

NFA Responsible Person Questionnaire

SUBMIT with corresponding ATF Form 5320.1 ("Form 1"), Form 5320.4 ("Form 4"), or Form 5320.5 ("Form 5")

1. Type of ATF form you are submitting with this questionnaire: ☐ ATF Form 1 ☐ ATF Form 4 ☐ ATF Form 5

2. Type of firearm you are making or acquiring: (See definition 5)

☐ Machine gun ☐ Short-barreled rifle ☐ Short-barreled shotgun ☐ Silencer ☐ Any other weapon ☐ Destructive device

3. Full name and address of legal entity (applicant or transferee as shown on the corresponding ATF Form 1, 4, or 5) (see instruction 1.c.)

4. Responsible person information

a. Full legal name

b. Other names used (including alias and maiden name)

c. Home address (number, street, city, state, zip code)

d. Email address

e. Telephone number (ten digits)

f. Social security number (see instruction 1.e)

g. Date of birth

h. State of birth

i. Country of birth

j. Race/ethnicity: (select one or more, as applicable)

☐ American Indian or Alaska Native☐ Black or African American☐ Middle Eastern/North African☐ White☐ Asian☐ Hispanic or Latino☐ Native Hawaiian or Other Pacific Islander

k. Country of citizenship: (mark or list more than one, if applicable. Nationals of the United States may mark United States of America.)

☐ United States of America☐ Other country/countries (specify):5. Have you been issued a Unique Personal Identification Number (UPIN)? (see instruction 1.e.) ☐ Yes ☐ No If Yes, provide here:

6. Responsible person certification

Questions 6.a. through 6.m.1. must be answered by marking Yes or No. Item 6.m.2. must be answered by marking Yes, No, or Not Applicable (N/A). (see definitions 1-14) (use a separate sheet of paper to provide details for all yes answers)

Yes No

a. Do you intend to make any firearm listed on the accompanying form for sale or other disposition to any person described in questions 6.b. through 6.l., or a person described in question 6.m. who does not fall under an exception?

b. Do you intend to sell or otherwise dispose of any firearm listed on the accompanying form in furtherance of any felony or other offense punishable by imprisonment for a term of more than one year, a federal crime of terrorism, or a drug trafficking offense?

c. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (see definition 8)

d. Have you ever been convicted in any court for a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (see definition 8)

e. Are you a fugitive from justice? (see definition 13)

f. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?

Warning: Using or possessing marijuana remains unlawful under federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.

g. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (see definitions 9 and 10)

h. Have you been discharged from the Armed Forces under dishonorable conditions?

i. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (see definition 11)

j. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (see definition 14)

k. Have you ever renounced your United States citizenship?

l. Are you an alien illegally or unlawfully in the United States?

m.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa?

m.2. If you answered yes to 6.m.1., do you fall into any of the exceptions stated in the instructions? (if Yes, attach the appropriate exception documentation to this questionnaire)

☐ N/A

7. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or I94#):

CERTIFICATION: Under penalties imposed by 18 U.S.C. § 924 and 26 U.S.C. § 5861, I certify that the statements contained in this certification, and any attached documents in support thereof, are true and correct to the best of my knowledge and belief.

Responsible person's signature

Date

Instructions

1. **Complete the form.** This form is not required when the applicant on the corresponding Form 1, 4, or 5 is an individual. Each responsible person of a trust or other legal entity seeking to make or acquire a National Firearms Act (NFA) firearm must complete this form. (*see definition 4*)
 - a. Item 1 – mark the type of NFA form with which you are submitting this questionnaire.
 - b. Item 2 – mark the type of NFA firearm, as identified on the accompanying Form 1, 4, or 5. (*see definition 5*)
 - c. Item 3 – enter the name, trade name (*if any*) and address of the legal entity (*e.g.*, corporation, trust, joint partnership, joint spouses, etc.) identified on the Form 1 (*items 3.a*), Form 4 (*item 2.a*), or Form 5 (*item 2.a*)
 - d. Items 4 and 5 – provide all information for the responsible person in item 4.
 - e. Social Security Number (SSN) and Unique Personal Identification Number (UPIN). The SSN and UPIN are not required; however, this information assists with efficiently completing the National Instant Criminal Background Check System (NICS) background check. Please be aware that refusing to provide this information may result in a delay in the NICS background check process.
 - f. Item 6 – All questions must be answered by marking Yes, No, or N/A. Use a separate sheet of paper to provide details for all Yes answers. (*see definitions 1-14*)
2. **Fingerprints and photographs.** A fingerprint card is required when submitting Forms 1, 4, or 5, but only for an individual applicant, not for any responsible person of a legal entity. However, responsible persons may be required to subsequently submit a fingerprint card upon request from ATF when necessary to resolve a background check. Each responsible person must submit a 2"x2" photograph or a legible copy of the front of a valid photo identification document as defined in 27 CFR § 478.11.
3. **State or local permit.** If the state, territory, or locality in which the responsible person resides requires the responsible person to have a state or local permit/license, you must submit a copy of the permit or license with this form.
4. **Submit the form.** Submit this form with the corresponding ATF Form 1, 4, or 5.
5. **Sign and date the form.** You may sign the form using a signature generated by the ATF eForms system, other electronic signatures on the fillable form, or handwritten ink signatures on paper forms.

