



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Assistant Director

Washington, DC

November 22, 2005

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) strives to keep industry members informed of relevant statutory and regulatory developments that may affect their day-to-day business operations. The purpose of this open letter is to update licensed and registered importers of firearms, ammunition and other regulated commodities on the lawful importation of certain firearm barrels into the United States for commercial purposes.

In an open letter dated July 13, 2005, licensed and registered importers were advised that the provisions of 18 U.S.C. § 925(d)(3) established the 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 to be 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."

Importers were further advised that ATF has determined that the language of section 925(d)(3) permits no exceptions that would allow the frames, receivers, or barrels for otherwise nonimportable firearms to be imported into the United States. As a result, ATF would no longer approve ATF Form 6 import permit 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 the repair or replacement of existing firearms, will be allowed.

ATF recognizes that certain firearm barrels may be used to assemble either an importable or a nonimportable firearm. With this fact in mind, ATF believes that such "dual use" barrels would be eligible for importation into the United States under section 925(d)(3) for commercial purposes, provided prospective importers of such barrels make representations indicating that neither the importer nor subsequent purchasers of the barrels will use the barrels to assemble nonimportable firearms. Importers of such barrels must provide sufficient information, e.g.,

specific model designation(s) of the firearm(s) that the barrels will be used to assemble, in the “Specific Purpose of Importation” section of the ATF Form 6 that would enable ATF personnel to establish that the barrels sought for importation are being imported for the assembly into importable firearms. If the dual use barrels are being imported for resale to third parties, the importer must state in the “Specific Purpose of Importation” section of the ATF Form 6 that purchasers have been or will be advised that the barrels may only be used for assembly into certain importable models and must list the specific models for which the barrels will be sold. Inclusion of a model not known to be sporting may require the submission of a sample for evaluation to determine if importation of the barrels will be approved.

The Firearms and Explosives Imports Branch staff is available to answer your questions about the issues addressed in this letter. You may reach them by telephone at 202-927-8320 or by fax at 202-927-2697.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Audrey Stucko". The signature is fluid and cursive, with a long horizontal stroke at the end.

Audrey Stucko
Deputy Assistant Director
(Enforcement Programs and Services)