

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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July 29, 2026

The Honorable Robert Cekada
Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue, NE
Washington, DC 20226

Dear Director Cekada:

As Democratic Members of the House Committee on the Judiciary, we write to express our opposition to the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) dangerous package of proposed rules to roll back commonsense gun safety policies.¹ Taken together, these proposals constitute the most sweeping effort in decades to weaken federal firearms safeguards, prevent accountability within the firearms industry, limit law enforcement's oversight of firearms dealers, and make it easier for dangerous individuals to obtain dangerous weapons.

Congress has repeatedly acted—on both a bipartisan and bicameral basis—to strengthen background checks, combat illegal gun trafficking, support crime gun tracing, improve firearms dealer accountability, and prevent firearms from reaching dangerous individuals. Most recently, Congress enacted the Bipartisan Safer Communities Act to enhance our nation's background checks system, close gaps that allow firearms to be acquired without appropriate scrutiny, reduce gun violence, and expand access to mental health services.² These bipartisan policy changes contributed to a historic drop in violent crime, including a 44% drop in homicide that began in 2022—two years before President Donald Trump began his second term—and continues to this day.³ Your proposed rules would move our country in the opposite direction.

ATF's proposed rules would increase opportunities for prohibited purchasers to obtain firearms. They make it harder for law enforcement to investigate gun crimes and trace crime guns. They weaken standards governing who must become a federally licensed firearms dealer.

¹ Press Release, *DOJ and ATF Announce Regulatory Reforms to Reduce Burdens on Law-Abiding Gun Owners and Businesses*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (Apr. 29, 2026), <https://www.atf.gov/news/press-releases/doj-and-atf-announce-regulatory-reforms-to-reduce-burdens-law-abiding-gun-owners-and-businesses>.

² Pub. L. No. 117-159 (2022).

³ See *Current Trends: Violent Crime*, CRIME INDEX (last visited July 6, 2026), <https://crimeindex.org/current?topic=crime&stat=violent&geo=us&size=all>; Ernesto Lopez & Bobby Boxerman, *Crime Trends in U.S. Cities: Year End 2025 Update*, COUNCIL ON CRIM. JUSTICE (Jan. 2026), <https://counciloncj.org/crime-trends-in-u-s-cities-year-end-2025-update/>.

They narrow the categories of records that are used to identify prohibited purchasers. They reduce dealer accountability for violations of federal law. They diminish oversight of particularly dangerous weapons, such as short-barreled rifles, which are regulated under the National Firearms Act (NFA). They create new avenues for firearms trafficking and straw purchasing. They undermine longstanding public safety protections, including at the state and local level.

Several proposed rules are especially troubling. For example, RIN 1140-AB01 would change the meaning of “engaged in the business” of selling firearms and therefore narrow the set of gun dealers who must obtain a federal firearms license and conduct background checks.⁴ When Congress passed the Bipartisan Safer Communities Act, it amended the Gun Control Act’s definition of who is “engaged in the business” of selling firearms to include those who do so “predominantly to earn a profit.”⁵ ATF then updated its regulations to implement this change.⁶ The resulting rule adheres to the definitions set forth in the Bipartisan Safer Communities Act and provides clarity to courts and the public on how the law applies to the modern firearms marketplace, ensuring that those who deal firearms—whether through online marketplaces, through social media, or at gun shows—obtain a license and conduct background checks. In seeking to rescind key parts of the current regulation, the proposed change would reopen loopholes that make it easier for firearms dealers to deny that they are engaged in the business of selling firearms and obligated to conduct background checks. This in turn makes it easier for people who cannot otherwise pass a background check to illegally purchase a firearm from those individuals. As ATF itself repeatedly acknowledges, this proposed rule could “result in some risk to public safety from persons who would no longer feel constrained in dealing in firearms without a license” and increases the risk of firearms being sold to those who may not legally have them.⁷

Another proposed rule, RIN 1140-AB05, would allow more firearms to be sold without the buyer appearing in person,⁸ opening up significant new avenues for gun trafficking and straw purchasing. Although these new remote sales would still involve a background check, firearms dealers would no longer be able to look for clues that a potential buyer intends to immediately resell the gun in violation of the straw purchasing offense that Congress enacted in the Bipartisan Safer Communities Act.⁹ This proposed rule would weaken the ability of licensed firearms dealers to serve as the first line of defense against illegal gun sales and allow more firearms to be

⁴ Revising Regulations Defining “Engaged in the Business” as a Dealer in Firearms, 91 Fed. Reg. 24424, RIN 1140-AB01 (May 6, 2026).

