

117TH CONGRESS  
2D SESSION

# H. R. 8271

To require the publication of data sets regarding firearm trace data.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2022

Mr. SCHIFF (for himself, Ms. BONAMICI, Mr. BROWN of Maryland, Mr. CARSON, Ms. DEAN, Mr. EVANS, Ms. NORTON, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Mr. KHANNA, Mr. LANGEVIN, Mrs. CAROLYN B. MALONEY of New York, Ms. PORTER, Mr. RUSH, Mr. SUOZZI, Ms. TITUS, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require the publication of data sets regarding firearm trace data.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ATF Data and Anti-  
5 Trafficking Accountability Act” or the “ATF DATA Act”.

6 **SEC. 2. REQUIRING THE PUBLICATION OF DATA SETS RE-**  
7 **GARDING FIREARM TRACE DATA.**

8 (a) IN GENERAL.—Within 6 months after the date  
9 of the enactment of this Act and not less frequently than

1 annually thereafter, the Attorney General, through the  
2 Bureau of Alcohol, Tobacco, Firearms and Explosives (in  
3 this section referred to as the “Bureau”), shall submit to  
4 the Congress and make available to the public through  
5 electronic means a report that contains, at a minimum,  
6 the following information with respect to the then most  
7 recently completed calendar year (in this section referred  
8 to as the “period”) for which data is available:

9           (1) Aggregated firearm trace data collected by  
10       the Bureau during the period, disaggregated by the  
11       license type of the source licensee.

12           (2) A list of the 200 source licensees to whom  
13       the highest number of firearms were traced during  
14       the period, including—

15                (A) the aggregate number of firearms  
16       traced to each such licensee, disaggregated by  
17       handguns, rifles, and shotguns;

18                (B) the cities from which the firearms were  
19       recovered;

20                (C) the average time-to-crime of the fire-  
21       arms traced to each such licensee;

22                (D) the categories (determined by the At-  
23       torney General) of crimes committed with the  
24       firearms traced to each such licensee, if such  
25       information is available;

1 (E) the number of traced firearms trans-  
 2 ferred by each licensee in any multiple sale; and

3 (F) the number of firearms traced to each  
 4 licensee that the licensee reported, pursuant to  
 5 section 923(g)(6) of title 18, United States  
 6 Code, as lost or stolen.

7 (3) Aggregated data for the period on—

8 (A) the distribution among source licensees  
 9 of the following, disaggregated by licensee type,  
 10 by total number, by percentage, and by source  
 11 State—

12 (i) 0 or more traced firearms;

13 (ii) 1 or more traced firearms;

14 (iii) 2 or more traced firearms;

15 (iv) 5 or more traced firearms;

16 (v) 10 or more traced firearms;

17 (vi) 25 or more traced firearms; and

18 (vii) 50 or more traced firearms; and

19 (B) the number of source licensees with  
 20 any firearms traces, disaggregated by State.

21 (4) Aggregated firearm trace data for the pe-  
 22 riod, disaggregated by the 50 Metropolitan Statis-  
 23 tical Areas with the highest overall homicide rates  
 24 (as determined by the Attorney General) for the pe-  
 25 riod and by the 50 such areas with the highest per

1       capita homicide rates (as so determined) for the pe-  
2       riod, as listed in the Federal Bureau of Investigation  
3       report, entitled “Crime in the U.S.”, covering the  
4       period or other national crime data used by the Bu-  
5       reau of Alcohol, Tobacco, Firearms and Explosives  
6       for the period, including—

7               (A) the total number of firearms recovered;

8               (B) the number and percentage of firearms  
9       recovered from the 10 source States where the  
10       10 greatest numbers of initial retail sales of the  
11       firearms occurred;

12              (C) the 20 source licensees who made the  
13       20 greatest numbers of initial retail sales of the  
14       firearms recovered;

15              (D) the number of recovered firearms  
16       traced to each of the 20 licensees referred to in  
17       subparagraph (C), further disaggregated by—

18                      (i) the average time-to-crime for the  
19       firearms traced to the licensee; and

20                      (ii) the number of firearms traced to  
21       the licensee with respect to which the time-  
22       to-crime was less than 3 years;

23              (E) the identities of the Federal, State, or  
24       local government agency that recovered the fire-  
25       arms;

1 (F) the types of firearms recovered; and

2 (G) the total number of recovered firearms  
3 with a time-to-crime of—

4 (i) less than 3 years;

5 (ii) less than 2 years; and

6 (iii) less than 1 year.

7 (5) Data, aggregated by State, related to the  
8 types of firearms traced during the period, includ-  
9 ing—

10 (A) the category (as determined by the At-  
11 torney General) of crime leading to recovery,  
12 where the information is available;

13 (B) the 10 manufacturers who made the  
14 10 greatest numbers of the firearms, the fire-  
15 arm models of the 10 greatest number of the  
16 firearms, the 10 most recovered finishes or col-  
17 ors of the firearms, and the 10 most recovered  
18 barrel lengths of the firearms; and

19 (C) the average time-to-crime for each sub-  
20 category (as determined by the Attorney Gen-  
21 eral) of crime committed with the firearms.

