

# United States Senate

August 5, 2022

The Honorable Steven Dettelbach  
Director  
Bureau of Alcohol, Tobacco, Firearms &  
Explosives  
99 New York Avenue, NE  
Washington, DC 20226

Dear Director Dettelbach,

We write to draw your attention to an issue that requires immediate action.

We are concerned that the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) has accumulated a significant backlog of Form 4 applications. This form must be approved by ATF before a Federal Firearms Licensee (FFL) can transfer a National Firearms Act (NFA) item to a law-abiding citizen. It is our understanding that the current wait time for approval of a paper Form 4 is one year while an e-form takes 100 days. This is an unacceptable amount of time. Law-abiding citizens should not have to wait a year to receive approval to own a firearm to which they are lawfully entitled.

We also understand that in anticipation of ATF's final rule regarding stabilizing braces, law-abiding citizens who currently own a stabilizing brace will need to register it as an NFA item using a Form 1. The current wait time for approval of a paper Form 1 is three months and 60 days for an e-form. It is estimated that at least 1.4 million Americans own at least 3 million stabilizing braces. We are deeply concerned that ATF is not equipped to manage the anticipated Form 1 applications that may result from this rule.

After the final rule is issued, individuals who wish to purchase a firearm with a stabilizing brace from an FFL must use a Form 4. Given the popularity of stabilizing braces, we are concerned that this final rule will result in an even larger backlog and even longer wait times.

We have long been concerned that this rule places burdensome and unnecessary requirements on law-abiding gun owners. It is unacceptable that individuals who wish to comply with ATF's new requirements will have to wait several months, if not longer, for approval.

We therefore request answers to the following questions:

1. How many Form 4 and Form 1 applications, on average, does ATF receive every week?
2. How many Form 4 applications are currently waiting to be processed? How many Form 1 applications are currently waiting to be processed?
3. How many ATF employees are assigned to work on processing these applications, and how many applications can each employee process in a typical work week?


4. How does ATF plan to manage the increase in applications due to the upcoming final rule regarding stabilizing braces?
5. To the degree the pending rule is intended to promote public safety, how can ATF effectively enforce its requirements when so many people who wish to comply with its terms may be subjected to lengthy periods of legal limbo, as they remain both in possession of potential contraband and forced to wait long periods for approval?
6. What is the written decision criteria for acceptance or denial of Form 1 and Form 4 applications?

We request answers to these questions as soon as possible and in any event no later than August 19<sup>th</sup>, 2022.

Sincerely,



James Lankford  
United States Senator



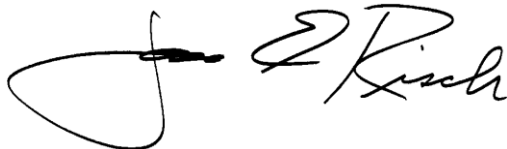
James M. Inhofe  
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Todd Young  
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