⁵ Pub. L. No. 117-159, Tit. II, Sec. 12002 (2022).

⁶ Definition of “Engaged in the Business” as a Dealer in Firearms, 89 Fed. Reg. 28968 (Apr. 19, 2024).

⁷ 91 Fed. Reg. 24424, at 24433 (“it could conversely increase risk from active sellers, who are not licensed, who resume sales and thus do not conduct background checks to ensure that prohibited persons do not acquire firearms on the secondary market.”); *id.* at 24432 (“increase in risk to public safety”).

⁸ Revising Non-Over-the-Counter Firearms Transaction Requirements, 91 Fed. Reg. 25216, RIN 1140-AB05 (May 8, 2026).

⁹ Pub. L. No. 117-159, Tit. II, Sec. 12004(a)(1) (2022); 18 U.S.C. § 932.

diverted to the illegal market where they are disproportionately used to commit crimes.¹⁰ ATF estimates that this change would result in nearly 2 million online gun sales per year.¹¹

If the public safety implications of this proposed rule do not move you to reconsider, please consider its ethical flaws. President Trump's son, Donald Trump Jr., stands to profit from this rule change. He owns a stake in an online firearms retailer and sits on the company's board.¹² The CEO recently bragged on an investor call that the company is "uniquely positioned" to profit from this rule and other related proposed rules that the company hopes will enable it to become the "Amazon of guns."¹³ If this rule is enacted, Congress will certainly have reason to believe that millions of Americans were put at risk so that the President's family might profit.

Another proposed rule, RIN 1140-AB04,¹⁴ would upend who is prohibited from buying or possessing a firearm after being "adjudicated as a mental defective" or "committed to a mental institution," overriding a nearly 30-year-old regulation to allow individuals who might be a danger to themselves or others to purchase and possess firearms.¹⁵ When Congress established the National Instant Criminal Background Check System (NICS),¹⁶ ATF had to further define longstanding prohibitions on who may buy or possess a gun in order to determine which records would be entered into NICS.¹⁷ To define "adjudicated as a mental defective," ATF examined the "legislative history of the term, applicable case law," including two Supreme Court precedents, "and the interpretation of the term by other Federal agencies."¹⁸ ATF determined that the prohibition would include people with severe mental illness as well as those with intellectual disabilities.¹⁹ The proposed rule would disregard this assessment, limit the scope of this prohibition, and enable individuals who might be a danger to themselves or others to purchase firearms.²⁰ Once again, ATF concedes that this proposal would endanger the public and that

¹⁰ See *National Firearms Commerce and Trafficking Assessment (NFCTA): Crime Guns - Volume Two*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (Mar. 27, 2024), <https://www.atf.gov/firearms/national-firearms-commerce-and-trafficking-assessment-nfcta-crime-guns-volume-two>.

¹¹ 91 Fed. Reg. 25216, at 25224.

¹² Perry Stein, *Plan to Ease Rules on Mailing Guns Could Help Company Trump Jr. Has Stake In*, WASH. POST (July 2, 2026), <https://www.washingtonpost.com/national-security/2026/07/02/trump-jr-plays-key-role-grabagun-company-hoping-boost-internet-gun-sales/>.

¹³ *Id.*

¹⁴ Revising Definitions of "Adjudicated as a Mental Defective" and "Committed to a Mental Institution," 91 Fed. Reg. 25166, RIN 1140-AB04 (May 8, 2026).

¹⁵ 18 U.S.C. § 922(g)(4).

¹⁶ Brady Handgun Violence Prevention Act of 1993, Pub. L. No. 103-159.

¹⁷ See Definitions for the Categories of Persons Prohibited From Receiving Firearms (95R-051P), 61 Fed. Reg. 47095 (Sept. 6, 1996).

¹⁸ *Id.*, at 47097.

¹⁹ *Id.*

²⁰ 91 Fed. Reg. 25166, at 25181 ("[T]he proposed rule would raise the threshold for which persons are adjudicated as mentally deficient or are formally and involuntarily committed to a mental institution. As a result, some portion of these dangerous persons, although adjudicated or committed, would no longer be prohibited.").

those who would be armed as a result of this change—including veterans²¹—might die by suicide²² or other acts of gun violence “up to and including potential mass casualty events.”²³

