



Department of Justice

STATEMENT OF
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U.S. DEPARTMENT OF JUSTICE

BEFORE THE
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND
RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
UNITED STATES HOUSE OF REPRESENTATIVES

FOR A HEARING ENTITLED
BUDGET HEARING-FISCAL YEAR 2024 REQUEST FOR THE BUREAU
OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

PRESENTED

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Statement for the Record of Steven Dettelbach
Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
U.S. Department of Justice
Before the House Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies

April 18, 2023

Chairman Rogers, Ranking Member Cartwright, and Members of the Subcommittee, thank you for the invitation to appear before you to discuss the President's FY 2024 budget request for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the public safety vision it encompasses. As Director of ATF, it is my great honor today to represent the dedicated ATF employees who work tirelessly to protect the American people from violent crime.

Keeping the American people safe is the top priority of ATF. Violent crime has a devastating effect not only within the communities targeted and victims' families, but also for the entire Nation. Every day, ATF partners with local, state, Tribal, territorial, and federal law enforcement to prevent, disrupt, and prosecute violent crime, including gun crime. ATF has just over 5,500 employees, and we exemplify the Department of Justice's commitment to combating violent crime as a force multiplier for our law enforcement partners on the frontlines. ATF employees utilize state-of-the-art tools and techniques aimed at protecting our communities from firearms crime while also respecting the constitutional rights of individuals to bear arms. We do so by:

- Enforcing the Nation's firearms laws by way of an integrated regulatory and enforcement strategy that prioritizes career criminals, violent gangs, armed extremists, and domestic and international arms traffickers.
- Operating the nation's only crime gun tracing facility to provide investigative leads to our law enforcement partners to help them solve firearms crimes, detect firearms trafficking, and track the illicit movement of crime guns.
- Providing the National Integrated Ballistic Information Network (NIBIN) to our law enforcement partners, which is the only national network that allows for the capture and comparison of ballistic evidence to aid in solving and preventing violent crimes involving firearms.
- Developing and deploying proprietary technology that enables recovery of DNA from fired cartridge casings.
- Conducting proactive investigations into emerging threats to public safety, including the unlawful manufacturing, distribution, or sale of privately made firearms—such as 3-D printed silencers and machinegun conversion devices.
- Processing the timely registration and transfer of firearms under the National Firearms Act.

- Developing scientifically proven investigative capabilities, expertise, and resources that have positioned ATF as the one of the foremost sources for explosives and fire investigative knowledge and assistance.

ATF's pursuit of these endeavors is guided by our focus on enhancing public safety. As a former federal prosecutor for twenty years, under Administrations of both parties, I know firsthand how important it is to address violent crime using evidence-based solutions. Last year, Congress did just that by passing the Bipartisan Safer Communities Act (BSCA). This measure provides ATF and our partners additional tools to better protect the public from gun crime. Although ATF is fully committed to implementing and enforcing the BSCA, no additional funds were appropriated for ATF to use these critical new tools. Using existing appropriations, ATF has already started to implement the BSCA, including by conducting investigations that have already resulted in charging over 30 defendants for violations of the new straw purchasing or firearms trafficking criminal statutes since the law went into effect in June 2022.

But there is sadly no such thing as a free lunch when it comes to fighting violent crime. That is why I am here today: ATF's critical role in combating violent crime is contingent on Congress providing adequate funding to allow ATF to effectively implement the tools we have—ranging from the BSCA to Crime Gun Intelligence to our Special Agents and Industry Operations Investigators—to support our mission and to aid our law enforcement partners on the frontlines. ATF is grateful for the funding Congress appropriated in prior fiscal years. On behalf of ATF, thank you. Congress' funding has allowed us to perform our important work and maintain our partnerships with our law enforcement partners so that we may continue to maximize the impact on violent crime in communities across the nation every single day.

The President's FY 2024 budget request for ATF is vital to making American communities safer. It enhances ATF's capacity to collaborate with our law enforcement partners, supports our unique expertise and technologies, and enables us to provide top level services to private industry and citizens seeking to exercise their constitutional rights in accordance with the federal firearm and explosives laws.

Combating Gun Violence

Unfortunately, gun violence continues to have devastating effects on communities and families across the country. In light of ATF's central role in combating gun violence, it is critical to increase ATF resources and personnel dedicated to reducing violent crime in communities across the Nation. For example, ATF is requesting resources to support the Firearms Trafficking Strike Force (FTSF) initiative, which uses evidence-based strategies to, as the Attorney General said, "disrupt the entirety of illegal gun trafficking networks—from the jurisdictions where firearms originate to the places where they are used to commit violent crimes."¹ To implement the FTSF strategy, ATF deploys investigative resources to both source and market areas, disrupting the flow of trafficked firearms to communities experiencing unacceptable levels of gun violence.

