

Recommendations for the President's FY 2022 Budget Request November 2020

Overview

The following memo is intended to help inform the development of the next administration's FY 2022 budget request to Congress. It includes recommendations on funding and language on key gun violence prevention programs across all federal agencies, and includes a justification for each request.

Each section includes an overview of each program, recommendations on funding levels or changes, prior funding levels in both the Trump administration and the final year of the Obama administration, and an explanation of why each program deserves the level of recommended funding. We hope these recommendations will guide the new administration as it creates its first budget request and serve as a solid foundation for future growth. For more detailed recommendations related to criminal justice, policing, or racial justice, please see the Leadership Conference on Civil and Human Rights' publication [*Vision for Justice 2020 and Beyond: A New Paradigm for Public Safety*](#).

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I. Proposed Budget Messaging

The Biden Administration can and should use its first congressional budget request to communicate its intent to immediately and comprehensively address our nation's gun violence epidemic.

Firearm homicides and assaults have risen precipitously in the last several years, and these increases have been particularly concentrated in communities of color. Nearly 40,000 Americans die from gun violence each year. On average, nearly 100 people killed by guns each day, meaning that a gun death occurs every 13 minutes in America. Nearly 14,000 people were killed in a gun homicide in 2018; more than 24,000 died by gun suicide.

The urgency of this crisis is only exacerbated by our nation's battle with the COVID-19 pandemic. The federal background check system initiated the most background checks in its history in March 2020; eight of NICS's 10 busiest weeks have occurred during the 2020 pandemic. The surge in background checks comes as the gun industry continues to innovate, producing more lethal guns and accessories, such as assault pistols or ghost guns, which are intended to skirt existing regulatory structures and laws.

[The state of American gun violence has changed since 2016](#). Since then, researchers, policy makers, and gun safety advocates have developed a deeper understanding about the holistic and robust approach needed to tackle the gun violence epidemic. We know now, for example, that investments in gun violence prevention made now will save money and lives down the road. We understand the critical importance of ensuring that the NICS system has the staff and financial support it needs and of taking the unprecedented step of matching ATF's resources with its critical public safety mission. We must persist in our quest to understand gun violence in all its forms through scientific research, updating antiquated grant programs that are not producing desired results, and embracing newer evidence-based prevention and intervention models. As our nation once again embarks on the undoubtedly long journey of economic recovery we have ahead of us, investing financial resources proactively will be critical to long term success.

We recommend the next administration incorporate these lessons and this sense of urgency into both its messaging and funding requests when developing the president's proposed FY 2022 budget request.

Messaging could include:

Tackling the Gun Violence Epidemic. Gun violence touches nearly every aspect of American life. Investing in reducing the American gun violence epidemic will not only make people safer, but will save financial resources in the long term. Gun violence costs this country approximately [\\$229 billion](#) every year; on average, a single gun homicide generates approximately \$448,000 in medical care and criminal justice expenses. Most of these costs are shouldered by the American taxpayer, who pays over \$700 annually for this public safety emergency.

Involving close collaboration among law enforcement, service providers, and community-based organizations, strategies like group-violence intervention, street outreach, and hospital-based violence intervention programs have been proven effective at reducing homicides and saving money. In Connecticut, for example, combined gun violence rates have dropped by more than 50% in three major cities since 2011 with help from a state- and federally- supported violence intervention program; at a total cost of less than \$1 million per year, this program has prevented shootings and saved lives, while generating an annual savings of \$7 million. On a national scale, similar investments in community-based programs would lead to major reductions in violence and cost. That is why this budget takes deliberate steps to direct federal funding to communities disproportionately impacted by gun violence.

This administration is committed to achieving reductions in violence through a holistic approach to gun violence prevention, which must also include an investment in public health research and in the federal agencies tasked with enforcing federal gun laws. The National Instant Criminal Background Check System (NICS) must be strengthened both with increased record submission and increased staffing; the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) must be given a funding increase to put more agents and investigators on the ground, update its technology, and prevent gun violence before it happens. This budget identifies existing grant programs within various federal agencies that can and should be better used in gun violence reduction. It supports increased data collection and use of evidence-based models and strategies. It reflects the Biden administration's commitment to saving lives."

NOTE: *It is clear that DOJ and its grant programs are prime to be modernized for a post-Trump America. This may require broad structural change to the department, which will take time; this document, however, will provide shorter-term fixes to the DOJ and its programs so that the department can prioritize grant funding to applicants and communities in greatest need.*

II. Department of Justice (DOJ)

1. Bureau of Alcohol, Tobacco, Firearms, and Explosives

- **Purpose:** To revitalize the ATF's field operations and regulatory capacity.
- **Overview:** The ATF is the federal agency responsible for enforcing our nation's gun laws, investigating and preventing the illegal trafficking of guns, and ensuring

that federal firearms licensees are conducting business in compliance with federal laws and regulations.

- Previous Funding:
 - FY20 (appropriated): [\\$1.4 billion](#)
 - FY17 (appropriated): [\\$1.23 billion](#)
 - FY17 (Obama administration request): [\\$1.3 billion](#)

- Funding Recommendation: \$3 billion
 - Note: The ATF should use the data it collects to inform evidence-based strategies and actions to reduce gun violence. Instead of a performance measurement framework rewarding cases opened, arrests made, firearms recovered, convictions made, and sentence length, the ATF should base its performance metrics on actual reductions in gun violence and gun crime.
 - Note: The DOJ's Assets Forfeiture Fund (AFF) collects the forfeited criminal proceeds of crime, and redistributes these liquidated assets to crime victims and for other appropriate law enforcement uses, as defined by statute, on a revolving fiscal year basis. However, these distributions are uneven among agencies. While nearly two-thirds of all seizures over the five-year period ending in FY18 were firearms, ammunition, and explosives—all of which fall under the ATF's purview—the ATF received [less than half](#) the funding for Joint Law Enforcement Operations than the Drug Enforcement Administration (DEA) and the FBI. While the ATF is the smallest among these agencies and thus has the smallest budget, allotting the ATF less funding than is necessary for the agency to engage with local partners and achieve its law enforcement mission makes no sense. While many organizations have called for changes to or the elimination of the ATF, should it remain, some of the ATF's recommended budget increase could come from changing the allocation of the AFF to ensure increased funding is directed toward the ATF's mission to prevent violent crime.
 - \$20 million to update staffing, technology and physical infrastructure at ATF's National Tracing Center, the nation's only crime gun tracing facility, as well as the expanded use of crime gun trace data.
 - Justification: An FFL is required to transfer its records to the ATF when it goes out of business; yet an appropriations rider (see "Rider removal" below) prevents the agency from putting these records into an electronic database searchable by name or personal identification code. As a result, the ATF is forced to keep [warehouses full of old, rotting, paper records](#) at its tracing center in West Virginia until they can be scanned into non-searchable electronic files. Combing through these old records to find a match is tedious work that can take days or even weeks, slowing down the pace of time-sensitive investigations. In FY2019, the National Tracing Center received a record number of trace requests, processing 547 million paper out-of-business records. As the [ATF stated in its FY21 budget request](#), the National Tracing Center now enters "117 million more records than we did 10 years ago, with less personnel."

- \$2 million for the creation and public release of a new report providing updated statistical aggregate data regarding trafficking channels and trafficking investigations.
 - Justification: Firearms enter the illegal market through a limited number of channels, such as straw purchasers, corrupt firearms licensees, unlicensed sellers, and firearms theft. Law enforcement needs transparent data about these channels in order to develop the most effective enforcement strategies to reduce firearms trafficking. The last time the ATF provided a report describing the channels of firearms trafficking was in 2000. Since that time, the National Tracing Center has collected over five million traces of crime guns. Despite explicit authorization to release “statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations,” since 2008, the ATF has only released statistical aggregate data regarding the geographical location where crime guns were first sold at retail. The ATF should release a new annual report with statistical aggregate data regarding trafficking channels and trafficking investigations.
- \$5 million to hire and train new industry operations investigators (IOI).
 - Justification: Despite its large responsibilities, the ATF is small: as of December 2019, the ATF employed only 641 field industry operations investigators, who are responsible for compliance inspections of more than 55,000 federally licensed firearms dealers, other manufacturers, importers, and dealers of guns and explosives. As a result of such a vast staffing shortage, only 7.7% of all independent dealers were inspected in 2018. This issue is a sustained one: in 2013, an OIG report found that over 58% of FFLs had not been inspected within the past five years due, in part, to a lack of ATF resources. With 16,000 guns lost or stolen from federally licensed dealers last year, it is clear that the ATF must increase its oversight of dealers. The number of dealers to inspect is expected to grow, following changes to the regulation that determines who is “engaged in the business” of dealing firearms and thus requires a license.
- \$20 million to update technology and staff to process National Firearms Act applications.
 - Justification: Over the past eight years, the number of silencers registered with the ATF has increased sixfold, with 285,087 silencers registered in 2010 (10% of all registered NFA weapons), and 1,750,433 registered in May 2019 (28.89% of all registered NFA weapons). This funding will ensure more efficient processing as demand increases.
- \$4 million to enhance the National Integrated Ballistic Information Network (NIBIN) within the ATF.
 - Justification: The NIBIN is the only interstate automated ballistic imaging network across the US, helping federal, state, and local partner agencies identify the links between gun-related crimes and those who committed such crimes.

- **Justification:** While the ATF has operated with insufficient resources, staffing, and authority for years, the gun industry has expanded ruthlessly. An average of [8.4 million guns](#) were manufactured each year from 2009 to 2018--double the yearly average from 1986 to 2008. In 2016, 11.5 million guns were manufactured--a 31-year high. The number of licensed gun manufacturers [increased 255%](#) from 2009 to 2018. While many of these manufacturers are law-abiding, others choose to capitalize on the ATF's limitations and antiquated federal gun laws by [purposely producing products that skirt the law](#). In order to regulate this growing industry appropriately, prevent gun trafficking, and take on the increased workload that will come with statutory changes to give the ATF more authority and flexibility, increased resources will be absolutely essential.

