



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Director

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OPEN LETTER TO ALL FEDERAL FIREARMS LICENSEES

The purpose of this letter is to provide you guidance on the use and acceptance of electronically transmitted permanent change of station (PCS) military orders to establish a transferee's State of residence.

The Bureau of Alcohol, Tobacco, and Firearms and Explosives (ATF) has received numerous inquiries from Federal firearms licensees (FFLs) regarding the acceptance of electronic PCS orders from members of the Armed Forces as proof of residency.

The Gun Control Act (GCA) generally makes it unlawful for an FFL to sell or deliver a firearm to any person who the licensee knows or has reasonable cause to believe does not reside in the State in which the licensee's place of business is located. (See 18 U.S.C. § 922(b) (3).) Section 921(b) of the GCA provides that a member of the Armed Forces on active duty is a resident of the State in which his or her permanent duty station is located.

ATF has determined that FFLs may accept electronic PCS orders, accompanied by a valid military identification card, to establish residency for an active duty member of the Armed Forces. Licensees are reminded to exercise due diligence to ensure that these electronic orders reflect a PCS, not a temporary move or deployment (TDY) and that the dates of the transfer are identified on the document and are inclusive of the date of the attempted firearm acquisition. Be aware that not all electronic PCS documents are necessarily identical, as different branches of the services may use different formats.

This letter only addresses residency requirements. FFLs are reminded that they are required to verify the identity of the transferee by examining a valid identification document as defined in 27 CFR § 478.11. The prospective military transferee must present a government issued document or combination of documents that meet the definition of an identification document; i.e., it must bear the transferee's name, date of birth and photograph; it must have been issued by a governmental entity, and it must be of a type intended or commonly accepted for identification purposes.

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