

[DISCUSSION DRAFT]

113TH CONGRESS
2^D SESSION

H. R. _____

To abolish the Bureau of Alcohol, Tobacco, Firearms, and Explosives, transfer its functions relating to the Federal firearms, explosives, and arson laws, violent crime, and domestic terrorism to the Federal Bureau of Investigation, and transfer its functions relating to the Federal alcohol and tobacco smuggling laws to the Drug Enforcement Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SENSENBRENNER introduced the following bill; which was referred to the Committee on _____

A BILL

To abolish the Bureau of Alcohol, Tobacco, Firearms, and Explosives, transfer its functions relating to the Federal firearms, explosives, and arson laws, violent crime, and domestic terrorism to the Federal Bureau of Investigation, and transfer its functions relating to the Federal alcohol and tobacco smuggling laws to the Drug Enforcement Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “ATF Elimination Act”.

3 **SEC. 2. ELIMINATION OF HIRING AUTHORITY OF THE BU-**
4 **REAU OF ALCOHOL, TOBACCO, FIREARMS,**
5 **AND EXPLOSIVES.**

6 The hiring authority of the Director of the Bureau
7 of Alcohol, Tobacco, Firearms, and Explosives is re-
8 scinded.

9 **SEC. 3. TRANSFER PLAN.**

10 (a) IN GENERAL.—Within 180 days after the date
11 of the enactment of this Act, the Director of the Bureau
12 of Alcohol, Tobacco, Firearms, and Explosives, the Direc-
13 tor of the Federal Bureau of Investigation, and the Ad-
14 ministrator of the Drug Enforcement Administration shall
15 jointly develop and submit to the Congress a plan for
16 winding up the affairs of the Bureau of Alcohol, Tobacco,
17 Firearms, and Explosives pursuant to this Act. The plan
18 shall, to the maximum extent practicable, without compro-
19 mising core functions, eliminate and reduce duplicative,
20 unnecessary functions or waste.

21 (b) FBI REPORT TO GSA ON EXCESS PROPERTY TO
22 BE TRANSFERRED TO THE FBI.—Within 1 year after the
23 date of the enactment of this Act, the Director of the Fed-
24 eral Bureau of Investigation shall transit to the Adminis-
25 trator of the General Services Administration a report
26 that specifies the property to be transferred to the Bureau

1 pursuant to this Act that the Director has determined will
2 not be needed by the Bureau.

3 **SEC. 4. ABOLITION OF BUREAU OF ALCOHOL, TOBACCO,**
4 **FIREARMS, AND EXPLOSIVES.**

5 The Bureau of Alcohol, Tobacco, Firearms, and Ex-
6 plosives is abolished.

7 **SEC. 5. TRANSFER OF FUNCTIONS RELATING TO THE FED-**
8 **ERAL FIREARMS, EXPLOSIVES, AND ARSON**
9 **LAWS, AND TO VIOLENT CRIME AND DOMES-**
10 **TIC TERRORISM, TO THE FEDERAL BUREAU**
11 **OF INVESTIGATION.**

12 (a) IN GENERAL.—The functions relating to the in-
13 vestigation and enforcement of criminal and regulatory
14 violations of the Federal firearms, explosives, and arson
15 laws, and the investigation of violent crime and domestic
16 terrorism, which on the effective date of this Act, were
17 performed by the Bureau of Alcohol, Tobacco, Firearms,
18 and Explosives, are hereby transferred to the Attorney
19 General.

20 (b) DELEGATION OF FUNCTIONS.—The Attorney
21 General shall delegate to the Director of the Federal Bu-
22 reau of Investigation the functions transferred under this
23 section.

24 (c) REFERENCES.—Any reference in any other Fed-
25 eral law, Executive order, rule, regulation, or delegation

1 of authority, or any document of or pertaining to the Bu-
2 reau of Alcohol, Tobacco, Firearms, and Explosives with
3 respect to functions transferred by this section—

4 (1) to the Secretary of the Treasury or the
5 head of that bureau is deemed to refer to the Attor-
6 ney General; and

7 (2) to the Department of the Treasury or that
8 bureau is deemed to refer to the Department of Jus-
9 tice or the Federal Bureau of Investigation, as ap-
10 propriate.

