

United States Senate

WASHINGTON, DC 20510

June 24, 2025

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

Dear Attorney General Bondi,

As we approach the three-year anniversary of the enactment of the Bipartisan Safer Communities Act (BSCA), I write to request an update on the Department of Justice's (DOJ) implementation of the anti-gun trafficking statute, 18 U.S.C. 933 ("trafficking in firearms"). In years past, the Department worked diligently with my office to provide timely and comprehensive reports pertaining to the effectiveness of the anti-gun trafficking statute, demonstrating the Department's success in using the statute to charge hundreds of firearm traffickers and seize thousands of illicit firearms. Since January 20, 2025, requests to the Justice Department for these reports from my office have gone unanswered.

Firearms trafficking remains a significant driver of gun violence in the United States.¹ The illicit movement of firearms across state lines floods communities with deadly weapons and allows criminals to get their hands on firearms they would not otherwise be able to possess. This is a particularly pernicious issue in states like New York, where state-level efforts to implement gun safety measures are consistently undermined by the steady influx of illegal firearms from neighboring states. Reports from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) have found that nearly 230,000 firearms were trafficked in more than 7,700 cases from 2017-2021 and that unlicensed sellers were the largest source of trafficked firearms.² Additionally, approximately 80% of firearms connected to a crime and recovered by law enforcement in New York come from out of state.³

In the absence of a dedicated federal law to criminalize interstate firearms trafficking, authorities historically had to rely on a patchwork of weak, easily exploitable statutes to prosecute offenders. This made enforcement extremely difficult and allowed traffickers to operate with little fear of serious consequences. After over a decade of pursuing legislation to close this trafficking loophole and make firearms trafficking a federal crime, I was pleased to see the core of my anti-gun trafficking legislation established in BSCA. Now, under 18 U.S.C. 933, it is illegal to "ship, transport, transfer, cause to be transported, or otherwise dispose of any firearm to another person in or otherwise affecting interstate or foreign commerce, if such person

¹ Eugenio Weigend Vargas, "The Gun Trafficking Crisis Is Fueling Violent Crime," Center for American Progress, June 16, 2022, <https://www.americanprogress.org/article/the-gun-trafficking-crisis-is-fueling-violent-crime/>.

² U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, "ATF Releases Comprehensive Firearms Trafficking Report" Bureau of Alcohol, Tobacco, Firearms and Explosives, April 8, 2024, <https://www.atf.gov/news/press-releases/atf-releases-comprehensive-firearms-trafficking-report>

³ U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, "National Firearms Commerce and Trafficking Assessment (NFCTA): Crime Guns – Volume Two, Part III – Crime Guns Recovered and Traced within the United States and its Territories," January 11, 2023, <https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-iii-crime-guns-recoveredand-traced-us/download>.

knows or has reasonable cause to believe that the use, carrying, or possession of a firearm by the recipient would constitute a felony.” The law also barred the receipt of such firearms “if the recipient knows or has reasonable cause to believe that such receipt would constitute a felony.” Offenders face up to 15 years in prison and must forfeit any property and proceeds related to the violation.⁴

Authorities have successfully used the statute to break up firearms trafficking operations large and small. In many cases, multiple defendants have been arrested and indicted after attempting to traffic dozens of firearms – often to undercover agents themselves. Charges have been brought against suspected gang members, leaders of gun trafficking rings, and previously convicted felons. In its last communication with my office in late 2024, the DOJ reported that it had prosecuted 489 defendants so far under 18 U.S.C. 933.

During your confirmation hearing before the Senate Judiciary Committee, you stated your commitment to “enforcing federal gun laws as appropriate and in accordance with the relevant facts and law.”⁵ BSCA was a historic piece of legislation – the first significant federal gun safety legislation in nearly 30 years – but to truly maximize its intended benefits, diligent enforcement, implementation and transparency is required. I look forward to hearing from you and to continuing to work together on these issues.

Sincerely,



Kirsten Gillibrand
United States Senator

⁴ “Bipartisan Safer Communities Act – Public Law 117-159,” Congress.gov, June 25, 2022, <https://www.congress.gov/117/plaws/publ159/PLAW-117publ159.pdf>.

⁵ United States Senate Committee on the Judiciary, “Senator Grassley Chairman, Questions for the Record The Honorable Pamela Jo Bondi Nominee to be Attorney General of the United States,” January 16, 2025,