



Department of Justice

STATEMENT OF

**ROBERT CEKADA
DIRECTOR**

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

BEFORE THE

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEE ON FEDERAL LAW ENFORCEMENT
UNITED STATES HOUSE OF REPRESENTATIVES**

FOR A HEARING ENTITLED

**“PRIVACY PROTECTIONS AND THE SECOND AMENDMENT:
EXAMINING ATF’S RELATIONSHIP TO THE TIAHRT AMENDMENT”**

PRESENTED

MAY 14, 2026

Statement of Robert Cekada
Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
U.S. Department of Justice

At a Hearing Entitled,
“Privacy Protections and the Second Amendment: Examining ATF’s
Relationship to the Tiahrt Amendment”

Before the Committee on Oversight and Government Reform
Subcommittee on Federal Law Enforcement
United States House of Representatives

May 14, 2026

Chairman Higgins, Ranking Member Lee, and Members of the Subcommittee, thank you for the invitation to appear before you to discuss privacy protections and the Second Amendment.

As the Director of ATF, I have a singular mission: to keep the American people safe. The brave men and women of ATF share that mission and run toward gunfire every single day to do so.

ATF is a small agency, consisting of approximately 4,600 employees, whose core mission is combating violent crime. We target violent criminals, disrupt firearms trafficking networks that arm gangs and cartels, investigate bombings and arsons, and support our partners with world-class forensic and intelligence capabilities. ATF does this while simultaneously protecting Americans’ Second Amendment rights and acting as a force multiplier to its Federal, state, local, and Tribal law enforcement agency partners.

Since January 20, 2025, ATF has:

- Arrested just over 8,700 criminals;
- Seized 43,802 firearms, 5,101 of which were being trafficked to Mexico;
- Seized 2,703,576 rounds of ammunition;
- Seized 28,311 illegal explosives;
- Received 220 destructive device submissions and processed a total of 414 items. Of those processed, 304 were classified as Title II devices, 96 as explosives or pyrotechnic devices, and 14 were outside the classification;
- Responded to 22 National Response Team callouts, including the Palisades wildfire in California, the explosion that tragically claimed the lives of three Los Angeles Sheriff’s Deputies assigned to the Arson Explosives Detail, and an explosion at

- Accurate Energetic Systems in McEwen, TN that took the lives of 16 employees;
- Opened more than 2,200 arson cases and nearly 1,350 explosives cases;
- Responded to nearly 856,000 firearms trace requests (note: this includes all trace requests, including duplicates);
- Completed more than 11,100 Federal Firearms Licensee (FFL) inspections; and
- Taken steps to reduce unnecessary burdens on law-abiding citizens and businesses by modernizing regulatory frameworks that no longer reflect current law, agency practice, or court precedent.

ATF has also achieved marked decreases in processing times for electronic forms for firearms covered by the National Firearms Act. For example, between January 1, 2026, and April 14, 2026, ATF received more than 1 million eForms applications and finalized over 924,000. By the end of May 2026, the NFA Division anticipates that it will have processed 1.15 million paper and electronic Form 1 and Form 4 applications – that exceeds 762,445, which was the total number processed in the entirety of 2023. eForm 4 processing times have dropped from an average of 230 days in calendar year 2023 to an average of 12 days in calendar year 2026. eForm 1 processing has also decreased from an average of 47 days in calendar year 2023 to 42 days in calendar year 2026.

ATF has achieved tremendous results. Although I know this is not an appropriations hearing, I would be remiss if I did not take the opportunity to impress upon this Subcommittee that without adequate investments by Congress, these results are not sustainable. And without adequate investments ATF will have limited capacity to address the very things this Subcommittee cares about, including firearms tracing, ballistic intelligence, and forensic laboratory examinations involving firearms, arson, and explosives, as well as reducing processing times to allow Americans to more expeditiously exercise their Second Amendment rights.

ATF is grateful for the funding Congress has appropriated. These funds have allowed ATF to make a tangible difference in communities throughout the country every single day.

ATF provides critical services to state and local law enforcement at no cost, including firearms tracing, ballistic intelligence, and forensic laboratory examinations involving firearms, arson, and explosives. These capabilities are central to identifying shooters, disrupting trafficking networks, and solving violent crime.