11 **SEC. 6. TRANSFER OF FUNCTIONS RELATING TO THE FED-**
12 **ERAL ALCOHOL AND TOBACCO SMUGGLING**
13 **LAWS TO THE DRUG ENFORCEMENT ADMIN-**
14 **ISTRATION.**

15 (a) **IN GENERAL.**—The functions relating to inves-
16 tigation and enforcement of criminal and regulatory viola-
17 tions of the Federal alcohol and tobacco smuggling laws,
18 which on the effective date of this Act, were performed
19 by the Bureau of Alcohol, Tobacco, Firearms, and Explo-
20 sives, are hereby transferred to the Attorney General.

21 (b) **DELEGATION OF FUNCTIONS.**—The Attorney
22 General shall delegate to the Administrator of Drug En-
23 forcement the functions transferred under this section.

24 (c) **REFERENCES.**—Any reference in any other Fed-
25 eral law, Executive order, rule, regulation, or delegation

1 of authority, or any document of or pertaining to the Bu-
2 reau of Alcohol, Tobacco, Firearms, and Explosives with
3 respect to functions transferred by this section—

4 (1) to the Secretary of the Treasury or the
5 head of that bureau is deemed to refer to the Attor-
6 ney General; and

7 (2) to the Department of the Treasury or that
8 bureau is deemed to refer to the Department of Jus-
9 tice or the Drug Enforcement Administration, as ap-
10 propriate.

11 **SEC. 7. PROPERTY AND RECORDS.**

12 The contracts, liabilities, records, property, and other
13 assets and interests of, or made available in connection
14 with, the functions transferred by this Act are hereby
15 transferred to the Attorney General for appropriate alloca-
16 tion.

17 **SEC. 8. PERSONNEL.**

18 (a) IN GENERAL.—The personnel employed in con-
19 nection with the functions transferred by this Act are
20 hereby transferred to the Attorney General.

21 (b) EFFECT.—During the 1-year period beginning on
22 the effective date of this Act, any full-time or part-time
23 personnel employed in permanent positions shall not be
24 separated or reduced in grade or compensation because
25 of the transfer under this Act.

1 **SEC. 9. SAVINGS PROVISIONS.**

2 (a) **LEGAL DOCUMENTS.**—All orders, determinations,
3 rules, regulations, permits, grants, contracts, certificates,
4 licenses, and privileges—

5 (1) that have been issued, made, granted, or al-
6 lowed to become effective by the President, by the
7 head of the Bureau of Alcohol, Tobacco, Firearms,
8 and Explosives, the Attorney General, the Secretary
9 of the Treasury, any other Government official, or a
10 court of competent jurisdiction, in the performance
11 of functions of the head of that bureau that are
12 transferred by this Act, and

13 (2) that are in effect on the effective date of
14 this Act (or become effective after such date pursu-
15 ant to their terms as in effect on such date),
16 shall continue in effect according to their terms until
17 modified, terminated, superseded, set aside, or revoked in
18 accordance with law by the President, the Attorney Gen-
19 eral or other authorized official, or a court of competent
20 jurisdiction, or by operation of law.

21 (b) **PROCEEDINGS.**—The provisions of this Act shall
22 not affect any proceedings or any application for any bene-
23 fits, service, license, permit, certificate, or financial assist-
24 ance pending before the Bureau of Alcohol, Tobacco, Fire-
25 arms, and Explosives on the effective date of this Act, but
26 such proceedings and applications shall be continued. Or-

1 ders shall be issued in such proceedings, appeals shall be
2 taken therefrom, and payments shall be made pursuant
3 to such orders, as if this Act had not been enacted, and
4 orders issued in any such proceeding shall continue in ef-
5 fect until modified, terminated, superseded, or revoked by
6 a duly authorized official, by a court of competent jurisdic-
7 tion, or by operation of law. Nothing in this subsection
8 shall be deemed to prohibit the discontinuance or modi-
9 fication of any such proceeding under the same terms and
10 conditions and to the same extent that such proceeding
11 could have been discontinued or modified if this Act had
12 not been enacted.

13 (c) SUITS.—The provisions of this Act shall not affect
14 suits commenced before the effective date of this Act, and
15 in all such suits, proceeding shall be had, appeals taken,
16 and judgments rendered in the same manner and with the
17 same effect as if this Act had not been enacted.

