

almost 30 percent less likely to return to prison than similar individuals in the same neighborhood.⁸⁵ DOJ should bring PSN Offender Notification Forums to scale by funding and evaluating them in other cities.

In New York City, offenders convicted of felony gun possession in 2000 were four times more likely to be arrested for a later homicide than other felons. In response, New York City passed a Gun Offender Registration Act requiring gun felons to maintain contact with police for four years after their release from prison. Washington, D.C.; Baltimore, Maryland; and Utica, New York have all adopted gun offender registries, and other cities are actively considering them. DOJ should use PSN funds to support gun offender registries, which help local police track high-risk individuals and have the potential to deter recidivism among gun offenders.

Generating Tips on Illegal Trafficking: Over the past few years, law enforcement has confronted an alarming "stop stitching" campaign -- a campaign popularized by t-shirts, hats, and high-profile endorsements by rap artists and sports stars.⁸⁶ PSN funds should be used to support local programs that generate intelligence by creating trusting relationships among law enforcement and community stakeholders. In cooperation with Boston Mayor Tom Menino and Cleveland Mayor Frank Jackson, Citizens for Safety has developed one successful model for such programs. Citizens for Safety hold workshops called "Traffic Jams," which help police gather tactical intelligence by facilitating discussions among at-risk individuals, law enforcement, and community leaders. According to Citizens for Safety, 60 percent of workshop participants have stayed involved with the organization, and 90 percent have increased their awareness of gun trafficking.

DOJ should also allocate PSN funds to support community programs that generate tips on illegal gun trafficking by offering financial incentives. The gun bounty initiated by Mayor John Peyton of Jacksonville, Florida and Duval County Sheriff John Rutherford in partnership with the non-profit organization Crime Stoppers is one example of such a program. A \$1000 reward for anonymous tipsters with information leading to the arrest of criminals using an illegal gun has led to 215 arrests.⁸⁷ A number of other cities, including New York, Salt Lake City, Newark and West Palm Beach, have similar firearms-focused cash-for-tips programs.⁸⁸

B. Partnerships with Gun Dealers.

Recommendation 33: ATF should promote the Responsible Firearms Retailer Partnership (RFRP), pioneered by Wal-Mart, as a voluntary program for gun dealers to deter the movement of guns into the illegal market.

Background: Since July 2000, ATF's primary partnership with gun dealers has been a program called, "Don't Lie for the Other Guy." Developed in conjunction with the National Shooting Sports Foundation (NSSF), it combines in-store signage, voluntary training materials, and targeted public service announcements aimed at deterring straw purchases.⁸⁹ According to NSSF, since the program's inception, 30,000 "Don't Lie for the Other Guy," signage kits have been distributed to gun dealers. While a positive step, ATF should pursue a more comprehensive voluntary gun dealer partnership program aimed at deterring the movement of guns into the illegal market.

One such example would be the Responsible Firearms Retailer Partnership (RFRP), created by Wal-Mart and Mayors Against Illegal Guns in April 2008. The RFRP 10-point voluntary code includes videotaping the point-of-sale, a "no green light, no sale" policy to eliminate default-proceed sales, employee background checks, and a computerized trace log and alert system.⁹⁰

C. Research and Analysis on Gun Trafficking Methods and Patterns

Recommendation 34: DOJ and ATF should produce updated versions of groundbreaking reports on illegal firearms trafficking.

Recommendation 35: ATF should expand the scope of its trace reports.

Recommendation 36: DOJ should fund external research of emerging problems in illegal gun trafficking and the results of enforcement efforts.

Background: From the early 1990s through 2002, the federal government mined data to produce an unprecedented view of gun trafficking patterns and illegal gun markets. These reports identified criminal networks, shaped policy, and enabled ATF and other law enforcement to narrowly focus enforcement resources. In recent years, however, the federal government has dramatically reduced its support for such analysis, spurring a growing gap in knowledge about firearms trafficking.

For example, during the Clinton Administration, the Justice Department, ATF, and the Treasury Department regularly released reports, such as *Following the Gun* (2000),⁹¹ *Commerce in Firearms* (2000),⁹² and *The Youth Crime Gun Interdiction Reports* (1997-2002).⁹³ These reports relied on aggregated trace data, surveys of thousands of federal prosecutions, and data from local law enforcement in more than 40 cities. Although they helped stakeholders understand the scope of illegal gun trafficking, these reports have not been updated in recent years. DOJ and ATF should produce new versions.

ATF should also publish more comprehensive trace data reports. The Tiahrt Amendment restrictions first enacted in 2004 created a substantial obstacle to using trace data for in-depth analysis. After Congress amended the Tiahrt trace language in 2007, ATF resumed releasing limited trace data analysis. However, ATF has the authority to produce far more detailed reports, and it should release the following data:

- "Time-to-crime data," i.e. the interval between the sale of the gun and its recovery in crime, especially times to crime by state, for different types of firearms, different types of sales (e.g. multiple sales and single sales), and categories of dealers (e.g. high trace volume and lower trace volume);
- Information organized by source state on the number of guns recovered in other states and the average time-to-crime of guns recovered in other states;
- State-by-state percentages of traced guns originating from the top 1 percent of high-trace dealers;
- Annual state-by-state percentages of dealers not subject to a trace request;
- Percentage of traced guns with serial numbers obliterated;
- How quickly dealers, wholesalers, and manufacturers in different states respond to trace requests (e.g., average response time, percent of dealers that respond within 24 hours); and the percentage of traces for which dealers in different states cannot identify a sales record for a gun traced to a crime;
- Data specific to guns sold by FFLs at gun shows, including time-to-crime of traced guns sold at gun shows, percentage of crime guns sold at gun shows, and total traces for each gun show;
- Top-ten source dealers for traced guns in each state.

