



MEMORANDUM

TO Interested Parties
FROM Adzi Vokhiwa, Federal Affairs Director
DATE January 20, 2022
RE Federal Policy Recommendations to Reduce Gun Violence

A Look Back at 2021

Gun violence skyrocketed in 2020: the [45,000 Americans who lost their lives](#) represented a 15% increase from 2019 and a record level of gun deaths in recent history. Many cities experienced [record numbers of gun homicides in 2021](#), suggesting that this problem may be getting even worse. As this public health crisis rages on, the American public remain steadfast in their demands for solutions to this epidemic. We need our elected leaders in Washington to act with an urgency that matches the magnitude of the problem.

The House of Representatives continued to show leadership on this issue in 2021, passing an historic \$5 billion in funding for community violence intervention programs as part of the Build Back Better Act. The House also passed bipartisan legislation to expand and improve background checks for gun purchases and close loopholes which allow domestic abusers to access guns. Committees in both the House and Senate held several hearings with gun violence as a primary focus. The Senate Judiciary Subcommittee on the Constitution hosted a series of hearings that examined safe storage laws, extreme risk laws, and ghost guns. Dozens of gun safety bills were introduced in both the House and Senate.

While FY2022 appropriations are not complete, both the House and Senate appropriations' bills have made significant progress in recent years. Both the House and Senate FY2022 appropriations bills provide \$50 million for gun violence research funding at the CDC and NIH, doubling the amount provided in FY2021. Additionally, both House and Senate FY2022 appropriations bills include an historic \$100 million investment for a new community violence intervention initiative within the Department of Justice and another historic \$100 million investment for new community violence intervention programming based within the CDC's Community & Youth Violence Prevention program.

As Congress works to forge a long-term solution to our gun violence crisis through legislation, the Biden-Harris administration has moved to safeguard American lives via executive action. Within his first 100 days in office, President Biden announced several executive actions aimed at keeping our communities safe and gave an address from the Rose Garden on the urgency of ending America's gun violence epidemic. These new reforms included:

- Issuing a proposed rule to help stop the proliferation of ghost guns

- Issuing a proposed rule to make clear when a device marketed as a stabilizing brace effectively turns a pistol into a short-barreled rifle subject to the requirements of the National Firearms Act
- Developing and publishing a model extreme risk protection order law for states
- Directing ATF to issue an annual report on firearms trafficking
- Investing \$5 billion to support community violence interventions

The president further built on his gun safety agenda by issuing additional executive actions in June and November. These included actions specifically aimed at gun trafficking and gun suicides, such as establishing a policy of revoking licenses from gun dealers who break the law and finalizing a rule regarding gun safety devices.

President Biden also nominated Giffords Senior Policy Advisor David Chipman to lead the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the key agency for enforcing federal gun laws. Despite his 25 years of service at ATF and exemplary qualifications, David Chipman's nomination did not receive adequate support in the Senate and was withdrawn from consideration in September. David Chipman underwent a protracted nomination fight during which he was faced with a barrage of lies and misinformation targeted at him by the corporate gun lobby, which has blocked confirmation of all but one nominee for ATF director since 2006.

An Urgent Crisis Requires Urgent Action

Stronger gun safety policies, especially at the federal level, are essential to keeping Americans safe. Given the realities of the extremely tight margins of power in Congress, the Biden administration needs to act now to address the rising gun violence American communities are experiencing. The current lack of a gun safety infrastructure within the federal government means that the Biden administration has a tremendous opportunity to build out a comprehensive strategy that includes regular press briefings and dedicated personnel focused on meaningfully addressing gun violence.

MEET THE SURGE IN GUN VIOLENCE WITH PROPER RESOURCES

An immediate influx of resources is needed to stem the dangerous increase in gun violence communities across the country are experiencing. The Biden administration should consider the following options to address the current resource gap:

- Deputize agents from other DOJ agencies to ATF to combat illegal firearms trafficking
- Utilize the Department of Justice's Asset Forfeiture Funding to provide additional resources to state and local law enforcement partners
- Declare gun violence a public health emergency in areas where shootings and gun homicides are greatest, and use emergency funds to strengthen intervention programs in those communities
- Request an emergency supplemental from Congress. The supplemental would include additional funding for ATF, the FBI's National Instant Criminal Background Check System, state and local partners through the National Public Safety Partnership, and intervention programs in those jurisdictions experiencing gun violence as a public health emergency.

