



KEY ATF AND FBI/NICS TAKEAWAYS FROM SHOT SHOW - 2025

2025 Firearm Industry
Compliance Webinar Series



Additional NSSF Compliance Resources



Industry Compliance courses:

- “Zero Tolerance” Policy
- Winning at ATF Inspections
- Completing the Form 4473
- Multiple Sales Report
- and more

[NSSF.org/Education](https://www.nssf.org/education)



INTRODUCTION: PART 1

- WE ATTENDED SHOT SHOW 2025, AND WE ARE GOING TO DISCUSS SOME OF THE THINGS WE LEARNED THERE, FOR THOSE WHO DID NOT ATTEND, OR WHO DID NOT ATTEND THE SEMINARS.
- AFTER OUR REMARKS, WE WILL HAVE TIME FOR QUESTIONS, AND THE QUESTIONS NEED NOT BE LIMITED TO WHAT WE DISCUSSED.
- WE WILL TAKE ANY COMPLIANCE QUESTION THAT YOU MIGHT HAVE.

ATF IN THE INTERIM

- PRESIDENT TRUMP HAS NOT NOMINATED AN ATF DIRECTOR – YET!
- DEPUTY DIRECTOR MARVIN RICHARDSON WILL BE ACTING DIRECTOR
- EXECUTIVE ASSISTANT DIRECTOR ROB CEKADA WILL BE ACTING DEPUTY DIRECTOR
- THE ZTP WILL REMAIN IN EFFECT
- THE PRESIDENT HAS FROZEN ALL REGULATORY PROJECTS. ATF HAD INTENDED TO PUBLISH A FINAL VERSION OF THE “ENGAGED IN THE BUSINESS’ RULE BEFORE THE RECENT INAUGURATION, BUT NOW IT IS HELD UP.
- THE “ARM BRACE” AND “FRAME OR RECEIVER” RULE REMAINS IN LIMBO.
- ATF WAS GOING TO PUBLISH AN FFL NEWSLETTER, THAT NOW DEPENDS ON THE TRUMP ADMINISTRATIONS GUIDANCE.....

PRESIDENT'S EXECUTIVE ORDER

- ON 2/7/2025 PRESIDENT TRUMP ISSUED AN EXECUTIVE ORDER ENTITLED “PROTECTING SECOND AMENDMENT RIGHTS
- KEY POINTS
 - (a) Within 30 days of the date of this order, the Attorney General shall examine all orders, regulations, guidance, plans, international agreements, and other actions of executive departments and agencies (agencies) to assess any ongoing infringements of the Second Amendment rights of our citizens, and present a proposed plan of action to the President, through the Domestic Policy Advisor, to protect the Second Amendment rights of all Americans.
 - In developing such proposed plan of action, the Attorney General shall review, at a minimum:
 - (i) All Presidential and agencies’ actions from January 2021 through January 2025 that purport to promote safety but may have impinged on the Second Amendment rights of law-abiding citizens;
 - (ii) **Rules promulgated by the Department of Justice, including by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, from January 2021 through January 2025 pertaining to firearms and/or Federal firearms licensees;**
 - (iii) **Agencies’ plans, orders, and actions regarding the so-called “enhanced regulatory enforcement policy” pertaining to firearms and/or Federal firearms licensees;**
 - (iv) Reports and related documents issued by the White House Office of Gun Violence Prevention;
 - (v) The positions taken by the United States in any and all ongoing and potential litigation that affects or could affect the ability of Americans to exercise their Second Amendment rights;
 - (vi) **Agencies’ classifications of firearms and ammunition; and**
 - (vii) **The processing of applications to make, manufacture, transfer, or export firearms.**