18 (d) NONABATEMENT OF ACTIONS.—No suit, action,
19 or other proceeding commenced by or against the head of
20 the Bureau of Alcohol, Tobacco, Firearms, and Explosives,
21 or by or against any individual in the official capacity of
22 such individual as an officer of such bureau shall abate
23 by reason of the enactment of this Act.

24 (e) CONTINUANCE OF SUITS.—If, before the effective
25 date of this Act, any agency or officer thereof in the offi-

1 cial capacity of such officer, is party to a suit, and under
2 this Act any function of such agency or officer is trans-
3 ferred to the Attorney General or any other official of the
4 Department of Justice, then such suit shall be continued
5 with the Attorney General or other appropriate official of
6 the Department of Justice substituted or added as a
7 party.

8 **SEC. 10. CONFORMING AMENDMENTS.**

9 (a) AMENDMENTS TO THE HOMELAND SECURITY
10 ACT OF 2002.—

11 (1) Section 1111(d) of the Homeland Security
12 Act of 2002 (6 U.S.C. 531(d)) is amended by adding
13 at the end the following:

14 “(4) PERSONNEL MANAGEMENT DEMONSTRA-
15 TION PROJECT.—Notwithstanding any other provi-
16 sion of law, the Personnel Management Demonstra-
17 tion Project established under section 102 of title I
18 of division C of the Omnibus Consolidated and
19 Emergency Supplemental Appropriations Act for
20 Fiscal Year 1999 (Public Law 105–277; 122 2 Stat.
21 2681–585) shall be transferred to the Secretary of
22 the Treasury for continued use by the Tax and
23 Trade Bureau.”.

1 (2) Section 1114(a) of such Act (6 U.S.C.
2 532(a)) is amended by striking “Bureau” and in-
3 serting “Federal Bureau of Investigation”.

4 (b) AMENDMENTS TO THE ENHANCED BORDER SE-
5 CURITY AND VISA ENTRY REFORM ACT OF 2002.—Sec-
6 tion 2(4) of the Enhanced Border Security and Visa Entry
7 Reform Act of 2002 (8 U.S.C. 1701(2)(4)) is amended
8 by striking subparagraph (J) and redesignating subpara-
9 graphs (K) and (L) as subparagraphs (J) and (K), respec-
10 tively.

11 (c) AMENDMENT TO THE FIREFIGHTERS’ SAFETY
12 STUDY ACT.—Section 3(1) of the Firefighters’ Safety
13 Study Act (15 U.S.C. 2223b(1)) is amended—

14 (1) by adding “and” at the end of subpara-
15 graph (C);

16 (2) by striking “; and” at the end of subpara-
17 graph (D) and inserting a comma; and

18 (3) by striking subparagraph (E).

19 (d) AMENDMENTS RELATING TO TITLE 18, UNITED
20 STATES CODE.—

21 (1) Section 846(a) of title 18, United States
22 Code, is amended by striking “, together with the
23 Bureau of Alcohol, Tobacco, Firearms, and Explo-
24 sives,”.

1 (2) Section 514(b) of division B of the Consoli-
2 dated and Further Continuing Appropriations Act,
3 2013 (18 U.S.C. 923 note; Public Law 113–6; 127
4 Stat. 271) is amended by striking “Bureau of Alco-
5 hol, Tobacco, Firearms, and Explosives shall include
6 in all such data releases” and inserting “Federal
7 Bureau of Investigation shall include in all releases
8 of data from firearm tracing studies”.

9 (3) LIMITATIONS ON USE OF FUNDS FOR DIS-
10 CLOSURE OF FIREARMS TRACE DATA.—

11 (A) The 6th proviso under the heading
12 “Bureau of Alcohol, Tobacco, Firearms and Ex-
13 plosives—Salaries and Expenses” in title I of
14 division B of the Consolidated and Further
15 Continuing Appropriations Act, 2012 (18
16 U.S.C. 923 note; Public Law 112–55; 125 Stat.
17 609–610) is amended by striking “Bureau of
18 Alcohol, Tobacco, Firearms, and Explosives”
19 each place it appears and inserting “Federal
20 Bureau of Investigation”.

