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October 15, 2015

President Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Dear President Obama:

I write to applaud your recent call that Congress work with all due urgency to advance and pass meaningful gun control legislation. However, I unfortunately must share in your view that the Republican led Congress remains beholden to the gun lobby, most visibly so in its close association to the National Rifle Association (NRA).

As frustrating and real as congressional and special interest roadblocks are to our common endeavor to enact sensible gun reform, we must not let this reality deter us from working to protect the American people from the epidemic of gun violence that has held our communities hostage for so many decades.

Given the intensity of today's gun violence epidemic, I believe that it must be addressed as fully and quickly as possible. To this end, I offer my support and encouragement as you and your staff seek out ways in which you may use Executive Branch powers under Article II of our Constitution to more fully protect our fellow citizens from gun violence. I would respectively make the following three suggestions as good starting points in curbing gun violence.

One would hope that all involved in today's gun legislation debate agree that we do all we can to ensure that guns stay out of the hands of criminals. One way of accomplishing this end would be to more fully clarify through Executive Order, which gun sellers are "engaged in the business" of selling guns under 18 USC 922(a)(1)(a). Today, unlicensed sellers are responsible for the sale of hundreds of thousands of guns per year. Indeed, the internet has hastened the ability of people to purchase guns from unlicensed dealers with one website accounting for nearly 250,000 such sales in one year.

The combination of the Internet and advances in technology have also made it easier for people to manufacture their own guns. Today, people are able to buy unfinished receivers and convert them into operational weapons as the knowledge to do so is readily available online. Moreover, because records are not kept when people buy unfinished receivers, local law enforcement and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) cannot check with stores when such weapons are used to commit a crime. Compounding the difficulty is the fact that unfinished receivers do not bear any identifying marks such as a serial number. I therefore respectfully ask that you issue an Executive Order defining these unfinished receivers as “firearms” thereby subjecting them to the regulations covering other guns including background checks.

Finally, we must do more to protect those who find themselves suffering domestic abuse, whether they are abused by a spouse or someone else close to them. Indeed, those in unmarried relationships are just as vulnerable to domestic abuse stemming from gun violence as those who are married, and deserve the same statutory protections. Current law prohibits those convicted of misdemeanor crimes of domestic violence from possessing firearms. However, a crime is characterized as a misdemeanor crime of domestic violence under 18 USC 921(33)(A)(ii) only if the guilty party is a spouse, former spouse, shares a child or has cohabited with the victim, or if the person is “similarly situated to a spouse . . . of the victim.” The “similarly situated” language remains undefined and therefore leads to its uneven application. I would again respectfully request that you issue an Executive Order clarifying that the “similarly situated” language under 18 USC 921(33)(A)(ii) has the same meaning as the term “intimate partner” enumerated in the *Violence Against Women Act*.

While these proposals are not the only needed reforms to our nation’s gun laws, and no single measure has the ability to completely alleviate the epidemic of gun violence in our nation, these common sense measures are important first steps that can be taken immediately to help save lives. The time to take action to reduce the number of Americans killed and injured each passing day by guns is long overdue. I am deeply disappointed that Congress, beholden to a Republican majority that has for decades been paralyzed by the gun lobby and special interests, has been unable to perform its role in taking this meaningful action. So long as this remains the reality, I urge you to consider issuing these Executive Orders to stem the tide of senseless and preventable gun violence that currently plagues our nation.

Thank you for your time and consideration on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Alcee L. Hastings". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alcee L. Hastings  
Member of Congress