

TUESDAY, MARCH 21, 1978
PART III



DEPARTMENT OF
THE TREASURY

Bureau of Alcohol,
Tobacco and Firearms

FIREARMS REGULATIONS

Federal Register

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ACQUISITION

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[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and
Firearms

[27 CFR Parts 178 and 179]

[Notice No. 321]

FIREARMS REGULATIONS

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes that (1) licensed manufacturers and licensed importers put a unique serial number on each firearm imported into or manufactured in the United States; (2) each Federal firearms licensee report to ATF any theft, loss, or recovery of a firearm; (3) each licensed manufacturer submit to ATF a quarterly report of firearms manufactured; and (4) each licensed manufacturer, licensed importer, and licensed dealer submit to ATF a quarterly report of firearm dispositions. Implementation of the proposals would significantly improve ATF's ability to gather information necessary to enforce Federal firearms laws, to curtail firearms thefts, and to assist State and local law enforcement agencies in their enforcement responsibilities. In determining whether to adopt these proposed regulations, the Bureau will also consider during the comment period the burdens and costs of these proposals.

DATE: Comments must be submitted on or before May 22, 1978.

ADDRESS: Send comments, in duplicate, to: Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Attention: Regulations and Procedures Division.

FOR FURTHER INFORMATION CONTACT:

J. A. Hunt or A. N. Stickney, Research and Regulations Branch, 202-566-7626.

SUPPLEMENTARY INFORMATION:

PROPOSED CHANGES

The sections under 27 CFR Parts 178 and 179 with proposed changes are as follows:

UNIQUE SERIAL NUMBERS

1. *Sections 178.92 and 179.102.* These sections would be amended substantially to require licensed manufacturers and licensed importers to identify each firearm by a serial number which would be unique to the licensee and to the firearm. The format of the unique serial number would consist of 14 characters as follows: The first three

characters would identify the manufacturer or importer; the fourth and fifth would be the last two digits in a production or importation year; the sixth and seventh would identify the firearm model and caliber or gauge; the eighth through fourteenth would be the serialized numerals of the model produced or imported during a production or importation year. The unique serial number would standardize the basic identification appearing on all firearms. This standardization would naturally assist law-enforcement official in accurately identifying recovered and confiscated firearms and will eliminate confusion in tracing weapons associated with crime, and expand the ability to trace these weapons. This ability to accurately identify would improve changes of successful prosecutions.

The following diagram is the proposed format for the unique serial number:

Example of One Line	
3CT78PP0013425	
Example of Two Lines	
3CT78PP 0013425	minimum of 1/4 inch or 2 mm apart

REPORTING THEFTS OF FIREARMS

1. *Section 178.128.* Federal and State law enforcement agencies have found that stolen firearms are a major source of firearms used in crime. As a result, the Director proposes to amend present firearms regulations to assist in dealing with the problem of firearm thefts. A new section is proposed, § 178.128, which would require that information of a firearm theft, loss, or recovery be reported to ATF. This proposed requirement would provide ATF with better information on where and when firearms leave legal commerce. This knowledge would improve ATF's ability to deter thefts and losses of firearms as well as investigate those which have occurred.

As proposed, the licensee would prepare ATF F 3310.6A "Record and Report of Theft, Loss, and Recovery of Firearms (including frames or receivers), and report the required information by telephoning the toll-free or collect telephone number appearing on the form within 24 hours of discovering the theft, loss, or recovery. Within 7 days of a discovery, the licensee would mail the completed pre-addressed form. The licensee would retain the copy of the completed form on the licensed premises and make an entry of each recorded and reported firearm into the firearms receipt and disposition record, as required by Subpart H of 27 CFR Part 178.

REPORTING FIREARMS MANUFACTURE AND DISPOSITION

1. *Section 178.130 Quarterly report of firearms manufactured.* This proposed new section would require the use of form ATF F 5300.11, Quarterly Firearms Manufacturing Report, to be submitted quarterly by licensed manufacturers of firearms. The quarterly report would identify the number of firearms manufactured within a 3 month period. This report, known presently as Form 4483-A, is submitted currently under the general reporting requirement in § 178.126.

2. *Section 178.131 Quarterly report of firearms disposition by licensed importers, licensed manufacturers, and licensed dealers.* This proposed new section would require licensees to submit to the Director a quarterly report of their sales or other dispositions of firearms. However, reports of sales or other dispositions, by licensed importers, licensed manufacturers and licensed dealers would not identify a nonlicensed transferee by name and address.

These two reports submitted to the Bureau would provide a readily available source of firearms information to improve the tracing of firearms used in crimes. This information would also enable the Bureau to put resources more effectively into problem areas. The data would also provide important information on firearms entering commercial channels for the Bureau and other law enforcement agencies, particularly any unusual flow of firearms which would warrant investigation. This information also would provide invaluable assistance in identifying dealers who may be illegally diverting firearms and selling them contrary to law.

MISCELLANEOUS AMENDMENTS

Miscellaneous amendments, which would further conform the regulations to the proposed changes, are as follows:

1. The table of sections to Part 178 would be amended to reflect the redesignation of § 178.126a to § 178.129 and the addition of §§ 178.128, 178.129, 178.130, and 178.131.

2. Several sections provide dates the regulations would become effective.

3. Existing sections affected by the proposed changes would be revised to achieve clarity and readability. Minor editorial changes would also be made.

PUBLIC PARTICIPATION

ATF requests comments from all interested persons. Of particular interest are comments from State and local law enforcement officials, as well as other public officials, on the effects these proposed regulations would have on their law enforcement efforts. In addition, comments from the firearms

industry on costs of the proposed unique serial number and reporting requirements are especially requested.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

Copies of the proposed changes and of written comments are available for public inspection during normal business hours at the following location:

Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C.

Copies of the proposed forms may be requested from:

Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

DRAFTING INFORMATION

Officials from the Bureau of Alcohol, Tobacco and Firearms and from the Treasury Department jointly participated in developing the proposals, both on matters of substance and style.

AUTHORITY

Accordingly, under the authority contained in 18 U.S.C. 926, as amended (82 Stat. 1226), the Director proposes to amend 27 CFR Parts 178 and 179 as follows:

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

1. The table of sections in 27 CFR Part 178, Subpart H is amended to read as follows:

Subpart H—Records and Reports	Sec.	Description
	178.128	Recording and reporting theft, loss, and recovery of firearms.
	179.128	Recording multiple sales or other disposition of pistols and revolvers.
	178.130	Quarterly report of firearms manufacture.
	178.131	Quarterly report of firearms disposition by licensed importers, licensed manufacturers, and licensed dealers.

2. Section 178.92 is revised to read as follows:

§ 178.92 Identification of firearms.
 (a) *Unique serial numbers.* (1) After—[180 days after the final regu-

lation is published in the FEDERAL REGISTER], each licensed importer or licensed manufacturer of each firearm imported or manufactured shall affix a unique serial number on—

- (1) Each firearm; and
- (ii) Each firearm frame or receiver which is not a component part of a complete firearm at the time it is sold, shipped, or otherwise disposed of by a licensed importer or licensed manufacturer.
- (2) The unique serial number shall be engraved, cast, stamped (impressed), or otherwise conspicuously placed or caused to be engraved, cast, stamped (impressed), or placed on the frame or receiver of a completed firearm in a manner not susceptible of being readily obliterated, altered, or removed.

However, the unique serial number shall be inconspicuously placed on the frame or receiver by licensed manufacturers or importers of frames or receivers which are to be sent to another licensed manufacturer. Additionally, a licensed manufacturer or importer of frames or receivers to be sent to another licensed manufacturer may omit the sixth and seventh characters of the unique serial number if a model and caliber or gauge is unknown.

