

**Department of Justice**

**Bureau of Alcohol, Tobacco, Firearms and Explosives**

**Supporting Statement**

**1140-0006**

**ATF F 6, Part II (5330.3B) Application and Permit for Importation of Firearms, Ammunition and Defense Articles**

A. Justification

1. Importation of firearms, ammunition and defense articles into the United States is subject to the provisions under Title 18 of the Gun Control Act of 1968, U.S.C., Chapter 44, Section 925(d), Title 22 U.S.C., Section 2778, and Title 26 U.S.C., Chapter 53, Section 5844. The statutes are so worded that the importation of articles coming within the purview of the statutes are generally prohibited, except as specifically authorized by the Attorney General. For example, machineguns, destructive devices, and certain other firearms are prohibited from being imported into the United States except for governmental use and certain other purposes. Other restrictions apply to these and other articles coming under the purview of the statutes. Related statutes also require that persons engaged in the business of importing such articles be licensed and/or registered with the Secretary. The implementing regulations (Title 27, Code of Federal Regulations (CFR), Parts 447, 478 and 479) prescribe the forms and procedures necessary to accomplish the import permit requirements. The law establishes a comprehensive system for control of these items through the licensing, registration and permit requirements.

The information on ATF F 6, Part II (5330.3B) is used to determine if the article(s) described on the application qualifies for importation by the importer, and to serve as the authorization for the importer. In addition, information may be disclosed to other Federal, State, foreign and local law enforcement and regulatory agency personnel to verify information on the application and to aid in the performance of their duties with respect to the enforcement and regulation of firearms and/or ammunition where such disclosure is not prohibited by law.

This form has been amended. All references to “Implements of War” have been changed to “Defense Articles”. “Defense article” is the statutory term established in the AECA (22 U.S.C. § 2778(a) (1)). Accordingly, ATF controls the permanent import of defense articles on the USMIL and should ensure that is reflected in/on ATF forms. The changes are as follows:

- Title of Form
- Item #7A
- Penalties of Perjury Statement
- Item #18

Under General Information:

- Item #1, line 3.
- Item #1(b), line 1

- Item #5 line 1 and 6
- Item #9, line 2 and 5
- Item #14, line 4
- Item #16, line 3
- Item #17, line 2
- Item #18, line 3

#### Under Privacy Act Information

- Item #1.
2. The data provided on this form is used by ATF to determine the eligibility for importation of the items listed and also the status of the applicant. The approved form serves as the authorization to U.S. Customs and Border Protection to allow the items into the United States.
  3. This fillable form requires an original signature. Currently the form is available on the internet but it cannot be submitted electronically. The respondent would have to have the capability to sign the form. ATF would also have to have the capability to accept the electronic signature, currently ATF does not have this capability. Individuals with disabilities (508 Compliant) can access this form.
  4. ATF uses a uniform subject classification system to identify duplication and to ensure that any similar information already available cannot be used or modified for use for the purpose of this information collection.
  5. ATF does not use any method to minimize the burden to small businesses since all entities, regardless of size, are required by statute to complete this form.
  6. Less frequent collection of this information would substantially increase the potential possibility for the illegal introduction into domestic commerce of firearms, ammunition, and implements of war. This would pose a threat to the public safety by exacerbating crime and violence, and undermining the declared law enforcement, foreign policy, and/or revenue.
  7. This collection of information is conducted in a manner consistent with the guidelines of 5 CFR 1320.6.
  8. This information collection is a result of Title 18 of the Gun Control Act of 1968. Program staff consulted with ATF's chief counsel to insure that the requirements of the form were in line with the law. A 60-day and 30 day notice was published in the Federal Register to solicit comments from the public, which have been resolved by the responsible Program Office.
  9. No payment or gift is associated with this collection.
  10. Confidentiality is not assured.
  11. No questions of a sensitive nature are asked.
  12. There are 400 respondents and 400 responses for this information collection. Each respondent responds 1 time. ATF estimates that it takes 30 minutes to complete the form. The total burden for this information collection is 200.

13. There is no start-up cost to the respondent. The cost to the respondent has been reviewed and it has been reported that 20% of the forms are received by fax and 80% by mail. The cost of postage for half of the respondents is estimated to be \$156.80

14. The estimated annual cost to the Federal Government is \$4,500 (printing) and \$93,115 for labor. Total cost \$97,615.00.

15. Changes made to the form include all references to Implements of War. The change to Defense Articles will make it easier for applicants to determine importability of their articles.

There was no actual drop in the number of respondents from the previous renewal. However, the Program Office recently realized that the number of Form 6 Part II applications collected were erroneously calculated. Specifically, the 9,000 respondents correspond to the number of Form 6 Part I applications filed, and not Form 6 Part II applications. Since the count did not vary much, it was erroneously used in previous information collection renewals for Form 6 Part II applications. However, since the calculation error was discovered, an accurate count of 400 respondents was obtained for Form 6 Part II applications, and is subsequently noted and documented in this justification.

16. The results of this collection will not be published.

17. ATF does not request approval to not display the expiration date of OMB approval for this information collection.

18. There are no exceptions to the certification statement.

B. This information collection does not employ any statistical methods.