



MEMORANDUM

TO Interested Parties

FROM Nico Bocour, Government Affairs Director, Giffords

DATE January 19, 2021

RE Policy Recommendations to Reduce Gun Violence for the Biden-Harris Administration and the 117th Congress

The violent attack on our nation's Capitol on January 6th underscored the importance of turning the page on the leaders and special interest groups that have sewn division and hate, from President Donald Trump to the National Rifle Association. Newly elected leaders must continue the work of the House of Representatives in the 116th Congress, which pledged to stand with the [seven in 10 Americans who want stronger gun laws](#) and quickly got to work on [critical gun safety priorities](#).

As the nation continues to grapple with the harsh realities of the COVID-19 pandemic, communities across the country are suffering from the unabated crisis of gun violence. Uncertainty drove [thousands of Americans to gun stores](#) in 2020, with record numbers of first-time buyers bringing firearms into their homes, often without any safety training. The FBI background check system was overwhelmed by the demand, delaying investigations and resulting in [potentially hundreds of thousands of people buying firearms without completing a background check](#).

2020 also marked a rise in acts of hate and dangerous rhetoric, with [xenophobic attacks on Asian communities](#) as well as a surge in [hate groups](#) that rose up to counter a national racial justice movement. After the murder of George Floyd at the hands of police in May, a [nationwide call for police reform](#) and accountability reverberated in every state throughout the summer. Black Lives Matter activists called on elected officials to examine the intersection of community trust, policing, and gun violence in 21st century America and the connection between our country's gun violence epidemic and racial inequality and racism.

Alongside Democratic majorities in the House and Senate, the incoming Biden-Harris administration is committed to addressing gun violence and ushering in a new era of gun safety in Washington. The Biden-Harris administration can and should enact policy reforms through executive action and begin implementation of its unprecedented gun safety platform.

It is critical that Congress continue the work begun in the 116th and pass commonsense gun safety legislation to ensure communities are safe from gun violence, starting with passing universal background checks, incentivizing states to enact extreme risk laws, closing loopholes that allow people convicted of domestic violence to access guns, funding gun violence research, and investing in evidence-based violence reduction programs. To that end, information on our priorities for the administration and Congress are below.

Executive Actions Recommended to the Biden-Harris Administration to Save Lives from Gun Violence

Nearly 40,000 people are killed with guns in this country every year in homicides, suicides, and unintentional shootings, and another estimated 76,000 are grievously injured by gunfire. This means that every day, hundreds of American families and communities are torn apart by gun violence. Gun violence is a uniquely American problem: the gun death rate in this country is 11 times higher than other high-income nations. Because of the nexus between gun violence and domestic violence, women in America are 21 times more likely to be killed with a gun than women in other high-income countries.

The burden of this violence is not equally distributed across communities—Black Americans make up around 13% of the population, but are 58% of gun homicide victims. The summer of 2020 has been particularly devastating, with homicides spiking in many cities around the country as communities struggle with the intersecting challenges of the COVID-19 pandemic, economic hardship, systemic racial injustice, and gun violence. The new administration will have a substantial opportunity to take meaningful action to address this public health crisis from day one. The following actions should be considered during the first few months of the Biden-Harris administration:

CREATE AN INTERAGENCY TASK FORCE ON GUN VIOLENCE

Gun violence is a complex public health crisis that requires leadership at the highest level in the White House, as well as action, input, and coordination across several federal agencies. In creating a gun violence prevention task force co-chaired by the White House chief of staff, the attorney general, and the secretary of Health and Human Services, the Biden-Harris administration will not only signal the importance of this issue, but will also be able to effectively implement a comprehensive government approach to address it. The mission of this task force would be to identify opportunities across the federal government to address the gun violence epidemic more successfully and oversee the implementation of executive actions, including regulatory reforms, enforcement strategies, research and data collection, education and public awareness efforts, and new programmatic efforts to make meaningful change. The task force would also identify federal funding sources that can be leveraged to support gun violence prevention efforts at the state and local levels.

