



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Director

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18 U.S.C. 925(d): EXCEPTIONS
22 U.S.C. 2778: CONTROL OF ARMS EXPORTS AND IMPORTS
26 U.S.C. 5844: IMPORTATION
27 CFR 447.42: APPLICATION FOR PERMIT
27 CFR 447.45: IMPORTATION
27 CFR 478.22: ALTERNATE METHODS OR PROCEDURES
27 CFR 478.111–478.113, 478.116, and 478.119: IMPORTATION
27 CFR 479.26: ALTERNATE METHODS OR PROCEDURES
27 CFR 479.111–479.113: IMPORTATION

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) authorizes an alternate method or procedure from the regulations that require the filing of applications to import firearms, ammunition, and other defense articles in paper form. Specifically, individuals, Federal firearms licensees (FFLs), and registered importers of articles enumerated on the U.S. Munitions Import List (USMIL) may file ATF Form 6 - Part I and Form 6A electronically using ATF eForms, provided all of the conditions set forth in this ruling are met. Persons authorized to file eForms may submit digitally scanned copies of the original supporting statements and documents with eForms, if they certify, under penalties provided by law, that the supporting documentation is true, correct, and complete. This ruling supersedes ATF Rulings 2003-6 and 2010-9.

ATF Rul. 2013-1

The Gun Control Act of 1968 (GCA), Title 18, United States Code (U.S.C.) Chapter 44, and the National Firearms Act (NFA), 26 U.S.C. Chapter 53, provide that, with certain exceptions, no firearm, firearm barrel, or ammunition shall be imported or brought into the United States unless the Attorney General has authorized its importation. See 18 U.S.C. 925(d); 26 U.S.C. 5844. The Arms Export Control Act of 1976 (AECA), 22 U.S.C. 2778, gives the President the authority to control the export and import of defense articles and defense services in furtherance of world peace and the security and foreign policy of the United States. The authority to administer and enforce the provisions of the GCA and NFA, and the permanent import provisions of the AECA, were delegated to the Attorney General, who further delegated at 28 CFR 0.130 these responsibilities to the Director, ATF.

The regulations at 27 CFR 447.42, 478.112, 478.113, 478.113a, 478.116, 478.119, 479.111, 479.112, and 479.113 require persons requesting to import firearms or ammunition to file with the Director an ATF Form 6 - Part I, Application and Permit for Importation of Firearms, Ammunition and Implements of War. Under 27 CFR 478.112,

478.113, 478.113a, and 478.119, if the Director approves the application, the approved application serves as the import permit. Under 27 CFR 447.45, 478.112, 478.113, 478.113a, and 478.119, the importer must then furnish a copy of ATF Form 6A, Release and Receipt of Imported Firearms, Ammunition, and Implements of War, to U.S. Customs and Border Protection (CBP), and must forward a copy of the ATF Form 6A to ATF, to complete the release of the imported articles.

In accordance with the mandate of the Government Paperwork Elimination Act (GPEA), 44 U.S.C. 3504, ATF issued ATF Ruling 2003-6 (approved July 11, 2003), which conditionally authorized a variance from the requirements of 27 CFR 447.42, 478.111, 478.112, 478.113, 479.111, 479.112, and 479.113 only for FFLs and registered importers of articles enumerated on the USMIL who file eForms. In addition, ATF issued ATF Ruling 2010-9 (approved November 30, 2010), allowing only those persons holding a valid Federal firearms license and/or who are registered as importers of articles on the USMIL who are importing surplus military defense articles importable as curios or relics, and who are authorized under ATF Ruling 2003-6 to file eForm 6, to submit digitally scanned copies of the original supporting statements and documents with eForm 6, if they certified, under penalties provided by law, that the supporting documentation is true, correct, and complete.

The eForms online electronic filing system now enables individuals, FFLs, and registered importers under the AECA, to file the ATF Form 6 - Part I electronically and obtain an approved import permit from ATF electronically via the Internet. ATF processes eForm online applications and approves, partially approves, denies, returns without action (if incomplete), or withdraws the application (at the request of the applicant). While the applicant may also file the Form 6A electronically, it is not required and the Form 6A may be submitted in the paper version even if the Form 6 was submitted electronically. The applicant may obtain through the Internet electronic copies of the submitted applications with ATF's final determination, which can be printed and furnished to CBP to affect release of the imported articles.

