

**Congress of the United States**  
**Washington, DC 20515**

October 11, 2017

The Honorable Thomas E. Brandon  
Acting Director  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
99 New York Ave NE  
Washington, DC 20226

Dear Acting Director Brandon,

On the morning of October 2, we were shocked and appalled to awaken to news of the horrific events that occurred during the night at a concert in Las Vegas. As a nation, we mourn the loss of life, we condemn the senseless and evil attack on these innocent victims, and we praise the brave actions by our first responders and bystanders alike.

As members of Congress, however, it is our responsibility to examine this situation to determine what actions, if any, may be taken as an appropriate response to this national tragedy. We recognize that it is impossible to prevent tragedy—we cannot stop evil in its many forms, and we cannot gauge the level of hate in someone's heart. But we can come together to find commonsense ways in which to blunt the damage these evildoers are able to inflict upon other citizens while ensuring protection of individuals' civil liberties and rights under our Constitution.

Reports in the aftermath of this tragedy indicate that the perpetrator may have used a commercially available mechanism to modify the rate at which his weapons were able to discharge. Commonly called a "bump stock" or "bump fire stock", this mechanism is designed to replace the weapon's original shoulder stock to allow the rest of the weapon to slide backward and forward, harnessing the kinetic energy of the weapon's recoil to allow for a more rapid trigger pull, thereby dramatically increasing the rate of discharge.

It is also our understanding that this mechanism is technically legal under the National Firearms Act (26 U.S.C. 5845(b)) and the Gun Control Act (18 U.S.C. 921(a)(23)). In fact, we have enclosed two letters from the Firearms Technology Branch (FTB) of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) dated June 7, 2010 and April 2, 2012 which indicate this mechanism is not implicated by the laws that apply to machineguns.

In light of the tragic events in Las Vegas, we respectfully request that FTB-ATF work expeditiously to re-evaluate bump stocks and similar mechanisms to ensure full compliance with federal law. If the re-evaluation shows otherwise, we request that you move swiftly to issue appropriate rulings concerning the manufacture, sale, transfer, and importation of these mechanisms, as well as any other mechanism that is expressly designed to simulate the automatic rate of fire of a machinegun. For our part, we will be studying legislative options to close any loopholes that might exist in current statutes governing the regulation of machineguns.

We trust that you will undertake this request expeditiously and thoroughly, and we thank you for your thoughtful consideration. Should you have any questions or concerns, please do not hesitate to contact us directly.

Sincerely,



Adam Kinzinger  
Member of Congress



Mike Gallagher  
Member of Congress



Martha McSally  
Member of Congress



Cathy McMorris-Rodgers  
Member of Congress



Greg Walden  
Member of Congress



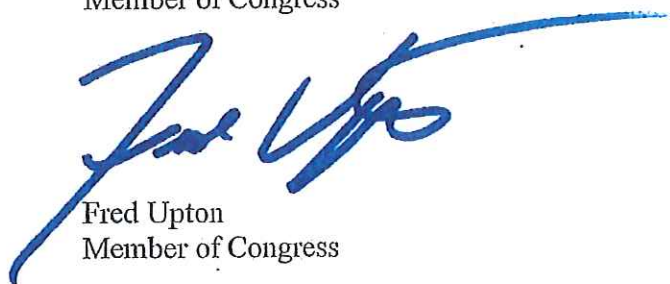
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Member of Congress



Michael T. McCaul  
Member of Congress



Steve Stivers  
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Fred Upton  
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Patrick J. Tiberi  
Member of Congress

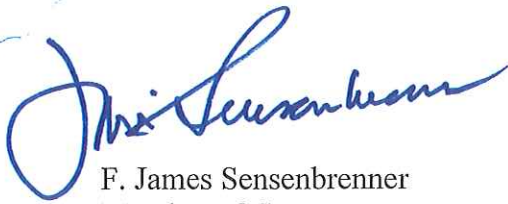


Rodney P. Frelinghuysen  
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Joe Barton  
Member of Congress

