

DRAFT

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EXECUTIVE SUMMARY

We have begun to stem the tide of gun violence in this country. Between 1992 and 1998, violent crime with firearms fell 35 percent and gun-related homicides declined 36 percent. Robbery with firearms and aggravated assault with firearms also dropped, 39 percent and 36 percent, respectively. Nevertheless, we are a long way from ridding America of the scourge of firearms violence. As a nation, we can and must do much more.

The President's Directive

In response to the continuing problem of gun violence, on March 20, 1999, President Clinton called for the development of a National Integrated Firearms Violence Reduction Strategy (the "National Strategy"). He directed the Secretary of the Treasury and the Attorney General to build upon the proven tactics and innovative approaches that have been working to reduce gun violence in recent years, and, because gun violence issues differ in each community and no single program or approach will be right for every community, he asked that the Attorney General and the Treasury Secretary consult closely with U.S. Attorneys and ATF Field Division Directors, as well as other federal, state, and local law enforcement, elected officials, and other leaders in developing the National Strategy. This document presents what we have done, and what more we can and will do, to combat firearms crime and violence.

Gun Violence: A National Tragedy

Despite significant progress, gun violence remains a national tragedy. In 1998, the most recent year for which statistics are available, 29,849 people died from gun-related injuries in this country, and over one-third of a million violent crimes were committed with firearms. Every day, on average, 82 people—including 12 children—are shot and killed. In the last two years alone, more American civilians have died from gunfire than all of the American soldiers killed during the nine years of the Vietnam War. And for each fatal firearms injury, there were three non-fatal injuries.

The carnage caused by guns in the United States is unique among developed nations. Children under age 15 are killed with guns in our country at a rate 16 times higher than in the 25 other wealthiest industrialized countries *combined*. Firearms injuries are the eighth leading cause of death in the United States, and the third leading cause of injury-related death. The economic impact of this violence is staggering. The medical costs of gun injuries are estimated to exceed \$2 billion each year, and work loss costs are estimated at \$20 billion or more per year.

In the last few years, a succession of widely-reported shootings seared the national consciousness. Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon—these names became part of a litany of public grief and outrage that grew to

unprecedented proportions after the shootings at Columbine High School in Littleton, Colorado, in April 1999. Over the last year, America has continued to witness multiple shootings at schools in Conyers, Georgia, and Muskogee County, Oklahoma; at a Jewish Community Center Day Camp in Los Angeles, California; at workplaces in Atlanta, Georgia, Seattle, Washington, and Honolulu, Hawaii; at an apartment complex in Lincoln Park, Michigan; at a recreation center in Peoria, Arizona; at a Baptist Church in Fort Worth, Texas; outside two fast-food restaurants in Pittsburgh, Pennsylvania, and in a Memphis, Tennessee, suburb. A one-man shooting rampage, apparently motivated by race-hatred, occurred in Illinois and Indiana, and a series of gun murders precipitated by domestic violence terrorized communities in Maryland. This February, a 6-year-old boy brought a handgun to school and shot and killed his classmate, a 6-year-old girl. On Easter Monday, a 16-year-old shot seven other children at the National Zoo in Washington, D.C. In June, a 13-year-old honor student shot and killed a Florida middle-school teacher. Clearly, despite the overall decrease in gun crime and violence in recent years, the level of gun violence in our society remains unacceptably high.

We Are Aggressively Attacking Gun Violence

Since 1993, this Administration has been working to stop violent crime through a comprehensive approach that addresses both the causes and consequences of crime. We have funded more than 100,000 new community police officers; increased assistance to state and local law enforcement by nearly 300 percent; imposed tough punishment for violent offenses; developed strategic collaborations among federal, state, local, and tribal law enforcement; created new programs to reduce domestic violence and drug-related violent crimes; worked to promote and develop promising prevention and intervention strategies to reduce the occurrence of crime; instituted a wide variety of community-based crime prevention programs for youth; and supported state and local services and programs for victims of violent crime. This comprehensive approach has contributed significantly to reducing overall crime rates to their lowest levels in a generation.

We have applied a similar approach to the specific problem of gun violence. We have actively promoted federal, state, and local efforts to address each link in the chain of gun violence—illegal selling, acquisition, possession, and use of firearms—and we have sought to address both the underlying causes of gun violence, and its consequences. We have recognized that to reduce gun violence, we must not only effectively punish the armed offender, but we must do more to prevent gun crimes in the first place by addressing the ease with which criminals and unauthorized juveniles get guns.

- Under the landmark Brady Act, we have prevented more than 500,000 felons and other prohibited persons from acquiring firearms from licensed dealers.

- Through the 1994 Violent Crime Control and Law Enforcement Act, we have prevented the sale of some weapons, including semi-automatic assault weapons, that have no legitimate civilian use.
- We have developed new enforcement techniques to target the illegal market in firearms, including introducing comprehensive crime gun tracing in 37 cities around the country.
- We have used our federal resources to target the most serious, violent, and chronic gun offenders, raising the number of firearms offenders convicted and sentenced to more than five years in federal prison by more than 40 percent between 1992 and 1999, and increasing the average sentence length for firearms offenders in federal court by nearly two years.
- We have enhanced our collaboration with state, local, and tribal law enforcement to leverage federal resources and ensure that gun criminals are vigorously prosecuted, leading to a 22 percent increase in combined federal and state weapons prosecutions.

Our National Strategy builds on these efforts and points the way to what we must now do to further reduce gun violence.

Fundamentals of the National Strategy

To help develop the National Strategy, the Attorney General and the Treasury Secretary asked the U.S. Attorneys and ATF Field Division Directors jointly to create coordinated local gun violence reduction strategies in each of the 94 federal judicial districts across the United States. These 94 district plans, summarized in Appendix A, are being put into effect to respond to the particular gun violence problems facing local communities, and are critical to our ongoing efforts to further reduce gun crime.

From the local plans, and from our efforts to fight crime and reduce gun violence over the last seven years, we identified three basic principles that undergird the National Strategy: *extensive collaboration* between federal, state and local criminal justice agencies to combat and prevent gun crime and violence; the *use of information and technology* to improve our ability to understand particular gun violence problems and strategically use resources for greatest impact; and a *comprehensive approach* that attacks all the components of gun violence—illegal selling, acquisition, possession, and use of firearms—and addresses the needs and concerns of gun violence victims.

Based on these principles, our National Strategy lays out an aggressive and integrated six-part plan to continue and expand our fight against firearms violence. The Strategy builds on the many anti-crime initiatives that this Administration has developed and supported over the last seven years, and continues our commitment to vigorously enforce existing federal firearms laws. It includes vigorous enforcement not only against armed criminals, but also against the criminal behind the armed criminal – the firearms trafficker – and it identifies extensive measures to do so. Our Strategy acknowledges the central role that state and local law enforcement play in the fight against violent crime in America, and combines effective enforcement with potent intervention and prevention.

Many of the elements of our National Strategy rely heavily upon the efforts of law enforcement, but, as the Strategy makes clear, full realization of each element of the National Strategy will require increased participation by all parts of our society. To that end, we have identified ways in which gun owners, gun makers, and the Congress are critical to the final success of this effort.

Specifically, the National Strategy calls for:

- (1) vigorously investigating and prosecuting those who illegally possess or misuse guns to commit crimes;
- (2) breaking the cycle of violence by implementing innovative, data-driven efforts that simultaneously enforce all available laws to deter and punish violent offenders, and intervene to provide chronic violent offenders and at-risk individuals and their families with social services, treatment and education programs, and incentives and opportunities to live non-violent, law-abiding lives;
- (3) enforcing all available regulatory and criminal laws to combat illegal trafficking of firearms and keep guns out of the wrong hands;
- (4) investing in information systems and technology that make firearms-related law enforcement significantly more productive;
- (5) preventing gun accidents and suicide; and
- (6) enacting legislation to impose tougher penalties on those who violate federal firearms laws, keep guns out of the wrong hands, crack down on illegal trafficking in guns, and prevent gun accidents and suicides.

A few of the most significant measures called for in our National Strategy are described below, along with the increased federal funding that will be required to achieve these goals.

National Coordination of Firearms Enforcement. To enhance national enforcement coordination and oversight, the Departments of Justice and Treasury are forming a new, joint firearms enforcement coordination team, composed of representatives from each agency. This team will help monitor and take steps to address cross-district, interstate and regional impacts of particular enforcement strategies; identify particular high risk firearms trafficking and/or firearms violence areas and trends nationwide, and advise the Departments of Treasury and Justice on appropriate resource allocation to target these areas for coordinated enforcement and prevention efforts; promote innovative law enforcement strategies; and support the development and deployment of advanced crime fighting technologies, such as ballistics identification, crime gun tracing, and information systems.

Targeted Deterrence. One of the most promising and innovative new enforcement strategies in recent years is targeted deterrence, developed in Boston as part of *Operation Ceasefire* and specifically cited in the President's Directive. Adopting this approach in Boston resulted in a 73 percent decline in murders between 1995 and 1999, and has produced similar reductions in several other communities.

Targeted deterrence is a data-driven, problem-solving, collaborative approach that intervenes with chronic violent offenders to deter further violence. It ensures swift, certain, and severe punishment if gun or other serious violence is committed by "pulling" a wide variety of "levers" available to different law enforcement agencies, and provides incentives and opportunities for individuals at risk of violence to live law-abiding, nonviolent lives.

Our National Strategy calls for expanding targeted deterrence and other problem-solving approaches as an efficient and effective means to reduce gun violence. To accomplish this, the Administration's FY 2001 budget seeks funding to hire 20 strategic enforcement teams for United States Attorney's Offices, to lead community efforts to collect and analyze gun crime data, target offenders and offending groups for intervention, and develop and implement targeted deterrence strategies.

Intensive Prosecution of Armed Criminals. The 94 district plans all involve intensive investigation and prosecution efforts to combat firearms crime. Where appropriate, the National Strategy calls for heightened federal-state collaborative enforcement of gun laws through programs such as Richmond, Virginia's *Project Exile*, which used vigorous enforcement of the federal firearms laws to deter violent felons from possessing guns on the streets of Richmond, and reduced homicides in that community by more than 30 percent between 1997 and 1998.

To enhance and support our efforts to strictly enforce our firearms laws, the Administration's FY 2001 budget seeks \$15 million to hire 100 additional federal prosecutors and support staff, and \$150 million to provide grants to state and local authorities to hire 1,000 local prosecutors to prosecute gun-related crime.

Anti-Trafficking Enforcement. Targeting the illegal supply of firearms has two critical components: ensuring that felons, fugitives, domestic violence offenders and others prohibited by the Gun Control Act from possessing guns cannot buy them on the legal market, and investigating, prosecuting, and deterring illegal gun trafficking, by which guns are diverted from the legal market to the illegal market.

To achieve the first of these goals—ensuring that prohibited persons do not acquire guns on the legal market—we will continue vigorously to enforce the Brady Act. To that end, the President's FY 2001 budget seeks \$70 million—double the current funding level—to improve state criminal history records and enhance the speed and accuracy of Brady background checks.

To achieve the second goal, we will continue to develop and implement anti-trafficking enforcement efforts. Building on our expanded ability to trace crime guns and use ballistics imaging, we have focused systematic law enforcement attention on illegal trafficking in firearms to criminals and juveniles. To further these efforts, we are seeking funding in FY 2001 for 200 new ATF inspectors and 300 new ATF agents; and \$9 million to expand the firearms tracing system.

Crime Gun Tracing, Ballistics, and Other Law Enforcement Technology. Rapid advances in technology and computer-based information systems have begun to revolutionize our efforts to reduce firearms violence. Crime gun tracing and analysis and crime mapping provide powerful new tools that enable us to investigate and prosecute illegal trafficking of firearms and violent offenders, and to target law enforcement to violent crime "hot spots" where firearms violence and trafficking disproportionately take place. Computerized ballistics imaging can help law enforcement identify a shooter and trace the crime gun, even where the gun itself is not recovered.

Our enforcement strategy calls for supporting and implementing the widespread use of evolving technologies and data systems by federal, state and local law enforcement authorities. To help us accomplish these goals, we are seeking \$26.3 million in FY 2001 to develop and deploy the National Integrated Ballistics Information Network.

Gun safety measures. Guns are inherently dangerous consumer products and we must treat them as such at every step in the distribution chain, from manufacturer to dealer to consumer. Firearms accidents kill an average of 1,243 people a year in this country—over one third of them under age 19. Between 1987 and 1997 (the last year for which data is available), 14,913 people, including 2,328 children 14 and younger, died from unintentional shootings. In 1997 alone, 17,566 people committed suicide with guns. Gun owners, the firearms industry, parents, schools, the public health community and community leaders all must shoulder responsibility for making firearms safety a top priority.

Unlike virtually all other consumer products, however, firearms are exempt from most forms of safety and design regulation. While this lack of legislative authority greatly limits what we can do to combat the tragedy of gun suicides and accidents, we are taking or will take a number of currently available steps. We are seeking to put "smart" or "personalized" gun technologies on the fast track for development, and have asked for \$10 million in FY2001 to accomplish this goal.

Finally, the firearms industry can do much more to help solve our country's firearms violence problem. It must do a better job of policing its own distribution chain to substantially reduce the illegal supply of guns and keep them from falling into the hands of criminals, unauthorized juveniles, and other prohibited persons, and to ensure that firearms are transferred only to persons who have the knowledge and experience to handle them safely. The firearms industry also must do everything it can to design its products to be as safe as reasonably possible. We are therefore encouraging firearms manufacturers voluntarily to incorporate existing safety devices on their firearms and to devote significant resources to developing new safety devices and technologies to prevent accidental shootings.

Closing the loopholes in the federal firearms laws

Even with adequate resources, however, major gaps and deficiencies in the federal firearms laws prevent us from achieving all that we could. The effectiveness of our National Strategy will be limited unless Congress acts to close the loopholes in the federal firearms laws that allow criminals and other prohibited persons to purchase thousands of guns each year; to reduce illegal trafficking in firearms; and to provide tougher penalties for those who do misuse or traffick guns. Our Strategy sets forth crucial legislative proposals in each area. Key measures would:

- *Close the gun show loophole* by requiring that all firearms transactions at gun shows go through FFLs and are subject to Brady Act background checks and FFL recordkeeping requirements, thereby bolstering our ability to keep guns out of the wrong hands and trace crime guns.
- *Require all firearms transactions to go through FFLs*, thereby ensuring that all sales of firearms on the secondary market are subject to Brady Act background checks and the recordkeeping requirements essential for crime guns tracing.
- *License handgun purchasers* to assure that individuals have adequate gun safety training before being permitted to buy a gun, and have passed a Brady background check at the time of licensing.
- *Strengthen criminal penalties* for armed career criminals, major traffickers, serious FFL recordkeeping violations that facilitate gun trafficking, transferring

handguns to unauthorized juveniles, and for juveniles who unlawfully possess handguns.

* * * * *

America's gun violence problem has many dimensions. The problem will not be solved through any one approach, by any one branch of government, or by any one segment of society. Gun violence is a complex criminal justice and public health problem, and can only be addressed through a coordinated, multi-faceted approach like that set forth in this National Strategy. Together, we can eliminate the scourge of gun violence from this country, but it will take commitment, cooperation, resources, and political will.

INTRODUCTION

America is at a critical point in its effort to reduce crime and gun violence. In the last seven years, this Administration's crime-fighting efforts have begun to stem the tide of gun violence in this country. Between 1992 and 1998, violent crime with firearms fell 35 percent and gun-related homicides declined 36 percent. Robbery with firearms and aggravated assault with firearms also dropped 39 percent and 36 percent, respectively.

Despite this significant progress, the number of firearms-related deaths and injuries in America remains intolerably high. In 1998, the most recent year for which statistics are available, 29,849 people died from gun-related injuries. Indeed, on average, 82 people—including 12 children—are shot and killed *every day* in this country. In the last two years alone, more American civilians have died from gunfire than all of the American soldiers killed during the nine years of the Vietnam War. And for each fatal firearms injury, there were at least three non-fatal injuries.

The carnage caused by guns in the United States is unique among developed nations. The rate at which children under 15 years of age are killed with guns in our country is 16 times higher than in the 25 other wealthiest industrialized countries *combined*.¹ In 1998, over one-third of a million violent crimes were committed with firearms. Firearms injuries are the eighth leading cause of death in the United States, and the third leading cause of injury-related death. The economic impact of this violence is staggering. The medical costs of gun-related fatalities and injuries are estimated to exceed \$2 billion each year. In addition, work loss costs are estimated at \$20 billion or more per year.

The terrible reality behind these statistics was brought home to the nation by a succession of widely-reported shootings between 1998-2000. Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon—these names became part of a litany of public grief and outrage that grew to unprecedented proportions after the shooting at Columbine High School in Littleton Colorado, in April 1999. Over the last year, Americans witnessed multiple shootings at schools in Littleton, Colorado, Conyers, Georgia; and Muskogee County, Oklahoma; at a Jewish Community Center Day Camp in Los Angeles, California; at workplaces in Atlanta, Georgia, Seattle, Washington, and Honolulu, Hawaii; at an apartment complex in Lincoln Park, Michigan; at a recreation center in Peoria, Arizona; at a Baptist Church in Fort Worth, Texas; outside two fast-food restaurants in Pittsburgh, Pennsylvania, and in a Memphis, Tennessee, suburb. In addition to these horrific events, a one-man shooting rampage, apparently motivated by race-hatred, occurred in Illinois and Indiana, a series of gun murders apparently precipitated by domestic violence occurred in Maryland and several planned "Columbine-copycat" school shootings were detected and prevented. This February, a 6-year-old boy brought a handgun to

¹ *Mortality and Morbidity Weekly Report*, Vol. 46, No. 5, pp. 101-05, Centers for Disease Control. February, 1997.

school and shot and killed his classmate, a 6-year-old girl. Over the Easter holidays, a 16-year-old shot seven others at the National Zoo in Washington, D.C. This almost unfathomable chain of shootings makes clear that much more needs to be done to reduce gun crime and violence in America.

President Clinton's Directive of March 20, 1999

In March 1999, President Clinton issued a directive to the Attorney General and the Secretary of the Treasury to build upon the reductions in crime achieved over the last seven years by developing an integrated firearms violence reduction strategy that depends on collaboration, vigorous enforcement, innovation, and prevention, and draws upon the proven measures and innovative approaches being demonstrated by communities throughout the country.² The President asked that the strategy specifically include elements to:

- (1) Commit even greater resources to investigating and prosecuting firearms violations, including illegal possession, use, and trafficking of guns, through innovative programs such as Richmond, Virginia's "Project Exile" and Boston, Massachusetts' "Operation Ceasefire";
- (2) Implement targeted deterrence of violent offenders through improved coordination with probation and parole officials supervising such offenders, and swift and certain punishment for those found to have violated the conditions of their parole or probation;
- (3) Promote problem-solving analysis and innovative strategies by working closely with community members to identify gun criminals, remove weapons in the hands of juveniles, search for and seize crime guns, and increase the public's knowledge of their community's gun-related crime and violence problem;
- (4) Expand comprehensive "crime gun" tracing, analysis, and mapping; increase use of ballistics identification technology; and coordinate use of crime gun information to identify illegal gun markets, gun "hot spots," and illegal gun traffickers;
- (5) Strengthen the coordination of law enforcement and regulatory enforcement efforts to ensure compliance with all applicable laws by federally licensed gun dealers and prospective gun purchasers; and

² The President also released a publication highlighting a number of promising local programs to reduce gun violence. That publication, *Promising Strategies to Reduce Gun Violence*, published in February, 1999, is available through the Department of Justice's Office of Juvenile Justice and Delinquency Prevention.

- (6) Recommend how best to allocate federal resources to support the strategy and strike an appropriate balance between federal and state law enforcement.

Recognizing that gun violence issues differ in each community, and that no single program or strategy will be right for every community, the President directed the Attorney General and the Secretary to consult closely with U.S. Attorneys and ATF Field Division Directors, as well as other federal, state, and local law enforcement, elected officials, and other leaders in developing the strategy.

