



ILLINOIS ATTORNEY GENERAL
KWAME RAOUL

August 4, 2026

Via Federal Rulemaking Portal (Regulations.gov)

The Honorable Todd Blanche
Acting Attorney General of the United States

Robert Cekada
Director of the Bureau of Alcohol, Tobacco,
Firearms and Explosives

c/o: ATF Rulemaking Comments
Mail Stop 6N-518, Office of Regulatory Affairs
Enforcement Programs and Services
Bureau of Alcohol, Tobacco, Firearms, and Explosives
99 New York Avenue, NE
Washington, DC 20226

ATTN: ATF 1140-AA64

Re: RIN 1140-AA64, *Selecting Biological Sex on ATF Forms*

Dear Acting Attorney General Blanche and Director Cekada:

We, the Attorneys General for the States of Illinois, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Hawai'i, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Washington ("the States"), write in opposition to the Bureau of Alcohol, Tobacco, Firearms, and Explosives' ("ATF") notice of proposed rulemaking ("Proposed Rule") entitled *Selecting Biological Sex on ATF Forms*, first noticed in the Federal Register on May 6, 2026.¹

The Proposed Rule accompanies a slate of nearly three dozen ATF rule changes or

¹ *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462 (May 6, 2026).

proposed rule changes that reflect an agency which has “fundamentally changed course.”² Acting Attorney General Todd Blanche calls this the “most comprehensive regulatory reform package in the history of ATF.”³ According to ATF, this Proposed Rule—which adds and otherwise adjusts language in three separate federal regulations that, taken together, apply to a substantial number of ATF forms—is designed to “resolve any potential confusion on how to fill out ATF forms.”⁴ But the Proposed Rule would do the opposite. Specifically, if accepted, the Proposed Rule would not only *increase* confusion, but it would compromise individuals’ ability to lawfully purchase firearms, undermine the very purpose of ATF forms and recordkeeping, negatively impact public safety, and impede law enforcement’s ability to solve crime.

The States have substantial interests that are implicated by this Proposed Rule, including an interest in ensuring accurate recordkeeping in firearms transactions and providing law enforcement with the necessary tools and information needed to solve crime. Moreover, the States also have an interest in ensuring that intersex, transgender and non-binary individuals are protected from unlawful discrimination and are afforded the same constitutional rights as their peers.

The States submit this comment because the Proposed Rule is harmful, conflicts with state law and policies and ATF’s prior policy, impedes an individual’s right to lawfully obtain firearms, and undermines the congressional intent of required ATF forms. Additionally, the Proposed Rule is unlawful under the Administrative Procedure Act (“APA”) where it is both contrary to law and arbitrary and capricious. For the reasons described more fully below, ATF should withdraw the Proposed Rule in its entirety.

I. The Proposed Rule

The Proposed Rule seeks to amend the language of three regulations with the primary goal to “make clear that ‘sex’ on ATF forms refers to an individual’s immutable biological classification as either male or female and does not include the concept of gender identity and that individuals should select their biological sex.”⁵ The Proposed Rule would apply to each and every ATF form promulgated pursuant to the Gun Control Act (“GCA”), the National Firearms Act (“NFA”), and federal explosive laws,⁶ though not every form promulgated under the same seeks information concerning an individual’s “sex.”⁷ Additionally, the Proposed Rule seeks to amend

² *ATF’s New Era of Reform*, ATF, <https://www.atf.gov/rules-and-regulations/atf-launches-new-era-reform> (last updated May 12, 2026).

³ ATF, *Acting AG Blanche and Acting ATF Director Cekada Announce Changes to ATF Regulations*, <https://www.justice.gov/opa/video/acting-ag-blanche-and-acting-atf-director-cekada-announce-changes-atf-regulations> (Apr. 29, 2026).

⁴ *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24463.

⁵ *Id.* Specifically, the Proposed Rule suggests amendments to 27 C.F.R. § 478.21(a), 27 C.F.R. § 479.21(a), and 27 C.F.R. § 555.21(a). See *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462-24466.

⁶ *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24463 (proposing to amend 27 C.F.R. § 478.21(a), 27 C.F.R. § 479.21(a), and 27 C.F.R. § 555.21(a)).

⁷ See, e.g., ATF, FORM 5320.23, NATIONAL FIREARMS ACT (NFA) RESPONSIBLE PERSON QUESTIONNAIRE, (Revised Jan. 2023), https://www.atf.gov/sites/default/files2/f_5320.23_national_firearms_act_nfa_responsible_person_questionnaire.pdf [hereinafter ATF Form 5320.23]; ATF, FORM 5320.1 (FORM 1), APPLICATION TO MAKE AND

the same three regulations to either add or edit language concerning submitting the respective forms (that is, *all* of the forms) “under penalties of perjury, if the form or the regulation so provide.”⁸

Under ATF’s Proposed Rule, the regulations authorizing the prescription of forms under the GCA, such as Form 4473,⁹ as well as the prescription of forms under the NFA and for dealings and transactions regarding commerce in explosives, would add the following language included in bold:

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part. **The term ‘sex’ on ATF forms required by this part refers to an individual’s immutable biological classification as either male or female and does not include the concept of gender identity. Individuals completing forms required by this part should select their biological sex. Each form must be executed under penalties of perjury, if the form or the regulation so provide.**

27 C.F.R. § 478.21(a),¹⁰ 27 C.F.R. § 479.21(a),¹¹ and 27 C.F.R. § 555.21(a) (emphasis added as to all).¹² Additionally, the Proposed Rule suggests a “technical edit” to correct the authority citation line for 27 CFR part 478 to read as: “5 U.S.C. 552(a); 18 U.S.C. 847, 921-934; 44 U.S.C. 3504(h).”¹³

II. Background

“ATF’s regulations...authorize the Director to prescribe forms required to implement the GCA, NFA, and federal explosives laws.”¹⁴ These forms¹⁵ are critical for ensuring compliance

REGISTER NFA FIREARM, (Revised Dec. 2025), <https://www.atf.gov/media/22361/download> [hereinafter ATF Form 1].

⁸ *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24465-24466.

