

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051

<https://oversight.house.gov>

April 25, 2025

The Honorable Daniel Driscoll
Acting Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Ave., NE
Washington, DC 20226

Acting Director Driscoll:

The Subcommittee on Federal Law Enforcement (Subcommittee) has been investigating necessary changes to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Form 4473. Changes to the form could help prevent citizens from unknowingly making felonious misrepresentations and ensure the form complies with President Trump’s Executive Order 14168 on defending Americans from gender ideology extremism.

The Gun Control Act of 1968 prohibits individuals who have been convicted of certain crimes from legally purchasing a firearm.¹ For this reason, when individuals purchase a firearm, they are required to complete ATF Form 4473, which includes a question about their criminal background (question 21d). That question asks the purchaser, “[h]ave you ever been convicted in any court, including a military court, of a **felony**, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation?”²

The Gun Control Act of 1968 also includes restorative procedures for individuals whose “record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety” and wish to again exercise their Second Amendment rights.³ This procedure grants the Attorney General authority to consider applications to restore an individual’s Constitutional rights, and I applaud Attorney General Pam Bondi for issuing an interim final rule reasserting her authority to grant such relief.⁴

There are numerous examples—such as employment and housing applications—where, over time (often seven to ten years), people can truthfully answer “no” to questions asking if they have a criminal record. However, these same individuals may unknowingly be committing felonious misrepresentations when answering question 21(d) on ATF Form 4473, punishable by up to fifteen years in prison, if they have not had their rights restored by the Attorney General.

¹ 18 U.S.C. § 922(g).

² *Id.*

³ 18 U.S.C. § 925(c).

⁴ 90 F.R. 13080 (March 20, 2025).

Aside from this ambiguous process that could have life-altering consequences, ATF Form 4473 must be updated to remove “non-binary” as a sex classification consistent with President Trump’s Executive Order 14168.⁵ As such, I urge you to promptly update ATF Form 4473 to both comply with Executive Order 14168 and protect individuals against making unintended false statements.

To protect these citizens, during the previous Congress, I introduced *The Second Amendment Rights Restoration and Accountability Act*.⁶ This legislation proposed directing the ATF to update Form 4473 to more clearly inform readers of: (1) the existence of the exceptions for the receipt of a pardon, the expungement or set aside of a conviction, and the restoration of rights; and (2) the correct information to provide in answering that question when any of those exceptions apply. If legislation is necessary to implement these updates, I stand ready to reintroduce my bill; however, I am hopeful you can expedite these improvements administratively.

To support the Subcommittee’s oversight, please provide responses to the following:

1. Does ATF have all necessary authority to change Form 4473 to clarify the rights of citizens whose firearm ownership rights have been restored or would legislation be necessary to effectuate such changes?
2. Please describe the process ATF would follow, including required consultations with other Executive branch entities, to effectuate such changes to Form 4473.

The Committee on Oversight and Government Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. To ask any related follow-up questions, please contact the Committee on Oversight and Government Reform Majority Staff at (202) 225-5074. Thank you for your attention to this important matter.

Respectfully,



Clay Higgins

Chairman

Subcommittee on Federal Law Enforcement

cc: The Honorable Summer Lee, Ranking Member
Subcommittee on Federal Law Enforcement

⁵ Exec. Order No. 14168, 90 Fed. Reg. 19 (Jan. 20, 2025).

⁶ H.R. 10276, 118th Cong. (2024).