ATF ZERO TOLERANCE POLICY

- ATF ANNOUNCED AT SHOT SHOW THAT THE ZTP WILL CONTINUE, BUT THERE IS A SLIGHT MODIFICATION THAT INCLUDES “EREP” VIOLATIONS THAT IMPACT FFLS
- EVEN IF IT WAS, “DEADLY SINS” SUCH AS FALSIFICATION OF RECORDS, KNOWINGLY TRANSFERRING FIREARMS TO PROHIBITED PERSON AND REFUSAL TO ALLOW AN INSPECTION HAVE ALWAYS BEEN GROUNDS FOR REVOCATION
- THERE WERE TWO ADDITIONS IN THE AUGUST 2024 REVISION TO THE “ATF FEDERAL FIREARMS ADMINISTRATION ACTION POLICY AND PROCEDURES (ATF O 5370.1G)” THAT HAVE GOTTEN SOME ATTENTION, AND PERHAPS, CAUSE FOR HOPE
- “FOR PURPOSES OF THE REGULATORY PROVISION OF THE GCA, THE TERMS “WILLFUL” AND “WILLFULNESS” MEAN A PURPOSEFUL DISREGARD OF A KNOWN LEGAL OBLIGATION. WILLFULNESS REQUIRES FACT-SPECIFIC APPLICATION OF LAW...”

ZERO TOLERANCE POLICY (CONTINUED)

- “NOT EVERY REPEAT VIOLATION IS PER SE WILLFUL. A SINGLE, OR EVEN A FEW INADVERTENT ERRORS IN FAILING TO COMPLETE FORMS MAY NOT AMOUNT TO “WILLFUL” FAILURES EVEN WHERE THE LEGAL REQUIREMENT TO COMPLETE FORMS WAS KNOWN. HOWEVER, WHEN SUCH ERRORS CONTINUE OR INCREASE AFTER A WARNING, STRONG EVIDENCE MAY EXIST THAT THE FFL IS PLAINLY INDIFFERENT TO ITS LEGAL OBLIGATIONS”
- EVEN THOUGH THE ZTP WILL CONTINUE TO BE IN EFFECT, IN LIGHT OF THE PRESIDENT’S EXECUTIVE ORDER, WE BELIEVE THAT ATF WILL PAUSE OR POSTPONE ANY REVOCATION ACTIONS BASED SOLELY ON ZTP VIOLATIONS DURING THE 30-DAY REVIEW PERIOD.
- PENDING LAWSUITS CHALLENGING REVOCATIONS BASED ON ZTP REVOCATIONS ARE EXPECTED TO CONTINUE.

ZERO TOLERANCE “OFF RAMP”

- POSSIBLY IN CONJUNCTION WITH THE PREVIOUS QUOTES, ATF HAS MADE AN “OFF RAMP” PROCEDURE AVAILABLE TO DIRECTORS OF INDUSTRY OPERATIONS IN THE FIELD DIVISIONS.
- WHERE REVOCATION HAS BEEN RECOMMENDED, AND THE DIO BELIEVES THE VIOLATION(S) MAY NOT BE WILLFUL, THE DIO CAN REACH OUT TO THE FFL BY PHONE CALL OR REQUEST THE FFL COMPLETE A “WORKSHEET”, OR EVEN MEET TO DISCUSS THE VIOLATION(S); ESSENTIALLY TO GET THE FFL’S SIDE OF THE STORY AND WHAT THEY ARE DOING TO PREVENT RECURRENCE.
- IF THE DIO BELIEVES THE VIOLATIONS ARE NOT WILLFUL, THEY CAN RECOMMEND TO HQ VIA THIS WORKSHEET, THAT A NOTICE OF RECOVATION NOT BE ISSUED.
- ATF OFFICIALS STATED THAT 60 NOTICES OF REVOCATION WERE STOPPED FROM BEING ISSUED SINCE AUGUST 2024 UNDER THIS NEW PROCEDURE.
- THERE WERE ONLY 6 FFL REVOCATIONS IN DECEMBER 2024, THE LEAST IN ANY MONTH SINCE THE ZERO TOLERANCE POLICY WAS IMPOSED ON ATF BY THE BIDEN ADMINISTRATION.

