



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

September 13, 2004

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

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is committed to keeping industry members informed of statutory and regulatory developments affecting them. In furtherance of this commitment, we have prepared this open letter, which contains information about recent changes that may affect your day-to-day operations and/or long range plans.

Sunset of Bans on Semiautomatic Assault Weapons and Large Capacity Ammunition Feeding Devices

On September 13, 1994, Congress passed the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322. Title IX, Subtitle A, Section 110105 of this Act generally made it unlawful to manufacture, transfer, and possess semiautomatic assault weapons (SAWs) and to transfer and possess large capacity ammunition feeding devices (LCAFDs). The law also required importers and manufacturers to place certain markings on SAWs and LCAFDs, designating they were for export or law enforcement/government use. Significantly, the law provided that it would expire 10 years from the date of enactment. Accordingly, effective 12:01 a.m. on September 13, 2004, the provisions of the law will cease to apply. This open letter is to advise the import community of the effect of this on importations.

Importation of Semiautomatic Assault Weapons

- There is no longer a Federal prohibition on the manufacture, transfer and possession of SAWs.
- Nonsporting firearms are still prohibited from importation under 18 U.S.C. sections 922(l) and 925(d)(3). Because the vast majority of SAWs are nonsporting, they generally cannot be imported.
- SAWs no longer have to be marked "restricted law enforcement/government use only" or "export only."
- SAWs may be imported into a Customs Bonded Warehouse or Foreign Trade Zone because the sporting purposes test does not apply to these imports.
- SAWs may be temporarily imported under the provisions of 27 CFR section 478.115(d) because firearms that are temporarily imported are not required to meet the sporting purposes test.

Importation of Large Capacity Ammunition Feeding Devices

- LCAFDs are no longer prohibited from importation. However, they are still subject to the provisions of the Arms Export Control Act. Therefore an approved Form 6 import permit is still required.
- LCAFDs will no longer have to be marked “restricted law enforcement/government use only” or “export only” and importers no longer have to collect documentation that demonstrates imports are for government sale. However, any existing records still must be maintained for a period of 5 years. See 27 CFR section 478.40a. Moreover, importers are still required to maintain their acquisition records permanently and disposition records for 20 years.
- If an importer has an approved Form 6 import permit for LCAFDs with a restriction stamp on it related to the ban, the importer may import LCAFDs using the permit and disregard the restriction stamp. However, importers may apply for a new permit if they prefer.

Please note:

- The provisions of 18 U.S.C. section 922(r) and 27 CFR 478.39 regarding assembly of nonporting shotguns and semiautomatic rifles from imported parts still apply.
- All provisions of the National Firearms Act (NFA) relating to registration and transfer of machineguns, short barreled rifles, weapons made from rifles, short barreled shotguns, weapons made from shotguns, any other weapons as defined in 26 USC section 5845(e), silencers, and destructive devices still apply.
- USAS-12 and Striker 12/Streetsweeper shotguns are still classified as destructive devices under ATF Rulings 94-1 and 94-2 and must be possessed and transferred in accordance with the NFA.

We recognize that you may have ATF correspondence and publications that contain obsolete information. For example, a July 30, 2002 open letter discussed the importation of pre-September 13, 1994 large capacity magazines. This section of the open letter no longer must be complied with. Similarly, the ATF Federal Firearms Regulations Reference Guide and the ATF Guidebook: Importation & Verification of Firearms, Ammunitions & Implements of War contain some information that now is incorrect. We will update these publications as soon as possible. Moreover, we will provide up-to-date information on our website: www.atf.gov.

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 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.



for Audrey Stucko,
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