22 (6) The number of traced firearms sold as part  
23 of a multiple sale recovered during the period,  
24 disaggregated by State and by—

25 (A) the number of—

- 1 (i) handguns; and
- 2 (ii) rifles the source State of which re-
- 3 quires the reporting of rifle sales that are
- 4 part of a multiple sale of rifles;
- 5 (B) the average time-to-crime for the fire-
- 6 arms; and
- 7 (C) the percentage of the firearms recov-
- 8 ered in the State in which initially purchased.
- 9 (7) The following data on traced firearms deter-
- 10 mined to have been lost by or stolen from a licensee
- 11 during the period, disaggregated by State:
- 12 (A) The number of the firearms, further
- 13 disaggregated by licensee type.
- 14 (B) The number of the firearms, further
- 15 disaggregated by average time-to-crime.
- 16 (C) The percentage of the firearms not re-
- 17 ported by licensees as lost or stolen before the
- 18 date of the trace request for the firearm in-
- 19 volved.
- 20 (D) The percentage of the firearms recov-
- 21 ered in the State in which the business prem-
- 22 ises from which the source licensee conducts
- 23 business subject to the license is located.

1           (E) The number of licensees who have had  
2           2 or more firearms lost or stolen in the 5 years  
3           preceding the period.

4           (F) The number of firearms lost or stolen  
5           from licensees referred to in subparagraph (E).

6           (G) The number of reports of lost or stolen  
7           firearms filed by licensees referred to in sub-  
8           paragraph (E).

9           (H) The number of incidents of theft or  
10          lost referred to in subparagraph (E) reported  
11          by licensees before the date of the trace request  
12          for the firearm involved.

13          (8) The total number of privately made fire-  
14          arms recovered during the period, disaggregated  
15          by—

16                 (A) the State in which the firearm was re-  
17                 covered;

18                 (B) the type of firearm; and

19                 (C) the firearm brand, if known.

20          (9) A list, disaggregated by whole number and  
21          by per capita, of—

22                 (A) the 50 law enforcement agencies in the  
23                 United States that requested the greatest num-  
24                 ber of firearm traces during the period; and

1           (B) the 10 law enforcement agencies in the  
2           United States that requested the greatest num-  
3           ber of traces per State during the period.

4           (10) The aggregate number of traces during the  
5           period of firearms with serial numbers engraved or  
6           cast on the receiver or frame of the firearm in ac-  
7           cordance with section 923(i) of such title that were  
8           recovered in a foreign country and submitted to the  
9           Bureau for tracing, disaggregated by—

10                   (A) the foreign country in which recovered;

11                   (B) the number and percentage that were  
12                   originally purchased in the United States;

13                   (C) the average time-to-crime for the fire-  
14                   arms;

15                   (D) the number of firearms sold as part of  
16                   a multiple sale; and

17                   (E) the type of firearm.

18           (11) An overview and analysis of—

19                   (A) firearms trafficking patterns in the  
20                   United States;

21                   (B) firearms trafficking investigations un-  
22                   dertaken by the Department of Justice, includ-  
23                   ing at a minimum—



- 1 (i) the number of firearms diverted  
2 from legal to illegal commerce by the tar-  
3 gets of firearms trafficking investigations;
- 4 (ii) a description of how the traf-  
5 ficking investigations were initiated, in-  
6 cluding the number and percentage that  
7 were initiated through—
- 8 (I) multiple sales records;
  - 9 (II) crime gun trace data anal-  
10 ysis;
  - 11 (III) inspections of licensees; or
  - 12 (IV) licensee reporting of lost or  
13 stolen firearms;
- 14 (iii) the number and percentage of  
15 firearms trafficking investigations in which  
16 youth and juveniles were involved as pos-  
17 sessors, straw purchasers, thieves, robbers,  
18 or traffickers;
- 19 (iv) a description of the crimes fire-  
20 arms traffickers were charged with, and  
21 convicted of, and the number and percent-  
22 age of investigations and defendants that  
23 involved those crimes; and

1 (v) a breakdown by State of the num-  
2 ber and percentage of firearms trafficking  
3 investigations; and

4 (C) the role of sales by unlicensed individ-  
5 uals or entities in firearms trafficking, includ-  
6 ing sales facilitated—

7 (i) at gun shows; or

8 (ii) through online forums.

9 (b) DEFINITIONS.—In this section:

10 (1) The terms “firearm”, “importer”, “manu-  
11 facturer”, “licensed manufacturer”, “dealer”,  
12 “handgun”, “rifle”, and “shotgun” have the mean-  
13 ings provided the terms, respectively, in section  
14 921(a) of title 18, United States Code.

15 (2) The term “time-to-crime” means, with re-  
16 spect to a firearm, the length of time between the  
17 date of the initial retail sale of the firearm and the  
18 date of the trace request for the firearm.

19 (3) The term “multiple sale” means the sale or  
20 other disposition of 2 or more firearms at one time,  
21 or within 5 consecutive business days, that is re-  
22 quired by law to be reported to the Attorney Gen-  
23 eral.

24 (4) The term “source licensee” means, with re-  
25 spect to a firearm, the person licensed under chapter

1 44 of title 18, United States Code, who made the  
2 initial sale of the firearm to an unlicensed person.

3 (5) The term “source State” means, with re-  
4 spect to a firearm, the State or other territory of the  
5 United States where the initial retail sale of the fire-  
6 arm occurred.

7 (6) The term “privately made firearm” means  
8 a firearm that—

9 (A) is assembled or otherwise made by a  
10 person other than a licensed manufacturer; and

11 (B) is not identified by means of a serial  
12 number or other mark engraved or cast on the  
13 receiver or frame by a licensed manufacturer or  
14 licensed dealer.

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