



## DEPARTMENT OF JUSTICE

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

#### 27 CFR Part 478

[Docket No. ATF-2026-0070; ATF No. 2025R-09P]

RIN 1140-AA96

#### Importing Dual-Use Frames, Receivers, or Barrels

**AGENCY:** Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) proposes amending Department of Justice (“Department”) regulations to clarify that federal firearms licensees (“FFLs”) may lawfully import frames, receivers, or barrels that may be used on both sporting and non-sporting firearms (“dual-use frames, receivers, or barrels”) if, at the time imported, there is an identified firearm sporting configuration for the frame, receiver, or barrel. Further, once the frame, receiver, or barrel is in the United States, a dual-use frame, receiver, or barrel may be used to assemble a sporting, non-sporting, or National Firearms Act (“NFA”) firearm, provided assembling such firearm complies with other federal firearms laws.

**DATES:** Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) [INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

**ADDRESSES:** You may submit comments, identified by RIN 1140-AA96, by either of the following methods —

- *Federal e-rulemaking portal: <https://regulations.gov>.* Follow the instructions for submitting comments.
- *Mail: ATF Rulemaking Comments; Mail Stop 6N-518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave, NE; Washington, DC 20226; ATTN: ATF 1140-AA96.*

*Instructions:* All submissions must include the agency name and number (RIN 1140-AA96) for this notice of proposed rulemaking (“NPRM” or “proposed rule”). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, <https://www.regulations.gov>. This includes any personally identifying information (“PII”) or business proprietary information (“PROPIN”) submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking “CUI//PRVCY.” Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as “CUI//PRVCY” for PII, or as “CUI//PROPIN” for PROPIN. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Participation” heading of the SUPPLEMENTARY INFORMATION section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at <https://www.regulations.gov>. Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

**FOR FURTHER INFORMATION CONTACT:** Office of Regulatory Affairs, by

email at [ORA@atf.gov](mailto:ORA@atf.gov), by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave, NE; Washington, DC 20226, or by telephone at 202-648-7070 (this is not a toll-free number).

## **SUPPLEMENTARY INFORMATION:**

### **I. Background**

The Attorney General is responsible for enforcing the Gun Control Act of 1968 (“GCA”), as amended. This responsibility includes the authority to promulgate regulations necessary to enforce the provisions of the GCA.<sup>1</sup> *See* 18 U.S.C. 926(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA to the Director of ATF (“Director”), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2); Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).<sup>2</sup> Accordingly, the Department and ATF have promulgated regulations to implement the GCA in 27 CFR part 478.

In November 2005, ATF published an open letter addressing the importability of barrels that may be used on both sporting and non-sporting firearms (“dual-use barrels”) under section 925(d)(3) and determined that such barrels were importable only if used to assemble importable firearms. *See ATF Open Letter to Federally Licensed Firearms Importers and Registered Importers of U.S. Munitions Import List Articles* (Nov. 22, 2005), <https://www.atf.gov/file/84856/download> [<https://perma.cc/QPD5-45GH>]. While

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<sup>1</sup> Some GCA provisions still refer to the “Secretary of the Treasury.” However, the Homeland Security Act of 2002, Pub. L. 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

<sup>2</sup> In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF’s jurisdiction, including under the National Firearms Act, GCA, and Title XI of the Organized Crime Control Act. ATF’s jurisdiction also includes the Arms Export Control Act and the Contraband Cigarette Trafficking Act.

the 2005 open letter did not specify the barrel's previous use as a factor in this analysis, ATF considered previous use as a factor and denied permits to import barrels that were formerly assembled on non-importable firearms (i.e., NFA, non-sporting, or military surplus firearms). ATF made the sporting determination for the barrel based on the firearm the barrel originated from, not on its ability to be incorporated into a sporting firearm configuration.

After inquiries from importers and based in part on the ubiquitous nature of dual-use barrels, ATF reviewed its interpretation of 18 U.S.C. 925(d) regarding dual-use barrels and rescinded the November 2005 Open Letter on June 23, 2025, when it published ATF Ruling 2025-1.<sup>3</sup>

## **II. Proposed Rule**

ATF is proposing to codify ATF Ruling 2025-1 in the regulations that implement the GCA. Additionally, as ATF Ruling 2025-1 was specific only to dual-use barrels, ATF is proposing to extend the dual-use analysis contained in Ruling 2025-1 to frames and receivers. Section 925(d)(3) makes it unlawful to "import any frame, receiver, or barrel of such firearm which would be prohibited if assembled." As described in further detail below, the statutory inclusion of frames, receivers, or barrels within the same clause within section 925(d)(3) requires a consistent analysis. This proposal is to clarify that (1) a frame, receiver, or barrel may be lawfully imported if, at the time it is imported, there is an identified firearm sporting configuration for the frame, receiver, or barrel, regardless of whether that frame, receiver, or barrel had been previously configured on non-sporting, military surplus, or NFA firearms; and (2) a frame, receiver, or barrel that is imported because there is an identified firearm sporting configuration at the time of importation may be used to assemble a sporting, non-sporting, or NFA firearm, provided

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<sup>3</sup> ATF Ruling 2025-1, *Importing Dual-Use Barrels* (June 23, 2025), <https://www.atf.gov/firearms/docs/ruling/atf-ruling-2025-1-importing-dual-use-barrels/download> [<https://perma.cc/9G4S-BB6R>].

assembling such firearm complies with 18 U.S.C. 922(r) and the NFA, 26 U.S.C. chapter 53, as applicable.

