

August 24, 2022

Director Steve Dettelbach
Bureau of Alcohol, Tobacco, Firearms and Explosives
U.S. Department of Justice
99 New York Avenue, NE
Washington, DC 20226

Dear Director Dettelbach,

Congratulations on being confirmed by the Senate to lead the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). This period of rising gun violence presents both serious challenges and opportunities for the agency. The undersigned gun violence prevention and allied organizations write today to offer recommendations for actions the ATF can take to reduce gun violence.

The United States is experiencing a violent crime spike driven disproportionately primarily by increased gun violence. As a lead federal agency on firearms and explosives enforcement and the sole federal agency responsible for overseeing the lawful commerce of firearms and explosives, the ATF plays crucial enforcement and regulatory functions.

Yet, the ATF confronts a number of challenges in its efforts to successfully carry out law enforcement and regulatory responsibilities because of historical underfunding, insufficient management, and restrictive riders. While the agency's leadership has previously made concerted efforts to address some of these gaps, you will certainly be faced with many of these ongoing challenges. To help meet these challenges, this letter provides recommendations on how to best direct current resources towards enforcing existing laws and regulating the gun industry.

The agency has a substantial opportunity to rethink its role and priorities. ATF has devoted a disproportionate share of its resources to reactive law enforcement efforts that are largely duplicative of the work of other federal and local political agencies and too often focus on criminal activity that could be best addressed at the local level. You have a unique opportunity to transition ATF from a primarily reactive agency to one that is proactive and balances both law enforcement and public health approaches to reducing gun violence.

What follows is a recommended list of priorities for immediate actions ATF can take to enhance oversight of the gun industry, implement measures to combat gun trafficking, prevent domestic violence shootings, reduce firearm suicides, and increase transparency.

Enhance oversight of the gun industry:

- Focus ATF law enforcement activities on bad actors in the gun industry and firearm traffickers.
- Allocate more resources to conducting sufficient compliance inspections of gun dealers and hold violators accountable.
- Instruct ATF to strengthen its internal standards for issuing remedial actions against noncompliant gun dealers, including license revocations.
- Modernize the application process to become a gun dealer or renew an existing license
- Strengthen record-keeping requirements for gun dealers.
- Direct ATF to require that gun dealers perform annual background checks on all employees who may transfer firearms.
- Issue an annual report providing detailed information about legal violations by gun dealers, distributors, and manufacturers.
- Stop funding, partnering, or co-branding programs with the National Sports Shooting Foundation via the Department of Justice and other Federal Agencies.
- Make available to the public online any ATF briefing and training sessions at NSSF's annual SHOT SHOW.
- Faithfully implement the Bipartisan Safer Communities Act, including utilizing the new tools to arrest and prosecute gun traffickers and drafting a strong rule clarifying which gun sellers must obtain a federal firearms license.
- Enforce the so-called "ghost gun" rule which clarifies that unserialized firearm kits qualify as "firearms" under the Gun Control Act and requires a background check and a serial number so they can be traced if recovered by law enforcement.

Implement Measures to Combat Gun Trafficking

- The ATF is uniquely positioned to engage in anti-trafficking law enforcement and regulatory oversight efforts to identify early signs of gun trafficking, offering unique value to local, state, and federal investigations that cannot be replicated by any other agency.
- Rather than directing resources towards targeting individual gun offenders or other crime best handled at the local level, the ATF should instead direct funding towards robust national systems of crime gun tracing and ballistics imaging to provide the data and intelligence necessary to identify illegal gun trafficking networks and solve gun-related violent crimes.
- Focus investigative resources on illegal gun trafficking, including identifying where illegal trafficking networks exist, how guns are moving across state and international lines, and how to intervene and prevent gun trafficking.
- Expand interagency collaborations like Crime Gun Intelligence Centers (CGICs), which focus resources on proactively identifying the sources of crime guns in communities by utilizing analytical technology and data processing systems, including:
 - National Integrated Ballistic Information Network (NIBIN), a national system for ballistic information used by law enforcement agencies across the country to conduct ballistic reports related to violent crime

- National Tracing Center (NTC), also known as e-trace, the only tracing facility in the US capable of identifying the origin of a firearm recovered at a crime scene and help identify potential traffickers.
- Increase collaborative efforts with local jurisdictions to standardize and annually summarize firearms tracing information for cities and counties.
- Establish a coordinating council with other federal agencies, with domestic and foreign policy remits, to strengthen tracing information for firearms recovered at murder scenes, found near the US-Mexican border, or law enforcement operations to uncover smuggling, straw purchases, and illegal transfers.
- Work with the Departments of State and Commerce to return complete oversight of US exports of small arms to the State Department.
- Improve efforts to regulate gun shows and online marketplaces.

