



December 1, 2025

By electronic submission

Darwin Arceo
Department Clearance Officer, Policy and Planning Staff
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United States Department of Justice
Two Constitution Square
145 N Street NE, 4W-218
Washington, DC 20530

**RE: OMB 1140-0011 - Comment on Agency Information Collection Activities:
Application To Make and Register NFA Firearm, ATF Form 5320.1 (Form 1)**

**OMB 1140-0014 - Comment on Agency Information Collection Activities:
Application To Transfer and Register NFA Firearm (Tax-Paid), ATF Form 5320.4
(Form 4)**

**OMB 1140-0015 - Comment on Agency Information Collection Activities:
Application To Transfer and Register NFA Firearm (Tax-Exempt), ATF Form
5320.5 (Form 5)**

Dear Mr. Arceo:

Everytown for Gun Safety Support Fund¹ (“Everytown”) submits this comment in response to the October 30, 2025, information collection requests submitted by the Department of Justice (“Department” or “DOJ”) and Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) regarding proposed changes to National Firearms Act (“NFA”) application forms 5320.1 (“Form 1”), 5320.4 (“Form 4”) and 5320.5 (“Form 5”). These are application forms for requesting ATF’s permission to make or transfer NFA weapons, and the forms currently include a requirement that those seeking to make or transfer NFA weapons must first notify an appropriate chief law enforcement officer (“CLEO”) about the proposed making or transfer by sending the CLEO a copy of the completed form.² The Department proposes altering these forms “in anticipation of upcoming regulatory changes,” including by “removing the CLEO notification

¹ Everytown for Gun Safety Support Fund is the education, research and litigation arm of Everytown for Gun Safety, the largest gun violence prevention organization in the country with nearly 11 million supporters and more than 700,000 donors. The Everytown Support Fund seeks to improve our understanding of the causes of gun violence and help to reduce it by conducting groundbreaking original research, developing evidence-based policies, communicating this knowledge to the American public, and advancing gun safety and gun violence prevention in communities and the courts.

² A copy of the form must be provided to a CLEO who has jurisdiction over the locality in which the maker or transferee is located, such as a chief of police, sheriff, head of state police, or state or local district attorney or prosecutor. See 27 C.F.R. § 479.62(c) and 27 C.F.R. § 479.84(c).

requirement and copy” from each form.³

To protect our state and local law enforcement officers and communities, we urge the Department not to take such action. The NFA’s core goal is to ensure that only known and carefully vetted persons can make or obtain certain dangerous weapons, and this goal would be undermined by cutting state and local law enforcement agencies out of the loop when NFA weapons are made or acquired within their jurisdictions. For nearly a century, chief officers of state and local law enforcement agencies have been made aware when a person is seeking to make or acquire an NFA weapon in that agency’s jurisdiction, both in case the agency has information relevant to the vetting of the person and also so they know if an NFA weapon is present if they are called upon to serve a warrant, answer a domestic violence call, or otherwise engage in a potential confrontation with the person. In the past, even the gun industry’s trade association acknowledged that maintaining CLEO notification was an important tool for protecting officers and ensuring a streamlined process without sacrificing security. But eliminating notification for NFA weapons and leaving law enforcement officers in the dark would do just that, jeopardizing officer safety and putting communities at greater risk. The Department especially should not make such a risky and significant change via a procedurally deficient process that seeks to eliminate CLEO notification provisions from ATF forms before making or even proposing changes to the regulations that require such notification and without giving law enforcement and other stakeholders adequate opportunity to provide comments on those regulatory changes and have their views considered. The truncated process the Department seeks to use stands in stark contrast to the process used when previous changes were made to NFA applications, in which feedback was broadly solicited and considered before regulatory changes were made. For all of these reasons, and particularly for the safety of law enforcement officers and our communities, we urge the Department not to proceed with its proposed alteration of forms. We elaborate on these points below.

The National Firearms Act seeks to ensure that only known and carefully vetted persons can make or obtain certain dangerous weapons.

Since 1934, the NFA has regulated the manufacturing, possession, and transfer of certain weapons that Congress has determined to be particularly dangerous, including machine guns, short-barreled shotguns and rifles, silencers, destructive devices, and other weapons such as firearms disguised as objects such as umbrellas or canes.⁴ Congress enacted the NFA to curtail transactions of weapons that were frequently used in crime and to impose heightened restrictions on the possession, making, and transfer of weapons that pose significant danger to public safety because of factors such as their lethality, concealability, and ability to make it harder for law enforcement or bystanders to identify from where gunshots originated.⁵ The NFA requires those seeking to make or transfer NFA weapons to first submit an application to ATF, which must grant approval before the weapon can be manufactured or transferred.⁶ These applications must include detailed identification information about the firearm and the applicant, including the name, address, fingerprints, and photograph of the person seeking to make or possess the NFA

³ 90 Fed. Reg. 48901, 48902, 48904.

