



# Executive Action and Gun Safety Recommendations for the Biden-Harris Administration

Everytown for Gun Safety Action Fund; September 30, 2020

America has been in the grip of a public health crisis for decades. More than [one hundred Americans die](#) from gun violence every day, and twice as many are shot and wounded. Gun violence has shaken the foundation of our society, from highly visible and fear-inducing mass shootings to firearm suicides that happen in the privacy of our homes. All told, more than 145,000 Americans have been killed with guns since President Donald Trump took office in high-profile shootings, incidents of daily gun violence, unintentional gun violence, and gun suicide. Our gun homicide rate is [25 times higher](#) than in other high-income countries—and our gun violence epidemic is also an economic crisis, costing about \$282.5 billion annually, including \$3.5 billion in healthcare costs alone.<sup>1</sup> The coronavirus pandemic has brought about a [collision of two public health crises](#), with nearly all forms of gun violence increasing. The National Rifle Association (NRA), a longtime opponent of Joe Biden, has continued its efforts to block lifesaving legislation and nefariously weaken every aspect of federal gun policy by muzzling agencies and gutting regulations.

**We need a complete overhaul of gun safety policy at the federal level, an agenda to take on underlying problems that are foundational and entrenched, now freshly inflamed by President Trump and intensified by COVID-19.** The core gaps in our gun laws date back 50 years, and persistent gun lobby attacks on policy and funding have had their planned result: a lackluster federal response to the crisis. President Trump doubled down on these attacks, further degrading our system and even putting a former gun industry lobbyist in the White House. And the pandemic has exacerbated the crisis, exposing the holes in our laws, landing more guns in the wrong hands, and further straining the government's ability to prevent gun violence.

**Our movement is incredibly fortunate to have Joe Biden.** No elected leader has been a more consistent champion of our issue, and that commitment is reflected in his bold [Plan to End Our Gun Violence Epidemic](#).

**Now is the time for transformative, life-saving change.** America's movement for gun safety has never been stronger. Once a political third rail, gun safety now enjoys overwhelming public support, while the gun lobby finds itself in disarray—and the myth of its power deflated. It has been over seven years since background checks narrowly failed in the U.S. Senate, at a time when the gun lobby was ascendant and able to stop a popular and essential policy. Since then, Everytown for Gun Safety has built a

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<sup>1</sup> Original Everytown research with Ted R. Miller of Pacific Institute for Research and Evaluation, forthcoming in late 2020. Based on CDC WONDER and Healthcare Cost and Utilization Project data.

comprehensive response, engaging our now nearly 6 million supporters, more than 700 local Moms Demand Action groups with a volunteer-led chapter in every state and Washington, DC, over 400 local Students Demand Action groups, a network of over 3,000 survivor advocates, a coalition of over 2,000 current and former mayors, and 200 staff to launch integrated advocacy and electoral campaigns at the federal, state, and local levels. Since 2016, we've spent over \$200 million on these efforts and taken over 25 million advocacy actions. We are thrilled to stand with the new Biden-Harris administration every step of the way as it enacts a bold new gun safety agenda.

**The president can make transformational change with executive power.** While legislators must rework background check requirements, remove absurd gun industry protections that harm Americans, and build a modern set of public safety laws, the opportunity for executive action is tremendous. President Biden can take Day 1 action to save lives, and spend four years building a robust response suited to this intractable public health crisis. Everytown is ready to provide technical expertise, political savvy—and a grassroots army.

**Making change requires a new type of thinking, and to implement his campaign plan to end the gun violence epidemic, the president should create an interagency hub or task force that can mobilize leaders across the executive branch to focus on gun violence prevention.** The NRA has spent decades weakening regulations and intimidating any agency or office that dared even to broach the topic of firearms. It will require persistent White House leadership to create a mandate for action and a central gun violence prevention hub, **led by a designated Assistant to the President**, to coordinate and execute an all-hands campaign and rethink how every agency has a role to play in protecting public safety. The task force's White House chief should have authority to hire staff within the Executive Office of the President, as well as to bring on detailees from the departments of Justice, Health and Human Services, Education, and others.

In addition, **the president should declare gun violence to be a public health emergency**, making an important statement of American values and [opening a broad set of powers](#) to accelerate the actions in this memo. An emergency declaration will create new budget flexibility for anti-trafficking, suicide prevention, and school safety interventions, and will expedite research initiatives and resources for medical practitioners.

**This memo proposes a top-to-bottom program of executive actions to implement and complement the Biden Plan to address gun violence; it is broken down into four sections:**

- **First**, we recommend action to tighten the porous background check system: ensuring the law blocks gun purchases by domestic abusers and others who shouldn't be armed, banning do-it-yourself "ghost guns," retrieving illegal guns sold through the infamous "Charleston loophole," going after those who illegally sell without a dealer license, and alerting officials when prohibited people try to buy guns.
- **Second**, we propose a plan to address city gun violence: on-the-ground support for community-based intervention programs, efforts to hold abusive police accountable, and upstream reforms aimed at gun dealers and trafficking channels that funnel illegal guns into our neighborhoods.
- **Third**, we offer strategies to heal our traumatized communities: protecting school-age children from gun violence, disarming people motivated by hate and bias, fighting suicide by preventing firearm access for people in crisis, and helping gun violence survivors rebuild their lives.
- **Fourth**, we lay out major data and technology projects that can undo a legacy of gun lobby obstruction, building a world-class research base for addressing gun violence and sparking

modern firearm hardware by setting safer technology standards and laying the groundwork for smart guns.

**Throughout the memo, we highlight several features of these recommendations.** We make note of actions that will have an *immediate impact on gun violence*; while every item included here is significant, many may not be self-executing (e.g., gathering data). We also note items that may face especially strong gun lobby opposition. Finally, we note actions that have a more impactful legislative analogue. An appendix lists all actions by responsible agency or office and notes which require or could be bolstered by a formal process.

**We also name the critical actions that the administration should take on Day 1:** (1) establish a gun safety hub or task force, with a dedicated White House staff, (2) declare a public health emergency, (3) interpret the law to cover people who pose a danger with guns, (4) address the rapid rise of ghost guns and increased Charleston loophole sales, (5) stem city gun violence with funding for new interventions and new record keeping for gun sellers, (6) go after armed extremists, and (7) limit gun access for those at risk of suicide.

**Every death from gun violence is an outrage. The Biden-Harris administration should use executive power to deliver on its commitments and build a framework for lasting gun violence reduction.**

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## SECTION II. ADDRESSING CITY GUN VIOLENCE AND HOLDING POLICE ACCOUNTABLE

1. Direct existing grant programs to fund evidence-informed violence intervention programs.
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  - b. **Help unlock funding for services for victims of gun violence and violence intervention programs.**
  - c. Support community-based Safe Passage programs to protect students on the way to school.
  - d. Develop a plan for long-term investment in communities that face systemic discrimination and have disproportionately suffered from gun violence.
2. Fight for racial justice by reducing police violence and fostering accountability for law enforcement who abuse civilians.
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  - b. Set new accountability conditions on existing law enforcement grant programs.
  - c. Foster and publish data on police use of force.
  - d. Provide training and technical assistance on equitable policing and police accountability.
3. Stem the flow of crime guns into cities by reforming how guns are sold by federally licensed gun dealers.
  - a. Modernize the application process to become a gun dealer or renew an existing license.
  - b. **Strengthen record-keeping requirements.**
  - c. Dramatically step up inspections of gun dealers and the disciplinary response to negligent or unscrupulous behavior by dealers.
4. Identify the source of crime guns in our cities and release information that can drive better enforcement and policy making.
  - a. Clarify that the federal budget riders restricting access to certain crime gun trace data do not restrict the government's ability to publish or release aggregate data.
  - b. Update critical reports and develop new ways to share gun trafficking information.
  - c. Expand access to technologies that identify and trace crime guns.

## SECTION III. CREATING HEALTHY COMMUNITIES: MAKING SCHOOLS SAFE, CONFRONTING HATE, PREVENTING SUICIDE, AND CENTERING SURVIVORS

1. Keep schools safe with evidence-based interventions.
  - a. Address student access to guns.
  - b. Fund evidence-based intervention programs, access to mental health services, and environmental design programs.
  - c. Issue a report on guns in schools and the effect gun violence has on American students.
  - d. Clarify the limitations on irresponsible carrying of concealed guns on school grounds.
2. Disarm hate-motivated individuals who target traditionally marginalized Americans with armed violence and intimidation.
  - a. Prioritize and incentivize efforts to analyze acts of domestic terrorism, violent extremism, and hate crimes.
  - b. **Clearly articulate that hate crime prosecutions will focus on attacks against traditionally marginalized Americans.**
  - c. Use state extreme risk laws to remove firearms from individuals on the verge of hate-motivated violence.
3. Address firearm suicide by expanding policies and programs that address lethal-means access.
  - a. **Promote secure storage and extreme risk tools that temporarily remove firearms.**

- b. Issue a comprehensive report on firearm suicide that identifies populations that are especially vulnerable.
- c. Address access to firearms as part of a comprehensive suicide prevention strategy.**
- 4. Ensure that survivors of gun violence and the communities disproportionately affected by gun violence have the resources and support they need.
  - a. Provide survivors of gun violence with the resources and assistance necessary to aid their recovery.
  - b. Establish an advisory council to gather and disseminate information about resources for survivors of gun violence.