⁹ See ATF, FORM 4473, FIREARMS TRANSACTION RECORD, (Revised Aug. 2023) <https://www.atf.gov/media/18646/download> [hereinafter ATF Form 4473].

¹⁰ *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24465 (proposed language included in bold).

¹¹ *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24466 (proposed language included in bold). The Proposed Rule also strikes language—“[e]ach form requiring that it be executed under penalties of perjury shall be executed under penalties of perjury”—from 27 C.F.R. § 479.21(a). *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24466 (“remove from paragraph (a) the fourth sentence”).

¹² *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24466 (proposed language included in bold).

¹³ *Id.* at 24463-64.

¹⁴ *Id.* at 24463.

¹⁵ Though the Proposed Rule impacts *each* form authorized under the aforementioned regulations, in explaining the Proposed Rule’s impact, ATF uses Form 4473 as its guiding example. See *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24463 (using Form 4473 as its example in claiming that “ATF understands the term ‘sex’ as used in

with state, federal, and local law, and are designed to ensure lawful transactions and promote public safety.¹⁶

A. ATF Form 4473, Recordkeeping, and Public Safety

“Congress’s ‘principal purpose’ in enacting the [GCA]—[was] ‘to curb crime by keeping ‘firearms out of the hands of those not legally entitled to possess them.’”¹⁷ To that end, the Act creates recordkeeping obligations for federal firearm licensees (“FFLs”), including a requirement that each “licensed dealer shall maintain [] records of . . . [the] sale” of firearms.¹⁸ A “licensed importer, licensed manufacturer, or licensed dealer shall not sell or otherwise dispose, temporarily or permanently, of any firearm to any person, other than another licensee, unless the licensee records the transaction on a firearm transaction record, Form 4473.”¹⁹ Form 4473 is used extensively, and is completed for “every transfer of a firearm” conducted by licensees for sales to non-licensees.²⁰

Form 4473 serves two primary purposes, both of which are essential to public safety, and both of which are negatively impacted by the Proposed Rule. First, Form 4473 ensures firearms transactions comply with federal and state law at the time of sale, most essentially preventing the transfer of firearms to those prohibited by law. Second, Form 4473 provides a reliable and accurate source of information for law enforcement investigating crimes and tracing firearms, including in circumstances where the firearm was recovered after having been used in a crime.

1. Accurately Documenting Lawful Transfers

Form 4473 is meant to assist FFLs in ensuring that they only transfer firearms to individuals lawfully permitted to receive them.²¹ Industry organizations often herald FFLs as the “first line of

its regulations [and on Form 4473] to mean the binary, biological distinctions between male and female.”). Accordingly, throughout this Comment, the States will similarly focus on Form 4473 to illustrate the issues with the Proposed Rule. Though the States focus on Form 4473, the issues raised herein are similarly applicable to other impacted ATF forms promulgated under the relevant regulations and statutes.

¹⁶ See, e.g., *Federal Firearms Licensee Quick Reference and Best Practices Guide*, ATF, <https://www.atf.gov/firearms/tools-and-services-firearms-industry/current-licensees/federal-firearms-licensee-quick-reference-and-best-practices-guide>, (last updated May 8, 2026) [hereinafter “Best Practices Guide”]; see also, *id.* (navigate to “ATF Form 4473”).

¹⁷ *Abramski v. United States*, 573 U.S. 169, 181 (2014) (internal citations omitted).

¹⁸ 18 U.S.C. § 923(g)(1)(A) (“Each . . . licensed dealer shall maintain such records of . . . sale, or other disposition of firearms at his place of business for such period, and in such form, as the Attorney General may by regulations prescribe.”).

¹⁹ 27 C.F.R. § 478.124(a). Further, FFLs must retain these firearms transaction records “until business or licensed activity is discontinued” in the manner ascribed in the relevant federal regulations. 27 C.F.R. § 478.129(b). Retention is required even where “a sale, delivery, or transfer” did not ultimately take place. *Id.*

²⁰ See 27 C.F.R. § 478.124; see also Best Practices Guide (navigate to “ATF Form 4473”).

²¹ ATF Form 4473, “Purpose,” at p. 3 (“The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he/she may lawfully sell or deliver a firearm to the person identified

defense” against illegal firearm sales, and Form 4473 is a key part of that defense.²² Prior to transferring firearms, the Act requires that FFLs (1) determine if the individual may lawfully receive the firearm based upon the information provided and verified for Form 4473, and (2) initiate a background check.²³ Indeed, Form 4473 is specifically “designed so that a [FFL] may determine if he/she may lawfully sell or deliver a firearm to the person **identified** . . . and to alert the transferee/buyer of certain restrictions on the receipt and possession of firearms.”²⁴ To accomplish this, the FFL, among other things, “verif[ies] the identity of the transferee,” and confirms the information the transferee has “executed [on] the Form 4473,” “by examining the identification document . . . presented.”²⁵ As described below, ensuring the accurate documentation of the transferee’s identity is critical to the key goal of lawful transfers, and it’s statutorily required.²⁶ This critical piece—ensuring accurate identification of the transferee at the time of transaction—is fundamentally thwarted by the Proposed Rule’s definition of and instruction concerning “sex.” See Sections II(B), III.

2. Supporting Law Enforcement Post-Transfer

After the firearm has been transferred, Form 4473 remains important. The information collected within Form 4473 “is critical to law enforcement,” including “facilitating crime gun

in Section B, and to alert the transferee/buyer of certain restrictions on the receipt and possession of firearms.”). Similarly, under the NFA, forms such as ATF Form 4 (5320.4) and ATF Form 1 (5320.1), are likewise designed to “determine the lawful eligibility of the transferee to possess an NFA firearm and to ensure that the firearm is properly registered” or to “determine whether the applicant is legally permitted to make and possess a firearm under federal, state, and local laws.” ATF, FORM 5320.4 (FORM 4), APPLICATION TO TRANSFER AND REGISTER NFA FIREARM (TAX-PAID), (Revised Dec. 2025), <https://www.atf.gov/media/23251/download>, “Purpose,” at 4 [hereinafter ATF Form 4]; see also ATF Form 1, “Purpose” at 4. And under federal explosives laws, forms such as ATF Form 5400.4 are “used to ensure compliance with federal explosives laws by verifying that explosive materials are distributed only to authorized limited permittees and that such transactions are conducted lawfully.” See, e.g., ATF, FORM 5400.4, LIMITED PERMITTEE TRANSACTION REPORT, (Rev. October 2025) <https://www.atf.gov/media/29601/download>, “Purpose,” at 2 [hereinafter ATF Form 5400.4]; see also ATF, FORM 5400.13A/5400.16, PART B – EXPLOSIVES RESPONSIBLE PERSON QUESTIONNAIRE, (Revised June 2025) [hereinafter ATF Form 5400.13A], <https://www.atf.gov/media/16626/download>, “Purpose,” at p. 4 (explaining the purpose of the form is to “determine the eligibility of the RP to be added to a license or permit and possess explosive materials.”).

