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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

27 CFR parts 478 and 479

[Docket No. ATF-2026-0397; ATF 2025R-14P]

RIN 1140-AA63

Fingerprint and Photograph Requirements for Firearms Applications

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) proposes amending regulatory requirements to submit fingerprints and photographs with firearms applications. Currently, applicants must submit 2” x 2” passport-style photographs and either one or two fingerprint cards, depending on the application type. ATF proposes that all applicants, whether individuals or responsible persons (“RPs”) for entity applicants, could instead submit a copy of a photo ID, and that individuals and Gun Control Act RPs would submit just one fingerprint card. RPs under the National Firearms Act would submit one fingerprint card only if needed to facilitate a background check.

DATES: Comments must be submitted in writing, and must be submitted on or before (or, if mailed, must be postmarked on or before) **[INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. Commenters should be aware that the federal e-rulemaking portal comment system will not accept comments after midnight Eastern Time on the last day of the comment period.

ADDRESSES: You may submit comments, identified by RIN 1140-AA63, by either of the following methods —

- *Federal e-rulemaking portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* ATF Rulemaking Comments; Mail Stop 6N-518, Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave, NE; Washington, DC 20226; *ATTN: ATF RIN 1140-AA63.*

Instructions: All submissions must include the agency name and number (RIN 1140-AA63) for this notice of proposed rulemaking (“NPRM” or “proposed rule”). ATF may post all properly completed comments it receives from either of the methods described above, without change, to the federal e-rulemaking portal, <https://www.regulations.gov>. This includes any personally identifying information (“PII”) or business proprietary information (“PROPIN”) submitted in the body of the comment or as part of a related attachment they want posted. Commenters who submit through the federal e-rulemaking portal and do not want any of their PII posted on the internet should omit it from the body of their comment and any uploaded attachments that they want posted. If online commenters wish to submit PII with their comment, they should place it in a separate attachment and mark it at the top with the marking “CUI//PRVCY.” Commenters who submit through mail should likewise omit their PII or PROPIN from the body of the comment and provide any such information on the cover sheet only, marking it at the top as “CUI//PRVCY” for PII, or as “CUI//PROPIN” for PROPIN. For detailed instructions on submitting comments and additional information on the

rulemaking process, see the “Public Participation” heading of the SUPPLEMENTARY INFORMATION section of this document. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at <https://www.regulations.gov>. Commenters must submit comments by using one of the methods described above, not by emailing the address set forth in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Office of Regulatory Affairs, by email at ORA@atf.gov, by mail at Office of Regulatory Affairs; Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms, and Explosives; 99 New York Ave, NE; Washington, DC 20226, or by telephone at 202-648-7070 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the Gun Control Act (“GCA”), as amended, and the National Firearms Act (“NFA”), as amended.¹ This includes the authority to promulgate regulations necessary to enforce the provisions of the GCA and NFA. *See* 18 U.S.C. 926(a); 26 U.S.C. 7805(a). Congress and the Attorney General have delegated the responsibility for administering and enforcing the GCA and NFA to the Director of ATF (“Director”), subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1), (c)(1); 28 CFR 0.130(a)(1)–(2);

¹ Some NFA provisions still refer to the “Secretary of the Treasury.” However, the Homeland Security Act of 2002, Pub. L. 107–296, 116 Stat. 2135, transferred the functions of ATF from the Department of the Treasury to the Department of Justice, under the general authority of the Attorney General. 26 U.S.C. 7801(a)(2); 28 U.S.C. 599A(c)(1). Thus, for ease of reference, this proposed rule refers to the Attorney General where relevant.

Treas. Order No. 221(2)(a), (d), 37 FR 11696–97 (June 10, 1972).² Accordingly, the Department and ATF have promulgated regulations to implement the GCA in 27 CFR part 478, and to implement the NFA in part 479.

The NFA applies to machine guns; shotguns having a barrel or barrels of less than 18 inches in length; rifles having a barrel or barrels of less than 16 inches in length; weapons made from a rifle or shotgun with an overall length of less than 26 inches or with a barrel or barrels of less than 16 or 18 inches in length, respectively; silencers; destructive devices; and any other weapon as defined by the Act. 26 U.S.C. 5845(a). The GCA applies to firearms and destructive devices more broadly, in addition to specific subcategories of those weapons. *See* 18 U.S.C. 921(a)(3)–(8).

Pursuant to the GCA at 18 U.S.C. 923(a), no person³ may import, manufacture, or deal in firearms or ammunition without a license to do so from the Attorney General. The license application must include information the Attorney General prescribes by regulation, and by statute must include the applicant’s photograph and fingerprints. *Id.* ATF implemented these requirements in regulations at 27 CFR 478.44(a).⁴ Paragraph (a)(1) requires persons to submit ATF Form 5310.12, Application for Federal Firearms License (“Form 7”) to apply for GCA licenses, and paragraph (a)(1)(ii) contains the

² In Attorney General Order Number 6353–2025, the Attorney General delegated authority to the Director to issue regulations pertaining to matters within ATF’s jurisdiction, including under the NFA, GCA, and Title XI of the Organized Crime Control Act. ATF’s jurisdiction also includes the Arms Export Control Act and the Contraband Cigarette Trafficking Act.

³ “Person” as defined in ATF regulations at §§ 478.11 and 479.11 includes individuals and entities.

⁴ 27 CFR 478.44 also includes paragraph (b), which covers persons applying for a license as a collector of curios or relics. These licensees do not deal firearms in commerce, and they thus do not have to provide photographs and fingerprints for background check purposes. However, they use the same Form 7 as other applicants (referred to in the existing regulatory text as Form 7CR because the two forms were once separate and had different names). Form 7 therefore includes instructions specifying that these applicants do not need to submit photos and prints with their applications if they are applying solely for this type of license. ATF is including a minor technical edit in this proposed rule to update the form references in § 478.44(b) from Form 7CR to Form 7 to reduce confusion by eliminating the outdated form number.

fingerprint and photograph requirement for all GCA applicants.

Because entities do not have personal photographs or fingerprints to submit, it is not immediately obvious that they are facially covered by the 18 U.S.C. 923(a) requirements. However, section 923(d)(1)(B) further states that a GCA application will be approved only if, among other requirements, the applicant “(including, in the case of [an entity], any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the [entity])” is not prohibited from possessing a firearm under sections 922(g) and (n). ATF refers to the directing individuals referenced in section 923(d)(1)(B) as “responsible persons” (“RPs”). 27 CFR 478.11.⁵ Because of this statutory provision, ATF must collect identifying information on RPs for all firearms licensees, including entities, that is sufficient to determine that they are not prohibited persons.

As a result, ATF’s licensing regulations require all GCA applicants to submit certain identifying information used for that purpose, including fingerprints and photographs. More specifically, the regulations require applicants to complete Form 7 in accordance with the instructions on the Form. 27 CFR 478.44(a)(1). Form 7 requires that each applicant complete part B, whether they are an individual applicant/RP or an RP for a more complex entity. Part B collects the identifying information necessary to conduct a background check to determine if the person is prohibited, and currently specifies that

⁵ Individuals who apply for federal firearms licenses under the GCA do so because they seek to engage in the business of dealing, manufacturing, or importing firearms. As a result, these individuals are essentially entities, though structured as sole proprietorships. Because each individual applicant for a firearms license is also the individual possessing the power to direct management and policies for their own operation, individual applicants are also responsible persons. As a result, Form 7, part B is titled “Responsible Person Questionnaire,” though both individual applicants and other responsible persons complete this part. When an entity has more than one RP, the entity attaches additional parts B and submits them with Form 7. ATF therefore does not distinguish between GCA individual applicants and entity applicants or between GCA individuals and RPs for purposes of this rule.

GCA individual applicants/RPs must submit a 2” x 2” photograph and one properly completed FBI Form FD-258, Fingerprint Card (“fingerprint card” or “fingerprints”).

Similarly, pursuant to 26 U.S.C. 5822, an NFA firearm cannot be made unless the Attorney General approves the person to make and register the firearm and notes the approval on the application, and, per 26 U.S.C. 5812, an NFA firearm cannot be transferred without an application filed with and approved by the Attorney General. The Attorney General must deny such making and transfer applications if making, transferring, receiving, or possessing the NFA firearm would place the maker or transferee in violation of law. 26 U.S.C. 5812(a), 5822. The NFA requires that “individual” firearm makers and transferees include as part of these applications their fingerprints and photographs, in a manner prescribed by regulation.⁶ *Id.* But the statute imposes no fingerprint or photograph requirements on trusts or other legal entities. *See id.* The statute also requires applicants to use an application “form” prescribed by the Attorney General and to include on that form all information required by the statute, in a manner prescribed by regulation. *Id.*

Regulations at 27 CFR 479.62 implement these statutory requirements for NFA firearm makers, and prescribe that applicants must submit ATF Form 5320.1, Application to Make and Register NFA Firearm (“Form 1”), to ATF for approval, and include the information required by statute. Likewise, regulations at § 479.84 (for tax-paid transfers) and §§ 479.90 and 479.90a (for tax-exempt transfers) implement these statutory requirements for NFA firearm transferors, and prescribe that transferors must submit

⁶ Under the NFA, individual applicants to make or receive an NFA firearm are most often not federal firearms licensees and are instead applying to make or acquire the firearm in their personal capacity. As a result, they are typically not also responsible persons. Accordingly, ATF is treating NFA individuals separately from NFA RPs in this proposed rule, unlike its approach to the GCA portions of the rule.

ATF Form 5320.4, Application to Transfer and Register NFA Firearm (Tax-Paid) (“Form 4”), or ATF Form 5320.5, Application to Transfer and Register NFA Firearm (Tax-Exempt) (“Form 5”), to ATF for approval, and include the transferee information required by statute. The NFA regulations currently require individual makers or transferees to submit a 2” x 2” photograph and fingerprints when applying using Forms 1, 4, or 5; but NFA regulations require two properly completed fingerprint cards, whereas Form 7 for GCA license applicants requires just one. *See* §§ 479.63(a), 479.85(a), and 479.90(b).

If a maker or transferee applicant is an entity, however, as discussed above, they do not have personal photographs or fingerprints to submit. So, similarly to the Form 7, part B, requirements for GCA license applicants, the NFA regulations require that each of the entity’s RPs submit all the required individual information on ATF Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire (“Form 23”).⁷ *See* §§ 479.63(b) and 479.85(b); *see also* 27 CFR 479.11 (defining “responsible person” along the same lines as the relevant GCA regulation). For these entity applicants, §§ 479.63(b) and 479.85(b) require the entity to identify itself on ATF Form 1, 4, or 5, and attach to the form a completed Form 23 for each RP. In completing the Form 23, each RP must include a 2” x 2” photograph and two properly completed fingerprint cards.

