

DEPARTMENT OF JUSTICE  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES  
Supporting Statement  
OMB # 1140-0020

ATF Form 4473 (5300.9) Part I, Firearms Transaction Record Over-the-Counter

A. Justification

1. The subject form is required under the authority of 18 U.S.C. § 922 and 923 and 27 CFR 478.124. These sections of the Gun Control Act (GCA) prohibit certain persons from shipping, transporting, receiving or possessing firearms. All persons, including Federal firearms licensees (FFLs), are prohibited from transferring firearms to such persons. FFLs, as well as nonlicensed sellers, are also subject to other restrictions regarding the disposition of a firearm to an unlicensed person under the GCA. For example, age and state of residence also determine whether a person may lawfully receive a firearm. The information and certification on the Form 4473 are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. The ATF Form 4473 should only be used for sales or transfers of firearms where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction.

The following changes were made to the form:

- Remove word “**Part I**” from the bottom right corner of pages 1 through 6
- Removed section symbol (§) from the form
- Updated references to specific question numbers
- **Header:** Firearms Transaction Record – Removed “Part I-Over-the-Counter”
- **Warning Paragraph 2:** Moved “Read the Notices, Instructions, and Definitions” to beginning of paragraph. Added “Prepare in original only at the licensed premises (*“licensed premises” includes business temporarily conducted from a qualifying gun show or event within the same State in which the licensed premises is located*) unless the transaction qualifies under 18 U.S.C. 922(c).”
- **Transaction Serial Number:** Changed “Transferor’s” to “Transferor’s/Seller’s”

**Section A**

- **Header:** Changed “Transferee (Buyer)” to “Transferee/Buyer”

- **Question 1:** Changed “Transferee’s Full Name” to “Transferee’s/Buyer’s Full Name”. Added “(If legal name contains an initial only, record “IO” after the initial. If no middle initial or name, record “NMN”.)” and “(Including suffix (e.g., Jr, Sr, II, III))”
- **Question 2:** Changed “Current Residence Address” to Current State of Residence and Address”
- **Question 6:** Changed “Gender” to “Sex”
- **Question 10.b:** Added “(In addition to ethnicity, select one or more race in 10.b. Both 10.a. and 10.b. must be answered.)”
- **Question 11:** Changed “Answer questions 11.a. (see exceptions) through 11.l. and 12 (if applicable)” to “Answer the following questions”
- **Question 11.a:** Moved “(See Instructions for Question 11.a.)” to end of paragraph. Changed “actual buyer” to “actual transferee/buyer” and “dealer cannot” to “licensee cannot”
- **Question 11.d:** Added “(See Instructions for Question 11.d.)”
- **Question 11.e:** Added “Warning: The use or possession of 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.”
- **Question 11.f:** Removed “(which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs)”. Changed “adjudicated mentally defective” to “adjudicated as a mental defective”.
- **Question 11.k.** (Now Question 12.c.): Changed “alien illegally” to “alien illegally or unlawfully”
- **Question 11.l.** (Now Question 12.d.1.): Changed “Are you an alien admitted to the United States under a nonimmigrant visa? (See Instructions for Question 11.l.) If you answered “no” to this question, do **NOT** respond to question 12 and proceed to question 13.” to “Are you an alien who has been admitted to the United States under a nonimmigrant visa?”
- **Question 12.** (Now Question 12.d.2.): Changed “If you are an alien admitted to the United States under a nonimmigrant visa, do you fall within any of the exceptions set forth in the instructions? (If “yes”, the licensee must complete question 20c.) (See Instructions for Question 12.) If question 11.l. is answered with a “no” response, **the do NOT respond** to question 12 and proceed to question 13.” to “If “yes”, do you fall within any of the exceptions stated in the instructions?”

- **Removed from form - Question 13:** Information incorporated into Question 2.
- **Question 14.** (Now Question 12.a.): Changed “What is your country of citizenship?” to “Country of Citizenship:” and “List/check” to “Check/list”. Added “*Nationals of the Unites States may check U.S.A*”
- **Question 15.** (Now Question 13): Changed “If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?” to “If you are an alien, record your U.S.-Issued Alien or Admission number (*AR#, USCIS#, or, I94#*):”
- **Transferee Certification:** Changed “actual buyer” to “actual transferee/buyer”, “questions 11.b. through 11.k.” to “questions 11.b. through 11.i. and/or 12.b. through 12.c.”, “question 11.l. is prohibited from purchasing or receiving a firearm, unless the person also answers “Yes” to question 12” to “question 12.d.1 is prohibited from receiving or possessing a firearm, unless the person answers “yes” to question 12.d.2. and provides the documentation required in 18.c”, and changed “is a violation of law” to “is a violation of Federal law”

