



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

October 26, 2007

The Honorable Sheldon Whitehouse
United States Senate
Washington, DC 20510

Dear Senator Whitehouse:

I greatly appreciated the opportunity to testify before the Senate Committee on the Judiciary as the President's nominee to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives and am providing written responses to your questions posed at the hearing on September 26, 2007.

During the hearing you expressed an interest in ATF's National Integrated Ballistic Information Network (NIBIN) and asked me to respond in writing to a number of questions you have about the program. Please find below my responses to those questions:

Question 1: Please respond in writing about the size of the NIBIN "backlog."

Response: NIBIN provides equipment to over 220 laboratories and police departments throughout the nation. We also provide a network and database for these labs to search for matches. Each laboratory and police department, based on its own funding and priorities, participates in the NIBIN program. Some departments and laboratories analyze almost all recovered ballistic evidence, while others analyze few or none. Since each user handles their own evidence analysis, ATF is not able to determine the size of the national backlog. We could survey our users to get a more complete analysis.

Question 2: Where is ATF in terms of addressing the "backlog"?

Response: ATF's role in the NIBIN program is to provide a network, equipment, a database, and service and maintenance to partner agencies. Each partner agency's role is to utilize the equipment. It is the role of each lab in this process to address its own backlog with its resources. Presently, the backlog at the three ATF laboratories is less than one month, which meets ATF internal timeframes and does not affect ongoing case investigations.

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Question 3: What is the current size of the database?

Response: The current database holds in excess of 1.2 million exhibits.

Question 4: What size is needed to reach a "critical mass"?

Response: With the current technology, critical mass is not a concern. The NIBIN database is operating in an effective manner with the current database size, and additional exhibits only strengthen the effectiveness of the system. The concern, however, is that the present servers for this database are operating on software platforms that are older and no longer supported by their manufacturers. ATF has received a quote for new servers and is in the process of locating funding for this upgrade.

Question 5: What performance goals does ATF have for the development of the database?

Response: We would like to promote and see greater utilization of the technology.

Question 6: Are there any plans to expand NIBIN over the next few years?

Response: ATF continues to look for areas in which we can expand the number of agencies participating in NIBIN. In the past, that meant that each participating agency needed its own equipment. ATF has now developed a more efficient and inexpensive process to participate in NIBIN. ATF, through its own laboratory or paid contractor, can now provide access to NIBIN by entering the data for the agency. This process should allow all police departments and agencies the ability to access NIBIN if they choose. We are also evaluating the possibilities of other technologies or the development of other technologies to increase utilization and efficiency.

Question 7: Does ATF have any plans or capabilities to incorporate the existing image databases from the states that require test-firing such as in New York and Maryland?

Response: It is a violation of Federal law for ATF to keep a national registry of firearms owners, see P.L. 109-108. The legislative databases in New York State and Maryland State contain information on firearms owners. It would be illegal for ATF to maintain a database similar to those in Maryland and New York. Presently,

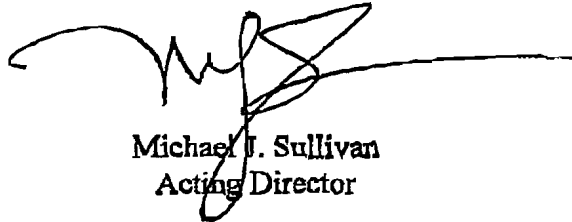
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ATF allows a one-way connection in which Maryland and New York may access NIBIN's data while blocking any access we would have to their data. If other state and local jurisdictions choose to develop similar databases to those of New York and Maryland, we would allow those states the same access to NIBIN.

On behalf of the men and women of ATF, I want to thank you for the interest you have taken in our agency. If confirmed as Director, I will look forward to working with you in pursuit of our shared goals. Please feel free to contact me should you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'MJS', with a long horizontal line extending to the right.

Michael J. Sullivan
Acting Director