

King, Carolyn A.

From: Drew Coleman <drewgcoleman@gmail.com>
Sent: Wednesday, January 20, 2016 10:33 AM
To: King, Carolyn A.
Subject: Agency Information Collection Activities; Proposed eCollection eComments Requested; Certification of Qualifying State Relief From Disabilities Program

Good morning,

I believe that this item is entirely too broad and a violation of Constitutional rights and due process. It also violates a person's right to privacy in regards to their medical information. The term "mental illness" is far too broad and all encompassing. It could discourage people who need help from seeking it until it's too late because they are afraid of losing their rights. There is also no clearly defined way to be removed from the list if someone is added.

A person should not have to prove to the government (or anyone) that they are not a danger. The burden should be on the deciding entity to prove that they are in fact a danger, and should use an objective method for doing so.

King, Carolyn A.

From: Leo Hinojosa <canineinnovation@gmail.com>
Sent: Tuesday, January 19, 2016 11:07 PM
To: King, Carolyn A.
Subject: comments concerns.

Hello

I would like to make a comment on the proposed inclusion of Mental Health Illness to be reported for purposes of NCS checks.

In my opinion not defining the term mental health illness which may include anxiety would deny a person the ability to purchase a weapon without any additional disqualified entries. Therefore a person who has seen a Dr. for anxiety who has never committed a crime who has never been in a DUI and not suspect of Domestic Abuse would be disqualified from their 2nd amendment rights for seeking help.

Not all Mental Health illnesses lead to mass murders.

In fact I propose a different solution to this problem. I would suggest the Justice Department and the Court Systems throughout the United States devise a database in which each person who is a felon be immediately entered into the System. Therefore should they attempt to purchase a weapon they be prosecuted to the fullest extent of the law. It is my understanding many felons are not reported to the federal database and therefore when they apply for a NCIS check they pass because they are not in the system when in fact they should have been. I am also concerned those who do knowingly attempt to purchase a weapon illegally they are not prosecuted.

We have many good laws in the books we just need to enforce them. We must also not demonize those individuals who seek mental health for whatever reason and disqualify them for seeking such help.

That is no different than to automatically arrest persons a minority because statistically they are more inclined to commit a crime therefore it is better to round them all up and place them in prison before they commit a crime. As a minority I feel this is no different than my above suggestion.

We must protect the 2nd amendment and not give in to the fears of others and not be influenced by political parties. Our founding fathers placed the 2nd amendment in the bill of rights for a reason and we must protect it.

Respectfully

leo Hinojosa

King, Carolyn A.

From: Hallet Bruestle II <bruestle2@gmail.com>
Sent: Wednesday, January 20, 2016 1:38 PM
To: King, Carolyn A.
Subject: Recent Proposal

Carolyn King,

There is a recent proposal here: <https://www.federalregister.gov/articles/2016/01/11/2016-226/agency-information-collection-activities-proposed-ecollection-ecomments-requested-certification-of#furinf>

This proposal has many problems, but the main ones are:

- * There is no due process and thus is a violation of the 5th Amendment
- * Violates HIPAA
- * Mental illness isn't defined

This proposal is a terrible idea, I am highly against it, and suggest the idea be abandoned.

Thank you,
Hallet Bruestle II

King, Carolyn A.

From: Johnny Exodice <johnnyexodice@gmail.com>
Sent: Wednesday, January 20, 2016 12:37 PM
To: King, Carolyn A.
Subject: This is a evil idea... NIAA has no right to bribe states for mental records of any persons... Now even yours!

States {to lose funding} from the N.I.A.A. if your State does not {take your} weapons??? Also for non-violent crime like {being arrested} for having a {small amount} of pot, you will {{{be banned}}} from buying or owning a weapon? JADE HELM 15 wants {a disarmed} population, so you and your city or community WILL NOT {be able} to fight back... The ATF {is behind this} for the FEDERAL GOVERNMENT, so they {can remove} your STATES CONSTITUTIONAL PROTECTIONS!!! Johnny Exodice

<https://www.youtube.com/watch?v=GzF7aZni0V0>

King, Carolyn A.

From: Michael Huber <mikehbr@yahoo.com>
Sent: Wednesday, January 20, 2016 10:28 PM
To: King, Carolyn A.
Subject: Feedback - Certification of Qualifying State Relief from Disabilities Program 11 Jan 2016

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

As stated on the top of the form: 'The certifying State should attach all relevant materials demonstrating compliance with it certification and criteria, which may include statutes, administrative regulations, executive orders, written policies and/or procedures, program brochures, or other items pertinent to the certification.' – This process will take a much greater chunk of time than a mere 15 minutes to compile and complete. Thus the time of 'total public burden' estimated would be incorrect as well. I highly suggest that the Department of Justice rethink this amount of time as it is an indication of taxpayer money and accuracy concerns.

All of these changes which not only restrict our 2nd Amendment but also are being made without Congressional approval – thus unlawful – are costing us, the taxpayer, money to enforce and / or create, sound as though they are not even being verified properly. This is a great concern.

Sincerely,
Robert Michael Huber
MSgt (Ret), USAF

King, Carolyn A.