Finally, the National Institute of Justice (NIJ) and Bureau of Justice Statistics (BJS) at the Department of Justice should re-engage expert researchers and state and local agencies to evaluate strategies to combat illegal guns and reduce gun violence. Between 1995 and 2003, NIJ distributed \$4.7 million in firearms-related research grants.³⁴ NIJ and BJS also provided grants to research gun crimes and trafficking on a local and regional basis.³⁵ From 2004 through 2008, however, NIJ support for this research dropped dramatically to approximately \$560,000.³⁶

The following are research areas ripe for investigation:

- Emerging problems related to illegal guns and local, state, and federal responses to these problems, including the use of toy and colored guns and trafficking along the southwest border;
- How gangs and other violent criminals obtain firearms and where they store them;
- Criminals' acquisitions of firearms based on prisoner interviews (e.g., prices paid, how far did they go to get the gun, how they found supplier);

- Challenges to successful prosecution of gun traffickers and strategies for addressing those challenges;
- The impact of Violent Crime Impact Teams (VCIT) and partnerships among local, state and federal law enforcement agencies on gun violence;
- Which firearms, dealers, sales locations, timing of sales are at greatest risk of being connected to crime.

D. Gun Safety Locks Requirement

Recommendation 37: Consumer Products Safety Commission (CPSC) should evaluate and develop industry standards for locks that meet legal requirements.

Background: For the last decade, Project ChildSafe, a component of PSN, has distributed tens of millions of gun safety locks in partnership with the National Shooting Sports Foundation. More recently, in 2005, Congress passed the Protection of Lawful Commerce in Arms Act (PLCAA),³⁷ which requires gun dealers to offer every handgun buyer a trigger-lock or other safety locking device.³⁸ However, PLCAA does not specify standards for evaluating the effectiveness of particular locks. In fact, in 2001, the CPSC issued a recall of 400,000 trigger locks issued to dealers through the Project ChildSafe program.³⁹ Although CPSC does not have the authority to regulate firearms, it does have jurisdiction to regulate separate trigger-locking devices, and it should develop acceptable standards for these devices.⁴⁰

V. ENFORCEMENT OF EXISTING LAWS ON ESPECIALLY DANGEROUS FIREARMS

Some of the longest-standing federal firearms laws regulate the purchase, possession, or import of machine guns and other unusually dangerous weapons. In recent years, however, the Justice Department has stopped enforcing some of these laws.

A. Ban on the Importation of Non-Sporting Purpose Firearms

Recommendation 38: The federal government should resume enforcement of federal law that bans importing “non-sporting purpose” firearms and ammunition.

Background: A 2008 Associated Press story indicated that AK-variant military-style rifles traced in crimes within the United States increased from 1,140 in 1993 to 8,547 in 2007.¹⁰⁷ The majority of these weapons are manufactured outside the United States and are subject to the non-sporting purpose import ban pursuant to President George H. W. Bush’s 1989 executive order, which prevents the importation of foreign manufactured military-style firearms including AK-variant firearms. The executive order applies to fully manufactured firearms and the “frame, receiver, or barrel” of applicable firearms.¹⁰⁸ GAO has reported that 29 percent of the guns recovered in crimes in Mexico were imported into the United States – many in violation of the ban – and then sold by licensed dealers in the U.S.¹⁰⁹ The import ban was tightly enforced until 2001, but as 53 members of Congress wrote to the Attorney General in February 2009, ATF has not enforced this law in recent years.¹⁰⁴

The federal government should resume enforcing this law.¹⁰⁵ DOJ and DHS should direct ATF and the Customs and Border Patrol to investigate importers marketing firearms as variants of military weapons that clearly violate the non-sporting purpose ban, including imported firearms marketed as variants of AK-47s. ATF should also evaluate whether any additional firearms, such as the FN 57, an imported handgun hailed for its capacity to puncture bullet-proof vests, ought to be added to the non-sporting purpose list.

B. Multiple Purchases of Long Guns Commonly Used in Crimes

Recommendation 39: ATF should identify the long guns most linked to crime and require dealers to report multiple sales of such guns.

Background: ATF initiates 13 percent of its criminal trafficking investigations based on reviews of multiple handgun sale reports.¹⁰⁶ Under federal law, licensed dealers

are required to send these reports to ATF whenever the same person buys more than one handgun from that dealer within five business days.¹⁰⁷ If one of these guns is later recovered in a crime, these reports enable more efficient tracing. But the reporting requirement does not apply to long gun sales, even though some types of long guns are frequently used in crime. For example, ATF and DEA have found that the favorite weapons of Mexican drug cartels include high-quality .223, 7.62x39 mm, 5.7x28, and .50 caliber rifles.¹⁰⁸ At crime scenes in U.S. cities, 12-gauge shotguns are among the five most frequently recovered types of crime guns.¹⁰⁹

ATF should use trace data and other intelligence to identify the rifles and shotguns most likely to be used in crime, including by the Mexican cartels. It should issue a new, “Type V” Demand Letter requiring dealers to report multiple sales of suspect long guns if in the prior year they had 15 or more traces¹¹⁰ or three or more traces of suspect long guns. ATF should periodically review trace data so the list of suspect long guns continues to reflect those most likely to be linked to crime.

C. Stinger Pen Guns

Recommendation 40: ATF should reclassify the Stinger pen gun, as well as any other pen guns introduced since 2002, as “Any Other Weapons” under the National Firearms Act, thereby subjecting them to strict background check, licensing, and registration requirements.

Background: In 2002, the Air Force Office of Special Operations at Andrews Air Force Base distributed a bulletin to domestic law enforcement agencies identifying the Stinger Manufacturer Corporation’s .22 caliber pen gun as a possible threat to the safety of the law enforcement officers.¹¹¹ Despite the danger of these easily-concealed guns, purchasers of the Stinger pen gun are subject only to a NICS check and not the more intense scrutiny faced by purchasers of other pen guns. Most pen guns are classified as Any Other Weapons (AOWs) by the National Firearms Act, which requires their purchasers to be fingerprinted, obtain prior approval from law enforcement to own the gun, submit a photo, and register with the National Firearms Registry. ATF classifies Stinger pen guns as handguns and not as AOWs because, unlike other pen guns, the Stinger must be cocked into the form of a handgun in order to be fired. The fact that the Stinger pen gun must be cocked, however, does not diminish a person’s ability to conceal the gun in its “pen” form. In fact, the Air Force Office of Special Operations refers to the Stinger as an “easily concealable firearm.” Consequently, ATF should reclassify the Stinger Pen Gun as an AOW to subject its purchasers to the same strict requirements as purchasers of other pen guns.

