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Internal ATF docs show 'zero tolerance' guidelines for shutting down gun stores

The guidance says the ATF can 'use inspection reports to establish willfulness even if the inspection found no violations'



By **Houston Keene** | Fox News



Biden ATF nominee called for assault weapons ban but struggled to define the term

President Biden's pick to lead the Bureau of Alcohol, Tobacco, Firearms and Explosives, Steven Dettelbach, acknowledged Wednesday that he does not have a definition for the term "assault weapon."

FIRST ON FOX: Internal documents from the [Bureau of Alcohol, Tobacco, Firearms, and Explosives](#) (ATF) show the "zero tolerance" guidelines the agency is using to shut down gun stores.

Fox News Digital exclusively obtained the ATF's federal firearms licensee (FFL) inspection guidance from January 2022 that makes it easier to revoke gun stores' federal licenses.

The guidance says the agency "has zero tolerance for willful violations that greatly affect public safety and ATF's ability to trace firearms recovered in violent crimes" and that "revocation" of the FFL's license "is the assumed action" with violations.

[GUN RIGHTS GROUP'S ATF REPORT ACCUSES AGENCY OF MAKING 'ILLEGAL GUN REGISTRY' AS CRUZ TAKES AIM IN SENATE](#)



Fox News Digital exclusively obtained the ATF's federal firearms licensee (FFL) inspection guidance from January 2022 that makes it easier to revoke gun stores' federal licenses. (Michael Ruiz/Fox News Digital)

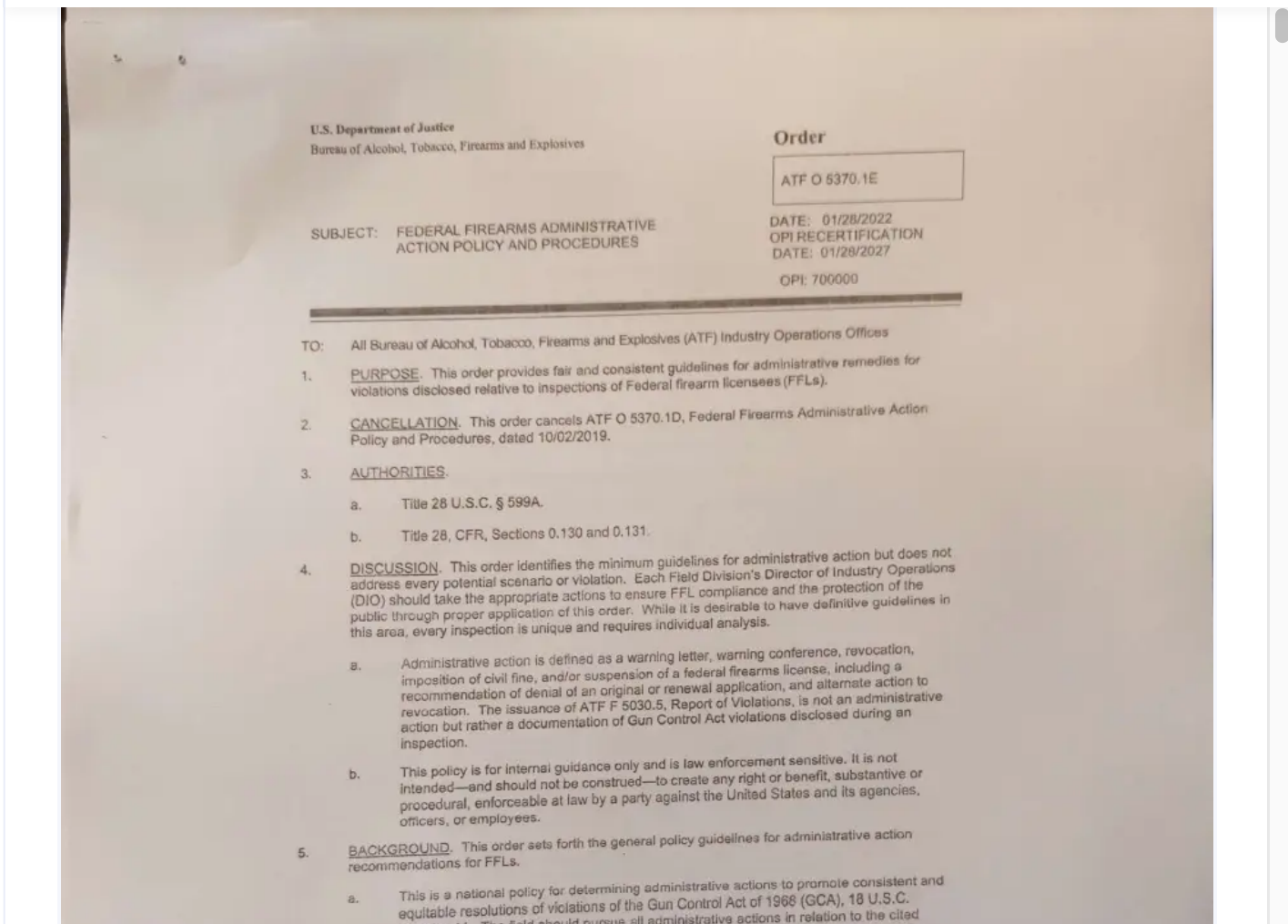
"Therefore, revocation is the assumed action, unless extraordinary circumstances exist, when violations are cited that include" transferring a firearm "to a prohibited person knowing or having reasonable cause to believe the transferee is a prohibited person," failing to perform a background check, and "making a false or fictitious written statement in the FFL's required records or in applying for a firearms license," the guidance reads.

