

Congress of the United States
Washington, DC 20515

June 8, 2023

The Honorable Steve Dettelbach
Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
U.S. Department of Justice
99 New York Avenue, NE
Washington, DC 20226

Director Dettelbach,

We write with deep concerns regarding the Bureau of Alcohol, Tobacco, Firearms and Explosive's ("ATF") recently published major rule entitled: "*Factoring Criteria for Firearms with an Attached Stabilizing Brace*" hereinafter referred to as the "Rule" and its implementation.¹ This rule, which reclassifies millions of pistols into "short-barreled rifles" under the National Firearms Act (NFA), is troublesome on multiple fronts.² The Rule contradicts the ATF's prior determination made during the Obama Administration, on which millions of gunowners have relied over the past decade. The Rule has also been enjoined by two federal district courts, but these injunctions are not nationwide injunctions. It's only fair that all similarly situated persons be treated the same even if they are not expressly covered by these injunctions until, at the very least, the legal issue is resolved by the courts. Furthermore, the Rule includes the 120-day grace period for lawful gun owners to register their lawfully purchased pistols as "short-barreled rifles" with the ATF. This grace period was well short of previous grace periods instituted in cases where a gun was reclassified under the NFA.

To that end, we call on you to rescind this Rule which would make felons of millions of law-abiding Americans. In issuing this Rule, the ATF has abused its rulemaking authority by criminalizing a piece of plastic that assists users in operating firearms with more precision – an action which directly opposes its 2012 determination that stabilizing braces do not automatically subject pistols to regulation as "firearms" under the National Firearms Act. Furthermore, we call on you to extend the grace period for covered gun owners to register their firearms with your agency. The shortened grace period for the pistol brace rule will ultimately lead to less compliance and the risk of turning millions of lawful firearms owners felons overnight, including military servicemembers and others stationed abroad for extended periods of times. Congressional offices already received reports of at least one instance where a military service-member deployed overseas is unable to register their firearm

¹ RIN: 1140-AA55

² 26 U.S.C. Chapter 53

back home, and thus, under this ruling, will be now labeled as a felon while defending American interests abroad.

The last time ATF sought to reclassify a firearm was in 1994, when the USAS-12, Striker 12, and Streetsweeper shotguns were reclassified as “destructive devices” under the NFA.³ The covered grace period for these firearms to be registered lasted until 2001.⁴ Your agencies’ registration period represents a 6 year and 8 months difference in registration grace periods from the last time firearms were reclassified and forced to be registered.

It is apparent that the ATF has not done enough to communicate to and educate the general public on these rule changes and the potential consequences of not being in compliance with the new requirements. Millions of lawful firearms owners are seemingly unaware that overnight they will be reclassified as felons. We are extremely concerned about ATF’s decision to not allow for more time to educate the general public on the new compliance for this rule, which leads us to speculate whether ATF instituted a shortened timeline by design.

Once the Biden Administration gave the order to go through with this ill-advised policy, ATF gave an extremely shortened timeline for gun owners to fall into compliance. Congressional Republicans made clear through numerous hearings, letters, and comments that we strongly disagree with the Biden Administration’s attempts to carry out the pistol brace rule and ATF’s overreach in attempting to make laws without Congress.

For the sake of law-abiding firearms owners across the country and Americans serving overseas, we call on you to extend the timeline for grace period registrations for lawful gun owners to fall into compliance with the ATF Pistol Brace Ruling.

Please answer the below questions by June 29, 2023:

1. What was the impetus for the grace period to only be 120 days?
2. Did the White House have any input on how long the registration period would be? If so, please provide all documents and communications concerning this decision.
3. What efforts were made by the ATF to inform gun owners of the Pistol Brace rule and the risks of noncompliance?
4. Has the ATF undergone efforts to accommodate military service-members stationed overseas on the compliance of the Rule?
5. Will you extend the grace period to assure lawful gun owners, including those stationed overseas for extended periods of time, are not classified as felons?
6. How many guns have registered within the 120-day grace period?

Thank you for your time and attention to this matter.

Sincerely,

Nathaniel Moran

Nathaniel Moran
Member of Congress

Sam Graves

Sam Graves
Member of Congress

Lance Gooden

Lance Gooden
Member of Congress

Dusty Johnson

Dusty Johnson
Member of Congress

Carlos Gimenez

Carlos Gimenez
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Mike Johnson

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Andrew S. Clyde

Andrew S. Clyde
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Adrian Smith

Adrian Smith
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Richard Hudson
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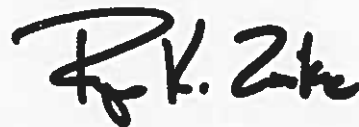
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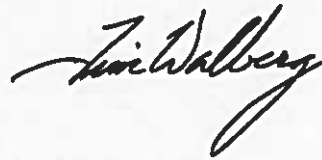
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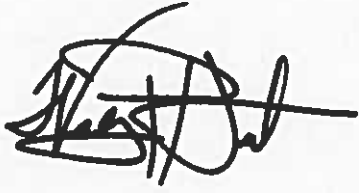
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