

December 1, 2025

SUBMITTED VIA OIRA INFORMATION COLLECTION REVIEW COMMENT PORTAL

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ATTN: OMB 1140-0011, 1140-0014, 1140-0015

This comment is submitted on behalf of GIFFORDS and GIFFORDS Law Center to Prevent Gun Violence (“GIFFORDS”) in response to the 30-Day notices for “Agency Information Collection Activities; Proposed eCollection eComments Requested; Title: Application To Make and Register NFA Firearm, ATF Form 5320.1 (“Form 1”),” “Agency Information Collection Activities; Proposed eCollection eComments Requested; Title: Application To Transfer and Register NFA Firearm (Tax-Paid), ATF Form 5320.4 (“Form 4”),” and “Agency Information Collection Activities; Proposed eCollection eComments Requested; Title: Application To Transfer and Register NFA Firearm (Tax-Exempt), ATF Form 5320.5 (“Form 5”).” GIFFORDS, the national gun safety organization led by former Congresswoman Gabrielle Giffords, writes in opposition to the removal of “CLEO notification requirement and copy” from ATF Forms 5320.1, 5320.4, and 5320.5, and implores the Department of Justice (“Department”) to maintain this law enforcement notification requirement.

GIFFORDS is committed to advancing commonsense change that makes communities safer from gun violence. Operating out of offices in San Francisco and Washington DC, and states across the country from Florida to Arizona, our staff partners with lawmakers and advocates at the federal, state, and local levels to craft and enact lifesaving gun safety laws, provide expertise in critical gun violence prevention litigation, and educate the public on the proven solutions that reduce gun violence.

## **REMOVAL OF CHIEF LAW ENFORCEMENT OFFICER NOTIFICATION JEOPARDIZES PUBLIC SAFETY**

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regulations require individuals to “forward a completed copy” of their application to make or transfer NFA-regulated weapons “to the chief law enforcement officer of the locality in which” the maker or transferee is located.<sup>1</sup> This regulation is carried out through ATF Forms 1 (Application to Make and Register a Firearm), 4 (Application for Tax Paid Transfer and Registration of Firearm), and 5 (Application for Tax Exempt Transfer and Registration of Firearm). Each form explains the chief law enforcement officer (CLEO) notification requirement, including who is considered a CLEO, and directs the applicant to identify the law enforcement agency, the name and title of the CLEO, and the address of the CLEO to receive the application. This notice

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<sup>1</sup> 27 C.F.R. §§ 479.62(c) and 479.84(c). See *also* ATF Final Rule 41.

keeps local authorities informed of the existence of unusually dangerous weapons in their communities and gives law enforcement the ability to flag any potential local concerns with the applicant (e.g., ongoing investigations, prohibited persons, or local ordinances that might conflict).

OMB 1140-0011, -0014, and -0015<sup>2</sup> remove the chief law enforcement officer notice requirement from ATF's NFA making and transfer forms, such that applicants to make or transfer an NFA weapon are no longer directed in their application to notify their CLEO. Removing this directive disadvantages local law enforcement agencies because they will no longer receive notice when the federal government is considering an application by a member of their community to possess an unusually dangerous weapon. Community safety is at risk because law enforcement will be ill-prepared to respond to unknown dangers that may result from persons possessing NFA weapons, particularly persons who have a record of dangerous or risky behavior known by local law enforcement authorities.

### **The National Firearms Act: Unusually Dangerous Weapons**

The National Firearms Act (NFA) was enacted in 1934 as the first federal regulation of the manufacture and transfer of firearms. An exercise of the taxing power, the NFA levied a tax on the making and transfer of certain classes of firearms, including machine guns, short-barreled rifles, and silencers (or suppressors), in part to discourage or eliminate the purchase of NFA weapons.

Congress chose to regulate these specific firearms under the NFA because they were unusually dangerous and frequently used in crime. Machine guns are fully automatic firearms that fire multiple bullets with a single pull of the trigger. This continuous-fire feature makes machine guns hazardous to the general public and appropriate for use only by the military. Short-barreled rifles are easily concealable like handguns, because of their length, but have the power and accuracy of rifles, because of the high-powered ammunition they fire and their design or intent to be fired from the shoulder. Silencers are inherently dangerous devices that shooters can use to suppress the sound of gunfire and mask muzzle flash. Silencers put law enforcement and the public at grave risk by making it more difficult to identify nearby gunshots and locate an active shooter.

OMB 1140-0011, -0014, and -0015 ignore the danger presented by these weapons, placing machineguns, short-barreled firearms, and silencers in communities unbeknownst to the individuals sworn to serve and protect said communities.

## **CONCLUSION**

This administration talks frequently about being concerned with violent crime, however this Department continues to take steps to make communities less safe. Removing the requirement to notify law enforcement that a resident intends to possess an NFA weapon is a threat to public safety and another step toward eliminating all firearm regulations. We encourage the Department to maintain the chief law enforcement officer notification requirement on ATF Forms 5320.1, 5320.4, and 5320.5.

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<sup>2</sup> OMB 1140-0011, -0014, and -0015 enumerate changes the Department intends to make to ATF Forms 5320.1, 5320.4, and 5320.5 "in anticipation of upcoming regulatory changes, and to make the form[s] easier to read, correct minor errors, and adjust for updated technology." Removing the requirement that a copy of the application be provided to the CLEO neither improves the readability of the forms, corrects minor errors, nor has a relation to updated technology. Furthermore, the notification remains a requirement under federal regulations.