ENDNOTES

¹ *Mayors Against Illegal Guns* endorses legislation that would: repeal the federal Amendments to give police information they need to enforce existing gun laws, close the gun show loophole to prevent criminals from easily purchasing weapons without a background check, close the terror gap by preventing known terrorists from purchasing firearms, close the gun dealer fire-sales loophole, and require employees of federal firearms licenses to undergo background checks. A description of the Coalition's Federal Legislative Agenda is annexed as Appendix B.

² Federal Bureau of Investigation. Website for the National Instant Criminal Background Check System. <http://www.fbi.gov/ncics/index.htm> (last visited June 25, 2009). Not only can NICS handle a large number of transactions, background checks are being processed more efficiently and more quickly than in the past: in 2006, 92 percent of all NICS checks were resolved immediately. That figure was up from 72 percent between November 1998 and December 2001. See Letter from Thomas E. Bush, III, Assistant Director, CHS Division, The Federal Bureau of Investigation, to The Honorable Michael R. Bloomberg, Mayor of New York City (October 21, 2008) (available at http://www.mayorsagainstillegalguns.org/downloads/pdffiles/NICS_Data_response.pdf).

³ See Letter from Thomas E. Bush, III, *supra* note 2, at 19, 27.

⁴ In the wake of the Virginia Tech massacre, Congress passed legislation to reform state practices and add hundreds of thousands of names that had been missing from the NICS mental health file. See NICS Improvement Amendments Act of 2007, Public Law No. 110-180. By August 2008, the number of names in the mental health file had grown to 585,000 persons from about half that amount at the start of 2007. See Letter from Thomas E. Bush, III, *supra* note 2, at 25. In just the first eight months of 2008, at least 549 gun sales were blocked because of the buyer's mental health record. *Id.* at 26.

⁵ A sample Form 4473 is annexed as Appendix C. See 27 C.F.R. § 478.124.

⁶ Michael Bowling, Ph.D., et al., *Background Checks for Firearms Transfers*, 2005, Bureau of Justice Statistics Bulletin, at 7-8, NCJ 214256 (Nov. 2006).

⁷ U.S. Government Accountability Office, *Firearms: Purchases From Federal Firearms Licensees Using Routine Identification*, GAO-01-427NI (March 19, 2001).

⁸ United States v. Gandara, No. 08-cr-03355 (W.D. Tex. filed Nov. 6, 2008).

⁹ See Public Law No. 109-113. Starting December 1, 2014, federal buildings and airports will require REAL ID from persons born after December 1, 1964. After December 1, 2017, REAL ID will be required regardless of the person's age. See 6 C.F.R. 37. Legislation just introduced in the Senate would extend these deadlines and remove DHS' discretion to add NICS checks as an "official purpose." While this legislation could reduce the costs of Real ID to states, DHS should work with Congress to amend the provisions that would otherwise allow DHS to require Real ID for gun purchases. See PASS ID Act, S. 261.

¹⁰ Identification issued by local governments is sufficient to purchase firearms. FBI may not be able to ascertain the validity of these locally-issued IDs.

¹¹ Given the epidemic of cases involving guns missing from gun dealer inventories, the lack of background checks for gun store employees ought to be a major concern for federal law enforcement. In 2007, for example, ATF determined there were more than 30,000 guns missing from the inventories of just the 9.3 percent of the nation's gun dealers it inspected. See Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Fast Sheet: 2007 FBI Compliance Inspections*, at 2 (2008); William J. Kruse, Congressional Research Service, *The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF): Budget and Operations*, at 7-8 (2008). Moreover, guns missing from stores have been involved in some of the nation's most notorious mass shootings. ATF found that Bulls-Eye Shooter Supply in Tacoma, Washington lost track of 238 guns over three years, and the two Washington, D.C.-area snipers used one of those guns to kill ten people in 2002. See Mike Carter, Steve Miletech, and Justin Mayo, *Errant Gun Dealer: Wary Agents Paced Way for Behavay Sniper Tragedy*, *The Seattle Times*, April 20, 2003; U.S. House of Representatives, *Committee on the Judiciary Report to Accompany H.R. 5092*, at 214 (2006).

¹² See 28 C.F.R. § 25.6.

¹³ Conducting background checks on employees who handle firearms is part of the 10-point code of conduct developed by the Responsible Firearms Retailer Partnership (RFRP) that Val-Marr created with Mayors Against

Illegal Guns. For more information about the RFRP, see <http://www.mayorsagainstillegalguns.org/html/partnership/partnership.shtml>.

¹⁴ Signatures on the dealer's copies of completed Form 4473 will clearly indicate which employees are selling guns.

¹⁵ *Memo. in Support of Mot. Dismiss or in the Alt. to Transfer*, *Abrams v. Truscott*, No. 06-cv-643 (CKK) (D.D.C. filed June 15, 2006). Similarly, in 2003, ATF revoked the license of Ugar "Mike" Yildiz after finding 500 violations of federal firearms laws in his Chieftand Balls store. Yildiz was able to transfer the firearms in the store's inventory to his own name, and Canadian law enforcement later traced 25 weapons registered to Yildiz in connection with drug and violent crime investigations. He was subsequently charged with illegally transporting weapons internationally. *Comp.*, at ¶ 7, *United States v. Yildiz*, No. 08-cr-480 (N.D. Ill. filed June 18, 2008).

¹⁶ See *United States v. Tarr*, 589 F.2d 55, 59 (1st Cir. 1978) (establishing "regular course" requirement, which was later written into statute); *United States v. Eddy-Ayo Firearms*, 362 F. Supp. 2d 1308, 1315 (M.D. Fla. 2005); *Oldo v. Dept. of the Treasury*, ATF, 13 M.S.P.R. 483, 485 (1982) (applying law prior to the passage of the Firearm Owners Protection Act (FOIPA)); *United States v. White*, 175 Fed. Appx. 941, 942 (9th Cir. 2006) ("between twenty-three and twenty-five firearms"); *United States v. Hernandez*, 662 F.2d 289, 291 (5th Cir. Oct. 1981) (upholding conviction based on buying and reselling 30 guns over four months under pre-FOIPA law); *United States v. Murphy*, 852 F.2d 1, 18-20 (1st Cir. 1988) (applying pre-FOIPA law).

