

EXECUTIVE ACTIONS FOR THE NEXT PRESIDENT: A ROADMAP TO ADDRESS GUN VIOLENCE

Our country's gun violence epidemic is a public health emergency, infecting every aspect of American life, imperiling our cities, schools, and homes. The scale of the gun violence crisis is enormous:

- More than 100 Americans are killed by firearms in gun homicides, suicides and unintentional shootings every day, and hundreds more are shot and wounded.¹
- Firearms are the second-leading cause of death for children and teens in the US² killing nearly twice as many American children as does cancer.³
- The crisis is especially acute for domestic violence victims, with 52 women shot and killed every month by an intimate partner.⁴
- America's gun suicide rate is ten times the rate in other high-income countries.⁵
- This crisis is particularly severe for Black Americans, who comprise the majority of gun homicide victims, and are 10 times as likely to be killed with a gun than white Americans.⁶ Gun violence is the number one cause of death for Black children and teens.⁷

And the problem is only getting worse. In the last decade, the rate of gun deaths has increased by 17 percent.⁸ In 2017, firearms killed substantially more Americans than motor vehicle accidents for the first time in modern history.⁹

EXECUTIVE SUMMARY

The next president has a historic opportunity to make change. He or she can take immediate action if Congress fails to strengthen our weak gun laws. What follows is a roadmap for a sustained and strategic response the next president can institute with these 10 major executive actions:

1. **Close the loophole that allows many gun sellers to operate without a license.**
2. **Close the “boyfriend loophole” for convicted domestic abusers**, ensuring abusers can no longer buy guns simply because they are not married to their victim.
3. **Reverse Trump’s dangerous policies allowing many fugitives and people with severe mental disabilities to buy guns.**
4. **Better enforce background checks and domestic violence laws** with joint federal-state prosecutions for people who try to evade the background check system and funding for law enforcement to remove guns from prohibited domestic abusers.
5. **Cancel the Trump-era regulation enabling the 3D printing of plastic guns**, and take new regulatory action preventing people from making their own undetectable and untraceable firearms.
6. **Appoint a national gun czar and form a central hub focused on the gun violence crisis**, helping fund scientific research, modernize government data in areas such as firearm storage and non-fatal shootings, and build anti-trafficking tools that empower police to solve crimes.
7. **Protect American schools** by developing threat assessment and violence intervention strategies that stop school shootings before they happen.
8. **Start a public education campaign about firearm suicide** to encourage responsible storage and removal of firearms when people pose a risk of self-harm.
9. **Support violence intervention programs and services for gun violence survivors**, investing in evidence-based strategies in hospitals and in heavily impacted communities.
10. **Protect consumers by leading research and development into safer gun technology.**

The next President should send a message to the American people about the severity of the crisis by declaring gun violence a public health emergency. Such a declaration would underscore the urgency of the epidemic and unlock funds that would support many of the executive actions described above. Tapping presidential emergency powers would accelerate implementation of these policies, free up funding to support them, and provide critical tools to solve America’s gun violence crisis.

DECLARING THE GUN VIOLENCE EPIDEMIC A PUBLIC HEALTH EMERGENCY

In times of crisis, presidents have regularly declared public health emergencies. Recent emergencies have been declared in response to earthquakes, severe weather, and the H1N1 flu epidemic.

A public health emergency declaration projects a president's values and is an important statement that the government is dedicating its resources to a crisis. It also opens up a raft of emergency powers, which include but are not limited to:

- **Funding authorities** that permit the president to provide grants, support investigations into the prevention of the emergency, and provide supplies and services to grantees. The executive branch can tap the Public Health Emergency Fund, and can also use emergency powers to create new flexibility in how agencies spend their existing budgets; and
- **Research authorities** that permit the president to expand the universe of researchers, expedite the review of grant applications, appoint temporary personnel, and deploy additional resources to hospitals and medical practitioners.

The 2017 declaration for opioid abuse provides a compelling precedent for using emergency power to fight the gun violence epidemic. Like the opioid crisis, our gun violence crisis is neither an infectious disease nor a natural disaster, but rather is a problem of political inaction, a criminal justice challenge, and a crisis devastating American communities.

