On April 8, President Biden announced the first six actions that the Administration is taking in response to continued gun violence in the United States. While the White House referred to the recent mass shootings in Atlanta and Boulder, it underscored that gun violence is much more pervasive throughout the country and disproportionately affects communities of color. Further, the White House has stressed commitment to a reduction in gun violence, writ large, including “community violence, mass shootings, domestic violence, and suicide by firearm.”

The White House acknowledged that the most significant reforms, like universal background checks, require Congressional action. Despite that, however, it has outlined the first six steps it intends to take to respond to the ongoing issue.

**Administrative Action**

The White House has outlined the following actions, which it intends to begin now:

1. A Department of Justice (DOJ) rule intended to curb the proliferation of “ghost guns.”
   - Ghost guns are a relatively new concern as individuals can now purchase “80% receiver” do-it-yourself firearm kits online **without a background check**. These kits arrive mostly built, and once a package arrives, an individual can quickly **assemble** a fully functioning firearm that is not registered with state or local law enforcement or have a serial number. This rule seeks to curb the spread of these weapons that circumvent existing regulations.
   - The President has directed DOJ to issue this rule within 30 days.

2. DOJ will also issue a rule clarifying that a pistol outfitted with a stabilizing brace should be treated as a **short-barreled rifle**, compelling a gun-owner to adhere to federal registration requirements outlined in the National Firearms Act (NFA).
   - A stabilizing brace is an attachment to a pistol that allows it to be braced against one's shoulder to make it easier to fire with one hand. It also, according to long-time Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) precedent, changed the designation of the outfitted weapon to that of a short-barreled rifle, requiring it to be registered with the ATF. That is, until 2012, when ATF
determined that adding a stabilizing brace to a pistol did not change the classification.

- On December 18, 2020, ATF issued a notice and request for comment\(^1\) that it was considering reverting to the designation in place prior to 2012 but withdrew the notice pending additional DOJ review.
- Once implemented, anyone with a stabilizing brace-implemented pistol would be required to register it with the Federal government.\(^2\)
- The President has directed DOJ to issue this rule within 60 days.

3. DOJ will also release model “red flag” legislation as templates for state legislatures.
   - A red flag law permits family or law enforcement to seek legal intercession to temporarily prevent people from accessing firearms if they present a threat to themselves or others.
   - In its fact sheet, however, the White House has also encouraged Congress to pass a national red flag law.

4. The Administration outlined several areas where it could emphasize community-based violence prevention, including funding provisions of the recently introduced American Jobs Plan for community violence intervention programs.
   - The White House also noted that five federal agencies had 26 existing programs that can be used to “direct vital support to community violence intervention programs” immediately.

5. The Administration will direct DOJ to issue an annual report on firearms trafficking, noting that the most recent comprehensive report, “Following the Gun: Enforcing Federal Laws Against Firearms Traffickers,” was released in June 2000. Since that time, the White House says, gun trafficking has drastically changed with developments like ghost guns, but more broadly, online retail.

6. The White House announced its intention to formally nominate David Chipman to serve as Director of the ATF, acknowledging that the agency has not had confirmed leadership since 2015. Currently, Mr. Chipman serves as a Senior Policy Advisor at Giffords, the advocacy group founded by former Arizona Congresswoman Gabby Giffords, who herself survived an assassination attempt in Tucson in 2011. Previously, Mr. Chipman spent 25 years as a special agent at ATF.

It is likely that this is simply the first action the Administration intends to take in response to ongoing gun violence, and we will continue to monitor developments related to the efforts mentioned above, as well as any other developments that arise.

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\(^1\) “Objective Factors for Classifying Weapons with ‘Stabilizing Braces.’” Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice. Federal Register. 12/18/2020.