

United States Senate

February 26, 2026

Robert Cekada
Deputy Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue, NE
Washington, DC 20226

Dear Deputy Director Cekada,

Congratulations on your nomination to serve as Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives. Following up on our discussion during your nomination hearing before the Judiciary Committee, I write to encourage the ATF under your leadership to revisit and repeal the three major Biden-era rules that substantially burdened law-abiding gunowners' Second Amendment rights and ran roughshod over the separation of powers.

Early in his second administration, President Trump issued his Executive Order on *Protecting Second Amendment Rights*.¹ That EO came in response to the Biden administration implementing several ATF policies and rules that deviated from congressionally enacted statutory authorities, violating the spirit—if not the letter—of the Second Amendment. The Trump-ATF has made commendable progress towards undoing the damage caused by the Biden-ATF.² But more work remains to be done. In particular, the ATF must implement President Trump's directive to "review" all "[r]ules promulgated by the [ATF]" during the Biden administration³ to "ensur[e] that all rules fairly implement congressional statutes rather than create entirely new laws by administrative order."⁴

In the past, ATF often relied on *Chevron* Deference to expand its regulatory remit and restrict the liberties of law-abiding Americans.⁵ But, thankfully, the era of deference to the administrative state is over.⁶ It is time for the ATF to adjust its regulations accordingly.⁷

I therefore strongly encourage the ATF to repeal the Biden-era Frame or Receiver Rule, Stabilizing Brace Rule, and "Engaged in the Business" Rule. As I explained during the hearing, these rules exceeded the ATF's statutory authority, threatened to turn law-abiding gunowners into felons overnight, and contained such vague standards that even those who tried to comply with them in good faith were left without sufficient notice of the scope of ATF's mandates.

¹ Exec. Order No. 14206, *Protecting Second Amendment Rights*, 90 Fed. Reg. 9503 (Feb. 7, 2025).

² See, e.g., "ATF Launches New Era of Reform," Bureau of Alcohol, Tobacco, Firearms and Explosives, www.atf.gov/rules-and-regulations/atf-launches-new-era-reform.

³ Exec. Order No. 14206, § 2(b)(ii).

⁴ See "ATF Launches New Era of Reform," *supra* note 2.

⁵ See, e.g., *Guedes v. ATF*, 920 F.3d 1, 20–32 (D.C. Cir. 2019); *Aposhian v. Barr*, 958 F.3d 969, 984–89 (10th Cir. 2020); *Vineland Fireworks Co., Inc. v. ATF*, 544 F.3d 509, 516–19 (3d Cir. 2008).

⁶ *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 412 (2024) ("*Chevron* [Deference] is overruled.").

⁷ See, e.g., Eric Schmitt, *Post-Chevron Working Group Report*, 13 HARV. J.L. & PUB. POL'Y (PER CURIAM) 1 (2025).

1. Frame or Receiver Rule

In the Frame or Receiver Rule, the ATF re-interpreted the Gun Control Act to cover weapon parts kits that are “designed to or may readily be converted to expel a projectile” as well as any “partially complete, disassembled, or nonfunctional” “frame” or “receiver.”⁸ That re-interpretation usurped Congress’s legislative power by effectively repealing the 1968 amendments to the Gun Control Act.⁹ And it threatened to turn law-abiding American gunowners into felons.¹⁰

The Rule’s indeterminate standards also failed to provide gunowners with adequate notice, raising due process concerns and chilling the exercise of Second Amendment rights.¹¹ For example, the Rule severely burdened gunsmithing hobbyists, a practice with roots in colonial America.¹²

To stop this disastrous Rule, I co-led a lawsuit against the Frame or Receiver Rule when I was Attorney General of Missouri.¹³ While the Supreme Court upheld certain applications of the Rule in *Bondi v. VanDerStok*,¹⁴ Justice Clarence Thomas persuasively argued in dissent that the Rule clearly exceeded ATF’s authority.¹⁵

The Frame or Receiver Rule is therefore a prime candidate for repeal.

2. Stabilizing Brace Rule

In the Stabilizing Brace Rule, the ATF re-interpreted “rifle” and “short-barreled” rifle under the National Firearms Act to include some pistols with stabilizing braces.¹⁶

Because possession of a non-compliant short-barreled rifle bears significant regulatory consequences, this Rule imposed a significant burden on American gunowners.¹⁷ Worse still, just like the Frame or Receiver Rule, the Stabilizing Brace Rule imposed those burdens through an amorphous standard of nested multifactor tests, once again raising due process and notice concerns.¹⁸ Due to these legal and policy infirmities, I co-sponsored a joint resolution of disapproval to repeal the Rule pursuant to the Congressional Review Act.¹⁹

⁸ *Definition of “Frame or Receiver” and Identification of Firearms*, 87 Fed. Reg. 24652 (Apr. 26, 2022); *see also* 27 CFR §§ 478.11–12.

⁹ Brief of the National Association for Gun Rights and the National Foundation for Gun Rights as Amici Curiae, No. 23-852, *Garland v. VanDerStok*, at 10–12 (Aug. 20, 2024).

¹⁰ *See generally* 18 U.S.C. §§ 921–924.

¹¹ National Association for Gun Rights Brief, *supra* note 9, at 12–20.