## **Section B**

- **Header:** Changed “Transferor (Seller)” to “Transferor/Seller”
- **Question 18.** (Now Question 16): Changed “Frame, Receiver, etc.” to “frame, receiver, etc”.
- **Question 19.** (Now Question 17): Changed “If sale at a gun show or other qualifying event.” to “If transfer is at a qualifying gun show or event:” and “Name of Event:” to “Name of Function:”
- **Question 20b.** (Now Question 18.b.): Changed “Alternate Documentation (if driver’s license or other identification document does not show current residence address)” to “Supplemental Government Issued Documentation (*if identification document does not show current residence address*)”
- **Question 20c.** (Now Question 18.c.): Changed “Aliens Admitted to the United States Under a Nonimmigrant Visa Must Provide: Type of documentation showing an exception to the nonimmigrant visa prohibition.” to “Exception to the Nonimmigrant Alien Prohibition: If the transferee/buyer answered “YES” to 12.d.2. the transferor/seller must record the type of documentation showing the exception to the prohibition and attach a copy to this ATF Form 4473.”
- **Question 21a.** (Now Question 19.a.): Removed “(*Month/Day/Year*)”. Changed “transferee’s identifying information” to “transferee’s/buyer’s identifying information”.

- **Question 21c.** (Now Question 19.c.): Removed “(Missing Disposition Information date provided by NICS)”. Changed “initially provided” to “initially (first) provided”.
- **Question 21d.** (Now Question 19.d.): Changed “If the initial NICS or State response was “Delayed,” the following response was received from NICS or the appropriate State agency:” to “The following response(s) was/were later received from NICS or the appropriate State agency:” Added a check box and “Overturned”
- **Added to form - Question 19.g:** “Name of FFL Employee Completing NICS check. (Optional)”
- **Question 22.** (Now Question 20.): Changed “No NICS check was required because the transfer involved only National Firearms Act firearm(s)” to “No NICS check was required because a background check was completed during the NFA approval process on the individual who will receive the NFA firearm(s), as reflected on the approved NFA application.”
- **Question 23.** (Now Question 21.): Changed “buyer” to “transferee/buyer”

### Section C

- **Header:** Changed “Transferee (Buyer)” to “Transferee/Buyer”
- **Instruction paragraph:** Changed “transferee (*buyer*) signed” to “transferee/buyer signed” and “transferee must” to “transferee/buyer must”

### Section D

- **Header:** Changed “Must Be Completed by Transferor (Seller)” to “Must Be Completed by Transferor/Seller Even If The Firearm(s) Is Not Transferred
- **Question 26.** (Now Question 24.): Changed “Manufacturer and/or Importer” to “Manufacturer and Importer (*If any*)”
- **Question 27:** Added “(If Designated)”
- **Question 29.** (Now Question 27.): Removed “(pistol, revolver, rifle, shotgun, receiver, frame, etc.)
- **Added to form:** Line numbers 1. - 5. for Questions 24-28
- **Multiple Sale:** Moved to between Questions 28 and 29. Added “REMINDER”
- **Question 30.a.** (Now Question 29): Changed “Total Number of Firearms” to “Total Number of Firearms Transferred” and “e.g. one” to “e.g. zero, one”.

- **Question 30b.** (Now Question 30.): Changed “Is any part of this transaction a Pawn Redemption?” to “Check if any part of this transaction is a pawn redemption. Line Number(s):”
- **Question 30c.** (Now Question 31.): Changed “FFL” to “Licensee”
- **Added to form - Question 32:** Check if this transaction is to facilitate a private party transfer. (*See Instructions for Question 32.*)
- **Question 31 and Question 32.**(Now Question 33.): Combined the two questions. Changed “address of transferor (*seller*)” to “address of transferor/seller”.
- **Transferor Certification:** Changed “I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer *if the transfer does not occur on the day Section A was completed*); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.” to “I certify that: (1) I have read and understand the Notices, Instructions, and Definitions on this ATF Form 4473; (2) the information recorded in Sections B and D is true, correct, and complete; and (3) this entire transaction record has been completed at my licensed business premises (“licensed premises” includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless this transaction has met the requirements of 18 U.S.C. 922(c). Unless this transaction has been denied or cancelled, I further certify on the basis of — (1) the transferee’s/buyer’s responses in Section A (and Section C, if applicable); (2) my verification of the identification recorded in question 18 (and my re-verification at the time of transfer, *if Section C was completed*); and (3) the information in the current ATF publication “*State Laws and Published Ordinances*” — it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.”

## **NOTICES, INSTRUCTIONS, AND DEFINITIONS**

- Added “,” after “Instructions”
- **Purpose of the Form:**
  - **Paragraph 1:** Removed “This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923.” Changed “determine if he or she” to “determine if he/she”; “alert the buyer” to “alert the transferee/buyer”; “The seller” to “The transferor/seller”; “seller must be” to “transferor/seller must be”; “long gun (*rifle or shotgun*)” to “rifle or shotgun”; “seller is presumed” to “transferor/seller is