Lastly, RIN 1140-AA98 would reopen a loophole that allows people to use a gun accessory called a stabilizing brace to create a short-barreled rifle,²⁴ circumventing the NFA, which has regulated short-barreled rifles and other especially dangerous firearms since 1934.²⁵ Short-barreled rifles are uniquely dangerous firearms due to their concealability and lethality. Mass shooters have used firearms equipped with stabilizing braces to kill nine people outside a bar in Dayton, Ohio, in 2019; 10 people—including responding police officer Eric Talley—at the King Soopers grocery store in Boulder, Colorado, in 2021; five people in an LGBTQ nightclub in Colorado Springs, Colorado, in 2022; and six people—including three 9-year-old children—at an elementary school in Nashville, Tennessee, in 2023.²⁶

While each of these proposals warrants independent review, we cannot ignore their collective effect. Together, these proposed rules would severely weaken the federal framework governing firearm sales, transfers, recordkeeping, trafficking prevention, and public safety oversight. They would significantly alter how firearms are purchased, sold, transferred, tracked, and regulated in the United States to the detriment of communities across the country. And they would fundamentally undermine the ATF. Apart from the lives that will be lost if these rules are enacted, we are concerned that these proposals would move the agency away from its core mission to protect the public and enforce federal firearms law.

We urge ATF to immediately withdraw these dangerous proposals. We further request that ATF provide Congress with a detailed public safety impact analysis that explains how these proposals would cumulatively affect firearm trafficking investigations, crime gun tracing, background check effectiveness, firearms dealer accountability, domestic violence and suicide prevention efforts, and youth access to firearms, and provide a briefing to Congress on the rationale for—and expected consequences of—this deregulatory package before issuing any final rules.

Additionally, we ask that you provide answers to the following questions and produce the following information as soon as possible, but not later than 5:00 p.m. on September 1, 2026:

²¹ *Id.*, at 25182 (The proposed rule “could exclude individuals (veterans and non-veterans alike) who are now captured by that prong and indeed pose a danger to themselves or to others.”).

²² *Id.* (“This public safety cost would be experienced by the general public in addition to *members of the affected population itself* (i.e., those who would no longer be subject to the firearms restriction as a result of the proposed rule).” (emphasis added)).

²³ *Id.*

²⁴ Removing Factoring Criteria for Firearms With Attached “Stabilizing Braces,” 91 Fed. Reg. 24453, RIN 1140-AA98 (May 6, 2026).

²⁵ 26 U.S.C. § 5845(a)(3)-(4).

²⁶ *Dissenting Views*, H.J. Res. 44, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Alcohol, Tobacco, Firearms and Explosives relating to “Factoring Criteria for Firearms with Attached ‘Stabilizing Braces,’” House Report 118-69 (May 17, 2023).

1. Did the Department of Justice (DOJ) or ATF conduct a cumulative public safety impact assessment evaluating the combined effect of all proposed rules?
 - a. If such an assessment was conducted, please provide the analysis and supporting documentation.
 - b. If no cumulative assessment was conducted, why not?
2. Which external stakeholders, organizations, trade associations, manufacturers, industry representatives, advocacy organizations, or private individuals were consulted during development of the proposed rules package?
3. Please provide a complete list of meetings, communications, and consultations between DOJ, ATF, and representatives of the firearms industry related to the proposed rules package.
4. Did DOJ or ATF conduct any assessment regarding the effect of these proposals on firearms trafficking investigations?
 - a. If any assessment was conducted, please provide the analysis and supporting documentation.
 - b. If no assessment was conducted, why not?
5. What effect does ATF anticipate these proposals will have on the number of firearms recovered and traced in criminal investigations?
6. Did ATF evaluate whether shortening firearms record retention requirements would reduce law enforcement's ability to solve gun crimes?
 - a. If any assessment was conducted, please provide the analysis and supporting documentation.
 - b. If no assessment was conducted, why not?
7. What analysis was conducted regarding the effect of these proposals when firearms are recovered after use in crimes, years or decades after their original sale?
8. How many firearms sellers would no longer be considered "engaged in the business" under the proposed changes?
9. Did ATF evaluate whether these rule changes could increase firearm transfers occurring without background checks or without a record of sale that enables tracing firearms that are used in crimes?