From: Joseph Mount <jrmount@bsugmail.net>
Sent: Wednesday, January 20, 2016 11:46 PM
To: King, Carolyn A.
Subject: Department of Justice's Notice in the Federal Register

Categories: Added to Assignment

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

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Sincerely,

Joe Mount

King, Carolyn A.

From: Justdoit181 <justdoit181@aol.com>
Sent: Wednesday, January 20, 2016 7:47 PM
To: King, Carolyn A.
Subject: Cerciventing due process.

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

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Sincerely,
Michiel Allen Noyes II

King, Carolyn A.

From: Justin Rohde <justin.rohde@gmail.com>
Sent: Wednesday, January 20, 2016 11:47 AM
To: King, Carolyn A.
Subject: Comment on FR doc 2016-226

Hello Ms. King,

I would like to offer public comment on doc 2016-226, Agency Information Collection Activities; Proposed eCollection eComments Requested; Certification of Qualifying State Relief From Disabilities Program. (summary found here: <https://www.federalregister.gov/articles/2016/01/11/2016-226/agency-information-collection-activities-proposed-ecollection-ecomments-requested-certification-of>)

I oppose this certification for the following reasons:

- Proposed certification is out of DOJ scope.
- Proposed certification has no due process and therefore violates the 5th Amendment.
- Propose certification violates HIPAA.
- Mental Illness isn't defined and therefore individuals could fail NICS background checks for depression or anxiety, which do not actually qualify as mental illness.
- The grants associated with adding people to NICS would never be applied, as they come with requirements on reporting that cannot be met. The DOJ's own opinion states that the states will never be able to meet the requirements on precision to get the grants.
- As found by [The United States Government Accountability Office](#) DOJ and state officials say that there are already technological problems as there is no one place that these mental health records end up, so the state may not have any processes to add these medical records to NICS.
- Addressing state laws is a legal challenge as the state may have laws against reporting health records. DOJ already looked into 6 states and found that 3 of them do not have statutory authority to share mental health records. Again from [The United States Government Accountability Office](#)
- Officials from 4 of 6 states said they are not comfortable with allowing law enforcement officials to make these decisions. Again from [The United States Government Accountability Office](#)
- Officials from 2 of 4 states said there is a legal risk from possible lawsuits regarding reporting because it skips due process. Again from [The United States Government Accountability Office](#)

Sincerely,
Justin Rohde
2237 W. Madison St. #3
Chicago, IL 60612

King, Carolyn A.

From: Skyler Gieseke <gshadow21@gmail.com>
Sent: Thursday, January 21, 2016 1:56 PM
To: King, Carolyn A.
Subject: Regarding Notice on 1/11/16

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

As stated on the top of the form: 'The certifying State should attach all relevant materials demonstrating compliance with it certification and criteria, which may include statuses, administrative regulations, executive orders, written policies and/or procedures, program brochures, or other items pertinent to the certification.' – This process will take a much greater chunk of time than a mere 15 minutes to compile and complete. Thus the time of 'total public burden' estimated would be incorrect as well. I highly suggest that the Department of Justice rethink this amount of time as it is an indication of taxpayer money and accuracy concerns.

All of these changes which not only restrict our 2nd Amendment but also are being made without Congressional approval – thus unlawful – are costing us, the taxpayer, money to enforce and / or create, sound as though they are not even being verified properly. This is a great concern.

Sincerely,
- SG



This email has been sent from a virus-free computer protected by Avast.
www.avast.com

King, Carolyn A.

From: Alex Kitzzmann <alexander.kitzman@gmail.com>
Sent: Thursday, January 21, 2016 12:32 AM
To: King, Carolyn A.
Subject: Certification of Qualifying State Relief from Disabilities Program 01/11/2016

Dear, Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016. After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I would like to highlight two major issues:

- It is required that a court nullify a U.S. Citizen's right to bear arms, any bypass of this is not lawful, it has come to my attention that people who are involuntarily committed to a mental health facility will be in danger of losing their 2nd amendment right without their knowledge and without due process, a court and jury needs to be involved, before any healthcare facility can report to NICS about a particular patient, voluntarily or involuntarily committed. This is in keeping with the 5th Amendment.*
- There is a concern on how long it takes to complete the required "survey", 15 minutes doesn't seem like enough time to ensure proper verification, more time should be allotted.*

Concerned Citizen,

-Alexander Kitzzmann

King, Carolyn A.

From: Scott Reynolds <triggin@gmail.com>
Sent: Thursday, January 21, 2016 11:41 AM
To: King, Carolyn A.
Subject: Department of Justice's Notice in the Federal Register

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

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All of these changes which not only restrict our 2nd Amendment but also are being made without Congressional approval – thus unlawful – are costing us, the taxpayer, money to enforce and / or create, sound as though they are not even being verified properly. This is a great concern.

Sincerely,

A very concerned US Citizen

King, Carolyn A.

From: Patrick Walsh <choicegraphics.art@gmail.com>
Sent: Friday, January 22, 2016 1:22 PM
To: King, Carolyn A.
Subject: Proposed Collection Comments Requested; Certification of Qualifying State Relief From Disabilities Program

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

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Sincerely,
- Patrick M. L. Walsh

King, Carolyn A.