⁴ Disguised weapons are known under the NFA as “any other weapons.” See 26 U.S.C. § 5845(e).

⁵ See ATF, “[National Firearms Act](#),” viewed on November 9, 2025.

⁶ 26 U.S.C. §§ 5812, 5822.

weapon, and the person must also pass a background check.⁷ The law further requires that all NFA weapons be registered in a central registry called the National Firearms Registration and Transfer Record, including identification of each weapon and the identification and address of the person possessing the weapon.⁸

In short, for nine decades, federal law has sought to ensure that only known, vetted persons are entrusted with NFA weapons and that the manufacturing and movements of such weapons are carefully monitored given the dangers those weapons pose. State and local law enforcement have been instrumental partners in this effort since the NFA's beginning, yet the Department's proposed change would cut them out of the vetting process altogether and deprive them of critical information about NFA weapon activity in their jurisdictions.

Informing area law enforcement when applicants seek to bring NFA weapons into local communities is an integral part of the NFA's process for vetting and ensuring public safety.

When the NFA was enacted in 1934, its implementing regulations required applicants seeking to make or transfer an NFA weapon to obtain a certificate from a CLEO with jurisdiction over the maker or transferee's address stating that the CLEO had no information indicating that the possession of the firearm by the maker or transferee would be in violation of state or local law or that the person will use the firearm for other than lawful purposes.⁹ The goal behind this longstanding CLEO certification requirement was to ensure that law enforcement was aware when a particular person was seeking to make or obtain NFA weapons so law enforcement could help vet and confirm that the person is law-abiding, responsible, and capable of being entrusted with such dangerous weapons. In fact, up until 2016, the goal of making sure that CLEOs were aware of, and amenable to, the making or transfer of an NFA weapon in their jurisdiction was considered so important that ATF would not approve the making or transfer without obtaining CLEO certification in writing.

In 2009, ATF received a petition for rulemaking from the National Firearms Act Trade and Collectors Association ("NFATCA") seeking, among other changes, to revise ATF's regulations to eliminate the CLEO certification process.¹⁰ ATF gave the matter extensive consideration and review, and ATF issued proposed regulatory changes in 2013 and a final rule in 2016 that converted the CLEO certificate requirement into a requirement that applicants provide notification to CLEOs of their application.¹¹ ATF acknowledged that the CLEO certification process faced complications including, as NFATCA had pointed out, that some CLEOs had raised liability concerns that "signing an NFA transfer application will link them to any inappropriate use of the firearm," and also that the process had prompted many applicants "to create trust entities solely for the purpose of avoiding the CLEO certification process" which then caused challenges with conducting background checks.¹² In light of complications such as these, and after soliciting and carefully considering thousands of stakeholder comments, ATF

⁷ 26 U.S.C. § 5812, § 5822; 27 CFR § 479.63, § 479.85.

⁸ 26 U.S.C. § 5841(a).

⁹ See 27 C.F.R. § 479.63 and § 479.85 prior to the final rule amending those provisions issued on January 15, 2016; see also 53 Fed. Reg. 10488 ("The requirement has existed in regulations since the National Firearms Act was enacted in 1934.").

¹⁰ See 78 Fed. Reg. 55016-7.

¹¹ 81 Fed. Reg. 2658.

¹² 81 Fed. Reg. 2661, 2675.

amended its regulations and removed provisions requiring that applicants obtain a written CLEO certification before an application could be approved. Everytown did not agree with this decision, as we felt that CLEO certification provided an important safeguard that benefitted law enforcement and overall public safety by helping ensure that prohibited persons did not obtain NFA weapons, and we believe that the certification requirement should be restored, but we recognize that the process ATF used to reach this decision was transparent and thorough.