(3) The unique serial number format on the frame or receiver of the firearm shall consist of 14 characters as follows:

- (i) The first three characters shall be assigned by the Director and shall be uppercase alphabetical characters, or combined uppercase alphabetical and numerical characters, identifying the importer or manufacturer;
- (ii) The fourth and fifth characters shall be the last two digits in a production or importation year;
- (iii) The sixth and seventh characters shall be assigned by the Director and shall be uppercase alphabetical characters, or combined uppercase alphabetical and numerical characters, identifying the firearm model and caliber or gauge;
- (iv) The eighth through fourteenth characters shall be serialized numerals of the model that is produced or imported during a production or importation year.

The unique serial number may consist of not more than two lines, and the marking shall be readily legible and not smaller than 8-point Gothic without serifs. When the unique serial number appears on two lines, however, the first line shall consist of seven characters and the following seven characters shall appear not less than ½ millimeter from the first line.

(b) *Identification marks before*— [181 days after the final regulation is published in the FEDERAL REGISTER].

(1) Each licensed importer or licensed manufacturer of each firearm

imported or manufactured shall legibly identify—

- (i) Each firearm; and
- (ii) Each firearm frame or receiver which is not a component part of a complete firearm at the time it is sold, shipped or otherwise disposed of by a licensed importer of licensed manufacturer.
- (2) Identification marks shall be engraved, cast, stamped (impressed), or otherwise conspicuously placed or caused to be engraved, cast, stamped (impressed), or placed on the firearm in a manner not susceptible of being readily obliterated, altered, or removed. The individual serial number shall be placed on the frame or receiver and other marks shall be placed on the frame, receiver or barrel of the firearm. Required identification marks are:

- (i) An individual serial number, not duplicating any serial number placed by the manufacturer or importer on any other firearm;
- (ii) The model, if a model designation has been made;
- (iii) The caliber or gauge;
- (iv) The name (or recognized abbreviation) of the manufacturer and also, when applicable, of the importer;
- (v) In the case of a domestically-manufactured firearm, the city and State (or recognized abbreviation of the State) where the licensed manufacturer maintains the place of business;
- (vi) In the case of an imported firearm, the name and country in which manufactured and the city and State (or recognized abbreviation of the State) of the importer; and
- (vii) Any other means of identification of the licensed manufacturer or licensed importer as authorized by the Director upon receipt of a letter application, in duplicate. The letter application shall show the identification is reasonable and will not hinder the effective administration of this part.

(c) *Destructive devices.* In the case of a destructive device, the Director may authorize other means of identifying that destructive device upon receipt of letter application, in duplicate, from the licensed importer, licensed dealer, or licensed manufacturer, showing that engraving, casting, or stamping (impressing) the destructive device would be dangerous or impracticable.

3. The center heading of Subpart H, preceding § 178.121, is amended to read as follows:

Subpart H—Records and Reports	Description
§ 178.126a	[Redesignated as § 178.129]
4.	Section 178.126a is redesignated to § 178.129.
5.	Section 178.128 is added to read as follows:

§ 178.128 Recording and reporting theft, loss, and recovery of firearms.

(a) *General.* Each licensee shall record and report the theft, loss, and recovery of a firearm, including frames or receivers, as required by this section.

(b) *Theft or loss.* Upon the discovery of a theft or loss of a firearm from a licensee's inventory, or upon notification that a firearm shipped by the licensee (cosignor) was stolen or lost prior to delivery to the consignee, a person responsible for the management of the licensed business shall:

(1) Within 24 hours, record all available information on ATF F 3310.6A, in accordance with the instructions on the form, including the circumstances surrounding the theft or loss; and report the information by calling the telephone number indicated on the form;

(2) Within 7 days, complete, sign under the penalties imposed by 18 U.S.C. 924 and 1001 and mail the pre-addressed original of the form, and retain the copy as part of the permanent firearms records; and

(3) Within 7 days, make the appropriate entry in the firearms acquisition and disposition record required to be maintained under this subpart.

(c) *Recovery of previously stolen or lost firearms.* If after reporting a firearm as stolen or lost the licensee recovers possession of the firearm, or discovers that the firearm was not actually stolen or lost, the licensee shall follow the procedures in paragraph (b)(1) through (3) of this section.

(d) *Effective date.* This section is effective on — [60 days after the final regulation is published in the FEDERAL REGISTER].

6. Section 178.130 is added to read as follows:

§ 178.130 Quarterly report of firearms manufacture.

(a) *Report.* Each licensed manufacturer of firearms, including frames or receivers, shall submit a quarterly report to the Director on ATF F 5300.11, showing the firearms manufactured by the licensee. A negative report on ATF F 5300.11 shall be submitted if there is no firearm manufactured during the quarter. The licensee shall:

(1) Prepare and submit the report, as instructed on the form, no later than 30 calendar days after the end of the 3-month reporting period. The report shall be signed under the penalties imposed by 18 U.S.C. 924 and 1001 by a person responsible for the management of the licensed business. A copy of the report shall be retained on the licensee's premises and shall be made available for inspection for 2 years following the date of preparation.

(2) Report all the information required by the form, unless other

instructions are issued in writing by the Director.

(3) Attach to the report a list of all firearms, manufactured during the 3-month reporting period showing for each, identification markings required by § 178.92.

(b) *Alternate reports.* Notwithstanding paragraph (a) of this section, the Director may authorize alternate reports submitted by a licensed manufacturer to report the firearms manufactured at the end of a 3-month reporting period when the licensed manufacturer shows that the alternate report will accurately and readily disclose the information required by paragraph (a) of this section. A licensed manufacturer who proposes to use an alternate report shall submit a letter application to the Director and shall describe the proposed alternate report and the need for it. The licensed manufacturer shall not employ the proposed alternate report until approval is received from the Director.

(c) *Effective date.* This section becomes effective on — [beginning of the next quarterly period following the publication of the final regulations in the FEDERAL REGISTER].

7. Section 178.131 is added to read as follows:

§ 178.131 Quarterly report of firearms disposition by licensed importers, licensed manufacturers, and licensed dealers.

(a) *Licensed importer.* Each licensed importer shall prepare and submit to the Director a quarterly report showing any disposition of firearms during the reporting period. If there is no disposition of firearms during the reporting period, a report showing no transactions during the reporting period shall be submitted to the Director. The quarterly report shall be prepared and submitted as prescribed by paragraph (d) of this section.

(b) *Licensed manufacturer.* Each licensed manufacturer shall prepare and submit to the Director a quarterly report showing disposition of firearms during the reporting period. If there is no disposition of firearms during the reporting period, a report showing no transactions during the reporting period shall be submitted to the Director. The quarterly report shall be prepared and submitted as prescribed in paragraph (d) of this section.

(c) *Licensed dealer.* Each licensed dealer shall prepare and submit to the Director a quarterly report showing disposition of firearms during the reporting period. If there is no disposition of firearms during the reporting period, a report showing no transactions during the reporting period shall be submitted to the Director. The quarterly report shall be prepared and submitted as prescribed in paragraph (d) of this section.

(d) *Preparation and submission of report.* Each licensee shall prepare a

report on ATF F 0000.00,¹ in duplicate and as instructed on the form, showing data on the description and disposition of the firearm and information about the mode of transportation to another licensee, including date transported, and name and address of the carrier. Dispositions to nonlicensees shall include the date of disposition and firearm description, but the report shall not contain the name and address of the nonlicensee. The report shall be signed by a person responsible for the management of the licensed business. The licensee shall prepare and submit the report, as instructed on the form, no later than 30 calendar days after the end of the 3-month reporting period. The report shall be signed under the penalties imposed by 18 U.S.C. 924 and 1001 by a person responsible for the management of the licensed business. A copy of the report shall be retained on the licensee's premises and shall be made available for inspection for 2 years following the date of preparation.