To register to use the eForms system, applicants must access the ATF website at <http://www.atfonline.gov/>. This site contains the instructions necessary to access the eForms applications and to register to use the system. To register, the applicant must provide his or her name, business name (if applicable), address, telephone number, and email address. Upon proper registration, ATF issues each registrant a user identification (ID), and the registrant creates a password allowing access to the eForms system. Each individual registrant is issued a unique user ID that can be applied to multiple Federal firearms licenses or AECA registrations. After registering with the unique user ID, persons filing permit applications on behalf of an FFL or an import registrant under the AECA must request to be associated with the applicable Federal firearms license or AECA registration number using the "My Profile" function of the eForms system.

The eForms system requires individuals, FFLs and registered importers to attest that the information submitted is true and correct, subject to penalties provided by law, and confirm their ATF-issued electronic credentials to complete the application process. Specifically, to complete the application process, an applicant is required to declare first

that all statements contained in the application are true and correct and that he or she has read, understood, and complied with the conditions and instructions for the application being submitted. Second, the applicant is required to declare that he or she authorizes the transmittal via the eForms system of data that may constitute tax return information, as defined in section 6103 of the Internal Revenue Code, Title 26, U.S.C. Applicants are not required to use the eForms system and, in certain circumstances, may not be able to participate. Applicants may continue to submit ATF forms on paper in accordance with the instructions on the form.

Under 27 CFR 478.22 and 479.26, the Director may approve an alternate method or procedure in lieu of a method or procedure specifically prescribed in the regulations when he finds that: (1) good cause is shown for the use of the alternate method or procedure; (2) the alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure and that the alternate method or procedure is substantially equivalent to that specifically prescribed method or procedure; and (3) the alternate method or procedure will not be contrary to any provision of law and will not result in an increase in cost to the Government or hinder the effective administration of 27 CFR Parts 478 or 479.

In addition to the mandate of GPEA, ATF recognizes that, provided certain conditions are met, the use of electronic forms to import firearms and other defense articles will more accurately and readily disclose the information required to be submitted to process import applications. It will also make it easier, less costly, and faster for importers to submit their applications, and for ATF to process those applications. ATF therefore finds that there is good cause to authorize a variance from the paper importation application requirements of the Federal firearms regulations. ATF also finds that, provided certain conditions are met, the alternate method set forth in this ruling is within the purposes of, and consistent with the provisions of 27 CFR 447.42, 447.45, 478.112, 478.113, 478.113a, 478.116, 478.119, 479.111, 479.112, and 479.113, because the same required information is captured on the applicable eForm, which is electronically signed under penalties provided by law. Further, this alternate method is not contrary to any provision of law, will not increase costs to ATF, and will not hinder the effective administration of the regulations.

Held, pursuant to 27 CFR 478.22 and 479.26, ATF authorizes an alternate method or procedure from the provisions of 27 CFR 447.42, 447.45, 478.112, 478.113, 478.113a, 478.116, 478.119, 479.111, 479.112, and 479.113 that require the filing of applications to import firearms, ammunition, and other defense articles in paper form. Specifically, individuals, Federal firearms licensees, and registered importers of articles enumerated on the USMIL may file ATF Form 6 - Part I and Form 6A electronically using ATF eForms, *provided* the following conditions are met:

1. The applicant has registered with ATF by completing the on-line registration process;
2. The applicant has received a unique user ID and created a password;
3. The applicant has agreed that the electronic signature assigned to them is intended

- as their original signature for eForms submissions; and
4. The applicant has agreed to be bound by the Notices and Agreements governing the use of the eForms system.

Held further, persons authorized to file eForms may submit digitally scanned copies of the original supporting statements and documents with eForms, if they certify, under penalties provided by law, that the supporting documentation is true, correct, and complete; *provided*, ATF will determine whether the documentation submitted is acceptable, and may require the submission of the original or additional documentation if necessary; *provided further*, ATF may deny a permit application when an applicant fails to submit legible copies of original statements or documents, or fails to provide original and/or additional supporting statements or documents upon request.

Held further, if ATF finds that an eForms user has failed to abide by the conditions of this ruling, uses any procedure that hinders the effective administration of the Federal firearms laws or regulations, or any legal or administrative difficulties arise due to the use of eForms, ATF may notify the person that he or she is no longer authorized to use eForms.

Date approved: July 10, 2013

B. Todd Jones
Acting Director