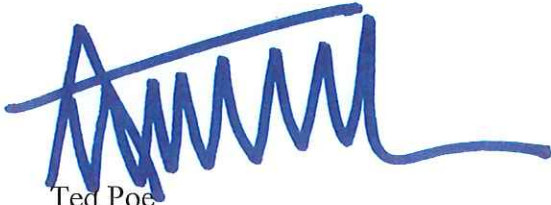




F. James Sensenbrenner  
Member of Congress



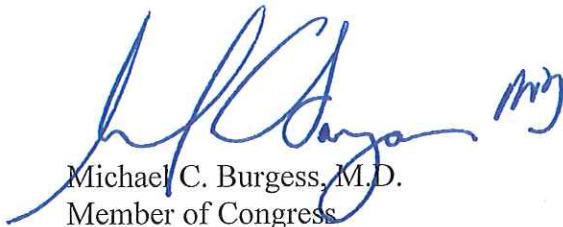
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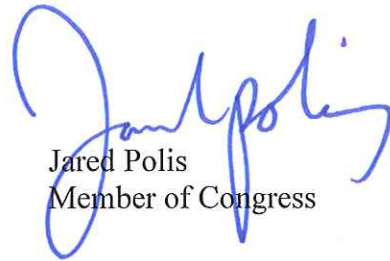
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Cheri Bustos  
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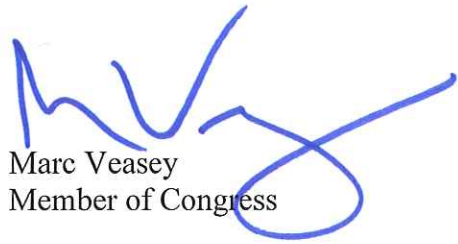
Peter J. Roskam  
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Kyristen Sinema  
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Leonard Lance  
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Marc Veasey  
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Will Hurd  
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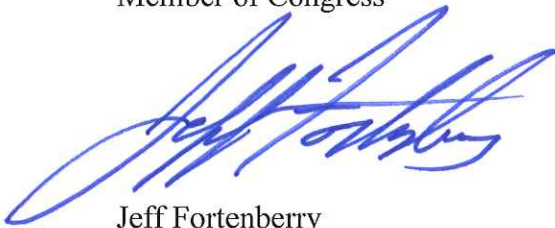
Filemon Vela  
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Andy Barr  
Member of Congress



Jacky Rosen  
Member of Congress



Jeff Fortenberry  
Member of Congress



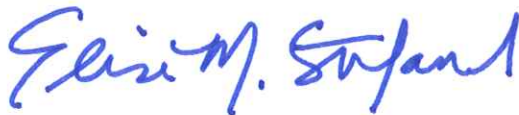
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Rodney Davis  
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Elise M. Stefanik  
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Jaime Herrera Beutler  
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Glenn Grothman  
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Ryan A. Costello  
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John Rutherford  
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Gus M. Bilirakis  
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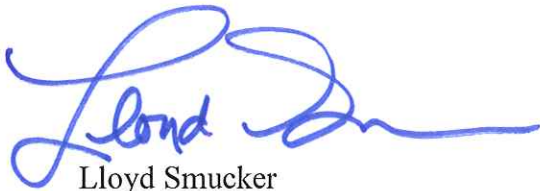
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Brett Guthrie  
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Mike Bost  
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Kevin Cramer  
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Mimi Walters  
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Lynn Jenkins, CPA  
Member of Congress



Dave Trott  
Member of Congress



French Hill  
Member of Congress



David P. Joyce  
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Chris Collins  
Member of Congress



Vicky Hartzler  
Member of Congress



Don Bacon  
Member of Congress



Madeleine Z. Bordallo  
Member of Congress



Michelle Lujan Grisham  
Member of Congress



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Martinsburg, West Virginia 25405

[www.atf.gov](http://www.atf.gov)

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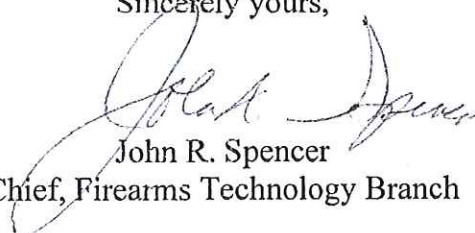
This is in reference to your submission and accompanying letter to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), asking for an evaluation of a replacement shoulder stock for an AR-15 type rifle. Your letter advises that the stock (referenced in this reply as a "bump-stock") is intended to assist persons whose hands have limited mobility to "bump-fire" an AR-15 type rifle. Your submission includes the following: a block to replace the pistol grip while providing retention for the selector stop spring; a hollow shoulder stock intended to be installed over the rear of an AR-15 fitting with a sliding-stock type buffer-tube assembly; and a set of assembly instructions.

