



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

July 13, 2005

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 information to importers concerning the lawful importation of certain frames, receivers and barrels.

Importation of Frames, Receivers or Barrels of Firearms Under Title 18 U.S.C. § 925(d)(3)

Section 925(d) provides standards for the importation of firearms and ammunition into the United States. In particular, section 925(d)(3) provides that the Attorney General shall authorize a firearm to be imported if it meets several conditions: (1) it is not defined as a firearm under the National Firearms Act (NFA); (2) it is generally recognized as particularly suitable for or readily adaptable to sporting purposes; and (3) it is not a surplus military firearm. However, the subsection further provides that “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.”

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has determined that the language of 18 U.S.C. § 925(d)(3) permits no exceptions that would allow frames, receivers or barrels for otherwise non-importable firearms to be imported into the United States. Accordingly, ATF will 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.

ATF recognizes that importers have, in the past, obtained import permits authorizing the importation of barrels and receivers for non-importable firearms for "repair or replacement" and may have entered into contracts in reliance upon such authorizations. In order to mitigate the impact of ATF's change in import policy and to allow importers a reasonable period to come into compliance, ATF will forgo enforcement of this import restriction for 60 calendar days and allow importers holding existing permits to continue to import barrels and receivers for a period of 60 calendar days. ATF believes this time period is adequate for importers who have entered into binding contracts for the sale and shipment of such barrels and receivers to complete the process of importing the items into the United States. 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 after September 10, 2005.

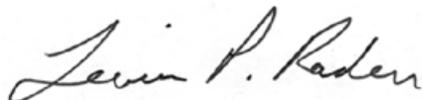
Importers are reminded that ATF previously approved permits for non-importable barrels and receivers for repair or replacement only, and this restriction was stamped on the face of the permit. Importers who import such components for any purpose other than repair or replacement of existing firearms, 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).

Importers holding approved import permits for non-importable barrels and receivers will receive a letter prior to September 10, 2005, advising them that their permit has been suspended.

This determination affects importers as follows:

1. IF YOU SUBMIT A NEW APPLICATION TO IMPORT FRAMES, RECEIVERS AND BARRELS ON OR AFTER THE DATE OF THIS LETTER, AND THE PERMIT IS FOR NONSPORTING FIREARMS, SURPLUS MILITARY FIREARMS, OR NATIONAL FIREARMS ACT FIREARMS, ATF WILL DENY YOUR APPLICATION.
2. IF YOU HAVE SUBMITTED AN APPLICATION TO IMPORT FRAMES, RECEIVERS AND BARRELS THAT HAS NOT YET BEEN DENIED OR APPROVED BY ATF AND THE PERMIT IS FOR NONSPORTING FIREARMS, SURPLUS MILITARY FIREARMS OR NATIONAL FIREARMS ACT FIREARMS, ATF WILL DENY YOUR APPLICATION.
3. IF YOU ALREADY HOLD AN APPROVED PERMIT TO IMPORT FRAMES, RECEIVERS AND BARRELS "FOR REPAIR OR REPLACEMENT," ATF WILL BE SENDING YOU A LETTER EXPLAINING THAT YOUR PERMIT WILL BE SUSPENDED AFTER SEPTEMBER 10, 2005, AND PROVIDING YOU WITH INFORMATION REGARDING YOUR RIGHT TO SUBMIT ARGUMENTS WHY YOUR PERMIT SHOULD NOT BE REVOKED.

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.



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