

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Mr. SCHIFF (for himself and Mr. BOOKER) introduced the following bill; which  
was read twice and referred to the Committee on \_\_\_\_\_

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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) DEFINITIONS.—In this section:

9 (1) BUREAU.—The term “Bureau” means the  
10 Bureau of Alcohol, Tobacco, Firearms and Explo-  
11 sives.

1           (2) FIREARM, IMPORTER, MANUFACTURER, LI-  
2           CENSED MANUFACTURER, DEALER, HANDGUN,  
3           RIFLE, SHOTGUN.—The terms “firearm”, “im-  
4           porter”, “manufacturer”, “licensed manufacturer”,  
5           “dealer”, “handgun”, “rifle”, and “shotgun” have  
6           the meanings provided the terms, respectively, in  
7           section 921(a) of title 18, United States Code.

8           (3) MULTIPLE SALE.—The term “multiple  
9           sale” means the sale or other disposition of 2 or  
10          more firearms at one time, or within 5 consecutive  
11          business days, that is required by law to be reported  
12          to the Attorney General.

13          (4) COVERED PERIOD.—The term “covered pe-  
14          riod” means the most recently completed calendar  
15          year.

16          (5) PRIVATELY MADE FIREARM.—The term  
17          “privately made firearm” means a firearm that—

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

20                (B) is not identified by means of a serial  
21                number or other mark engraved or cast on the  
22                receiver or frame by a licensed manufacturer or  
23                licensed dealer.

24          (6) SOURCE LICENSEE.—The term “source li-  
25          censee” means, with respect to a firearm, the person

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

4 (7) SOURCE STATE.—The term “source State”  
5 means, with respect to a firearm, the State or other  
6 territory of the United States where the initial retail  
7 sale of the firearm occurred.

8 (8) TIME-TO-CRIME.—The term “time-to-  
9 crime” means, with respect to a firearm, the length  
10 of time between the date of the initial retail sale of  
11 the firearm and the date of the trace request for the  
12 firearm.

13 (b) REPORT.—Not later than 180 days after the date  
14 of enactment of this Act and not less frequently than an-  
15 nually thereafter, the Attorney General, through the Bu-  
16 reau shall submit to Congress and make available to the  
17 public through electronic means a report that contains, at  
18 a minimum, the following information with respect to the  
19 covered period for which data is available:

20 (1) Aggregated firearm trace data collected by  
21 the Bureau during the covered period, disaggregated  
22 by the license type of the source licensee.

23 (2) A list of the 200 source licensees to whom  
24 the highest number of firearms were traced during  
25 the covered period, including—

1 (A) the aggregate number of firearms  
2 traced to each such licensee, disaggregated by  
3 handguns, rifles, and shotguns;

4 (B) the cities from which the firearms were  
5 recovered;

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

8 (D) the categories, determined by the At-  
9 torney General, of crimes committed with the  
10 firearms traced to each such licensee, if such  
11 information is available;

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

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

18 (3) Aggregated data for the covered period  
19 on—

20 (A) the distribution among source licensees  
21 of the following, disaggregated by licensee type,  
22 by total number, by percentage, and by source  
23 State—

24 (i) 0 or more traced firearms;

25 (ii) 1 or more traced firearms;

- 1 (iii) 2 or more traced firearms;
- 2 (iv) 5 or more traced firearms;
- 3 (v) 10 or more traced firearms;
- 4 (vi) 25 or more traced firearms; and
- 5 (vii) 50 or more traced firearms; and

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

8 (4) Aggregated firearm trace data for the cov-  
9 ered period, disaggregated by the 50 Metropolitan  
10 Statistical Areas, as defined by the Office of Man-  
11 agement and Budget, with the highest overall homi-  
12 cide rates, as determined by the Attorney General,  
13 for the covered period and by the 50 such areas with  
14 the highest per capita homicide rates, as so deter-  
15 mined, for the covered period, as listed in the Fed-  
16 eral Bureau of Investigation report, entitled “Crime  
17 in the U.S.”, covering the covered period or other  
18 national crime data used by the Bureau for the cov-  
19 ered period, including—

20 (A) the total number of firearms recovered;

21 (B) the number and percentage of firearms  
22 recovered from the 10 source States where the  
23 10 greatest numbers of initial retail sales of the  
24 firearms occurred;

1 (C) the 20 source licensees who made the  
2 20 greatest numbers of initial retail sales of the  
3 firearms recovered;

4 (D) the number of recovered firearms  
5 traced to each of the 20 licensees referred to in  
6 subparagraph (C), further disaggregated by—

7 (i) the average time-to-crime for the  
8 firearms traced to the licensee; and

9 (ii) the number of firearms traced to  
10 the licensee with respect to which the time-  
11 to-crime was less than 3 years;

12 (E) the identities of the Federal, State, or  
13 local government agency that recovered the fire-  
14 arms;

15 (F) the types of firearms recovered; and

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

18 (i) less than 3 years;

19 (ii) less than 2 years; and

20 (iii) less than 1 year.

