

Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
Supporting Statement

OMB # 1140-0008

Application and Permit for Permanent Exportation of Firearms  
ATF F 9 (5320.9)

A. JUSTIFICATION:

1. The registration of National Firearms Act (NFA) firearms is required by 26 U.S.C. 5841 and 27 CFR 479.101. An NFA firearm may not be transferred (which includes an exportation) without the approval of ATF and, with certain exceptions, the payment of transfer tax (§ 5812 and Part 479, Subpart F). An NFA firearm may be exported without payment of the transfer tax (§ 5854 and §§ 479.114 -.118). The use of this form is required of any person desiring to export an NFA firearm (§479.114) and to establish such exportation to relieve the exporter from payment of the transfer tax (§479.118).

Title 22, United States Code, section 2778 (the Arms Export Control Act), requires that a license be obtained from the Department of State by any person wishing to export munitions. The State Department license number must be shown on the ATF Form 9 (5320.9).

The following changes were made to the form.

- a. The addition of “National Firearms Act” to the form title.
- b. The addition of a field for an ATF control number (and an instruction).
- c. The addition of a field for an internal control number for use by an industry member (and an instruction).
- d. A change to the heading for item 9 to reflect that an export license may be needed rather than a State Department license as the State Department and Commerce Department now share responsibility. In some cases, a license may not now be needed at all. The instructions were updated accordingly.
- e. Items 14 and 15 were combined into one field (item 14) to have only one ATF signature for approval of the form.
- f. Based on the above, changes were made to instruction 1 of the form.
- g. A typographical error was corrected in instruction 2.
- h. Instructions 5 and 6 were added based on (b) and (c) above.
- i. Updates were made to show that the U.S. Customs Service is now U.S. Customs and Border Patrol.

2. ATF Form 9 (5320.9) is typically used by a Federal firearms licensee who has paid the special (occupational) tax to deal, manufacture or import NFA firearms. The form must be filed (in quadruplicate) for approval to permanently export NFA firearms registered in the National Firearms Registration and Transfer Record. Once authorization has been granted, one copy is retained by ATF and the remaining copies returned to the exporter to establish that the exportation took place and claim relief from liability for the transfer tax.

The information on the form is verified by ATF personnel during the processing of the application to ensure that a properly registered firearm is being exported, that the foreign consignee has been approved by the State Department, and that there is no liability for transfer tax. This information is also used by ATF to determine the lawful registration of an NFA firearm and/or to pursue the criminal investigation into an unregistered NFA firearm.

3. The form is available on the ATF website and it is fillable. However, due to the fact that an original signature is required, respondents cannot respond electronically. Form 9 (5320.9) is part of an ongoing ATF project to implement eForms. When implemented, ATF anticipates that electronic submission will decrease the filing time and increase the accuracy and completeness of the filing. Electronic submission will assist in increasing the efficiency of ATF's processing.
4. ATF uses a uniform subject classification system to identify duplication and to ensure that any similar information already available cannot be used or modified for use for the purpose of this information collection.
5. Collection has no impact on small business. The recordkeeping/reporting requirement is considered to be the minimum necessary to insure compliance with existing regulations.
6. The consequences of not conducting this collection would result in unlawful exportation of a firearm. The information provided is used to verify exportation of a firearm and justify removal of the firearm from the National Firearms Registration and Transfer Record.
7. This collection is consistent with the provisions of 5 CFR 1320.6. There are no special circumstances.
8. The ATF liaison consulted with the firearms industry during the creation of this form. The 60-day and 30-day public comment notices were published in the Federal Register in order to solicit comments from the general public. One substantive comment was received recommending that the title of the form be changed to include a reference to the National Firearms Act (NFA) so the use of the form would be clear to a submitter that the form is not required for firearms other than those classified as NFA firearms, such as a conventional rifle or shotgun.

9. No payment or gift is associated with this collection.
10. In addition to the requirements for confidentiality contained in the Privacy Act, this information is classified as "tax information" or "tax return information" and any release is severely restricted by the Tax Reform Act (26 USC section 6103).
11. No questions of a sensitive nature are asked.
12. Each filing is a new request for a different firearm or firearms to the same country of export or to another country. The number of respondents is 930. Each respondent responds one time for a total of 930 responses. It is estimated to take 18 minutes per respondent to respond. The total annual burden for this information collection is 279 hours.
13. There is no startup cost or annual cost to the respondent.
14. Estimates of annual costs to the Federal Government are:  
    Printing \$55.00
15. There are no adjustments associated with this information collection.
16. The results of this collection will not be published.
17. ATF does not request approval to not display the expiration date of OMB approval for this collection.
18. There are no exceptions to the certification statement.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.**

Not applicable.