

From: Erich M Pratt

Sent: Monday, January 6, 2025 10:08 AM

To: Matthew.shear@atf.gov; William.ryan@atf.gov

Subject: Please confirm if your December 12, 2024 letter was sent in error

Dear Acting Chief Shear and Chief Ryan:

My name is Erich Pratt. I am the Senior Vice President of Gun Owners of America, Inc. ("GOA") and the Senior Vice President of Gun Owners Foundation ("GOF"). GOA and GOF are nonprofit corporations dedicated, *inter alia*, to preserving and defending the Second Amendment rights of gun owners. GOA and GOF together have more than two million members and supporters nationwide.

As you no doubt are well aware, a federal court injunction currently protects "GOA's current members and their resident family members" from enforcement of ATF's Final Rule entitled "Factoring Criteria for Firearms with Attached 'Stabilizing Braces,'" 88 Fed. Reg. 6478, pending final merits resolution of GOA's statutory and constitutional challenge to the Rule. *Texas v. BATFE*, 700 F. Supp. 3d 556, 573 (S.D. Tex. 2023). This injunction thus halts enforcement of ATF's theory that, under a vague and open-ended factorial test, the vast majority of commonly owned braced pistols are in fact National Firearms Act-regulated short-barreled rifles ("SBRs"). GOA's injunction (and another court's outright vacatur of the Rule) also halt the Rule's rescission of prior braced-pistol classifications, thereby preserving the pre-Rule status quo where numerous ATF-approved braces could be added to pistols without incurring criminal liability.

Nevertheless, on December 12, 2024, an email signed by ATF Firearms Industry Programs Branch ("FIPB") was sent to a GOA member, advancing a concerning new interpretation of law – that "[f]ederal law **requires a pistol with an attached stabilizing brace or stock be registered as a short barreled rifle....**" See attached correspondence.

For starters, FIPB's correspondence claimed to adopt this position as a matter of statutory interpretation, thereby purporting to sidestep the injunctions currently in place against enforcement of the Rule. See *id.* (although courts' orders "prevent[] further action in reliance on the Final Rule," ATF nevertheless "remains responsible for enforcement of the statutory provisions"). Of course, the Rule is based on ATF's flawed interpretation of the statute. Indeed, it is GOA's position that this 'too cute by half' approach risks putting ATF at odds with the injunctions and vacatur currently blocking enforcement of the Final Rule (and, consequently, its interpretation of the statute).

What is more, FIPB's novel interpretation expressed in the December 12 email goes much farther than even the Rule itself, which assured that only "**certain** weapons equipped with 'stabilizing braces'" would be SBRs under its factorial test, not **all** of them. 88 Fed. Reg. at 6554 (emphasis added). To our knowledge, ATF has never taken the position advanced in the December 12 email that *any* brace attached to *any* pistol renders it an SBR.

I therefore write to you informally, in the hopes that you will confirm that FIPB's December 12, 2024 email was sent in error, and that its concerning claims *do not* reflect the official position of ATF on this issue. Rather, it is our understanding that, pending resolution of existing litigation, ATF is awaiting further guidance and is *not* taking any definitive positions or issuing classifications with respect to the status of pistols equipped with stabilizing braces. **Please let me know if GOA's understanding is not correct.**

I request that you write back to me with your answer by the **close of business on Wednesday, January 8, 2025.** As you no doubt will understand, ATF's December 12 email is deeply concerning to GOA's members, and we eagerly await your confirmation that the email did not accurately state FIPB's/ATF's position on this issue. Thank you.

Sincerely,



Erich Pratt

Senior Vice President

Gun Owners of America
