

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 for a person with a registered National Firearms Act (NFA)(Title 26, United States Code, Chapter 53) firearm to apply for and receive approval for the transfer and registration of the firearm. The implementing regulations are in Title 27, Code of Federal Regulations, Part 479. 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. Section 5812 also requires that the application form identify the transferee in such manner as the Attorney General may by regulations prescribe, except that if the transferee is an individual, his fingerprints and photographs must be included in the application. Similarly, the transferor and firearm must also be identified in such manner as the Attorney General may by regulations prescribe. ATF has identified that the collection of Responsible Persons 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 requests approval to make the following changes to ATF Form 4 (5320.4):

- Item 2a: Remove "Legal Entity" and add "Corporation" and "Legal Entity" as a separate choice
- Item 2b: Add "/Parrish" to County
- Item 3b: Remove "optional"
- Item 5: Copy language directly from the Item 5 of the ATF Form 1. Add a separate entry box for both FFL and FEL license/permit numbers.

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- Item 12: Reduce spacing to save room for additional items below
- New Item 16: Add SSN, DOB, and Race
- New Item 17a: Add State of Birth and Country of Birth
- Add UPIN to be Item 19
- Definitions/Instructions: 1e: Responsible Person: Break definition into section A. and B.
- Definitions/Instructions 2d: Change numbering of "Note". 2d.4 add "See 2.d.5. for RP Requirements". Change 2.d.6 to reference "22".
- Add new Definitions/Instructions Item 2h: Social Security Number
- Change all references from "NFA Branch" to "NFA Division"
- Item 2a: Update "Legal Entity" to "Other Legal Entity"
- Items 5, 22 and Definitions/Instructions 2i, 2j, 2m: Change all references from "Applicant" to "Transferee"
- Item 4g: Obscure "Serial Number" on CLEO Copy
- Item 16: Obscure "Social Security Number" on CLEO Copy
- Items 16 and 20: Add "(See *Instruction 2h*)"
- Relocate "Transferee Certification" Section from the top of page 3 to the bottom of page 2
- Increase Font Size of "Important Information for Currently Registered Firearms" Section
- Definitions/Instructions: 2i: Signatures: Add the statement: "Exceptions: In the case of eforms or where a variance has been granted a digital signature may be used."
- Definitions/Instructions: 1m: EXCEPTION: Change "jurisdiction" to "jurisdiction"
- Definitions/Instructions: 2a: Authority: Change "Please note that the form now contain" to "Please note that the form now contains"
- Definitions/Instructions: 2k: Photocopies, Computer Generated Versions...: Remove extra end parenthesis
- Item 15: Photo block: Remove "Business"
- Item 3B: Obscure "E-mail address" on CLEO Copy
- Item 3c: Obscure "Transferor's Telephone" on CLEO Copy

2. The information on this form is used by NFA Division personnel to determine the legality of the application under Federal, State and local law. The form identifies the transferor, transferee, and firearm. 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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An individual transferee is asked to respond, under penalties of perjury, to questions to determine whether he or she is prohibited by Federal law from possessing firearms. The requirement for the submission of fingerprints for both individual transferees and responsible persons allows ATF to determine, based on criminal history checks, whether individual transferee or responsible person would be prohibited by Federal law from possessing a firearm.

The law enforcement notification required of the transferee and any responsible person (via Form 5320.23), allows local law enforcement authorities to provide any information that would indicate whether the transferee or any responsible person is prohibited by Federal law from possessing a firearm. 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 payment of the transfer tax, 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 violation as specified in § 5861.

3. The form was made electronic but had to be withdrawn from service until issues could be fixed. The form cannot currently be filed electronically. However, ATF intends to make the form an eForm which may then be filed via ATF's eForms system (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 little or no impact on small business or other small entities.
6. The consequence of not conducting this information collection could result in firearms being transferred to a person whose possession would be in violation of the law. The information is used to ensure the legal transfer and possession of a firearm, and to effectuate the registration of the firearm to the transferee in 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 the both the 60-day and 30-day Federal Register notice period received a response/ and or were incorporated within ATF Form 4 (5320.4).

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9. No payment or gift is associated with this collection
10. The information from this application 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) and 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. There is a total of 123,339 respondents who respond one (1) time to this information collection. Of these, 4,257 Government/Federal firearm licensee respondents will take 20 minutes per response (1,419 hours); 93,739 trust and legal entity responders will take 260 minutes per response (406,202 hours); and 25,343 individual respondents will take 140 minutes per response (59,134 hours). It takes on average 3.78433 hours to complete the form. Therefore, the total annual IC burden is 466,755 hours.
13. The total estimated public cost associated with this IC is: \$6,649,205 which is calculated as follows: \$53.91 (average cost per respondent to prepare and mail packet with responses) * 123,339 (# total respondents).
14. The estimated annual cost of \$5,105,503.10 to the Federal Government is as follows:
 - Printing Forms 4: \$38,235.09 (123,339 forms * \$.31 per form)
 - Processing fingerprints: \$2,713,467.75 (\$12.75 * 212,821 individuals and responsible persons)
 - Conducting and reviewing background checks of individual and responsible person respondents: \$2,353,800.26 (\$11.06 (15 minutes at \$44.22 per hour) * 212,821)
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.