



ATF Addresses FFL Audience on Expansive Changes in 2021R-05 'Frame or Receiver' Final Ruling

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On April 26, 2022, ATF executives discussed the Final Rule 2021R-05, "Definition of "Frame or Receiver" and Identification of Firearms," for the first time since being finalized earlier this month. A three-hour educational session was delivered by Marvin Richardson (ATF Deputy Director), Marianna Mitchem (Chief, Firearms & Explosives Industry Division), and James Vann (Associate Chief Counsel) at the 8th annual Firearms Industry Conference hosted by **Williams Mullen's Firearms Industry Group** and **Orchid**.

"The ATF ruling is one of the most significant in recent memory. We are pleased to have relationships with and participation from ATF executives to allow us to hear directly from our regulators and to express concerns from industry participants in a constructive manner," said Chuck James, Co-Chair of the Williams Mullen Firearms Industry Group.

"We appreciate the ATF's willingness to address a large cross-section of FFLs on Final Rule 2021R-05," said Orchid CEO, Jon Rydberg "The rule becomes effective in 120 days on August 24th and will have a significant impact on manufacturing and retail firearm operations. The ruling will likely impact everything relating to firearm manufacturing, serialization, marking applications, supply chain transactions, ERP routings, electronic A&D record keeping, retail and gunsmithing transactions, suppressor manufacturing and other activities involving GCA, NFA and privately made firearms."

The significance of the ruling warrants many additional industry education sessions, including the first session of a webinar series being hosted by Chuck James and Camden Webb of Williams Mullen and Jon Rydberg and Philip Milks of Orchid on May 6. FFLs who wish to join the first Williams Mullen & Orchid webinar can register for more information at orchidadvisors.com/finalrule. During the session, the team will share insights from the Final Rule discussion with ATF, review the rule's new regulations, and conduct a deep dive into how they will impact FFLs and the firearms industry.

The ATF also announced they will host several virtual sessions to educate the industry on the Final Rule. Dates and registration information regarding ATF-led sessions will be announced shortly.

Among the more prevalent topics discussed during the ATF FIC session included:

- Critically defining a firearm frame and receiver with a focus on the mechanisms which make the item functional. Significant discussion was held around "incomplete" firearms and how the revised definition offers clarity to industry-termed 80% receivers.
- Addressing the concept of parts kits and at what point they would be considered a complete firearm.
- Permissibility and prohibitions regarding Privately Made Firearms (PMFs) and how the receipt or possession of a PMF impacts licensees.
- Clarifying the definition of gunsmithing and manufacturing.
- Redefining a suppressor citing specific receiver and frame nomenclature and included marking requirements depending on suppressor type.
- Addressing various recordkeeping issues, including the consolidation of records and requirement for permanent retention for licensed entities.

For more information or if you have questions, please contact Chuck James or Camden Webb.

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