



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Director

Washington, DC 20226

JUN 23 2011

The Honorable Charles E. Grassley
Co-Chairman, Senate Caucus on International Narcotics Control
Ranking Member, Senate Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Grassley:

This is in response to your inquiry dated June 16, 2011, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) relative to Mexico trace data. As you may be aware, this information was requested by Senator Dianne Feinstein and provided by ATF. The information was based on a query of ATF's Firearms Tracing System and was vetted by ATF's Violent Crime Analysis Branch (VCAB).

There are no United States Government sources that maintain any record of the total number of criminal firearms seized in Mexico. Any ATF release of information relative to Mexico trace data relates only to firearms recovered in Mexico and subsequently traced by ATF based upon firearms identifiers supplied by the Government of Mexico (GOM). Further, these ATF releases of information have centered on United States-sourced firearms and not necessarily those traced back to an initial purchaser.

In your letter, a number of assertions are made that challenge the accuracy of the ATF trace data provided to Senator Feinstein. The assertions appear to be based upon trace data provided to your office by an unknown source. The discrepancies in the vetted VCAB release and unknown sourced data with respect to the total number of firearms recovered and traced in Mexico in calendar years 2009 and 2010 can be explained. The data you reference in your letter appears to be an ATF eTrace-generated data report that is not designed to provide the actual number of firearms submitted for tracing by the Government of Mexico, but is intended to identify the retail Federal Firearms Licensees (FFL) that sold a firearm to an unlicensed purchaser. This report entitled "Top Source Dealers of Firearms Traced," has a documented issue wherein the sub-category for "No Final Sale Dealer" is displaying an inaccurate count, which subsequently impacts the overall total trace count. This discrepancy can result in a single trace request being counted two or more times, thus erroneously increasing the reported total number of firearms traced. Therefore, this report is not intended to provide an accurate portrayal of aggregate trace results or the number of United States-sourced firearms.

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A June 2011 release of ATF Mexico trace data, vetted by VCAB, indicated a total of 21,313 firearms recovered in Mexico in 2009 and traced by ATF. Of these, 10,945 were manufactured in the United States; 3,268 were imported into the United States; and 7,100 were of undetermined origin due to insufficient information provided. In addition a total of 7,971 firearms recovered in Mexico in 2010 were traced by ATF. Of these firearms, 4,186 were manufactured in the United States; 2,105 were imported into the United States; and 1,680 were of undetermined origin due to insufficient information provided. So, in aggregate, of the 29,284 firearms recovered in Mexico in 2009 and 2010 that were subsequently submitted to ATF's National Tracing Center for tracing, 20,504 are United States-sourced firearms. A country or origin for the remaining firearms could not be determined because of a lack of information supplied on the trace request.

In order to accurately respond to your inquiries, we will apply the June 2011 release of ATF Mexico trace data in response to your submitted questions.

Question 1: Of the 21,013 firearms in the "No Final Sale Dealer" category for 2009, how many of those firearms can be traced back to military sales to the GOM? How many can be traced to the military of Guatemala? How many can be traced to the military of Honduras? How many can be traced to the military of El Salvador? How many can be traced to other Central American and South American militaries? How many can be traced to other foreign militaries? How many are in that category because they were in the Suspect Gun Database?

Of the 21,313 firearms recovered in Mexico in 2009 and submitted to ATF for tracing, 204 traced to either foreign firearm dealer/importer or military sale in Mexico; 9 traced to either foreign firearm dealer/importer or military sale in Guatemala; 1 traced to either foreign firearm dealer/importer or military sale in Honduras; 0 traced to either foreign firearm dealer/importer or military sale in El Salvador; 12 traced to either foreign firearm dealer/importer or military sale in other Central American and South American countries; 18 traced to either foreign firearm dealer/importer or military sale in Africa, Asia, Europe and North America; and 2 traced to either foreign firearm dealer/importer or military sale in unknown countries.

ATF's National Tracing Center is notified only of the name of the foreign entity, not its status as foreign government or private entity, therefore the designation "foreign firearm dealer/importer or military sale". There is no Federal law requiring a report to ATF of any firearms sales to foreign countries. There is no "suspect gun" data included in any eTrace statistical report or in a trace result. None of the trace results relating to the above foreign firearm dealer/importer or military sale traces were listed as "suspect guns."