Above all, they are both fatal epidemics: Between 2013 and 2017 gun violence claimed 182,000 American lives compared with nearly 177,000 deaths from opioid abuse in that same time period.¹⁰

As with opioid deaths, gun violence fatalities have increased markedly over recent presidential administrations: Annual rates of gun violence deaths have increased by 16 percent between 1999 and 2017, while annual deaths from opioid abuse, a more recent emergency, have almost doubled in the past 5 years.¹¹

The US gun violence crisis is unyielding — claiming at least 28,000 lives each year for the past two decades¹² — and it needs the deep investment and swift action that the next President can best deliver using public health emergency powers. Beyond the important symbolic role that a declaration can serve, this roadmap details many of the ways emergency powers can help free up funding and accelerate groundbreaking executive action.

EXECUTIVE ACTIONS IN DETAIL

1. Close the loophole that enables many gun sellers to evade the licensed dealer system

The problem

The federal requires any gun seller who is “engaged in the business” of dealing in firearms to register as a licensed dealer — and run background checks on their buyers. But the term “engaged in the business” has been poorly defined by regulation — and it is therefore not always clear which sellers are required to become dealers. In practice, unlicensed sellers are offering guns online at extremely high volumes, and without running background checks on buyers.

The solution

Issue a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regulation clarifying which gun sellers must obtain dealer licenses and follow background check laws. Research has shown that, when a seller offers at least 25 guns for sale in a year, the seller is three times as likely to meet multiple other factors for “engaging in the business”; and that most people offering at least 5 guns within a short period meet at least one such factor. ATF should make clear that people who offer sales at these volumes will be presumed to be not hobbyists, but rather engaged in the business of dealing in firearms — and must either register as a dealer or else demonstrate that they are selling from a personal collection.

2. Clarify that convicted domestic abusers are prohibited regardless of marital status

The problem

People convicted of misdemeanor domestic abuse are prohibited from having guns, but only if the offender and victim are current or former spouses or are “similarly situated” to spouses (or if they share a child or have cohabited). But the term “similarly situated” is not defined by regulation, leading to a lack of clarity for prosecutors and background check operators about the reach of the law. This is particularly troublesome because women are as likely to be killed by dating partners as by spouses.¹³

The solution

Issue an ATF regulation clarifying that domestic abuse offenders are prohibited from having guns even if they are not married to their victims. Indeed, ATF should interpret the term “similarly situated” to clarify that it matches the Violence Against Women Act—which explicitly covers unmarried intimate partners.

3. Reverse Trump’s dangerous policies enabling fugitives and prohibited people with mental disabilities to buy guns illegally

The problems

- In January 2017, the Trump Department of Justice (DOJ) set a new policy for Federal Bureau of Investigation and state background check operators, blocking them from denying gun sales to fugitives without knowledge on their whereabouts and state of mind. As a result, officials are often unable to deny an illegal gun sale to a prohibited fugitive. In the first year after the rule change, there was an 80 percent drop in federal gun sale denials to fugitives from justice — nearly 20,000 fewer federal denials than in the year before the change.¹⁴
- In February 2017, President Trump used Congressional Review Act powers to block the Social Security Administration (SSA) from submitting background check records for those mentally ill beneficiaries who would be blocked from buying a gun if their records were in the system.¹⁵ Due to President’s Trump action, prohibiting records for over 400,000 people are not in the system—meaning those prohibited people cannot be stopped from getting armed illegally on that basis.¹⁶

The solutions

- **Reverse the Trump Administration’s dangerous DOJ policy change** that allows many fugitives from justice to buy guns.
- **Reverse Trump’s dangerous SSA action and submit all records of prohibited beneficiaries** into the background check system.

