

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

Information Collection Request
Supporting Statement

OMB 1140-0014 ATF Form 4 (5320.4)
Application for Tax Paid Transfer
and Registration of Firearm

A. JUSTIFICATION

1. The ATF Form 4 (5320.4) is required to apply for the transfer and registration of a National Firearms Act (NFA) firearm. Under the provisions of 26 U.S.C. § 5812, an NFA firearm shall not be transferred until the transferor has applied for and received approval from the Attorney General of the United States (delegated to ATF) and paid the applicable transfer tax. The transfer of an NFA firearm is subject to a tax of \$200 or \$5 (for a firearm classified as an "any other weapon") as established by § 5811. The statutory requirements are implemented in §§ 479.81 through 479.87, Title 27, Code of Federal Regulations.

The Transferee's Certification on the reverse of the application form satisfies the requirements of 18 U.S.C. 922(b)(4) and 27 CFR 478.98. The Law Enforcement Certification on the reverse of the application satisfies the requirements of § 5812 and § 479.85.

2. Any person seeking to transfer a firearm tax paid must complete, in duplicate, an application of ATF F 4 (5320.4) for each firearm. The transferor must furnish all information called for on the application form. The information on this form is used by NFA Branch personnel to identify the transferor, transferee, firearm and to determine the legality of the application under Federal, State and local law. Section 5812 provides that an application shall not be approved if the receipt or possession would place the person receiving the firearm in violation of law.

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The application is submitted in duplicate. The approval of the application effectuates the registration of the firearm to the transferee. Both copies of the application are noted to reflect the approval - one copy is returned to the applicant for transmission to the transferee as proof of registration and the other is retained by ATF as part of the National Firearms Registration and Transfer Record. The information is used to verify any subsequent transfer and registration of the firearm. In addition, registration information used to determine the non-registration of a firearm, a violation as specified in § 5861.

3. The form is available on the ATF website to download and print. Individuals with disabilities can access this form. Two copies of the form with original signatures, photo, fingerprints, and a check or money order in the amount for the appropriate tax must be submitted to ATF by mail.
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. The information collection has no impact on small business or other small entities.
6. The consequence of not conducting this information collection would result in firearms being transferred to persons who would be in violation of the law.
7. This collection is conducted in a manner consistent with the requirement in 5 CFR 1320.6.
8. The ATF industry liaison consulted with the firearms industry during the creation of this form. A 60-day and 30-day Federal Register notice was published in order to solicit comments from the public. No comments were received.

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9. No payment or gift is associated with this collection.
10. The information from this application may be only disclosed to Federal authorities for purposes of prosecution for violation of the National Firearms Act. The respondent's information is kept in a secured location. Confidentiality is not assured.
11. Questions of a sensitive nature are included on the form. These relate to the qualifications of the transferee, such as whether the transferee has been convicted of any crime, is a fugitive from justice, is a drug user, is an illegal alien, etc. This information is needed to determine whether the transferee is prohibited by Federal law from possessing firearms.
12. The number of respondents is 11,065 each respondent responds 1 time for a total of 11,065 responses. The time it takes to complete the form is 4 hours. The total annual burden associated with this collection is 44,260.
13. The form must be submitted by mail. The total annual cost is \$4,536.
14. The estimate of annual cost to the Federal Government is as follows:

Printing	\$750
Distribution	<u>400</u>
Total	\$1165

15. In ROCIS, the previous submission shows the annual cost as \$4,094,000, the cost should have been reported as \$4,094. The ATF inventory currently shows the annual cost as \$4,094,000. This is a typographical error. An 83-C was submitted but the error was never corrected. The cost for this submission has increased because of postage. The requested cost for this submission is \$4,536.

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16. The results of this collection will not be published.

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

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

None