

Congress of the United States
Washington, DC 20515

August 16, 2021

The Honorable Merrick Garland
Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

The Honorable Marvin Richardson
Acting Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue NE
Washington, D.C. 20226

Dear Attorney General Garland and Acting Director Richardson:

We write to express our sincere concern and outright opposition regarding proposed regulations issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that infringe on the Second Amendment rights of every American. Specifically, we take issue with ramifications that the proposed actions titled “Definition of ‘Frame or Receiver’ and Identification of Firearms”¹ and the “Factoring Criteria for Firearms with Attached ‘Stabilizing Braces’”² would have on lawful firearm owners. As federal firearm licensees turned Members of Congress, we see right through the ATF’s charade to chip away at the Second Amendment and unilaterally expand its own influence and authority. We urge you to reverse course immediately.

It is no secret that the ATF is attempting to broaden the definition of the term “firearm” under federal gun laws through both proposed regulations. In doing so, ATF is making law-abiding, gun owning citizens into felons overnight and regulating manufacturers out of existence. Such proposed actions are wrong and set a dangerous precedent. It was Congress that defined the term “firearm” in statute, not the ATF.³ But the ATF, through executive overreach, is positioning itself to blatantly usurp Congress’s legislative authority by proposing broad and arbitrary definitions of industry terms, some of which are not referenced in relevant law.

Moreover, not only would the ATF’s proposed actions unduly burden American citizens who are navigating the onerous laws and regulations already on the books to make certain they comply, but they will most certainly harm the firearm industry at large. That’s because with every new part the ATF deems a “firearm,” manufacturers will have to serialize more parts, administratively log those parts, pay the ATF more in excise taxes, and give up more control to the agency—down to the pre-approval of each new design.

¹ 86 Fed. Reg. 27,720 (May 21, 2021).

² 86 Fed. Reg. 30,826 (June 10, 2021).

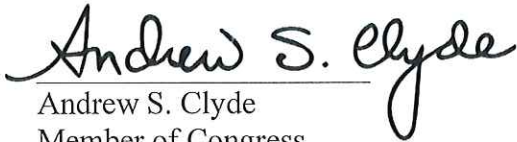
³ See 18 U.S.C. § 921(a)(3); 26 U.S.C. § 5845.


Such control amounts to a government stranglehold and will undeniably have a chilling effect on the supply of firearms and firearm parts. The added requirement of having to keep records indefinitely will also create an undue burden on firearm licensees. But of course, those records can always be turned over to the ATF who will then digitize them, effectively creating a national database of every individual who has purchased a firearm commercially. This is another expansion of power and another step towards establishing a national registry of firearms or firearm owners, an action prohibited by law.⁴

The ATF's maligned intent is evident and purposeful as the agency continues its partisan effort to fulfill the Biden administration's radical gun control agenda. The American people recognize the ATF's proposed actions for exactly what they are: blatant attempts to dismantle the natural right to self-defense—enshrined in the Constitution—that allows them to exercise and defend all other enumerated rights.

The Founding Fathers knew the first step towards tyranny is to disarm the citizenry. They enumerated this foundational right to keep and bear arms to ensure the American people had the ability to protect themselves from a treacherous government that sought tyranny over government by the people. We are deeply troubled by the fact that the ATF appears more interested in attacking the Constitution than it is in upholding it. As such, we urge you to join us in upholding the Constitution and withdraw the proposed regulations immediately.

Sincerely,


Andrew S. Clyde
Member of Congress


Ted Budd
Member of Congress

⁴ 18 U.S.C. § 926(a).