²² See e.g., *NSSF, ATF Celebrate 25 Years of Partnership With The ‘Don’t Lie for the Other Guy’ Anti-Straw Purchasing Campaign*, NAT’L SHOOTING SPORTS FOUND. (Sept. 15, 2025), <https://www.nssf.org/articles/nssf-atf-25-year-dont-lie-for-the-other-guy-partnership/>; see also *Abramski*, 573 U.S. at 188 (stating that “the firearms law contemplates that the dealer will check not the fictitious purchaser’s but instead the true purchaser’s identity and eligibility for gun ownership”).

²³ See, e.g., 27 C.F.R. § 478.124(c)(5) (“The licensee shall sign and date the form if the licensee does not know or have reasonable cause to believe that the transferee is disqualified by law from receiving the firearm and transfer the firearm described on the Form 4473.”); see also 27 C.F.R. § 478.102(a).

²⁴ ATF Form 4473, “Purpose of the Form,” at p. 3 (emphasis added).

²⁵ 27 C.F.R. § 478.124(c)(3)(i).

²⁶ See 18 U.S.C. § 923(g)(1)(A)-(B); see also 27 C.F.R. § 478.124.

traces.”²⁷ The FFL must, among other things, provide details regarding the firearms, and verify the identities of the individuals who seek them.²⁸ As explained by ATF, this information can help “link a suspect to a firearm in a criminal investigation” via crime gun tracing.²⁹

Because FFLs must retain Forms 4473,³⁰ federal and state law enforcement use the forms to trace crime guns, solve crimes, and ensure public safety.³¹ According to the ATF’s Federal Firearms Licensee Quick Reference and Best Practices Guide, “[c]orrectly completing ATF Forms 4473 is one of the most important things [FFLs] can do to ensure that [law enforcement] can trace crime guns.”³² As ATF explains, “[f]irearm tracing provides critical information to assist domestic and international law enforcement agencies investigate and solve firearms crimes; detect firearms trafficking; and track the intrastate, interstate and international movement of crime guns.”³³ Accordingly, having Forms 4473 accurately record information, particularly concerning the transferee’s identity, is critical.³⁴ The “failure of an FFL to obtain a complete and correct ATF Form

²⁷ See, e.g., 60-Day Notice of Information Collection Request: Form 4473, 91 Fed. Reg. 25448; see also 27 C.F.R. § 478.124.

²⁸ 27 C.F.R. § 478.124(c).

²⁹ *National Tracing Center*, “The Tracing Process,” ATF, <https://www.atf.gov/firearms/tools-services-law-enforcement/national-tracing-center> (last updated September 19, 2024).

³⁰ 27 C.F.R. § 478.124(b); see also 27 C.F.R. § 478.129(b). However, as part of its “comprehensive regulatory reform package,” ATF now seeks to end the indefinite retention period currently required for Forms 4473. See *Firearm Records Retention Periods*, 91 Fed. Reg. 24413 (May 6, 2026) (to be codified at 27 C.F.R. pt. 478) (shortening retention periods for Form 4473 and related records).

³¹ 18 U.S.C. § 923(g)(1)(B) (“The Attorney General may inspect or examine the inventory and records” of an FFL, *inter alia*, “in the course of a reasonable inquiry during the course of a criminal investigation” and “for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.”); see also *What happens to the data provided on Form 4473?*, ATF, <https://www.atf.gov/firearms/questions-and-answers> (last visited July 25, 2026) (apply category “ATF Form 4473” and navigate to question “What happens to the data provided on Form 4473?”) (“ATF may inspect individual Forms 4473 containing personally identifying information held by FFLs only for limited regulatory or law enforcement functions . . . for example, when tracing firearms linked to individual criminal investigations”).

³² See Best Practices Guide (navigate to “ATF Form 4473”).

³³ *National Tracing Center*, ATF, <https://www.atf.gov/firearms/tools-services-law-enforcement/national-tracing-center> (last updated September 19, 2024).

³⁴ The same is true for forms concerning explosives, as records concerning explosives “support public safety efforts, allow tracing of explosives when necessary for law enforcement investigations, and help prevent unlawful distribution or misuse of explosive materials.” See ATF Form 5400.4, “Purpose,” at 2; ATF Form 5400.13A, “Purpose,” at p. 4 (explaining the purpose of the form is to “determine the eligibility of the RP to be added to a license or permit and possess explosive materials.”). The same is true for recordkeeping for NFA firearms. See ATF Form 5320.23, “Purpose” at p. 4 (“The information requested on this form will be used to determine the eligibility of an individual to serve as a responsible person to make or transfer NFA firearms”); see also ATF Form 1, “Purpose,” at p. 4 (“ATF uses the information collected . . . to determine whether the applicant is legally permitted to make and possess a firearm under federal, state, and local laws.”).

4473” and the “failure to obtain appropriate identification documents prior to a transfer of a firearm,” are among the “top violations impacting public safety.”³⁵

The Proposed Rule undermines the purpose of these forms.