¹⁷ See *White*, 175 Fed. Appx. at 942 (profit around \$50 per gun); *Murphy*, 852 F.2d at 18-20; *Hernandez*, 662 F.2d at 291; *United States v. Ramirez*, 493 F. Supp. 1351, 1358 (W.D. Mich. 1980) (profit motive, which was required under pre-FOIPA caselaw, was satisfied where defendant made money on some transactions, even though he did not make money on others and even though much of his gain resulted from inflation); *United States v. 57 Miscellaneous Firearms*, 422 F. Supp. 1066, 1070 (W.D. Mo. 1976) (finding profit motive before FOIPA).

¹⁸ See 57 *Miscellaneous Firearms*, 422 F. Supp. 1066 at 1068.

¹⁹ See *Oldo*, 13 M.S.P.R. at 485.

²⁰ Cf. *Eddy-Ayo Firearms*, 362 F. Supp. 2d at 1315 (dealing at flea market over the course of about 14 months); *Ramirez*, 493 F. Supp. at 1358 ("Time, attention, and labor" requirement, which applied under pre-FOIPA caselaw, was satisfied where defendant, who had been formally unemployed for over two years, "spent a considerable amount of time at gun shows, gun stores, and other locations where sales of guns occur."); *Miscellaneous Firearms*, 422 F. Supp. at 1069-70 (six meetings with undercover officers, of which five led to sales, "show[ing] that defendant's gun selling activity was a business which occupied a substantial portion of his time, and of his labor", as required by pre-FOIPA caselaw).

²¹ See 18 U.S.C. § 923(g)(3)(A).

²² See U.S. Department of Treasury, Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Following the Gun: Enforcing Federal Law Against Firearms Traffickers*, at 39 (2000) (reporting that a licensed dealer trafficked illegal guns at a gun show by transferring the guns "off-the-book").

²³ ATF can require such reporting by sending "demand letters" to the subject FFLs pursuant to 18 U.S.C. § 923(g)(5)(A) and 27 C.F.R. § 478.126.

²⁴ See 28 C.F.R. 25.9(b)(1)(ii).

²⁵ See Letter from Thomas E. Bush, III, *supra* note 2, at 24.

²⁶ See U.S. Government Accountability Office, *Firearm and Explosives Background Checks Involving Terrorist Watch List Records*, GAO-09-123R, at 2, 14 (May 21, 2009) (available at: http://www.gao.gov/docsearch/app_processes/form.php).

²⁷ U.S. Department of Justice and Treasury, *Gun Shows: Brink Checks and Crime Gun Traces*, at 4 (January 1999).

²⁸ See *Following the Gun*, *supra* note 22, at 13 (gun shows were the source of 25,862 out of 84,128 total trafficked firearms connected to the prosecutions examined in the report).

²⁹ See, e.g., William Nevel, Special Agent in Charge, Phoenix Field Division, ATF, *Testimony before the U.S. House of Representatives Committee on Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies*, March 24, 2009 ("The rising incidences of trafficking U.S.-sourced firearms into Mexico is influenced by a number of factors, including increased demand for firearms by drug trafficking organizations, and the strictly regulated and generally prohibited possession and manufacturing of firearms in Mexico.

Drug traffickers are able to obtain firearms and ammunition more easily in the U.S., including sources in the secondary market such as gun shows and flea markets. Depending on state law, the private sale of firearms at those venues often does not require record keeping or background checks prior to the sale.³⁷ U.S. Government Accountability Office, *Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking in Mexico Face Planning and Coordination Challenges*, GAO-09-709 (June 18, 2009) (available at: <http://www.gao.gov/new.items/d09709.pdf>). (According to DOJ documents and ATF officials, firearms purchased on the secondary market at venues such as gun shows are "commonly trafficked to Mexico.")

³⁷ U.S. Department of Justice Office of the Inspector General Evaluation and Inspections Division, *The Bureau of Alcohol, Tobacco, Firearms and Explosives' Investigative Operations at Gun Shows*, at iii-iv (2007) (available at <http://www.usdoj.gov/oig/reports/ATF/070707final.pdf>).

³⁸ *Id.* at iv-i.

³⁹ *Id.* at 23.

⁴⁰ *Garen Winonume, Gun Shows Across a Multistate American Gun Market: Observational Evidence on the Effects of Regulatory Policies*, Injury Prevention, 13: 150-156 (2007) (available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1940101/>) (noting that illegal straw purchases are more frequent in states that do not require background checks on all sales at gun shows).

⁴¹ The so-called "gun show loophole" enables criminals to sidestep background checks if they buy from unlicensed sellers, who often operate at gun shows. Mayors Against Illegal Guns supports H.R. 2324 and S.843 (111th Congress), which would require buyers who purchase guns at gun shows to undergo criminal background checks.

⁴² See 18 U.S.C. § 922(d), (e)(5), and (b)(3).

⁴³ See *Investigative Operations at Gun Shows*, supra note 30, at 1.

⁴⁴ *Id.* at 36.

⁴⁵ This recommendation to conduct residency checks is distinct from Recommendation 4. Recommendation 4 is designed to ascertain whether a buyer's identification is valid. The purpose of this recommendation is to identify buyers who – regardless of the validity of the identification presented – make false statements on their Form 4473 by reporting an address other than where they currently live.

⁴⁶ See *Budget Delays Force Hiring Freeze at Federal Crime Fighting Agencies*, USA Today, Jan. 12, 2007 (available at http://www.usatoday.com/news/washington/2007-01-12-crime-fighting_x.htm); Michael J. Sullivan, *Testimony Before the House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, & Related Agencies*, at 3-4, Apr. 8, 2008.

⁴⁷ See *Newell Testimony*, supra note 29.

⁴⁸ As William Hoover, ATF Assistant Director for Field Operations has acknowledged, the United States is a source for Mexican crime guns because it has "a readily accessible source of firearms and ammunition originating in mostly the secondary market." William Hoover, *Statement Before the United States House of Representatives, Committee on Foreign Affairs Subcommittee on the Western Hemisphere*, February 7, 2008 (available at <http://foreignaffairs.house.gov/110/06020708.htm>). The ATF also contends that Mexican drug cartels get two-thirds of their weapons through straw purchases or from unlicensed dealers who are not required to perform background checks or record sales. See Brady McCombs, U.S. Makes It Easier for Gun Traffickers, Arizona Star, June 28, 2009 (available at <http://www.azstarnet.com/stories/298845>).

