

# Congress of the United States

Washington, DC 20515

October 23, 2024

The Honorable Merrick Garland  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Steven M. Dettelbach  
Director  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives  
99 New York Avenue, NE  
Washington, D.C. 20226

Dear Attorney General Garland and Director Dettelbach:

We write with concern about gun violence in western Massachusetts. The violence is associated with the rise in dangerous firearms in the Commonwealth, largely stemming from the interstate trafficking of guns. To address these concerns, we urge the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to increase federal support to mitigate the influx of illegal firearms from other states into Massachusetts.

Springfield, the largest city in western Massachusetts, recently experienced a surge in gun violence. In 2023, the city's number of homicides reached a record high, double the homicide rate of 2022.<sup>1</sup> This stark increase set Springfield apart from other major cities in New England, where homicide rates had generally declined.<sup>2</sup> Last year, shootings also became deadlier, with Springfield police seeing more rounds of ammunition fired, more military-style assault weapons on the streets, and more devices that turn guns into fully automatic weapons.<sup>3</sup> In 2024, Springfield's homicide rate has been declining,<sup>4</sup> but gun violence remains a key concern for the city.<sup>5</sup>

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<sup>1</sup> Boston Globe, "Big Cities have seen drop in homicides. Not Springfield," Dan Glaun, July 8, 2024, <https://www.bostonglobe.com/2024/07/08/metro/springfield-homicides-police-relations/>.

<sup>2</sup> New England Public Media, "Springfield records far highest homicide rate among New England's major cities in 2023," Adam Frenier, January 10, 2024, <https://www.nepm.org/regional-news/2024-01-10/springfield-records-far-highest-homicide-rate-among-new-englands-major-cities-in-2023>.

<sup>3</sup> Mass Live, "How Springfield police are working to stem rise in gun crimes," Jeannete DeForge, July 7, 2024, <https://www.masslive.com/westernmass/2024/07/how-springfield-police-are-working-to-stem-rise-in-gun-crimes.html>; 22 WWLP, "How does gun violence in Springfield compare to national statistics?," Duncan MacLean, August 16, 2023, <https://www.wwlp.com/news/crime/how-does-gun-violence-in-springfield-compare-to-national-statistics/>; Mass Live, "Rep. Williams asks about FBI, ATF for help after Springfield shooting," Jim Kinney, June 10, 2024, <https://www.masslive.com/westernmass/2024/06/rep-williams-asks-fbi-atf-help-after-springfield-shooting.html>.

<sup>4</sup> WWLP, "Springfield sees second homicide in less than a week," October 2, 2024, <https://www.wwlp.com/news/crime/springfield-sees-second-homicide-in-a-week-officials-weigh-in/>.

<sup>5</sup> Mass Live, "How Springfield police are working to stem rise in gun crimes," Jeannete DeForge, July 7, 2024, <https://www.masslive.com/westernmass/2024/07/how-springfield-police-are-working-to-stem-rise-in-gun-crimes.html>.

The majority of crime guns recovered in Massachusetts are trafficked from other states with weaker gun laws. According to ATF’s 2024 firearm trafficking report, Massachusetts is among the top-five destination states for guns trafficked across state lines.<sup>6</sup> In 2022, a whopping 76 percent of guns that ATF recovered and traced in the Commonwealth originated outside of the state.<sup>7</sup> The top source-states supplying the guns flowing into Massachusetts are New Hampshire, Maine, and Vermont.<sup>8</sup>

While Massachusetts suffers one of the highest rates of interstate gun trafficking, this problem is not unique to the Commonwealth. Nationwide, almost one-third of guns recovered in crimes were trafficked from other states.<sup>9</sup> Straw purchasers and unlicensed individuals often purchase guns in states with weaker gun laws — commonly Georgia, Florida, Arizona, and Virginia — and transport them via highways that have become popular gun trafficking corridors, including the notorious “Iron Pipeline” along Interstate 95.<sup>10</sup> The guns are then resold for a profit in states with tighter restrictions on gun purchases, undermining the efficacy of those states’ strong gun laws.<sup>11</sup>

We appreciate the work that ATF has already done to stem interstate firearm trafficking. Traffickers often obtain firearms from unlicensed sellers who are exempt from many safety regulations.<sup>12</sup> But this year, ATF finalized a rule (the “Engaged in the Business” rule) that will

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<sup>6</sup> Bureau of Alcohol, Tobacco, and Firearms, “PART IV: Source-to-Market Type,” April 2, 2024, p. 9, <https://www.atf.gov/firearms/docs/report/nfcta-volume-iii-part-iv/download>.