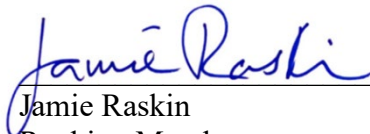
- a. If so, please provide the analysis and supporting documentation.
 - b. If no evaluation was conducted, why not?
- 10. What analysis was conducted regarding the effect of extending the background check validity period on firearm acquisitions?
- 11. Did DOJ or ATF evaluate how many individuals become prohibited after receiving an approved background check but before completing a firearm transfer?
 - a. If so, please provide the analysis and supporting documentation.
 - b. If no evaluation was conducted, why not?
- 12. Did DOJ or ATF assess the effect of these proposals on domestic violence victims or the occurrence of crimes involving domestic violence?
 - a. If so, please provide the analysis and supporting documentation.
 - b. If no assessment was conducted, why not?
- 13. Did DOJ or ATF assess the effect of these proposals on firearm relinquishment efforts?
 - a. If so, please provide the analysis and supporting documentation.
 - b. If no assessment was conducted, why not?
- 14. Did DOJ or ATF analyze how the proposals might affect gun suicides, suicide prevention efforts, or access to firearms during periods of crisis?
 - a. If so, please provide the analysis and supporting documentation.
 - b. If no analysis was conducted, why not?
- 15. What effect does ATF anticipate these proposals will have on youth access to firearms and unintentional shootings involving children?
- 16. What analysis was conducted regarding the elimination of the Youth Handgun Safety Act notices and warnings?
- 17. Did DOJ or ATF evaluate whether remote firearm sales could increase opportunities for straw purchasing or firearms trafficking?
 - a. If so, please provide the analysis and supporting documentation.

- b. If no evaluation was conducted, why not?
- 18. What safeguards are necessary and sufficient to prevent identity fraud, straw purchasing, and firearms trafficking in remote firearm transactions?
- 19. What analysis did DOJ and ATF conduct regarding the proposed changes to Form 4473, the firearm transaction record used for background checks and tracing, and their anticipated effect on firearms trafficking investigations and prosecutions?
- 20. How does ATF anticipate these changes will affect the investigation and prosecution of straw purchases and other illegal firearm transfers?
- 21. Did DOJ or ATF evaluate how eliminating Chief Law Enforcement Officer (CLEO) notification requirements may affect local law enforcement awareness of NFA-regulated weapons present within their jurisdictions?
 - a. If so, please provide the analysis and supporting documentation.
 - b. If no evaluation was conducted, why not?
- 22. What analysis was conducted regarding how these rules might affect the interstate transportation of machine guns, suppressors, short-barreled rifles, and other NFA-regulated weapons?
- 23. Did DOJ or ATF assess whether these proposed rules could undermine, conflict with, or otherwise limit the effectiveness of state laws regulating NFA-regulated weapons?
 - a. If so, please provide the analysis and supporting documentation.
 - b. If no assessment was conducted, why not?
- 24. How many individuals who are currently prohibited from possessing firearms could potentially avoid disqualification under the proposed changes to mental health-related firearm prohibitions?
- 25. Did DOJ or ATF evaluate state guardianship, conservatorship, and involuntary civil commitment laws and procedures to determine how the proposed changes to mental health-related firearm prohibitions might affect state determinations about firearms eligibility?
 - a. If so, please provide the analysis and supporting documentation.
 - b. If no evaluation was conducted, why not?

26. What analysis was conducted regarding the effect of these changes on NICS records submissions?
27. For each proposal in the April 2026 firearms regulatory package that DOJ and ATF assert will increase public safety, please provide the supporting evidence for that conclusion.

We trust you will treat this matter with the urgency it demands and look forward to your prompt response.

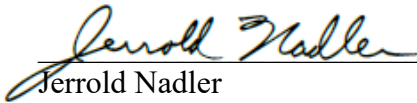
Very truly yours,



Jamie Raskin
Ranking Member



Lucy McBath
Ranking Member
Subcommittee on Crime and Federal
Government Surveillance



Jerrold Nadler
Member of Congress



Zoe Lofgren
Member of Congress



Steve Cohen
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Ted W. Lieu
Member of Congress



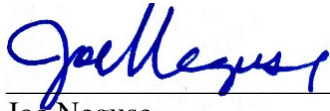
Pramila Jayapal
Member of Congress



J. Luis Correa
Member of Congress



Mary Gay Scanlon
Member of Congress



Joe Neguse
Member of Congress



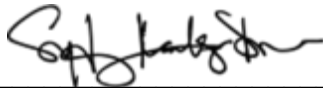
Deborah Ross
Member of Congress



Becca Balint
Member of Congress



Jesús G. "Chuy" García
Member of Congress



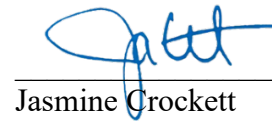
Sydney Kamlager-Dove
Member of Congress



Jared Moskowitz
Member of Congress



Dan Goldman
Member of Congress



Jasmine Crockett
Member of Congress



Summer Lee
Member of Congress

cc: The Honorable Jim Jordan, Chairman

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