Pursuant to 26 U.S.C. 5801 and 5802, importers, manufacturers, and dealers in NFA firearms must pay a special occupational tax (“SOT”) and register with the Attorney General. The registration provision, section 5802, requires that individuals include with

⁷ However, whereas GCA individual applicants still complete the Form 7, part B, responsible person questionnaire, NFA individual applicants do not complete the Form 23 responsible person questionnaire. Instead, they simply include their personal information in Form 1, 4, or 5.

their SOT registration a photograph and fingerprints. The regulations implementing this process are 27 CFR 479.31 and 479.34. Similarly to the previously discussed applications, ATF has prescribed that persons submit ATF Form 5630.7, the title of which is being revised to NFA Special Occupational Tax (SOT) Registration/Return (“Form 5630.7”), for this purpose. In addition, § 479.34(e) requires the taxpayer, if an individual, to submit a 2” x 2” photograph and one properly completed fingerprint card with their initial Form 5630.7, unless they have filed a properly executed GCA license application (which includes fingerprints and a photograph) as specified in § 478.44(a). As a result, only individuals registering to import, manufacture, or deal in NFA firearms as a business, and who are not already licensed under the GCA, must submit a photograph and fingerprints with Form 5630.7.

In 2016, ATF published a final rule, “Machineguns, Destructive Devices, and Certain Other Firearms: Background Checks for Responsible Persons of a Trust or Legal Entity with Respect to Making or Transferring a Firearm,” which, in relevant part, required background checks on NFA RPs and enacted the fingerprint requirements under §§ 479.63(b) and 479.85(b). 81 FR 2658 (Jan. 15, 2016). Commenters at that time questioned whether there was sufficient statutory authority for ATF to require fingerprints and photographs for such RPs because the NFA requires that only individual applicants must submit fingerprints and photographs. *Id.* at 2683. At the time, ATF disagreed with these commenters. The NFA provides broad authority for the Attorney General to require identifying information from any applicant to make or transfer an NFA firearm. *See* 26 U.S.C. 5812 and 5822. (Similarly, 18 U.S.C. 923 provides broad authority for the Attorney General to require identifying information from any license

applicant under the GCA.) The final rule on the NFA making and transfer applications explained that requiring fingerprint cards and photographs was necessary to verify the identity of RPs associated with trusts and other legal entities. 81 FR at 2683.

II. Proposed Rule

Nine years after the 2016 final rule, ATF recognizes that, even if it has the statutory authority to require fingerprints and photographs from both NFA and GCA RPs and individual applicants, the current regulations on those topics largely no longer serve a useful purpose. In almost all cases, fingerprint cards are of little utility to the Federal Bureau of Investigation (“FBI”) when it conducts National Instant Criminal Background Check System (“NICS”) background checks on applicants to make, transfer, and register NFA firearms or to become GCA licensees. According to ATF and FBI subject matter experts, fingerprint cards have only been helpful (and used) for NICS purposes in processing fewer than 1 percent of these applications. Similarly, 2” x 2” passport-style photographs serve little specific utility as a means of verifying an NFA or GCA applicant’s identity. A copy of the applicant’s photo identification would better serve this verification purpose, and providing a photo identification copy is easier than obtaining a 2” x 2” photograph. Thus, requiring fingerprints and a 2” x 2” photograph to be submitted with every NFA application is needlessly burdensome on applicants, as is requiring a 2” x 2” photograph with every GCA application. Accordingly, ATF is proposing the following revisions.

A. Fingerprints

For each making or transfer application under the NFA and license application under the GCA (except for collectors), ATF contacts NICS to conduct a background

check and verify whether transferring, receiving, or possessing the firearm(s) would place the applicant in violation of the law. *See* 28 CFR 25.6(j)(2). FBI regulations require the following descriptors to query NICS: (1) name; (2) sex; (3) race; (4) complete date of birth; and (5) residence state. 28 CFR 25.7. Notably, none of these descriptors require a fingerprint. For NFA applications, fingerprints are primarily used to coordinate with the FBI to resolve criminal-history issues or other similar issues that can arise during background checks. For example, fingerprints are useful when an applicant's biographic information matches that of another individual. The FBI also references NFA fingerprints with respect to resolving identity questions in its NICS appeals process. *See* 28 CFR 25.10(b). The FBI uses fingerprints for the same purposes for GCA license applications, although ATF also has additional uses for fingerprints in the GCA licensing context (see discussion below) that it does not have for NFA maker and transferee applications.

ATF routinely collaborates with the FBI on streamlining and modernizing the firearms application process. For example, in January 2022, ATF agreed to send fingerprint cards to the FBI only when helpful to resolve issues arising during a NICS background check. As a result, ATF now generally submits fingerprint cards to the FBI only when the FBI needs additional information and therefore requests the cards from ATF. Based on ATF and FBI estimates, the FBI has used fingerprints to resolve questions about a person's criminal history in only a small portion of all cases. The first column of Table 1 shows the total number of NFA and GCA individual and RP applicants from 2022 to 2025 who submitted an individual Form 1 or Form 4 (including fingerprints) or an RP Form 23 (including fingerprints) with Forms 1 and 4 applications to make and transfer under the NFA, or who completed an individual Form 7 (including fingerprints)

or an RP stand-alone Form 7, part B (including fingerprints) with applications for a GCA license. The second and third columns show the subsets of those NFA and GCA applicants, respectively, for whom NICS requested fingerprints. The fourth column is the sum of the second and third columns. Of all fingerprint cards provided to ATF with the NFA and GCA applications (column 1) between 2022 and 2025 (the years during which ATF has been submitting only requested fingerprint cards to NICS), NICS requested between 1.3 and 2.3 percent per year (column 5).

Table 1. Number of fingerprints submitted with GCA forms 7, part B, and NFA forms 1, 4, and 23, and number of fingerprints requested by NICS, 2022-2025*

Year	NFA and GCA applications**	NFA fingerprints sent to NICS	GCA fingerprints sent to NICS	All fingerprints sent to NICS	Percent sent to NICS
2022	548,615	470	12,351	12,821	2.34
2023	828,132	4,749	10,302	15,051	1.82
2024	902,362	4,131	9,703	13,834	1.53
2025	869,038	2,524	7,540	10,064	1.16

*Note: Form 5 data is not included in this table because the majority of Form 5 applications are transfers to the government, which does not have RPs. ATF does not have data on the number of Form 5 transfers that involve RPs, but it is a very small proportion. Form 5630.7 data is also not included because, although it would be submitted to ATF with fingerprints if an individual applicant was not already licensed under the GCA (Form 7), in reality, there are no NFA 5630.7 applications from applicants who are not already licensed. As a result, applicants would already have had background checks during the licensing process and so there are none submitting prints with Forms 5630.7.

**This column includes applications submitted by individuals and RPs under both the GCA and NFA. Each application is accompanied by one applicant's fingerprints. Although each NFA applicant currently submits two fingerprint cards (whereas GCA applicants submit only one), this table counts the two cards as one set per applicant. So, the numbers of applicants, applications, and fingerprint sets submitted with applications are 1-to-1-to-1.

Because the FBI does not use fingerprints to process standard background checks in the ordinary course, ATF would, were it both legally possible and helpful to applicants, propose wholly eliminating the NFA and GCA regulations requiring applicants to submit fingerprints with Forms 1, 4, 5, 7, 23, and 5630.7 except as needed to resolve NICS background check issues or issues ATF needs to address for GCA license applicants. However, ATF cannot eliminate the requirement for individuals to submit fingerprints up front because fingerprints are currently statutorily required for

individual applications under both the NFA and GCA. 26 U.S.C. 5802, 5812(a), and 5822(d). Even though collecting such fingerprints does not assist NICS in processing the background checks of over 97 percent of applicants, ATF cannot modify this statutory requirement by regulation. Moreover, with respect to GCA license applicants, in addition to submitting applicants' fingerprints to coordinate with the FBI to resolve issues that arise during NICS background checks, ATF also uses the fingerprints to respond to and resolve applicants' appeals from license denials. Collecting fingerprints from GCA applicants up front thus often benefits licensees.

Therefore, regarding NFA making and transferee applications, ATF is instead proposing to reduce the number of fingerprint cards individuals must submit with Forms 1, 4, and 5 from two cards to one (Form 5630.7 already requires only one card). In addition, ATF is proposing to word the regulatory requirement for individuals to submit fingerprints as a reference to the statutory requirement, so that if that requirement is removed from the statute in the future, the regulations will align. Further, ATF is proposing to eliminate the requirement that RPs for a trust or other legal entity applying to make or transfer an NFA firearm submit their fingerprints with Form 23. Instead, such persons would be required to submit fingerprint cards only upon request by ATF, if necessary to efficiently complete a background check.

Additionally, under this proposed rule, ATF would clarify that all persons required to submit fingerprints would be able to submit one digital fingerprint set if they apply electronically. Due to the advent of new technology, ATF has already shifted to accepting digital fingerprints, and a majority of the industry currently submits digital fingerprints with NFA applications. Finally, ATF proposes to remove language requiring

that fingerprints be taken by someone specifically trained to take them because it is no longer applicable. Under this rule, individuals could take and submit their own fingerprints using FBI Form FD-258 or digital fingerprinting equipment, provided the fingerprints are clear enough to be accurately identified.

To effectuate the proposed changes discussed above, ATF is proposing a new stand-alone § 479.27. This would allow all the NFA fingerprint requirements to be in one place, with cross-references elsewhere as appropriate, and would avoid unnecessarily duplicating requirements in multiple places. The new § 479.27 would be added under subpart C, Administrative and Miscellaneous Provisions, to clarify that NFA applicants and SOT taxpayers must submit fingerprint cards (and photographs) only when the statute specifically requires or, when not required by statute, upon the request of the Director as needed to efficiently conduct certain background checks. The new section would also provide that, when required or requested, persons would submit only one set of fingerprints, whether digital or on a paper card. ATF also proposes conforming changes to 27 CFR 479.34(e), 479.63, and 479.85.

For GCA license applicants, as discussed above, ATF uses fingerprints to resolve appeals from license denials in addition to submitting the fingerprints to NICS. As a result, ATF is not proposing to make any changes to the current regulatory requirements for all GCA license applicants (including RPs) to submit one set of fingerprints with their initial applications. In addition, under the proposed rule ATF would continue its existing practice of not requiring GCA applicants to resubmit their fingerprints when they complete a renewal application or other document.

B. Photographs

As noted in section II.A of this preamble, FBI regulations on NICS require the following descriptors to query NICS: (1) name; (2) sex; (3) race; (4) complete date of birth; and (5) residence state. 28 CFR 25.7. As with fingerprints, none of these descriptors require a photograph. Nevertheless, the photograph's utility is in verifying an individual's identity as part of GCA and NFA application processes.

Due to technological developments since ATF prescribed the 2" x 2" photograph requirements for GCA and NFA individuals and RPs, copies, scans, or similar reproductions of a photo identification document are now able to be just as clear and viable as original documents. As a result, ATF is proposing to include an option for applicants to submit a copy of a photo identification document to satisfy the statutory photograph requirements, in place of a stand-alone 2" x 2" passport-type photograph.