NOMINATE STRONG LEADERSHIP AT THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

Steady, determined, and competent leadership at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will help keep our communities safe. Any pick to lead the bureau should be committed to lending stability to the agency and prioritizing the prevention of gun violence, including more effective regulation of the gun industry. The new director should immediately begin work on a comprehensive analysis of gun trafficking in the US and increase access to crime gun trace data to enable local law enforcement, policymakers, and research scholars to develop smart, targeted approaches to reduce gun violence.

PRIORITIZE COMMUNITY VIOLENCE INTERVENTION

Every American should be able to live free from the threat of gun violence. The Biden-Harris administration has the potential to make historic progress in making American communities safer by creating a Community Violence Intervention Task Force within the Office of Justice Programs to coordinate community-based violence prevention and intervention efforts

across federal agencies, improve coordination of violence reduction initiatives with state and local stakeholders, conduct outreach to communities experiencing high rates of gun violence, and serve as a technical assistance resource for best practices. The Department of Justice should also immediately issue new guidance clarifying that funding available under the Project Safe Neighborhoods, Byrne JAG, and Victims of Crime Act grant programs should be used to support community-based violence intervention programs.

MOVE FORWARD ON BANNING “GHOST GUNS”

Ghost guns—dangerous, homemade firearms assembled from kits or made with 3D printers—are increasingly being used to circumvent both federal and state gun laws, with devastating consequences. The Biden-Harris administration should commence a rulemaking process to ban these weapons, which are untraceable by law enforcement and often undetectable by metal detectors, as they pose a grave threat to public safety. A ban would also ensure that people who are legally prohibited from owning firearms are no longer able to create them without consequences.

RESUME CONDUCTING RESEARCH INTO ILLEGAL GUN TRAFFICKING

Twenty years ago, ATF released a comprehensive report on trends in its gun trafficking investigations entitled [Following the Gun: Enforcing Federal Laws Against Firearm Traffickers](#). This report, which was based on an analysis of the ATF’s criminal investigations into gun trafficking from 1996 through 1998, provided invaluable information about illegal gun trafficking that policymakers have relied on ever since. Gun trafficking has changed since that time, however, and policymakers require updated information.

To inform the development of smart policies and programs narrowly tailored to address the most common sources of illegal gun trafficking, the ATF should produce an annual report, similar to *Following the Gun*, analyzing recent firearms trafficking investigations, crime gun trace data, and other key information.

RESTORE OVERSIGHT OF FIREARMS EXPORTS TO THE DEPARTMENT OF STATE

In early 2020, the Trump administration finalized two rules shifting most firearms, ammunition, and firearm component parts from the US Munitions List (USML) to the Commerce Control List (CCL), giving the Commerce Department oversight authority over the exports of these weapons. Before the rules were enacted, the State Department oversaw the export of weapons on the USML, and those items were subject to significant congressional oversight and stringent licensing requirements. [One rule](#), issued by the State Department, amended the USML to remove most firearms and ammunition from the list. Another, issued by the Commerce Department, [added these items to the CCL](#). Together, these companion rules decreased regulatory requirements and congressional oversight over the export and import of dangerous and deadly weapons.

To reverse the Trump administration’s attempt to deregulate firearm exports and imports, the next administration should issue a Department of State rule to amend the USML to include the weapons and ammunition the Trump administration transferred off the list, and issue a Department of Commerce companion rule to relinquish regulatory control of these items as they are transferred off the CCL and back to the USML.

Key Priorities Demanding Congressional Action

UNIVERSAL BACKGROUND CHECKS

[Universal background checks](#) ensure that people prohibited from purchasing firearms cannot do so through an unregulated sale from an unlicensed or online seller, at an unregulated gun show, or through a sale between unlicensed individuals. Closing the loopholes that exist in our current background check system is critical to making sure people convicted of crimes cannot easily access firearms. A universal background check requirement for all gun sales and transfers—with reasonable exceptions for hunting, self-defense, and family gifts—is the strongest policy solution to prevent prohibited individuals from getting their hands on guns. Background checks are proven to be effective: [over three million illegal gun sales have been stopped](#) by background checks since 1994, and [in 2017 alone, NICS stopped 181,000 prohibited people](#) attempting to buy guns from licensed dealers.