In response to the President's directive, the Treasury Secretary and the Attorney General directed all U.S. Attorneys and ATF Field Division Directors jointly to develop locally coordinated gun violence reduction strategies in each of the 94 federal judicial districts across the United States. The U.S. Attorneys and ATF Field Division Directors invited the participation of other law enforcement agencies that play a significant role in responding to violent crime, such as the Federal Bureau of Investigation, the Drug Enforcement Administration, the Secret Service, the Customs Service, the Immigration and Naturalization Service, and state and local police and prosecutors. They also included elected leaders and, as appropriate, private businesses, researchers, educators, social services providers, community organizations, and members of the faith community.

Each jurisdiction assessed the nature and scope of its gun violence problem by analyzing available local crime data, including statistics and maps showing the location of crime incidents. The U.S. Attorneys and ATF Field Division Directors then examined the legal tools available in their jurisdictions to address firearms violence, including federal and state firearms laws and sentencing provisions. They also inventoried the jurisdiction's existing law enforcement strategies to combat gun violence and considered other local prevention or intervention initiatives related to firearms, such as federally-supported crime prevention programs, non-profit activities, and faith- or school-based initiatives.

Using this information, the U.S. Attorneys' Offices and ATF Field Divisions developed strategies that respond to the particular gun violence problems facing their local communities. These individualized, local strategies include enforcement, intervention, and prevention, and have been critical to our formulation and implementation of the Integrated National Strategy to Reduce Gun Violence presented in this report. The local strategies have been put into effect, and we believe they will significantly help in reducing gun-related crime and violence. The district strategies are summarized in Appendix A, and are referred to throughout this document.

An Historic Reduction in Crime, 1992-1999

The gun violence reduction strategies developed by the U.S. Attorneys and ATF Field Division Directors build upon the many anti-crime initiatives that this Administration has developed and supported over the last seven years. Since 1993, this Administration has been

working to stop violent crime through a comprehensive approach that addresses both the causes and consequences of crime. We have:

funded more than 100,000 new community police officers;

increased assistance to state and local law enforcement by nearly 300 percent;

imposed tough punishment for violent offenses;

developed strategic collaborations among federal, state, local, and tribal law enforcement;

created new programs to reduce domestic violence and drug-related violent crimes;

worked to promote and develop promising prevention and intervention strategies to reduce crime;

instituted a wide variety of community-based crime prevention programs for youth; and

supported victims of violent crime by strengthening services and programs available at the state and local level.

This comprehensive approach has contributed significantly to reducing overall crime rates, which are now at their lowest levels in a generation.

We have dealt with gun violence, in particular, by promoting efforts at the federal, state, and local levels to address each link in the chain of gun violence—illegal selling, acquisition, possession, and use of firearms—and also by addressing the underlying causes and consequences of gun violence. Under the landmark Brady Act, we have prevented more than 500,000 felons and other prohibited persons from acquiring firearms from licensed dealers. Through the 1994 Crime Bill, we have prevented the sale of some weapons, including semi-automatic assault weapons, that have no legitimate civilian use. We have also introduced comprehensive crime gun tracing in 37 cities around the country to enable us to work with state and local law enforcement agencies to identify gun traffickers and understand the illegal firearms market. And we have continued to collaborate with state, local and tribal law enforcement to ensure that gun criminals are vigorously prosecuted.

Tough and effective law enforcement has always played an essential role in this Administration's efforts to stem the tide of gun violence in America. We have recognized that any successful approach to curbing gun violence must address both the ease with which criminals, unauthorized juveniles, and other prohibited persons can acquire guns, and the need to punish people who violate our nation's firearms laws.

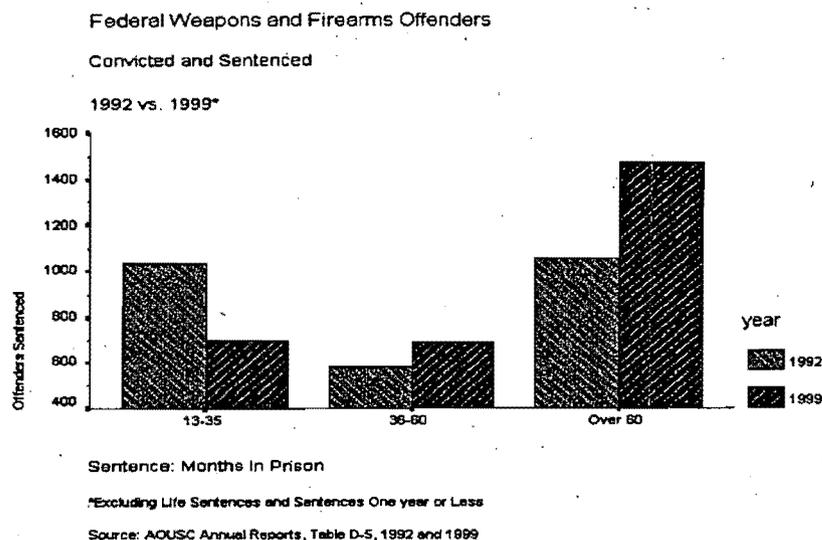


Figure 1

Last year, federal prosecutors brought charges under the two main provisions of the federal gun laws against more defendants than in any year since 1992, despite the historic drop in crime during that period. The 5,500 cases brought by federal prosecutors under the primary provisions of the Gun Control Act in 1999 were 16 percent more than the 4,754 such cases brought in 1992.

It has been critical to our strategy to use our limited federal resources to target the most serious, violent, and chronic gun offenders. This effort has been successful, as reflected by the increasing length of sentences our prosecutions have achieved. The number of firearms offenders who were convicted and sentenced to more than five years in federal prison increased by more than 40 percent from 1992 to 1999. See Figure 1, "Federal Weapons and Firearms Offenders Convicted and Sentenced, 1992-1999." In general, from 1992 to 1999, the average sentence length for firearms offenders in federal court increased from 73.9 months (about 6 years) to 98.3 months (about 8 years).

Notwithstanding our federal prosecutorial successes, the success of firearms enforcement must not be measured solely by counting the number of federal prosecutions. Federal prosecutions represent an important—but necessarily very small—part of the overall total of violent crime prosecutions brought in America. The vast majority of violent crime cases are most appropriately brought by the states, and since 1992, combined federal and state gun prosecutions have risen by 22 percent. See Figure 2, "Total State and Federal Weapons Offenders Convicted in 1992, 1994 and 1996."

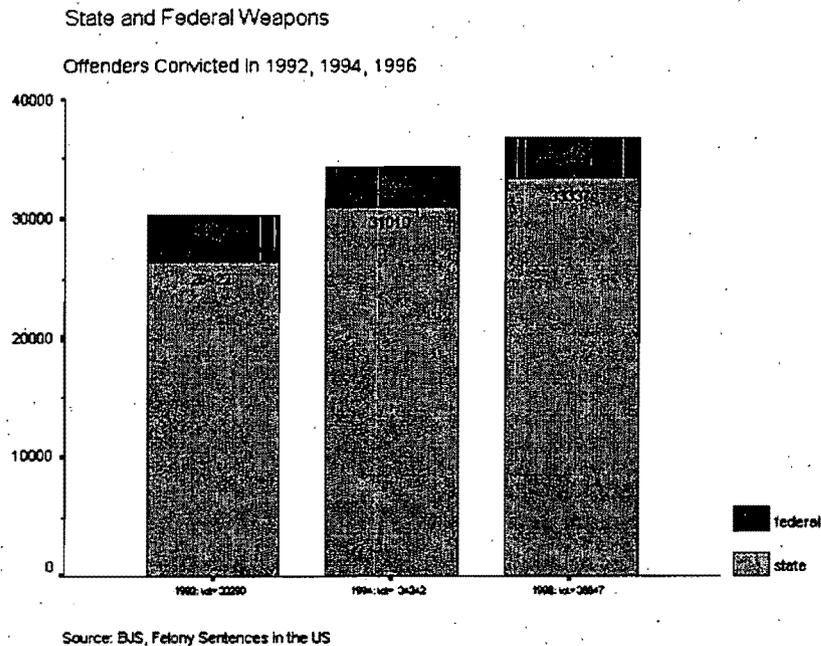


Figure 2

Our crime reduction strategies have been working. The nation's overall crime rate has fallen for seven consecutive years and is at its lowest in the last 25 years. Nationally, homicide rates have declined to levels last seen in the 1960s. Since 1992, the nation's violent crime rate has dropped by more than 20 percent; violent crime with firearms has dropped by 35 percent; and gun-related homicides have dropped by 36 percent. See Figure 3, "Violent Crime With Firearms."

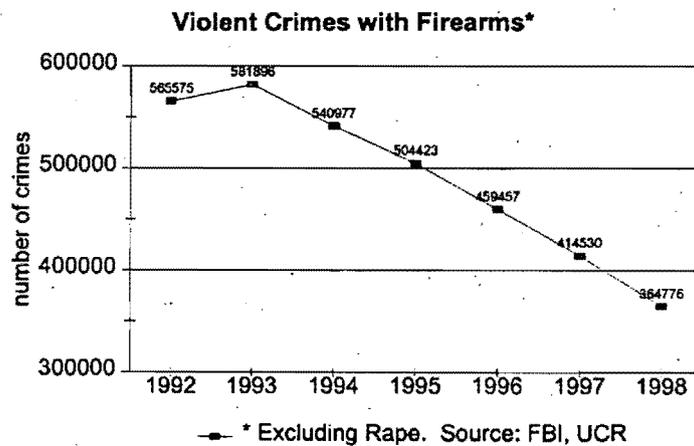


Figure 3

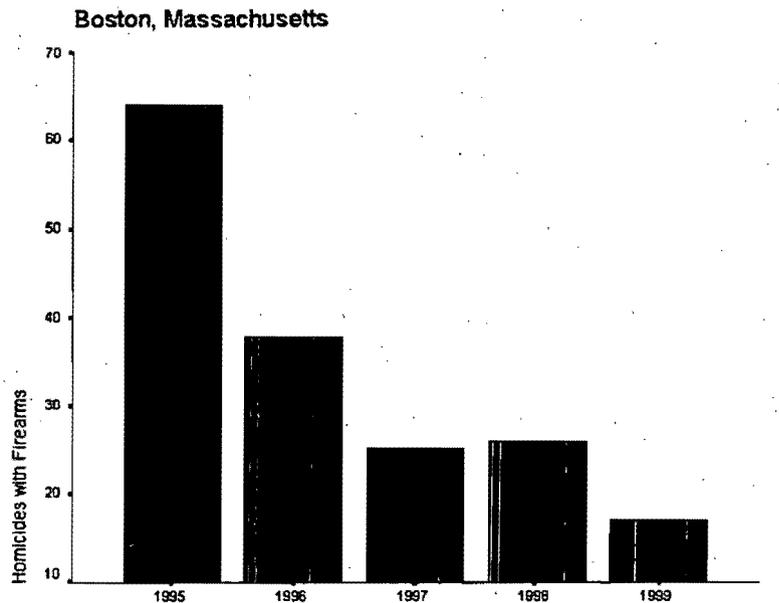


Figure 4

In certain communities, the integrated efforts by, and coordination among, federal, state, and local law enforcement and other community leaders—efforts supported by the Administration—have produced drops in the violent crime rate even more dramatic than the national rate. In Boston, Massachusetts, for example, collaboration among law enforcement and community leaders through Operation Ceasefire has reduced violence by youth gangs and brought down the number of homicides from 64 in 1995 to 17 in 1999—a decline of 73 percent. See Figure 4, Decrease in Firearms Homicides, Boston, MA: 1994-1999. In Minneapolis, Minnesota, effective law enforcement and prevention efforts conducted by public-private partnerships have reduced homicides by 48 percent. See Figure 5, Firearms Homicides, Minneapolis, MN: 1996-1999. And in Richmond, Virginia, effective and coordinated law enforcement, including heightened enforcement of gun laws through the program known as Project Exile, reduced homicides by more than 30 percent in 1998 over 1997. See Figure 6, Richmond Homicides with Firearms, 1990-1999.

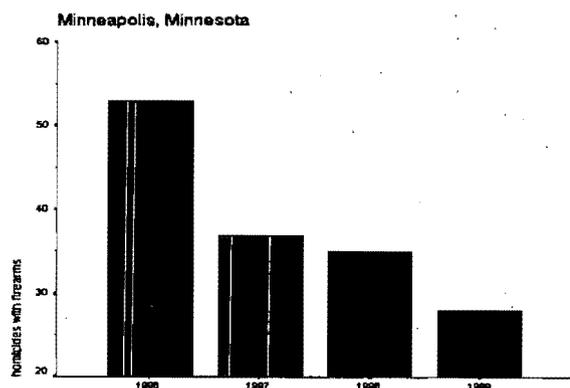


Figure 5

We have also worked to respond to the needs and concerns of the victims of gun violence. Victims of gun crime experience serious trauma and often need specialized services to help them move forward with their lives. The “hard costs” of gun crime to victims are tremendous. Medical bills for injured victims and funerals for homicide victims account for the largest expenditures by victims’ compensation programs. The Justice Department, under the Victims of Crime Act (VOCA), has actively supported state crime victims’ compensation programs and local assistance programs across the country to provide emergency and ongoing services for gun violence victims.

Looking Ahead: An Integrated National Strategy to Reduce Gun Violence

The President directed us to build on the successful anti-crime strategies of the last seven years in formulating an Integrated National Strategy to Reduce Gun Violence (the “National Strategy”). In so doing, we drew upon the expertise and experience of the U.S. Attorneys and ATF Field Division Directors, as reflected in their individualized, local gun violence reduction strategies.

From these strategies, and from our efforts to fight crime and reduce gun violence over the years, we identified three basic principles that form the foundation of our National Strategy. First, our enforcement strategy to combat and prevent gun violence involves *extensive collaboration between federal, state and local criminal justice agencies*. Second, it relies on the *use of data, information and technology* to greatly advance the ability of law enforcement to understand particular gun violence problems and use their resources strategically to have the greatest impact on gun crime and violence. Third, our National Strategy embraces a *comprehensive approach* that attacks all phases of the chain of gun violence—illegal acquisition, possession, and use—and addresses the needs and concerns of gun violence victims. The National Strategy, presented below, incorporates and is based upon these principles.

Federal and State Coordination

Continuing our tough and effective federal prosecution of gun criminals is a critical part of our gun violence reduction strategy. By vigorously prosecuting the most serious federal gun offenders, federal law enforcement has helped reduce gun violence nationally.

As noted above, however, the vast majority of the violent crime committed in our country, including gun crime, falls within the jurisdiction of state and local agencies. Likewise, the vast majority of resources to fight such crime are provided by state and local governments. Moreover, many gun offenses can be addressed by more than one level of government. Accordingly, to assure maximum efficiency and effectiveness, our National Strategy calls for all federal agencies with jurisdiction in the area of violent crime to continue to coordinate operationally and strategically not only with each other, but also with state and local authorities to investigate, prosecute, and prevent gun crime.

Providing federal assistance and support to the state and local law enforcement officers on the front lines in the fight against violent crime is a critical component of our federal role. Through programs that support and equip law enforcement, break the cycle of substance abuse and crime, combat family violence and youth crime, hold offenders accountable, and protect and support crime victims, the Justice Department works closely with its state and local partners to prevent and combat crime and violence. The Department will spend almost \$4 billion in Fiscal Year 2000 to support its state and local partners in this effort. In addition, ATF works closely with state and local law enforcement on a daily basis, sharing information, training, and expertise, and cooperating on a variety of joint enforcement initiatives.

Using Data and Information Technology to Strategically Enhance Law Enforcement

Our National Strategy relies heavily on rapid advances in technology and computer-based information systems that have begun to revolutionize our efforts to reduce firearms violence. We have developed powerful new tools that enable us to:

identify, investigate, and prosecute illegal trafficking of firearms;

better understand the illegal firearms market in particular communities and regions of the country;

identify, locate, arrest, and prosecute violent offenders, including armed career criminals and armed drug traffickers; and

focus law enforcement efforts to violent crime "hot spots," where firearms violence and trafficking disproportionately take place.

Attacking Gun Violence with a Comprehensive Strategy

Gun violence has devastating consequences for individuals, families, and communities. Law enforcement alone cannot solve this problem. Our entire society must work together to combat gun violence at every phase in the chain of causation, and to respond to the needs and concerns of gun violence victims. As a nation, we must do all we can to keep guns out of the wrong hands. We must implement programs to intervene and prevent or deter the misuse of firearms. We must effectively punish those who misuse guns. And we must take actions to better understand and prevent gun accidents and suicides.

THE INTEGRATED NATIONAL STRATEGY TO REDUCE GUN VIOLENCE

I Fundamentals of the National Strategy

Our National Strategy lays out an aggressive, six-part plan to reduce gun violence. It incorporates comprehensive, coordinated efforts at the federal, state and local levels to address each link in the chain of gun violence—illegal selling, acquisition, possession, and use of firearms—and to address the underlying causes and consequences of gun violence. The Strategy calls for:

- (1) aggressively investigating and prosecuting those who illegally possess or use guns;
- (2) breaking the cycle of violence by deterring chronic, violent offenders and others from illegally using guns, integrating effective prevention programs with law enforcement activities, and assisting victims;
- (3) enforcing criminal laws and regulations to combat illegal trafficking of firearms and keep guns out of the wrong hands in the first place;
- (4) investing in information technology to help law enforcement identify criminals and understand crime trends;
- (5) preventing gun accidents and suicides; and
- (6) enacting legislation to impose tougher penalties on those who violate federal firearms laws, keep guns out of the wrong hands, crack down on illegal trafficking in guns, and help prevent gun accidents and suicides.

Our Strategy sets forth a series of action items designed to advance these fundamental goals in the fight against firearms crime and violence. Many of the action items were culled from individual district plans and represent best prosecution and enforcement practices, based on what we have learned from many years of enforcement initiatives and studies. Our National Strategy takes appropriate steps to make sure that federal law enforcement authorities in the individual districts adopt the action items applicable to their communities. Other action items are broader, addressing fundamental commitments of the federal government. These action items identify particular obligations to be undertaken by Executive Branch agencies, particularly the Departments of Justice and the Treasury. All action items are designated as AI throughout this report and are collected in Appendix B.

National-Level Coordination and Leadership

Gun violence issues differ in each community and each community's gun violence reduction strategy is individualized to address its particular problems and available resources.

Because law enforcement and prevention efforts relating to firearms crime and violence are largely a local responsibility and the specific problems vary among communities, the goals of our National Strategy will be attained primarily through the activities of our federal law enforcement officers at the local level—our U.S. Attorneys Offices and ATF Field Division Offices—working closely with their state and local counterparts. However, certain aspects of the gun violence problem are national or regional in nature, with interstate impact, and therefore require coordination and response at a national, regional and district level. For example, guns sold to straw purchasers by a federally licensed firearms dealer in one state may be illegally trafficked in other states; investigation and prosecution of such offenses will be most effective if there is national, regional and district coordination. Federal authorities at the national level are uniquely placed to develop strategic and tactical information about the illegal gun market in particular communities and regions of the country and to help coordinate enforcement efforts to shut down the flow of guns to criminals and others who should not have them.

Similarly, effective law enforcement strategies developed in one jurisdiction may also be appropriate for adoption by another jurisdiction. National-level leadership can help identify, evaluate, and promote adoption of such innovative, locally-grown strategies. National leadership can also help local authorities anticipate national crime trends; coordinate local responses, provide grants, technical assistance, and training for state and local law enforcement; and develop federal legislation and regulations as needed. Moreover, federal law enforcement authorities can play a pivotal role in developing advanced crime fighting technologies, such as ballistics, crime gun tracing, and information systems, and getting them into the communities that most need them to combat gun crime nationwide.

