

Department of Justice
Bureau of Alcohol, Tobacco, Firearms, and Explosives
Information Collection Request
Supporting Statement
OMB No. 1140-0100

Report of Multiple Sale or Other Disposition of Certain Rifles - ATF Form 3310.12

A. Justification

1. As part of the Southwest Border Firearms Trafficking/Violence Initiative, ATF has been requiring licensed dealers and pawnbrokers in Arizona, California, New Mexico and Texas to submit information concerning multiple sales or other disposition of certain rifles. The Gun Control Act (GCA) requires Federal firearms licensees (FFLs) to report multiple sales or other disposition of handguns to the same purchaser [18 U.S.C. § 923(g)(3)]. The sale or other disposition of two or more handguns must be reported if they occur at the same time, or within five consecutive business days of each other. The report must be filed with ATF no later than the close of business on the day the multiple sales or other disposition took place and includes information that identifies the purchaser and the firearms purchased. By law, a copy must be provided to designated state or local law enforcement agencies. These reports provide ATF with potential intelligence and almost real-time investigative leads that can indicate illegal firearms trafficking. Prior to the reporting requirement for certain rifles, ATF was not informed of individuals purchasing dozens of rifles at one time. This distinction is a product of the fact that, at the time the multiple sale reporting requirement was debated in Congress, handguns, not long guns, were considered far more likely to be diverted to illicit purposes within the United States.

ATF has long used multiple sales or other disposition information to detect, investigate and prevent firearms trafficking. ATF views the recovery of one or more firearms that were part of a multiple purchase or other disposition as an indicator of firearms trafficking, particularly if one of the firearms was recovered a short time after the multiple sale occurred (known as a short time-to-crime). All Federal firearms licensees have been required to notify ATF of multiple handgun purchases since 1975 and therefore are familiar with the form and how to complete it. Many licensees also utilize commercial software that automatically identifies multiple sales and completes the form required to report them. Accordingly, the reporting requirement for certain types of rifles has been no different and has not imposed an undue burden for licensees.

While handguns remain popular as crime guns in the United States, Mexican law enforcement officials have reported that certain types of rifles are regularly being

used to commit violent crimes in Mexico. These rifles typically include AR-type and AK-type variants with detachable magazines. Mexican officials believe that these rifles primarily come from the United States in large quantities and many have been sold by FFLs to persons working for Mexican Drug Trafficking Organizations. Successful trace data from recovered rifles confirm that the United States is a significant source of these rifles by FFLs in the southwest Border States, and that many have been sold by FFLs. By continuing the reporting requirement of multiple sales or other disposition of the specified rifles, significant leads to law enforcement have been provided in pursuing firearms trafficking to Mexico and along the southwest border. The authority to require FFLs to submit record information concerning multiple sales or other disposition of certain rifles derives from 18 U.S.C. § 923 (g)(5) (see attachment). As a result, FFLs are not be expected or required to provide copies of the reports generated by this request to the designated state and local law enforcement agencies that otherwise receive the reports of multiple handgun sales pursuant to 18 U.S.C. § 923(g)(3)(A).

The ATF requests approval to make the following changes to OMB 1140-0100:

- Edited Section 7 to be consistent with ATF Form 3310.4 (Report of Multiple Handgun Sale), breaking it down into subsections 7a (Ethnicity) and 7b (Race). Also updated corresponding instructions.
- Added “If applicable” to Section 14.
- Updated instructions for item 6 to make them consistent with ATF Form 3310.4 instructions.
- Reformatted mailing address.
- Updated phone number in instruction item 8.

2. Reports of multiple sales or other dispositions are and will be used to discern patterns in the purchase of firearms that may end up in the interstate and/or international trafficking of illegal firearms. The information is used to determine if the buyer (transferee) is involved in an unlawful activity, such as straw purchases. Specifically, this information provides leads on illegal firearms traffickers who provide firearms to Drug Trafficking Organizations and others who use firearms to commit violent crime. Multiple sale reports or other disposition are entered into the ATF’s Firearms Tracing System (FTS) and made available to all ATF field divisions via ATF’s eTrace system. Investigators review the reports each day in conjunction with firearms trace data, analyzing the data for repeat purchasers and recoveries in crimes as well as other information that may disclose trafficking patterns. Information from multiple sale or other disposition reports frequently results in initiating criminal investigations. Continuation of the current program is to ensure that ATF receives multiple sale or other disposition reports on the specific types of long guns used by Drug Trafficking Organizations in Mexico and along the

southwest border. These reports help law enforcement agencies detect and disrupt firearms trafficking before the firearms are used in violent crime, whether in the United States or in Mexico.

In addition to providing real-time intelligence, the multiple sale or other disposition of rifle reports assist in identifying secondhand sales of the specified firearms. Secondhand sales refer to firearms that were previously sold by a licensee to an unlicensed individual and then subsequently resold, pawned, or consigned to a dealer or pawnbroker for resale. Firearms sold in secondhand sales generally cannot be traced from the original manufacturer to the secondhand purchaser. Traces of firearms typically end after new firearms are manufactured and sold by licensees to their first retail purchasers. Multiple sales or other disposition reports concerning secondhand sales of qualifying rifles from retail dealers allow ATF to trace those firearms from secondhand retail dealers and pawnbrokers to purchasers as ATF has the ability to access the forms and data that have been reported.