## **SECTION IV. LAUNCHING A MAJOR FIREARM DATA PROJECT AND PROTECTING THE PUBLIC WITH MODERN GUN TECHNOLOGY**

- 1. Build a cross-departmental data project that treats gun violence as a public health emergency.
  - a. Use a central office to consolidate and coordinate research.
  - b. Collect more complete and timely data on gun deaths and injuries.
  - c. Improve surveys on gun access, gun ownership and carrying, and the use of guns in domestic violence.
- 2. Drive modern firearm technology with new safety standards and groundwork for smart guns and microstamping.
  - a. Set mandatory consumer product safety standards for firearm storage devices.
  - b. Spur development of smart gun technology.
  - c. Investigate and penalize false advertising in the gun market.
  - d. Update firearm serial number requirements to require markings that are easy to identify and difficult to obliterate.
  - e. Demonstrate the promise of microstamping technology, which provides a virtual fingerprint on each piece of ballistics evidence.

## **APPENDIX: EXECUTIVE ACTIONS, ORGANIZED BY DEPARTMENT AND AGENCY**

## SECTION I: BUILDING A BETTER BACKGROUND CHECK SYSTEM

While federal legislation requiring background checks on all firearm sales remains necessary, there are many steps President Biden can take to improve the system we have now—a system that has stopped more than 3.5 million illegal sales over the last two decades.<sup>2</sup> This is an especially urgent priority for 2021, as the Trump administration has degraded the system and the coronavirus pandemic has increased the number of illegal purchasers who slip through the cracks. The Biden Plan promises to take a number of legislative and executive actions to strengthen the background check system. The executive actions proposed here would realize those campaign promises. The Biden-Harris administration can 1) ensure the background check system has all of the prohibiting records it needs, 2) shut down the no-questions-asked marketplace for ghost guns, 3) tackle the Charleston loophole, which enables illegal sales to go forward before a check is complete, 4) take action to stop people who have been denied by a background check and may be looking to get armed, and 5) target gaps in the law for proactive enforcement.

1. **Ensure the background check system has all of the prohibiting records it needs.** When a prohibited gun buyer attempts to make a purchase, background check operators can stop the sale only if they have the person's complete records on hand. Every missing record is a tragedy waiting to happen. There are steps the president can take to improve the system immediately:
  - a. **Reverse President Trump's dangerous Department of Justice (DOJ) policy change that allows many fugitives from justice to buy guns.** Under President Trump's policy, background check operators cannot deny a gun sale to a fugitive unless they have knowledge of the person's whereabouts and state of mind. In the first year after President Trump put this rule in place, there was a 72 percent drop in federal gun sale denials to fugitives from justice—nearly 18,000 fewer denials than in the previous year.<sup>3</sup> Reversing the policy would have the *immediate impact* of ensuring these sales can't go through. Notably, a legislative option here would not only enable operators to block gun sales, but would also strengthen the law by requiring a person with an open warrant to get rid of guns already in their possession. We recommend this as a Day 1 action.
  - b. **Reverse President Trump's dangerous Social Security Administration (SSA) action** and submit all records of prohibited mentally ill beneficiaries into the system. President Trump used Congressional Review Act powers to block an SSA rule that requires the submission of records for over 400,000 prohibited people with serious mental illness.<sup>4</sup> The gun lobby has put a heavy focus on the rule—put in place by the Obama-Biden administration after Sandy Hook—falsely painting it as an attempt to expand who is prohibited from having guns. Submitting these records now would have an *immediate impact*, as those gun buyers would finally be stopped from passing a background check even though they are prohibited. We recommend this as a Day 1 action.
  - c. **Through the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), finalize the firearm regulation for people who have been in involuntary outpatient treatment.** The rule proposed by the Obama-Biden administration would clarify the statutory term

<sup>2</sup> Jennifer C. Karberg et al., "Background Checks for Firearm Transfers, 2015—Statistical Tables," Bureau of Justice Statistics, <https://goo.gl/SbaLbt>. Data for 2016 and 2017 were obtained by Everytown from FBI directly. Data for 2018 are currently unavailable and were estimated based on a five-year average of background check denials from 2013-2017. Though the majority of the transactions and denials reported by FBI and BJS are associated with a firearm sale or transfer, a small number may be for concealed carry permits and other reasons not related to a sale or transfer.

<sup>3</sup> FBI, NICS Operations Reports 2016 and 2017, <https://bit.ly/35gygAl>. In 2016, 24,502 fugitives from justice were denied compared to 6,819 who were denied in 2017.

<sup>4</sup> Everytown for Gun Safety analysis of "Annual Statistical Report on the Social Security Disability Insurance Program, 2017," Social Security Administration, Publication No. 13-11826, Tables, 9, 10.A., 15, 64 (pages 31-32, 37-38, 50-51, 165-66), October 2018, <https://bit.ly/2wRmlXg>.

“committed to a mental institution,” a critical fix to ensure that our mental health laws have the effect originally intended by Congress. As Everytown has [advocated](#) for years, when a person undergoes involuntary outpatient commitment because of a danger to self or others, they should be prohibited in the same way as a person who receives involuntary inpatient treatment. This regulation will have an *immediate impact* to ensure that people who pose a danger are blocked from purchasing a gun.

- d. **Clarify by ATF regulation that convicted domestic abusers are prohibited purchasers even if they are not married to their victims, addressing the boyfriend loophole.** Currently, federal law is often interpreted to prohibit firearm possession by people convicted of misdemeanor domestic violence only when the abuser is or has been married to their victim (or if they have cohabited or share a child). But in fact, the federal statute also reaches convicted people who are “similarly situated” to spouses. While the gun lobby would certainly object, ATF should interpret that term to cover the same unmarried intimate partners already covered by the Violence Against Women Act (VAWA)—resolving the lack of clarity for prosecutors and background check operators about the reach of the law. This regulation would have the *immediate impact* of protecting victims of domestic abuse, though it is notably not as exhaustive as the House-passed [VAWA reauthorization](#), which would also cover abusive dating partners under restraining orders.
- e. **Improve the number and accuracy of records in the background check system,** with a focus on domestic violence records and missing criminal dispositions.<sup>5</sup> Prohibited domestic abusers often slip through the cracks and buy guns because their records are either missing altogether or are incomplete.<sup>6</sup> DOJ should fully implement the Fix NICS Act, using all available tools to pressure federal and state agencies to submit records and ensuring that those agencies understand the full scope of prohibiting records in their possession. DOJ should also publish a regular and thorough audit of the system, issue best practices for domestic violence records, and require that all background checks include a search of the detailed information in the National Data Exchange (N-DEX).

## 2. **Stem the tide of ghost guns, making sure the background check system covers all firearms.**

Ghost guns are do-it-yourself firearms made from parts that are available without a background check; they lack serial numbers and can't be traced by law enforcement. [Law enforcement is reporting](#) a dramatic rise in the recovery of ghost guns; for example, the ATF Los Angeles Field Division reported the presence of ghost guns in 41 percent of its cases. Original Everytown [research](#) in 2020 showed that the recovery of ghost guns is on the rise, that these weapons are increasingly cheap and easy to make, and that they are connected to violent gun trafficking rings and far-right extremists. Along with a surge in gun sales during the coronavirus pandemic, Everytown's research found an [unprecedented increase](#) in orders for kits and parts to make ghost guns. This dangerous market is quickly maturing, but the Biden-Harris administration can strike a fatal blow against this threat before it gets out of control.

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<sup>5</sup> As of 2016, only 68 percent of arrest records in FBI databases had matching information about whether the person was ultimately convicted of a crime, meaning that for a large percentage of arrest records, background check operators can't see whether the person has a prohibiting history. “Survey of State Criminal History Information Systems, 2016: A Criminal Justice Information Policy Report,” Bureau of Justice Statistics, 2, <https://bit.ly/3i6nRee>.

<sup>6</sup> “Gun Control: Analyzing Available Data Could Help Improve Background Checks Involving Domestic Violence Records,” U.S. Government Accountability Office, publication GAO-16-483, July 5, 2016, <https://www.gao.gov/products/GAO-16-483>. According to a July 2016 report by the Government Accountability Office, these missing and incomplete records have allowed more than 6,000 guns to be transferred to prohibited domestic abusers since 2006. In fact, because domestic violence records are often incomplete, 30 percent of all denials for misdemeanor crimes of domestic violence occur after three business days—meaning that one out of three times that a prohibited domestic violence misdemeanant tries to buy a gun from a dealer, the gun dealer is allowed to sell him the gun under federal law.