B. ATF’s Current Regulatory Approach to “Sex” Enables Accurate Verification of Identity.

Ensuring that ATF forms accurately record and verify the identification of the individuals seeking access to firearms is a key component of their role in protecting public safety.³⁶

Accurate documentation of sex is not a new requirement for ATF. It added “‘sex’ as a requirement in the regulations in 1998 as part of implementing the Brady Handgun Violence Prevention Act.”³⁷ And in 2019, during the first Trump Administration, ATF proposed amending Form 4473 to include a “non-binary” option under Question 14, which was ultimately accepted.³⁸ Currently, Question 14, titled “Sex,” which “must be completed personally by [the] transferee/buyer,” provides three checkboxes: 1) Male, 2) Female, and 3) Non-Binary.³⁹ ATF specifically instructs “[i]ndividuals with neither male nor female on their identification document(s)” to “check Non-Binary.”⁴⁰ This of course allows the sex selection to match the individual’s official identification, as State identification may be used for identity verification under the Act and many states, including Illinois, Massachusetts, New Jersey, New York, and

³⁵ See Best Practices Guide (navigate to “Top Violations Impacting Public Safety”).

³⁶ This is true for all of the forms implicated by the Proposed Rule, however, as described in Section II, the States use Form 4473 as their example. See Section II(A); see also FN 15, *supra*.

³⁷ *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24463. Specifically, in October 1998, the Department of Justice issued its Final Rule, *National Instant Criminal Background Check System*, which required, *inter alia*, information concerning an individual’s “sex” for purpose of a background check. See 63 Fed. Reg. 58303, 58310 (October 30, 1998). Additionally, ATF issued a Final Rule that required, *inter alia*, the inclusion of sex on Form 4473. *Implementation of Public Law 103-159, Relating to the Permanent Provisions of the Brady Handgun Violence Prevention Act*, 63 Fed. Reg. 58272, 58275, 58279 (October 29, 1998).

³⁸ See *Firearms Transaction Record/Registro de Transaccion de Armas De Fuego (ATF Form 4473 (5300.9) (OMB Number 1140-0020)*, ATF, <https://www.atf.gov/rules-and-regulations/form-and-information-collection-notices/firearms-transaction-record/registro-de-transaccion-de-armas-de-fuego-atf-form-4473-5300-9-omb-number-1140-0020-0> (last visited July 25, 2026) (navigate to “Form,” marked “DRAFT,” see Question 14); see also *Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Firearms Transaction Record/Registro de Transaccio’n de Armas de Fuego— ATF Form 4473 (5300.9)*, 84 Fed. Reg. 71002 (Dec. 26, 2019). Through an Information Collection Request in May 2026, ATF now attempts to remove from Form 4473 the “non-binary” check box under Question 14. See 60-Day Notice of Information Collection Request: Form 4473, 91 Fed. Reg. 25448 (May 8, 2026); see also, ATF, FORM 4473, FIREARMS TRANSACTION RECORD, (Revised Dec. 2025) (form marked “DRAFT DO NOT USE”), <https://www.atf.gov/media/29576/download>. ATF does not discuss either the current inclusion of, or attempted removal of, the non-binary option within this Proposed Rule. Nor does ATF discuss this change, which it seemingly assumes to be true within the Proposed Rule, within the Form 4473 NPRM. See *Revising Firearms Transaction Record, “Form 4473,”* 91 Fed. Reg. 25432 (May 8, 2026).

³⁹ ATF Form 4473, Section B, Question 14, at p. 1.

⁴⁰ ATF Form 4473, “Question 14. Sex,” at p. 4.

Hawaii, issue official photo identification with gender markers and sex identification options beyond male and female.⁴¹

Relying on this identification, and prior to completing a transaction, the transferee must complete Section B of Form 4473, which requires, among other things, “the transferee’s name, sex, residence address (including county or similar political subdivision and whether they reside within city limits), and date and place of birth; the height, weight, and race of the transferee[.]”⁴² It also requires that individuals “must personally complete Section B” and “certify (sign and date) that the answers are true, correct, and complete.”⁴³

Thereafter, FFLs are specifically *obligated* to verify the information required in Section B—including Question 14, “Sex”. They do so by “examining the identification document (as defined in § 478.11) presented,” and contacting NICS to conduct the required background check.⁴⁴

In 2020, ATF acknowledged that the individual’s “sex,” as included on Form 4473, should reflect the information included on an individual’s identification documents presented to verify their identity when purchasing a firearm. As explained then, ATF included this non-binary option because of its desire to reduce confusion and ensure accurate information was recorded:

Federal regulations pertaining to the National Instant Criminal Background Check System (NICS) at 28 CFR 25.7 require the sex of the transferee in order to conduct a firearms background check. ATF determined that it was difficult for some transferees/buyers to complete item 14 because their identification document (e.g. driver’s license) are being issued as non-binary. By allowing these individuals to select the non-binary category it will better enable FBI and/or State Point-of-Contact make or rule out potential matches during the background process and can assist with criminal investigations.⁴⁵

⁴¹ 27 C.F.R. § 478.11 (defining “Identification document” to include State-issued identification); ATF Form 4473, at p. 6, Question 26.a, “Identification” (“transferee/buyer must provide a valid government-issued photo identification document” such as “[a] driver’s license or an identification card issued by a State.”); *see also* 15 ILCS 335/5(a-5); 625 ILCS 5/6-106(b-3); Mass. Gen. Laws ch. 90, § 8N; Press Release, N.J. Motor Vehicle Comm’n, Gender “X” Option Now Available for Licenses/IDs in New Jersey (April 19, 2021), <https://www.nj.gov/mvc/press/archives/2021/041921.htm>; N.Y. VTL Sections 490; 502.

⁴² 27 C.F.R. § 478.124(c)(1); *see also* ATF Form 4473.

⁴³ ATF Form 4473, “Section B,” at p. 4.

⁴⁴ 27 C.F.R. § 478.102(a); 27 C.F.R. §§ 478.124(c)(1)-(3)(i)-(iv); *see also* *Firearms Questions and Answers*, ATF, <https://www.atf.gov/firearms/questions-and-answers> (apply category “ATF Form 4473” and navigate to question, “Why is this demographic information needed?”) (last visited July 26, 2026) (“during background checks, this information is needed to facilitate proper identification by providing additional information that helps match – or rule out a match – between an individual and a potentially prohibiting record”).

