

ATF Director Steven Dettelbach's Q&A at SHOT Show 2023

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nfa, weapon, question, rule, revocation, pistol, brace, notices, process, apply, application, gun control act, willful violations, classified, atf, partially completed, firearms, register, answer, receiver

SPEAKERS

Steven Dettelbach, ATF official

A ATF official 00:46
So, the first question, sir: are there any recommendations for unsold AR pistols in inventory?

S Steven Dettelbach 03:37
I assume, although I probably shouldn't assume, that the question probably refers to a partially completed receiver. So, assuming that it applies to a partially completed receiver, the first thing I would say is to make sure that it's one of the partially completed receivers... that you know which category it falls into. Because there have been a series of submissions about partially completed AR receivers, which my understanding is had been classified as firearms. And there are also some that have been not classified as firearms under the Gun Control Act. So number one is make sure... you know, sometimes the public reporting on these things lacks detail and that's understandably because... because newspaper articles and magazine articles often don't have the space. But make sure you know what you have first. And so it is one of the items that is... has been classified as an actual firearm under the Gun Control Act, then the reality is that those provisions obviously apply. All the provisions of the Gun Control Act apply. So it would have to be serialized and background checks would have to be run for instance on the individual to whom it was sold. That doesn't mean that you can't sell them. It means that you have to do the things that the Gun Control Act requires.

S Steven Dettelbach 05:17
So I think... but... but please do make sure because if you have one of the ones that is not classified... and you can ask for the things you have... that you have a certain number... to be classified. You may find out that it's actually not covered by the rule. It really depends on the individual measurements and the actual form of the AR receiver.

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Steven Dettelbach 05:38

And if there are things you want to add to this feel free to chime in.

A

ATF official 05:42

Okay. All right. The next question pertains to the stabilizing brace. There are two questions. The first one is do Title One SOTs in possession of a braced pistol, have to register it before selling? And then the follow on to that is or can you remove the brace and sell it as a pistol?

S

Steven Dettelbach 06:02

Again, you're going to correct me if I'm wrong, I want to make sure... you can remove the brace and sell it as a pistol. So, we tried to do things in this rule... look I don't want to look backward on the back and forth and all the things that happened. We tried to make this a forward looking rule and to be fair to individuals out there who have these models. So, there's a bunch of different options that a person who has one of the braces that is covered in configuration with a pistol what they can do. One thing you can do is you can detach and there's... there's no longer an NFA weapon. Now, you can reattach. Right. So, you have to do it so it can't be reattached. But another thing you can do is you can detach, and you can attach it on to a weapon that has a length that won't make you qualified as a short barreled rifle. A third thing you can do is you can register. There's a 120 day period after the rule is published that you can apply to register. Now I would point out also two things. The first is that the first thing I would point out is that that the rule has tax forbearance. So that individuals who apply to register those within the statutory scheme do not owe the tax. That's across the board. The second thing is that while you are... while you are waiting, once you get an application in, you should save proof that you applied, screenshot or printout. And while you have the application in, while it's sitting on our desk as we're processing it, obviously there's nothing unlawful about your continued possession of that weapon. So we tried to build in options that would make it... give people options. So, yes, the answer to this question is you can attach them not attach them and then you don't have to have an NFA weapon anymore.

A

ATF official 08:01

Alright, a follow up question on that. How does the stabilizing brace Final Rule affect disabled shooters who wish to use a pistol and need a brace to do so does this not violate the ADA?

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ATF official 08:15

So again, looking... let me look back for a second. So, again, not having been at ATF when when a bunch of this happened, others may be able to explain the history better, but, originally, there was a product presented to ATF, which was focused on the kind of activity mentioned in the question. And then, of course, over time, the types of usage of the braces evolved and changed. And that's one of the things that we're now trying to sort of deal with to make sure that the NFA, the statutes requirements are properly are properly applied to the products that are out there now. And so, the first question is, is what you have covered by the test in the rule,

as is configured with the weapon? So, if the answer to that is no, if it's the kind of brace that under the test of the rule, which has to do with surface area, and intention to make the weapon to be shouldered like a rifle, the answer to that is no, then you don't have an NFA weapon and you can continue. If the answer to that is yes, then the rule applies. Right? Now... now... so... so, I guess the question, the answer to the question is that the rule applies to the weapon not... not to the individual. We're not judging individuals we're judging the weapons and classifying the weapons. So, just... the same weapon no matter who possesses it is going to either qualify or not qualify.

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ATF official 09:52

Alright, so the next two questions, I'm going to kind of combine them as they're essentially the same question. It reads, assuming there are currently 500,000 NFA forms processed annually, and assuming 10% of the three to 4 million based firearms in circulation. What will a sudden influx of 300,000 to 400,000 form one annual amnesty registration applications do to overall NFA processing times?

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Steven Dettelbach 10:21

So, look, I hate to overpromise but the idea is nothing. That's the idea. In other words, we're surging resources to deal with this particular surge in applications not to take away from the other application processing. So, my anticipation is, my hope is, and hopefully when I come back next year, I'll be able to report, that the form four numbers will continue to, waiting periods will continue to, trend downward from I think, what everybody would agree was not a good situation. And that's why we're surging resources to both sides, both to the new and the old. So that we can process the new applications and continue to make progress on the backlog has been a problem for so long.

A

ATF official 11:15

All right, sir. And the last question, if we FFLs are the first line of defense, why are revocations up so drastically?

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ATF official 11:26

So, revocations are up. Or, at least, notices of revocation are up, right? Because, right now, we're still on the part of the process where people have noticed this and there are people who are pursuing their rights to contest those revocations. And so... but I do think it's accurate to say notices and provocations are up. And the reason why is that we have focused on the notion of willful violations that impact public safety and those being subject to revocation or at least to notice of revocation in certain cases that we might out sort of automatically. And so, that is part of what I told you here today we are refining. There's a group of those notices of revocation that we have determined are less likely to be willful violations, more likely to be given verbal violations. And they have to do with a 30 day rule. That's based on what we've seen over the last 18 months. So, we're refining the process. And so... so that is part of what we'll continue to

do. The focus again, is on willful violations. That's what we were told to do. That's what we're going to try to do but in implementing policy, if we were catching cases, we weren't. We should be open to looking at that again, in certain circumstances, and we're going to do that.

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ATF official 13:05

Okay, sir, that is all the questions that we have for you. I want to give the subject matter experts a chance to answer some questions. As well, since they've been sitting up there patiently.

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Steven Dettelbach 13:14

Yes. Thank you.

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ATF official 13:14

Thank you so much.

S

Steven Dettelbach 13:15

And most importantly, thank you. With that I said, look, I'm here at shot show and I do appreciate you all coming here. I think that that dialogue and communication is important and I'm not naive. I don't think that people are going to agree on everything. But you should have the right of access to me, you should have the right to communicate with the ATF. And, you know, that's that's my commitment to this group. To do that. So, thank you very much for giving me some of your valuable time. I really do appreciate it.