LEGISLATIVE LANDSCAPE

We expect background checks to be a priority for the 117th Congress. In 2019, the House of Representatives passed [H.R. 8](#), the Bipartisan Background Checks Act, by a [vote](#) of 240–190, which included the support of eight Republicans. The bill would enact universal background checks and require a background check for all gun sales and transfers, with exceptions for family members, self-defense, law enforcement, and hunting/target shooting. No votes were taken in the Senate on either H.R. 8 or its Senate companion, [S. 42](#).

PREVENT INDIVIDUALS CONVICTED OF DOMESTIC ABUSE FROM ACCESSING FIREARMS

Domestic violence and firearms are a deadly combination: when a gun is present in a domestic violence situation, the woman is five times more likely to die. Women in the United States are [21 times more likely to be killed with a gun](#) than women in other high-income countries, and [Black women are nearly twice as likely as white women](#) to be fatally shot by an intimate partner. Current federal law prohibits individuals who have been convicted of felonies or domestic violence misdemeanors, or are subject to certain domestic violence protective orders from purchasing or possessing guns. However, federal laws do not apply to those who commit domestic violence against non-spousal partners, such as a non-cohabiting girlfriend, or people convicted of misdemeanor stalking, despite the fact that felony stalking charges are often pled down to this level.

LEGISLATIVE LANDSCAPE

We expect gun safety leaders in the 117th Congress to continue their efforts to address the deadly nexus of guns and domestic violence. In 2019, the House passed [H.R. 1585](#), the Violence Against Women Reauthorization Act by a [vote](#) of 263–158–1 (present) with the support of 33 Republicans, despite the [opposition of the National Rifle Association](#). The bill would close the boyfriend and stalker loopholes by prohibiting dating partners convicted of domestic violence misdemeanors from possessing firearms, and prohibit individuals convicted of misdemeanor stalking from possessing firearms. Senate Republicans rejected the House-passed bill and its Senate companion, instead introducing their own version of VAWA absent the provisions to keep guns out of the hands of individuals who have committed abuse; VAWA currently stands unauthorized.

FUND GUN VIOLENCE RESEARCH

As the nation's premier institutions of public health, the Centers for Disease Control and Prevention (CDC) and National Institutes of Health (NIH) have made lifesaving 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 informed policymakers, which led to the decline of car-related deaths from over 41,000 in 1997 to just over 30,000 in 2013.

In FY20, Congress made history by appropriating \$25 million for the CDC and NIH to study gun violence. In 2020, Congress again [provided \\$25 million](#) to the CDC and NIH in the Fiscal Year 2021 Labor, Health and Human Services, Education, and Related Agencies funding bill. However, we still lack true scientific data about gun violence trends geographically, the types of violence that occur in certain places, and how well-equipped medical providers to respond to gun violence. We also need more information about the most effective public health approaches to reduce gun violence. The historic funding made available beginning 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.

LEGISLATIVE LANDSCAPE

We expect the 117th Congress to increase funding for the CDC and NIH to study gun violence research.

FUND EVIDENCE-BASED VIOLENCE INTERVENTION PROGRAMS

Gun violence disproportionately impacts communities of color. From 2012 to 2017, Black children and teens were [14 times as likely](#) to be shot and killed as their white peers. In that same time frame, [Hispanic children and teens](#) and [Native American children and teens](#) were both three times as likely to be shot and killed as their white peers. In many cities heavily impacted by interpersonal gun violence, this violence is driven by a very small subset of the community. A handful of strategies have proven to be successful at breaking cycles of violence. [Community-based violence intervention programs](#) take several forms, including group violence intervention, which deploys targeted services for high-risk individuals with clear and swift consequences from law enforcement for those who continue to perpetrate violence. Another type of violence intervention program, street outreach programs, treat violence as a communicable disease and work to disrupt its transmission among members of the community. Lastly, hospital-based violence intervention programs allow hospitals to provide counseling, case management, and social services to patients recovering from gunshot wounds. These programs all require consistent and reliable funding in order to be successful, but many struggled to stay afloat in 2020. Congress should swiftly [provide federal dollars for these strategies](#).