OVERHAUL ATF

ATF is a troubled agency that is not effectively fulfilling its enforcement or regulatory responsibilities. The agency has been captured by the industry that it is supposed to regulate.

- Given the coziness of ATF and the gun lobby, outside leadership is needed. A new acting director should be named immediately to clean up the agency and refocus on its core missions, which would address the recent surge in gun violence.
- This new acting director should immediately prioritize policies related to gun trafficking and removing illegal guns from American communities, and lead regular press briefings to discuss these activities. Specifically, ATF should:
 - ◆ Update the public on when the new trafficking report will be released, and outline a plan to stakeholders to brief them on the findings and recommendations when the report is released
 - ◆ Update the public about finalizing the proposed rules regarding ghost guns and stabilizing braces
 - ◆ Enforce the administration's priority that a single willful and serious violation of federal, state, or local law by gun dealers can cause a federal firearms license to be revoked, and leverage media relationships to bring attention to the zero tolerance policy in an attempt to deter other gun stores from trafficking firearms
 - ◆ Promulgate a regulation providing that a person who sells five guns or more for profit per calendar year is considered "in the business" of selling firearms
 - ◆ Establish a domestic violence specialist in all ATF field divisions
 - ◆ Release aggregate trace data on a monthly basis, and revise MOUs with state and local law enforcement regarding the release of trace data

CREATE AN INFRASTRUCTURE FOR COMMUNITY VIOLENCE INTERVENTION (CVI)

Given the expected distribution of funding for community violence intervention programs through the Build Back Better Act, as well as increases in annual appropriations funding for existing grant programs in both the Department of Health and Human Services and Department of Justice, the administration should create a centralized infrastructure at the White House for community violence intervention. Specifically, this infrastructure would oversee coordinating entities within the specific departments as well as the White House Community Violence Intervention Collaborative already established by the administration.

- **Establish and Coordinate a Research Agenda for CVI:** A robust coordinating entity would, among other things, prioritize research funding across departments, encourage researchers to co-determine evidence development with community-based organizations, orchestrate the timely release of data, and promote local data sharing.
- **Establish a Task Force within the Department of Justice's Office of Justice Programs (OJP):** The administration should establish a task force within OJP to ensure that every community experiencing high rates of community gun violence has access to CVI funding and that such funding reaches the community-based organizations acting to address violence in the communities that need it the most. The administration should also ensure site support, training, and technical assistance is provided to these community-based organizations.
- **Establish CVI as an Area of Focus within Department of Justice's Office of Victims of Crime:** In April, the administration [announced](#) that the DOJ's Office of Victims of Crime's Training and Technical Center (OVC TTAC) and its new Center for VOCA Administrators (VOCA Center) will provide assistance around CVI strategies. The Administration should go one step further by making CV a [specific area of focus](#) at the OVC TTAC.
- **Establish a CVI Stakeholder Working Group:** The administration should form a CVI stakeholder working group that regularly brings together a broader, more diverse group

of CVI leaders/stakeholders, including community and faith-based intermediary organizations, to share best practices and funding opportunities in the CVI field.

- **Coordinate and Share CVI-Specific Resources:** The administration should build out existing resources, such as the CDC's websites on [Community Violence Prevention](#) and [Firearm Violence Prevention](#), and related information from other departments such as DOJ to better serve the CVI field, housing CVI-specific information and resources in one place.

Key Congressional Priorities

AWAITING SENATE 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 a gun show, or through a sale between unlicensed individuals. Closing this background check loophole is critical to making sure people at high risk of harming others cannot easily access firearms. A universal background check requirement for all gun transfers—with reasonable exceptions for hunting, self-defense, and family—is the strongest policy solution to prevent prohibited individuals from getting their hands on guns. Background checks are proven to be effective: background checks have stopped [over three million illegal gun sales](#) since 1994.

STATUS:

Legislation: [H.R. 8](#), the Bipartisan Background Checks Act, 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.

House Action: The House of Representatives passed H.R. 8 on March 11, 2021, by a [vote](#) of 227-203-1 (not voting) with the support of eight Republicans.

Senate Action: On December 2, 2021, Senator Murphy asked for unanimous consent for the Senate to move forward on the House-passed H.R. 8, Bipartisan Background Checks Act but the motion was blocked by Senate Republicans. No votes have been taken on H.R. 8's Senate companion, [S. 529](#), the Background Check Expansion Act.