*A. Importing dual-use frames, receivers, or barrels*

The GCA makes it unlawful for any person knowingly to import or bring into the United States any firearm. 18 U.S.C. 922(l). Certain exceptions to this general prohibition are enumerated under section 925(d). Section 925(d)(3) provides that the Attorney General shall authorize a firearm to be imported if it “is generally recognized as particularly suitable for or readily adaptable to sporting purposes” and it does not fall within the definition of a firearm under the NFA or is not a surplus military item. Further, section 925(d)(3) makes it unlawful to import “any frame, receiver, or barrel of such firearm which would be prohibited if assembled.” Even though frames and receivers are included in the definition of “firearm” under 18 U.S.C. 921(a)(3), those that were used on a non-sporting firearm that would otherwise be non-importable under 925(d)(3) may still be imported as a sporting firearm as long as they can be used in a sporting configuration. For example, there are standard AR-15 or AK receivers, which are “firearms” under section 921(a)(3), that can be used on non-sporting firearms. However, this rule would clarify that those frames and receivers may be imported as sporting firearms because they can be used on firearms for which there is a sporting configuration. By contrast, a receiver for a 20mm Lahti, an anti-tank rifle, is not a sporting firearm and also cannot be configured for use on other sporting firearms, therefore this type of receiver cannot be imported because it is not dual use. This frame, receiver, or barrel import restriction is limited to those components of such firearms, i.e., non-sporting, military surplus, and NFA firearms, “which would be prohibited if assembled.” ATF has determined that section 925(d)(3) requires a consistent standard to determine whether a frame, receiver, or barrel may be imported.

ATF has concluded that the plain language of the statute does not require a

distinction between frames, receivers, or barrels that were formerly used on non-importable firearms. Rather, the restriction on importing frames, receivers, or barrels should look to whether the frame, receiver, or barrel may be assembled in a sporting configuration. Thus, if, at the time the item is being imported, there is an identified sporting configuration for which the frame, receiver, or barrel may be used, it is sporting and may be imported. In other words, the frame, receiver, or barrel remains importable, even if there are other non-sporting configurations for which it could be used.

The Attorney General has some discretion, which has been delegated to ATF, within statutory bounds, to determine what is generally recognized as particularly suitable for sporting purposes. *See* 18 U.S.C. 925(d)(3). ATF has tentatively determined that dual-use barrels are particularly suitable for sporting purposes because firearms technology has progressed over the past 20 years.<sup>4</sup> Many parts, including frames, receivers, or barrels, are modular. This modularity allows the same frame, receiver, or barrel to be used in both sporting and non-sporting firearm configurations. Because dual-use frames, receivers, or barrels are now a significantly larger portion of the market than in 2005, ATF is proposing to permit dual-use frames, receivers, or barrels to be lawfully imported.

#### *B. Assembling with dual-use frames, receivers, or barrels*

The post-importation use of frames, receivers, or barrels is addressed in a different section of the GCA, 18 U.S.C. 922(r). That provision does not prohibit using imported frames, receivers, or barrels to assemble non-sporting or NFA firearms. Rather, section 922(r) provides that it “shall be unlawful for any person to assemble from imported parts any semiautomatic rifle or any shotgun which is identical to any rifle or shotgun prohibited from importation under section 925(d)(3).” Section 925(d)(3) and section 922(r) work in conjunction to prevent the importing of non-sporting firearms. It is unlawful to import a non-sporting firearm under 925(d)(3), whereas 922(r) prohibits the

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<sup>4</sup> *See* ATF Ruling 2025-1, p. 2.

domestic assembly of that same non-sporting firearm from imported component parts. This prevents the foreign disassembly; importation of the component parts; and subsequent domestic reassembly of non-sporting firearms. Accordingly, once the frames, receivers, or barrels are determined to have a legitimate sporting use, they may be lawfully imported, and once lawfully imported, they may be used to assemble firearms in compliance with the provisions of section 922(r).

### *C. Proposed changes*

This proposed rule would amend 27 CFR part 478 to clarify frames, receivers, or barrels that may be used on both sporting and non-sporting firearms may be lawfully imported into the United States if, at the time imported, there is an identified firearm sporting configuration for the frame, receiver or barrel, that such items may be used for the lawful assembly of firearms once they are imported. The proposed rule therefore would amend language at § 478.39 pertaining to the regulations on the domestic assembly of non-importable firearms and at §§ 478.112, 478.113, 478.113a, and 478.114 pertaining to the process for importing firearms.

First, the proposed rule would add new paragraph (d) to § 478.39 to clarify that a frame, receiver, or barrel that has been imported because there is an identified firearm sporting configuration at the time it was imported can be used to assemble a sporting or non-sporting or NFA firearm, provided that the assembly of such firearm complies with 18 U.S.C. 922(r), and the NFA, 26 U.S.C. chapter 53, as applicable. This amendment would codify the ATF Ruling 2025-1 determination that once a lawfully imported barrel is in the United States, it can be used to assemble a sporting, non-sporting, or NFA firearm and extend that concept to a frame or receiver, so long as assembly of the firearm complies with 18 U.S.C. 922(r), and the NFA, 26 U.S.C., chapter 53, as applicable.

Second, the proposed rule would amend § 478.112(b)(1)(vii)(F). It currently provides that a licensed importer must explain in the Application and Permit for

Importation of Firearms, Ammunition and Defense Articles (ATF Form 6 Part I (5330.3A) (“ATF Form 6, part I”) why the barrel for a handgun is particularly suitable for or readily adaptable to sporting purposes. The rule would revise paragraph (b)(1)(vii)(F) to provide that if a licensee is importing a frame, receiver, or barrel, the licensee must include on the Form 6, part I an explanation of why the item has a configuration that is generally recognized as particularly suitable for, or readily adaptable to, sporting purposes (e.g., if, at the time it is imported, there is an identified firearm sporting configuration for the frame, receiver, or barrel, regardless of whether that frame, receiver, or barrel had been previously configured on non-sporting firearms, military surplus, or firearms regulated under 27 CFR part 479). The proposed rule would also make a minor amendment to the section heading of § 479.112 from “Importation by a licensed importer” to “Importing by a licensed importer.”