LEGISLATIVE LANDSCAPE

In the 117th Congress, we expect funding for community violence intervention strategies to increase. Although Congress increased funding specifically for "evidence-based and data-driven intervention, prevention, and deterrence focused initiatives that aim to reduce violence" in the Fiscal Year 2021 omnibus and the [report language](#) specified that the funds must be directed to "community-based strategies including conflict mediation, street outreach, GVI, and hospital-based violence intervention programs associated with homicide reductions," more funding is needed to address the increase in gun violence seen in 2020.

ENSURE THE COMPLETION OF ALL BACKGROUND CHECKS

Background checks on firearms sales and transfers help keep firearms out of the hands of people who shouldn't have them. The National Instant Criminal Background Check System (NICS) consists of a set of databases maintained by the FBI and used to conduct background checks on sales and transfers at federally licensed dealers. Though [most background checks are processed within minutes](#), occasionally a NICS examiner will need time to conduct more research if records indicate the buyer may have a possible firearms prohibition. If the firearms dealer has not been notified by the NICS examiner within three business days that the sale would violate federal or state laws, the dealer may choose to proceed with the sale. When [firearms sales proceed by default](#), ineligible people can purchase guns, like the shooter who murdered nine people in a church in Charleston, South Carolina, in 2015. In 2000, [FBI said the three-day window should be extended](#) to give examiners more time to investigate; in March 2018, [FBI Deputy Director David Bowdich agreed](#) that "it would make sense" to extend the window to ensure fewer guns are sold to prohibited purchasers. In 2020, gun dealers witnessed a [significant surge in gun sales](#), overwhelming the NICS system. As a result, there were [substantial delays](#) in processing background checks, and [more than 300,000 requests required more than three days](#) to complete the investigation. This means thousands of firearms could have been sold as default proceed transactions, potentially allowing prohibited persons to obtain firearms. The National Shooting Sports Foundation [issued an advisory](#) recommending dealers not sell firearms until they received a completed background check from the FBI.

LEGISLATIVE LANDSCAPE

Similarly to the 116th Congress, we expect the House of Representatives to pass legislation which provides more time to FBI to complete background checks. In 2019, the House of Representatives passed [H.R. 1112](#), the Enhanced Background Checks Act by a [vote](#) of 228–198 with the support of three Republicans. H.R. 1112 would increase the time the FBI has to complete a background check from three to 10 days, subject to specified procedures. The Senate did not vote on this legislation or any other bills that would provide more time for federal law enforcement to complete background checks.

IMPLEMENT EXTREME RISK LAWS

[Extreme risk protection order \(ERPO\) laws](#) enable family members or law enforcement to petition a court for a temporary order prohibiting a person from purchasing or possessing firearms. These orders are sought when the individual demonstrates behaviors that indicate they may pose a danger to themselves or others. ERPO laws are designed to identify people in crisis—like the shooter in Parkland, Florida, whom classmates, teachers, family members, and law enforcement officers noticed was [exhibiting dangerous behaviors](#), and the gunman in El Paso, [whose mother had concerns about what he might do with his assault rifle](#). ERPO laws are proven to save lives: [in Connecticut](#), for every 10–20 orders issued, researchers estimate that one suicide was averted. Nineteen states and the District of Columbia have now enacted some form of an extreme risk law, including California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Washington.

LEGISLATIVE LANDSCAPE

We expect the House to again consider legislation to incentivize states to pass extreme risk laws and hopefully hold a floor vote on the legislation in the 117th. In 2019, the House Judiciary Committee [approved H.R. 1236](#), the Extreme Risk Protection Order Act. Amended in committee, the bill would provide grants to states to implement extreme risk laws and create an extreme risk process in federal courts. Despite holding a [hearing](#) about extreme risk laws in March 2019—and then-Senate Judiciary Chairman Lindsey Graham’s [promise](#) to introduce bipartisan extreme risk legislation—the Senate took no action to advance any extreme risk legislation.

REFORM POLICING PRACTICES

Many policies intended to reduce gun violence require the involvement of law enforcement and strong relationships between police and the communities they serve. However, the lack of trust between communities and law enforcement is a [major driver of gun violence](#) in America’s cities. When communities experience disparate treatment at the hands of the criminal justice system—which often takes the form of over-enforcement of minor infractions and under-protection from shootings and murder—they are less likely to report shootings, cooperate with the police, and serve as witnesses. 2020 was undoubtedly a tipping point in the need to change the current iteration of American policing. Congress and the Biden-Harris administration should immediately pass and sign into law the [George Floyd Justice in Policing Act](#) from the 116th Congress to hold police accountable for their actions and invest in community safety.