Accordingly, national, regional and local coordination of federal law enforcement efforts to reduce gun violence is one of the key components of our National Strategy.

- To enhance such coordination, the Departments of Justice and Treasury are forming a new, joint firearms enforcement coordination team.

Composed of representatives from each agency, this team will, for example:

monitor and take steps to address cross-district, interstate and regional impacts of particular enforcement strategies;

strengthen information exchange between federal law enforcement and regulatory officials and promote joint federal, state and local enforcement efforts and specialized training;

track the level and type of investigative, prosecutorial and regulatory activity in all districts;

identify particular high risk firearms trafficking and/or firearms violence areas and trends nationwide, and advise the Departments of Treasury and Justice on appropriate allocation of resources to target these areas for coordinated enforcement and prevention efforts; and

confirm that in each district, the U.S. Attorney and ATF officials coordinate prosecutive and investigative guidelines. (A1)

Enhanced Funding For Firearms Enforcement Initiatives

Effective implementation of our National Strategy will require increased funding for federal, state, and local law enforcement. The President's FY2001 budget request would go a long way toward making the initiatives proposed in this National Strategy possible. Specifically, the President's FY 2001 Budget seeks:

- \$15 million to hire 100 additional federal prosecutors and support staff;
- \$150 million to provide grants to state and local authorities to hire 1,000 local prosecutors to prosecute gun-related crime;
- Funding for 200 new ATF inspectors and 300 new ATF agents, the largest-ever increase in ATF for firearms enforcement;
- \$30 million to develop and deploy the National Integrated Ballistics Information Network (NIBIN);
- \$9 million to expand the firearms tracing system;
- \$10 million to develop smart gun technology to benefit law enforcement officers;
- \$10 million for the Department of Justice to support local media campaigns, linked to local gun violence reduction strategies, to highlight the criminal penalties for the misuse of firearms and to prevent child access, accidents, and other forms of gun violence;
- \$70 million—double the current funding level—to improve state criminal history records and enhance the speed and accuracy of Brady background checks;
- \$10 million to continue and expand the Partnerships to Reduce Juvenile Gun Violence program; and
- Funding to hire 20 strategic enforcement teams for United States Attorney's Offices, to lead community efforts to collect and analyze gun crime data, target

offenders and offending groups for intervention, and develop and implement targeted deterrence strategies.

The President's gun enforcement budget request represents the largest national gun enforcement initiative in the history of the United States. The sections that follow describe our plans to build on current efforts to combat gun crime and implement a strategy to attack the problem of gun violence on all fronts. Supported by the President's budget request, this National Strategy can enable us to eliminate the scourge of gun violence from our nation.

II Enforcing the Laws Against Those Who Illegally Possess or Use Guns

When guns fall into the wrong hands and are used in crime, the full force of the law must be brought to bear. All types of crime in which the perpetrator carries a gun must be met with swift, sure, and severe punishment. Felons and other prohibited persons must know that the illegal transfer, possession, or use of a firearm will be prosecuted vigorously. In this Administration, federal law enforcement has worked closely with state and local law enforcement to make this a reality, but we can and must do more.

Vigorous and Coordinated Firearms Prosecutions

The unique system of a multi-tiered government in the United States requires close coordination between federal, state and local law enforcement authorities. While some areas, such as multi-district trafficking in guns, are most effectively attacked primarily at the federal level, most gun offenses can be attacked at more than one level of government. For example, dealing in stolen firearms may be attacked by federal prosecutions for unlicensed dealing or receipt of stolen firearms, and by robbery or burglary prosecutions under state law. Illegally acquiring firearms from licensed dealers may be prosecuted under federal or state laws against false statements or fraud. A person with an unauthorized firearm may be violating state or local gun permit laws, or may be a prohibited possessor under federal law, or may be violating the conditions of state or federal parole or probation.

To assure maximum efficiency and effectiveness, our National Strategy emphasizes that all federal agencies with jurisdiction in the area of violent crime must continue and expand their ongoing collaboration, not only with each other, but also with state and local authorities. This collaboration takes many forms. In jurisdictions with tough state laws and an aggressive approach to prosecutions, federal prosecutions may be able to focus on firearms crimes that are uniquely federal, or to fill in state law gaps to ensure that violent criminals always face the toughest prosecutions and sentences available. In other jurisdictions, where state law is inadequate or state enforcement is weak, federal prosecutions of offenses for which there is overlapping federal and state jurisdiction may be necessary to target violent individuals, at least until state laws or enforcement efforts become more rigorous.

In some cases, intensive federal prosecution can galvanize a community's efforts to address violent gun crime. For example, in Richmond, Virginia, in response to an exceptionally high homicide rate, the U.S. Attorney's Office for the Eastern District of Virginia, collaborated with the Commonwealth's Attorney's Office, the Richmond Police Department, and ATF, to use the federal firearms laws to deter violent felons from possessing guns on the streets of Richmond. Called "Project Exile," the federal initiative was advertised extensively to the community at large. These efforts contributed to a remarkable decline in gun homicides in Richmond. See Figure 6, "Firearms Homicides, Richmond, Virginia, 1990-1999." That success prompted Virginia to implement its own program, "Virginia Exile," based on new state legislation imposing mandatory sentences on felons in possession of firearms. Thus, the original collaboration not only helped reduce gun violence, but paved the way for the state to become more active in firearms enforcement efforts.

To assure that prosecutorial responsibilities are directed to the most effective venue, federal, state and local authorities must have screening and referral processes to "capture" cases appropriate for federal prosecution, based on their determination of the types of cases and offenders that are best suited for prosecution in the federal versus state system. Effective collaboration requires that law enforcement officials be aware of the available state and federal laws and the basic intake requirements and procedures for federal prosecution. In connection with the development of this National Strategy, many districts devised new methods to assure that state and local law enforcement officers on the front lines in the fight against violent crime are aware of federal firearms laws and consider referring appropriate cases to federal authorities.

For example, at the suggestion of local officials, federal authorities in the Northern and Southern Districts of Iowa created a laminated card detailing federal gun laws. This "Quick Reference Guide to Federal Firearms Laws," sized to fit in a patrol officer's ticket book or vehicle sun visor for ready reference, was distributed in December 1999 to every law

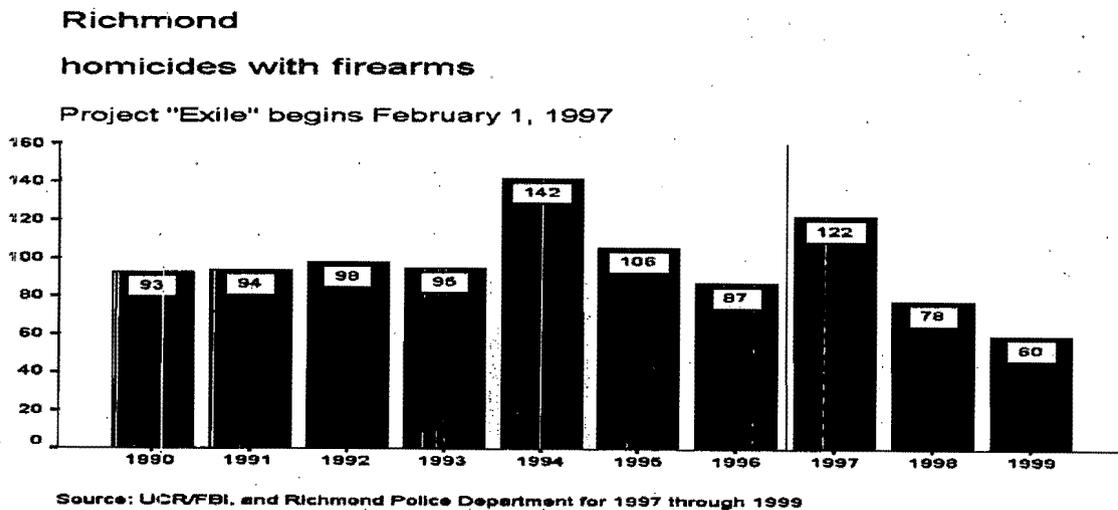


Figure 6

enforcement officer, probation agent, and local prosecutor in the state of Iowa. A copy of this card is attached as Appendix G.

- To continue and enhance the vigorous, collaborative gun prosecution programs of the districts, the Administration's FY 2001 budget requests seeks additional funds for federal, state and local prosecutors, as well as ATF agents. In particular, the Administration is seeking \$15 million to hire 100 additional federal prosecutors and support staff, and \$150 million to provide grants to state and local authorities to hire 1,000 local prosecutors to prosecute gun-related crime. The Administration has also recognized a critical need for additional ATF agents, and the FY 2001 budget seeks to hire 300 new ATF agents.
- To support the efforts of communities to deter the illegal possession of guns and reduce gun violence, the Administration's FY 2001 budget request also includes \$10 million for the Department of Justice to support local media campaigns, linked to local gun violence strategies, to highlight the criminal penalties for the illegal possession or misuse of firearms and to prevent child access, accidents, and other forms of gun violence.

In the following sections, we describe several of the types of cases that federal prosecutors handle, and some of the collaborative programs undertaken by federal, state and local law enforcement authorities to remove gun criminals from the streets. We also provide a few examples of prosecutions that demonstrate the important work of federal law enforcement in apprehending and punishing those who misuse firearms.

Violent Crimes Committed with Firearms

We have prosecuted and will continue to prosecute to the fullest extent of the law those individuals who use firearms to commit violent crimes. Although most violent crimes committed with firearms fall within the exclusive jurisdiction of state and local authorities,³ federal law enforcement agencies work with their local counterparts, including in task forces, to help investigate and prosecute violent offenders. Moreover, where there is an appropriate basis to bring federal charges, federal agents and prosecutors work to bring federal cases against those who illegally use or possess firearms. Violent crimes that are frequently prosecuted in federal court include: bank robbery, car jacking, murder for hire, and kidnapping. Frequently, the use of a firearm in connection with these crimes, other federal crimes of violence, and drug trafficking

³ The jurisdiction of the federal government over violent crime is limited to categories of crime which have a relationship to U.S. governmental functions, interstate commerce, or other recognized areas of federal responsibility. Under the U.S. Constitution, those activities and powers not specifically granted to the federal government are reserved for the states, including general police power and jurisdiction over criminal justice matters.

offenses can be the basis for a separate firearms charge, or sentence enhancement, under federal law.

The local gun violence reduction strategies developed by the U.S. Attorneys and ATF Field Division Directors have identified the particular violent gun crime problems facing their communities, and have brought together broad coalitions of law enforcement agencies and community stakeholders to address the problem. In Detroit, Michigan, for example, the U.S. Attorney's Office and ATF Field Division Director collaborated with state and local law enforcement to develop a gun violence reduction strategy focused on reducing the city's homicide problem. Although most categories of violent crime were down—consistent with national trends—homicides were increasing. A working group was formed to develop an integrated firearms violence reduction strategy focused on homicides. The strategy contains a range of initiatives and programs, including a task force to address drug-related homicides; referrals of firearms cases that meet specified criteria for federal prosecution; apprehension of violent fugitives; forensics enhancement; and expanded data collection efforts, including a more extensive use of ballistics information.

In August 1999, a defendant in Ohio was sentenced to 7 ½ years for a federal robbery, to be followed by a mandatory five years in prison for using a firearm in connection with a crime of violence. The sentence was based on the defendant's conviction for robbing a Dunbar Armored Car guard carrying receipts from a J. C. Penney store at a shopping mall. The defendant had fired three shots into the guard's back; the guard's life was saved by his bullet-proof vest.

Gang-Related Gun Crime

One of the most pervasive gun violence problems identified by the law enforcement authorities in the federal judicial districts is gang-related gun violence. Consistent with our long-standing policy of fighting gang-related violence with all available federal resources, many of the firearms violence reduction strategies developed in communities across the country have designed customized approaches for prosecuting and deterring gang members who possess firearms or use them in criminal activities.

For example, to address its gang problem, as well as problems involving juvenile and chronic violent offenders—many of whom appear to be getting firearms through straw purchases—the U.S. Attorney's Office in Minnesota joined forces with ATF and state and local law enforcement to develop the Minnesota State Gang Strike Force. In the last three years, this strike force has investigated and prosecuted a number of violent gangs throughout the district. In addition, ATF and the U.S. Attorney's Office worked closely with the Weapons Unit of the Minneapolis Police Department to investigate and refer for prosecution all cases involving the use of firearms. From 1996 to 1999, the number of firearms homicides in Minneapolis, the

state's largest city, declined from 53, nearly half of which were gang-related, to only 28, eight of which were gang-related. See Figure 5, above.

In the District of Columbia, the U.S. Attorney's Office created a new Gang Prosecution and Intelligence Section, where experienced prosecutors specialize in identifying and targeting for investigation and prosecution the most significant violent gangs in the District of Columbia. Through aggressive enforcement of conspiracy, Continuing Criminal Enterprise and RICO statutes—some of the most powerful legal tools available to federal prosecutors—the gang prosecution section is targeting and expects to dismantle the district's most violent gangs.

A lengthy investigation by the Gang Task Force in the Eastern District of Louisiana targeted a violent drug gang that operated in a housing project. In June 1999, the gang leader was sentenced to life in prison for operating a Continuing Criminal Enterprise, and to 20 years concurrently for solicitation to commit murder. At the same time, a co-defendant was sentenced to 40 years in prison for conspiracy to possess with intent to distribute heroin. Nine other defendants in this case had previously been convicted and sentenced to terms ranging from 3-10 years. Two of the defendants will be deported to the Dominican Republic after serving their terms. Through intelligence received during the investigation, the Gang Task Force prevented six homicides, and seized heroin, weapons, and other property. Six months after the gang was dismantled, the New Orleans Police Department reported a 78 percent reduction in the number of murders and a 67 percent reduction in shootings in the housing project.

Drug-Related Gun Violence

Guns are inextricably bound up with drug trafficking. Not only do drug traffickers use guns to protect their "merchandise," territory, and profits, but guns often become the currency of drug transactions, as guns are traded for drugs. Drug dealers are among those most likely to carry weapons,⁴ and therefore the drug market is a major contributor to the Nation's homicide rate. Guns dramatically increase the violence level associated with drug crime and greatly exacerbate the threat to public safety posed by illegal drug activities.

⁴ S.H. Decker et al, *Illegal Firearms: Access and Use by Arrestees*, National Institute of Justice, Washington DC, 1997.

In October of 1999, in the Western District of Oklahoma, a federal defendant was sentenced to 30 years in prison after being convicted of conspiracy to distribute crack cocaine, being a felon in possession of a firearm, and numerous specific crack cocaine transactions. The defendant had used two minor boys to hold his drugs or guns when he was driving to make crack deliveries. In payment, the boys received meals, clothes, and Jordan basketball shoes. At the sentencing, the court found the defendant responsible for more than 10 kilograms of crack cocaine, and enhanced his base offense level for using minors in the enterprise. The defendant is also subject to the forfeiture of up to \$4.25 million in assets.

Not surprisingly, a number of districts identify drug-related gun violence as the most serious crime problem facing their district. In many communities, gangs trafficking in crack cocaine or methamphetamine also carry and use firearms, and search warrants executed in drug cases also result in the seizure of firearms. In the Southern District of California, for example, a recent survey of San Diego arrestees revealed that over 60 percent of arrestees who reported having sold illegal drugs or admitted gang membership also claimed gun ownership. Almost half of San Diego gang members (46 percent) stated they had used a gun to commit a crime. Similarly, the Idaho Department of Law Enforcement (IDLE) reports that the majority of its violent and property crimes are connected with the illicit drug trade, and drug houses have become virtual pawn shops for buyers and sellers of guns. Debriefings of convicted drug traffickers indicate that they often take stolen guns in trade for drugs, and it is not uncommon for agents to find twenty or more firearms during a drug raid.

In cities across the country, the drug trade has spawned a number of neighborhood groups—often referred to by law enforcement and the groups themselves as "crews"—that typically control the distribution of controlled substances in a block or group of blocks within a relatively small and usually well defined geographic area, and frequently in public housing. These groups often use extreme violence to protect their drug trafficking activities, and disputes between crews spill over into other areas of the community—clubs, shopping areas, schools, parks and playgrounds—where innocent bystanders fall victim to the resulting gun violence. Accordingly, identifying and prosecuting crews has become a priority for many districts.

- ATF and the Justice Department will work with counter-drug task forces, such as High Intensity Drug Trafficking Area (HIDTA) task forces, to enhance their gun trafficking investigations and cases. (AI 2)

In Washington DC, the "L Street Crew" was a particularly violent drug trafficking organization, responsible for five murders, numerous assaults, and a brutal, retaliatory kidnapping, gang rape, and shooting of a young woman. Local law enforcement estimated that the organization sold over 3000 kilograms of marijuana and dozens of kilograms of crack cocaine. After a lengthy investigation by the FBI's Safe Streets Task Force and a twelve-week trial, more than 20 crew members were convicted on RICO conspiracy, drug conspiracy, violent crime in aid of racketeering, homicides, assaults with intent to kill, and related firearms charges. In October 1999, the crew's leader and his cousin were each sentenced to life imprisonment plus, respectively, a consecutive 120 years and consecutive 25 years.

Domestic Violence Involving Firearms

When domestic disputes arise, firearms all too often bring about fatal consequences. The analysis by U.S. Attorney's Offices and ATF shows that domestic violence is a significant source of firearms violence in many districts. According to a recent Justice Department study, 65 percent of the 52,000 intimate murders committed between 1976 and 1996 involved the use of a firearm⁵.

Recognizing the risk posed by allowing domestic violence offenders to have guns, in 1996, Congress amended the federal Gun Control Act (GCA) to prohibit persons subject to a domestic violence restraining order or convicted of misdemeanor crimes of domestic violence from possessing firearms. The GCA provisions enable federal, state and local authorities to supplement existing remedies so that law enforcement personnel can increase the safety of domestic violence victims and obtain maximum consequences for domestic abusers.

Our National Strategy calls for districts facing the problem of firearms violence related to domestic violence to continue to work with state and local law enforcement to ensure that the GCA restriction and similar state provisions are aggressively enforced, and to expand these efforts. We are committed to using our ability to identify chronic abusers, prove firearms possession, and apply the new GCA provisions to prevent future fatalities and support communities' effort to reduce gun violence in domestic situations. For example, in the Northern District of Iowa, a largely rural district, the number of firearms homicides rose by 40 percent from 1994 to 1998, in large measure due to domestic violence. Because federal law provides tougher penalties than current state law for domestic violence offenses involving firearms, two attorneys in the state Attorney General's office have been assigned to prosecute domestic violence cases in federal court. Similarly, in the District of Maine, the U.S. Attorney's Office identified domestic violence as the top crime problem in the state, and the cause of over 50 percent of Maine's homicides each year. The district responded by reaching out to local law enforcement and prosecutors to ensure that the federal domestic violence laws are used to full

⁵*Violence by Intimates*, Department of Justice, Bureau of Justice Statistics, 1998.

advantage. And in the Middle District of Alabama, ATF is working with a battered women's shelter to enforce the domestic violence provisions of the GCA and provide other assistance when the abusive domestic partner has guns.

- ATF plans to expand its program of working with battered women's shelters to other regions wherever domestic violence involving firearms is a significant problem. (AI 3)

On February 28, 1999, in Huntington, West Virginia, a man broke into his estranged wife's home and bound her uncle, who was then at the house alone. The defendant then waited until his wife, his two children, and his mother-in-law returned home and shot his wife in the chest and temple in front of the residence while stopped motorists and the children watched in horror. He pistol-whipped the victim's mother and shot his wife's uncle in the face as he attempted to escape. The defendant then led West Virginia State Police on a high speed chase that ended in Ritter Park, a popular recreational area. After an exchange of gunfire with a trooper, the defendant was wounded and arrested. His criminal past includes convictions for second degree murder, malicious wounding, and drug distribution. He was charged under the federal armed career criminal provisions, and in November of 1999, was sentenced to life imprisonment.