4. Enforce background checks and domestic violence laws through increased prosecution and funding firearm relinquishment programs

The problems

- Prosecutions for dealing firearms without a license are rare and acquittal rates in these cases are high.
- Federal authorities prosecute fewer than one percent of all prohibited individuals who “lie and try” to buy guns illegally,¹⁷ even though three in 10 people who fail background checks for criminal convictions or indictments are re-arrested in the next five years.¹⁸
- While evidence shows most online sellers indicate they will follow background check laws, without strong enforcement of the law some sellers will not comply.
- Without an effective strategy for disarming domestic abusers, prohibited abusers may leave the courtroom after a restraining order or conviction — and maintain access to guns they already own. State laws requiring firearm relinquishment after a restraining order are associated with 14 to 16 percent lower rate of intimate partner homicide.¹⁹
- A small portion of firearms dealers are responsible for a majority of all firearms recovered at crime scenes: Indeed, a landmark 2000 report revealed that one percent of dealers were responsible for almost 60 percent of crime guns.²⁰ ATF has determined from dealer inspections that tens of thousands of firearms are simply unaccounted for — and yet the Bureau has had the resources to inspect only a small minority of gun dealers each year, and has struggled to discipline bad actors appropriately.²¹

The solutions

- DOJ should provide robust funding for and emphasize joint federal-state prosecution of selling firearms without a license, “lie-and-try” attempts to purchase firearms illegally, and selling guns without a background check.
- DOJ should also provide robust funding for joint federal/state action to ensure prohibited domestic abusers are disarmed. The Administration can provide federal funding for local surrender programs and can dedicate federal law enforcement resources to assist local authorities.
- ATF should dramatically step up inspections of gun dealers and its disciplinary response to negligent or unscrupulous behavior. Direct federal prosecutors to seek convictions for these dangerous dealers. Target dealers with high rates of crime gun recovery and other dangerous behavior for license revocation within one year if they cannot establish full compliance.

Using emergency powers

The Administration can tap emergency powers to fund 1) research into which prohibited individuals fail background checks and go on to commit crimes, 2) prosecutions of lawbreakers who feed the illegal market by selling without a license,²² and 3) enforcement of firearm relinquishment orders.²³

5. Cancel Trump's dangerous action enabling people to make their own guns and circumvent the background check system

The problems

- With recent growth in both 3D printing technology and at-home firearm milling hardware, people can make do-it-yourself (DIY) guns more easily than ever. Criminals can skip a background check altogether by making an illegal firearm at home and outside the licensed dealer system. What's more, without a serial number, a DIY firearm cannot be traced to its owner when recovered at a crime scene. And firearms can be printed out of polymer materials that are undetectable to metal detectors.
- In 2018, the Trump Administration made it easier to make firearms at home using 3D printers by taking action to allow widespread publication of 3D gun blueprints. The relevant Trump rulemaking,²⁴ which would effectively abdicate responsibility for protecting the public from 3D-printed guns, has not been finalized as of June 2019.
- With the growth in milling technology, ATF is now reporting a surge in unserialized firearms recovered at crime scenes, stating that fully 30 percent of firearm recoveries in California are unserialized guns.²⁵

The solutions

- Restore the government's proper role in blocking 3D-printed guns by cancelling the Trump regulation that allows the publication of 3D gun blueprints. Take action to stop these blueprints from being published and prosecute any actors who break the law.
- Issue an ATF regulation clarifying that firearm conversion equipment, including "unfinished lower receivers" and other kits, do indeed qualify as "firearms" under federal law. Doing so would clarify that these items must be printed with serial numbers when sold, and can be sold by firearm dealers only after a prospective buyer passes a background check.

6. Establish a central government hub to combat gun violence and launch new science and data initiatives

The problems

- The federal government has no infrastructure and no mandate to coordinate a proportional response to the gun violence epidemic. Indeed, there is little conversation across offices on what the strengths and weaknesses of the government's approach are, on what gaps exist and how to counter them. And the federal government has failed to establish a foundation of basic common facts. While DOJ has begun to build many new tools to grow our knowledge, they need additional funding to rigorously measure the causes and effects of gun violence.
- What's more, since Congress passed budget restrictions aimed at chilling federally funded research on gun violence, funding has nearly dried up at the CDC and the National Institutes of Health — where for example motor vehicle deaths receive roughly five times the amount of funding per life lost.²⁶ By contrast, for nearly 60 years, the Department of Transportation has invested in highway and vehicle safety research, including tracking of all motor vehicle deaths and \$320 million annually to study road safety. This robust, long-term investment in data and research has yielded new technologies like seatbelts and airbags, safer highways equipped with guardrails and barriers, and now-established laws that require seatbelts and criminalize unsafe driving. Government investments helped reduce the fatality rate of motor vehicle accidents by 81 percent from 1956 to 2017.²⁷ An analogous investment in gun violence research is needed to address the considerable gaps in our ability to study gun violence.

