

Allen Forkner  
Swanson Russell  
[allenf@swansonrussell.com](mailto:allenf@swansonrussell.com)



**FOR IMMEDIATE RELEASE**

## **SB Tactical: Proposed ATF Regulations Nothing More Than Registration Scheme**

**Bradenton, Fla. (December 17, 2020)** – SB Tactical® learned on December 16 of the ATF’s plan to publish their proposed ‘Objective Factors for Classifying Weapons with Stabilizing Braces’ guidance on <https://www.federalregister.gov/d/2020-27857>, which will be open for comment on Friday, December 18, 2020 until January 1, 2021.

Our hope was that ATF would finally take transparent action to provide clear criteria for brace equipped pistols, that would give manufacturers and consumers a way to see if products met ATF’s shifting expectations. Instead, the document is a thinly veiled blueprint for the largest firearm registration--and ultimately potentially confiscation--scheme in U.S. history.

The factors identified by the ATF for its possible use in classification include type, caliber, weight and length, how the gun is marketed, length of pull, sights and scopes, peripheral accessories mounted, and rear surface area of the brace, among others. While the factors listed are arbitrary and open-ended, the truly onerous part of the proposal is that **no definitions of the factors are provided.**

The grotesque inadequacies of this document render this “guidance” worse than meaningless. By stating that “no single factor or combination of factors is necessarily dispositive,” the regulated public is left guessing. Which calibers are ok? What is the weight or length of pull limit? What accessories can be mounted on a pistol? By failing to define the criteria, the ATF is codifying its holistic “we’ll know it when we see it” approach to determinations that create confusion and serve as little more than a power grab. It does nothing other than create uncertainty and confirm that ATF does not want to be held accountable. It claims limitless power to assess products under a “holistic” approach that gives the agency maximum discretion and Americans minimum protection.

This proposed guidance says that it does not have the effect and force of law . . . yet. SB Tactical®, in conjunction with the Firearms Regulatory Accountability Coalition, Inc., (FRAC), and the National Rifle Association, will continue to work tirelessly with congressional leadership, the White House, and the Department of Justice to ensure that legal gun owners' rights and the rights of manufacturers are not in jeopardy. We believe that the White House is considering weighing in on this issue, but they will not do so unless we make our voices heard. The time is now to come together as a community of gun owners, retailers, and manufacturers to demand that President Trump preserve our Second Amendment rights.

**This is our last chance to get this administration to intervene.** We strongly urge you to contact the White House to demand they take swift action to stop and reverse ATF's efforts to issue arbitrary and capricious decisions affecting millions of legal gun owners.

- **One-Click Link to Contact the White House, DOJ, and your Congressional representatives:**
  - <https://www.fracaction.org/contact-officials>
- **White House Comment Line:**
  - (202) 456-1111 / [Email](#)
- **Donate to FRAC, the organization that is standing up against the ATF's arbitrary and capricious determinations:**
  - <https://secure.fracaction.org/donate>

Additionally, once the guidance formally posts to the Federal Register on Friday, December 18, we encourage you to submit commentary to the ATF and express your frustration and confusion. This is important to ensure a full record before the agency and any later court that reviews this issue. But, because the ATF seems to want to limit participation in this proceeding, it has created complicated rules and deadlines. To submit comments in the DOJ proceeding you will need to follow the instructions below. Comments that do not follow the below instructions, will not be considered.

**DUE DATE:** Written comments must be postmarked by, and electronic comments must be submitted **on or before January 1, 2021 by midnight Eastern time.**

**INSTRUCTIONS:** All submissions received **must include the agency name (ATF) and docket number (ATF 2020R-10).** All properly completed comments received will be posted without change to the Federal eRulemaking portal, [www.regulations.gov](http://www.regulations.gov), including any personal information provided. Comments must have a full name, mailing address, and signature.

Commenters who do not want their name or other personal identifying information posted on the Internet should submit comments by mail or facsimile, along with a separate cover

sheet containing their personal identifying information. **Both the cover sheet and comment must reference this docket number (ATF 2020R-10).**

Comments that contain excessive profanity will not be considered or responded to.

SUBMISSIONS: Starting December 18, you may submit comments in one of three ways:

1. Online - Federal eRulemaking Portal: ATF recommends that you submit your comments to ATF via the Federal eRulemaking portal at <https://www.federalregister.gov/d/2020-27857> and follow the instructions. Please **keep the comment tracking number that is provided** after you have successfully uploaded your comment.

2. Mail: Written comments must:

- a. Appear in minimum 12-point font size (.17 inches)
- b. Include the commenter's first and last name and full mailing address
- c. Be signed

Send written comments to the following address:

Office of Regulatory Affairs, Enforcement Programs and Services, Bureau of  
Alcohol, Tobacco, Firearms, and Explosives

ATTN: ATF 2020R-10

Mail Stop 6N- 518

99 New York Ave. NE

Washington, DC 20226

3. Facsimile: Faxed comments must:

- a. Be legible and appear in minimum 12-point font size (.17 inches)
- b. Be on 8 ½" x 11" paper
- c. Include the commenter's first and last name and full mailing address
- d. Be signed
- e. Be no more than five pages long

## **About SB Tactical®**

SB Tactical®, the originator of the Pistol Stabilizing Brace® and manufacturers of industry-leading firearms accessories, is setting the bar for innovation and product development in the large frame pistol category. The SB Tactical line of products is U.S. veteran designed and proudly manufactured in the U.S.A. For more information on the brand's growing line of products for multiple firearms platforms, visit [www.sb-tactical.com](http://www.sb-tactical.com).

###