Unlawful Gun Possession

Under federal law and under the laws of many states, convicted felons are included in the categories of persons barred by law from possessing firearms. When such persons are caught in possession of a gun, they are subject to prosecution. Federal law provides significant sanctions for violent or repeat criminal offenders who illegally possess firearms, and the apprehension, investigation, and prosecution of such "felons in possession" is an important part of our strategy to reduce gun violence.

In September of 1999, in the Eastern District of Wisconsin, a federal defendant was sentenced to 15 years in prison for being a felon in possession of a firearm. The defendant had originally been stopped for jaywalking, was arrested on an outstanding warrant, and was found to be in possession of a handgun. He was sentenced as a Career Criminal because of several previous convictions for burglaries, robberies, and an attempted sexual assault.

Removal of violent offenders from a community based on illegal gun possession charges can not only prevent gun crimes by that individual, but public awareness of that sanction can reduce the illegal carrying of weapons. In connection with the National Strategy, many districts are discovering the benefits of community campaigns that publicize the penalties for illegal gun possession.

III Breaking the Cycle of Violence

To effectively and permanently stop the misuse of guns, we must break the cycle of violence that grips many of our communities. Much of the gun violence that we continue to experience in this country—particularly that involving our young people—is intimately tied to the underlying social and environmental conditions that contribute to violence in general. For this reason, prevention and intervention programs that address both the causes and consequences of violence, and are backed by appropriate enforcement, are critically important to any effort to reduce gun violence.

The President's directive asked us to consider innovative enforcement methods, and specifically cited Boston's "Operation Ceasefire," a pilot for a new law enforcement strategy known as "targeted deterrence," which intervenes with chronic, violent offenders to deter further violence. This method has been implemented in several communities across the country with extremely promising results. It arose out of an intensive, collaborative, problem-solving process in which the U.S. Attorney's Office, ATF, local authorities, criminal justice experts, and community leaders analyzed Boston's violence problems, identified youth gun homicide as the city's principal crime issue, and developed a program to reduce youth violence. Our National Strategy calls for expanding targeted deterrence and problem-solving approaches through the Strategic Approaches to Community Safety Initiative (SACSI) and various other programs that this Administration has supported and created at the federal, state and local levels. Although a description of all of these intervention and prevention efforts is beyond the scope of this document, this section describes a few initiatives that are specifically designed to deter or prevent gun violence.

Targeted Deterrence

The law enforcement strategy that has come to be known as "targeted deterrence" strategically *targets* chronic, repeat offenders or offending groups, like gangs, violence-prone youth, or drug organizations and *deters* further violent behavior by clearly and directly conveying to this group that such behavior will no longer be tolerated. All tools available to law enforcement are then brought to bear on any who offend in spite of this warning. At the same time, these individuals are provided with positive opportunities to change their lives, such as job training, employment programs, and other social services.

The targeted deterrence strategy has achieved compelling results. In 1990, Boston experienced 152 murders. By 1999, the figure had dropped to 31—an 80 percent decline—with the reduction in youth homicides leading the way. See Figure 4, "Decrease in Firearms Homicides, Boston, 1995-1999," above.

The premise of targeted deterrence is that violent behavior by youth or groups of chronic offenders can be deterred by reaching out directly to these offenders, setting clear standards for

their behavior, and backing up that message by "pulling every lever" available when those standards are violated.⁶ The targeted deterrence approach involves the following six steps:

1. **Problem solving process.** *First*, federal, state and local law enforcement draw on their existing knowledge to identify the sources of gun violence. In many urban areas, repeat offenders and offending groups are responsible for the majority of gun violence, and they are known to law enforcement and community members. These are the individuals identified for targeted enforcement.

2. **Call-ins" and warnings.** *Second*, in order for the targeted enforcement policy to have a deterrent effect, offenders and would-be offenders need to know what the policy is. Law enforcement and community members therefor reach out directly to these offenders and at-risk individuals and set clear standards for their behavior, conveying the forceful message that violence will not be tolerated. The communication with targeted offenders usually can occur quite directly by virtue of the gang members' or repeat offenders' prior relationship with the criminal justice system, which provides opportunities for face-to-face communication. Targeted deterrence programs can use meetings, sometimes dubbed "call-ins," to advise offenders of the community's intolerance of violence and explain the new collaboration among community members and law enforcement that will be used to enforce the community's will. By establishing simple and clear guidelines for behavior that will invoke the "new" sanctions, and by enhancing the credibility of the program through the consistency, frequency, and speed with which sanctions are meted out for violations of those guidelines, authorities are able to deter violence, and thus focus more intensely on those who commit violent acts despite the warning. Law enforcement and other participants may also use posters and leaflets to communicate their zero tolerance message.

3. **Services and moral suasion.** *Third*, in the sessions with targeted offenders, law enforcement and their community partners—the clergy, youth advocates and job counselors — use moral suasion and offer access to such things as social and medical services, jobs, and educational opportunities, that provide an alternative to violence. The authorities make clear that offenders have a choice: they can continue to break the law and face severe sanctions, or they can turn their lives around, with the help of service providers from their community. Among the alternatives available in Boston are jobs and higher education slots made possible under the "Boston Jobs Project," an initiative begun by the U.S. Attorney, the Boston Police Commissioner, the District Attorney, and others, and funded by the Departments of Labor and Justice. Boston law enforcement leaders have become prime advocates of alternatives for offenders, as part of their overall strategy for reducing violence.

⁶ Substantial portions of this section are drawn from *Pulling Levers: Getting Deterrence Right*, by David Kennedy, National Institute of Justice, Washington, DC, 1998.

4. Sanctions: pulling all levers. *Fourth*, if the targeted offenders or groups ignore the zero tolerance message, law enforcement authorities have a variety of levers to pull that can impose costs on both individual offenders and on the gang or group as a whole. Targeted deterrence is distinct from other firearms enforcement strategies in the variety of enforcement tactics it employs in a coordinated manner. In addition to firearms prosecutions, federal, state and local law enforcement coordinate a varied mix of operations to:

- disrupt street drug activity;
- focus police attention on low-level street crimes, such as trespassing and public drinking;
- serve outstanding warrants;
- cultivate confidential informants for medium- and long-term investigations;
- strictly enforce probation and parole conditions;
- seize drug proceeds and other assets;
- ensure stiffer plea bargains and sterner prosecutorial attention;
- request and enforce tougher bail terms; and
- initiate federal investigations into their activities, e.g., gang-related drug activity.

By pulling all available levers, law enforcement authorities can increase the costs of violent activity, especially by gangs and drug organizations, and thus increase the deterrent effect. Not only are individuals prosecuted under the firearms laws, but the gang faces cash-flow problems caused by street market disruption, other members are arrested under outstanding warrants or subjected to strict probation enforcement, and the gang is susceptible to federal investigation into its activities.

5. Communicating enforcement consequences to the group. *Fifth*, federal, state, and local authorities then publicize the specific enforcement actions undertaken, to further increase their deterrence impact. Targeted deterrence is distinct from other enforcement strategies because when a member of the group commits violence, law enforcement authorities impose costs and punishment not just on the individual gun criminal, but on the whole gang or other group, creating a powerful deterrent effect. Pulling all available levers causes problems for the whole gang that can range from cash flow problems caused by street market disruption, to the arrest of other members under outstanding warrants, and humiliation by strict probation enforcement, as well as federal investigation into the gang's activities.

6. Preventing a chain reaction. *Sixth*, throughout the process, law enforcement carefully maps patterns of gun violence and gang activity so that it can intervene to prevent the spread of violence from one gang to another, or the increase of violence by one gang in response to another's weakening due to an enforcement action.

The collaborative and coordinated approach of this strategy allows law enforcement and the community to pool their enforcement resources and engage in a pro-active strategy that will deter crime. By punishing violent acts through the exercise of a "pulling levers" strategy, the community exposes offenders not only to the original risk of prosecution, but also to numerous other unpleasant risks—many of which are far more swift and certain. When law enforcement is able to focus intense attention and sanctions on specific would-be offenders, and when the community communicates the new approach to the targeted gangs, a fundamentally different balance of power is established between the authorities and the streets.

Expansion to Other Communities

Based on Boston's success, the targeted deterrence approach has been replicated in other cities through the collaborative efforts of the Justice Department, ATF, and local authorities. For example, the Middle District of North Carolina introduced a targeted deterrence strategy in High Point, North Carolina in 1998 that resulted in a 49 percent drop in the total number of homicides, robberies and assaults with firearms dropped between 1997 and 1999. During the same period, firearms homicides fell by 82 percent, and gang- or drug-related firearms homicides were reduced 100 percent. See Figure 7, High Point, North Carolina: 1997-1999. The district believes that in addition to reducing gun violence, the project will enhance the level of trust between the law enforcement agencies in High Point and the minority communities most affected by the violence. This effect seems to be measurable, as the number of citizen complaints about police conduct dropped 50 percent between 1997 and 1999. Minneapolis, Minnesota and Stockton, California, likewise have achieved great success by using targeted deterrence.

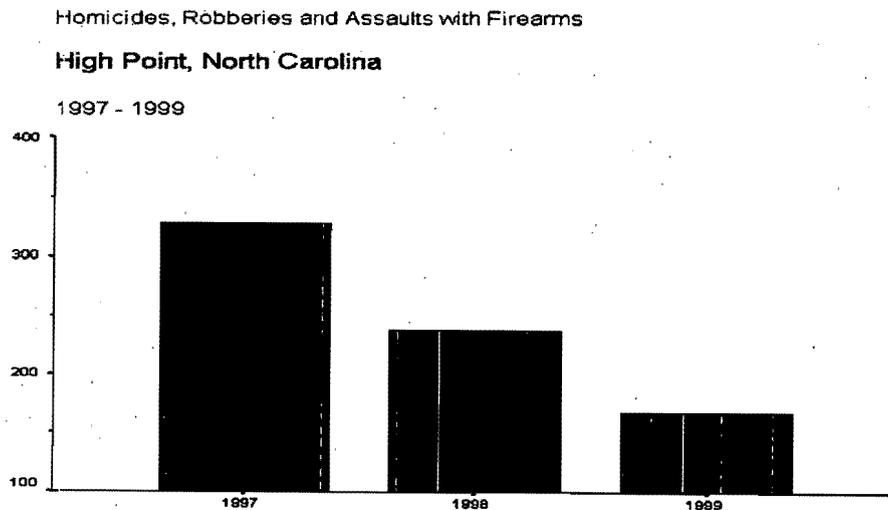


Figure 7

In light of its promise as an efficient and effective means to reduce gun violence and offer offenders—particularly at-risk youth—an opportunity to break the cycle of violence, we recommend widespread adoption of the “pulling levers” and similar data-driven collaborative, problem-solving approaches wherever appropriate. (AI 4)

- To help encourage this approach to gun violence, the Administration’s FY 2001 budget includes funding to hire 20 strategic enforcement teams in United States Attorney’s Offices. These two-person teams would lead the community’s effort to collect and analyze gun crime data, target offenders and offending groups for intervention, and develop and implement lever-pulling strategies.

Integrating Prevention and Intervention Programs with Law Enforcement Activities

Gun violence affects not only individual victims, but entire families and communities. When streets, schools or neighborhoods are unsafe or perceived to be unsafe, the quality of life and viability of the whole community are compromised. Therefore, programs that address the root causes of violent behavior, stop individual and group retaliation, alleviate public fear, rebuild social infrastructure, and help citizens “take back” their neighborhoods are essential to reduce gun violence and restore community well-being.

Our National Strategy employs prevention and intervention, implemented strategically and in coordination with law enforcement activities, to accomplish these goals. Prevention involves providing opportunities for individuals—youth and adults alike—to lead responsible, productive, safe and healthy lives, and thus avoid committing crimes. For example, in Richmond, California, 72 percent of the residents living in an area targeted for the city’s gun violence reduction efforts reported that they, or someone they knew, had been a victim of violent crime. In response, the city increased the police presence in these neighborhoods and created the “Safe Passages” Program, which established safe houses to which children could go if they felt threatened or afraid on their way to or from school.

Intervention, on the other hand, addresses the cycle of violence once it has begun by targeting those individuals who are most at risk for violence, particularly youths who have themselves been victims of violence or who have already been involved with the criminal justice system. The goal of intervention programs is to prevent retaliatory violence or recidivism among these groups. When backed up with swift and certain legal enforcement of firearms violations, intervention programs can have a significant deterrent effect.

Juveniles report that they carry guns for protection and respect. In a 1998 study of 750 10th and 11th graders in 53 high schools nationwide, 43 percent of the students who carried a firearm cited the perceived need for protection as the primary reason for carrying a firearm. This

finding is consistent with a 1993 study that surveyed youth in juvenile detention facilities.⁷ Our National Strategy calls for us to support community programs and policies that seek to make our young people feel that they do not need to carry guns to be safe or socially accepted.

In recent years, a number of communities around the country have developed innovative intervention programs that provide increased services, such as counseling and coordination of health, treatment, education and employment services, for chronic youthful offenders and their families. In some cases, services include extended contact with a counselor, who serves as an advocate for the youth to ensure the seamless provision of services. Such programs can break the cycle of violence by providing chronic offenders with incentives and opportunities for success.

For example, Highland Hospital in Oakland, California, developed an intervention program known as "Caught in the Crossfire." This program sends counselors to the bedsides of youths injured by gunfire within 24 hours of their admission. Its goal is to intervene with these youths to prevent retaliatory violence. The program trains urban youth as counselors to provide peer support to recovering adolescent gunshot survivors, and to work with these victims and their families over the next 12 months to interview, counsel, and refer them to appropriate health, education, legal, employment and other services. In the year-and-a-half the program has been in operation, over 40 young people have received this service. Although there are no hard data yet proving the program's efficacy, many young people have commented that the peer support helped them to change their lifestyle, including returning to school, obtaining a job, and changing friends.

This Administration has consistently emphasized helping communities develop and implement innovative prevention and intervention strategies, in coordination with law enforcement. The Justice Department's Partnerships to Reduce Juvenile Gun Violence program is one of the most noteworthy federal efforts to promote a comprehensive response to gun violence. Since 1997, this initiative has provided grant funds to Baton Rouge, Louisiana; Oakland, California; and Syracuse, New York to implement partnerships to enhance and coordinate local gun violence prevention, intervention, and suppression strategies and strengthen collaboration among law enforcement, the juvenile justice system, and the community.

Baton Rouge's experience illustrates the effectiveness of this program in promoting strategic problem-solving at the local level. From 1992 to 1996, Baton Rouge, Louisiana experienced a dramatic increase in the number of violent youth crimes. During this period, the number of juveniles under 16 arrested annually rose by 61 percent. In 1996, juveniles were responsible for 14 homicides, as well as numerous armed robberies, aggravated assaults, and other weapons violations. In response, law enforcement, city officials, community organizations, and others joined to form the Baton Rouge Partnership for the Prevention of Juvenile Gun Violence. The partnership targeted repeat offender youth up to age 21 from two high-crime

⁷ *High School Youths: Weapons and Violence: A National Survey*. National Institute of Justice, Washington DC, October 1998.

areas of Baton Rouge for participation in "Operation Eiger," a high-intensity probation and parole initiative. (Eiger refers to a mountain that is one of the most difficult in the world to climb). Police/probation teams have regular, intensive contacts with over 200 youths and their parents. The youth receive psychological and substance abuse evaluations and treatment, job skills training and placement, and mentoring, and also attend chemical awareness and anger management clinics.

The initiative has helped reduce re-offending among the targeted group. In September of 1997, 44 percent of the police and probation contacts with the youth resulted in probation violations. By June 1999, probation violations involving Eiger youth were down to 25 percent. In addition, Eiger youth have fewer rearrests for new crimes. Only 38 percent of the Eigers in the program one year or longer have been rearrested for any offense, compared with a rearrest rate of over 65 percent of non-Eigers.

The partnership has also helped reduce violent crime in Baton Rouge, particularly gun crime in the target area. From 1996 to 1999, homicides dropped from 71 to 48 in Baton Rouge—a decline of 28 percent. In the partnership's target area (two zip codes with the highest violent crime levels), homicides dropped from 48 in 1996 to 30 in 1999—a decline of nearly 40 percent. Gun-related homicides in the target area declined even more dramatically, from 43 in 1996 to 19 in 1999—a reduction of more than 55 percent.

- To continue and expand the Partnerships to Reduce Juvenile Gun Violence program, the Administration has requested \$10 million in FY 2001.

In addition, this Administration has continually sought to integrate prevention and law enforcement in a more comprehensive manner at the federal, state, and local levels. By integrating traditional law enforcement efforts with other types of gun violence reduction efforts being implemented at the community level, communities throughout the nation are developing a deeper understanding of their particular gun violence problems and what works to reduce that violence. Our National Strategy calls for us to continue and expand our support of these efforts. Although a description of all of these prevention and intervention programs is beyond the scope of this document, two such initiatives, aimed at reducing violence in general, are briefly described here to illustrate their important role in our comprehensive strategy to reduce gun violence.

For example, the Justice Department has implemented community-based programs such as the Strategic Approaches to Community Safety Initiative (SACSI), which is now in Memphis, Tennessee; New Haven, Connecticut; Indianapolis, Indiana; Portland Oregon; and Winston-Salem, North Carolina. This path-breaking program features diverse partnerships that have identified the most serious crime problems in their cities and designed and implemented data-driven, collaborative strategies to address those problems.

- To expand the SACSI program to additional sites, the Administration has requested \$10 million in FY 2001.

The Justice Department's Weed and Seed program similarly promotes federal, state, and local collaboration to combat violent crime and gun violence in targeted areas and rebuild these communities through crime prevention and neighborhood restoration activities. Through the leadership of U.S. Attorneys, federal, state, and local-level resources come together to prevent and control violent crime, drug abuse, and gang activity in target areas. Today, over 200 communities participate in the Weed and Seed approach—many of which focus on preventing and combating gun crime.

- To continue and expand the Weed and Seed initiative, the Administration has requested \$42 million in FY 2001, of which at least \$12 million will be devoted to strengthening the program's gun abatement initiative.

ATF also supports and participates in prevention strategies to reduce gun violence and strengthen relations among law enforcement, schools, and the community. In partnership with the Phoenix Police Department, ATF developed the Gang Resistance Education and Training (GREAT) Program, which trains police officers to instruct grade school and middle school children in gang prevention and anti-violence techniques. GREAT draws on the skills of ATF, federal, state, and local law enforcement personnel, as well as individuals from the community and civic groups. Since its inception, GREAT has expanded to 1,499 cities and has enabled thousands of law enforcement officers from all over the nation to teach more than one-and-a-half million schoolchildren.

Assisting Victims

We have worked hard to respond to the needs and concerns of gun violence victims. Victims of gun crime experience serious trauma and often need specialized services to help them move forward with their lives. The "hard costs" of gun crime to victims are tremendous. Medical bills for injured victims and funerals for homicide victims account for the largest expenditures by victims' compensation programs. The Justice Department, under the Victims of Crime Act (VOCA), has actively supported state crime victims' compensation programs and local assistance programs across the country to provide emergency and ongoing services for gun violence victims. These services may include medical care, temporary shelter, mental health counseling, child care services, compensation, referrals to support groups, transportation, and other related victim services and support. To expand efforts of this kind, the Justice Department recently convened a focus group with representatives from victims' assistance and advocacy organizations to discuss the effects of gun violence on victims and communities, and to propose strategies for increasing community involvement in combating and responding to gun violence victimization.

