



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Director

Washington, DC 20226

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18 U.S.C. 923(g)(5)(A): RECORDS

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) authorizes an alternate method or procedure to the requirement at Title 18, United States Code (U.S.C.), section 923(g)(5)(A), that licensees submit a form containing certain required record information. Specifically, licensed manufacturers may submit the Annual Firearms Manufacturing and Exportation Report (AFMER), ATF Form 5300.11, electronically using ATF eForms, provided all of the conditions set forth in this ruling are met.

ATF Rul. 2012 – 3

The Gun Control Act of 1968 (GCA), 18 U.S.C. 923(g)(5)(A), provides, in relevant part, that each licensed importer, manufacturer, and dealer shall, when required by letter issued by the Attorney General, and until notified to the contrary, 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 18 U.S.C. Chapter 44 or such lesser record information as the Attorney General in such letter prescribes. The authority to administer and enforce the provisions of the GCA was delegated to the Attorney General, who further delegated these responsibilities to the Director of ATF. See 28 CFR 0.130. Pursuant to 18 U.S.C. 923(g)(5)(A), ATF requires licensed manufacturers to submit an Annual Firearms Manufacturing and Exportation Report (AFMER), ATF Form 5300.11. Currently, the form may either be mailed or faxed to ATF.

The Government Paperwork Elimination Act (GPEA), 44 U.S.C. 3504, requires executive agencies to provide for the option of the electronic maintenance, submission, or disclosure of information, as a substitute for paper, and for the use and acceptance of electronic signatures, when practicable, by October 2003. In accordance with the GPEA's mandate, ATF developed the eForms online electronic filing system for Federal firearms licensees (FFLs) and others to submit a variety of ATF forms.

The eForms online electronic filing system now enables licensed manufacturers to submit the AFMER and meet the submission requirements set forth in 18 U.S.C. 923(g)(5)(A). The ATF Form 5300.11 is accepted and processed by ATF provided the manufacturer has furnished all of the required information. The manufacturer may obtain through the internet electronic copies of submitted ATF Forms 5300.11, which can be printed and preserved as documentation of compliance with the filing requirement.

To register to use the eForms system, applicants must access the ATF website at <http://www.atfonline.gov/>. This site contains the instructions necessary to access eForms and register to use the system. To register, the applicant must provide his or her name, business name (if applicable), address, telephone number, and email address. Upon proper registration, ATF issues each registrant a user identification (ID), and the registrant creates a password allowing access to the eForms system. Each individual registrant is issued a unique user ID that can be applied to multiple Federal firearms licenses. After registering with the unique user ID, persons filing the AFMER form on behalf of an FFL must request to be associated with the applicable Federal firearms license using the "My Profile" function of the eForms system.

The eForms system requires applicants to attest that the information submitted is true and correct, subject to penalties provided by law, and confirm their ATF-issued electronic credentials to complete the application process. Specifically, to complete the application process, an applicant is required to declare first that all statements contained in the application are true and correct, and that he or she has read, understood, and complied with the conditions and instructions for the form being submitted. Second, the applicant is required to declare that he or she authorizes the transmittal via the eForms system of data that may constitute tax return information, as defined in section 6103 of the Internal Revenue Code, Title 26, U.S.C. Applicants are not required to use the eForms system, and licensees may continue to file ATF Form 5300.11 on paper in accordance with the instructions on the form.

In addition to the mandate of GPEA, ATF recognizes that, provided certain conditions are met, the use of electronic AFMERs may more accurately and readily disclose the same information required to be submitted. It will also make it easier, less costly, and faster for manufacturers to submit their reports, and for ATF to process those reports. ATF therefore finds that there is good cause to authorize a variance from the ATF Form 5300.11 submission requirement of the Federal firearms laws. ATF also finds that, provided certain conditions are met, the alternate method set forth in this ruling is within the purposes of, and consistent with the requirements at 18 U.S.C. 923(g)(5)(A) because the same required information is captured on the applicable eForm, which is electronically signed under penalties provided by law. Further, this alternate method is not contrary to any provision of law, will not increase costs to ATF, and will not hinder the effective administration of the regulations.

Held, licensed manufacturers may submit the AFMER, ATF Form 5300.11, electronically using ATF eForms, *provided* the following conditions are met:

1. The applicant has registered with ATF by completing the on-line registration process;
2. The applicant has received a unique user ID and created a password;
3. The applicant has agreed that the electronic signature assigned to them is intended as their original signature for eForms submissions; and

4. The applicant has agreed to be bound by the Notices and Agreements governing the use of the eForms system.

Held further, if ATF finds that an eForms user has failed to abide by the conditions of this ruling, uses any procedure that hinders the effective administration of the Federal firearms laws or regulations, or any legal or administrative difficulties arise due to the use of eForms, ATF may notify the person that he or she is no longer authorized to use eForms.

Date approved: June 14, 2012

B. Todd Jones
Acting Director