PREVENT DOMESTIC ABUSERS 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. Current federal law prohibits individuals who have been convicted of domestic violence misdemeanors and those who are subject to certain domestic violence protective orders from purchasing or possessing guns. However, federal laws do not apply to many individuals who victimize family members other than a partner or child or non-spousal partners, such as a non-cohabiting boyfriend. Federal firearm prohibitions also do not apply to individuals convicted of misdemeanor stalking, despite the fact that felony stalking charges, which are firearm prohibiting, are often pled down to this level.

STATUS:

Legislation: [H.R. 1620](#), the Violence Against Women Reauthorization Act, closes the boyfriend and stalker loopholes by including dating partners in the definition of domestic abusers who are prohibited from possessing firearms, and prohibits individuals convicted of misdemeanor stalking from possessing firearms.

House Action: The House passed H.R. 1620, despite the [opposition of the National Rifle Association](#), on March 17, 2021, by a vote of 244-172-14 (not voting), with the support of 29 Republicans.

Senate Action: Negotiations are ongoing amongst the Senate to introduce a bipartisan version of VAWA.

ENSURE THE COMPLETION OF ALL BACKGROUND CHECKS

Background checks on firearm 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](#), if records indicate the buyer may have a possible firearm prohibition, occasionally a NICS examiner will need time to conduct more research.

If the firearms dealer has not been notified by the NICS examiner that the sale would violate federal or state laws within three business days, the dealer may proceed with the sale by default. 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, the [FBI said the three-day window should be extended](#) to give examiners more time to investigate; in March 2018, former [FBI Deputy Director David Bowdich agreed](#) that "it would make sense" to extend the window to ensure fewer guns are sold to prohibited purchasers.

STATUS:

Legislation: [H.R. 1446](#), the Enhanced Background Checks Act, increases the time the FBI has to complete a background check from three to 10 days.

House Action: The House of Representatives passed H.R. 1446 on March 11, 2021 by a vote of 219-210-1 (not voting), with the support of two Republicans.

Senate Action: The Senate has not voted on any legislation to provide more time for federal law enforcement to complete background checks.

FUND EVIDENCE-BASED VIOLENCE INTERVENTION PROGRAMS

Gun violence disproportionately impacts communities of color. [Black children are 10 times more likely to be killed in a gun homicide than their white peers](#), and [Hispanic children and teens and Native American children and teens are also more likely to be shot and killed than their white peers](#). In many cities heavily impacted by interpersonal gun violence, such violence is driven by a very small subset of the community, and a handful of strategies have proven to be successful at breaking cycles of violence.

[Community-based violence intervention programs](#) take several forms, including street outreach programs, hospital-based violence intervention programs (HVIPs), and group

violence intervention (GVI). Street outreach programs treat violence as a communicable disease and work to disrupt its transmission among members of the community. HVIPs allow hospitals to provide counseling, case management, and social services to patients recovering from gunshot wounds. GVI deploys targeted services for high-risk individuals with clear and swift consequences from law enforcement for those who continue to perpetrate violence. These programs all require consistent and reliable funding to be successful.

STATUS:

Legislation: [H.R. 4118](#) / [S. 2275](#), the Break the Cycle of Violence Act, authorizes an investment of \$6 billion over eight years in effective violence intervention programs and youth employment initiatives. [H.R. 5376](#), the Build Back Better Act, includes \$5 billion for community violence intervention programming divided between the Department of Justice and the Department of Health and Human Services.

House Action: On November 19, 2021, the House passed H.R. 5376 by a vote of 217-105.

Senate Action: The Senate has yet to vote on H.R. 5376. The Appropriations Committee has not held markups for either S. 2275 or S. 30623.

REFORM POLICING PRACTICES

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 undoubtedly represented a tipping point in the need to change the current iteration of American policing, yet little progress was made in 2021. Congress and the Biden-Harris administration should immediately pass and sign comprehensive legislation into law to hold police accountable for their actions and invest in community safety.

STATUS:

Legislation: [H.R.1280](#), the George Floyd Justice in Policing Act of 2021, 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.

House Action: The House passed H.R. 1280 on March 3, 2021 by a vote of 220-212.

Senate Action: The Senate has yet to vote on H.R. 1280. Talks led by Senators Cory Booker (D-NJ) and Tim Scott (R-SC) stalled and no agreement could be reached on a bipartisan compromise on police reform.