IV Enforcing Laws That Keep Guns Out of the Wrong Hands

Keeping guns out of the hands of criminals, domestic violence offenders, unauthorized juveniles, and other persons prohibited by law from possessing firearms is an essential component of our strategy to reduce firearms violence. Firearms trafficking—the diversion of guns from the

legal market to the illegal market and the further transfer of firearms within the illegal market—poses a serious law enforcement issue throughout the nation. Trafficking takes a variety of forms, and can involve illegal dealing by licensed and unlicensed sellers at stores, gun shows and flea markets, on the streets, and through other channels; straw purchasing; and trafficking in stolen guns obtained by incidental or systematic theft. Interstate firearms trafficking is so prevalent along the eastern seaboard that Interstate 95 has been dubbed “The Iron Highway,” as gun traffickers buy guns in southern states with few firearms purchase restrictions and transport them north into states with greater restrictions, where they can be sold at a profit.

Reducing the illegal supply and acquisition of firearms requires ensuring both that criminals and other prohibited persons cannot buy guns on the legal market, and eliminating the diversion of guns from the legal market to the illegal market. We have developed powerful tools to accomplish both of these goals.

A. Preventing Illegal Purchases on the Legal Market through the Brady Act

To keep guns out of the wrong hands, we must ensure that firearms sellers check whether individuals seeking to purchase guns are criminals or otherwise prohibited from possessing guns. Although the Gun Control Act of 1968 made it illegal for felons and other prohibited persons to possess or acquire firearms, until 1993, gun sellers had no way to know whether a customer was lying about his background in order to get a gun. The Brady Handgun Violence Prevention Act of 1993 changed this by requiring that federally licensed firearms dealers (known as “Federal Firearms Licensees” or “FFLs”) check with law enforcement officials before selling a firearm. In this way, the Brady Act eliminated the “honor system” in firearms purchases, requiring verification of statements made by prospective purchasers that they are not prohibited from obtaining a firearm. To date, the Brady Act has stopped over 500,000 criminals and other prohibited people from purchasing firearms.

During the Brady Act’s first five years, state and local law enforcement officials performed background checks and stopped an estimated 312,000 criminals, fugitives, and other prohibited persons from getting handguns from licensed gun dealers. Of those stopped, approximately 63 percent had a prior felony conviction or a current felony indictment, and 13 percent had either a domestic violence conviction or were subject to a domestic violence restraining order.⁸

Pursuant to the permanent Brady Act provisions, on November 30, 1998, the FBI launched the National Instant Criminal History Background Check System (NICS) to conduct automated background checks on sales of all firearms by licensed gun dealers. Under NICS, a prospective gun buyer may not take possession of a firearm until the FFL requests a NICS background check,

⁸ For more information on the results of the Brady Act’s Interim Period, *see Presale Handgun Checks, the Brady Interim Period, 1994-98*, Bureau of Justice Statistics Bulletin, Washington, DC, June 1999.

and either the NICS reports that there is no record in the system indicating that the prospective purchaser is prohibited, or three business days have elapsed.⁹ NICS conducts electronic searches of almost thirty five million criminal records, as well as records pertaining to other persons prohibited by law from possessing a gun.

On April 7, 2000, a federally licensed firearms dealer in the District of Colorado was convicted on 16 federal felony counts for writing up false background checks on gun sales made at gun shows, selling a handgun to an underage person, and selling guns to 11 convicted felons, including one who had been convicted of assault and domestic violence, and others convicted of felony theft, burglary, and trafficking in humans. Because he believed he was losing sales to unlicensed gun sellers at gun shows - unlicensed dealers who do not have to run background checks—the gun dealer had falsified forms to indicate that he had obtained approval from the Colorado Bureau of Investigation on criminal history background checks when, in fact, he had not done so.

NICS has been highly effective in stopping the illegal flow of firearms from licensed gun dealers to prohibited persons. During its first thirteen months of operation (from November 30, 1998 through December 31, 1999), the system processed over 10 million inquiries and prevented an estimated 179,000 felons, fugitives, and other prohibited persons from illegally receiving firearms. Of those stopped by the FBI, approximately 71 percent had a prior felony conviction or a current felony indictment, and 15 percent had either been convicted of a domestic violence misdemeanor or were subject to a domestic violence restraining order. See Figure 8, “FBI Percentage of Denials by Category.”

⁹ For information on the operation of the NICS, see *National Instant Criminal Background Check System (NICS) Operations Report (November 30, 1998 - December 31, 1999)*, Federal Bureau of Investigation, Criminal Justice Information Systems Division, Washington, DC, March 2000.

FBI Percentage of Denials by Category

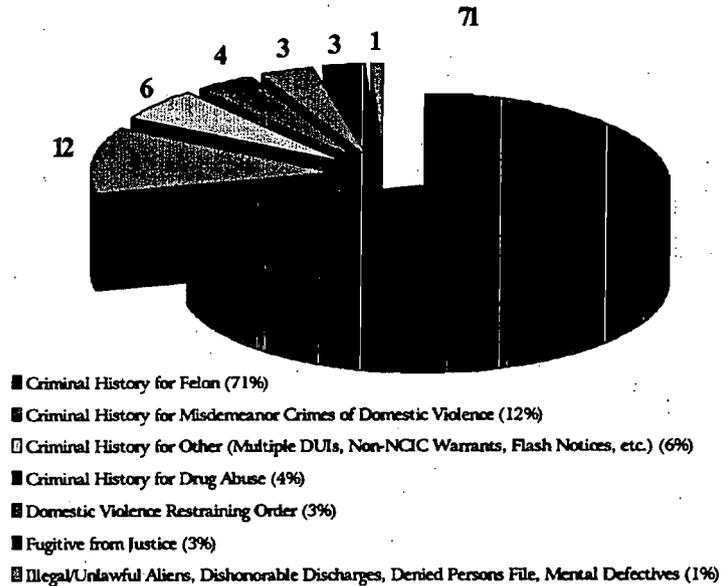


Figure 8

Currently, the NICS system immediately notifies state and local authorities of all fugitives who seek to acquire firearms, and numerous fugitives have been apprehended by law enforcement as a result of Brady checks. Although fugitive denial information is materially different from denial information about other categories of prohibited persons (inasmuch as it reflects outstanding legal process on the prospective buyer), our National Strategy calls for expanding the law enforcement use of denial information about other categories of prohibited persons.

- To assure that state and local authorities have access to information about all persons in their jurisdiction who illegally attempt to buy firearms, federal authorities are developing a means quickly to notify state authorities of all NICS denials. (AI 5)

Delayed Denials

Approximately 95 percent of all NICS background checks are completed within two hours, and most are completed within three minutes. However, if necessary, NICS may take *up to* three business days to determine whether a prospective purchaser is prohibited from receiving a firearm.

If a licensed gun dealer does not receive a NICS denial within three business days after he or she contacts the system, the Brady Act does not prohibit the transfer. If NICS thereafter determines that the purchaser was in fact prohibited, and the firearm has already been transferred, the FBI immediately refers the matter to ATF to verify the purchaser's prohibited status and take prompt action to retrieve the firearm. Because of public safety considerations, ATF gives these "delayed denials" top priority.

NICS checks are delayed when the records accessed by NICS are incomplete. This can occur, for example, when state criminal history records show that an individual was arrested, but do not show whether he was convicted. We are taking steps to improve the completeness and automation of states' criminal history records in order to make NICS checks quicker, more thorough, and to reduce the number of delayed denials. Through the National Criminal History Improvement Program (NCHIP), the Justice Department has provided over \$270 million in grants to help states update and automate their criminal history records. From 1993 to 1999, the total number of state criminal history records increased by only 23.4 percent, but the number of records available to the NICS system increased by 45.5 percent. Available records with dispositions have increased even more dramatically – 78.9 percent. Since NCHIP funding began, the number of records available to the NICS has increased by 10.4 percent, and records with dispositions have jumped 14.4 percent. NCHIP grants are clearly helping the states make substantial advances in record automation and completeness, and our National Strategy calls for enhancing this successful program.

- The Administration's FY 2001 budget request provides \$70 million, double the current funding level, to improve state criminal history records and enhance the speed and accuracy of Brady background checks.

B. Stopping Traffickers on the Illegal Market

Nearly all firearms begin their existence in the legal market, but every day thousands of guns cross into the illegal market through various forms of firearms trafficking. To address firearms trafficking effectively, we are obtaining information that helps us understand the illegal firearms markets we seek to shut down, take preventive measures, and investigate and prosecute traffickers. We are rapidly expanding our capacity to obtain this information through a variety of sources, from advances in crime gun tracing and ballistics, to the wide range of traditional criminal investigatory and intelligence methods; these are described in more detail in section V, below. In this section, we discuss some of the means by which trafficking occurs, and our current approaches to preventing it.

ATF is uniquely placed to interdict illegal trafficking in firearms by virtue of its regulatory and enforcement authority over the firearms industry. Although relatively few federal firearms licensees engage in illegal trafficking, their access to a large number of firearms makes corrupt licensed dealers a serious threat to public safety. When appropriate, inspectors refer federally licensed dealers [abbreviate? FFLs?] to ATF special agents for investigation. We will continue and increase our enforcement and regulatory efforts to prevent illegal buying and selling of

firearms, especially transfers involving prohibited persons, wherever illegal trafficking and acquisition of firearms are a significant aspect of firearms violence.

Ensuring Dealer Compliance with Firearms Laws

Effective regulation of the gun industry is our first line of defense against illegal firearms trafficking. Under the Gun Control Act, persons engaged in the business of manufacturing, importing, or dealing in firearms must obtain a license from ATF. Holders of these licenses—federal firearms licensees (FFLS)—must maintain records of all acquisitions and dispositions of firearms and comply with federal, state, and local law governing firearms transfers. The recordkeeping requirements allow us to trace some crime guns and provide a basis for investigating illegal firearms trafficking.

In St. Louis, Missouri, ATF investigated the city's largest firearms dealer after approximately 300 crime guns were traced back to it between 1989 and 1996. The U.S. Attorney's Office for the Eastern District of Missouri successfully prosecuted the gun shop owner and employees for willfully aiding and abetting straw purchasers in knowingly and willfully falsifying a material fact. One of the guns "straw purchased" from the gun shop was used in an attempted bank robbery where a security guard was killed.

Crime gun sources. Our National Strategy relies heavily on ATF's regulatory oversight of FFLs as a means to keep guns out of the wrong hands. Significantly, recent tracing analysis has shown that a small proportion of dealers account for a large proportion of the firearms traced from crimes.¹⁰ Just 1.2 percent of dealers—1,020 of the approximately 83,200 licensed retail dealers and pawnbrokers—accounted for over 57 percent of the crime guns traced to current dealers in 1998. To reduce illegal trafficking, ATF is making this crime gun trace analysis available to criminal investigators, and is targeting regulatory enforcement and inspection resources at these dealers.

- ATF is conducting intensive inspections of the 1.2 percent of dealers that account for over half of all crime guns traced last year. If violations of law are found, we will take action against these dealers. (AI 6)
- To support these inspections and the other intensified regulatory enforcement activity called for in the Strategy, the Administration's FY 2001 budget seeks funding for 200 new ATF inspectors.

¹⁰ For a full report on recent analysis of tracing and regulatory information, identifying a series of steps to counter the illegal market in guns, see *Commerce in Firearms in the United States*, Department of the Treasury, Bureau of Alcohol, Tobacco, & Firearms, Washington, DC, February, 2000.

In addition, ATF is taking steps to determine whether used guns sold by these corrupt dealers also fall disproportionately into criminal hands. Some licensed dealers acquire substantial numbers of used guns from unlicensed sellers for resale. Used guns are generally not traceable, because tracing records lead no further than the first retailer purchaser.

- ATF will require a subset of the 1.2 percent of dealers that account for the majority of crime gun traces—those whose guns fall especially quickly into criminal hands, signaling a high possibility of direct diversion—to submit information to ATF about the used guns they acquire, allowing ATF for the first time to be able effectively to trace used guns sold by these dealers. (AI 7)

Uncooperative dealers. ATF's ability to trace crime guns depends entirely on the records kept by FFLs. While most FFLs are diligent about maintaining accurate records and respond quickly to trace requests, a small number consistently fail to cooperate with crime gun trace requests.

- ATF will require dealers who fail to cooperate with crime gun trace requests to produce all of their firearms transaction records for the past year and on an ongoing basis. This will enable ATF to make sure that these uncooperative dealers follow the law and to revoke their licenses when appropriate. (AI 8)

Inactive dealers. From 1975 to 1992, the FFL population grew from over 160,000 to over 280,000. The growing licensee population strained enforcement resources, and many inactive licensees were holding licenses meant only for those engaged in the firearms business. In 1993 and 1994, Congress added several safeguards to ensure that only legitimate gun dealers obtain federal licenses, including increased fees and certification requirements. Following ATF's implementation of those provisions, the number of FFLs dropped by more than half, to approximately 104,000 in 1999. Despite the decline, 31 percent of retail licensees in 1998 had not sold a gun in the previous year.

- ATF will take additional steps to ensure that only licensees who are engaged in the business hold licenses. As part of the license renewal process, ATF will require an FFL to certify as to the number of firearms that the FFL bought and sold during the previous three years. (AI 9)

Dealer to Dealer Transfers. To further ensure dealer compliance, ATF will require licensees to check an FFL's license status before shipping firearms to other licensees. Prior to shipping a firearm to another licensee, FFLs are currently required to verify the fact that the transferee has a valid license. While regulations require the transferor to obtain a copy of the transferee's license, in some cases, licensees whose licenses have been revoked, as well as unlicensed individuals with fraudulent licenses, have been able to obtain firearms from FFLs. Our National Strategy includes steps to prevent individuals with fraudulent or revoked licenses from misleading FFLs about their status.

- ATF will propose an amendment to its regulations to require licensees to verify the status of transferee licensees by checking a website that ATF will establish and operate. (AI 10)

Targeting Straw Purchasers and Straw Purchasing Rings

One common method used by illegal traffickers who attempt to circumvent the federal firearms laws and create an illegal market in firearms is the "straw purchase." A straw purchase occurs when the actual buyer of a firearm uses another person, the "straw purchaser," to execute the paperwork necessary to purchase a firearm from an FFL. Often, a straw purchaser is used because the actual purchaser is prohibited from acquiring the firearm due to a felony conviction or another prohibition. Disqualified persons and violent gang members often use straw purchasers to acquire guns from FFLs and at gun shows.

Federal authorities in communities that identify straw purchases as a significant problem in their jurisdictions are working to expand existing coordination with state and local law enforcement to identify and prosecute straw purchasers and corrupt FFLs who assist straw purchases. Pittsburgh, Pennsylvania's "Operation TARGET" ("Taking Aim to Reduce Gun Violence and End Trafficking"), for example, includes a focus on straw purchasers. In cooperation with ATF, the U.S. Attorney's Office in the Western District of Pennsylvania uses trace data and other statistical information to identify FFLs who have a pattern of selling to straw purchasers and individuals whose gun purchasing record reveals that they may have made straw purchases on behalf of felons. These data, as well as other investigative information, are being used to identify and prosecute straw purchasers. Recently, the U.S. Attorney's office separately indicted five individuals for trafficking a total of 40 illegal guns. One of the guns was used to commit a murder, two were used in shootings, and one was seized during a drug probe.

In February 1999, in the Northern District of Indiana, the organizer and leader of a group that included his brother and sister, and another woman who served as a straw purchaser of firearms, was sentenced to 5 years and 3 months in prison on his convictions for being a felon in possession of a firearm and conspiracy to violate federal firearms laws. The other three co-conspirators were also convicted. The defendant had four separate previous felony convictions for unauthorized use of a motor vehicle, aggravated perjury, unlawful use of a weapon, and attempted murder, and was currently under indictment in Illinois State court in two additional unrelated cases for murder and for unlawful use of a firearm by a felon.

Cracking Down on Unlicensed Dealers

Unlicensed individuals sell about two million guns each year at gun shows, flea markets, and in individual private transactions.¹¹ More than 4,000 gun shows are held each year in this country, and between 25-50 percent of sellers at gun shows are unlicensed, as are almost all firearms vendors at flea markets. Nonlicensees cannot initiate a NICS check and have no obligation to find out whether a purchaser is a felon, fugitive, or other prohibited person. They also are not required to keep any record of their firearms transactions. As a result, large numbers of guns are sold anonymously, creating a ready supply of firearms for criminals and firearms traffickers. Research has suggested a link between gun shows and crime guns. Moreover, guns sold at gun shows cannot be traced if they are later recovered from a crime scene.

Under current law, persons who are “engaged in the business” of dealing in firearms are required to have a license and maintain appropriate records. See History of Federal Firearms Law, Appendix E. However, the law presently excludes those who buy and sell firearms “to enhance a personal collection” or for a “hobby” or who “sell all or part of a personal collection.” Those who abuse these exceptions to the license requirement with respect to the sale of firearms create a significant risk to the public by creating ready avenues for criminals’ access to firearms.

As best they can under current law, ATF and U.S. Attorneys target illegal sales of firearms at gun shows and in other venues to prevent large numbers of guns from being sold anonymously to criminals and firearms traffickers. Our ability to keep guns out of the hands of prohibited persons is tremendously undermined by current law, however, because individuals who cannot lawfully buy guns from FFLs can in fact readily obtain them from unlicensed sellers. Legislation to make *all secondary market* sellers, particularly those at venues attractive to criminals, like gun shows, follow the same simple but effective rules that licensed dealers currently follow is critical to enable us to keep guns out of the wrong hands. Legislative proposals to plug the gun show loophole and the more general problem of unlicensed sellers in the secondary market as a whole are discussed in our separate legislative section at pp. X.

¹¹ *Guns in America: Results of a Comprehensive National Survey on Firearms Ownership and Use*, Philip J. Cook and Jens Ludwig, Police Foundation, 1996; *Commerce in Firearms in the United States* Department of the Treasury, Bureau of Alcohol, Tobacco & Firearms, Feb. 2000, p. 5.

In the Northern District of Ohio, a man who sold large quantities of firearms at weekend gun shows after ATF revoked his federal firearms license was sentenced to 2 years and 9 months in prison following his conviction for dealing in firearms without a license. For four years, the defendant was a regular vendor at various Ohio gun shows, displaying an inventory of 60-90 handguns, rifles, and shotguns. To induce customers to buy from him instead of from licensed dealers subject to the Brady Law, the defendant did not require the purchaser to complete paperwork or undergo a criminal background check. After purchasing a number of handguns from the defendant in undercover transactions, agents seized his inventory of some 95 firearms and his sales records, which showed that he had sold nearly 500 firearms over 15 months at an average profit of \$82 per gun, and a total profit of more than \$40,000. The jury rejected the defendant's defense that his firearms activity was not profit-driven and that he was merely engaging in "occasional sales" to enhance his personal gun collection. The firearms confiscated from the defendant, with an estimated value of \$34,000, were forfeited.

Internet Transactions. The rapidly growing Internet present another area in which the federal government must take steps to ensure that existing federal laws governing firearms sales are followed. Convicted felons and other prohibited persons seeking firearms can go on the Internet and order a firearm from one of many websites devoted to firearms sales. Many of these websites are run by law abiding FFLs, who comply with federal, state and local laws. In some cases, however, the website is not run by a licensee, but by a "promoter" who brings together individual sellers and purchasers. In these cases, firearms are sold through the Internet with no Brady check, no transfer records, and no questions asked. Enforcement mechanisms should be established to make sure that both FFLs and unlicensed sellers follow existing law when conducting sales through the Internet.

Preventing Illegal Access to Firearms by Juveniles and Youth

Unauthorized access to guns by juveniles (under age 18) and youth (ages 18-24) presents distinctive problems. When guns replace fists and knives to settle disputes or commit crimes, the chance of a fatality increases many-fold. While overall and violent crime rates have dropped in recent years, juvenile homicides increased in the seven-year period from 1987 to 1993. And although there was a significant decline in juvenile homicides between 1993 and 1997, the rate of juvenile violence remains unacceptably high.

