of the Code of Federal Regulations. This rule became effective on Friday, January 24, 2003. (See Federal Register, Vol. 68, No. 16).

Accordingly, Part 47 – Importation of Arms, Ammunition and Implements of War, has been renumbered to Part 447. Thus, for example Section 47.1 is now Section 447.1.

Part 178 - Commerce in Firearms and Ammunition, the regulations promulgated to implement the Gun Control Act of 1968, also were renumbered. Thus, for example, Section 178.1 is now Section 478.1.

Part 179 - Machine Guns, Destructive Devices, and Certain Other Firearms, has also been renumbered to Part 479. Therefore, for example, Section 179.1 is now Section 479.1.

Please note, the 2000 edition of the Federal Firearms Regulations Reference Guide, our most current edition, Parts 47, 178, and 179 are still listed. When we publish our next edition of the firearms regulations guide, it will contain the new numbering system.

WHAT IS A LETTER OF CONTINUING AUTHORIZATION?

When the Federal Firearms Licensing Center (FFLC) processes your application to renew your Federal firearms license, ATF Form 8, its goal is to complete the necessary processing before the license expiration date. This is of course contingent upon the FFLC having received your renewal application on a timely basis, before the license expires. However, there are circumstances that occasionally will prevent the FFLC from completing the necessary processing before a license expires. However, understanding your need to remain in business and to maintain continuity with other agencies such as the National Instant Criminal Background Check System (NICS) Operations Center or similar State agency, the FFLC issues what is commonly called an "LOA" or Letter of Continuing Authorization. Because some licensees have been confused by the LOA and thought it was a denial or indication that a license would not be renewed, ATF soon will be issuing a new version of the letter that clearly explains its purpose.

Pursuant to ATF Ruling 75-27, when a licensee has made a timely and sufficient application for renewal (the renewal application was filed before the expiration date on the license), the license **will not** expire until a final determination regarding the application is made. As provided in 27 CFR 478.94, a transferor (supplying) licensee may continue to make shipments to such a licensee for not more than 45 days following the expiration date of the transferee's (receiving FFL's) license.

Ruling 75-27 further states that a transferor licensee may continue to make shipments of firearms to a transferee license whose renewal has not been acted upon within 45 days after the expiration of the his or her license provided the transferor licensee obtains appropriate evidence that the transferee's renewal application is still awaiting final action by ATF. An LOA is appropriate evidence and a copy may be sent to your firearm suppliers. LOAs are usually issued for a period of six months; unless it is determined that one is necessary for a shorter period of time. (Please note, if ATF issues you a renewed license during the six months you should use the license rather than the LOA). In addition, if no action has been taken on your application, and the LOA is due to expire, you may request another letter be issued.

Remember the LOA serves as an acknowledgement of your renewal application as much as means to tell your distributors that you filed timely and that your license remains in good stead.

Appearing below for your reference is a generic example of a LOA. If you have any questions feel free to contact the Chief Federal Firearms Licensing Center or the respective Legal Instruments Examiner for the State in which you conduct business, at: 1-866-662-2750.

(SAMPLE LETTER OF AUTHORIZATION)

Dear (Name):

This letter acknowledges receipt of your timely application to renew your Federal firearms license (number) as a (Type license) which you filed for under Title 18, USC, Chapter 44, and Federal Firearms Regulations, §478.45. ATF Ruling 75-27 allows you to continue operations under your current license until such time as ATF completes processing your application to renew your Federal firearms license. This letter, referred to as a Letter of Authorization (LOA), will serve as your license until we complete action on your renewal. Since we have not completed processing your application to renew your license, you may supply a copy of this letter to other licensees, e.g., your distributors, for the next six months (or until we complete action on your renewal) as evidence of your licensed status. If we have not completed processing your application for renewal

by the date this letter expires we will send you another letter, which will also be valid for six months (or until we complete action on your renewal). This is of course contingent upon your remaining entitled to continue operations under your current license. If at the end of the six months you have not received your renewed license or another authorization to continue operations, please contact (Examiner's Name) at 1-866-662-2750.