The President's FY 2027 budget request for ATF totals \$1.652 billion for Salaries and Expenses, with 4,749 full-time equivalents. If enacted, the Administration's budget will enable ATF to strengthen its core capabilities, modernize infrastructure, and expand access to services for law enforcement partners, all while supporting law-abiding citizens seeking to exercise their Second Amendment rights and Federal Firearms Licensees (FFLs) operating within the parameters of the law.

Combating Gun Violence

Gun violence shatters communities and families throughout the nation. Violent criminals – including transnational criminal organizations (TCOs), foreign terrorist organizations (FTOs), and gang and cartel members – exploit the legal and illicit markets to obtain their weapons of choice. Many rely on straw purchasers willing to make illegal purchases for easy money, perpetrating violence in communities throughout the country.

ATF’s strategy to combat gun violence and firearms trafficking is comprehensive and intelligence driven. Utilizing information that FFLs are required to maintain, ATF’s National Tracing Center determines the original source market from which a recovered crime gun originated. ATF agents and analysts use this trace data and investigative evidence to identify trafficking corridors and trends. They then, along with our Industry Operations Investigators (IOIs) and Federal prosecutors, work to reduce the flow of diverted firearms into trafficking channels. The result: fewer trigger-pullers on the streets and safer communities.

The FY 2027 budget would enhance ATF’s effectiveness in this area. It includes \$25.8 million for program enhancements to support our core missions. These funds would be used to add 86 positions (60 agents, 5 attorneys, 21 technical professional administrative positions) to expand investigations targeting firearms trafficking networks that supply Mexican cartels, FTOs, and TCOs. Specifically, these funds would support the expansion of Firearms Trafficking Task Forces along the Southwest Border and increase ATF’s ability to identify, disrupt, and dismantle crossborder smuggling operations tied to violent crime and illegal immigration, and strengthen ATF’s capacity to stop the flow of military style weapons, privately made firearms, and machinegun conversion devices that fuel cartel violence and threaten communities in the United States.

Firearms Trafficking at the Border and Cooperation with Mexico

Our nation is seeing a surge in bold, high-profile criminal activities, fueled by various criminal elements, including Mexican cartels, gangs, FTOs and TCOs. That is why ATF is focused on identifying, disrupting, and dismantling cross-border firearms trafficking.

Firearms trafficking from the United States to Mexico remains one avenue by which these criminal elements acquire firearms. Operation Southbound is DOJ’s primary initiative and has shown sustained increases in investigations and seizures since 2020.

To support these efforts, in 2024, ATF established the National Firearms Trafficking Center (NFTC) to provide ATF, and our law enforcement partners, a unified investigative and intelligence forum providing comprehensive, coordinated, and effective intelligence, additional resources and strategies to identify, disrupt, and dismantle illegal firearms trafficking. The NFTC provides unique capabilities by combining and operationalizing premier Crime Gun Intelligence (CGI) tools with expert illegal firearms trafficking analysis to generate timely and actionable intelligence. The NFTC enhances firearms trafficking intelligence through collaboration and operational focus, with the NFTC acting as a central hub and deconfliction center responsible for the national coordination of firearms trafficking investigations.

In addition to our own trafficking investigations, ATF has partnered with the Department of Homeland Security and the FBI to support the Homeland Security Task Forces (HSTFs) this Administration has deployed across the nation. Working with our Federal law enforcement partners, ATF is at the forefront of protecting the homeland from evolving threats presented by transnational organized crime.

This whole-of-government approach is paying off. This Administration has filed the first charges of material support of terrorism for attempting to illegally export firearms to the cartels. On May 16, 2025, the Department of Justice announced the first U.S. indictment charging a Mexican national with providing material support to a designated foreign terrorist organization, based on her alleged role supporting the Cartel de Jalisco Nueva Generación (CJNG). According to the indictment, Maria Del Rosario Navarro-Sanchez conspired to supply grenades and engaged in alien smuggling, firearms trafficking, bulk cash smuggling, and drug trafficking on behalf of the cartel, along with co-defendants facing related charges.¹

ATF's mission is to protect Americans from violent crimes just like this. It is a big mission, and we are a small agency, but we succeed by focusing our resources on the most dangerous offenders and the most significant sources of illegal firearms. Our efforts are intelligence-driven and collaborative. ATF works closely with our Federal, state, local, and Tribal partners through violent crime task forces, Crime Gun Intelligence Centers (CGIC), and NFTC to identify repeat shooters, disrupt firearms trafficking networks, and trace crime guns to their sources. These efforts allow law enforcement to connect firearms to violent crimes, identify patterns of trafficking, and intervene earlier to prevent future violence.