Definitions

1. **National Firearms Act (NFA).** 26 U.S.C. chapter 53. Implementing regulations are in 27 CFR part 479.
2. **Gun Control Act (GCA).** 18 U.S.C. chapter 44. Implementing regulations are in 27 CFR part 478.
3. **Person.** A partnership, company, association, trust, corporation, or married couple registering jointly, including each responsible person associated with such an entity; an estate; or an individual.
4. **Responsible person.** In the case of a legal entity (including any trust, partnership, association, company (to include any Limited Liability Company (LLC)), corporation, licensed entity that does not pay the special (occupational) tax, or a married couple registering jointly), any individual who possesses, directly or indirectly, the power or authority to direct the management and policies of the trust or entity to receive, possess, ship, transport, deliver, transfer, or otherwise dispose of a firearm for, or on behalf of, the trust or legal entity. Examples of who may be considered a responsible person include settlors/grantors, trustees, partners, members, officers, directors, board members, owners, or spouses. An example of who may be excluded from this definition of responsible person is the beneficiary of a trust, if the beneficiary does not have the capability to exercise the enumerated powers or authorities.
5. **Firearm.** The term "firearm" means: (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon (*entire citation*) in 26 U.S.C. § 5845(e); (6) a machine gun; (7) any silencer (as defined in 18 U.S.C. § 921); and (8) a destructive device.
6. **Maker.** The person applying to make and register an NFA firearm.
7. **Transferee.** The person acquiring the firearm.
8. **Prohibited person.** Generally, 18 U.S.C. § 922(g) prohibits shipping, transporting, receiving, or possessing, in or affecting interstate commerce, a firearm by one who: has been convicted of a crime of misdemeanor domestic violence; has been convicted of a felony, or any other crime, punishable by imprisonment for a term exceeding one year (this does not include state misdemeanors punishable by imprisonment of two years or less); is a fugitive from justice; is an unlawful user of or addicted to marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance; has been adjudicated as a mental defective or has been committed to a mental institution; has been discharged from the Armed Forces under dishonorable conditions; has renounced their U.S. citizenship, is an alien illegally in the United States or an alien admitted to the United States under a non-immigrant visa; or is subject to certain restraining orders. Furthermore, section 922(n) prohibits shipping, transporting, or receiving, in or affecting interstate commerce, a firearm by one who is under indictment or information for a felony in any federal, state, or local court, or any other crime, punishable by imprisonment for a term exceeding one year. An information is a formal accusation of a crime verified by a prosecutor. **EXCEPTION:** A person who has been convicted of a felony or any other crime, for which the judge could have imprisoned the person for more than one year, or who has been convicted of a crime of misdemeanor domestic violence, is not prohibited from purchasing, receiving, or possessing a firearm if: (1) under the law of the jurisdiction where the conviction occurred the person has been pardoned, the conviction has been expunged or set aside, or the person has had their civil rights (the right to vote, sit on a jury, and hold public office) taken away and later restored AND (2) the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing firearms. Persons subject to this exception should mark "no" in the applicable box.
9. **Adjudicated as a mental defective.** A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to themselves or to others; or (2) lacks the mental capacity to contract or manage their own affairs. This term includes: (1) a finding of insanity by a court in a criminal case; and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility.
10. **Committed to a mental institution.** A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes an involuntary commitment to a mental institution. The term includes being committed for mental defectiveness or mental illness. It also includes being committed for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or voluntary admission to a mental institution. **EXCEPTION NICS Improvement Amendments Act of 2007:** A person who has been adjudicated as a mental defective or committed to a mental institution in a state proceeding is not prohibited by the adjudication or commitment if the person has been granted relief by the adjudicating/committing state pursuant to a qualifying mental health relief from disabilities program. Also, a person who has been adjudicated as a mental defective or committed to a mental institution by a department or agency of the federal government is not prohibited by the adjudication or commitment if either: (1) the person's adjudication or

commitment was set aside or expunged by the adjudicating/committing agency; (2) the person has been fully released or discharged from all mandatory treatment, supervision, or monitoring by the agency; (3) the person was found by the agency to no longer suffer from the mental health condition that served as the basis of the initial adjudication/commitment; or (4) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with 18 U.S.C. § 922(g)(4); or (5) the person was granted relief from the adjudicating/committing agency pursuant to a qualified mental health relief from disabilities program. Persons who fall within one of the above exceptions should mark “no” in the applicable box. This exception to an adjudication or commitment by a federal department or agency does not apply to any person who was adjudicated to be not guilty by reason of insanity, or based on a lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