LEGISLATIVE LANDSCAPE

We expect police accountability and reform to continue to be a priority of Congress in the 117th. The House passed [H.R. 7120](#), the George Floyd Justice in Policing Act, by a [vote](#) of 236–181 on June 25, 2020. This comprehensive bill would hold law enforcement accountable for their actions while acting in the line of duty, develop uniform standards for law enforcement, increase law enforcement misconduct data collection, improve police training and policies, require identifiable federal law enforcement officers to wear body cameras, limit the transfer of certain military equipment to local law enforcement, change the use of force standard for federal law enforcement officers, and incentivize states to establish a law prohibiting no-knock warrants in drug cases. The Senate did not vote on H.R. 7120 or its Senate companion.

REGULATE LARGE-CAPACITY MAGAZINES

[Large-capacity magazines](#), typically defined as magazines holding more than 10 rounds of ammunition, significantly increase a shooter’s ability to injure and kill large numbers of people quickly by enabling the individual to fire repeatedly without needing to reload. The time required to reload a weapon can be critical in enabling victims to escape and law enforcement or others to intervene. Large-capacity magazines were used in the ten [deadliest mass shootings in the past decade](#). In addition to their role in mass shootings, firearms equipped with large-capacity magazines contribute significantly to crime across the country. A growing body of research shows that banning large-capacity magazines can help to prevent gun violence and polling consistently shows that a majority of Americans—[nearly 70%](#)—support laws banning large-capacity magazines.

LEGISLATIVE LANDSCAPE

The House Judiciary Committee [approved H.R. 1186](#), the Keep Americans Safe Act, on September 10, 2019 by a 23–16 party-line vote. The bill would ban ammunition magazines

which can contain more than 10 rounds. No votes were taken in the Senate on the bill's companion, [S. 447](#).

REGULATE ASSAULT WEAPONS

Assault weapons are designed to maximize the number of people shot in the shortest amount of time. The danger posed by these weapons is substantially increased by detachable large-capacity ammunition magazines. As a result, these weapons are often the weapon of choice for mass shooters, and were used in the [seven deadliest shootings in the past decade](#). Under current federal law, an individual must be 21 to purchase a handgun from a gun dealer, but only 18 to purchase an assault weapon. It should not be easier to purchase an assault rifle than it is to purchase a handgun. The Parkland shooting showed us what's at stake if we fail to close this loophole. Americans are demanding action on assault weapons: [nearly 70% of voters support a ban on assault weapons](#) and [83% support raising the minimum purchase age to 21](#).

MAKE HATE CRIMES A PROHIBITOR FOR GUN POSSESSION

Hate and bigotry have motivated some of the deadliest mass shootings in our nation's history. Under current law, only individuals convicted of felony hate crimes are prohibited from purchasing or possessing guns. In recent years, mass shootings at a Walmart in El Paso, a synagogue in Pittsburgh, a gay nightclub in Orlando, a historic African-American church in Charleston, and a Sikh temple in Oak Creek were some of the deadliest hate crimes ever committed in the United States, and among the deadliest mass shootings in our nation's history. From 2016 to 2017, there was a [16% increase in hate crimes against Black Americans and a 24% increase in hate crimes against Hispanic and Latino Americans](#). Police departments in numerous major cities have reported significant spikes in hate crimes, including New York City, which reported a 24% increase in hate crimes in 2016 followed by an additional 28% increase in 2017. Since 2014, the number of active anti-Muslim hate groups has increased four-fold, coinciding with a nearly 600% increase in hate crimes targeting the American Muslim community. 2019 marked the [highest level of reported hate crimes](#) in over a decade, with a substantial part of the acute increase attributed to the El Paso shooting. According to the FBI, 2019 also saw [notably more violent](#) acts of hate than previous years. In 2020, there have been acts of hate committed against members of the Asian Pacific Islander community [throughout the pandemic](#), as well as an uptick in xenophobic rhetoric. Similarly, there were [reports of acts of hate](#) perpetrated against Black Americans in conjunction with protests seeking police reform and racial justice.