⁴⁹ See *Newell Testimony*, supra note 29. Likewise, GAO reports that over the past five years, 87 percent of guns recovered in Mexico and successfully traced originated in the U.S., while over the past three years the figure is 90 percent. See U.S. Government Accountability Office, *Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges*, GAO-09-709 (June 18, 2009) (available at <http://www.gao.gov/new.items/d09709.pdf>).

⁵⁰ See GAO-09-709, supra note 42.

⁵¹ *Id.*

⁵² ATF Press Release, "ATF announces Gun Runner Impact Teams Rollout" (April 28, 2009) (available at http://www.atf.gov/press/2009/press042809atf_announces-grits_rollout.htm); see *Newell Testimony*, supra note 29, at 4.

⁵³ U.S. Department of Justice, *ATF Program-Specific Plan for Management of Recovery Act Funds* (May 15, 2009) (available at: <http://www.usdoj.gov/recovery/pdf/atf-plan.pdf>). Note that some of the funding will also be used to establish two offices at U.S. consulates in Mexico and to purchase armored vehicles.

⁵⁴ Single assignments to the southwest border will expire 120 days from deployment. See "ATF announces Gun

Runner Impact Teams Rollout," supra note 45.

⁵⁵ If, after 2011, the situation along the Southwest border has improved, ATF should consider reemploying some of these added personnel to other problematic trafficking corridors within the United States.

⁵⁶ See H.R. 495 (111th Congress).

⁵⁷ See Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, *ATF Firearms Trace Data 2007* (2008) (available at http://www.atf.gov/firearms/trace_data/index2007.htm).

⁵⁸ William J. Krouss, *Congressional Research Service, The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF): Budget and Operations*, at 8 (2008).

⁵⁹ Brian Bennett, *Turning a Blind Eye to Gun Dealers*, Time.com, May 8, 2007 (available at <http://www.time.com/time/nation/article/0,8599,1618392,00.html>) (reporting that ATF's stated goal is to complete a routine inspection of dealers once every three years).

⁶⁰ See *Fuel Sheet: 2007 FEL Compliance Inspections*, supra note 11, at 2.

⁶¹ In a similar case, ATF identified 900 violations of federal law by a Maryland dealer that could not account for a quarter of its inventory. Nevertheless, after revoking the dealer's license, ATF allowed it to operate for over 13 months while its case was pending in federal court. ATF further permitted Valley Gun to take 30 days after it lost in court to wind up its business by delivering any guns it had already agreed to sell. See Mem. in Support of Mot. Dismiss or in the Alt. to Transfer, *Abrams v. Truscott*, No. 06-cv-643 (CKK), at 3-4 (D.D.C. filed June 15, 2006).

⁶² Upon receiving additional information in discovery, New York City voluntarily dismissed the cases against three of the 27 dealers sued.

⁶³ Daniel Webster Supp'l Expert Report, *City of New York v. A-1 Jewelry & Pawn Inc.*, No. 06-cv-2233, at 1 (E.D.N.Y. filed May 15, 2006).

⁶⁴ See Letter from Jerome M. Pender, Acting Assistant Director, CJIS Division, FBI to the Honorable Michael R. Bloomberg, Mayor of New York City (May 27, 2009) (on file with Mayors Against Illegal Guns).

⁶⁵ *Id.*

⁶⁶ *Id.* at 1.

⁶⁷ See *Following the Gun*, supra note 22, at 23, tbl. 13; 41 (2000).

⁶⁸ See 27 C.F.R. § 478.39.

⁶⁹ See *id.* at 13, tbl. 3.

⁷⁰ See Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, *Youth Crime Gun Investigation: Initiative Crime Gun Trace Reports: National Report*, at 53 (2000).

⁷¹ Letter from Kenneth E. Mielson, Acting Director, Bureau of Alcohol, Tobacco, Firearms and Explosives to the Honorable John Peyton, Mayor of Jacksonville, at 3 (May 19, 2009) (on file with Mayors Against Illegal Guns).

⁷² ATF and academic researchers have identified several key criteria that indicate problematic dealer practices: number of traces; number of traced guns with a short time span between sale and recovery in crime; number of traced guns with serial number obliterated; number of traces that were not fully completed; number or share of buyers who failed NICS checks; numbers of multiple handgun sales; traces of guns that had sat in the dealer's inventory for over 2 years before their sale; numerous or frequent losses or thefts of guns from a particular pawnshop, which tend to have more traces than other dealers; numerous traces concentrated in a particular area of another state; types of guns sold; and location. See C. J. Winemaster, P. J. Cook & M. A. Wright, *Risk Factors Among Handgun Retailers for Frequent and Disproportionate Sales of Guns Used in Violent and Firearm-Related Crimes*, *Injury Prevention*, 11: 357-363 (2005); Glenn L. Pierce, et al., *Characteristics and Dynamics of Crime Gun Markets: Implications for Supply-Side Focused Enforcement Strategies*, *Final Report to the National Institute for Justice* (Sept. 11, 2003); Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives, *Commerce in Firearms in the United States*, at 22 (2000). Numerous academics have concluded that ATF could mine its data more effectively.

⁷³ According to ATF data released in 2000, only 1 percent of gun dealers are the sources of 57 percent of guns recovered in crimes. See Department of Treasury, Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Commerce in Firearms in the United States*, at 2 and 23 (2000). Meanwhile, 85 percent of gun dealers are not associated with a single trace annually. See *id.*

⁷⁴ Some in the gun industry argue that trace data should not be used to identify problematic dealers because high numbers of traces may be attributable to high sales volume. Researchers have suggested a more mixed

picture: while in some cases a high trace volume merely indicates high sales volume, trace volume and sales volume in California (where dealers are required to report sales volume) are typically not closely correlated. See Glenn J. Winemura, "Relationship Between Illegal Use of Handguns and Handgun Sales Volume," *Journal of the American Medical Assoc.*, vol. 284, at 566-7 (August 2, 2000) (available at <http://ama-assn.org/cgi/content/full/284/5/566>).

⁶⁵ While a component of the Fairer Amendment appropriations rider prohibits the federal government from maintaining full NICS record data for more than 24 hours, FBI and ATF can maintain and analyze aggregated NICS check data – including data that identifies the number of checks conducted by particular dealers – as long as the data does not identify the purchaser.

