

Department of Justice
Bureau of Alcohol, Tobacco, Firearms, and Explosives
Information Collection Request
Supporting Statement
OMB 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 sale or other disposition of certain rifles. The Gun Control Act (GCA), 18 U.S.C. § 923(g)(3), requires Federal firearms licensees (FFLs) to report multiple sale or other disposition of handguns to the same purchaser. The sale or other disposition of two or more handguns must be reported if they occur at one 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 sale or other disposition took place, using the Report of Multiple Sale or Other Disposition of Certain Rifles - ATF Form 3310.12. This report must also include information that identifies the purchaser and the firearms purchased. By law, a copy of this report 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 this reporting requirement for certain rifles, ATF was not notified about individuals purchasing dozens of rifles at one time. This distinction is because when the requirement for multiple sale reporting was debated in Congress, handguns, not long guns, were considered far more likely to be diverted for illicit purposes within the United States.

ATF has long used multiple sale 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, which is known as a short time-to-crime. Since 1975, all FFLs have been required to notify ATF about multiple handgun purchases, and are familiar with and know how to complete the Report of Multiple Sale or Other Disposition of Certain Rifles - ATF Form 3310.12. Many licensees also utilize commercial software that automatically identifies multiple sale, and complete 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 on licensees.

While handguns remain popular as crime guns in the United States, 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 have been sold to persons working for Mexican drug trafficking organizations. Successful trace data from recovered rifles also confirm that many of these rifles have been sold by FFLs on the U.S. Southwest border. The continued existence of this reporting requirement of multiple sale or other disposition of the specified rifles, have contributed significant leads to law enforcement and the pursuit firearms trafficking to Mexico and along the U.S. Southwest border. The authority requiring FFLs to submit records information concerning multiple sale or other disposition of certain rifles is derived from 18 U.S.C. § 923 (g)(5). As a result, FFLs are not expected or required to provide copies of the reports generated by this request to designated state and local law enforcement agencies, which may otherwise have access to them, pursuant to 18 U.S.C. § 923(g)(3)(A).

2. The Report of Multiple Sale or Other Disposition of Certain Rifles - ATF Form 3310.12 will be used to discern patterns in the purchase of firearms that may end up in interstate and/or international trafficking of illegal firearms. The collected information is used to determine if the buyer (transferee) is involved in any unlawful activity, such as straw purchases. This is because the submitted information may provide leads about illegal firearms traffickers who supply firearms to drug trafficking organizations and/or use them 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 and analyze the reports daily in conjunction with firearms trace data, any information about repeat purchasers and recoveries in crimes, and other particulars that may disclose trafficking patterns. Information from multiple sale or other disposition reports frequently results in criminal investigations. Continuation of the current program ensures that ATF will receive multiple sale or other disposition reports about specific long guns used by drug trafficking organizations in Mexico and along the U.S. Southwest border. These reports help law enforcement agencies to detect and disrupt firearms trafficking, before these firearms are used in violent crime in the United States and/or Mexico.

In addition to providing real-time intelligence, the Report of Multiple Sale or Other Disposition of Certain Rifles - ATF Form 3310.12 also assists 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 sale or other disposition reports concerning secondhand sales of qualifying rifles from retail dealers can be traced by ATF personnel who have access to forms and data reported by secondhand retail dealers and pawnbrokers.

During the implementation of this program, a letter was sent to all applicable FFLs in the states along the U.S. Southwest border, providing them instructions about the reporting requirement on the Report of Multiple Sale or Other Disposition of Certain Rifles - ATF Form 3310.12. Currently, when a new entity obtains a Federal firearms license, they are also instructed to utilize ATF Form 3310.12 to report multiple sale or other disposition of two or more semi-automatic rifles capable of accepting a detachable magazine, and/or with a caliber greater than .22 (including .223/5.56 caliber), to an unlicensed person. The report is mandatory if the sale or disposition occurs at one time, or within five consecutive business days of each other. The completed form must be submitted no later than the close of business on the day multiple sale or disposition takes place.

3. The Report of Multiple Sale or Other Disposition of Certain Rifles - ATF Form 3310.12 is available on the ATF website as a fillable form. The respondent has the option to fax, mail or email the completed form to the ATF National Tracing Center for processing. ATF software does not currently support the creation of an e-form to fulfill 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 unavailable elsewhere to fulfill this information collection requirement.
5. This collection of information affects only a limited number of small businesses. Specifically, only licensees who actually sell or dispose of multiple specified long guns, to the same individual once or within five consecutive business days, are required to complete and submit the report. ATF does not collect information about the size of the FFLs and is unable to determine how many are small businesses are impacted by this collection, or which ones sell the long guns that are the subject of this collection. Moreover, licensees are already familiar with the reporting requirement for multiple sale of handguns, and should have no problem completing

the Form 3310.12, which is modeled after the Report of Multiple Sale or Other Disposition of Pistols and Revolvers - ATF Form 3310.4.

6. Public safety and national security would be threatened without this information collection, which would limit the capacity of law enforcement to combat firearms trafficking, and reduce violent crime along the U.S. Southwest border and in Mexico.
7. This information collection will continue to be filed more than quarterly. This collection also requires respondents to prepare their response no later than the close of business on the day multiple sale or other disposition occurs. Timely responses are required to enable law enforcement to detect illegal firearms trafficking. All responses must be provided on the Report of Multiple Sale or Other Disposition of Certain Rifles - ATF Form 3310.12, which may be submitted via fax, mail or email to ATF for processing. A copy of the submitted record will continue to be retained by licensees for 5 years and should be attached to the ATF F 4473 executed upon delivery of the rifles.
8. All comments received during the 60-day Federal Register notice period received a response. However, a 30-day notice will be published in the Federal Register to solicit public comments.
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., an ongoing criminal investigation. The submitted ATF Form 3310.12 will be immediately scanned and entered into the Firearms Tracing System database 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 annual respondents is 1,000, while the estimated number of responses is 2,000. Since the specified rifles, i.e., (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 2,000 responses from FFLs located in the four Southwest border states, i.e.,

Arizona, California, New Mexico and Texas. We also anticipate that respondents will take 12 minutes to complete each report. The estimated total annual burden is 400 hours (2,000 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 \$5,380.00 annually (completion of form: 400 x 11; postage: .49 x 2,000). Further, by dividing the multiple sale respondent population (1,000) by the total annual cost burden, we estimate that the average cost per FFL per year is \$5.38.

14. The estimated annual cost to the Federal Government is \$51,180, which can be calculated as follows:

Printing Cost:	\$ 200
Distribution Cost:	\$ 980
Labor Cost:	<u>\$ 50,000</u>
	\$ 51,180

15. The burden adjustments associated with this collection include a decrease in the number of respondents and responses by 870 and 7,640 respectively. Consequently, the collection burden hours and public cost burden have also reduced by 1,492 and \$ 20,067. The recalculated burden for this collection corresponds with the amount of responses received for this collection recently, which have reduced since the last renewal in 2019.

16. The results of this information collection will not be published.

17. Printing the expiration date on this form will result in increased cost to replace inventories that become obsolete, when OMB issues a new expiration date for this collection. 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.