- a. **Issue an ATF regulation making clear that core ghost gun parts already qualify as firearms under the law**—and can never be sold without a serial number or a background check. The current threat flows from ATF's cramped definition of frames and receivers, a dangerous wrong turn that created the current loophole. The Biden-Harris administration should formally change that definition, using language Everytown proposed in a [formal petition](#) to ATF last year. In August, the cities of Syracuse, NY; San Jose, CA; Chicago, IL; and Columbia, SC, along with Everytown for Gun Safety, [filed a lawsuit](#) seeking a court order to compel ATF to correct its dangerous misinterpretation of a critical gun safety law. The gun lobby would likely seek to challenge a new regulation in court, but this change would have an *immediate impact*, shutting down an easy avenue for people to get armed with no questions asked. We recommend this as a Day 1 action.
  - b. **Reverse the Trump administration's reckless State Department regulations and policies.** The [Trump regulation](#), finalized in January 2020, was a dramatic and dangerous reversal of long-standing State Department efforts to protect national security by keeping downloadable guns off the internet, and it even enables 3-D printing of plastic firearms that can pass through a metal detector. Twenty-one state attorneys general have [temporarily stopped](#) implementation of the regulation. This change on downloadable guns was part of a reckless pattern of weakening regulations related to the export of firearms and silencers. The Biden-Harris administration should reverse the Trump firearms export regulation and [reinstate the Bush-era policy regulation](#) limiting the international sale of silencers. Settling the downloadable guns litigation and reversing this regulation would have the *immediate impact* of making online code illegal—and DOJ and the State Department must then enforce the law vigorously. We recommend reversal of these two regulations as a Day 1 action.
  - c. **Through ATF, record when ghost guns are involved in criminal investigations**, collect that data from state and local authorities, and publish information about ghost guns' use in crime as part of regular crime gun recovery reporting. ATF should immediately dedicate resources to shuttering the commercial sources of ghost guns that operate outside of the traditional licensed dealer system. Additionally, the Department of Homeland Security (DHS) should publish the annual threat assessment of ghost guns required under the National Defense Authorization Act for Fiscal Year 2020.
3. **Tackle the [Charleston loophole](#), which enables illegal sales to go forward after three business days simply because the background check is not complete.** The loophole has proven itself to be persistent and deadly, and the COVID pandemic has [exacerbated](#) it due to the surge in gun sales, leading to nearly [300,000 potential "default proceed" sales](#) from [March to July 2020 alone](#). While legislation is needed to close this gap completely—and require a completed check in all cases— DOJ can act immediately to mitigate the damage. We recommend the following as Day 1 actions:
    - a. **Require federally licensed gun dealers to notify ATF every time they go forward with a sale even though the background check is incomplete.** While dealers are permitted to go through with these transactions after three business days, many choose not to do so. If authorities had real-time information about which buyers have become armed without a complete check, they could prioritize completing those background checks and have an *immediate impact* on expediting retrieval of illegal firearms.
    - b. **Eliminate the Federal Bureau of Investigation (FBI) regulation that requires incomplete background checks to be terminated after 90 days and the records to be destroyed.** Over 200,000 such records are deleted each year because the check is not

completed within 90 days.<sup>7</sup> Based on the response to an [Everytown Freedom of Information Act \(FOIA\) request](#), it is estimated that over 131,000 of the delayed, uncompleted background checks from March to May 2020 have already been purged. When the work is suspended and the information is purged, it is impossible to know how many prohibited people were able to purchase firearms and which people remain in possession of firearms. The gun lobby would surely oppose applying this type of sunshine to background check records.

- c. **Establish a strong retrieval program that expedites removal of illegal guns by ATF** and prioritizes people most at risk of committing gun crimes. In 2019, there were at least 2,989 cases of guns being transferred to prohibited people through the Charleston loophole.<sup>8</sup> While ATF generally seeks to remove those guns after the fact, it does not release information about how quickly it does so—or whether it prioritizes the most dangerous cases. While the gun lobby would likely paint a new policy as government overreach, ATF can have an *immediate impact* on this loophole by scaling up work on these retrievals, and DOJ should also track and publish data on similar enforcement actions taken by state officials.
  - d. **Release exhaustive data on delayed background checks, which can reveal the scope of the problem and help target resources to address it.** This should include figures on the number of cases where FBI refers prohibited purchases to ATF, the number of cases where ATF takes action to retrieve illegal firearms, and a breakdown of these cases by the applicable federal prohibited category. It should also include information on how many delayed checks end up being purged from the system before they are resolved.<sup>9</sup>
4. **Target law-breakers for proactive enforcement.** Even as the Biden-Harris administration seeks to close major loopholes by legislative action, it can also prioritize enforcement against people who are actively taking advantage of gaps in the law—exploiting the unlicensed sales market online, finding high-volume sellers operating outside the dealer system, trying to get armed after they fail a background check, and failing to turn in their guns promptly after becoming prohibited. All U.S. Attorneys should be directed to develop plans to address these priorities within their specific jurisdictions, including how to work with state and local law enforcement. Leadership from senior White House officials or a central gun violence hub can set enforcement priorities, help agencies to collaborate, and ensure DOJ is effectively and equitably using its resources to prioritize those who pose a maximum danger of committing or furthering gun violence.
- a. **Prioritize ATF resources for tackling the online gun market, taking action against prohibited buyers who exploit the unlicensed sales loophole.** [In 2018 alone](#), nearly 1.2 million ads were posted on Armslist.com, a leading online market, for sales that did not require a background check. And one out of every nine prospective online buyers would not have passed a background check—evidence that prohibited people seek this no-questions-asked method to get armed. Even websites like Facebook that restrict unlicensed sales or downloadable guns often underenforce their written policies. The Biden-Harris administration should convene the major technology companies to address the unregulated or unlawful distribution of firearms, and ATF should ramp up online stings that go after these buyers and bring attention to the massive scale of this loophole.
  - b. **Issue a new ATF regulation clarifying which gun sellers must get dealer licenses and run background checks.** ATF should make clear that sellers who offer at least five guns

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<sup>7</sup> Everytown analysis of FBI NICS Operations Reports 2015 to 2019.

<sup>8</sup> Everytown analysis of FBI 2019 NICS Operations Report.

<sup>9</sup> This data should also be broken down by each point-of-contact (POC) state that contacts FBI for firearm background checks.

for sale in a year will be presumed to be “engaged in the business,” the statutory threshold for a required dealer’s license. Research by Everytown has shown that these sellers have [other indicators](#) that they should be licensed dealers, and new clarity from ATF would mean that they have to either register as dealers and run background checks on their buyers—or else demonstrate they are selling from a personal collection. Because this area is currently so poorly defined by regulation, many sellers are operating unlawfully without a license. While it will likely face political headwinds and loud opposition from the gun lobby, this new policy can *immediately reduce* illegal no-background-check sales. ATF should also step up investigations of these violations.

- c. **Through FBI, alert state and local law enforcement each time a person fails a background check**—before they find another way to arm themselves. When a prohibited person fails a background check, it is often a warning sign that they pose a danger. Three in ten people who fail a background check because of a criminal offense end up being rearrested within five years.<sup>10</sup> An [Everytown FOIA](#) found that nearly [90,000 background checks](#) have been denied from March through July 2020, more than twice as many as compared to the same period the previous year. It is a crime to try to buy a gun illegally, and yet today, officials don’t even know a denial has happened in time to intervene before a person seeks to get armed again. FBI should also record data on actions taken on the local level once officials have this real-time information on denied buyers.
- d. **Update DOJ research that measures recidivism for people who try to buy guns and fail a background check.** New studies can determine risks in greater detail, including which denied people are at highest risk of committing violent crimes in the future. With the help of a new gun violence hub at the White House, DOJ and the Department of Health and Human Services (HHS) can also consider new changes to the federal gun prohibitors, studying the effectiveness of broader and varied laws being innovated in states and the risks posed by arming people with different types of dangerous histories.
- e. **Analyze background check denials and transfer systems for sales by unlicensed sellers.** While federal law does not require background checks for gun sales by non-dealers, DOJ can help the [22 states](#) that do have these stronger background check laws as they implement and evaluate their systems. For states with those strong policies, FBI should determine which sales are made by unlicensed sellers—and which types of prohibited people seek guns by avoiding traditional dealers. With ATF, FBI should also analyze the security of state [remote access](#) systems for firearm transfers, studying what type of detailed information about buyer, seller, and firearm, and what type of central sales records, would be sufficient to ensure that a background check and sale consummated using an online system are as safe and legal as a transfer made in the presence of a gun dealer.
- f. **Provide guidance, training, and new funding to help state and local officials remove firearms when a person becomes prohibited.** Many state laws and policies are not strong enough to ensure that a person turns in all guns in their possession after a domestic violence or felony conviction, a restraining order, or other prohibition occurs. DOJ should help enforce federal laws by assisting court and law enforcement officials in the states, including with cutting-edge programs like [California’s](#).

The executive actions proposed in Section I fulfill several of the promises of the Biden Plan, including blocking gun purchases by fugitives from justice and social security beneficiaries with severe mental illness; closing the boyfriend loophole; further narrowing the unlicensed sale loophole; addressing the

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<sup>10</sup> James E. Tien et al., “Recidivism of Denied Prospective Firearm Purchases,” Structured Decisions Corporation, May 2008, <https://www.ncjrs.gov/pdffiles1/bjs/grants/222677.pdf>.

