

# United States Senate

WASHINGTON, DC 20510

June 21, 2021

Marvin G. Richardson  
Acting Director  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
U.S. Department of Justice  
99 New York Avenue, NE  
Washington, DC 20226

Dear Acting Director Richardson:

Over the last month, ATF has proposed two rules with far-reaching implications for Americans' Second Amendment rights. On May 21, ATF announced Proposed Rule 2021R-05, *Definition of "Frame or Receiver" and Identification of Firearms*. This rule covers a breadth of issues, including the classification of split or modular frames and receivers, the identification of mufflers and silencers, and so forth, many of which will have implications for law-abiding firearms manufacturers who have worked faithfully to comply with existing laws. But most importantly, this Proposed Rule would take a significant step toward a national gun registry by requiring FFL dealers to maintain personal gun owner information and records of transactions involving firearms, including their makes, models, and serial numbers—forever.

And that wasn't all. On June 10, ATF issued Proposed Rule 2021R-08, *Factoring Criteria for Firearms With Attached "Stabilizing Braces"*. This proposed rule would reverse years of interpretive guidance and recategorize millions of pistols and AR-15-style firearms as "short-barreled rifles," placing them under the strict regulatory scheme of the National Firearms Act and making it a federal felony to otherwise possess them. Indeed, the Proposed Rule states that it "may affect upwards of 1.4 million individuals."

These measures are concerning enough on their face. But more alarming is ATF's apparent willingness to unilaterally make important firearms policy determinations wholly apart from Congress. Americans' rights to keep and bear firearms are safeguarded by the Second Amendment, and the responsibility for implementing those constitutional protections rests with elected lawmakers—not unelected federal bureaucrats.

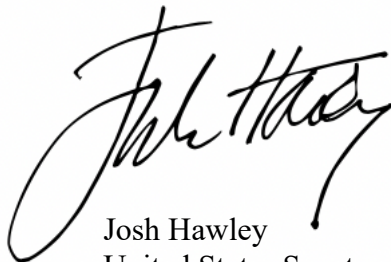
Accordingly, please provide my office with responses to the following questions no later than June 25, 2021:

1. In the past, firearms product manufacturers have been repeatedly informed that many of the products they sell, including "receiver blanks" that have not yet been fully machined, are not considered "firearms" by ATF. Accordingly, significant reliance interests have vested. Will ATF continue to honor those prior determinations, including those pertaining to products currently on the market?
2. What steps does ATF intend to take to ensure that any new information that would be retained by FFL dealers pursuant to Proposed Rule 2021R-05 is not subsequently used for the targeting of lawful gun owners by federal authorities or other politically-motivated purposes?

3. What, if any, new measures does ATF anticipate taking to enforce the terms of Proposed Rule 2021R-08 against private gun owners?
4. Proposed Rule 2021R-08 states that it “will not have substantial direct effects on the States, the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government.” This claim stands in tension with the fact that numerous states and other jurisdictions have passed Second Amendment sanctuary laws in response to perceived federal overreach. Why were these many laws not considered relevant to a federalism analysis in the course of developing Proposed Rule 2021R-08?
5. What measures, if any, does ATF intend to take to attempt to enforce the terms of Proposed Rule 2021R-08 in jurisdictions subject to Second Amendment sanctuary laws?

Thank you for your attention to these important matters. I look forward to receiving your prompt responses to these questions.

Sincerely,



Josh Hawley  
United States Senator



Thom Tillis  
United States Senator



Tom Cotton  
United States Senator



Ted Cruz  
United States Senator