



Congress Pushes Back Against Gunsmith Edict

Last week, House Minority Whip Steve Scalise (R-La.) and Senator Steve Daines (R-Mont.) [introduced a bill in their respective chambers](#) that would effectively rescind the State Department's "guidance" issued in July that would have forced many small gunsmiths out of business. The bill is not a direct confrontation but a demand that the authority of the State Department be transferred to the less anti-gun and more business-friendly Department of Commerce, according to Scalise:



The State Department's July guidance takes a hostile stance toward gun owners and the Second Amendment. The federal government shouldn't be treating local gunsmiths like they are international arms dealers. It's as ludicrous as saying your neighborhood car mechanic is an automobile manufacturer — it just doesn't add up.

Our common-sense, bipartisan bill simply transfers regulatory responsibility for non-military-grade firearms from the Department of State to the Commerce Department — where it belongs — so that it can be regulated like any other commercial business.

Senator Daines expanded on the bill he offered simultaneously in the Senate:

The Obama administration is continually making attempts at restricting the rights of law-abiding Americans to own guns. This unduly targets gunsmiths, most of whom make little to no income and simply do it for the love of the trade, or are small business owners who will be negatively impacted by this burdensome cost. This bill protects both our Second Amendment rights and our small businesses from government overreach.

The National Rifle Association had a hand in crafting the legislation, with Chris Cox, the NRA's executive director, adding:

This bill would effectively rescind the State Department's reckless "guidance" that seeks to treat law-abiding gun owners and gunsmiths as if they were international commercial firearms exporters. This bill would also remove gunsmiths altogether from the State Department's control so they are not caught up in the bureaucratic red tape and [be] required to pay exorbitant annual fees [of \$2,250] meant [only] for commercial exporters.

At issue is the "guidance" letter sent to Federal Firearms Licensees (FFLs) from the State Department's Directorate of Defense Trade Controls (DDTC) on July 22 which spent two pages of legalese trying to differentiate between "gunsmithing" activities and "manufacturing" activities. For its purposes, the DDTC — responsible for administering the Arms Export Control Act — decided to stretch the definition of "manufacturing" to include hobbyists and small shop gunsmiths who used "any special tooling ... in order to improve the capability of ... firearms." It included "the systematized production of ammunition, including automated loading or reloading of ammunition ... [and] the machining or cutting of firearms ... that results in an enhanced capability."



Written by [Bob Adelman](#) on October 3, 2016

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The bills offered last week are simply the latest in the pushback against the obvious efforts by the State Department to put out of business small gunsmiths and hobbyists working on firearms or doing reloading at home using “automated” presses. Without gunsmiths to repair, maintain, and enhance the operation of firearms, a large percentage of the estimated 300 million firearms owned by Americans would eventually become nothing more dangerous than a rusty paperweight.

As noted above, five days after the DDTC sent its letter to FFLs, the NRA made clear that the new “guidance” would “require anybody who engages in the business of ‘manufacturing’ [so-defined] ... to register with the DDTC and pay a registration fee [of] \$2,250 per year. These requirements apply even if the business does not, and does not intend to, export any [firearm].”

Two weeks later, dozens of senators and well over 100 pro-Second Amendment members of the House responded with a strongly worded letter to Secretary of State John Kerry stating that “the last thing [those small businesses] need is an edict from the federal government imposing fees and requirements which are wholly unnecessary and nonsensical.”

It’s too early to tell whether either bill will gain much traction in Congress. But what is clear is that the “ratchet” effect of rules coming from the administrative branch of the federal government is in play. An agency, acting outside of its jurisdiction and motivated politically with an anti-Second Amendment agenda, proposes a rule. People get upset. They pressure their representatives and senators to “do something.” A bill is crafted, such as this one, that merely shuttles the illegal unconstitutional rule from one offending agency to another one with perhaps a slightly less odious or obvious agenda.

If the bill is passed into law (highly unlikely under the Obama administration), it cements into place the concept that government should regulate gunsmiths, gunsmithing activities and home reloaders, all in contravention of the Second Amendment to the U.S. Constitution. And if the bill never sees the light of day, then the administrative edict will stand.

In a more perfect world, the bill would instead rescind the Gun Control Act of 1968, the father of most of the anti-Second Amendment mischief foisted upon legitimate law-abiding citizens who enjoy the right to keep, bear, use, maintain, repair, and enhance the capability of their firearms.

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