

Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
Information Collection Request  
Supporting Statement  
1140-0061  
Certificate of Compliance with 18 U.S.C. 922(g)(5)(B)

A. Justification

1. Necessity of Information Collection

Importation of firearms, ammunitions and defense articles into the United States is subject to the provisions 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 purchase, possession, and importation of firearms is permitted only if the firearms meet certain criteria and the Attorney General authorizes the importation. The law at 18 U.S.C. 922(g)(5)(B) generally makes it unlawful for any nonimmigrant alien to ship or transport in interstate commerce, or possess in or affecting commerce, any firearm, ammunition, which has been shipped or transported in interstate or foreign commerce. This information collection is for the purpose of ensuring that nonimmigrant aliens certify their compliance according to the law at 18 U.S.C. 922(g)(5)(B).

2. Needs and Uses

ATF F 5330.20 is for the purpose of ensuring that nonimmigrant aliens certify their compliance according to the law at 18 U.S.C. 922(g)(5)(B). The data provided on this form is used by ATF to certify the applicant's citizenship and legal eligibility for importation of the articles listed on the approved ATF form 6. The approved form also serves as the authorization to the U.S. Customs Service to allow the listed articles entry into the United States provided that appropriate documentation, i.e., hunting license, waiver, is presented.

3. Use of Information Technology

This fillable form is available on the ATF website. The form is not fully electronic because the respondent must sign the form and this form must accompany other firearms forms that require the nonimmigrant alien certification. The Federal Firearms Licensing Center accepts faxed/scanned copies of the form from respondents.

4. Efforts to Identify Duplication

ATF uses a uniform subject classification system for forms to identify duplication and to ensure that any similar information already available cannot be used or modified for use of the purpose of this information collection.

5. Minimizing Burden on Small Businesses

The ATF has no method to lessen the impact to small businesses as the form completion is required by all Responsible Persons associated with a Federal Firearms license during the license renewal period. The completion time is 3 minutes per form and the renewal period is every three years.

6. Consequences of Not Conducting or Less Frequent Collection

The consequence of not conducting this information collection would result in nonimmigrant aliens illegally shipping and/or transporting or receiving firearms or ammunition which has shipped or transported in interstate or foreign commerce.

7. Special Circumstances

There are no special circumstances and the information will be collected in a manner consistent with the guidelines in 5 CFR 1320.6.

8. Public Comments and Consultations

The ATF firearms liaison communicated with the firearms industry during the creation of this information collection. A 60-day and 30-day Federal Register notice was published in order to solicit comments from the public. No comments were received.

9. Provision of Payments or Gifts to Respondents

No payment or gift is associated with this collection.

10. Assurance of Confidentiality

The information obtained from this information collection is kept in a secured location. Confidentiality is not assured.

11. Justification for Sensitive Questions

No questions of a sensitive nature are asked.

12. Estimate of Respondent's Burden

ATF estimates that 37,826 respondents will be affected by the nonimmigrant certification. Each respondent will respond one time during a three year period. The total number of responses equals 37,826. It is estimated that it takes 3 minutes to complete the form. The total burden associated with this collection is 1891.3 hours.

13. Estimate of Cost Burden

The Respondent may incur return postage, if the form is mailed through the U.S. Postal Service. Respondents are not expected to incur any capital, start-up, or system maintenance costs in

responding. The data is used to certify the respondent's citizenship and this information accompanies other firearms forms that require nonimmigrant alien certification.

14. Cost to the Federal Government

Printing and distribution cost a total of \$2,700 annually.

15. Reason for Change in Burden

Previous respondent estimates indicated 3,000 respondents @ 3 minutes per form. The data has been revised to 37,826 respondents based on the number of renewal applications printed in 2011. Each Responsible Person is required to complete the Certification of Compliance form during the renewal period. 37,826 respondents @ 3 minutes per form = 1891.3 annual burden hours.

16. Anticipated Publication Plan and Schedule

The results of this collection will not be published.

17. Display of Expiration Date

ATF requests authorization to omit printing the expiration on ATF F 5330.20, Certification of Compliance with 18 U.S.C. 922 (g)(5)(B). Printing the expiration date on the form will result in increased costs to ATF because of the need to replace inventories that become obsolete with the passage of the expiration date each time an OMB approval is renewed. The time period during which the current edition of the form will be continued to be utilized cannot be predicted. It could very easily span several cycles of review and OMB renewal. In addition, a substantial inventory of forms in the supply line is necessary to meet the demands of the firearms industry.

18. Exception to the Certification Statement

There are no exceptions to the certification statement.

B. STATISTICAL METHODS:

The information request does not employ statistical methods.