

**April 2024 Firearms Rule Additional FAQs
(20 September 2024)**

Q.1: I export parts for lightweight semi-automatic (ArmaLite style or AR) sporting rifles. Are such sporting rifle parts now classified under Export Control Classification Number (ECCN) 0A509 or under ECCN 0A501?

A.1: ECCN 0A509 only controls lower receivers (the part of the rifle that may include the fire control group, magazine well, and pistol grip; the part that would be serialized) or any “part,” “component,” “device,” “attachment,” or “accessory” (such as a bump stock) that is designed or that functions to convert a non-semi-automatic firearm controlled under ECCN 0A501 or ECCN 0A502 into a semi-automatic firearm, or to accelerate the rate of fire of a semi-automatic firearm controlled under ECCNs 0A506, 0A507, or 0A508. All other sporting rifle parts remain controlled under ECCN 0A501. For example, a complete upper receiver or trigger group would be controlled under ECCN 0A501.c and a “specially designed” buffer tube would be controlled under ECCN 0A501.x.

Q.2: Before the recent amendments to the Export Administration Regulations (EAR) (89 FR 34680), I relied upon License Exception TMP to send firearms to trade shows and then return them to the United States after the shows. With the addition of CC2 (Crime Control) as a reason for control, it appears TMP is not eligible in such situations for destinations other than NATO + 4 (Australia, India, Japan, New Zealand) countries. Am I correct?

A.2: You are correct. You may not use a license exception restricted by §740.2(a)(4), which excludes the use of all EAR license exceptions, except those that are specified. You may not use License Exception TMP (§ 740.9 of the EAR) to export firearms to trade shows in destinations other than other than NATO + 4 countries. Instead, you would need to apply for a license noting that the items are destined for a trade show and that they will be returned to the United States after the show. If granted, a license would authorize you to export the items and clear Customs when returning the items to the United States without having to obtain import authorization from the Department of Justice’s Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). An ATF import authorization would not be required in this case because the export is authorized under the EAR and TMP requires that the exported item be returned to the United States or otherwise disposed of in accordance with the EAR.

Q.3: In addition to the impact discussed in Q:2, what other impacts does the imposition of CC2 as a reason for control for most of the 0x5zz ECCN have on the ability to use EAR license exceptions?

A.3: Prior to using any EAR license exception, an exporter, reexporter, or transferor must review the general restrictions on the use of license exception exceptions under § 740.2. If the export, reexport, or transfer (in-country) is subject to a general restriction, then a license exception may not be used for that export, reexport, or transfer (in-country).

Paragraphs (a)(4)(ii) through (iv) of § 740.2 specify that if the export, reexport, or transfer (in-country) is authorized under License Exception GOV by § 740.11(b)(2)(ii) (official use by personnel and agencies of the U.S. government); under License Exception BAG by § 740.14(e); or under License Exception STA by § 740.20, then the restriction on the use of license exceptions under § 740.2(a)(4) is not applicable. The restriction applies to any other of the EAR's license exceptions that may be available to export, reexport or transfer (in-country) certain 0x5zz items, when destined for countries outside of NATO + 4 (Australia, India, Japan, New Zealand). See [§ 740.2](#) for additional guidance.

If the export, reexport, or transfer (in-country) is not otherwise restricted under one of the general restrictions in § 740.2, the exporter, reexporter, or transferor should review the terms and conditions of the license exception they would like to use to determine whether the proposed transaction meets of the applicable terms and conditions of the license exception.

Q.4: I will be transshipping¹ an item controlled under ECCN 0x5zz through Miami to Central America. Would the general restriction under § 740.2(a)(4) be applicable to this scenario?

A.4: Section 740.2(a)(4) may restrict the availability of EAR license exceptions. BIS recommends that persons transshipping items controlled under ECCN 0x5zz reference notes 3 and 4 to paragraph (b) of License Exception TMP under [§ 740.9](#) of the EAR.

As an example of the applicability of Notes 3 and 4 of §740.9(b), if a 0A501.a firearm is cargo on an aircraft that is transiting the United States, is not unladen from the aircraft while in the United States, and it is not originally manifested to

¹ 'Transshipment' is not a defined term under the EAR but in this question should be interpreted to mean the practice of exporting an item from one country through a second country or countries to its country of destination.

the United States, then an EAR authorization is not required. However, if the 0A501.a firearm is unladen from the aircraft or vessel on which it entered the United States and is transferred to another aircraft or vessel, then an EAR authorization is required for the export of the 0A501.a firearm from the United States and the general restriction under § 740.2(a)(4) would be applicable unless a license exception identified under (a)(4)(ii) through (iv) is available or the export is to a country identified in paragraph (a)(4)(i) and the export otherwise meets the applicable terms and conditions of an EAR license exception.

Also note that for the temporary import of firearms into the United States, importers, including transshippers, should review the requirement in § 758.10 of the EAR - Entry clearance requirement for temporary imports.