From: Derek Schrader <sly2792004@hotmail.com>
Sent: Monday, January 25, 2016 7:13 PM
To: King, Carolyn A.

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

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Sincerely,
Derek

King, Carolyn A.

From: Zappa Voodoo <skroll61@gmail.com>
Sent: Saturday, March 05, 2016 9:49 AM
To: King, Carolyn A.
Subject: OMB Number 1140-0094

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

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Sincerely,

A concerned citizen

King, Carolyn A.

From: shelly <shellyrenaycatron@yahoo.com>
Sent: Wednesday, January 20, 2016 10:52 PM
To: King, Carolyn A.

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

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All of these changes which not only restrict our 2nd Amendment but also are

being made without Congressional approval – thus unlawful – are costing us, the taxpayer, money to enforce and / or create, sound as though they are not even being verified properly. This is a great concern.

Sincerely,
- Shelly Catron

Sent from my Sprint Samsung Galaxy S® 6.

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 1:18 PM
To: 'Justin Rohde'
Subject: RE: Comment on FR doc 2016-226

Good afternoon Mr. Rohde –

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern about the form related to:

- DOJ authority
- Violates due process
- Violation of HIPAA/medical & health privacy
- Broad definition of mental illness
- Issues related to NIAA implementation (including grant usage, NICS system abilities, etc.)

Form 3210.12 is used by States to certify that they have programs established in compliance with the NICS Improvement Amendments Act of 2007 (NIAA) which grant mental health relief from disabilities for individuals who are prohibited from purchasing and possessing firearms due to previous mental health issues. Form 3210.12 is not completed by individual citizens; they are completed and submitted by a delegated official within each State.

However, to explain and address your concerns, I provide the following information:

- 1) Related to DOJ Authority: DOJ was given the responsibility for verification of State programs for issuance of the grants that are provided under NIAA. DOJ has delegated the responsibility for the certification of the programs to ATF.
- 2) Related to the issue of due process: Contrary to your concerns, the States completing the form are required to certify that the individuals applying for a restoration of their firearms rights are given proper due process during the State's restoration procedures.
- 3) Related to HIPAA/medical privacy: This form does not require disclosure of any health information for an individual citizen for its completion. Further, the NICS Index does not contain medical records or medical information. When a record of a person prohibited from possessing a firearm as a result of mental health issues is entered in the NICS Index, the entry contains only a name, other biographic identifiers, like date of birth, and codes for the submitting entity and prohibited category.
- 4) Related to the definition of "mental health": This form is not used to determine or certify an individual citizen's, mental health. Further, as it relates to firearms privileges, the definition of "mental health" is limited to those individuals who have been "adjudicated as a mental defective" or "committed to a mental institution" (18 U.S.C. 922(g)(4); 27 CFR 478.11).
- 5) Related to NIAA implementation issues: Issues associated with implementation of NIAA requirements, entry of the information into the NICS system and the application of grants are separate issues and do not have bearing on this form and the States' certifications that they have a system as required by NIAA for the restoration of firearms privileges.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King

Firearms Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Firearms Industry Programs Branch (FIPB)

From: Justin Rohde [mailto:justin.rohde@gmail.com]

Sent: Wednesday, January 20, 2016 11:47 AM

To: King, Carolyn A. <Carolyn.King@atf.gov>

Subject: Comment on FR doc 2016-226

Hello Ms. King,

I would like to offer public comment on doc 2016-226, Agency Information Collection Activities; Proposed eCollection eComments Requested; Certification of Qualifying State Relief From Disabilities Program. (summary found here: <https://www.federalregister.gov/articles/2016/01/11/2016-226/agency-information-collection-activities-proposed-ecollection-ecomments-requested-certification-of>)

I oppose this certification for the following reasons:

- Proposed certification is out of DOJ scope.
- Proposed certification has no due process and therefore violates the 5th Amendment.
- Propose certification violates HIPAA.
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- The grants associated with adding people to NICS would never be applied, as they come with requirements on reporting that cannot be met. The DOJ's own opinion states that the states will never be able to meet the requirements on precision to get the grants.
- As found by [The United States Government Accountability Office](#) DOJ and state officials say that there are already technological problems as there is no one place that these mental health records end up, so the state may not have any processes to add these medical records to NICS.
- Addressing state laws is a legal challenge as the state may have laws against reporting health records. DOJ already looked into 6 states and found that 3 of them do not have statutory authority to share mental health records. Again from [The United States Government Accountability Office](#)
- Officials from 4 of 6 states said they are not comfortable with allowing law enforcement officials to make these decisions. Again from [The United States Government Accountability Office](#)
- Officials from 2 of 4 states said there is a legal risk from possible lawsuits regarding reporting because it skips due process. Again from [The United States Government Accountability Office](#)

Sincerely,

Justin Rohde

2237 W. Madison St. #3

Chicago, IL 60612

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 1:07 PM
To: 'Leo Hinojosa'
Subject: RE: comments concerns.

Good afternoon Mr. Hinojosa -

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over about citizens incorrectly being deemed "prohibited" for seeking assistance with mental health concerns. You also recommended a database for entry of information related to other categories of prohibited persons (e.g. felons).