⁴⁵ *See* ICR Documents, Office of Information and Regulatory Affairs, Office of Management and Budget, “Combined Comments and Responses 4.21.2020,” Response Dan’s Guns’ December 30, 2019 Comment on January 2, 2020, at 3, https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202004-1140-006 (last accessed July 26, 2026); Accordingly, ATF has, at least since 2019, acknowledged that the question of “Sex” is not properly presented as a simple, binary choice between “male,” and “female,” as they now claim in the Proposed Rule.

ATF's 2020 explanation is not only consistent with the underlying purpose of these forms, but also with the instructions provided to and statutorily mandated obligations of FFLs, who must ensure the forms are properly filled out with accurate information.

III. The Proposed Rule Conflicts with State Law, Would Cause Confusion that Can Harm Lawful Participants' Rights, and Would Harm Public Safety.

A. The Proposed Rule Conflicts with State Law, Federal Regulations, and ATF's Instructions to FFLs.

As ATF acknowledges, a common form of identification used by transferees, and verified and inspected by FFLs, in transferring firearms is a "driver's license or an identification card issued by a State."⁴⁶ As ATF is aware, many states, including Illinois, allow individuals to change the gender marker on their state-issued identification documents, including drivers licenses, to accurately reflect their gender identity.⁴⁷ Indeed, ATF acknowledges this, and includes specific instruction on Form 4473 concerning individuals whose state-issued identification includes a non-binary gender marker.⁴⁸

Despite specifically authorizing and, in fact, *instructing* individuals (and FFLs) on Form 4473 to use and rely on state-issued identification documents,⁴⁹ including those that reflect a gender identity different than their sex assigned at birth,⁵⁰ the Proposed Rule now would ignore that identification. It would require individuals to check either Male or Female, regardless of what is documented on their state-issued identification, based on what ATF now describes as an "individual's immutable biological classification as either male or female."⁵¹ This is all the more capricious as Proposed Rule relies on a factually inaccurate conceptualization of "sex." Indeed, neither gender nor sex exist solely on a male/female binary but instead can encompass a range of

⁴⁶ ATF Form 4473, "Question 26.a Identification," at p. 6.

⁴⁷ See, e.g., 15 ILCS 335/5(a-5) (the Secretary of State "shall permit" applicants to designate "male", "female", or "non-binary" for sex on the identification card application form) and 625 ILCS 5/6-106(b-3) (the Secretary of State "shall permit" applicants to designate "male", "female", or "non-binary" for sex on the driver's license application form); see also, e.g., MASS. GEN. LAWS ch. 90, § 8N (RMV "shall permit" applicants to designate "X," "M," or "F" for gender on driver's licenses, learner's permits and identification cards); see also CAL. VEH. CODE §12800(a)(2)–(3); Cal. Health & Safety Code § 103426; Cal. Code Reg., tit. 11, § 4045.1; HAW. REV. STAT. §§ 286-109(a), 286-303(c).

⁴⁸ See ATF Form 4473, "Question 14. Sex," at p. 4 ("Individuals with neither male nor female on their identification document(s) should check Non-Binary.").

⁴⁹ See, e.g., ATF Form 4473, "Question 26.a, Identification" at 6 ("The transferee/buyer must provide a valid government-issued photo identification document to the transferor/seller that contains the transferee's/buyer's name, residence address, and date of birth. A driver's license or an identification card issued by a State is acceptable."); see also 27 C.F.R. § 478.11.

⁵⁰ See ATF Form 4473, "Question 14. Sex," at p. 4.

⁵¹ *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24463.

identities and biological variations.⁵² ATF fails to recognize this studied truth and would forcibly out and create administrative barriers for individuals who are intersex, transgender, or non-binary.

Most difficult for FFLs and state enforcers, the Proposed Rule demands information that no authorized identification document supplies. Because the identification documents FFLs are required to examine and record the sex designation issued by the State—not an allegedly “immutable biological classification”—the Proposed Rule would require transferees to attest to information that FFLs have no lawful means to verify, rendering the mandatory identity-verification process a nullity as to Question 14.⁵³ This of course conflicts with what federal regulations allow FFLs to rely on—specifically, state drivers licenses—and undermines the instructions provided to them on the form itself. For NICS Point of Contact states, this would also create an inconsistency between state records that use the gender from state-issued identification documents and the Form 4473 retained by FFLs.

Accordingly, the Proposed Rule not only fundamentally undermines the purpose of accurate recordkeeping and Form 4473, *see* Section II(A), *supra*, but conflicts with relevant state law, federal regulations, and ATF’s own instructions.

B. The Proposed Rule Would Cause Confusion That Can Harm Lawful Transferees’ Rights and Expose Participants to Unnecessary Liability.

Because the Proposed Rule defines sex in a manner that conflicts with federally authorized, state-issued documentation relied upon by FFLs in ensuring the transactions are lawful, the Proposed Rule will cause confusion. That confusion ultimately compromises the right of intersex, transgender, and non-binary individuals to lawfully purchase firearms. ATF has previously, and explicitly, acknowledged this confusion before, which is why ATF included a Non-Binary option for Question 14.⁵⁴ *See* Section II(B), *supra*.

First, the Proposed Rule will cause confusion because ATF is providing instructions on how to fill out Form 4473 in the *regulations*, rather than including this newly asserted definition and instruction on the form itself. Accordingly, this requires prospective transferees to familiarize themselves with the regulation at issue in order to understand how to answer Question 14, “Sex,” specifically. This welcomes confusion by essentially requiring, via federal regulation and without notice on the document, those completing Forms 4473 to include identifying information that

⁵² *See* U.S. Dep’t of Health & Human Servs., *Advancing Health Equity for Intersex Individuals* (Jan. 2025), <https://interactadvocates.org/wp-content/uploads/2025/01/intersex-health-equity-report.pdf> (discussing “sex characteristics,” i.e., physical traits related to reproduction and naturally occurring variations of sex characteristics).

⁵³ *See* 27 C.F.R. § 478.11 (defining “identification document”); 27 C.F.R. § 478.124(c)(3)(i) (requiring FFLs to verify the identity of the transferee by examining the identification document presented).