In many cases, making a copy, scan, etc., of a photo identification document is easier, faster, and less burdensome and costly than taking a passport-type photograph. It does not decrease public safety because, in addition to including a picture of the individual, the photo identification document helps confirm the individual's name and, usually, the individual's address. This information aids in verifying an individual's identity more than just a stand-alone 2" x 2" photograph. Photo identification documents also confirm the information submitted on the NFA and GCA applications. Furthermore, Congress already mandates that federal firearms licensees ("FFLs") collect photo identification documents to verify identity as part of the Brady Handgun Violence Prevention Act's background check process, so this would be consistent with that requirement as well. 18 U.S.C. 922(t)(1)(D).

For these reasons, and in an effort to reduce public burden while maintaining a

process to verify an applicant's identity, ATF is proposing an alternative to the requirement that individuals submitting Forms 1, 4, 5, 7, or 5630.7; NFA RPs submitting Form 23; and GCA RPs submitting only Form 7, part B, must submit a 2" x 2" passport-type photograph. ATF proposes to allow all individual applicants and RPs to submit a clear electronic or physical copy (such as a photocopy, a scanned copy, a digital image, etc.) of a valid photo identification document, as defined in 27 CFR 478.11, instead of requiring only a 2" x 2" passport-type photograph (which will remain an option for those who prefer). However, under the proposed new rule, ATF would still be able to request a passport-type photograph if needed to efficiently verify identity or complete a background check.

To effectuate these proposed changes for NFA applicants, the proposed new § 479.27 would state that, when part 479 requires individuals or RPs to submit a photograph, they may attach either a copy of their photo identification document, as defined in 27 CFR 478.11, or a 2" x 2" photograph, as currently required. However, the new section would also clarify that, even if individuals submit a copy of their photo identification as permitted, the Director may nonetheless require a 2" x 2" photograph, as necessary. ATF also proposes conforming changes to 27 CFR 479.34(e), 479.63, and 479.85.⁸

To effectuate this rule's proposed photograph changes for GCA applicants, ATF proposes to amend § 478.44(a)(1)(ii) to require individuals or RPs to submit a copy of their photo identification document, as defined in 27 CFR 478.11, or a 2" x 2"

⁸ ATF also notes that other, non-conflicting changes are being proposed to §§ 479.63(a) and 479.85(a) in a separate proposed rule addressing spouses jointly applying to make or receive and register an NFA firearm. Such spouses would be akin to RPs for the fingerprint and photograph requirements in this proposed rule.

photograph, as currently required. This paragraph would also clarify that, even if individuals submit a copy of their photo identification as permitted, the Director may nonetheless require a 2” x 2” photograph, as necessary.

Table 2 shows the changes the rule proposes for each group’s fingerprints and photograph requirements.

Table 2. Proposed changes to fingerprints and photograph requirements, by group

	Applicant group	Fingerprints	Photographs
Current requirements	NFA individuals	Two sets of fingerprints	One 2”x2” photo
	NFA RPs		
	GCA individuals/RPs	One set of fingerprints	
Proposed rule	NFA individuals	One set of fingerprints	One 2”x2” photo OR copy/scan photo ID
	NFA RPs	None (unless requested)	
	GCA individuals/RPs	One set of fingerprints (no change)	

III. Statutory and Executive Order Review

A. Executive Orders 12866 and 13563

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits.

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of agencies quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting public flexibility.

The Office of Management and Budget (“OMB”) has determined that this rule would be a “significant regulatory action” under section 3(f) of Executive Order 12866,

but that it is not a section 3(f)(1) significant action because it would not have an impact of \$100 million or more in any one year. Accordingly, this rule has been submitted to OMB for review. This proposed rule would remove the requirement for entity RPs submitting Forms 1, 4, or 5 to submit fingerprints with their Forms 23 and would allow them to instead submit fingerprints only at ATF’s request, if needed to complete a background check. It would also reduce the number of fingerprint cards individuals must submit with Forms 1, 4, and 5 from two cards to one (Form 5630.7 already requires only one card). In addition, it would allow individual applicants using Forms 1, 4, 5, 7, or 5630.7, and RPs using Forms 23 or Forms 7/stand-alone Forms 7, part B, the option of submitting a copy of a photo identification document instead of a 2” x 2” photograph.

Because this proposed rulemaking would be a “significant regulatory action” under Executive Order 12866, ATF has laid out the impacts of this proposed rulemaking in OMB’s A-4 accounting statement in Table 3. Table 3 also illustrates the range of future estimates in a low, primary, and high range, as ATF’s Circular A-4 sensitivity analysis. ATF then provides its normal regulatory cost-benefit analysis below the table.

Table 3. OMB Circular A-4 accounting statement (\$ millions) and sensitivity analysis

Category	Primary estimate	Minimum estimate	Maximum estimate	Units		
				Dollar year	Percent Discount	Period covered
Benefits (deregulatory savings)						
Annualized monetized benefits	\$93.00	\$75.52	\$112.55	2025	7	10 years
	\$76.57	\$62.18	\$92.67	2025	3	10 years
Annualized quantified benefits	n/a	n/a	n/a	2025	7	10 years
	n/a	n/a	n/a	2025	3	10 years
Annualized non-monetized benefits	n/a					
Savings Offset						
Annualized monetized	\$0.65	\$0.58	\$0.73	2025	7	10 years
	\$0.68	\$0.61	\$0.89	2025	3	10 years

savings offset						
Annualized quantified offset	n/a	n/a	n/a	2025	7	10 years
	n/a	n/a	n/a	2025	3	10 years
Annualized non-monetized offset	n/a					
Transfers (from federal government to individuals)						
Federal annualized monetized transfers	n/a	n/a	n/a	2025	7	10 years
	n/a	n/a	n/a	2025	3	10 years
Other annualized monetized transfers	n/a	n/a	n/a	2025	7	10 years
	n/a	n/a	n/a	2025	3	10 years
Effects						
State, local, and/or tribal governments	The rule will not impose an intergovernmental mandate or have significant or unique effects on small governments, or have federalism or tribal implications					
Small businesses	For direct costs, this rule is deregulatory and provides savings to business applicants, including small businesses. However, this rule may cause indirect impacts to businesses (including small ones) from a reduction in photograph and fingerprint sales. This impact may not be significant, however, as individuals will continue to purchase photographs and fingerprints for purposes other than undergoing firearms background checks.					
Wages	n/a					
Growth	n/a					
Alternatives	No-change alternative: \$0 cost and \$0 benefits. This was rejected as more stringent without any incremental benefit.					
	Proposed alternative: Annualized savings of \$93.00 million at 7 percent and \$76.57 million at 3 percent. Savings offset of \$648,115 at 3 percent and \$678,521 at 7 percent. This alternative was chosen because it reflects the statute and because benefits exceed costs.					
	Eliminate all fingerprint requirements alternative: This was rejected because fingerprints are statutorily required for individual applicants and because ATF uses fingerprints for GCA license applicants in parts of the licensing check process other than the NICS check.					
	Eliminate all photograph requirements alternative: This was rejected because photographs are statutorily required for individual applicants.					
Net benefits						
Annualized monetized net benefits	\$92.11	\$75.19	\$76.50	2025	7	10 years
	\$75.84	\$62.06	\$77.90	2025	3	10 years

ATF has been permitting NFA applicants to submit Forms 1, 4, and 5

electronically via its online eForms platform for several years, which has included accepting digital fingerprints and photographs as that technology has developed. As a result, this cost-benefit analysis incorporates those existing industry standards as part of its assumptions when determining costs and benefits. Because NFA applicants have been able to submit electronically through email and then eForms for several years, almost 100 percent of these applicants submit electronically. Analysts in the National Firearms Act Division estimate that only two percent of NFA applicants currently submit paper documents. As a result, for purposes of this analysis, ATF incorporates this existing industry practice: that 98 percent of NFA applicants are submitting digital documents electronically and two percent are submitting paper documents by mail.

Although ATF has also been permitting GCA applicants to submit Forms 7 electronically during the past few years via downloadable and fillable PDF forms submitted by email, accompanied by digital fingerprints and photographs, currently almost all GCA applicants submit paper documents by mail. However, ATF anticipates that, like NFA paper applications, GCA paper applications will decrease in the next few years, especially as ATF stops printing and distributing paper forms over the course of this year and moves GCA application forms to the eForms platform—which is more convenient than email submission. ATF has not been tracking the number of GCA applications submitted by email versus mail, but Federal Firearms Licensing Center analysts estimate that a very small percent of GCA applicants currently submit electronically. Therefore, for purposes of this analysis, ATF uses the same two percent assumption for GCA electronic submissions that applies to NFA paper ones, as the best available proxy. As a result, for this analysis, ATF incorporates this existing industry

practice: that 98 percent of GCA applicants are submitting paper documents by mail and two percent are submitting digital documents electronically.

1. Need statement

This proposed rule is necessary to reduce burdens for persons applying to make or obtain an NFA firearm or to obtain an FFL license under the GCA. It also updates the regulations to incorporate methods of meeting the statutory requirements with current technology. This proposed rule would codify in ATF regulations the existing industry practice whereby applicants can submit digital fingerprints and photographs to ATF. Furthermore, as to NFA applications using Forms 1, 4, 5, and 23, this proposed rule would also reduce or, in the case of RPs, rescind, the fingerprint requirements, unless ATF subsequently requests prints because they are needed to facilitate a given background check. Finally, the proposed rule would provide all applicants the option to submit a copy of their photo identification instead of a passport-type photograph. Overall, this rule would lessen regulatory burdens and provide savings to the public without impacting public safety.

2. Benefits, including cost savings

This proposed rule would result in benefits to the public in the form of cost savings because segments of the covered population would no longer need to obtain fingerprints or would obtain a reduced number, and segments of the population would no longer have to obtain photographs from vendors. NFA individual applicants and GCA individual/RP applicants who submit electronically would still obtain digital fingerprints and photographs as they do now, though they would have the additional convenience of submitting a digital copy of their photo identification instead. Individual NFA applicants

who still submit paper applications would need to obtain only one fingerprint card instead of two, and would also have the option of submitting a copy of their photo identification instead of obtaining a photograph. NFA RPs, whether submitting electronically or on paper, would no longer have to submit fingerprints with their Forms 23 (although a subset might later need to submit fingerprints if ATF requests them so FBI can resolve a background check). Like GCA individuals/RPs, NFA RPs would also have the convenience of submitting a copy of their photo identification instead of obtaining a photograph, but only those applicants who submit paper documents would accrue a cost savings from this change.

Population

To determine the population segments that would be affected by this proposed rule’s provisions over the next ten years, ATF used data on the number of applications submitted historically by individuals and RPs under both the NFA and GCA to establish a baseline annual average growth rate for each group. ATF then used forecasting software to apply that annual average growth rate to future years, resulting in the projected number of future applications.

For purposes of determining savings for NFA applicants, ATF used data on the number of NFA applications submitted over eight years, from 2017 to 2025. Table 4 shows the historical data on the size of the NFA applicant pool.