Third, the proposed rule would redesignate current paragraph (a) under § 478.113, which provides the import permit requirements for licensees other than licensed importers. The amendment would redesignate current paragraph (a) as paragraph (a)(1), and add the words frame and receiver in the third and fourth sentences that currently address the specific conditions when handgun barrels may be imported. The rule would also add new paragraph (a)(2) to state: For purposes of importing under this section, a firearm, frame, receiver, or barrel may be considered particularly suitable for or readily adaptable to sporting purposes, if at the time it is imported, there is an identified firearm sporting configuration for the frame, receiver, or barrel, regardless of whether that frame, receiver, or barrel had been previously configured on non-sporting firearms, military surplus, or firearms regulated under 27 CFR part 479.

The proposed rule would further revise § 478.113(b)(1)(vi)(F). It currently provides that a licensee other than an importer must explain in the ATF Form 6, part I why the barrel is particularly suitable for or readily adaptable to sporting purposes. The

amended subparagraph would require that if the licensee is importing a firearm, frame, receiver, or barrel, the ATF Form 6, part I must explain why the frame, receiver, or barrel is generally recognized as particularly suitable for or readily adaptable to sporting purposes. ATF is also proposing minor plain writing and other technical amendments to § 478.113, including updating the section heading from “Importation by other licensees” to “Importing by other licensees,” and to paragraphs (b) and (c), which have no substantive changes, to make the instructions easier to read, reduce passive voice, and update form numbers and names.

Fourth, the proposed rule would amend § 478.113a, which governs importation of firearm barrels by non-licensees.<sup>5</sup> The amendment would redesignate current paragraph (a) as new paragraph (a)(1) and add new paragraph (a)(2) to state: For purposes of importing under this section, a firearm barrel may be considered particularly suitable for or readily adaptable to sporting purposes if, at the time it is imported, there is an identified firearm sporting configuration for the barrel, regardless of whether that barrel had been previously configured on non-sporting firearms, military surplus, or firearms regulated under 27 CFR part 479. ATF is also proposing minor plain writing and other technical amendments to § 478.113a, including updating the section heading from “Importation of firearm barrels by nonlicensees” to “Importing firearm barrels by non-licensees” and revising paragraphs (b) and (c), which have no substantive changes, to make the instructions easier to read, reduce passive voice, and update form numbers and names.

Finally, the proposed rule would amend § 478.114 regarding firearms imported by members of the U.S. Armed Forces. The amendments would redesignate current

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<sup>5</sup> The proposed rule does not add “frame” or “receiver” to § 478.113a as it did with §§ 478.112 and 478.113 pertaining to importing by licensees because the GCA prohibits non-licensees from receiving firearms from out of their state of residence without first receiving it through a licensee. *See* 18 U.S.C. 922 (a)(2)–(3), (a)(5).

paragraph (a) as paragraph (a)(1), and add new paragraph (a)(2) to state: For purposes of this section, a frame or receiver may be considered particularly suitable for or readily adaptable to sporting purposes if, at the time it is imported, there is an identified firearm sporting configuration for the frame or receiver, regardless of whether it had been previously configured on non-sporting firearms, military surplus, or firearms regulated under 27 CFR part 479. The proposed rule also would redesignate current paragraphs (a)(1) as paragraph (b)(1) and the current paragraph (a)(2) as paragraph (b)(2); redesignate current paragraph (b) as paragraph (c); and redesignate current paragraph (c) as paragraph (d). Additionally, ATF is also proposing minor plain writing and other technical amendments to § 478.114, including updating the section heading from “Importation by members of the U.S. Armed Forces” to “Importing by members of the U.S. Armed Forces” and to paragraphs (b), (c), and (d) as redesignated by this proposed rule which have no substantive changes, to make the instructions easier to read, reduce passive voice, and update form numbers and names

### **III. Statutory and Executive Order Review**

#### *A. Executive Orders 12866 and 13563*

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

This rule amends provisions in 27 CFR part 478 to clarify lawfully importing and assembling dual-use frames, receivers, or barrels. These amendments would extend and codify the existing process ATF uses under ATF Ruling 2025-1 for importing and assembling with dual-use barrels and further extends such analysis to dual-use frames and

receivers.

The Office of Management and Budget (“OMB”) has determined that, although this proposed rule would not be economically significant under section (3)(f)(1) of Executive Order 12866, this proposed rule would be a “significant regulatory action” under the Order. OMB has therefore reviewed this rule. This rulemaking provides qualitative benefits to various groups within the firearms industry, as described below, by providing more flexibility in complying with statutes and existing regulatory standards, but ATF does not have sufficient information to calculate quantifiable savings.

The regulatory flexibility provided by this proposed rule may apply to 1,666 importers (Type 08 FFLs) because they now have greater sources for frames, receivers, and barrels, but also 21,499 (Type 07 FFLs) domestic manufacturers to the extent that domestic manufacturers may use a subset of foreign components (regulated and non-regulated) to complete the manufacture of a complete weapon, which may ultimately reduce their overall cost to manufacture a firearm. Furthermore, sellers of firearms parts or components (e.g., sellers of firearm barrels) may also benefit in that they have more options from which they can acquire barrels that they would now be able to sell on the market.

