

**SUPPORTING STATEMENT
U.S. Department of Commerce
Bureau of Industry and Security
Firearms Convention
OMB Control No. 0694-0114**

A. JUSTIFICATION

This is a request for renewal of the information collection.

1. Explain the circumstances that make the collection of information necessary.

This collection is required by Sections 742.17 and 748.14 of the Export Administration Regulations (EAR)

Section 15(b) of the **Export Administration Act (EAA)** of 1979, as amended, authorizes the President and the Secretary of Commerce to issue regulations to implement the EAA including those provisions authorizing the control of exports of U.S. goods and technology to all foreign destinations, as necessary for the purpose of national security, foreign policy and short supply, and the provision prohibiting U.S. persons from participating in certain foreign boycotts. Export control authority has been assigned directly to the Secretary of Commerce by the EAA and delegated by the President to the Secretary of Commerce. This authority is administered by the Bureau of Industry and Security through the Export Administration Regulations (EAR). The EAA is not permanent legislation, and when it has lapsed due to the failure to enact a timely extension, Presidential executive orders under the **International Emergency Economic Powers Act (IEEPA)** have directed and authorized the continuation in force of the EAR.

On November 14, 1997, twenty-nine members of the Organization of American States (OAS), including the United States, signed the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms Ammunition, Explosives, and Other Related Materials (Firearms Convention). The Convention is the first instrument of its kind in the world. It established a treaty-based regime of obligations among the OAS member states to combat the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials. Such obligations include various forms of cooperation analogous to those that exist pursuant to a number of multilateral treaties on law enforcement matters to which the United States is a party. The Convention does not require implementing legislation for the United States. The existing body of federal laws in the United States, including the EAA, is adequate to satisfy the Convention's provisions regarding requirements for legislation.

The aforementioned sections of the EAR currently impose two information collection requirements necessary to implement the Firearms Convention.

The first requirement was for U.S. exporters to acquire an Import Certificate to support requests for licenses authorizing the export of firearms and related equipment to participating OAS countries. U.S. firms, as a matter of practice, already obtained the Import Certificate in order to do business in OAS countries. The ultimate consignee obtains the Import Certificate from the government of the importing country and transmits the original to the U.S. exporter. The U.S. exporter provides BIS the Import Certificate number in the license application process. Finally, the exporter retains the original Import Certificate on file. BIS will not approve the license unless the applicant obtains an Import Certificate. The EAR does not mandate that the exporter submit the Import Certificate to BIS. The applicant must instead retain the original on file and provide BIS with the number. This reduces the respondent's burden.

The second new requirement was the imposition of a licensing requirement for Firearms Convention items destined to Canada, a Convention Signatory. Previously, U.S. exporters exported such items to Canada without a license. The United States already required a license for the export of such items to the other Convention Signatories. It is now necessary for exporters to Canada to obtain a license.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

BIS uses the information collected to prevent the spread of illicit firearms and the Import Certificate is essential to this task. The USG can use it to prosecute illegal transactions, and it is useful in other enforcement activities.

The Section 515 Information Quality Guidelines apply to this information collection and comply with all applicable information quality guidelines, i.e., OMB, Department of Commerce, and specific operating unit guidelines.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

BIS currently receives nearly all license applications and import certificates electronically through the new SNAP-R system.

4. Describe efforts to identify duplication.

The information required by this collection is unique to each application. The information is not duplicated anywhere else in Government nor is it available from any other source.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

BIS is sensitive to the needs of small businesses; however this collection must be conducted by all affected entities to ensure full compliance with the EAR and Firearms Convention.

The information required when applying for an export or reexport license must be submitted by exporters or their designated agents, regardless of size. This procedure, as part of the EAR, is governed by national security, foreign policy and proliferation of weapons of mass destruction requirements. BIS maintains an active seminar and counseling program to help all businesses understand and comply with BIS requirements.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Conducting this collection less frequently would be a violation of the EAR and the Firearms Convention. It would also jeopardize the policy objectives of the United States, as enumerated in the EAA.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The notice requesting public comment was published in the Federal Register on December 29, 2008, p. 7941. No comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

There are no plans to provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Export licensing information submitted to the Department is protected from release to the public under article 12(c) of the EAA.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no questions of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

There are **485 public burden hours** associated with this collection of information.

A search of the BIS Export Control Automated Support System (ECASS) indicates that 970 export licenses were requested for OAS countries for items covered under the Firearms Convention in calendar year 2008. BIS estimates that 30 minutes are required for industry to obtain the Import Certificates (IC), report the IC number to BIS, and then file the IC. Thus, this requirement results in an estimated burden of 485 hours annually.

A search of ECASS indicates that BIS received 612 license applications for export of Firearms Convention items to Canada in 2008. The burden hours associated with these licenses is included under OMB 0694-0088, the Multipurpose Application.

The cost of this collection is estimated to be \$14,550. This cost is based on 485 hours at a personnel cost of \$30 per hour.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

The record-keeping cost for this collection is approved under OMB 0694-0088, the Multipurpose Application. It requires that applicants retain copies of the Import Certificate. The exporters may store the Import Certificates in existing containers at no additional costs.

14. Provide estimates of annualized cost to the Federal government.

The federal government's cost is estimated to be \$0 since the government does not receive a copy of the import certificate.

15. Explain the reasons for any program changes or adjustments.

The number of responses and burden hours have been adjusted to reflect calendar year 2008 data obtained from the ECASS system.

16. For collections whose results will be published, outline the plans for tabulation and publication.

There are no plans to publish information obtained under this collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not utilize statistical methods.