

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
Supporting Statement

OMB # 1140-0020

Firearms Transaction Record/ Registro de Transacción de Armas de Fuego - ATF Form 4473 (5300.9) and Firearms Transaction Record Continuation Sheet/ Registro de Transacción de Armas de Fuego Hoja de Continuación- ATF Form 4473 (5300.9A)

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 B, and to alert the transferee/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 subject form is also made available in a Spanish-language version, i.e. Registro de Transacción de Armas de Fuego - ATF Form 4473 (5300.9). The Spanish-language version is made available due to concerns from law enforcement that ATF may lose a criminal case due to the lack of a Spanish-language version of the form, in areas with large numbers of Spanish-speaking residents. Transferee/buyers are not required to complete the Spanish-language version of the form. They may choose to complete the English-language version.

A continuation sheet, Firearms Transaction Record Continuation Sheet/ Registro de Transacción de Armas de Fuego Hoja de Continuación - ATF Form 4473 (5300.9A) has been developed for transactions which involve more than three firearms in a single transaction.

ATF also requests approval to make the following changes to ATF Form 4473 (5300.9):

Warning

First Paragraph

- Deleted first sentence
- Changed second sentence from "The information you provide will be used to determine whether you are prohibited from receiving a firearm." to "The information you provide will be used to determine whether you are prohibited by Federal or State law from receiving a firearm."

- Added "Any person who exports a firearm without proper authorization from the Department of Commerce or the Department of State, as applicable, is subject to a fine of not more than \$1,000,000 and up to 20 years imprisonment."

Second Paragraph

- Changed "(“licensed premises” includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located)" to "(including business temporarily conducted from a qualifying gun show or event in the same State in which the premises is located)"
- Changed "All entries must be handwritten in ink." To "All entries must be handwritten in ink, unless completed under ATF Rul. 2016-2."

Section A.

Created a new Section A by moving Section D, Questions 24 – 28 Firearm(s) Description to after the warning paragraphs. Renumbered as Questions 1-5.

Section A Header (Former Section D Header)

- Changed "Must be completed by transferor/seller even if the firearm(s) is not transferred" to "Must be completed by transferor/seller before transferee/buyer completes Section B."

Question 1. (Former Question 24.) Manufacturer and Importer

- Removed "the FFL must"

Multiple Purchases of Handguns reminder – Moved to after Questions 34 – 36.

Question 6. (Former Question 29) Total Number of Firearms Transferred

- Changed to "Total Number of Firearms To Be Transferred"
- Changed "Please handwrite by printing" to "Please spell total number"
- Removed "zero" and "three"

Question 7. (Former Question 30.) Pawn Redemption

- Added "Record" before "Line"
- Removed "Above"

Question 6. (Former Question 29.)

Question 8. (Former Question 32.) Private Party Transfers

- Relocated to Section A from Section D

Section B. (Former Section A.)

Question 9. (Former Question 1) Transferee's/Buyer's Full Name

- Changed "record "IO" after the initial" to "record the initial followed by "IO" in quotes"

Question 10. (Former Question 2) Current State of Residence and Address

- Added “/Parish/Borough” after “County”

Question 10. (Former Question 2) Current State of Residence and Address

- Moved “County” after “Zip Code”

Question 11. (Former Question 3) Place of Birth

- Bolded “and” between “City” and “State”

Question 14. (Former Question 6) Sex

- Added a check box and “Non-Binary” after Female

Question 17. (Former Question 9) Unique Personal Identification Number

- Added “or Appeals Management Database Identification (AMD ID),” after “(UPIN)”

Question 18.b. (Former Question 10.b.) Race

- Removed “In addition to ethnicity,”

Question 19. (Former Question 12.a.) Country of Citizenship

- Relocated for clarity

Question 20. (Former Question 13.) U.S.- Issued Alien or Admission number

- Relocated for clarity

Question 21. (Former Question 11) Header

- Changed “by checking or marking “yes” or “no” in the boxes” to “by checking or marking either the “yes” or “no” box”

Question 21.a. (Former Question 11.a.) Actual Transferee/Buyer

- Added “and any continuation sheet(s) (ATF Form 5300.9A)?” after “firearms listed on this form”
- Changed “If you are picking up” to “If you are only picking up”

Question 21.b. (Former Question 11.b.) Under Indictment

- Added “, or are you a current member of the military who has been charged with violation(s) of the Uniform Code of Military Justice and whose charge(s) have been referred to a general court-martial?”

Question 21.c. (Former Question 11.c.) Felony

- Added “, including a military court,” after “court”

Question 21.g. (Former Question 11.g.) Dishonorable Discharge

- Changed “Have you been” to “Have you ever been”

Question 21.i. (Former Question 11.i.) Domestic Violence

- Added “or are you or have you ever been a member of the military and been convicted of a crime that included, as an element, the use of force against a person as identified in the instructions?”

