



How Congress Prevents the Effective Enforcement of U.S. Gun Laws

By tying the hands of the Bureau of Alcohol, Tobacco and Firearms (ATF), Congress has prevented the effective enforcement of U.S. gun laws. It has limited the ATF's enforcement ability through a series of regulations, laws and budgetary restrictions.

ATF responsibilities with respect to U.S. gun laws include:

- Regulating the commerce of guns and enforcing existing gun laws.
- Using existing federal statutes to target, investigate and recommend prosecution for offenders to reduce the levels of violent crime and enhance public safety.¹
- Issuing firearm licenses and conducting firearm licensee qualification and compliance inspections.²
- Compliance inspections help law enforcement to identify and apprehend criminals who illegally purchase firearms and help improve the likelihood that crime gun traces will be successful, as inspectors educate licensees in proper record keeping and business practices.³

Congress has limited ATF effectiveness in gun law enforcement by:

- Prohibiting the Bureau from creating a federal registry of gun transactions, making it difficult and tedious for the ATF to find the buyer of a weapon used in gun crimes.⁴
- Passing the Firearms Owners Protection Act (FOPA) of 1986, which prohibits the ATF from conducting more than one compliance inspection of a gun dealership per year, despite the fact that approximately 50% of gun dealers were found to be in violation of at least some federal regulations in 2012.⁵
- Reducing the falsification of records by dealers from a felony to a misdemeanor and using particularly vague language in defining what it means to “engage in business” without a license.⁶

¹ <http://www.atf.gov/content/Firearms/firearms-enforcement>

² Ibid.

³ Ibid.

⁴ http://www.nytimes.com/2012/12/26/us/legislative-handcuffs-limit-atfs-ability-to-fight-gun-crime.html?pagewanted=all&_r=0

⁵ Ibid.

⁶ Ibid.

Budgetary Restrictions and Congressional amendments have reduced ATF effectiveness.

- The Tiahrt Amendments, named after Todd Tiahrt, a former Republican Congressman from Kansas, limited the ATF's ability to share tracing information on firearms linked to crimes with local and state law enforcement agencies and with the public, and as of 2010 the ATF can release only aggregate data to the public.⁷
- The Amendment prohibits the Bureau from using tracing data in certain legal proceedings to suspend or revoke a dealer's license, and requires that records of background checks for gun buyers be destroyed within 24 hours of approval.⁸
- Since the 9/11 terrorist attacks, nearly all law enforcement agency budgets have been dramatically increased--the budget allotted to the ATF has remained largely stagnant.⁹

The effects of these Congressional actions upon stolen guns, gun violence, and overall gun usage include:

- From 2004-2011 the ATF discovered nearly 175,000 firearms missing from their dealer inventories during inspections lost/stolen.¹⁰
- In the report released by ATF in 2014, there was a total of 19,229 lost or stolen firearms reported nationwide. (Only 7% of gun dealers in the U.S. were inspected in 2014, so this number represents only a fraction of all missing guns).¹¹
- Due to federal restrictions on the ATF, such as limiting compliance inspections per gun dealership to 1 a year and resource limitations, the ATF is able to inspect licensed gun dealers only once every 5 years.¹²
- There are less than 800 inspection officers available to inspect 140,000 federally licensed gun dealerships in the United States.¹³
- Ideally, ATF needs approximately 1,100 inspection officers on staff in order to conduct all inspections due in a given year.¹⁴
- In New York City alone, there are only 15 ATF officers, but 26 are needed, resulting in a net percent shortage of 42%.¹⁵
- When reviewing the ATF's federal firearms licensee inspection program, the Office of the Inspector General found that between 2007 and 2012, 58% of licensees had not been inspected in over 5 years.¹⁶
- Between 2004 and 2014, 91% of the 2,043 people on the terrorist watch list who attempted to purchase a gun were successful in doing so. In 2010 alone, 247 people on the list legally bought firearms.¹⁷

⁷ Ibid.

⁸ Ibid.

⁹ http://www.nytimes.com/2012/12/26/us/legislative-handcuffs-limit-atfs-ability-to-fight-gun-crime.html?pagewanted=all&_r=0

¹⁰ Ibid.

¹¹ <https://www.thetrace.org/2015/10/gun-store-atf-inspection/>

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ <https://oig.justice.gov/reports/2013/e1305.pdf>

¹⁶ Ibid.

¹⁷ <http://www.politifact.com/florida/statements/2015/dec/29/patrick-murphy/terrorist-watch-list-no-obstacle-buying-guns-rep-m/>