¹² *See generally* Brief of the National Rifle Association of America as Amicus Curiae, *Garland v. VanDerStok*, No. 23-852 (Aug. 20, 2024).

¹³ *Morehouse Enterprises, LLC v. ATF*, 22-cv-116, 2022 WL 359 (D.N.D. Aug. 23, 2022).

¹⁴ 604 U.S. 458 (2025).

¹⁵ *Id.* at 497–513 (Thomas, J., dissenting).

¹⁶ *Factoring Criteria for Firearms with Attached “Stabilizing Braces,”* 88 Fed. Reg. 6478 (Jan. 31, 2023).

¹⁷ *See, e.g.*, 26 U.S.C. §§ 5811, 5812, 5821, 5822, 5841.

¹⁸ *Compare* National Association for Gun Rights Brief, *supra* note 9, at 12–20 *with* Firearms Regulatory Accountability Coalition Inc. v. *Garland*, 112 F.4th 507, 519–24 (8th Cir. 2024).

¹⁹ S. J. Res. 20, 118th Congress (2023).

The Stabilizing Brace Rule also faced legal challenges. And the federal courts were not impressed with ATF’s handiwork. For example, the Eighth Circuit found the ATF “fail[ed] to provide an intelligible explanation” justifying the Rule, rendering it “arbitrary and capricious.”²⁰

I thus strongly encourage the ATF to repeal the Stabilizing Brace Rule as well.

3. “Engaged in the Business” Rule

In the “Engaged in the Business” Rule, the ATF drastically expanded when an individual is “engaged in the business” of dealing in firearms, and thus subject to the Gun Control Act’s regulations for licensed dealers.²¹

Under statute, a person is “engaged in the business” of firearms dealing when he “devotes time, attention, and labor to dealing in firearms as a regular course of trade or business to predominantly earn a profit through the repetitive purchase and resale of firearms.”²² But to ensure that everyday Americans who seek to develop a personal collection of firearms would not get caught up in a burdensome regulatory scheme intended for commercial dealers, Congress expressly provided that the definition of “engaged in the business” would not include “a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.”²³

Yet in the Rule, the ATF ignored Congress’s clear instructions and expanded the definition to include even “a single firearm transaction or offer to engage in a transaction, when combined with other evidence.”²⁴ Once again, the ATF issued a Rule contrary to congressionally enacted statute and imposed a burden on gunowners through a vague, difficult-to-comply-with regulation. And once again, the federal courts were unimpressed with ATF’s overreach, holding that the Rule exceeded ATF’s statutory authority.²⁵

Because of the Rule’s legal and policy deficiencies, I co-sponsored a joint resolution of disapproval under the Congressional Review Act to repeal it.²⁶

The “Engaged in the Business” Rule should therefore be rescinded too.

* * *

No one disputes that violent criminals who misuse firearms should be prosecuted to the fullest extent of the law. The question is how best to deploy ATF’s authority to achieve that goal. Your goal of refocusing the Bureau on its core law-enforcement mission, while ensuring its regulations stay within statutory bounds, will make that work more effective.

²⁰ *Firearms Regulatory Accountability Coalition*, 112 F.4th at 524.

²¹ *Definition of “Engaged in the Business” as a Dealer in Firearms*, 89 Fed. Reg. 28968 (Apr. 19, 2024).

²² 18 U.S.C. 921(a)(21)(C).

²³ *Id.*

²⁴ “*Engaged in the Business*,” 89 Fed. Reg. at 28976.

²⁵ *See, e.g., Texas v. ATF*, 737 F. Supp. 3d 426, 440–43 (N.D. Tex. 2024); *Colon v. ATF*, No. 8:23-cv-223, 2024 WL 309975 (M.D. Fla. Jan. 26, 2024).

²⁶ S. J. Res. 83, 118th Congress (2024).

As these Rules demonstrate, under the Biden administration, the ATF was focused primarily on adding red-tape for gunowners rather than with fighting violent crime. As a result, many Americans—especially law-abiding gunowners—lost trust in the ATF and came to view it not as a law enforcement agency, but as a weaponized bureaucracy zealously pursuing an ideological anti-Second Amendment agenda.

During your confirmation hearing, I was pleased to hear you indicate you want to change the ATF’s direction, recognize the mistakes of the past, and provide reassurance that you understand the ATF’s mission is to fight violent crime, “not to burden lawful gunowners, or undermine the Second Amendment.” And I was encouraged to hear you commit to conducting a “thorough review of all regulations” issued under the Biden administration.

When you conduct that review, repealing the Frame or Receiver, Stabilizing Brace, and “Engaged in the Business” Rules would be an excellent way to stop burdening lawful gunowners and undermining the Second Amendment, and return the ATF to its mission fighting violent crime.

Having spent two decades at ATF, serving in field offices, leading major divisions, and now helping guide the Bureau’s day-to-day operations, you understand the agency from the ground up. Few people have your practical knowledge of how policy decisions affect agents in the field. I trust that experience will guide a careful, principled, and mission-focused review.

I look forward to working together to continue reorienting the ATF’s work towards fighting violent crime and protecting the Second Amendment rights of everyday American gunowners. I respect your judgment and look forward to your leadership in this new role.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric S. Schmitt". The signature is fluid and cursive, with a large initial "E" and "S".

Eric S. Schmitt
United States Senator