

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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May 8, 2023

The Honorable Steven Dettelbach  
Director  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
99 New York Ave, NE  
Washington, DC 20226

Dear Director Dettelbach:

We are writing to ask you to clarify your recent testimony before the House Judiciary Committee.

We are concerned that your agency's new Stabilizing Brace Rule and enforcement thereof will result in millions of Americans becoming classified as felons overnight without them having any intent or having taken any action to break the law. The Founders designed our constitutional structure to have three distinct branches. The branch tasked with making laws should not be the same branch tasked with enforcing those laws. Congress must be responsible for making laws, and we do not believe the ATF has the authority to enact the Stabilizing Brace Rule.

Irrespective of the role your agency is undertaking in the creation and enforcement of its own rule, which is without proper Congressional Authority, the Executive Branch has a duty to be transparent with Americans about their classifications of unlawful conduct. There are less than 30 days left until criminal provisions of this rule go into effect. Therefore, it is important for you to provide the public with a clear interpretation of the parameters of the rule. When your agency takes actions that will make millions of Americans felons, you have a responsibility to give a clear, concise, and simple to understand explanation of the rule at hand and how your agency will enforce it.

During testimony, you spoke about "detachment" and how you wrote the rule to be easy to comply with. You explained "detachment . . . that's not for us to regulate. If somebody simply, we wrote the rule to make it easy to comply with. If somebody just at their home detaches the weapon

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from the brace and keeps them apart, they do not have to register anything. They can keep the brace, they can keep the business end of the gun.”<sup>1</sup>

Your testimony raises concerns as it conflicts with guidelines, slides, and other documents and information distributed by the ATF. For example, ATF.gov Final Rule 2021R- 08F “Factoring the criteria for firearms with attached stabilizing braces” Slide 26 indicates that an option available to all possessors allows them to “[p]ermanently remove and dispose of, or alter, the ‘stabilizing brace’ such that it cannot be reattached.”<sup>2</sup> From that guidance, it does not appear that individuals can “keep” both the brace and the “business end of the gun” as you claimed in your sworn testimony.

We therefore ask for your clarification regarding pistol brace detachment, and would, for the sake of the law-abiding citizens, ask that you publicly correct any statements you made during your congressional testimony which may lead to a misunderstanding or incorrect interpretation of the rule.

Sincerely,



Thomas Massie  
Chairman  
Subcommittee on the Administrative State,  
Regulatory Reform, and Antitrust



Jim Jordan  
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member  
The Honorable David Cicilline, Ranking Member, Subcommittee on the Administrative  
State, Regulatory Reform, and Antitrust

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<sup>1</sup> *Oversight of the Bureau of Alcohol, Tobacco, Firearms and Explosives*, Hearing before the House Judiciary Committee, 118<sup>th</sup> Cong. (Apr. 26, 2023).

<sup>2</sup> ATF Slideshow, *Final Rule 2021R-08F - Factoring Criteria for Firearms with Attached "Stabilizing Braces"* available at <https://www.atf.gov/rules-and-regulations/docs/undefined/finalrule2021r-08f508pdf/download>.