⁶⁶ A dealer's failure to provide trace information is a basis for revoking its license and is a federal felony if done willfully.

⁶⁷ The U.S. Department of Justice, *The Movement of Illegal Guns in America*, at 28 (December 2008) (available at http://www.mayorsagainstillegalguns.org/downloads/pdf/trace_report_final.pdf).

⁶⁸ Department of Treasury, Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Commerce in Firearms in the United States*, at 25 (2000).

⁶⁹ A dealer's failure to provide trace information is a basis for revoking its license and is a federal felony if done willfully.

⁷⁰ The U.S. Department of Justice Office of Inspector General, *Inspections by Firearms Dealers by the Bureau of Alcohol, Tobacco, Firearms, and Explosives*, at 10 (2004).

⁷¹ Searches in response to problems with a trace request will not count against the normal limit of one regulatory inspection per dealer per year. See 18 U.S.C. 923(g)(1)(B)(i), (i)(II), (iii).

⁷² The federal statute indicates that ATF can require dealers to keep records of "shipment, receipt, sale, or other disposition of firearms . . ." 18 U.S.C. § 923(g)(1)(A). Under a common-sense interpretation of the statute, the processing of a trace request is a record of the gun's "disposition."

⁷³ 66 Fed. Reg. 40596, 40597 (August 3, 2001).

⁷⁴ 66 Fed. Reg. 40596, 40597 (August 3, 2001).

⁷⁵ 27 C.F.R. 478.92(a)(1)(i).

⁷⁶ See 27 C.F.R. 478.92(a)(1)(ii).

⁷⁷ See 940 Mass. Code Regs. 16.01, 16.03, 16.07(U) (2008).

⁷⁸ See Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, *Youth Crime Gun Interdiction Initiative Crime Gun Trace Reports: National Report*, at 68 (2000) (available at <http://www.atf.gov/firearms/yigit2000/index.htm>).

⁷⁹ See 18 U.S.C. § 922(i).

⁸⁰ For example, the community engagement strategies pioneered by Boston's Operation Ceasefire and refined in Chicago's PSN Program have had a demonstrable effect on gun violence.

⁸¹ Meares, Tracy, Andrew V. Papachristos and Jeffrey Fagan, *Homicide and Gun Violence in Chicago: Evaluation and Summary of the Project Safe Neighborhoods Program*, at 3-4 (January 2009) (available at http://psnchicago.org/PDFS/2009-PSN-Research-Brief_V2.pdf).

⁸² *Id.*

⁸³ See, e.g., Jeremy Kahn, *Story of a Switch*, *The Atlantic* (April 2007) (available at <http://www.theatlantic.com/doc/2007/04/stop-switching>).

⁸⁴ Jacksonville Sheriff's Office, *Gun Bounty Program Results: October 6, 2006 to May 11, 2009* (2009).

⁸⁵ See, e.g., Salt Lake City Police Department Website, *Tips for Cash*, (available at <http://www.sltcpd.com/getinvolved/tipsforcash.html>); \$500 Reward Offered in Gun Bounty Program, *MSNBC.com*, June 20, 2009 (available at <http://www.msnbc.msn.com/id/3449755/>).

⁸⁶ National Shooting Sports Foundation, *Firearm Safety Strategy Purchase* (2009) (available at http://nssf.org/media/FacSheets/Straw_Purchase.cfm).

⁸⁷ The full 10-point code would establish these best practices for firearms retailers: 1) Videoing the Point of Sale for All Firearms Transactions; 2) Implementing a Computerized Crime Gun Trace Log and Alert System; 3) Completing a Purchaser Declaration for Flagged Sales; 4) Detering Sales; 5) Maintaining Consistent Visible Signage to Alert Customers; 6) Conducting Employee Background Checks; 7) Conducting Employee Responsibility Training; 8) Conducting Inventory Checking; 9) Ensuring that No Sales are Made Without Background Check Results; and 10) Securing Firearms in Locked Cases. For more information, please see <http://www.mayorsagainstillegalguns.org/html/partnershippartnership.shtml>.

⁹¹ U.S. Department of Treasury, Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Following the Gun: Enforcing Federal Law Against Firearms Traffickers* (2000).

⁹² Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives, *Commerce in Firearms in the United States* (2000).

⁹³ See, e.g., Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives, *Youth Crime Gun Interdiction Initiative Reports* (1997-2002).

⁹⁴ See U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, *List of Awards, Fiscal Years 1995 – 2003* (available at <http://www.ojp.usdoj.gov/nij/awards/welcome.htm>). These federally funded reports provided law enforcement and policy-makers unprecedented analysis from the country's top academic experts. For example, in FY 1997, NIJ provided approximately \$500,000 to a group of academic experts to analyze the dynamics of illegal markets, crime gun trace data and its potential value in identifying violent offenders. See NIJ Awards in Fiscal Year 1997 (available at http://www.ojp.usdoj.gov/nij/awards/1997.htm#firearms_research). This report was published in 2004 and provided law enforcement with unprecedented information to target the diversion of firearms from the legal to the illegal markets. See Pierce, C., Braga, A., Koper, C., et al., *The Characteristics and Dynamics of Crime Gun Markets: Implications for a Supply-Side, Focused Enforcement Strategy*, Justice Quarterly, 21:2, at 391-422 (2004).

⁹⁵ For example, in 1994, the New York State Division of Criminal Justice Services, Office of Justice Systems Analysis used federal grants to publish a report that analyzed the use of assault weapons specifically in New York City homicides (Office of Justice Systems Analysis, *New York State Division of Criminal Justice Services, Assault Weapons and Homicides in New York City*, May 1994). Also in 1994, the Virginia Department of Criminal Justice Services used federal grant money to publish a report on gun crimes, which provided Virginia policy-makers with new information to guide the development of effective policies to reduce gun violence in Virginia (Criminal Justice Research Center, Commonwealth of Virginia, Department of Criminal Justice Services, *Guns and Violent Crime*, January 1994).

⁹⁶ U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, *List of Awards, Fiscal Years 2004 – 2008* (available at <http://www.ojp.usdoj.gov/nij/awards/welcome.htm>).

⁹⁷ Public Law No. 109-92. Passed and signed into law in 2005, Congress passed and the President signed into law the PLCAA grants broad immunity to gun manufacturers and gun dealers from civil liability but also requires dealers to offer a locking device with each handgun purchase.

