

Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Supporting Statement
OMB Number 1140-0043

National Tracing Center Trace Request, ATF F 3312.1

A. Justification

1. ATF has specific statutory authority to require licensees to cooperate with tracing requests. 18 U.S.C. S 923(a) (1)(D)(7) requires licensees to respond immediately to and in no event later than 24 hours after a request for information that is contained in their records. ATF may inspect a licensee's records without reasonable cause or a warrant when necessary for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation. 18 U.S.C. S 923(g)(1)(B)(iii). Licensees are also required to respond to telephone requests from ATF in conjunction with the tracing of a firearm in the course of a criminal investigation. 18 U.S.C. S 923(g)(7).

Thus, when a firearm is recovered at a crime scene, ATF has authority to examine the records of the manufacturer or importer to determine the name of the licensee to whom the firearm was transferred. In many cases, ATF can then trace the firearm to the individual purchaser through the records of the Federal firearms licensee. The tracing of a firearm is a valuable law enforcement technique, and is one of the most important ways in which ATF fulfills its statutory responsibility to assist State and local law enforcement officials in their fight against crime and violence.

2. The ATF Form 3312.1 is used by Federal, State, local and certain foreign law enforcement officials to request that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) trace firearms used or suspected to have been used in crimes. The purpose of these information referrals is to allow ATF to generate investigative leads to link suspects to firearms in criminal investigations, identify illegal firearms traffickers, and trafficking activity. The information is collected from law enforcement officials on a strictly voluntary basis.
3. Currently, approximately 97 percent of the tracing requests received by ATF from law enforcement officials are forwarded via electronic transmission. ATF has an electronic form available. Further, ATF's primary means of submission is via eTrace which is a web-based system that also incorporates this form for electronic submission directly to ATF's National Tracing Center. Currently over 4,000 agencies have access to the system to allow them to send trace requests and receive trace results. Also, ATF has through batch download software provided

by the Federal government to many larger police departments, which allows them to download information regarding specific firearms directly to the ATF National Tracing Center. In this way, a police department can easily transmit information that is already captured on its own computer database. ATF expects that the percentage of responses transmitted electronically will increase in the future.

4. ATF uses a uniform subject classification system to identify duplication and to ensure that any similar information already available cannot be used or modified for use for the purpose of this information collection.
5. The collection of this information would have no impact on small business of other small entities.
6. This form is a tool for Federal, State, local and international law enforcement officials to request a trace of a crime gun or provide information to ATF regarding firearms with obliterated serial numbers or suspect guns. The consequence of not conducting this collection would limit the investigative leads regarding illegal firearms trafficking activities.
7. This collection is conducted in a manner consistent with the requirements in 5 CFR 1320.6.
8. ATF regularly consults with State and local law enforcement officials regarding the information that is needed in order to conduct useful traces to help fight crime and violence. A 60-day and 30-day notice was published in the Federal Register in order to solicit comments from the public. ATF did not receive any comments regarding the 60-day notice nor the 30-day notice.
9. No payment or gift is associated with this collection.
10. The confidentiality of the identity of the respondent is generally protected under the provisions of the Freedom of Information Act, 5 U.S.C. S 522. Confidentiality is not assured.
11. No questions of a sensitive nature are asked.
12. The number of respondents associated with this collection is 6,103. Many respondents respond multiple times. The number of responses is 344,477. It takes an estimated 6 minutes to complete the form. The annual total burden for this information collection is 34,448 hours.
13. There is no cost to the respondent because of the fact that responses were submitted either electronically or by fax.
14. The cost to the Federal government is printing which is estimated as \$3,000.00.

15. The adjustments associated with this collection are the number of respondents has decreased to 6,103, the number of responses has increased to 344,477, and the annual burden hours increased to 34,448. The increase in responses and burden hours is due to respondents responding multiple times depending on their need for gun traces.
16. The results of this collection will not be published. The information provided is for investigative purposes.
17. ATF requests authorization to omit printing the expiration date for ATF Forms 3312.1. Printing the expiration date on this form will result in increased cost because of the need to replace inventories that become obsolete by passage of the expiration date each time OMB approval is renewed. The time period during which the current edition of the form will continue to be usable cannot be predicted. It could easily span several cycles of review and OMB clearance renewal. In addition, usage fluctuates unpredictably. This makes it necessary to maintain a significant inventory of forms in the supply lines at all times. For these reasons, ATF requests authorization to omit printing the expiration date on the form for this submission.
18. There are no exceptions to the certification statement.

B. Collection of Information Employing Statistical Methods
None