(e) *Alternate reports.* Notwithstanding paragraph (d) and, as applicable, paragraph (a), (b), or (c) of this section, the Director may authorize alternate reports submitted by a licensee to report firearms disposed of during a quarterly period when the licensee shows that the alternate report will accurately and readily disclose the information required by paragraph (d) of this section. A licensee who proposes to use an alternate report shall submit a letter application to the Director and shall describe the proposed alternate report and the need for it. The licensee shall not employ the proposed alternate report until approval is received from the Director.

(f) *Effective date.* This section becomes effective on — [the first day of the first month beginning not less than 180 days after the final regulation is published in the FEDERAL REGISTER].

PART 179—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

8. Section 179.102 is revised to read as follows:

§ 179.102 Identification of firearms.

(a) *Unique serial numbers.* (1) After [180 days after the final regulation is published in the FEDERAL REGISTER], each licensed importer or licensed manufacturer of each firearm imported or manufactured shall affix a unique serial number on—

- (i) Each firearm; and
- (ii) Each firearm frame or receiver which is not a component part of a

¹No number designation to date.

complete firearm at the time it is sold, shipped, or otherwise disposed of by a licensed importer or licensed manufacturer.

(2) The unique serial number shall be engraved, cast, stamped (impressed), or otherwise conspicuously placed or caused to be engraved, cast, stamped (impressed), or placed on the frame or receiver of a completed firearm in a manner not susceptible of being readily obliterated, altered, or removed.

However, the unique serial number shall be inconspicuously placed on the frame or receiver by licensed manufacturers or importers of frames or receivers which are to be sent to another licensed manufacturer. Additionally, a licensed manufacturer or importer of frames or receivers to be sent to another licensed manufacturer may omit the sixth and seventh characters of the unique serial number if a model and caliber or gauge is unknown.

(3) The unique serial number format on the frame or receiver of the firearm shall consist of 14 characters as follows:

(i) The first three characters shall be assigned by the Director and shall be uppercase alphabetical characters, or combined uppercase alphabetical and numerical characters, identifying the importer or manufacturer;

(ii) The fourth and fifth characters shall be the last two digits in a production or importation year;

(iii) The sixth and seventh characters shall be assigned by the Director and shall be uppercase alphabetical characters, or combined uppercase alphabetical and numerical characters, identifying the firearm model and caliber or gauge;

(iv) The eighth through fourteenth characters shall be serialized numerals of the model that is produced or imported during a production or importation year.

The unique serial number may consist of not more than two lines, and the marking shall be readily legible and not smaller than 8-point Gothic without serifs. When the unique serial number appears on two lines, however, the first line shall consist of seven characters and the following seven characters shall appear not less than 1/2 millimeter from the first line.

(b) *Identification marks before* [181 Days after the final regulation is published in the FEDERAL REGISTER].

(1) Each licensed importer or licensed manufacturer of each firearm imported or manufactured shall legibly identify—

(i) Each firearm; and

(ii) Each firearm frame or receiver which is not a component part of a complete firearm at the time it is sold, shipped, or otherwise disposed of by a

licensed importer or licensed manufacturer.

(2) Identification marks shall be engraved, cast, stamped (impressed), or otherwise conspicuously placed or caused to be engraved, cast, stamped (impressed), or placed on the firearm in a manner not susceptible of being readily obliterated, altered, or removed. The individual serial number shall be placed on the frame or receiver, and other marks shall be placed on the frame, receiver, or barrel of the firearm. Required identification marks are:

(i) An individual serial number, not duplicating any serial number placed by the manufacturer or importer on any other firearm;

(ii) The model, if a model designation has been made;

(iii) The caliber or gauge;

(iv) The name (or recognized abbreviation) of the manufacturer and also, when applicable, of the importer;

(v) In the case of a domestically-manufactured firearm, the city and State (or recognized abbreviation of the State) where the licensed manufacturer maintains the place of business;

(vi) In the case of an imported firearm, the name and country in which manufactured and the city and State (or recognized abbreviation of the State) of the importer; and

(vii) Any other means of identification of the licensed manufacturer or licensed importer as authorized by the Director upon receipt of a letter application, in duplicate. The letter application shall show the identification is reasonable and will not hinder the effective administration of this part.

(c) *Destructive devices.* In the case of a destructive device, the Director may authorize other means of indentifying that destructive device upon receipt of letter application, in duplicate, from the licensed importer, licensed dealer, or licensed manufacturer, showing that engraving, casting, or stamping (impressing) the destructive device would be dangerous or impracticable.

Signed: February 28, 1978.

REX D. DAVIS,
Director.

Approved: March 16, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the
Treasury.

[FR Doc. 78-7303 Filed 3-16-78; 3:10 pm]

[4810-31]

[27 CFR Parts 47, 178, and 179]

[Notice No. 322]

FIREARMS REGULATIONS

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes that (1) importers and certain military members of the Armed Forces submit a revised form for authorization to import or bring firearms into the United States; (2) owners of certain National Firearms Act (NFA) firearms submit a form for authorization to transport their NFA firearms in interstate or foreign commerce; and (3) a Federal firearms licensee report by telephone information on firearms receipts and disposition when requested by ATF. This proposal would also allow dealers to return firearms for repair or replacement to their manufacturer or importer without having to obtain a copy of the manufacturer or importer's license, and that copies of licenses, when required, would be retained as part of the licensees' permanent records, enabling ATF officers to verify compliance with this proposed amendment. Additionally, miscellaneous, clarifying and editorial changes are proposed. The proposals would improve ATF's administration and enforcement of Federal firearms laws.

DATE: Comments must be submitted on or before May 22, 1978.

ADDRESS: Send comments, in duplicate, to: Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Attention: Regulations and Procedures Division.

FOR FURTHER INFORMATION CONTACT:

J. A. Hunt or A. N. Stickney, Research and Regulations Branch, 202-566-7626.

SUPPLEMENTARY INFORMATION:

PROPOSED CHANGES.

The sections under 27 CFR Parts 47, 178, and 179 with proposed changes are as follows:

IMPORTATION

Sections 47.42, 47.45, 178.112, 178.113, 178.114, 179.111, 179.112, 179.113, and 179.142 on the use of Forms 6—Part I, 6—Part II, and 6A for importations, would be amended.

The proposed importation regulations would require that a one-time importation of a stated amount of firearms, implements of war, and ammunition be made under a single authorization. Forms 6 and 6A would become one multi-use form: Proposed ATF F 7570.3. The proposed form would serve as (1) an application to import, (2) a permit, (3) a certification of release from customs custody, and (4) a verification of importation by all Federal firearms licensees. This proposed form would relieve Federal firearms licensees, military members of the U.S. Armed Forces, and U.S. Customs Ser-

vice and ATF personnel from preparing duplicate accounting information.

For military members of the U.S. Armed Forces, the requirement that import authorization be obtained for each firearm and ammunition imported was relaxed somewhat in 1969 by allowing, under specified conditions and for personal use, importation of not more than three rifles or shotguns and not more than 1,000 rounds of ammunition, excluding military surplus, without obtaining an approved Form 6 (Revenue Ruling 69-309, 1969-1 C.B. 361 (Internal Revenue)). Under the ruling, the military member or a duly authorized agent of the military member must furnish to the U.S. Customs officer releasing the firearms a certification on Form 6A attesting to the requirements for importation. The U.S. Customs official then certifies Form 6A and forwards the form along with the military member's certification to ATF.