- presumed”; “seller’s State” to “transferor’s/seller’s State”; and “buyer’s State” to “transferee’s/buyer’s State”. Added “and 479” and “(See ATF Publication 5300.5, State Laws and Published Ordinances.)”
- **Added to form - Paragraph 2:** “Generally, ATF Form 4473 must be completed at the licensed business premises when a firearm is transferred over-the-counter. Federal law, 18 U.S.C. 922(c), allows a licensed importer, manufacturer, or dealer to sell a firearm to a nonlicensee who does not appear in person at the licensee’s business premises only if the transferee/buyer meets certain requirements. These requirements are set forth in section 922(c), 27 CFR 478.96(b), and ATF Procedure 2013-2.”
  - **Paragraph 2 - Split into two paragraphs - (Now Paragraph 3):** Changed “seller has completed” to “transferor/seller has completed”; “he or she must make” to “he/she must make”; “his or her permanent records” to “his/her permanent records”; “(by date)” to “(by date of disposition)”; “(by name)” to “(by name of purchaser)”; “(by name)” to “(by name of transferee)”; “seller’s completed” to “transferor’s/seller’s completed”. Added “and after that period may be submitted to ATF.”
  - **Paragraph 2 - Split into two paragraphs - (Now Paragraph 4):** Changed “transfer is not complete” to “transfer is not completed”; “his or her records” to “his/her records”; “(by name)” to “(by name of transferee)”
  - **Paragraph 3 (Now Paragraph 5):** Changed “If you or the buyer discover” to “If the transferor/seller or the transferee/buyer discovers”; “you or the buyer wish to make a record of your discovery, then photocopy” to “the transferor/seller or the transferee/buyer wishes to correct the omission(s) or error(s), photocopy”; “You only should make” to “The transferor/seller should only make”; “The buyer should only make” to “The transferee/buyer should only make”; “your permanent records” to “the transferor’s/seller’s permanent records”
  - **Removed from form - Paragraph 4**
  - **Removed from form - Paragraph 5**
  - **Paragraph 6:** Changed “may require you” to “may require a firearms exporter”. Added “Warning: Any person who exports a firearm without proper authorization may be fined not more than \$1,000,000 and/or imprisoned for not more than 20 years See 22 U.S.C. 2778(c).”
- **Section A**
    - **Moved Question 1. – Paragraph 1 - to - Section A – Paragraphs 1:** Changed “The buyer must” to “The transferee/buyer must”; “if the buyer” to “if the transferee/buyer”; “excluding the seller” to “excluding the transferor/seller”; “other than the seller” to “other than the transferor/seller”; “buyer’s answers and signature” to “transferee’s/buyer’s signature/certification in question 14”

- o **Moved Question 1. – Paragraph 2 - to - Section A – Paragraphs 2:** Changed “When the buyer” to “When the transferee/buyer”; “his or her personal information” to “his/her personal information”
- o **Question 1 – Paragraph 1:** Changed “If the buyer’s name in question 1 is illegible, the seller must print the buyer’s name above the name written by the buyer.” to “If the transferee’s/buyer’s name in question 1 is illegible, the transferor/seller must print the transferee’s/buyer’s name above the name written by the transferee/buyer.”
- o **Question 2 – Paragraphs 1:** Removed “U.S. Postal abbreviations are acceptable. (e.g., St., Rd., Dr., PA, NC, etc.). Address cannot be a post office box.” Added “A rural route (RR) may be accepted provided the transferee/buyer lives in a State or locality where it is considered a legal residence address.”
- o **Question 2 – Paragraphs 2:** Changed “If the buyer is a member of the Armed Forces on active duty acquiring a firearm is the State where his or her permanent duty station is located, but does not reside at his or her permanent duty station, the buyer must list both his or her permanent duty station address and his or her residence address in response to question 2. If you are a U.S. Citizen with two States of residence, you should list your current residence address in response to question 2 (*e.g., if you are buying a firearm while staying at your weekend home in State X, you should list your address in State X in response to question 2*).” to “If the transferee/buyer is a member of the Armed Forces on active duty, his/her State of residence is the State in which his/her permanent duty station is located. If the service member is acquiring a firearm in the State where his/her permanent duty station is located, but resides in a different State, the transferee/buyer must list both his/her permanent duty station address and his/her residence address in response to question 2. If the transferee/buyer has two States of residence, the transferee/buyer should list his/her current residence address in response to question 2 (*e.g., if the transferee/buyer is purchasing a firearm while staying at his/her weekend home in State X, he/she should list the address in State X in response to question 2*).”
- o **Question 9:** Changed “For purchasers” to “For transferees/buyers”; “with a Unique Personal Identification Number” to “with a UPIN”; “buyer should record” to “transferee/buyer should record”; “or the State” to “or the State POC”.
- o **Added to form - Question 10.a. and 10.b:** “Federal regulations (27 CFR 478.124(c) (1)) require licensees to obtain the race of the transferee/buyer. This information helps the FBI and/or State POC make or rule out potential matches during the background check process and can assist with criminal investigations. Pursuant to Office of Management and Budget (OMB), effective January 1, 2003, all Federal agencies requiring collection of race and ethnicity information on administrative forms and records, were required to collect this information in a standard format. (See 62 FR 58782) The standard OMB format consists of two categories for data on ethnicity, “Hispanic or Latino,” and “Not Hispanic or Latino” and five categories for

data on race: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White.”

“Ethnicity refers to a person’s heritage. Persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race, are considered Hispanic or Latino.”

