



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 3, 2010

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed please find responses to questions for the record arising from the appearance of William Hoover, Executive Assistant Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives before the Subcommittee on Crime and Drugs and the Senate Caucus on International Narcotics Control on March 17, 2009, at a hearing entitled "Law Enforcement Responses to Mexican Drug Cartels." We apologize for the delay and hope that this information is of assistance.

Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that there is no objection to submission of this letter from the perspective of the Administration's program.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Weich", is located below the "Sincerely," text.

Ronald Weich
Assistant Attorney General

Enclosure

cc: The Honorable Jeff Sessions
Ranking Minority Member

Questions for the Record
Posed to ATF Executive Assistant Director William Hoover
Senate Judiciary Committee Hearing Entitled
“Law Enforcement Responses to Mexican Drug Cartels”
Hearing date: March 17, 2009

- 1.) *When firearms are found in Mexico that were purchased in the United States, firearm traces are run to see from where the firearm was purchased. How many “terminals” are there in Mexico from which firearm trace data can be extracted or requested?*

Response: The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) does not provide “terminals” nor does ATF provide direct access to its Firearms Tracing System (FTS). ATF has developed an internet-based firearms trace submission tool called eTrace. Through eTrace, approved law enforcement agencies can prepare and transmit firearm trace requests and retrieve the associated trace results. As of May 2010, there are 24 registered eTrace users in Mexico.

- 2.) *Who has access to these terminals? What parameters are put on firearm trace searches?*

Response: As noted above, the Government of Mexico currently has 24 registered eTrace users. In addition, nine specifically selected U.S. consulate locations in Mexico have access to eTrace. The consulate sites provide the Government of Mexico with indirect access to the eTrace service, whereby US law enforcement assigned to the consulates will conduct trace requests on behalf of Mexican law enforcement who are conducting criminal investigations. The ATF Country Attaché office in Mexico City also coordinates the receipt and entry of firearm trace requests on behalf of Mexican law enforcement agencies and ATF will occasionally receive trace requests from CENAPI which are entered via eTrace by ATF on their behalf.

- 3.) *Does the department have to physically take these requests from the terminal, find the information and send it back?*

Response: The eTrace application provides approved users with the ability to electronically submit a firearm trace request to ATF in a secure, real-time environment. Firearm trace request data that is submitted via eTrace is automatically uploaded into the Firearm Tracing System (FTS) database. By definition, firearms tracing is the systematic tracking of the movement of a firearm recovered by law enforcement officials from its creation by the manufacturer or its introduction into U.S. commerce by the importer through the distribution chain (wholesaler/retailer) to the first retail purchase. The tracing process itself is a manual one whereby ATF staff must independently process each request. Therefore, trace results are not instantaneously made available to the requestor. The average processing time for a routine trace request is 8.5 business days. Upon completion of each firearm trace request, the results are made available to the requesting agency via eTrace. As a result, although the process is a manual one for ATF, the eTrace user submits and receives trace information electronically.

4.) *How is the department gatekeeping this information?*

Response: ATF only processes trace requests for authorized law enforcement agencies in connection with a criminal investigation. Traces are performed on “crime guns,” and a ‘crime gun’ is defined as “any firearm that is illegally possessed, used in a crime, or suspected by law enforcement officials of having been used in a crime or act of terrorism”. Each law enforcement agency that is granted access to eTrace designates each and every authorized user by name in order to obtain access to eTrace. Agencies that utilize eTrace only have access to firearm trace data relative to those requests that were submitted by their own agency. As such, Mexico law enforcement agencies who submit trace requests via eTrace and receive the results are only provided access to their own trace results. An exception is that Mexican law enforcement agencies can elect to share their trace data using the new opt-in/opt-out feature in Spanish eTrace -- that means that a Mexican law enforcement agency would have access to its own data as well as the data of another Mexican law enforcement agency that is voluntarily sharing it. The only other exception is the PGR who will have access to ALL trace data for Mexico, meaning the trace data for each individual Mexican law enforcement agency. There are no parameters within eTrace that allow any foreign law enforcement agency access to U.S. agency trace data.

5.) *Has Mexico asked for unfettered access to this data? What is the department's position on giving Mexican officials such access?*

Response: Mexico has not requested access to all firearms trace data. Mexico only has access to the trace results for the trace requests that they have made. The content of the trace results for all law enforcement agencies is the same, with the exception that Social Security Numbers are not provided relative to any foreign trace results. ATF continues to review data access issues and to discuss these issues with our law enforcement partners.