



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Deputy Director

Washington, DC 20226

- 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 478.112-478.113a, 478.116, and 478.119: IMPORTATION**
- 27 CFR 479.26: ALTERNATE METHODS OR PROCEDURES**
- 27 CFR 479.111-479.113: IMPORTATION**
- 28 CFR 0.130: GENERAL FUNCTIONS**

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) authorizes an alternate method or procedure in lieu of the method or procedure prescribed in the regulations that currently require an importer to submit to U.S. Customs and Border Protection (CBP) an original, paper copy of ATF Form 6A, Release and Receipt of Imported Firearms, Ammunition and Implements of War (Form 6A), to import firearms, ammunition, and other defense articles. Specifically, provided all conditions set forth in this ruling are met, an importer may use the Partner Government Agency (PGA) Message Set to electronically submit information required on Form 6A and related documentation to CBP through the Automated Commercial Environment (ACE), instead of providing the original, paper copy of Form 6A to CBP.

ATF Ruling 2016-4

The Gun Control Act of 1968 (GCA), 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 authorizes 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 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 provisions of the GCA and NFA, and the permanent import provisions of the AECA, were delegated to the Attorney General, who, at title 28, Code of Federal Regulations (CFR), section 0.130, further delegated these responsibilities to the ATF Director.

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 seeking to import firearms or ammunition

to submit to the ATF 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 ATF Director approves the application, the approved application serves as the permit to import the article(s) described on the form.

Under 27 CFR 447.45, 478.112, 478.113, 478.113a, and 478.119, the importer must complete Section 1 of Form 6A in duplicate, and present one copy to CBP along with the import permit and any other necessary documents to effect release of the article(s). If CBP is satisfied that the shipment of the article(s) was authorized by ATF, CBP returns the import permit to the importer, and mails the Form 6A, with Section II completed, to ATF. Within 15 days after the article(s) are released from CBP, the importer must complete Section III of the duplicate copy of the Form 6A and mail it to ATF.

Under 27 CFR 478.22 and 479.26, the ATF 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 increase costs to the Government or hinder the effective administration of 27 C.F.R. Part 478 or 479.

On July 30, 2015, ATF announced its participation in a CBP pilot test of the International Trade Data System (ITDS) for processing import-related forms and data using the PGA Message Set and ACE. *See* 80 FR 45548, July 30, 2015. During the pilot test, instead of using existing processes, participating U.S. importers use the PGA Message Set to send pertinent information electronically through ACE for the filing of the CBP copy of the Form 6A. Data elements include Agency Program Codes, Category Type Codes, ATF Category Code, Type Codes, and Exemption Codes. CBP validates that information, and electronically transmits entry and release information to ATF for purposes of satisfying CBP's certification requirements. The pilot is ongoing and ATF will publish a notice announcing the conclusion of the pilot.

ATF recognizes that an importer's use of the PGA Message Set to send pertinent information through ACE to obtain CBP release and receipt instead of filing an original, paper copy of Form 6A is easier, less costly, and more efficient. ATF therefore finds that there is good cause to authorize an alternate method or procedure in lieu of submitting an original, paper copy of Form 6A to CBP. ATF also finds that, provided certain conditions are met, the alternate method set forth in this ruling is within the purposes of, and is 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 electronic submission contains the same information required on Form 6A, and is also 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 in lieu of the method or procedure prescribed in 27 CFR 447.42, 447.45, 478.112, 478.113, 478.113a, 478.116, 478.119, 479.111, 479.112, and 479.113 that requires an importer to submit an original, paper copy of Form 6A to CBP. Specifically, this ruling provides that individuals, Federal firearms licensees, and registered importers of articles enumerated on the U.S. Munitions Import List may use the PGA Message Set to electronically submit pertinent information through ACE to CBP, instead of submitting an original, paper copy of Form 6A to CBP. CBP will electronically transmit this information to ATF.

Provided Further, within 15 days of the date the article(s) are released from CBP, the importer must mail Form 6A, with Sections I and III completed, to ATF at the address specified on the form. If the import includes firearms for which the serial numbers were not known or reported at the time of import, the importer must report them in Section III, along with any discrepancies or errors. The importer's copy of the Form 6A does not require CBP entry and release information in Section II. Only Sections I and III are mandatory.

Date approved: July 14, 2016

Thomas E. Brandon
Deputy Director