

United States Senate

WASHINGTON, DC 20510

March 12, 2021

The Honorable Anthony Blinken
Secretary of State
Department of State
Washington, DC 20520

Dear Secretary Blinken:

Since March 9, 2020, oversight of licensing for firearms exports has moved from the Department of State to the Bureau of Industrial Security (BIS) at the Department of Commerce. However, officials from the Departments of State and Commerce have said that there will continue to be an interagency process for reviewing such license applications, including soliciting input from U.S. Embassies in regions, such as Latin America, where BIS does not have permanent enforcement personnel assigned.

We are writing with questions about firearms exports that occurred while the Department of State still had oversight of such exports, as well as the Department's role in the new interagency process.

It has come to our attention that documents the Mexican Secretariat of National Defense (SEDENA) provided pursuant to a public records request show that U.S. firearms that were exported to Mexico were subsequently provided to state police forces shortly after such forces had been publicly implicated in the commission of atrocities. In October and December 2019, the documents show that SEDENA sold hundreds of Sig Sauer rifles and pistols that it imported from the United States to the Tamaulipas Secretariat of Public Security (SSP) after the Tamaulipas SSP was implicated in September 2019 of alleged extrajudicial executions of eight civilians in Nuevo Laredo, Tamaulipas. The sale to this unit proceeded even after the United Nations announced within two weeks of these killings that it was investigating them, and prior to a trial of three officers of the Tamaulipas SSP, which has not yet taken place as of the writing of this letter.

Twelve agents from the Tamaulipas SSP's Special Operations Group (GOPES) have also been charged with the January 22, 2021, murder of 19 people, nearly all of them young Guatemalan migrants, in Camargo, Tamaulipas. Online images posted by the Tamaulipas state government show GOPES agents with Sig Sauer rifles.

Similarly, the documents from SEDENA show that Colt Manufacturing was notified on February 3, 2015, that hundreds of rifles it produced were exported and destined for police forces in eight states, including for the Guerrero SSP. That notification came only two months after public reports implicated the Guerrero SSP in the forced disappearance of 43 students in Iguala, Guerrero, on September 26, 2014. Judicial documents from the investigation of the Ayotzinapa disappearances show that municipal police in Guerrero implicated in the disappearances were armed with Colt rifles.

SEDENA also provided hundreds of end use certificates (DSP-83 forms) for U.S. exported firearms destined for state and local police forces between 2008 and 2019. Although the firearms were exported for use by police forces, in every single certificate, SEDENA listed itself – the army - as the end user.

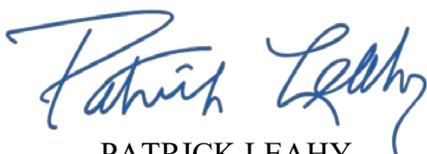
In light of this information, we would appreciate your answers to the following questions:

- Does the U.S. Government maintain information regarding U.S.-produced and exported firearms that SEDENA sells to state and local police forces? If so, what data is collected, over what time period, and which bureau, office, or other entity – including the U.S. Embassy – is responsible? If not, why not?
- What records does the Department of State maintain of past Blue Lantern investigations conducted of U.S. firearms exports and end users of those exports in Mexico, and which entity is responsible for maintaining such records? How is an end user defined? How many Blue Lantern investigations in Mexico during the last two years have focused on end users and whether police forces implicated in human rights abuses were the actual end users of U.S.-exported firearms?
- Were U.S. Embassy staff or other U.S. officials aware that U.S. firearms were sold for use by police forces in Guerrero and Tamaulipas? If so, what actions were taken, if any, to prevent further U.S.-exported firearms from ending up in the hands of these police forces? Is there any evidence that U.S.-exported firearms were used by any of the GOPES agents implicated in the January 22nd massacre in Camargo, Tamaulipas?
- Have U.S. Embassy staff or other U.S. officials been consulted, before and since the transfer of oversight of firearms export licenses to the Department of Commerce, about police forces as end users of U.S.-exported firearms? If staff have been consulted about such prospective end users of U.S. firearms exports, please share the details of the guidance Embassy staff or other U.S. officials have provided to Commerce about state and municipal police end users, including for police in Guerrero and Tamaulipas.
- Will Blue Lantern investigations continue to take place after the transfer of oversight of firearms exports to the Department of Commerce? If so, what staffing, training, and guidance will the U.S. Embassy or other U.S. officials maintain for such investigations? If not, how will end use checks be conducted?
- How many Department of Commerce enforcement staff, if any, are assigned to the U.S. Embassy in Mexico or are otherwise responsible for investigating potential firearms export violations?

We submitted an earlier version of these questions to Secretary Pompeo last summer, but did not receive a response.

Thank you for your assistance.

Sincerely,



PATRICK LEAHY
United States Senator



ROBERT MENENDEZ
United States Senator



RICHARD J. DURBIN
United States Senator



BENJAMIN L. CARDIN
United States Senator



CHRIS VAN HOLLEN
United States Senator



JEFFREY A. MERKLEY
United States Senator



TIM KAINÉ
United States Senator



CORY A. BOOKER
United States Senator