

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES  
Information Collection Request  
Supporting Statement  
1140-0107

National Firearms Act (NFA) Responsible Person Questionnaire – ATF Form 5320.23

**A. Justification**

1. The National Firearms Act (NFA) Responsible Person Questionnaire – ATF Form 5320.23 (ATF Form 5320.23) must be completed by a responsible person (RP), who is identified as part of a trust or legal entity, as defined in 27 Code of Federal Regulations (CFR) 479.11, on the Application to Make and Register a Firearm – ATF Form 1 (5320.1) (ATF Form 1). ATF Form 5320.23 must also be completed by a RP who is identified as the maker or the transferee on the Application for Tax Paid Transfer and Registration of Firearm – ATF Form 4 (5320.4) (ATF Form 4), or the Application for Tax Exempt Transfer of Firearm – ATF Form 5 (5320.5) ATF Form 5. ATF Forms 1, 4, and 5 are required under the NFA, (Title 26, United States Code (U.S.C.) Chapter 53), for any person seeking to make or transfer a NFA firearm. The implementing regulations are found in Title 27 CFR, Part 479 Sections (§§) 479.62, 479.63, 479.84 and 479.85.

The NFA, Title 26 U.S.C. §§ 5812 and 5822, requires that an application to make or transfer firearms, when the maker or transferee is an individual, also include two fingerprints identification cards (Form FD-258) and a photograph of the maker or transferee. In a recent rulemaking, these requirements have been extended to include members of any trust or legal entity, when the member meets the definition of a RP. ATF Form 5320.23 was created to identify the RP, the name of the applicant maker or transferee, and also identify the firearm involved in the transaction. The form requires the inclusion of the RP's photograph and fingerprint cards.

In addition, each RP must provide a notification to the local chief law enforcement officer (CLEO) of their pending transaction by submitting the CLEO copy of ATF Form 5320.23. The form also includes questions that will help ATF determine if the RP is prohibited by Federal law from possessing a firearm. This form must be submitted as part of the application package for ATF Forms 1, 4, or 5, when the applicant is a maker, or the transferee is a trust or legal entity.

ATF has identified that the collection of RP's Social Security number, date of birth, race, and unique personal identification number (UPIN) (if applicable) would assist in limiting processing delays in the National Instant Criminal Background Checks System. While this information is not required it would prove beneficial.

2. ATF Form 5320.23 must be prepared in duplicate. The ATF copy with a photograph and fingerprints cards must be submitted with the Form 1, 4 or 5 application. The CLEO copy is sent to the chief law enforcement officer identified on the form. NFA Division personnel will use the information on the ATF copy of ATF Form 5320.23, to determine the legality of the application under Federal, State and local law. Sections 5812 and 5822 provide that an application shall not be approved, if the receipt or possession of firearms would violate the law. The information collected on ATF Form 5320.23 also allows ATF personnel to determine if the RP associated with the applicant maker or transferee, is eligible to make, receive, or possess firearms. The required CLEO copy allows local law enforcement authorities to provide information indicating that the RP is prohibited from possessing a firearm.
3. ATF Form 5320.23 is available on the ATF website: ([www.atf.gov](http://www.atf.gov)) in a fillable format, which can be downloaded, printed, and filed. 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](http://www.atfonline.gov)). When implemented, ATF anticipates that electronic submission will decrease the filing time and increase the accuracy and completion of the filing. Electronic submission capability will assist in improving the efficiency of processing submitted application.
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 there is no impact on small businesses or other small entities.
6. Without this information collection NFA firearms could be transferred to persons prohibited from possessing them. The collected information will be used to ensure the legal transfer and possession of NFA firearms.
7. There are no special circumstances associated with this collection which is conducted in a manner consistent with the requirement in 5 CFR § 1320.6.
8. No comments were received during the 60-day Federal Register (FR) notice period. However, a 30-day FR notice will be published to solicit public comments.
9. No payment or gift was provided in association with this collection.
10. The information on this form is classified as "tax information" or "tax return information" and any release is severely restricted under the Tax Reform Act (26 U.S.C. § 6103) and may only be disclosed to Federal authorities for purposes of prosecution for violation of the NFA. The 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 responsible person, such as whether the responsible person 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 responsible person is prohibited by Federal law from possessing firearms.
12. There are an estimated total 115,829 respondents to this information collection. Each respondent responds once per year. It will take each respondent 30 minutes to provide their responses. Therefore, the total burden hours for this IC are 57,914.5 or 57,915 hours.
13. The total estimated public cost burden associated with this collection is: \$ 113,512, which is equal to \$.98 (cost per postage) \* 115,829 (# total respondents).
14. There is no cost to the Federal Government.
15. There are no changes to the public burden for this collection.
16. The results of this collection will not be published.
17. ATF does not request approval to omit the Office of Management and Budget expiration date for this collection.
18. There are no exceptions to the certification statement.

**B. This Collection of Information Does Not Employ Statistical Methods**