

Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
Information Collection Request  
Supporting Statement  
OMB 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. It also prohibits sales or other dispositions of firearms and ammunition to such individuals. Prior to the passage of the 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 prohibition applies to all persons, including law enforcement officers. No Federal or State employees are exempt.
2. Prior to the change to the GCA, which was discussed in item 1 above, law enforcement officers could purchase a firearm for official duties, from a dealer licensed under the GCA, 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. Due to recent GCA updates, law enforcement officers purchasing firearms for use in official duties, must now supply 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), which provides 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, signed by a person in authority with the agency (other than the officer purchasing the firearm), state that the firearm is to be used in official duties, and 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. The disposition will be documented in the licensee's records and the certification letter will be retained in the licensee's files for five years.

3. This information collection (IC) does not involve the use of any automated, electronic, mechanical, or other technological collection techniques. This is due to the fact that the certification letter is written by an individual who has sufficient authority to certify that a law enforcement officer is purchasing firearm(s) that will be used during the performance of official duties. The letter must be submitted at the time the law enforcement officer purchases the firearm. The letter template for this IC cannot be made electronic because 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. Law enforcement officers who have been convicted of a misdemeanor crime of domestic violence could obtain firearms from licensees, and could use such firearms for other purposes than their official duties.
7. There are no special circumstances regarding this information collection.
8. No public comments were received during either the 60-day or the 30-day Federal Register Notice periods.
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 IC is 50,000. It takes approximately eight (8) minutes to respond once to this IC, based on in-house tests. This involves the combined time taken for the superior officer to do an electronic background check, complete a certification letter using the provided template, and also sign and submit the completed letter to purchasing officer for retention in their records. Therefore the total hourly burden for this IC is 6,667 hours, which can be calculated as follows:  $50,000$  (# of responses) \*  $1$  (# of responses per respondent) \*  $.133333$  (8 minutes). 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 record-keepers 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.