Table 4. Historical data: number of NFA individual and RP applications*

Year	Number of NFA individual applications (Forms 1, 4, 5 and 5630.7)	Number of NFA RP applications (Forms 23)
2017	63,340	88,618
2018	100,347	113,929
2019	109,400	12,753

2020	152,457	178,898
2021	175,553	243,183
2022	216,889	316,436
2023	445,093	364,534
2024	513,969	371,170
2025	509,981	342,406

* Each application is accompanied by one applicant's fingerprints. Although each NFA applicant currently submits two fingerprint cards with a paper application, the historical data in Table 4 counts the two cards as one set per applicant. So, the numbers of applicants, applications, and fingerprint sets submitted with applications is 1-to-1-to-1.

In Table 5, ATF forecasts the annual number of NFA applications that individuals (Forms 1, 4, 5, and 5630.7) and RPs (Forms 23) would collectively submit over the next ten years. In addition, the table breaks out the number of individuals and RPs who would submit NFA applications in paper form and the number of NFA RPs who would submit documents electronically. We have not included a column for the number of NFA individual applicants who would submit electronically as they would not be impacted by the changes proposed in this rule. As noted above, approximately two percent of individuals and RPs currently still submit paper NFA applications. Table 5 uses this estimated percentage and the number of NFA individual and RP applications from Table 4 to calculate the annual number of paper and electronic applications for the relevant applicant categories.

Table 5. Ten-year projection: number of NFA individual and RP applications overall, and number of paper applications and RP-electronic applications*

Year	Number of NFA individual and RP applications	Number of NFA individual paper applications	Number of NFA RP paper applications	Number of NFA RP electronic applications
1	454,920	11,468	9,098	445,822
2	498,508	12,618	9,970	488,538
3	542,096	13,768	10,842	531,254
4	585,684	14,919	11,714	573,970
5	629,272	16,069	12,585	616,687
6	672,859	17,220	13,457	659,402

7	716,447	18,370	14,329	702,118
8	760,035	19,521	15,201	744,834
9	803,623	20,671	16,072	787,551
10	847,211	21,821	16,944	830,267

* Each application is accompanied by one applicant’s fingerprints. Although each NFA applicant currently submits two fingerprint cards with a paper application, the historical data in Table 4 counts the two cards as one set per applicant, and the projected numbers in this table continue to count single fingerprint cards submitted in the future as one set per applicant. So, the numbers of applicants, applications, and fingerprint sets submitted with applications would still be 1-to-1-to-1.

For the number of GCA applicants, ATF also used historical data from 2017 to 2025. ATF did not break out individual GCA applicants from other GCA RP applicants as it did for NFA applicants in Tables 4 and 5, because both GCA individuals and other RPs would realize the same benefits from this proposed rule. Table 6 shows the historical GCA data.

Table 6. Historical data: number of GCA applications*

Year	Number of GCA license applications (individuals and other RPs)
2017	18,773
2018	17,500
2019	17,192
2020	21,496
2021	24,748
2022	15,290
2023	18,505
2024	17,223
2025	16,651

* Each GCA application is accompanied by one applicant’s fingerprints. So, the numbers of applicants, applications, and fingerprint sets submitted with applications are 1-to-1-to-1.

In Table 7, ATF forecasts the total annual number of GCA license applications (Forms 7 and attached Forms 7, part B, collectively) that individuals and other RPs would submit over the next ten years. In addition, the table breaks out the number of

individuals/RPs who would submit GCA applications on paper. As noted above, ATF is using a proxy of two percent of individuals/RPs to estimate the number who currently submit GCA applications electronically. However, based on ATF’s experience with permitting email submissions, we anticipate a moderate growth rate for emailed GCA applications during the first two years and thus, a corresponding decrease in paper submissions: we estimate in year one, 98 percent of applicants will submit paper documents; and in year two, 88 percent. Further, based on our experience with NFA forms that previously were made available on the eForms platform, ATF also anticipates that, once the GCA forms are on eForms (one to two years from now, so we use two years to be conservative), there will be a more significant growth rate for electronically submitted GCA applications during the following two years, and thus, a corresponding decrease in paper submissions. Specifically, we estimate in year three, 50 percent of applicants will submit paper documents; and in year four onward, 2 percent. Table 7 uses the number of GCA individual/RP applications from Table 6 to forecast the annual future number of paper GCA individual/RP applications.

Table 7. Ten-year projection: number of GCA applications* overall, and number of paper applications

Year	Number of GCA license applications (individuals and other RPs)	Number of GCA individual/RP paper applications
1	18,956	18,577
2	18,746	16,496
3	18,536	9,268
4	18,326	367
5	18,116	362
6	17,906	358
7	17,696	354
8	17,486	350
9	17,276	346
10	17,066	341

* Each GCA application will continue to be accompanied by one applicant's fingerprints in the future. So, the numbers of applicants, applications, and fingerprint sets submitted with applications would still be 1-to-1-to-1.

Fingerprint cost savings

ATF is proposing to reduce the number of fingerprint cards NFA individual applicants must submit with Forms 1, 4, and 5 from two cards to one (Form 5630.7 submissions, like GCA individual and RP applications, already require only one card, so this change would not affect these applicants). Under the proposed rule, individual NFA applicants would still have to submit fingerprints with their application, but only one set. Because those who submit electronically already obtain and submit just one set of fingerprints, they would not accrue savings from this change. While the majority of NFA individual applicants submit their forms electronically, approximately two percent continue to submit via paper. As a result, that two percent would be affected by this proposed change. ATF estimates that the cost to obtain two sets of paper fingerprints is \$50.⁹ By reducing the number of paper cards NFA individual applicants who submit by mail would have to obtain, the proposed rule would reduce their fingerprint cost from \$50 to \$32,¹⁰ resulting in a per-application savings of \$18 for this two percent of applicants.

ATF is also proposing to eliminate the requirement for NFA RPs to submit

⁹ The average of \$50 for two sets of paper fingerprint cards is derived from reviewing various internet sources. *See, e.g.*, ABC Fingerprinting Service, <https://www.abcfingerprinting.com/> [<https://perma.cc/FM7D-H4EK>]; Absolute Fingerprinting and Security Services, <https://absoluteisi.com/fingerprinting/> [<https://perma.cc/FJ6T-4X3U>]; Bayou City Fingerprinting, <https://bayoucityfingerprinting.com/ink-fingerprinting/> [<https://perma.cc/8TME-8EW7>].

¹⁰ Based on a review of sources available on various websites, most fingerprinting services provide a discount for the second set of fingerprints. *See, e.g.*, <https://absoluteisi.com/fingerprinting/> [<https://perma.cc/E6GU-Y3YS>], <https://fingerprinting-nm.com/pricing-hours> [<https://perma.cc/PTT9-FJ3L>], <https://www.fingerprint-phila.com/> [<https://perma.cc/8JQA-PC7G>], <https://txfingerprints.com/services/ink-fingerprinting/> [<https://perma.cc/5HUA-SZE8>], <https://www.wovois.com/colorado-fingerprinting-services> [<https://perma.cc/GK5V-8H77>]. As a result, the reduced cost cited here is not half of the cost of two cards.

fingerprints with their applications. Currently, NFA RP applicants are required to submit two sets of fingerprints with their Forms 23, although 98 percent of them submit digital fingerprints and thus submit just one digital set. Digital fingerprints cost \$73 on average.¹¹ For the remaining two percent of NFA RPs, the cost of obtaining two sets of paper fingerprints is \$50. As NFA RPs would no longer have to submit fingerprints with their Forms 23,¹² the proposed change would result in savings to RPs of up to \$50 or \$73 in capital costs per application, depending on whether they submit by mail or electronically. In addition, NFA RPs would save the time involved in obtaining fingerprints. However, a small number of NFA RPs would still need to submit a fingerprint set later, as requested by ATF, to coordinate with the FBI on resolving criminal history-related issues that can arise, for example, when an NFA applicant's biographic information matches that of another individual (see section 3, Savings offset, below for details).¹³

Photograph cost savings

ATF is also proposing that NFA and GCA individual and RP applicants would no

¹¹ See US Postal Service, <https://ips.usps.com/IdentityCapture/> [<https://perma.cc/F9F3-5LV2>]; Passport Immigrant Photos, <https://www.passportimmigrationphotos.com/atf-fingerprinting> [<https://perma.cc/J28Z-Z5F6>]; Royal Printing, <https://www.royalprinting123.com/fingerprinting.html> [<https://perma.cc/LWM3-RMRW>]; Greater Houston Fingerprinting, <https://square.site/book/QEHCT4XRC4G98/zarco-llc-pearland-tx> [<https://perma.cc/GTG7-DJA5>].

¹² Although individual applicants to make or transfer an NFA firearm are also RPs if they are licensees, they are still required to submit fingerprints as individuals with their Forms 1 or 4. That requirement would continue under the proposed rule.

¹³ Although GCA applicants also incur a cost for obtaining fingerprints, ATF is not including that cost here because this rule would not affect the GCA fingerprint requirements. In addition, as discussed in the note to Table 1, Form 5 is not included in this analysis because the majority of Form 5 applications are transfers to the government, which does not have RPs. ATF does not have data on the number of Form 5 transfers that involve RPs, but it is a very small proportion of the total. Form 5630.7 is also not included because, although it would be submitted to ATF with a photograph and fingerprints if an individual applicant were not already licensed under the GCA (Form 7), in reality, there are no NFA 5630.7 applications from applicants who are not already licensed. As a result, applicants would already have had background checks during the licensing process, so there are no individual applicants submitting Forms 5630.7.

longer have to submit 2” x 2” photographs with their applications. They would instead have a new option to submit a scan or copy of their photo identification document. Applicants who already submit electronically would not accrue a cost savings from this option, as they are already able to submit a self-generated digital photo instead of obtaining one by another means, but the proposed rule would provide them the convenience of scanning their photo ID if they preferred. Applicants who submit paper documents would save the cost of obtaining a paper photograph and the time spent doing so.

ATF estimates the average cost to obtain one photograph at up to \$17.¹⁴ Therefore, NFA and GCA individual and RP applicants who submit paper photographs could realize a capital savings of \$17 per application if they choose to copy their photo identification instead.

Monetized time cost savings

In addition to the costs of fingerprints, NFA RPs also incur a time cost to acquire fingerprints. NFA RPs acquiring fingerprints would likely be performing such actions during their leisure time because, if they are applying to make or purchase a firearm, it is most likely for personal use or as part of a personal trust, rather than as part of a business transaction. Therefore, ATF has estimated a leisure wage rate for NFA applicants in this proposed rule.

ATF estimated the leisure wage based on methodology from the Department of

¹⁴ See CVS passport photograph costs, <https://www.cvs.com/photo/passport-photos> [<https://perma.cc/8WQ4-7TPA>]; Walgreens passport photograph costs, <https://photo.walgreens.com/store/passport-photos> [<https://perma.cc/3CDM-5NKX>].