The guidance defines administrative action "as a warning letter, warning conference, revocation, imposition of civil fine, and/or suspension of a federal firearms license, including a recommendation of denial of an original or renewal application, and alternate action to revocation."

According to the documents, the "ATF must establish willfulness to proceed with revocation" under federal law, but the agency "does not have to establish a history of prior violations to determine willfulness."

"Accordingly, ATF will revoke a federal firearms license, absent extraordinary circumstances on initial violations, if those violations inherently demonstrate willfulness, such as transferring a firearm to a prohibited person; failing to run a background check prior to transferring a firearm to a non-licensee; falsifying records, or making false statements; failing to respond to an ATF tracing request; refusing to permit ATF to conduct an inspection; or allowing a straw sale of a firearm to occur."

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"ATF may also revoke for any other willful first-time violation as it deems appropriate," the guidance reads.

The guidance says that the agency "can establish the knowledge element of willfulness in several ways" including establishing "the FFL has a history of similar, repeat violations, and documentation that an [Industry Operations Investigator (IOI)] discussed them with the FFL."

"The FFL's compliance history can include other efforts by ATF (including qualification inspections) to inform the FFL about its legal responsibilities," the ATF guidance reads, also saying the agency can "use inspection reports to establish willfulness even if the inspection found no violations."

"Revocation is also an appropriate licensing action in response to the discovery of the below willful violations," the guidance also says, which includes any "other [Gun Control Act] violation not specifically addressed in this order where revocation may be appropriate."

Additionally, when an FFL loses its license, it will likely close shop and be required to send its gun purchase records — which are now required to be kept indefinitely — [straight to the ATF](#).

