

**Department of Justice
Bureau of Alcohol, Tobacco, Firearms, and Explosives
Supporting Statement
1140-0017**

**Annual Firearms Manufacturing and Exportation Report
Under 18 U.S.C. Chapter 44, Firearms
ATF F 5300.11**

A. Justification

1. Annual Firearms Manufacturing and Exportation Report (AFMER) primary purpose is to collect and disseminate data regarding the number of firearms produced by licensed manufacturers within one calendar year. The AFMER report is used to provide the public with firearms production economics on licensed manufacturer within the United States. This information is used for research purposes by the government, academic community and various industries. Under the Gun Control Act (GCA) 18 U.S.C§923(g) (5) (A), all licensed manufacturers are required to complete and return Form 5300.11 to ATF before April 1st each year.

18 U.S.C. § 923(g) (5) (A) - "Each licensee shall, when required by letter issued by the Attorney General, and until notified to the contrary in writing by the Attorney General, submit on a form specified by the Attorney General, for periods and at the times specified in such letter, all record information required to be kept by this chapter or such lesser record information as the Attorney General in such letter may specify."

Revision of this form will help clarify what fields on the form must be completed, and what data should actually be captured on the form. Numerous revisions to the form's instructions will provide much needed clarity regarding the completion of the form itself, what firearms really need to be reported and what firearms don't, and additional definitions will further help respondents to complete the form more accurately.

The significant changes are as follows:

-Form

no significant *content* changes to the form; some cosmetic changes were made in hopes of increasing the number of forms filled out completely/correctly; most noticeable cosmetic change is the removal of the big gray block in item #8, which served no purpose

-Form

instruction and definition references were added, where applicable

-Form

added Note at top of form to notify the form must be completed and submitted even if there are no firearms to report

-Form #8

changed from “produced and sold” into commerce to “produced and sold or distributed” into U.S. commerce “even if no monetary value received”

-Form #8

added block to describe any miscellaneous firearm(s)

-Form #9

changed from “exported” to “exported out of the U.S.”

-Form #9

added statement to report zero if the firearm was only temporarily exported

-Form #9

added block to describe any miscellaneous firearm(s)

-Instruction #10 {previous 1.(g)}

removed the facsimile (fax) submission and email submission options; respondents can still mail their form or utilize eForms for full electronic submission; forms received via fax are often of poor quality, parts of the form get cut off, multiple submissions are received, or sometimes no submission is received because senders don't notice their fax did not transmit successfully

-Definition #1 {previous 2.(a)}

changed from “Production” to “Produced” – the word “production” is not used anywhere on the revised form – legal counsel advised total produced and “distributed into commerce” is more in line with regulations; added scenarios in which firearms should be reported, and ones where they should not be reported (some of the exceptions listed were previously on the form under instruction #3)

-Definition #2 {previous 1.(f)}

definition of commerce was moved to the definition section

-Definition #3

destructive device definition was added; this term is used in exception g. under definition #1

-Definition #4

antique firearm definition was added; this term is used in exception h. under definition #1

-Definition #5 {previous 2.(b-k)}

these types of firearms were put in order as they appear on the form, and now also correspond with the letter that they are in item #8 and #9

2. AFMER is self-reported, by licensed manufacturers, through submission of ATF Form 5300.11. After the information is collected and calculated, it is then posted annually to the ATF website to provide to the public. The AFMER information has been used in previous publications and presentations to provide firearms market trends for the U.S.

3. The AFMER Form 5300.11 gets mailed directly to all those required to complete it (form is only for type 07 and type 10 licenses), and is also available fully electronically via eForms platform which allows full electronic completion and electronic submission of the form.
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 the purpose of this information collection.
5. The collection of information has no significant impact on small businesses or other small entities. All licensed manufacturers, despite size, are required by law to report their information.
6. The consequences of canceling the AFMER would substantially impact the firearms research community. Providing information from the AFMERs, allows tracking of market trends and economic background of firearms manufacturing in the United States. Additionally, ATF is mandated by 18 U.S.C. § 923(g)(5)(A) to collect this information, and the absence of this collection would eliminate ATF's ability to enforce this statute.
7. This information collection and record keeping requirement is conducted in a manner consistent with 5 CFR 1320.6.
8. No public comments were received for either the 60-day and 30-day notices that were published in the Federal Register.
9. No decision to provide any payment or gift to respondents is associated with collection of this information.
10. Confidentiality is not assured.
11. No questions of a sensitive nature are associated with this information collection.
12. The number of respondents for this information collection is 12,000. Each respondent completes the form one time per calendar year. The total number of responses should be 12,000. It is estimated that it takes 20 minutes to complete the form. The total burden for this information collection is 4,000 hours. The record retention requirement for this information collection is 98 years. Respondents are required to retain the form in their records for the period of time for which the respective license is active. Once the license goes inactive, the respondent is required to submit their copy of the form to ATF's Out of Business Records Center with all of their other license documentation. Hard copy AFMER forms are imaged and stored in ECM (our electronic records management system). As per record retention guidelines, the imaged copies are kept until they are no longer needed administratively (no set time). The original hard copies are destroyed upon satisfactory completion of scanning.

13. Respondents have a choice of mailing or using eForms to electronically submit the AFMER to ATF. There is no cost to the respondent for reporting this information if they use the electronic method.

14. Estimates of annual costs to the Federal Government are as follows:

Direct Labor	\$ 0
Overhead	\$ 0
<u>Printing</u>	<u>\$60</u>
Total	\$60

15. The increase in respondents from 8,500 to 12,000 is due to an increase in licensed manufacturers. All Federal Firearms Licensees who hold either a Type 07 (manufacturer of firearms) or Type 10 (manufacturer of destructive devices) license must file an AFMER. The increase in burden hours from 2,833 to 4,000 is due to a spike in licensed manufacturers.

16. The result of this collection will be posted on the ATF website.

17. ATF does not request approval to not display the expiration date for OMB approval of the information for this collection.

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

Collecting this information does not involve statistical methods.