However, an unknown subset of domestic manufacturers may be adversely affected with increased competition of frames, receivers, or barrels that come in from abroad. ATF does not regulate manufacturers of firearm parts or components such as barrels. They do not need to apply for a federal firearms license nor abide by any record keeping requirements that ATF enforces. While manufacturers of frames or receivers would be FFLs because those are firearms under the law, ATF is unable to determine from license applications the specific models or types of firearms a licensee would produce. Thus, ATF does not have any additional information on these companies, much less their overall revenue or the accessories (or firearms parts) that they may

manufacture.

To the extent that this rule may benefit or adversely affect these types of companies, ATF requests more information from the public regarding the potential economic effects that this rulemaking may have on the ATF regulated industries, such as importers and manufacturers, and on non-regulated firearms industries, such as manufacturers or retailers of firearm parts or components. Specifically, ATF is interested in learning whether there are domestic companies that only manufacture frames, receivers, or barrels. If so, ATF would like to know how this proposed rule could affect your overall business and revenue. ATF is also interested in learning from importers about how they may be positively or negatively affected by this rule. ATF is also soliciting comment from domestic firearms manufacturers if there are benefits they would incur from having more imported sources of dual-use frames, receivers, or barrels. For example, ATF is interested to know if domestic firearms manufacturers might save on costs incurred to produce complete weapons if they had access to more imported frames, receivers, barrels, or if they would alter certain business practices.

ATF considered various alternatives, including maintaining the status quo. Maintaining the status quo would allow the continued importing of dual-use barrels based on the existing ruling issued in 2025. However, the ruling did not address dual-use frames or receivers. ATF considered continuing this alternative and rejected it because other alternatives provide greater flexibility at the same cost and because there was no statutory basis to treat dual-use frames or receivers different from dual-use barrels.

ATF considered issuing updated guidance to allow for the importing of dual-use frames and receivers in addition to the guidance to allow dual-use barrels. While ATF could issue new interpretive guidance instead of a regulation, guidance does not have the force and effect of regulation; therefore, ATF did not proceed with this alternative.

ATF considered putting forth this proposed rule to revise its importing regulations to

make clear that frames, receivers, or barrels may be imported by licensees so long as, if at the time they are imported, there is an identified sporting configuration for the frames, receivers, or barrels regardless of whether those frames, receivers, or barrels had been previously configured on non-sporting or NFA firearms previously. This proposed rule also made this analysis clear, as applicable, with respect to non-licensees importing barrels and members of the U.S. Armed Forces bringing frames or receivers back into the United States under certain conditions. This alternative was accepted because it has the force and effect of law and provides greater flexibility for members of the regulated firearms community and non-regulated members of the firearms community.

*B. Executive Order 14192*

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice-and-comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M-25-20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. However, although it would be a significant regulatory action as defined by Executive Order 12866, this proposed rule would not be an Executive Order 14192 regulatory action because it would not impose total costs greater than zero. This proposed rule would expand the kinds of frames, receivers, or barrels that importers could bring into the country. It would impose no costs. In addition, ATF expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined by OMB Memorandum M-25-20 as a final action that

imposes total costs less than zero).

*C. Executive Order 14294*

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

*D. Executive Order 13132*

This proposed rule would not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

*E. Executive Order 12988*

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

*F. Regulatory Flexibility Act*

Under the Regulatory Flexibility Act (“RFA”), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the head agency certifies, including a statement of the factual basis, that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and

operated and are not dominant in their fields, and governmental jurisdictions with populations of fewer than 50,000.

ATF performed an initial regulatory flexibility analysis of the potential impacts on small businesses and other entities that would occur due to this proposed rule, if finalized as proposed.

### **Initial Regulatory Flexibility Analysis (“IRFA”)**

The RFA establishes “as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to ensure that such proposals are given serious consideration.” Pub. L. 96-354, sec. 2(b), 94 Stat. 1164 (1980).

Under the RFA, the agency is required to consider whether the proposed rule would have a significant economic impact on a substantial number of small entities. Agencies must perform a review to determine whether the proposed rule would have such an impact. If the agency determines that it would, the agency must prepare an IRFA (or a regulatory flexibility analysis for a final rule) as described in the Act. ATF prepared the following IRFA assessing the proposed rule’s impact on small entities.

#### **1. Describing the reasons why the agency is considering taking action**

ATF is proposing this rule to increase the types of frames, receivers, or barrels available to the public, which would also benefit importers with more range and sources for income, and consumers with more options. ATF does not anticipate this rule creating significant economic cost for small entities, as this rule would have deregulatory savings that would be beneficial to FFLs importing firearms and firearm parts.

#### **2. Succinctly stating the objectives of, and legal basis for, the proposed rule**

The objective of this proposed rulemaking is to reduce the regulatory burden on importers and the public by streamlining requirements to allow dual-use frames, receivers, or barrels to be imported for use on GCA or NFA firearms.

### **3. Describing and, where feasible, estimating the number of small entities to which the proposed rule would apply**

Based on ATF's Federal Firearms Licensing Center, there are 1,666 FFL importers (Type 08 FFLs) that could be impacted by this rule. Most FFLs are considered small businesses as defined by the Small Business Administration. Assuming that Type 08 FFL importers track the size of FFLs more generally, the majority of these importers are likely to be small businesses, per the Small Business Administration's size standard, because the majority of FFLs are small businesses. However, this rule is deregulatory and the 1,666 FFL importers that could be impacted by this rule would benefit due to increased opportunities as they would have more foreign sources from which to acquire frames, receivers, or barrels. This rule may also have a potential benefit to approximately 21,499 firearms manufacturers (Type 07s FFLs) to the extent that they import a subset of their components (such as the frame or receiver or barrel) rather than manufacture those same components domestically. To the extent that these domestic manufacturers import certain parts of their firearms in order to manufacture a whole firearm, having additional sources of firearm parts may reduce their overall expenditures in the overall manufacture of the firearm.

