

Congress of the United States
Washington, DC 20515

December 22, 2020

The Honorable William Barr
Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530

The Honorable Regina Lombardo
Acting Director
Bureau of Alcohol, Tobacco, Firearms, and
Explosives
99 New York Avenue NE
Washington DC 20226

Dear Attorney General Barr and Acting Director Lombardo:

We write to you today to express our deep concerns regarding the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) recent notice for proposed guidance on “Objective Factors for Classifying Weapons with ‘Stabilizing Braces’”. This decision is alarming and jeopardizes law-abiding gun owners across the country.

The guidance claims to lay out several “objective” criteria for the design features of which the ATF will use to deem these firearms subject to classification under the National Firearms Act and could turn law-abiding gun owners into criminals overnight. According to the ATF guidance, “[t]hese factors are based on known stabilizing braces and similar attachments. No single factor or combination of factors is necessarily dispositive, and [ATF] examines each weapon holistically on a case-by-case basis.” Should the guidance give clarity to the industry and law-abiding citizens it would provide better insight into the issue at hand. However, the guidance does just the opposite by allowing the ATF to be subjective in their determination. With ambiguous and malleable subjective criteria such as these, it is obvious the ATF has no interest in clarifying the matter but banning stabilizing braces outright and submitting lawfully purchased firearms and their owners to federal regulation.

In your own published guidance, you state, “the brace concept was inspired by the needs of disabled combat veterans who still enjoy recreational shooting but could not reliably control heavy pistols without assistance. Consequently, ATF agrees that there are legitimate uses for certain “stabilizing braces.” The ATF agrees there are legitimate uses for braces, but this “guidance” indicates otherwise. We are disturbed a government agency would issue guidance that would take away a disabled veteran’s ability to enjoy his constitutionally protected right. In fact, the ATF seems committed to attacking the constitutionally protected rights of all law-abiding citizens.

The Second Amendment is the right that allows us to defend our other rights. If we are to uphold the Constitution, this right cannot be infringed upon.

We urge you to immediately take action to correct this injustice and look forward to your response.

Sincerely,



Richard Hudson
Member of Congress

Other Members of Congress signing this letter:

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Rep. Jodey Arrington
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Rep. Andy Biggs
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