



## **ATF “REFORM” BILL WOULD PROTECT CORRUPT GUN DEALERS AND WEAKEN FEDERAL GUN LAWS**

H.R. 2296/S. 941, the so-called Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) “Reform and Firearms Modernization Act,” would **severely undermine federal gun law enforcement and protect corrupt gun dealers**. The legislation would make it virtually impossible for ATF to revoke the licenses of gun dealers who violate federal law.

The problem of rogue gun dealers is vividly illustrated by former NRA Board Member Sanford Abrams who owned Valley Gun shop near Baltimore, Maryland. His shop violated federal law over 900 times, and after nearly a decade of violations, ATF was finally able to revoke its firearms license. The U.S. Department of Justice called Valley Gun an “irresponsible gun shop” that engaged in “dangerous operations” as a “serial violator” of gun laws.

Under this legislation, in cases like Abrams’ where an irresponsible dealer was repeatedly violating federal gun laws, the burden imposed by the legislation to show “willfulness” – defined in the bill as requiring a specific intent to break the law – would make license revocation nearly impossible. Moreover, the legislation caps fines at \$7,500 per inspection, which in Abrams’ case could have amounted to **less than \$8.50 per violation** of federal gun laws.

### **THE LEGISLATION WOULD MAKE IT VIRTUALLY IMPOSSIBLE FOR ATF TO SHUT DOWN ROGUE GUN DEALERS**

The legislation would make it virtually impossible for ATF to shut down rogue gun dealers, including those who repeatedly violate federal law. The legislation would require ATF to show that a dealer knew the specific law he or she was violating and intentionally disregarded the law.<sup>1</sup> Under current law, ATF can revoke a license for repeated violations of law without also proving that the dealer specifically intended to break the law. This legislation also re-classifies federal gun laws as “serious” and “minor” and allows license revocation only for so-called “serious” violations.<sup>2</sup> So-called “minor” violations would include many dangerous crimes, such as when a dealer “loses” hundreds of guns.

### **THE LEGISLATION WOULD LARGELY REPLACE ATF’S REVOCATION POWERS WITH MINIMAL FINES AND TEMPORARY LICENSE SUSPENSIONS**

The legislation would allow ATF to impose minimal fines or temporary license suspensions *only* if ATF proves that a dealer specifically intended to violate the law, an extremely difficult

burden of proof. If ATF were able to meet this new burden, the maximum fine would be limited to \$7,500 for all violations found at an inspection of a gun dealer.<sup>3</sup> This is extremely low – sellers of unsafe products, for example, face fines of \$8,000 per violation, up to \$1,825,000. ATF would also have to postpone sanctions in most cases through years of court appeals.<sup>4</sup>

## **THE LEGISLATION WOULD AID GUN DEALERS WHO BREAK THE LAW**

The legislation would allow most dealers who violate gun laws to continue selling guns for 60 days after their licenses are revoked or expire, even if they committed willful violations of federal law.<sup>5</sup> It also would allow dealers who violate federal law to evade closure by transferring their businesses to friends or family.<sup>6</sup> The legislation would also redefine federal law to make it more difficult to sanction dealers who fail to keep proper records that are vital to enable ATF to trace crime guns.<sup>7</sup>

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<sup>1</sup> H.R. 2296/S. 941 § 103 (changing the definition of a “willful” violation).

<sup>2</sup> H.R. 2296/S. 941 § 101.

<sup>3</sup> H.R. 2296/S. 941 § 101 (proposed section 18 U.S.C. § 923(e)(1)(B)(i)(III)).

<sup>4</sup> H.R. 2296/S. 941 § 101 (proposed section 18 U.S.C. § 923 (e)(2)(C) and (D)).

<sup>5</sup> H.R. 2296/S. 941 § 105.

<sup>6</sup> H.R. 2296/S. 941 § 106.

<sup>7</sup> H.R. 2296/S. 941 § 107.