Recognizing the role that Mexican TCOs, FTOs and cartel members play in trafficking firearms and in perpetrating violent gun-related crimes, in 2023, ATF, Department of State – Bureau of International Narcotics and Law Enforcement Affairs (INL), and the Government of Mexico initiated the Firearms Trafficking Investigations Unit (FTIU) project, with the goal of strengthening investigative collaboration on firearms trafficking. Through the shared security objectives to protect our people, prevent transborder arms trafficking, and pursue criminal networks, Mexico's first vetted unit dedicated to firearms trafficking investigations was established in 2024 under the Fiscalía General de la Republica (FGR).

Since its inception, the FTIU has bolstered bilateral information sharing between the Government of Mexico and ATF domestic offices. The initiative has also significantly improved FGR's investigative and prosecutorial capacity to combat firearms trafficking in Mexico. The FTIU collaborates with ATF offices across the U.S. and helps build firearms trafficking cases on both sides of the border. These efforts have enhanced public safety and security in the United States and in Mexico, and have resulted in the seizure of over 300 firearms that were destined for Mexico.

With the 2025 FTO designation of multiple Mexican drug cartels, ATF, the State

¹ Press Release, U.S. Department of Justice, *Mexican National and Alleged Alien Smuggler Indicted on First Material Support of Terrorism Charges Against CJNG Member* (May 16, 2025), available at: <https://www.justice.gov/opa/pr/mexican-national-and-alleged-alien-smuggler-indicted-first-material-support-terrorism>.

Department, and the Government of Mexico saw the need to not only sustain, but to increase bilateral cooperation, and thus established a second FTIU under the Secretaría de Seguridad y Protección Ciudadana (SSPC).

The collective activities of both vetted units include participation in specialized training programs to increase their investigative capabilities, deployments along the Southwest Border to assist in specific arms trafficking investigations, and facilitation of real-time intelligence sharing with ATF domestic offices. With these focused actions, the FGR and SSPC vetted units are better positioned to comprehensively address firearms trafficking, achieve sustainable improvements in investigations, and disrupt and dismantle FTOs.

Strengthening Collaboration with State and Local Partners Through Crime Gun Intelligence

Firearms trafficking does not only occur at the United States – Mexico border. Rather, the problem is diffuse, requiring focused attention throughout the entire country. To that end, ATF recognizes that the key to increasing efficiency, productivity, and cost savings across the full spectrum of its mission is to leverage technology. Crime Gun Intelligence – or CGI – plays a critical role in doing so.

ATF uses CGI, which combines available information on crime guns, shooting incidents, human intelligence, social media, telephone analysis, and technology, in nearly all of its firearms-related investigations, and primarily through the use of its 27 Crime Gun Intelligence Centers located throughout the country. CGI provides comprehensive information to investigators, who can then identify offenders illegally purchasing or transferring firearms and the offenders who use firearms to commit violent crimes, thereby disrupting the shooting cycle.

ATF's CGI strategy rests on three pillars: eTrace, which provides electronic access to ATF's firearm tracing center, the National Integrated Ballistic Information Network (NIBIN), and our ability to extract DNA evidence from spent shell casings and firearms.

- **eTrace** is ATF's secure web-based tracing platform, which allows authorized law enforcement agencies to electronically submit trace requests, retrieve completed trace results, and share data across jurisdictions. The system enables investigators to quickly identify potential firearms traffickers, link suspects to crime guns, and develop investigative leads that support criminal cases. ATF continues to enhance eTrace capabilities, including expanding integration with state and local systems to improve data quality, streamline submissions, and accelerate turnaround times. Trace completion timelines vary based on urgency and data quality. Priority traces can often be completed within 24 hours, while routine traces are typically completed within seven to 10 days, depending on the complexity of the firearm's transaction history and the availability of records. ATF is the only Federal agency authorized to trace firearms; however, ATF's authorization is only to trace firearms for law enforcement agencies involved in bona fide criminal investigations. ATF provides eTrace access free of charge to more than 10,500 authorized law enforcement agencies in the United

States and in 52 other countries.