ACTIVITIES AUTHORIZED BY LICENSED COLLECTORS OF CURIO OR RELIC FIREARMS

A Type 03 collector's license does not afford any privileges to the holder with respect to acquiring or disposing of firearms other than curios or relics in interstate or foreign commerce. The following points highlights what licensed collectors can and cannot do under their FFL (see 27 CFR 478.93) A licensed collector has the same status under the GCA as a non-licensee except for transactions in curio or relic firearms.

A collector's license does not authorize the collector to engage in the business of dealing in curios or relics. A dealer's license must be obtained to engage in the business of dealing in any firearms, including curios or relics. A collector's license only enables the collector to obtain curio and relic firearms interstate. [18 U. S. C. 922(a) (1) and 923(a)(1), 27 CFR 478.41]

A dealer of firearms would not need both a dealer's license and a collector's license since a dealer may legally receive firearms interstate. Licensed collectors are not required to execute ATF F 4473 for transactions in curios or relics firearms. However, they are required to keep a "bound book" record. [27 CFR 478.425(f)] Transfers of curio or relic firearms by licensed collectors are not subject to the Brady law, but it is unlawful to transfer a firearm to any person knowing or having reasonable cause to believe that such person is a felon or is within any other category of person prohibited from receiving or possessing firearms. [18 U. S. C. 922(d)] The requirement that written notification concerning juvenile handgun possession be given by licensees to a non-licensee to whom a handgun is delivered applies to curio or relic handguns transferred by licensed collectors. However, the sign-posting requirement does not apply to licensed

collectors. In the case of collectors, a requirement to post signs at the licensed premises would serve no purpose because the premises is not a business premises open to the public and licensed collectors may lawfully dispose of curio or relic handguns away from their licensed premises. [18 U. S. C. 922(x), 27 CFR 478.103]

Licensed collectors are **not** required to turn in their acquisition / disposition records if their license is not renewed or they discontinue their collecting activity. The GCA requires the delivery of required records to the Government within 30 days after a firearms "business" is discontinued. A license as a collector of curios or relics does not authorize any business with respect to firearms. This is in contrast to firearms importers, manufacturers, and dealers who are licensed to engage in a firearms business. Therefore, the records required to be kept by licensed collectors under the law and regulations are not business records and are not required to be turned in to ATF when collector's licenses.

POSSIBLE CONFUSION REGARDING HOW TO IMPORT SURPLUS MILITARY FIREARMS OR NONSPORTING FIREARMS FOR LAW ENFORCEMENT OFFICERS

The purpose of this article is to clear up confusion among importers regarding how to import surplus military firearms or nonsporting firearms for law enforcement officers. ATF Ruling 80-8 sets forth how to import surplus military and nonsporting firearms for law enforcement agencies for official use. The import application **must** be accompanied by a purchase order from a bona fide law enforcement agency identifying the firearm to be imported. Accordingly, applications seeking the importation of surplus military and nonsporting firearms that will be purchased by individual law enforcement officers will not be approved. The reason such an application will not be approved is that if individual officers were able to purchase these firearms, nothing would prohibit them from reselling them or retaining them for personal use. In order to prevent this from occurring, and to carry out the intention of the governmental exception contained in 18 U.S.C. § 925(a)(1), surplus military and nonsporting firearms cannot be imported for sales to individual officers. Please note, this means an application will **not** be approved if it is accompanied by a letter on agency

letterhead signed by the chief law enforcement officer stating the firearm(s) are being purchased for an individual officer's official use with funds from the individual officer who is required to pay in whole or in part for his equipment to carry out his official duties.

**NEW FIREARMS THEFT/LOSS
REPORTING FORM**

ATF wants to remind FFLs that the May 2003 version of ATF Form 3310.11, Federal Firearms Licensee's Theft/Loss Report, is the current form in use. Older versions of the form list incorrect mailing addresses and contact phone numbers, and any supplies of older forms you may have on hand should be discarded immediately and replaced with the May 2003 version. You can obtain this and other ATF forms from your local ATF office, or from our ATF Distribution Center either by going to ATF's Web site at www.atf.gov or by telephone at (703) 455-7801.

As an FFL, if you are the victim of a burglary, larceny or robbery, or if you discover that you have missing firearms inventory, you are required

to submit an ATF F 3310.11 listing the stolen or missing firearms, to the ATF Stolen Firearms Program Manager within 48 hours of the discovery. The correct mailing address is:

Stolen Firearms Program Manager
ATF
244 Needy Road
Martinsburg, WV 25401

The correct telephone number for assistance is (888) 930-9275, and the correct fax number is (304) 260-3676. Please contact the Program Manager if you have any questions or need further information.