According to a recent Justice Department report, between 1980 and 1997, three out of four homicides involving juveniles age twelve and older were committed with a firearm. One out of four murders of juveniles involve a juvenile offender.¹² Despite legal restrictions on acquisition and possession, juveniles are getting and using handguns. ATF tracing data reveals that one out of ten traced crime guns is recovered from a person under 18 years old. More crime guns were

¹² *Juvenile Offenders and Victims, 1999 National Report*, Office of Juvenile Justice and Delinquency Prevention, Washington, DC, 2000.

recovered from 14-year-olds than from any age older than 50; 15-year-olds had as many crime guns recovered from them as any age older than 31. A large portion of these recovered juvenile crime guns are new (bought from a licensed dealer less than three years before recovery), signaling direct diversion from the legal market by illegal street corner sales, straw purchasers, theft from FFLs, or some combination of these.¹³

Under current federal law, individuals between the ages of 18 to 20 legally can possess handguns and can buy them from unlicensed sellers. The ease with which 18- to 20- year-olds can get guns is very troubling. Eighteen, nineteen and twenty year olds ranked first, second and third in the number of gun homicides committed in 1997, and for non-lethal violent crimes, 18 to 20 year-old offenders were more likely to use a firearm than offenders in other age groups. There were more recovered crime guns traced to 19 year olds than to any other age group; crime guns possessed by 18-year-olds ranked second.¹⁴

We are giving special priority to addressing juvenile and youth firearms crime and violence through programs that specifically target this age group. Through comprehensive crime gun tracing, the Youth Crime Gun Interdiction Initiative (YCGII) brings together law enforcement agencies at all levels of government to improve information about illegal sources of guns and use that information to identify, arrest and prosecute firearms traffickers and to reduce firearms trafficking to juveniles and youth, as well as illegal use of firearms.

- The Administration's proposed Youth Gun Crime Enforcement Act calls for expanding funding for YCGII over the next three years to 75 cities to increase focus on the special problem of juvenile and youth gun crime and illegal juvenile and youth access to firearms.

Reducing Gun Theft From Businesses and Homes

Theft is a significant source of illegally trafficked guns. Guns may be stolen from commercial sources (e.g., "smash and grab" thefts from gun stores), by employee theft from federally licensed dealers, or from people's homes. An estimated half million gun thefts occur annually. While theft from homes are usually prosecuted under state and local law, under a local firearms enforcement strategy, a series of residential break-ins to acquire firearms for illegal trafficking may be prosecuted in federal court, or the local prosecutor might choose to give special attention to thefts involving firearms.

¹³ Youth Crime Gun Interdiction Initiative, *Crime Gun Trace Analysis Reports, 27 Communities*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1999.

¹⁴ *Gun Crime in the 18-20 Age Group*, Department of the Treasury and Department of Justice, 1999.

In the Central District of California, a federal defendant was sentenced to over 7 years in prison for conspiracy and trafficking in an arsenal of weapons – including a sniper rifle – that had been stolen from a sporting goods store. The defendant admitted that some of the weapons were sold to members of a street gang. The defendant's father had previously been sentenced to more than 4 years in connection with the same trafficking scheme.

Firearms theft from dealers is a significant problem and potential source of illegally trafficked guns. In 1998 and 1999 federal firearms licensees filed reports on over 5,000 losses or thefts involving 27,287 firearms. Existing law requires FFLs to report the theft or loss of a firearm within 48 hours of discovery. However, current regulations do not explicitly require licensees to conduct an inventory of firearms on an annual (or more frequent) basis, so that they can learn when a firearm is missing from inventory. Further, licensed dealers currently are not required to report thefts in transit.

- ATF will further propose amending its regulations to require FFLs to periodically conduct an inventory of firearms in stock. (AI 11) (This requirement is implicit in an FFL's obligation to keep accurate records of acquisition and dispositions of firearms.)
- To ensure that this reporting is effective and comprehensive, ATF is developing regulations to require FFLs to identify and report to ATF inventory shortages and losses that occur in shipment, so that licensees will closely monitor their inventories and law enforcement can respond to thefts. (AI 12)

In addition, the Sentencing Commission should consider amending the federal sentencing guidelines to provide penalty enhancements for gun thefts and for crimes committed with a stolen gun. Firearms theft is a serious crime problem and should be punished accordingly.

Investigating Prohibited Persons Who Unsuccessfully Attempt to Purchase Firearms

The centralization of Brady Act denial information by NICS expanded the potential for federal and state prosecutions of prohibited persons who illegally attempt to purchase firearms. U.S. Attorneys and ATF Division Directors are using and will continue to use Brady Act denial information to identify, investigate, apprehend, and prosecute violent offenders, including armed career criminals, dangerous felons, and domestic violence offenders. Federal authorities also are collaborating with state and local prosecutors and enforcement agencies to use Brady Act denial information to bring cases under applicable state law.

In the Southern District of Texas, an individual who had previously been convicted of threats to kill former President George Bush tried to buy a rifle from a pawn shop. He was denied by a NICS check. He was charged with the federal crime of making a false statement in the attempted acquisition of a firearm, and in February 1999, was sentenced to three years and ten months in prison, with a recommendation for psychiatric treatment.

Industry Self-Policing

The firearms industry can make a significant contribution to public safety by adopting measures to police its own distribution chain. In many industries, such as the alcohol, fertilizer, and explosives industries, manufacturers impose extensive controls on their dealers and distributors. Gun manufacturers and importers could substantially reduce the illegal supply of guns by taking similar steps to control the chain of distribution for firearms.

To properly control the distribution of firearms, gun manufacturers and importers should: identify, and refuse to supply, dealers and distributors that have a pattern of selling guns to criminals, including straw purchasers; develop a continuous training program for dealers and distributors covering compliance with firearms laws, identifying straw purchase scenarios and securing inventory; and develop a code of conduct for dealers and distributors, requiring them to implement inventory, store security, and recordkeeping measures and to postpone all gun transfers until NICS checks are completed.

- To assist industry efforts to keep guns from falling into the wrong hands, ATF will supply manufacturers and importers that request it with information about crime gun traces of the manufacturer's or importer's firearms. (AI 13)
- The Administration will continue to work with responsible members of the firearms industry to encourage voluntary measures, such as a code of conduct and comprehensive training for dealers, to ensure that guns are not stolen or sold to criminals or straw purchasers. (AI 14)

On March 17, 2000, an unprecedented agreement was signed between several governmental entities and a gun manufacturer. Smith and Wesson—the largest handgun manufacturer in the nation—agreed to take measures with regard to its design, manufacturing, distribution and marketing practices that will help reduce criminals' access to guns and prevent gun accidents, and will potentially affect the way the entire gun industry does business. The agreement illustrates that common-sense distribution and safety measures are practical and can be embraced by the gun industry as a matter of responsible business practice. Key provisions of the

agreement include: (1) new design standards to make guns safer and prevent accidental shootings and gun deaths, with required locking devices and smart gun technology; (2) new sales and distribution controls to help keep guns out of the hands of criminals, help law enforcement solve gun crimes, and reduce firearms accidents, including assured background checks on all sales at gun shows, required ballistics testing for new firearms, and gun safety training requirements for purchasers; and (3) a new oversight commission that will work with ATF to help oversee implementation of the agreement. The terms of the Smith and Wesson agreement are described more fully in Appendix F.

V Investing in Information Technology to Identify Criminals and Support Strategic Law Enforcement

Our National Strategy calls for expanding the development and deployment of enforcement technologies and information systems to support federal, state and local investigations, and for developing new investigative strategies to respond to increasingly sophisticated criminal behavior. Rapid advances in technology and computer-based information systems have begun to revolutionize our efforts to reduce firearms violence. Technological advances and improved analytic capacities enable us to develop powerful new tools to identify, investigate, and prosecute illegal trafficking of firearms; better understand the illegal firearms market in particular communities and regions of the country; identify, locate, and prosecute violent offenders, including armed career criminals and armed drug traffickers; and target law enforcement efforts to violent crime “hot spots,” where firearms violence and trafficking disproportionately take place.

Electronic advances in gathering, analyzing and disseminating data are critical to enforcement efforts directed against firearms crime and violence. Electronic databases contain everything from fingerprints lifted from recovered crime guns or other parts of crime scenes, to criminal history records, to ballistics information. Despite advances, however, too much information remains in paper files or on multiple, incompatible computer systems. Many of the crime fighting tools to combat firearms violence and trafficking in the 21st Century are still being developed or refined. Effective enforcement requires us to support and implement the widespread use of evolving technologies and data systems by federal, state and local law enforcement authorities, and to continuously update and refine data-driven approaches to gun crime.

Traditional Investigation and Intelligence

Traditional criminal investigatory and intelligence methods remain the primary mechanisms by which law enforcement obtains useful information about the unlawful acquisition, possession, use, sale and trafficking of firearms. These traditional methods include undercover operations and the use of confidential informants; debriefing of arrestees and cooperating witnesses; and conditioned plea bargains, which require a defendant arrested with a firearm to provide information about the source of the weapon as a condition of law enforcement authorities agreeing to accept a plea bargain.

Federal law enforcement officials are working to enhance and expand the use of these methods. Toward that end, in a number of federal judicial districts, ATF has prepared debriefing forms, to be used by local law enforcement authorities, and is taking steps to encourage systematic debriefing by local and state law enforcement agencies. ATF is also in the process of designating agents in each field division to debrief armed career criminals, armed drug traffickers, and persons identified as particularly violent offenders, whenever they are arrested with a gun, in an effort to determine the source of illegally supplied firearms. (AI 12) Leads obtained in this manner are referred to ATF special agents and state and local law enforcement authorities for further investigation.

To ensure the best development of cases, agents working with the Philadelphia Firearms Trafficking Task Force consult with the U.S. Attorney's Office for the Eastern District of Pennsylvania early in the course of their investigations, and the Philadelphia Police Department uses forms developed in cooperation with ATF to debrief all persons arrested with a firearm about the source of their guns. The Task Force, which includes federal agents, the Philadelphia Police Department, the U.S. Attorney's Office, and the Philadelphia District Attorney's Office, increased the number of firearms trafficking cases over 25 percent between 1998 and 1999.

The Justice Department also provides support for the Arrestee Drug Abuse Monitoring (ADAM), which tracks trends in the prevalence and types of drug use among booked arrestees in 35 urban areas around the country. The data play an important role in assembling the national picture of drug use in the arrestee population. The Justice Department will expand the ADAM questionnaire to gather additional information about how this population uses and acquires firearms through a new gun addendum. A regular, timely reporting of findings from the firearms addendum to ATF field divisions will be of significant use to ATF and state and local police investigations of the criminal use of firearms and illegal firearms markets. (AI 16)

Tracing Crime Guns

Firearms tracing provides invaluable information about the sources of illegally supplied crime guns. When a firearm is recovered from a crime or from a prohibited person, tracing enables us to determine that gun's history from its manufacturer or importer through the distribution chain (wholesaler/retailer) to the first retail purchase. ATF's National Tracing Center (NTC) is the only facility in the world that can trace recovered crime guns for federal, state, local or international law enforcement agencies. Tracing is possible because manufacturers and importers are required to maintain records of the dealers and distributors to which they sell their guns, and federally-licensed dealers are required to maintain records of firearms purchasers.

Traditionally, law enforcement agencies in the United States have made crime gun trace requests to help solve specific crimes by tying a recovered gun to a suspect. In recent years,

however, we have come to realize that comprehensive tracing, which involves tracing all recovered crime guns in a particular area, is key to understanding and attacking firearms trafficking. Comprehensive tracing maximizes the number of investigative leads and gives a more accurate picture of the illegal firearms market in particular areas than does tracing of isolated crime guns. In 1996, ATF introduced comprehensive tracing in a number of communities as part of the Youth Crime Gun Interdiction Initiative (YCGII). The program expanded from 17 communities in its first year to 27 cities in the second year. Ten more YCGII communities will begin comprehensive tracing in FY 2000. In addition, a growing number of local police departments have expressed interest in implementing comprehensive tracing, independent of YCGII. Our National Strategy calls for taking steps to encourage expansion of comprehensive tracing to every state and local law enforcement agency as rapidly as resources permit.

- To further comprehensive tracing, the Attorney General and the Secretary of the Treasury will issue a directive requiring comprehensive crime gun tracing by all federal agencies under their authority, and will recommend that similar directives be issued by all other cabinet officers having jurisdiction over federal agencies that recover crime guns. (AI 17)
- The Administration's FY 2001 budget includes funds to provide tracing equipment and training to 250 state and local law enforcement agencies. This expansion is another step toward comprehensive crime gun tracing by every state and local law enforcement agency.

The number of crime gun trace requests has risen significantly since ATF began its comprehensive tracing effort, from 79,777 in FY 1995 to 209,127 in FY 1999. Through Online Lead, the NTC's automated firearms trafficking information system, the NTC compiles and analyzes trace information to identify recurring trends and patterns, including patterns involving particular FFLs or first retail purchasers, which may indicate illegal trafficking. Trafficking indicators include: short time between retail purchase and recovery at a crime scene ("time-to-crime"); large numbers of crime guns traced to a particular FFL or first purchaser; unsuccessful trace results; frequently reported firearms thefts; frequent multiple sales or multiple purchases of firearms; and recovery of firearms with obliterated serial numbers.

ATF provides the resulting investigative leads to its field offices, local trafficking task forces, and state and local law enforcement authorities. This information assists those authorities in targeting firearms traffickers.

In the Middle District of Tennessee, every gun taken off the street by the Metro Nashville Police Department is traced through ATF's gun trace system, allowing law enforcement to identify and prosecute traffickers. When a Nashville Police Officer was killed in 1996, the firearm was traced to a dealer who had surrendered his license to deal guns legally in 1994. Subsequent investigation showed that, after surrendering his license, the former dealer had purchased hundreds of cheap street guns and then resold them to convicted felons for ten times their street price. In November 1999, the dealer was convicted of dealing in firearms without a license and sentenced to five years in prison.

We are also beginning to use computerized mapping programs and other analyses of national, regional and local trace data to develop valuable strategic information about the illegal market in firearms. This information includes: what kinds of guns are being used by what kinds of criminals in a particular community; who is selling guns on the street; what firearms dealers are involved; crime gun recovery locations (indicating violent crime hot spots); and whether the source of the illegal firearms market is primarily in a particular city, in-state or out-of-state. Repeat sources of crime guns to certain age groups or locations can be pinpointed, thus illuminating the relationship of local trafficking problems and enforcement strategies to those in other communities.

ATF, in conjunction with state and local law enforcement authorities, recently established the New York Regional Crime Gun Center, the first of its kind in the country. This Center aggressively collects and analyzes comprehensive local crime gun traces to target the illegal firearms supply in high-crime neighborhoods in the New York Metropolitan area. It records daily firearms trace data from area crime incident reports; transfers firearms trace data to the NTC; responds to regional trace requests; physically examines guns, including conducting ballistics tests; and analyzes a broad range of firearms crime and trace data to identify gun traffickers, trafficking patterns, violent crime hot-spots, and trends. To date, the Gun Center has identified 180 suspected firearms traffickers.

- ATF plans to establish five more regional gun centers modeled on the New York Regional Gun Center. (AI 18)

National Integrated Ballistics Information Network (NIBIN)

Ballistics technology connects bullets or bullet casings to the guns from which they are fired. This technology can help law enforcement identify criminal shooters, even if the gun itself is not recovered. As with fingerprints, every firearm has unique characteristics. The barrel, breech face, extractor, and ejector each leave distinctive markings on the cartridge casing or projectile. Images of the markings can be captured, stored, and compared to other captured images. If a firearm's "gunprint" is recorded in a central system, forensics firearms examiners can electronically compare thousands of specimens in a fraction of the time it would take to compare them manually. An electronic ballistics system provides law enforcement agencies with the

ability to link one or more seemingly unrelated shooting incidents to a single firearm. When bullets or casings from another crime are recovered, forensics firearms examiners can electronically compare the new specimens to those in the central system. If there is a match, we can tie the two crimes together and gain important investigative leads. Ballistics testing programs at the FBI and ATF have already helped advance over 16,000 criminal investigations of gun crimes in over 40 states.

Recently, ATF and the FBI agreed to create a single, unified ballistics imaging system, the National Integrated Ballistics Information Network (NIBIN) that will combine the two existing federal ballistics systems, ATF's "IBIS," and FBI's "DRUGFIRE."

- The Administration's FY 2001 budget request includes \$30 million to develop and expand the National Integrated Ballistics Information Network. It is anticipated that with the additional funding sought, a unified national system can be established in two years.

To help realize the full potential of ballistics and greatly magnify law enforcement's ability to solve gun crimes and trace crime guns, we are taking steps to encourage gun manufacturers to voluntarily enter "gunprints" for *all* new firearms into a ballistics database before they are sold. Currently, Glock, Inc., one of the largest manufacturers of handguns, participates in a pilot program to enter gunprints into NIBIN before selling its guns, and Smith & Wesson has agreed to do likewise. Such industry cooperation has the potential to provide substantial law enforcement benefits and should be fostered.

- The Administration will continue to work with gun manufacturers and importers to develop a voluntary system to enter gunprints of each firearm into NIBIN before the firearm is sold. (AI 19) [Needs ATF clearance.]

Restoration of Obliterated Serial Numbers

The intentional obliteration of firearms serial numbers poses a serious and growing threat to illegal supply interdiction measures based on tracing. Since serial numbers are the principal means by which firearms are identified, the obliteration of serial numbers makes it difficult to trace recovered crime guns. Knowing possession of a firearm with obliterated serial numbers violates federal firearms laws.

ATF restores obliterated serial numbers at its three national firearms laboratories. Over the past two years, ATF has also increased its efforts to train other law enforcement laboratories to restore obliterated serial numbers on crime guns. Between 1997 and 1999, ATF trained 456 state and local officers in raising obliterated serial numbers. In addition, because obliteration is often a trafficking indicator, ATF has begun to trace guns with restored serial numbers to generate investigative leads into trafficking. While ATF's response to obliteration has been powerful, the

problem can more efficiently be combated by designing guns with serial numbers that cannot be obliterated.

- ATF has proposed a rule to require serial numbers to meet minimum height and depth requirements that will make them more resistant to obliteration,¹⁵ and will continue to work to make serial numbers more resistant to obliteration. (AI 20)

VI Preventing Gun Accidents and Suicides

Firearms accidents kill an average of 1,243¹⁶ people a year in this country—over one third of them under age 19. Between 1987 and 1997 (the last year for which data is available), 14,913 people, including 2,328 children 14 and younger, died from unintentional shootings. In 1997 alone, 17,566 people committed suicide with guns. Indeed, suicide accounts for over half of all firearms-related deaths. Reducing the number of gun-related accidents and suicides is therefore a crucial part of reducing firearms violence. Unlike virtually all other consumer products, however, firearms are exempt from most forms of safety regulation. Despite the fact that guns are designed to be lethal, domestically-made guns are subject to no federal safety standards. In most states, anyone not otherwise prohibited by age or background may purchase any number, and nearly any type, of firearm with no safety training whatsoever. This lack of legislative authority greatly limits what we can do to combat the tragedy of gun suicides or accidents. In this section, we set forth several steps that we are taking under current law; legislative proposals that will help address these problems are addressed in section VII of this report.

Guns are inherently dangerous consumer products, and we must treat them as such at every step in the distribution chain, from manufacturer to dealer to consumer. Gun owners, the firearms industry, parents, schools, the public health community and community leaders all must shoulder responsibility for making firearms safety a top priority. While our current legal authority in this area is severely limited, we have taken or plan to take a number of steps to reduce accidental firearms deaths and injuries.

Supporting Smart Gun Research

Several handgun manufacturers have begun experimenting with “smart” or “personalized” gun technologies intended to prevent anyone other than authorized individuals from firing a gun. Some technologies use a confirmation system, such as a ring that broadcasts a security code to the gun, activation of a personal ID number, or a fingerprint recognition system, to permit the gun to fire. Simple key/locking pin systems are also being developed. Originally intended for law enforcement to keep criminals from seizing and using police officers’ guns, these technologies

¹⁵ See 27 CFR Parts 178 & 179, Notice No. 877.

