



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Public and Governmental Affairs

Washington, DC 20226

www.atf.gov

Chairman Clay Higgins
United States House of Representatives
Washington, DC 20515

Dear Chairman Higgins,

Thank you for your letters to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), dated January 28, 2026 and April 6, 2026, regarding the protection of firearm trace data under the Tiahrt Amendment. ATF is committed to upholding the Second Amendment rights of law-abiding citizens and protecting their privacy. While we cannot discuss the specific cases you cited, as they are still ongoing litigation, we can provide you with a general overview of ATF's policies related to the restriction on the disclosure of firearm trace data.

ATF complies with all laws enacted by Congress. Since 2003, a series of appropriations restrictions (often collectively referred to as the "Tiahrt Amendments") codified ATF's longstanding policy of limiting access of crime gun trace data solely to law enforcement. Under the Tiahrt Amendments and ATF's longstanding policy, ATF discloses specific trace data only to a law enforcement agency or a prosecutor with a jurisdictional nexus to the firearm. When a law enforcement agency submits a firearm trace request to ATF's National Tracing Center, ATF reminds the agency of the requirements that all parties must follow under the law, including the requirement that traces of suspected crime guns only be made "in the course of a bona fide criminal investigation."¹ In addition, ATF requires law enforcement agencies who regularly submit trace requests to sign an eTrace memorandum of understanding (MoU) which expressly informs the agency of the disclosure restrictions on crime gun trace data contained in the Tiahrt Amendment.

Additionally, ATF is required by the Freedom of Information Act (FOIA) to disclose records requested by the public under that Act, unless protected by an exemption. ATF responds to FOIA requests in accordance with the provisions of FOIA and other applicable federal laws and court decisions. As such, in the case of a FOIA request in which responsive records are subject to the Tiahrt Amendment, ATF will withhold the data from public release. ATF has generally been successful in defending the intent of Congress as to this appropriations restriction, except for in the 9th Circuit. *Ctr. For Investigative Reporting v. DOJ*, No. 18-17356, 2021 WL 4314789 (9th Cir. Sept. 23, 2021) (Wardlaw, J.), withdrawing, 982 F.3d 668 (9th Cir. 2020).

¹ See 18 U.S.C. § 923(g)(7).

Honorable Clay Higgins

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We hope this information is helpful, and we look forward to participating in tomorrow's hearing, *Privacy Protections & the Second Amendment: Examining ATF's Relationship to the Tiahrt Amendment*. Please do not hesitate to reach out to ATF's Legislative Affairs Division at ATFlegislativeaffairs@atf.gov, should you require further information or updates.

Sincerely,

JUSTIN WARD Digitally signed by JUSTIN WARD
Date: 2026.05.13 18:20:08 -04'00'

Justin Ward, DPA
Assistant Director
Public and Governmental Affairs

cc: Ranking Member Summer Lee