LEGISLATIVE LANDSCAPE

The House Judiciary Committee [approved H.R. 2708](#), the Disarm Hate Act, on September 10, 2019 by a 23–15 vote. The bill would prohibit firearm access among people who have been convicted of a misdemeanor hate crime involving the use or threatened use of violence or a deadly weapon. No Senate votes were taken on the Disarm Hate Act's Senate companion, [S. 1462](#).

REPEAL GUN INDUSTRY IMMUNITY

The [Protection of Lawful Commerce in Arms Act \(PLCAA\)](#) provides broad immunity to gun manufacturers and dealers in federal and state courts. Enacted in 2005, PLCAA prevents plaintiffs from filing lawsuits against gun manufacturers or dealers in cases where there has been "criminal or unlawful misuse" of a firearm or ammunition even if these parties have been negligent. Such immunity is unique to the gun industry and removes any incentive for manufacturers to innovate and adopt new gun safety practices. In other industries, civil

liability has historically played an important role in injury prevention: lawsuits against the tobacco industry forced cigarette manufacturers to adopt new ways to market their products to prevent youth smoking, and lawsuits against car manufacturers have forced the industry to adopt better safety measures to reduce automobile deaths. Absent this accountability, the gun industry has sat idly by while our nation's gun violence crisis continues unabated. Congress must repeal PLCAA and place the firearm industry on equal ground with other American industries.

PREVENT GUN TRAFFICKING

Every year, tens of thousands of guns are diverted from legal to illegal markets through unregulated gun sales, straw purchases, bulk gun purchases, gun traffickers who falsely claim their guns were lost or stolen, and corrupt gun dealers who sell guns off the books to traffickers. Deadly weapons are too easily purchased in states with weak gun safety laws and trafficked to states with stronger gun laws, where they end up in the hands of people unable to pass a background check and are often used in crimes. While straw purchases are currently prohibited under federal law, they are often treated as a mere paperwork violation and go unchecked. Congress should pass legislation that creates a federal firearms trafficking statute and ensures that gun trafficking is treated as the serious and dangerous offense that it is. Congress should also consider legislation requiring federally licensed firearms dealers to report multiple sales of long guns within five days to the same person, building off current law that requires the reporting of multiple sales of handguns as a trafficking prevention measure.

STRENGTHEN OVERSIGHT OF FIREARMS DEALERS

Proper oversight of [gun dealers](#) is essential to reducing firearms trafficking. Gun dealers supply the majority of guns sold to the public, including guns eventually recovered in crimes, but they are subject to few federal regulations and weak enforcement of these regulations. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is responsible for inspecting gun dealers, but ATF is often under-resourced and unable to provide adequate oversight. In many cases, dealers that are found to be in violation of the law [often have their penalties reduced](#). As a consequence, corrupt gun dealers represent a major source of guns trafficked to dangerous individuals and criminals, either directly or through straw purchasers (who buy guns on others' behalf) and gun traffickers (who purchase guns to resell on the black market). Guns lost or stolen from dealers who fail to responsibly secure their inventories are also a major source of guns on the illicit market. [ATF data shows that from 2012 through 2019, nearly 54,000 firearms were reported as stolen from licensed firearms dealers.](#)

SET FEDERAL LAW ENFORCEMENT AGENCIES UP FOR SUCCESS

ATF and FBI can only perform their intended functions if they have the resources to do so, but both agencies have been under-resourced over the past several years. FBI maintains the NICS system and is responsible for meeting increasing demand for background checks, running more background checks in 2020 than ever before. NICS checks for firearm sales exceeded 20 million in 2020, an [increase of about 87% over 2019](#). ATF, the agency primarily responsible for the investigation and prevention of federal firearms offenses, consistently receives insufficient funding to carry out its duties. As of January 2020, the ATF employed only [811 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. But with [such a small workforce](#)—ATF is smaller than the sheriff's office in Broward County, Florida—and not enough funding, this can be an impossible task. In March 2019, [then Acting Director Tom Brandon described the administration's proposed budget](#) for ATF as “cutting into bone.”