Over the years ATF has found that handguns and surplus military firearms have been imported under the military exemption. Therefore, the Director intends to declare Revenue Ruling 69-309 obsolete. An authorization for each firearm and quantity of ammunition to be imported would be obtained by military members of the U.S. Armed Forces by using ATF F 7570.3.

ATF has also found that handguns have been imported or brought into the United States by members of the U.S. Armed Forces to their place of residence without having obtained the required permit or other authorization required to possess or own a handgun in their State of residence. In order to assure that the importation is not in violation of applicable State laws, this proposal requires a U.S. military member, who is a resident of any State or territory which requires a permit or other authorization, submit evidence of compliance with State law.

Additionally, under current regulations a licensee, other than a licensed importer, may lawfully import on an occasional basis a sporting-type firearm (1) for personal use, or (2) on behalf of a nonlicensee without the necessity of an importer's license. However, the regulations do not expressly require on the importation application a statement as to the purpose of importation. The proposed regulation would require such statement of purpose and, in the case of an importation on behalf of a nonlicensee, the application must contain the nonlicensee's name and address.

TRANSPORTATION OF CERTAIN NATIONAL FIREARMS ACT (NFA) FIREARMS

1. *Section 178.28.* This section currently requires a person transporting any destructive device, machine gun, short-barreled shotgun, or short-bar-

reled rifle in interstate or foreign commerce to submit a written request to an approving official in order to obtain transport authority.

In lieu of a letter request, the Director proposes the required use of a form, ATF F 7560.8, Application to Transport Interstate or to Temporarily Export Certain National Firearms Act (NFA) Firearms. While current regulations specify the information that a letter request should contain, details relative to the transportation or exportation are often omitted from the letter. The form is designed to be useful to both the applicant and ATF by providing uniformity and ease in preparing and processing all pertinent information. This form would also ensure that a person transporting these National Firearms Act (NFA) firearms is in compliance with 18 U.S.C. 922(e) by meeting the written notice requirements to a contract or common carrier in delivering a firearm for transportation in interstate or foreign commerce. Finally, an approved copy of ATF F 7560.8 would remain in the possession of the carrier during the transportation of the NFA firearm and would provide the carrier proof of authorization for the movement of a NFA firearm, in compliance with 18 U.S.C. 922(f).

Additionally, a person transporting NFA firearms would be required to certify on ATF F 7560.8 that the interstate transportation or temporary export was completed and would forward the certified ATF F 7560.8 to the Director.

In revising § 178.28, it is further proposed that the following changes, in addition to some editorial changes, be made:

(1) Change the title to the section to read, "Transportation of Certain National Firearms Act (NFA) Firearms."

(2) Limit the use of an approved ATF F 7560.8 to a specified time period; otherwise, another application would be submitted and approved before further movement of a NFA firearm could begin.

(3) Since ATF F 7560.8 would contain all the essential information to account for the movement of NFA firearms in interstate and foreign commerce, it is proposed that the information required by subdivisions (1) through (7) of paragraph (a) be deleted from the section.

(4) The application, as proposed, would be submitted to the Director rather than to a regional office.

2. *Section 178.31.* Section 178.31 would be amended to require the use of ATF F 7560.8 as proposed in § 178.28, and to make editorial changes.

3. *Section 178.2.* Section 178.2 would be amended to cross-reference the transportation provisions of § 178.28.

LICENSE COPY BETWEEN LICENSEES

Section 178.94. At the present time, licensees selling or otherwise disposing of firearms or ammunition to other licensees are required by 27 CFR 178.94 to verify the identity and licensed status of the person receiving the firearm prior to making the transaction. Except under three circumstances, § 178.94 requires that the verification be established by having the person receiving the firearm furnish to the person transferring the firearm a certified copy of his or her license and by any other means as the person transferring the firearm thinks necessary.

As proposed, § 178.94 would provide a fourth exemption: that licensed manufacturers and licensed importers, whose name and address appear on an annual list published by ATF, need not furnish certified copies of their firearms licenses to other licensees from whom they receive firearms for the purpose of repair or replacement. Furthermore, § 178.94 would be amended to require that certified copies of licenses, as required, be maintained on the transferor's premises as part of the permanent records.

MISCELLANEOUS AMENDMENTS

Miscellaneous amendments, which would further conform the regulations to the proposed changes, are as follows:

1. Pub. L. 94-329, the Arms Export Control Act of 1976, repealed section 414 of the Mutual Security Act of 1954 although all determinations, authorizations, regulations, orders, contracts, agreements, and actions issued, undertaken, or entered into under section 414 of the Mutual Security Act of 1954 continue in full force and effect until modified, revoked, or superseded by appropriate authority. This law primarily controls the international traffic of arms into and from the United States. As a result, §§ 47.1, 47.2, 47.22, 47.44, 47.54, 178.2, 178.114, and the center heading preceding §§ 179.122, 179.122 and 179.193 would be amended to replace any reference to the "Mutual Security Act of 1954" with the "Arms Export Control Act of 1976". Section 47.57 would be amended to refer to the Arms Export Control Act of 1976. Since the Arms Export Control Act of 1976 increases the fine for violations to \$100,000, §§ 47.61 and 47.62 would be amended to reflect the statutory change.

2. The table of sections to Part 47 would be amended to reflect a center-heading change preceding § 47.41, a title change to § 47.63, and to supply an updated citation of authority. The table of sections to Part 178 would be amended to reflect a title change to §§ 178.28 and 178.114, as well as the center-heading change preceding § 178.121; and to supply and updated citation of authority. The table of sec-

tions to Part 179 would be amended to reflect a title change to §179.112, as well as the center-heading change following §179.121; and a title change to §179.193 which would read, "Arms Export Control Act" instead of "Mutual Security Act". At the end of the table of sections to Part 179, the citation of authority would be updated.

3. Add and revise some meanings of terms in §§47.11, 178.11, and 179.11, as part of a program to standardize certain terms throughout Title 27 of the Code of Federal Regulations.

4. All new and revised forms would conform to the Bureau's subject classification coding system (for example, ATF F 5300.11 and ATF F 7570.3 in lieu of ATF Form 4483-A and ATF Forms 6 or 6A, respectively). All references to the proposed forms, appearing in parentheses, are being used as explanatory items.

5. The provisions in §178.112 pertaining to an "Importation List" would be eliminated since there is no need for its compilation.

6. The majority of the sections affected by the proposed changes would be revised to achieve clarity and readability. Minor editorial changes would also be made.

PUBLIC PARTICIPATION

ATF requests comments from all interested persons. All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

Copies of the proposed changes and of written comments are available for public inspection during normal business hours at the following location:

Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Ave. NW., Washington, D.C.

Copies of the proposed forms may be requested from:

Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

DRAFTING INFORMATION

Officials from the Bureau of Alcohol, Tobacco and Firearms and from the Treasury Department jointly participated in developing the proposals, both on matters of substance and style.

AUTHORITY

Accordingly, under the authority contained in 18 U.S.C. 926, as amended (82 Stat. 1226) and in 22 U.S.C. 2778 (90 Stat. 744), the Director proposes to amend 27 CFR Parts 47, 178, and 179 as follows:

PART 47—IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

1. The table of sections to 27 CFR Part 47 Subpart E is amended to read as follows:

Subpart E—Imports Other Than Those Subject to Controls Under 27 CFR Parts 178 and 179

Sec.

47.63 Importing merchandise contrary to law; forfeiture.

AUTHORITY: Pub. L. 94-329, Section 38, 90 Stat. 744 (22 U.S.C. 2778), unless otherwise noted.

