

Congress of the United States
Washington, DC 20515

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ATF Rulemaking Comments
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The Department of Justice (DOJ) and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) play a critical role in protecting American communities from violent crime involving the illegal use of firearms. However, in April, the ATF announced over 30 new rules that will make significant changes to federal firearms regulations, threatening decades of progress in advancing public safety, supporting law enforcement, and ensuring the consistent administration of our federal firearms laws. One of these proposed rules, “Removing Factoring Criteria for Firearms with Attached ‘Stabilizing Braces’” (RIN 1140-AA98, Docket No. ATF-2026-0335)¹, would rescind the agency’s 2023 regulation establishing the framework used to determine when firearms equipped with stabilizing braces are properly classified as short-barreled rifles under the *National Firearms Act* (NFA).² We urge the ATF to carefully consider the significant legal, public safety, and practical consequences of this proposal and retain the objective criteria for classifying firearms equipped with stabilizing braces.

The 2023 rule established a series of factors for determining whether a firearm fitted with a stabilizing brace is designed, made, and intended to be fired from the shoulder, thereby subjecting it to the existing statutory and regulatory requirements applicable to short-barreled rifles under the NFA, including application, registration, identification, and recordkeeping

¹ Removing Factoring Criteria for Firearms with Attached ‘Stabilizing Braces’, 91 Fed. Reg. 24453 (proposed May 6, 2026) (to be codified at 27 C.F.R. pts. 478 & 479).

² WILLIAM J. KROUSE, CONG. RSCH. SERV., IF12364, GUN CONTROL: ATF FINAL “STABILIZING BRACE” RULE (2023).

requirements.³ The rule was adopted in response to concerns that stabilizing braces were being made, sold, and used to circumvent longstanding restrictions on short-barreled rifles and followed several high-profile shootings during which stabilizing braces were used. These incidents include:

- The 2019 mass shooting in Dayton, Ohio, where the shooter used an Anderson Manufacturing AR-15-style pistol equipped with a stabilizing brace and killed nine people and injured 17 others.⁴
- The 2021 shooting at a King Soopers grocery store in Boulder, Colorado, where the shooter used a Ruger AR-556 pistol equipped with a stabilizing brace, killing ten people, including a law enforcement officer.⁵
- The 2022 shooting at Club Q in Colorado Springs, Colorado, where the shooter used an unserialized privately made firearm equipped with a stabilizing brace, killing five people and injuring 19 others.⁶
- The 2023 Covenant School shooting in Nashville, Tennessee where three children and three staff members were killed.⁷
- The 2025 Midtown Manhattan mass shooting where four were killed, including an off-duty New York Police Department Officer.⁸

These and other incidents underscore the increasing use of brace-equipped firearms in violent crime, likely due in large part to the concealability of the weapons, and reinforce the need for a clear, objective regulatory framework to determine when such firearms need to be properly classified as short-barreled rifles under federal law.

Congress enacted the NFA in 1934 to regulate particularly dangerous weapons, including short-barreled rifles, short-barreled shotguns, machine guns, silencers, and destructive devices.⁹ Congress determined that these firearms warranted heightened regulation because of the ease with which they could be concealed and their potential use in violent crime.¹⁰ Nearly all

³ See generally 26 U.S.C. § 5845 (defining different types of firearms).

⁴ A.W. Geisel, *Litigation Highlight: Legal Challenges to ATF Rule on Stabilizing Braces*, Duke Ctr. for Firearms L. (Mar. 22, 2023), <https://firearmslaw.duke.edu/2023/03/litigation-highlight-legal-challenges-to-atf-rule-on-stabilizing-braces>.

⁵ *Arm Braces: How gun makers exploited a device originally designed for disabled shooters*, THE SMOKING GUN, <https://smokinggun.org/arm-braces/> (last visited July 15, 2026).

⁶ Greg Lickenbrock, *Report: NYC Mass Shooter Used Palmetto State Armory AR-15*, THE SMOKING GUN (July 29, 2025), <https://smokinggun.org/report-nyc-mass-shooter-used-palmetto-state-armory-ar-15/>.

⁷ 91 Fed. Reg. 24459.

⁸ Bill Chappell, *The Pistol That Looks Like A Rifle: The Dayton Shooter's Gun*, NPR (Aug. 8, 2019, at 16:39 ET), <https://www.npr.org/2019/08/08/748665339/the-pistol-that-looks-like-a-rifle-the-dayton-shooters-gun>.

⁹ See Sam Hooper, *Is the Short Barrel Rifle Obsolete?*, The Truth About Guns (May 19, 2019), available at <https://www.thetruthaboutguns.com/is-the-short-barrel-rifle-sbr-obsolete/> [“The current proliferation of AK and AR pistols, especially when equipped with a forearm brace, more or less satisfy all the same reasons that most people want a short-barreled rifle for. And without all the pesky NFA hoops to jump through.”].

¹⁰ 91 Fed. Reg. 24459.

evidenced by the several high-profile shootings noted above.¹¹ Even the Trump DOJ has acknowledged Congress’s intent behind the NFA, describing the foundational federal firearms law as “a legislative effort animated by the emergence of armed crime as a major national problem” that sought to “[target] particularly dangerous and easily concealable weapons that could be used readily and efficiently by criminals.”¹² The NFA’s heightened regulatory framework helps ensure accountability for these firearms and provides law enforcement with essential tools to trace these firearms when recovered during criminal investigations.