ATF FY 2024 INSPECTION STATISTICS

- 9700 - COMPLIANCE INSPECTIONS
- 8800 - APPLICATION INSPECTIONS
- 5200 – INSPECTIONS RESULTING WITH NO VIOLATIONS
- 1700 – INSPECTIONS RESULTING WITH ONLY VIOLATIONS CITED ON AN ROV
- 1500 – FFLS VOLUNTARILY SURRENDERED AND WENT OOB
- 720 – WARNING LETTERS ISSUED WITH A ROV
- 166 – WARNING CONFERENCE HELD AFTER INSPECTION
- 197 – FFLS REVOKED AFTER A NOTICE OF REVOCATION HEARING
- 182 – FFLS NOT REVOKED AFTER A NOTICE OF REVOCATION HEARING

MOST COMMON REASONS FFLS ARE REVOKED

- TRANSFERRING AN NFA FIREARM (INTEGRAL SUPPRESSOR FIXED TO UPPER) WITH A TITLE 1 FIREARM (AR-LOWER) AND NOT PERFORMING A NICS CHECK ON THE LOWER OR GCA FIREARM.
- TRANSFERRING A FIREARM TO AN OUT OF STATE RESIDENT WITHOUT PERFORMING A NICS CHECK BECAUSE THE FFL WRONGLY ASSUMED THE CUSTOMER'S OUT OF STATE CCW/CPL/CWP ALLOWED NO NICS CHECK TO BE DONE (NOTE: EXEMPTION ONLY EXISTS IN AN FBI NICS STATE-THERE IS NO CONTIGUOUS RECIPROCITY ASSOCIATED WITH NON-NICS STATE).
- TRANSFERRING A FIREARM AFTER 30 DAYS WITHOUT PERFORMING ANOTHER NICS CHECK (CONSIDERED A NEW AND SEPARATE TRANSACTION).

ATF NFA ENFORCEMENT

- ACTING DD ROB CEKADA STATED THAT ATF'S ENFORCEMENT OF THE NATIONAL FIREARMS ACT (NFA) IS FOCUSED ON VIOLENT CRIMINALS WHO USE NFA FIREARMS IN THEIR CRIMINAL ACTIVITIES.
- THEY ARE FOCUSED ON "SWITCHES" AND DROP IN AUTO SEARS (DIAS) AND MACHINE GUN CONVERSION DEVICES (MCD)
- SWITCHES, DIAS, MCDs ARE MACHINEGUNS BY LAW IN THAT THEY CONVERT A TITLE 1 FIREARM INTO FULL-AUTOMATIC FIRE BY BEING INSERTED INTO THE FIREARM.

NFA STATISTICS

- ATF PROCESSED 1,071,068 NFA FORMS IN FY 2023.
- ATF PROCESSED 1,170,028 NFA FORMS IN FY 2024.
- THE PENDING BACKLOG OF NFA FORMS IN 12/2023 WAS 99K.
- THE PENDING BACKLOG OF NFA FORMS IN 12/2024 WAS 81K.
- FORMS WITH OVER 4.5 MILLION FIREARMS WERE PROCESSED IN 2024.
- 96% OF NFA FORMS ARE NOW SUBMITTED VIA E-FORMS AND NOT PAPER.
- CURRENT PROCESSING TIMES:
 - FORM 3-PAPER 7 DAYS, E-FORM 3 DAYS
 - FORM 4 TRUST – PAPER 159 DAYS, E-FORM 34 DAYS
 - FORM 4 INDIVIDUAL – PAPER 158 DAYS, E-FORM 20 DAYS
 - FORM 5 – PAPER 32 DAYS, E-FORM 3 DAYS