Health and Human Services (“HHS”), updated to account for the latest available data.¹⁵ The HHS methodology is to first obtain the median U.S. non-leisure weekly wage from the Bureau of Labor Statistics (“BLS”) and divide it by 40 hours to derive the median hourly non-leisure wage. Step two is to obtain the average U.S. real household income before taxes and after taxes from the Census Bureau and divide the post-tax income by the pre-tax income to determine the net household income rate. Step three applies the net income rate to the median non-leisure hourly rate derived in step one, to calculate the hourly leisure wage. Table 8 shows the steps and data ATF used under this methodology to determine an updated leisure wage.

Table 8. Calculating leisure wage

Inputs for leisure wage rate	Numerical inputs	Source
1a. Median non-leisure weekly wage	\$1,214	News Release, BLS, <i>Usual Weekly Earnings for Wage and Salary Workers</i> , third quarter 2025 https://perma.cc/PK8F-SSMK
1b. Median non-leisure hourly wage	\$30.35	\$1,214 median weekly wage / 40 hours a week = \$30.35
2a. Real annual household income pre-tax	\$83,730	U.S. Census Bureau, <i>Median Household Income</i> , 2025 https://perma.cc/RU47-LLBX
2b. Real annual household income post-tax	\$72,330	U.S. Census Bureau, <i>Median Household Income</i> , post-tax spreadsheet, 2025 https://perma.cc/M33M-EWY7
2c. Net	86 percent	\$72,330 annual post-tax income / \$83,730 annual pre-tax income = .86

¹⁵ See *Valuing Time in U.S. Department of Health and Human Services Regulatory Impact Analyses: Conceptual Framework and Best Practices*, <https://aspe.hhs.gov/sites/default/files/private/pdf/257746/VOT.pdf>.

household income rate		net household income rate
3a. Hourly leisure wage	\$26.10	\$30.35 hourly non-leisure wage * .86 net household income rate = \$26.10 hourly leisure wage
3b. Rounded hourly leisure wage	\$26.00	

Based on the methodology outlined by HHS, the estimated leisure wage is \$26, which ATF used to calculate the hourly savings for NFA applicants. This leisure wage — the opportunity cost of leisure, meaning the time spent engaging in activities that could otherwise be spent earning income — is the product of multiplying the median hourly wage of \$30.35 by the 0.86 net household income rate to derive the after tax median hourly wage (\$26.10, rounded to \$26). For NFA applicants, ATF used this hourly leisure wage rate to calculate the monetized time savings for all NFA RPs who would no longer obtain fingerprints and to calculate the monetized time savings for NFA individuals and RPs submitting paper applications who would no longer obtain paper photographs.

For GCA license applicants, who would be applying as part of their firearms business activities, ATF used the BLS hourly wage for a facilities manager of \$53.42 per hour as an analogue for the hourly wage of an FFL manager.¹⁶ To account for fringe employment benefits such as insurance, ATF determined an average load rate based on BLS's calculated national hourly compensation (salaries/wages plus paid benefits) for all private-sector occupations (an average of \$44.20 for 2024)¹⁷ divided by the national

¹⁶ U.S. Bureau of Labor Statistics, *Occupational Employment and Wages, May 2023*, for 11-3013 Facilities Managers, https://www.bls.gov/oes/2023/may/oes_nat.htm [<https://perma.cc/3NNK-QH53>].

¹⁷ U.S. Bureau of Labor Statistics, *Total compensation cost per hour worked for private industry workers (2023–2025)*, <https://data.bls.gov/dataViewer/view/timeseries/CMU2010000000000D> [<https://perma.cc/T2ZL-2UUB>].

average hourly wages and salaries without benefits (an average of \$31.10 for 2024),¹⁸ making a load rate of 1.42.¹⁹ ATF then applied this load rate to the estimated hourly wage rate for an FFL manager to calculate their total compensation. Multiplying BLS's estimated hourly wage rate equivalent for an FFL manager (\$53.42) by the load rate of 1.42, ATF estimated that an FFL would save \$75.86, rounded to \$76, in loaded monetized time per hour under this rule.

For purposes of this analysis, ATF estimates that it takes a person 15 minutes (0.25 hours) to obtain a photograph and one hour to obtain fingerprints, for a total potential time savings of up to 0.25 hours for GCA individual/RP applicants and NFA individual applicants who submit paper applications and would no longer have to obtain paper 2" x 2" photographs; up to one hour for NFA RP applicants who submit electronically and would no longer have to obtain digital fingerprints; and up to 1.25 hours for NFA RP applicants who submit paper applications and would no longer have to obtain paper 2" x 2" photographs or fingerprints. ATF uses the 0.25-hour time estimate for obtaining photographs because photographs are readily available at common retailers such as CVS and Walgreens. ATF estimates a longer time to obtain fingerprints because fingerprints are not as readily available.

Combined cost savings

For GCA applicants who submit by paper, the combined savings would be the cost savings of no longer obtaining a 2" x 2" photograph (\$17) and the monetized value of the time they would no longer have to spend obtaining the photograph. The monetized

¹⁸ U.S. Bureau of Labor Statistics, *Employer cost for employee compensation, (2023–2025)*, <https://data.bls.gov/dataViewer/view/timeseries/CMU202000000000D> [<https://perma.cc/8WEJ-2TRW>].

¹⁹ 1.42 load rate = \$44.20 total hourly compensation / \$31.10 hourly wages and salaries.

time savings would be \$76 loaded hourly wage rate * 0.25 hours, or \$19. The total savings for these GCA applicants would therefore be \$36 per application (rounded). GCA applicants who submit electronically would not realize any savings as a result of this proposed rule.

For NFA individuals, the two percent who submit paper documents would have a combined (rounded) savings of \$42, which is the cost savings of submitting one fingerprint card instead of two (\$18), the cost savings of no longer obtaining a 2” x 2” photograph (\$17), and the monetized value of the time they would no longer have to spend obtaining the photograph (\$7). For NFA RPs, the combined (rounded) savings would be \$100 for RPs who submit paper documents or \$99 for RPs who submit electronically. This consists of the cost savings from no longer obtaining fingerprints (\$50 or \$73, for paper or digital prints respectively), the monetized value of the time they would no longer have to spend obtaining fingerprints (\$26, one hour’s monetized value), and, for NFA RPs who submit paper applications, the cost savings of no longer obtaining a 2” x 2” photograph (\$17), and the monetized value of the time they would no longer have to spend obtaining the photograph (\$7, or \$26 * 0.25 hours, rounded). Table 9 illustrates the per applicant cost savings per activity.

Table 9. Cost savings per person (rounded)

Person type	Submission type	Fingerprint savings	Photograph savings	Travel time saved	Monetized value of saved travel time	Per-person total cost savings
NFA individual	Paper	\$18	\$17	0.25	\$7	\$42
	Digital	n/a	n/a	n/a	n/a	\$0
NFA RP	Paper	\$50	\$17	1.25	\$33*	\$100
	Digital	\$73	n/a	1	\$26	\$99
	Paper	n/a	\$17	0.25	\$19	\$36
	Digital	n/a	n/a	n/a	n/a	\$0

GCA individual/RP						
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*The \$32.50 combined monetized time savings for NFA RP applicants submitting paper documents consists of \$26 for one hour of travel time to obtain fingerprints at \$26 an hour, and \$6.50 for 0.25 hours of travel time to obtain photographs at \$26 an hour.

Based on the anticipated number of applications from NFA individuals and RPs and GCA individuals/RPs over the next ten years, as well as the numbers of paper and electronic submissions (see Tables 5 and 7), ATF forecasts the cost savings over ten years in Table 10.

Table 10. Ten-year cost savings to individuals and RPs from this proposed rule

Year	NFA individual paper savings	NFA RP digital savings	NFA RP paper savings	GCA individual/RP paper savings	Total savings
1	\$470,188	\$44,136,378	\$909,800	\$668,772	\$46,185,138
2	\$517,338	\$48,365,262	\$997,000	\$593,856	\$50,473,456
3	\$564,488	\$52,594,146	\$1,084,200	\$333,648	\$54,576,482
4	\$611,679	\$56,823,030	\$1,171,400	\$13,212	\$58,619,321
5	\$658,829	\$61,052,013	\$1,258,500	\$13,032	\$62,982,374
6	\$706,020	\$65,280,798	\$1,345,700	\$12,888	\$67,345,406
7	\$753,170	\$69,509,682	\$1,432,900	\$12,744	\$71,708,496
8	\$800,361	\$73,738,566	\$1,520,100	\$12,600	\$76,071,627
9	\$847,511	\$77,967,549	\$1,607,200	\$12,456	\$80,434,716
10	\$894,661	\$82,196,433	\$1,694,400	\$12,276	\$84,797,770
Total	\$6,824,245	\$631,663,857	\$13,021,200	\$1,685,484	\$653,194,786

3. Cost savings offset

Although the proposed rule would result in deregulatory cost savings regarding fingerprints for NFA RPs, there would still be instances in which ATF would request that an NFA RP submit fingerprints during the NICS background check. That could happen because of a need to resolve confusion about the RP's identity or criminal history, or for other similar reasons. Should ATF request fingerprints as a supplement to the standard

background check, a sub-portion of the above cost savings for NFA RPs would be offset by the \$73 fee to obtain digital fingerprints or the \$50 fee to obtain paper prints, plus the opportunity cost of time to obtain fingerprints ($\$26$ hourly leisure wage * 1 hour, or $\$26$), resulting in a total fingerprint cost savings offset of $\$99$ ($\$26$ monetized time + $\$73$ fee) per application for this subset of NFA RPs who submit electronically and $\$76$ ($\$26$ monetized time + $\$50$ fee) per application for this subset of NFA RPs who submit paper applications.

Although ATF has historical data on the numbers of NFA individual and RP applications submitted to ATF with fingerprints (*see* Table 4) and on the total number of NFA fingerprint sets sent from ATF to NICS as requested by NICS since 2022 (*see* Table 1), ATF does not have data on the subset number of NFA RP fingerprint sets sent to NICS upon request. Therefore, to calculate a baseline historical estimate of that number, ATF started with the historical data on NFA applications from Tables 1 and 4. ATF relied specifically on the Table 1 and 4 data from 2022-2025, which is the period during which ATF has been submitting fingerprints to NICS solely upon request.

ATF added the number of NFA individual applications and the number of NFA RP applications submitted to ATF in each of those years (from Table 4) to obtain the total number of NFA applications submitted in each of those years. Then, ATF used the number of NFA fingerprints sent to NICS upon request in each of those years (from Table 1, column 2) to calculate the percentage of NFA fingerprints submitted to NICS from the total submitted to ATF. ATF then used this percentage as a basis for estimating the number of NFA RP fingerprints that would have been submitted to NICS each year, on the assumption that RPs' fingerprints were requested in the same proportion as

individuals' fingerprints. Table 11 shows the historical total number of NFA fingerprint sets; the historical number of NFA fingerprints sent to NICS; the percentage of the total represented by that number; and the estimated number of fingerprints submitted to NICS that were for RPs.

