

**18 U.S.C. 925(d): EXCEPTIONS**  
**22 U.S.C. 2778: IMPORTATION**  
**26 U.S.C. 5844: IMPORTATION**  
**27 CFR 478.111, 478.112, 478.113: IMPORTATION**  
**27 CFR 479.111, 479.112, 479.113: IMPORTATION**  
**27 CFR 447.42: APPLICATION FOR PERMIT**

*Persons with a valid Federal Firearms license and/or registered as an importer of articles enumerated on the U.S. Munitions Import List seeking to import firearms, ammunition and implements of war may submit the ATF Form 6, Application and Permit for Importation of Firearms, Ammunition and Implements of War, electronically using the eForm 6 online electronic filing system, provided such persons have met certain registration requirements.*

#### **ATF Rul. 2003-6**

The Gun Control Act of 1968 (GCA), 18 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 Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has authorized its importation. See 18 U.S.C. 925(d); 26 U.S.C. 5844. The Arms Export Control Act (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. Authority to administer the permanent import provisions of the AECA was delegated to the Attorney General, while the authority to administer the export and temporary import provisions of the AECA was delegated to the Secretary of State. Executive Order 11958 of January 18, 1977, as amended by Executive Order 13284 of January 23, 2003, 3 CFR Executive Order 13284.

Persons who wish to import firearms or ammunition must file with the Director an ATF Form 6 (Firearms), Application and Permit for Importation of Firearms, Ammunition and Implements of War, in triplicate, executed under the penalties of perjury. See 27 CFR 478.112, 478.113, 479.111, 479.112, 479.113, and 447.42. The Form 6 must contain the information specified in 27 CFR Subpart G. If the Director approves the application, the approved application will serve as the import permit. See 27 CFR 478.112(b).

The Government Paperwork Elimination Act (GPEA), enacted in 1998, requires executive agencies to provide for the option of the electronic maintenance, submission, or disclosure of information, as a substitute for paper, and for the use and acceptance of electronic signatures, when practicable, by October 2003. See Government Paperwork Elimination Act, Pub. L. No. 105-277, § 1704, 112 Stat. 2681-749, 2681-750 (1998). In accordance with the GPEA's mandate, ATF developed the eForm 6 online electronic filing system for persons with a valid

Federal Firearms license and persons registered as an importer of articles enumerated on the U.S. Munitions Import List.

The eForm 6 online electronic filing system enables licensees and registered importers to file the ATF Form 6 and obtain an approved import permit from ATF electronically via the Internet. eForm 6 online applications will be approved, returned for correction, or denied and a paper copy returned to the applicant. If approved, the paper copy will serve as the import permit and may be submitted to United States Bureau of Customs and Border Protection. The system also enables licensees and registered importers to obtain status updates regarding both electronic and paper import permit applications they have filed. The applicable laws, regulations, policies, and procedures pertaining to import applications also apply to the eForm 6.

To register for the eForm 6 online electronic filing system, licensees and registered importers (or employees of licensees and registered importers) must complete a registration form, the ATF Form 5013.3, eForm 6 Access Request. Each individual requesting access to the system must sign the ATF Form 5013.3 certifying that they intend the electronic credentials assigned to them to substitute for their original signature and that any eForm 6 submissions will be treated as bearing an original signature. The user also agrees to be bound by the Notices and Agreement governing the use of the eForm 6 system.

Each ATF Form 5013.3 must also include the name, title and signature of a responsible person for the Federal firearms licensee or AECA registrant. The responsible person authorizes the user to complete and execute import applications on behalf of the Federal firearms licensee or AECA registrant. The responsible person also agrees that the licensee or registered importer will be bound by the entries on applications filed via the eForm 6 system and intends that such applications be treated as bearing an original signature, and agrees to be bound by the Notices and Agreement governing the use of the eForm 6 system.

Upon proper registration, ATF will issue each registrant a user ID and password allowing access to the eForm 6 system. Each individual user will be issued a separate user ID and password.

The eForm 6 system will require users to attest that the information submitted via the eForm 6 system are statements made subject to penalty of perjury and confirm their ATF-issued electronic credentials in order to complete the application process. Specifically, in order to complete the application process, a user will be required to declare first that all the statements contained in the application are true and correct and that the user has read, understood, and complied with the conditions and instructions for the import application. Second, the user will be required to declare that the user authorizes the transmittal via the eForm 6 system of what may constitute tax return information, as defined in section 6103 of the Internal Revenue Code, Title 26, United States Code.

The eForm 6 online electronic filing system is accessible on ATF's Firearms and Explosives Imports Branch website at <http://www.atfonline.gov/eforms6>. This site contains the instructions and forms necessary to register as an eForm 6 user.

Licensees and registered importers are not required to use the eForm 6 electronic filing system, and in certain circumstances may not be able to participate. Licensees and registered importers may continue to submit ATF Form 6 on paper to ATF.

Sections 478.22 and 479.26, Title 27, CFR, provide that 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 Parts 478 and 479.

ATF finds that there is good cause to authorize a variance to the provisions of 27 CFR 478.111, 478.112, 478.113, 479.111, 479.112, 479.113 and 447.42 requiring the filing of ATF Form 6, Application and Permit for Importation of Firearms, Ammunition and Implements of War, in paper form due to the mandate of the GPEA that executive agencies provide the option of electronic submission of information as a substitute for paper, and for the use and acceptance of electronic signatures. Accordingly, ATF authorizes the following alternate method or procedure to the ATF Form 6 filing requirements of 27 CFR 478.111, 478.112, 478.113, 479.111, 479.112, 479.113, and 447.42:

The ATF Form 6 may be filed in electronic form on ATF eForm 6, provided that:

- (1) The applicant has registered with ATF by submitting the registration form, ATF Form 5013.3, eForm 6 Access Request;
- (2) The applicant has received a unique user ID and password, and has agreed that the electronic signature assigned to them is intended as their original signature on eForm 6 submissions; and
- (3) The applicant has agreed to be bound by the Notices and Agreement governing the use of the eForm 6 system.

Licenseses and registered importers who fail to abide by the conditions outlined above may be advised by ATF that their privilege of utilizing the eForm 6 electronic filing system has been terminated.

ATF finds that the above alternate method is consistent with the provisions of 27 CFR 478.111, 478.112, 478.113, 479.111, 479.112, 479.113 and 447.42 because it will ensure that the required information is captured on the eForm 6 and that the eForm 6 is signed under penalties of perjury. The 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 in 27 CFR Parts 478, 479, and 447.

**Held**, pursuant to 27 CFR 478.22 and 479.26, ATF authorizes a variance from the requirements of 27 CFR 478.111, 478.112, 478.113, 479.111, 479.112, 479.113 and 447.42 for Federal Firearms licensees and registered importers of articles enumerated on the U.S. Munitions Import List filing ATF Form 6, Application and Permit for Importation of Firearms, Ammunition and Implements of War. As an alternate method or procedure, the ATF Form 6 may be filed in electronic form on ATF eForm 6, provided that:

- (1) The applicant has registered with ATF by submitting the registration form, ATF Form 5013.3, eForm 6 Access Request;
- (2) The applicant has received a unique user ID and password, and has agreed that the electronic signature assigned to them is intended as their original signature on eForm 6 submissions; and
- (3) The applicant has agreed to be bound by the Notices and Agreement governing the use of the eForm 6 system.

Date signed: July 11, 2003.