Question 21.l.2. (Former Question 12.d.2.) Nonimmigrant Alien

- Changed “If “yes”” to “If you are such an alien”
- Added “U.S. citizens/nationals leave 21.l.2. blank”
- Removed the “N/A” check box.

Certification

- Second sentence changed “prohibited from purchasing or receiving” to “prohibited from receiving or possessing”

Question 23. (Former Question 15.) Certification Date

- Added blocks for Month/Day/Year

Section C. (Former Section B.)

Header

- Added “Prior To The Transfer Of The Firearm(s)”

Question 24. (Former Question 16.) Category of Firearm(s)

- Changed “Type” to “Category”
- Changed “rifles or shotguns” to “rifle or shotgun”

Question 25. (Former Question 17.) Qualifying Gun Show or Event

- Changed “If transfer” to “If sale or transfer”

Header Questions 27, 28, or 29

- Removed header and incorporated information into header for Section C

Question 26.a. (Former Question 18.a.) Identification

- Added “including military ID” after “other valid government-issued photo identification”

Question 26.b. (Former Question 18.b.) Supplemental Government Issued Documentation

- Added “or full legal name” after “address”

Question 26.c. (New Question added.) Official Military Orders Establishing Permanent Change of Station (PCS)

PCS Base/City and State:

PCS Effective Date:

PCS Order Number (if any):

Question 26.d. (Former Question 18.c.) Exception to the Nonimmigrant Alien Prohibition

- Removed “the transferor/seller must”

Question 27.c. (Former Question 19.c.) Response initially provided by NICS

- Removed “(first)”

Question 27.d. (Former Question 19.d.) NICS Delayed Response

- Added “Prior to transfer,” before “the following response(s)”
- Changed “received from” to “provided by”

Question 27.e. (Former Question 19.e.) NICS Response after firearm transfer

- Moved “(if applicable)” to between “State agency” and “on”
- Changed “received from” to “provided by”

Question 28. (Former Question 20.) NFA NICS Exception

- Changed “No NICS check was required” to “No NICS check is required”

Question 29. (Former Question 21.) Qualifying Permit NICS Exception

- Changed “No NICS check was required” to “No NICS check is required”

Section D. (Former Section C.)

Certification

- Changed “my answers to questions in Section A” to “all of my responses in Section B”

Question 31. (Former Question 23.) Recertification Date

- Added blocks for Month/Day/Year

Section E. (Former Section D.)

Question 33. Trade/corporate name and address

- Removed “of FFL number”

Transferee Certification Instructions

- Changed “The person transferring” to “The individual transferring.”
- Changed “the person who completed” to “the individual who completed.”

Transferee Certification

First sentence

- Changed “the information recorded in Sections B and D” to “the information recorded in Sections A, C and E.”
- Changed “my licensed business premises” to “the licensed business premises”

Second sentence

- Added “by NICS or State Agency” after “cancelled”
- Changed “my verification” to “the verification”
- Changed “my re- verification” to “the re-verification”

Question 36. Transferor’s/Seller’s Title

- Removed from form

Question 36. (Former Question 37.) Date Transferred

- Added blocks for Month/Day/Year

Notices, Instructions, and Definitions

Purpose of Form

Paragraph 1

- Changed “(See ATF Publication 5300.5, State Laws and Published Ordinances.)” to (See State Laws and Published Ordinances – Firearms (ATF Electronic Publication 5300.5) on <https://www.atf.gov>.”

Paragraph 2

- Added “(or subsequent update)” after 2013-2

Paragraph 6 – Exportation of Firearms

- Information moved to Warning Section on first page

Section A (Former Section D)

Question 1-6. (Former Question 24-29.) Firearm(s) Description

First Paragraph

- Changed “Firearms manufactured after 1968 by Federal firearms licensees should all be marked” to “All firearms manufactured after 1968 by Federal firearms licensees should be marked”

Second Paragraph

- Changed “If more than four firearms are involved in a transaction, the information required by Section D, questions 24-28, must be provided for the additional firearms on a separate sheet of paper, which must be attached to the ATF Form 4473.” to “If more than three firearms are involved in a transaction, please provide the information required by Section A, Questions 1-5 on ATF Form 5300.9A, Firearms Transaction Record Continuation Sheet. The completed Form 5300.9A must be attached to this Form 4473.”