Table 11. Estimated number of NFA RP fingerprints submitted to NICS

Year	Total number of NFA prints submitted to ATF*	Number of NFA prints sent to NICS**	Percent of NFA prints sent to NICS	Estimated NFA RP prints sent to NICS***
2022	533,325	470	0.09	279
2023	809,627	4,749	0.59	2,138
2024	885,139	4,131	0.47	1,732
2025	852,387	2,524	0.30	2,751

* The number of NFA fingerprints submitted to ATF is derived from adding together Table 4, column 1 (individual NFA applications) and column 2 (RP NFA applications), because each application submitted to ATF includes one applicant's set of fingerprints.

** The number of NFA fingerprints sent from ATF to NICS is derived from Table 1, column 2.

*** The estimated number of NFA RP prints that were sent to NICS is derived from applying the percent in column 3 of this table to the number of RP applications/fingerprint sets submitted to ATF from Table 4, column 2.

Had this proposed rule been in effect from 2022-2025, the subset of NFA RPs whose fingerprints were requested by NICS in those years would have incurred the cost savings offset for providing fingerprints later upon request.

To forecast the cost savings offset for the equivalent subset of NFA RPs who would continue to provide fingerprints by request under this proposed rule over the next ten years, ATF used the estimated number of NFA RP prints sent to NICS in 2022-2025 to establish a baseline annual average growth rate. ATF then used forecasting software to apply that annual average growth rate to future years, resulting in the projected subset of NFA RP fingerprints that would have to be submitted. Then, from the numbers forecasted for each year, ATF used the percentages discussed under the population section of the benefits analysis to calculate the portion of those future applicants who would submit

paper documents versus digital ones. ATF provides the ten-year population cost savings offset numbers in Table 12 for the subset of RPs who would incur this continued fingerprinting cost under the proposed rule.

Table 12. NFA RP population subset that would incur cost savings offset to provide follow-up fingerprints*

Year	Projected number of NFA RP prints sent to NICS	NFA RP paper submissions	NFA RP digital submissions
1	3,567	71	3,496
2	4,384	88	4,296
3	5,200	104	5,096
4	6,016	120	5,896
5	6,833	137	6,696
6	7,649	153	7,496
7	8,465	169	8,296
8	9,282	186	9,096
9	10,098	202	9,896
10	10,914	218	10,696

Finally, ATF multiplied the number of RPs who would submit paper prints by the \$76 fingerprint cost savings offset per applicant, and multiplied the number of RPs who would submit digital prints by the \$99 fingerprint cost savings offset per applicant, to determine the total cost savings offset for this group of NFA RPs. ATF provides a ten-year cost savings offset analysis in Table 13 for the subset of RPs who would incur this continued fingerprinting cost under the proposed rule (i.e., who would not receive the \$76 or \$99 cost savings that other NFA RPs would receive from no longer submitting any fingerprints).

Table 13. NFA RP cost savings offset to provide follow-up fingerprints*

Year	NFA RPs submitting paper prints	NFA RPs submitting digital prints	NFA RPs' total undiscounted cost savings offset	3-percent discounted cost savings offset	7-percent discounted cost savings offset
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1	\$1,520	\$100,394	\$101,914	\$101,914	\$98,946
2	\$5,396	\$353,096	\$358,492	\$358,492	\$337,913
3	\$6,688	\$433,896	\$440,584	\$440,584	\$403,197
4	\$7,904	\$514,696	\$522,600	\$522,600	\$464,323
5	\$9,120	\$595,496	\$604,616	\$604,616	\$521,547
6	\$10,412	\$676,296	\$686,708	\$686,708	\$575,107
7	\$11,628	\$757,096	\$768,724	\$768,724	\$625,043
8	\$12,844	\$837,896	\$850,740	\$850,740	\$671,582
9	\$14,136	\$918,696	\$932,832	\$932,832	\$714,938
10	\$15,352	\$999,496	\$1,014,848	\$1,014,848	\$755,142
Total				\$5,787,920	\$4,552,087
Annualized				\$678,521	\$648,115

* The “undiscounted cost savings offset” column represents totals from the underlying costs. Consistent with guidance provided by OMB in Circular A-4, the “3-percent discounted” rate and “7-percent discounted” rate columns result from applying an economic formula to the number in each row of the “undiscounted” column to show how these future costs over time would be valued today; they do not contain totals from other tables.

4. Total net cost savings

Overall, this rule would create net cost savings for the public. To illustrate the net cost savings to the public, Table 14 provides a cost-savings and cost-savings-offset comparison over the ten-year period of analysis, as well as the resulting net outcome of subtracting the cost savings offset from the cost savings.

Table 14. Ten-year cost-savings and NFA RP cost savings-offset comparison, with net outcome

Year	Cost savings	NFA RP cost savings offset	Net cost savings
1	\$46,185,138	\$101,914	\$46,083,224
2	\$50,473,456	\$358,492	\$50,114,964
3	\$54,576,482	\$440,584	\$54,135,898
4	\$58,619,321	\$522,600	\$58,096,721
5	\$62,982,374	\$604,616	\$62,377,758
6	\$67,345,406	\$686,708	\$66,658,698
7	\$71,708,496	\$768,724	\$70,939,772
8	\$76,071,627	\$850,740	\$75,220,887
9	\$80,434,716	\$932,832	\$79,501,884
10	\$84,797,770	\$1,014,848	\$83,782,922
Total	\$653,194,786	\$6,282,058	\$646,912,728

Table 15 provides the overall net cost savings due to this proposed rule, accounting for the cost savings and cost savings offset described in the sections above.

Table 15. Ten-year net cost savings, discounted and undiscounted*

Year	Total undiscounted	3-percent discount rate	7-percent discount rate
1	\$46,083,224	\$44,740,994	\$43,068,434
2	\$50,114,964	\$47,238,160	\$43,772,350
3	\$54,135,898	\$49,542,016	\$44,191,019
4	\$58,096,721	\$51,618,184	\$44,321,710
5	\$62,377,758	\$53,807,602	\$44,474,479
6	\$66,658,698	\$55,825,610	\$44,417,505
7	\$70,939,772	\$57,680,526	\$44,177,725
8	\$75,220,887	\$59,380,063	\$43,779,241
9	\$79,501,884	\$60,931,574	\$43,243,757
10	\$83,782,922	\$62,342,362	\$42,590,989
Total	\$646,912,728	\$543,107,091	\$438,037,209
Annualized		\$63,668,719	\$62,366,644

* The “undiscounted” column represents total cost savings based on the underlying costs. Consistent with guidance provided by OMB in Circular A-4, the “3-percent discount rate” and “7-percent discount rate” columns result from applying an economic formula to the number in each row of the “undiscounted” column to show how these future cost savings over time would be valued today; they do not contain totals from other tables.

Overall, ATF anticipates that this rule would provide a cost savings of an undiscounted \$646.9 million over the course of ten years, or an annualized \$63.7 million at 3 percent and \$62.4 million at 7 percent.

5. Regulatory alternatives

Alternative 1: status-quo alternative

ATF considered taking no action and maintaining the status quo. The regulations require individuals and RPs to submit two paper fingerprint cards and a 2” x 2” photograph for each NFA application to make or transfer, and one paper fingerprint card and a 2” x 2” photograph for each NFA SOT taxpayer application and GCA license application. While ATF has already been permitting electronic submissions for both NFA

and GCA applicants, ATF determined that the fingerprint requirement is still unduly burdensome in many cases because fingerprints are no longer useful in processing the vast majority of applications. At minimum, two sets of fingerprints are no longer necessary, and, due to technological advancements, a passport-style photograph is no longer the only, or even best, way to verify a person's identity.

In addition, ATF also recognizes that new technologies have changed the options for obtaining fingerprints, such that paper fingerprint cards should no longer be the only allowable format in the regulations. While the costs for obtaining digital fingerprints are currently higher than for obtaining paper fingerprints, that balance is likely to change as the digital options become more common. Similarly, while capturing one's own fingerprints on paper is somewhat difficult and requires obtaining the necessary supplies, and capturing one's own fingerprints digitally is currently cost-prohibitive for many applicants because they would have to purchase equipment, ATF anticipates that capturing one's own fingerprints digitally will soon become accessible and affordable.

As a result of both considerations, ATF believes that retaining the status quo is not the best alternative.

Alternative 2: Eliminating all fingerprints alternative

Another alternative ATF considered was eliminating the requirement for fingerprints in all cases. This would eliminate cost and time burdens for all applicants and streamline submitting and processing applications. However, due to statutory requirements, that is not possible for individual NFA and GCA applicants. In addition, in some cases, fingerprints are necessary as a means of efficiently coordinating with the FBI to resolve personal-history-related issues when completing a NICS background

investigation, and in the context of GCA license applications, ATF also needs the fingerprints to resolve applicant appeals. In those cases, both public safety and the interests of persons wishing to acquire a firearm are better served by requiring fingerprints.

Alternative 3: Eliminating all photographs alternative

ATF also considered the alternative of eliminating the requirement to submit a photograph in all cases. Again, this option would eliminate cost and time burdens for all applicants and streamline submitting and processing applications. However, it is a statutory requirement that individual NFA and GCA applicants must submit photographs. In addition, photographic images are still important for verifying identity, particularly as between persons with the same name. As a result, ATF determined that this was not a viable alternative.

Alternative 4: Proposed alternative

Given the constraints discussed above, ATF proposes to partially implement alternative 2 for NFA applicants by proposing that individual NFA applicants would be able to submit one set of fingerprints instead of two, and that NFA RPs would be able to forgo submitting fingerprints with their applications but could be requested to submit fingerprints later if needed in one of these rare cases. This proposed alternative streamlines the application process. It also reduces burden as much as possible while also ensuring public safety and accounting for the population segments who would still be required by statute to submit fingerprints or would need to submit prints to resolve a background check. The proposed rule also implements existing industry electronic submission practices for applicants across the board, so as to clarify that all applicants

required to submit fingerprints may submit digital prints.

ATF also proposes to partially implement alternative 3 by allowing individuals and RPs to submit a copy of their photo identification document instead of a 2” x 2” passport-style photograph, if they so elect. People have identification documents in their possession; copies are quick and easy to make and can be done anywhere; and using identification documents benefits public safety because such documents include additional information to verify the person’s identity. This alternative thereby reduces burden and facilitates more easily submitting and processing applications. In addition, with technological developments, people can now use a cell phone to take photographs of themselves or make scans of their digital identification, further reducing the photograph requirement’s burden.

