

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Information Collection Request
Supporting Statement
1140-xxxx
ATF Form 3310.12, Report of Multiple Sale or Other Disposition of Certain Rifles

A. Justification

1. As part of the Southwest Border Firearms Trafficking/Violence Initiative, ATF is requiring licensed dealers and pawnbrokers in California, Texas, Arizona, and New Mexico to submit information concerning multiple sales of certain rifles. The Gun Control Act (GCA) requires Federal firearms licensees (FFLs) to report multiple sales of handguns to the same purchaser. 18 U.S.C. § 923(g)(5). The sale of two or more handguns must be reported if they occur at the same time, or within 5 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. These reports provide ATF with potential intelligence and almost real-time investigative leads that can indicate illegal firearms trafficking. No similar requirement exists for long guns, regardless of the caliber, gauge, or suitability for sporting purposes. As a result, individuals can purchase dozens of rifles at one time without ATF being made aware of the sale.

Mexican law enforcement officials have reported that certain types of rifles are being used in violent crimes in Mexico. These rifles typically include AR-15 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 show they primarily come from the United States, and that many have been sold by FFLs. By requiring the reporting of multiple sales of the specified rifles, this proposal would provide potentially useful investigative leads to law enforcement in

pursuing firearms trafficking to Mexico, as well as firearms trafficking in general. The authority to require FFLs to submit information concerning multiple sales or other disposition of certain rifles derives from 18 U.S.C. 923 (g)(5).

2. The reports of multiple sales or other dispositions are used by ATF as a mean to discern patterns in the purchase of firearms that may end up in the interstate trafficking of illegal firearms. The information is used to determine if the buyer (transferee) is involved in an unlawful activity, or is a person prohibited by law from obtaining firearms. In addition to the real-time intelligence the multiple sales forms provide, many of these reports would be for secondhand sales of the specified rifles. Secondhand sales refer to qualifying rifles 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 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 reports concerning secondhand sales of qualifying rifles by retail dealers would allow ATF to trace those firearms from secondhand retail dealers and pawnbrokers to purchasers because ATF would be able to search the multiple sales records, as it does with multiple sales records for handguns. The required information must be submitted on ATF Form 3310.12, Report of Multiples Sales or Other Disposition of Certain Rifles. The report shall be submitted no later than the close of business on the day that the multiple sales or other disposition occurs.

A letter to the Federal Firearms Licensees (FFLs) will accompany this form. The letter will instruct FFLs to submit ATF reports of multiple sales or other dispositions whenever the FFL 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 to an unlicensed person. The letter also 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 sale or other disposition takes place.

3. This information collection will be available on the ATF website as a fillable form. The respondent has the option to fax or mail the form to the ATF National Tracing Center.
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 collection of information does not have any impact on small business or other small entities.
6. The consequences of not conducting this information collection would pose a threat to public safety.
7. There are no special circumstances for this information collection and it is in conformance with the guidelines of 5 CFR 1320.6. Failure to collect this information is likely to hinder law enforcement's effort to combat trafficking and reduce violence along the Southwest border states.
8. The ATF National Tracing Center and ATF Counsel were consulted during the creation of the form. A 60-day emergency Federal Register notice will be published in order to solicit comments from the general public.
9. No payment of gift is associated with this collection.
10. Respondent's confidentiality is not assured.

11. No questions of a sensitive nature are asked.
 12. The estimated number of respondents is approximately 8,479. The frequency of responses is one time. The total number of responses is 8,479. The time it takes to complete the form is 12 minutes. The total annual burden is 1,696 hours.
 13. It is estimated that three fourths will fax their responses. Therefore, the cost burden will be reported as 0.
 14. Estimates of annual costs to the Federal Government are as follows:

There will be a printing cost of \$11,000 and a Distribution cost of \$48,000. The total labor cost \$50,000. The total cost is \$109,000.
 15. There are no program changes or adjustments.
 16. The results of this information collection will not be published.
 17. ATF request authorization to omit printing the expiration date on this form. 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. Also, because of the criticality of this form, changes can occur at any time. ATF must maintain a substantial inventory of forms at the Distribution Center at all times. For these reasons, ATF request authorization to omit printing the expiration date on the form.
 18. There are no exceptions to the certification statement.
- A. Collections of Information employing Statistical Methods.

None.