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Carrie Robertson

National Tracing Center Division

Bureau of Alcohol, Tobacco, Firearms and Explosives

244 Needy Road, Suite 1500

Martinsburg, WV 25405

RE: Comment on Proposed Information Collection Activities; FR Doc. 2025-14775/OMB 1140-0043 ("Agency Information Collection Activities: Proposed eCollection; eComments Requested; Revision of a Previously Approved Collection Title – National Tracing Center (NTC) Trace Request/Solicitud de Rastreo del Centro Nacional de Rastreo (NTC)")

Ms. Robertson,

On behalf of the National Shooting Sports Foundation (NSSF), I am writing to submit comments regarding the above-captioned proposed information collection (IC) activity, the 60-day notice for which was published in the Federal Register on August 5, 2025 (FR Doc. 2025-14775). This proposed IC represents a request for revision and renewal of ATF's previously approved IC relative to obtaining firearm trace request submissions from law enforcement agencies. We appreciate the opportunity to provide feedback on this request, and I would like to take this opportunity to suggest the addition of an important clarification related to the sharing of information generated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) from the Firearm Tracing System (FTS).

Clarification and Reminder Regarding the Use of Information from the NTC for Law Enforcement Agencies

As the firearm industry's trade association, NSSF has long supported the efficient and lawful tracing of firearms to assist in criminal investigations. However, we believe that the proposed collection activity, and ATF's trace submission request forms, could benefit from a clarification reminding law enforcement agencies of the restrictions surrounding the submission of trace requests, and the use and disclosure of trace data. The use of such information outside of law enforcement channels, or for purposes unrelated to a bona fide criminal investigation, would be a violation of federal law.

We respectfully suggest that the ATF include a clear reminder and explicit statement on Form 3312.1/3312.1(S) (and any electronic equivalents thereof, such as eTrace) that firearm trace requests may only be submitted in relation to bona fide criminal investigations by federal,

state, local or tribal law enforcement agencies, or federal, state, or local prosecutors, and that trace data obtained from such requests may not be knowingly and publicly disclosed, pursuant to the restrictions of 18 U.S.C. § 923(g)(1)(B)(iii), 18 U.S.C. § 926(a), and the various provisos which have been attached to the appropriation of ATF funding since 2003 (See 18 U.S.C. § 923 note; Public Law 112-55; 125 Stat. 609-610, commonly known as the “Tiahrt Amendment”). Such a reminder would help ensure that law enforcement agencies are fully aware of their legal obligations in relation to trace data, reduce the risk of any inadvertent violations, and could read as follows:

“NOTICE: This Form may only be used for the submission of trace requests related to bona fide criminal investigations by federal, state, local, and tribal law enforcement agencies. The knowing and public disclosure of any NTC FTS data is prohibited by federal law.”

It is crucial that the public, industry stakeholders, and law enforcement agencies are fully informed that the information provided through the National Tracing Center is confidential and intended solely for legitimate law enforcement purposes. The public disclosure of such information serves no legitimate purpose, presents a risk to the integrity of ongoing criminal investigations, can put the lives of undercover investigators and cooperating witnesses at risk, and in the past has been inappropriately used as a tool to “name-and-shame” firearm industry retailers who have lawfully sold firearms subsequently misused in crimes – inaccurately and maliciously inferring culpability where none actually exists. This suggested reminder would help safeguard the integrity of the tracing process and ensure that any trace data remains protected under existing federal privacy and confidentiality laws.

Request for Further Clarification on Information Security and Data Sharing

In addition, we respectfully request that ATF clarify its procedures for safeguarding NTC FTS data, particularly with regard to access controls and auditing of trace request logs. We feel that such measures are crucial for ensuring that NTC trace requests are made only by permitted parties for legitimate and allowed purposes, and that data provided pursuant to such requests is not improperly utilized, disclosed, or diverted by its recipients. As mentioned above and as has been specifically contemplated in the Tiahrt Amendment, the improper use and disclosure of such data can present serious harm to the criminal investigation process. Ensuring that requests of NTC FTS data are made only for legitimate purposes, and such data is used properly once provided, is crucial to ensuring the integrity of investigations, and the safety of undercover investigators, confidential informants, and cooperating witnesses who may be identified in a firearm trace. Transparency regarding the protections in place to prevent unauthorized access to trace data is vital to maintaining public trust in the system and ensuring that the data is only used for its intended purpose.

We also encourage ATF to use its authority to prohibit further access to the NTC system by agencies which are found through such preventative measures to have submitted unauthorized trace requests, or disclosed NTC FTS data in a prohibited fashion. If such a policy and practice is adopted, the above suggested notice could be expanded to include a warning of such penalty in the event of any violation.

Conclusion

The National Tracing Center plays a crucial role in assisting law enforcement in criminal investigations, and NSSF strongly supports ATF's continued efforts to enhance the tracing process. However, we believe that including a notice regarding the restricted use and sharing of trace data will help prevent illegitimate trace submission requests and unauthorized dissemination of this law enforcement sensitive information, ensuring that this sensitive information is used only for lawful investigative purposes.

Thank you for the opportunity to comment on this proposed rule. We look forward to the ATF's consideration of our recommendations and to continued collaboration in improving firearm tracing and law enforcement efforts.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence G. Keane".

Lawrence G. Keane