B. Executive Order 14192

Executive Order 14192 (Unleashing Prosperity Through Deregulation) requires an agency, unless prohibited by law, to identify at least ten existing regulations to be repealed or revised when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation that qualifies as an Executive Order 14192 regulatory action (defined in OMB Memorandum M-25-20 as a final significant regulatory action under section 3(f) of Executive Order 12866 that imposes total costs greater than zero). In furtherance of this requirement, section 3(c) of Executive Order 14192 requires that any new incremental costs associated with such new regulations must, to the extent permitted by law, also be offset by eliminating existing costs associated with at least ten prior regulations. This rule as proposed is a significant regulatory action as defined by Executive Order 12866; however, this rule would not be

an Executive Order 14192 regulatory action because it would not impose total costs greater than zero. It would remove or reduce regulatory requirements pertaining to fingerprints and photographs, saving the public the costs and burdens of complying with them. ATF therefore expects this rule, if finalized as proposed, to qualify as an Executive Order 14192 deregulatory action (defined by OMB Memorandum M-25-20 as a final action that imposes total costs less than zero).

C. Executive Order 14294

Executive Order 14294 (Fighting Overcriminalization in Federal Regulations) requires agencies promulgating regulations with criminal regulatory offenses potentially subject to criminal enforcement to explicitly describe the conduct subject to criminal enforcement, the authorizing statutes, and the mens rea standard applicable to each element of those offenses. This proposed rule would not create a criminal regulatory offense and is thus exempt from Executive Order 14294 requirements.

D. Executive Order 13132

This proposed rule would not have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132 (Federalism), the Director has determined that this proposed rule would not impose substantial direct compliance costs on state and local governments, preempt state law, or meaningfully implicate federalism. It thus does not warrant preparing a federalism summary impact statement.

E. Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and

3(b)(2) of Executive Order 12988 (Civil Justice Reform).

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (“RFA”), 5 U.S.C. 601–612, agencies are required to conduct a regulatory flexibility analysis of any proposed rule subject to notice-and-comment rulemaking requirements unless the agency head certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities. Small entities include certain small businesses, small not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of fewer than 50,000.

ATF performed an initial regulatory flexibility analysis (“IRFA”) of the impacts on small businesses and other entities that would occur due to this proposed rule, if finalized as proposed. Based on the information from this analysis, ATF found —

- Direct costs and savings: there would be no direct costs, but there would be some savings to small businesses or entities that make or transfer NFA firearms or engage in business as licensees for GCA firearms. These savings would be \$100 or \$99 per NFA RP (with a savings offset of \$76 or \$99, respectively, for less than 1 percent of these NFA RPs who would need to provide fingerprints later upon request due to an irregularity in their background check) and \$36 per GCA license applicant (assuming they submit a paper application). No adverse impact would accrue since these would be deregulatory savings that ATF considers beneficial to the small businesses.
- Indirect costs: an unknown number of businesses that deal in 2” x 2” photographs might incur an indirect cost in the form of potential unknown revenue reduction because individuals and RPs might no longer purchase paper 2” x 2” photographs. ATF estimates

that a reduction in revenue would be \$17 per 2” x 2” photograph. Assuming a low business revenue of \$100,000 per year, a small business would need to lose 5,882 customers in a given year to realize a 1 percent reduction in revenue.

- Indirect costs: an unknown number of businesses that provide fingerprint services might incur an indirect cost in the form of potential unknown revenue reduction because NFA RPs would no longer purchase fingerprints, and individual NFA applicants submitting paper applications would purchase only one fingerprint card as opposed to two. The extent to which this would produce a net change in revenue for fingerprinting businesses is unknown since people also utilize fingerprinting services for other purposes, like job applications, childcare services, and more. The potential impact to fingerprinting businesses is thus unknown as well.

Initial Regulatory Flexibility Analysis (IRFA)

The RFA establishes “as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to ensure that such proposals are given serious consideration.” Pub. L. 96–354, sec. 2(b), 94 Stat. 1164 (1980).

Under the RFA, the agency is required to consider whether the proposed rule would have a significant economic impact on a substantial number of small entities. Agencies must perform a review to determine whether the proposed rule would have such an impact. If the agency determines that it would, the agency must prepare an IRFA (or a

regulatory flexibility analysis for a final rule) as described in the RFA.

1. Describing the reasons why the agency is considering taking action

This proposed rule would reduce burdens and costs to small businesses that are comprised of one individual, as well as small businesses that have RPs. ATF does not anticipate this rule creating significant economic costs for small entities, as this rule would have deregulatory savings that would be beneficial to small businesses directly affected by ATF regulations.

2. Succinctly stating the objectives of, and legal basis for, the proposed rule

While Congress mandates that ATF collect adequate identifying information for all GCA license applicants, *see* 18 U.S.C. 923(a) and (d)(1)(B), and also requires that ATF collect photographs and fingerprints from individual NFA (and GCA) applicants, *see* 26 U.S.C. 5802, 5812(a), and 5822(d), there is no statutory requirement for entity NFA applicants to submit those materials. Nor is there any statutory requirement under either the GCA or NFA that fingerprints or photographs be submitted in a particular format or number. Accordingly, to minimize burdens to the public, ATF is proposing to eliminate its existing requirement for NFA entity applicants to submit an RP's fingerprints and would request fingerprints only if necessary to complete a background check. ATF is also proposing to reduce the number of required fingerprint sets from two to one for individual applicants who make and transfer NFA firearms, although this change will affect only applicants who submit paper fingerprint cards. Finally, ATF is proposing to adjust the requirements for submitting fingerprints and photographs to permit all GCA and NFA applicants to submit digital fingerprints and photographs, and also to submit copies of photo identification documents instead of 2" x 2" passport-type

photographs.

The objective of this proposed rulemaking is to reduce the regulatory burden of GCA licensing and NFA firearms ownership on the public by streamlining requirements to track the minimum information needed to comply with safety and statutory requirements while also incorporating advances in technology, such as digital options for fingerprints and photographs.

3. Describing and, where feasible, estimating the number of small entities to which the proposed rule would apply

Even though this proposed rule is not economically significant, its economic impact consists of deregulatory savings, which reduce burdens and costs for the public and do not create additional barriers for small businesses. There are approximately 77,378 FFLs that would potentially benefit from this rule and an unknown number of trusts that would also benefit from this rule. ATF anticipates that most of these FFLs and trusts are small businesses.

It is possible that there may be other indirect costs to other industries — mainly retail businesses that offer photograph and fingerprinting services. This proposed rulemaking would have an unknown indirect effect on their revenue. There are an unknown number of businesses that deal in 2” x 2” photographs. This proposed rule would indirectly cause an unknown reduction in revenue from GCA applicants no longer purchasing 2” x 2” photographs. ATF estimates that a reduction in revenue would be \$17 per 2” x 2” photograph. Assuming a low business revenue of \$100,000 a year, a small business would need to lose 5,882 customers in a given year to realize a 1 percent reduction in revenue.

There are also an unknown number of businesses that deal in fingerprints. This proposed rule would indirectly cause an unknown reduction in their revenue because RPs dealing in NFA firearms would no longer need to purchase fingerprints and individual NFA applicants who obtain paper fingerprint cards would no longer need to purchase two cards. In addition, some applicants might instead choose to take their own digital fingerprints, bypassing fingerprinting services altogether. But ATF considers that option, while available, to be currently unlikely due to both the cost of obtaining equipment for at-home digital printing and the infrequency with which the affected applicant population would need to obtain prints.

The overall impact to revenue is unknown because fingerprinting services would also continue to be used for background checks for employment purposes and other non-firearms reasons.

4. Describing the proposed rule’s projected reporting, record-keeping, and other compliance requirements, including an estimate of the classes of small entities which would be subject to the requirement and the type of professional skills necessary to prepare the report or record

There are no additional requirements or costs being imposed by this proposed rule. This rule would reduce costs and requirements for the public.

5. Identifying, to the extent practicable, all relevant federal rules which might duplicate, overlap, or conflict with the proposed rule

This proposed rule would not duplicate or conflict with other federal rules.

6. Describing any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic

impact the proposed rule might have on small entities

ATF has considered the alternative of maintaining the status quo with respect to GCA and NFA application requirements. Maintaining the status quo would alleviate the indirect costs to companies providing photograph or fingerprinting services. However, ATF has determined that the direct economic benefits to the public from the proposed rule would significantly outweigh any indirect loss in revenue incurred by small businesses offering photograph or paper fingerprinting services.

ATF also considered issuing guidance in lieu of rulemaking. ATF rejected issuing guidance instead because the existing requirements are in regulations and guidance would not be able to override the regulatory requirements.

G. Unfunded Mandates Reform Act of 1995

This proposed rule does not include a federal mandate that might result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it would not significantly or uniquely affect small governments. Therefore, ATF has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

H. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (“PRA”), 44 U.S.C. 3501–3521, agencies are required to submit to OMB, for review and approval, any information collection requirements a rule creates or any impacts it has on existing information collections. An information collection includes any reporting, record-keeping, monitoring, posting, labeling, or other similar actions an agency requires of the public. *See* 5 CFR 1320.3(c). The proposed revisions in this rule would impact six existing

information collections under the PRA.

The six information collections that would be impacted are: (1) OMB control number 1140-0011: Application to Make and Register a Firearm (the title of which is being revised to read “Application to Make and Register NFA Firearm”), which includes ATF Form 5320.1 (“Form 1”); (2) OMB control number 1140-0014: Application for Tax-Paid Transfer and Registration of Firearm (the title of which is being revised to read “Application to Transfer and Register NFA Firearm (Tax-Paid)”), which includes ATF Form 5320.4 (“Form 4”); (3) OMB control number 1140-0015: Application for Tax-Exempt Transfer and Registration of Firearm (the title of which is being revised to read “Application to Transfer and Register NFA Firearm (Tax-Exempt)”), which includes ATF Form 5320.5 (“Form 5”); (4) OMB control number 1140-0107: National Firearms Act (NFA) Responsible Person Questionnaire (the title of which is being revised to read “NFA Responsible Person Questionnaire”), which includes ATF Form 5320.23 (“Form 23”); (5) OMB control number 1140-0090: National Firearms Act (NFA - Special Occupational Taxes (SOT)) (the title of which is being revised to read “NFA Special Tax Registration and Return”), which includes ATF Form 5630.7; and (6) OMB control number 1140-0018: Application for Federal Firearms License, which includes ATF Form 5310.12 (“Form 7”).

This proposed rule would impact these information collections because it would change the fingerprint and photograph requirements for individuals who fill out Forms 1, 4, and 5, by requiring them to submit only one fingerprint card instead of two, and for individuals completing these forms, Form 5630.7, or Form 7, by allowing them the option to submit digital fingerprints and photographs and a copy of their photo

identification document instead of a 2” x 2” passport-type photo, thereby potentially reducing cost or burden to such individuals in the future.

The proposed rule would also impact these information collections because it would eliminate the requirement for RPs who fill out Form 23 to provide fingerprint cards with their form. This would result in savings from their current time burden and costs, although in some cases a small subset of these RPs would have to submit a fingerprint card upon request if necessary for the background check, thereby reducing the overall savings for less than 1 percent of these applicants. In addition, the proposed rule would allow RPs who fill out Form 23 or Form 7, part B, the same option to submit digital fingerprints and photographs and a copy of their photo identification document instead of a 2” x 2” passport-type photo, thereby also further reducing cost and burden to such individuals.