“Race - one or more of the following responses must be selected: (1) American Indian or Alaska Native - A person having origins in any of the original peoples of North and South America (including Central America), and who maintains a tribal affiliation or community attachment; (2) Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam; (3) Black or African American - A person having origins in any of the Black racial groups of Africa; (4) Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands; and (5) White - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. Any other race or ethnicity that does not fall within those indicated, please select the closest representation.”

- o **Question 11.a. Split into two paragraphs** (Now 11.a. Paragraph 1): Changed “you are the actual transferee/buyer if you are purchasing the firearm for yourself or otherwise acquiring the firearm for yourself” to a person is the actual transferee/buyer if he/she is purchasing the firearm for him/herself or otherwise acquiring the firearm for him/herself”; You are the actual transferee/buyer if you are legitimately purchasing the firearm as a gift for a third party” to “A person is the actual transferee/buyer if he/she is legitimately purchasing the firearm as a bona fide gift for a third party”. Added “A gift is not bona fide if another person offered or gave the person completing this form money, service(s), or item(s) of value to acquire the firearm for him/her, or if the other person is prohibited by law from receiving or possessing the firearm.”
- o **Question 11.a.** (Now 11.a. Paragraph 2): Changed “However, if Mr. Brown goes to buy a firearm with his own money to give to Mr. Black as a present,” to “ However, if Mr. Brown buys the firearm with his own money to give to Mr. Black as a gift (*with no service or tangible thing of value provided by Mr. Black*)”; “However, you may not transfer a firearm to any person you know or have” to “However, the transferor/seller may not transfer a firearm to any person he/she knows or has” ; “Please note: EXCEPTION: If you are picking up a repaired firearm(s) for another person you are” to “EXCEPTION: If a person is picking up a repaired firearm(s) for another person, he/she is”. Added “(who may or may not be prohibited)”
- o **Questions 11.b. – 11.l.** (Now Questions 11.b – 12.): Removed “Definition of Prohibited Person”. Changed “18 U.S.C. § 922” to “18 U.S.C. 922(g)”, “has been convicted of a felony” to “has been convicted of a felony in any Federal, State or



- local court”; “adjudicated mentally defective” to “adjudicated as a mental defective”; “convicted of a misdemeanor crime of domestic violence” to “convicted of a misdemeanor crime of domestic violence under Federal, State, or Tribal law” and “section 922” to “section 922(n)”. Incorporated from Question 11.b. “An information is a formal accusation of a crime verified by a prosecutor.”
- o **Removed from form - Question 11.b:** Information incorporated into Questions 11.b - 12.
  - o **EXCEPTION to 11.c. and 11.i.** (Now EXCEPTION): Removed “to 11.c. and 11.i.” Changed “Persons subject to this exception should answer “no” to 11.c. or 11.i., as applicable” to “Persons subject to this exception, or who receive relief from disabilities under 18 U.S.C. 925(c), should answer “no” to the applicable question.”
  - o **Added to form - Question 11.d:** “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 such person and who leaves the State of prosecution.”
  - o **Question 11.f. – Paragraph 1:** Changed “Adjudicated Mentally Defective” to “Adjudicated as a Mental Defective”
  - o **Question 11.f. – Paragraph 2:** Removed “Please also refer to Question 11.c. for the definition of a prohibited person.”
  - o **EXCEPTION to 11.f.** (Now EXCEPTION): Changed “NICS Improvement Amendments Act of 2007: A person who has been adjudicated as a mental defective or committed to a mental institution is not prohibited if: (1) the person was adjudicated or committed by a department or agency of the Federal Government, such as the United States Department of Veteran’s Affairs (“VA”) (as opposed to a State court, State board, or other lawful State authority); and (2) either: (a) the person’s adjudication or commitment for mental incompetency was set-aside or expunged by the adjudicating/committing agency; (b) the person has been fully released or discharged from all mandatory treatment, supervision, or monitoring by the agency; or (c) 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. Persons who fit this exception should answer “no” to Item 11.f. This exception does not apply to any person who was adjudicated to be not guilty by reason of insanity, or based on lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.” to “EXCEPTION: Under the 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: (a) the person's adjudication or commitment was set-aside or expunged by the adjudicating/committing agency; (b) the person has been fully released or discharged from all mandatory treatment, supervision, or monitoring by the agency; (c) 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; or (d) 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 answer "no" to question 11.f. 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 lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice."

- o **Question 11.h.:** Changed "Definition of Restraining Order" to "Qualifying Restraining Order"; "an individual who cohabitates or cohabitating" to "an individual who cohabitates or has cohabitated"
- o **Question 11.i.:** Removed "Definition"
- o **Question 11.l. - Paragraph 1 and 2** (Now Question 12.a.-12.d.): Changed "An alien admitted to the United States under a nonimmigrant 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. The definition does **NOT** include permanent resident aliens nor does it apply to nonimmigrant aliens admitted to the United States pursuant to either the Visa Waiver Program or to regulations otherwise exempting them from the visa requirements." and "An alien admitted to the United States under a nonimmigrant visa who responds "yes" to question 11.l. must provide a response to question 12 indicating whether he/she qualifies under an exception." to "Citizenship and Immigration Status: An alien admitted to the United States under a nonimmigrant 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 this question and provide the additional documentation required under question 18.c. 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 must answer "no" to this question and are not required to submit the additional documentation under question 18.c."
- o **Removed from form - Question 11.l. - Paragraph 2:** Information incorporated into Question 12.a.-12.d.
- o **Removed from form - Question 12. – Paragraph 1:** Information incorporated into Question 18.c.

