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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

May 16, 2011

The Honorable Jacob Lew  
Director  
Office of Management and Budget  
725 17<sup>th</sup> Street, N.W.  
Washington, D.C. 20503

Dear Director Lew,

I am writing to express my support for the proposed information collection published by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that will require federal firearms licensees (FFLs) in southwest border states to report multiple sales of certain rifles. This policy will provide ATF a critically important investigative tool in its effort to stem the flow of weapons into Mexico, and will do so without restricting the 2<sup>nd</sup> Amendment right of lawful purchasers to access firearms.

The Senate Homeland Security and Governmental Affairs Committee has held eight hearings since 2009 on the subject of border security and the violence occurring in Mexico. During these hearings, we've heard testimony from the Secretary of Homeland Security, the Director of Customs and Border Protection, as well as numerous state and local officials about the devastating effects that the flow of U.S. firearms into Mexico have had on that country. Over 35,000 people in Mexico have died since 2006 as a result of the grisly violence unleashed by the drug cartels south of our border. According to ATF and the Government Accountability Office (GAO), approximately 90 percent of the firearms that are recovered from crime scenes in Mexico that are successfully traced originated in the U.S. GAO also reports that between fiscal years 2004 to 2008, about 70 percent of the firearms seized and traced by Mexican law enforcement were originally purchased from gun shops in southwest border states.

The Department of Justice Inspector General (IG) has also recently reported that Mexican drug cartels purchase assault rifles in bulk, largely through straw purchasers within the U.S., and then smuggle them into Mexico. Recent news reports indicate that rifles originally purchased by smuggling rings in the southwest for the cartels were used by the individuals who ruthlessly murdered CBP agent Brian Terry and ICE agent Jaime Zapata. It is unacceptable that we are allowing these firearms to fuel the cartel's brutal violence against Mexican law enforcement and citizens, and against our own law enforcement personnel. The IG recommended that multiple sales of long guns be reported to ATF, as is currently required for handguns. I believe that we must heed the IG's call and close this loophole that allows individuals who purchase assault rifles to be given less scrutiny than those who buy handguns.

ATF's proposed information collection will greatly assist the Bureau in identifying and prosecuting members of the firearms smuggling rings and the drug cartel members they conspire with – without impeding the 2<sup>nd</sup> Amendment rights of lawful gun purchasers. It will provide the Bureau with real time investigative leads that will assist them in stopping the flow of these weapons before they reach the border, and will facilitate traces of crime guns to better enable ATF to dismantle the smuggling infrastructure that exists on both sides of the border. This will provide some much-needed assistance to the brave Mexican government officials who confront the inhuman violence unleashed by the drug cartels each and every day, and who are often outgunned as they do so.

I strongly support implementation of ATF's proposal to enhance the Bureau's investigative capabilities in its efforts to dismantle firearms smuggling rings. We must do everything possible to assist law enforcement in the fight to secure our border and counter the violence of the drug cartels and I look forward to working with you and your colleagues at ATF to address this critical issue.

Sincerely,



Joseph I. Lieberman  
Chairman