Charleston loophole; supporting firearm relinquishment programs; implementing the Fix NICS law; requiring FBI to notify state and local law enforcement of a failed background check; stopping ghost guns and downloadable guns; and restoring jurisdiction over firearm exports to the State Department.

## SECTION II. ADDRESSING CITY GUN VIOLENCE AND HOLDING POLICE ACCOUNTABLE

Our cities need comprehensive solutions to the gun violence that falls heavily on Black and brown Americans. [In a recent year](#), half of all gun homicides in the U.S. took place in just 127 cities, containing less than a quarter of the country's population. City gun violence has [intensified throughout the coronavirus pandemic](#), with a spike in homicides and nonfatal shootings—violence [often concentrated](#) within underserved neighborhoods and among small social networks. We need downstream solutions to support violence intervention programs shown to reduce gun homicides and shootings. We need to address persistent shootings by police, which [claim more than 1,000 lives each year](#); they are part and parcel of a history of systemic racism, and the burden falls heavily on Black Americans. And we need upstream reforms to change how guns are sold—to stem the flow of illegal guns into our cities, many of which are supplied by a small number of dealers. The Biden Plan commits to tackling city gun violence and offers concrete proposals, including funding vital, proven community-based programs and invigorating DOJ. The executive actions that follow will help bring those promises to fruition. While President Trump paid attention to city gun violence only when trying to land political points, President Biden can support neighborhoods in need by 1) funding evidence-informed community-based programs, 2) driving police accountability and rebuilding trust in law enforcement, 3) modernizing the regulations on how guns are sold, and 4) publishing data on the sources of crime guns.

### 1. **Direct existing grant programs to fund evidence-informed violence intervention programs.**

Community-based violence intervention programs work with individuals at high risk of shooting or being shot, reducing violence through targeted interventions and making connections to social services. But despite strong evidence of their effectiveness, programs like [street outreach](#), [hospital-based violence intervention](#), and [group violence intervention](#) are too often overlooked and underfunded. Street outreach organizations, in particular, have long been at the forefront of gun violence prevention work in our cities, and in 2020 have been [battling two epidemics at once](#), distributing coronavirus safety information and supplies in places already hard-hit by gun violence. Congress should authorize President Biden's proposed \$900 million, 8-year initiative to establish a consistent funding stream for these programs. But as cities and states grapple with [the financial impact of COVID-19 and the persistent rates of gun violence](#), it is imperative that the Biden-Harris administration prioritize existing grant funding for violence intervention—and that White House leadership or a central hub oversees the implementation of this change in priority.

- a. **Direct the Office of Justice Programs (OJP) to ramp up investment in community-led gun violence reduction.** Many violence intervention programs are eligible for OJP grants, including the Byrne JAG program, Project Safe Neighborhoods, and the grants awarded by the Office of Juvenile Justice and Delinquency Prevention. While OJP has previously funded these programs, in most years less than \$10 million is spent on community-based violence prevention initiatives, a number that can be increased several times over with existing funding. Funding should also be prioritized to the local Offices of Criminal Justice or Offices of Violence Prevention that are developing innovative, evidence-informed approaches to reducing gun violence in the Black and brown neighborhoods that are disproportionately affected. Reallocating funding would have an *immediate impact* on these programs' ability to prevent city gun violence. We recommend this as a Day 1 action.
- b. **Direct the Office for Victims of Crime (OVC) to help unlock funding for gun violence victim services and violence intervention programs.** Through the Victims of Crime Act (VOCA) victim assistance program, federal funds are already available for gun violence victims, including for crisis intervention, mental health counseling, and peer-to-peer

support. [And while many violence intervention organizations already help to disburse money for those purposes](#), federal VOCA funds are administered by state entities, which often have draconian requirements and do not focus on these organizations or survivors. OVC should work to ensure that funds are available for a diverse set of service providers and the gun violence survivors who rely on them. President Biden could have an *immediate impact* by unlocking over \$200 million, if all 50 states commit 10 percent of VOCA assistance funds to serving gun violence survivors. We recommend this as a Day 1 action.

- c. **Direct the Department of Transportation’s Safe Routes to School program** to use funds appropriated under the FAST Act to support community-based Safe Passage programs. For many students, traveling to and from school carries a higher risk of gun violence than actually being present at school. These [programs](#) protect children along common travel routes and in the immediate environs of schools, deploying trained monitors to identify and engage at-risk individuals.
  - d. **Direct HHS and the Department of Education (ED) to develop a plan for long-term investment in communities that face systemic discrimination and have disproportionately suffered from gun violence.** Long-term interventions may include investments in community-driven crime prevention through environmental design (CPTED) programs, youth employment programs, counseling and mentorship services for youth, and cognitive behavioral therapy. ED should focus on trauma recovery programs that are youth-centered, run out of schools, and have components focused on alternatives to violence and de-escalation.
2. **Fight for racial justice by reducing police violence and fostering accountability for law enforcement who abuse civilians.** In addition to the loss of life and damage to survivors, police violence causes fear and distrust in communities already hard-hit by gun violence. It is also a burden that falls heavily on Black Americans—who are nearly three times more likely to be killed than their white peers—and is intimately connected to a history of racism and white supremacy. The Biden-Harris administration should make it a top priority to pass the George Floyd Justice in Policing Act through Congress but can also take action immediately to hold police accountable and help agencies to improve.
- a. **Commit to a robust program of investigating abusive police departments.** President Trump all but abandoned the important work of the Obama-Biden administration to drive change in local agencies using DOJ’s “pattern or practice” investigation powers. DOJ’s Civil Rights Division should restart and redouble those efforts, developing new metrics to measure abuse and committing to open investigations in dozens of cities, focusing on the most racially segregated communities. DOJ should also analyze and publish detailed descriptions of these actions—including historical investigations—exploring the successes and failures of consent decrees.
  - b. **Set new accountability conditions on existing law enforcement grant programs.** The George Floyd Justice in Policing Act establishes mandatory conditions for receiving Byrne JAG and other funding, requiring that grantee agencies must be located in states with strong police accountability laws and policies. DOJ should create a preference for agencies in those jurisdictions, within the bounds of the current funding programs.
  - c. **Foster and publish data on police use of force.** The existing data on police use of force is extremely limited, frustrating policymakers looking to understand where violence is occurring and how to hold lawmakers accountable. DOJ should use all tools in its arsenal to pressure state and local agencies to report comprehensive data to FBI on use of force

by their officers, should publish detailed information, and should design new tools to study police abuse.

- d. **Provide training and technical assistance on equitable policing and police accountability.** To help reduce gun violence by police, local and state leaders should put in place a wide variety of systemic changes, [including](#) tougher use of force policies, a commitment to de-escalation and building community relationships, early intervention for problem officers, and a strong process for accountability after force is used. Drawing on the Civil Rights Division's decades of experience in pattern or practice investigations and consent decrees, DOJ should work with civil rights advocates and community leaders in policing equity to set up training and technical assistance programs to help elected leaders and law enforcement agencies rework their policing policies and curb abuse.

3. **Stem the flow of crime guns into cities by reforming how guns are sold by federally licensed gun dealers.** ATF has been asked to identify the source of nearly 2 million crime guns over the last decade, nearly all of which were sold by or stolen from federally licensed gun dealers. ATF needs the resources and mandate to be creative, raise the standards for responsible gun dealers, and root out bad actors who are not complying with the law. This should include new demands and requirements for people who sell guns, along with a stepped-up inspections and disciplinary process. While a legislative package of comprehensive gun dealer reforms could be much further-reaching—removing federal budget riders that have weakened the law and bringing the federal code into the 21st century—the administration should lead on this important reform regardless of what Congress does to modernize outdated regulations and better enforce laws already on the books.

- a. **Modernize the application process to become a gun dealer or renew an existing license.** When a person applies to be a gun dealer, ATF should require information on how they plan to keep their store secure from theft, their methods for electronic recordkeeping, and their staff training programs on how to identify signs of gun trafficking and straw purchases. Regulations about where a dealer can sell guns should be strengthened so that no dealer can sell or advertise guns at gun shows or on websites where sales without background checks occur or are facilitated. ATF should require every dealer applying for a license renewal to meet these same standards. Additionally, ATF should not issue licenses to applicants who are trying to escape accountability by reorganizing a gun business under investigation as a new corporate entity. A recent example is Jimenez Arms, which declared bankruptcy and [attempted to transfer its assets](#) to a newly formed gun manufacturing business to avoid liability in a [lawsuit](#) regarding its involvement in a gun trafficking ring. Requiring modern standards would have an *immediate impact* on reforming an industry that has repeatedly manipulated and weakened its own rules.
- b. **Strengthen record-keeping requirements.** ATF should require dealers to modernize how they keep records, including video-recording every sale and maintaining electronic, searchable records. Gun dealers should also be required to inform ATF any time a purchaser buys multiple rifles or shotguns within five business days—in the same way they currently do for multiple handgun purchases—or in instances where the purchaser had a previous firearm subject to a crime gun trace. The gun lobby has fought new reporting and record requirements in the past, but these notifications would make an *immediate impact* by providing law enforcement with more data about gun trafficking. We recommend this as a Day 1 action.
- c. **Dramatically step up ATF inspections of gun dealers and the disciplinary response to negligent or unscrupulous behavior,** prioritizing dealers that have high rates of

crime gun recovery, report many guns lost or stolen, or engage in other dangerous behavior. ATF should modernize the compliance process so that disciplinary actions can be taken swiftly in the interest of public safety and so that dealers who pose a clear threat can be suspended from doing business. ATF should publish regular reports on the state of dealers in America, with detailed data on inspections and disciplinary actions. While the gun lobby would object, a targeted approach toward the highest-risk gun dealers would have an *immediate impact* on cleaning up bad actors and reducing gun trafficking.