- **Rider removal:** Even with the appropriate resources, the ability of federal law enforcement officers to do their jobs effectively will remain hindered by restrictive budget riders known colloquially as the Tiahrt Amendments. While these riders will need to be removed via legislation, any suggested budget should remove the following:
 - Language prohibiting the ATF from consolidating or centralizing firearm sales records maintained by federally licensed gun dealers
 - **Justification:** Dealers must keep records of every firearm sale and provide this information to the ATF upon request—for example, to assist police by tracing a gun found at a crime scene—but this rider prohibits the ATF from consolidating that information. This is inefficient and out of date.
 - Language prohibiting the ATF from putting gun sale records from defunct dealers into a searchable database
 - **Justification:** The ATF receives an average of 1.3 million records from out-of-business dealers each month. If dealers send electronic records in a searchable form, the ATF must actively remove the search function to make the records harder to use. These restrictions make tracing crime guns significantly more difficult and time consuming.
 - Language prohibiting the release of trace data to the public, except for annual statistical reports; language prohibiting trace data from being subject to subpoena for any state license revocation, civil lawsuit, or other administrative proceeding, unless filed by the ATF; and language prohibiting the admission of trace data in evidence
 - **Justification:** These restrictions on trace data have constrained academic researchers from studying, analyzing, and fully understanding gun trafficking patterns. They have also prevented the ATF from working with researchers to identify such patterns. These restrictions prevent law enforcement from describing the sources of crime guns in court, often blocking states and local governments from enforcing their own laws against gun trafficking. While the ATF can legally release trace data to agencies that request it, administration officials in the past have pushed back on such releases to keep such data secret.
 - Language requiring records of approved background checks to be destroyed after 24 hours, impacting both the ATF and the FBI
 - **Justification:** This rider makes it virtually impossible for federal law enforcement to identify gun purchasers who were mistakenly

- approved. It also prohibits the FBI from auditing its background check processes to see how often it allows gun sales or transfers to ineligible individuals.
- Language prohibiting the ATF from transferring any of its functions, missions, or activities to other agencies
 - Justification: As a smaller agency with a notoriously small budget, the ATF has expressed interest in the past in moving some of its functions elsewhere. Should the administration gain interest in a larger-scale overhaul of the DOJ and its law enforcement agencies, it may make sense to reorganize the current responsibilities and jurisdictions of the FBI, ATF, and Drug Enforcement Administration (DEA); for example, allow the ATF to focus on all violent crime, the FBI to handle explosives and arson to deal with terror and hate crimes, and the DEA to prevent large-scale drug trafficking and money laundering.
 - Language prohibiting the ATF from requiring gun dealers to conduct inventories
 - Justification: Gun dealer inventories would help the ATF fulfill its mission of gun dealer oversight and accountability by enabling more effective inspections of the [more than 55,000](#) gun dealers nationwide, which would aid the ATF in identifying corrupt dealers who transfer guns without conducting background checks or keeping records. Instead of struggling to inspect each gun dealer a certain amount of times within a set number of years, investigators could use these inventories to ensure dealers are appropriately reporting lost or stolen firearms. With [gun store burglaries rising](#) in 2020, this is more critical than ever.
 - Language prohibiting the ATF from denying applications to import new models of shotguns
 - Justification: Starting in 1989, the ATF actively used its authority to deny the importation of non-sporting use shotguns. However, since 2012, this rider has prevented the ATF from doing so, essentially giving the gun industry immunity so it can design and import new models of military-style shotguns without regard for whether they are suitable for sporting purposes. The ATF is thus unable to minimize the risk of highly lethal shotguns entering the United States and potentially ending up in the hands of individuals intending to perpetrate harm.
 - Language prohibiting the ATF from denying an application or renewal for a federally licensed gun dealer due to a lack of business activity
 - Justification: This rider causes the ATF—a small, understaffed agency—to spend its already scarce resources attempting to regulate gun dealers who may not even sell firearms with any regularity. With the passage of universal background checks legislation and thus the likely licensure of more dealers, the ATF will need the discretion to make these decisions to ensure the most efficient use of time and resources.
 - Language prohibiting the ATF from amending regulations [defining](#) “curios or relics”
 - Justification: “Curios or relics” are currently defined as firearms manufactured at least 50 years prior to the current date. Licensed

collectors are exempt from background checks when buying curios and relics, and can buy and sell them in interstate commerce without complying with the usual requirements. Because 50 years ago was 1970, this can include fairly modern, dangerous assault weapons designed for military use.

2. **Federal Bureau of Investigation: National Instant Criminal Background Check System (NICS)**

- Purpose: Strengthening NICS.
- Overview: The NICS Section processes background checks for licensed dealers in states that rely on the FBI to complete their background checks. FFLs contact NICS examiners and provide the information listed on the required Form 4473. The NICS examiner determines if that prospective purchaser is legally able to possess a gun.
- Previous funding:
 - FY20 (appropriated): [\\$147.5 million](#), including current services funding for the National Threat Operations Center (NTOC)
 - FY17 (appropriated): [\\$70.3 million](#)
 - FY17 (Obama administration request): [\\$121 million](#)
- **Funding recommendation: \$180 million, not including NTOC**
- Justification: Additional funding is critical to guarantee that the FBI has the staff capacity to manage this increased volume of background checks. Even before the coronavirus led to a 23.82% increase in background checks, in March 2019, the then-acting FBI assistant director told a House subcommittee that the NICS section was forced to pull FBI staff from other departments to handle surges in background check requests. This model is unsustainable, but can be remedied with increased staffing and training.

A funding increase to correspond with an increased demand for background checks due to the passage of universal background checks legislation and changes in the way the ATF views and deals with unfinished frames and receivers (the building blocks of “ghost guns”), will help the FBI maintain quick and efficient processing, so that a final disposition can be made before a default proceed sale occurs, and ensure that NICS examiners can process denial appeals within the required 60 days. This increase will also enable the FBI to fully incorporate the National Data Exchange System (N-DEX) into the background check process, something it has planned to do for years.

As the DOJ stated in its FY21 Authorization and Budget Request to Congress, “As firearm background check volumes continue to increase, the additional staff will ensure that information provided from federal, state, and tribal agencies for the NICS Indices is updated into the system in a timely manner and that technical assistance is available to these partners to identify the required records and transfer them to the FBI. In addition, this enhancement to the NICS staff will allow the legal instrument examiners to search the National Data Exchange (N-DEX)

for more detailed case files and court records, which will improve the accuracy and timeliness of the checks.”

3. Federal Bureau of Investigation: NICS denials for domestic violence protective orders

- **Purpose:** To establish an alert system for failed background checks due to a domestic violence protective order, so that various state and local officials are notified when an ineligible person has tried to buy a gun.
- **Overview:** Current law prohibits certain individuals from purchasing or possessing a firearm. If, however, these individuals fail a background check at an FFL, they can easily go through a person-to-person or online sale to obtain firearm without background checks.
- **Previous funding:**
 - FY20 (appropriated): \$0, but [Senate CJS report](#) includes, “The Committee encourages the ATF to, when possible, notify local law enforcement when a felon in their jurisdiction tries to buy a firearm. If the NICS check is not completed within three days and a felon obtains a firearm, the Committee encourages the ATF to notify and utilize the help of local law enforcement in retrieving the firearm.”
 - FY17 (appropriated): \$0
 - FY17 (Obama administration request): \$0
- **Funding recommendation: \$20 million**
- **Justification:** While federal law enforcement is notified of background check denials, current law does not ensure that state or local law enforcement is made aware of these situations. A person subject to a domestic violence protective order represents an immediate danger; prompt notification of local law enforcement can help ensure the prohibited purchaser does not attempt to access firearms in other ways, such as through an unregulated private sale or over the internet. Increasing transparency by notifying state and local law enforcement gives them more time to help prevent individuals subject to domestic violence protective orders from getting their hands on a gun to harm or threaten others. This funding will be necessary to establish an alert system for these failed background checks and ensure appropriate follow-up from federal agencies, as directed in the House-passed [H.R. 1585, the Violence Against Women Reauthorization Act](#), [supported](#) by the National Task Force to End Sexual and Domestic Violence.

4. Office of Justice Programs: Technical assistance and research, evaluation, or statistical programs

- **Purpose:** To provide training and technical assistance to award recipients and conduct research on best practices.
- **Overview:** Training and technical assistance (TTA) allows grant recipients to connect with experts in order to solve needs that arise in program implementation. This can include sharing best practices, information on model

strategies, planning assistance, and more. Conducting research on best practices to prevent crime and violence, including through alternatives to law enforcement and the increased use of community-based programs, will enable funding to be spent most effectively.

- Previous funding:
 - FY20 (appropriated): [Up to 2%](#) of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such office to provide training and technical assistance and [up to 2%](#) of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.
 - FY17 (appropriated): [Up to 3%](#) of funds made available to the Office of Justice programs for grant or reimbursement programs may be used by such office to provide training and technical assistance; and [up to 2%](#) of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.
 - FY17 (Obama administration request): [Up to 3%](#) of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such office to provide training and technical assistance; [up to 3%](#) of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.
- **Funding recommendation: Update language to direct up to 5% of funds** available to the Office of Justice Programs for grant or reimbursement programs may be used by such office to provide training and technical assistance; and **up to 4% of funds** available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.

- Note: this will require a change in legislative language from the appropriations committee, but should be included in any budget request.
- Justification: For some smaller grant programs, a 2% cap on technical assistance may not be enough. An effective technical assistance provider can mean the difference between success and failure in the implementation of a project, including gun violence reduction strategies. Technical assistance providers can assist program administrators in undertaking actions like a problem analysis, a [critical piece](#) for a city to understand its violence landscape and to ensure grant funds are focused on the appropriate population. Similarly, with violence reduction models, such as group violence intervention and relationship-based street outreach, technical assistance providers can help recipients with best practices in order to obtain best results. A larger amount set aside to allow for comprehensive research and comparisons of models to reduce gun violence will enable communities and award applicants to make better decisions when embarking on a violence reduction project.