However, this proposed rule may indirectly and adversely affect an unknown subset of firearm parts/components companies that only manufacture or sell frames, receivers, or barrels to the public. These firearms parts/component companies are not required to apply for a firearms license in order to manufacture or sell these items, and ATF does not know the extent or size of this industry that would otherwise be indirectly or adversely affected by this proposed rule. As mentioned above in section III.A of this

preamble, ATF requests public comment from regulated and non-regulated firearms industry members.

While the majority of these manufacturers are also likely to be small, it is unlikely that the majority of these manufacturers sell only frames, receivers, or barrels and do not deal or otherwise retail in whole firearms; therefore, the overall indirect effect to these manufacturers may be small. ATF requests public comment regarding the overall impact to manufacturers of firearms, particularly those that deal only in frames, receivers, or barrels.

**4. Describing the proposed rule's projected reporting, record-keeping, and other compliance requirements, including an estimate of the classes of small entities which would be subject to the requirement and the type of professional skills necessary to prepare the report or record**

There are no additional requirements or costs imposed by this proposed rule. This rule would remove costs and burdens on the regulated industry.

**5. Identifying, to the extent practicable, all relevant federal rules which might duplicate, overlap, or conflict with the proposed rule**

This proposed rule would not duplicate or conflict with other federal rules.

**6. Describing any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact the proposed rule might have on small entities**

ATF considered the alternative of maintaining the status quo, which is either to continue restricting the import of dual-use frames, receivers, or barrels or to continue to rely on the existing guidance that only applies to dual-use barrels. However, the stated objective would not be achieved. This regulation is the only way to achieve the goal of allowing for the import of dual-use frames, receivers, and barrels.

The Director certifies, after consideration, that this proposed rule would not have

a significant economic impact on a substantial number of small entities. This proposed rule is deregulatory and would not impose any additional costs.

*G. Unfunded Mandates Reform Act of 1995*

This proposed rule would not include a federal mandate that might result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it would not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

*H. Paperwork Reduction Act of 1995*

Under the Paperwork Reduction Act of 1995 (“PRA”), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). This proposed rule involves three information collections under the PRA. These information collections, OMB control number 1140-0005, ATF Form 5330.3A, Application/Permit to Import Firearms, Ammunition, and Defense Articles (“Form 6, part I”), OMB control number 1140-0006, ATF Form 5330.3B, Application and Permit to Import Firearms, Ammunition, and Defense Articles (“Form 6, part II”), and OMB control number 1140-0007, ATF Form 5330.3C, Releasing/Receiving Imported Firearms, Ammunition, and Defense Articles (“Form 6A”).

Impacted ICR 1

*Title:* ATF Form 5330.3A, Application/Permit to Import Firearms, Ammunition, and Defense Articles (“Form 6, part I”)

*OMB control number:* 1140-0005

*Summary of the information collection:* Importation of firearms, ammunition, and defense

articles into the United States is subject to the provision of 18 U.S.C. 925(d) and (e), 22 U.S.C. 2778, and 26 U.S.C. 5844. Except as provided, or specifically authorized by the Attorney General, the importation of articles coming within the purview of these statutes is restricted or prohibited. In general, the importation of firearms is permitted only if the firearms meet certain criteria and the Attorney General authorizes the importation.

*Need for information and proposed use:* Data provided on the Form 6, part 1 allows ATF to determine if the article(s) described on the application qualify for importation by the importer. It also serves as authorization for the importer. The approved form also serves as authorization for U.S. Customs and Border Protection to allow the listed articles entry into the United States. Many importers use the form for internal accounting purposes. Information may be disclosed to other federal, state, foreign, and local law enforcement and regulatory agency personnel, to verify information on the application. Disclosure also aids them in the performance of their duties regarding the enforcement and regulation of firearms and/or ammunition, where such disclosure is not prohibited by law. The licensee is required to retain this form permanently.

*Description of the respondents affected by this proposed rule:* Importers and manufactures

*Number of respondents:* 23,165 importers and manufacturers

*Frequency of response:* As needed

*Number of responses:* This proposed rule would increase the number of responses by an unknown amount.

*Response time estimate:* 0.5 hours

*Burden of response:* This proposed rule would decrease hourly burden by an unknown amount.

*Title:* ATF Form 5330.3B, Application and Permit to Import Firearms, Ammunition, and Defense Articles (“Form 6, part II”)

*OMB control number:* 1140-0006

*Summary of the information collection:* 18 U.S.C. 925(a)(4) permits the Attorney General to authorize, under certain conditions, a member of the U.S. Armed Forces on active duty outside the U.S. (or who has been on active duty outside the United States within the sixty-day period immediately preceding the importation) to import firearms and ammunition into the U.S. The implementing regulations at 27 CFR 478.114 prescribe the forms and procedures necessary to accomplish the import permit requirements.

*Need for information and proposed use:* ATF uses this information collection to verify the applicant’s status as a member of the Armed Forces and to determine whether the article(s) listed on the application are allowed to be imported. The approved application then serves as a permit for the applicant to import the article(s) described on the form.

*Description of the respondents affected by this proposed rule:* Members of the U.S. Armed Forces

*Number of respondents:* 312

*Frequency of response:* As needed

*Response time estimate:* 0.5 hours

*Burden of response:* This proposed rule may increase the total hourly burden by an unknown amount.