The eTrace system allows these law enforcement agencies to conduct comprehensive traces of recovered crime guns and establish leads in their investigations. The system also allows agencies to strategize long-term on how best to reduce firearms-related crime, firearms trafficking and violence in their communities. In some cases, eTrace allows ATF to directly identify subjects.

- **NIBIN** is the only national network that allows for the capture and comparison of ballistic evidence to aid in solving and preventing violent crimes involving firearms. It has completely changed the landscape in terms of how law enforcement conducts firearms investigations, enabling them to link firearms-related evidence across towns, cities, and states, and to solve cases that span jurisdictions. In the past seven years alone, NIBIN has generated over 1,177,000 leads for law enforcement.

NIBIN is vital to violent crime reduction strategies because it enables investigators to match ballistic evidence across cases. Crime guns are often used in multiple crimes, and NIBIN can link the ballistic evidence from multiple crime scenes, allowing law enforcement to more quickly disrupt shooting cycles.

Although there are more than 400 NIBIN sites located throughout the country, ATF recognizes that many local law enforcement agencies and forensic laboratories lack the resources to hire, train, and retain the specialists required to operate NIBIN sites. That is why ATF established two NIBIN National Correlation and Training Centers (NNCTCs) - one in Huntsville, Alabama and the other, a National Crime Gun Intelligence Center for Excellence, in Wichita, Kansas. These centers, with their cutting-edge technology and centralized intelligence-sharing capabilities, enable ATF to disrupt firearms trafficking networks and reduce gun violence across the country by providing ballistics analysis and correlation to Federal, state, local and Tribal law enforcement. As of December 2025, the NNCTC had provided nearly 2.3 million correlation reviews, resulting in almost 712,400 leads for more than 7,200 partner agencies while maintaining a 99.6 percent lead confirmation.

To make NIBIN even more accessible and to improve its efficiency, ATF is exploring technological advancements such as the application of artificial intelligence (AI) to the correlation process. Improving the efficiencies of NIBIN will enable ATF to provide faster service and allow additional law enforcement agencies to become part of the NNCTC, which will better assist law enforcement in identifying serial shooters and, when coupled with firearms tracing, the sources of crime guns that are used in violent acts. If proven viable, the use of AI may also allow for equipment from additional vendors to contribute ballistic images to NIBIN, which would increase the number of law enforcement agencies contributing. ATF is also working to migrate NIBIN to a cloud environment, which will eliminate the need for physical servers while enabling faster, more expansive correlation searches. Doing so would provide greater capabilities for international correlation requests.

Finally, ATF is streamlining the process by which agencies can share data with NIBIN and eTrace, reducing duplicative efforts by both ATF and partner agencies and ensuring interoperability between ATF's systems to maximize the impact of crime gun intelligence. But none of these advancements will be possible absent Congressional support.

The President's FY 2027 budget request includes \$7.8 million to strengthen core capabilities, modernize infrastructure, and expand support to law enforcement partners through NIBIN. This program enhancement will enable ATF to modernize the NIBIN infrastructure, replace aging ballistic imaging equipment, and expand NNCTC services to additional sites, thereby ensuring timely investigative lead generation, allowing law enforcement to identify and apprehend violent offenders more effectively.

- **Touch DNA** analysis, using ATF-developed extraction technology to obtain DNA from spent shell casings, provides critical information to investigators by linking shooting incidents or potentially identifying an individual linked to a crime gun. ATF's unique capabilities have enabled its laboratory to obtain a DNA profile that is suitable for comparison over 65% of the time when examining a group of fired cartridge cases from the same investigation.

Importantly, ATF has been able to apply its unsurpassed expertise in the area of DNA analysis beyond shell casings to firearms, bombs, implements of arson, and other tools used by violent criminals. CGICs combine the data generated by NIBIN and DNA analysis to generate leads of interconnected shootings that can be provided to local, state, and Federal investigators. Thanks to support from the Congress, ATF will hold a grand opening of a new specialized laboratory to advance the integration of DNA analysis into crime gun intelligence in Wichita, Kansas next week.

Taken together, and when paired with ATF's best practices, eTrace, NIBIN, and Touch DNA have revolutionized the way criminal investigations are conducted.

