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**From:** Gonzales, Mary (ATF)  
**To:** Wade, Jill C (SMO); Weich, Ron (SMO)  
**Sent:** 7/15/2011 4:06:58 PM  
**Subject:** FW: House Dems push bill to make gun trafficking a federal offense; Legislation Introduced To Stem Gun Trafficking

Happy Friday! you probably already saw...but just in case, thought I would forward. have a great weekend!

## **House Dems push bill to make gun trafficking a federal offense**

By Jordy Yager - 07/15/11 03:16 PM ET

Democratic lawmakers introduced a bill on Friday that would make it a federal crime to traffic firearms across state lines with the intention of delivering them to felons or to someone planning to commit a felony.

Reps. Carolyn Maloney (D-N.Y.) and Elijah Cummings (D-Md.) put forward the measure.

The bill would make it illegal for a person to receive or transfer two or more firearms while “knowing or having reasonable cause to believe” that those guns would end up in the hands of a felon or someone intending to commit a felony. The legislation details several sentencing guidelines, with a maximum penalty ranging between 20 and 25 years in prison.

Cummings, the ranking Democrat on the House Oversight and Government Reform Committee, issued a “Dear Colleague” letter Friday in support of the bill that cited the committee’s interview last week with Kenneth Melson, the acting director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

“If you actually charge someone with actually firearms trafficking, we have never been able to do that,” said Melson, according to Cummings’ letter. “We say it all the time, that we are locking up firearms traffickers, but really what we are locking up are people who lie on a federal form, or people who deal without a license ... so I think a firearms trafficking statute would be most helpful.”

Democrats began crafting the measure after ATF agents testified during a hearing last month that the federal laws surrounding gun trafficking aren’t severe enough.

In a report issued two weeks ago by Cummings, an ATF special agent told the panel that convicted straw purchasers typically only receive probation if they are prosecuted. If the punishment was made stronger, officials could use the threat of it to leverage more cooperation from the accused straw purchaser, the agent said.

The Democratic push comes amid a congressional investigation into the ATF’s “Fast and Furious” operation, which authorized the sale of thousands of weapons to known and suspected straw purchasers for members of Mexican drug cartels with the hope of dismantling the trafficking routes and prosecuting those involved. But officials did not provide adequate surveillance of the guns and

soon lost track of them, according to ATF testimony.

Cummings could not say whether a bill similar to the one introduced on Friday would have prevented an operation like Fast and Furious, which may have contributed to the death of Border Patrol Agent Brian Terry.

The Democrats acknowledged that passing the measure would be “difficult” given the lower chamber’s Republican majority — many of whom are backed by the National Rifle Association (NRA), which opposes the bill.

Rep. John Conyers (Mich.), who is the ranking Democrat on the House Judiciary Committee, said he was interested in inviting the heads of the NRA to a meeting to discuss the legislation.

Firearms restrictions have been a hot topic on Capitol Hill this week, following the Obama administration’s newly implemented requirement for gun dealers in the Southwest to report multiple rifle sales.

Earlier this week, Republicans on the House Appropriations Committee voted to attach an amendment to the Commerce, Justice and Science appropriations bill that would strip funding for the policy.

The rule requires gun dealers in the southwest states to report the sale of five or more rifles to one person over a five day period.

[http://www.huffingtonpost.com/dennis-a-henigan/obama-gun-lobby\\_b\\_899868.html](http://www.huffingtonpost.com/dennis-a-henigan/obama-gun-lobby_b_899868.html)

## **Legislation Introduced To Stem Gun Trafficking**

*Bill by Reps. Maloney, Cummings, McCarthy empowers law enforcement to keep firearms out of criminal hands--*

WASHINGTON— Today, U.S. Representatives Carolyn B. Maloney (D-NY), Elijah Cummings (D-MD), Ranking Member of the House Oversight and Government Reform Committee, and Carolyn McCarthy (D-NY) introduced the “Stop Gun Trafficking and Strengthen Law Enforcement Act.” The legislation establishes a dedicated firearms trafficking statute to empower law enforcement to keep high-powered firearms out of the hands of dangerous criminals, including Mexican drug cartels.

