



Congress of the United States
Washington, DC

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

January 24, 2024

Dear Director Dettelbach,

We write today on behalf of the more than 1,300 Federal Firearms License (FFL) holders in the State of Kansas expressing concern for the conduct and prerogative of Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) agents auditing Kansas license holders. ATF agents operating in Kansas seem to have strayed from the agency's own mission to "partner with communities, industries, law enforcement, and public safety agencies to safeguard the public . . .,"¹ and is instead jeopardizing the Second Amendment rights of Kansans through hostile and aggressive enforcement actions leading to the unnecessary closures of family-owned gun retailers across the state.

Many Federal Firearms License (FFL) holders in Kansas have documented instances where ATF agents are revoking the businesses' licenses over several unintentional filing errors during a year when they legally and successfully processed thousands of applications to purchase firearms. In past years, the ATF has worked with business owners under similar circumstances to correct these few unintentional errors without incident. The ATF's goal when working with FFL holders should be to help them comply with the law – not to eliminate these small businesses for minor clerical errors.

As was reported in February 2023, according to leaked ATF documents², your agents have received guidance that the agency "has zero tolerance for willful violations that greatly affect public safety and ATF's ability to trace firearms recovered in violent crimes" and that "revocation" of the FFL's license "is the assumed action" with violations. We remain hard-pressed to understand how an unintentional clerical error meets the definition of a willful violation that greatly affects the public's safety.

Over the last 12 months, more than a dozen FFL holders have contacted our offices after several attempts to work with ATF agents to correct clerical errors and update practices and procedures. Our staffs have attempted to seek clarification from AFT agents regarding the business owners' concerns and questions with zero response from the agency and field staff.

¹ Bureau of Alcohol, Tobacco and Firearms homepage (2024), <https://www.atf.gov/>

² Houston Keene, Fox News, "Internal ATF docs show 'zero tolerance' guidelines for shutting down gun stores" (2023), <https://www.foxnews.com/politics/internal-atf-docs-show-zero-tolerance-guidelines-shutting-down-gun-stores>

As members of the U.S. Congress, it is our duty and obligation to uphold our nation's constitution. The Second Amendment gives all Americans the right to bear arms. We urge you and your agents to find ways to work with our FFL holders to correct clerical errors and help them understand how to accurately complete the forms and necessary paperwork for legal weapons purchases. We should be encouraging legal arms sales, not punishing them.

To make that possible for all Kansans, no matter their location, we must ensure our FFL holders remain open and operational whenever possible. Shuttering these businesses not only limits access to firearms but destroys a Main Street business and in many cases, ends a long-standing family-owned company.

Sincerely,



Roger Marshall, M.D.
United States Senator



Tracey Mann
United States Representative



Jake LaTurner
United States Representative



Ron Estes
United States Representative