⁵⁴ *See* ICR Documents, Office of Information and Regulatory Affairs, Office of Management and Budget, “Combined Comments and Responses 4.21.2020,” at p. 11, Response to Freddie Merc’s Gun Werces, at p. 11 (“ATF determined that it was difficult for some transferees/buyers to complete item 14 because their identification document (e.g. driver’s license) are being issued as non-binary.”).

conflicts with the proof of identity they otherwise are relying on to verify the purchaser's identity.

Second, the Proposed Rule will necessarily, and significantly, compromise the rights of intersex, transgender and non-binary individuals. Where the information presented by an individual on Form 4473 conflicts with the information included on the identification documents the FFL is required to “examin[e]” and “verify,” it is likely that the FFL would deny the transaction because of a discrepancy between the information included on the Form 4473 and the individual's license, a discrepancy based solely on the individual's intersex, non-binary, or transgender status.⁵⁵ Essentially, these individuals would thus be faced with a choice to: 1) check the box associated with their sex assigned at birth in compliance with the Proposed Rule, but which would result in a denial of transaction due to inconsistent information included on the Form 4473 as compared to their state identification document; 2) check the box for Question 14 that is consistent with their state identification documents and risk criminal or civil prosecution for providing “incorrect” information on Form 4473, as defined by the Proposed Rule;⁵⁶ or 3) not purchase a firearm entirely because of the potential consequences of options (1) and (2).⁵⁷ This puts intersex, transgender and non-binary individuals in an untenable, and discriminatory, place with respect to their constitutional right to lawfully purchase firearms and exercise their right to self-defense.

Not only does this compromise the ability of intersex, transgender and non-binary individuals to exercise their constitutional rights, but it may additionally expose FFLs to potential liability under state anti-discrimination laws that protect the rights of intersex, transgender and non-binary individuals in places of public accommodation.⁵⁸

⁵⁵ 27 C.F.R. § 478.124(c)(3)(i); *see also* Best Practices Guide (navigate to “Prohibited Transfers”).

⁵⁶ The Proposed Rule sharpens this dilemma: it would simultaneously amend each of the three regulations to require that forms be executed under penalties of perjury where the form or regulation so provides—confirming that criminal exposure may attach to the very question the Proposed Rule makes impossible to answer both truthfully and consistently with the transferee's verifying identification documents. *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24465-66.

⁵⁷ Under option 2, transgender, non-binary, and intersex individuals may run the risk of being prosecuted for “knowingly mak[ing] false statements” on Form 4473, which may result in “criminal prosecution for a felony and up to 10 years in federal prison.” *See, e.g., Federal Prosecutors Aggressively Pursuing Those Who Lie in Connection with Firearms Transactions*, ATF, Press Release (January 10, 2023), <https://www.atf.gov/news/press-releases/federal-prosecutors-aggressively-pursuing-those-who-lie-connection-firearm-transactions>; *see also*, 18 U.S.C. § 922(d)(1).

⁵⁸ For example, the Illinois Human Rights Act “promote[s] Illinois's public policy of securing for all individuals within Illinois freedom from discrimination on the basis of a [protected characteristic] in places of public accommodation.” *See Windsor Clothing Store v. Castro*, 2015 IL App (1st) 142999, ¶ 49 (citing 775 ILCS 5/1-102(A)). Stores open to the public are places of public accommodation. *Id.* at ¶ 15, *see also*, 775 ILCS 5/5-101 (A); 775 ILCS 5/5-102(A) (explaining it is a civil rights violation to “[d]eny or refuse to another the full and equal enjoyment of the facilities, goods, and services of any public place of accommodation[.]”); *see also* 775 ILCS 5/1-103(O-1). Massachusetts law likewise prohibits “any distinction, discrimination or restriction” based on sex or gender identity in a place of public accommodation and declares that all persons have a civil right to its “full and equal accommodations, advantages, facilities and privileges.” Mass. Gen. Laws ch. 272, § 98. The statute expressly defines places of public accommodation to include a “retail store or establishment.” *Id.* § 92A. *See also* N.J. Stat. § 10:5-5; Cal. Civ. Code § 51(b) (“All persons . . . no matter [their protected characteristics] are entitled to the full and equal accommodations . . . in all business establishments”). Hawaii law likewise prohibits “unfair discriminatory practices that deny, or attempt

C. The Proposed Rule Would Harm Public Safety.

As described above in Section II(A), *supra*, “[t]he correct completion of these forms enhances traceability of firearms.”⁵⁹ And information concerning the transferee’s identification is necessary to law enforcement to “link a suspect to a firearm in a criminal investigation” via crime gun tracing.⁶⁰ If and when a firearm is recovered in a crime, law enforcement relies on Forms 4473 to identify individuals tied to that firearm. But the Proposed Rule fundamentally undercuts this purpose and harms public safety. *See* Section II(A)(2), *supra*.

Public safety is furthered when FFLs and prospective buyers record on Forms 4473 information that accurately and properly identifies the buyer and matches the individual’s actual identification documents. *See* Sections II(B), III(B), *supra*. To do otherwise, as this Proposed Rule would, necessarily impedes law enforcement’s ability to identify potentially relevant persons and solve crime. ATF historically has agreed. “By allowing these individuals to select the non-binary category [or sex consistent with as described on their state issued identification] it will better enable FBI and/or State Point-of-Contact make or rule out potential matches during the background process and can assist with criminal investigations.”⁶¹

IV. The Proposed Rule Violates the Administrative Procedure Act.

The Proposed Rule’s definition of “sex” and inclusion of the same within the relevant federal regulations violates the APA. Specifically, ATF’s proposed conduct is both arbitrary and capricious, and is contrary to law.

A. The Proposed Rule is Arbitrary and Capricious.

The Proposed Rule reflects arbitrary and capricious agency action. An agency action is arbitrary and capricious “if it is not reasonable and reasonably explained.”⁶² Agency decisions are not reasonably explained when, among other things, “the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency

to deny, a person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation” based on sex, including gender identity or expression. *See* Haw. Rev. Stat. § 489-3. Public accommodations include “any establishment that sells goods or services at retail.” *Id.* § 489-2.