Third Paragraph

- Changed “and other firearms that are neither” to “and firearms that are neither”

Question 8 (Former Question 32.) Private Party Transfer

- Removed “or write “Private Party Transfer in question 31,””
- Changed “ATF Procedure 2013-1” to “ATF Procedure 2017-1”

Section B (Former Section A)

First Paragraph

- Changed “certify (sign)” to “certify (sign and date)”

Question 9. (Former Question 1.) Transferee’s/Buyer’s Name

- Removed “in question 1”

Question 10. (Former Question 2.) Current Residence Address

First Paragraph

- Removed “County and Parish are one and the same”

Second Paragraph

- Changed “duty station address and his/her residence address” to “duty station address and residence address”
- Changed “State X, he/she should list the address” to “State X, list the address”
- Removed “in response to question 2” from sentences 2 and 3

Question 14. (Former Question 6.) Sex

- Added “Individuals with neither male nor female on their identification document(s) should check Non-binary.”

Question 17. (Former Question 9.) Unique Personal Identification Number

- Added “or Appeals Management Database Identification (AMD ID)”
- Added “The AMD ID is a number that will be provided to an appellant on certain types of overturned appeals and should be recorded in question 17. The transferor/seller should provide the UPIN/AMD ID when conducting background checks through the NICS or the State POC.”

Question 18.a. and 18.b. (Former Question 10.a. and 10.b.) Ethnicity and Race

First Paragraph

- Removed “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.”

Third Paragraph

- Changed “Any other race or ethnicity that does not fall within those indicated, please select the closest representation” to “Select the closest representation for any other race or ethnicity that does not fall within those indicated.”

Question 20. (Former Question 13.) U.S.-Issued Alien Number or Admission Number

- Changed “If you are a U.S. citizen or U.S. national than this question should be left blank.” to “If you are a U.S. citizen or U.S. national, the response to this question should be left blank.”

Question 21.a. (Former Question 11.a.) Actual Transferee/Buyer

Second Paragraph

- Removed “ACTUAL TRANSFEREE/BUYER” from before EXAMPLES
- Added “(h)” after 18 U.S.C. 922(g)
- Removed “EXCEPTION: If a person is picking up a repaired firearm(s) for another person, he/she is not required to answer 21.a. and may proceed to question 21.b.”

Questions 21.b. – 21.l. (Former Questions 11.b. – 12.) Prohibited Persons

First Paragraph

- Changed “convicted of a felony in any Federal, State or local court” to “convicted of a felony in any Federal, including a general court-martial, State or local court”
- Changed “convicted of a misdemeanor crime of domestic violence under Federal, State or Tribal law” to “convicted of a misdemeanor crime of domestic violence under Federal, including a general court-martial, State or Tribal law”
- Changed “under indictment or information for a felony in any Federal, State or local court” to “under indictment or information for a felony in any Federal, including a general court-martial, State or local court”
- Moved “this does not include State misdemeanors punishable by imprisonment for two years or less” to third paragraph, EXCEPTION

Second Paragraph

- Split first sentence into two. “A member of the Armed Forces must answer “yes” to 21.b. if charged with an offense that is referred to a general court-martial. A current or former member of the Armed Forces must answer “yes” to 21.c. if convicted under a general court-martial.”

Third Paragraph

- Second sentence, removed “from the Armed Forces”

Exception

- Changed “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 misdemeanor crime of 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, or who receive relief from disabilities under 18 U.S.C. 925(c), should answer “no” to the applicable question.” to “A person is not prohibited from receiving or possessing a firearm if that person: (1) has been convicted of any Federal or State offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices; (2) has been convicted of a State misdemeanor punishable by imprisonment of two years or less; or (3) following conviction of a felony or other crime for which the judge could have imprisoned the person for more than one year, or a misdemeanor crime of domestic violence, has received a pardon, an expungement or set aside of the conviction, or has lost and regained civil rights (the right to vote, sit on a jury, and hold public office) in the jurisdiction in which the conviction occurred, AND the law of the convicting jurisdiction does not prohibit the person from receiving or possessing firearms. Persons subject to any of these exceptions, or who received relief from disabilities under 18 U.S.C. 925(c), should answer “no” to the applicable question.”

Question 21.f. (Former Question 11.f.) Exception

- Moved the “or” from in front of “(d)” to in front of “(e)”
- Moved “Persons who fall within one of the above exceptions should answer “no” to question 21.f.” to the end of the paragraph.

Question 21.h. (Former Question 11.h.) Restraining Order

- Added "(including a Military Protection Order issued by a military judge or magistrate)" after “Are you subject to a court order”

Question 21.i. (Former Question 11.i.) Misdemeanor Crime of Domestic Violence

- Changed “A Federal, State, Local, or tribal offense” to “A Federal, including a general court-martial, State, Local, or tribal offense”
- Added new paragraph “A current or former member of the military who has been convicted of a violation of the Uniform Code of Military Justice that included, as an element, the use of force against a person as identified in the instructions under question 21.i. must answer “yes” to this question. This may include a qualifying offense that was referred to a special or general court-martial.”