2. Section 47.1 is revised to read as follows:

§ 47.1 General.

The regulations in this part relate to that portion of section 38 of the Arms Export Control Act of 1976 (22 U.S.C. 2778) which is concerned with the importation of arms, ammunition, and implements of war. This part contains the U.S. Munitions Import List and includes procedural and administrative requirements and provisions relating to registration of importers, permits, articles in transit, import certification, delivery verification, import restrictions applicable to certain countries, exemptions, U.S. military firearms or ammunition, penalties, seizures, and forfeitures. All designations and changes in designations of articles subject to import control under section 38 of the Arms Export Control Act of 1976 have the concurrence of the Secretary of State and the Secretary of Defense.

3. Section 47.2 is amended by deleting the phrase "26 CFR * * *" wherever it appears and by replacing it with "27 CFR * * *". Furthermore, § 47.2(d) is amended to read as follows:

§ 47.2 Relation to other laws and regulations.

(d) Articles on the U.S. Munitions Import List imported for the United States or any State or political subdivision of the United States are exempt from the import controls of 27 CFR Part 178, but are not exempt from the Arms Export Control Act of 1976 unless imported by the United States or any agency of the United States. * * *

4. Section 47.11 is amended to read as follows:

§ 47.11 Meaning of terms.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Chemical agent. * * *

Customs officer. Any officer of the U.S. Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the U.S. Customs Service.

Machine gun. * * *

Permit. The term "permit" means the same as "license" for the purposes of 22 U.S.C. 2778.

Regional Director. Wherever used in this part shall mean a regional regulatory administrator as defined in this section.

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

5. Section 47.22 is revised to read as follows:

§ 47.22 Forgings, castings, and machine bodies.

Items in a partially completed state, such as forgings, castings, extrusions, and machined bodies of any of the articles enumerated on the Import List which have reached a stage in manufacture where they are clearly identifiable as arms, ammunition, and implements of war are considered to be articles for the purpose of section 38 of the Arms Export Control Act of 1976.

§ 47.34 [Amended]

6. Section 47.34 is amended in paragraph (a) by deleting the phrase "26 CFR * * *" where it appears and by replacing it with "27 CFR * * *".

7. The center heading of Subpart E is amended by deleting the phrase "26 CFR * * *" where it appears and by replacing it with "27 CFR * * *".

§ 47.41 [Amended]

8. Section 47.41 is amended in paragraphs (a), (c), and (d) by deleting the phrase "26 CFR * * *" wherever it appears and by replacing it with "27 CFR * * *".

9. Section 47.42 is revised to read as follows:

§ 47.42 Application for permit.

Persons required to obtain a permit as provided in § 47.41 shall file with the Director ATF F 7570.3 (Form 6—Part I), as instructed on the form and signed under the penalties imposed by 22 U.S.C. 2778(c) and 18 U.S.C. 1001. An approved ATF F 7570.3 will be returned to the applicant and shall serve as the import permit.

10. Section 47.43(c) is amended to read as follows:

§ 47.43 Terms of permit.

- (a) * * *
(b) * * *

(c) No amendments or alterations of previous entries may be made on the permit, except by the Director. No photographic or other copy of a permit may be used to effect release from customs custody, unless certified by the Director.

11. Section 47.44(a) is amended to read as follows:

§ 47.44 Permit denial, revocation or suspension.

(a) Import permits under this subpart may be denied, revoked, suspended, or revised without prior notice whenever the Director finds the proposed importation to be inconsistent with the purpose or in violation of section 38 of the Arms Export Control Act of 1976 or the regulations in this part.

12. Section 47.45 is revised to read as follows:

§ 47.45 Importation.

(a) An importer who imported articles into the United States, subject to the import procedures of this subpart, may get the imported articles released from customs custody upon completing ATF F 7570.3 (Form 6A) as instructed on the form and upon furnishing the copies of the form to the Customs officer releasing the articles. The Customs officer, after certifying ATF F 7570.3 (Form 6A), shall forward one copy of ATF F 7570.3 to the Director and return the others to the importer.

(b) Within 15 days of the date of the articles' release from customs custody, the importer of the articles released shall forward to the Director a copy of ATF F 7570.3 (Form 6A) on which shall be reported any error of discrepancy appearing on the form certified by the U.S. Customs Service.

13. Section 47.54 is revised to read as follows:

§ 47.54 Administrative procedures inapplicable.

The functions conferred under section 38 of the Arms Export Control

Act of 1976 are excluded from the operation of 5 U.S.C. Chapter 5, with respect to rulemaking and adjudications (5 U.S.C. 553, 554).

§ 47.56 [Amended]

14. Section 47.56 is amended in paragraph (a) by deleting the phrase "26 CFR * * *" where it appears and by replacing it with "27 CFR * * *".

15. Section 47.57(a) is amended in the first sentence by deleting the phrase "26 CFR * * *" where it appears and by replacing it with "27 CFR * * *". Furthermore, the last sentence in paragraph (a) is amended to read as follows:

§ 47.57 U.S. military firearms or ammunition.

(a) * * * This prohibition applies to military firearms and ammunition furnished on a grant basis to, or for which payment in full was not made by, a foreign government under the Lend-Lease Act of 1941, as amended; the Greek-Turkish Aid Act of 1947, as amended; the China Aid Act of 1948, as amended; the Mutual Defense Assistance Act of 1949, as amended; the Mutual Security Act of 1954, as amended; the Foreign Assistance Act of 1961, as amended; the Arms Export Control Act of 1967; or any other foreign assistance program of the United States.

§ 47.61 [Amended]

16. Section 47.61 is amended by deleting "\$25,000" where it appears and by replacing it with the maximum fine for violations of "\$100,000".

§ 47.62 [Amended]

17. Section 47.62 is amended by deleting "\$25,000" where it appears and by replacing it with the maximum fine for violations of "\$100,000".

18. Section 47.63 is revised to read as follows:

§ 47.63 Importing merchandise contrary to law; forfeiture.

Any person who fraudulently or knowingly:

(a) Imports or brings into the United States contrary to law any merchandise on the Import List; or

(b) Receives, conceals, buys, sells, or in any manner facilitates the transportation of merchandise that has been imported contrary to law—shall be fined not more than \$10,000 or imprisoned not more than 5 years or both; and the imported merchandise, or the value of the merchandise, shall be forfeited to the United States.

(18 U.S.C. 545.)

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

1. The table of sections to 27 CFR Part 178 is amended to read as follows:

* * * * *

Subpart C—Administrative and Miscellaneous Provisions

Sec.
178.28 Transportation of certain National Firearms Act (NFA) firearms.

* * * * *

Subpart G—Importation

* * * * *

178.114 Importation by military members of the U.S. Armed Forces.

* * * * *

AUTHORITY: Pub. L. 591, 68A Stat. 917, as amended (26 U.S.C. 7805); Sec. 902, Title IV, Pub. L. 90-351, 82 Stat. 236, (18 U.S.C. Appendix); Sec. 102, Title I, Pub. L. 90-618, 82 Stat. 1214-1226, as amended (18 U.S.C. 921-928), unless otherwise noted.

2. Section 178.2 is revised to read as follows:

§ 178.2 Relation to other provisions of law.

The provisions in this part deal with commerce in firearms or ammunition and are in addition to, and are not in lieu of, any other provision of law or regulations. For regulations on traffic in machine guns, destructive devices, and certain other firearms, see § 178.28 and 27 CFR Part 179. For statutes on the registration and licensing of persons engaged in the business of manufacturing, importing, or exporting firearms, ammunition, or implements of war, see section 38 of the Arms Export Control Act of 1976 (22 U.S.C. 2778) and regulations at 27 CFR Part 47. For statutes on nonmailable firearms, see 18 U.S.C. 1715 and implementing regulations.