Form 3210.12 is used by States to certify that they have programs established in compliance with the NICS Improvement Amendments Act of 2007 (NIAA) which grant mental health relief from disabilities for individuals who are prohibited from purchasing and possessing firearms due to previous mental health issues. Form 3210.12 is not completed by individual citizens; they are completed and submitted by a delegated official within each State.

Related to your concerns about the definition of "mental health": This form is not used to determine or certify an individual citizen's, mental health. Further, as it relates to loss of firearms privileges, "mental health" is limited to those individuals who have been "adjudicated as a mental defective" or "committed to a mental institution" (18 U.S.C. 922(g)(4); 27 CFR 478.11):

Adjudicated as a mental defective.

(1) A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease:

Is a danger to himself or to others; or Lacks the mental capacity to contract or manage his own affairs.

(2) The term shall include —

A finding of insanity by a court in a criminal case; and Those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

Committed to a mental institution. A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

Related to establishment of a database for tracking felons and other offenders: The NICS program is a database exactly as you describe. The NICS system is used for tracking all categories of prohibited persons, not only those who are convicted of felony offenses or those who have been adjudicated as a mental defective or committed to a mental institution.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King
Firearms Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Firearms Industry Programs Branch (FIPB)

-----Original Message-----

From: Leo Hinojosa [mailto:canineinnovation@gmail.com]
Sent: Tuesday, January 19, 2016 11:07 PM
To: King, Carolyn A. <Carolyn.King@atf.gov>
Subject: comments concerns.

Hello

I would like to make a comment on the proposed inclusion of Mental Health Illness to be reported for purposes of NCS checks.

In my opinion not defining the term mental health illness which may include anxiety would deny a person the ability to purchase a weapon without any additional disqualified entries. Therefore a person who has seen a Dr. for anxiety who has never committed a crime who has never been in a DUI and not suspect of Domestic Abuse would be disqualified from their 2nd amendment rights for seeking help.
Not all Mental Health illnesses lead to mass murders.

In fact I propose a different solution to this problem. I would suggest the Justice Department and the Court Systems throughout the United States devise a database in which each person who is a felon be immediately entered into the System. Therefore should they attempt to purchase a weapon they be prosecuted to the fullest extent of the law. I It is my understanding many felons are not reported to the federal database and therefore when they apply for a NCIS check they pass because they are not in the system when in fact they should have been. I am also concerned those who do knowingly attempt to purchase a weapon illegally they are not prosecuted.

We have many good laws in the books we just need to enforce them. We must also not demonize those individuals who seek mental health for whatever reason and disqualify them for seeking such help.

That is no different than to automatically arrest persons a minority because statistically they are more inclined to commit a crime therefore it is better to round them all up and place them in prison before they commit a crime. As a minority I feel this is no different than my above suggestion.

We must protect the 2nd amendment and not give in to the fears of others and not be influenced by political parties. Our founding fathers placed the 2nd amendment in the bill of rights for a reason and we must protect it.

Respectfully

leo Hinojosa

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 12:56 PM
To: 'Drew Coleman'
Subject: RE: Agency Information Collection Activities; Proposed eCollection eComments Requested; Certification of Qualifying State Relief From Disabilities Program

Good afternoon Mr. Coleman –

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over about the following four items:

- Violates due process
- Violation of medical/health privacy
- Broad definition of mental illness
- No way to be removed from “the list”

Form 3210.12 is used by States to certify that they have programs established in compliance with the NICS Improvement Amendments Act of 2007 (NIAA) which grant mental health relief from disabilities for individuals who are prohibited from purchasing and possessing firearms due to previous mental health issues. Form 3210.12 is not completed by individual citizens; they are completed and submitted by a delegated official within each State.

However, to explain and address your concerns, I provide the following information:

- 1) Related to the issue of due process: Contrary to your concerns, the States completing the form are required to certify that the individuals applying for a restoration of their firearms rights are given proper due process during the State’s restoration procedures.
- 2) Related to medical privacy: This form does not require disclosure of any health information for an individual citizen for its completion. Further, the NICS Index does not contain medical records or medical information. When a record of a person prohibited from possessing a firearm as a result of mental health issues is entered in the NICS Index, the entry contains only a name, other biographic identifiers, like date of birth, and codes for the submitting entity and prohibited category.
- 3) Related to the definition of “mental health”: This form is not used to determine or certify an individual citizen’s, mental health. Further, as it relates to firearms privileges, “mental health” is limited to those individuals who have been "adjudicated as a mental defective" or "committed to a mental institution" (18 U.S.C. 922(g)(4); 27 CFR 478.11).
- 4) Removal from “the list”: The purpose of this form and the requirement for States to have a program in place for restoration of rights is to insure that citizens who have had previous mental health issues to have their firearms rights and privileges restored.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King

Firearms Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Firearms Industry Programs Branch (FIPB)

From: Drew Coleman [mailto:drewgcoleman@gmail.com]

Sent: Wednesday, January 20, 2016 10:33 AM

To: King, Carolyn A. <Carolyn.King@atf.gov>

Subject: Agency Information Collection Activities; Proposed eCollection eComments Requested; Certification of Qualifying State Relief From Disabilities Program

Good morning,

I believe that this item is entirely too broad and a violation of Constitutional rights and due process. It also violates a person's right to privacy in regards to their medical information. The term "mental illness" is far too broad and all encompassing. It could discourage people who need help from seeking it until it's too late because they are afraid of losing their rights. There is also no clearly defined way to be removed from the list if someone is added.

