

By: Cain

H.C.R. No. 31

CONCURRENT RESOLUTION

1 WHEREAS, The United States Bureau of Alcohol, Tobacco,
2 Firearms and Explosives signed its final rule 2021R-08F, "Factoring
3 Criteria for Firearms with Attached 'Stabilizing Braces,'" on
4 January 13, 2023; and

5 WHEREAS, This rule outlines the factors ATF would consider
6 when evaluating firearms equipped with a purported "stabilizing
7 brace" or other rearward attachment in order to determine whether
8 these weapons would be deemed a "rifle" or "short-barreled rifle"
9 under the Gun Control Act of 1968, or a "rifle" or "firearm" subject
10 to regulation under the National Firearms Act; and

11 WHEREAS, Under this rule, citizens who possess braced
12 firearms will have 120 days to register, destroy, or reconfigure
13 them, or to turn them over to the ATF; failure to do so could result
14 in serious criminal charges, placing the owners of up to 40 million
15 guns at risk of \$250,000 in fines and a severe prison sentence; and

16 WHEREAS, The NFA division of the ATF is notoriously prone to
17 missing its own performance benchmarks; wait times for approval of
18 ATF forms and tax stamps routinely extend from 300 to 400 days; the
19 addition of 40 million firearms to the waitlist is likely to worsen
20 already unacceptable wait times, creating a legal limbo for owners
21 forced to comply with this new registration scheme, which is
22 clearly in violation of the Second Amendment to the
23 U.S. Constitution; and

24 WHEREAS, Fortunately, the Congressional Review Act allows

1 members of Congress to introduce a Joint Resolution of Disapproval
2 to reverse any agency rule or action they deem unconstitutional; by
3 this means, Congress can remedy a subversion of the lawmaking
4 process that is putting the rights and liberty of gun owners at
5 risk; now, therefore, be it

6 RESOLVED, That the 88th Legislature of the State of Texas
7 hereby respectfully urge the United States Congress to overturn the
8 "Factoring Criteria for Firearms with Attached 'Stabilizing
9 Braces'" rule via the Congressional Review Act; and, be it further

10 RESOLVED, That the Texas secretary of state forward official
11 copies of this resolution to the president of the United States, to
12 the speaker of the House of Representatives and the president of the
13 Senate of the United States Congress, and to all the members of the
14 Texas delegation to the congress with the request that this
15 resolution be officially entered in the Congressional Record as a
16 memorial to the Congress of the United States of America.