



F.A.I.R.

Firearms & Ammunition Import/Export Roundtable

July 15, 2019

Via docpra@doc.gov

Attn: Jennifer Jessup
Departmental Paperwork Clearance Officer
Department of Commerce
1401 Constitution Ave., NW, Room 6616
Washington, DC 20230

Subject: Proposed Information Collection, International Import Certificate
Form BIS-645P
OMB Control No. 0694-0017

Dear Ms. Jessup:

The purpose of this letter is to provide comments to the proposed information collection on the International Import Certificate, Form BIS-645P (OMB Control No. 0694-0017), which the Bureau of Industry and Security (BIS) published in the *Federal Register* on May 15, 2019 (84 FR 21751).

The F.A.I.R. Trade Group ("F.A.I.R.") is a nonprofit organization dedicated to protecting the interests of the firearms and ammunition import and export communities. F.A.I.R. works with many U.S. government agencies, including the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the U.S. Department of State, Directorate of Defense Trade Controls (DDTC), and the Department of Commerce, Bureau of Industry and Security (BIS) to provide solutions to the concerns of F.A.I.R. members. Our membership includes importers and exporters of firearms, ammunition, and other defense and dual-use articles who rely on licenses issued by ATF, DDTC, and BIS. Members provide equipment to domestic law enforcement agencies and the U.S. military who require such items to carry out their public safety and national security missions and sell the articles they import to distributors for general commercial sale. A number of our members also produce firearms and ammunition that are exported to foreign governments for their national defense, consistent with the foreign policy of the United States.

F.A.I.R. welcomes the opportunity to provide comment on the International Import Certificate, Form BIS-645P ("IIC"), and we draw your attention to a petition we submitted on January 19, 2018, in which we requested the validity period of an approved IIC be extended from six months to 24 months. We restate the arguments of our January 2018 petition herein, and also provide additional comments to enhance the quality, utility and clarity of the information to be collected on the form.

Before we begin, we note that the IIC currently available on the BIS website is outdated. Both ATF and the Department of State submitted comments to the IIC in 2014 and 2008, respectively (available at the Office of Information and Regulatory Affairs, Office of Management and Budget

website at https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201407-0694-003). On September 23, 2014, OMB issued a notice of approval for a revised form (ICR Reference Number 201407-0694-003) (see <https://www.reginfo.gov/public/do/DownloadNOA?requestID=260111>). However, the form on the BIS website appears to predate any of the 2014 changes (<https://www.bis.doc.gov/index.php/documents/just-licensing-forms/806-bis-645p-international-import-certificate-1/file>). Accordingly, we request that BIS use the IIC approved in 2014 as the baseline for the proposed information collection review related to OMB Control No. 0694-0017.

Our additional comments to the IIC are as follows:

I. Extension of Validity Period to 24 Months

The IIC is a shared form used by BIS and the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) to provide certification to foreign governments that items covered by an IIC will be imported into the United States and will not be reexported, except as authorized by U.S. export control regulations. ATF issues IICs for items on the U.S. Munitions Import List (USMIL) being permanently imported under the authority of an approved ATF Form 6 – Part 1, *Application and Permit for Importation of Firearms, Ammunition and Defense Articles* (5330.3A) (the “Form 6 Permit”), or a permit exemption, and BIS issues IICs for certain items subject to the EAR and items on the U.S. Munitions List that do not appear on the USMIL.¹

Supplement No. 5 to Part 748 of the Export Administration Regulations (“EAR”), *U.S. Import Certificate and Delivery Verification Procedure*, outlines the process by which U.S. Importers can obtain an IIC from BIS, as well as the validity period for the document. Specifically, paragraph (a)(3) of Supplement No. 5 states “the U.S. International Import Certificate must be submitted to the foreign government within six months from the date of certification by the U.S. Department of Commerce.” Further, the IIC itself states “this document ceases to be valid unless presented to the competent foreign authorities within six months from its date of issue.”

F.A.I.R. proposes BIS amend the regulations in 15 C.F.R. Part 748, Supplement No. 5 and update the IIC to extend the validity period to **24 months** to make the form consistent with the validity period of the Form 6 Permit, which ATF extended in 2014. See ATF Final Rule extending the term of import permits, Docket No. ATF 26F; AG Order No. 3417-2014, published in 79 Fed. Reg. 7392 (Feb. 7, 2014). Reconciling the IIC with the Form 6 will reduce paperwork for ATF and BIS and will harmonize interagency review while continuing to provide appropriate oversight of international transactions.

Further, we make this request to extend the validity period of the IIC to 24 months as the current six-month term is often too short for the importer to realistically complete a transaction, thus frequently forcing the importer to submit requests for a second IIC to support the exact same transaction. This duplicative paperwork causes an unnecessary burden on the agencies, delays for

¹ The U.S. Department of State also participated in the IIC (identified as Form DSP-53) until May 17, 2012, when the agency ceased accepting submissions of the IIC. See 77 Fed. Reg. 22668 (Apr. 17, 2012).

the importing community, and often confuses our overseas customers when a replacement IIC is provided in the middle of a transaction. Having to seek multiple IICs for the same transaction muddles the transaction and provides no administrative or law enforcement benefit.

II. Cleanup Changes

Pursuant to the Department of State Final Rule published on April 17, 2012, references to the Department of State as one of the agencies responsible for the IIC should be removed. In addition, all references to ATF should be updated to reflect the correct name as the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. These changes should already be incorporated into the IIC pursuant to the OMB approval on ICR Reference Number 201407-0694-003.

In addition, this form is currently formatted to print on 8.5 x 14in. We recommend reformatting the form for 8.5x11 in. paper and to allow for electronic submission to the respective reviewing agency.

We thank the Department of Commerce for the opportunity to comment on the proposed information collection process. Should you have any questions or require additional information as you review public comments received, please do not hesitate to contact me at 202-587-2709 or execdir@fairtradegroup.org.

Sincerely,



Johanna E. Reeves
Executive Director