ATF Forensic Laboratories

ATF currently operates two forensic laboratories—one in Atlanta, Georgia, and the National Laboratory in Ammendale, Maryland, where we also conduct fire research. These laboratories are staffed with a variety of chemists, forensic biologists, fingerprint specialists, firearms examiners, and other scientists. The staff consists of highly trained individuals specializing in the examination of evidence typically seen in fire, explosives, and firearms-related crimes who perform forensic examinations and provide technical support, expert witness testimony, and advanced training to a wide range of national and international law enforcement personnel. ATF laboratories have also developed methodologies for the recovery of DNA from fired cartridge casings. From these generated DNA profiles, we can compare them to suspects and others searched through the Combined DNA Index System, which serves as the national DNA database.

As mentioned above, the National Laboratory in Amundale, Maryland, includes our Fire Research Laboratory (FRL), which is the nation’s only large-scale fire science research laboratory dedicated to fire and arson criminal investigations. The FRL is the first laboratory in the United States to provide services such as on-scene support and remote technical assistance for fire investigations. ATF’s FRL is a one-of-a-kind facility featuring cutting-edge scientific methods used to measure data specific to fire behavior, including heat release rate, burning rate, and smoke production. The 16,900-square-foot burn room can accommodate a three-story structure created to help investigators safely study large-scale fire behavior, perform engineering analyses, and improve computer models. This research space also allows ATF’s criminal investigators to conduct real-time fire scene analysis and test validation that is used in criminal prosecutions.

ATF and the Regulated Firearms Industry

ATF is statutorily mandated to regulate the firearms and explosives industries. It does so from the point of manufacture or importation through the point of retail sale with the goal of ensuring FFL compliance with applicable laws and regulations.

ATF maintains relations with the regulated firearms and explosives industries by conducting industry roundtables, seminars, and training for retail personnel. To gain better insights into the industry’s business processes, ATF regularly conducts industry visits to help better understand potential vulnerabilities, to encourage cooperation with law enforcement to combat violent crime and firearms trafficking, and, ultimately, to help us create the best policies possible.

Recognizing the critical role that FFLs play in identifying straw purchasing and firearms trafficking, ATF partnered with the National Shooting Sports Foundation (NSSF)—the trade association for the firearms industry—to administer the “Don’t Lie for the Other Guy” campaign, an educational program to assist FFLs in the detection and possible deterrence of straw purchasing. This program seeks to reduce firearm straw purchases at the retail level and to educate would-be straw purchasers about the penalties of knowingly participating in an illegal firearm purchase. Every firearm denied to a prohibited person potentially results in one fewer shooting or gun-related homicide. As such, FFLs are critical partners in ATF’s mission to prevent violent crime and protect the nation.

FFL burglaries, thefts, and robberies are a significant source of illegally trafficked firearms, directly fueling violent crimes involving firearms. As a result, ATF implemented a policy whereby teams consisting of Special Agents and Industry Operations Investigators respond to 100% of all FFL burglaries and robberies and expedite the processing of evidence from these incidents in its forensic laboratories. This strategic redirection of resources has enhanced ATF’s ability to identify, arrest, and prosecute criminals and recover stolen firearms as soon as possible, thus mitigating the substantial threat they pose to public safety.

ATF inspections of FFLs are focused not only on ensuring regulatory compliance, but also on integrating and analyzing risk factors to detect diversion from lawful commerce and identifying “straw purchasers” who illegally purchase firearms to supply firearms to criminals. Between January 20, 2025, and the present, ATF conducted more than 11,100 FFL inspections.

As part of our regulatory mission, ATF plays an important role in the National Instant Criminal Background Check System (NICS), run by our partners at the Federal Bureau of Investigation (FBI). Specifically, if a firearm is transferred to a prohibited person because of a delayed NICS determination, the FBI refers the case to ATF for retrieval of the firearm. ATF places a high priority on retrieving firearms held by prohibited persons and expends considerable resources to fully reviewing delayed denials within 48 hours of being notified.

Arson and Explosives

ATF has the primary jurisdiction and responsibility to investigate explosions, bombings, and criminal misuse of explosives within the homeland. These account for more than 90 percent of all explosives incidents around the U.S. ATF is also statutorily authorized to investigate domestic terrorism, when directed by the Attorney General, and any other scene of an accidental explosion to include incidents at Army ammunition plants.