But 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 collectively as the Tiahrt Amendments. These riders hamstring ATF's ability to trace crime guns by [prohibiting the use of searchable databases](#) and banning the consolidation of gun sales records maintained by federally licensed firearm dealers (FFLs). A prohibition on the release of crime gun trace data to the public prevents researchers from clearly identifying trafficking patterns, while another rider forbids ATF from requiring FFLs to take a physical inventory, making it easier for dealers to avoid accountability for proper record-keeping and timely reporting of lost and stolen guns—which has become more dangerous [with the increase of gun store burglaries](#) in 2020. By placing such restrictions on federal agencies, Congress significantly weakens law enforcement's abilities to enforce gun laws, prevent gun crime, and keep communities safe. [Former Acting Director Brandon referred to these restrictions](#) as “not optimum, but it's the law.” Congress must remove these hamstrings on ATF and appropriate sufficient funding to allow ATF to do its job efficiently.

ENACT PERMIT-TO-PURCHASE REQUIREMENTS

[Permit-to-purchase laws](#) require an individual to obtain a license or permit from law enforcement before purchasing a gun. These laws have been enacted in ten states thus far, and are proven to make communities safer by reducing firearm homicides and keeping guns out of the hands of prohibited individuals. In states that have had effective handgun purchaser licensing laws on the books for decades, like Connecticut, Massachusetts, New Jersey, and New York, the vast majority of crime guns originate in other states, indicating that gun traffickers seek guns elsewhere. After Connecticut's implementation of a permit-to-purchase law, gun homicides decreased by 40% between 1996 and 2005 and firearm suicides decreased by 15%. Conversely, when Missouri repealed its permit-to-purchase system in 2007, gun homicides increased by 25% and firearm suicides increased by 16%. Studies have shown that laws requiring a permit to purchase firearms are associated with [a reduction in mass shootings](#) as well as [a reduction in firearm homicides in urban counties](#). There is also evidence that indicates permit-to-purchase laws [help disrupt the flow of firearms from the legal to illegal market](#). [Eighty-two percent of Americans](#) support requiring individuals to obtain a permit before they purchase a gun. Congress should consider legislation to require gun owners to obtain a permit from their state or the federal government before purchasing a firearm.

IMPLEMENT CHILD ACCESS PREVENTION LAWS

Research shows that easily accessible firearms in the home are associated with an increased risk of suicide, as well as unintentional injuries and deaths, among children and young people. More than [two-thirds](#) of students who used guns to commit targeted violence against their school acquired the gun or guns used in their attacks from their own home or that of a relative. [Child access prevention laws](#) hold adults criminally liable when minors gain access to negligently stored firearms or when parents or guardians directly provide a firearm to a minor. The risks of children gaining access to unsecured firearms were exacerbated in

2020 in light of the surge in gun sales and lockdown orders. Early data based on news reports shows that [in March and April 2020, deadly unintentional shootings involving children increased by 43%](#) relative to previous years. Congress should pass legislation encouraging states to enact child access prevention laws and discourage unsafe storage of firearms.

DEVELOP GUN SAFETY TECHNOLOGY

[Gun safety technology](#) includes personalized guns and accessories such as gun safes, trigger locks, and retrofit kits that prevent firearms from being fired by unauthorized users. These innovations have the potential to reduce gun suicides and unintentional shootings, especially among children, as well as gun thefts. Nearly 7,000 children in the United States receive medical treatment for gun-related injuries each year. Personalized guns and accessories let owners control who can access their gun through biometric security methods, like fingerprint sensors, and radio-frequency identification (RFID) technology, which uses radio waves to identify objects. Personalized accessories, like a fingerprint trigger lock, add an extra layer of security to gun safes or locks. When used with traditional guns, they offer a similar level of security to personalized guns. Congress can encourage the development of these potentially lifesaving technologies by providing research and development tax credits and grants for gun safety technology.

The 117th Congress has a tremendous opportunity—and also a responsibility—to right the wrong of years of federal inaction on gun safety and take urgent action to save lives from gun violence.

ABOUT GIFFORDS

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords, Giffords inspires the courage of people from all walks of life to make America safer.