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ONE HUNDRED TWELFTH CONGRESS

# Congress of the United States

## House of Representatives

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### Opening Statement

### Ranking Member Elijah E. Cummings

### Forum on Empowering Law Enforcement to Stop Firearms Trafficking

June 30, 2011

Four months ago, the House Oversight Committee launched an investigation into allegations that ATF failed to properly monitor hundreds of firearms acquired by suspected straw purchasers and destined for Mexico. As I have stated, this is an important investigation that deserves congressional oversight, and today's discussion is not intended to deflect attention from that ongoing investigation. I will continue to work with Chairman Issa to ensure that the Committee has the facts it needs to understand what happened and why.

As part of that investigation, we have gained important insight into the broad and growing problem of firearms trafficking to Mexico. Last week, I traveled to Mexico City with Chairman Issa and five other Members of Congress to meet with Mexican authorities and senior U.S. officials. They shed further light on an already alarming situation: tens of thousands of high-powered military-grade assault weapons are being smuggled into Mexico from the United States. These weapons are arming the world's most violent and powerful drug cartels, costing the lives of 40,000 Mexican citizens in the last five years.

Mexico is our neighbor, ally, and friend, yet U.S. firearms wreak havoc, destruction, and terror on their communities. Why?

Trafficking firearms to Mexico is illegal. Anyone who buys an assault rifle on behalf of a Mexican cartel is a criminal. Placing common-sense restrictions on criminals who supply guns to drug cartels does not infringe on the rights of law abiding citizens. Empowering law enforcement with tools to stop guns from getting into the hands of murderous thugs does not violate the Second Amendment.

As detailed in the report I am issuing today, law enforcement agents charged with keeping guns out of the hands of criminals have told this Committee that they do not have the resources they need to counter firearms trafficking. The agents told us that sentences for "straw purchasers" are too weak to deter criminals, too weak to cause them to "flip" on higher level cartel members, and too weak for prosecutors to charge these cases when the typical penalty is probation.

The law enforcement agents also testified that the lack of a dedicated firearms trafficking statute means they have to charge even the most serious straw purchasers with mere “paperwork violations,” such as “dealing in firearms without a license.” Special Agent Peter Forcelli testified that one suspected trafficker provided dozens of assault rifles to a Mexican cartel, and those guns were used to murder a police commander. He told us the U.S. Attorney’s Office declined to prosecute because the case was too burdensome to prove.

The agents also warned that their ability to combat trafficking networks was made almost impossible by the lack of real-time reporting of multiple sales of long guns—the “weapons of choice” for Mexican drug cartels. If a 22-year old walks into a gun store and buys a dozen AK-variant assault rifles with thousands of dollars in cash, law enforcement officials may not learn about this purchase until the weapons are recovered at a crime scene.

I want to make clear that these are some of the same field agents that Chairman Issa called to testify about Operation Fast and Furious. We owe it to them to listen to their whole story, not just half of it.

Today, I join with Rep. Maloney to announce that we will be introducing legislation on these issues, and I know she will describe that effort in more detail. These reforms are essential to help law enforcement to stop guns from getting into the hands of the world’s most dangerous criminals. Prosecutors and law enforcement agents should not have to bend over backward to imprison those who provide military-grade weapons to murderers.

Despite the tragic consequences these illegal weapons are having on both sides of the border, I know that even these common-sense proposals will face stiff resistance in Congress and beyond. Before today’s forum even began, it was criticized as a conspiracy to confiscate the firearms of law-abiding citizens, which is ridiculous.

Let me make a final observation. One of my staffers recently went to a local pharmacy to buy cold medicine. This is a legal product, like a firearm, but criminals sometimes use it for illegal purposes. They use the ingredients in cold medicine to make methamphetamine, so it is located behind the counter. To buy this cold medicine, we have to show a driver’s license, have it scanned, and fill out a form indicating the intended user. Under federal law, we are limited in how much we can buy in a day, and how much we can buy in a month.

The contrast is striking: In the United States, it is easier for law enforcement to intercept a straw purchase of Sudafed than to prevent arms traffickers from providing military-grade weapons to murderous cartels.

I asked you here today to begin a discussion about how we can empower law enforcement agents in the field with the tools necessary to combat firearms trafficking to Mexico and in our own communities.

Thank you.