“This legislation gives law enforcement the tools they need to do their job,” Rep. Maloney said. “It prohibits the transfer of a gun when an individual knows the gun will be transferred to a person who is prohibited by law from carrying a gun or to a person who intends to use the gun illegally. This is a sensible solution to a severe problem and will ensure that weapons do not end up in the hands of criminals-- and drug cartels-- by specifically prohibiting firearms trafficking in the criminal code.”

“We have to move beyond the all-or-nothing rhetoric of the current gun debate and work toward common-sense measures to help our law enforcement authorities combat the Mexican drug cartels without infringing on anyone’s right to own a firearm,” Cummings said. That’s exactly what this bill does.”

“Straw purchasers represent a significant problem in the United States. It is long past time that we take concrete steps to fight back against these individuals who funnel weapons into the hands of criminal and terrorist organizations. I’m proud to join

Representative Maloney in taking this step to make our country safer," **Rep. McCarthy** said.

"This legislation will provide Alcohol, Tobacco & Firearms with the tools to keep illegal firearms from making their way into the hands of convicted felons who move guns across the southern border, utilizing a network of straw purchasers in the United States. These straw purchases act as an intermediary party for organized crime networks and the cartels by purchasing guns on their behalf", according to **Chris Schoppmeyer**, FLEOA's Vice President for Agency Affairs. The Federal Law Enforcement Officers Association (FLEOA) is the largest professional police organization that represents over 26,000 federal agents and officers from 65 agencies in the United States Government, including the ATF.

"This legislation would give law enforcement a strong, new tool to fight the gun trafficking that feeds lethal violence in Mexico, and American communities as well. There is no Second Amendment right to supply drug gangs with the firepower of an army," said **Dennis Henigan**, Acting President of the Brady Campaign. "Mexican families, and American families, have the right to live in peace. That's what this valuable legislation is all about."

"The U.S. civilian gun market is stocked with military-grade weapons—both domestically manufactured and imported—and has extraordinarily weak controls on their sale. This has transformed the United States into a virtually unregulated bazaar of military-style firearms. Traffickers can stock up on their weapons of choice: AK-47 and AR-15 assault rifles and pistols, 50 caliber sniper rifles, and high-capacity armor-piercing pistols. The 'Stop Gun Trafficking and Strengthen Law Enforcement Act of 2011' is a crucial step in meeting the United States' responsibility to address cross-border gun trafficking," said **Kristen Rand**, legislative director of the Violence Policy Center, a national non-profit gun violence prevention organization.

The Members released testimony by Acting Director of ATF, Ken Melson, which was obtained as part of the Oversight Committee's investigation of ATF's Operation Fast and Furious, stating that law enforcement officials "absolutely" need a firearms trafficking statute to effectively attack these criminal trafficking rings. Additionally, the Members released a letter from the Mexican Ambassador to the United States that stated his support for firearms trafficking legislation.

As a part of the Oversight Committee's investigation of ATF's Operation Fast and Furious, law enforcement agents on the ground have warned Congress that the lack of a dedicated firearms trafficking statute means that criminals who supply Mexican drug cartels with weapons of war are typically charged with mere paperwork violations – dealing in firearms without a license – and often only receive a sentence of probation.

This legislation is narrowly tailored to fill that void and help law enforcement stop illegal firearms trafficking.

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The Bill and a Section by Section:

[http://maloney.house.gov/documents/crimjustice/guns/MALONE\\_080\\_xml.pdf](http://maloney.house.gov/documents/crimjustice/guns/MALONE_080_xml.pdf)

<http://maloney.house.gov/documents/crimjustice/guns/20110715SectionbySection.pdf>

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