

Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
Information Collection Request  
Supporting Statement  
1140-0046

Certification on Agency Letterhead Authorizing Purchase of Firearm for Official Duties  
of Law Enforcement Officer

A. Justification

1. Public Law 104-208, Omnibus Consolidated Appropriations Act of 1997 (OCA), amended the Gun Control Act (GCA) of 1968, making it unlawful for individuals who have been convicted of a “misdemeanor crime of domestic violence” to ship, transport, receive or possess firearms and ammunition, and prohibits sales or other dispositions of firearms and ammunition to such individuals. Prior to passage of OCA, Federal and State agencies and political subdivisions thereof, were exempt from the provisions of the GCA. The OCA, however, did not extend this GCA exemption to persons prohibited as a result of a conviction for misdemeanor crimes of domestic violence; this category of prohibited persons applies to all persons, including law enforcement officers. No Federal or State employees are exempt.
2. Previous to the change to the GCA discussed in paragraph 1 above, law enforcement officers could purchase a firearm, if used in his/her duties as a law enforcement officer, from a dealer licensed under the GCA at any location without submitting information normally required of other persons. To complete such a purchase, however, the law enforcement officer was required to provide the dealer with a letter from his/her superior officer stating that the firearm would be used for his /her official duties as a law enforcement officer. Because of the change in the GCA, law enforcement officers purchasing firearms for use in official duties must now supply also information certifying that he/she has not been convicted of a crime of domestic violence. To address this change, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) added a new section to its regulations (section 478.134) providing that a law enforcement officer may use a supervisor certification letter to purchase official duty firearms subject to the following requirements: The letter must be printed on agency letterhead, must be signed by a person in authority with the agency (other than the officer purchasing the firearm), must state that the firearm is to be used in official duties, and must certify that a records check reveals that the purchasing officer has no conviction for a misdemeanor crime of domestic violence. With this letter, the law

enforcement officer will take possession of the firearm from the licensee and will not fill out or sign any forms. Disposition will be made in the licensee's records and the certification letter will be retained in the licensee's files for five years.

3. The information collection does not involve any use of automated, electronic, mechanical, or other technological collection techniques because the certification letter is written by an individual who is considered to have sufficient authority to certify that a law enforcement officer purchasing the firearm will use the firearm in the performance of official duties. The letter must be submitted at the time the law enforcement officer purchases the firearm. This form cannot be made electronic as Federal firearm licensees (FFLs) are not permitted under the regulation to accept electronic copies of this form, nor are law enforcement agencies authorized to transmit the form to FFLs by electronic means.
4. ATF uses a uniform subject classification system for various types of ATF documents. This system is used to identify duplication and to ensure that any similar information cannot be used or modified for use for the purpose of this information collection.
5. This collection does not impact small business or other small entities.
6. The consequences of not conducting this information collection would result in public harm to any individual. Law enforcement officers who have been convicted of a misdemeanor crime of domestic violence could obtain firearms from licensees and could use such firearms other than for official duties.
7. There are no special circumstances regarding this information collection.
8. ATF consulted with several individuals) outside of the agency (city chiefs of police, sheriffs, supervisors from state police organizations and highway patrols) to make a determination as to which individuals would be considered to have sufficient authority to certify that law enforcement officers purchasing firearms use the firearms in the performance of official duties. This information collection was published in the Federal Register for 60-days and received no public comments. No public comments were received since the start of the 30-day FR notice period.
9. No payment or gift to respondents is associated with this collection.
10. The certification letter is retained in the licensee's files in a secured location. Confidentiality is not assured.

11. No questions of a sensitive nature are asked. The letter does state that the officer has not been convicted of any crimes of domestic violence.
  12. The number of law enforcement officers purchasing firearms directly from a licensee for use in their official duties is estimated to be 50,000 per year. The total annual responses associated with this collection is 50,000. The burden on the superior officer is to do an electronic background check and complete a certification letter from a template, sign it and give it to the officer purchasing the firearm who will keep a copy for his file. This process takes 8 minutes per letter based on in-house tests. 50,000 responses times 8 minutes per letter divided by 60 minutes in an hour = 6,667 hours. The total annual burden associated with this collection is 6,667 hours. The burden on the licensee is to file and retain the letter; this burden is excluded because it is customary and usual business practice.
  13. There is no annual cost burden to the respondents or recordkeepers resulting from the collection of information.
  14. There is no cost to the Federal government.
  15. There are no changes or adjustments associated with this information collection.
  16. The results of this information collection will not be published.
  17. ATF does not request approval to not display the expiration date for OMB approval of the information for this collection.
  18. There are no exceptions to the certification statement.
- B. Collections of Information Employing Statistical Methods.  
None.