During the implementation of this program, a letter was sent to all applicable FFLs in the Southwest Border States providing instructions of the reporting requirement. Currently, when a new entity obtains a FFL, this letter is sent explaining the same to them. The letter instructs FFLs to submit to ATF reports of multiple sales or other dispositions whenever the FFLs sell or otherwise dispose of, at one time or during any five consecutive business days, two or more semi-automatic rifles capable of accepting a detachable magazine, and with a caliber greater than .22 (including .223/5.56 caliber) to an unlicensed person. The letter states that the information must be submitted on ATF Form 3310.12, Report of Multiple Sales or Other Disposition of Certain Rifles, no later than the close of business on the day the multiple sales or other disposition takes place.

3. This information collection instrument will be available on the ATF website as a fillable form. The respondent has the option to fax, mail or email the form to the ATF National Tracing Center. ATF software does not currently support the creation of an e-form for this multiple sale reporting requirement.
4. ATF uses a subject classification code on all forms. This code ensures that there is no duplication of information. Similar information is not available elsewhere for this information collecting requirement.
5. The continuation of collection of information will have an impact on minimal number of small businesses. This reporting requirement will potentially apply to an estimated 10,740 licensees.

However, only those licensees who actually sell or dispose of multiple specified long guns (semi-automatic, larger than .22 caliber, and ability to accept a detachable magazine) to the same individual within five consecutive business days are required to complete and submit the report. Accordingly, some lesser number of licensees will continue to experience an impact from this collection of information. ATF does not collect information on the size of FFLs and has no way of determining how many are small businesses or which ones sell the kinds of long guns that are the subject of this collection. Moreover, licensees are already familiar with the multiple sale reporting requirement for handguns and should have no problem completing the Form 3310.12, which is modeled after the Form 3310.4.

6. The consequences of not continuing this information collection would pose a threat to public safety and national security. Failure to collect this information is likely to hinder ongoing law enforcement efforts to combat firearms trafficking and reduce violent crime along the southwest border and in Mexico.
7. This collection would continue to be filed more than quarterly. Additionally, respondents are required to prepare and submit information in fewer than 30 days of receipt. This collection will require respondents to prepare a response no later than the close of business on the day the multiple sales or other disposition occurs. Timely responses are required to enable law enforcement to detect illegal firearms trafficking. The response will be provided on an ATF provided form and may be submitted via fax, mail or email. The record will continue to be retained by licensees for 5 years and it should be attached to the ATF F 4473 executed upon delivery of the rifles.
8. ATF responded to comments received during both the 60-day and 30-day FR Notices for this Information Collection.
9. No payment or gift is associated with this collection.
10. The information reported to ATF pursuant to the form is prohibited from disclosure by Federal law. The information may only be disclosed to Federal, State, and local law enforcement officials with a bona fide law enforcement need for the information, e.g., in relation to an ongoing criminal investigation. The multiple sale forms will be scanned and entered into the Firearms Tracing System database immediately upon receipt. The hard copy of the form will then be destroyed. Only ATF employees and contractors have access to the database. The purchaser information will be purged from the database in accordance with ATF Policy after two years unless associated with a trace.

11. No questions of a sensitive nature are asked.
12. The estimated number of respondents is 1,870. The estimated number of responses is 9,460. Because the specified rifles (a) semi-automatic; (b) a caliber greater than .22 (including .223/5.56 caliber); and (c) the ability to accept a detachable magazine) are a subset of the long gun category, we estimate we will receive 9,460 responses from FFLs located in the four southwest border states. We estimate that each report will take 12 minutes to complete. The estimated total annual burden is 1,892 hours (9,460 responses x 12 minutes divided by 60).
13. We estimate the average wage for a firearms sales clerk is \$11.00 per hour and postage at \$.49. Accordingly, we estimate the total burden on respondents is \$25,447.40 annually (completion of form: 1,892 x 11; postage: .49 x 9,460 (# of responses)). Further, by dividing the multiple sales respondent population (1,870) by the total annual cost burden, we estimate that the average cost per FFL per year is \$13.61, or 2.69 per response (which is equal to 25447.40)/ 9,460 (# of responses).
14. The estimated annual cost to the Federal Government is \$4,835 + labor cost as follows:

There will be a printing cost of \$200, a distribution cost of \$4,635 (.49 x 9,460), and a labor cost of \$50,000.
15. The burden adjustments associated with this collection are a decrease in both the number of respondents and responses by 639 and 8,614 respectively, and a reduction in the collection burden hours by 1,723. The recalculated burden for this collection also includes the cost burden for this collection of \$25, 447.40, and is based on the number of responses received for this collection recently, which have decreased from the estimated amounts provided during the last renewal in 2014.
16. The results of this information collection will not be published.
17. Printing the expiration date on this form will result in increased cost because of the need to replace inventories that become obsolete by the passage of the expiration date each time OMB approval is renewed. ATF must maintain a substantial inventory of forms at the Distribution Center at all times. For these reasons, ATF requests authorization to omit printing the expiration date on the form.
18. There are no exceptions to the certification statement.