Q.5: Is it possible to apply for a license for different types of firearms with different ECCNs on the same license application?

A.5: Yes, you may include firearms and related items controlled under ECCNs 0A501, 0A502, 0A503, 0A504, 0A505, 0A506, 0A507, 0A508, and 0A509 on the same application. However, you need to make each ECCN as a separate line item with its own quantity and dollar value. For semi-automatic firearms, you should indicate the appropriate item's paragraph (e.g., 0A506.a, 0A507.b) of the ECCN and include the quantity of each in the item's technical description.

Q.6: May I use a single ECCN (e.g., 0A504) without specifying paragraph in my application, or do I need a separate line item for each paragraph (e.g., 0A504.a, 0A504.i)? May I estimate the quantity of each item?

A.6: You must specify the paragraph of each item in your application as a separate line item. You may estimate the quantity of each item that you expect to export over the one-year validity period of a license. Please note that for items for which a country requires an import certificate, the estimated quantity must be consistent with the quantity on the certificate.

Q.7: Does License Exception STA remain available for exporting ammunition components under ECCN 0A505.x to NATO countries?

A.7: Yes. You may still use License Exception STA to export, reexport, or transfer (in-country) ammunition components controlled under ECCN 0A505.x to NATO countries. As noted in the A.3 above, most of the 0x5zz items, including 0A505.x items, are controlled for CC2 reasons, which triggers the general restriction under

§ 740.2(a)(4). However, because an export, reexport, or transfer (in-country) within a NATO member state is within the scope of § 740.2(a)(4)(i), the general restriction is not applicable. Additionally, License Exception STA is listed under § 740.2(a)(4)(iv) as eligible to overcome the general restriction. Therefore, provided that all applicable terms and conditions are complied with, License Exception STA may be used to authorize the export, reexport, or transfer (in-country) to or within a NATO member state of ammunition components controlled under ECCN 0A505.x. Note that for purposes of using License Exception STA for ECCN 0A505.x items, Country Group A:6 destinations are excluded, but Country Group A:5 members (including members who are not NATO member states) may receive 0A505.x ammunition components.

Q.8: I am a U.S. citizen and will be moving abroad for a few years, then moving back to the United States, and would like to take my bolt action hunting rifle and shotgun with me. May I rely on License Exception BAG to do this?

A.8: Yes, provided you meet all the applicable terms and conditions of License Exception BAG under § 740.14, License Exception BAG may be used for the temporary export of firearms, but it may not be used for permanent export. The firearms must be returned to the United States when you move back, or otherwise authorized to remain abroad under the EAR. Of note, License Exception BAG is not available to authorize exports to “CARICOM” countries, or other destinations otherwise restricted in § 740.2. You may not use License Exception BAG if you know at the time of export that you will be permanently exporting the firearm. Further, if circumstances change after the firearm has been temporarily exported, e.g., you want to sell the firearm instead of returning it to the United States, you will need to obtain a BIS license authorizing the firearm to permanently stay outside the United States prior to selling and then transferring (in-country) or reexporting the firearm. Certain exceptions apply, e.g., if the firearm will be transferred or reexported for personal use by personnel of the U.S. government, License Exception GOV under section 740.11(b)(2)(i) may be applicable. BIS reminds exporters using License Exception BAG for end item firearms that they also need to comply with the requirements in § 758.11 Export clearance requirements for firearms and related items.

Q.9: Am I required to identify specific government end users on my license application to export firearms, ammunition, optical sighting devices, and related items to distributors/retail outlets, or is an end use statement reflecting resale to government/law enforcement/military end users adequate?

A.9: For A:1 countries, an end use statement reflecting resale to government/law enforcement/military is adequate on a license application for the export of firearms, ammunition, optical sighting devices, and related items to distributors/retail outlets. The distributors/retail outlets listed as consignees may only resell the items to the categories of end users reflected in the end use statement included on the application.

For non-A:1 countries, license applications for resale to government/law enforcement/military end user(s) must identify the specific agency(ies) as end user(s). It is not necessary to identify specific individuals within the agency(ies) as end users. If the specific end user(s) are not identified, the application will be returned without action.

Q.10: Are there steps I should take if an Import Certificate does not appear to be required by the country of destination for the firearms and/or firearms-related items listed on my license application?

A.10: As noted in § 748.12, you must submit an Import Certificate if required by the importing country. BIS recommends that you take reasonable steps to ascertain whether the country of destination requires an Import Certificate and provide relevant documentation of your efforts. These steps may include locating a citation and/or relevant text from the destination country's applicable legal or regulatory authority or obtaining a letter signed by an appropriate government official of the destination country. A certified English translation must be included with any submitted documents that are not in English (*see* § 748.9(d)(1)). Such information will facilitate the processing of your license application and reduce the likelihood of delay. Please contact the Office of Non-Proliferation and Foreign Policy at NFPC_Firearms@bis.doc.gov if you encounter difficulties in obtaining such information.