

**DEPARTMENT OF THE TREASURY**

**Bureau of Alcohol, Tobacco and Firearms**

**27 CFR Part 178**

**[Notice No. 862]**

**RIN 1512-AB64**

**Implementation of Pub. L. 104-208, the Omnibus Consolidated  
Appropriations Act of 1997 (96R-034P)**

**AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of  
the Treasury.**

**ACTION: Proposed rulemaking cross-referenced to temporary regulations.**

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**SUMMARY: In the Rules and Regulations portion of the Federal Register, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing temporary regulations regarding the implementation of Public Law 104-208, the Omnibus Consolidated Appropriations Act of 1997, enacted September 30, 1996. These regulations implement the law by adding to the list of prohibited persons anyone convicted of a "misdemeanor crime of domestic violence" and by adding the provision that employees of government agencies convicted of such misdemeanors may not lawfully possess or receive firearms and ammunition. In conjunction with the new prohibited person category, regulations are also prescribed to require purchasers of handguns to state on the Brady Form, ATF Form 5300.35, that they have not been convicted of a misdemeanor crime of domestic violence.**

**In addition, the temporary rule implements the amendment to the Gun Control Act allowing Federal firearms licensees to engage in the business of dealing in curio or relic firearms with another licensee away from their licensed premises. The temporary regulations also serve as the text of this**

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**notice of proposed rulemaking for final regulations.**

**DATES:** Written comments must be received on or before September 28, 1998.

**ADDRESSES:** Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221, Attn: Notice No.

**FOR FURTHER INFORMATION CONTACT:** Barry Fields, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Ave., NW, Washington, DC 20226 (202-927-8210).

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12866**

It has been determined that this proposed rule is not a significant regulatory action as defined in E.O. 12866, because the economic effects flow directly from the underlying statute and not from this temporary rule. Therefore, a regulatory assessment is not required.

**Regulatory Flexibility Act**

It is hereby certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The revenue effects of this rulemaking on small businesses flow directly from the underlying statute. Likewise, any secondary or incidental effects, and any reporting, recordkeeping, or other compliance burdens flow directly from the statute.

**Paperwork Reduction Act**

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Chief, Information Programs Branch, Room 3450, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226. Comments are specifically requested concerning:

**Whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Alcohol, Tobacco and Firearms, including whether the information will have practical utility;**

**The accuracy of the estimated burden associated with the proposed collection of information (see below);**

**How the quality, utility, and clarity of the information to be collected may be enhanced; and**

**How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology.**

**The collection of information in this proposed regulation is in 27 CFR 178.130(a)(1) and 178.134. This information is required to prevent the purchase of handguns by persons convicted of a misdemeanor crime of domestic violence. The likely respondents are individuals.**

**Estimated total annual reporting burden per respondent: .1 hours.  
Estimated number of respondents: 8,000,000.**

**An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.**

## **Public Participation**

**ATF requests comments on the temporary regulations from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.**

**ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.**

**Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request in writing, to the 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.**

**The temporary regulations in this issue of the Federal Register amend the regulations in 27 CFR part 178. For the text of the temporary regulations, see T.D. ATF--published in the Rules and Regulations**

**section of this issue of the Federal Register.**

**Drafting Information: The author of this document is Barry Fields,  
Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.**

**Signed: February 18, 1998.**

**John W. Magaw,  
Director.**

**Approved: April 24, 1998.**

**John P. Simpson,  
Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).  
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