- **Removed from form - Question 12. – Paragraph 2:** Information incorporated into Question 12.a.-12.d.
- **Removed from form Question 13. – Paragraphs 1 & 2:** Information incorporated into Question 2.
- **Added to form - Question 13:** U.S.-Issued Alien Number or Admission Number: U.S.-issued alien and admission numbers may be found on the following U.S. Department of Homeland Security documents: Legal Resident Card or Employment Authorization Card (AR# or USCIS#); Arrival/Departure Record, Form I94; or Form 797A (I94#). Additional information can be obtained from [www.cbp.gov](http://www.cbp.gov). If you are a U.S. citizen or U.S. national then this question should be left blank.
- **Question 16.** (Now Question 14.): Removed “Certification Definition of Engaged in the Business:” Changed “he or she devotes” to “he/she devotes”; “his or her personal collection” to “his/her personal collection”
- **Section B**
  - **Question 18. – Paragraph 1** (Now Question 16. – Paragraph 1): Removed “Check all boxes that apply”. Changed “or National Firearms Act (NFA) firearms” to “or National Firearms Act (NFA) firearms, including silencers.”
  - **Question 18. – Paragraph 2** (Now Question 16. – Paragraph 2): Changed “However, they are still” to “However, frames and receivers are still”; “921(a)(3)(b)” to “921(a)(3)(B)”; “18 U.S.C. Section 922(b)(1)” to “Section 922(b)(1)”; and “Section 932(g)(3)(a)” to “Section 923(g)(3)(A)”. Added “nor can these firearms be transferred to anyone who is not a resident of the State where the transfer is to take place”.
  - **Question 19.** (Now Question 17.): Changed “Gun Shows: If sale at gun show or other qualifying event sponsored by any national, State, or local organization, as authorized by 27 CFR § 478.100, the seller must record the name of event and the location (*city and State*) of the sale in question 19.” to “Qualifying Gun Show or Event: As defined in 27 CFR 478.100, a gun show or event is a function sponsored by any national, State, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.”
  - **Removed from form - Question 20a. – Paragraph 1**
  - **Question 20a. Paragraph 2** (Now Question 18.a. – Paragraphs 1 and 2) New Paragraph 1: Removed “Know Your Customer”; “The licensee must record the type, identification number, and expiration date (if any) of the identification in question 20.a.”; “For example, if a U.S. citizen has two States of residence and is trying to buy a handgun in State X, he may provide a driver’s license (*showing his name, date of*

*birth, and photograph*) issued by State Y and another government-issued document (*such as a tax document*) from State X showing his residence address.” Changed “age of the buyer” to “age of the transferee/buyer”; “The buyer must provide a valid government-issued photo identification to the seller that contains the buyer’s name” to “The transferee/buyer must provide a valid government-issued photo identification document to the transferor/seller that contains the transferee’s/buyer’s name”. Added “See instructions for Question 18.b. Supplemental Documentation.”

- o **Question 20a. Paragraph 2** (Now Question 18.a. – Paragraphs 1 and 2) New Paragraph 2: Changed “If the buyer” to “If the transferee/buyer”; “his or her permanent” to “his/her permanent”; “he or she has a driver’s” to “he/she has a driver’s” “you should list” to “the transferor/seller should list”; “buyer’s military” to “transferee’s/buyer’s military”; “his or her permanent” to “his/her permanent”. Added “Licensees may accept electronic PCS orders to establish residency.”
- o **Question 20.b.** (Now Question 18.b.): Removed “A combination of government-issued documents may be provided.” Changed “Alternate Documentation” to “Supplemental Documentation”; “transferee may be supplemented” to “transferee/buyer may be supplemented”; “transferee’s residence address” to “transferee’s/buyer’s residence address”; “This alternate documentation should be recorded” to “This supplemental documentation should be recorded”; “if a U.S. citizen has” to “if the transferee/buyer has”. Added “A valid electronic document from a government website may be used as supplemental documentation provided it contains the transferee’s/buyer’s name and current residence address.”
- o **Question 20c.** (Now Question 18.c.): Changed “Documentation for Aliens Admitted to the United States Under Nonimmigrant Visa: See instructions for Question 11.l. Types of acceptable documents would include a valid hunting license lawfully issued in the United States or a letter from the U.S. Attorney General granting a waiver.” to “Exceptions to the Nonimmigrant Alien Prohibition and Acceptable Documentation: An alien admitted to the United States under a nonimmigrant visa is not prohibited from purchasing, receiving, or possessing a firearm if the alien: (1) is in possession of a 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, which is valid and unexpired; (2) was admitted to the United States for lawful hunting or sporting purposes; (3) has received a waiver from the prohibition from the Attorney General of the United States; (4) 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; (5) is an official representative of a foreign government who is en route to or from another country to which that alien is accredited; (6) is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or (7) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.”

