Congress of the United States
Washington, DC 20510

March 20, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-232, The Capitol
Washington, D.C. 20515

Dear Speaker Johnson,

As you craft the floor schedule for the remainder of the 118th Congress, we urge you to bring forward legislation to permanently codify bump stocks as illegal, as previously established by a Republican Administration's Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) rulemaking. This is particularly imperative given the case pending before the U.S. Supreme Court, *Garland v. Cargill*, that could disrupt the current legal landscape and permit ownership of bump stocks once again.

On October 1, 2017, a lone gunman used a bump stock at the Route 91 Music Festival in Las Vegas, Nevada, to carry out the deadliest mass shooting in our nation's history. Using several assault rifles with attached bump stock devices, the shooter took 58 innocent lives and injured hundreds more in a matter of minutes. These attachments affix to assault rifles and generate automatic fire with a single trigger pull, allowing a shooter to fire at a rate of 400 to 800 rounds per minute. In the weeks following the shooting, Members of Congress from both parties, local officials, and even the National Rifle Association underscored the need to strictly regulate bump stock devices given their ability to transform semiautomatic firearms into machine guns.[1] Multiple bipartisan bills were introduced in Congress and cities and states moved quickly to ban these devices in the absence of immediate federal regulation.[2]

As pressure to ban bump stocks intensified, on February 20, 2018, the Trump Administration directed the Department of Justice to review the legality of the devices. This resulted in the publication of a final rulemaking by ATF that in effect classified bump stocks as machine guns, therefore making these supplemental devices illegal under the existing *National Firearms Act (NFA) of 1934* and the *Gun Control Act (GCA) of 1968*. The final rulemaking took effect in March 2019, giving bump stock possessors the chance to destroy or abandon them at an ATF office to avoid criminal penalties.[3]

[1] Seipel, A., & Detrow, S. "NRA Backs Regulation of Bump Stocks, As Some Republicans Support a Ban." NPR, October 5, 2017. https://www.npr.org/2017/10/05/555894008/nra-backs-regulation-of-bump-stocks-as-some-republicans-support-a-ban

[2] Edelman, A. "States, Cities Shame Congress by Banning Rapid-Fire 'Bump Stocks.'" NBC News, November 23, 2017. https://www.nbcnews.com/politics/politics-news/states-cities-shame-congress-banning-rapid-fire-bump-stocks-n823031

[3] Federal Register, Bureau of Alcohol, Tobacco, Firearms, and Explosives. "Bump-Stock-Type Devices," 83 FR 66514 (proposed December 26, 2018) (to be codified at 27 CFR 447.11, 478.11, and 479.11). https://www.federalregister.gov/documents/2018/12/26/2018-27763/bump-stock-type-devices

In order to underscore the pressing need for a permanent, codified ban on bump stocks, it is critical to understand the complex regulatory and legal landscape that has characterized these devices. It is well documented that bump stocks and other supplemental devices are designed to circumvent and evade federal firearm regulations to increase rates of fire. As these devices rose in popularity in the early 2000s, ATF began reviewing bump stocks more closely but found varying interpretations. In 2006, the Bush Administration ATF concluded that certain bump stock devices were machine guns under the NFA and GCA. In a reversal during the Obama Administration, from 2008 to 2017, ATF issued rules that concluded bump stocks were not machine guns under these same laws. These rulemakings issued from 2008 to 2017, however, "did not include extensive legal analysis relating to the definition of 'machine gun,' nor the best interpretation of such firearms," signifying that the finding that bump stocks are not synonymous with machine guns was not a sufficient interpretation in the context of existing laws.[4]

After the 2018 rulemaking banning bump stocks, several owners and gun advocates challenged the ATF rule leading to a split among the federal appeals courts as to whether the regulation is lawful. On one hand, the U.S. Courts of Appeals for the Tenth and D.C. Circuits upheld the rule. On the other, the en banc Fifth Circuit and a panel of the Sixth Circuit rejected the ATF rule, adding that an act of Congress could define a machine gun to include bump stocks.[5] On November 3, 2023, the Supreme Court agreed to hear the divisive issue and on February 28, 2024, Justices heard oral arguments, with a decision expected later this year.