ADDITIONAL DEVELOPMENTS

- ATF PLANS TO HAVE ALL ELECTRONIC VERSIONS OF FORMS THAT ARE SUBMITTED TO ATF.
- THIS INCLUDES FORM 7, APPLICATION FOR LICENSE, FORM 8 APPLICATION FOR RENEWAL OF LICENSE AND FINGERPRINT SUBMISSIONS (PAY.GOV AS WELL FOR SUBMITTING FEE).
- ATF IS UPDATING THE NFA HANDBOOK.
- ATF PLANS TO ISSUE A COMMERCE IN FIREARMS REPORT, POSSIBLY IN APRIL 2025, FIRST TIME SINCE 2021.
- THE FIREARM TECHNOLOGY INDUSTRY SUPPORT BRANCH RESPONSE TIME HAS SLOWED DUE TO STAFFING LOSSES AND TRAINING OF NEW FEOs. IT NOW TAKES 6-9 MONTHS TO MAKE A LEGAL DETERMINATION ON SUBMITTED FIREARMS, AND 2-3 MONTHS FOR CORRESPONDENCE.
- ATF IS LOOKING TO PUT LINKS TO ALL STATE GOVERNMENTS FOR FIREARM LAWS INSTEAD OF PUBLISHING THE STATE LAWS AND PUBLISHED ORDINANCES DOCUMENT

MANUFACTURER A&D RECORDS

- IN 2022 ATF PUBLISHED NEW REGULATIONS WITH THE FOLLOWING A&D TEMPLATE FOR MANUFACTURERS AND IMPORTERS:

Importer or Manufacturer A&D Record

Importer, manufacturer, and/or "privately made firearm" (PMF) (if privately made in the U.S.)	Description of firearm					Import/manufacture/acquisition		Disposition		
	Type	Model	Caliber or gauge	Country or countries of manufacture (if imported)	Serial No.	Date of import, manufacture, or acquisition	Name and address of nonlicensee; or if licensee, name and license No. (if acquired)	Date of disposition	Name	Address of nonlicensee; license No. of licensee; or Form 4473 transaction No. if such forms filed numerically

MANUFACTURER A&D RECORDS

- AS YOU CAN SEE, THERE IS A COLUMN FOR COUNTRY OF MANUFACTURE FOR ALL IMPORTED FIREARMS.
- THE MANUFACTURER REGULATIONS AT § 27 CFR 478.123 DO NOT REQUIRE MANUFACTURER FFLS TO RECORD COUNTRY OF MANUFACTURER.
- DESPITE THIS, GUIDANCE WAS RECEIVED FROM VARIOUS ATF OFFICES THAT IF A TYPE 07 OR TYPE 10 FFL USED THE TEMPLATE WITH THE COUNTRY OF MANUFACTURER, THEY HAD TO RECORD THE INFORMATION.
- FINALLY, AT SHOT SHOW 2025, ATF MADE A PUBLIC STATEMENT THAT A TYPE 07 OR TYPE 10 FFL “DO NOT NEED TO RECORD COUNTRY OF MANUFACTURE, BECAUSE THE REGULATIONS DO NOT REQUIRE IT, EVEN IF THEY USE THE FORMAT WITH A COUNTRY OF MANUFACTURE COLUMN.”

FBI NICS BSCA PRESENTATION- PART 2

- NCIC – STOLEN GUN RECORD SEARCH OF FIREARM PROPERTY EMBEDDED IN NCIC
- METHODS OF FFLS RUNNING NCIC INQUIRIES:
 - a) THROUGH LOCAL LAW ENFORCEMENT
 - b) DATA EXTRACTION THROUGH YOUR STATE AGENCY
 - c) FBI NICS E-CHECK CURRENTLY UNDER DEVELOPMENT, AVAILABLE MAY 2025

FBI NICS BSCA PRESENTATION- EFFECTIVE JUNE 25,2022

- REQUEST / QUERY WHEN INITIATED ONLY REQUIRES ACCURATE SERIAL NUMBER. NCIC WILL PROVIDE POSITIVE OR NEGATIVE RESULTS, USUALLY COMPLETE WITH FIREARM MFG, MODEL AND OTHER RELATED IDENTIFIERS
- FFLS MAY CONTACT LOCAL LAW ENFORCEMENT WHEN DEALING WITH STOLEN FIREARMS, ANNOTATE DISPOSITION ENTRY IN BOUND BOOK IF RELINQUISHED TO LAW ENFORCEMENT
- AT A FUTURE DATE FBI WILL POST A GUIDANCE DOCUMENT TO [FBI.GOV/NICS-FFL](https://www.fbi.gov/nics-ffl)

