

United States Senate

September 11, 2023

The Honorable Steven Dettelbach
Director
Bureau of Alcohol, Tobacco, Firearms, and Explosives
99 New York Avenue, NE
Washington, D.C. 20226

Dear Director Dettelbach,

On November 7, 2022, we sent you a letter requesting further information about the processes and impacts of the so-called “zero-tolerance” policy under which the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) may revoke a Federal Firearms License (FFL) for a single “willful” violation of the law.¹

Nearly one year later, you have failed to respond.

As United States senators, we are tasked with overseeing executive branch agencies to ensure unelected, unaccountable bureaucrats in Washington act lawfully. Refusal to respond to oversight requests directly undermines our federal government’s system of checks and balances.

Meanwhile, for Fiscal Year (FY) 2024, your agency requested an increase in its budget for salaries and expenses (S&E) to \$1.8 billion, enough to pay for an additional 500 employees. This is on top of your FY2023 S&E budget—\$1.6 billion—enough to support more than 5,000 employees.² Some of these employees work under your supervision in the ATF’s Office of Media and Congressional Contacts and would be responsible for facilitating your answer to our oversight letter. However, since your agency has been silent the last ten months, and has failed to even provide a status update with respect to our letter, we are left questioning whether there are better uses for Americans’ tax dollars.

Despite the long interval between our original letter and this one, the questions we posed last year remain and, in fact, they’re even more relevant. Our questions and concerns are particularly acute given your agency’s recent gross misinterpretation of who is required to get FFLs in order to sell guns.³ In no way did Congress mean to require anyone who even offers to sell a gun to need a FFL.

As we said last year, the first goal of working with FFL holders should be to help them comply with the law—not to eradicate small businesses for mere administrative errors. At a time when crime appears to be increasing, your agency’s action “risks alienating some of the government’s most valuable sources in combating gun violence.”⁴ This is a questionable decision, at best. As was the case last year, FFL holders remain a crucial partner in stopping dangerous criminals from accessing firearms, and they should be treated as such.

¹ Senator Charles E. Grassley and Senator Joni K. Ernst, *Letter to Steven Dettelbach, Director, U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)*, (Nov. 7, 2022) https://www.grassley.senate.gov/imo/media/doc/grassley_ernst_to_atf_license_revocations.pdf.

² Department of Justice, *ATF FY 2024 Budget Request*, https://www.justice.gov/d9/2023-03/atf_bs_section_ii_chapter_omb_cleared_3-8-23.pdf.

³ Department of Justice, ATF, *Definition of “Engaged in the Business” as a Dealer in Firearms*, 88 Fed. Reg. 61,993 (Sept. 8, 2023) <https://www.atf.gov/rules-and-regulations/docs/rulemaking/atf-eib-nprm-engaged-business-dealer-firearms/download>.

⁴ Zusha Elinson, *Hundreds of Gun Dealers Lose Licenses Under Biden Administration Crackdown*, Wall Street Journal (Aug. 18, 2023), <https://www.wsj.com/us-news/law/hundreds-of-gun-dealers-lose-licenses-under-biden-administration-crackdown-da9d6dfb>.

For your convenience, attached is our November 7, 2022, letter that your agency has failed to respond to, and copied below are our questions which are updated to reflect the existence of new data in the intervening year.

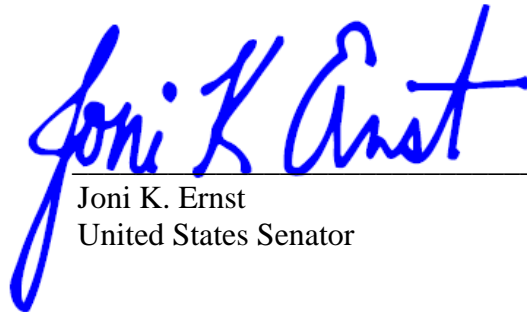
1. Please explain the process that must be followed when the ATF sends a revocation letter to a FFL holder. Has the Biden administration changed that process?
2. Please provide the statistics of FFL holders that are closing/going out of business compared to new FFL holders for FY2022 and FY2023.
3. Please describe what the ATF considers a “willful violation” compared to a clerical mistake or error when inspecting a FFL. How does the ATF determine the difference?
4. You testified that “unintentional violations are much less serious than intentional violations” and that FFL holders should not lose their license on that basis. Out of the total number of revocations from October 2021 to August 2023, how many were due to “willful” violations?
5. How many FFL holders received a “notice of revocation,” which happens after an inspection and prior to a revocation hearing?
6. How many FFL holders, after receiving a notice of revocation, surrendered their license rather than requesting a hearing? How often did the ATF conclude an inspection with a warning letter or warning conference only later to serve the FFL with a notice of revocation?

So that Congress can perform an independent and objective review of these matters, please answer the preceding questions no later than October 2, 2023.

Sincerely,



Charles E. Grassley
United States Senator



Joni K. Ernst
United States Senator