¹⁶ National Center for Health Statistics, Vital Statistics Reports, 1993-1997.

show promise in preventing unauthorized misuse. As part of our National Strategy, we are seeking to put smart guns on the fast track for development.

- The Administration's FY 2001 budget request includes \$10 million for developing smart gun technology to benefit law enforcement officers.
- The Administration will also continue to encourage firearms manufacturers to commit significant resources for research and development of this and other gun safety technology for the mass market, and voluntarily to incorporate these safety devices on their firearms as soon as possible. (AI 21)

Greater Care by the Industry on How it Designs and Sells Firearms

The firearms industry must do much more to design and distribute its products to be as safe as reasonably possible, so as to reduce the level of accidental gun injuries and suicides in our society. The recent agreement with Smith and Wesson included provisions to improve the design of firearms to make the company's products safer.

- The Administration will encourage other gun manufacturers to follow that lead and voluntarily incorporate existing safety devices on their firearms as soon as possible, and to devote significant resources to developing a variety of new safety devices and technologies to prevent accidental shootings.
- We will also encourage the firearms industry to institute voluntary measures, such as a code of conduct for retail dealers, to ensure that firearms are transferred only to persons who have the knowledge and experience to handle them safely. Such distribution controls can help significantly in the effort to reduce gun accidents and suicides. (AI 22)

Public Education and Media Campaigns

It is critical that communities and individual gun owners fully understand the dangers of unsafe firearms handling and storage, particularly the risks posed for children by irresponsible firearms storage. There are an estimated 200 million guns in America today; 64 million are believed to be handguns. Many of these weapons are easily accessible to our children. More than one third of American children live in homes that contain at least one gun. Forty three percent of these homes have guns that are neither stored in a locked place nor protected by a trigger lock, and 13 percent – about 1.4 million households with about 2.6 million children – have unlocked firearms that are either loaded or stored with ammunition. In the last ten years, more than 2,300 American children fourteen and younger died from unintentional shootings, and thousands more were injured.

To help reduce gun accidents and suicides, the Department of Justice has funded a \$2 million public education campaign to encourage gun owners to store their guns safely and

secured—locked and unloaded—so that children and other unauthorized persons cannot access them. The campaign will be released in June 2000. In addition, the Departments of Treasury and Justice will work with non-governmental organizations to promote a “parents asking parents” safety message program that encourages parents to ask each other about the accessibility of guns in homes their children visit. (AI 23)

The Department of Justice and ATF will also provide training and technical assistance to communities to implement safe firearms handling and storage programs. In 1998, ATF’s Miami Field Division, in cooperation with the Broward County Hospital District and Board of Education and with the endorsement of the local U.S. Attorney’s Office, developed an innovative firearms safety program, CARGO (Communities Addressing Responsible Gun Ownership). The program combines personnel from healthcare, ATF and other law enforcement agencies, and the school district to provide firearms safety education to students, parents and teachers in the schools. ATF plans to expand its firearms safety outreach activities through its Field Divisions. (AI 24)

Firearms-Related Suicide

Strong evidence suggests that access to guns greatly increases the risk of suicide. We need to take steps to develop effective firearms-related suicide prevention strategies. To do this, it is important to develop a greater understanding of the problem of gun suicide. This can be done by combining the methods used to study firearms-related violence in general with those used by public health professionals to study suicide prevention. In particular, we need to develop our capacity to learn about the frequency and characteristics of suicides committed with firearms, including suicide risk factors, such as a history of domestic violence, child abuse, depression, alcohol or drug abuse, arrests, and traumatic loss, as well as the kinds of guns involved, their storage and history of ownership. We also must learn a great deal more about how firearms purchase or access is related to suicidal behavior, so that we can develop effective intervention and prevention strategies. The Departments of Justice and Treasury plan to work with the Department of Health and Human Services and to participate in the Surgeon General’s National Suicide Prevention Initiative, as appropriate, to help develop a comprehensive understanding of firearms-related suicide and effective prevention strategies. (AI 25)

LEGISLATIVE PROPOSALS

Even with enhanced collaboration between federal, state and local law enforcement, implementation of the innovative strategies presented in this report, and increased funding to combat gun violence, the effectiveness of any national strategy to reduce gun violence will be limited unless and until legislation is enacted that corrects major deficiencies in our federal firearms laws. Accordingly, the final section of this report sets out legislative measures that would support the efforts we are undertaking on every front to reduce gun crime and violence.

Common sense federal legislation such as the Brady Act has contributed significantly to keeping guns out of the wrong hands. The success of this and other measures has led to a broader recognition by law enforcement, the American public, gun manufacturers, and gun owners that

sensible measures to regulate firearms can and will make a difference in reducing gun crime and violence and saving lives.

Our federal gun laws, the development of which is described in Appendix E, are still inadequate to address gun crime and violence fully. There are critical gaps that must be filled, and additional measures that will greatly assist our communities in reducing gun violence and keeping guns out of the wrong hands. Last year, the Administration proposed a comprehensive gun bill, the Youth Crime Gun Enforcement Act. Many of its provisions were included in the legislation that passed the Senate in May of 1999, including a provision to close the dangerous loophole in our laws that permits felons and other prohibited persons to buy guns at gun shows with no background checks or records to permit crime gun tracing. The House did not adopt the gun show legislation; however, the juvenile justice bill that passed in the House included some other important firearms provisions.

Congress should immediately resume work on the gun legislation to fight gun violence and close the gun show loophole. This legislation would not interfere with those sportsmen, hunters and other law-abiding Americans who wish to buy and use firearms for lawful activities.

A. Tougher Criminal Penalties For Those Who Violate the Federal Firearms Laws

Existing law does not always provide adequate penalties for violations of the current federal gun laws. In this section we describe legislative proposals that would assist law enforcement by providing tougher federal penalties.

- **Expand criminal penalties for armed career criminals.** The Armed Career Criminal Act (ACCA) imposes a minimum 15-year prison term for felons found in unlawful possession of a firearm who have three prior convictions for violent felonies or serious drug trafficking offenses. Congress should amend the ACCA to allow up to two violations of the felon-in-possession law to be included as predicate offenses for sentence enhancement under the ACCA. Persons who have been convicted of a single violent felony or serious drug offense, and twice convicted of violating the felon-in-possession statute, have demonstrated a propensity for violence that justifies enhanced sentencing under the ACCA. The ACCA should also be amended to include as predicates acts of juvenile delinquency that, if committed by an adult, would constitute serious drug trafficking offenses.
- **Strengthen the criminal penalties for gun kingpins.** Existing criminal penalties for illegal firearms trafficking are inadequate. Gun kingpins may traffic in hundreds of firearms, yet the penalty for engaging in the business of dealing in firearms without a license carries a maximum penalty of five years' imprisonment. Given the seriousness of the offense, the maximum penalty should be increased to ten years' imprisonment. The United States Sentencing Commission should also be directed to review and amend the Federal sentencing guidelines to provide an appropriate enhancement for trafficking

violations that involve more than 50 firearms. Under current guidelines, someone who traffics five guns would receive the same penalty as someone who traffics 500.

- **Increased penalties for firearms conspiracies.** Since criminals working together generally do more harm than criminals working alone, persons who conspire to violate the firearms laws should be punished by the same maximum term that applies to the substantive offense that was the object of the conspiracy. Congress should enact legislation to increase the penalties for firearms conspiracies.
- **Include gang-related offenses as RICO predicates.** The Racketeer Influenced and Corrupt Organizations (RICO) statute provides an important tool for combating criminal enterprises. Congress should enact legislation including certain gang-related firearms offenses as RICO predicates.
- **Tougher criminal penalties for serious FFL recordkeeping violations that aid gun trafficking.** Under existing law, recordkeeping violations by FFLs are generally punished as misdemeanors, with a maximum penalty of one year in prison. This penalty is woefully inadequate where the FFL's recordkeeping violations aid and abet the unlawful transfer of a firearm. The GCA should be amended to make the most serious recordkeeping violations committed by FFLs punishable by up to 10 years' imprisonment.
- **Increase existing penalties for those who transfer handguns to juveniles, and those juveniles who unlawfully possess handguns.** The penalties for juveniles who unlawfully possess handguns, and persons who unlawfully transfer handguns to juveniles, should be increased. Under current law, a juvenile who unlawfully possesses a handgun is subject only to probation for a first offense, and a person who unlawfully transfers a handgun to a juvenile is punished only by a misdemeanor penalty. The law should be amended to increase these penalties. First-time juvenile offenders should be subject to a misdemeanor penalty for possessing a handgun. Adults who unlawfully transfer handguns to unauthorized juveniles should be subject to 5 years' imprisonment.
- **Provide a criminal penalty for structuring transactions to avoid reporting multiple handgun sales.** In some cases, firearms dealers assist illegal traffickers by advising them how to structure firearms sales to avoid the multiple sales reporting requirement. Structuring handgun transactions to avoid the multiple sales report requirement impedes ATF's ability to combat illegal trafficking of handguns, and should be made unlawful.
- **Penalize individuals who transfer firearms when they have reasonable cause to believe the gun will be used to commit a crime of violence or drug trafficking crime.** Current law makes it illegal to transfer a firearm "knowing" that the firearm will be used to commit a crime of violence or drug trafficking crime. This crime should not be limited to instances in which the transferor has actual knowledge that a crime of violence or drug trafficking crime will be committed, but should also apply to individuals who have

"reasonable cause to believe" that this gun will be used in such a crime. Congress should amend the GCA to clarify that it is a felony to transfer a firearm if the transferor has reasonable cause to believe that the firearm will be used in a crime of violence or drug trafficking crime.

- **Extend the statute of limitations for National Firearms Act (NFA) prosecutions.** Because the National Firearms Act (NFA) is included within the Internal Revenue Code of 1986, the statute of limitations for prosecutions of criminal violations of the NFA is 3 years. This period is much shorter than the general statute of limitations applicable to federal criminal violations, which is five years. Congress should enact legislation extending the statute of limitations for NFA violations (such as the unlawful transfer of explosive bombs or short-barreled shotguns) from three to five years.

B. Keeping Guns Out of the Wrong Hands

In this section, we describe several legislative proposals, many of which have already been passed by either the House or Senate, that would assist law enforcement in fighting gun violence by keeping guns out of the wrong hands.

1. Extending the Brady Act's Protections to the Secondary Market

Under current law, the two key tools that keep guns out of the wrong hands—the Brady Act background check and the tracing of crime guns—apply only to the “primary market” of sales by *licensed* dealers. The *secondary market* in guns—which involves sales by non-licensed individuals—evades these controls entirely. This gap creates a fundamental weakness in our ability to keep guns out of the wrong hands. Legislation is needed to make secondary market sellers follow the same simple but effective rules that apply to licensed dealers.

Although the size of the secondary market in firearms is difficult to quantify, it is estimated that about two million guns are sold each year at gun shows, trade shows, flea markets, and in individual private transactions by unlicensed individuals. Indeed, more than 4,000 gun shows are held each year in this country, and between 25-50 percent of sellers at gun shows are unlicensed, as are almost all firearms vendors at flea markets. Nonlicensees cannot initiate a NICS check and have no obligation to find out whether a purchaser is a felon, fugitive, or other prohibited person. They also are not required to keep any record of their firearms transactions. As a result, huge numbers of guns are sold anonymously, creating a ready supply of firearms for criminals and firearms traffickers. Moreover, guns entering this unregulated market cannot be traced if they later are recovered at a crime scene. We must take steps to close the legislative loopholes that allow the secondary market in firearms to serve as a source of guns to criminals and other prohibited persons.

- **Close the gun show loophole.** At a minimum, Congress should enact the legislation the Senate passed last year requiring all firearms transactions at guns shows to go through

FFLs and be subject to Brady Act background checks and FFL recordkeeping requirements. This legislation would not shut down gun shows; it would merely prevent felons, stalkers, prohibited gang members, and other persons not allowed by law to possess guns from anonymously acquiring firearms at gun shows with “no questions asked.”

- **Require all firearms transactions to go through FFLs.** Gun shows are only the most visible manifestation of a much larger problem—the unregulated, anonymous sale of firearms by unlicensed sellers who have no obligation to perform background checks or keep any records of sales. So long as criminals and other prohibited persons can get firearms in the secondary market, our ability to keep guns out of the wrong hands will be limited, and until law enforcement can readily trace crime guns sold in the secondary market, enforcement of the laws will be unnecessarily difficult. Congress should enact legislation requiring all firearms transactions (with certain exceptions for intrafamily transfers and bequests) to go through a licensed dealer. This would ensure that these transactions are subject to the background check requirements of the Brady Act and the recordkeeping requirements that enable the tracing of crime guns

2. Closing Loopholes in the Brady Act

Although the Brady Act has been remarkably successful in stopping the flow of firearms from FFLs to prohibited persons, some limitations in the current law need to be fixed so that it can achieve its full promise of preventing criminals from obtaining guns from licensed dealers.

- **Provide law enforcement with adequate time to conduct background checks.** The current Brady Act provides that if NICS cannot complete a background check within three business days, the FFL may transfer the firearm despite the incomplete check. This is true even where NICS has information, such as a felony arrest record, that suggests that the purchaser may in fact be prohibited.

In the vast majority of cases, NICS checks are completed in a matter of seconds. However, approximately three percent of background checks remain unresolved after ten calendar days. Currently, the delay usually occurs because the system locates a felony arrest, but cannot determine—because of incomplete state files—whether the individual was actually convicted. If state or local law enforcement officials do not provide information about the disposition of an arrest to the FBI within three business days, the firearm may be transferred. If NICS thereafter determines that the purchaser was in fact prohibited, and the firearm has already been transferred, the FBI immediately refers the matter to ATF to verify the purchaser’s prohibited status and take prompt action to retrieve the firearm. Because of public safety considerations, ATF gives these “delayed denials” top priority. Obviously, reliance on the retrieval mechanism is a poor substitute for preventing a prohibited person from acquiring a firearm in the first place. Congress should amend the Brady Act to give law enforcement adequate time to complete Brady background checks.

- **Arrest as basis for identifying prohibited person.** Since the Brady Act's permanent provisions took effect, there have been over 5,000 "delayed denials," in which the FBI has verified conviction after the three business days provided by law, and another 75,000 "default proceeds," in which the FBI could not definitely resolve the background check within the statutory period, and has not yet verified conviction. A significant number of these unresolved background checks are likely to involve prohibited persons and turn into "delayed denials," presenting a serious public safety threat and posing an unnecessary safety risk to law enforcement officials who retrieve the illegally acquired firearms from prohibited persons.

Under the interim Brady provisions, local enforcement officials used felony arrests without disposition information as a basis for denying the sale, at least until disposition records were obtained. Congress should amend the Brady Act to authorize denying firearms transactions on the basis of arrest records under the permanent provisions of the Brady Act. This would impose little hardship on law-abiding gun buyers, especially since the Brady Act provides for an appeal process for all persons denied a gun purchase.

- **Close the state permit loophole.** The Brady Act contains a state permit loophole that allows FFLs to transfer a firearm to anyone holding certain types of state firearms permits, without initiating a NICS check at the time of sale. Since the holder of a state permit may qualify for an exemption for up to five years, firearms may be transferred to individuals who have become prohibited—for example, by committing a felony—between the time the permit was issued and the time of sale. Under existing law, the dealer has no way of ensuring that the state permit holder is not a disqualified person. State permits that are not immediately and effectively revoked when a person becomes prohibited should not substitute for a Brady Act check. Congress should enact legislation to close the state permit loophole in the Brady Act.

3. Reducing Illegal Trafficking in Firearms

- **One handgun a month.** Current federal law does not prevent an individual from purchasing an unlimited number of firearms, including handguns, from a licensed dealer, making it easy for a trafficker to purchase large quantities of firearms and resell them to criminals, unauthorized juveniles, and other prohibited persons. Handguns are a favorite weapon of gun traffickers and criminals. When the citizens of South Carolina and Virginia recognized that traffickers stocked up on handguns in their states and sold them elsewhere, the state legislatures moved to limit handgun purchases to one per month. Virginia has reported success with its one-handgun-a-month law. Since enactment, Virginia has dropped from first to eighth in the ranking of states that serve as a source of guns seized at crime scenes in the Northeast. According to a 1996 study published by the American Medical Association, the percentage of guns traveling from Virginia to the Northeast fell from approximately 35 percent to approximately 15 percent of guns that were used in crime.

A federal one-gun-a-month law will eliminate the need for a piecemeal approach to stopping gun trafficking by imposing a uniform rule. Congress should enact legislation limiting each individual to one handgun purchase a month, with reasonable exceptions for those with a legitimate reason to acquire multiple handguns in a short period of time.

- **Unlicensed dealers.** Given the critical role that licensed dealers play in combating gun trafficking, it is important that dealers not evade the requirement that they obtain a license. Current law is needlessly complex and often makes it difficult to prosecute dealers who operate without a license. A firearms dealer is required to have a federal firearms license only if he or she is "engaged in the business" of dealing in firearms, which requires a showing that the dealer "devote[s] time, attention and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms."¹⁷ The term "principal objective of livelihood and profit" requires proof that the dealer's intent in selling or disposing of firearms is predominantly to obtain livelihood and pecuniary gain, and not to improve or liquidate a personal firearms collection or sell firearms as a hobby.

It is often difficult to establish conclusively that an unlicensed dealer is not selling guns to liquidate or improve a personal collection or as a hobby. This has forced law enforcement to resort to other firearms charges to attack firearms trafficking by unlicensed vendors. Congress should amend the GCA to provide a more straightforward and realistic definition of when an individual is engaged in the business of dealing in firearms.

- **New straw purchase violation for FFLs.** A "straw purchase" occurs when the actual buyer of a firearm uses another person, the "straw purchaser," to execute the paperwork necessary to purchase a firearm from an FFL. Prohibited persons and violent gang members often use straw purchasers to acquire guns from FFLs.

It is a felony for an individual to certify that he is the actual purchaser of a firearm when in fact he is buying the firearm as a "straw purchaser" for the actual purchaser. However, it is not a violation of the GCA for the FFL to knowingly transfer a firearm to a straw purchaser. Instead, law enforcement authorities must rely on charges of aiding and abetting a false statement, or recordkeeping violations. Congress should enact legislation making it unlawful for any FFL to transfer a firearm, knowing that the person completing the required paperwork is not the actual purchaser of the firearm.

- **Require common and contract carriers to report stolen or lost guns.** Federal firearms laws currently do not require common carriers to report firearms thefts to ATF. Nonetheless, a few carriers report thefts voluntarily, and between 1996 and October 1999,

¹⁷ 18 U.S.C. § 921(a)(21)(C).

these carriers reported over 10,000 firearms lost or stolen. Since only a few carriers currently report losses, actual losses were likely far greater.

Congress should enact legislation requiring common and contract carriers to report to law enforcement authorities the theft or loss of any firearm within 48 hours of discovery. This requirement would be consistent with the current reporting obligation placed on FFLs, and would assist law enforcement authorities in solving thefts and in tracing stolen guns.

- **Require licensees to submit a multiple sales report to ATF whenever a person buys two or more handguns from a single licensee within a 30-day period.** Current law requires a licensee to submit a multiple sales report to ATF whenever a person buys 2 or more handguns from a single licensee within a 5-day period. This data provides useful intelligence in the fight against illegal gun trafficking. However, traffickers can easily circumvent this requirement by buying one handgun from a given dealer in 6-day intervals. The GCA should be amended to more accurately capture multiple purchase information.
- **Allow law enforcement authorities to use the forfeiture laws to combat gun trafficking.** Current forfeiture laws offer only limited assistance in combating gun trafficking. Congress should enact legislation that would provide for forfeiture of vehicles used to commit gun trafficking crimes, and the proceeds of such offenses. The law should also be amended to authorize civil forfeiture of firearms used to commit or facilitate any crime of violence or felony under Federal law.
- **Congress should enact legislation to increase the tax imposed by the National Firearms Act.** The National Firearms Act (NFA) imposes a \$200 tax upon making and transferring "gangster-type" weapons such as machine guns, short-barreled shotguns, and destructive devices. The tax has not been increased since the NFA's enactment in 1934. Although the tax was originally intended to deter people from making or transferring such weapons, it has clearly not kept up with inflation and now has minimal deterrent value.

