



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

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OPEN LETTER TO ALL FEDERAL FIREARMS LICENSEES

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received questions from Federal Firearms Licensees (FFLs) concerning unlicensed firearms purchasers who present a State issued driver's license or other government-issued identification document that shows only a P.O. Box or Rural Route address (e.g., "RR 10, Box 79") as their residence address. In the June 7, 2007, Open Letter, ATF determined that an FFL could accept such identification documents after requesting and obtaining a variance from ATF. The June 7, 2007, Open Letter (<http://www.atf.gov/press/releases/2007/06/060707-openletter-ffl-po-boxes.pdf>) is still applicable to firearm transferees whose identification documents indicate only a P.O. Box number. However, this letter provides further guidance regarding purchasers who present an identification document bearing a Rural Route address.

The Brady Law, 18 U.S.C. 922(t), and its implementing regulations, 27 C.F.R. 478.102(a), provide, in part, that an FFL shall not transfer a firearm to an unlicensed purchaser unless: (1) before completion of the transfer, the FFL contacts the National Instant Criminal Background Check System (NICS); (2) NICS provides the FFL with a unique identification number; (3) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in 18 U.S.C. 1028(d)) of the transferee containing a photograph of the transferee.

Section 1028(d)(3), Title 18, U.S.C., defines the term "identification document," in relevant part, to mean a document made or issued by or under the authority of the government, which when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals. The term is further defined in 27 CFR 478.11 as a document that contains the "residence address" of the holder that is a "type intended or commonly accepted for the purpose of identification of individuals."

Federal law at 18 U.S.C. 923(g)(1)(A) also requires that FFLs maintain such records of importation, production, shipment, receipt, sale, or other disposition of firearms at their place of business for such period, and in such form, as the Attorney General may by regulations prescribe. Implementing regulations in 27 CFR 478.124 require FFLs to record firearms transactions with nonlicensed purchasers on a Firearms Transaction Record, [ATF Form 4473](#). The regulations further require that the [Form 4473](#) include, among other things, the transferee's name, sex, date of birth, and residence address.

As stated above, the identification document must be of a type commonly accepted for the purpose of identification, meaning that the document must include a photograph of the individual, date of birth, and residence address. Because nonlicensed purchasers are generally restricted to their States of residence when acquiring firearms, it is important that an FFL verify that the purchaser is a resident of the State where the FFL's premises are located. The residence address required on [Form 4473](#) must be sufficient to identify the physical location of the purchaser's residence in the event the firearm is the subject of a trace request. For these reasons, [Form 4473](#) states that a P.O. Box is not an acceptable residence address.

Unlike a P.O. Box, a Rural Route address is considered the person's legal residence, and that address is sufficient on "identification documents" issued by States recognizing rural routes. Accordingly, ATF has determined that FFLs may transfer firearms to customers who provide an identification document listing only a Rural Route address, provided that the purchaser resides in a State or locality where a Rural Route is considered by the jurisdiction to be a legal residence address. In addition, the "identification document" presented must meet all of the requirements of 18 U.S.C. 1028(d) and 27 CFR 478.11.

Further, ATF has determined that no variance is needed prior to making such transfers. However, to validate a prospective firearm purchaser's legal residence address, FFLs are encouraged to take the following steps:

1. Ask the purchaser if the address indicated on the identification document is the actual residence address, receive an affirmative response, and have no reason to believe the address on the identification document is not the actual, legal residence address of the purchaser;
2. Ask the purchaser to complete [ATF Form 4473](#) with the actual physical location of his or her residence in Section 2, "Current Residence Address", including county or similar political subdivision. If the space provided on the form in Section 2 is not sufficient, the purchaser should provide the information on a separate sheet of paper and attach it to the [ATF Form 4473](#). If an attachment is necessary, the FFL should indicate in Section 30c ("For Use by FFL") that a physical address description is attached by writing "physical address attached" or "PA attached." This attachment may include a "metes and bounds" description such as that appearing on a property deed, or it may consist of directions from the nearest U.S. Post Office or other well-known landmark.

The Firearms Industry Programs Branch staff is available to answer your questions about the issues addressed in this letter. You may reach them by phone at (202) 648-7190.



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