ATF's National Center for Explosives Training and Research (NCETR) is a vital resource in the fight against explosives and arson-related violent crime in America that enhances public safety and national security by delivering advanced explosives and fire investigation training to our nation's law enforcement, fire investigators, bomb technicians, canine handlers, and military Explosives Ordnance Disposal (EOD) operators. NCETR's Explosives Enforcement and Training Division, Arson and Explosives Research and Intelligence Division, and Fire Investigation and Arson Enforcement Division, based at Redstone Arsenal, along with the National Canine Division in Front Royal, Virginia, provide specialized training and operational support to ATF personnel and partner agencies in the U.S. and abroad. NCETR also contributes subject matter experts to the National Explosives Task Force, and it engages in other efforts to support the whole-of-government approach in Countering Improvised Explosive Devices.

NCETR delivers critical skills training courses to public safety bomb technicians and military EOD soldiers on Homemade Explosives, Advanced Explosives Disposal Techniques, Explosives Evidence Exploitation, and Post-Blast Investigative Techniques. These critical skill training programs administered by ATF are recognized by the National Bomb Squad Commanders' Advisory Board as "critical skill programs [that] have daily impacts on public safety bomb squads' operational safety."

ATF's National Response Teams (NRT) are world renowned for their investigative abilities. The teams respond to major domestic bombings and explosions, as well as major fire and arson incidents that require resources beyond the capabilities of our state and local partner agencies. NCETR also oversees the Certified Explosives Specialist and Certified Explosives Specialist Bomb Technician programs, which consist of ATF's subject matter experts for bombings, explosives thefts, and other explosives related to criminal activity. Not only does NCETR manage the training of these personnel, but it also coordinates the operational responses of ATF personnel to large incidents nationwide, and worldwide on request from foreign partners through the U.S. State Department.

Most recently, ATF's NRT deployed and worked with our state and local law enforcement and fire investigative partners to conduct an origin and cause investigation into the arson of the

Kimberly-Clark distribution center located in Canoga Park, California, which resulted in a near-total loss of both the structure and its contents. A suspect was identified and subsequently arrested on a state arson charge.

A New Era of Reform

ATF supports President Trump's mandate to make America safer by remaining relentlessly focused on violent crime. ATF's mission is not to burden lawful gun owners or undermine the Second Amendment. As I stated during my confirmation hearing, the right to keep and bear arms is a constitutional guarantee, and I am committed to protecting and preserving it. Effective law enforcement and respect for civil liberties are not competing goals – they are inseparable obligations.

Throughout my tenure first as Deputy Director and now as Director, I have taken steps to rebuild trust with FFLs, lawful gun owners, and the public by prioritizing public safety and collaboration. Some of the specific actions I have taken to do so include:

Creating A Senior Industry Partnership Advisor/Liaison. ATF works to reduce violent crime involving the criminal use of firearms through an integrated criminal and regulatory enforcement approach. Criminal investigations prioritize armed violent offenders, career criminals, narco-terrorists, violent gangs, and domestic and international firearms traffickers. To prevent the diversion of firearms from legal to illegal markets, ATF IOIs conduct license qualification and compliance inspections and partner with the firearms industry through outreach and training, as described above. Regulatory enforcement also supports compliance with applicable Federal, state, and local firearm laws.

ATF supports its partnership with the firearms industry through a Senior Industry Partnership Advisor to address industry concerns and foster productive engagement. This Advisor serves as the primary liaison to regulated industries and trade associations and provides timely responses to inquiries, clarifies regulatory requirements, and offers expert guidance to promote fair treatment and strong, sustainable relationships.

Revoking the Enhanced Regulatory Enforcement Policy. ATF's top priority is protecting our communities from violent crime and gun violence. We recognize that FFLs are one of the first lines of defense against gun crime and are often a source of critical information that helps law enforcement identify straw purchasers and disrupt illegal firearms trafficking schemes. In accordance with the President's Executive Order on Protecting Second Amendment Rights, in May 2025, ATF ended the Enhanced Regulatory Enforcement Policy and replaced it with ATF's Federal Firearms Administrative Action Policy and Procedures (ATF Order 5370.1H), which emphasizes fairness and transparency.

Under the new policy, ATF's IOIs continue to work diligently to protect the public and ensure FFLs are acting in compliance with the law. Willful violators continue to be held accountable.

