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Attorney General

May 25, 2023

The Honorable Kevin McCarthy  
Speaker  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Speaker:

As State Attorneys General, we write to you concerning the Congressional Review Act resolution for the ATF's final rule entitled "Factoring Criteria for Firearms With Attached 'Stabilizing Braces.'" 88 Fed. Reg. 6478 (Jan. 31, 2023). We urge you to schedule a vote on that resolution early enough to complete the CRA process before the rule's May 31, 2023, registration deadline. Although we have filed a lawsuit challenging the pistol brace rule—and have sought preliminary injunctive relief—we need Congress's help, too.

The pistol brace rule is an egregious overreach. For over a decade, ATF has recognized that pistols equipped with stabilizing braces are not short-barreled rifles subject to the registration and tax requirements of the Gun Control Act of 1968 and the National Firearms Act. ATF has now reversed course, without statutory authority, and is requiring registration of nearly all pistols with stabilizing braces by the end of May. If an individual fails to register or otherwise dispose of a pistol equipped with a brace, then that person will be guilty of a serious federal felony.

Pistol braces are simply orthotic devices that allow users to more safely and accurately fire handguns. They were invented to help disabled combat veterans, not to assist in the commission of criminal wrongdoing. They do not convert pistols into rifles under any reasonable reading of federal law. No good reason justifies subjecting pistols equipped with braces to the requirements of federal firearms laws for short-barreled rifles. Indeed, there is little modern-day basis for the short-barreled rifle requirements in the first place.

ATF's contrary final rule is therefore unlawful under the relevant statutes. But it is also arbitrary and capricious for the agency to reverse course after a decade of permitting the thousands of Americans to purchase and benefit from pistol braces. Indeed, an estimated 10 to 40 million pistols with stabilizing braces are presently in circulation, and the ATF's rule requires nearly all of them to be registered with the federal government by May 31.

For these reasons, more than half the States in the nation have filed suit against the agency's overreach. In the States' view, this measure is unconscionable and must be stopped. After all, owners of these firearms should not have to submit fingerprints and identifying information to the government to avoid felony firearms charges.

Now is the time for Congress to step up, too. To eliminate the deadline that owners of braced pistols are facing, Congress can pass a resolution disapproving the rule under the CRA. A resolution to do just that, H. J. Res. 44, has already been introduced in the House with 189 sponsors. A companion resolution in the Senate has 47 sponsors. In short, there is strong support for a CRA disapproval.

But only a few days remain between now and the ATF's deadline. As State Attorneys General, we respectfully request that you schedule a vote on H. J. Res. 44 in time for proceedings in the House and Senate to be completed before the May 31 deadline. Although we generally defer to you on the schedule of the House, this issue is pressing and demands immediate action.

If President Biden vetoes the CRA disapproval, it will be up to us as Attorneys General, working with our private partners in the litigation, to get this rule overturned. But we should still try to alleviate this massive problem using the CRA when it has a chance of success. Time is of the essence. We ask that you schedule a vote as soon as possible.

Thank you for your consideration of this important matter.

Sincerely,



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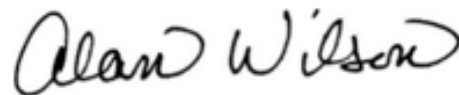
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