A person should not have to prove to the government (or anyone) that they are not a danger. The burden should be on the deciding entity to prove that they are in fact a danger, and should use an objective method for doing so.

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 12:48 PM
To: 'Johnny Exodice'
Subject: RE: This is a evil idea... NIAA has no right to bribe states for mental records of any persons... Now even yours!

Good afternoon Mr. Exodice –

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over loss of firearms rights due to use or possession of “pot”.

Form 3210.12 is used by States to certify that they have programs established in compliance with the NICS Improvement Amendments Act of 2007 (NIAA) which grant mental health relief from disabilities for individuals. The individuals effected by these programs are those who are prohibited from purchasing and possessing firearms due to previous mental health issues, specifically those who have been “adjudicated as a mental defective” or committed to a mental institution. This form does not address any issues related to those who are unlawful users of, or addicted, to any controlled substances, including “pot”.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King
Firearms Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Firearms Industry Programs Branch (FIPB)

From: Johnny Exodice [mailto:johnnyexodice@gmail.com]
Sent: Wednesday, January 20, 2016 12:37 PM
To: King, Carolyn A. <Carolyn.King@atf.gov>
Subject: This is a evil idea... NIAA has no right to bribe states for mental records of any persons... Now even yours!

States {to lose funding} from the N.I.A.A. if your State does not {take your} weapons??? Also for non-violent crime like {being arrested} for having a {small amount} of pot, you will {{{be banned}}} from buying or owning a weapon? JADE HELM 15 wants {a disarmed} population, so you and your city or community WILL NOT {be able} to fight back... The ATF {is behind this} for the FEDERAL GOVERNMENT, so they {can remove} your STATES CONSTITUTIONAL PROTECTIONS!!! Johnny Exodice

<https://www.youtube.com/watch?v=GzF7aZni0V0>

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 12:42 PM
To: 'Hallet Bruestle II'
Subject: RE: Recent Proposal

Good afternoon Mr. Bruestle –

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over about the following three items:

- Absence of due process
- Violation of HIPAA
- No definition of mental illness

Form 3210.12 is used by States to certify that they have programs established in compliance with the NICS Improvement Amendments Act of 2007 (NIAA) which grant mental health relief from disabilities for individuals who are prohibited from purchasing and possessing firearms due to previous mental health issues. Form 3210.12 is not completed by individual citizens; they are completed and submitted by a delegated official within each State.

However, to explain and address your concerns, I provide the following information:

- 1) Related to the issue of due process: The States completing the form are required to certify that the individuals applying for a restoration of their firearms rights are given proper due process during the State's restoration procedures.
- 2) Related to HIPAA: This form does not require disclosure of any health information for an individual citizen for its completion, and is, thus, unrelated to HIPAA. Further, the NICS Index does not contain medical records or medical information. When a record of a person prohibited from possessing a firearm as a result of mental health issues is entered in the NICS Index, the entry contains only a name, other biographic identifiers, like date of birth, and codes for the submitting entity and prohibited category.
- 3) Related to the definition of "mental health": This form is not used to determine or certify an individual citizen's, mental health. Further, as it relates to firearms privileges, "mental health" is limited to those individuals who have been "adjudicated as a mental defective" or "committed to a mental institution" (18 U.S.C. 922(g)(4); 27 CFR 478.11).

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King
Firearms Enforcement Specialist

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Firearms Industry Programs Branch (FIPB)

From: Hallet Bruestle II [mailto:bruestle2@gmail.com]
Sent: Wednesday, January 20, 2016 1:38 PM
To: King, Carolyn A. <Carolyn.King@atf.gov>
Subject: Recent Proposal

Carolyn King,

There is a recent proposal here: <https://www.federalregister.gov/articles/2016/01/11/2016-226/agency-information-collection-activities-proposed-ecollection-ecomments-requested-certification-of#furinf>

This proposal has many problems, but the main ones are:

- * There is no due process and thus is a violation of the 5th Amendment
- * Violates HIPAA
- * Mental illness isn't defined

This proposal is a terrible idea, I am highly against it, and suggest the idea be abandoned.

Thank you,
Hallet Bruestle II

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 11:36 AM
To: 'Zappa Voodoo'
Subject: RE: OMB Number 1140-0094

Good morning Sir or Madam –

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over the estimated amount of time it takes the respondents to complete the form.

The time estimation of 15 minutes is based upon the completion of the form itself and the attachment of information that the respondent already has gathered as part of the State's statute writing process as well as from the State's submissions from previous years.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King
Firearms Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Firearms Industry Programs Branch (FIPB)

From: Zappa Voodoo [mailto:skroll61@gmail.com]
Sent: Saturday, March 05, 2016 9:49 AM
To: King, Carolyn A. <Carolyn.King@atf.gov>
Subject: OMB Number 1140-0094

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the

correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

As stated on the top of the form: 'The certifying State should attach all relevant materials demonstrating compliance with its certification and criteria, which may include statutes, administrative regulations, executive orders, written policies and/or procedures, program brochures, or other items pertinent to the certification.' – This process will take a much greater chunk of time than a mere 15 minutes to compile and complete. Thus the time of 'total public burden' estimated would be incorrect as well. I highly suggest that the Department of Justice rethink this amount of time as it is an indication of taxpayer money and accuracy concerns.