Implementing Regulatory Reforms. Following the comprehensive review that was conducted in compliance with the Executive Order on Protecting Second Amendment Rights, ATF and the Department recently issued 34 notices of final and proposed rulemaking. Consistent with ATF's commitment in 2025 to rebuild trust with FFLs and federal explosives licensees (FELs) and industry stakeholders, this review included a consideration of industry and expert feedback and concerns. The resulting proposed rules are an effort to reduce unnecessary burdens on law-abiding citizens and businesses while modernizing regulatory frameworks that no longer reflect current law, agency practice, or court precedent. The aim is simpler, clearer regulations that do not compromise ATF's ability to perform its critical missions to protect American communities from violent crime.

Privacy Protections

ATF complies with all laws enacted by Congress and is committed to upholding the Second Amendment rights of law-abiding citizens and to protecting their privacy. This is at the heart of ATF's Era of Reform.

Tiahrt Amendments. Since 2003, a series of appropriations restrictions, often collectively referred to as the "Tiahrt Amendments" codified ATF's long-standing policy of limiting access of crime gun trace data solely to law enforcement. Under the Tiahrt Amendments, ATF is permitted to disclose specific trace data or records required to be held by FFLs under 18 U.S.C. § 923(g) to a law enforcement agency or a prosecutor. A proviso within the restriction also permits ATF to publish aggregate trace data reports.

ATF makes every effort to inform our law enforcement partners that they are also required to protect Tiahrt information. For example, when a law enforcement agency submits a firearm trace request to ATF's National Tracing Center (NTC), 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 conducted in the course of a bona fide criminal investigation. Another example is that 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.

ATF is also 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.

Demand Letter 2 Program. ATF's Demand Letter program is authorized under the Gun Control Act (GCA), which allows the agency to request information that FFLs are already required to maintain. ATF's NTC uses these letters to obtain records necessary to complete firearm traces or identify trafficking indicators when routine trace requests are insufficient. By collecting targeted acquisition and disposition data, ATF strengthens its ability to support criminal investigations without expanding recordkeeping requirements. This focused approach helps ensure the tracing system remains timely, accurate, and responsive to emerging trafficking patterns.

Access to GCA information provided by FFLs is limited to law enforcement agencies and approved analytical uses to prevent disclosure of sensitive dealer-specific or investigative data. ATF maintains internal controls and legal reviews to ensure demand letter information is used solely for authorized investigative and regulatory purposes. These protections help maintain the integrity of ongoing investigations and safeguard sensitive FFL information.

The Demand Letter 2 Program is currently paused to allow ATF to evaluate the program effectiveness from reporting mandates to tracing results. All FFLs enrolled in the program were notified that quarterly report submissions are no longer required until further notice. ATF recognizes the impact of release of Demand Letter 2 program information on the industry and would welcome Congress clarifying that the program is not subject to FOIA disclosure.

NICS Alerts. NICS Alerts are a valuable investigative tool for ATF firearms trafficking investigations. Under current law, ATF personnel may request use of the NICS Alert Service Portal (NICS Alert) for real-time notifications of firearm transactions for individuals under ATF investigation for suspected federal firearms law violation(s).² Since January 20, 2025, ATF has seized 43,802 illegally possessed or purchased firearms from prohibited persons, gang members, and suppliers for transnational criminal organizations. This includes 5,101 firearms that were bound for Mexico, where they would have been used by violent drug cartels and gangs. Although ATF does not have aggregate data on the number of prosecutions and seizures to which NICS Alerts have contributed, NICS Alerts have played a critical role in many of these investigations.

ATF understands the civil liberty concerns related to the NICS Alert system, and the agency is committed to ensuring that the program does not infringe the rights of law-abiding citizens. To that end, on April 23, 2025, I, as Deputy Director, proactively issued an updated NICS Alert Policy.³ According to this policy, ATF agents will use NICS Alerts only to investigate active cases involving suspected violations of federal firearm statutes within ATF's jurisdiction. NICS Alerts may not be used for any other purpose.

