

**Statement of Senator Patrick Leahy (D-Vt.),  
Ranking Member, Senate Judiciary Committee,  
On the Introduction of the Stop Illegal Trafficking in Firearms Act of 2016  
February 11, 2016**

For years, law enforcement agents and prosecutors in Vermont and elsewhere have sought more effective tools to go after straw purchasers and gun traffickers. Straw purchasers are individuals without criminal records who purchase firearms for other people, and all too often they enable violent criminals, drug traffickers, and terrorists to obtain guns, and to circumvent the background check requirements of Federal law. Likewise, traffickers ship guns with impunity across state lines, not only out of Vermont and into other parts of New England but also along the Southwest border, allowing them to conduct illegal gun transactions in our cities and towns. But law enforcement has been hamstrung by the fact that, under current law, there is no Federal statute specifically prohibiting either the practice of straw purchasing or firearms trafficking.

Today I am re-introducing bipartisan legislation with Senator Collins to plug those gaps in the law, and to target the straw purchasing and illegal trafficking of firearms. The Stop Illegal Trafficking in Firearms Act of 2016 would make it a Federal crime to act as a “straw purchaser” of firearms, or to illegally traffic firearms. It would also establish tough penalties for anyone who transfers a firearm having a reasonable cause to believe it will be used in a drug crime, crime of violence, or act of terrorism. And this bill will fix a loophole in the existing law and make it clear that it is a crime to smuggle firearms *out* of the United States, just as it is a crime to smuggle firearms *into* the United States. This legislation answers the call from law enforcement to strengthen our investigative and prosecutorial tools to keep guns out of the hands of criminals and terrorists.

There is broad agreement in Congress that we must do more to protect our communities from gun violence. The heartbreaking reports of mass shootings have become all too common. And no corner of our country is immune from the tragedies that accompany everyday gun violence – not even Vermont. It is well known that criminals in search of firearms in our country face few hurdles. Gaping loopholes in our gun laws have effectively made background checks for criminals optional. Many simply turn to straw purchasers, trafficking networks, or unregulated gun markets and black markets.

In addition, the rise in addiction to heroin and other opioids in the Northeast has exposed a new so-called “iron pipeline” of firearms trafficking. Across the country, law enforcement officials see firearms serving as currency for illegal drugs like heroin. Addicts are at times directed to straw purchase firearms by heroin dealers who could not pass a background check themselves. In Vermont, for example, Federal investigators have reported increasing instances of straw purchasers buying guns for drug dealers, or finding guns that were acquired in Vermont being trafficked to drug dealers and other criminals in other states like New York, Massachusetts, and Connecticut, where the guns are traded for heroin or used in violent crimes.

This morning, the Judiciary Committee approved bipartisan legislation that takes a comprehensive approach to dealing with heroin and opioid addiction. I fought to include provisions to help law enforcement and to provide assistance to rural communities like those in

Vermont. Passing this gun trafficking bill is another important way that we can keep our communities safe.

We should remember that straw purchasing and gun trafficking are not just tied to drug trafficking. Even terrorists, like the suspected San Bernardino shooters, have relied on straw purchasers and firearms traffickers to acquire their deadly weapons. In the San Bernardino case, the prosecutors did not have the option of charging the friend of the terrorists with a straw purchasing offense, and instead the only charge really available against him for unlawfully purchasing the two rifles used in the shooting was a “paperwork” violation of making a false statement. I have heard from many prosecutors that these “paperwork” charges are wholly inadequate to deter and punish such dangerous conduct.

It is time to take action – and only Congress can fill the gaps in our laws. Congress must not become so numb to tragedy after tragedy that we fail to fulfill our responsibility to legislate. It is true that no one piece of legislation can prevent all criminals from acquiring firearms, let alone solve the epidemic of gun violence. But this must not be an excuse for inaction. We can all agree that violent criminals, drug traffickers, and terrorists should not have guns – and we should investigate and prosecute the straw purchasers and gun traffickers who help them get the guns in the first place.

Law enforcement officials have complained for years that they lack the statutory tools to effectively investigate and deter straw purchasers and gun traffickers. That is why this bill has strong support from groups representing prosecutors and law enforcement officers around the nation, including the National Fraternal Order of Police, the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Federal Law Enforcement Officers Association, the National Tactical Officers Association, the National District Attorneys Association, and the Association of Prosecuting Attorneys. This bill builds on the progress we made last Congress when I worked with Senator Durbin to introduce similar legislation, and I want to acknowledge the tireless efforts of Senator Durbin and others on this issue.

Like so many other Vermonters, I am proud to be a responsible gun owner who is deeply committed to the fundamental and individual rights afforded by the Second Amendment. I know that Senator Collins shares my commitment to protecting those constitutional rights. But we also share a desire to go after violent criminals, drug traffickers, and terrorists – and to ensure that prosecutors and agents have the tools they need to keep guns out of their hands. The legislation that we are introducing today does just that.

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