4. Reducing Illegal Access to Firearms by Juveniles and Youth

Keeping guns out of the hands of juveniles has been one of the Administration's top priorities. However, our current laws are still inadequate to keep guns from unauthorized children. The number of children who are shot each day, and the number of juvenile gun murderers confirms this tragic reality. The legislative proposals described in this section would help law enforcement authorities prevent access to guns by juveniles and youth.

- **Raise the minimum age for handgun possession.** The Youth Handgun Safety Act should be amended to raise the minimum age for handgun possession to 21. The same exceptions that currently apply to juveniles would apply to persons between the ages of 18 and 21. They could temporarily possess a handgun if they needed it to hunt or farm or in

connection with a job, so long as they were authorized to have the handgun by responsible individuals (such as parents, employers, or the owners of the premises where the temporary possession occurs).

- **Prevent youth access to semiautomatic assault rifles and large capacity ammunition feeding devices.** Current law prohibits juveniles from possessing assault pistols, but allows them to possess assault rifles and large capacity ammunition feeding devices manufactured before the effective date of the Assault Weapons Ban in 1994. This dangerous loophole should be closed by prohibiting the possession of all semiautomatic assault weapons and large capacity magazines by persons under age 21.
- **Congress should reinstate controls on the sale of ammunition.** The GCA should be amended to reinstate the controls on ammunition sales that were repealed in 1986. Persons engaged in dealing in ammunition should be required to get a federal license, keep transfer records, and check a purchaser's ID to ensure that he or she is of legal age. Children should not be allowed to purchase ammunition.

5. Denying Convicted Criminals Access to Guns

It is a matter of common sense that persons convicted of certain violent crimes should not be allowed to possess or receive firearms. The GCA has always made it unlawful for convicted felons to get or possess guns. However, current law does not go far enough in denying access to firearms to those convicted of violent crimes. The following proposals would assist us in preventing criminals from obtaining guns in the legal market.

- **Keeping guns from convicted felons.** The GCA prohibits convicted felons from receiving or possessing firearms, but a loophole in existing law allows potentially dangerous individuals who have been convicted of felonies to possess firearms if their civil rights have been restored under State law. Several States have laws that automatically restore firearms privileges immediately upon completion of a felon's sentence, or within a fixed time period thereafter. Federal law should not allow dangerous individuals to possess firearms. Instead, the GCA should be amended to recognize a State restoration of firearms privileges only where the restoration is based on an individualized determination that possession of a firearm by the felon does not present a threat to public safety.
- **Congress should enact legislation to prohibit anyone under indictment on felony charges from possessing a firearm.** Under current law, it is unlawful for any person under felony indictment to ship, transport, or receive a firearm, but it is not unlawful for such a person to continue to possess firearms that he or she received prior to being indicted. This is true even if the person has been indicted for committing a violent felony, including murder. Individuals who are under indictment on felony charges should not be allowed to continue to possess firearms.

- **"Juvenile Brady."** As the number of juvenile homicide victims has increased, so too has the number of juveniles adjudicated delinquent for violent crimes such as murder, rape, and robbery. Today, those adjudications do not prevent juveniles from acquiring guns once they become adults. The Brady Act should be amended to treat violent juveniles and violent adults the same for purposes of determining whether they can buy a gun. Individuals who have been adjudicated delinquent for an act that would have been a violent felony if committed by an adult should be permanently prohibited from possessing or acquiring firearms - regardless of their age when they committed the crime.
- **Denying access to guns by anyone convicted of a serious violent misdemeanor.** In 1996, Congress enacted legislation that made it unlawful for anyone convicted of a domestic violence misdemeanor to possess a gun. This legislation ensures that anyone who has been convicted of violently assaulting his or her spouse or child can no longer lawfully obtain a firearm. However, the current prohibition is too narrow. For example, it may not cover an individual who has been convicted of a misdemeanor crime of violently assaulting a girlfriend with whom he has never cohabited - or a complete stranger, for that matter. Moreover, recent data suggests that persons with a history of violent misdemeanor convictions pose a significant risk for future serious violent crime.

In light of the recent research in this area, consideration should be given to prohibiting the receipt or possession of firearms by individuals with misdemeanor criminal histories that demonstrate a propensity for violence. This would include a conviction for an offense classified as a misdemeanor under Federal or State law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon.

6. Enhancing ATF's Ability to Trace Crime Guns and Use Ballistics Technology

Gun tracing has helped us make great strides in solving crimes and attacking gun trafficking. There are, however, numerous gaps and areas for improvement in the current tracing system. Filling these gaps and making these improvements are crucial to our anti-trafficking enforcement efforts. The following legislative proposals will assist law enforcement in tracing crime guns and using ballistics technology to its fullest extent.

- **Tracing secondhand guns.** When FFLs sell secondhand firearms, these guns are often not traceable because they have passed through several non-licensed purchasers before the FFL acquires and resells them. This creates a significant gap in ATF's ability to trace secondhand guns that are used in crime. Congress should enact legislation requiring licensees to report limited information to ATF about secondhand guns that they acquire from nonlicensees. This would include information about the make, model, manufacturer/importer and serial number of the firearm; however it would *not* include identifying information about the unlicensed sellers or purchasers of the guns. Such legislation would enable ATF to complete a significant number of crime gun traces that

cannot be completed today, thus assisting state and local law enforcement officials in solving crimes.

- **Require manufacturers and importers to test fire cartridges and enter the gunprints into NIBIN.** When a gun is fired, an identifiable "gunprint" is left upon the fired cartridge. If a firearm's "gunprint" is recorded in a central system, then forensics firearms examiners can electronically compare thousands of specimens in a fraction of the time it would take to compare them manually. In effect, the system provides law enforcement agencies with the ability to link one or more seemingly unrelated shooting incidents to a single firearm.

The current federal ballistics system contains only 500,000 images out of an estimated 200 million guns. If gunprints were routinely entered into the system before a gun is sold, our ability to trace guns that are used in crimes would be greatly enhanced. Indeed, this ballistics information could provide law enforcement leads even when only a bullet casing – and not a gun – is recovered at a crime scene. Manufacturers and importers should be required by law to test fire cartridges and enter the gunprints into NIBIN.

- **Increase criminal penalties for transactions involving firearms with obliterated serial numbers.** The current maximum penalty for knowingly transporting, shipping, possessing or receiving a firearm with an obliterated or altered serial number is five years imprisonment. Like stolen guns, firearms with obliterated or altered serial numbers indicate an intent to use the weapon for a criminal purpose. Congress should enact legislation strengthening the criminal penalties for transactions involving firearms with obliterated serial numbers, and increase the maximum penalty for such offenses to ten years imprisonment - the same as the current penalty for transactions involving stolen guns.
- **Congress should enact legislation requiring a second, "hidden" serial number on all firearms.** ATF recently proposed a regulation that would prescribe minimum height (3/32 inch) and depth (.005 inch) requirements for serial numbers. These new requirements would make it more difficult to obliterate serial numbers. However, further legislation is needed to require manufacturers to include a second "hidden" serial number on all firearms.
- **Allow dealers voluntarily to submit old records to ATF's National Tracing Center.** Under current law, once a licensee's records are more than 20 years old, the licensee can either retain the records or destroy them. However, the law does not allow the licensee to transfer these old records to ATF. Some licensees would prefer not to destroy old records -- which would make the guns identified in them untraceable if the guns were later used in a crime -- and would prefer to transfer them to ATF. The law should be amended to allow FFLs voluntarily to submit old business records to ATF.

- **Congress should remove the existing restrictions on centralizing ATF records.** Legal restrictions in the Treasury Department's appropriations acts, as well as a provision added to the GCA in 1986 by FOPA, prohibit ATF from consolidating or centralizing FFL firearms acquisition and disposition records. These statutory restrictions hinder ATF's ability to trace crime guns through licensee records and should be repealed.

7. Enforcing Dealer Compliance with Tracing and Firearms Laws

Combating trafficking depends critically on dealer cooperation: FFLs must check for appropriate identification, initiate the check on a purchaser's background required by the Brady Act, and maintain the records that enable crime gun tracing. FFLs are required to report multiple sales of handguns, respond to ATF trace requests within 24 hours, keep detailed acquisition and disposition records, and follow all applicable state and local regulations and laws, including zoning ordinances. In addition, FFLs may not knowingly transfer firearms to prohibited or underage persons, or knowingly transfer handguns to persons who do not reside in the state where the FFL is licensed.

The great majority of dealers abide by these requirements and contribute to our attack on illegal trafficking. For a small number of dealers, however, this may not be true. ATF investigative and crime gun trace information shows that the firearms used in crimes can be traced to a relatively small number of dealers. ATF has already taken steps, consistent with its current authority, to increase regulatory oversight of these dealers. However, there are still several legislative constraints on ATF's authority to regulate FFLs. Legislation to lift these constraints would allow ATF to better ensure compliance by licensed firearms dealers.

- **Allow ATF to inspect licensees more than once a year.** Current law significantly impedes ATF's ability to regulate FFLs by limiting ATF to one warrantless recordkeeping inspection within a 12-month period. Multiple compliance inspections of an FFL within a one-year period are often necessary for adequate ATF supervision, particularly if a licensee has a poor compliance record. Congress should enact legislation allowing ATF to conduct up to three compliance inspections of an FFL in the course of a year.
- **Termination of licenses of FFLs who have been convicted of felonies.** Under current law, a licensee convicted of a felony may continue to conduct business under his or her license until appeal rights are exhausted. This loophole jeopardizes public safety by allowing convicted felons to continue buying and selling large quantities of firearms in interstate commerce pending the resolution of their appeals. Congress should amend the GCA to provide for the automatic termination of a federal firearms license upon the licensee's felony conviction.
- **Provide additional administrative remedies for licensee violations.** Under current law, the only administrative remedies available to deal with FFL violations are revocation or

denial of licenses, the issuance of a warning letter, or holding a warning conference. Certain violations of the GCA, such as the failure to timely record information in required records, may not warrant license revocation or denial, but may merit stronger action than a mere warning. The law should be amended to provide new administrative sanctions to allow ATF to impose sanctions on all violations by FFLs and deter licensees from further violations. These new administrative remedies should include license suspension and civil monetary penalties.

- **Allow ATF to establish FFL security standards.** The theft of firearms from licensed dealers is a growing problem that contributes to the number of firearms available to juveniles, youth gangs and criminals. In 1998 and 1999, licensees filed reports on over 5,000 losses or thefts, involving 27,287 firearms. ATF currently lacks authority to establish security standards for licensed dealers to cut down on opportunities for these thefts. Congress should enact legislation requiring FFLs to store their inventories securely.
- **Separate license for gunsmiths.** As the federal firearms licensing provisions are presently structured, there is no distinction between licenses issued to gunsmiths and those issued to firearms dealers. The establishment of separate licenses for firearms dealers and gunsmiths will allow an assignment of inspection priorities that will promote regulatory efficiency and significantly reduce inspection costs. Congress should enact legislation establishing a separate Federal firearms license for gunsmiths.

C. **Preventing Gun Accidents and Suicides**

Except for the sporting purposes requirement for imported firearms, federal firearms law has paid scant attention to safety in firearms ownership or design. We must do much more to ensure that those who buy guns will use and store them safely, and that new guns are equipped with safety devices to prevent accidental shootings.

1. Safety Training and Safe Access

- **Licensing handgun purchasers.** First and foremost, we must do everything possible to make sure that those who buy guns know how to handle and store them safely. Every gun owner throughout the nation should have gun safety training before being permitted to buy a gun. To further this goal, individuals seeking to buy a handgun should be required to obtain a photo license establishing that the individual has successfully passed a certified safety course or exam and passed a background check at the time the license is issued.

Congress should pass legislation establishing a system of state-based licenses for handgun purchases. State participation would be optional, not mandatory, and could be supported by federal funding. For states that choose not to participate in the licensing scheme, a federal mechanism would be established to issue licenses. In addition to assuring that

only those who have demonstrated knowledge of the safe and responsible handling, use and storage of a firearm can buy a handgun, thereby reducing the number of gun accidents, licensing will help prevent felons and other prohibited persons from acquiring firearms in the secondary firearms market. Licensing also provides an ideal avenue for owners to learn the law and regulations regarding firearms and enhance cooperation with law enforcement.

- **Child access prevention.** There are an estimated 200 million guns in America today; 65 million are believed to be handguns. Many of these weapons are easily accessible to our children. Forty percent of American households contain at least one gun. Children are present in at least one-quarter of these homes. Half of all guns kept in the home are kept loaded; one third are kept loaded and unlocked. In the last 10 years, more than 2,300 American children fourteen and younger died from unintentional shootings, and thousands more were injured.

Enactment and enforcement of Child Access Prevention (CAP) laws can reduce accidental deaths and injuries from firearms misuse by children, as well as juvenile firearms suicide rates. Often referred to as "safe storage laws," CAP laws are designed to prevent children from obtaining unsupervised access to guns. They require adults either to store loaded guns in a place reasonably inaccessible to children, or use a lock or other device to render the gun inoperable. The laws hold gun owners criminally responsible if a child obtains an improperly stored gun and uses it in an act of violence.

CAP laws save lives. A recent study reported in The Journal of the American Medical Association demonstrated that state CAP laws reduced unintentional shooting deaths of children by an average of 23 percent. In 1989, Florida became the first state to pass a CAP law. Since then, fifteen additional states and five cities have enacted similar legislation.¹⁸ The federal government should do the same. Congress should enact federal child access prevention legislation.

- **72-hour waiting period for handgun purchases.** Contrary to popular belief, the Brady Act does not require a waiting period before transferring a firearm. Such a "cooling off" period would help prevent crimes of passion and rash suicides by ensuring that individuals who desire to purchase a handgun must wait at least a reasonable period before obtaining possession of the gun. Such a waiting period will reduce the incidence of gun purchases made in unbalanced emotional states of extreme anger or depression. Congress should

¹⁸ In addition to Florida, California, Connecticut, Delaware, Hawaii, Iowa, Maryland, Minnesota, Nevada, New Jersey, North Carolina, Rhode Island, Texas, Virginia, and Wisconsin have enacted state CAP laws. Elgin and Aurora, Illinois; Houston, Texas; Wichita, Kansas; and Baltimore, Maryland also have passed laws that make it a crime for an adult to leave a loaded firearm where it is accessible by children.

amend the Brady Act to provide a mandatory 72-hour waiting period for the sale of a handgun.

2. *Regulating Firearms Design and Marketing*

Despite the deadly impact of firearms in our society, no federal agency, including ATF or the Consumer Product Safety Commission (CPSC), has authority to ensure that domestically manufactured firearms meet product safety or design standards and that guns are reasonably safe for their intended use. When the CPSC was established in 1972, it was specifically denied regulatory authority over firearms and ammunition.¹⁹ And as noted above, ATF has no authority to impose safety standards on domestically manufactured firearms.

An important step in preventing firearms violence is to ensure that guns are designed to be as safe as reasonably possible. The fact that guns do *intentional* harm does not mean that they cannot be designed to avoid *accidental* harm.

Firearms manufacturers frequently redesign their products to suit perceived consumer preferences. Guns are often re-engineered to increase firepower or ammunition capacity, or to decrease gun size or weight to render them more concealable. Manufacturers even change the "look" of a gun to make it appear more threatening.

Yet manufacturers have not been quick to take advantage of existing safety features, nor have they made major strides in developing new safety devices. For example, not all handguns have firing pin locks that prevent them from firing if dropped. Nor are most guns designed with magazine disconnectors, which reliably (but only temporarily) disable the weapon to help prevent accidental discharge. Loaded chamber indicators, which could prevent accidents by indicating when a gun is loaded, are not included in most gun designs. Handguns are not ordinarily designed to make it difficult for small children to activate the trigger, although such devices first appeared in firearms in the 1880s. None of these features are currently required before these products can be sent into the stream of commerce.

- **Firearms safety board.** The federal government should take the lead in protecting Americans from the risks posed by the prevalence of firearms. Toward that end, Congress should establish a Firearms Safety Board. One of the Board's most important duties would be to collect systematic information about the causes of firearms accidents, such as the number of non-intentional shootings caused by the shooter being unaware that the gun was loaded; or the number of firearms accidents that occur because a gun fired when dropped; and the number of accidental deaths or injuries that result from low trigger resistance, which can cause a gun to fire unintentionally or allow a small child to pull the trigger. The systematic collection of this information will assist the effort to study the causes and possible solutions of accidental shootings.

¹⁹ The CPSC does have jurisdiction over air and pellet guns, which are not considered "firearms" under the Gun Control Act.

This Board would also be empowered to recommend that the Secretary of the Treasury set mandatory safety and marketing standards; recall defective firearms that present a serious safety hazard; take immediate action to stop the sale or distribution of firearms or ammunition found to pose an imminent hazard; monitor industry compliance with design standards; require that manufacturers or importers furnish safety regulators with pre-marketing notification of new firearms technology and firearms products; and disseminate information to the public about particular firearms. In evaluating firearms safety and design standards, the proposed firearms safety board should consider various regulatory schemes for other products, while at the same time recognizing the unique properties of firearms and the firearms industry.

- **Safety locks.** Reducing firearms violence requires that guns be safely stored. Under current law, FFLs are required to have gun storage or safety devices *available* for sale at their premises, but are not required to *provide* them with each firearm. These devices should not be optional. Congress should enact legislation requiring licensees to provide a secure gun storage or safety device, such as a triggerlock, or gun lockbox, with every firearm sold to an individual. Use of these devices would help prevent misuse of guns by children and other unauthorized persons.
- **Large capacity ammunition feeding devices.** Since 1994, federal law has banned the manufacture of large capacity ammunition feeding devices. However, current law contains a significant loophole, which allows devices manufactured on or before September 13, 1994, to be imported. Given the vast, worldwide supply of large capacity ammunition feeding devices, this loophole creates a major enforcement problem and should be closed. Congress should enact legislation banning the importation of all large capacity ammunition feeding devices.
- **Require domestically manufactured guns to meet at least the same standards as imported guns.** Because federal law does not require domestically manufactured guns to meet the "sporting purposes" test applied to imported firearms, domestic manufacturers continue to make poorly constructed "Saturday night specials" that are not suitable for target shooting or other sporting purposes. These handguns are often the weapon of choice for youths and criminals, and are often used in crimes. The Secretary of the Treasury should be granted the authority to apply factoring criteria, including safety standards, to domestically made handguns.
- **.50 caliber sniper rifles.** Some .50 caliber sniper rifles can kill a person a mile and a half away and do not appear to be generally suited for sporting purposes. ATF will review whether .50 caliber sniper rifles meet the sporting purposes test for imported firearms. In addition, Congress should pass legislation banning domestically manufactured .50 caliber sniper rifles.

CONCLUSION

Firearms violence continues to exact a terrible toll on our nation. There are far too many firearms-related deaths and injuries, due in significant part to the ease with which criminals and other prohibited persons can acquire guns. The problem cannot be solved through any one approach, by any one government agency, or by any one segment of society. We must work together to eliminate the scourge of gun violence from our national life.

Attacking gun violence simultaneously on all fronts does work. This Administration has made significant progress in reducing firearms violence through its successful implementation of the Brady Law; its close collaboration with state and local law enforcement in investigating and prosecuting gun criminals; and its focused effort to keep unauthorized juveniles and other prohibited persons away from guns. Reductions in gun violence have been achieved where communities have adopted focused, comprehensive, and innovative strategies to attack their gun violence problems. Given appropriate resources, and common sense legislation to close the loopholes that hinder our efforts, the National Strategy will enable us to continue on the course charted by this Administration and help end the tragedy of gun violence in America.