All of these changes which not only restrict our 2nd Amendment but also are being made without Congressional approval – thus unlawful – are costing us, the taxpayer, money to enforce and / or create, sound as though they are not even being verified properly. This is a great concern.

Sincerely,

A concerned citizen

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 11:34 AM
To: 'Derek Schrader'
Subject: RE:

Good morning Mr. Schrader -

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over the estimated amount of time it takes the respondents to complete the form.

The time estimation of 15 minutes is based upon the completion of the form itself and the attachment of information that the respondent already has gathered as part of the State's statute writing process as well as from the State's submissions from previous years.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King
Firearms Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Firearms Industry Programs Branch (FIPB)

-----Original Message-----

From: Derek Schrader [mailto:sly2792004@hotmail.com]
Sent: Monday, January 25, 2016 7:13 PM
To: King, Carolyn A. <Carolyn.King@atf.gov>
Subject:

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

As stated on the top of the form: ‘The certifying State should attach all relevant materials demonstrating compliance with its certification and criteria, which may include statutes, administrative regulations, executive orders, written policies and/or procedures, program brochures, or other items pertinent to the certification.’ – This process will take a much greater chunk of time than a mere 15 minutes to compile and complete. Thus the time of ‘total public burden’ estimated would be incorrect as well. I highly suggest that the Department of Justice rethink this amount of time as it is an indication of taxpayer money and accuracy concerns.

All of these changes which not only restrict our 2nd Amendment but also are being made without Congressional approval – thus unlawful – are costing us, the taxpayer, money to enforce and / or create, sound as though they are not even being verified properly. This is a great concern.

Sincerely,
Derek

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 11:35 AM
To: 'Patrick Walsh'
Subject: RE: Proposed Collection Comments Requested; Certification of Qualifying State Relief From Disabilities Program

Good morning Mr. Walsh –

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over the estimated amount of time it takes the respondents to complete the form.

The time estimation of 15 minutes is based upon the completion of the form itself and the attachment of information that the respondent already has gathered as part of the State's statute writing process as well as from the State's submissions from previous years.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King
Firearms Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Firearms Industry Programs Branch (FIPB)

From: Patrick Walsh [mailto:choicegraphics.art@gmail.com]
Sent: Friday, January 22, 2016 1:22 PM
To: King, Carolyn A. <Carolyn.King@atf.gov>
Subject: Proposed Collection Comments Requested; Certification of Qualifying State Relief From Disabilities Program

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

As stated on the top of the form: ‘The certifying State should attach all relevant materials demonstrating compliance with its certification and criteria, which may include statutes, administrative regulations, executive orders, written policies and/or procedures, program brochures, or other items pertinent to the certification.’ – This process will take a much greater chunk of time than a mere 15 minutes to compile and complete. Thus the time of ‘total public burden’ estimated would be incorrect as well. I highly suggest that the Department of Justice rethink this amount of time as it is an indication of taxpayer money and accuracy concerns.

All of these changes which not only restrict our 2nd Amendment but also are being made without Congressional approval – thus unlawful – are costing us, the taxpayer, money to enforce and / or create, sound as though they are not even being verified properly. This is a great concern.

Sincerely,
- Patrick M. L. Walsh

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 11:34 AM
To: 'Skyler Gieseke'
Subject: RE: Regarding Notice on 1/11/16

Good morning Ms. Gieseke –

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over the estimated amount of time it takes the respondents to complete the form.

The time estimation of 15 minutes is based upon the completion of the form itself and the attachment of information that the respondent already has gathered as part of the State's statute writing process as well as from the State's submissions from previous years.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King
Firearms Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Firearms Industry Programs Branch (FIPB)

From: Skyler Gieseke [mailto:gshadow21@gmail.com]
Sent: Thursday, January 21, 2016 1:56 PM
To: King, Carolyn A. <Carolyn.King@atf.gov>
Subject: Regarding Notice on 1/11/16

Dear Carolyn King,

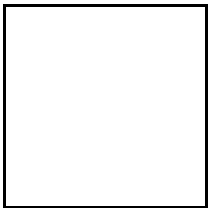
I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

As stated on the top of the form: ‘The certifying State should attach all relevant materials demonstrating compliance with it certification and criteria, which may include statuses, administrative regulations, executive orders, written policies and/or procedures, program brochures, or other items pertinent to the certification.’ – This process will take a much greater chunk of time than a mere 15 minutes to compile and complete. Thus the time of ‘total public burden’ estimated would be incorrect as well. I highly suggest that the Department of Justice rethink this amount of time as it is an indication of taxpayer money and accuracy concerns.

All of these changes which not only restrict our 2nd Amendment but also are being made without Congressional approval – thus unlawful – are costing us, the taxpayer, money to enforce and / or create, sound as though they are not even being verified properly. This is a great concern.

