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Congress of the United States
House of Representatives
Washington, DC 20515

September 8, 2021

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

Docket No. ATF 2021R-08
AG Order No. 5070-2021
86 FR 30826

Dear Acting Director Lombardo,

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has received nearly 200,000 comments from law-abiding citizens who are enraged over the proposed rule to reclassify pistols that have attached stabilizing braces. Many have highlighted the fact that the stabilizing brace was initially designed to assist a veteran and service amputee with firing single-handedly an AR-style handgun. In addition to that fact, your agency has previously determined the stabilizing brace attached to an AR-type pistol would not change the firearm's classification from a GCA-regulated handgun to an NFA-regulated short-barrel rifle.¹ While I agree with those points, my comment will instead focus on the lack of logic the proposed rule would have in curbing gun violence, especially in Democrat-run cities, the hypocrisy of the rule, its affront to the millions of law-abiding citizens looking to exercise their 2nd Amendment right and the arrogant attempt by unelected Washington bureaucrats to usurp the Constitutional powers afforded to the legislative branch.

If this terrible rule goes into effect, a gun owner wishing to add a stabilizing brace to their pistol would be forced to obtain special approval from the federal government through the ATF's NFA Division. The process is long, onerous, costly and burdensome to the countless law-abiding citizens wishing to exercise their constitutional right to bear arms. A law-abiding citizen would have to fill out an application, undergo considerable vetting, pay a \$200 tax and register their weapon with the federal government. Overall, this process can take more than a year to complete.²

Democrat-run cities, such as Chicago and Washington D.C., have some of the strictest gun restrictions allowed under the Constitution. Yet tragically, it seems we see blood shed on the streets of these cities week in and

¹ Krouse, William. "Handguns, Stabilizing Braces, and Related Components" *Congressional Research Service*. Updated April 19, 2021.

² Mascia, Jennifer & Stephens, Alain. "Biden's Pistol Brace Rule Would Put Pressure on an Already Strained ATF Division." *The Trace*. July, 19, 2021.

week out. I ask you, how will this proposed rule end this bloodshed? Is anyone naïve enough to think a hardened, violent criminal would really go through the year-long process of filling out an application, undergo an extensive background check, pay a \$200 tax, and register their gun with the federal government? While criminals will continue to go about their day disregarding our laws, law-abiding citizens will suffer the erosion of their constitutional right by the tedious bureaucracy of the federal government.

The \$200 tax also bears mentioning, as I find it interesting that President Biden has previously said voter ID laws are “an attempt to repress minority voting,”³ while others have equated a voter ID requirement to a poll tax⁴. Yet, I guarantee, many of these same people have no issue with forcing a poor, disabled, law-abiding minority in Chicago to pay a \$200 tax to own a pistol with a stabilizing brace. It is not just myself who ponders the effect this proposed rule would have on low-income and minority communities. Michael Cargill, a disabled African American Army veteran, has said he has benefitted from using a pistol brace and is worried that law enforcement would use this proposed regulation to rack up gun charges on poor and minority communities.⁵

This aforementioned hypocrisy is stunning, but not surprising. For most others though, one thing is clear: the right to vote and the right to bear arms are equal. Neither right is above or below the other. This proposed rule would undermine the right to bear arms without infringement, and I hope you and the rest of those who serve at the ATF would remember your oath to support and defend the Constitution. The entire Constitution.

In an op-ed published in *Politico* on June 10, 2013, David Chipman, whose nomination to lead the ATF is pending before the Senate, wrote, “But our weak firearms laws make it all too easy for guns to fall into the wrong hands — and since Congress has failed to address these gaps legislatively, ATF must chart a new course to combat the scourge of gun violence. This requires strong leadership.”⁶ Again, how would this proposed rule stop the violence that has continuously inflicted our nation’s cities? Furthermore, the admission of trying to usurp Congress’ powers is astonishing and telling. Let me close my comment by reminding the ATF and the executive branch that Congress is charged by the Constitution with writing the laws that govern our country. Unelected bureaucrats in Washington do not have the authority to write laws because they are angered over Congress’ refusal to not restrict citizens’ constitutional rights. This rule would do nothing to curb the violence plaguing our cities, only harm law-abiding citizens, and restrict the 2nd Amendment. I urge you to reject this proposed rule.

Sincerely,



Lisa C. McClain
Member of Congress

³ Miller, Jake. “Joe Biden: Voter ID laws “an attempt to repress minority voting.” *CBS News*. July 24, 2014

⁴ Postel, Charles. “Why voter ID laws are like a poll tax.” *Politico*. August 7, 2012.

⁵ Mascia & Stephens. “Biden’s Pistol Brace Rule Would Put Pressure on an Already Strained ATF Division.”

⁶ Chipman, David. “Empower ATF to fight crime.” *Politico*. June 10, 2013