¹ Attorney General, *Announcement of Superseding Indictment Charging 12 in Gun-Running Conspiracy to Supply Firearms to Gang Members in Chicago* (Apr. 1, 2022), available at www.justice.gov/opa/speech/attorney-general-merrick-b-garland-announces-superseding-indictment-charging-12-gun.

This strategy is proving successful. Since their inception in 2021, the FTSFs have identified and disrupted firearm trafficking networks across the country.² Because firearm trafficking networks often involve transport of firearms across jurisdictional, state, and national boundaries, ATF's federal statutory authorities and expertise are essential to effective investigation, disruption, and prosecution. These investigations are also highly resource-intensive, requiring ATF to expand its Special Agent cadre and professional support personnel to increase the volume and quality of its trafficking investigations.

Notably, ATF regularly receives requests from Members of Congress, Governors, Mayors, Sheriffs, and Police Chiefs across the Nation to increase ATF resources in their communities to provide expertise in combatting gun violence and trafficking. With increased funding, ATF could address these requests and add ATF resources to those communities experiencing high rates of persistent firearm violence and the regions in which firearms trafficking networks focus operations, including the drug cartel-linked networks that traffic firearms internationally.

Enhancing Crime Gun Intelligence to Assist State and Local Partners

ATF is committed to enhancing our effectiveness in combating firearm violence through increased use of technology, strengthening partnerships, and further focusing resources to have maximum effectiveness. ATF's goal is to enhance our ability to proactively protect our communities through our investigations, regulatory authorities, and support to our law enforcement and public safety partners. Our overall mission, of course, remains the same: to protect communities from violent criminals, criminal organizations, the illegal use and trafficking of firearms, the illegal use and storage of explosives, acts of arson and bombings, acts of terrorism, and the illegal diversion of alcohol and tobacco products. Across the full range of this jurisdiction, ATF is leveraging technology to increase efficiency, productivity, and cost savings.

First, I would like to focus on how we are using technology to enhance effectiveness in our core mission of reducing firearm violence. While the training, experience, and expertise of ATF Special Agents and our law enforcement partners will always be central to successful firearm investigations, we also must adapt to ever increasing use of modern technology—encrypted cell phones, social media, and electronic devices—by the gangs and other criminal organizations that fuel firearm violence. One way we have done this is with technological innovations of our own that we bring to these partnerships with local law enforcement, which we refer to as Crime Gun Intelligence.

² See, e.g., United States Attorney's Office for the Northern District of Illinois (USAO-N.D. Ill.), *Two Indiana Men Charged in Federal Court with Trafficking Guns from Indianapolis to Chicago* (Jun. 27, 2022), available at www.justice.gov/usao-ndil/pr/two-indiana-men-charged-federal-court-trafficking-guns-indianapolis-chicago; United States Attorney's Office for Southern District of New York (USAO-S.D.N.Y.), *Husband And Wife Charged In Interstate Gun Trafficking Scheme* (May 25, 2022), available at www.justice.gov/usao-sdny/pr/husband-and-wife-charged-interstate-gun-trafficking-scheme; USAO-S.D.N.Y., *Two Georgia Residents Charged With Conspiring To Traffic Firearms* (Apr. 21, 2022) (charging two defendants with conspiring to traffic firearms from Georgia to New York), available at www.justice.gov/usao-sdny/pr/two-georgia-residents-charged-conspiring-traffic-firearms; USAO-N.D. Ill., *Four Men Indicted on Federal Firearms Offenses for Allegedly Trafficking Guns from St. Louis to Chicago* (Feb. 16, 2022), available at www.justice.gov/usao-ndil/pr/four-men-indicted-federal-firearm-offenses-allegedly-trafficking-guns-st-louis-chicago.

ATF uses Crime Gun Intelligence in nearly all firearms-related violent crime investigations. Crime Gun Intelligence combines available information on crime guns, shooting incidents, human intelligence, social media, telephone analysis, and technology. This disrupts the cycle of firearm violence by providing comprehensive information to investigators, who then can identify offenders illegally purchasing or transferring firearms and the offenders who use firearms to commit violent crimes. ATF's Crime Gun Intelligence strategy rests on three pillars: eTrace (electronic access to ATF's firearm tracing center), NIBIN, and our ability to extract DNA evidence from spent shell casings and firearms.

