



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

August 27, 2010

Open Letter to All Federal Firearms Licensed Importers Regarding Acquisition and Disposition Records Under 18 U.S.C. 923(G)(1)(A)

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is committed to keeping industry members informed of statutory and regulatory developments affecting them. In furtherance of this commitment, we have prepared this open letter, which contains information about a recent clarification on the “date of importation” required to be recorded in a licensed importer’s record of acquisition, often referred to as the “bound book.”

Records Maintained by Licensed Importers

Pursuant to 27 CFR 478.122, each licensed importer shall, within 15 days of the date of importation or other acquisition, record the type, model, caliber or gauge, manufacturer, country of manufacture, and the serial number of each firearm imported or otherwise acquired, and the date such importation or other acquisition was made. In addition, the importer is required to mark the firearm in accordance with 27 CFR 478.92 and to complete and forward a duplicate ATF Form 6A to ATF in accordance with 27 CFR 478.112(d). The duplicate Form 6A must include the serial number of the firearm if not previously reported on the original Form 6A filed by the importer with CBP at the time of release.

Due to questions recently raised by licensed importers, ATF believes it is necessary to precisely explain “date of importation” as it is used in the GCA. The date of importation is the date a firearm is released from the custody of U.S. Customs and Border Protection (CBP) and brought into the United States. This interpretation is based on the GCA’s definition of “importation” in 27 CFR 478.11. The date of importation may not necessarily be the date an importer physically receives the firearm at its licensed premises. An importer located in New Hampshire may have its firearms imported through a CBP port of entry located in New York, and it may take several days for the firearms to be physically transported to the importer’s premises.

For example, if CBP releases a firearm on August 1, 2010, and the importer physically receives it on August 5, 2010, then the importer has until August 16, 2010 to mark the firearm, complete and forward the duplicate Form 6A to ATF, along with the serial number if not previously reported on the original Form 6A, and document the importation in its record of acquisition. The date of importation that is to be recorded in the record of acquisition is August 1, 2010, the date of CBP release and entry into the U.S.

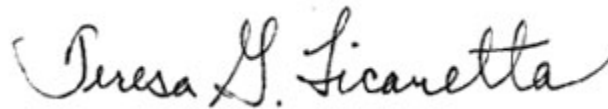
The regulation’s reference to “other acquisition” as the possible starting point for the 15-day period refers to firearms acquired by an importer domestically, such as purchases from U.S. wholesalers, retail dealers, or nonlicensees.

If an importer is receiving a particularly large lot of imported firearms for which it does not have serial numbers in advance of physical receipt, it may sometimes be difficult to inventory, mark, and record the entire shipment within the 15-day period specified in the regulations. In such cases, importers may apply to ATF for a variance to extend the time period in which marks are to be applied, ATF Form 6A is filed, and the record of acquisition completed. Such variances should be submitted on a case-by-case basis in advance of a shipment's receipt in order to give ATF sufficient time to review and act on the request well before expiration of the standard 15-day period. The request also should identify and explain the amount of additional time needed by the importer to comply with marking and recordkeeping requirements.

Maintaining open lines of communication with the import community is essential to ATF in carrying out its mission.

The Firearms and Explosives Industry Division staff is available to answer your questions about the issues addressed in this letter. You may reach them by phone at (202) 648-7090 or by fax at (202) 648-9640.

Sincerely yours,

A handwritten signature in cursive script that reads "Teresa G. Ficareta". The signature is written in black ink and is centered on the page.

Teresa G. Ficareta
Deputy Assistant Director
Enforcement Programs and Services