5. **Bureau of Justice Statistics: National Criminal History Improvement Program (NCHIP)**

- Purpose: To strengthen NICS.
- Overview: This grant program provides states with resources to improve a wide range of criminal history records systems. All states have received broad and flexible NCHIP funding since the program's creation in 1995.
- Previous funding:
 - FY20 (appropriated): [\\$53.29 million](#)
 - FY17 (appropriated): [\\$48 million](#)
 - FY17 (Obama administration request): [\\$50 million](#)
- **Funding recommendation: \$60 million**
 - Note: Give priority to grant funding applications under the program to states and tribal governments seeking to focus on domestic violence records, particularly proposals to increase pre-validating prohibiting records.
 - Note: Solicitation should build on [existing language](#) related to data sharing to measure performance to ensure states and tribal governments are transparent and accountable for their progress; it should also encourage applicants to plan to resolve issues in shorter time frames.
- Justification: The National Criminal History Improvement Program (NCHIP) and the NICS Act Record Improvement Program (NARIP) support states and federal agencies in their efforts to submit critical criminal history and mental health records to the National Instant Criminal Background Check System (NICS). While great progress has been made in recent years to upload hundreds of thousands of records to the system, the dangers of an incomplete system are clear, brought to light by the horrific November 2017 shooting in Sutherland Springs, Texas, which killed 26 people and injured 20 others. Investing \$100 million, as authorized by the Fix NICS Act, passed in the FY18 omnibus, will ensure states and federal agencies have the funding needed to fully report these

records and prevent dangerous individuals from mistakenly passing a background check; this money should also be used to ensure states and federal agencies are appropriately trained to comply with their NICS reporting obligations.

6. **Bureau of Justice Statistics: NICS Act Record Improvement Program (NARIP)**

- **Purpose:** To strengthen NICS.
- **Overview:** This grant program has provided critical funding to states to improve their abilities to share domestic violence, mental health, and other disqualifying records with NICS. The program was created in the aftermath of the mass shooting at Virginia Tech in 2007, when the shooter should have failed a federal background check due to a previous mental health adjudication, but was able to purchase his firearm from a federally licensed dealer because Virginia had not submitted the record of his disqualification to NICS.
- **Previous funding:**
 - FY20 (appropriated): [\\$25 million](#)
 - FY17 (appropriated): [\\$25 million](#)
 - FY17 (Obama administration request): [\\$25 million](#)
- **Funding recommendation: \$40 million**
 - Note: Currently, approximately 18–20 states remain ineligible for NARIP funding, because they lack an approved “relief from disabilities” program for people prohibited for mental health reasons. This requirement should be waived for states that intend to use their NARIP funding to upload domestic violence records and disqualifying records for certain other crimes.
 - Note: Solicitation should build on [existing language](#) related to comprehensive strategic planning to encourage problem resolution in shorter time frames; it should also build on [existing language](#) related to data sharing to measure performance to ensure states and tribal governments are transparent and accountable for their progress.
- **Justification:** The National Criminal History Improvement Program (NCHIP) and the NICS Act Record Improvement Program (NARIP) support states and federal agencies in their efforts to submit critical criminal history and mental health records to the National Instant Criminal Background Check System (NICS). While great progress has been made in recent years to upload hundreds of thousands of records to the system, the dangers of an incomplete system are clear, brought to light by the horrific November 2017 shooting in Sutherland Springs, Texas, which killed 26 people and injured 20 others. Investing \$100 million, as authorized by the Fix NICS Act passed in the FY18 omnibus, will ensure states and federal agencies have the funding needed to fully report these records and prevent dangerous individuals from mistakenly passing a background check; this money should also be used to ensure states and federal agencies are appropriately trained to comply with their NICS reporting obligations.

7. National Institute of Justice: Research, Evaluation, and Statistics

- Purpose: The mission of NIJ is to advance scientific research, development, and evaluation to enhance the administration of justice and public safety by providing objective, independent, evidence-based knowledge, and tools to meet the challenges of crime and justice, particularly at the state and local levels.
- Overview: NIJ research, development, and evaluation efforts support practitioners and policy makers at all levels of government. The agency focuses its resources on crime control and related justice issues to provide objective, independent, evidence-based knowledge, and tools to meet the challenges of crime and justice, particularly at the state and local levels. NIJ has funded research and evaluation projects to understand and address the issues of gun violence and gun violence prevention since the late 1990s.
- Previous funding:
 - FY20 (appropriated): [\\$36 million](#)
 - FY17 (appropriated): [\\$39.5 million](#)
 - FY17 (Obama administration request): [\\$48 million](#)
- Funding recommendation: \$50 million
 - Note: This funding should not replace gun violence-related public health research funded by CDC and NIH.
 - Note: NIJ should incorporate recommendations from the [Task Force on 21st Century Policing](#) in funding solicitations as appropriate.
- Justification: Gun deaths in the United States have reached their highest level in almost 40 years. Nearly 40,000 Americans died from gun violence in 2018—more than 100 people every day. However, we need more data about where gun violence trends geographically, the types of violence that occur in certain places, and how law enforcement responds to gun violence. Increasing funding to NIJ will provide an opportunity to prioritize research to identify community-based criminal justice approaches to reducing gun violence while reducing racial disparities in both gun violence and incarceration, such as building trust between communities and law enforcement and supporting community-based violence reduction. This funding can also be used to identify effective upstream strategies to reduce firearms trafficking.

8. Office of Violence Against Women: STOP grants

- Purpose: To enhance the capacity of local communities to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women and to develop victim services.
- Overview: A state or territory that is applying for a STOP grant must develop a four-year implementation plan and, among other things, submit to the attorney general “goals and objectives for reducing domestic violence-related homicides within the State.” (34 USC § 10446.) They must split their grant among law enforcement (25%), prosecutors (25%), victim services (30%, 10% of which must go to culturally specific service providers), and state and local courts (5%).

Ensuring that this grant program is properly funded ensures that states can obtain the resources needed to achieve these goals.

- **Previous funding:**
 - FY20 (appropriated): [\\$215 million](#)
 - FY17 (appropriated): [\\$215 million](#)
 - FY17 (Obama administration request): [\\$200 million](#)
- **Funding recommendation: \$223 million**
 - Note: Grant recipients should consider using their funding to develop, disseminate, and train law enforcement on best practices for firearm removal in domestic violence situations as authorized in STOP purpose areas.
 - Note: consideration should be given to increasing the percentage of STOP grants that fund direct victim services.
- **Justification:** A lethal connection exists between domestic abuse and firearm violence: the mere presence of a firearm in a domestic violence situation increases the risk a woman will die by five times. The majority of women killed by partners in the US are killed by firearms; of all women killed by intimate partners between 2001 through 2012, 55% were killed with guns.

9. Office of Violence Against Women: grants to Improve the Criminal Justice Response (ICJR)

- **Purpose:** To protect against domestic and sexual violence.
- **Overview:** The Improving Criminal Justice Response Program, also known as the Grants to Encourage Arrest and Enforcement of Protection Orders Program, is designed to allow local governments to develop collaborative responses to domestic violence, dating violence, sexual assault, and stalking. (See 34 U.S.C. §§ 10461-10465.)
- **Previous Funding:**
 - FY20 (appropriated): [\\$53 million](#), of which \$4 million is for a homicide reduction initiative
 - FY17 (appropriated): [\\$53 million](#), of which \$4 million is for a homicide reduction initiative
 - FY17 (Obama administration request): [\\$62.25 million](#), of which \$4 million is for a homicide reduction initiative and \$4 million is for a domestic violence firearm lethality reduction initiative
- **Funding recommendation: \$73 million**, of which \$4 million is for a homicide reduction initiative
- **Justification:** Domestic violence assaults involving a gun are 12 times more likely to end in death than assaults with other weapons or physical force. Every 16 hours, a woman in the United States is fatally shot by a current or former intimate partner. It is critical that local law enforcement work closely with service providers and courts to ensure that domestic violence survivors, their families, and their communities are safe.

10. Bureau of Justice Assistance: Byrne JAG

- **Purpose:** To provide federal criminal justice funding to states and local governments.
- **Overview:** The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to states and local governments. Sixty percent of the overall Byrne JAG grant is awarded to the state criminal justice planning agency (known as the [State Administering Agency, or SAA](#)), which, in turn, awards the funding to local governments and nonprofit service providers; the remaining 40% goes directly from the US Department of Justice, Bureau of Justice Assistance to local communities, based on population and crime data. In [2016](#), large amounts of JAG funds were used for “Drug, Gang, and other Task Force Operations/Personnel” and law enforcement equipment, but JAG funds are intended to be flexible in order to meet communities’ specific needs.
- **Previous Funding:**
 - FY20 (appropriated): [\\$547.21 million](#)
 - FY17 (appropriated): [\\$396 million](#)
 - FY17 (Obama administration request): [\\$383.5 million](#)
- **Funding recommendation: Include report language** in the Commerce, Justice, Science and Related Agencies appropriations bill to encourage State Administering Agencies to use funding for evidence-based violence prevention programs and for communities to perform problem analyses, which allow city leaders and stakeholders to understand which community members are at the highest risk of violence now, what violence reduction strategies would be most effective in the near term, and how dollars can be spent most efficiently to achieve these goals.
- **Justification:** In localities most impacted by gun violence, a focus on prevention and intervention, rather than on arrests and prosecution, has proven to be effective. JAG funding thus can and should be used--as it has in the past, but not to an adequate extent--for evidence-based violence prevention and intervention programs, such as group violence intervention, focused deterrence, street outreach, and hospital-based violence intervention programs. These evidence-based programs have helped New Haven, Connecticut, achieve a 70% reduction in shootings over eight years; similarly, Richmond, California, saw a 70% reduction in homicides and shootings over 10 years through community-led violence intervention.

A series of grant programs exist within JAG, including Project Safe Neighborhoods and its authorized programs: the Community-Based Violence Prevention program and Innovations in Community-Based Crime Reduction (Numbers 10 through 13 listed below).

11. Bureau of Justice Assistance: Project Safe Neighborhoods

- **Purpose:** To “create and foster safer neighborhoods through a sustained reduction in violent crime.”

