



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

August 12, 2005

Revised Open Letter to Federally Licensed Firearms Importers and Registered Importers of U.S. Munitions Import List Articles

The purpose of this open letter is to provide important updated information to importers concerning the lawful importation of certain frames, receivers and barrels.

Extension of Time to Effect Importation of Approved Permits for Frames, Receivers or Barrels of Firearms Under Title 18 U.S.C. § 925(d)(3).

As noted in our prior Open Letter dated July 13, 2005, section 925(d) provides “in any case where the Attorney General has not authorized the importation of the firearm pursuant to this paragraph, it shall be unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled.” ATF concluded that this language permits no exceptions that would allow frames, receivers or barrels for otherwise nonimportable firearms to be imported into the United States. Accordingly, ATF announced that it would no longer approve ATF Form 6 applications for importation of any frames, receivers, or barrels for firearms that would be prohibited from importation if assembled. No exceptions to the statutory language, for example for “repair or replacement” of existing firearms, will be allowed.

In the July 13, 2005, Open Letter, ATF recognized that importers relying upon ATF’s prior policy may suffer economic harm, particularly those who hold approved permits. To mitigate the impact of the new policy, ATF provided that it would forego enforcement of section 925(d)(3) for 60 calendar days from the date of the Open Letter for those importers who had obtained import permits for barrels and receivers for nonimportable firearms for “repair or replacement.”

Following consultations with the industry and further examination of the number and types of barrels and receivers authorized for importation on approved permits, ATF has decided to extend the period of time for importers to act upon previously approved import permits. ATF believes this extended period affords ample time for importers who have entered into binding contracts in reliance upon approved permits to bring their shipments into the United States for entry into commerce. Importers holding ATF approved permits to import frames, receivers, or barrels for otherwise nonimportable firearms for repair or replacement may continue to use such permits through December 31, 2005. Effective January 1, 2006, these permits will be suspended.

Importers holding unexpired approved permits will be receiving a letter notifying them that their permits will be suspended effective January 1, 2006. ATF will advise Customs and Border Protection that in no event should these permits be accepted to release these items for entry into the United States on or after January 1, 2006.

Importers are reminded that no new permits for these items will be issued, including the issuance of permits that would be necessary to remove frames, receivers or barrels that are currently held or may be placed in a Customs Bonded Warehouse or Foreign Trade Zone. Importers are also advised that ATF previously approved permits for nonimportable barrels and receivers are for repair or replacement only, and this restriction was stamped on the face of the permit. Importers who import such components for any purpose other than repair or replacement of existing firearms, e.g., for assembly into new firearms, will be exceeding the scope of the import authorization in violation of law. If ATF determines, through inspection or otherwise, that an importer willfully violates the import provisions of the GCA, the importer's license is subject to revocation pursuant to 18 U.S.C. § 923(e).

Maintaining open lines of communication is vital to the successful future of ATF's partnership with the import community. The Firearms and Explosives Imports Branch staff is available to answer your questions about the issues addressed in this letter. You may reach us by phone at (202) 927-8320 or by fax at (202) 927-2697. Additional information regarding this issue will be provided on our Website at www.atf.gov.

for Lewis P. Raden
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Enforcement Programs and Services