

LAW ENFORCEMENT OPPOSITION TO H. R. 5092
THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVE
(ATF) MODERNIZATION AND REFORM ACT

The United States Congress
The Capitol
Washington, D.C.

The undersigned law enforcement organizations/association and law enforcement executives represent law enforcement officers who are actively engaged in providing law enforcement, public safety and homeland security services in the United States. *We are writing to join with the Major City Chiefs Association to express our strong opposition to H.R. 5092, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) "Modernization and Reform" Act.* This legislation would have a devastating effect on the ability of law enforcement to stem the flow of firearms from lawbreaking gun dealers to violent criminals.

H.R. 5092 would make it virtually impossible for ATF to revoke the licenses of gun dealers who violate federal law. Instead, ATF would be limited to imposing minimal fines and temporary suspensions, but only if it met a new, extraordinary burden of proof that would make even these meager sanctions incredibly rare. If H.R. 5092 is enacted into law, ATF's ability to stop corrupt gun dealers from supplying firearms to the criminal market will be crippled.

For example, H.R. 5092 redefines violations of many of our nation's gun laws as only "minor" violations. License revocation would be prohibited for these so-called "minor" violations, no matter how many times a dealer violated these federal laws or how egregious those violations may be. Included as "minor" violations are what are, in fact, serious violations such as a dealer's failure to account for large numbers of firearms missing from its inventory. A dealer may claim that hundreds or thousands of weapons have been "lost," preventing ATF from completing a trace of any such guns recovered at crime scenes. Missing firearms also frequently indicate "off-the-book" sales to gun traffickers or felons. Yet H.R. 5092 would remove ATF's power to revoke the licenses of these gun dealers, greatly jeopardizing ATF's ability to enforce federal gun laws and our ability to use crime gun traces to protect our communities from illegal guns.

Another dangerous provision of H.R. 5092 would allow gun dealers whose licenses have been revoked for violations of federal law to continue operating for 60 days after revocation. ATF would have no discretion to waive this 60-day sales period, even if it found that a dealer posed a dire threat to public safety. The idea that ATF would be required by law to allow a lawbreaking gun dealer to continue selling guns for 60 days after its license has been revoked simply makes no sense.

It is not hard to see the devastating effect that H.R. 5092 would have on law enforcement around the country. Crime gun data compiled by ATF shows that just 1% of our nation's gun dealers supply nearly 60% of all crime guns. If ATF is unable to revoke the licenses of corrupt gun dealers, our communities will continue to be flooded with firearms from these irresponsible gun sellers. It is imperative that ATF have the power to stop the flow of guns from lawbreaking gun dealers to violent criminals in our cities.

We urge you to stand up for law enforcement and oppose H.R. 5092. Thank you.

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Major City Chiefs Association

International Brotherhood of Police Officers

International Association of Chiefs of Police

National Black Police Association

Delaware Police Chiefs Council

School Safety Advocacy Council

National Latino Police Officers Association

Maine Association of Chiefs of Police

Minnesota Association of Chiefs of Police

Michigan Association of Chiefs of Police

Rhode Island Association of Chiefs of
Police

Arkansas Association of Chiefs of Police

District of Columbia:

Anthony A. Williams, Mayor

Charles H. Ramsey, Chief of Police

Chief R. Gil Kerlikowske

Seattle Police Department

Seattle, WA

Commissioner Sylvester Johnson

Philadelphia Police Department

Philadelphia, PA

Chief Vincent Vespia

Town of South Kingstown, Rhode Island,

Rhode Island Representative to State

Association of Chiefs of Police (SACOP)

Chief Scott Knight

Chaska Police Department

Chaska, MN

Michael J. Chitwood

Superintendent of Police

Upper Darby Township Police Department

Upper Darby, Pa.

Chief Michael J Carroll

West Goshen Township Police Department

West Chester, Pennsylvania

4th Vice President

International Association of Chiefs of Police

Mark L. Whitman

Police Commissioner

York, PA

General Chair, State Assoc. of Chiefs of

Police

Curtis S. Lavarello

Executive Director

School Safety Advocacy Council

Sarasota, FL

Danny E. Bradley

Chief of Police

North Little Rock Police Department

North Little Rock, AR