ADVANCED THROUGH HOUSE JUDICIARY COMMITTEE

ENACT EXTREME RISK PROTECTION ORDERS

[Extreme risk protection order \(ERPO\) laws](#) enable family members or law enforcement to petition a court for a temporary order prohibiting a person at demonstrated risk of violence from purchasing or possessing firearms. 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. These laws are proven to save lives: [in Connecticut](#), researchers estimate that one suicide was averted for every 10–20 orders issued. 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.

STATUS:

Legislation: [H.R. 2377](#), the Federal Extreme Risk Protection Order Act, establishes a process through federal courts to seek an extreme risk protection order. [H.R. 3480](#) / [S. 1819](#), the Extreme Risk Protection Order Act, provides grants for states to implement their own extreme risk laws.

House Action: The House Judiciary Committee approved H.R. 2377 on October 27, 2021, by a party-line vote of 24-18. No action has occurred in committee on H.R. 3480.

Senate Action: Despite holding a [hearing](#) about extreme risk laws on April 28, 2021, the Senate has not taken any action to advance this policy.

OPPORTUNITIES FOR GUN SAFETY CHAMPIONS TO CONTINUE HISTORIC LEADERSHIP

REGULATE LARGE-CAPACITY MAGAZINES

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](#), 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. Large-capacity magazines were used in the ten [deadliest mass shootings in the past decade](#). More than two-thirds, [67% of voters](#) support a ban on large-capacity magazines.

STATUS:

Legislation: [H.R. 2510](#) / [S. 1108](#), the Keep Americans Safe Act, bans ammunition magazines which contain more than 10 rounds.

MAKE HATE CRIMES A PROHIBITOR FOR GUN POSSESSION

The [overall number of reported hate crimes increased by 23% from 2016 through 2020](#). [When guns are used to perpetrate hate crimes, the risk of serious injury to victims more than doubles](#). Despite a nationwide rise in hate crimes, under current law, only individuals convicted of felony hate crimes are prohibited from purchasing or possessing guns. [This is despite the fact](#) that hate and bigotry have motivated some of the deadliest mass shootings in our nation's history, including mass shootings at spas in Atlanta, 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.

[2020 saw a 73% increase in reported hate crimes compared to 2019, with the largest increase in crimes targeting members of the Asian community.](#) Since the start of the COVID-19 pandemic, [the group Stop AAPI Hate has tracked over 9,000 incidents of anti-Asian hate.](#) The second largest increase in the number of hate crimes reported were anti-Black incidents; [from 2016 to 2020, these incidents rose 58%.](#) Within the past year, anti-Black incidents increased another 43%. The [Anti-Defamation League has also reported significant increases in anti-Semitic activity since 2016.](#)

STATUS:

Legislation: [H.R. 3929](#) / [S. 2090](#), the Disarm Hate Act, prohibits firearm access among people who have been convicted of a hate crime involving the use or threatened use of violence or a deadly weapon.

REGULATE ASSAULT WEAPONS AND OTHER HIGHLY DANGEROUS 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, which allow the shooter to fire many rounds in a row and quickly reload. As a result, these weapons are often the weapon of choice for mass shooters—they 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. The Parkland shooting showed us what’s at stake if we fail to close this loophole.

STATUS:

Legislation: The Assault Weapons Ban, [H.R. 1808](#) / [S. 736](#), would ban the future manufacture and sale of assault weapons. [H.R. 3015](#), the Raise the Age Act, would make 21 the age to purchase an assault rifle. [H.R. 2466](#), the Law Enforcement Protection Act, would regulate armor-piercing concealable weapons under the National Firearms Act, and [H.R. 4953](#), the National Firearms Amendments Act, would require semiautomatic assault rifles or shotguns that have the capacity to accept a detachable ammunition feeding device to be registered under the National Firearms Act.

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 these parties have been negligent and there has been “criminal or unlawful misuse” of a firearm or ammunition. Such immunity is unique to the gun industry and removes any incentive for manufacturers and distributors 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 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.

STATUS:

Legislation: [H.R. 2814](#) / [S. 1138](#), the Equal Access to Justice for Victims of Gun Violence Act, would 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 ultimately used in crimes. While straw purchases are currently prohibited under federal law, they are often treated as a mere paperwork violation and go unchecked.

