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# Bureau of Alcohol, Tobacco, Firearms and Explosives Announces Firearms Regulatory Reforms and Renewed Partnership with Firearms Industry

Michael D. Faucette and Isaac J. Wyant\*

*In this article, the authors discuss a series of policy changes recently announced by the Bureau of Alcohol, Tobacco, Firearms and Explosives.*

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The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has announced a series<sup>1</sup> of policy changes initiated under the Trump administration. The agency prefaced this announcement by stating the following:

[ATF] is ushering in a new chapter—marked by transparency, accountability, and partnership with the firearms industry. This is not the same ATF of the last four years. We are fundamentally changing course with a renewed focus on rebuilding trust with federal firearms licensees (FFLs), gun owners, and the public by prioritizing public safety and collaboration.

This marks the first—and most substantial—effort in history to roll back restrictions that have caused significant uncertainty and hardship for FFLs.

ATF outlined eight ongoing policy efforts and 10 implemented measures in its announcement, discussed below.

## Policy Items In Progress

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- *Releasing an Updated Firearms Commerce Report.* ATF will be updating its annual data on firearms manufacturing,

import/export, and tax revenue collected from the administration of the National Firearms Act (NFA).

- *Converting ATF Form 20 (Authorization to Transport Firearms) into a streamlined, notice-based process.* ATF Form 20 is a required filing for individuals who wish to transport certain NFA firearms (e.g., machine guns, short-barreled rifles, short-barreled shotguns) across state lines. Replacing the form with a notice-based process will remove the current weeks-long waiting process for approval.
- *Revising ATF Form 4473 to be shorter and more accessible for both purchasers and federal firearms licensees.* ATF Form 4473 is used by FFLs to record background check results and purchaser information during a firearm transfer. During the previous administration, the form was commonly reviewed by ATF for errors as a way to initiate revocation proceedings. By simplifying and shortening the form, it will likely reduce the number of unintentional errors.
- *Issuing an open letter outlining revisions to the Brady Chart.* The Permanent Brady Permit Chart<sup>2</sup> is a tool for FFLs to determine whether a state-issued firearms permit can be used as an alternative to conducting a National Instant Criminal Background Check System (NICS) background check at the point of sale. These “Revisions” will likely indicate that more states may be exempt from the Brady Act requirements.
- *Standardizing inspection and enforcement practices for dealers nationwide.* ATF field divisions have been found to apply inconsistent inspection standards across regional offices. Standardization aims to ensure fair, consistent, and predictable application of the law to all FFLs.
- *Issuing an open letter to lift the existing restriction on importing dual-use barrels.* Firearm barrels usable in both importable and non-importable firearms were previously restricted from importation based on what firearm they were previously affixed to. The new policy would interpret the law as written to look at the traits of the barrel itself, not what it may have previously been affixed to overseas.
- *Finalizing a ruling to permit electronic signatures on National Firearms Act forms.* Most NFA forms require physical signatures on paper. Allowing e-signatures would modernize and streamline the application process.



- *Conducting a comprehensive review of existing regulations to repeal those deemed outdated or unnecessary.* Certain ATF regulations may be outdated, duplicative, or lack statutory support. The ongoing review is intended to identify these provisions and recommend either their modification or their removal. Previously, this administration has indicated<sup>3</sup> it is planning to review “the regulatory framework surrounding stabilizing braces (Final Rule 2021R-08F) and the definition of ‘engaged in the business’ of firearms dealing (Final Rule 2022R-17F).”

## Policies Enacted

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- *Ending the Enhanced Regulatory Enforcement Policy (EREP) that had targeted firearms dealers.* EREP, commonly known as the “Zero Tolerance Policy,” allowed for license revocations based on minor or unintentional recordkeeping violations. The policy was widely critiqued by industry groups and FFL holders alike.
- *Publishing a new Administrative Action Policy (AAP) that emphasizes firearm traceability and public safety and deemphasizes immaterial paperwork errors.* The new AAP<sup>4</sup> prioritizes violations that implicate public safety and deprioritizes technical or clerical errors in paperwork.
- *Encouraging any FFLs that had their licenses revoked or surrendered under the Enhanced Regulatory Enforcement Policy to reapply. Applications will be judged under the new Administrative Action Policy.* The administration has publicly announced<sup>5</sup> that FFLs that lost their licensing due to EREP may reapply for their license.
- *Removing revoked FFL inspection reports from ATF’s public website.* Previously, inspection reports for revoked FFLs were publicly posted. Removing these reports is intended to minimize unnecessary reputational harm to businesses.
- *Instituting an NICS alert policy that restricts use of NICS alerts to federal firearms trafficking violations.* NICS alerts had been used more broadly to flag non-criminal compliance issues. The new policy limits alerts to cases involving confirmed federal firearms trafficking violations.

- *Establishing a Senior Industry Partnership Advisor/Liaison within the Office of the Director to address industry concerns and foster productive engagement.* This new role is intended to facilitate direct communication between the ATF and industry stakeholders, ensuring that regulatory decisions are informed by practical concerns.
- *Establishing a classifications board and requiring all new firearm classifications to be reviewed and approved by the Office of the Director prior to publication.* Firearm classification decisions will now undergo internal review to ensure consistency and oversight before public release.
- *Ensuring that all rules fairly implement congressional statutes rather than create entirely new laws by administrative order.* Reaffirming that the agency's rules must stem from existing federal laws.
- *Improving response time from the Firearms & Ammunition Technology Division (FATD) to FFL inquiries.* FATD has been criticized for delays in issuing guidance on firearm classifications and technology. ATF has committed to more timely responses to support industry compliance.
- *Reversing a ban on the importation of non-lethal training ammunition.* A previous ban restricted the import of certain training rounds used for practice or simulation. The reversal aims to improve access to non-lethal ammunition for lawful training purposes.

## Conclusion

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ATF's new policy initiatives highlight the agency's renewed focus on modernization, public safety, statutory fidelity, and maintenance of industry relationships.

## Notes

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1. <https://www.atf.gov/rules-and-regulations/atf-launches-new-era-reform>.

2. <https://www.atf.gov/rules-and-regulations/laws-alcohol-tobacco-firearms-and-explosives/gun-control-act/brady-law/brady-permit-chart>.
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