Prevent Domestic Violence Homicides

- Appoint an ATF Special Advisor on Gender-Based Violence.
- Appoint a domestic violence point of contact at each ATF field office as required by the Violence Against Women Act Reauthorization Act of 2022 (Division W of Public Law No: 117-103; 136 Stat. 49) and direct those points of contact to develop relationships with local, state, and Tribal domestic violence victim service providers (including culturally specific organizations) and state and Tribal coalitions within their geographic jurisdiction. These points of contact should:
 - Receive and respond to reports of potential firearms crimes and possession by prohibited abusers
 - Educate state and local actors about the Federal government's roles in addressing firearms violence in domestic violence cases.
- If designated by the Attorney General to promulgate a rule pertaining to the implementation of Section 12005 of the Bipartisan Safer Communities Act, ATF should issue regulations adhering to the [recommendations](#) sent to Attorney General Garland on July 12, 2022 by thirteen national gender-based violence organizations.
- Prioritize recovery of firearms transferred to prohibited abusers in default proceed transactions and publish annual reports on the disposition of default proceed cases related to domestic violence referred to the ATF for recovery.
- Install a domestic violence specialist at each ATF field office.

Focus on Firearm Suicide

- Instruct ATF to develop and provide guidance, education, and suggested procedures to gun range owners and their employees to prevent incidents of gun violence onsite, as well as theft or burglary.
- Strengthen tracing of all firearms linked with fatal events, including suicides.
- Create an educational campaign about the safe and secure storage of firearms, building upon ATF's new rule announced in January 2022 and best practice guidance to encourage safe storage.

Increase Agency Transparency

- Clarify that the federal budget riders restricting access to certain crime gun trace data (the so called “Tiahrt Amendments”) do not prevent local jurisdictions from releasing data on the flow of illegal guns and does not restrict ATF’s ability to publish or release aggregate data about the source of guns that is critical to stemming trafficking in Mexico and Central America.
- Release transparent and detailed information about the inspection process as directed by the Biden-Harris administration.
- Create a transparent and efficient process to respond to Freedom of Information Act requests in a timely manner.
- Work with Congress to remove restrictions on modernizing and digitizing record keeping systems.
- Fully implement the Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, including issuing revised use-of-force standards, restricting no-knock entries, banning chokeholds and carotid restraints, improving officer recruitment, hiring, promotion and retention practices, ensuring appropriate use of body-worn cameras, enhancing data collection and reporting, and conducting thorough and timely investigations related to the use of deadly force.

Gun violence is a public health epidemic that devastates communities across this country every day. ATF has a crucial role to play in a comprehensive effort to reduce gun violence and we are confident that you have the experience and the leadership capabilities necessary to both enforce federal gun laws and regulate the gun industry. The undersigned organizations stand ready to support ATF in its efforts to implement these recommendations and we look forward to working with you to make our communities safer. If you would like additional information, research, or to meet with this coalition of gun violence prevention groups, please contact Nick Wilson, senior director of gun violence prevention at Center for American Progress, at nwilson@americanprogress.org.

Thank you for your consideration,

Center for American Progress
March for Our Lives
National Coalition Against Domestic Violence
Advocates for Change
African American Ministers In Action
Alliance for Gun Responsibility
Ban Assault Weapons NOW!
Battered Women’s Justice Project
Battle Born Progress – Nevada
Ceasefire Oregon
CeaseFirePA

Chi-Town GVP Summit
Delaware Coalition Against Gun Violence
Evidence for Change
Falmouth Gun Safety Coalition
Franciscan Action Network
Futures Without Violence
G-PAC
Gays Against Guns
Grandmothers Against Gun Violence Washington
Grandparents for Gun Safety (KS & MO)
GunSense Vermont
Honor with Action Coalition
#HonorwithAction Illinois
Hoosiers Concerned About Gun Violence
Jewish Women International
Joint Action Committee
Keshet
Maine Gun Safety Coalition
Marylanders to Prevent Gun Violence
Mothers Against Gun Violence
National Council of Jewish Women
National Resource Center on Domestic Violence and Firearms
NeverAgainCA
Newtown Action Alliance
North Carolinians Against Gun Violence
Ohio Coalition Against Gun Violence
Orange Ribbons for Gun Safety
Rabbis Against Gun Violence
Safer Country
Sandy Hook Promise
States United to Prevent Gun Violence
Stop Handgun Violence
Survivors Empowered
Tempe Siani (DC) Gun Violence Prevention Group
The Ohio Council of Churches
The Union for Reform Judaism
Violent Crime Survivors
WAVE Educational Fund