⁹⁸ 18 U.S.C. § 922(f).

⁹⁹ Christy McKinney, *Defensive Gunlock Triggers Recall in Broward, Miami-Dade*, *The South Florida Sun-Sentinel*, August 3, 2001.

¹⁰⁰ In July 2000, the Office of the General Counsel of the CPSC issued an advisory opinion concluding that it had jurisdiction over separate firearm trigger locks.

¹⁰¹ Associated Press, *AK-47-Type Guns Are Turning Up in U.S. More Often*, *Fox News*, March 26, 2008, <http://www.foxnews.com/story/0,2933,341988,00.html>.

¹⁰² See 18 U.S.C. § 925(f)(3). In 1989, President George H.W. Bush signed an executive order to prevent the importation of firearms and ammunition that are not "generally recognized as particularly suitable for or readily adaptable to sporting purposes" pursuant to the 1968 Gun Control Act. See Exec. Order No. 12,680.

¹⁰³ U.S. Government Accountability Office, *Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges*, GAO-09-709 (June 18, 2009) (available at <http://www.gao.gov/new.items/09709.pdf>). A review of 21 recent criminal cases involving gun trafficking to Mexico revealed that 90 percent of the firearms involved were military-style assault weapons, and "the bulk" were AK-variants or AR-variants. "Indicted: Types of Firearms and Methods of Gun Trafficking from the United States to Mexico as Revealed in U.S. Court Documents," Violence Policy Center, April 2009, available at <http://www.vpc.org/studies/indicted.pdf>.

¹⁰⁴ Website for U.S. Representative Elton L. Engle, Rep. Engel Urges President Obama to Enforce Bush 41/ Clinton Restrictions on Imported Assault Weapons, <http://engel.house.gov/index.cfm?ContentID=1590&ParentID=7&SectionID=216&SectionID=7&ItemID=1580> (last visited June 24, 2009).

¹⁰⁵ *Mayors Against Illegal Guns* does not have a position on the question of whether the domestic assault weapons ban, which expired in 2004, should be reinstated or whether new legislation regarding military-style semi-automatic rifles should be adopted. However, this coalition believes the federal government should

APPENDIX A

Recommendations from Mayors Against Illegal Guns: A Blueprint for Implementation

No.	Recommendation	Responsible Agency	Method of Implementation	Page
1	The FBI should inform state and local law enforcement every time NICS reports that a prohibited person has attempted to purchase a firearm and, when appropriate, inform state mental health agencies when NICS rejects a buyer due to mental health.	The Federal Bureau of Investigations (FBI), Bureau of Alcohol, Tobacco & Firearms (ATF)	Practice Reform	5
2	The Justice Department should identify which NICS rejections should be investigated and prosecuted.	DOJ, FBI, ATF	Practice Reform	5
3	The Department of Homeland Security (DHS) should require REAL ID-compliant identification for all gun purchases after December 1, 2014.	The Department of Homeland Security (DHS), White House Office of Management and Budget (OMB)	Regulation	6
4	NICS should electronically verify the validity of and the name associated with any state-issued identification number provided on a background check Form 4473.	FBI	Practice Reform	6
5	ATF should perform background checks on employees of federal firearms licensees at the licensees' request.	ATF, FBI	Practice Reform	7
6	ATF should perform background checks on gun dealer employees during audit inspections.	ATF, FBI	Practice Reform	7

enforce existing laws on the import of foreign-manufactured military firearms and other especially dangerous firearms.

¹⁰⁶ See U.S. Department of Treasury, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Enforcing the Gun-Enforcing Federal Law Against Firearms Traffickers at 9, tbl. 1 (2000) (reporting that a licensed dealer trafficked illegal guns at a gun show by transferring the guns "off-the-book").

¹⁰⁷ See 18 U.S.C. § 923(G)(3)(A); 27 CFR 478.126a.

¹⁰⁸ William Hoover, Assistant Director for Field Operations, ATF, and Anthony P. Placido, Assistant Administrator for Intelligence Division, DEA, Statement before the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs Concerning Law Enforcement Responses to Mexican Drug Cartels, March 17, 2009. ATF has explained that 50 caliber rifles "are prized by the Mexican drug cartels due to their ability to penetrate engine blocks and armored glass." See U.S. Department of Treasury, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 2005 Annual Report, at 17 (2005) (available at http://www.atf.gov/pub/gen_pub/2005annual_report.pdf).

¹⁰⁹ ATF Youth Crime Gun Interdiction Initiative, Crime Gun Trace Reports (20100), National Report, at 17 tbl. 5 (2002) (available at <http://www.atf.gov/firearms/ycgi/2000/cover.pdf>).

¹¹⁰ ATF already utilizes a similar demand letter -- "Demand Letter I" -- which requires FFLs with 15 or more sales of guns within 3 years of initial purchase to submit information quarterly on previously owned firearms acquired from non-FFLs. In 2004 ATF sent Demand Letter II to 371 dealers. See U.S. Department of Justice Office of Inspector General, Inspections by Firearms Dealers by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, at 10 (2004).

¹¹¹ Department of the Air Force, Air Force Office of Special Investigations, Criminal Investigation Report (CIR) 02-53: Officer Safety Bulletin -- Sinner, Pen Guns (2002).

No.	Recommendation	Responsible Agency	Method of Implementation	Page
7	The Justice Department should notify dealers stripped of their licenses that they will continue to be "engaged in the business" if they dispose of inventory in significant quantities for profit.	DOJ, ATF	Practice Reform	8
8	ATF should fully enforce the requirement that dealers notify ATF within five business days whenever they transfer more than one handgun to an unlicensed person, including when dealers transfer more than one handgun to their own personal collections.	ATF	Practice Reform	9
9	ATF should maintain NICS records of default proceed sales to persons on the terrorist watch list for 20 years and all other records of default proceed sales for six months.	ATF, FBI	Practice Reform	10
10	When tracing guns, ATF National Tracing Center (NTC) personnel should be trained to routinely ask the FFL who sold the gun whether the recovered gun was purchased at a gun show and the location of that gun show, and then use the data to identify problematic gun shows.	ATF	Practice Reform	11
11	ATF field agents should have the discretion to conduct criminal enforcement operations at gun shows when trace data, prosecutions, and witness statements suggest a particular show is a source of crime guns.	ATF	Practice Reform	12

