



Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

Washington, DC 20226

July 30, 2002

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

The Bureau of Alcohol, Tobacco and Firearms (ATF) is committed to keeping industry members informed of regulatory and statutory 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. We hope you find this letter helpful in your business pursuits.

Dealer Sales Samples

Subject to compliance with the provisions of 27 CFR 179.105(d), applications to transfer and register a machine gun manufactured or imported on or after May 19, 1986, to dealers qualified under this part will be approved if it is established by specific information that:

- expected governmental customers require a demonstration of the weapon;
- there is availability of the machine gun to fill subsequent orders;
- governmental entities express in the form of a letter, a need for a particular model or interest in seeing a demonstration of a particular weapon;
- applications to transfer more than one machine gun of a particular model to a dealer establish the dealer's need for the quantity of samples sought to be transferred.

All importers wishing to acquire more than one sale sample for demonstration purposes must justify the quantity. No applications will be approved using justifications such as; sample needed for replacement parts, backup weapons, display, etc.

Consistent with the provisions of ATF Rul. 80-8, applications for permits to import non-sporting firearms or ammunition for sale or delivery to a department or agency of the United States or any department, agency or political subdivision of any State must be supported by a purchase order from the government purchaser. Also, there are no provisions of law that would allow the importation of a non-sporting firearm as a sales sample.

Sales Sample — Curio or Relic Machineguns

Due to a recent increase in the number of applications to import curio or relic machineguns as law enforcement sale samples, we remind affected importers of ATF Rul. 85-2.

An application to import a curio or relic machinegun as a sales sample, must be accompanied by a detailed explanation of why the importation falls within the standards set out in 27 CFR Section 179.111, including specific information that the firearm is particularly suitable for use as a law enforcement weapon. Such explanation should include a statement from the intended recipient regarding past and anticipated sales to police agencies, sources of supply, how such machineguns are presently being used or are anticipated being used by police agencies, and the names of such police agencies. Absent this explanatory information from the agency, we will not approve import applications for curio or relic machinegun sales samples. Also, letters from law enforcement agencies expressing a need for a particular model or interest in seeing a demonstration of a firearm are required to be submitted with the application pursuant to 27 CFR § 179.105(d).

Sales to Law Enforcement and Government Entities

Any applications to import firearms for law enforcement or governmental agencies must be accompanied by letters which:

- are submitted by bona fide law enforcement agencies on their letterhead. An agency purchase order will be accepted as an alternative document;
- are recent
- state that the firearms are being purchased for departmental inventory with either departmental funds or funds from individual officers who may be required to pay in whole or in part for their uniforms or equipment to carry out their official duties; and
- are signed by a chief officer (sheriff, chief, etc.) or other appropriate authorized individual.

Please be advised that close scrutiny will be applied to all such applications, this may include our personnel directly contacting the law enforcement agency.

Permit Application Tracking System

On January 17, 1997, ATF published an open letter to importers. One of the topics discussed was the tracking of applications. Below for your information is what was basically stated in part in that letter:

One tracking method employed by some importers, and now available to all that would like to adopt a similar method, involves the placement of a unique control/reference number typed by the importer on the permit applications they submit. ATF would like to encourage the use of reference numbers by importers (reference numbers may not be longer than eight characters). It is suggested that the reference number appear in item five on the ATF Form 6 application. Our database will allow us to capture these unique numbers as a key field, and allows us to search for a given application using your unique number. For those of you who feel you could benefit from this tracking method, we encourage your participation.

Attachment Sheet to ATF Form 6

ATF would also like to remind importers that attachment sheets to the ATF Form 6 and International Import Certificate must be submitted in triplicate.

Importation of Ammunition Feeding Devices

Section 922(w)(1) of Title 18, United States Code, provides that it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device. Large capacity ammunition feeding devices are defined in section 921(a)(31) as a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition.

Importers may submit Form 6 permit applications for any large capacity ammunition feeding devices manufactured prior to September 13, 1994. Under 27 CFR Section 178.119(c)(7) importers must provide the following information:


- Permanent markings or physical characteristics which establish that the magazine was manufactured on or before September 13, 1994;
- A certification from the importer, under penalty of perjury, that the importer maintained continuous custody beginning on a date prior to September 14, 1994, and continuing until the date of the certification. Such certification shall also be supported by reasonable documentary evidence, such as commercial records;

- A certification from the importer, under penalty of perjury, that the magazines sought to be imported were in the custody and control of a foreign Government on or before September 13, 1994, along with reasonable documentary evidence to support the certification; or
- A certification from the importer under penalty of perjury, that the magazine was in the possession of a foreign arms supplier on or before September 13, 1994, along with reasonable documentary evidence to support the certification.

Revised ATF Form 6 Part I

In the very near future ATF will make available a revised Form 6 Part I permit applications. Once the form becomes available to the public, ATF will no longer accept the old form. There is no need to contact ATF directly, we will notify importers when the new form becomes available.

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.

A handwritten signature in cursive script that reads "Mary Jo Hughes".

Mary Jo Hughes
Chief, Firearms, Explosives and
Arson Services Division