<sup>7</sup> Bureau of Alcohol, Tobacco, and Firearms, “Firearms Trace Data: Massachusetts - 2022,” September 27, 2023, <https://www.atf.gov/resource-center/firearms-trace-data-massachusetts-2022#calibers>.

<sup>8</sup> Bureau of Alcohol, Tobacco, and Firearms, “PART IV: Source-to-Market Type,” April 2, 2024, p. 32-33, 36, <https://www.atf.gov/firearms/docs/report/nfcta-volume-iii-part-iv/download>; Bureau of Alcohol, Tobacco, and Firearms, “Firearms Trace Data: Massachusetts - 2022,” September 27, 2023, <https://www.atf.gov/resource-center/firearms-trace-data-massachusetts-2022>; Bureau of Alcohol, Tobacco, and Firearms, “NFCTA: Crime Guns - Volume Two - State Reference Tables,” February 1, 2023, <https://www.atf.gov/firearms/docs/report/massachusetts-state-report/download>; Boston University Radio, “When Mass. Criminals Want a Gun, They Often Head North,” Fred Bever, February 24, 2014, <https://www.wbur.org/news/2014/02/24/gun-trafficking-into-massachusetts>.

<sup>9</sup> Everytown, “Everytown responds to ATF’s new gun trafficking report,” April 4, 2024, <https://www.everytown.org/press/everytown-responds-to-atfs-new-gun-trafficking-report/#:~:text=ATF%20firearm%20trafficking%20investigations%20documented,were%20trafficked%20by%20straw%20purchasers>.

<sup>10</sup> Bureau of Alcohol, Tobacco, and Firearms, “PART IV: Source-to-Market Type,” April 2, 2024, p. 4-7, <https://www.atf.gov/firearms/docs/report/nfcta-volume-iii-part-iv/download>; Bureau of Alcohol, Tobacco, and Firearms, “Firearms Trace Data: Massachusetts - 2022,” September 27, 2023, <https://www.atf.gov/resource-center/firearms-trace-data-massachusetts-2022#calibers>; Bureau of Alcohol, Tobacco, and Firearms, “NFCTA: Crime Guns - Volume Two - State Reference Tables,” February 1, 2023, <https://www.atf.gov/firearms/docs/report/massachusetts-state-report/download>.

<sup>11</sup> National Library of Medicine, “Firearm Laws and Illegal Firearm Flow between US States,” Erin G. Andrade, Mark H. Hoofnagle, Elinore Kaufman, Mark J. Seamon, Adam R. Pah, and Christopher N. Morrison, June 1, 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7799862/>; Center for American Progress, “Frequently Asked Questions About Gun Trafficking,” August 20, 2020, <https://www.americanprogress.org/article/frequently-asked-questions-gun-trafficking/>; New York Times, “How Gun Traffickers Get Around State and Gun Laws,” Gregor Aisch and Josh Keller, November 13, 2015, <https://www.nytimes.com/interactive/2015/11/12/us/gun-traffickers-smuggling-state-gun-laws.html>.

<sup>12</sup> Bureau of Alcohol, Tobacco, and Firearms, “PART III: Firearm Trafficking Channels and Methods Used,” April 2, 2024, p. 1, <https://www.atf.gov/firearms/docs/report/nfcta-volume-iii-part-iii/download>.

require more sellers to obtain federal licenses and comply with federal safety requirements that help identify potential traffickers. These requirements include conducting background checks, maintaining inventory records, and reporting when customers purchase two or more handguns within five consecutive business days (known as “multiple sales” reporting).<sup>13</sup> Since 2021, the DOJ has also implemented a strike force to crack down on gun trafficking along the most common interstate trafficking corridors,<sup>14</sup> a stricter policy on revoking the licenses of dealers who willfully violate federal gun laws,<sup>15</sup> an expanded campaign against straw purchases, and more.<sup>16</sup>

