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January 12, 2016

Thomas E. Brandon
Deputy Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue, NE
Washington, DC 20226

Dear Deputy Director Brandon:

This letter is regarding ATF's publication last week of a firearms guide, ATF P 5310.2, *Do I Need a License to Buy or Sell Firearms?*

I am very concerned that this document, which was billed as a key element of the President's high-profile gun control initiatives, sends an unnecessary, heavy-handed and very chilling message to the public, which will undermine the confidence of law-abiding citizens in the free exercise of their Second Amendment rights to own and bear firearms. Despite the document's caveat that it has "no regulatory effect", its length and the timing – along with the statements by Attorney General Lynch and the President – suggest the Administration will increase restrictions on the freedom of citizens to engage in non-business transactions, as the law permits.

For example, while the guidance notes that "federal law explicitly exempts persons 'who make occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms,'" it also says "...courts have upheld convictions for dealing without a license when as few as two firearms were sold, or when only one or two transactions took place". Attorney General Lynch, in her public statement last week, said even the sale of a *single firearm* could be the basis for determining a seller was "engaged in the business".

This raises questions that demand answers:

1. Under what circumstances has an individual been prosecuted for selling one gun without a license?
2. Will this guidance impact the hobbyist who may engage in routine, lawful transfers?
3. Will the guidance be used to compel collectors who are seeking to improve and share their collections to obtain a license?
4. As a result of the guidance will family members who seek to transfer guns as gifts or as an inheritance face the threat of fines or criminal charges for not having a license?

5. Will ATF increase its presence or monitoring of gun shows in a manner designed to discourage law-abiding citizens from engaging in constitutionally-protected activity?

Texans are especially proud and supportive of law enforcement officers, and I want you to know we have your back. The nation, and our Subcommittee, needs your clear reassurance that these new guidelines are aimed at criminals and not law abiding citizens.

As Subcommittee Chairman, I will not provide any resources to ATF to implement any policy that does not strictly adhere to the intent of Congress in passing the Gun Control Act of 1968. As we have in the past, I look forward to working with you on your fiscal year 2016 spending plan and through the fiscal year 2017 appropriations process. Thank you for your service to our nation.

Sincerely,



John A. Culberson
Chairman
Subcommittee on Commerce, Justice, Science,
and Related Agencies