4. **Identify the source of crime guns in our cities and release information that can drive better enforcement and policy-making.** ATF has detailed information on the source of millions of firearms recovered in criminal investigations over the last decade, a database that could be analyzed to detect patterns in the sources and types of crime guns and provide insight into the most common suppliers among manufacturers, distributors, and dealers. But ATF has failed to release that information or to provide meaningful analysis to policymakers or the public, in large part due to fear of gun lobby backlash. While legislation is important to eliminate riders that restrict data distribution, the steps recommended here are fully within the power of the administration. Given ATF's past resistance to releasing this critical information, leadership from the White House would be essential to move this project forward and make critical connections with state and local partners.
  - a. **Clarify that the federal budget riders restricting access to certain crime gun trace data (the so-called Tiahrt Amendments) do not restrict ATF's ability** to publish or release aggregate data about the source of guns that is critical to stemming trafficking. Specifically, ATF should make clear that the OPEN FOIA Act of 2009 compels release of that data and that those riders do not include statutory language that would be necessary to withhold release. The gun lobby has fiercely opposed public access to this information, but the fact is that there will be an *immediate impact* when policymakers and law enforcement have a full picture of how guns are sold, and the industry faces meaningful sunlight.
  - b. **Update critical ATF reports and develop new ways to share gun trafficking information.** ATF should provide additional transparency by regularly releasing reports with data on trafficking investigations and the manufacturers and sellers of recovered crime guns. ATF should update its landmark 2000 analysis, [Following the Gun](#), with new information on lost and stolen firearms, the recovery of unserialized ghost guns, and the effect of unlicensed sales facilitated at gun shows or through online marketplaces. A national report can be based on a [Chicago model](#) that shows that 60 percent of crime guns originated out of state and that only 10 gun sellers supplied a quarter of all crime guns. ATF should also build a national firearm trafficking platform, based on a [New York model](#), that analyzes the millions of firearms that have been traced to their sources. The gun lobby will surely oppose attempts to publish this information, as it will expose the worst actors in the industry and identify the sources of crime guns.
  - c. **Expand access to ATF technologies that identify and trace crime guns.** Crime Gun Intelligence Centers and National Integrated Ballistic Information Network (NIBIN) mobile units are critical public safety tools that should be expanded and coordinated. These tools assist local law enforcement in tracking illegal guns and initiating gun crime investigations, but currently their availability is limited and their use is discretionary. The administration should increase access to these tools and incentivize their coordinated use by linking to existing databases or grant programs. Everytown has developed technology that integrates these three datasets and could be implemented by ATF. Additionally, ATF should remove restrictions on sharing information between eTrace



(which stores crime gun trace information), NIBIN, and the National Crime Information Center's stolen/recovered firearms databases. Declaring a public health emergency can help support these anti-trafficking efforts by allowing local and state officials to purchase tools like gunshot detection technology through the [Cooperative Purchasing Program](#).

The executive actions proposed in Section II fulfill several of the promises of the Biden Plan, including tackling city gun violence with targeted, evidence-based community interventions; expanding and using DOJ's power to address systemic abuse in police departments; empowering DOJ to increase the frequency of inspections of firearms dealers, to narrow riders that get in the way of that work, and to otherwise enforce our gun laws; and directing ATF to provide an annual report on firearm trafficking.

## SECTION III. CREATING HEALTHY COMMUNITIES: MAKING SCHOOLS SAFE, CONFRONTING HATE, PREVENTING SUICIDE, AND CENTERING SURVIVORS

Gun violence has infected our private and public spaces in ways that have caused long-lasting trauma in American society. High-profile acts of gun violence in schools and heinous hate-motivated acts of armed violence and intimidation have damaged faith that we are safe in our communities. A majority of teens fear a shooting at their school, while violence and intimidation by white supremacists is a growing phenomenon across the country. [Forty million American adults](#) report that someone they love has attempted or died by firearm suicide, and lack of robust support for gun violence survivors affects tens of millions of Americans. Rebuilding safe and healthy communities will require agencies across the federal government to create bold new programs without fear of gun lobby backlash, and White House leadership is essential to drive that effort. The Biden Plan pledges to address these pernicious forms of gun violence, and by taking the actions outlined below, President Biden can keep his promises across all of these fronts. A Biden-Harris administration can also lead by convening businesses and cultural influencers so they can play a role in building a culture of gun safety. Everytown has brought together [business leaders](#) and established the [Everytown Creative Council](#), groups that stand ready to assist. While there is key legislation to confront each of the above challenges, the new administration can drive change immediately by 1) building a comprehensive approach to school safety, 2) disarming hate-motivated individuals, 3) preventing firearm suicide by addressing access to lethal means, and 4) providing survivors of gun violence with needed resources.

1. **Keep schools safe with evidence-based interventions.** As our children return to in-person learning, there is an opportunity to rethink school safety, investing in evidence-informed programs that support a positive school climate while preventing the mass shootings that are far too common. Everytown, the American Federation of Teachers, and the National Education Association [published a report](#) in 2020 proposing gun safety solutions that comprehensively address the issue and work toward ending school shootings. Sandy Hook Promise has pioneered [Know the Signs programs](#) that effectively teach youth and adults how to prevent school violence, shootings, and other harmful acts. While legislation can expand key tools like extreme risk laws and funding for mental health professionals, the administration should consider executive actions to support policies proven to reduce gun violence in schools.
  - a. **Address student access to guns.** Up to 80 percent of firearms used in mass shootings at schools come from the home of the shooter's family, relatives, or friends,<sup>11</sup> and an estimated 4.6 million American children live in homes with unsecured firearms.<sup>12</sup> As laid out in the Biden Plan, federal legislation requiring secure gun storage is a significant piece of the puzzle, but we also have an imperative to build community awareness about secure gun storage through executive actions. ED should allocate federal resources to local school districts to encourage the distribution of secure gun storage information through schools to educate parents about the risks and responsibilities of gun ownership; in recent years, school boards have sent these materials to the families of over 1 million students, with Everytown's encouragement. ED should also make schools aware of relevant extreme risk laws in their states, and DOJ should provide technical assistance on how to incorporate them into school safety plans. Additionally, ED should work with ATF

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<sup>11</sup> "Protecting America's Schools: A U.S. Secret Service Analysis of Targeted School Violence," U.S. Secret Service National Threat Assessment Center, November 2019, <https://bit.ly/2U7vnwa>; John Woodrow Cox and Steven Rich, "The Gun's Not in the Closet," *Washington Post*, August 1, 2018, <https://wapo.st/2TyDnTW>; Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Division of Violence Prevention, "Source of Firearms Used by Students in School-Associated Violent Deaths—United States, 1992-1999," *MMWR Weekly* 52, no. 9 (March 7, 2003): 169-72, <https://bit.ly/2RGthlo>.

<sup>12</sup> Azrael D., Cohen J., Salhi C., & Miller M. "Firearm Storage in Gun-Ownng Households with Children: Results of a 2015 National Survey". *Journal of Urban Health: Bulletin of the New York Academy of Medicine*. (2018). <https://bit.ly/3laESFt>.

to require gun dealers to provide effective secure storage devices and information to every gun buyer—including by strengthening the regulation on what constitutes a secure gun storage or safety device required to be sold with every new handgun.