21 (B) The 6th proviso under the heading
22 “Bureau of Alcohol, Tobacco, Firearms and Ex-
23 plosives—Salaries and Expenses” in title II of
24 division B of the Consolidated Appropriations
25 Act, 2010 (18 U.S.C. 923 note; Public Law

1 111–117; 123 Stat. 3128–3129) is amended
2 by striking “Bureau of Alcohol, Tobacco, Fire-
3 arms, and Explosives” each place it appears
4 and inserting “Federal Bureau of Investiga-
5 tion”.

6 (C) The 6th proviso under the heading
7 “Bureau of Alcohol, Tobacco, Firearms and Ex-
8 plosives—Salaries and Expenses” in title II of
9 division B of the Omnibus Appropriations Act,
10 2009 (18 U.S.C. 923 note; Public Law 111–8;
11 123 Stat. 574–576) is amended by striking
12 “Bureau of Alcohol, Tobacco, Firearms, and
13 Explosives” each place it appears and inserting
14 “Federal Bureau of Investigation”.

15 (D) The 6th proviso under the heading
16 “Bureau of Alcohol, Tobacco, Firearms and Ex-
17 plosives—Salaries and Expenses” in title II of
18 division B of the Consolidated Appropriations
19 Act, 2008 (18 U.S.C. 923 note; Public Law
20 110–161; 121 Stat. 1903–1904) is amended by
21 striking “Bureau of Alcohol, Tobacco, Fire-
22 arms, and Explosives” each place it appears
23 and inserting “Federal Bureau of Investiga-
24 tion”.

1 (E) The 6th proviso under the heading
2 “Bureau of Alcohol, Tobacco, Firearms and Ex-
3 plosives—Salaries and Expenses” in title I of
4 the Science, State, Justice, Commerce, and Re-
5 lated Agencies Appropriations Act, 2006 (18
6 U.S.C. 923 note; Public Law 109–108; 119
7 Stat. 2295–2296) is amended by striking “Bu-
8 reau of Alcohol, Tobacco, Firearms, and Explo-
9 sives” each place it appears and inserting “Fed-
10 eral Bureau of Investigation”.

11 (F) The 6th proviso under the heading in
12 title I of division B of the Consolidated Appro-
13 priations Act, 2005 (18 U.S.C. 923 note; Public
14 Law 108–447; 118 Stat. 2859–2860) is amend-
15 ed by striking “Bureau of Alcohol, Tobacco,
16 Firearms, and Explosives” each place it ap-
17 pears and inserting “Federal Bureau of Inves-
18 tigation”.

19 (4) Section 2343(c)(1) of title 18, United
20 States Code, is amended by striking “Bureau of Al-
21 cohol, Tobacco, Firearms, and Explosives” and in-
22 serting “Drug Enforcement Administration”.

23 (5)(A) Section 3051 of title 18, United States
24 Code, is amended—

1 (i) in the section heading, by striking
2 **“Special Agents of the Bureau of Alco-**
3 **hol, Tobacco, Firearms, and Explo-**
4 **sives”** and inserting **“certain investiga-**
5 **tors and officers of the Department of**
6 **Justice”**;

7 (ii) in subsection (a), by striking “(a) Spe-

8 cial agents of the Bureau of Alcohol, Tobacco,

9 Firearms, and Explosives, as well as any other”

10 and inserting “Any”; and

11 (iii) by striking subsection (b).

12 (B) The item relating to section 3051 in the

13 table of sections for chapter 203 of title 18, United

14 States Code, is amended to read as follows:

“3051. Powers of certain investigators and officers of the Department of Jus-

tice.”.

15 (e) AMENDMENT TO THE NATIONAL DRUG CONTROL

16 POLICY REAUTHORIZATION ACT OF 1998.—Section

17 716(c)(1)(B) of the National Drug Control Policy Reau-

18 thorization Act of 1998 (21 U.S.C. 1714(c)(1)(B)) is

19 amended by striking “Agency, the Bureau of Alcohol, To-

20 bacco, Firearms, and Explosives,” and inserting “Admin-

21 istration”.

22 (f) AMENDMENTS TO THE INTERNAL REVENUE

23 CODE OF 1986.—

1 (1) Section 6103(i)(8)(A) of the Internal Rev-
2 enue Code of 1986 (26 U.S.C. 6103(i)(8)(A)) is
3 amended by striking “making—” and all that fol-
4 lows through “(ii)”.

