



June 5, 2009

The Honorable Harry Reid
Senate Majority Leader
522 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Nancy Pelosi
Office of the Speaker
235 Cannon House Office Building
Washington, D.C. 20515

Re: Mayors' Opposition to HR 2296/S.941 & Continued Efforts to Tie the Hands of Law Enforcement

Dear Speaker Pelosi and Majority Leader Reid:

As members of Mayors Against Illegal Guns, a bipartisan coalition of more than 350 mayors in 44 states representing more than 56 million Americans, we write to express our strong opposition to HR 2296/S.941. Similar to HR 4900, which we strongly opposed in the 110th Congress, HR 2296/S.941 purports to support the “modernization” of federal law enforcement efforts, but in fact undermines federal agents and local police in their fight against illegal guns.

HR 2296/S.941 is yet another attempt at a flimsy repackaging of provisions from HR 4900, which the House wisely decided not to act upon in 2008, and from HR 5005 and HR 5092, which were defeated in 2006. Mayors Against Illegal Guns strongly opposed all of these bills.

We oppose many provisions of HR 2296/S.941 for a number of important reasons, including:

- **HR 2296/S.941 creates an unnecessarily high evidentiary standard in licensing proceedings:** In a revocation proceeding, this bill would require ATF to prove that a dealer knew the specific law he or she was breaking, a higher standard than is normally required in any civil or criminal case. First-year law students are taught that “ignorance of the law is no excuse” – but under this bill, it would be.
- **HR 2296/S.941 allows dealers to sell guns 60-days after their licenses are revoked:** This bill loosens current regulations by saying that even after ATF revokes a license, the licensee would have at least 60 days to sell off its remaining inventory in most circumstances. This provision would aggravate an existing gap in federal law that has permitted law-breaking gun dealers who lose their license to transfer guns into their private inventory and sell them off without background checks.
- **HR 2296/S.941 blocks ATF from updating record-keeping:** This bill prevents ATF from transferring records of gun sales made by law-breaking dealers from microfilm to fully searchable electronic databases – an absurd obstruction in an age of advanced technology.

- **HR 2296/S.941 does not require federally licensed dealers (FFLs) to report multiple handgun sales to state or local law enforcement:** FFLs would only be required to report multiple handgun sales to ATF. Multiple handgun sales records are a recognized sign of trafficking activity. ATF would be allowed, but not required to share these records with state or local law enforcement. Current federal law requires FFLs to report multiple handgun sales both to ATF and to state or local law enforcement.
- **HR 2296/S.941 slants license revocation procedures in favor of law-breaking gun dealers:** Under this bill, ATF would have to give a preview of its evidence to a law-breaking dealer before revoking his or her license, but the dealer would not have to give ATF a preview of its defense. Furthermore, if ATF's decision is overturned on appeal, ATF would have to pay the dealer's attorney's fees.

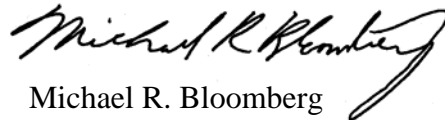
In recent years, we have seen a rise in fatal shootings of police officers nationwide combined with rising violent crime in many cities. HR 2296/S.941 would only add to the problem by tying the hands of law enforcement and protecting dealers who supply guns to criminals. Our police officers and the public they serve deserve better from Congress.

We urge every member of Congress to oppose HR 2296/S.941.

Sincerely,



Thomas M. Menino
Mayor of Boston
Coalition Co-Chair



Michael R. Bloomberg
Mayor of New York City
Coalition Co-Chair

Cc: All other members of Congress

Members of Mayors Against Illegal Guns:

Mayor Larry P. Langford, Birmingham, Alabama
Mayor Thomas Henderson, Center Point, Alabama
Mayor Carroll L. Watson, Lincoln, Alabama
Mayor Samuel L. Jones, Mobile, Alabama
Mayor Ron Davis, Prichard, Alabama
Mayor Omar Neal, Tuskegee, Alabama
Mayor Carolyn Floyd, Kodiak, Alaska
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