(Sec. 38, Pub. L. 94-329, 90 Stat. 774 (22 U.S.C. 2778); Sec. 6(j) (24), Pub. L. 91-375, 84 Stat. 779, as amended (18 U.S.C. 1715).)

3. Section 178.11 is amended by deleting the term "Regional Commissioner" where it appears; and is further amended to read as follows:

§ 178.11 Meaning of terms.

* * * * *

Assistant Regional Commissioner. Wherever used in this section shall mean a regional regulatory administrator as defined in this section.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform

any function relating to the administration or enforcement of this part.

Commissioner. Wherever used in this part shall mean the Director as defined in this section.

Customs officer. Any officer of the U.S. Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the U.S. Customs Service.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C. 20226.

National Firearms Act firearms or NFA firearms. Any firearm as defined in 27 CFR Part 179, Subpart B (26 U.S.C. 5845(a) through (g)).

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

Surplus military firearm. Any firearm that was acquired by a regular or irregular military force of a nation for the use of its soldiers, including any firearm originally manufactured for commercial use but which subsequently was acquired by the military force.

United States. The States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone), unless otherwise expressly defined.

4. Section 178.28 is revised to read as follows:

§ 178.28 Transportation of certain National Firearms Act firearms.

(a) A person desiring to transport in interstate or foreign commerce, or to temporarily export, destructive devices, machine guns, short-barreled shotguns, or short-barreled rifles shall apply on ATF F 7560.8, executed under the penalties of perjury and as instructed on the form, and shall receive approval from the Director before the proposed movement is made.

(b) The Director may approve a properly executed ATF F 7560.8 to

transport in interstate or foreign commerce certain NFA firearms if the Director determines that the transportation is reasonably necessary, consistent with public safety, and in conformance with State and local law. Upon approval or disapproval, the processed ATF F 7560.8 will be returned to the applicant.

(c) A copy of ATF F 7560.8 shall be furnished to the common or contract carrier performing the approved transportation in interstate or foreign commerce. The common or contract carrier shall retain the furnished copy of ATF F 7560.8 while transporting or shipping the designated firearm in order to meet the provisions of 18 U.S.C. 922(f) and 27 CFR 178.31(a).

(d) Authorization for the transportation of the firearm is limited to the specified dates and locations on ATF F 7560.8. If the firearm for any reason is not in transit during the authorized return period, the authorization is automatically revoked. Any further movement of the firearm would require another application.

(e) Within 7 days of completing an interstate transport or temporary export of a NFA firearm approved for movement, the person who received authorization shall certify on ATF F 7560.8 that the movement was completed on a given date and shall mail the certified copy of the form to the Director.

(f) If an approved ATF F 7560.8 expires before the firearm is transported in interstate or foreign commerce, or if the approved ATF F 7560.8 is unused or revoked before the expiration date, the person who received authorization on the approved ATF F 7560.8 shall mail it immediately to the Director.

(g) Authorization granted by this section does not carry or import relief from any other statutory or regulatory provision relating to firearms.

(h) A licensed manufacturer, licensed importer, or licensed dealer who is a special (occupational) taxpayer qualified under 26 U.S.C. 5801 need not obtain authorization from the Director to transport in interstate or foreign commerce firearms as specified by the special tax payment. A licensed collector qualified under 26 U.S.C. 5801 need not obtain authorization if the firearm to be transported is a curio or relic.

5. Section 178.31 is revised to read as follows:

§ 178.31 Transporting or shipping firearms and ammunition via common or contract carrier.

(a) Any person transporting or shipping by common or contract carrier any package containing a firearm or ammunition in interstate or foreign commerce to any person shall give written notice to the carrier unless the firearm or ammunition is to be sent to

a licensed importer, licensed manufacturer, licensed dealer or licensed collector.

(b) Any passenger who owns or legally possesses a firearm or ammunition being transported abroad any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver the firearm or ammunition into the custody of the pilot, captain, conductor or operator of the common or contract carrier for the duration of that trip without violating any provisions of this part.

(c) No common or contract carrier shall transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt of any firearm or ammunition would be in violation of this part. This paragraph, however, is not applicable to the transportation of firearms or ammunition in in-bond shipment under U.S. Customs Service laws and regulations.

§ 178.44 [Amended]

6. Section 178.44 is amended by changing the following sentence where it appears in paragraphs (a) and (b), "The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 924.", to read as follows: "The application must be signed under the penalties imposed by 18 U.S.C. 924 and 1001".

7. Section 178.94 is revised to read as follows:

§ 178.94 Sales or deliveries between licensees.

(a) *General.* A licensed importer, licensed manufacturer, or licensed dealer (transferor) selling or otherwise disposing of firearms or ammunition, and a licensed collector (transferor) selling or otherwise disposing of curios or relics, to another licensee (transferee) shall verify the identity and licensed status of the transferee prior to making the transaction. Verification shall be established by the transferee furnishing to the transferor a certified copy of the transferee's license and by any other means as the transferor finds necessary. The certified copy of the license required by this section shall be maintained on the transferor's premises as a part of the permanent records required by Subpart H of this part. A transferor who has the certified information required by this section may sell or dispose of firearms or ammunition to a transferee for not more than 45 days following the expiration date of the transferee's license.

(b) *Exemptions from license copies.* (1) A transferee who has furnished a certified copy of his license to a transferor need not furnish another certified copy of his license to a transferor during the term of the transferee's current license.

(2) Licensees of multilicensed business organizations need not furnish certified copies of their licenses to other licensed locations operated by that organization.

(3) Multilicensed business organizations need not furnish certified copies of their licenses to a transferor if they furnish, in lieu of a certified copy of each license, a certified list containing the name, address, license number, and the expiration date of the license at each licensed location operated by that organization. A transferor may sell or otherwise dispose of firearms and ammunition as provided by this section to any licensee appearing on the list without requiring a certified copy of a license.

(4) A licensed manufacturer or licensed importer need not furnish a certified copy of its license to another licensee if a firearm is being returned for the purpose of repair or replacement with a firearm of the same kind and type, and the licensed manufacturer or licensed importer's name appears on a list compiled by the Bureau and published annually.

8. Section 178.112 is revised to read as follows:

§ 178.112 Importation by a licensed importer.

(a) *General.* A licensed importer (as defined in § 178.11) may import or bring into the United States a firearm or ammunition only (1) if the Director authorizes the importation of the firearm or ammunition, and (2) if the licensed importer complies with the requirements of this section.

(b) *Execution of permit application.* To import or bring a firearm or ammunition into the United States, a licensed importer shall file with the Director an application for a permit on ATF F 7570.3, Part I, (Form 6—Part I), as instructed on the form and signed under the penalties imposed by 18 U.S.C. 924 and 1001.

The licensed importer shall also furnish information establishing that the firearm or ammunition is:

(1) Being imported or brought in for scientific or research purposes;

(2) For use in connection with U.S. Army competition or training under 10 U.S.C. Chapter 401;

(3) An unserviceable firearm, other than a machine gun, imported or brought in as a curio or museum piece, including how the firearm was made unserviceable and why it is a curio or museum piece; or

(4) Generally recognized as particularly suitable or readily adaptable to sporting purposes, excluding surplus military firearms, and not covered by the definition of a firearm in 26 U.S.C. 5845(a). Approval of properly executed ATF F 7570.3 (Form 6—Part I) by the Director shall serve as the permit for a single importation of the firearm or

ammunition during the period of validity (usually 6 months) specified on the form. If the entire shipment cannot be completed as one importation, another application on ATF F 7570.3 (Form 6—Part I) shall be submitted to the Director for a permit to cover the unshipped balance. The new application may include firearms or ammunition in addition to the unshipped balance. If the Director disapproves ATF F 7570.3 (Form 6—Part I), he shall notify the licensed importer on the form of the basis for a disapproval.