Prior to the 2023 rule, ATF issued a series of classification letters and guidance documents addressing firearms equipped with stabilizing braces, resulting in considerable uncertainty regarding how the NFA applied to these firearms.¹³ With this uncertainty, the gun industry began to make and sell more stabilizing braces to circumvent NFA restrictions and regulations.¹⁴ The 2023 stabilizing brace rule sought to replace this inconsistent, case-by-case approach with objective criteria for determining whether a firearm equipped with a stabilizing brace is designed, made, and intended to be fired from the shoulder and therefore falls within the statutory definition of a short-barreled rifle.¹⁵ By replacing inconsistent case-by-case determinations with objective regulatory criteria, the 2023 rule promoted greater consistency, predictability, and transparency in the administration of the NFA, and, in turn, did what the NFA was intended to do: protect the public from violent crime.

ATF now seeks to rescind the 2023 rule altogether. Under ATF’s newly proposed rule, firearms equipped with stabilizing braces would no longer be treated as short-barreled rifles even though such firearms look, are used, and shoot just like short-barreled rifles. This proposed rule would reopen the door to the same uncertainty and inconsistency – creating serious risks to public safety. In ATF’s own words, “Should a person choose to circumvent the NFA by effectively making unregistered ‘short-barreled rifles’ by attaching an accessory such as a ‘stabilizing brace,’ these dangerous, easily concealed weapons would pose an increased public safety problem.”¹⁶ ATF continues, “Removing from the regulations the criteria for assessing whether a

¹¹See Bureau of Alcohol, Tobacco, Firearms & Explosives, U.S. Dep’t of Justice, ATF E-Pub. 5320.8, National Firearms Act Handbook ch. 1 (rev. Apr. 2009), <https://www.atf.gov/media/25141/download>.

¹² *Id.*

¹³ Marie Fazio, John Ismay, & C.J. Chivers, *What we know about the gun used in the Boulder shooting*, N.Y. TIMES (March 24, 2021), https://www.nytimes.com/2021/03/24/us/ruger-ar-556-boulder-shooting.html?eafs_enabled=false.

¹⁴ “Factoring Criteria for Firearms With Attached “Stabilizing Braces,” 88 Fed. Reg. 6478 (Jan. 31, 2023) (to be codified at 27 C.F.R. pts. 478 & 479).

¹⁵ See Department of Justice, Memorandum in Opposition to Plaintiffs’ Motion for Summary Judgment and In Support of Defendants’ Motion for Summary Judgment, *Silencer Shop Foundation v. ATF*, No. 6:25-cv-56-H (N.D. Tex), filed 11/20/25, at pp. 2-3 (internal quotes and citations omitted), available at <https://foundation.gunowners.org/wp-content/uploads/cases/silencer-v-bondi/625cv00056-Silencer-Shop-v-ATF-Response.pdf>

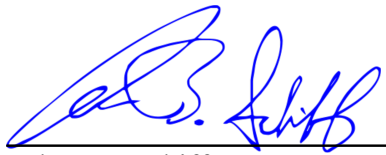
¹⁶ Krouse, *supra* note 2.

given stabilizing brace/accessory-firearm configuration qualifies as an NFA firearm increases the public risk.”¹⁷

In addition to serious public safety concerns, this rule creates more regulatory uncertainty for firearm owners, manufacturers, dealers, and law enforcement agencies.¹⁸ Rescinding an existing framework would also eliminate the objective standards for evaluating brace-equipped firearms.¹⁹ Further, eliminating these standards risks inconsistent enforcement, increased litigation, and uncertainty regarding the scope of existing statutory definitions.²⁰ This uncertainty benefits neither responsible firearm owners seeking clear guidance, nor law enforcement agencies charged with enforcing federal firearm laws.

We strongly urge ATF to withdraw this proposed rule and retain the factoring criteria for firearms with attached stabilizing braces. Doing so will preserve the consistent enforcement of the NFA, support law enforcement’s ability to identify and trace dangerous easily concealed weapons,²¹ and help ensure that individuals seeking firearms functionally equivalent to short-barreled rifles – including those seeking to commit acts of mass violence – cannot evade longstanding safeguards established by Congress.²²

Sincerely,



Adam B. Schiff
United States Senator

¹⁷ 91 Fed. Reg. at 24453.

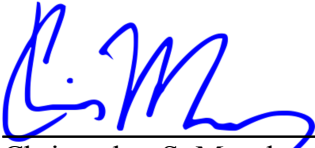
¹⁸ See Greg Lickenbrock, Lawmakers Consider Making NFA Weapons Easier to Own, *The Smoking Gun* (June 18, 2025), <https://smokinggun.org/lawmakers-consider-making-nfa-weapons-easier-to-own/>.

¹⁹ “Factoring Criteria for Firearms With Attached “Stabilizing Braces,” 88 Fed. Reg. 6478 (Jan. 31, 2023) (to be codified at 27 C.F.R. pts. 478 & 479).

²⁰ Press Release, EVERYTOWN FOR GUN SAFETY, *Everytown Statement on Trump Administration’s Attempt to Sabotage ATF and Limit Enforcement of Laws that Prevent Gun Violence, Trafficking* (Apr. 29, 2026), <https://www.everytown.org/press/everytown-statement-on-trump-administrations-attempt-to-sabotage-atf-and-limit-enforcement-of-laws-that-prevent-gun-violence-trafficking/>.

²¹ Press Release, EVERYTOWN FOR GUN SAFETY, *The Nashville Shooter Used a Gun with an Arm Brace. House Republicans Want to Make it Easier to Get One* (Mar. 29, 2023), <https://www.everytown.org/press/the-nashville-shooter-used-a-gun-with-an-arm-brace-house-republicans-want-to-make-it-easier-to-get-one/>.

²² Brian Freskos & Alain Stephens, *Facing GOP Pressure, the ATF Canceled Review of Devices New Implicated in Two Mass Shootings*, *THE TRACE* (March 20, 2021), <https://www.thetrace.org/2021/03/ar-pistol-stablizing-brace-atf-gun-boulder-dayton/>.



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