- b. **Fund evidence-based intervention programs, access to mental health services, and environmental design programs.** Over 90 percent of school shooters are students, and nearly all show behavioral warning signs or tell someone about their plans in advance. The Bureau of Justice Assistance (BJA) should use funding under the STOP School Violence Grant Program to support anonymous tip lines and evidence-based threat assessment programs to gather information and intervene prior to an act of violence. ED should use funding allocated to School Safety National Activities to improve access to mental health services. DOJ's Office of Community Oriented Policing Services should prioritize grants under STOP to support [environmental design efforts](#) that improve school environments, reducing opportunities for violence and promoting positive behavior.
  - c. **Issue a Surgeon General's report on guns in schools and the effect gun violence has on American students.** A comprehensive report should show the mental, emotional, and behavioral health effects of gun violence, including the [impact of active shooter drills](#) on students and staff in elementary and secondary school settings. The report should highlight existing programs that help children cope with witnessing firearm violence. The report should identify promising programs and funding opportunities. For example, school-based programs like [social-emotional learning](#) have been shown to reduce the negative effects of violence exposure. And mentoring programs like [Hip Hop Heals](#) and [Becoming A Man](#) are effective at improving academic performance and reducing youth violence.
  - d. **Through ED and DOJ, clarify the limitations on irresponsible carrying of concealed guns on school grounds.** The Trump administration has indicated that federal funds may be available to arm teachers. ED should make clear that federal funding statutes do not allow any grant money to be used for arming teachers or administrative staff. Additionally, DOJ should clarify that under the Gun-Free School Zones Act only a limited number of concealed carry permits enable a person to carry guns in school, and any acceptable permit must meet thorough background check and training requirements. The gun lobby has worked for years to recklessly weaken concealed carry laws and roll back the Gun-Free School Zones Act, and would certainly oppose this type of limitation, but challenging this dangerous expansion would have an *immediate impact* to limit carrying in schools.
2. **Disarm hate-motivated individuals who target traditionally marginalized Americans with armed violence and intimidation.** Given the alarming increase in hate crimes and the number of white supremacist groups, the Biden-Harris administration will have to take action to disarm individuals who intend to carry out armed violence motivated by extremist ideologies. The Trump administration ignored DHS warnings of a rise in domestic terrorism and in many ways has contributed to that increase. What's more, white supremacists and anti-government extremists are actively using racial justice protests as a way to further their radical agenda. Legislation must be passed to prohibit people convicted of violent hate crimes from having firearms, but the Biden-Harris administration should also take steps immediately to improve data on hate crimes and domestic terrorism, use counterterrorism resources to prosecute white supremacists, and expand policies that disrupt firearm access by hate-driven people.
    - a. **Through DHS and DOJ, prioritize and incentivize efforts to analyze acts of domestic terrorism, violent extremism, and hate crimes,** especially crimes committed by people affiliated with white supremacist groups. Current data-collection and reporting

mechanisms for hate crimes and acts of racially/ethnically-motivated violent extremism against traditionally marginalized populations are sorely deficient, which makes it difficult to understand hate crimes nationwide.

- b. **Clearly articulate that DOJ will focus its hate crime prosecutions on attacks against traditionally marginalized Americans,** acts of armed intimidation meant to interfere with protected rights, and the domestic terrorism threat posed by white supremacists. Throughout the summer of 2020, armed extremists intimidated Americans seeking to exercise their rights of assembly, often carrying and brandishing military-style assault weapons. These armed threats during constitutionally protected assemblies and voting may amount to federal civil rights violations, and DOJ should prioritize prosecution of these offenses at both Main Justice and in the U.S. Attorneys' offices. The gun lobby has been supportive of open carry and may object to these investigations as government overreach, but there is an *immediate impact* to stopping the armed intimidation that is escalating violence and undermining our democracy. We recommend this as a Day 1 action.
  - c. **Through FBI, use state extreme risk laws to remove firearms from individuals on the verge of hate-motivated violence.** FBI should expand [its work](#) with state and local law enforcement to seek extreme risk protection orders when an individual engages in violent hate speech or hate-inspired conduct (including convictions for misdemeanor hate crimes), or is affiliated with violent, racially/ethnically-motivated extremist groups or domestic terrorist groups. DOJ should also provide technical assistance to state and local law enforcement for using extreme risk laws to counter these threats.
3. **Address firearm suicide by expanding policies and programs that address lethal-means access.** [Firearm suicide is a unique American tragedy](#), claiming the lives of 23,000 people every year. Using data from the Great Depression and the Great Recession, Everytown has estimated that the economic fallout from the COVID-19 crisis could [result in 5,000 to 7,000 additional gun suicides](#) in 2020 alone. Among commonly used methods of self-harm, firearms are by far the most lethal, with a fatality rate of approximately 90 percent. Conversely, less than 5 percent of people who attempt suicide using other methods die, and the vast majority of those who survive do not go on to die by suicide. There are many intervention points to disrupt access to firearms in the critical moment of risk; having a strategy in place to remove firearms prior to a crisis is essential. Federal legislation that expands suicide prevention tools like extreme risk laws should be a priority, but the Biden-Harris administration must also bring awareness to the risk posed by firearms and implement policies that limit access for people in crisis.
    - a. **Direct DOJ, ED, the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Department of Veterans Affairs (VA) to promote secure storage and extreme risk tools that temporarily remove firearms.** Nineteen states have extreme risk laws (also known as red flag laws), which provide a court process for families and law enforcement to temporarily remove firearms when a person is a threat to themselves or others. DOJ should provide technical assistance in the states that have these tools, including for courts, federal and state prosecutors, and law enforcement, and fund efforts to raise awareness of the process and training on how to use it. A Biden-Harris administration should also support public awareness campaigns on extreme risk laws, like Everytown's "[One Thing You Can Do](#)," which [found](#) that when people are aware of these laws, there is high willingness to use them as a suicide intervention tool. Additionally, while we need a federal law requiring secure storage, in the meantime, VA, SAMHSA, and ED should make gun owners aware of the importance of practicing secure storage to prevent family members and guests from accessing firearms in a time of crisis.

Medical professionals are often the most effective messengers on secure storage, and the Biden-Harris administration should convene medical professionals to develop best practices for raising the issue with patients. In addition, some states have developed interactive maps of locations that provide secure off-site storage, which SAMHSA and VA should turn into a national program that can be accessed by veterans, families, and medical providers. We recommend this as a Day 1 action.

- b. **Issue a comprehensive Surgeon General's report on firearm suicide that identifies populations that are especially vulnerable.** The report should build off of a [2012 Surgeon General's report](#) on a national strategy for suicide prevention, addressing intervention points and the types of policies and programs that have proven effective at reducing access to lethal means. Access to firearms is too often ignored in discussions about suicide prevention. For example, even though gun suicides make up 68 percent of veteran suicides, the recently released [national research strategy](#) for veteran suicide barely addresses firearms in its primary report. Additionally, the Surgeon General should analyze and release firearm trace data that sheds light on the original sources of firearms used in suicide.
  - c. **Direct VA and SAMHSA to address access to firearms as part of a comprehensive suicide prevention strategy.** VA and SAMHSA should engage in public awareness campaigns, both directly and through grant funding, and work with ATF to have federally licensed gun dealers and gun shows provide educational materials about the risk of suicide, similar to the [Gun Shop Project](#). Research shows that two out of three Americans who attempt suicide make a visit to a healthcare professional in the month before the attempt, providing a critical intervention point. VA and SAMHSA should convene medical professionals and provide guidance and funding for physicians, including pediatricians, on performing routine suicide assessments that inquire about the presence of lethal means and advise patients on preventing access to lethal means for children and those in crisis. The National Suicide Prevention Lifeline, a growing national network of over 170 local- and state-funded crisis centers, should keep a continued focus on lethal means and provide robust training to operators. Crisis center workers in applicable states should be aware of tools like extreme risk laws. We recommend this as a Day 1 action.
4. **Ensure that survivors of gun violence and the communities disproportionately affected by gun violence have the resources and support they need.** Gun violence in any form—whether a person witnessed an act of gun violence, was threatened or wounded with a gun, or had a loved one wounded or killed—can have a lifelong impact. According to a recent poll, [58 percent of American adults](#) are gun violence survivors, having experienced gun violence either themselves or through a loved one. Yet as a country, we do not provide the wraparound services necessary to support survivors. [Legislation](#) has been proposed to gather and disseminate resources and information for survivors of gun violence, but the next administration can play a significant role in supporting our nation of survivors without new legislation. The Biden platform has called for prioritizing these efforts, and White House leadership will be essential to ensure that survivors are centered in the national gun safety conversation and that the myriad agencies are addressing the trauma of gun violence and providing needed support for recovery.
    - a. **Direct OVC to provide survivors of gun violence with the resources and assistance necessary to aid their recovery.** Approximately [73,330 people](#) are wounded by firearms every year in the United States. These individuals and their loved ones face a long process of physical and emotional healing. Victim assistance services are critical resources to support victims and their communities through that process, providing medical and mental health care, criminal justice and legal advocacy, and housing assistance. OVC

should audit state VOCA grant programs to determine what support is being provided to survivors of gun violence, just as they do for survivors of domestic violence, sexual assault, and other crimes. OVC should also create an accessible database of service providers and dedicate a proportional amount of VOCA victim assistance grants to gun violence survivors. Providing these funds to a nation of survivors would have an *immediate impact* to heal the wounds caused by gun violence.

- b. **Establish an advisory council to gather and disseminate information about resources for survivors of gun violence.** Many programs and benefits that can help gun violence survivors are difficult to find and navigate. This interagency advisory council would be knitted into the new White House-led gun safety hub and would be composed of federal representatives from HHS, DOJ, ED, and VA, as well as victims of gun violence and victim assistance professionals such as medical professionals and social workers. The council should assess the needs of victims of gun violence (including medical, legal, financial, educational, workplace, housing, transportation, assistive technology, and accessibility needs) and should disseminate information about available resources, programs, and benefits.