No.	Recommendation	Responsible Agency	Method of Implementation	Page
12	ATF should increase enforcement activities to deter sales to prohibited purchasers by unlicensed gun sellers.	ATF	Practice Reform	12
13	ATF should investigate private sellers at gun shows who appear to be engaged in the business without a license.	ATF	Practice Reform	12
14	At gun shows known for criminal activity, agents should have discretion to compare purchasers' addresses reported on Form 4473 to their state driving records.	ATF	Practice Reform	13
15	ATF should expand Project Gunrunner by increasing the ATF personnel assigned to interdict gun trafficking from the United States to Mexico.	DOJ, ATF, DHS, OMB, State Department, Congress	Practice Reform, Increased Funding	15
16	ATF should establish an Interstate Firearms Trafficking Unit (IFTU) run by an ATF Deputy Chief to coordinate interstate investigations.	ATF, DOJ, OMB, Congress	Practice Reform, Increased Funding	16
17	ATF should receive an additional \$53 million annually to hire more inspectors to meet its target of triennial dealer audits.	DOJ, ATF, OMB, Congress	Practice Reform, Increased Funding	17
18	ATF should enforce a dealer's license revocation when the dealer's administrative appeals are exhausted.	ATF	Practice Reform	17
19	ATF inspectors should conduct undercover investigations to assess gun dealer compliance with federal laws and regulations.	ATF	Practice Reform	17

No.	Recommendation	Responsible Agency	Method of Implementation	Page
20	ATF should investigate all incidents involving thefts of five or more guns from dealers or individuals.	ATF	Practice Reform	18
21	ATF should require FFLs to report to the National Crime Information Center (NCIC) thefts of firearms from common carriers and bonded warehouses.	ATF	Practice Reform	18
22	The federal government should report annually on lost and stolen guns.	DOJ, ATF	Practice Reform	18
23	DOJ should support an additional 250 state and local law enforcement officers to be assigned to ATF Task Forces.	DOJ, ATF, OMB, Congress	Practice Reform, Increased Funding	20
24	ATF should create an Office of Tactical Trace Analysis at the National Tracing Center to proactively analyze trace data and to identify gun traffickers and problematic dealers.	ATF, DOJ, OMB, Congress	Practice Reform, Increased Funding	21
25	The Office of Tactical Trace Analysis should use a trace-to-NICS-check ratio to determine which dealers have a high volume of crime-gun traces compared to their approximate sales volume.	ATF	Practice Reform	21
26	When dealers fail to respond to trace requests, ATF should send demand letters, search FFLs' sales records, and/or require them to provide sworn statements describing when and to whom the gun was transferred.	ATF	Practice Reform	22

No.	Recommendation	Responsible Agency	Method of Implementation	Page
27	The Justice Department should require FFLs to keep logs of gun trace requests.	ATF, OMB	Regulation	23
28	ATF should require a second, hidden serial number on every newly manufactured gun.	ATF, OMB	Regulation	23
29	In the alternative, ATF should require that serial numbers be placed on steel and not soft metal, require stamped rather than etched marks on the gun surface, and require marks to be 0.0005 deep and 1/8 inch tall.	ATF, OMB	Regulation	23
30	ATF should require domestic manufacturers to use a standardized system for numbering firearms.	ATF, OMB	Regulation	24
31	The federal government should invest in local efforts to reduce recidivism among gun offenders.	DOJ, OMB, Congress	Practice Reform, Increased Funding	25
32	The federal government should increase support for community programs that generate tips on illegal firearms trafficking.	DOJ, OMB	Practice Reform	25
33	ATF should promote the Responsible Firearms Retailer Partnership (RFRP), pioneered by Wal-Mart, as a voluntary program for gun dealers to deter the movement of guns into the illegal market.	ATF	Practice Reform	26
34	DOJ and ATF should produce updated versions of groundbreaking reports on illegal firearms trafficking.	DOJ, ATF	Practice Reform	27

APPENDIX B

The Coalition's Federal Legislative Agenda

Mayors Against Illegal Guns has endorsed six pieces of legislation – one relates to access to crime gun trace data and five relate to closing gaps in gun backgrounds checks:

- *Repealing the Tiahrt Amendments* – The Tiahrt Amendments restrict access to crime gun trace data, prevent ATF from requiring gun dealers to provide inventories, and require the destruction of most gun background check records within 24 hours.
- *Closing the Gun Show Loophole* – H.R.2524 and S.843 in the 111th Congress would require buyers who purchase guns at gun shows to undergo criminal background checks.
- *Closing the Terror Gap* – S.1317 and H.R.2159 in the 111th Congress would prevent individuals on the terrorist watch list from purchasing guns.
- *Closing the Gun Dealer Fire Sales Loophole* – H.R.6664 in the 110th Congress would have prevented gun dealers who have been shut down for illegal firearms sales from liquidating their inventories without conducting background checks.
- *Employee Background Checks* – H.R.6676 in the 110th Congress would have required gun dealers to conduct criminal background checks on their employees.
- *Closing Mental Health Gaps in Background Checks* – The NICS Improvement Amendments Act of 2007, which became law on January 8, 2008, authorizes funds to states to maintain and update criminal history and mental health records in NICS, making it harder for prohibited gun buyers to slip through the cracks of the background check system.

No.	Recommendation	Responsible Agency	Method of Implementation	Page
35	ATF should expand the scope of its trace reports.	DOI, ATF	Practice Reform	27
36	DOJ should fund external research of emerging problems in illegal gun trafficking and the results of enforcement efforts.	DOJ, ATF	Practice Reform	27
37	Consumer Products Safety Commission (CPSC) should evaluate and develop industry standards for locks that meet legal requirements.	CPSC	Regulation	29
38	The federal government should resume enforcement of federal law that bans importing "non-sporting purpose" firearms and ammunition.	DHS, ATF, DOJ	Practice Reform	30
39	ATF should identify the long guns most linked to crime and require dealers to report multiple sales of such guns.	ATF	Practice Reform	30
40	ATF should reclassify the Stinger pen gun, as well as any other pen guns introduced since 2002, as "Any Other Weapons" under the National Firearms Act, thereby subjecting them to strict background check, licensing, and registration requirements.	ATF	Practice Reform	31

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