⁵⁹ *See* Best Practices Guide, (navigate to “ATF Form 4473”).

⁶⁰ *National Tracing Center*, “The Tracing Process,” ATF, <https://www.atf.gov/firearms/tools-services-law-enforcement/national-tracing-center> (last updated September 19, 2024).

⁶¹ *See* ICR Documents, Office of Information and Regulatory Affairs, Office of Management and Budget, “Combined Comments and Responses 4.21.2020,” Response Dan’s Guns, at p. 3, https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202004-1140-006 (last accessed July 26, 2026).

⁶² *Ohio v. Env’t Prot. Agency*, 603 U.S. 279, 292 (2024) (citation omitted).

expertise.”⁶³ Where an agency changes a prior position, such as here, it is required to “display awareness that it *is* changing position” and “must show that there are good reasons” for its new policy.⁶⁴ Moreover, an agency must provide a “more detailed justification” for a change in position where “its prior policy has engendered serious reliance interests that must be taken into account.”⁶⁵

First, ATF fails to acknowledge it is changing position. Instead, it claims that it has always understood sex to mean one’s “immutable biological classification as either male or female and does not include the concept of gender identity.”⁶⁶ This is demonstrably false. During the pendency of the first Trump Administration, in 2019, ATF specifically sought to include a “non-binary” option under Question 14 (which was ultimately added), demonstrating that ATF has not, as it says now, viewed sex as a purely binary choice divorced from the “concept of gender identity.”⁶⁷ Moreover, the current Form 4473 acknowledges that relevant identification documents permit an individual to change their gender marker, specifically instructing them to record information consistent with the state issued identification documents.⁶⁸ This failure to acknowledge that it has changed position demonstrates that the agency action is arbitrary and capricious.

Second, ATF has failed to consider an important aspect of the problem in defining sex as it does in the Proposed Rule. It does not address the problem created by having conflicting information between the verifying identification document and the form’s verified identifying information. This means individuals who accurately complete the form based on their state-issued identification documents, which identify their sex consistent with their gender identity, seemingly would be denied the ability to purchase firearms despite being otherwise lawful purchasers, given this impending information conflict and how individuals would be required to answer Question 14. Ignoring this issue demonstrates that this agency action is arbitrary and capricious.

Third, ATF does not at all consider the serious reliance interests the Proposed Rule negatively impacts, failing entirely to assess those interests and weight them against competing policy concerns.⁶⁹ Those interests are concrete here: some States, including Illinois, Massachusetts, New York, and New Jersey, and Hawaii, have enacted laws allowing for the issuance of identification documents bearing sex designations consistent with one’s gender

⁶³ *Motor Vehicle Manufacturers Ass'n v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29, 43 (1983).

⁶⁴ *F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009) (emphasis in original).

⁶⁵ *Id.* (citation omitted).

⁶⁶ *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24463.

⁶⁷ See *Firearms Transaction Record/Registro de Transaccion de Armas De Fuego (ATF Form 4473 (5300.9) (OMB Number 1140-0020)*, ATF, <https://www.atf.gov/rules-and-regulations/form-and-information-collection-notices/firearms-transaction-record/registro-de-transaccion-de-armas-de-fuego-atf-form-4473-5300-9-omb-number-1140-0020-0> (last visited July 25, 2026) (navigate to “Form,” marked “DRAFT,” see Question 14); see also *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24463; see also ATF Form 4473, Question 14.

⁶⁸ ATF Form 4473, Question 14, “Sex,” at p. 4.

⁶⁹ *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 30-32 (2020); *Fox*, 556 U.S. at 515.

identity, including non-binary; FFLs have built their verification and compliance practices around ATF's instructions; and NICS matching depends on consistency between the information recorded on the form and the identification presented. *See* Sections II(B), III(A)-(C), *supra*. The Proposed Rule nowhere acknowledges, much less assesses or weighs, any of these reliance interests.

Fourth, ATF's segmented treatment of plainly interlocking actions independently demonstrates the absence of reasoned decision-making. ATF proposes here to define "sex" by regulation while, in separate and simultaneous proceedings, it proposes to revise Form 4473 itself and seeks, through an information collection request, to remove the very "Non-Binary" option that its current instruction presupposes.⁷⁰ ATF's assumption of the outcome of those separate, unfinalized proceedings, demonstrates that it is depriving the public of any integrated analysis of how the definition proposed here would operate on the forms ATF actually intends to adopt.

Fifth, ATF failed to consider obvious, less harmful alternatives—most plainly, retaining the current instruction, which directs transferees to answer Question 14 consistently with the identification documents FFLs must examine, and which ATF adopted precisely because transferees found the question difficult to complete when their identification did not bear a binary designation. *See* Section II(B), *supra*. If ATF's objective is to "resolve any potential confusion on how to fill out ATF forms," the existing instruction accomplishes it; the Proposed Rule creates the very conflict between form and identification that it purports to eliminate.⁷¹ The failure to consider an obvious alternative is itself arbitrary and capricious.⁷²

Sixth, ATF's Proposed Rule is additionally arbitrary and capricious because it is not reasonable and reasonably explained. The Proposed Rule is not reasonable because, as described above, it fundamentally undercuts the purpose of ATF's recordkeeping obligations, including with respect to Form 4473. By requiring, via regulation, forms to be filled out with an individual's "biological classification as either male or female," regardless of what an individual's government-issued identification states, ATF not only compromises an individual's ability to purchase a firearm based solely on their transgender or non-binary status, but puts FFLs at risk for violating state anti-discrimination laws, and, perhaps most critically, impedes law enforcement's ability to properly identify individuals tied to crime guns. *See* Sections II(A), III(B)-(C), *supra*.

Finally, ATF points to only two sources to justify its Proposed Rule: 1) a singular district court case that does not, in any way, relate to firearms or ATF; and 2) President Trump's Executive Order 14168.⁷³ Neither of these sources offer any support for the Proposed Rule, or provide any

⁷⁰ *See* *Revising Firearms Transaction Record, "Form 4473,"* 91 Fed. Reg. 25432 (May 8, 2026); 60-Day Notice of Information Collection Request: Form 4473, 91 Fed. Reg. 25448 (May 8, 2026); *see also* FN 38, *supra*.

