



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

June 14, 2011

Open Letter to All Iowa Federal Firearms Licensees

The purpose of this open letter is to provide guidance on the procedure you may follow to comply with the Brady Act, 18 U.S.C. § 922(t) when transferring a firearm to an unlicensed person.

The permanent provisions of the Brady law took effect on November 30, 1998. The Brady law generally requires Federal Firearms Licensees (FFLs) to initiate a National Instant Criminal Background Check System (NICS) background check before transferring a firearm to an unlicensed person. However, the Brady law contains exceptions to the NICS check requirement, including an exception for holders of certain State permits to possess, carry, or acquire firearms. The law and implementing regulations provide that permits issued within the past 5 years may qualify as alternatives to the NICS check if certain other requirements are satisfied. Most importantly, the authority issuing the permit must conduct a NICS background check and must deny a permit to anyone prohibited from possessing firearms under Federal, State, or local law.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has previously determined that Iowa permits to acquire handguns and Iowa permits to carry concealed handguns and concealed weapons do qualify as alternatives to the background check required by the Brady law. This determination includes Iowa's Professional Permit to Carry Weapons, Iowa Code § 724.6, and Nonprofessional Permit to Carry Weapons, Iowa Code § 724.7.

If you transfer a firearm to an unlicensed person pursuant to the permit alternative, you must comply with the following requirements:

1. Have the transferee complete and sign ATF Form 4473, Firearms Transaction Record.
2. Verify the identity of the transferee through a Government-issued photo identification (for example, a driver's license).
3. Verify that the permit was issued within the past 5 years by the State in which the transfer is to occur, and that the permit has not expired under State law.
4. Either retain a copy of the transferee's permit and attach it to the Form 4473, or record on the Form 4473 any identifying number from the permit, the date of issuance, and the expiration date of the permit.

If you have any questions about Iowa's permits to acquire a handgun or concealed weapons permits qualifying as an alternative to the NICS check, please call ATF's Firearms Industry Programs Branch at (202) 648-7190.

A handwritten signature in black ink, appearing to read 'Arthur Herbert', is positioned at the top center of the page.

Arthur Herbert
Assistant Director
Enforcement Programs and Services

RESCINDED