- **Overview:** Project Safe Neighborhoods (PSN) works through collaboration among multiple levels of law enforcement. PSN funding is awarded to judicial districts and led by each United States attorney (94).
- **Previous funding:**
 - FY20 (appropriated): [\\$20 million](#)
 - FY17 (appropriated): [\\$6.5 million](#)
 - FY17 (Obama administration request): [\\$5 million](#)
- **Funding recommendation: PSN should be reinvented** as the Community-Based Violence Intervention Program, housed within the Bureau of Justice Assistance (and referenced below), as referenced in the [Break the Cycle of Violence Act](#) (Booker/Horsford). These grants should be awarded to local governments and community-based organizations in areas disproportionately impacted by gun violence, to be used to support, enhance, and replicate coordinated, evidence-based violence reduction initiatives. These initiatives include models like group violence intervention, relationship-based street outreach programs, and hospital-based violence intervention programs. This program should be funded at \$90 million.
- **Justification:** While funding “competitive and evidence-based programs to reduce gun crime and gang violence” is an identified purpose area for PSN, its current authorizing language, which expires in 2021, directs grants to be used to prioritize prosecutions. As a result, PSN grants have been used in some jurisdictions to successfully decrease gun violence through evidence-based strategies that target those most at risk of violence; in other jurisdictions, the program has raised concerns about mass incarceration and over-policing. During the Trump administration, much of this funding is believed to have been allocated for immigration-related purposes.

12. Bureau of Justice Assistance: Community-Based Violence Prevention Program (CBVP)

- **Purpose:** To provide funding to localities so they can support federal, state, and local partnerships that replicate proven multi-disciplinary, community-based strategies that reduce violence in the near term.
- **Overview:** The CBVP program emphasizes effective collaborations between law enforcement, service providers, and community-based organizations. Additional funding will allow the program to expand its scope and impact in more cities nationwide.
- **Previous funding:**
 - FY20 (appropriated): [\\$8 million](#)
 - FY17 (appropriated): [\\$8 million](#)
 - FY17 (Obama administration request): [\\$18 million](#) (“community-based strategies that focus on street-level outreach, conflict mediation, and the changing of community norms to reduce violence, particularly shootings“)
- **Funding recommendation: \$40 million**

- Note: The BJA should prioritize applicants that seek to reduce gun violence through the use of evidence-based strategies, such as group violence intervention, relationship-based street outreach, and hospital-based violence intervention programs. The BJA should also prioritize communities with 15 or more homicides per year for at least two out of the three years preceding the grant application, and a homicide rate no less than double the national average; or that demonstrates a unique and compelling need for additional resources to address gun- and group-related violence within the community. Additionally, priority should be given to prior award recipients who can demonstrate a reduction in violence and commit to use future funding to continue the project.
- Note: The BJA should provide technical assistance and funding for evaluation and analysis as necessary. Applicants should be encouraged to include plans for technical assistance partnerships in their solicitation response, and, after awards are distributed, should be encouraged to use funding for such technical assistance as necessary.
- Note: Awards should be no less than \$600,000 per year.
- Note: Law enforcement agencies participating in CBVP should align their strategies with the recommendations provided by the [Task Force on 21st Century Policing](#).
- **Justification:** CBVP's focus on community-based organizations and partners make it well suited to help communities implement evidence-based intervention and prevention strategies that have been shown, through research and evaluation, to be effective in reducing violence. In most cities, violence is perpetrated by less than one percent of the population. Strategies such as group violence intervention, street outreach, and hospital-based violence intervention programs focus on this small subset of the population, and are proven to reduce violence. These evidence-based strategies have helped New Haven, Connecticut, achieve a 70% reduction in shootings over eight years; similarly, Richmond, California, saw a 70% reduction in homicides and shootings over 10 years through community-led violence intervention. A greater investment in CBVP, which has so far funded 16 cities, will give the program a bigger impact, and give more cities across the country access to critical, sustained funding.

13. Bureau of Justice Assistance: Innovations in Community-Based Crime Reduction (CBCR) Program

- **Purpose:** To support data-driven, community-oriented, partnership-based solutions to reduce crime and make communities safer, with an emphasis on addressing serious violent crime.
- **Overview:** The CBCR, previously known as the Byrne Criminal Justice Innovation Program, is well-positioned to fund targeted, evidence-based intervention programs geared toward individuals caught in a cycle of violence. The CBCR focuses on small geographic areas where crime occurs, and is intended to look at the root causes of violence, as opposed to simply prosecuting.
- **Previous funding:**
 - FY20 (appropriated): [\\$17 million](#)
 - FY17 (appropriated): [\\$17.5 million](#)

- FY17 (Obama administration request): [\\$24 million](#)
- **Funding recommendation: \$40 million**
 - Note: The BJA should prioritize applicants seeking to reduce gun violence through the use of evidence-based strategies, such as group violence intervention, relationship-based street outreach, and hospital-based violence intervention programs. The BJA should also prioritize communities with 15 or more homicides per year for at least two out of the three years preceding the grant application, and a homicide rate no less than double the national average; or demonstrates a unique and compelling need for additional resources to address gun- and group-related violence within the community. Additionally, priority should be given to prior award recipients who can demonstrate a reduction in violence, and commit to use future funding to continue the project.
 - Note: The BJA should provide technical assistance and funding for evaluation and analysis as necessary. Applicants should be encouraged to include plans for technical assistance partnerships in their solicitation response and, after awards are distributed, should be encouraged to use funding for such technical assistance as necessary.
 - Note: Awards should be no less than \$600,000 per year.
 - Note: Law enforcement agencies participating in the CBCR should align their strategies with the recommendations provided by the [Task Force on 21st Century Policing](#).
- **Justification:** Through the CBCR program, [Detroit](#) saw a 20% reduction in violent crime in the target area in 2014; [Milwaukee](#) saw a 24% reduction in violent crime in hot spots from 2013 to 2014; and [Buffalo](#) saw a 19% reduction in violent crime in the target area from 2013 to 2014. The CBCR's emphasis on geographic "hot spots" lines up with the reality that a very small percentage of a city's population is typically responsible for most violence, and targeted approaches to reduce violence among this population subset are most effective; however, it should not be used to justify a more militarized force. Increasing funding for this program will allow more cities to invest in evidence-based intervention and prevention programs such as group violence intervention, relationship-based street outreach, and hospital-based violence intervention programs that are proven to break cycles of violence.

14. Bureau of Justice Assistance: Community-Based Violence Intervention Program

- **Purpose:** To support, enhance, and replicate coordinated, evidence-based violence reduction initiatives.
- **Overview:** The Community-Based Violence Intervention Program, based on the [Break the Cycle of Violence Act](#) (Booker/Horsford), would replace Project Safe Neighborhoods, and build off of the Community-Based Violence Prevention Program and the Innovations in the Community Based Crime Reduction Program; this program would award grants to local governments and community-based organizations in areas disproportionately impacted by gun violence, to be used to support, enhance, and replicate coordinated, evidence-based violence-reduction initiatives, with the goal of reducing gun violence in the near term. These initiatives include models like group-violence intervention, relationship-

based street outreach programs, and hospital-based violence intervention programs that may or may not involve law enforcement.

- Previous funding:
 - \$0. New funding required.
- Funding recommendation: \$90 million
 - Note: \$65 million is to be awarded by the BJA, and \$25 million is to be awarded by the NIH.
 - Note: This program should be housed in the Center for Community Violence Intervention (referenced in “Establish a Community Violence Intervention Center within OVC”) upon its creation.
 - Note: Technical assistance and funding for evaluation and analysis should be available as necessary. Applicants should be encouraged to include plans for technical assistance partnerships in their solicitation response and, after awards are distributed, should be encouraged to use funding for such technical assistance as necessary.
- Justification: Evidence-based violence intervention and prevention programs designed to interrupt cycles of violence and retaliation have proven to be highly effective at reducing rates of community gun violence, saving both lives and taxpayer dollars. From 2012 to 2013, a \$2 million violence reduction program in two Massachusetts cities generated nearly \$15 million in savings from decreases in crime. However, these programs require consistent and reliable federal funding to be successful. Currently, these effective programs have been implemented in only a handful of cities, and lack a reliable or adequate stream of resources. While the existing grant programs referenced above can fund similar work, no federal grant program currently exists specifically to fund evidence-based violence interruption. Given the impressive results, the protection of lives, and the cost savings, this should change.

15. Community Oriented Policing Services (COPS)

A. Operation Relentless Pursuit

- Purpose: To combat violent crime by building federal cases against violent actors and their organizations.

- Overview: Operation Relentless Pursuit (ORP) award recipients are required to work with the US Attorney’s Office (USAO) and relevant federal agencies to investigate and prosecute suspects involved in gangs, drug trafficking, and other violent crime–related issues. In its first awards, COPS and BJA distributed \$61 million in grant funding to seven cities: \$51 million from the COPS office to hire law enforcement officers, and \$10 million from BJA for prosecutors, technology enhancements, and development of plans to [“address gaps in combating violent crime.”](#)
- Previous funding:
 - FY20 funding: DOJ allocated \$71 million for this program
 - FY17 funding: N/A
 - FY17 Obama White House budget request: N/A

- **Funding recommendation: ORP should be discontinued.**
- Justification: Communities' distrust and estrangement from unjust, unaccountable, and militarized law enforcement is one of the [leading root causes](#) of gun violence in this country. The communities that have made the most significant progress in reducing violence have done so not by doubling down on mass arrest and incarceration, but by investing in community-based interventions and policing reform to build earned trust with the community. Group violence intervention, relationship-based street outreach, and hospital-based programs have been remarkably successful at interrupting entrenched cycles of community violence, and have led to [significant, long-term reductions](#) in shootings and gun homicides in cities across the US in short amounts of time. DOJ's resources would be better spent investing in these types of evidence-based programs and interventions.
 - [Additional information from the Civil Rights Corps and the Leadership Conference on Civil and Human Rights](#)

[COPS funding](#) should be prioritized for the following purposes:

B. Extreme risk protection orders and other community-oriented gun laws

- Purpose: To temporarily remove firearms from individuals at risk of harming themselves or others through a court-based process, and implement other community-oriented gun laws.
- Overview: The Community Oriented Policing Services (COPS) grant program is used to “develop and implement innovative programs to permit members of the community to assist State, tribal, and local law enforcement agencies in the prevention of crime in the community,” among other uses. Currently, 19 states and the District of Columbia have extreme risk protection order laws, which create legal processes for temporary firearm removal, based on each state's domestic violence restraining order process. For both their safety and the safety of the order's subject, it is critical that both law enforcement and mobile response teams are trained in effective and correct practices to remove firearms from people experiencing crisis.
- Previous funding:
 - FY20 (appropriated): [\\$343 million](#) (total)
 - FY17 (appropriated): [\\$286 million](#) (total)
 - FY17 (Obama administration request): [\\$286 million](#) (total)
- **Funding recommendation: \$20 million** within COPS to train officers to enforce extreme risk protection laws.
 - Note: Per [Section VII \(A\) in Tab 1](#), DOJ should establish gun violence as a problem/focus area, and encourage use of this funding for the implementation of extreme risk protection order (ERPO) laws and/or other laws specifically aimed at gun violence. ([See Tab 1, VII, A, 1](#))
 - Note: Law enforcement agencies receiving COPS funding should align their strategies with the recommendations provided by the [Task Force on 21st Century Policing](#).