However, more must be done to stem the rampant flow of illegal firearms across state lines. In Massachusetts, state and local leaders have taken steps to address illegal gun trafficking, including by increasing coordination with ATF.<sup>17</sup> But some of Massachusetts’ local officials have called for increased federal assistance to crack down on interstate gun trafficking, emphasizing that no one state can solve this problem on its own.<sup>18</sup>

We urge ATF to ramp up its work to address interstate gun trafficking. ATF should:

1. ***Strengthen implementation of the “Engaged in the Business” rule:*** Because the “Engaged in the Business” rule is one of ATF’s strongest tools for combatting interstate trafficking, the agency should issue more thorough guidance to gun show operators and online gun sellers about their new obligations under the rule. ATF should also advise local law enforcement on monitoring and reporting illegal activities that violate the rule.
2. ***Improve inspections of high-risk and noncompliant dealers:*** To the full extent possible with existing resources, ATF should resolve the gaps that the Department of Justice’s Office of the Inspector General has identified in ATF’s inspection system,<sup>19</sup> including by

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<sup>13</sup> Department of Justice, “Justice Department Announces Publication of Third Volume of National Firearms Commerce and Trafficking Assessment,” April, 4, 2024, <https://www.justice.gov/opa/pr/justice-department-announces-publication-third-volume-national-firearms-commerce-and>.

<sup>14</sup> Department of Justice, “Department of Justice Announces Formation of Firearms Trafficking Strike Forces to Crack Down on Sources of Crime Guns,” June 22, 2021, <https://www.justice.gov/opa/pr/departement-justice-announces-formation-firearms-trafficking-strike-forces-crack-down-sources>.

<sup>15</sup> Bureau of Alcohol, Tobacco, and Firearms, “Enhanced Regulatory Enforcement Policy,” September 26, 2024, <https://www.atf.gov/rules-and-regulations/enhanced-regulatory-enforcement-policy>.

<sup>16</sup> Department of Justice, “Fact Sheet: Two Years of the Bipartisan Safer Communities Act,” June 25, 2024, <https://www.justice.gov/opa/pr/fact-sheet-two-years-bipartisan-safer-communities-act>.

<sup>17</sup> Springfield Police Department, “Mayor Sarno, Springfield Police Meet with Local, State and Federal Partners to Address Uptick in Gun Violence,” August 14, 2023, <https://springfieldmapolice.com/mayor-sarno-springfield-police-meet-with-local-state-and-federal-partners-to-address-uptick-in-gun-violence/>; Office of Governor Maura Healey, Governor Healey Issues Statement on Recent Gun Violence, Karissa Hand, August 28, 2023, <https://www.mass.gov/news/governor-healey-issues-statement-on-recent-gun-violence>.

<sup>18</sup> Mass Live, “Rep. Williams asks about FBI, ATF for help after Springfield shooting,” Jim Kinney, June 10, 2024, <https://www.masslive.com/westernmass/2024/06/rep-williams-asks-fbi-atf-help-after-springfield-shooting.html>; Mass Live, “Springfield state Rep. Bud Williams calls for more federal funding to address illegal gun pipeline,” Jeanette DeForge, July 16, 2024, <https://www.masslive.com/westernmass/2024/07/springfield-state-rep-bud-williams-calls-for-more-federal-funding-to-address-illegal-gun-pipeline.html>.

<sup>19</sup> Department of Justice, “Audit of the Bureau of Alcohol, Tobacco, Firearms and Explosives’ Risk-Based Inspection Selection Processes and Administrative Actions Issued to Federal Firearms Licensees,” April 2023,

conducting more frequent follow-up inspections of dealers that sell firearms to straw purchasers and that ignore other indications of trafficking. ATF should then take appropriate enforcement action against noncompliant dealers.