Sincerely,
- SG



This email has been sent from a virus-free computer protected by Avast.
www.avast.com

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 11:32 AM
To: 'Joseph Mount'
Subject: RE: Department of Justice's Notice in the Federal Register

Good morning Mr. Mount –

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over the estimated amount of time it takes the respondents to complete the form.

The time estimation of 15 minutes is based upon the completion of the form itself and the attachment of information that the respondent already has gathered as part of the State's statute writing process as well as from the State's submissions from previous years.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King
Firearms Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Firearms Industry Programs Branch (FIPB)

From: Joseph Mount [mailto:jrmount@bsugmail.net]
Sent: Wednesday, January 20, 2016 11:46 PM
To: King, Carolyn A. <Carolyn.King@atf.gov>
Subject: Department of Justice's Notice in the Federal Register

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

As stated on the top of the form: ‘The certifying State should attach all relevant materials demonstrating compliance with it certification and criteria, which may include statutes, administrative regulations, executive orders, written policies and/or procedures, program brochures, or other items pertinent to the certification.’ – This process will take a much greater chunk of time than a mere 15 minutes to compile and complete. Thus the time of ‘total public burden’ estimated would be incorrect as well. I highly suggest that the Department of Justice rethink this amount of time as it is an indication of taxpayer money and accuracy concerns.

All of these changes which not only restrict our 2nd Amendment but also are being made without Congressional approval – thus unlawful – are costing us, the taxpayer, money to enforce and / or create, sound as though they are not even being verified properly. This is a great concern.

Sincerely,

Joe Mount

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 11:33 AM
To: 'Scott Reynolds'
Subject: RE: Department of Justice's Notice in the Federal Register

Good morning Mr. Reynolds –

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over the estimated amount of time it takes the respondents to complete the form.

The time estimation of 15 minutes is based upon the completion of the form itself and the attachment of information that the respondent already has gathered as part of the State's statute writing process as well as from the State's submissions from previous years.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King
Firearms Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Firearms Industry Programs Branch (FIPB)

From: Scott Reynolds [mailto:triggin@gmail.com]
Sent: Thursday, January 21, 2016 11:41 AM
To: King, Carolyn A. <Carolyn.King@atf.gov>
Subject: Department of Justice's Notice in the Federal Register

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

As stated on the top of the form: 'The certifying State should attach all relevant materials demonstrating compliance with it certification and criteria, which may include statuses, administrative regulations, executive orders, written policies and/or procedures, program brochures, or other items pertinent to the certification.' – This process will take a much greater chunk of time than a mere 15 minutes to compile and complete. Thus the time of 'total public burden' estimated would be incorrect as well. I highly suggest that the Department of Justice rethink this amount of time as it is an indication of taxpayer money and accuracy concerns.

All of these changes which not only restrict our 2nd Amendment but also are being made without Congressional approval – thus unlawful – are costing us, the taxpayer, money to enforce and / or create, sound as though they are not even being verified properly. This is a great concern.

Sincerely,

A very concerned US Citizen

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 11:31 AM
To: 'Justdoit181'
Subject: RE: Cerciventing due process.

Good morning Mr. Noyes –

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over the estimated amount of time it takes the respondents to complete the form.

The time estimation of 15 minutes is based upon the completion of the form itself and the attachment of information that the respondent already has gathered as part of the State's statute writing process as well as from the State's submissions from previous years.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King
Firearms Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Firearms Industry Programs Branch (FIPB)

From: Justdoit181 [mailto:justdoit181@aol.com]
Sent: Wednesday, January 20, 2016 7:47 PM
To: King, Carolyn A. <Carolyn.King@atf.gov>
Subject: Cerciventing due process.

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

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incorrect as well. I highly suggest that the Department of Justice rethink this amount of time as it is an indication of taxpayer money and accuracy concerns.

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Sincerely,
Michiel Allen Noyes II

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 11:32 AM
To: 'shelly'
Subject: RE:

Good morning Ms. Catron –

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over the estimated amount of time it takes the respondents to complete the form.

The time estimation of 15 minutes is based upon the completion of the form itself and the attachment of information that the respondent already has gathered as part of the State's statute writing process as well as from the State's submissions from previous years.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King
Firearms Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Firearms Industry Programs Branch (FIPB)

From: shelly [mailto:shellyrenaycatron@yahoo.com]
Sent: Wednesday, January 20, 2016 10:52 PM
To: King, Carolyn A. <Carolyn.King@atf.gov>
Subject:

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal

Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

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All of these changes which not only restrict our 2nd Amendment but also are being made without Congressional approval – thus unlawful – are costing us, the taxpayer, money to enforce and / or create, sound as though they are not even being verified properly. This is a great concern.

Sincerely,
- Shelly Catron

Sent from my Sprint Samsung Galaxy S® 6.

King, Carolyn A.

From: King, Carolyn A.
Sent: Tuesday, March 15, 2016 11:30 AM
To: 'Michael Huber'
Subject: RE: Feedback - Certification of Qualifying State Relief from Disabilities Program 11 Jan 2016

Good morning Mr. Huber –

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over the estimated amount of time it takes the respondents to complete the form.