- Note: This funding can be repurposed from COPS hiring grants.
- **Justification:** The COPS Office is uniquely well positioned to issue grants to states and Indian tribes to implement extreme risk protection order laws (ERPOs) and other state and local laws to reduce gun violence. ERPO laws allow law enforcement and family members to petition a court to temporarily remove an individual's access to firearms if sufficient evidence exists that the individual is at risk of harming himself or herself or others. Nineteen states and the District of Columbia currently have ERPO laws in place. If effectively implemented, this policy has proven to be effective at reducing suicide, as four out of five individuals who attempt suicide show some signs of their intentions; research based on Connecticut's ERPO law suggests that for every 10 to 20 ERPOs issued, one life is saved. Federal funding would help provide the resources and training needed for courts and law enforcement agencies to implement these laws.

C. Focused deterrence

- **Purpose:** To fund evidence-based violence intervention programs.

- **Overview:** Focused deterrence strategies, such as Group Violence Intervention (GVI), are a form of problem-oriented policing that coordinates law enforcement, service providers, and community efforts to reduce risk of violence among the small, identifiable segment—in a given city, usually less than 0.5% of its residents—that is responsible for the vast majority of violence in most cities.
- **Previous funding:**
 - FY20: no specific funding in COPS
 - FY17: no specific funding in COPS
 - FY17 Obama White House budget request: [\\$20 million](#) for “training and technical assistance that supports the integration of community policing strategies throughout the law enforcement community to effectively address emerging law enforcement and community issues.”
- **Funding recommendation:** **\$20 million** for competitive grants to train officers in evidence-based violence intervention and prevention programs, including focused deterrence/group violence intervention, designed to interrupt cycles of violence and retaliation.
 - Note: Law enforcement agencies receiving COPS funding should align their strategies with the recommendations provided by the [Task Force on 21st Century Policing](#).
 - Note: This funding can be repurposed from COPS hiring grants.
 - Note: COPS should provide technical assistance and funding for evaluation and analysis as necessary. Applicants should be encouraged to include plans for technical assistance partnerships in their solicitation response and, after awards are distributed, should be encouraged to use funding for such technical assistance as necessary.
- **Justification:** Focused deterrence/GVI programs are associated with reductions in homicides generally ranging from 30% to 60%. For example, Oakland, California, cut its annual shootings and homicides nearly in half over six years by

incorporating group violence intervention into its citywide response to crime. Through the Oakland Ceasefire partnership, community members, social service providers, and law enforcement officials work together to reduce violence, build police-community trust, and improve outcomes for high-risk individuals. Stakeholders discovered that only around 400 people—just 0.1% of Oakland’s total population—were at highest risk for engaging in serious violence at any given time; service providers pivoted their programming to serve this small, high-risk population. Law enforcement developed the Ceasefire Section, composed of four units narrowly focused on addressing and preventing serious violence. Oakland’s faith and community leaders partnered with law enforcement to provide officers with procedural justice training and help improve police-community relations. This model can and should be replicated in other cities.

D. Improving homicide solve rates

- Purpose: To solve homicides, interrupt cycles of violence, and improve relationships between communities and law enforcement.

- Overview: Cities with high rates of homicide clearance--meaning a perpetrator has been identified and a disposition has been made for that person regarding a particular homicide--have taken specific steps to train officers and investigators to solve homicides. All departments should be able to access these tools and provide the same training.
- Previous funding:
 - FY20: no specific funding in COPS
 - FY17: no specific funding in COPS
 - FY17 Obama White House budget request: no specific funding in COPS
- Funding recommendation: **\$10 million** for competitive grants to train officers in solving homicides, incorporating recommendations from BJA’s 2013 report [*Homicide Process Mapping: Best Practices for Increasing Homicide Clearances*](#).
 - Note: Law enforcement agencies receiving COPS funding should align their strategies with the recommendations provided by the [Task Force on 21st Century Policing](#).
 - Note: This funding can be repurposed from COPS Hiring grants.
 - Note: COPS should provide technical assistance and funding for evaluation and analysis as necessary. Applicants should be encouraged to include plans for technical assistance partnerships in their solicitation response and, after awards are distributed, should be encouraged to use funding for such technical assistance as necessary.
- Justification: In the mid-1970s, the average national homicide clearance rate was approximately 80%. [By 2013, that rate had decreased to 65%](#). This decrease is related to a cycle of distrust and violence: when community members’ distrust of law enforcement deepens, witness cooperation and engagement with officers diminish, policing becomes less informed and less effective, more shootings and murders go unsolved and unpunished, and more people seek vigilante justice in the streets--and community violence persists. But some cities have taken specific steps to break this cycle. As shootings and homicides dropped in Oakland through the use of community-based violence reduction programs, law

enforcement became more effective: homicide solve rates [rose from 29% in 2011 to over 70% six years later](#), suggesting that community trust and partnership were improving too. By using COPS funding to specifically fund training on ways to effectively solve homicides and build community trust (which can involve improved accountability systems, including the collection and publication of data and officer complaints, among other actions) along with training law enforcement to participate in community-led programs to reduce gun violence, this can be replicated across the country.

E. Relaunch the Collaborative Reform Initiative

- Purpose: To improve trust between police agencies and communities.

- Overview: The COPS Office launched this initiative in 2011 as a “long-term, holistic strategy to improve trust between police agencies and the communities they serve by providing a means to organizational transformation.” The initiative was a [voluntary alternative](#) to the consent decree process in which “law enforcement agencies facing significant issues that may impact public trust undergo a comprehensive assessment, are provided with recommendations on how to address those issues, and receive technical assistance to implement such recommendations.”
- Previous funding:
 - FY20: \$0
 - FY17: [\\$10 million](#)
 - FY17 Obama White House budget request: [\\$20 million](#)
- **Funding Recommendation: \$20 million**
 - Note: Law enforcement agencies receiving COPS funding should align their strategies with the recommendations provided by the [Task Force on 21st Century Policing](#).
 - Note: This funding can be repurposed from COPS hiring grants.
- Justification: By the end of 2016, 16 police departments had voluntarily requested to participate in the Collaborative Reform Initiative, and an early review of the initiative’s impact concluded that it had “been shown to be a valuable tool for inspiring and accelerating change in many of the departments” and that evidence for “organizational transformation” in those police departments was “abundant.” During the Obama Administration, collaborative reform was used as one tool to help departments make the kinds of structural reforms necessary for real accountability. The collaborative reform process included detailed assessments followed by technical assistance from police leaders and experts with the experience to institute accountability measures and action steps. Final reports offered the public information it could use to hold the departments accountable for sustainable change. At a time when the relationships between police agencies and the communities they serve are of the utmost importance, the COPS Office should relaunch and expand this project--for example, considering a more active role for state attorneys general--setting it up to continue despite changes in presidential administration.

16. Office of Juvenile Justice and Delinquency Prevention (OJJDP): Children Exposed to Violence initiative

- Purpose: To break cycles of violence at a young age.

- Overview: Funding under this program can be used to develop support services for children exposed to violence in their homes, schools, and communities; and to develop, enhance, and implement violent crime reduction strategies that focus on violent juvenile offenders.
- Previous Funding:
 - FY20 funding: [\\$8 million](#)
 - FY17 funding: [\\$11 million](#)
 - Final Obama White House budget request: [\\$23 million](#)
- **Funding recommendation: \$11 million**
- Justification: Violence is a cycle; children exposed to violence are more likely to abuse drugs and alcohol and engage in criminal behavior later in life. This program has supported six communities and two tribal nations to interrupt these cycles of violence through early intervention strategies that address and treat children's exposure to trauma and violence.

17. Office for Victims of Crime (OVC): VOCA Assistance grants

- Purpose: To fund violence intervention programs.

- Overview: Victims of Crime Act (VOCA) funding presents an opportunity for states to leverage federal resources to fund critical violence intervention work. Funded through fines, penalty fees, charges on corporations convicted of felonies, and like payments--not by tax dollars--federal VOCA Assistance funds are provided as block grants to all 50 states, which are then responsible for redistributing these funds through subgrants to public agencies and organizations that provide a range of services to people who have been victims or witnesses to crime. Since the 1990s, [significant percentages](#) of the fund have come from large-scale corporate settlements.
- Previous funding:
 - FY20 VOCA cap: [\\$2.641 billion](#), including \$435 million transferred to the Office on Violence Against Women for VAWA programs; \$10 million for the Inspector General's Office for auditing and oversight purposes; and 5% set aside (\$132 million) for grants to Indian tribes to improve services for crime victims.
 - FY17 VOCA cap: [\\$2.573 billion](#), including \$326 million to OVW and \$10 million for the DOJ OIG for oversight and auditing purposes.
 - FY17 Obama White House budget request: [\\$2 billion](#), including \$326 million transferred to the Office of Violence Against Women; \$50 million for Vision 21, which provides supplemental victims services and other victim-related programs and initiatives in areas like research, legal services, capacity building, and national and international victim assistance; of that \$50 million, \$25,000 for tribal assistance for crime

victims; \$45 million for the victims of trafficking program; and up to 3% set aside for NIJ and BJS for research, evaluation, or statistical purposes related to crime victims and related programs.

