



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226
18 January 1994

DIRECTOR

OPEN LETTER TO ALL COMMON AND CONTRACT CARRIERS

The purpose of this letter is to advise common and contract carriers of the impact that the recent passage of Public Law 103-159, "Brady Handgun Violence Prevention Act", will have on their business operations.

On November 30, 1993, the President signed Public Law 103-159, 107 Stat. 1536 (hereafter, the "Act") which included the Federal Firearms License Reform Act of 1993. Although the Act also includes other amendments to the Gun Control Act of 1968 (GCA), which the Bureau of Alcohol, Tobacco and Firearms (ATF) enforces, we will confine our comments to those amendments that specifically address common and contract carriers. These amendments became effective on November 30, 1993.

First, 18 U.S.C. 922(e), is the section of the GCA that generally requires any person to provide written notice to a common or contract carrier anytime a package or container in which there is any firearm or ammunition to be shipped. This section was amended by the Act by adding a restriction on how the common carrier will mark the package during shipment. The new provision of the law provides:

"No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm."

Apparently the drafters of this amendment were concerned that outside labels or tags specifying that the packages contain firearms simply invite thefts. This labeling prohibition applies both to packages being shipped and to situations where a passenger delivers the firearm(s) into the custody of the pilot, captain, conductor or operator for the duration of the trip. This provision does not prevent a common carrier from employing internal codes or markings that allow the carrier to identify the contents. The Act does not apply to the transportation or shipment of ammunition.

Secondly, 18 U.S.C. 922(f), is the section of the GCA that generally prohibits common or contract carriers from knowingly transporting or delivering in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof

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would violate the Federal firearms laws. This provision was amended to impose a new requirement on common carriers to obtain written receipts when delivering firearms. The amended provision provides:

"It shall be unlawful for any common or contract carrier to deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of the receipt from the recipient of the package or other container in which there is a firearm."

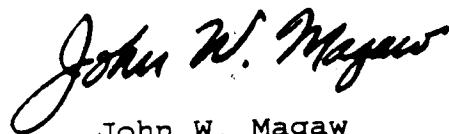
In the past there have been situations where firearms have been drop shipped and left unattended, and where unauthorized persons have appeared to accept deliveries. This new requirement is simply aimed at maintaining an adequate paper trail of the firearms. The provision does not apply to deliveries of ammunition. Furthermore, section 922(f) would not require the receipt for the return of a firearm by a carrier to a passenger who places his or her firearms in the carrier's custody for the duration of the trip.

ATF is preparing regulations for the implementation of the Act. The proposed regulations will cover the Act's changes to the GCA including those affecting common and contract carriers. You will have the opportunity to comment on these regulations during the public comment period. The regulations will be published in the Federal Register in the near future.

Please find enclosed an "Important Notice" addressed to all common and contract carriers that summarizes the content of this letter. We strongly encourage you to distribute this notice to the appropriate personnel throughout your organization.

Should you have any questions or require additional information regarding this letter, please contact your local ATF office. For your convenience, we have enclosed a list of ATF offices.

Sincerely yours,



John W. Magaw
Director