When making this regulatory change, ATF emphasized the importance of making sure that state and local CLEOs were still notified when a person submitted an NFA application and that these law enforcement agencies had the opportunity to provide federal authorities with information they may not otherwise have about the applicant or transferee's fitness for possessing NFA weapons. In fact, the Department's 2016 final rulemaking made clear that the elimination of the CLEO certification requirement was only made because the alternative of CLEO notification was available to provide a safety net. As the Department said, “[t]his notification will provide the CLEO an opportunity to conduct any inquiries required by State law, and provide ATF with appropriate input regarding the lawfulness of the individual's or responsible person's acquisition or possession of a firearm.”¹³ The Department elaborated on this point, stating that:

In conjunction with the mandatory background check required of all applicants, including responsible persons of trusts and legal entities, the requirement of CLEO notice fulfills the primary objectives that have supported the certification requirement: It provides the CLEO awareness that a resident of the CLEO's jurisdiction has applied to make or obtain an NFA weapon and affords the CLEO an opportunity to provide input to the ATF of any information that may not be available during a Federal background check indicating the applicant is prohibited from possessing firearms. As noted in the NPRM, although the NICS provides access to a substantial number of records to verify if an individual is prohibited from possessing firearms, CLEOs often have access to records or information that has not been made available to NICS. Providing notice to the CLEO of a prospective NFA transfer with instructions on how to relay relevant information to ATF will help fill possible information gaps in NICS by affording the CLEO a reasonable opportunity to provide relevant information to ATF.¹⁴

There are additional ways in which CLEO notification helps state and local law enforcement maintain public safety. For example, numerous states give law enforcement agencies discretionary authority to weigh in when a potentially dangerous or prohibited individual seeks a state permit to purchase a firearm or carry one concealed, and if a CLEO has been notified of that individual's attempts to make or obtain NFA firearms, it better informs law enforcement's decisionmaking during the permitting process.¹⁵ Further, if law enforcement is aware of a person in the community who has a history of dangerous conduct or mental instability and is notified that the person is seeking to make or obtain an NFA weapon, it will help inform

¹³ 81 Fed Reg. 2664.

¹⁴ 81 Fed. Reg 2682.

¹⁵ See, e.g., C.R.S. § 18-12-203; Conn. Gen. Stat. § 29-28; 430 ILCS § 66/20; Minn. Stat. § 624.714, subd. 6(a); N.J.S.2C:58-4; 18 Pa.C.S. § 6109; HRS § 134-2; MCLS § 28.422; Minn. Stat. § 624.7131, subd. 4; NY CLS Penal § 400.00.

the way in which law enforcement approaches potential interactions or confrontations with that person. For example, if law enforcement knows that a dangerous person has sought to make a short-barreled shotgun, they can adjust their tactics if they have to respond to a domestic violence call at that person's residence.

Accordingly, the final rule in 2016 revised ATF regulations in 27 C.F.R. § 479.62 and § 479.84 to require applicants to send a copy of completed Forms 1, 4, and 5 to the appropriate CLEO in order to provide notification that the NFA application was being submitted to ATF and also to require applicants to note in their application form the name and location of the CLEO to whom the form was sent.¹⁶ This notification requirement has proved to be a minimal burden on applicants, with the applicant merely needing to send to the CLEO a copy of an application form which the applicant was already required by federal law to complete. Further, ATF clearly had the authority to require such CLEO notification in lieu of CLEO certification. As the Department explained in its final 2016 rule:

Sections 5812 and 5822 give the Department broad authority to promulgate regulations governing application forms, including regulations pertaining to the identification of a firearm and its maker or, in the case of a transfer, its transferee and transferor . . . The notification requirement thus falls within the Department's authority to request information from individuals who seek to make or transfer NFA firearms that helps it to fulfill its statutory mandate to prevent prohibited individuals from obtaining NFA firearms.¹⁷

Notably, as the Department and ATF considered the NFATCA's rulemaking petition on the CLEO certification requirement, the National Shooting Sports Foundation ("NSSF"), in a comment letter it submitted in response to the 2013 proposed rule, specifically urged ATF to "consider shifting to a notification process" to "remove the unnecessary burden from CLEO without sacrificing security."¹⁸ The NSSF argued that "[s]hifting to a notification process from a certification process will provide local law enforcement officials with an opportunity to object to a transfer, without requiring the CLEO to use scarce time and resources."¹⁹ The NSSF urged that "[t]he current forms could be revised to merely require that the CLEO be notified by the submission of a copy of the form."²⁰ That is exactly what ATF did in its 2016 final rule.

The Department's proposed changes reflect a flawed process and, if implemented, would increase the risk of harm to law enforcement officers and to public safety.