- o **Questions(s) 21, 22, 23** (Now Question 19. – Paragraphs 1-4): Paragraph 1: Changed “For purposes of this form, contacts to NICS include contacts to State agencies designated to conduct NICS checks for the Federal Government.” to “For purposes of this form, contacts to NICS include State agencies designated as points-of-contact (“or POCs”) to conduct NICS checks for the Federal Government.” Moved the “WARNING” to paragraph 2 and changed from “Any seller who transfers a firearm to any person they know or have reasonable cause to believe is prohibited from receiving or possessing a firearm violates the law, even if the seller has complied with the background check requirement of the Brady law.” to “Any person who transfers a firearm to any person he/she knows or has reasonable cause to believe is prohibited from receiving or possessing a firearm violates the law, even if the transferor/seller has complied with the Federal background check requirements.”
- o **Questions(s) 21, 22, 23** (Now Question 19. – Paragraphs 1-4): Paragraph 2: Removed “After the buyer has completed Section A of the form and the licensee has completed questions 18-20, and before transferring the firearm, the licensee must contact NICS (*read below for NICS check exceptions.*) However,”. Changed “should stop the transaction if: the buyer answers “no” to question 11.a.; the buyer answers “yes” to any question in 11.b.-11.l., unless the buyer only has answered “yes” to question 11.l. and also answers “yes” to question 12; or the buyer is unable to” to “ must stop the transaction if there is reasonable cause to believe that the transferee/buyer is prohibited from receiving or possessing a firearm, including if: the transferee/buyer answers “no” to question 11.a.; the transferee/buyer answers “yes” to any question in 11.b.-11.i. or 12.b.-12.c.; the transferee/buyer has answered “yes” to question 12.d.1, and answered “no” to question 12.d.2,; or the transferee/buyer cannot”.
- o **Questions(s) 21, 22, 23** (Now Question 19. – Paragraphs 1-4): Paragraph 3: Changed “initial response” to “initial (first) response”; “The licensee may record the Missing Disposition Information (MDI) date in 21.c. that NICS provides for delayed transactions (*States do not provide this number.*)” to “The licensee may record the date the firearms may be transferred to the transferee/buyer (also known as the Missing Disposition Information (MDI) date) in 19.c. that NICS provides for delayed transactions (*States may not provide this date.*)”; “If the licensee receives a “*delayed*” response, before transferring the firearm,” to “If the licensee receives any subsequent response(s) before transferring the firearm,”; “he or she must record” to “he/she must record”. Added “If the transaction was denied and later overturned in addition to checking the “Proceed” and entering the date, the licensee must also check the “Overturned” box and attach the overturn certificate issued by NICS or the State POC to the ATF Form 4473.”
- o **Questions(s) 21, 22, 23** (Now Question 19. – Paragraphs 1-4): Paragraph 4: Removed “Please note”. Changed “If NICS provides a “*cancelled*” response, the seller is prohibited from transferring the firearm to the buyer. If NICS provides a “*denied*” response, the seller is prohibited from transferring the firearm to the buyer.” to “If NICS provides a “*cancelled*” or “*denied*” response, the transferor/seller is prohibited from transferring the firearm to the transferee/buyer.”; “seller is prohibited” to

“transferor/seller is prohibited”; “seller that the buyer’s receipt” to “transferor/seller that the transferee’s/buyer’s receipt”.

- o **EXCEPTIONS TO NICS CHECK** (Now Questions 20. and 21. – Paragraphs 1 &2): Paragraph 1: Removed “See 27 CFR § 478.102(d) for a detailed explanation”. Changed “EXCEPTIONS TO NICS CHECK” to “NICS EXCEPTIONS”; “(a) transfers where the buyer has presented the licensee with a permit or license that allows the buyer to possess” to “(b) transfers where the transferee/buyer has presented the licensee with a permit or license that allows the transferee/buyer to possess” “(b) transfers of National Firearms Act weapons approved by ATF” to “(a) transfers of National Firearms Act firearms to an individual who has undergone a background check during the NFA approval process”; “buyer who fails” to “transferee/buyer who fails”.

**Added to form Questions 20. and 21 - Paragraph 2:** “A NICS check must be conducted if an NFA firearm has been approved for transfer to a trust, or to a legal entity such as a corporation, and no background check was conducted as part of the NFA approval process on the individual who will receive the firearm. Individuals who have undergone a background check during the NFA application process are listed on the approved NFA transfer form.”

- **Section C**

- o Question 24 and 25 (Now Questions 22 and 23.): Removed “, and the buyer must complete the recertification in Section C at the time of transfer.” Changed “buyer signed” to “transferee/buyer signed”; “buyer at the time” to “transferee/buyer at the time”.