- **Funding recommendation:** The White House and Department of Justice should make clear that survivors of gun violence, and violence intervention organizations and programs are eligible and encouraged to apply for VOCA funds through the creation of the Office of Community Violence Prevention within the Office for Victims of Crime.
 - Note: The Department should encourage states to broaden eligibility requirements so gun violence survivors with criminal histories are still able to access funding.
 - Note: Transfers to the Immigration and Customs Enforcement to help fund the Victims Of Immigration Crime Engagement Office (VOICE) should be prohibited.
- **Justification:** Since 2016, federal regulations have required that at least 10% of VOCA Assistance awards be allocated to programs that serve “previously underserved populations of victims of violent crime.” The US Office for Victims of Crime has noted that “victims of gang violence,” “victims of violent crime in high crime areas,” “victims of physical assault,” and “survivors of homicide victims,” are all “often underserved.” In recent years, governors and attorneys general in states including New Jersey, Illinois, Pennsylvania, Virginia, Maryland, and California have taken executive action to use discretionary federal VOCA Assistance funds to support violence intervention efforts focused on crime victims and families at highest risk of re-injury from community violence. Yet many states have typically not used these federal crime victim dollars to meaningfully invest in violence intervention programs for victims of violence.

III. Department of Health and Human Services (HHS)

1. Office of the Secretary: Funding for public health emergency response

- **Purpose:** To fund programmatic solutions to the public health emergency of gun violence.
- **Overview:** When the secretary of Health and Human Services declares a public health emergency, the HHS may then access the Public Health and Social Services Emergency Fund (PHSSEF) for the purpose of supplementing other federal, state, and local funds, make grants, provide awards for expenses, enter into contracts, and conduct and support investigations into the cause, treatment, or prevention of the disease or disorder; and reassign state and local personnel temporarily, for the purposes of addressing the emergency (with the consent of the governor and relevant personnel). The declaration of gun violence as a public health emergency will allow the HHS to access funding to support evidence-based violence prevention and intervention programs proven to reduce shootings.
- **Previous funding:**
 - FY20 (appropriated): [\\$1.04 billion](#) “to support activities related to countering potential biological, nuclear, radiological, chemical, and

cybersecurity threats to civilian populations, and for other public health emergencies.”

- FY17 (appropriated): [\\$950.96 million](#) “to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies.”
- FY17 (Obama administration request): [\\$956.11 million](#) “to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies.”

- **Funding recommendation: Ensure appropriate funding within the Public Health and Social Services Emergency Fund to address the public health emergency of gun violence.**

- Note: The actual funding amount needed will be determined by the existing funding level of the PHSSEF, the number and scope of emergency declarations, and by the results of problem analyses conducted by working groups.

- **Justification:** The American Medical Association, the nation’s largest physicians’ group, has formally adopted a policy designating gun violence a public health crisis. The American Psychiatric Association reported in 2018 that 87% of Americans view gun violence as a public health threat, including 77% of Republicans and 96% of Democrats. These issues can only be exacerbated by the raging COVID-19 pandemic, which has stretched public health systems thin, thereby making shootings more likely to be fatal. Traumatic gunshot injuries that would have been survivable before the coronavirus may often be fatal when health care systems are overwhelmed. The HHS secretary declaring gun violence a public health emergency--as the coronavirus is considered--would provide some of the flexibility needed for health care systems to address both emergencies at once. Among other things, an emergency declaration gives the HHS the authority, upon the request of the governor of the state or tribe, to reassign certain federally funded personnel to address the emergency. A public health emergency declaration for gun violence in a particular community would therefore enable the personnel of local health care and community systems to shift appropriately between the needs of those affected by the coronavirus, the needs of those affected by shootings, and the needs of community organizations to prevent future shootings.

2. Centers for Disease Control and Prevention (CDC) and National Institutes of Health (NIH): Funding for scientific firearms-related research

- **Purpose:** To fund scientific firearms-related research.
- **Overview:** As the nation’s premier institutions of public health, CDC and NIH have made life-saving progress in other critical areas: after scientists and engineers were able to identify risk factors of cars, for example, Congress passed the Highway Safety Act in 1966, which included new automobile safety laws to prevent people from driving while intoxicated, and discourage drinking underage. The CDC’s continued research was able to inform policymakers,

which led to the fall of car-related deaths from over 41,000 in 1997 to just over 30,000 in 2013.

- **Previous funding:**
 - FY20 (appropriated): \$25 million, split evenly between [CDC](#) and [NIH](#)
 - FY17 (appropriated): \$0
 - FY17 (Obama administration request): [\\$10 million](#)
- **Funding recommendation: \$100 million**
 - Note: CDC's Injury Prevention Center should monitor the [Firearm Injury Surveillance Through Emergency Rooms \(FASTER\)](#) program, in which hospitals will share real-time data with the CDC about patients entering ERs for nonfatal gunshot injuries. The CDC announced funding for pilot programs in the spring of 2020; should these programs be successful in their first 12–18 months, more funding should be offered to expand the program.
 - Note: This funding recommendation should continue to scale up in future budget requests.
- **Justification:** In FY20, Congress made history by appropriating \$25 million for the Centers for Disease Control and Prevention (CDC) and National Institutes of Health (NIH) to study gun violence. This was the first investment of its kind in more than two decades, and it was badly needed. Gun deaths in the United States have reached their highest level in almost 40 years. Nearly 40,000 Americans died from gun violence in 2018—more than 100 people every day. However, we lack true scientific data about where gun violence trends geographically, the types of violence that occur in certain places, and how well-equipped medical providers are in responding to gun violence. We also, of course, need more information about the most effective public health approaches to reduce gun violence. The historic funding made available in Fiscal Year 2020 was a remarkable bipartisan achievement; however, as noted in the *Journal of the American Medical Association*, [that funding must only be the beginning of this reinvestment in public health and violence prevention as we begin to make up for an over-20 year deficit](#).

3. **CDC: Division of Violence Prevention, National Center for Injury Prevention and Control**

- **Purpose:** To support hospital-based and hospital-linked violence intervention programs, which work to interrupt cycles of violent injury and retaliation while the victim is in recovery.
- **Overview:** Hospital-based violence intervention programs (HVIPs) were developed by Oakland-based nonprofit YouthAlive! (which later received Minority Youth Violence Prevention grant funding) in 1994 under the name “Caught in the Crossfire,” built on the premise that the strongest risk factor for violent injury is a history of previous violent injury.
- **Previous funding:** \$0. New funding required.
- **Funding recommendation: \$20 million**

- Note: Grants should provide technical assistance and funding for evaluation and analysis as necessary.
- **Justification:** Researchers have found that within the first five years of hospitalization for an assault-related injury, the chances of recitivating are as high as 45%. The HVIP strategy focuses on reaching high-risk individuals who have recently been admitted to a hospital for treatment of a violent injury: HVIPs identify patients most at risk for reinjury and connect them with trained case managers who come from a similar background. Culturally competent case managers provide clients with intense oversight and assistance, both in the hospital and in the crucial months following the patient's release; they help clients access resources that promote their safety and recovery, including trauma counseling, mediation, tattoo removal, and other supportive services. Violently injured patients who receive HVIP services are four times less likely to be convicted of a violent crime and four times less likely to be subsequently reinjured. The [FY18 omnibus conference report](#) recognized HVIPs as effective at interrupting cycles of violence injury and retaliation. [One study](#), for example, found that one San Francisco program reported a violence reinjury rate of 4.5% in six years for participants, compared to a 16% historical control group; [a study](#) of a hospital-based program in Indianapolis resulting in a zero percent reinjury rate for participants after one year compared to a historical control group with a reinjury rate of 8.5%.

4. **CDC: National Violent Death Reporting System (NVDRS)**

- **Purpose:** To provide state and local communities with information about violent deaths across the US.
- **Overview:** The NVDRS is an essential data system run by the CDC, and the only state-based system to combine data from law enforcement, coroners and medical examiners, and vital statistics to obtain the most comprehensive data available on homicides and suicides. Now collecting data from all 50 states, plus the District of Columbia and Puerto Rico, NVDRS data can better inform our approaches to violence prevention.
- **Previous funding:**
 - FY20 (appropriated): [\\$23.5 million](#)
 - FY 17 (appropriated): [\\$16 million](#)
 - FY17 (Obama administration request): [\\$23.5 million](#)
- **Funding recommendation: \$30 million**
 - Note: This funding should continue to increase to meet a \$50 million funding level in five years.
- **Justification:** Currently, no system exists in the United States to track gun-related injuries or deaths comprehensively, but the NVDRS comes the closest. From suicides to domestic violence homicides, the NVDRS can paint a picture of what gun deaths look like across the country, so policymakers can best respond. As the CDC states, the NVDRS “links information about the ‘who, when, where, and how’ from data on violent deaths and provides insights about ‘why’ they occurred.” This has led to policy change, which can lead to better violence

prevention: Oklahoma, for example, used NVDRS data to measure the effectiveness of a pilot domestic violence lethality assessment program that led to its statewide use. The NVDRS needs stable, consistent funding to continue to grow and create more effective interventions to reduce gun deaths. Expanded resources are also needed to standardize data collection and death investigation systems across states, expand the use of technology to make reporting more immediate, and improve coordination among participants.