Impacted ICR 3

*Title:* ATF Form 5330.3C, Release and Receipt of Imported Firearms, Ammunition, and Defense Articles (“Form 6A”)

*OMB control number:* 1140-0007

*Summary of the information collection:* Under 18 U.S.C. 925(a), 22 U.S.C. 2778, and 26

U.S.C. 5844, the importation of firearms, ammunition and defense articles into the United States is restricted. The importation of articles coming within the purview of these statutes is prohibited. The statutes also require that persons engaged in the business of importing such articles be licensed and/or registered. Implementing regulations in 27 CFR Parts, 447, 478, and 479, prescribe the forms and procedures necessary to fulfill the import permit requirements. Through these requirements, the law and regulations establish a comprehensive system for regulating the importation of firearms, ammunition, and defense articles.

*Need for information and proposed use:* The data provided by this information collection request are used by ATF to determine if articles imported meet the statutory and regulatory criteria for importation and if the articles shown on the permit application have actually been imported. ATF Form 6A serves as the certification of release and receipt of the articles described on the permit application.

*Description of the respondents affected by this proposed rule:* FFLs (registered importers, FFLs other than importers), members of the U.S. Armed Forces, and persons not licensed by or registered with ATF

*Number of respondents:* 23,165 importers and manufacturers

*Frequency of response:* As needed

*Response time estimate:* 0.583 hours

*Burden of response:* This proposed rule would increase the total hourly burden by an unknown amount.

#### **IV. Public Participation**

##### *A. Comments sought*

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be made easier to understand. In addition, ATF requests comments on the costs or benefits

of the proposed rule, specifically about the benefits or reduced burdens on importers who would be able to import dual-use frames, receivers, or barrels if the rule is finalized, and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140-AA96 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on <https://www.regulations.gov>. However, if you include such personally identifying information (PII) in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, "Confidentiality," regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record, but will not publish such documents on <https://www.regulations.gov>. ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment. ATF will carefully consider all comments, as appropriate, received on or before the closing date.

#### *B. Confidentiality*

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with “CUI//PRVCY” at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140-AA96. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF information identified as proprietary or confidential business information by mail. To request that ATF handle this information as controlled unclassified information (“CUI”), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked “CUI//PROPIN” at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives, but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it

as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

### *C. Submitting comments*

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at <https://www.regulations.gov> and follow the instructions. Comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that is provided after you have successfully uploaded your comment.
- *Mail:* Send written comments to the address listed in the ADDRESSES section of this document. Written comments must appear in minimum 12-point font size, include the commenter's first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, "Confidentiality."

### *D. Request for hearing*

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

## **Disclosure**

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at <https://www.regulations.gov> (search for RIN 1140-AA96).

## **Severability**

Consistent with the Administrative Procedure Act, the issues raised in this proposed rule may be finalized, or not, independently of each other, after consideration of comments received. ATF has determined that this proposed rule implements and is fully consistent with governing law. However, in the event this proposed rule is finalized, if any provision of that final rule, an amendment or revision made by that rule, or the application of such provision or amendment or revision to any person or circumstance, is held to be invalid or unenforceable by its terms, the remainder of that final rule, the amendments or revisions made by that rule, and application of the provisions of the rule to any person or circumstance shall not be affected and shall be construed so as to give them the maximum effect permitted by law.

## **List of subjects in 27 CFR part 478**

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel, Penalties, Reporting and record-keeping requirements, Research, Seizures and forfeitures, Transportation.

For the reasons discussed in the preamble, the ATF proposes to amend 27 CFR part 478 as follows:

### **PART 478—COMMERCE IN FIREARMS AND AMMUNITION**

1. The authority citation for 27 CFR part 478 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

2. Amend § 478.39 by revising the heading and adding a new paragraph (d), to read as follows:

#### **§ 478.39 Assembling semiautomatic rifles or shotguns.**

\* \* \* \* \*

(d) A frame, receiver, or barrel that is imported because there is an identified

firearm sporting configuration at the time of importation may be used to assemble a sporting or non-sporting firearm, or a firearm regulated under 27 CFR part 479, provided assembling such firearm complies with 18 U.S.C. 922(r), and the NFA, 26 U.S.C. chapter 53, as applicable.

3. Amend § 478.112 by revising the heading and paragraph (b)(1)(vii)(F) to read as follows:

**§ 478.112 Importing by a licensed importer.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(vii) \* \* \*

(F) If a frame, receiver, or barrel, an explanation of why the frame, receiver, or barrel has a configuration that is generally recognized as particularly suitable for or readily adaptable to sporting purposes (*e.g.*, if, at the time it is imported, there is an identified firearm sporting configuration for the frame, receiver, or barrel, regardless of whether that frame, receiver, or barrel had been previously configured on non-sporting firearms, military surplus, or firearms regulated under 27 CFR part 479).

\* \* \* \* \*

4. Revise § 478.113 to read as follows:

**§ 478.113 Importing by other licensees.**

(a)(1) No person other than a licensed importer (as defined in § 478.11) may engage in the business of importing firearms or ammunition. Therefore, no firearm or ammunition may be imported or brought into the United States or a possession thereof by any licensee other than a licensed importer unless the Director issues a permit authorizing the licensee to import the firearm or ammunition. No person may import or bring into the United States or a possession thereof a frame, receiver, or barrel not generally recognized

as particularly suitable for or readily adaptable to sporting purposes. Therefore, no frame, receiver, or barrel shall be imported or brought into the United States or possession thereof by any licensee other than a licensed importer unless the Director issues a permit authorizing the licensee to import the frame, receiver, or barrel.

