



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

Semiautomatic Assault Weapon (SAW) Ban

QUESTIONS & ANSWERS

September 13, 2004

Q: What was the semiautomatic assault weapon (SAW) ban?

A: The SAW ban was enacted on September 13, 1994, by PL 103-322, Title IX, Subtitle A, section 110105. The ban made it unlawful to manufacture, transfer, or possess SAWs. The law defines SAWs as 19 named firearms, as well as semiautomatic rifles, pistols, and shotguns that have certain named features. The ban was codified at 18 U.S.C. § 922(v). SAWs lawfully possessed on September 13, 1994 were not covered by the ban. There also were certain exceptions, such as possession by law enforcement.

Q: Was the SAW ban permanent?

A: No. The law enacting the ban provided that it would expire 10 years from the date of enactment, which was September 13, 1994. Therefore, effective 12:01 a.m. on September 13, 2004, the provisions of the law will cease to apply.

Q. What was the Large Capacity Ammunition Feeding Device (LCAFD) ban?

A: The LCAFD ban was enacted along with the SAW ban on September 13, 1994. The ban made it unlawful to transfer or possess LCAFDs. The law generally defined a LCAFD as a magazine, belt, drum, feed strip, or similar device manufactured after September 13, 1994 that has the capacity of, or can be readily restored or converted to accept, more than 10 rounds of ammunition. The ban was codified at 18 U.S.C. § 922(w). As with SAWs, there are certain exceptions to the ban, such as possession by law enforcement.

Q: Was the LCAFD ban permanent?

A: No. The LCAFD ban was enacted by the same law as the SAW ban. Therefore, like the SAW ban, it expires 10 years from the date of enactment. Therefore, effective 12:01 a.m. on September 13, 2004, the provisions of the law will cease to apply.

Q: Does expiration of the ban affect records maintained by licensed manufacturers, importers and dealers?

A: Yes. Federal firearms licensees are no longer required to collect special records regarding the sale or transfer of SAWs and LCAFDs for law enforcement or government sales. However, existing records on SAWs and LCAFDs must still be maintained for a period of 5 years. Moreover, records of importation and manufacture must be maintained permanently and licensees must maintain all other acquisition and disposition records for 20 years.

Q: Are SAWs and LCAFDs marked “Restricted law enforcement/government use only” or “For export only” legal to sell to civilians in the United States?

A: Yes. SAWs and LCAFDs are no longer prohibited. Therefore firearms with the restrictive markings are legal to transfer to civilians in the United States and it will be legal for non-prohibited civilians to possess them. All civilians may possess LCAFDs.

Q: Does the expiration of the SAW ban and the LCAFD ban affect importation?

A: LCAFDs are no longer prohibited from importation but they are still subject to the provisions of the Arms Export Control Act. An approved Form 6 import permit is still required. Non-sporting firearms are still prohibited from importation under sections 922(l) and 925(d)(3) of the GCA. Because the vast majority of SAWs are nonsporting, they generally cannot be imported.

If an importer has an approved Form 6 import permit for LCAFDs with a restriction stamp on it related to the ban, the importer may import LCAFDs using the permit and disregard the restriction stamp. Importers may apply for a new permit if they prefer.

Temporary importation of SAWs and LCAFDs is now lawful under the provisions of Title 27, CFR, section 478.115(d) because firearms that are temporarily imported are not required to meet sporting purpose requirements.

Q: Does the expiration of the SAW ban change laws regarding assembly of nonsporting shotguns and semiautomatic rifles from imported parts?

A: No. The provisions of section 922(r) of the GCA and the regulations in 27 CFR 478.39 regarding assembly of non-sporting shotguns and semiautomatic rifles from imported parts still apply.

Q. Does the expiration of the SAW ban affect firearms under the National Firearms Act?

A: All provisions of the National Firearms Act (NFA) relating to registration and transfer of machineguns, short barreled rifles, weapons made from rifles, short barreled shotguns, weapons made from shotguns, any other weapons as defined in 26 USC section 5845(e), silencers, and destructive devices still apply. However, it is now lawful to possess NFA firearms that are also semiautomatic assault weapons, as long as all provisions of the NFA are satisfied.

USAS-12 and Striker12/Streetsweeper shotguns are still classified as destructive devices under ATF Rulings 94-1 and 94-2 and must be possessed and transferred in accordance with the NFA.

Q: Can tribal law enforcement entities now possess SAWs and LCAFDs?

A: Yes.

Q: Does the expiration of the ban affect State law?

A: Expiration of the federal law will not change any provisions of State law or local ordinances. Questions concerning State assault weapons restrictions should be referred to State and local authorities.

Q: Whom should I call if I have a question?

A: Your local ATF office.