Even though the Department had already accommodated the NFATCA's rulemaking petition and the NSSF's suggestion to convert the CLEO certification requirement into a notification requirement in 2016, the Department now proposes to eliminate even the minimally burdensome CLEO notification requirement. This means local law enforcement would not be made aware of NFA weapons being made or brought into their jurisdictions and would not have the opportunity to alert federal authorities about the suitability or dangerousness of those seeking to possess such weapons. Troublingly, the process the Department is using to make this proposed

¹⁶ 81 Fed Reg. 2682.

¹⁷ 81 Fed Reg. 2680.

¹⁸ See National Shooting Sports Foundation [comment letter](#), Dec. 6, 2013.

¹⁹ *Id.*

²⁰ *Id.*

change is procedurally deficient and risks ignoring the views of important stakeholders, such as law enforcement officials themselves. Even worse, the substance of this change would be harmful to public safety, as the Department’s proposed change would, in the NSSF’s own words, be “sacrificing security” and putting law enforcement and communities at greater risk.

With respect to process, the Department is seeking to put the cart before the horse, proposing to use an information collection request submission to strike the CLEO notification section in Forms 1, 4, and 5 before there has been any change to the regulations that require such notification (27 C.F.R. § 479.62(c) and § 479.84(c)). By seeking to strike the CLEO notification requirement from Forms 1, 4, and 5 “in anticipation of upcoming regulatory changes,” the Department simply assumes the outcome of the upcoming regulatory revision process it plans to undertake before considering any views and comments they might receive during that process from law enforcement and others involved in protecting public safety.²¹ This corner-cutting procedure stands in stark contrast to the thorough and transparent process the Department undertook after it received NFATCA’s petition for rulemaking in 2009, which included issuing a proposed rule in 2013 and issuing a final rule in 2016 after considering and incorporating extensive feedback received from thousands of commenters. The views of law enforcement, public safety officials, and other stakeholders on this matter should be solicited, heard, and incorporated before the Department takes any action.²² Furthermore, removing the CLEO notification section from Forms 1, 4, and 5 while ATF regulations still require such notification risks making applicants noncompliant with the laws currently on the books. These deficiencies in the Department’s process are unsettling and a clear sign that the Department should change its procedural approach to this issue.

But an even greater concern with the Department’s plan to eliminate CLEO notification is the increased risk of harm it would create to officer safety and to the public. As the Department noted in its 2016 final rulemaking, CLEOs often are aware of information about individuals in their community who may be prohibited by federal or state law from eligibility to possess firearms, and that information should certainly be shared with ATF and the Department before an NFA application is approved. Further, when a local law enforcement agency responds to a domestic violence call, serves a warrant, carries out an extreme risk protection order, or otherwise interacts with a community member in a potentially confrontational situation, it is relevant and important for that law enforcement agency to know beforehand if that person possesses an NFA weapon. NFA weapons, such as short-barreled rifles and silencers, can significantly elevate the danger to law enforcement of responding to domestic violence calls, serving warrants, and other similar interactions. For example, several months ago three law enforcement officers were shot and killed and two others were wounded as they tried to serve a warrant during a domestic violence investigation in North Codorus Township, Pennsylvania. The gunman reportedly fired upon the officers using an AR-15-style rifle with a silencer.²³

²¹ 90 Fed. Reg. 48901, 48902, 48904.

²² The process of submitting information collection requests to the Office of Management and Budget is not as well publicized as the notice and comment rulemaking process, as reflected by the fact that the Department’s August 8, 2025 information collection notice only prompted the submission of one comment. *See, e.g.*, 90 Fed. Reg. 48901.

²³ Rhian Luvin, “[Rural Pennsylvania horror: Suspect named after three cops shot dead and two wounded while serving a warrant](#),” The Independent, Sept. 18, 2025.

It is clear that NFA weapons pose an elevated risk of harm to public safety as well as to officer safety. Machine guns and destructive devices have dramatically enhanced capacity to cause mass death and harm in a short timeframe. Weapons like disguised firearms and short-barreled rifles and shotguns combine firepower and concealability in a way that leaves targets and law enforcement particularly vulnerable to surprise attacks. And silencers, by suppressing the sound of gunshots and masking muzzle flash, make it more difficult for both law enforcement and bystanders to recognize gunfire and determine the location of the shooter. A recent Everytown analysis found that silencers have been used in over 100 violent incidents and planned attacks and over 400 federal cases involving serious crimes, and eight states and D.C. have banned silencers altogether in light of the dangers they pose.²⁴ The more time it takes law enforcement officers to learn of and respond to gunshots, the more time a shooter has to cause harm or to escape.²⁵ Short-barreled rifles and shotguns, disguised guns, and silencers also reduce the likelihood that there will be witnesses to a shooting and actionable intelligence for law enforcement to act on in an investigation. The risks that these NFA weapons pose to law enforcement and to the public are why the NFA has sought to ensure that only known and vetted persons have access to such weapons.