The executive actions proposed in Section III fulfill several of the promises of the Biden Plan, including expanding the use of extreme risk laws; making sure firearm owners take on the responsibility of secure gun storage; expanding the number of mental health professionals at schools; prohibiting the use of federal funds to arm or train educators to discharge firearms, and otherwise making schools safer; directing DOJ to prioritize prosecuting hate crimes and otherwise tackling the rise in hate crimes; addressing the firearm suicide crisis with expanded mental health services and tools to address access to guns, such as secure firearm storage and extreme risk protection orders; and supporting survivors of gun violence and their communities.

## SECTION IV. LAUNCHING A MAJOR FIREARM DATA PROJECT AND PROTECTING THE PUBLIC WITH MODERN GUN TECHNOLOGY

The gun lobby has gone to great lengths to protect itself from accountability. It has obstructed the federal government from developing and supporting gun violence prevention data and analysis, its traditional and central role in other public health and public safety concerns such as traffic fatalities, tobacco smoking, and childhood lead exposure. And the gun lobby has obstructed advances in firearm technology that can prevent unintentional shootings, suicide, and crime, blocking the government from regulating guns as it does other household products and blocking gun violence survivors from going to court and pressuring the industry to evolve. To make long-lasting change, the Biden-Harris administration should encourage legislative action to allow consumer product regulation for guns and repeal special interest protections like the Protection of Lawful Commerce in Arms Act—but the president can also take steps immediately to turn the page. The proposal in the Biden Plan to commit to pairing the brightest scientific minds with necessary resources is essential, as is the Plan’s vision of investing in modern technology. A Biden-Harris administration can deliver on these promises by 1) coordinating a cross-departmental data initiative to build a world-class research base and 2) driving modern technology by setting new safety standards and laying the groundwork for smart guns and microstamping.

1. **Build a cross-departmental data project that treats gun violence as a public health emergency.** The federal government has abdicated its leadership role in gun violence prevention research—a result of repeated campaigns by the gun lobby and its congressional allies to attack scientific expertise. The information vacuum has created major gaps in our understanding of gun violence, often making it difficult for our leaders to allocate resources and promote policies effectively. The Biden-Harris administration can lead a complete turnaround in this area, creating a new data initiative to coordinate gun violence research, funding robust support for government and outside researchers, and placing a focus on increasing knowledge on firearm storage and nonfatal shootings. Declaring a public health emergency will enable HHS to expedite funding for the new data initiative, speed up grant review and approval, and hire temporary personnel.
  - a. **Use a central office at the National Institutes of Health (NIH) to consolidate and coordinate research.** President Biden should assign one body to help federal agencies identify where their work overlaps with gun violence research and which funding streams they can use, ultimately diversifying funding sources and topics and building confidence that this area can be a sustainable research focus. NIH’s Office of Emergency Care Research has served a similar function on issues such as substance abuse and child safety. A single office, with new budget authority, can issue multiagency program announcements for gun violence research, set up centers for excellence to support multidisciplinary gun violence prevention teams, and consolidate and publish findings. This initiative would work closely with the new White House hub, which could help steer the research agenda and would in turn use any new evidence to drive broader gun violence prevention efforts across agencies.
  - b. **Collect more complete and timely data on gun deaths and injuries.** Despite the heavy costs of gun violence on American society, its incidence remains poorly documented. While law enforcement reports violent crime data to DOJ on a voluntary basis, President Biden should task the [Bureau of Justice Statistics](#) with finding a more effective combination of incentives, regulations, and technical assistance to improve reporting. And the Centers for Disease Control (CDC) should have a mandate to accelerate the work of its National Violent Death Reporting System to collect in-depth information about homicides and suicides.

- c. **Improve surveys on gun access, gun ownership and carrying, and the use of guns in domestic violence.** Major national surveys routinely collect public health information on substance abuse and violent behavior but rarely include questions on gun-related behaviors. CDC risk behavior [surveys](#) should include questions on gun ownership and use, SAMHSA [surveys](#) should ask about gun access, and CDC intimate partner violence [surveys](#) should ask about gun threats.
  2. **Drive modern firearm technology with new safety standards and groundwork for smart guns and microstamping.** In an average year, [nearly 350 children](#) under 18 unintentionally shoot themselves or someone else, and [nearly 650 children](#) die by gun suicide—tragedies often driven by unsecured guns in the home. The Biden-Harris administration should fight back by setting new standards for storage devices and fostering the development of smart guns. The federal government can also incentivize changes in technology that will help solve crimes, updating firearm serial number requirements and demonstrating the need for better ballistics tools and the reliability of microstamping.
    - a. **Set mandatory Consumer Product Safety Commission (CPSC) standards for firearm storage devices.** CPSC currently lacks the authority to regulate guns in the same manner as it does basic household items, a gap in the law that Congress should address immediately, enabling CPSC to set basic childproofing standards and build toward a future of personalized firearms. However, even without congressional action, the agency can set standards for gun locks and storage devices. Toward the end of the Obama-Biden administration, CPSC suggested it would study setting voluntary standards, evaluating the impact of available technologies on unintentional shootings and child suicides.<sup>13</sup> The Biden CPSC should perform a cost-benefit analysis and set new mandatory standards, which could have the *immediate impact* of eliminating defective locks.
    - b. **Spur development of smart gun technology.** The gun industry has refused to pursue personalized firearm technology—guns that require a code or fingerprint to operate—even though it can reduce the chance of unintentional discharge and theft. The Obama-Biden administration tried to drive development of this hardware, using the National Institute of Justice (NIJ) to fund private gunmakers and test prototypes. President Biden can resurrect those efforts and commit to purchasing smart gun models for federal law enforcement when they come to market.
    - c. **Investigate and penalize false advertising in the gun market.** The Federal Trade Commission (FTC) should evaluate gun ads for safety claims that are false or misleading. FTC reviews have shown that many advertisers imply that handguns in the home increase the safety of occupants,<sup>14</sup> even though the best scientific evidence does not bear this out.<sup>15</sup> FTC should update those reviews and shut down deceptive and unfair marketing, including action consistent with the June 2020 [complaint](#) filed by Everytown for Gun Safety, Brady, and Fred Guttenberg, whose daughter was killed in the Parkland shooting. That complaint calls for an investigation of Smith & Wesson, which uses unfair and deceptive practices to market assault rifles to young male consumers, a demographic that includes many of the killers in America’s most destructive mass shootings.

<sup>13</sup> “Commission Meeting: Decisional Matter: Fiscal Year 2017 Operating Plan—Part 2,” U.S. Consumer Product Safety Commission, October 20, 2016, <https://www.cpsc.gov/Newsroom/Video/fiscal-year-2017-operating-plan-part-2>. Discussing the need for better standards, one commissioner noted a 2001 CPSC evaluation of 32 gun locks—which revealed that nearly all of them were defective.

<sup>14</sup> Jon S. Vernick, Stephen P. Teret, and Daniel W. Webster, “Regulating Firearm Advertisements That Promise Home Protection: A Public Health Intervention,” *JAMA* 277 no. 17 (May 7, 1997): 1391–97.

<sup>15</sup> Elizabeth A. Saylor, Katherine A. Vittes, and Susan B. Sorenson, “Firearm Advertising: Product Depiction in Consumer Gun Magazines,” *Evaluation Review* 28 no. 5 (October 2004): 420–33.



- d. **Update firearm serial number requirements to require markings that are easy to identify and difficult to obliterate.** Clear and permanent serial numbers are critical for criminal investigations, as a firearm trace can be the single best lead for identifying who fired a gun. And yet nearly one in three traces fail, often because authorities are unable to correctly identify the source of the firearm.<sup>16</sup> In addition, people who commit gun crimes will often attempt to obliterate serial numbers to prevent their firearms from being traced. ATF should promulgate a new regulation requiring that all markings be unique and standardized and that they be placed in locations where they cannot be easily obliterated.
- e. **Demonstrate the promise of microstamping technology, which provides a virtual fingerprint on each piece of ballistics evidence.** The gun industry has refused to incorporate this groundbreaking ballistics technology, which stamps an identifying code on each cartridge casing fired from a gun, connecting a firearm to the ammunition it fires. This ballistics evidence can be critical for investigators at a crime scene—perhaps the only tool to identify which firearm was used to kill someone. NIJ should audit the use of ballistics at major law enforcement agencies and study the reliability of microstamping, helping policy-makers understand the gap this technology could fill.

The executive actions proposed in Section IV fulfill several of the promises of the Biden Plan, including dedicating the brightest scientific minds to solving the gun violence public health epidemic and encouraging public and private entities to take steps to accelerate the transition to smart guns.

**With this bold and comprehensive executive agenda, President Biden can build a signature legacy that breaks the pattern of gun violence and emboldens Americans to live without fear in our communities.** The opportunity to make transformational change will only grow as the administration carries out this plan and reshapes the government’s response to gun violence. As these projects bear fruit, they will create new openings—fresh data and evidence that help to direct gun safety policy, a stronger system that frees up new resources and motivates leaders across the government, and a roadmap to eradicating the uniquely American gun violence epidemic.