5 (2) Section 7801(a)(2)(A) of such Code (26
6 U.S.C. 7801(a)(2)(A)) is amended by striking “Bu-
7 reau of Alcohol, Tobacco, Firearms, and Explosives”
8 and inserting “Federal Bureau of Investigation”.

9 (g) AMENDMENTS TO TITLE 28, UNITED STATES
10 CODE.—

11 (1) Section 530C(b)(2) of title 28, United
12 States Code, is amended by striking “for the Bureau
13 of Alcohol, Tobacco, Firearms, and Explosives,”
14 each place it appears.

15 (2) Chapter 40A of such title (28 U.S.C. 599A–
16 599B) is repealed.

17 (3) Section 2006(2) of such title is amended by
18 striking “, the Director, Bureau of Alcohol, Tobacco,
19 Firearms, and Explosives, Department of Justice,”.

20 (h) AMENDMENTS TO THE VIOLENCE AGAINST
21 WOMEN AND DEPARTMENT OF JUSTICE REAUTHORIZA-
22 TION ACT OF 2005.—Section 1107(a) of Violence Against
23 Women and Department of Justice Reauthorization Act
24 of 2005 (28 U.S.C. 534 note) is amended by striking para-

1 graph (2) and redesignating paragraphs (3) through (13)
2 as paragraphs (2) through (12), respectively.

3 (i) AMENDMENTS TO TITLE 31, UNITED STATES
4 CODE.—

5 (1)(A) Section 713 of title 31, United States
6 Code, is amended—

7 (i) in the section heading, by striking
8 **“Service, Tax and Trade Bureau, and**
9 **Bureau of Alcohol, Tobacco, Fire-**
10 **arms, and Explosives”** and inserting
11 **“Service and Tax and Trade Bureau”**;

12 (ii) in subsection (a), by striking “, and
13 the Bureau of Alcohol, Tobacco, Firearms, and
14 Explosives, Department of Justice of the De-
15 partment of the Treasury”;

16 (iii) in subsection (b)—

17 (I) in each of paragraphs (2) and (3),
18 by striking “either” and inserting “the”;
19 and

20 (II) in paragraph (2), by striking “,
21 the Tax and Trade Bureau, Department of
22 the Treasury, and the Director of the Bu-
23 reau of Alcohol, Tobacco, Firearms, and
24 Explosives, Department of Justice” and in-

1 serting “and the Tax and Trade Bureau,
2 Department of the Treasury”.

3 (B) The item relating to section 713 in the
4 table of sections for chapter 7 of such title is amend-
5 ed to read as follows:

“713. Audit of Internal Revenue Service and Tax and Trade Bureau.”.

6 (2) Section 1344(b)(6) of such title is amended
7 by striking “Director of the Bureau of Alcohol, To-
8 bacco, Firearms and Explosives”.

9 (j) AMENDMENT TO THE JUSTICE ASSISTANCE ACT
10 OF 1984.—Section 609N(2) of the Justice Assistance Act
11 of 1984 (42 U.S.C. 10502(2)) is amended—

12 (1) by adding “and” at the end of subpara-
13 graph (L); and

14 (2) by striking subparagraph (M) and redesignig-
15 nating subparagraph (N) as subparagraph (M).

16 (k) AMENDMENT TO THE VIOLENT CRIME CONTROL
17 AND LAW ENFORCEMENT ACT OF 1994.—Section
18 32401(a)(3)(B) of the Violent Crime Control and Law En-
19 forcement Act of 1994 (42 U.S.C. 13921(a)) is amended
20 by striking “Bureau of Alcohol, Tobacco, Firearms, and
21 Explosives, Department of Justice” and inserting “Fed-
22 eral Bureau of Investigation”.

23 (l) AMENDMENT TO TITLE 49, UNITED STATES
24 CODE.—Section 80304(d) of title 49, United States Code,
25 is amended by striking “Bureau of Alcohol, Tobacco, Fire-

1 arms, and Explosives, Department of Justice” and insert-
2 ing “Drug Enforcement Administration”.

3 **SEC. 11. EFFECTIVE DATE.**

4 This Act (except sections 2 and 3) and the amend-
5 ments made by this Act shall take effect 1 year after the
6 date of the enactment of this Act.