

United States Senate

WASHINGTON, DC 20510

March 31, 2025

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

Dear Attorney General Bondi:

We write with great concern regarding President Trump’s appointment of Federal Bureau of Investigation (FBI) Director Kash Patel as Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).¹ As the primary federal law enforcement agency dedicated to curbing illegal firearm use and enforcing federal firearms laws and regulations, it is critical that ATF be led by an experienced Director who has been confirmed by the Senate for this role and is dedicated to upholding the agency’s mission. For the reasons outlined below, Mr. Patel is not that person. We therefore write to inquire into what policies and procedures you will implement to ensure that ATF will continue to meaningfully function in its intended capacity.

Gun violence in the United States is a public health crisis. In 2024, the U.S. Surgeon General issued an advisory listing firearm violence—including homicide, suicide, nonfatal injuries, and unintentional injuries and deaths—as a “significant public health challenge[] that require[s] the nation’s immediate awareness and action.”² Analyzing data from 2002 to 2022, the Surgeon General reported that since 2020 the leading cause of death for children and adolescents in America has been gun violence, with rates higher than car crashes, poisoning, and cancer.³ In 2022 alone, 48,204 people died in the United States of gun-related injuries.⁴

That said, following passage of the historic *Bipartisan Safer Communities Act*⁵ and coordinated, nationwide efforts to curb gun violence during the Biden Administration, we were starting to see positive results. In 2023, provisional data indicates gun-related deaths totaled 46,728—representing a decline from 2022 by three percent or 1,476 fewer deaths.⁶ Violent crime has also

¹ U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, *Acting Director Kash Patel*, U.S. DEP’T OF JUST. (last updated Feb. 24, 2025), <https://www.atf.gov/about/leadership/acting-director>.

² Off. of the U.S. Surgeon Gen., *Firearm Violence: A Public Health Crisis in America*, U.S. DEP’T OF HEALTH & HUMAN SERVS., 2 (2024), <https://web.archive.org/web/20250226203017/https://www.hhs.gov/sites/default/files/firearm-violence-advisory.pdf>. In March, the Department of Health and Human Services removed the advisory [hereinafter *Firearm Violence*], underscoring this Administration’s extreme and ideological approach to public safety and public health. See <https://www.hhs.gov/sites/default/files/firearm-violence-advisory.pdf>.

³ *Firearm Violence*, *supra* note 2, at 3.

⁴ *Id.*

⁵ Pub. L. 117-159.

⁶ Ctr. for Gun Violence Solutions, *Continuing Trends: Five Key Takeaways from 2023 CDC Provisional Gun Violence Data*, JOHN HOPKINS BLOOMBERG SCH. OF PUB. HEALTH (published Sept. 12, 2024), <https://publichealth.jhu.edu/center-for-gun-violence-solutions/2024/continuing-trends-five-key-takeaways-from-2023-cdc-provisional-gun-violence-data#:~:text=Overall%20Gun%20Deaths%20Decreased%2C%20But,resulting%20in%201%2C476%20fewer%20deaths.>

declined significantly,⁷ due in part to ATF's data collection, investigation, and enforcement efforts.⁸

For example, ATF's crime gun intelligence tools eTrace, which "is used to trace the purchase and/or use history of firearms used in violent crimes,"⁹ and the National Integrated Ballistic Information Network, which "is the only interstate automated ballistic imaging network in operation in the United States,"¹⁰ together "have transformed crime-solving by generating over 1.1 million investigative leads from ballistic evidence and linking suspects to major crimes within hours."¹¹ ATF has also worked to increase DNA matches from cartridge casings and has expanded Crime Gun Intelligence Centers, which use "data-driven strategies" to foster "cross-agency collaboration."¹²

ATF has also focused on eliminating firearms trafficking networks that unlawfully smuggle guns from the United States to Mexico,¹³ arming dangerous cartels which, in turn, send illicit drugs such as fentanyl into the United States.¹⁴ And ATF created an Emerging Threats Center, which among other things, has focused on the proliferation of privately-made firearms, or ghost guns, and machine-gun conversion devices, or Glock switches.¹⁵ These represent only some examples of ATF's nationwide initiatives to reduce gun violence and keep Americans safe.

While the decrease in violent crime and gun-related deaths is encouraging, 2023 still had "the third-highest number of gun-related deaths ever recorded in the United States," evidencing that significant challenges to America's gun violence crisis remain.¹⁶ The Department of Justice must do everything within its power to sustain this downward trend, including ensuring ATF is empowered to carry out its mandate and keep firearms from falling into the hands of those who should not have them. Now is not the time to pull back on ATF leadership and practices that helped bring about this progress.

