

United States Senate
WASHINGTON, DC 20510

March 16, 2022

Mr. Marvin Richardson
Acting Director
Bureau of Alcohol, Tobacco, Firearms, and Explosives
99 New York Avenue N.E.
Washington, DC 20226

Dear Mr. Richardson:

We write regarding the recent actions taken by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to limit Americans' Second Amendment rights. The ATF is overstepping their authority by rejecting law-abiding Americans' attempts to create and own a silencer.

It has come to our attention that the ATF has rejected hundreds of the "Application to Make and Register a Firearm" form, better known as "Form 1." According to the ATF website, the National Firearms Act (NFA) and the Gun Control Act (GCA) do not prohibit the creation of a silencer, or suppressor. Historically, the ATF has required Americans to file a Form 1, pay the \$200 fee, and they would be permitted to make the suppressor for their own personal use.

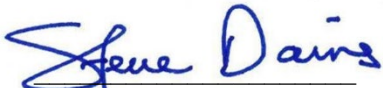
These continued assaults of the Second Amendment threaten law-abiding Americans' rights as they try to follow ATF guidance on making these parts. We request that the ATF provide us answers on why they are rejecting legal applications and denying law abiding citizens access to their Second Amendment right. The ATF was not established to interfere with a basic right afforded to every American. We request answers to the following questions:

1. Please explain why the ATF is denying Form 1 applications for silencers.
2. Please explain whether these denials reflect a change in policy in how the ATF regulates self-made silencers.
3. Please explain what the ATF has done to inform the American people of its position regarding a Form 1 application and devices it believes are silencer "kits," so that law abiding Americans can attempt to comply with the law.
4. Please explain how the ATF evaluates whether a Form 1 application for a silencer is going to be used for a kit that, in ATF's view, is already legally a silencer.
5. Please explain why the ATF has repeatedly approved Form 1 applications for silencers made from "kits" if the agency's policy is that one or more items in the "kits" are considered silencers.
6. Please explain how the ATF intends to handle approved Form 1 applications that occurred before February 28, 2022 for silencers made from "kits."

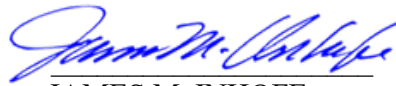
7. Please explain how the ATF plans to make tax-free registration available for applicants who in good faith attempted to comply with federal law. If ATF does not plan to make tax-free registration available for applicants who in good faith attempted to comply with the federal law, please explain why.
8. Please produce all documents and communications, including but not limited to ATF legal opinions, referring or relating to the ATF's definition of a silencer, or what constitutes a silencer "kit."

We request answers to these questions no later than March 31, 2022.

Sincerely,



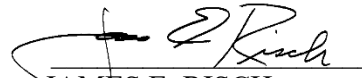
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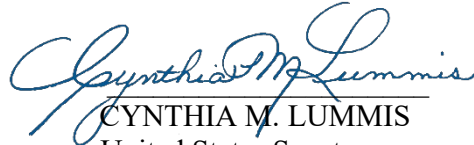
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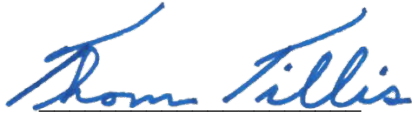
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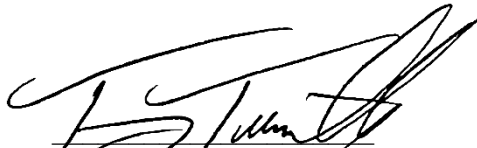

RICHARD BURR
United States Senator

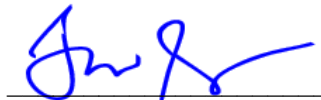

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