(c) *Release from customs custody.* A firearm or ammunition imported or brought into the United States by a licensed importer may be released from customs custody to the licensed importer upon presenting to a Customs officer an approved ATF F 7570.3 (Form 6—Part I) from the Director for the importation of the firearm or ammunition to be released. In obtaining release from customs custody of an authorized firearm or ammunition, the licensed importer shall complete ATF F 7570.3, Part I (Form 6A), in triplicate, and shall furnish the forms to the Customs officer releasing the firearm or ammunition. The Customs officer shall certify Part III of ATF F 7570.3 (Form 6A), forward a copy to the Director, and return the other copies to the licensed importer.

(d) *Verification of importation.* Within 15 days of the date of release from customs custody, the licensed importer shall—

(1) Record on ATF F 7570.3 the identification required by § 178.92;

(2) Prepare Part IV of ATF F 7570.3 (Form 6A) as instructed on the form, and sign under the penalties imposed by 18 U.S.C. 924 and 1001;

(3) Forward to the Director a copy of ATF F 7570.3 (Form 6A) on which shall be reported any error or discrepancy appearing on Part I of ATF F 7570.3 (Form 6A) certified by the Customs officer; and

(4) Post all required information regarding the importation in the records required to be maintained by the licensed importer under Subpart H of this part.

9. Section 178.113 is revised to read as follows:

§ 178.113 Importation by other licenses.

(a) *General.* No person other than a licensed importer (as defined in § 178.11) shall engage in the business of importing firearms or ammunition. The Director, however, may permit a licensee, other than a licensed importer, to import or bring into the United States a firearm or ammunition under certain conditions, as required by paragraph (b) of this section.

(b) *Execution of permit application.* To import or bring a firearm or ammunition into the United States, a licens-

ee, other than a licensed importer shall file with the Director an application for a permit on ATF F 7570.3 (Form 6—Part I), as instructed on the form and signed under the penalties imposed by 18 U.S.C. 924 and 1001. The licensee shall also furnish information establishing that the firearm or ammunition is:

(1) Being imported for the personal use of the licensee or on behalf of a nonlicensee (when the firearm is being imported for a nonlicensee, the name and address of the nonlicensee shall be stated);

(2) Being imported or brought in for scientific or research purposes;

(3) For use in connection with U.S. Army competition or training under 10 U.S.C. Chapter 401;

(4) An unserviceable firearm, other than a machine gun, imported or brought in as a curio or museum piece; or

(5) Generally recognized as particularly suitable or readily adaptable to sporting purposes, excluding surplus military firearms, and not covered by the definition of a firearm in 26 U.S.C. 5845(a).

Approval of a properly executed ATF F 7570.3 (Form 6—Part I) by the Director shall serve as the permit for a single importation of the firearm or ammunition during the period of validity (usually 6 months) specified on the form. If the entire shipment cannot be completed as one importation, another application on ATF F 7570.3 (Form 6—Part I) shall be submitted to the Director for a permit to cover the unshipped balance. The new application may include firearms or ammunition in addition to the unshipped balance. If the Director disapproves ATF F 7570.3 (Form 6—Part I), he shall notify the licensee on the form of the basis for disapproval.

(c) *Release from customs custody.* In obtaining release from customs custody, the licensee shall complete ATF F 7570.3 (Form 6A), as instructed on the form, and shall furnish the copies to the Customs officer releasing the firearm or ammunition. The Customs officer shall certify Part III of ATF F 7570.3 (Form 6A), forward a copy to the Director, and return the other copies to the licensee.

(d) *Verification of importation.*— (1) *licensed manufacturer.* Within 7 days of the date of release from customs custody, the licensed manufacturer shall verify the importation as required in § 178.112 (d) (1) through (4) for licensed importers.

(2) *Licensed dealer or licensed collector.* The licensed dealer or licensed collector, within 2 business days of the date of release from customs custody, shall verify the importation as required in § 178.112(d) (2) through (4) for licensed importers.

10. Section 178.114 is revised to read as follows:

§ 178.114 Importation by military members of the U.S. Armed Forces.

(a) *General.* A military member of the U.S. Armed Forces may import or bring into the United States a firearm or ammunition upon receiving authorization from the Director. The military member filing an application shall meet the following conditions:

(1) The military member is on active duty outside the United States or has been on active duty outside the United States within the 90-day period immediately preceding the intended importation;

(2) The firearm or ammunition is being imported or brought to the place of residence of the military member; and

(3) The military member intends to use the firearm or ammunition for personal use.

(b) *Execution of application.* A military member shall file with the Director an application on ATF F 7570.3, Part I (Form 6—Part II), following the instructions on the form and signed under the penalties imposed by 18 U.S.C. 924 and 1001, for authorization to import or to bring a firearm or ammunition into the United States. The following information shall also be furnished:

(1) Certification that the transportation, receipt, or possession of the firearm or ammunition to be imported would not constitute a violation of any Federal law, State statute, or published ordinance at the place of his or her residence; and

(2) Statements that—

(i) The firearm or ammunition being imported is for personal use; and

(ii) If a firearm, is not a surplus military firearm and does not fall within the definition of a firearm under 26 U.S.C. 5845(a) and why it is generally recognized as particularly suitable for or readily adaptable for sporting purposes or is determined by the Department of Defense to be a type of firearm normally classified as a war souvenir; or

(iii) If ammunition, why he or she believes it is generally recognized as particularly suitable or readily adaptable to sporting purposes.

(3) A copy of the license, permit, certificate of registration, or firearm identification card, as applicable and as required by his or her State, to import into the United States a pistol or revolver for sporting purposes.

The Director may issue an authorization to import or bring into the United States a firearm or ammunition if the firearm or ammunition is generally recognized as particularly suitable for or readily adaptable to sporting purposes and is intended for personal use of the military member. If the Director approves ATF F 7570.3 (Form 6—Part II), the approved form will be forwarded to the military member and

shall serve as authorization for a single importation of the firearm or ammunition within a period of 6 months as specified on the approved form. If the Director disapproves the application, he shall notify the military member of the basis for disapproval on ATF F 7570.3, Part II (Form 6—Part II).

(c) *Release from customs custody.* Upon receipt of an approved form to import the firearm or ammunition, the military member shall obtain release of the firearm or ammunition from customs custody upon furnishing the approved ATF F 7570.3 (Form 6—Part II) to the Customs officer releasing the firearm or ammunition. The Customs officer shall certify and forward a copy of ATF F 7570.3 (Form 6A) to the Director and return the other copy to the military member. However, when a military member is on active duty outside the United States, the military member may appoint, in writing, an agent to obtain the release of the firearm or ammunition from customs custody for the military member. The agent shall furnish sufficient personal identification, the written authorization to act on behalf of the military member, and the approved ATF F 7570.3 to the Customs officer.

(d) *War souvenirs.* Firearms determined by the Department of Defense to be war souvenirs may be imported into the United States by military members of the U.S. Armed Forces under the regulations and procedures as issued by the Department of Defense.

§ 178.124 [Amended]

11. Paragraph (g) of § 178.124 is amended by changing the phrase, "executed under the penalties of perjury," where it appears in paragraph (g) to read "signed under the penalties imposed by 18 U.S.C. 924 and 1001."

12. Section 178.126 is revised to read as follows:

§ 178.126 Furnishing transaction information.

