

Department of Justice  
Bureau of Alcohol, Tobacco, Firearm, and Explosives (ATF)  
Information Collection Request (ICR)  
OMB 1140-0046  
LEO Certification Letter for Official-Duty Firearm Purchase

## **SUPPORTING STATEMENT**

### **A. JUSTIFICATION**

#### **1. Explain the circumstances that make the information collection necessary.**

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 prohibiting anyone to sell or dispose of firearms and ammunition to such individuals.

Prior to the OCA, federal and state agencies, and their political subdivisions, were exempt from the GCA’s requirements. The OCA, however, did not exempt law enforcement officers (LEOs) from its prohibition against a person who has a conviction for a misdemeanor crime of domestic violence; this prohibition category applies to all persons, including LEOs.

As a result, LEOs purchasing firearms for official duties must provide FFLs information certifying that they have not been convicted of a crime of domestic violence.

To address this requirement, ATF’s regulations at 27 CFR 478.134 require that a LEO may submit a letter from their supervisor certifying that the LEO may purchase an official-duty firearm, 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 will be used for official duties, and must certify that a records check reveals that the purchasing officer has no conviction for a misdemeanor crime of domestic violence.

#### **2. Indicate how, by whom, and for what purpose the information will be used.**

The LEO must submit the required letter described in paragraph 1 to the licensee to acquire and possess a firearm for official duty. The licensee uses this letter to verify that the LEO may legally purchase and possess the firearm prior to transferring the firearm. If the LEO provides this letter, the licensee and LEO also do not have to complete any forms to effectuate this transfer, nor does the licensee have to initiate a NICS background check, which would otherwise all be required.

#### **3. Describe whether, and to what extent, the information collection involves using**

**automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision to adopt this means of collecting.**

ATF does not place any restrictions on how a federal or state law enforcement agency chooses to generate this certification letter, so the agency is free to generate it online or electronically, as long as the signing agency official is able to include a valid digital signature in the process. The letter must be written and signed by an individual who is considered to have sufficient authority to certify that a LEO purchasing the firearm will use the firearm to perform official duties. The LEO must be able to submit the letter at the time they purchase the firearm, and if the FFL is able to accept and maintain the letter as part of its records in electronic form that meets ATF's requirements for licensee records, the law enforcement agency or LEO may transmit the letter electronically.

**4. Describe efforts to identify duplication.**

This information is not duplicative and requires that a law enforcement agency certify that a given LEO is authorized to purchase a firearm for official-duty purposes, and has not been convicted of a misdemeanor crime of domestic violence. This must be done for each purchase, as the letter must identify the specific person purchasing the firearm, and must verify that the person does not have such a conviction at the time, which can change between one purchase or the next. In addition, the LEO might not be purchasing from the same licensee each time, so it needs a new letter.

**5. If the information collection impacts small businesses or other small entities, describe any methods used to minimize burden.**

There is no significant impact on small business or other private entities. This information collection affects only government agencies. To minimize burden on smaller law enforcement agencies, ATF allows agencies to use their own letterhead, including local ones, instead of a prescribed ATF form.

**6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

The consequences of not conducting this information collection, or of conducting it less frequently, would be that LEOs convicted of a misdemeanor crime of domestic violence could obtain firearms unlawfully, which could result in public harm to any individual. Law enforcement officers who have been convicted of a misdemeanor crime of domestic violence are prohibited from obtaining firearms because of the resulting risk to the public. As this status can change, as can a LEO's employment and authorization to purchase a firearm for official duty, it's necessary to conduct this ICR each time, or incur the same risk to public safety.

The consequences of not using a certification letter for this purposes would impact LEOs,

agencies, and FFLs. If law enforcement agencies were not permitted to conduct a check for such convictions and then certify that the LEO has no such convictions and is authorized by the agency to purchase a firearm for official-duty purposes, these facts would have to be ascertained by other means, which would be more burdensome for agencies, LEOs, and FFLs (including undergoing NICS checks, contacting the law enforcement agency, using prescribed forms, etc). Those activities would still be under this information collection, but more burdensome and costly.

**7. Explain any special circumstances that would cause the information collection to be conducted in a manner inconsistent with 5 CFR 1320.6.**

There are no special circumstances associated with this information collection, which is conducted in a manner consistent with 5 CFR 1320.6.

**8. If applicable, provide a copy, and identify the date and page number, of the agency's notice published in the *Federal Register*, as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submitting to OMB.**

The 60-Day Notice was published in the Federal Register on 02/25/26 (91 FR 9298). The comment period ended on 05/6/26 (91 FR 24609). ATF received no comments.

**9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.**

ATF does not provide payments or gifts in connection with this collection.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

This information collection does not collect protected information, and ATF has not assured respondents of confidentiality.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private**

This information collection does not ask questions or require information of a sensitive nature. The letter does state that the officer has not been convicted of any crimes of domestic violence.

**12. Provide estimates of the information collection's hour burden.**

ATF estimates that there are approximately 50,000 LEOs in any given year that apply for a firearm for official-duty purposes. ATF further estimates that the number of responses is one per respondent in any given year, for a total number of 50,000 responses.

It takes the LEA eight minutes (0.13 hours) to draft a letter on official letterhead certifying that the officer is eligible to purchase a firearm for official-duty purposes without undergoing a NICS background check. ATF estimates a first-line supervisor of police or detectives would complete and sign the statement, at an hourly wage rate of \$50.96.<sup>1</sup> Including employment fringe benefits paid by employers, such as insurance, ATF uses a load rate of 1.4 to augment the base hourly wage rate. This raises the hourly wage rate to \$71.33 per hour.

The total annual time burden for this information collection is 6,500 (50,000 responses \* 0.13 hours per response). Multiplying the 6,500 hours by the loaded wage rate of \$71.33 results in a total annual monetized time value of \$463,645 for this ICR.

**Estimated annualized respondent cost and hour burden**

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)	Hourly rate*	Monetized value of respondent time
Certification (third-party disclosure)	50,000	1	50,000	0.13 hours	6,500	\$71.33	\$463,645

**13. Provide an estimate of the total annual cost burden to respondents or record-keepers resulting from the information collection. (Do not include the cost of any hour burden shown in Items 12 and 14).**

There are no additional costs associated with this information collection.

**14. Provide estimates of the annualized cost to the federal government.**

There is no cost to the federal government associated with this collection because the LEOs submit these letters to licensees, not to ATF.

**15. Explain the reasons for any program changes or adjustments.**

ATF is revising this information collection to reflect the change in hourly pay for a first-line supervisor of police or detectives since the last time this hourly wage was calculated, resulting in a change from \$46 to \$71 (rounded). Although the number of respondents and the amount of time it takes to complete the certification letter have remained the same, the hourly wage rate change results in a change to the monetized value of respondent time.

**16. For information collections whose results will be published, outline plans for tabulations, and publication.**

ATF will not publish the results of this collection.

<sup>1</sup> Occupational Employment and Wages, May 2023, 33-1012 First-Line Supervisors of Police and Detectives, <https://www.bls.gov/oes/2023/may/oes331012.htm>

**17. If seeking approval to not display the expiration date for the information collection, explain the reasons that display would be inappropriate.**

This information collection does not involve a form or other collection instrument upon which ATF could display the expiration date. This ICR only requires local law enforcement to draft a statement using their official letterhead rather than an official ATF form. However, ATF provides the public with a letter template, and displays the OMB control number, expiration date, and PRA statement on that template.

**18. Explain each exception to the certification statement.**

This information collection does not include any exceptions to the certification statement.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.**

This collection does not employ statistical methods.