- **Section D**

- o **Removed from form:** “Immediately prior to transferring the firearm, the seller must complete all of the questions in Section D. In addition to completing this form, the seller must report any multiple sale or other disposition of pistols or revolver on ATF Form 3310.4 (see 27 CFR § 478.126a).”
- o **Question(s) 26, 27, 28, 29 and 30** (Now Question 24-28 – Paragraphs 1-4): Paragraph 1: Changed “These blocks should” to “These blocks must”; “Should you acquire a firearm” to “Should you acquire a pre-1968 firearm”
- o **Question(s) 26, 27, 28, 29 and 30** (Now Question 24-28 – Paragraphs 1-4): Paragraph 2: Changed “attached to the ATF Form 4473 covering the transaction” to “attached to this ATF Form 4473.”
- o **Question(s) 26, 27, 28, 29 and 30** (Now Question 24-28 – Paragraphs 1-4): Paragraph 3: Changed “Types of firearms include” to “Types of firearms include, but are not limited to”; “not either handguns or long guns (rifles or shotguns), such as firearms having a pistol grip that expel a shotgun shell or National Firearms Act (NFA)

firearms” to “neither handguns nor long guns (rifles or shotguns), such as firearms having a pistol grip that expel a shotgun shell (pistol grip firearm) or NFA firearms (machinegun, silencer, short-barreled shotgun, short-barreled rifle, destructive device or “any other weapon”).

- o **Question(s) 26, 27, 28, 29 and 30** (Now Question 24-28 – Paragraphs 1-4): Paragraph 4: Removed “The seller must conduct a new NICS check”. Changed “Additional firearms purchases by the same buyer may not added to the form after the seller has signed and dated it. A buyer who wishes to purchase additional firearms after the seller has signed and dated the form must complete a new ATF form 4473.” to “Additional firearms purchases by the same transferee/buyer may not be added to the form after the transferor/seller has signed and dated it. A transferee/buyer who wishes to acquire additional firearms after the transferor/seller has signed and dated the form must complete a new ATF Form 4473 and undergo a new NICS check.”
- o **Question 30c.** (Now Question 31.): Changed “This box is for the FFL’s use in recording any information he or she” to “This item is for the licensee’s use in recording any information he/she”
- o **Removed from form - Question 32**
- o **Added to form - Question 32:** “Check this box, or write “Private Party Transfer” in question 31, if the licensee is facilitating the sale or transfer of a firearm between private unlicensed individuals in accordance with ATF Procedure 2013-1. This will assist the licensee by documenting which transaction records correspond with private party transfers, and why there may be no corresponding A&D entries when the transfer did not proceed because it was denied, delayed, or cancelled.”
- o **Removed from form - Question 33-35**
- o **Privacy Act Information:** Paragraph 1: Changed “Solicitation of this information is authorized under 18 U.S.C. § 923(g). Disclosure of the individual’s Social Security number is voluntary. The number may be used to verify the buyer’s identity.” to “Solicitation of this information is authorized under 18 U.S.C. 923(g). Disclosure of this information by the transferee/buyer is mandatory for the transfer of a firearm. Disclosure of the individual’s Social Security number is voluntary. The number may be used to verify the transferee’s/buyer’s identity.”
- o **Added to Form - Privacy Act Information:** Paragraph 2: “For information about the routine uses of this form see System of Records Notice Justice/ATF-008, Regulatory Enforcement Records System (68 FR 163558, January 24, 2003.”

The following changes were made in response to comments received from the 60 day comment period.

## **Section A**

- **Question 2:** The size of the box for the county was increased and the size of the box for the zip code was decreased
- **Question 12.a:** Added “(U.S.A.)” after “United States of America” in second line
- **Question 12.c:** The word “unlawfully” was made bold
- **Question 12.d.1:** Added “(*See Instructions for Question 12.d.*)” to the end of the question

### **Section D**

- **Questions 24 – 28:** The 5<sup>th</sup> row was deleted
- **Question 30:** Second line changed to “Line Number(s) From Question 24 Above
- **Question 33:** The height of the box was increased to 1”
- **Multiple handgun sale reminder:** Added “By the Close of Business” to the beginning of the sentence and made the line under the reminder statement bold
- **The block under Question 33:** Moved “For Denied/Cancelled Transactions,” to the second line
- **Licensee certification:** Line 6 was changed to “(3) State or local law applicable to the firearms business”

### **NOTICES, INSTRUCTIONS, AND DEFINITIONS**

- **Question 9:** Changed the last sentence to “The licensee should provide the UPIN when conducting background checks through the NICS or the State POC.”
- **Questions 11.b – 12:** Added a new paragraph between the 1<sup>st</sup> and 2<sup>nd</sup> paragraphs. “A member of the Armed Forces must answer “yes” to 11.b. or 11.c. if charged with an offense that was either referred to a General Court Martial, or at which the member was convicted. Discharged “under dishonorable conditions” means separation from the Armed Forces resulting from a dishonorable discharge or dismissal adjudged by a General Court-Martial. The term does not include any other discharge or separation from the Armed Forces.”
- **Question 11.f. Exception:** Added “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 section 922(g)(4) of title 18, United States Code; (e)” after (d). The information currently after (d) was made (e)