There is simply no compelling justification for the Department to go out of its way to cut local law enforcement off from receiving notifications about NFA making and transfer applications which have been provided to CLEOs for decades either as part of the NFA's pre-2016 certification requirement or the post-2016 notification requirement. The current CLEO notification requirement is valuable for law enforcement and minimally burdensome for applicants: All applicants have to do is simply send in a copy of a form that they are already required by law to complete. CLEO notification has not slowed down the processing of NFA applications. In fact, processing times have shortened dramatically in recent years, and ATF reported that in August 2025, the processing of an electronically submitted Form 1 took eight days, a Form 4 took 10 days, and a Form 5 took two days.²⁶ Congress also has repeatedly emphasized the importance of strengthening communication between federal, state and local law enforcement in situations where a person's prohibited status as a firearm possessor may pose a danger, such as with the enactment of the bipartisan NICS Denial Notification Act in 2022. But this new proposed action by the Department would take a significant step backward in keeping law enforcement agencies apprised of critical information that helps protect the safety of their officers and the communities they serve, even though there is no indication that local law enforcement has used this information irresponsibly. In short, the Department's proposal elevates the risk of serious harm to law enforcement officers and communities for little apparent benefit, and seeks to do so using a flawed and deficient process that does not adequately solicit or consider the views of the public safety stakeholders who are most affected.

²⁴ Everytown report, "[Quiet Killers](#)," June 11, 2025; the states are California, Delaware, Hawaii, Illinois, Massachusetts, New Jersey, New York and Rhode Island.

²⁵ For example, in February 2013, a gunman used silencers to shoot and kill four, including two police officers, and wound several others in a 10-day shooting spree targeting law enforcement in Southern California. The silencers helped the gunman avoid witnesses, evade detection, and ambush police several times during the spree, including when he used an AR-15 with a silencer to fire 29 shots at one police car and 13 shots at another. *See* Police Foundation, "Southern California Law Enforcement Response to the Attacks by Christopher Dorner," (2025), <https://www.policinginstitute.org/wp-content/uploads/2015/07/Police-Under-Attack.pdf>.

²⁶ [ATF Current Processing Times](#), Average Processing Times for Applications Processed During August 2025, viewed on November 13, 2025.

Conclusion

As the Department has acknowledged, “NFA weapons are dangerous weapons that can empower a single individual to take many lives in a single incident.”²⁷ For nearly a century, laws have been on the books to carefully regulate and monitor NFA weapons to make sure that they are only in the possession of those who are known, vetted, and trusted to possess those weapons responsibly. But under the new Department proposal, state and local law enforcement will be cut out of the NFA vetting loop entirely, depriving them of information that helps them keep their communities safe.

State and local law enforcement have been, and must continue to be, made aware of and involved in the process of ensuring that NFA weapons are not provided to dangerous persons in their communities. Eliminating the CLEO notification requirement across the board for all NFA weapons, including fully automatic machine guns, short-barreled rifles and shotguns that are easily concealed, firearms disguised as objects such as umbrellas or canes, and destructive devices such as grenades, would deprive these law enforcement agencies of knowing when and where such dangerous weapons are being made or brought into their communities. This puts law enforcement at unnecessary increased risk, especially when law enforcement is called upon to confront a person in a location where an NFA weapon may be present. Further, the Department should not take the step of summarily eliminating the CLEO notification requirement through a truncated information-collection submission process that presumes certain regulatory changes will be made before considering or even collecting law enforcement views on those regulatory changes.

For the sake of our law enforcement officers and our communities, the Department should not strike the CLEO notification from Forms 1, 4, and 5 in its current information-collection request, and any upcoming proposed rulemaking to consider changes to the CLEO notification regulations should, at a minimum, first solicit and carefully consider the views of law enforcement and public safety stakeholders.

Thank you for your consideration of this comment.

Sincerely,



Nick Suplina
Senior Vice President for Law & Policy
Everytown for Gun Safety Support Fund

²⁷ 81 Fed. Reg. 2669.