ENFORCEMENT PROGRAMS AND SERVICES DIRECTORATE (EPS)

This page reflects recent personnel changes to the Enforcement Programs and Services Directorate (Formerly Firearms, Explosives and Arson Directorate) in ATF Headquarters. The following EPS managers can be contacted on issues regarding firearms and ammunition.

Assistant Director
Enforcement Programs and Services
Lew Raden
(202) 927-7940

Deputy Assistant Director
Enforcement Programs and Services
Wally Nelson
(202) 927-7940

Chief, Firearms Programs Division
John Spurgeon (202) 927-7770

Deputy Chief, Firearms Programs Division
Nick Colucci (202) 927-7770

Chief, Firearms Technology Branch
Sterling Nixon (304) 260-1700

Chief, Firearms Enforcement Branch
Scot Thomasson (202) 927-7770

Chief, International Program Branch
Robert Thomas (202) 927-5560

**Chief, Firearms and Explosives
Services Division**
Audrey Stucko (202) 927-8300

Chief, National Firearms Act Branch
Ken Houchens (202) 927-8330

**Chief, Firearms and Explosives
Imports Branch**
Vacant (202) 927-8320

Chief, Federal Firearms Licensing Center
Lee Vannett (404) 417-2750

Chief, National Tracing Center
Terry Austin (800) 788-7133

Chief, National Tracing Center Branch
Charles Houser (800) 788-7133

Chief, Brady Operations Branch
Bernie Teyssier (304) 260-3860

**Chief, National Integrated Ballistics
Identification Network (NIBIN) Branch**
Vacant (202) 927-5660

ATF Web site: <http://www.atf.gov>

ATF Distribution Center
(to order forms)
(703) 455-7801

Report Stolen Firearms
(Monday - Friday 8:00AM - 4:30PM EST)
(888) 930-9275
(Evenings, Weekends and Holidays)
(800) 800-3855

**ADDRESSES AND TELEPHONE NUMBERS FOR
ATF FIELD DIVISIONS AND OTHER KEY OFFICES
(Alphabetical by City):**

Atlanta Field Division

2600 Century Parkway
Suite 300
Atlanta, GA 30345-3104
(404) 417-2600

Houston Field Division

15355 Vantage Pkwy West
Suite 200
Houston, TX 77032-1965
(281) 372-2900

Philadelphia Field Division

US Customs House, Room 607
2ND & Chestnut Streets
Philadelphia, PA 19106
(215) 717-4700

Baltimore Field Division

G.H. Fallon Building
31 Hopkins Plaza, 5TH Floor
Baltimore, MD 21201-2825
(410) 779-1700

Kansas City Field Division

2600 Grand Avenue
Suite 200
Kansas City, MO 64108
(816) 559-0700

Phoenix Field Division

3003 North Central Avenue
Suite 1010
Phoenix, AZ 85012
(602) 776-5400

Boston Field Division

Federal Building
10 Causeway Street
Room 253
Boston, MA 02222-1047
(617) 557-1200

Los Angeles Field Division

350 South Figueroa Street
Suite 800
Los Angeles, CA 90071
(213) 534-2450

San Francisco Field Division

5601 Arnold Road
Suite 400
Dublin, California 94568-7724
(925) 479-7500

Charlotte Field Division

6701 Carmel Road
Suite 200
Charlotte, NC 28226
(704) 716-1800

Louisville Field Division

600 Dr. Martin Luther King Jr. Place
Louisville, KY 40202
(502) 753-3400

Seattle Field Division

915 2ND Avenue, Room 790
Jackson Federal Building
Seattle, WA 98174
(206) 389-5800