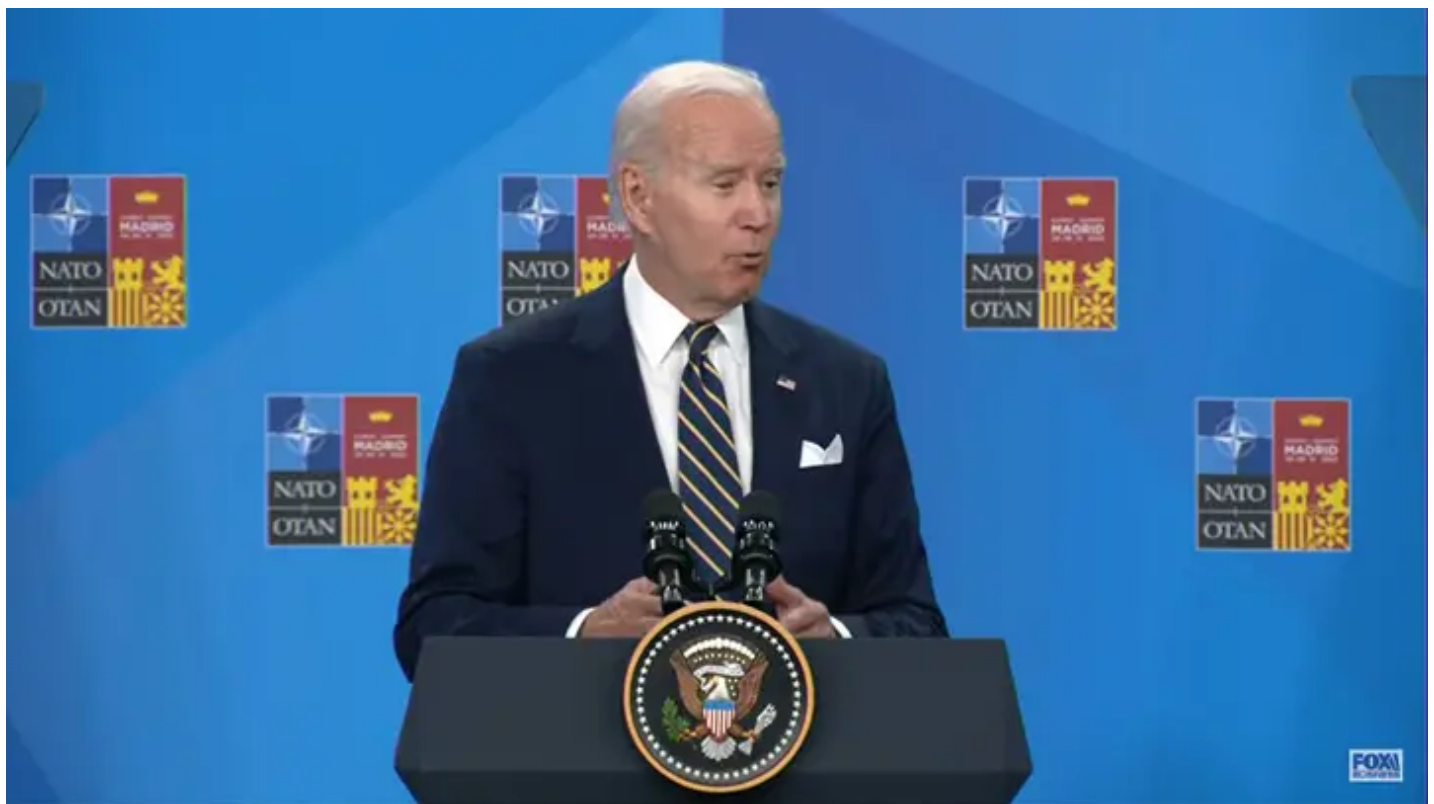
[The ATF announced in July 2021](#) that they would be updating the guidelines established under the Trump administration.

Gun rights group Gun Owners of America (GOA) first obtained and shared the documents with Fox News Digital on Thursday.

Aiden Johnston, GOA's director of federal affairs, told Fox News Digital that "Joe Biden has weaponized the ATF against gun owners and the firearms industry in an attempt to violate the

Second Amendment and expand his illegal gun registry."

"Rather than targeting those who display clear negligence and disregard for the law, ATF now revokes licenses without warning at the discovery of a first mistake by honest gun dealers," Johnston said.



Aiden Johnston, GOA's director of federal affairs, told Fox News Digital that "Joe Biden has weaponized the ATF against gun owners and the firearms industry in an attempt to violate the Second Amendment and expand his illegal gun registry." (Fox News)

"When Federal Firearms Licensees are forced out of business, ATF adds their records to its digital gun registry that has nearly a billion gun and gun owner records," he continued. "GOA is already working with Second Amendment champions like Rep. Michael Cloud on Capitol Hill to address this alarming issue and eliminate this unconstitutional gun registry."

ATF spokesperson Erik Longnecker told Fox News Digital the "ATF can revoke a federal firearms license for willful violations of the Gun Control Act, especially those willful violations that are a threat to public safety."

"Such willful violations can include transferring a firearm to a prohibited person, not conducting background checks, falsifying records, not responding to trace requests, and refusing to permit inspections," Longnecker said in response to Fox News Digital's question as to why the agency is moving immediately to revocation of FFL licenses for potentially minor violations instead of issuing a warning letter or conference.

"These willful violations are anything but 'minor,'" Longnecker said.

GOA previously blasted the ATF for their "illegal gun registry" in their new report on the finalized rule requiring FFLs to maintain purchase records indefinitely.

The group's report on Freedom of Information Act (FOIA) requested documents revealed the ATF "is maintaining a digital, searchable, centralized registry of guns and gun owners in violation of various federal prohibitions."

GOA wrote in their report that the "ATF has reached a point where it has converted nearly one billion records (required to be kept by FFLs) into a single, centralized, and searchable national gun registry, that is routinely searched by multiple data fields (except, reportedly, by gun owner name)."

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Federal law before the rule required federally-licensed gun stores to hold onto purchase records for a minimum of 20 years. The new rule prevents FFLs from destroying the purchase records should they so choose.

Second Amendment sentinels in Congress have taken aim at the newly finalized rule, with Cruz introducing the Senate companion bill to Rep. Michael Cloud's, R-Texas, legislation, the No Retaining Every Gun In a System That Restricts Your (REGISTRY) Rights Act, last Congress.

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