



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL TOBACCO AND FIREARMS

903050:RV
3311/2002-745

Mr. John Lawrence
Lawrence Industries
103 Oak Street
Hiawatha, Iowa 52233

Dear Mr. Lawrence:

This refers to your letter and sample semiautomatic version of a Bren Mark II machinegun received on September 13, 2002, that you have submitted for evaluation. You request that your semiautomatic version of the Bren machinegun be classified as a semiautomatic only firearm.

As defined in Title 26, United States Code (U.S.C.), section 5845(b) of the National Firearms Act (NFA) the term "machinegun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

It is unlawful for any individual to make or possess a machinegun, which is not registered in accordance with the provisions of the NFA. Further, Title 18, U.S.C. § 922(o) prohibits individuals from possessing any machinegun that was not lawfully possessed prior to May 19, 1986. Therefore, you cannot lawfully make a new machinegun for your personal use. In addition, unserviceable machineguns, which are incapable of expelling a shot and incapable of being readily restored to firing condition, are still subject to NFA controls.

Mr. John Lawrence

A Bren Mark II is a machinegun as defined. A receiver of a Bren Mark II is also a machinegun as defined, regardless of whether or not it is capable of automatic fire. A semiautomatic weapon based on a machinegun design may still qualify as a machinegun. For examples see ATF Rulings 82-2, 82-8, and 83-5 which are listed in ATF P5300.4, Federal Firearms Regulations Reference Guide.

After evaluating your firearm we have found it was made in the following manner with the following modifications:

1. The receiver is made from four sections of a Bren machinegun receiver that had previously been cut into sections with a torch that removes at least 1/4-inch of weld at each cut location.
2. A section of steel, .1875 of an inch thick and .700 of an inch wide x 7.600 inches long, has been welded into the inside of the receiver. This prevents the installation of a machinegun bolt.
3. The bolt carrier keyway on the front of the receiver has been filled in with weld a distance of .500 of an inch on both sides. This modification prevents the insertion of a machinegun bolt carrier.
4. The right side of the machinegun bolt has had .085 of an inch of material removed from the right side to conform to the plate that has been added to the receiver.
5. A steel block is welded in place in the hammer raceway that prevents the installation of a machinegun hammer. This piece is also drilled and tapped to retain the newly manufactured firing pin extension that is manufactured for this weapon.

Mr. John Lawrence

6. The bolt carrier is remanufactured to remove the original open bolt surface. A raised section has been added to the bottom of the bolt carrier, which activates the disconnecter and positively disconnects the sear after each firing of the weapon.

7- The lower receiver has been modified to operate only semiautomatic. A block of steel has been welded to the receiver to prevent The installation of an automatic sear. If the selector is placed in the previous automatic position, it results in the disconnecter being placed in the safe position.

Your sample semiautomatic Bren uses portions of properly destroyed Bren machinegun receivers and it is not capable of being readily restored to a machinegun. Therefore, it is not a machinegun as defined in Title 26, U.S.C., section 5845(b). A copy of your letter detailing your modifications will be placed on file. Any changes in design could change the classification of your firearm.

When manufacturing this rifle, it must not meet the definition of a "semiautomatic assault weapon" in 18 U.S.C. § 921(a)(30)(B). Since a semiautomatic rifle based on the Bren Mark II design would be prohibited from importation, the rifle must not use more than ten imported parts listed in Title 27, Code of Federal Regulations (CFR), section 178.39(c). We note that Bren Mark II parts kits, which have been advertised recently, are imported.

Your semiautomatic Bren is a semiautomatic assault weapon as it is a semiautomatic weapon that accepts a detachable magazine and has the additional features of: a pistol grip, threaded barrel and flash suppressor. Further, it is a copy of a weapon that is banned from importation and cannot be assembled using more than ten of the listed parts cited in 27 CFR § 17B.39(c).

Mr. John Lawrence

In accordance with the Violent Crime Control and Law Enforcement Act enacted on September 13, 1994, you are not authorized to assemble a semiautomatic assault weapon after the date of enactment. Therefore, the barrel on your semiautomatic Bren will be removed and the remainder of the firearm will be returned to you.

Anyone who is in the business of manufacturing firearms for sale and distribution must have a Federal Firearms License (FFL) as a manufacturer of firearms and must mark the firearm in accordance with 27 CFR § 178.92(a) (1). An individual does not need an FFL to make a firearm for his or her own personal use (not for sale or distribution). Further, firearms made by unlicensed individuals for personal use are not required to bear identification markings {unless the firearms are subject to the NFA}. However, we suggest that individuals should mark receivers with a distinctive serial number and the name of the maker and city and State of the maker so that the firearm can be identified in the event it is lost, stolen, or sold at a future date.

We are enclosing additional information regarding semiautomatic assault weapons and assembly of semiautomatic rifles from imported parts for your information.

We trust that the foregoing has been responsive to your inquiry. If you have further questions concerning this matter, please contact us.

Sincerely yours,



Curtis H.A. Bartlett
Chief, Firearms Technology Branch

Enclosures