21 (5) Data, aggregated by State, related to the  
22 types of firearms traced during the covered period,  
23 including—

1 (A) the category, as determined by the At-  
2 torney General, of crime leading to recovery,  
3 where the information is available;

4 (B) the 10 manufacturers who made the  
5 10 greatest numbers of the firearms, the fire-  
6 arm models of the 10 greatest numbers of the  
7 firearms, the 10 most recovered finishes or col-  
8 ors of the firearms, and the 10 most recovered  
9 barrel lengths of the firearms; and

10 (C) the average time-to-crime for each sub-  
11 category, as determined by the Attorney Gen-  
12 eral, of crime committed with the firearms.

13 (6) The number of traced firearms sold as part  
14 of a multiple sale recovered during the covered pe-  
15 riod, disaggregated by State and by—

16 (A) the number of—

17 (i) handguns; and

18 (ii) rifles the source State of which re-  
19 quires the reporting of rifle sales that are  
20 part of a multiple sale of rifles;

21 (B) the average time-to-crime for the fire-  
22 arms; and

23 (C) the percentage of the firearms recov-  
24 ered in the State in which initially purchased.

1           (7) The following data on traced firearms deter-  
2           mined to have been lost by or stolen from a licensee  
3           during the covered period, disaggregated by State:

4                   (A) The number of the firearms, further  
5                   disaggregated by licensee type.

6                   (B) The number of the firearms, further  
7                   disaggregated by average time-to-crime.

8                   (C) The percentage of the firearms not re-  
9                   ported by licensees as lost or stolen before the  
10                  date of the trace request for the firearm in-  
11                  volved.

12                  (D) The percentage of the firearms recov-  
13                  ered in the State in which the business prem-  
14                  ises from which the source licensee conducts  
15                  business subject to the license is located.

16                  (E) The number of licensees who have had  
17                  2 or more firearms lost or stolen in the 5 years  
18                  preceding the covered period.

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

21                  (G) The number of reports of lost or stolen  
22                  firearms filed by licensees referred to in sub-  
23                  paragraph (E).

24                  (H) The number of incidents of theft or  
25                  loss referred to in subparagraph (E) reported



1 by licensees before the date of the trace request  
2 for the firearm involved.

3 (8) The total number of privately made fire-  
4 arms recovered during the covered period,  
5 disaggregated by—

6 (A) the State in which the firearm was re-  
7 covered;

8 (B) the type of firearm; and

9 (C) the firearm brand, if known.

10 (9) A list, disaggregated by whole number and  
11 by per capita, of—

12 (A) the 50 law enforcement agencies in the  
13 United States that requested the greatest num-  
14 ber of firearm traces during the covered period;  
15 and

16 (B) the 10 law enforcement agencies in the  
17 United States that requested the greatest num-  
18 ber of traces per State during the covered pe-  
19 riod.

20 (10) The aggregate number of traces during the  
21 covered period of firearms with serial numbers en-  
22 graved or cast on the receiver or frame of the fire-  
23 arm in accordance with section 923(i) of title 18,  
24 United States Code, that were recovered in a foreign

1 country and submitted to the Bureau for tracing,  
2 disaggregated by—

3 (A) the foreign country in which they were  
4 recovered;

5 (B) the number and percentage that were  
6 originally purchased in the United States;

7 (C) the average time-to-crime for the fire-  
8 arms;

9 (D) the number of firearms sold as part of  
10 a multiple sale; and

11 (E) the type of firearm.

12 (11) An overview and analysis of—

13 (A) firearms trafficking patterns in the  
14 United States;

15 (B) firearms trafficking investigations un-  
16 dertaken by the Department of Justice, includ-  
17 ing at a minimum—

18 (i) the number of firearms diverted  
19 from legal to illegal commerce by the tar-  
20 gets of firearms trafficking investigations;

21 (ii) a description of how the traf-  
22 ficking investigations were initiated, in-  
23 cluding the number and percentage that  
24 were initiated through—

25 (I) multiple sales records;

1 (II) crime gun trace data anal-  
2 ysis;

3 (III) inspections of licensees; or

4 (IV) licensee reporting of lost or  
5 stolen firearms;

6 (iii) the number and percentage of  
7 firearms trafficking investigations in which  
8 youth and juveniles were involved as pos-  
9 sessors, straw purchasers, thieves, robbers,  
10 or traffickers;

11 (iv) a description of the crimes fire-  
12 arms traffickers were charged with, and  
13 convicted of, and the number of investiga-  
14 tions that involved those crimes and de-  
15 fendants that were charged in those  
16 crimes; and

17 (v) a breakdown by State of the num-  
18 ber and percentage of firearms trafficking  
19 investigations; and

20 (C) the role of sales by unlicensed individ-  
21 uals or entities in firearms trafficking, includ-  
22 ing sales facilitated—

23 (i) at gun shows; or

24 (ii) through online forums.