Each licensee shall submit, when required by letter issued by the regional regulatory administrator, a report of firearms transactions, for the period and the time specified in the letter. The report shall involve all record information required by this subpart, or a portion of that record information as specified by the regional regulatory administrator's letter. When an ATF officer indicates a need for information concerning receipts and disposition of firearms, the licensee shall report by telephone the information as requested by the ATF officer.

13. Section 178.171 is revised to read as follows:

§ 178.171 Exportation.

Licensed manufacturers, licensed importers, and licensed dealers shall

export firearms and ammunition according to the applicable provisions of section 38 of the Arms Export Control Act of 1976 (90 Stat. 744; 22 U.S.C. 2778). In addition, the licensee shall maintain showing:

(a) The manufacture of firearms and ammunition as required by this part,

(b) The acquisition of the firearms and ammunition as required by this part,

(c) The name and address of the foreign consignee of the firearms and ammunition, and

(d) The date the firearms and ammunition were exported.

(Sec. 38, Pub. L. 94-329, 90 Stat. 774 (22 U.S.C. 2778).)

PART 179—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

1. The table of sections to 27 CFR Part 179 is amended to read as follows:

*	*	*	*	*
Sec.				
179.111	***			
179.112		Application procedure for registration of imported firearms.		

ARMS EXPORT CONTROL ACT

Subpart O—Other Laws Applicable

179.193 Arms Export Control Act.

AUTHORITY: Pub. L. 591, 68A Stat. 917, as amended (26 U.S.C. 7605); sec. 201, Pub. L. 90-618, 82 Stat. 1227, etc. (26 U.S.C. 5801-5872); unless otherwise noted.

2. Section 179.11 is amended to read as follows:

§ 179.11 Meaning of terms.

* * * * *

Assistant Regional Commissioner. Whenever used in this part shall mean a regional regulatory administrator as defined in his section.

Commissioner. Wherever used in this part shall mean the Director as defined in this section.

Customs officer. Any officer of the U.S. Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the U.S. Customs Service.

* * * * *

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the

Department of the Treasury, Washington, D.C. 20226.

* * * * *

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

* * * * *

§ 179.92 [Amended]

3. Section 179.92 is amended by replacing the term "any Assistant Regional Commissioner" with "the Director".

4. Section 179.111 is amended to read as follows:

§ 179.111 Procedure.

(a) *General.* * * *

(1) * * *

(2) * * *

(3) * * * The burden of proof that a firearm is being imported or brought in under paragraph (a) (1), (2), or (3) of this section shall be borne by any person importing or bringing the firearm into the United States or any territory under its control or jurisdiction.

(b) *Application.* Any person desiring to import or to bring a firearm into the United States under this section shall file with the Director an application on ATF F 7570.3 (Form 6—Part I), as instructed on the form and executed under the penalties of perjury, to permit the importation of firearms and ammunition. The application shall show the information required on the form and by Subpart G of Part 178 of this chapter. Attached to the application shall be a detailed explanation of why the importation of the firearm falls within the standards set out in paragraph (a) of this section. The person seeking to import or to bring in the firearm will be notified of the approval or of the disapproval of the application. If the application is approved, it will be stamped with a permit number and signed by the Director.

An approved ATF F 7570.3 (Form 6—Part I) shall be furnished to the Customs officer at the port of importation to effect release of the firearm from customs custody. The approved ATF F 7570.3 (Form 6—Part I) shall be automatically terminated at the expiration of 6 months from the date of approval or upon completion of a single importation within the period of validity, whichever occurs first. Upon request, the Director may extend the expiration date. If an approved application expires before the described firearm is imported, or if the approved application is unused, suspended, or revoked, the person responsible for the approved application shall return it immediately to the Director with a statement that it has not been used. The

person responsible for importing or bringing in a firearm not covered by an approved application may be subject to civil and criminal liabilities. (See 26 U.S.C. 5861, 5871, and 5872.)

(c) *Other requirements.* (1) Parts 47 and 178 of this chapter also contain requirements and procedures for the importation of firearms into the United States. A firearm may not be imported into the United States under this part unless those requirements and procedures are also complied with by the person importing the firearm.

(2) A person may return a firearm to the United States or any territory under the control or jurisdiction of the United States if he or she can establish to the satisfaction of the U.S. Customs Service that—

(i) The firearm was taken out of the United States or any territory under the control or jurisdiction of the United States by him or her;

(ii) The firearm is registered to him or her; and

(iii) If appropriate, the authorization required by 27 CFR 178.28 for the temporary exportation of the firearm in foreign commerce has been obtained by him or her.

5. Section 179.112 is revised to read as follows:

§ 179.112 Application procedure for registration of imported firearms.

(a) *Application.* Each importer shall prepare on Form 2 (Firearms), in duplicate, an accurate notice of firearms imported by him or her. The notice shall be executed under the penalties of perjury and shall set forth the following:

(1) The name and address of the importer;

(2) The special (occupational) tax stamp and the Federal firearms license identifications;

(3) The date of release from customs custody;

(4) The type, model, length of barrel, overall length, caliber, and gauge or size;

(5) Serial number;

(6) Other marks of identification of the firearm imported;

(7) The place where the imported firearm will be kept.

The importer shall file the original notice with the Director no later than fifteen (15) days from the date the firearm was released from customs custody. The copy of the notice shall be kept with the records required by Subpart I of this part at the premises covered by the importer's special (occupational) tax stamp.

(b) *Registration.* The timely receipt by the Director of Form 2 (Firearms), and of a copy of ATF F 7570.3 (Form 6A) required by § 178.112 of this part and covering the firearm reported on Form 2 (Firearms), shall effect the registration of the firearm to the importer.

(c) *Transfers.* The requirements of this part, relating to the transfer of a firearm, are also applicable to the transfer of the imported firearms.

6. Section 179.122 and the center-head preceding the section are revised to read as follows:

ARMS EXPORT CONTROL ACT

§ 179.122 Requirements.

(a) *Imports.* Persons engaged in the business of importing firearms are required by the Arms Export Control Act of 1976 (22 U.S.C. 2778) to register with the Director. (See 27 CFR Part 47.)

(b) *Exports.* Persons engaged in the business of exporting firearms caliber .22 or larger are subject to the requirements of a license issued by the Secretary of State. Applications for a license, prior to exporting firearms, shall be made to the Office of Munitions Control, Department of State, Washington, D.C. 20520.

(Sec. 38, Pub. L. 94-329, 90 Stat. 774 (22 U.S.C. 2778).)

7. Section 179.142 is revised to read as follows:

§ 179.142 Stolen, lost, or destroyed documents.

When any Forms 1, 2, 3, 4, 5, 10 (Firearms), ATF F 7560.8 and ATF F 7570.3 (Form 6A) which shows possession of a firearm, is stolen, lost, or destroyed, the person losing possession of the document shall immediately report to the Director the circumstances of the theft, loss, or destruction in detail. The report shall also include all known facts which identify the document. The Director will make an investigation, as appropriate, upon receipt of the report and may issue a duplicate document if circumstances warrant.

8. Section 179.193 is revised to read as follows:

§ 179.193 Arms Export Control Act.

See section 38 of the Arms Export Control Act of 1976 (22 U.S.C. 2778), and the regulations in 27 CFR Part 47, for provisions relating to the registration of persons engaged in the business of manufacturing, importing, or exporting arms, ammunition, or implements of war.

(Sec. 38, Pub. L. 94-329, 90 Stat. 774 (22 U.S.C. 2778).)

Signed: February 28, 1978.

REX D. DAVIS,
Director.

Approved: March 16, 1978.

RICHARD J. DAVIS,
Assistant Secretary
of the Treasury.

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