

Chapter 13

Licensed Firearms Importers

country. If the exporting country does not require issuance of an export license, the importer must submit a certification, under penalty of perjury, to that effect.⁵⁰

ATF Form 6A. The licensed importer is also required to “prepare ATF Form 6A [5330.3C, Release and Receipt of Imported Firearms, Ammunition and Implements of War], in duplicate, and furnish the original ATF Form 6A to the Customs officer releasing the firearm, firearm barrel, or ammunition.⁵¹ The Customs officer will, after certification, forward the ATF Form 6A to the address specified on the form.”⁵²

The ATF Form 6A must contain the information requested on the form, including:

1. The name, address, and license number of the importer;
2. The name of the manufacturer of the firearm, firearm barrel, or ammunition;
3. The country of manufacture;
4. The type of firearm or ammunition (ball, incendiary, wadcutter, etc.);
5. The model;
6. The caliber, gauge, or size;
7. The serial number in the case of firearms, if known; and
8. The number of firearms, firearm barrels, or rounds of ammunition released.⁵³

Electronic Submission of ATF Form 6A to CBP. Pursuant to ATF Ruling 2016-4, the 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.”

⁵⁰ 27 C.F.R. § 478.112(c).

⁵¹ “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).” (ATF Ruling 2016-4.)

⁵² 27 C.F.R. § 478.112(c)(1). “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.” (ATF Ruling 2016-4.)

⁵³ 27 C.F.R. § 478.112(c)(2), ATF Open Letter to Licensed and/or Registered Importers of U.S. Munitions Import List Articles regarding Procedural Guidance for ATF Form 6A, Release and Receipt of Imported Firearms Ammunition, and Implements of War, May 5, 2008.

Ruling 2016-4 explains:

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. . . . 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.

The pilot program was terminated on August 31, 2016.⁵⁴

Option to Require Additional Documentation. "Officers of the [U.S. Customs and Border Protection agency under the United States Department of Homeland Security] are authorized to take appropriate action to assure compliance with [ATF regulations] as to the importation or attempted importation of articles on the U.S. Munitions Import List, whether or not authorized by permit."⁵⁵ Accordingly, Customs may require additional documentation before releasing defense articles imported into the United States: "Upon the presentation to him of a permit or written approval authorizing importation of articles on the U.S. Munitions Import List, the Customs officer . . . may require, in addition to such documents as may be required by Customs regulations, the production of other relevant documents relating to the proposed importation, including, but not limited to, invoices, orders, packing lists, shipping documents, correspondence, and instructions."⁵⁶

Certification and Release. The Customs official "must then complete Section II of one copy of ATF Form 6A if he/she is satisfied that the shipment of firearm(s), ammunition or implements of war was authorized by ATF. At this point, the CBP official must return the import permit, ATF Form 6, to the importer and

⁵⁴ Notices, 81 Fed. Reg. 60022 (August 31, 2016.)

⁵⁵ 27 C.F.R. § 447.56(a).

⁵⁶ 27 C.F.R. § 447.56(b).