5. Office of Minority Health: Minority Youth Violence Prevention (MYVP) program

- **Purpose:** To support integrated public health and violence prevention approaches that reduce the prevalence and impact of youth violence among racial and ethnic minority and/or disadvantaged at-risk youth.
- **Overview:** The MYVP program is administered by the Department of Health and Human Services (HHS), Office of Minority Health in conjunction with the Department of Justice's Office of Community Oriented Policing Services. At a time when the national homicide rate has declined to an annual rate of 6 per 100,000, the national homicide rate for Black males between 10 and 24 is close to 50 per 100,000.
- **Previous funding:**
 - FY20 (appropriated): [\\$3.9 million](#) from the Office of the Secretary
 - FY17 (appropriated): HHS allocated approximately [\\$4.1 million](#) in FY17
 - FY17 (Obama administration request): \$0
- **Funding recommendation: \$20 million**
 - Note: Unlike previous grant solicitations within MYVP that intended to serve individuals up to age 18, grants should not include an arbitrary age cutoff for participants at high risk of violence.
 - Note: RFPs dealing with reducing gun violence should emphasize evidence-based strategies, and provide technical assistance and funding for evaluation and analysis as necessary.
- **Justification:** This funding can and should be used to support street outreach, group violence intervention, and hospital-based and hospital-linked violence intervention programs, which work to interrupt cycles of violent injury and retaliation while the victim is in recovery. As Congress recognized in the Commerce, Justice, Science FY18 bill [report](#), programs like these are proven to be effective. One [study](#), for example, found that a San Francisco program reported a violent reinjury rate for participants of 4.5% in six years, compared to a 16% rate for the historical control group; a [study](#) of a hospital-based program in Indianapolis resulting in a zero percent reinjury rate for participants after one year compared to a historical control group with a reinjury rate of 8.5%. The first iteration of MYVP, which funded a grant cycle from FY14-FY17, funded hospital-based programs at some of its nine sites, but more funding and technical assistance is needed to ensure the success of later iterations.

6. Office of Minority Health: Public-Health Based Violence Prevention/Intervention Pilot Program

- Purpose: To use and measure the impact of public-health approaches to break cycles of violence.
- Overview: This pilot program, in conjunction with Centers for Medicare and Medicaid Innovation, is intended for state-based gun violence intervention programs that focus on health outcomes. The program should provide funding to states for Departments of Public Health to work directly with community violence intervention offices in specific cities in the state to examine the health impact of their programming. The pilot program could start with three to five states with existing effective community violence intervention programs.
- Previous funding:
 - FY20 (appropriated): \$0
 - FY17 (appropriated): \$0
 - FY17 (Obama administration request): \$0
- **Funding recommendation: \$15 million**
- Justification: This program would offer the opportunity for the impact of community violence intervention programming to be analyzed through a health lens, providing opportunities to identify and enhance areas where interjection and partnership with public health policies help efforts to reduce gun violence in communities.

7. Substance Abuse and Mental Health Services Administration (SAMHSA): National Survey on Drug Use and Health (NSDUH)

- Purpose: To collect state data about US residents regarding their health-related risk behaviors, chronic health conditions, and use of preventive services.
- Overview: The NSDUH is an annual 50-state survey which provides up-to-date information on tobacco, alcohol, and drug use; mental health; and other health-related issues in the United States. Information from NSDUH is used to support prevention and treatment programs, monitor substance use trends, estimate the need for treatment, and inform public health policy. Adding questions about firearms in the home and firearm storage behaviors to the annual NSDUH questionnaire will provide valuable information about health behaviors related to firearms, as well as crucial data that can support further analysis and allow for research on the interactions of these firearm related behaviors with other factors related to mental health and substance use. State-level data on firearm storage behaviors and household gun ownership has been collected in recent years through optional firearms-related modules added to the annual Behavioral Risk Factor Surveillance Survey (BRFSS). This data has provided crucial information for [academic study](#), but information on gun ownership has not been collected in all 50 states since 2004, meaning that there has been no systematic federal collection of the percent of Americans that own firearms at the state or federal level since then.
- Previous funding:
 - FY20 (appropriated): [\\$14.595 million](#) from SAMHSA's Health Surveillance and Program Support Appropriations

- FY 17 (appropriated): [\\$5.326 million](#) from SAMHSA's Health Surveillance and Program Support Appropriations
- FY17 (Obama administration request): N/A; not specifically requested
- **Funding Recommendation: \$30 million**
 - Note: The Labor, HHS, and Education Appropriations bill should include language recommending the inclusion of firearms-related safety questions in NSDUH. The HHS Secretary should recommend the same.
- **Justification:** Requiring firearm ownership and storage data to be collected annually, in all 50 states, will help provide important information that can be used to support public education around safe firearm storage behaviors, and provide data that could serve as an important control variable in future studies of gun violence. Collecting this data through the NSDUH will allow researchers to examine firearm ownership and storage behaviors alongside other factors related to mental health and substance use.

8. **Substance Abuse and Mental Health Services Administration (SAMHSA): National Strategy for Suicide Prevention**

- **Purpose:** To prevent suicide.
- **Overview:** Then-Surgeon General David Satcher released the first blueprint to prevent suicide in 1999, which led to the first National Strategy for Suicide Prevention in 2001. In 2012, then-Surgeon General Regina Benjamin partnered with suicide prevention groups to produce an updated strategy, building upon progress made in research, practice, and care. Today, over half of all suicides result from self-inflicted gunshot wounds. Yet the link between gun access and suicide risk remains dangerously misunderstood, denied, and ignored.
- **Previous funding:**
 - FY20 funding level: [\\$18.2 million](#)
 - FY17 funding level: [\\$11 million](#)
 - FY17 (Obama administration request): [\\$30 million](#)
- **Funding recommendation: \$40 million** for the National Strategy and Zero Suicides grant program.
 - Note: The SAMHSA should create an updated, culturally competent national strategy ,and plan to update this strategy at least every five years. The SAMHSA should make a concerted effort to include new voices in the creation of this updated strategy; it should also consider recent and future technological developments to allow and plan for faster and more complete data collection and ways of providing care. HHS should prioritize implementation of this strategy, including the expansion of the Zero Suicides model throughout the healthcare field.
 - Note: Like the current strategy, an updated strategy must include plans for public health surveillance to determine populations most at risk for suicide.
- **Justification:** Huge progress has been made in technology over the past eight years--and even in recent months. The National Strategy and Zero Suicide model

cannot be effective if they are outdated, and implementation cannot be effective if it does not involve programs to reduce access to guns for people at risk of harming themselves. Since 2004, over half a million American men, women, and children have taken their own lives. Most people attempt suicide impulsively during acute periods of mental crisis, and they typically use whatever suicide method is most quickly available. People are at least 40 times more likely to die if they attempt suicide with a gun instead of the two most common methods—overdosing on drugs or medication, and self-cutting with sharp instruments. As a result, gunshots account for 5% of life-threatening suicide *attempts* in the United States but over 50% of suicide *deaths*. This is why states with immediate, unrestricted access to guns have much higher suicide rates, and why gun safety reform must be part of a comprehensive suicide policy response.

9. Substance Abuse and Mental Health Services Administration (SAMHSA): National Child Traumatic Stress Network

- **Purpose:** To raise the standard of care and increase access to services for children and families who experience or witness traumatic events.
- **Overview:** The National Child Traumatic Stress Network (NCTSN) works to infuse trauma-informed care into systems across the country. Established through the Children’s Health Act of 2000, NCTSN consists of 100 funded centers and more than 150 affiliate centers and individuals in hospitals, universities, and community-based programs in 44 states and the District of Columbia that create and promote effective community practices for youth and families exposed to trauma. Among other responsibilities, the National Center for Child Traumatic Stress provides technical assistance to its grantees, oversees resource development and dissemination, and coordinates national training and education; NCTSN Community Treatment and Services Centers work in community settings to implement and evaluate effective trauma treatment and services. Grantees and affiliates provide clinical services, develop and disseminate new interventions and resource information, provide education and training materials, collaborate with established systems of care to infuse a trauma-informed lens into their work, collect and evaluate data, and inform public policy.
- **Previous funding:**
 - FY20 funding level: [\\$68.887 million](#)
 - FY17 funding level: [\\$46.887 million](#)
 - FY17 (Obama administration request): [\\$46.887 million](#)
- **Funding recommendation: \$72 million**
 - Note: Report language should be included within the Labor, Health and Human Services, Education and Related Agencies appropriations bill directing SAMHSA to work in conjunction with the Office of Minority Health and Office of Victims of Crime to ensure grant recipients who serve populations most at risk of violence and trauma.
- **Justification:** This funding can and should be used to support hospital-based and hospital-linked violence intervention programs (HVIPs), which work to interrupt cycles of violent injury and retaliation while the victim is in recovery. As Congress

recognized in the Commerce, Justice, Science FY18 bill [report](#), programs like these are proven to be effective. HVIPs are trauma-informed at their core; culturally-competent case managers help clients access resources that promote safety and recovery, including trauma counseling, mediation, and other supportive services as they recover from violent injury. Increased funding will help the NCTSN reach more at-risk individuals and health systems in order to better aid and inform HVIP services.

10. Substance Abuse and Mental Health Services Administration (SAMHSA): Resiliency in Communities After Stress and Trauma (ReCAST) grants

- **Purpose:** To assist high-risk youth and families and promote resilience and equity in communities that have recently faced civil unrest (including police violence), through implementation of evidence-based, violence prevention, and community youth engagement programs, as well as linkages to trauma-informed behavioral health services.
- **Overview:** Part of project AWARE, created from the Obama administration's Now is the Time (NITT) initiative, the ReCAST program uses a trauma-informed lens to combat violence and build relationships within communities. The program is flexible: it can be used to support Offices of Violence Prevention within cities; improve residents' access to critical services, such as mental health care; promote and help build healthy relationships between communities and law enforcement; and more.

