

**SUPPORTING STATEMENT FOR
Report of Multiple Sale or Other Disposition of Certain Rifles - ATF Form 3310.12**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

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.

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OMB Control Number: 1140-0100

OMB Expiration Date: 11/03/2023

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. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

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. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

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. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

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. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

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 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. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

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. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;** This information collection will continue to be filed more than quarterly. This collection requires respondents to prepare their response no later than the close of business on the day multiple sale or other disposition occurs.
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;** This collection 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.
- **requiring respondents to submit more than an original and two copies of any document;** One copy of the ATF Form 3310.12 will be submitted to ATF while another copy of the form will be retained by licensees by attaching to the ATF F 4473 executed upon transfer of the rifles.

- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;** The ATF Form 3310.12 will be retained by the licensee for the life of the Federal Firearms License. The form must be attached to the corresponding ATF Form 4473. Currently, ATF Form 4473s must be retained for the entire lifespan of the Federal Firearms License.
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;** No special circumstances identified.
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;** No special circumstances identified.
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
No special circumstances identified.
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**
No special circumstances identified.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. 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.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. No efforts to consult with persons outside the agency. The ATF Economist was frequently consulted during preparation of the IC.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances

should be explained. No circumstances identified that would preclude consultation with those who must compile records.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

No government funds will be used as payment or for gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Confidentiality is not required in the processing of this information collection.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No questions of a sensitive nature are asked.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**

The estimated number of annual eligible respondents is 10,000, while the estimated number of actual responses is 8,000. 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 8,000 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 1,600 hours (8,000 responses x 12 minutes divided by 60).

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.** This request for approval does not cover more than one form.
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Estimated Annualized Respondent Cost and Hour Burden

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value of Respondent Time
Name of collection instrument	10,000	1	8000	12min	1600	\$16.70	\$26,720
Unduplicated Totals							

The estimated number of annual eligible respondents is 10,000, while the estimated number of actual responses is 8,000. 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 8,000 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 1,600 hours (8,000 responses x 12 minutes divided by 60).

We estimate the average wage for a firearms sales clerk is \$16.70 per hour and postage at \$0.51.^{1,2} Accordingly, we estimate the total burden on respondents is \$30,800.00 annually (1,600 total hourly burden x \$16.70 hourly wage rate for a sales clerk) + (postage: \$0.51 x 8,000 responses).

¹ [Retail Salespersons \(bls.gov\)](https://www.bls.gov)

² [Postage Rates & Prices | USPS](https://www.usps.com)

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

There are/are no start-up costs associated with this collection.

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

No range of costs are estimated

- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table. 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. Explain the reasons for any program changes or adjustments.

The burden adjustments associated with this collection include an increase in the number of respondents (10,000) and responses (8,000). Consequently, the collection burden hours and public cost burden have also increased by 1,600 and \$30,800. The recalculated burden for this collection corresponds with the amount of responses received for this collection recently, which have increased since the last renewal in 2019.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results of this information collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

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. Explain each exception to the certification statement.

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does/does not contain statistical data.