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<sup>16</sup> Everytown analysis of “Number of Firearms Sourced and Recovered in the United States and Territories” and “Top Calibers Recovered and Traced in the United States and Territories,” sections of “Firearms Trace Data—2018,” Bureau of Alcohol, Tobacco, Firearms & Explosives, last reviewed August 26, 2019, <https://bit.ly/33nekZZ>; see also Brian Freskos, “How a Gun Trace Works,” *The Trace*, July 8, 2016, <https://www.thetrace.org/2016/07/how-a-gun-trace-works-atf-ffl/>.

# APPENDIX: EXECUTIVE ACTIONS, ORGANIZED BY DEPARTMENT AND AGENCY

(Proposed Day 1 actions are noted in **bold**)

## White House

1. **Establish an interagency gun violence prevention hub or task force. Name a designated Assistant to the President to lead the effort, with authority to hire White House staff and select agency detailees.**
2. **Declare gun violence to be a public health emergency, opening a broad set of powers to accelerate executive actions.**

## Bureau of Alcohol, Tobacco, Firearms and Explosives (DOJ)

3. Finalize the Obama-Biden regulation on gun prohibitions for people who have been in involuntary outpatient treatment. (Item I.1.c) [formal action required]
4. Clarify by regulation that convicted domestic abusers are prohibited purchasers even if they are not married to their victims. (Item I.1.d) [formal action required]
5. **Issue a regulation making clear that ghost guns already qualify as firearms under the law and can never be sold without a serial number or a background check. (Item I.2.a) [formal action required]**
6. Record when ghost guns are involved in criminal investigations, collect data from state and local authorities, and publish information about ghost gun use in crime as part of regular crime gun recovery reporting. (Item I.2.c)
7. **Release exhaustive Charleston loophole data, including retrieval actions referred to ATF and successful ATF retrieval actions (w/FBI). (Item I.3.a)**
8. **Require federally licensed gun dealers to notify ATF every time they go forward with a sale through the Charleston loophole (before the background check is complete). (Item I.3.b) [formal action possible]**
9. **Establish a strong retrieval program that increases the number of illegal guns removed by ATF. (Item I.3.d)**
10. Prioritize resources for tackling the online gun market, taking action against prohibited buyers who exploit the unlicensed sales loophole. (Item I.4.a)
11. Issue a new regulation clarifying which gun sellers must get dealer licenses and run background checks. (Item I.4.b)
12. Provide guidance, training, and new funding to help state and local officials remove firearms when a person becomes prohibited (w/BJA, OVC funding). (Item I.4.f)
13. Modernize the application process for becoming a gun dealer or renewing an existing license. (Item II.3.a) [formal action possible]
14. **Strengthen record-keeping requirements to require dealers to video-record every sale and have a process for keeping electronic records about gun sales. (Item II.3.b) [formal action possible]**
15. Dramatically step up inspections of gun dealers and disciplinary response to negligent or unscrupulous behavior. (Item II.3.c) [formal action possible]

16. Clarify that the federal budget riders restricting access to certain crime gun trace data (the so-called Tiahrt Amendments) do not restrict ATF's ability to publish or release aggregate data. (Item II.4.a)
17. Update critical reports and develop new ways to share information about gun trafficking and the source of crime guns. (Item II.4.b)
18. Expand access to technologies that identify and trace crime guns. (Item II.4.c)
19. Strengthen the regulation on what constitutes a secure gun storage or safety device that is required to be sold with every new handgun. (Item III.1.a) [formal action required]
20. Clarify the limitations on irresponsible carrying of concealed guns on school grounds. (Item III.1.d)
21. Update firearm serial number requirements to require markings that are easy to identify and difficult to obliterate. (Item IV.3.d) [formal action required]

### **Federal Bureau of Investigation (DOJ)**

22. Establish best practices and training for reporting records to the background check system (w/BJS); require that the N-DEx database be used for all background checks. (Item I.1.e) [formal action possible]
- 23. Release exhaustive Charleston Loophole data. (Item I.3.a)**
- 24. Eliminate the FBI regulation that requires incomplete background checks to be terminated after 90 days. (Item I.3.c) [formal action required]**
25. Alert state and local law enforcement each time a person fails a background check. (Item I.4.c)
26. Analyze background check denials and transfer systems for sales by unlicensed sellers. (Item I.4.e)
27. Use state extreme risk laws to remove firearms from individuals on the verge of hate-motivated violence. (Item III.2.c)

### **Office of Justice Programs (DOJ)**

28. Improve the number and accuracy of records in the background check system (Fix NICS implementation, NARIP priority for domestic violence) (BJS). (Item I.1.e)
29. Update research that measures recidivism for people who try to buy guns and fail a background check (NIJ). (Item I.4.d)
- 30. Ramp up investment in community-led gun violence reduction (BJA, OJJDP). (Item II.1.a)**
31. Set new police accountability conditions on existing grant programs (BJA, w/COPS). (Item II.2.b)
32. Prioritize funding for evidence-based intervention programs, access to mental health services, and crime prevention through environmental design (BJA/Stop School Violence funding). (Item III.1.b)
33. Collect more complete and timely data on gun deaths and injuries (BJS, w/CDC). (Item IV.2.b)
34. Spur development of smart gun technology (NIJ, w/coordinated law enforcement agencies effort). (Item IV.3.b)
35. Demonstrate the promise of microstamping technology (NIJ). (Item IV.3.e)

### **Office for Victims of Crime (DOJ)**

- 36. Facilitate unlocking funding for gun violence victim services and VOCA-eligible violence intervention programs as part of the VOCA victim assistance program. (Item II.1.b)**

37. Provide survivors of gun violence with the resources and assistance necessary to aid their recovery (audit state VOCA grants, create a database of providers, make a dedicated stream of funds). (Item III.4.a)

### **Main DOJ/Other Department of Justice offices**

- 38. Reverse President Trump's dangerous policy change that allows many fugitives from justice to buy guns (Main DOJ). (Item I.1.a) [formal action possible]**
39. Dedicate resources to policing downloadable gun postings (w/State Department). (Item I.2.b)
40. Commit to a robust program of investigating abusive police departments (Civil Rights Division). (Item II.2.a)
41. Set new accountability conditions on existing law enforcement grant programs (COPS/BJA). (Item II.2.b)
42. Foster and publish data on police use of force. (Item II.2.c)
43. Provide training and technical assistance on equitable policing and police accountability (Civil Rights Division). (Item II.2.d)
44. Prioritize and incentivize efforts to track and assess acts of domestic terrorism, violent extremism, and hate crimes. (Item III.2.a)
- 45. Focus hate crime prosecutions on attacks against traditionally marginalized Americans and prioritize prosecuting hate crimes and acts of armed intimidation meant to interfere with the exercise of protected rights. (Item III.2.b)**

### **Social Security Administration**

- 46. Reverse President Trump's dangerous action and submit all records of prohibited mentally ill beneficiaries into the system. (Item I.1.b) [formal action possible]**

### **State Department**

- 47. Reverse reckless regulations on downloadable guns and arms exports; dedicate resources to policing downloadable gun postings (w/DOJ). (Item I.2.b) [formal action required]**

### **Department of Transportation**

48. Use remaining Safe Routes to School program funds that were appropriated under the FAST Act to support community-based programs that improve student safety. (Item II.1.c)

### **Department of Education**

49. Fund the distribution of secure gun storage information; incorporate extreme risk laws into schools. (Items III.1.a and III.3.a)
50. Prioritize funding for evidence-based intervention programs, access to mental health services, and crime prevention through environmental design (School Safety National Activities funding). (Item III.1.b)
51. Develop a plan for long-term investment in communities that have disproportionately suffered from gun violence to address root causes (w/HHS). (Item III.4.c)

### **Surgeon General**

52. Issue a report on guns in schools and the effect gun violence and the fear of gun violence has on American students. (Item III.1.c)
53. Issue a report on firearm suicide that identifies the populations that are especially vulnerable. (Item III.3.b)

### **Department of Health and Human Services**

- 54. Promote secure storage and intervention tools that temporarily remove firearms from people at risk of suicide (SAMHSA). (Item III.3.a)**
- 55. Address access to firearms as part of a comprehensive suicide prevention strategy (lethal-means counseling) (SAMHSA w/VA, ED). (Item III.3.c)**
56. Develop a plan for long-term investment in communities that have disproportionately suffered from gun violence to address root causes (w/ED). (Item III.4.c)
57. Use a central office to consolidate and coordinate gun violence prevention research (NIH). (Item IV.2.a)
58. Collect more complete and timely data on gun deaths and injuries (CDC, w/BJS). (Item IV.2.b)
59. Improve surveys on gun access, gun ownership and carrying, and the use of guns in domestic violence (CDC and SAMHSA). (Item IV.2.c)

### **Department of Veterans Affairs**

60. Suicide: Promote secure storage and intervention tools that temporarily remove firearms (secure storage, extreme risk protection orders) (w/SAMHSA). (Item III.3.a)
61. Address access to firearms as part of a comprehensive suicide prevention strategy (lethal-means counseling) (w/SAMHSA, ED). (Item III.3.c)

### **Consumer Product Safety Commission**

62. Set mandatory standards for firearm storage devices. (Item IV.2.a) [formal action required]

### **Federal Trade Commission**

63. Investigate and penalize false advertising in the gun market. (Item IV.2.c)