

Congress of the United States
Washington, DC 20515

December 6, 2023

Steven M. Dettelbach
Director
Bureau of Alcohol, Tobacco,
and Firearms and Explosives
99 New York Avenue NE
Washington, DC 20002

Director Dettelbach:

It has come to our attention that the Bureau of Alcohol, Tobacco, and Firearms and Explosives (BATFE) has recently rejected submissions for public comments opposing Docket Number ATF 2022R-17, "Definition of 'Engaged in the Business' as a Dealer in Firearms."¹ The National Association for Gun Rights informed me that on November 30, 2023, during an attempt to deliver approximately 40,000 petitions to your building, they were turned away from the door and told to leave the property.

This is a flagrant abuse of the First Amendment rights of 40,000 American citizens, some of whom are our constituents. The First Amendment to the United States Constitution specifically protects the right of every American to petition their government for a redress of grievances.

As you should be aware, the Administrative Procedures Act (APA) – which applies to all federal agencies – mandates public input in the rulemaking process.² According to the Attorney General's Manual on the Administrative Procedure Act, the basic purpose of the APA includes requiring agencies to keep the public informed of their organization and rules, establishing uniform standards for the conduct of formal rulemaking, and providing for public participation in the rulemaking process.³ Moreover, the E-Government Act of 2002 requires agencies to accept electronic submissions for public comment in addition to – not in lieu of – physical submissions.⁴ Docket Number ATF 2022R-17 is already Constitutionally dubious on the merits of the rule alone, but this unfortunate interaction with BATFE employees prohibiting Americans from providing public input even calls into question the legitimacy of BATFE's adherence to the public comment process.

¹ Definition of "Engaged in the Business" as a Dealer in Firearms. Bureau of Alcohol, Tobacco, Firearms and Explosives. December 6, 2023. Retrieved from <https://www.atf.gov/firearms/definition-engaged-business-dealer-firearms>.

² 5 U.S.C. § 551 (1).

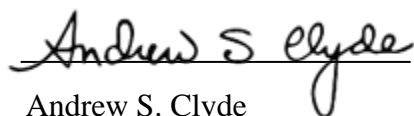
³ ABA Administrative Procedure Database. FSU College of Law. December 6, 2023. Retrieved from <http://library.law.fsu.edu/Digital-Collections/ABA-AdminProcedureArchive/1947cover.html>

⁴ Pub. L. No. 107-347, § 206(c), (d), 116 Stat. 2899, 2916 (2002).

National Association for Gun Rights staff also informed us that upon being removed from the BATFE premises, they were told to contact specific agency employees to coordinate a delivery, but to date, no employee of the agency has responded to the numerous calls and emails attempting to schedule delivery of physical submissions for comment. This conduct by BATFE gives the appearance of malfeasance and that the agency is intentionally stalling until after the public comment period ends on December 7, 2023.

We urge you to immediately remedy this situation and provide an avenue to accept the approximately 40,000 petitions from National Association for Gun Rights members and supporters. We look forward to your swift action, especially considering the limited time remaining in the open comment period for Docket Number ATF 2022R-17.

Sincerely,



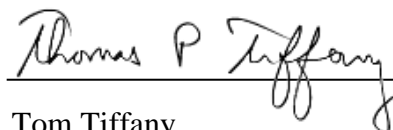
Andrew S. Clyde
Member of Congress



Barry Loudermilk
Member of Congress



Ralph Norman
Member of Congress



Tom Tiffany
Member of Congress



Glenn Grothman
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Bob Good
Member of Congress



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Paul A. Gosar, D.D.S.
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Eli Crane
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Michael Cloud
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Kat Cammack
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Rich McCormick, MD, MBA
Member of Congress



Earl L. "Buddy" Carter
Member of Congress



Scott Perry
Member of Congress



Austin Scott
Member of Congress



A. Drew Ferguson IV, D.M.D.
Member of Congress



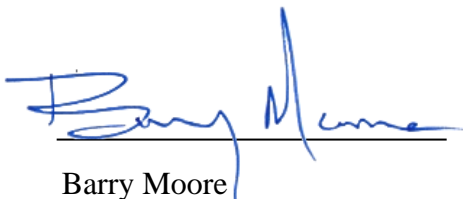
Ben Cline
Member of Congress



Andy Ogles
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Byron Donalds
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Barry Moore
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