FBI NICS BSCA PRESENTATION-JUNE 25,2022

- FBI NICS BSCA FIREARM HANDLER'S CHECKS (FHC):
 - FHC CHECKS ARE VOLUNTARY AND REQUIRE EMPLOYEE WRITTEN CONSENT FOR SUBMISSION
 - ELIGIBLE EMPLOYEES ARE ANYONE IN CONTACT WITH FIREARMS
 - ATF AND FBI ARE WORKING TO FINALIZE A FORM THAT CAPTURES THEIR CONSENT AND FHC RESPONSES- a) PASS b) DID NOT PASS and c) PENDING

FBI NICS BSCA PRESENTATION-JUNE 25,2022

- RESPONSES ARE SUBJECT TO APPEAL AND VOLUNTARY APPEAL FILE PROCESS (VAF)
- FHC CHECKS AFFECT FFLS IN BOTH NICS AND POC STATES
- FBI/NICS WILL GRANT POC STATE FFLS SPECIAL ACCESS TO E-CHECKS FOR FHC SUBMITTALS
- FHC CHECKS WILL BE ACCEPTED VIA E-CHECK AND CALL CENTER (E-CHECK IS THE PREFERRED METHOD OF SUBMITTAL)
- ABSENT A FORMAL FORM, WRITTEN CONSENT IS OK!

FBI NICS BSCA PRESENTATION-JUNE 25,2022

- FFLS IN MULTIPLE STATES (CORPORATE RETAILERS) CAN RUN FHC CHECKS, INQUIRY MUST DISPLAY THE EMPLOYEE'S CURRENT STATE OF RESIDENCE
- **NEITHER THE WRITTEN CONSENT FORM NOR ANTICIPATED ATF FORM 5300.47 ARE SUBJECT TO RETENTION OR ATF INSPECTION**
- NO IMPLEMENTATION DATE YET, NPRM RULE 1110-AA35 IS PENDING DEPLOYMENT
- FBI/NICS NUMBER #1 PRIORITY IS STILL BRADY BACKGROUND CHECKS ASSOCIATED WITH THE ATF F 4473!

FBI NICS BSCA PRESENTATION-JUNE 25,2022

- FBI NICS BSCA ENHANCED UNDER 21 (U21) BACKGROUND CHECKS:
- ENHANCED BACKGROUND CHECKS ARE A QUERY THROUGH a) STATE JUVENILE RECORDS DATABASE b) LOCAL LAW ENFORCEMENT THAT HAS JURISDICTION WHERE THE TRANSFEREE/BUYER RESIDES and c) STATE MENTAL RECORDS
- CRITICAL THAT BOX-10 ON THE ATF F 4473 IS COMPLETED ACCURATELY
- IF UNDER-21 ENHANCED BACKGROUND CHECKS ENCOUNTER CAUSE, WAIT TIME WILL BE EXTENDED BY 7 DAYS

FBI NICS BSCA PRESENTATION-JUNE 25,2022

- TYPICAL FBI/NICS BRADY WAIT TIME IS 3 DAYS, A U-21 CHECK WITH CAUSE, CAN RAISE THE WAIT TIME TO 10 DAYS. NICS WILL ADVISE ON THE DATE OF RELEASE
- IF WITHIN THE 10 BUSINESS DAY WAIT, CAUSE IS RULED OUT, NICS WILL PROVIDE THE FFL WITH A “PROCEED” TRANSACTION NUMBER
- RULING 1110-AA36 PENDING DEPLOYMENT

NSSF Member Benefits for Retailers & Ranges

- Compliance Hotline
- SHOT University Online
- Discounts to Live Events including SHOT Show (first buyer badge is free - additional registrations discounted)
- Member Benefit Provider Discounts
- Access to Programs Such as First Shots

Join Today!

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