

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
Information Collection Request
OMB 1140-0011
Application to Make and Register a Firearm –ATF Form 1 (5320.1)

SUPPORTING STATEMENT

A. JUSTIFICATION

1. The Application to Make and Register a Firearm – ATF Form 1 (5320.1) ATF Form 1 (5320.1) (ATF Form 1) is required for any person, other than a qualified manufacturer, who wishes to make and register a National Firearms Act (NFA) firearm by (Title 26, United States Code, Chapter 53). The implementing regulations are in Title 27, Code of Federal Regulations (CFR), Part 479 (Sections (§§) 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 the Bureau of Alcohol, Tobacco, Firearms and Explosives (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 their completed ATF 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 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.

ATF is requesting approval to make the following changes to the layout and overall design of the ATF Form 1, as part of this regularly scheduled renewal:

- Removal of paragraph in the ‘Information for the Chief Law Enforcement Officer’ section notifying the Law Enforcement signer of the following: *“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 firearm. Also, ATF will not approve an application if the making or possession of the firearm is in violation of State or local law.”*

- The following amendments are being made to both Questions 11.e. and 21f due to the *Bipartisan Safer Communities Act*: “*On or after the age of 16, have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution?*”
 - Due to the upcoming Amnesty Registration of Pistol Brace weapons, photos of the weapon being registered will be required to prove the weapon does utilize a pistol brace in its configuration and would qualify for an amnesty registration.
 - Other minor grammatical changes were made to this form.
2. NFA Division personnel will use the information collection on ATF Form 1 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 the National Firearms Act (NFA) – Responsible Person Questionnaire - ATF Form 5320.23 (ATF Form 5320.23).

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 completed ATF Form 1 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. ATF Form 1 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. Without this information collection, a person could be in unlawful possession of a firearm. The collected 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. 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 is associated with this collection.
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 includes questions of a sensitive nature regarding the qualifications of the applicant to make or transfer an NFA firearm, including their conviction of any crime, and whether or not they are a fugitive from justice, drug user, and/or an illegal alien, etc. This information is needed to determine whether the applicant is prohibited by Federal law from possessing firearms.
12. There are 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 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 COLLECTIONS OF INFORMATION EMPLOYS NO STATISTICAL METHODS.