

Emergency Request for Approval of Collections of Information

The Bureau of Alcohol, Tobacco, Firearms and Explosives forwards this request for emergency approval of the collections of information associated with the PACT Act of 2009. The PACT Act was signed into law on March 31, 2010 by President Obama. The PACT Act is in direct response to, among other things, billions of dollars of lost federal, state, and local tax revenue, the unlawful distribution of cigarettes and smokeless tobacco products to minors, and the increasing involvement of terrorists and other criminal groups in illicit tobacco trafficking. Its provisions close numerous gaps in federal law to prevent trafficking in illicit tobacco products. In addition, the effective date for the vast majority of the provisions of the PACT Act is June 29, 2010, only 90 days after enactment.

The PACT Act requires all persons that sell, transfer or ship for profit cigarettes or smokeless tobacco in interstate commerce, whereby such cigarettes or smokeless tobacco are shipped into a State, locality or Indian country of an Indian tribe that taxes the sale or use of cigarettes or smokeless tobacco or who advertises or offers cigarettes or smokeless tobacco for such a sale, transfer or shipment to register with the Attorney General of the United States and the state tobacco tax administrators. Immediate guidance concerning the registration process needs to be available to the individuals affected by the PACT Act. The recommended form would allow the registrant to use the form for this purpose and it will also allow ATF to maintain the information contained on the form as required by the PACT Act. This information is vital since it will be used to create a noncompliance list of delivery sellers that are not in compliance with the PACT Act.

Failure to timely comply with these requirements subjects these sellers to federal felony prosecution and civil fines, as well as civil litigation initiated by state, local and tribal governments pursuant to 15 U.S.C. 377.

For the reasons stated above, there is adequate basis to submit the emergency approval of the collection of information associated with the PACT Act.