



ATF Guidebook - Importation & Verification of Firearms, Ammunition, and Implements of War

General Overview

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National Firearms Act (NFA)

The importation of certain firearms, including but not limited to, machineguns, silencers, certain weapons made from rifles or shotguns, and destructive devices is also restricted under the **National Firearms Act (NFA). 26 U.S.C. § 5844.**

Arms Export Control Act of 1976 (AECA)

The importation of certain defense articles to include certain firearms, firearms parts, ammunition and certain other military equipment is subject to the provisions of the **Arms Export Control Act of 1976 (AECA). 22 U.S.C. § 2778.**

Gun Control Act of 1968 (GCA)

The **Gun Control Act of 1968 (GCA)** generally prohibits the importation of firearms, firearm frames or receivers, firearm barrels and ammunition into the United States. However, the GCA creates several narrow categories of firearms the Attorney General shall authorize for importation. In general, the GCA provides in Title 18, United States Code (U.S.C.), Chapter 44, Section 925 that firearms or ammunition may be imported into the United States: (1) for the purpose of scientific testing or research or for competition training under the provisions of Title 10, Chapter 401; (2) as unserviceable firearms, other than a machinegun as defined in **26 U.S.C. § 5844**, (not readily restorable to firing condition) if imported as a curio or museum piece; (3) if the firearms or ammunition are of a type generally recognized as particularly suitable for or readily adaptable to "sporting purposes"; or (4) the firearms or ammunition were previously taken out of the United States by the person who is bringing in the firearms or ammunition. Surplus military firearms and other non-sporting firearms qualifying as "curios or relics" may be imported. **18 U.S.C. § 925 (e)**. Title **18 U.S.C. § 925(a)(1)** provides that the prohibition on the importation of firearms, firearm frames or receivers, firearm barrels and ammunition does not apply to the importation of firearms or ammunition sold or shipped to, or issued for the use of the United States or any department or agency thereof, or any State or any department, agency, or political subdivision thereof.

Handguns being imported into the United States must also be recognized as particularly suitable for or readily adaptable to sporting purposes under **18 U.S.C. § 925(d)(3)**. An ATF Form 4590, Factoring Criteria for Weapons, is used in evaluating handguns for these purposes.

Handguns evaluated on the Form 4590 must obtain a certain numeric value before they are approved for importation. The factoring criteria are based upon certain considerations such as dimensions, material used in construction, weight, caliber, safety features, and miscellaneous equipment. For additional information on the importability of handguns, see Factoring Criteria in this FEIB Guidebook.

In determining whether a particular rifle or shotgun is suitable for or readily adaptable to sporting purposes within the meaning of the statute, ATF generally relies upon an analysis of the physical features of the firearm. Determinations regarding the classification of a specific rifle or shotgun are made on a case-by-case basis using criteria that includes the overall

appearance, length, weight, receiver or frame design and construction, designed magazine capacity, configuration and the presence of various physical characteristics designed for military and law enforcement application that distinguish the sample rifle or shotgun from traditional sporting firearms. (See e.g., ATF Rul. 94-1, 94-2, 95-3).

18 U.S.C. § 925(d) and **27 CFR 478.116** authorize the conditional importation of a firearm or ammunition for the purpose of examination and testing by ATF in connection with the making of a determination as to whether the importation of the firearm or ammunition will be allowed under this section. An ATF Form 6, Application and Permit for Importation of Firearms, Ammunition and Implements of War, is used to initiate the importation. A Form 6 that is conditionally approved instructs the U.S. Customs and Border Protection (CBP) to deliver the firearm or ammunition from the port of entry to ATF. If, upon completion of ATF's examination the firearm or ammunition is determined to be importable, the firearm or ammunition will be returned to the importer or to their broker. If the firearm or ammunition is found to be unsuitable for importation the firearm or ammunition must be export by you, the importer, pursuant to an export license from the Department of State or Commerce, abandoned to ATF for destruction, or ATF will seek forfeiture.

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