The solutions

- The president should **stand up an interagency task force**, creating a central hub and cross-departmental infrastructure with the goal of building a permanent Office of Gun Violence Prevention. The task force would draw staff from departments across the executive branch, including DOJ, the Department of Health and Human Services (HHS), the Department of Education, and the Department of Housing and Urban Development. The president should name a **national gun czar** to coordinate the interagency task force and to serve as a senior advisor in the White House.
- The task force should **fund robust support for scientific research** to be conducted both by government experts and outside researchers. It should focus on **building comprehensive government data**, including on: firearms ownership and storage, non-fatal shootings and the use of firearms in violent crime and suicide, and the intersection of firearms ownership and drug use.
- The Administration should **grow law enforcement tools critical to fighting gun violence**, including: funding to implement the National Incident-Based Reporting System and the National Integrated Ballistics Information Network, new regional crime gun tracing centers and requiring federal law enforcement to use all tracing capabilities, and reinstatement of the Crime Gun Trace Reports.

Using emergency powers

- The Administration can tap emergency powers²⁸ to fund a new scientific research grant agenda, and can expedite grant review and approval with emergency powers.²⁹ These powers also enable the Administration to avoid a drawn-out hiring process, appointing temporary personnel as necessary to respond to the public health emergency.³⁰
- The Administration can tap emergency powers funding to expedite growing new data collection and law enforcement tools. It can also use emergency powers through the [Cooperative Purchasing Program](#) to assist with the purchase of law enforcement technology such as shot detection technology, records management systems, computer aided dispatch systems, and public reporting interfaces.

7. Protect American schools with new initiatives to make our children safe

The problems

America's gun violence epidemic infects our schools in many ways, from mass shootings to unintentional shootings to firearm suicides. We know a lot about what school gun violence incidents look like — that people discharging guns on school grounds often are connected to the school, that the guns generally come from home or from family and friends, that there are often warning signs, and that there is a disproportionate impact on students of color. The next president can work to promote proven solutions, including responsible storage, threat assessment models, and violence intervention programs.

The solutions

- Generate new data on guns in schools, using levers such as the Clery Act, the Every Student Succeeds Act, and core DOJ funding such as COPS grants to require reporting on: usage of Extreme Risk laws and calls to police that students pose a danger; use of armed guards and threat assessment programs; practices around training, storage, and carrying of authorized firearms; and firearm incidents on campus, including with authorized firearms.
- Reinvigorate the Comprehensive School Safety Initiative Grant to develop threat assessment programs, build best practices for responsible school resource officers programs, and study the impact of school safety drills.

The solutions (con't)

- Use the Every Student Succeeds Act to fund threat assessment programs, tip hotlines, and awareness campaigns for responsible storage and Extreme Risk laws.
- Fund school-based violence intervention strategies tailored to those most at-risk of witnessing violence, shooting a firearm, or being shot, like **social emotional learning** and **mentoring programs**, which have been shown to reduce the negative effects of exposure to youth violence and improve academic performance. Invest in programs like **Safe Passage**, which increases youth safety to and from school, increasing school attendance and academic performance.

Using emergency powers

The Administration can use emergency powers³¹ to fund grants which support the implementation of school-based intervention strategies and to fund new scientific research on the causes, treatment and prevention of youth violence.³²

8. Launch a major public education campaign on firearm suicide

The problem

America's gun suicide rate is ten times the rate in other high-income countries,³³ and suicides account for nearly two-thirds of all gun deaths.³⁴ Evidence shows that, when it comes to suicide attempts, means matter: While 85 percent of suicide attempts with a gun are deadly, less than five percent of people who attempt suicide using other methods will die.³⁵ There is much more that can be done to educate the public about responsible storage, about the availability of Extreme Risk laws, and about disrupting firearms access to people at risk of harming themselves.