3. ***Expand multiple sales reports and data retention:*** To facilitate gun trafficking investigations, ATF should require licensed dealers in all states to report multiple sales of not just revolvers and pistols, but also of rifles. And rather than retaining those multiple-sales reports for only two years, ATF should retain them for at least five years, since almost half of such guns are used in crimes after the multiple-sales data has already been purged.<sup>20</sup>
4. ***Increase public access to gun trafficking data:*** ATF should improve public access to gun trafficking data by properly interpreting the Tiahrt Amendment more narrowly, to allow releasing statistical aggregate data about traffickers and trafficking channels on a more granular level. This would allow researchers, journalists, and policymakers to have access to vital data on interstate gun trafficking and the sources of crime guns.
5. ***Ensure more consistent crime gun tracing:*** Given that some police departments do not consistently submit crime guns for tracing,<sup>21</sup> ATF should increase technical assistance to train local law enforcement on how to do so, and inform them of the importance of tracing for trafficking investigations.

Alongside ATF's administrative actions, we will continue to push for Congress to appropriate sufficient funding for ATF to maximize its work to counter interstate gun trafficking. To help us better understand ATF's efforts to stem the flow of weapons across state lines, we request responses to the following questions by November 7, 2024:

1. Please provide an update on steps ATF has taken to implement its "Engaged in the Business" rule.
  - a. Please provide any key data that reflect implementation of the "Engaged in the Business" rule, including data on the numbers of federal firearms licensees (FFLs) before and after finalization of the "Engaged in the Business" rule, disaggregated by whether the dealer operates primarily in a brick-and-mortar setting, at gun shows, online, or in another setting.
2. Please provide an update on steps ATF has taken to implement its "Enhanced Regulatory Enforcement Policy" of stricter inspections of noncompliant dealers.

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[https://oig.justice.gov/sites/default/files/reports/23-062\\_0.pdf](https://oig.justice.gov/sites/default/files/reports/23-062_0.pdf).

<sup>20</sup> Bureau of Alcohol, Tobacco, and Firearms, "PART VII: Recommendations and Future Enhancements," January 11, 2023, p. 3, <https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-vii-recommendations/download#:~:text=As%20such%2C%20it%20is%20recommended,gun%20traffickers%20responsible%20for%20arming>.

<sup>21</sup> The Trace, "Police Departments Fail to Regularly Trace Crime Guns," Ann Givens, December 2, 2018, <https://www.thetrace.org/2018/12/police-departments-gun-trace-atf/>.

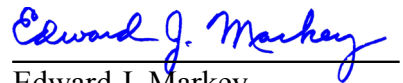
3. Please provide statistical aggregate data on the top 10 dealer sources of trafficked crime guns in Massachusetts.
4. Please provide details on how ATF plans to increase inspections of FFLs, especially those that are sources of numerous crime guns annually.
5. Please provide detailed information on how ATF plans to better coordinate with Massachusetts firearm dealer licensing authorities<sup>22</sup> to ensure FFL compliance with State and Federal law.

We look forward to your prompt action and appreciate your attention to this important matter.

Sincerely,



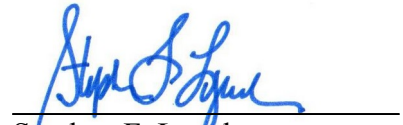
Elizabeth Warren  
United States Senator



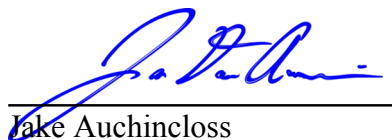
Edward J. Markey  
United States Senator



Seth Moulton  
Member of Congress



Stephen F. Lynch  
Member of Congress



Jake Auchincloss  
Member of Congress



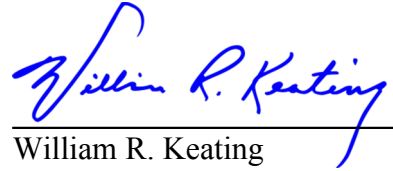
James P. McGovern  
Member of Congress

<sup>22</sup> Commonwealth of Massachusetts, Mass. Gen. Laws Ch. 180, § 21, <https://malegislature.gov/Laws/SessionLaws/Acts/1998/Chapter180#:~:text=No%20person%20licensed%20under%20the,lease%2C%20transfer%20or%20deliver%20any.>



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Lori Trahan  
Member of Congress



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William R. Keating  
Member of Congress