To provide additional oversight of the use of NICS Alerts, the new ATF NICS Alert Policy implemented significant procedural reforms for approving and using information for NICS Alerts.⁴ These reforms require the Special Agents in Charge and the Deputy Assistant Directors to review and approve each request for a NICS Alert. The new policy requires

² Under 28 CFR 25.9(b)(2)(i), “information in the NICS Audit Log, including information not yet destroyed under § [2]5.9(b)(1)(iii), that indicates, either on its face or in conjunction with other information, a violation or potential violation of law or regulation, may be shared with appropriate authorities responsible for investigating, prosecuting, and/or enforcing such law or regulation.” See 28 CFR 25.6(j)(2), which authorizes access to the NICS Index for the purpose of “[r]esponding to an inquiry from the Bureau of Alcohol Tobacco, Firearms, and Explosives in connection with a civil or criminal law enforcement activity relating to the Gun Control Act (18 U.S.C. Chapter 44) or the National Firearms Act (26 U.S.C. Chapter 53)[.]”

³ See ATF, NICS Alert Policy (Apr. 23, 2025), *available at*

<https://www.atf.gov/firearms/docs/general-notice/memo-nics-alert-rc-4-23-25/download>.

⁴ *Id.*

requestors to submit a formal memo for approval, which must include: (1) the requestor's name and contact information, (2) the ATF case number, (3) the name of the person subject to alert, (4) a list of suspected federal firearm violations, (5) a summary of the suspect's activity to date which meets the FBI's criteria to initiate the NICS Alert, and (6) the requested duration of the NICS Alert. Furthermore, the policy requires concurring approval from the ATF Deputy Director and Chief Counsel for any extension of an NICS Alert for more than 180 days. Such approval is granted only for active criminal investigations.

Firearms Registry. ATF does not have an illegal firearms registry, and complies with all congressional restrictions related to out-of-business records (OBRs). An appropriations rider originally enacted in 1979 and made permanent in FY 2012 prohibits ATF from "consolidating or centralizing" the "acquisition and disposition of firearms maintained by Federal firearms licensees". Additionally, the 1986 Firearms Owners' Protection Act prohibits ATF from issuing any new rule or regulation requiring that: "(1) firearms licensee records (or any portion of the contents of the records) be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof; or (2) any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established."

FFLs are required by law, 18 U.S.C. § 923(g)(4), to send firearms transaction records to ATF's National Tracing Center (NTC), which includes the Out-of-Business Records Center (OBRC) within 30 days of the discontinuance of business. The NTC is responsible for conducting law enforcement traces on recovered crime guns and its sole use of OBRs is to complete traces of crime guns sold by FFLs who have since gone out of business. The NTC receives an average of 7.3 million pages of OBRs per month (based on calendar year 2025 counts), and as of March 1, 2026, the OBRC maintains over 1.38 billion pages of OBR documents. These records are integral in the firearms tracing process.

However, because ATF is prohibited by law from establishing any registry of lawful firearm owners, even when digitized, OBRs are only searchable by firearm characteristics (make, model, caliber, serial number) and not by name or other personally identifiable information. As part of the OBR scanning process, the image files are indexed/tagged by FFL number and in limited cases may also have a secondary index to the firearm descriptors (e.g., serial number). The FFL number serves as the primary OBR search parameter when processing a trace request, which consists of following a firearms chain of distribution from its point of introduction into U.S. commerce by a licensed manufacturer or importer, through a distributor/wholesaler, and typically one or more retail FFLs before it is ultimately sold to an individual purchaser. In limited instances, a search may be narrowed further by categories such as serial number and document type (Acquisition and Disposition (A&D) Record, Form 4473, etc.) to help narrow the results.

Recognizing the burdens associated with keeping OBRs indefinitely, as well as the decreasing utility of such records over time, ATF has published a Notice of Proposed Rulemaking that proposes to replace the current practice of indefinite records retention for FFL records with a defined period for ATF Forms 4473 and A&D records of either 20 or 30 years. ATF also proposes a 20 or 30 year retention period would be required for ATF's OBRC at the NTC. Nothing changes until a Final Rule is published and effective. However, ATF encourages all interested constituencies to submit comments on this NPRM.

Conclusion

Mr. Chairman and Members of the Subcommittee, thank you again for the opportunity to appear before you today. ATF protects American communities from violent crime driven by the illegal use of firearms, explosives, and acts of arson. Through crime gun intelligence, forensic analysis, and relentless investigation, we identify and arrest violent offenders and gang members, dismantle trafficking networks, and sever the supply chains arming cartels, prohibited persons, and terrorist organizations. We defend and protect the privacy and the rights of law-abiding citizens, safeguarding lawful commerce and uphold the Constitution of the United States.

I look forward to answering any questions you may have.