

# Congress of the United States

Washington, DC 20515

September 15, 2023

Director Steven M. Dettelbach  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
99 New York Avenue NE  
Washington, DC 20226

Dear Mr. Dettelbach,

We write to express our deep concerns about the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) new proposed [rule](#), which restricts the right of Americans to sell firearms. The ATF's rule greatly expands the meaning of when a person is considered "engaged in the business" of dealing in firearms, to impose strict licensing requirements on private individuals who occasionally sell firearms.

This proposed rule will arbitrarily restrict law-abiding Americans' constitutional rights while imposing unreasonable compliance costs. In addition, this rule will prove counterproductive and won't deter crime in any way. Clearly, this rule is the quintessential example of an agency of the Executive Branch writing rules diametrically opposed to the intent and will of Congress.

Most gun sales are already conducted by firearm dealers who are Federal Firearm Licensees (FFLs). While the proposed rule does not establish a minimum numerical threshold for selling firearms, the ATF fabricates presumptions of when an individual needs to have an FFL that go far beyond its statutory authority to do so.

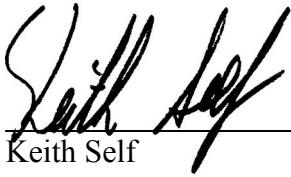
These requirements will drive up costs on law-abiding Americans. The process of obtaining an FFL (Type-01) is extremely onerous, time-consuming, and expensive. Law-abiding Americans who occasionally sell guns online as a hobby would now be subject to fees, background checks, fingerprinting, and hours of paperwork—in addition to any existing state and local laws. They would be required to keep and maintain numerous records for life. They could also be subjected to opening their home for ATF inspections. The list of absurd requirements goes on and on. Regulating a perfectly legal hobby in the same way as a federally licensed gun store is nonsensical.

With these concerns in mind, please answer the following questions:

1. Since the proposed rule itself states that the presumptions shall not apply to criminal cases, how will the rulemaking have any impact on the most dangerous elements of society, including cartels, gang members, firearm smugglers, and other violent offenders?
2. Given that the vast majority of firearms sold in America are used lawfully, what indication does the ATF have that imposing such unreasonable compliance costs on private citizens will reduce criminal activity?

This administration has time and time again targeted Americans' right to bear arms. This new rule is no exception. No amount of burdensome federal regulation can negate the clarity of the Second Amendment. We look forward to receiving your response within 60 days.

Sincerely,



Keith Self  
Member of Congress



Elise M. Stefanik  
Member of Congress



Kevin Hern  
Member of Congress



Adrian Smith  
Member of Congress



Alex X. Mooney  
Member of Congress



Andrew Ogles  
Member of Congress



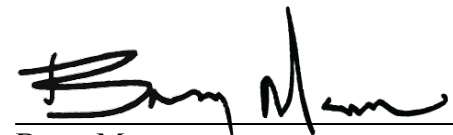
Ashley Hinson  
Member of Congress



August Pfluger  
Member of Congress



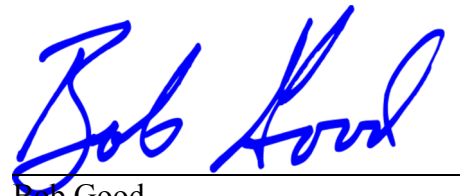
Barry Loudermilk  
Member of Congress



Barry Moore  
Member of Congress



Bill Posey  
Member of Congress



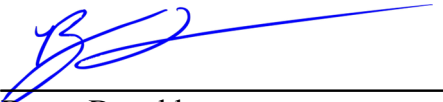
Bob Good  
Member of Congress



Lance Gooden  
Member of Congress



Brian Babin, D.D.S.  
Member of Congress



Byron Donalds  
Member of Congress



Carol D. Miller  
Member of Congress



Chip Roy  
Member of Congress



Dan Newhouse  
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Daniel Webster  
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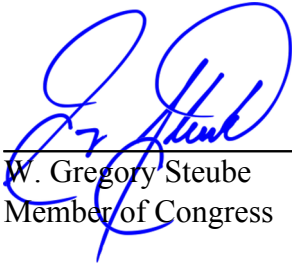
Elijah Crane  
Member of Congress