(2) For purposes of importing under this section, a frame, receiver, or barrel may be considered particularly suitable for or readily adaptable to sporting purposes if, at the time it is imported, there is an identified firearm sporting configuration for the frame, receiver, or barrel, regardless of whether that frame, receiver, or barrel had been previously configured on non-sporting firearms, military surplus, or firearms regulated under 27 CFR part 479.

(b)(1) The licensee must submit an application for a permit, ATF Form 5330.3A, Application/Permit to Import Firearms, Ammunition, and Defense Articles, to import or bring a firearm, firearm barrel, or ammunition into the United States or a possession thereof in triplicate to the Director. The licensee must sign and date the application and must include the information requested on the form, including:

(i) Licensee's name, address, telephone number, and license number (including expiration date);

(ii) Country from which importing;

(iii) Foreign seller and foreign shipper's name and address;

(iv) Description of the firearm, firearm barrel, or ammunition being imported, including:

(A) Manufacturer's name and address;

(B) Type (*e.g.*, rifle, shotgun, pistol, revolver and, in the case of ammunition only, ball, wadcutter, shot, etc.);

(C) Caliber, gauge, or size;

(D) Model;

(E) Barrel length, if a firearm or firearm barrel (in inches);

(F) Overall length, if a firearm (in inches);

(G) Serial number, if known;

(H) Whether the firearm is new or used;

(I) Quantity;

(J) Firearm, firearm barrel, or ammunition's unit cost;

(v) Specific purpose for importing, including final recipient information if different from the applicant; and

(vi)(A) If a firearm or ammunition imported or brought in for scientific or research purposes, a statement describing such purpose; or

(B) If a firearm or ammunition for competition or training pursuant to 10 U.S.C. chapter 401, a statement describing such intended use; or

(C) If an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece; or

(D) If a firearm other than a surplus military firearm, of a type that does not fall within the definition of a firearm under 26 U.S.C. 5845(a), and is for sporting purposes, an explanation of why the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes; or

(E) If ammunition being imported for sporting purposes, a statement why the ammunition is particularly suitable for or readily adaptable to sporting purposes; or

(F) If a frame, receiver, or barrel, an explanation of why the frame, receiver, or barrel is generally recognized as particularly suitable for or readily adaptable to sporting purposes.

(2)(i) If the Director approves the application, it serves as a permit to import the firearm, firearm barrel, or ammunition, and the licensee may continue to import such

firearms, firearm barrels, or ammunition under the approved application (permit) during the permit's specified period. The Director will furnish the approved application (permit) to the licensee and retain two copies for administrative use.

(ii) If the Director disapproves the application, ATF will notify the licensee of the reason.

(c) A firearm, firearm barrel, or ammunition imported or brought into the United States or a possession thereof under the provisions of this section by a licensee may be released from Customs custody to the licensee when the licensee presents a permit from the Director to release the imported firearm, firearm barrel, or ammunition.

(1) The licensee must prepare ATF Form 5330.3C, Release/Receipt of Imported Firearms, Ammunition, and Defense Articles ("Form 6A"), in duplicate, and furnish the original Form 6A to the Customs officer releasing the firearm, firearm barrel, or ammunition. The Customs officer will, after certification, send the Form 6A to the address specified on the form.

(2) The Form 6A must contain the information requested on the form, including the:

(i) Licensee's name, address, and license number;

(ii) Manufacturer's name;

(iii) Country in which manufactured;

(iv) Type;

(v) Model;

(vi) Caliber, gauge, or size;

(vii) Serial number in the case of firearms; and

(viii) Number of firearms, firearm barrels, or rounds of ammunition released.

(Paragraph (b) approved by the Office of Management and Budget under control number 1140-0005; paragraph (c) approved by the Office of Management and Budget under

control number 1140-0007)

5. Revise § 478.113a to read as follows:

**§ 478.113a Importing firearm barrels by non-licensees.**

(a)(1) A permit will not be issued for a firearm barrel not generally recognized as particularly suitable for or readily adaptable to sporting purposes. No non-licensee may import or bring into the United States or a possession thereof any firearm barrel unless the Director issues a permit authorizing the non-licensee to import the firearm barrel.

(2) For purposes of importing under this section, a firearm barrel may be considered particularly suitable for or readily adaptable to sporting purposes if, at the time it is imported, there is an identified firearm sporting configuration for the barrel, regardless of whether that barrel had been previously configured on non-sporting firearms, military surplus, or firearms regulated under 27 CFR part 479.

(b)(1) The non-licensee must submit an application for a permit, ATF Form 5330.3A, Application/Permit to Import Firearms, Ammunition, and Defense Articles, to import or bring a firearm barrel into the United States or a possession thereof, in triplicate, to the Director. The non-licensee must sign and date the application and must include the information requested on the form, including:

- (i) Non-licensee's name, address, and telephone number;
- (ii) Country from which importing;
- (iii) Foreign seller and foreign shipper's name and address;
- (iv) Description of the firearm barrel being imported, including:
  - (A) Manufacturer's name and address;
  - (B) Type (e.g., rifle, shotgun, pistol, revolver);
  - (C) Caliber, gauge, or size;
  - (D) Model;
  - (E) Barrel length (in inches);

(F) Quantity;

(J) Firearm barrel's unit cost;

(v) Specific purpose for importing, including final recipient information if different from the non-licensee; and

(vi) An explanation of why the barrel is generally recognized as particularly suitable for or readily adaptable to sporting purposes.

