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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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November 18, 2016

The Honorable Sarah R. Saldana
Director
Immigration and Customs Enforcement
U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

Dear Director Saldana:

I write to request information on operations allegedly directed by Immigration and Customs Enforcement (ICE) relating to gun shows. According to a recent report, starting in 2010, ICE apparently persuaded local law enforcement to utilize license-plate readers (LPRs) to record the plate numbers of cars at gun shows in Southern California.¹ ICE reportedly sought to identify individuals seeking to illegally transport firearms across state lines and international borders.² As the nation tackles border security and immigration, it is unclear why ICE sought to use its limited resources to gather information about a constitutionally-protected right.

Although the report notes that ICE conducted these operations at gun shows in California, it is unclear whether ICE used similar tactics in other parts of the country. It is also unclear whether ICE, through these operations, has created a database of information about individuals who attended gun shows. ICE also apparently has no formalized policy standards regarding the use of license-plate readers for investigative purposes. This fact is troubling given that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)—the nation's primary firearm regulatory agency—has a policy governing the use of license-plate readers at gun shows.³

It is important for Congress to understand and evaluate the Department's use of these operations at gun shows. Accordingly, I respectfully request the following information and material:

1. Did ICE coordinate with the ATF prior to using license-plate readers at gun shows?
2. Provide all policy documents related to the utilization of license-plate readers.

¹ Wall Street Journal. Devlin Barrett. Oct. 2, 2016. Gun-Show Customers' License Plates Come Under Scrutiny. <http://www.wsj.com/articles/gun-show-customers-license-plates-come-under-scrutiny-1475451302>

² *Id.*

³ ATF Order 3310.4C, Section 78h.

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3. At how many gun shows has ICE conducted these operations? Please provide a list of gun shows, the locations, and the dates of those operations.
4. Did ICE interdict firearms during these operations? Please provide the number of firearms interdicted, including the date and location of interdiction, and the number of individuals arrested.
5. Did ICE allow suspected criminals in possession of firearms enter Mexico knowingly, without interdicting?
6. Does ICE maintain the data that was gathered through the use of license-plate readers? Did ICE share this information with other federal, state, and local law enforcement? Please explain.

Please produce this material as soon as possible, but by no later than 5:00 p.m. on December 21, 2016. In addition, I request that appropriate DHS staff brief the Committee staff on these matters. Please arrange for this briefing to occur no later than December 16, 2016.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.”⁴ Additionally, S. Res. 73 (114th Congress) authorizes the Committee to examine “the efficiency and economy of operations of all branches and functions of the Government with particular reference to (i) the effectiveness of present national security methods, staffing and processes....”⁵ For purposes of this request, please refer to the definitions and instructions in the enclosure.

If you have any questions about this request, please ask your staff to contact Brian Downey or Kyle Brosnan of the Committee staff at (202) 224-4751. Thank you for your attention to this important matter.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Thomas R. Carper
Ranking Member

The Honorable John Roth
Inspector General
U.S. Department of Homeland Security

⁴ S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

⁵ S. Res. 73 § 12, 114th Cong. (2015).

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Thomas E. Brandon

Deputy Director

Bureau of Alcohol, Tobacco, Firearms and Explosives

U.S. Department of Justice

Enclosure