STATUS:

Legislation: [H.R. 2280](#), the Prevent Gun Trafficking Act, would create a federal firearms trafficking statute, discouraging straw purchases and the diversion of guns into the illegal market, while ensuring that gun trafficking is treated as the serious and dangerous offense that it is. [H.R. 5245](#), the Gun Trafficker Detection Act, would require lost or stolen firearms to be reported to law enforcement within 48 hours.

IMPLEMENT SAFE STORAGE AND 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 use guns to commit “targeted violence” against their school acquire the gun or guns used in their attacks from their own home or that of a relative, including in the shooting in Oxford, Michigan, in November. [Safe storage laws](#) help ensure guns are securely and safely stored when not in use by their owner, reducing the risk of gun violence in the home. [Child access prevention \(CAP\) laws](#) hold adults liable when minors gain access to negligently stored firearms or when parents or guardians directly provide a firearm to a minor.

STATUS:

Legislation: [H.R. 748](#) / [S. 190](#), Ethan’s Law, would help states pass CAP laws and requires gun owners to safely store firearms in their home. [H.R. 130](#), the Kimberly Vaughan Firearm Safe Storage Act, would require that firearms are stored locked and unloaded in homes where minors or prohibited persons reside and also mandate that ATF investigate reports of improper storage of firearms or ammunition.

ALERT LAW ENFORCEMENT OF ATTEMPTED PROHIBITED PURCHASES

Not only is it illegal to lie on ATF Form 4473 when attempting to purchase a firearm, illegally purchased firearms are often used in violent crimes. However, current law does not ensure that state or local law enforcement are notified when such “lie-and-try” attempts are made. Prompt notification of local law enforcement can help ensure the prohibited purchaser does not attempt to access firearms in other ways, like through an unregulated private sale or over the internet.

STATUS:

Legislation: [H.R. 1769](#) / [S. 675](#), the NICS Denial Notification Act, would mandate that state and local law enforcement are informed when a prohibited purchaser fails a background check at a licensed dealer.

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 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 illegal market). Guns lost by or stolen from dealers who fail to responsibly secure their inventories are also a major source of guns on the illegal market.

STATUS:

Legislation: Several bills have been introduced to strengthen oversight of firearms dealers, including [H.R. 5465](#) / [S. 2908](#), the SECURE Firearm Storage Act; [H.R. 4271](#) / [S. 2320](#), the Keeping Gun Dealers Honest Act; [H.R. 4423](#), the Gun Theft Prevention Act; and [H.R. 6225](#), the Federal Firearm Licensee Act.

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. The FBI maintains the NICS system and is responsible for meeting increasing demand for background checks, which reached [unprecedented levels in 2020, as uncertainty drove thousands of first-time gun buyers to gun stores](#).

ATF, the agency primarily responsible for the investigation and prevention of federal firearms offenses, consistently receives insufficient funding to carry out its duties. In FY2018, [over 134,000 federally licensed firearms dealers](#), which ATF is responsible for regularly inspecting, were operating in the United States. But with [a small workforce](#)—ATF is smaller than the sheriff's office in Broward County, Florida—and not enough funding, this is a nearly impossible task. In March 2019, [then Acting Director Tom Brandon described the Administration's proposed budget](#) as “cutting into bone.”

But even with the appropriate resources, the ability of federal law enforcement officers to do their jobs effectively 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. 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.”

STATUS:

Legislation: [H.R. 4505](#) / [S. 3042](#), the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2022 includes \$1.554 billion for ATF, a \$70.5 million increase over FY21. All Tiahrt Amendments remained in place.

House Action: The House Appropriations Committee reported H.R. 4505 out of committee on July 19, 2021. The bill has not been voted on the House floor.

Senate Action: S. 3042 has been introduced but no committee markup has occurred.

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 nine 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 which 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%. Seventy-seven percent of Americans support requiring individuals to obtain a permit before being able to 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.

STATUS:

Legislation: [H.R. 2707](#) / [S. 770](#), the Handgun Purchaser Licensing Act, would provide grants to states, local governments, and tribes to implement handgun permit-to-purchase systems.

Gun violence is a crisis of epidemic proportions—and it’s only getting worse. We know what solutions will work to end this epidemic, but we need leaders with the courage to enact them. We hope this memo serves as a useful roadmap to the kind of change and progress that Americans are demanding.

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.