Question 2: Of the 6,267 firearms in the "No Final Sale Dealer" category for 2010, how many of those firearms can be traced back to military sale to the GOM? How many can be traced to the military of Guatemala? How many can be traced to the military of Honduras? How many can be traced to the military of El Salvador? How many can be traced to other Central American and South American militaries? How many can be traced to other foreign militaries? How many are in that category because they were in the Suspect Gun Database?

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Of the 7,971 firearms recovered in Mexico in 2010 and submitted to ATF for tracing, 89 traced to either foreign firearm dealer/importer or military sale in Mexico; 1 traced to either foreign firearm dealer/importer or military sale in Guatemala; 3 traced to either foreign firearm dealer/importer or military sale in Honduras; 1 traced to either foreign firearm dealer/importer or military sale in El Salvador; 4 traced to either foreign firearm dealer/importer or military sale in other Central American and South American countries; and 5 traced to either foreign firearm dealer/importer or military sale in Australia, Europe and North America.

ATF's National Tracing Center is notified only of the name of the foreign entity, not its status as foreign government or private entity, therefore the designation "foreign firearm dealer/importer or military sale." There is no Federal law requiring a report to ATF of any firearms sales to foreign countries. There is no suspect gun data included in any eTrace statistical report. None of the trace results relating to the above foreign firearm dealer/importer or military sale traces were listed as "suspect guns."

Question 3: How many of those weapons in the "No Final Sale Dealer" category for 2009 and 2010 were previously reported lost or stolen?

A trace of the firearm will only yield information regarding the status of a firearm as lost or stolen if reported by an FFL or transit carrier, not a private citizen. For the firearms recovered in Mexico in calendar year 2009 and traced by ATF, 41 can be categorized as lost/stolen; for calendar year 2010, 14 can be categorized as lost/stolen.

Question 4: Has the ATF requested access to the 305,424 firearms held by the GOM military vault? How many of those firearms have been traced? How many of those firearms would trace back to the GOM and the Mexican military?

ATF personnel in Mexico continue to encourage comprehensive tracing for all criminal firearms recovered in Mexico. For calendar years 2009 and 2010, Mexico recovered 29,284 firearms and subsequently submitted them to ATF for tracing. ATF cannot comment or speculate on any possible other recoveries or sources of those possible recoveries.

Question 5: Data indicates that the top source dealer for illegal firearms traced in Mexico for 2009 was "Direccion General De Industria Milita" or the Directorate General of Military Industry in Mexico. They provided 120 firearms that were later traced back, likely after a crime. Why does this entity have a U.S. Federal Firearms License? Are sales to this and other foreign entities with U.S. FFLs included in the numbers the ATF provided as being a gun from a "U.S. Source". If so, why?

There are no foreign entities that possess an FFL. The firearms attributed to Directorate General of Military Industry were sold by United States FFLs to the Directorate. There is a default within the "Top Source Dealers of Firearms Traced" report in ATF eTrace, for record keeping purposes only, that merely lists the foreign entities as "Z-FFLs". All firearms that are sold by an FFL or imported by an FFL (and thereby bear the U.S. importer stamp on the firearm) are said to

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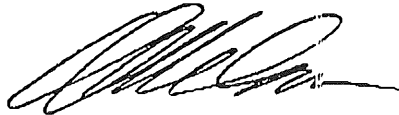
be U.S.-sourced firearms. As recorded in our responses to questions 1 and 2 above, 349 firearms (of the 29,284 recovered in Mexico in calendar years 2009 and 2010 and traced by ATF) fit into this category.

Question 6: Why did the number of trace requests drop significantly from 2009 to 2010, but the percentage trace to U.S. FFLs go up? What is behind this trend?

In September 2009, the government of Mexico provided ATF with electronic files containing firearms identifiers and recovery data. The electronic files contained information that initiated over 43,000 firearms traces with most having recovery years ranging from calendar year 2007 to 2009. Once each trace was initiated, it was organized by year of recovery. With this influx of traces from the electronic files, the number of firearms listed as recovered in 2009 and traced increased from earlier releases of information. Many of the initiated trace requests contained incomplete data thereby reducing the number of traces linked to an FFL.

We hope this information is responsive to your inquiry. Please let me know if we can be of further assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'K. Melson', with a stylized, flowing script.

Kenneth E. Melson
Acting Director