- **eTrace** serves as the primary trace data collection and dissemination tool for the global law enforcement community. This system is currently used by over 9,400 law enforcement agencies throughout the United States and in 50 other countries. Through ATF's tracing capabilities, ATF can trace a firearm from manufacturer or importer through the chain of custody to at least the first purchaser of the weapon. This is a key investigatory tool which, among other things, helps identify whether the firearm might have been a part of a firearms trafficking scheme. Sometimes, it also enables ATF to directly identify suspects, as was the case in 2022, when an individual indiscriminately fired into a crowd at a Fourth of July parade in Highland Park, Illinois, killing seven people and injuring 48 more people. In that case, with the ability to trace the firearm recovered at the scene, ATF was able to identify the suspect within hours. Modernizing eTrace processing, validation, workflow, and reporting functions into a standard web-enabled firearms tracing application would continue to improve productivity and enhance ATF's support of our law enforcement partners.
- **NIBIN** has changed the way law enforcement conducts firearms investigations. When a firearm is discharged, it ejects a shell casing and leaves unique markings on the casing, much like a fingerprint. NIBIN uses cutting-edge technology to collect 3-D digital ballistic images of spent shell casings recovered from crime scenes and from crime gun test-fires. Through comparison of digital images in NIBIN, investigators can link shooting incidents in which the same gun was used, and match fired shell casings from a crime scene to a specific firearm, as was the case when ATF successfully linked seven homicides in what has become known as the Stockton Serial Killer investigation. This technology allows investigators to connect separate shooting incidents and help identify those responsible. In the past, NIBIN was used primarily in labs to support judicial proceedings. While this use of NIBIN helped obtain courtroom convictions, it did not maximize the investigative potential of the technology. ATF has since developed best practices that emphasize the value of prompt entry and analysis of fired shell casings into NIBIN to generate actionable leads for investigators—often linking seemingly unrelated crimes by establishing use of the same gun in separate shootings.

While using NIBIN as a leads-generator is highly effective, doing so requires highly trained correlation specialists to identify potential matches generated by the system. Many local law enforcement agencies and forensic laboratories lack the resources to hire, train, and retain these specialists. To provide this expertise to our partners, ATF established the NIBIN National Correlation and Training Center in Huntsville, Alabama, which generates investigative leads based on consistent and timely correlation services linking fired shell

casings recovered at crime scenes and crime guns locally, regionally, and nationally. These leads have helped solve homicides, attempted homicides, robberies, and other shooting incidents. For example, in March 2022, NIBIN allowed investigators to link seemingly distinct, random shootings in Washington, D.C. and New York City of five homeless individuals, two of whom died, to a single serial shooter killer within 24 hours of the second shooting. Currently, ATF conducts correlation reviews for more than 150 partner sites, producing results within 48 hours or less. Since its inception, NIBIN has provided ballistic analysis and support to nearly 15,000 law enforcement agencies across the Nation. As a result of using NIBIN technology as a leads generator, as well as the work of the correlation center in partnership with state and local police departments, we have increased the number of leads 1,775% from FY 2015 to FY 2022. That means more criminals, especially trigger-pullers, are off the streets more quickly than ever before. Now we are working to establish a second correlation center in Wichita, Kansas to further this vital work.

- **Touch DNA** analysis, using ATF-developed extraction technology to obtain DNA from spent shell casings, can provide critical information to investigators by linking shooting incidents or potentially identifying an individual linked to a crime gun. ATF laboratories have developed unsurpassed expertise in this specialized area of DNA analysis and have applied this expertise beyond shell casings to firearms, bombs, implements of arson, and other tools used by violent criminals. A recent investigation involving the tragic shooting of six individuals, in which a teenage mother and her 11-month-old child were targeted and killed, illustrates how ATF's DNA capabilities provide crucial evidence to identify, apprehend, and prosecute trigger-pullers. In that case, the ATF Forensic Sciences Laboratory provided expedited DNA analysis of fired cartridge casings and other touch evidence recovered from the crime scene, which led to the identification and arrest of the suspected shooter. Crime Gun Intelligence Centers (CGIC) can combine the data generated by NIBIN and DNA analysis of spent cartridge casings and firearms to create a web of linked shootings and names of individuals, which can be provided to local, state, and federal investigators. Thanks to support from the Congress, ATF is developing a specialized laboratory to advance the integration of DNA analysis into crime gun intelligence.

Each of these tools generates valuable Crime Gun Intelligence for ATF and our law enforcement partners: identifying the history of the firearm, pinpointing where a gun is used in a crime, and providing the technology to promptly analyze ballistic and DNA evidence to identify where a crime gun was fired previously and who may have fired it. More and more, Crime Gun Intelligence drives firearm investigations, and ATF has led the way through development of its CGIC program. CGICs are collaborative efforts that use cutting-edge technology and a dedicated investigative team to identify shooters and their source of crime guns. ATF operates CGICs in each of our 25 field divisions and supports local and regional Centers across the country; our CGIC "best practices" have revolutionized the way criminal investigations are conducted—bringing NIBIN and our firearms tracing capabilities into a "one stop" shop.

