



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Enforcement Programs and Services

Washington, DC 20226

April 3, 2017

Ms. Johanna Reeves
Executive Director
F.A.I.R. Trade Group
1775 I Street, N.W., Suite 1150
Washington, DC 20006

Re: Petition to Amend Period of Validity for Law Letter

Dear Ms. Reeves:

This is in response to your petition dated December 2, 2016, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) requesting ATF extend the term of validity for law enforcement demonstration letters required by title 27, Code of Federal Regulations (CFR), § 479.105(d) from six months to one year. You indicated that restricting the term of validity of law letters to six months for purposes of import imposes a significant hardship on the firearms industry. Because of long processing times and other factors, many importers must request updated letters from law enforcement customers to obtain an approved Application and Permit for Importation of Firearms, Ammunition and Defense Articles, ATF Form 6. For the reasons stated below, ATF is extending the term of validity from 6 months to one year.

Machineguns manufactured or imported on or after May 19, 1986, are subject to the provisions of Title 18, United States Code, § 922(o) and are commonly referred to as “post-1986” machineguns throughout the industry. The transfer of a “post-1986” machinegun requires certain documentation, usually referred to as a “law letter.”

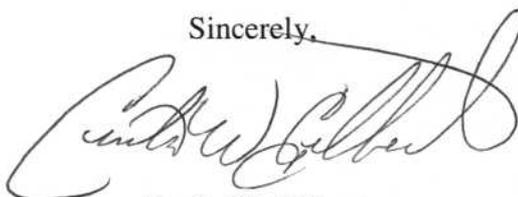
Implementing regulations in 27 CFR 479.105 state that applications to transfer and register “post-1986” machineguns will be approved if it is established by specific information the expected governmental customers who would require a demonstration of the firearm, information as to the availability of the machinegun to fill subsequent orders, and letters from governmental entities expressing a need for a particular model or interest in seeing a demonstration of a particular machinegun. The regulation further requires that a law letter must be included with an application to transfer or an application to import “post-1986” machineguns as sales samples.

The regulations do not set forth the time-period in which the law letter is valid. On November 10, 1999, ATF issued an open letter clarifying that the term of validity for a law letter submitted as documentation with a transfer application for a "post-1986" machinegun being acquired as a dealer sales sample was one year from the date of the receipt of the application. However, ATF's policy on the term of validity for a law letter submitted as documentation with an import application for "post-1986" machineguns being acquired as dealer sales samples remained at six months.

After review, ATF agrees that the term of validity for a law letter submitted as documentation with an import application for "post-1986" machineguns being acquired as dealer sales samples should be extended from six months to one year. The law letter should (1) be written on agency letterhead and signed by the agency head or by someone with delegated authority to sign for the agency head; (2) be dated within one year of the date of the receipt of the application; (3) identify the particular machinegun by type, manufacturer, model and caliber being transferred (for example, M16A2); (4) identify the agency's interest in the machinegun (for example, purchase, or demonstration); and (5) document the need for more than one machinegun of a particular model (if applicable).

We hope this information proves responsive to your request. Please let me know if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Curtis W. Gilbert". The signature is written in black ink and is positioned above the printed name.

Curtis W. Gilbert
Deputy Assistant Director
Enforcement Programs and Services