⁷ Off. of Pub. Affairs, *Readout of the Justice Department's Violent Crime Reduction Steering Committee Meeting*, U.S. DEP'T OF JUST. (last updated December 10, 2024), <https://www.justice.gov/archives/opa/pr/readout-justice-departments-violent-crime-reduction-steering-committee-meeting-1>.

⁸ U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, *Safeguarding Communities: ATF's Key Accomplishments and Impact January 2021 to January 2025*, U.S. DEP'T OF JUST., 4 (last visited Mar. 4, 2025), <https://static1.squarespace.com/static/5a9cdd65620b8564e4ffd194/t/6797ac0bd57df906e4f625fc/1737993228142/ATF%27s+Key+Accomplishments+2021-2024+Report.pdf> [hereinafter *Safeguarding Communities*].

⁹ U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, *Fact Sheet - eTrace: Internet-Based Firearms Tracing and Analysis*, U.S. DEP'T OF JUST. (last updated Apr. 2024), <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-etrace-internet-based-firearms-tracing-and-analysis>.

¹⁰ U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Integrated Ballistic Information Network (NIBIN)*, U.S. DEP'T OF JUST. (last reviewed July 8, 2024), <https://www.atf.gov/firearms/national-integrated-ballistic-information-network-nibin>.

¹¹ *Safeguarding Communities*, *supra* note 8, at 19.

¹² *Id.*

¹³ *Id.* at 8.

¹⁴ *See, e.g.,* SHARYN ALFONSI ET AL., *Mexico Fights to Dam "Iron River" Sending Guns from U.S. to Cartels*, CBS NEWS (last updated Dec. 22, 2024), <https://www.cbsnews.com/news/guns-from-us-ending-up-in-mexico-60-minutes/>.

¹⁵ *Safeguarding Communities*, *supra* note 8, at 10-13.

¹⁶ Ctr. for Gun Violence Solutions, *Continuing Trends: Five Key Takeaways from 2023 CDC Provisional Gun Violence Data*, JOHN HOPKINS BLOOMBERG SCH. OF PUB. HEALTH (published Sept. 12, 2024), <https://publichealth.jhu.edu/center-for-gun-violence-solutions/2024/continuing-trends-five-key-takeaways-from-2023-cdc-provisional-gun-violence-data#:~:text=Overall%20Gun%20Deaths%20Decreased%2C%20But,resulting%20in%201%2C476%20fewer%20deaths.>

Mr. Patel is, quite simply, not the right person to lead the ATF. As an Acting Director, Patel's appointment has not been subject to Senate confirmation, a crucial process for vetting those nominated by the President for significant leadership roles in the Executive, including ATF Director. Disturbingly, Mr. Patel would not affirm that firearm background checks—a well-established procedure for keeping guns out of the hands of dangerous individuals—are constitutional during his confirmation hearing for FBI Director.¹⁷ Notably, Mr. Patel's appointment has been applauded by extreme gun advocacy groups seeking to rollback commonsense gun regulations.¹⁸ Last year, Mr. Patel spoke at the inaugural summit for group Gun Owners of America,¹⁹ a “no-compromise gun lobby”²⁰ that has announced it “look[s] forward to dismantling gun control with Kash.”²¹ Mr. Patel's appointment threatens to undo the lifesaving progress ATF has made to reduce gun violence in America.

Attorney General Bondi, you have served as a prosecutor for much of your career. During your Senate confirmation hearing, you testified about the importance of keeping Americans safe, prosecuting criminals and gunrunners, reducing recidivism, and enforcing existing gun laws.²² During one exchange, you assured the Committee: “I will do everything in my power to prevent illegal gunrunners in our country.”²³ In discussing your time as Florida Attorney General and mass shooting responses, you reiterated: “I am an advocate for the Second Amendment, but I will enforce the laws of the land.”²⁴ To better understand how you intend to accomplish these goals, please promptly respond to the following questions:

1. Recently, we have seen notable success in curtailing gun violence. While the United States experienced a spike in gun-related crimes and deaths during the pandemic, through bipartisan congressional action and the previous Administration's efforts, that trend has begun to reverse. Given ATF's central role in curbing violent crime, it is of paramount importance that the agency be staffed by experienced leaders, agents, and others who support ATF's core mission, without the appearance of or actual conflict, in order to continue this downward trend. By contrast, firearm-industry personnel advocate for gun companies' bottom lines by pushing for the repeal of commonsense gun regulations in order to sell more weapons and weapons accessories. Hiring such individuals for critical public-safety positions at ATF would endanger the agency's core mission and Americans' safety while prioritizing increases in private company profits.