Question 21.l. (Former Question 12.d.) Immigration Status

- Second sentence, added “to establish they are excepted from the nonimmigrant alien prohibition”
- Added “leave 21.l.2 blank” after “may answer “no” to this question”

Section C (Former Section B)

Question 24. (Former Question 16.) Category of Firearm(s)

Second Paragraph

- Changed “However, frames and receivers are still “firearms” by definition, and subject to the same GCA limitations as any other firearms.” to “All frames and receivers are “firearms” by definition, and subject to the same GCA limitations.”

Question 26.a. (Former Question 18.a.) Identification

First Paragraph

- Third sentence, removed “in place of a license”

Second Paragraph

- Added “Identification documents such as a driver’s license or identification card issued with binary, non-binary, or no sex designation may be used as an identification document.” before “A combination of government-issued”

Third Paragraph

- Changed “should list the transferee’s/buyer’s military identification card and official orders showing where his/her permanent duty station is located in response to question 18.a.” to “must list the transferee’s/buyer’s military identification card in response to question 26.a., in addition to PCS orders as indicated in 26.c.”

Question 26.b. (Former Question 18.b.) Supplemental Documentation

- Changed “This supplemental documentation should be recorded in question 18.b.” to “This supplemental documentation must be recorded in question 26.b.”

Question 26.c. (New) Official Military Orders Establishing Permanent Change of Station (PCS)

- “Licensees may accept electronic PCS orders to establish residency.” Moved from former Question 18.a.

Question 26.d. Exceptions to the Nonimmigrant Alien Prohibition and Acceptable Documentation

- Removed “and Acceptable Documentation” from the header

Question 27. (Former Question 19.) NICS Background Checks

Second Paragraph

- First sentence, changed “ answers “no”” to “answered “no”” and “answers “yes”” to “answered “yes””
- Second sentence, changed “violates the law, even” to “violates the law, 18. U.S.C. 922(d), even”

Third Paragraph moved to second paragraph of NICS Responses and changed to:

- At the time that NICS is contacted, the licensee must record in question 27.a. - 27.c.: the date of contact, the NICS (or State) transaction number, and the initial response provided by NICS or the State. 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 27.c. that NICS provides for delayed transactions (States may not provide this date). If the licensee receives any subsequent response(s) before transferring the firearm, the licensee must record in question 27.d. any response later provided by NICS or the State, or that no response was provided within 3 business days. If the licensee receives a response from NICS or the State after the firearm has been transferred, he/she must record this information in question 27.e. If the transaction was denied and later overturned in addition to checking "Proceed" in question 27.d. and entering the date, the licensee must also check "Overturned" and, if provided, attach the overturn certificate issued by NICS or the State POC to this ATF Form 4473. If more than 30 days have elapsed and a new NICS check is required, record the new transaction number, date of contact and the response provided by NICS or the State on this Form 4473 in questions 27.a.-27.c. Note: States acting as points of contact for NICS checks may use terms other than "proceed," "delayed," "cancelled," or "denied." In such cases, the licensee should check the box that corresponds to the State's response.

The following was moved to the end of the first paragraph of NICS Responses:

- Some States may not provide a transaction number for denials. However, if a firearm is transferred within the three business day period, a transaction number is required.

NICS Response first paragraph

First sentence

- Changed "If NICS provides a "cancelled" or "denied" response" to "If NICS provides a "denied" or "cancelled" (and does not immediately provide a new transaction number)"

Last sentence

- Added "or other requirements" after "waiting period"

Section E (Former Section D)

Question 32. (Former Question 31.) For Use by Licensee

- Added "or any additional information received from NICS that is not recorded in Questions 27.a. – 27.e."

Overall Form Changes

- Removed "See Instructions for Question" from all individual question blocks
- Removed "Transferee/Buyer Continue to Next Page" from pages 1, 2 and 3

2. A person purchasing a firearm from a Federal firearms licensee must complete Section B of the Form 4473. The buyer's answers to the questions determine if 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 C 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 licensees unable 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 2016-2.
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 for compliance 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 -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. ATF responded to all substantive comments received during both the 60-day and 30-day Federal Register notice periods.
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, to determine 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 17,189,101 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 8,594,551.
13. There is no cost to respondents because 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 adjustments associated with this information collection, includes a decrease in the total respondents by 1,086,139. This is due to a decrease in the number of firearms sold in the last calendar year. Consequently, the total burden hours for this IC also decreased by 543,069 hours.
16. The results of this information collection will not be published.
17. ATF is requesting that the expiration date not be posted on the ATF Form 4473, to prevent confusion among industry members and applicants, if a date provided on the form is later extended. Additionally, because ATF mails the forms to respondents, displaying the expiration date will incur additional re-printing and mailing costs should the expiration date be extended.
18. There are no exceptions to the certification statement.