As a result of these changes, the time burden and monetized costs for these collections would be reduced if this proposed rule becomes final. ATF will provide more details about the reduced information collection burdens in any final rule, but section III.A of this preamble provides equivalent details in the context of this proposed rule.

I. Congressional Review Act

This proposed rule would not be a major rule as defined by the Congressional Review Act, 5 U.S.C. 804.

IV. Public Participation

A. Comments sought

ATF requests comments on the proposed rule from all interested persons. ATF specifically requests comments on the clarity of this proposed rule and how it may be

made easier to understand. In addition, ATF requests comments on the costs or benefits of the proposed rule and on the appropriate methodology and data for calculating those costs and benefits.

All comments must reference this document's RIN 1140-AA63 and, if handwritten, must be legible. If submitting by mail, you must also include your complete first and last name and contact information. If submitting a comment through the federal e-rulemaking portal, as described in section IV.C of this preamble, you should carefully review and follow the website's instructions on submitting comments. Whether you submit comments online or by mail, ATF will post them online. If submitting online as an individual, any information you provide in the online fields for city, state, zip code, and phone will not be publicly viewable when ATF publishes the comment on <https://www.regulations.gov>. However, if you include such personally identifying information ("PII") in the body of your online comment, it may be posted and viewable online. Similarly, if you submit a written comment with PII in the body of the comment, it may be posted and viewable online. Therefore, all commenters should review section IV.B of this preamble, "Confidentiality," regarding how to submit PII if you do not want it published online. ATF may not consider, or respond to, comments that do not meet these requirements or comments containing excessive profanity. ATF will retain comments containing excessive profanity as part of this rulemaking's administrative record but will not publish such documents on <https://www.regulations.gov>. ATF will treat all comments as originals and will not acknowledge receipt of comments. In addition, if ATF cannot read your comment due to handwriting or technical difficulties and cannot contact you for clarification, ATF may not be able to consider your comment.

ATF will carefully consider all comments, as appropriate, received on or before the closing date.

B. Confidentiality

ATF will make all comments meeting the requirements of this section, whether submitted electronically or on paper, and except as provided below, available for public viewing on the internet through the federal e-rulemaking portal, and subject to the Freedom of Information Act (5 U.S.C. 552). Commenters who submit by mail and who do not want their name or other PII posted on the internet should submit their comments with a separate cover sheet containing their PII. The separate cover sheet should be marked with “CUI//PRVCY” at the top to identify it as protected PII under the Privacy Act. Both the cover sheet and comment must reference this RIN 1140-AA63. For comments submitted by mail, information contained on the cover sheet will not appear when posted on the internet, but any PII that appears within the body of a comment will not be redacted by ATF and may appear on the internet. Similarly, commenters who submit through the federal e-rulemaking portal and who do not want any of their PII posted on the internet should omit such PII from the body of their comment and any uploaded attachments. However, PII entered into the online fields designated for name, email, and other contact information will not be posted or viewable online.

A commenter may submit to ATF by mail information identified as proprietary or confidential business information. To request that ATF handle this information as controlled unclassified information (“CUI”), the commenter must place any portion of a comment that is proprietary or confidential business information under law or regulation on pages separate from the balance of the comment, with each page prominently marked

“CUI//PROPIN” at the top of the page.

ATF will not make proprietary or confidential business information submitted in compliance with these instructions available when disclosing the comments that it receives, but will disclose that the commenter provided proprietary or confidential business information that ATF is holding in a separate file to which the public does not have access. If ATF receives a request to examine or copy this information, it will treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). In addition, ATF will disclose such proprietary or confidential business information to the extent required by other legal process.

C. Submitting comments

Submit comments using either of the two methods described below (but do not submit the same comment multiple times or by more than one method). Hand-delivered comments will not be accepted.

- *Federal e-rulemaking portal:* ATF recommends that you submit your comments to ATF via the federal e-rulemaking portal at <https://www.regulations.gov> and follow the instructions. Comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that is provided after you have successfully uploaded your comment.
- *Mail:* Send written comments to the address listed in the ADDRESSES section of this document. Written comments must appear in minimum 12-point font size, include the commenter’s first and last name and full mailing address, and may be of any length. See also section IV.B of this preamble, “Confidentiality.”

D. Request for hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

Disclosure

Copies of this proposed rule and the comments received in response to it are available through the federal e-rulemaking portal, at <https://www.regulations.gov> (search for RIN 1140-AA63).

Severability

Consistent with the Administrative Procedure Act, the issues raised in this proposed rule may be finalized, or not, independently of each other, after consideration of comments received. ATF has determined that this proposed rule implements and is fully consistent with governing law. However, in the event this proposed rule is finalized, if any provision of that final rule, an amendment or revision made by that rule, or the application of such provision or amendment or revision to any person or circumstance, is held to be invalid or unenforceable by its terms, the remainder of that final rule, the amendments or revisions made by that rule, and application of the provisions of the rule to any person or circumstance shall not be affected and shall be construed so as to give them the maximum effect permitted by law.

List of subjects in 27 CFR part 478

Administrative practice and procedure, Arms and munitions, Exports, Freight, Imports, Intergovernmental relations, Law enforcement officers, Military personnel,

Penalties, Reporting and record-keeping requirements, Research, Seizures and forfeitures, Transportation.

List of subjects in 27 CFR part 479

Administrative practice and procedure, Arms and munitions, Exports, Imports, Military personnel, Penalties, Reporting and record-keeping requirements, Seizures and forfeitures, Taxes, Transportation.

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR parts 478 and 479 as follows:

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

1. The authority citation for 27 CFR part 478 continues to read as follows:

Authority: 5 U.S.C. 552(a); 18 U.S.C. 847, 921–931; 44 U.S.C. 3504(h).

2. Amend § 478.44 by:

a. In § 478.44(a), revising § 478.44(a)(1)(ii) and (2); and

b. In § 478.44(b), removing the clause “ATF Form 7CR (Curios and Relics)” and adding in its place “ATF Form 7” and by removing the entire last sentence of the paragraph and adding in its place “Persons may obtain Form 7 on ATF’s website at <https://www.atf.gov/resource-center/forms>.”

The revision reads as follows:

§ 478.44 Original license.

* * * * *

(ii) include fingerprints and a photograph as required in the instructions on the form. Persons may submit fingerprints in paper or digital form. Persons can meet the photograph requirement by attaching either a clear and true copy (e.g., a photocopy, or, if

submitting an electronic application, a scan, digital photograph, or other electronic copy) of their photo identification document, as defined in 27 CFR 478.11, or a photograph (may be digital and submitted electronically if submitting an electronic application) of themselves that is 2×2 inches in size, clearly showing a full front-view of their features, with head bare of hats or other items that overlap the front hairline, with the distance from the top of the head to the point of the chin approximately 1 ¼ inches, and that was taken within six months prior to the date they submit the photograph. In necessary cases, the Director may require a person to submit a photograph, and refuse to accept a submitted photo identification copy, if the document is not an acceptable type, the copy is not clear, or for other issues that impede the background check;

* * * * *

(2) Persons may obtain Form 7 on ATF's website at <https://www.atf.gov/resource-center/forms>.

PART 479—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

3. The authority citation for 27 CFR part 479 continues to read as follows:

Authority: 26 U.S.C. 5801-5822; 26 U.S.C. 7801; 26 U.S.C. 7805.

4. Add § 479.27 to subpart C to read as follows:

§ 479.27 Photographs and fingerprints.

(a) When applying to make or transfer and register a firearm under the National Firearms Act, or to become a special (occupational) taxpayer, ATF does not require individual applicants and responsible persons to submit fingerprints unless:

(1) The National Firearms Act, 26 U.S.C. chapter 53, explicitly requires the

applicant to submit fingerprints with the application; or

(2) The Director requests the person to submit fingerprints because the Director is unable to determine, based on the results of the initial background check, whether making or transferring the firearm as proposed would place the person in violation of law.

(b) When fingerprints are required under this section, the individual applicant or responsible person must submit with the application one properly completed FBI Form FD-258 (Fingerprint Card) or, if applying electronically, an equivalent digital fingerprint set. The fingerprints must be clear for accurate classification.

(c) When applying as described under paragraph (a) of this section, individual applicants and responsible persons must attach a photograph. Individual applicants and responsible persons can meet the photograph requirement by attaching one of the following:

(1) A clear and true copy (e.g., a photocopy, or, if submitting an electronic application, a scan, digital photograph, or other electronic copy) of their photo identification document, as defined in 27 CFR 478.11; or

(2) A photograph (which may be digital and submitted electronically) of themselves that is 2×2 inches in size, clearly showing a full front-view of their features, with head bare of hats or other items that overlap the front hairline, with the distance from the top of the head to the point of the chin approximately 1 ¼ inches, and that was taken within six months prior to the date they submit the photograph.

(d) In certain cases, the Director may require a person to submit a photograph as described in (c)(2) of this section, and refuse to accept the photo identification copy described in (c)(1) of this section, such as if the document is not of an acceptable type,

the copy is not clear, or if there are other issues impeding the person's background check.

5. In § 479.34, revise paragraph (e) to read as follows:

§ 479.34 Special tax registration and return.

* * * * *

(e) *Taxpayer identity.* If the taxpayer is an individual, the taxpayer must attach the documentation required under § 479.27 unless the taxpayer has filed with ATF a properly executed ATF Form 5310.12 ("Form 7"), Application for Federal Firearms License, as specified in 27 CFR 478.44(a).

6. Amend § 479.63 by:

- a. Revising the section heading and paragraph (a);
- b. Removing the word "shall" and adding in its place the word "must" in paragraph (b) introductory text and in paragraph (b)(1);
- c. Adding "and" after the semi-colon at the end of paragraph (b)(2)(ii);
- d. Revising paragraph (b)(2)(iii); and
- e. Removing paragraph (b)(2)(iv).

The revisions read as follows:

§ 479.63 Applicant identity.

(a) If the applicant is an individual, the applicant must attach the documentation required under § 479.27.

(b) * * * * *

(2) * * * * *

(iii) A photograph as described in § 479.27(c).

* * * * *

7. Amend § 479.85 by:

- a. Revising the section heading and paragraph (a);
- b. Removing the word “shall” and adding in its place the word “must” in paragraph (b) introductory text and in paragraph (b)(1);
- c. Adding “and” after the semi-colon at the end of paragraph (b)(2)(ii);
- d. Revising paragraph (b)(2)(iii); and
- e. Removing paragraph (b)(2)(iv).

The revisions read as follows:

§ 479.85 Transferee identity.

(a) If the transferee is an individual, the applicant must attach the documentation required under § 479.27.

(b) * * * * *

(2) * * * * *

(iii) A photograph as described in § 479.27(c).

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Robert Cekada,
Director.

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