- **Question 12.a. – 12.d:** Title changed to “Question 12.d. Immigration Status”
- **Question 19 (Third Paragraph, 4<sup>th</sup> sentence):** Changed to “If the transfer was denied and later overturned in addition to checking the “Proceed” and entering the date, the licensee must also check the “Overturned” box and, if provided, attach the overturn certificate issued by NICS of the State POC to the ATF Form 4473”
- **Question 24-28 (First Paragraph, 2<sup>nd</sup> sentence):** Changed to “Firearms manufactured after 1968 by Federal firearms licensees should all be marked with a serial number.
- **Question 24-28 (First Paragraph, 3<sup>rd</sup> sentence):** Changed to “Should you acquire a firearm that is legally not marked with a serial number (i.e. pre-1968),”
- **Question 24-28 (Second Paragraph, 2<sup>nd</sup> sentence):** Changed “five firearms” to “four firearms”

2. A person purchasing a firearm from a Federal firearms licensee must complete Section A of the Form 4473. The buyer’s answers to the questions determine whether or not he or she is eligible to receive the firearm. If those answers indicate that the buyer is not prohibited from receiving a firearm, the licensee completes Section B of the Form 4473 and contacts the Federal Bureau of Investigation (FBI) National Instant Criminal Background Check System (NICS) or the State point of contact (POC) to determine if the firearm can be legally transferred to the purchaser. After the seller has completed the firearms transaction, he or she must retain the completed original Form 4473 (*which includes the Notices, General Instructions, and Definitions*) and any supporting documents, as part of his or her official records for twenty years, as required by 27 CFR 478.129 (b).

3. The Form 4473 will be mailed to all licensees. In addition, the Form will be available electronically, via the ATF internet site to download and print. For those licensees not able to access the form electronically, additional forms will be made available at ATF’s Distribution Center. The Distribution Center will continually stock the Form 4473 for distribution. Licensees who wish to utilize a commercial version of electronic 4473 software must do so in compliance with the variance provisions of 27 CFR 478.22(a) and ATF Ruling 2008-3.

4. ATF uses a uniform subject classification system for its forms 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 Form 4473 will not have a significant economic impact on small businesses.

6. The consequences of not conducting this collection of information, or conducting it less frequently, are that the licensee might transfer a firearm to a person who is prohibited from possessing firearms under Federal law. The collection of this information is necessary to comply with the statutory requirements to verify the eligibility of an individual receiving or possessing firearms under the Gun Control Act. There is no discretionary authority on the part

of ATF to waive these requirements. Respondents are required to supply this information as often as necessary to comply with statutory provisions. The form is critical with regard to the prevention of criminal diversion of firearms and enhances law enforcement's ability to trace firearms that are recovered in crimes.

7. There are no special circumstances that would cause or allow the information collection to be conducted in any other manner than is currently proposed.

8. In the past, ATF has consulted with licensees, Federal and State law enforcement agencies and FBI (NICS) to obtain their views on the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure, or reporting format, and on the data elements to be recorded, disclosed or reported. A 60 day and 30 day Federal Register notice was published in order to solicit comments from the general public. All comments received during the 60 day comment period were sent a response. Most comments received during the 30 day comment period were sent a response. However, there were some comments received near the end of the 30 day comment period to which ATF is preparing a response.

9. No payment or gift is offered to the respondent.

10. All records regarding this collection are kept on the licensee's premises in a secured location. Confidentiality is not assured.

11. Questions of a sensitive nature are asked to ensure that firearms are not sold to or received by persons who are prohibited by law from receiving and possessing firearms. The information and certification on the form are designed and intended to assist a person licensed under 18 U.S.C. § 923 in determining at the point of sale whether he or she may lawfully sell or deliver a firearm to the transferee.

12. The number of respondents associated with this information collection is 18,275,240 per year. Each respondent completes the form prior to acquiring a firearm. It is estimated that it takes 30 minutes to complete the form. The total annual burden hours associated with this information collection is 9,137,620.

13. There is no cost to respondents due to the fact that the purchaser completes the form on the premises in front of the licensee. Licensees may receive the Form 4473 at no charge from the ATF Distribution Center. In addition, the form will be available electronically, via the ATF Web site to download and print.

14. Cost of printing, distributing, and mailing the form is estimated at \$1,500,000. The cost estimate includes printing an estimated 6,000,000 forms, shrink-wrapping the forms, inserting them in envelopes, and mailing the packages to all Federal firearms licensees, as well as delivering a bulk supply of forms to the ATF Distribution Center for stock.

15. The increase in the population affected reflects an increase in the number of Federal firearm licensees and an increase in the number of firearms sold in the last calendar year.

16. The results of this information collection will not be published.

17. Because ATF does not typically provide the expiration date on its forms, ATF is requesting that the expiration date not be posted on the ATF Form 4473. ATF also believes that because the expiration date is not absolute and could be extended by OMB at ATF's request, it may cause confusion among the industry members and applicants if it is provided on the form and later extended. Additionally, because ATF mails the forms to respondents, displaying the expiration date would also require subsequent printing and mailing costs should the expiration date be extended.

18. There are no exceptions to the certification statement.