The FTB evaluation confirmed that the submitted stock (see enclosed photos) does attach to the rear of an AR-15 type rifle which has been fitted with a sliding shoulder-stock type buffer-tube assembly. The stock has no automatically functioning mechanical parts or springs and performs no automatic mechanical function when installed. In order to use the installed device, the shooter must apply constant forward pressure with the non-shooting hand and constant rearward pressure with the shooting hand. Accordingly, we find that the "bump-stock" is a firearm part and is not regulated as a firearm under Gun Control Act or the National Firearms Act.

Per your telephoned instructions, we will contact you separately to make return delivery arrangements.

We thank you for your inquiry and trust that the foregoing has been responsive.

Sincerely yours,

  
John R. Spencer  
Chief, Firearms Technology Branch

Enclosure





U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Martinsburg, West Virginia 25405  
www.atf.gov

903050:MRC  
3311/2012-196

APR 02 2012

This is in reference to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), requesting FTB to evaluate an accompanying stock and determine if its design would violate any Federal statutes.

As background information, the National Firearms Act (NFA), 26 U.S.C. Section 5845(b), defines "**machinegun**" as—

*"...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person."*

The FTB evaluation confirmed that you have submitted a plastic shoulder stock designed to function on an AR-15 type rifle (see enclosed photos). For your stock to function in the manner intended, it has to be attached to an AR-15 type platform that is assembled with a collapsible-stock receiver extension. Along with the shoulder stock, you have submitted what you have identified as a "receiver module." This module is a plastic block approximately 1-5/16 inches high, about 1-3/8 inches long, and approximately 7/8-inch wide. Additionally, there are two extensions, one on each side, that are designed to travel in the two slots configured on the shoulder stock. The receiver module replaces the AR-15 pistol grip.

Further, the submitted custom shoulder stock incorporates a pistol grip. This grip section has a cavity for the receiver module to move forward and backward. Additionally, two slots have been cut for the receiver module extensions to travel in. The upper section of the shoulder stock is designed to encapsulate the collapsible receiver extension. Further, the custom stock is



designed with a "lock pin." When the handle on the lock pin is facing in the 3- to 9-o'clock positions, the stock is fixed and will not move; and when the handle on the lock pin is facing in the 12- to 6-o'clock positions, the stock is movable.

The FTB live-fire testing of the submitted device indicates that if, as a shot is fired, an intermediate amount of pressure is applied to the fore-end with the support hand, the shoulder stock device will recoil sufficiently rearward to allow the trigger to mechanically reset. Continued intermediate pressure applied to the fore-end will then push the receiver assembly forward until the trigger re-contacts the shooter's stationary firing hand finger, allowing a subsequent shot to be fired. In this manner, the shooter pulls the firearm forward to fire each shot, the firing of each shot being accomplished by a single trigger function. Further, each subsequent shot depends on the shooter applying the appropriate amount of forward pressure to the fore-end and timing it to contact the trigger finger on the firing hand, while maintaining constant pressure on the trigger itself.

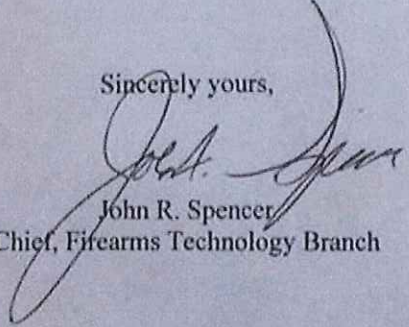
Since your device is incapable of initiating an automatic firing cycle that continues until either the finger is released or the ammunition supply is exhausted, FTB finds that it is not a machinegun as defined under the NFA, 26 U.S.C. 5845(b), or the Gun Control Act, 18 U.S.C. 921(a)(23).

Please be advised that our findings are based on the item as submitted. Any changes to its design features or characteristics will void this classification. Further, we caution that the addition of an accelerator spring or any other non-manual source of energy which allows this device to operate automatically as described will result in the manufacture of a machinegun as defined in the NFA, 5845(b).

To facilitate the return of your sample, to include the module, please provide FTB with the appropriate FedEx or similar account information within 60 days of receipt of this letter. If their return is not necessary, please fax FTB at 304-616-4301 with authorization to destroy them on your behalf.

We thank you for your inquiry and trust the foregoing has been responsive to your evaluation request.

Sincerely yours,

  
John R. Spencer  
Chief, Firearms Technology Branch

Enclosure