As you consider legislation for the remainder of the 118th Congress, we strongly urge you to bring forth H.R. 396, the *Closing the Bump Stock Loophole Act,* for a vote to codify a permanent bump stock ban. Notably, this bipartisan legislation would codify the Trump Administration's ATF regulation on bump stocks, with important carve outs for law enforcement. Additionally, bringing this proposal to the floor would heed the advice of the Fifth Circuit Court in calling for legislative action by Congress, reduce regulatory and judicial jockeying on the matter as has been the case in years past, and keep Americans safe from devices that transform lawful semiautomatic firearms into machine guns – the kinds of firearms that have been illegal for civilian use for decades. Without legislation, the Supreme Court could choose to reverse the ATF rulemaking and make these dangerous devices widely available for civilian use once again.

Thank you for your consideration. We look forward to working with you to achieve this important objective in the interest of public safety.

Sincerely,

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[4] Ibid.

[5] Foster, M., & Sidhu, D. *Is ATF's Bump-Stock Ban Lawful? The Supreme Court Will Review* (Congressional Research Service, 2023).

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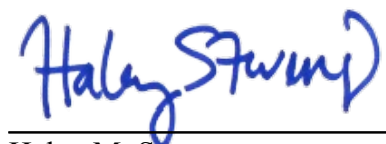
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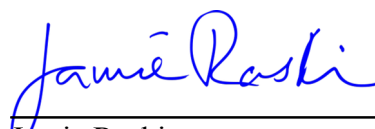Member of Congress

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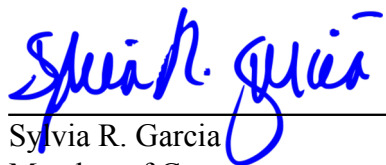Member of Congress

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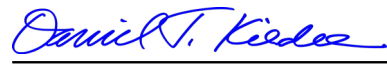
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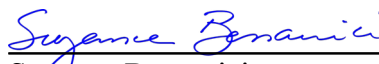
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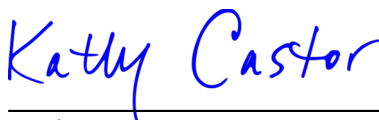
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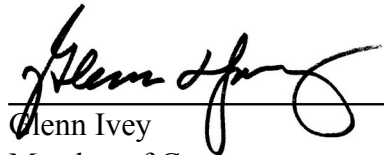
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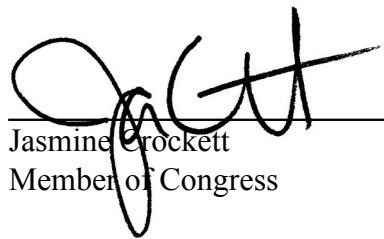
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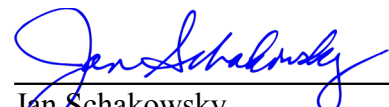
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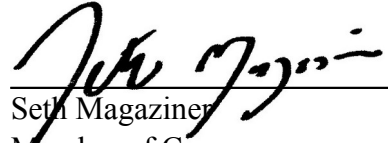
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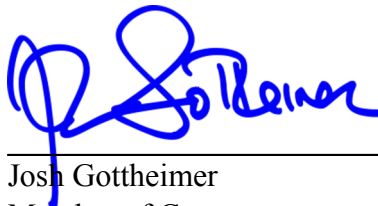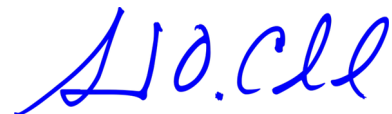
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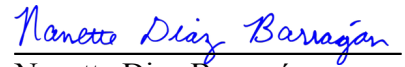Member of Congress

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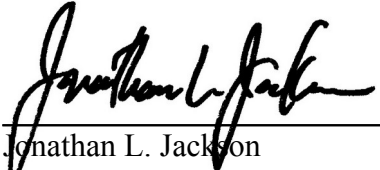
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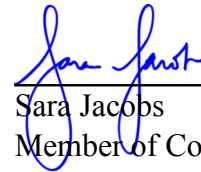Member of Congress

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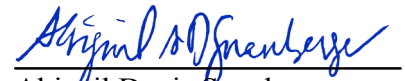Nanette Diaz Barragán
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