The time estimation of 15 minutes is based upon the completion of the form itself and the attachment of information that the respondent already has gathered as part of the State's statute writing process as well as from the State's submissions from previous years.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King
Firearms Enforcement Specialist
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Firearms Industry Programs Branch (FIPB)

From: Michael Huber [mailto:mikehbr@yahoo.com]
Sent: Wednesday, January 20, 2016 10:28 PM
To: King, Carolyn A. <Carolyn.King@atf.gov>
Subject: Feedback - Certification of Qualifying State Relief from Disabilities Program 11 Jan 2016

Dear Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016.

After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I cannot logically justify how your department came up with the estimated amount of time for 'respondent(s)' or the 'total public burden' to be so minimal. Estimating it will only take '15 minutes' for a State to fill out this 'survey' is outrageous. This is not a survey, as indicated on this Notice in the Federal Register. This is a form of verification of a VERY important program which is now necessary due to the Administrations over-reach regarding our 2nd Amendment. Due to HHS's unlawful rule change to HIPAA, which occurred this month (January), many more people can now end up in the NICS System by a 'covered entity' i.e. a health care provider unjustly, rather than the correct reporting by due process – i.e. Justice System / Courts –, will be relying on this program to restore their 2nd Amendment rights. I would hope that the Department of Justice is taking this situation seriously; in addition to truly verifying what the States are submitting is correct.

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incorrect as well. I highly suggest that the Department of Justice rethink this amount of time as it is an indication of taxpayer money and accuracy concerns.

All of these changes which not only restrict our 2nd Amendment but also are being made without Congressional approval – thus unlawful – are costing us, the taxpayer, money to enforce and / or create, sound as though they are not even being verified properly. This is a great concern.

Sincerely,
Robert Michael Huber
MSgt (Ret), USAF

King, Carolyn A.

From: Alex Kitzzmann <alexander.kitzzman@gmail.com>
Sent: Tuesday, March 15, 2016 11:13 PM
To: King, Carolyn A.
Subject: Re: Certification of Qualifying State Relief from Disabilities Program 01/11/2016

I would just like to say thank you for your patience in writing your response letter,

Have a good week,

-Alexander Kitzzmann

On Tue, Mar 15, 2016 at 10:23 AM, <Carolyn.A.King@usdoj.gov> wrote:

Good afternoon Mr. Kitzzmann –

Thank you for your response to the Federal Register Notice for ATF Form 3210.12 Certification of Qualifying State Relief from Disabilities Program. In your response you voiced concern over about citizens incorrectly being deemed "prohibited" for seeking assistance with mental health concerns. You also had a concern about the amount of time estimated for completion of the form.

Form 3210.12 is used by States to certify that they have programs established in compliance with the NICS Improvement Amendments Act of 2007 (NIAA) which grant mental health relief from disabilities for individuals who are prohibited from purchasing and possessing firearms due to previous mental health issues. Form 3210.12 is not completed by individual citizens; they are completed and submitted by a delegated official within each State.

Related to your concerns about the definition of “mental health”: This form is not used to determine or certify an individual citizen’s, mental health. Further, as it relates to loss of firearms privileges, “mental health” is limited to those individuals who have been "adjudicated as a mental defective" or "committed to a mental institution" (18 U.S.C. 922(g)(4); 27 CFR 478.11):

Adjudicated as a mental defective.

(1) A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease:

Is a danger to himself or to others; or Lacks the mental capacity to contract or manage his own affairs.

(2) The term shall include —

A finding of insanity by a court in a criminal case; and Those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

Committed to a mental institution. *A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.*

Related to the time to complete the form: The estimation of 15 minutes is based upon the completion of the form itself and the attachment of information that the respondent already has gathered as part of the State's statute writing process as well as from the State's submissions from previous years.

We hope this has addressed your concerns on this issue.

Respectfully,

Carolyn King

Firearms Enforcement Specialist

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

Firearms Industry Programs Branch (FIPB)

From: Alex Kitzmann [mailto:alexander.kitzman@gmail.com]
Sent: Thursday, January 21, 2016 12:32 AM
To: King, Carolyn A. <Carolyn.King@atf.gov>
Subject: Certification of Qualifying State Relief from Disabilities Program 01/11/2016

Dear, Carolyn King,

I am writing to you to comment on the Department of Justice's Notice in the Federal Register regarding the Certification of Qualifying State Relief from Disabilities Program certification document which was submitted January 11, 2016. After reviewing the actual ATF document, F 3210.12, which the States are required to fill out once they have established this program due to the NIAA 2007 law, I would like to highlight two major issues:

- It is required that a court nullify a U.S. Citizen's right to bear arms, any bypass of this is not lawful, it has come to my attention that people who are involuntarily committed to a mental health facility will be in danger of losing their 2nd amendment right without their knowledge and without due process, a court and jury needs to be involved, before any healthcare facility can report to NICS about a particular patient, voluntarily or involuntarily committed. This is in keeping with the 5th Amendment.*
- There is a concern on how long it takes to complete the required "survey", 15 minutes doesn't seem like enough time to ensure proper verification, more time should be allotted.*

Concerned Citizen,

-Alexander Kitzmann

--

-Alexander Kitzmann