(2)(i) If the Director approves the application, it serves as a permit to import the firearm barrel, and the non-licensee may continue to import such firearm barrels under the approved application (permit) during the permit's specified period. The Director will furnish the approved application (permit) to the non-licensee and retain two copies for administrative use.

(ii) If the Director disapproves the application, ATF will notify the non-licensee of the reason.

(c) A firearm barrel imported or brought into the United States or a possession thereof under the provisions of this section by a non-licensee may be released from Customs custody to the person importing the barrel when the person presents a permit from the Director to release the imported firearm barrel.

(1) The person importing the barrel must prepare ATF Form 5330.3C, Release/Receipt of Imported Firearms, Ammunition, and Defense Articles ("Form 6A"), in duplicate, and furnish the original Form 6A to the Customs officer releasing the firearm barrel. The Customs officer will, after certification, send the Form 6A to the address specified on the form.

(2) The Form 6A must contain the information requested on the form, including the:

(i) Person importing the form's name, address, and license number;

(ii) Manufacturer's name;

(iii) Country in which manufactured;

(iv) Type;

(v) Model;

(vi) Caliber, gauge, or size; and

(viii) Number of firearm barrels released.

(Paragraph (b) approved by the Office of Management and Budget under control number 1140-0005; paragraph (c) approved by the Office of Management and Budget under control number 1140-0007)

6. Revise § 478.14 to read as follows:

**§ 478.114 Importing by members of the U.S. Armed Forces.**

(a)(1) The Director may issue a permit authorizing the importation of a firearm or ammunition into the United States to the place of residence of any military member of the U.S. Armed Forces who is on active duty outside the United States, or who has been on active duty outside the United States within the 60-day period immediately preceding the intended importation: *Provided*, That such firearm or ammunition is generally recognized as particularly suitable for or readily adaptable to sporting purposes and is intended for the personal use of such member.

(2) For purposes of this section, a frame or receiver may be considered particularly suitable for or readily adaptable to sporting purposes if, at the time it is imported, there is an identified firearm sporting configuration for the frame or receiver, regardless of whether it had been previously configured on non-sporting firearms, military surplus, or firearms regulated under 27 CFR part 479.

(b)(1) Military members must submit to the Director an ATF Form 5330.3B, Application/Permit to Import Firearms, Ammunition, and Defense Articles (Military) (“Form 6, part II”) in triplicate, to import a firearm or ammunition into the United States under this section. The military members must sign and date the application and must

provide the information requested on the form, including:

(i) Applicant's name, current address, and telephone number;

(ii) Certification that transporting, receiving, or possessing the firearm or ammunition would not violate any provision of the Act or any state law or local ordinance where the applicant resides;

(iii) Country from which importing;

(iv) Foreign seller or shipper's name and address;

(v) Description of the firearm or ammunition being imported, including:

(A) Manufacturer's name and address;

(B) Type (*e.g.*, rifle, shotgun, pistol, revolver and, in the case of ammunition only, ball, wadcutter, shot, etc.);

(C) Caliber, gauge, or size;

(D) Model;

(E) Barrel length, if a firearm (in inches);

(F) Overall length, if a firearm (in inches);

(G) Serial number;

(H) Whether the firearm is new or used;

(I) Quantity;

(J) Firearm or ammunition's unit cost;

(vi) Statement of specific purpose for importing, which is —

(A) For the applicant's personal use; and

(B) If a firearm, that it is not a surplus military firearm, that it does not fall within the definition of a firearm under 26 U.S.C. 5845(a), and why the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes;  
or

(C) If ammunition, why it is generally recognized as particularly suitable

for or readily adaptable to sporting purposes;

(vii) Applicant's birthdate;

(viii) Applicant's rank or grade;

(ix) Applicant's residence address;

(x) Applicant's present foreign duty station or last foreign duty station, as the case may be;

(xi) Date applicant was reassigned to a duty station within the United States, if applicable; and

(xii) Applicant's military branch.

(2)(i) If the Director approves the application, it serves as a permit to import the firearm or ammunition. The Director will furnish the approved application (permit) to the applicant and retain two copies for administrative use.

(ii) If the Director disapproves the application, ATF will notify the applicant of the reason.

(c) Except as provided in paragraph (c)(3) of this section, a firearm or ammunition imported into the United States under the provisions of this section by the applicant may be released from Customs custody to the applicant when the applicant presents a permit from the Director to release the imported firearm or ammunition.

(1) The military member must prepare ATF Form 5330.3C, Release/Receipt of Imported Firearms, Ammunition, and Defense Articles ("Form 6A") and furnish the completed form to the Customs officer releasing the firearm or ammunition. The Customs officer will, after certification, send the Form 6A to the address specified on the form.

(2) The Form 6A must contain the information requested on the form, including the:

(i) Military member's name and address;

- (ii) Manufacturer's name;
- (iii) Country in which manufactured;
- (iv) Type;
- (v) Model;
- (vi) Caliber, gauge, or size;
- (vii) Serial number in the case of firearms; and
- (viii) If applicable, number of firearms or rounds of ammunition released.

(3) When military members are on active duty outside the United States, they may appoint, in writing, an agent to complete the requirements in paragraphs (c)(1) and (2) of this section and collect the firearm or ammunition on their behalf. The agents must provide the written authorization and sufficient identification documents to the Customs officer releasing the firearm or ammunition.

(d) Department of Defense provisions and procedures may authorize U.S. military members to import firearms the Department of Defense determines to be war souvenirs.

(Paragraph (b) approved by the Office of Management and Budget under control number 1140-0006; paragraph (c) approved by the Office of Management and Budget under control number 1140-0007)

**Robert Cekada,**  
*Director.*

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