Eric Burlison  
Member of Congress



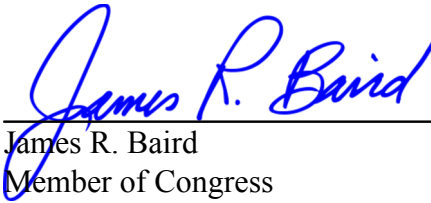
Glenn Grothman  
Member of Congress



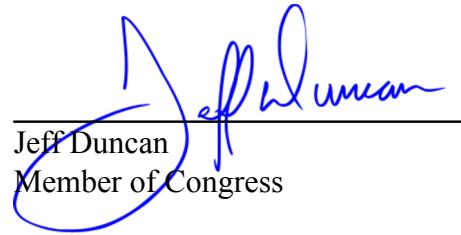
W. Gregory Steube  
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Gus M. Bilirakis  
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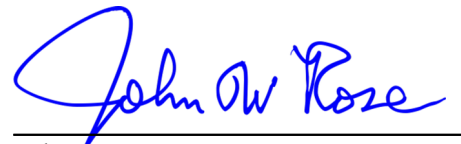
James R. Baird  
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Jeff Duncan  
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Jodey C. Arrington  
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John W. Rose  
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Josh Brecheen  
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Lauren Boebert  
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Lisa C. McClain  
Member of Congress



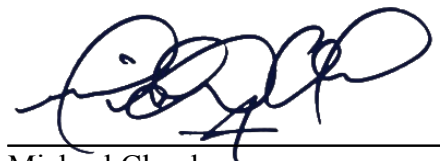
Mark Alford  
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Mary E. Miller  
Member of Congress



Matthew Rosendale, Sr.  
Member of Congress



Michael Cloud  
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Mike Collins  
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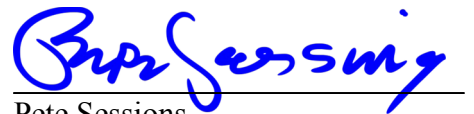
Mike Kelly  
Member of Congress



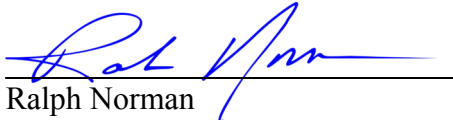
Morgan Luttrell  
Member of Congress



Pat Fallon  
Member of Congress

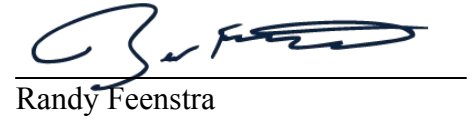


Pete Sessions  
Member of Congress



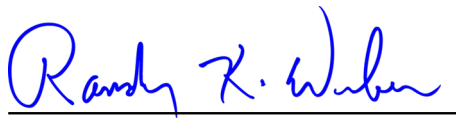
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Ralph Norman  
Member of Congress




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Randy Feenstra  
Member of Congress



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Randy K. Weber, Sr.  
Member of Congress



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Richard Hudson  
Member of Congress




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Eric A. "Rick" Crawford  
Member of Congress




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Robert E. Latta  
Member of Congress



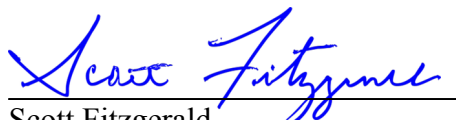
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Roger Williams  
Member of Congress



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Ronny L. Jackson, M.D.  
Member of Congress



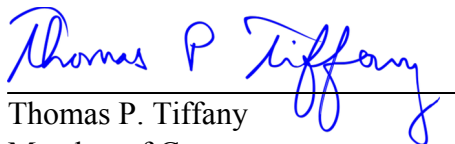
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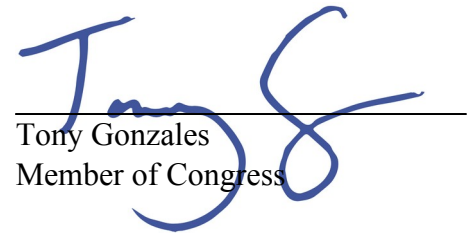
Scott Fitzgerald  
Member of Congress

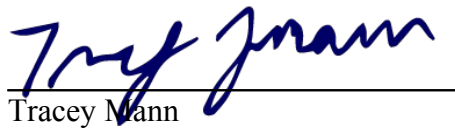


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Stephanie L. Bice  
Member of Congress

  
Thomas P. Tiffany  
Member of Congress

  
Tony Gonzales  
Member of Congress

  
Tracey Mann  
Member of Congress