

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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March 2, 2025

The Honorable Pamela J. Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Bondi:

As Members of Congress committed to safeguarding Americans' rights enshrined in both the Declaration of Independence and the Constitution, we are determined to protect our communities against lethal gun crime in a manner consistent with the Second Amendment. We are confident that your forthcoming examination, pursuant to the recent executive order issued by President Donald Trump, of "all orders, regulations, guidance, plans, international agreements, and other actions of executive departments and agencies" in this area will, if carried out objectively and in good faith, find that such actions have overwhelmingly advanced these important goals in a way that is perfectly consistent with the Second Amendment. There is plainly no need for any new plan of action to, in the words of the executive order, "protect the Second Amendment rights of all Americans."¹

Congress has a long history of passing legislation to protect Americans from violent crime while also adhering to the Second Amendment. Just as we have strengthened our laws in the past, we should continue to build on that success and pass legislation to ensure universal background checks, provide nationwide access to extreme risk protection orders, promote safe firearm storage, and further reduce violent crime. Nearly 100 years ago, Congress passed the National Firearms Act, using its taxation power to regulate firearms that were frequently used in violent crimes. Following the assassinations of President John F. Kennedy, Senator Robert F. Kennedy, and Dr. Martin Luther King, Jr., Congress passed the Gun Control Act which strengthened firearms industry regulations including licensing and prohibiting sales to people who should not have access to firearms, such as convicted felons. Congress later updated and amended the Gun Control Act when it passed the Firearms Owners' Protection Act, which additionally barred the manufacture and sale of new machine guns for use by civilians. Following an attempt to assassinate President Ronald Reagan, Congress passed the Brady Handgun Violence Prevention Act, establishing federal background checks. In 2022, Congress passed the Bipartisan Safer Communities Act, which expanded background checks, established federal crimes for gun trafficking and straw purchasing, and clarified existing gun industry

¹ *Protecting Second Amendment Rights*, THE WHITE HOUSE (Feb. 7, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/protecting-second-amendment-rights/>.

regulations. Together, these laws have provided the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) with the authority to promulgate rules that have prevented violent crime and saved lives. Our courts have repeatedly agreed that Congress has the authority to regulate the sale and use of firearms and that these regulations do not violate the Second Amendment.²

The executive order specifically instructs you to examine the ATF's "enhanced regulatory enforcement policy." Under this policy, ATF initiates the process to revoke the licenses of gun dealers who put the public at serious risk by willfully violating the Gun Control Act through transferring a firearm to a prohibited person, failing to conduct a background check, falsifying records, failing to respond to a trace request, or refusing to allow ATF to conduct an inspection. Through this policy, ATF has enforced the Gun Control Act as passed by Congress and has revoked the licenses of the tiny fraction of gun dealers who willfully violated the law. The ATF's enhanced regulatory policy has not prevented a single American who may lawfully possess a firearm from exercising his or her Second Amendment rights. More than three years after the implementation of this policy, only 0.5% of licensed gun dealers have had their licenses revoked, accounting for only 0.3% of the nation's roughly 130,000 federal firearms licensees. Law-abiding gun dealers remain in business throughout the country. In fact, today there remain more gun dealers than there are locations of Starbucks, McDonald's, Dunkin' Donuts, Burger King, Subway, and Chick-fil-A combined.³

The ability to be safe from gun violence is essential to the enjoyment of our foundational rights of life, liberty, and the pursuit of happiness. We cannot exercise any of our other most precious rights—the right to vote, the right to free speech, the right to worship freely, the right to peacefully assemble, and indeed the right to keep and bear arms—unless we are alive and safe in our communities. And while every administration has enforced our nation's firearms laws to help keep us safe, any changes to those laws must come from Congress. That is why we hope you will work with us and keep us informed as we seek to ensure all Americans are safe from gun violence.

In order to more fully understand the review that you will conduct and the plan of action you will create pursuant to the executive order, we request that you provide answers to the following questions and produce the following information as soon as possible, but no later than 5:00 p.m. on March 17, 2025:

1. What standard will you use to determine if any order, regulation, guidance, plan, international agreement, or other action violates the Second Amendment?
2. Will you publish your constitutional analysis within 30 days of presenting the plan of action to the President?
3. How will you ensure that your plan of action does not increase the risk of violent crime, including gun deaths?

² See, e.g., *United States v. Rahimi*, 602 U.S. 680, 700 (2024).

³ See *Report of Active Firearms Licenses*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (Nov. 2024), <https://www.atf.gov/firearms/listing-federal-firearms-licensees>.

4. How will you ensure that your plan of action does not increase suicides by firearms?
5. With respect to the processing of applications to export firearms, how will you ensure that your plan of action does not harm national security, including the ability of foreign terrorists to access firearms?
6. For any order, regulation, guidance, plan, international agreement, or other action of an executive department or agency that you determine to be an infringement of the Second Amendment, please explain how repeal or rescission will affect (a) gun deaths, (b) gun trafficking, (c) violent crime, (d) the ability of transnational cartels to access firearms, (e) the ability of law enforcement to promote public safety, and (f) the safety of law enforcement officers.
7. If the ATF's enhanced regulatory enforcement plan is repealed or modified, under what circumstances will the Administration allow dealers to keep their license and continue to profit from gun sales even after the dealer has willfully (a) transferred a firearm to a prohibited person, (b) failed to conduct a background check, (c) falsified records, (d) failed to respond to a trace request, or (e) refused to allow ATF to conduct an inspection?
8. What effect would repealing any order, regulation, guidance, plan, international agreement, or other action have on President Trump's commitment to Mexico's President Claudia Sheinbaum to prevent the flow of trafficked firearms into Mexico?⁴
9. Will you provide the plan of action to Congress within 30 days of presenting it to the President?
10. Will you publish the plan of action within 30 days of presenting it to the President so that it is available to the American people?
11. In conducting the review, will you consult with, or utilize in any way, anyone who is not a federal employee? If so, please provide the names and employers of anyone you consult with or utilize.
12. In drafting the plan, will you consult with, or utilize in any way, anyone who is not a federal employee? If so, please provide the names and employers of anyone you consult with or utilize.


⁴ Zusha Elinson & Cameron McWhirter, *As America Battles Fentanyl, Mexico Fights Flow of American Guns*, WALL STREET JOURNAL (Feb. 6, 2025), www.wsj.com/us-news/us-mexico-gun-weapon-smuggling-ecddf964.

The Honorable Pamela J. Bondi


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Thank you for your prompt attention to this matter.

Sincerely,



Jamie Raskin
Ranking Member



Lucy McBath
Ranking Member
Subcommittee on Crime and Federal
Government Surveillance

cc: The Honorable Kash Patel, Acting Director
Bureau of Alcohol, Tobacco, Firearms, and Explosives

The Honorable Jim Jordan, Chairman

The Honorable Andy Biggs, Chairman
Subcommittee on Crime and Federal Government Surveillance