Previous funding:

- FY20 funding level: [\\$102.001 million](#) for project AWARE
 - FY17 funding level: [\\$57.001 million](#) for project AWARE; [\\$10 million](#) allotted for eight ReCAST grants. *Note: the SAMHSA tried to eliminate this program in FY18.*
 - FY17 (Obama administration request): [\\$71.96 million](#) for project AWARE
 - **Note: this funding originally came from reallocation of funding from Youth Violence Prevention in FY17.*
- **Funding recommendation:** **\$25 million allocated within project AWARE for ReCAST grants.**
 - Note: Report language should be included specifically setting this funding aside for discretionary grants and technical assistance to support trauma-informed efforts in high-crime, high-poverty areas and, in particular, communities that are seeking to address relevant impacts and root causes of civil unrest, and to prevent and interrupt cycles of violence.
 - Note: RFPs dealing with reducing gun violence should emphasize evidence-based strategies and provide technical assistance and funding for evaluation and analysis as necessary.
 - Note: Where applicable, RFPs should encourage applicants to consider projects to build better relationships between police and communities, per recommendations provided by the [Task Force on 21st Century Policing](#).
 - **Justification:** Violence is a cycle: in studies of some urban hospitals, researchers have found that up to [45% of patients](#) treated for injuries, such as gunshots, were

violently reinjured within five years. [People who have been violently victimized are also at increased risk of retaliating and becoming perpetrators of violence](#): being shot, being shot at, or witnessing a shooting doubles the probability that a young person will commit violence in the next two years. Community-based programs have proven effective at breaking this cycle-- [East New York](#) experienced a 50% reduction in gun-injury rates after implementing the public health and relationship-based strategy Cure Violence, for example. As many cities face budget constraints due to COVID-19, federal support for these programs will become more important than ever.

IV. Department of Defense (DOD)

1. Focus on reporting to NICS

- **Purpose:** To comply with federal law, and ensure all necessary records are submitted to the federal background check system.
- **Overview:** As codified in the Fix NICS Act, federal agencies--including the Department of Defense--are required to establish an implementation plan to maximize reporting prohibiting records to NICS. This plan includes annual benchmarks and an estimated deadline for full compliance. Agencies must certify twice per year that they are uploading records to NICS, and confirm how many; the attorney general must make a yearly “substantial” compliance determination based on the agency’s implementation plan, and publish on the DOJ’s website and report to Congress any agency that has failed to submit the required certification or to comply with its implementation plan.
- **Previous funding:**
 - [FY20 language in DOD Appropriations Bill](#): The secretary of defense, in consultation with the service secretaries, shall submit two reports to the congressional defense committees, not later than March 1, 2020, and not later than September 1, 2020, detailing the submission of records during the previous six months to databases accessible to NICS, including the Interstate Identification Index (III), the National Crime Information Center (NCIC), and the NICS Index, as required by Public Law 110–180: provided, that such reports shall provide the number and category of records submitted by month to each such database, by service or component: provided further, that such reports shall identify the number and category of records submitted by month to those databases for which the Identification for Firearm Sales (IFFS) flag or other database flags were used to pre-validate the records, and indicate that such persons are prohibited from receiving or possessing a firearm: provided further, that such reports shall describe the steps taken during the previous six months, by service or component, to ensure complete and accurate submission and appropriate flagging of records of individuals prohibited from gun possession or receipt pursuant to 18 U.S.C. 922(g) or (n), including applicable records involving proceedings under the Uniform Code of Military Justice.
 - FY17 funding level: N/A
 - FY17 Obama White House budget request: N/A

- **Recommendation:** The DOD should work with the FBI to ensure proper procedures to submit records to NICS, per the Fix NICS Act, are in place and being followed: the Fix NICS Act of 2018 (Public Law 115-141) requires the DOJ to develop federal department, federal agency, and state and Indian tribal implementation plans for the upload of relevant records to NICS. It also requires that the attorney general publish semiannual reports on federal department and agency compliance with such plans. The DOJ has released only one such report on November 14, 2019. The Committee/This budget directs the DOJ to use all funds and resources necessary to provide an updated report by June 2021 and publish said report on its website, and to provide and publish such reports on a semiannual basis thereafter. The Fix NICS Act also requires the attorney general to publish and maintain on the DOJ website a list of the state and Indian tribal governments that have failed to achieve substantial compliance with the benchmarks in their implementation plans, and a description of the types and amounts of records that have not been submitted. The Committee/This budget directs the DOJ to publish the first such list by November 14, 2020. The attorney general shall use all necessary resources available under this bill to comply with the requirements of Section 103(g) of the Brady Handgun Violence Prevention Act.
- **Justification:** The DOD has consistently failed to submit records sufficiently to NICS, leading to a horrific outcome in 2017, when a prohibited person was able to pass a background check, purchase a gun from an FFL, and go on to kill 26 people and injure 20 more in Sutherland Springs, Texas. In the first semiannual report on the Fix NICS Act, released in November 2019, the DOD was not compliant with its submission requirements to NICS; the DOD stated it did not even intend to publish its implementation plans until June 2021, let alone reach compliance until 2023. The [DOD must be held accountable to its obligation to submit records to NICS, and must do so promptly.](#)

V. Departments of State and Commerce

1. Return oversight of certain firearm exports to the Department of State from the Department of Commerce

- **Purpose:** To minimize risk of dangerous American firearms ending up in the hands of bad foreign actors.
- **Overview:** In January 2020, the Department of Commerce finalized a [rule](#) stating that the regulatory authority of certain firearms, ammunition, and technical data sales and exports will be transferred from the US Department's Munitions List (USML) to the Department of Commerce Control List (CCL).
- **Previous funding:**
 - FY20 funding level: N/A
 - FY17 funding level: N/A
 - FY17 Obama White House budget request: N/A
- **Funding recommendation:** Include language in the Departments of State and Commerce appropriations bills prohibiting the use of funding from the Department of Commerce for this oversight, requiring the funding to come from

the Department of State. *Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act in any fiscal year may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses, or to compensate an officer or employee of the United States to permit or approve the export or a license for the export of any item that was included in category I, II, or III of the United States Munitions List as of August 31, 2017, unless such item continues to be included in such category.*

- **Justification:** Currently, the USML regulates all purchases and exports of firearms and ammunition—and because the USML is under the State Department’s purview, there are stringent regulations and requirements. The State Department has to consider factors including national security, terrorism, international crime, and foreign policy when items from the USML are purchased and exported. The CCL, on the other hand, comes under the Commerce Department’s authority. It is not overseen with a similar level of oversight, and has rules and regulations that are far less stringent.

2. **End-use monitoring**

- **Purpose:** To ensure exported American firearms and ammunition are not trafficked to ill-meaning actors if the export rule above cannot be reversed.
- **Overview:** As required by law, the Departments of State and Commerce have programs in place to monitor individuals in foreign countries who end up in possession of exported items, to ensure the items are not trafficked to bad actors. The Department of Commerce’s end-use program is administered out of the Bureau of Industry and Security (BIS); it utilizes export control officers and special agents from BIS’s Sentinel Program to determine if exported products are being used appropriately and according to export agreements.
- **Previous funding:**
 - FY20 funding level: [\\$127.652 million](#) for BIS
 - FY17 funding level: [\\$112.5 million](#) for BIS
 - FY17 Obama White House budget request: [\\$126.945 million](#) for BIS; [\\$65.312 million](#) for export administration
- **Funding recommendation: \$70 million for export administration**
- **Justification:** The State Department’s end-use monitoring program, Blue Lantern, relies primarily on embassy staff to conduct end-use checks of overseas exports. Whenever possible, officials are urged to physically visit a site to confirm that an end-user is reliable, and the transaction was legitimate. Blue Lantern requires export end users to certify that they will not re-sell or re-export the item in question. The Commerce Department, on the other hand, usually does not have such certification requirements; it relies primarily on export control officers based overseas for this responsibility. Commerce has officers based in only seven countries, which will make it easier for exported items to be trafficked without the knowledge of American officials. Commerce also tends to investigate end users [after items have already been shipped](#), increasing the possibility that they have fallen into the wrong hands. If it assumes end-use monitoring duties from the

Department of State, Commerce will need to add more officers in different parts of the world, and increase the vigor of its end-use checks.

VI. Department of Education

1. Student Support and Academic Enrichment grants

- **Purpose:** “To (1) provide all students with access to a well-rounded education, (2) improve school conditions for student learning, and (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.”
- **Overview:** Within the Every Student Succeeds Act (ESSA), Part A of Title IV creates the Student Support and Academic Enrichment (SSAE) block grants. Original guidance encourages jurisdictions to select evidence-based activities to accomplish these objectives. Grants are distributed to schools based on need, with consideration given in part to a school’s amount of low-income students and whether a school is identified as persistently dangerous.
- **Previous Funding:**
 - FY20 (appropriated): [\\$1.21 billion](#)
 - FY 17 (appropriated): [\\$1.21 billion](#)
 - FY17 (Obama administration request): [funding requested was not specific to part A of Title IV](#)
- **Language recommendation:** Line item within Department of Education appropriations clarifying that SSAE funds, and no other funding from the Department of Education can be used for the purchase of firearms or firearms training; internal departmental guidance from the secretary of education saying the same.
- **Justification:** Guns are not an effective means of violence prevention in schools—or any active shooter situations. There is no evidence that arming teachers will protect children in schools, but broad awareness that teachers are not effective deterrents in active shooter situations. Yet in August 2018, it was reported that the secretary of education intended to allow school districts to use SSAE funds to arm teachers. The secretary has the authority to stop school districts from doing so, but she did not do so.

This guidance would build upon language included in the FY20 Labor, Health and Human Services, Education, and Related Services appropriations bill: “The Committee is deeply concerned by the department’s internal July 2018 memo that indicated its Office of the General Counsel believes the Secretary has discretion to interpret the ESEA “as to its permissiveness regarding the purchase of firearms and training on the use of firearms.” However, the memo also indicates that “it is reasonable for the Secretary not to allow this use of funds absent specific Congressional authorization, and it is unlikely that this interpretation would be subject to a successful legal challenge.” Seeing as Congress never intended for SSAE funds to be used to purchase firearms or for firearms training in schools, and given the Department’s Office of the General Counsel view that it would be reasonable, and legally sound, for the Secretary to

disallow such expenditures, the Committee directs the Secretary, within 30 days of enactment of this Act, to issue guidance clarifying that SSAE funds are not allowed to be used for the purchase of firearms or for firearms training.”