

Supporting Statement for Paperwork Reduction Act Submissions
Reinstatement, **with change**, of a previously approved collection for which approval has expired
1110-0043 Voluntary Appeal File (VAF) Application Form

Part A. Justification

1. Necessity of Information:

Title 28, Code of Federal Regulations (C.F.R.), Part 25.9(b)(1), (2), (3), outlines that the National Instant Criminal Background Check System (NICS) Section must destroy all identifying information on allowed transactions within 24 hours of the Federal Firearms Licensees (FFL) being notified of the transaction's proceed status. If a potential purchaser is delayed or denied a firearm and successfully appeals the decision, the NICS Section cannot retain a record of the overturned appeal or the supporting documentation. If the record is not able to be updated or the fingerprints are non-identical to a disqualifying record used in the evaluation, the purchaser continues to be delayed or denied, and if that individual appeals the decision, the documentation/information (e.g., fingerprint cards, court records, pardons) must be resubmitted for every subsequent purchase. The Voluntary Appeal File (VAF) was established per 28 C.F.R., Part 25.10(g), for this reason. By this process, applicants can voluntarily request the FBI's NICS Section maintain information about themselves in the VAF to prevent future extended delays or denials of a firearm transfer. The VAF is maintained by the NICS for the purpose of preventing future erroneous denials or extended delays of a firearm transfer. The VAF will remain under the purview of the NICS; however, the VAF application process will be completed by the FBI's Biometric Services Section's (BSS) Criminal History Information and Policy Unit (CHIPU) through the electronic Departmental Order (eDO) System.

With the VAF process, potential firearm purchasers will have the option to complete the VAF application form to supply the CHIPU with mandatory information such as last name, first name, mailing address, state of residence, country of citizenship, date of birth, place of birth, sex, race, and ethnicity. In addition, the applicant's signature on the application is mandatory, to authorize the NICS to retain the information in the VAF.

2. Needs and Uses:

The information collected with the VAF application form will serve to further identify firearms purchasers by descriptive data. The descriptive data will be used to query various Criminal Justice Information Services Division systems to determine if the applicant is a match to any subjects in those systems/databases. The regulation requires written consent to be included in the VAF. An applicant statement has been included on the form that explains to what the applicant is agreeing. If at any time the individual wishes their information to be removed from the VAF, a written letter should be submitted to the BSS to have the information removed.

3. Use of Technology:

The VAF online process is an outward-facing Web page that allows the VAF applicant to establish a self-service account. The applicant obtains a link to electronically submit a VAF application securely online using the same fields as included in the hard copy application form. As more users move toward the electronic submission of the VAF application, the need for the

hard copy application form will become obsolete. However, the current process does still allow for manual submission.

4. Efforts to Identify Duplication:

This is the only means for entry into the VAF per the regulation. No other agency would be offering this service and no other method would be accepted.

5. Methods to Minimize Burden on Small Businesses:

The collection of information will not have a significant economic impact on small business. The collection audience is individual potential firearm purchasers.

6. Consequences of Less Frequent Collection:

If the data from the VAF application form is not collected, the CHIPU will not be able to initiate the VAF application process as required by the final rule, 28 C.F.R., Part 25.9 (b)(1), (2), (3) and Part 25.10(g). The VAF application form includes the "applicant statement" signature and the date giving the FBI authority to enter the individual into the VAF. Without the collection of this data, the NICS would not be able to retain supporting documentation and/or information in the VAF of a potential firearm purchaser that may have had an extended delay or been erroneously denied a firearm transfer. This would be in violation of the regulation. The potential purchaser would continue to be delayed or denied if the record could not be updated and would be required to appeal the decision and resubmit documentation/information to overturn the appeal on subsequent purchases.

7. Special Circumstances Influencing Collection:

The special circumstances associated with the VAF are due to requirements in the Regulation, 28 C.F.R., Part 25.10(g), regarding the VAF. The application form is a one-time collection. Applicants are not required to submit more than one original of the form. However, if the applicant wishes to send documentation along with the application, he or she is encouraged to do so. All information is collected in accordance with the Privacy Act of 1974. Information in the VAF will be utilized by the NICS solely in connection with firearm background checks, explosives or associated permits conducted through the Brady Act and the regulations promulgated thereunder. There is no information collection in connection with a statistical survey.

8. Public Comments and Consultations:

30 and 60 day Notices of Information Collection are published in the Federal Register.

9. Payment of Gift to Claimants:

There is no payment made or gift given to an individual who provides the required information to the BSS.

10. Assurance of Confidentiality:

All information will be held confidential in accordance with Title 42, United States Code,

Section 3789(g). Information in the VAF will be utilized by the NICS solely in connection with firearm background checks, explosives, and associated permits conducted through the Brady Act and the Regulations promulgated thereunder.

11. Justification for Sensitive Questions:

There are no sensitive questions as defined by this section.

12. Estimate of Hour Burden:

Number of respondents	3737
Frequency of response	Normally Once
Total annual responses	3737
Minutes per response	30 minutes
Annual hour burden	1868.5

It is estimated the time it takes to read, complete, and upload documents is 30 minutes. Travel time to the fingerprinting facility and post office is not factored in the time estimate. The NICS Section estimates 3737 respondents yearly. This is open to anyone who may be experiencing erroneous denials/extended delays. Individuals can download the VAF application form from the NICS and eDO public websites. With 3737 applicants responding, the formula for applicant burden hours would be as follows: (3737 respondents x .5 hours) = 1868.5 hours.

13. Estimate of Cost Burden:

Respondents will not incur any costs other than their time to respond. Respondents will not incur any capital, start up, or system maintenance costs associated with this information collection.

14. Estimated Annualized Costs to Federal Government:

Personnel Salaries:	\$ 2,147,414.88
Analysis of incoming information:	\$ 0
Conversion to electronic format:	\$ 0

Total Cost: \$ 2,147,414.88

The VAF application process is performed on average by 24 GS 10 Step 5 employees. The 2022 OPM GS Salary Table (for the locality pay area of rest of US) indicates a GS 10 Step 5 employee makes \$68,302.00 per year. As a standard when calculating cost, thirty-one percent is added for benefits. This brings the annual cost per employee to \$89,475.62. Twenty-four employees at this rate would total \$2,147,414.88 in salaries.

15. Reasons for Change in Burden:

Cost to the government has decreased due to the ability to refer applicants to the NICS and eDO public websites to obtain copies of the VAF application form. The online process will decrease the time burden and financial burden on the applicants.

Reasons for Change in Annualized Costs to Federal Government: The formula for calculating the annual costs to government was changed since the last collection. The new formula includes personnel costs and is consistent with other forms tracked by the OMB.

16. Plans for Publication:

The data collected will be utilized by the BSS solely in connection with determining eligibility for entry into the VAF to be utilized with firearm background checks conducted through the Brady Act and the regulations promulgated thereunder. This information will not be published.

17. Expiration Date Approval:

The expiration date should be displayed on the application form to assure the newest version is being used.

18. Exceptions to the Certification Statement:

There are no exceptions to the certification statement.