⁷¹ *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24463

⁷² *State Farm*, 463 U.S. at 46-51 (finding rescission arbitrary where the agency gave no consideration to an obvious alternative within the scope of the existing standard).

⁷³ *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24463.

reason for ATF's change in position.

ATF's reliance on *Bibby v. Philadelphia Coca Cola Bottling Co.*, 85 F. Supp. 2d 509 (E.D. Pa. 2000), reflects the arbitrariness of the decision-making here. There, in 2000, a district court held that discrimination on the basis of sexual orientation is not discrimination on the basis of sex under Title VII, which the court concluded by, *inter alia*, "turn[ing] to a dictionary definition."⁷⁴ *Bibby* has no bearing on the issue at hand, and could not guide any analysis in any event as it is no longer good law, having been superseded by the Supreme Court's holding in *Bostock v. Clayton Co.* in 2020.⁷⁵

ATF's reliance on Executive Order 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, likewise provides no support for the Proposed Rule and demonstrates that the Proposed Rule was not the result of reasoned decision-making. Instead, it was the mere obedience of the President's instruction to make "changes to agency...regulations [and] forms[.]"⁷⁶

The Proposed Rule is arbitrary and capricious and should be withdrawn.

B. The Proposed Rule is Contrary to Law.

The changes in this Proposed Rule fundamentally thwart the purpose of forms authorized under the GCA, the NFA, and federal explosives laws, and thus violate the APA because they are contrary to law. Under the APA, courts are "to set aside federal agency action that is 'not in accordance with law.'"⁷⁷ This includes regulations "that are contrary to clear congressional intent."⁷⁸ ATF purports to promulgate the revisions to Form 4473 (and other forms implicated by the regulations in the Proposed Rule) via its authority under the GCA, NFA, and federal explosives laws.⁷⁹ The two central purposes of the GCA are to ensure firearms transactions comply with federal and state law at the time of sale and serve as a reliable and accurate source of information for law enforcement investigating crimes and tracing firearms, thereby promoting public safety. *See* Sections II(A), III(C), *supra*.

⁷⁴ *See id.*, relying on *Bibby v. Philadelphia Coca Cola Bottling Co.*, 85 F. Supp. 2d 509, 515-516 (E.D. Pa. 2000).

⁷⁵ *See Bostock v. Clayton Cnty.*, 590 U.S. 644, 660 (2020) ("it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.").

⁷⁶ Exec. Order No. 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, 90 Fed. Reg. 8,615, at Section 2(a) and Section 7(i) (Jan. 20, 2025).

⁷⁷ *FCC v. NextWave Pers. Commc'ns Inc.*, 537 U.S. 293, 300 (2003) (quoting 5 U.S.C. § 706(2)(A)).

⁷⁸ *United Farm Workers v. United States Dep't of Lab.*, 509 F. Supp. 3d 1225, 1235 (E.D. Cal. 2020) (internal quotation marks omitted); *see also Fed. Election Comm'n v. Democratic Senatorial Campaign Comm.*, 454 U.S. 27, 32 (1981) ("[Courts] must reject administrative constructions of the statute, whether reached by adjudication or by rulemaking, that are inconsistent with the statutory mandate or that frustrate the policy that Congress sought to implement.") (citations omitted).

⁷⁹ *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24463.

The Proposed Rule not only fails to further the GCA's purposes but also actively frustrates those goals and the congressional intent underlying the Act (and others) where the Proposed Rule invites confusion and, in some instances, requires inaccurate information on Form 4473. The Proposed Rule runs afoul of the congressional intent of the forms prescribed under the relevant regulation and, accordingly, is contrary to law.

C. The Proposed Rule Disregards Its Federalism Implications.

The Proposed Rule also directly implicates state prerogatives: it instructs individuals to disregard the sex designations that certain States are required by their own statutes to issue, and it exposes FFLs to liability under state anti-discrimination law. *See* Sections III(A)-(B), *supra*. Executive Order 13132 obligates agencies to assess the federalism implications of rules with substantial direct effects on the States and to consult with state officials before adopting regulations that conflict with state law.⁸⁰ Yet, the Proposed Rule makes clear that ATF neither consulted with the States nor meaningfully assessed the Proposed Rule's effects on state identification systems and state law.⁸¹ This failure supplies an additional, independent basis for withdrawal, and the States preserve all objections to the Proposed Rule under 5 U.S.C. § 706(2), including that it is arbitrary and capricious, contrary to law, in excess of statutory authority, and promulgated without observance of procedure required by law.

IV. Conclusion

If finalized, the Proposed Rule will necessarily result in either the curtailment of an individual's right to lawfully purchase firearms and exercise their right to self-defense based on their intersex, transgender or non-binary status, or, alternatively, result in inaccurate recordkeeping that will negatively impact law enforcement's ability to investigate crimes and trace firearms. Because the Proposed Rule conflicts with state law and policies, undermines public safety and the purpose of the required record-keeping, will cause significant confusion, will compromise the right of individuals to lawfully purchase firearms, and violates the Administrative Procedure Act, the States urge ATF to withdraw the Proposed Rule.

Sincerely,



Kwame Raoul
Illinois Attorney General



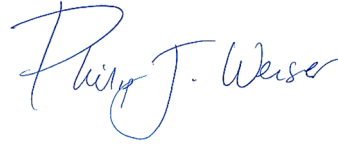
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⁸⁰ Exec. Order No. 13132, *Federalism*, 64 Fed. Reg. 43255 (Aug. 4, 1999).

⁸¹ *Selecting Biological Sex on ATF Forms*, 91 Fed. Reg. 24462, 24464.



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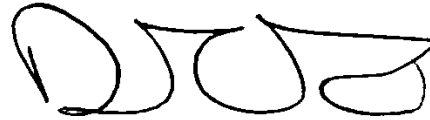
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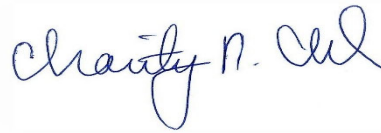
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