Chicago Field Division

525 West Van Buren Street
Suite 600
Chicago, IL 60607
(312) 846-7200

Miami Field Division

5225 NW 87TH Avenue
Suite 300
Miami, FL 33178
(305) 597-4800

St. Paul Field Division

30 East Seventh Street
Room 1870
St. Paul, MN 55101
(651) 726-0200

Columbus Field Division

37 West Broad Street
Suite 200
Columbus, OH 43215
(614) 827-8400

Nashville Field Division

5300 Maryland Way
Suite 200
Brentwood, TN 37027
(615) 565-1400

Tampa Field Division

501 East Polk Street
Room 700
Tampa, FL 33602
(813) 202-7300

Dallas Field Division

1114 Commerce Street
Suite 303
Dallas, TX 75202
(469) 227-4300

New Orleans Field Division

Heritage Plaza
111 Veterans Boulevard
Suite 1008
Metairie, LA 70005
(504) 841-7000

Washington Field Division

607 14TH Street, NW
Suite 620
Washington, DC 20005
(202) 927-8810

Detroit Field Division

1155 Brewery Park Blvd.
Suite 300
Detroit, MI 48207-2602
(313) 259-8050

New York Field Division

241 37TH Street, 3rd Floor
Brooklyn, NY 11232
(718) 650-4000

**TO RECEIVE ATF FORMS
AND PUBLICATIONS**

ATF Distribution Center
PO Box 5950
Springfield, VA 22150-5950
(703) 455-7801

**TO OBTAIN ASSISTANCE
REGARDING YOUR LICENSE**

ATF Firearms Licensing Center
PO Box 409567
Atlanta, GA 30384-9567
(404) 417-2750

**TO SHIP
OUT-OF-BUSINESS RECORDS**

**ATF Out-of-Business
Records Center**
244 Needy Road
Martinsburg, WV 25401

FBI/NICS NEWS

NICS E-CHECK

Since the implementation of the NICS E-Check, there has been some confusion over the difference between the code word and the password. When accessing the NICS E-Check, you will be asked to supply a code word. That code word is the same as the one you use when you are conducting a background check through the NICS Call Center. The password is tied only to your digital certificate. For those who use Netscape as their web browser, you are prompted for a password automatically. The NICS Section strongly recommends, however, that those of you who are using Internet Explorer or America Online (AOL) follow the instructions on the NICS E-Check Help pages to attach a password to your digital certificate even though it is not done automatically.

Your password on your digital certificate will prohibit others from conducting business on the NICS E-Check in your name and is a requirement for a secure system. If you need additional assistance, you may contact the NICS Customer Service by dialing 1-877-444-6427 and selecting option three.

WHAT IS A BUSINESS DAY?

A business day is any 24-hour day beginning at 12:01 a.m. the day after the check was initiated, in which state offices are open. A business day does not include Saturday, Sunday, or holidays. The table below advises when the firearm can be transferred if no response is received.

NICS Contacted On	Can Legally Transfer
Sunday	Thursday
Monday	Friday
Tuesday	Saturday
Wednesday	Tuesday
Thursday	Wednesday
Friday	Thursday
Saturday	Thursday

*The transfer day may change depending on holidays.

FAX-ON-DEMAND

The NICS has established a Fax-on-Demand system. The Fax-on-Demand system allows you to request materials such as Appeal Brochures, Enrollment Forms, etc., via the telephone. To initiate a request, the following steps can be taken:

- * Call 1-877-444-6427
- * Select Option 4
- * Enter the document you want faxed:
 - Appeals Brochures
 - E-Check/FFL Enrollment Forms/Delay Brochure
- * Enter your fax number
- * The documents will be automatically faxed to you.

TOP SECRET

Please remember that your FFL number and code word are TOP SECRET. Under no circumstances should you give a potential purchaser these numbers to check his/her status. Statuses can only be checked by the FFL.

If at any time you feel your code word has been compromised, please contact the NICS Customer Service Unit at 1-877-444-NICS to change your code word.

NICS CUSTOMER SERVICE:
1-877-444-NICS
(NICS E-Check, Press #3)

TELECOMMUNICATIONS DEVICE FOR THE DEAF (TDD):
1-877-NICS-TTY

FACSIMILE:
(304) 625-0535 or 1-888-550-6427

WEBSITES:

<http://www.nicsezcheckfbi.gov>

E-MAIL:

a_nics@leo.gov

OR FOR APPEAL RELATED QUESTIONS

nicappeals@leo.gov

**U.S DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO,
FIREARMS & EXPLOSIVES
FIREARMS & EXPLOSIVES LICENSING CENTER
P.O. BOX 2994
ATLANTA, GA 30301-2994**

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