11. **Restraining order.** Under 18 U.S.C. § 922 firearms may not be sold to or received by person subject to a court order that: (1) was issued after a hearing in which the person received actual notice and had an opportunity to participate; (2) restrains such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and; (3) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms, explicitly prohibits using, attempting to use, or threatening to use physical force against such intimate partner or child that would reasonably be expected to cause bodily injury. An “intimate partner” of a person is: the spouse or former spouse of the person; the parent of a child of the person; or an individual who cohabitates or has cohabitated with the person.
12. **Alien admitted to the United States under a non-immigrant visa.** An alien admitted to the United States under a non-immigrant visa includes, among others, persons visiting the United States temporarily for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain temporary foreign workers. These aliens must answer “yes” to question 6.m.1 and provide the additional documentation required under question 6.m.2. Permanent resident aliens and aliens legally admitted to the United States pursuant to either the Visa Waiver Program, or to regulations otherwise exempting them from visa requirements, may answer “no” to this question, and are not required to submit the additional documentation under 6.m.2. An alien admitted to the United States under a non-immigrant visa is not prohibited from purchasing, receiving, or possessing a firearm if the alien: (1) provides a valid and unexpired hunting license or permit lawfully issued by the federal government, a state or local government, or an Indian tribe federally recognized by the Bureau of Indian Affairs; (2) was admitted to the United States for lawful hunting or sporting purposes; (3) is an official representative of a foreign government who is accredited to the United States government, or the government’s mission to an international organization having its headquarters in the United States; (4) is an official representative of a foreign government who is en route to or from another country, to which that alien is accredited; (5) is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; (6) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business; (7) has received a waiver from the prohibition from the Attorney General of the United States.
13. **Fugitive from justice.** Any person who has fled from any state to avoid prosecution for a felony or a misdemeanor, or any person who leaves the state to avoid giving testimony in any criminal proceeding. The term also includes any person who knows that misdemeanor or felony charges are pending against them and who leaves the state in which they would be prosecuted.
14. **Misdemeanor Crime of Domestic Violence.** A federal, state, local, or tribal offense that is a misdemeanor under the federal, state, or tribal law and has, as an element, using or attempting to use physical force, or threatening to use a deadly weapon, committed by: a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; a person living with, or has lived with, the victim as a spouse, parent, or guardian; a person similarly situated to a spouse, parent, or guardian of the victim; or a person who has a current or recent former dating relationship with the victim (as defined in 18 U.S.C. § 921(a)(37)). The term includes all misdemeanors that have as an element using or attempting to use physical force, or threatening to use a deadly weapon (e.g., assault and battery), if the offense is committed by one of the defined parties. (See Exception in the definition of “prohibited person”). A person who has been convicted of a misdemeanor crime of domestic violence also is not prohibited unless: (1) the person was represented by a lawyer or gave up the right to a lawyer; or (2) if the person was entitled to a jury, was tried by a jury, or gave up the right to a jury trial. Persons subject to this exception should mark “no” in the applicable box.

Privacy Act Statement

The following information is provided pursuant to Section 3 and 7(b) of the Privacy Act of 1974 (5 U.S.C. § 552a(e)(3)):

1. **Authority:** The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is authorized to solicit this information under 26 U.S.C. §§ 5811, 5822, 5841, and 5845 of the National Firearms Act, and 18 U.S.C. chapter 44. ATF is authorized to collect this information to evaluate the eligibility of responsible persons associated with a legal entity seeking to make or transfer an NFA firearm. Implementing regulations are in 27 CFR part 479.
2. **Purpose:** ATF uses the information collected on ATF Form 5320.23 (“Form 23”), NFA Responsible Person Questionnaire, to identify and evaluate each responsible person associated with a trust or legal entity applying to make or receive an NFA firearm. The information helps ATF facilitate required background checks and ensures compliance with federal firearms laws.
3. **Routine uses:** ATF may disclose the information as permitted by the Privacy Act of 1974 (5 U.S.C. § 552a) and in accordance with System of Records Notice (SORN) JUSTICE/ATF-008 – Regulatory Enforcement Record System. ATF may share the information with federal, state, local, tribal, and foreign law enforcement or regulatory agencies to verify identity, conduct background investigations, ensure lawful compliance, or support legal proceedings. Tax return information is protected from unauthorized disclosure under 26 U.S.C. § 6103.4.
4. **Disclosure:** Providing this information is mandatory under 26 U.S.C. § 5822 and 27 CFR §§ 479.62 and 479.85 for persons who wish to receive clearance as an NFA responsible person. Failing to provide complete and accurate information may delay processing of your application or result in ATF denying your request to be a responsible person for firearms under the NFA.

Paperwork Reduction Act Notice

This form meets the clearance requirements of the Paperwork Reduction Act of 1995. ATF uses the collected information to determine the eligibility of a responsible person to make or transfer NFA firearms. ATF uses the data to identify the maker, transferor, and transferee, and the firearm being made or transferred, to ensure that making or transferring the firearm is permitted.

The estimated burden associated with this information collection is 0.20 hours per respondent or record-keeper, depending upon individual circumstances. Address comments concerning the accuracy of this burden estimate and suggestions for reducing it to the Reports Management Officer, Resource Management Officer; Information Technology Coordination Staff; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave, NE; Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.