¹⁷ *Brady Condemns Decision to Place FBI Director Kash Patel in Charge of Bureau of Alcohol, Tobacco, and Firearms*, BRADY (Feb. 25, 2025), <https://www.bradyunited.org/press/kash-patel-atf>.

¹⁸ *See, e.g., NSSF Congratulates New ATF Acting Director Kash Patel*, Firearm Industry Trade Ass'n (Feb. 25, 2025), <https://www.nssf.org/articles/nssf-congratulates-new-atf-acting-director-kash-patel/>; Chris Eger, *2A Groups Welcome Kash Patel as Acting ATF Director*, GUNS.COM (Feb. 25, 2025, 5:38 AM), <https://www.guns.com/news/2025/02/25/2a-groups-welcome-kash-patel-as-acting-atf-director>.

¹⁹ Champe Barton, *What Kash Patel's Leadership Could Mean for the ATF*, THE TRACE (Feb. 28, 2025), <https://www.thetrace.org/2025/02/kash-patel-atf-fbi-gun-rights-regulation/>.

²⁰ *GOA News and Updates*, GUN OWNERS OF AM. (last accessed Mar. 24, 2025), gunowners.org.

²¹ Gun Owners of America, FACEBOOK (Feb. 23, 2025, 1:00 PM), <https://www.facebook.com/GunOwners/posts/goa-is-proud-to-back-kash-patel-a-true-patriot-who-understands-the-meaning-of-th/1172647124518312/> (“We look forward to dismantling gun control with Kash!”).

²² *See generally The Nomination of the Honorable Pamela Jo Bondi to be Attorney General of the United States: Nomination Hearing Before the S. Comm. on the Judiciary*, 119th Cong. (2025), <https://www.judiciary.senate.gov/committee-activity/hearings/the-nomination-of-the-honorable-pamela-jo-bondi-to-be-attorney-general-of-the-united-states>.

²³ *Id.* at 03:50:15 (statement of Hon. Pamela Jo Bondi).

²⁴ *Id.* at 05:26:15 (statement of Hon. Pamela Jo Bondi).

Will you place constraints on the hiring of firearm-industry personnel for ATF positions?
If not, why?

2. ATF must comply with all existing legal obligations. This includes exercising statutorily-required regulatory authority over the firearms industry, fully implementing the *Bipartisan Safer Communities Act*, and complying with the *Administrative Procedures Act* if changing existing ATF regulations. However, Acting Director Patel lacks experience with ATF's core responsibilities, including ATF's regulatory oversight of the gun industry. Moreover, Acting Director Patel was only temporarily appointed under the *Vacancies Reform Act* and has not been subject to the Senate's advice and consent process for this role. It is therefore particularly important that you exercise your authority as Attorney General to give final approval of all actions ATF takes under Acting Director Patel's stewardship, including all policy changes.

Will you commit to personally reviewing for approval all new or revised ATF policies and actions? If not, why?

Thank you for your attention to this matter.

Sincerely,



Richard J. Durbin
United States Senator



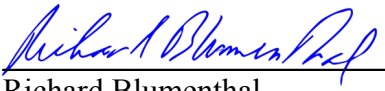
Charles E. Schumer
United States Senator



Tammy Duckworth
United States Senator



Christopher S. Murphy
United States Senator



Richard Blumenthal
United States Senator



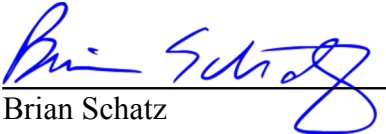
Adam B. Schiff
United States Senator



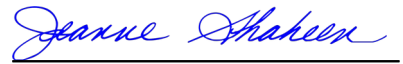
Chris Van Hollen
United States Senator



Elizabeth Warren
United States Senator



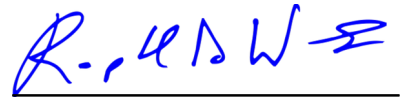
Brian Schatz
United States Senator



Jeanne Shaheen
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Kirsten Gillibrand
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Raphael Warnock
United States Senator



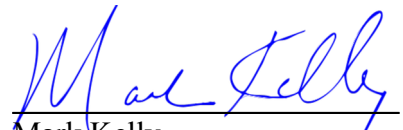
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