The solutions

- The federal government should launch a broad public education campaign on firearm suicide.
- DOJ should work with experts and allocate funding for suicide awareness materials to educate gun dealers and the public about the fact that access to a gun increases the risk of death by suicide by three times.³⁶ Modeling its approach off of the Gun Shop Project,³⁷ a suicide prevention program in 21 states, ATF should educate gun dealers nationwide, and urge them to disseminate materials with every firearm purchase and to be vigilant for signs of suicidal buyers.
- Roughly two in three Americans who attempt suicide will visit a healthcare professional in the month before the attempt,³⁸ and yet physicians do not routinely talk about the risk of firearm access.³⁹ Indeed 95 percent of ER doctors are not trained in firearm safety counselling.⁴⁰ HHS should release guidelines for how and when physicians should perform suicide assessments and inquire about firearm access. And with an escalating suicide epidemic among veterans, the Department of Veterans Affairs (VA) should require its own clinicians to use threat assessment tools when treating patients in crisis.
- Following the lead of programs like **Onethingtodo.org**, the government should educate the public about state Extreme Risk laws, which enable family members and law enforcement to intervene and ask a judge to temporarily suspend firearm access to a person in crisis. In Connecticut, the state law was associated with a 14 percent reduction in the firearm suicide rate.⁴¹
- The Department of Education should invest in suicide prevention solutions, releasing a study on gun violence indicators in youth and prevention policies in schools, and funding mental health support to prevent suicide by students.
- An estimated 4.6 million American children live in homes with a loaded and unlocked gun,⁴² and firearms are the second-leading cause of death for children and teens.⁴³ The president should fund a responsible storage campaign modeled after **Be SMART** to prevent unauthorized access and youth suicide.

Using emergency powers

The Administration can tap emergency powers to fund scientific research and public education on the causes, treatment and prevention of suicide.⁴⁴ HHS can use emergency powers to provide resources to hospitals and facilities and deploy medical personnel to VA hospitals.⁴⁵

9. Fund grants for violence intervention programs and services to gun violence survivors

The problem

Americans in some neighborhoods are disproportionately burdened by gun violence. There are nearly 13,000 gun homicides in the US every year⁴⁶—and in 2015, over a quarter occurred in neighborhoods with less than two percent of the US population.⁴⁷ The federal government has failed to invest deeply in local gun violence interventions in these neighborhoods.

The solutions

- Support local gun violence prevention groups with grant funding to implement and advance evidence-based gun violence prevention strategies in impacted communities. **Provide tangible and technical assistance** to grantees.
- Enter into agreements with hospitals and medical facilities to fund **implementation and advancement of hospital-based violence Intervention programs** as well as to develop and enhance trauma centers that increase access to medical assistance for shooting victims.

Using emergency powers

The Administration can tap emergency funding to support governmental and non-governmental entities via grants, expense awards and supplies.⁴⁸ HHS can use emergency powers to provide resources to hospitals and facilities, deploying medical personnel to affected communities.⁴⁹

10. Bolster consumer protection by investing in new gun technology

The problems

- When it comes to safer and smarter firearms, the gun industry has simply sat on its hands, refusing to invest in advances that can make guns harder to access and fire for children and other unauthorized users — and that can make it easier for law enforcement to solve gun crimes.
- After an earlier history of transparency regarding which firearms are most used in crime, how criminals get their guns, and the landscape of trafficking investigations in the US, ATF has been relatively silent for several years — leaving law enforcement, researchers, and the public with very little information on how to hold gunmakers to account for the criminal uses of their products.

The solutions

- Make the federal government the leader in **research and development into new gun technology**. **The executive branch can work to develop this technology** itself. Federal law enforcement can be key validators, showing that new advances are valuable and reliable.
- ATF should update the classic *Following the Gun* report, **analyzing gun trafficking in America** and the landscape of the illegal market — and should place a special focus on which gun models are most commonly trafficked and used in crime.
- Using emergency powers: The government should invest emergency funding dollars into the development of safer firearm technology. And HHS should permit State and local law enforcement to purchase IT, security and law enforcement products for fighting trafficking via the **Cooperative Purchasing program**.⁵⁰

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48. This is a use of HHS' emergency powers for "making grants...and conducting and supporting investigations into the cause, treatment, or prevention of a disease or disorder..."
49. This is a use of HHS' powers to deploy the Volunteer Medical Reserve Corps
50. United States General Services Administration, Cooperative Purchasing, (April 2019) <https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments/cooperative-purchasing>

