



Department of Treasury

Bureau of Alcohol, Tobacco, Firearms

Washington, DC 20226

June 26, 2000

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

NOTE: Copy of Open Letter is being mailed to all importers the week of July 9, 2000

The Bureau of Alcohol, Tobacco and Firearms (ATF) is committed to keeping industry members informed of regulatory and statutory developments that affect them. In furtherance of this commitment, we have prepared this open letter, which contains information about recent changes which may affect your day-to-day operations and/or long range plans. We hope you find this letter helpful in your business pursuits. Some of the changes will also be announced through other channels, such as the Federal Register and ATF's Internet site, www.atf.gov.

CICAD Model Regulations

On April 18, 1998, at the second Summit of the Americas held in Santiago, Chile, President Clinton announced that the United States would issue regulations implementing the "Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition" (the Model Regulations). The Model Regulations were drafted by the Inter-American Drug Abuse Control Commission ("CICAD") at the request of the Organization of American States. The purpose of the regulations is to provide standardized procedures for the international movement of firearms, their parts and components, and ammunition so as to prevent illegal trafficking in these items.

To further these objectives, the President directed the U.S. Secretaries of State, Commerce, and Treasury to implement the Model Regulations. In response to the President's directive, on April 12, 1999, the Department of State published in the Federal Register amendments to the International Traffic in Arms Regulations (64 FR 17531). The Department of Commerce published its amended regulations in the Federal Register on April 13, 1999 (64 FR 17968). Now, through a final rule published June 20, 2000, in the Federal Register, ATF is amending its regulations and affected forms to comply with the Model Regulations. Changes made by this final rule were effective upon publication and include:

- Inclusion of final recipient information on import permit applications (ATF Forms 6).
- Presentation of an export license to U.S. Customs to effect the release of firearms, firearms parts, and ammunition. The requirement to present an export license is in addition to the ATF Forms 6 and 6A already required. If the exporting country does not issue export licenses, the importer instead must present a certification, under penalty of perjury, to that effect.

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This requirement applies only to commercial (i.e., imports by licensed and/or registered importers for purposes of resale) importations of firearms, firearms parts, and ammunition.

- Reduction of the value of parts and components that may be imported without a permit from \$500 to \$100.

Technical and Conforming Amendments to Import Regulations

We have identified several amendments and conforming changes to the regulations that are needed to provide uniformity in Title 27, Code of Federal Regulations. These amendments to 27 CFR Parts 47 and 178 were published in the Federal Register along with the CICAD amendments. They merely improve the clarity of the regulations, simplify regulatory requirements, or implement foreign policy as directed by the Department of State. The amendments are as follows:

- Certification of Foreign Origin on ATF Form 6. At the request of the Department of State, ATF will add a new Item 9 to ATF Form 6, which asks the applicant to certify the origin of articles intended for importation. The change will be set forth in 27 CFR 47.42(a).
- Ordinarily, applicants will check the blocks in Item 9a if the articles sought for importation were produced for the civilian market and were not associated with the U.S. military or manufactured abroad under a technical assistance agreement or technical data packet provided under a Department of State export license.
- Applicants should check the block in Item 9b if the articles were manufactured by or for the U.S. military or if the articles were manufactured abroad under a technical assistance agreement or technical data packet provided under a Department of State export license.
- Limited importation of U.S. Government granted or sold defense articles on the United States Munitions List. By letter dated November 2, 1999, the Department of State directed ATF to deny applications, with limited exceptions, for the import of these articles. The limited exceptions allowed by the State Department will require importers to submit with their permit applications a copy of the State Department's re-transfer authorization issued to the party proposing to transfer such articles to the importer.
- Required reporting of firearms serial numbers on ATF Form 6A within 15 days after their release from U.S. Customs. This change puts into regulation the requirement already stated on the ATF Form 6A.
- Record Retention Periods. Federal firearms licensees are required to keep ATF Forms 6 and 6A for at least 20 years and Arms Export Control Act registrants not licensed under the Gun Control Act are required to keep these forms for 6 years.
- Item 4 of the ATF Form 6 was also amended to collect the name and address of any broker employed to facilitate the import transaction. A broker means any person who acts as an agent for others in negotiating or arranging contracts, purchases, sales or transfers of defense articles or defense services in return for a fee, commission, or other consideration. The Arms Export Control Act regulations in 22 CFR Part 129 require, with certain exceptions, the registration and licensing of brokers. Questions about such registration and licensing requirements should be directed to the Department of State, Office of Defense Trade Controls at (202) 663-2714, or at www.pmdtc.org/brokering.pdf.

Department of State Trade Sanctions

In furtherance of the national security and foreign policy of the United States, the Department of State has imposed trade sanctions against the Kazakhstani firm **Uralsk Plant Metallist**, the private Czech arms broker **Agroplast**, and **three Agroplast officials**, Petr Pernicka, Zbynek Svejnoha, and Alexander Petrenko. As requested by the Department of State, ATF will not approve permits to import defense articles when any of the companies or named officials is involved in the importation. Any U.S. importer having currently valid import permits for imports from any of these entities or individuals is asked to so inform ATF in writing. Responses should be submitted to the Chief, Firearms and Explosives Imports Branch, Bureau of ATF, 650 Massachusetts Avenue, Room 5100, Washington, DC 20226, fax (202) 927-2697.

Additionally, ATF continues to observe Department of State trade sanctions imposed March 29, 1999, against three Russian companies, the **Tula Instrument Design Bureau**, the **Volok Mechanical Plant**, and the **Central Scientific Research Institute of Precision Machine-Building a/k/a Tzniitochmash**. No permits will be approved for the importation of defense articles associated with these companies.

Personnel Changes

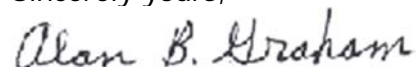
We are pleased to announce that on July 17, 2000, the Firearms and Explosives Imports Branch will welcome David D. Johansen as its new branch chief. Dave brings over 15 years of ATF experience to his new position. In 1985, Dave began his ATF career as an inspector in Denver, Colorado. From 1989 until 1993, Dave held positions within the Trade Affairs Branch and later in the Associate Director's Program Planning and Analysis Staff in Bureau Headquarters. Dave returned to the field in 1993 when he was appointed to the position of Area Supervisor in Buffalo, New York. In 1998, Dave returned to Washington, DC when he accepted a position in ATF's Office of Inspection.

After 7 ½ years of service in the Firearms and Explosives Imports Branch, Larry White will be moving into his new position as the Firearms Industry Liaison/Analyst for the Firearms, Explosives and Arson Directorate effective July 2, 2000. In his new role, Larry will serve as a point of liaison/contact for both the domestic and import firearms industry members. Like Dave, Larry also has many years of ATF field and headquarters experience dating back to 1976 when he became an inspector in Cleveland, Ohio. In 1982, Larry came to Washington as a Specialist in the Firearms and Explosives Operations Branch. Larry moved to Atlanta, Georgia as Area Supervisor in 1989, and returned to Washington as a specialist in the Firearms and Explosives Imports Branch in 1992.

We wish Dave and Larry much success in their new roles.

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.

Sincerely yours,



Alan B. Graham
Acting Chief, Firearms and Explosives
Imports Branch