

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

Information Collection Request
Supporting Statement

OMB 1140-0011 ATF Form 1 (5320.1)
Application to Make and Register a Firearm

A. JUSTIFICATION

1. The ATF Form 1 (5320.1) is required to affect the registration of a National Firearms Act (NFA) (Title 26, United States Code, Chapter 53) firearm by any person, other than a qualified manufacturer, who wishes to make and register an NFA firearm. The implementing regulations are in Title 27, Code of Federal Regulations, Part 479 (§§ 479.61 - 479.71). Under the provisions of 26 U.S.C. § 5822, no person can make an NFA firearm until he or she has applied for and received approval from the Attorney General (delegated to ATF). Subject to certain exceptions, the making of an NFA firearm is subject to a tax of \$200 (26 U.S.C. § 5821).

Unless the making is exempt from tax, applicants are required to submit their tax payment with the Form 1. Section 5822 also requires that the application form identify the firearm and the maker, and that if the maker is an individual, his or her fingerprints and photographs must accompany the application. ATF has identified that the collection of Responsible Person's Social Security Number, Date of Birth, Race, and UPIN (if applicable) would assist in limiting delays in the processing of NICS background checks. While this information is not required it would prove beneficial. In addition, the following changes are being made to the layout and overall design of the form as part of this regularly scheduled renewal:

Form Changes. ATF request approval to make the following changes to ATF Form 1 (5320.1):

- Item 2: Remove "Legal Entity" from Trust box and add "Corporation" and "Legal Entity" as a separate choices
- Item 3d: Add "/Parrish" to County
- Item 3f: Remove "optional"
- Items 5 & 6: Adjust vertical spacing so text is in middle of box
- Item 10: Reduce spacing to save room for additional items below
- New Item 13: Add SSN, DOB, and Race

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- New Item 14: Add State of Birth and Country of Birth
 - Add UPIN to be Item 16
 - Definitions/Instructions: 1e: Responsible Person: Break definition into section A. and B.
 - Updates to Definitions/Instructions 2d. and 2f. Social Security Number
 - Item 2a: Update "Legal Entity" to "Other Legal Entity"
 - Item 5a and Definitions/Instructions 2g, 2h and 2m: Change all references from "Applicant" to "Transferee"
 - Item 4g: Obscure "Serial Number " on CLEO Copy
 - Items 13: Obscure "Social Security Number" on CLEO Copy
 - Increase Font Size of "Important Information for Currently Registered Firearms" Section
 - Definitions/Instructions: 2g: Signatures: Add the statement: "Exceptions: In the case of eforms or where a variance has been granted a digital/electronic signature may be used"
 - Definitions/Instructions: 1q: Restraining Order: Modify "Intimate Partner' to "Intimate Partner"
 - Definitions/Instructions: 1s: Alien Admitted to the United States Under a Nonimmigrant Visa: Change "quesion" to "question"
 - Item 12: Photo block. Remove "business"
 - Item 3e: Obscure "Telephone Number" on CLEO Copy
 - Item 3f: Obscure "E-mail address" on CLEO Copy
 - Page 2: "Information for the Chief Law Enforcement Officer" Section. The sentence should read as follows: "A "Yes" answer to items 11.a. through 11.h. or 15.d. or 15.e. could disqualify a person from acquiring or possessing a firearms."
2. The information on this form is used by the NFA Division personnel to determine the legality of the application under Federal, State and local law. Section 5822 provides that an application shall not be approved if the making or possession would place the person making the firearm in violation of law. An individual applicant is asked to respond, under penalties of perjury, to questions to determine whether he or she is prohibited by Federal law from possessing firearms. For a trust or legal entity, each responsible person will provide this information via the filing of Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire.

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The requirement for fingerprints for both individuals and responsible persons allows ATF to determine, based on criminal history checks, whether the applicant or responsible person would be prohibited by Federal law from possessing a firearm. The law enforcement notification required of the applicant and any responsible person (via Form 5320.23) allows local law enforcement authorities to provide any information that would indicate whether the application or any responsible person is prohibited under Federal law from making or possessing a firearm. The application is submitted in duplicate. The approval of the application effectuates the registration of the firearm to the maker. Both copies of the application are noted to reflect the approval –one copy is returned to the applicant 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 is used to determine the non-registration of a firearm, a violation as specified in § 5861.

3. The form is currently available for electronic filing on the ATF website at www.atfonline.gov.
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 on this form is unique to the person supplying it and would have minimal or no impact on small businesses or other small entities.
6. The consequences of not conducting this collection could result in a person being in unlawful possession of a firearm. The information is used to ensure the legal making and possession of a firearm and effectuate the registration of the firearm from the National Firearms Registration and Transfer Record.
7. There are no special circumstances associated with this collection and the collection is conducted in a manner consistent with the requirement in 5 CFR 1320.6.
8. All comments received during both the 60-day and 30-day Federal Register notice received a response and/or were incorporated within the ATF Form 1 (5320.1).
9. No payment or gift is associated with this collection.

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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 U.S.C. § 6103).
11. This collection of information include questions of a sensitive nature. These relate to the qualifications of the applicant, such as whether the applicant 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 applicant is prohibited by Federal law from possessing firearms.
12. There is a total of 25,716 respondents who respond one (1) time to this information collection. Of these, 477 Government/Federal firearm licensee respondents will take 20 minutes per response (159 hours); 21,879 trust and legal entity responders will take 260 minutes per response (94,809 hours); and 3,360 individual respondents will take 140 minutes per response (7,840 hours). It takes on average 3.99783 hours to complete the form. Therefore, the total annual IC burden is 102,808 hours.
13. The total estimated cost associated with this IC is: \$ 1,472,498 which is calculated as follows: \$57.26 (average cost per respondent to prepare and mail packet with responses) * 25,716 (# total respondents).
14. The estimated annual cost of \$1,129,820.85 to the Federal Government is as follows:
 - Printing Forms 1: \$7,941.27 (25,617 forms * \$.31 per form)
 - Processing fingerprints: \$600,754.50 (\$12.75 * 47,118 individuals and responsible persons)
 - Conducting and reviewing background checks of individual and responsible person respondents: \$521,125.08 (\$11.06 (15 minutes at \$44.22 per hour) * 47,118)
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 the OMB approval for this collection.
18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

No statistical methods are associated with this collection.