



One Hundred Fourteenth Congress  
U.S. House of Representatives  
Committee on Foreign Affairs  
2170 Rayburn House Office Building  
Washington, DC 20515  
[www.foreignaffairs.house.gov](http://www.foreignaffairs.house.gov)

February 10, 2016

The President  
The White House  
1600 Pennsylvania Ave. N.W.  
Washington, D.C. 20500

Dear Mr. President:

I am writing to respectfully request that you act to stop the transport of certain weapons parts from the United States to Mexico where they frequently fall into the hands of the country's brutal drug cartels. Because many weapons parts only need to be minimally modified to become finished, working firearms, their transport across the border into Mexico must be stopped. By using the authority that already exists in law, your Administration can help stop the flow of guns into the hands of Mexican drug gangs while reducing gun violence here in the United States.

The Government Accountability Office (GAO) recently released a report that I requested looking at the challenges facing U.S. efforts to prevent firearms trafficking to Mexico.<sup>1</sup> One of the most significant findings in the GAO report was that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and Mexican government officials identified homemade firearms as a new, complicating factor in their efforts to fight firearms trafficking to Mexico. Specifically, the report focused on the use of weapons parts transported from the U.S. to Mexico for assembly into finished, working firearms. The GAO report states:

“According to ATF officials, there are no reliable data on the extent of firearm parts trafficking from the United States into Mexico. They noted, however, that recent seizures of firearms parts, firearms made with unmarked parts, and equipment used to assemble or manufacture firearms in Mexico suggest an emerging reliance by criminal organizations on this source of weapons. For example, law enforcement officials in Mexico described to us two high-profile cases in 2014 involving illicit firearm parts assembly of this type. One was in Guadalajara, where Jalisco state police seized hundreds of unfinished receivers and pieces of sophisticated equipment being used to complete high caliber rifles. The second was in Tijuana, where Baja California state police seized 25 rifles in the process of assembly with firearm parts from the United States.”

---

<sup>1</sup> *Firearms Trafficking: U.S. Efforts to Combat Firearms Trafficking to Mexico Have Improved, but Some Collaboration Challenges Remain*, GAO 16-223 (January 2016).

The President  
February 10, 2016  
Page Two

Far too often, unfinished gun receivers are minimally modified to avoid regulation. Fortunately, existing law allows ATF to use its discretion in defining what constitutes a gun 'receiver.' The Gun Control Act (GCA) includes firearm frames and receivers in the definition of "firearm," thereby making them subject to the licensing, recordkeeping, and background check requirements of the GCA. "Frame or receiver" is defined by regulation as, "That part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel." ATF has considerable discretion under the existing definition to further define when an unfinished receiver (or casting or flat) should be designated a receiver, making it equivalent under the GCA to a firearm.

As it stands now, ATF has drawn the line between a receiver that qualifies as a firearm and an unfinished receiver that does not in a way that makes it easy for individuals to use unfinished receivers to make homemade guns in bulk and sell them to illegal buyers in the United States or traffic them to Mexico. The attached photographs from ATF's website demonstrate the very minor differences between what is designated as a firearm and what is not.

We must not lose sight of the forest for the trees. When it comes to guns, this means that we need to move beyond highly technical language which can easily be evaded with small tweaks and substitute a reasonability standard. In other words, if something can reasonably be turned into a gun relatively quickly and effortlessly, it should be regulated so that it cannot be easily transported to Mexico.

Refining the current interpretation of "frame or receiver" to include receiver blanks, castings, and flats that can be easily modified to function as receivers would make it much more difficult for traffickers to acquire the materials they need to construct working homemade firearms. Even if ATF were to determine it were necessary to conduct a rulemaking to formally modify the current regulation, it would be a task worth undertaking given the opportunity we have to prevent this new threat from expanding.

Acting now to shut down this new frontier of gun trafficking would not only help combat cross-border gun trafficking but also make Americans at home safer. Thank you for your attention to this important public safety matter.

Sincerely,



Eliot L. Engel  
RANKING MEMBER

**Attachment: ATF Designated Firearms vs. Firearms Parts**