Bipartisan Safer Communities Act Implementation

The BSCA, enacted on June 25, 2022, represents the most substantial change to the federal firearm laws in a generation. It provides law enforcement and prosecutors powerful new tools to prosecute firearms traffickers and address gun violence, creating for the first-time provisions in the Gun Control Act that directly define and prohibit the straw purchasing of firearms and firearm trafficking. BSCA also strengthens existing provisions of federal law that prohibit the direct or indirect transfer of firearms and ammunition to prohibited persons, provides enhanced authority to investigate and forfeit proceeds of straw purchasing and firearm trafficking, and increases sentences for those who engage in such criminal activity.

ATF cannot fully implement BSCA in the way that Congress directed without receiving the appropriate level of funding. Specifically, ATF needs resources to hire 332 employees (including 100 Special Agents) in FY 2024 to fulfill the following responsibilities under this new legislation:

- Enforcing the straw purchasing and firearms trafficking provisions of BSCA’s Stop Illegal Trafficking in Firearms Act. These amendments to the Gun Control Act’s (GCA) are designed to enhance ATF’s ability to identify, deter, and investigate those who illegally divert firearms from lawful commerce to violent criminals and other prohibited persons, particularly the sophisticated trafficking organizations who supply gangs, drug dealers, and extremists. ATF anticipates that investigations under these new criminal authorities will be resource intensive—requiring highly trained Special Agents, Industry Operations Investigators, analysts, and forensic support.
- Administering firearm dealer licensing and inspection under the BSCA’s updates to the GCA’s licensing criteria, which ATF anticipates will further add to the steady increase in the number of entities requiring firearms licensing in recent years. This change will place additional strain on ATF’s capacity to conduct Federal Firearms Licensee (FFL) application and compliance inspections, as well as to provide essential education, training, and support to the FFL community. To ensure that ATF has the staffing necessary to fulfill both the objectives of the BSCA and the requirements of the GCA with respect to licensing, oversight, and support of FFLs, we need to expand our cadre of Industry Operations Investigators. In FY 2022, there were more than 136,563 FFLs and there are only about 908 Industry Operations Investigators. ATF’s FY 2024 budget request includes funding requests to add an additional 232 Industry Operations Investigators, who conduct inspections of FFLs, to continue towards ATF’s goal of a five-year inspection cycle of FFLs, deliver education and support to the FFL community, and provide crucial support to ATF Special Agents conducting investigations of FFL burglaries and robberies, straw purchases, and firearms trafficking.
- Enhances ATF’s ability to respond to an increase in investigation of firearms offenses involving offenders with a misdemeanor crime of domestic violence cases. This resulted from the BSCA’s narrowing of the “boyfriend loophole” and the 2022 Consolidated Appropriations Act’s elimination of the loophole that did not prohibit individuals convicted of local misdemeanor crimes of domestic violence from possessing firearms.

Emerging Threats

Over the last several years, law enforcement agencies, throughout the country and internationally, have encountered a significant increase in the recovery of non-serialized and counterfeit firearms in criminal investigations. The availability, proliferation, and use of virtually untraceable privately made firearms (PMFs), commonly referred to as “Ghost Guns,” has swiftly become a serious issue for the public, police, and prosecutors. From January 2016 through December 2021, there were approximately 45,000 suspected PMFs reported to ATF as having been recovered by law enforcement from potential crime scenes, including in connection with 692 homicides or attempted homicides. In 2016, law enforcement reported only 1,758 suspected PMFs to ATF for tracing purposes; by 2021, that number had grown to 19,344. In 2022, there were approximately 27,000 suspected PMFs (including 460 connected with homicides or attempted homicides) reported to ATF as having been recovered and traced by law enforcement, a 24% increase over 2021. While these numbers only reflect those PMFs reported to ATF by law enforcement and may not reflect the entirety of such firearms used in crimes, the trends are nonetheless troubling.

Typically, ATF cannot successfully trace PMFs because they are not serialized. I hear from Police Chiefs all over the country that the threat that these firearms pose to public and law enforcement safety is a significant problem. It requires an increased commitment of resources by federal, state, and local law enforcement. To address this issue, on April 11, 2022, the Attorney General signed ATF final rule 2021R-05F, “Definition of ‘Frame or Receiver’ and Identification of Firearms,” amending ATF’s regulatory definition of “firearm frame or receiver” and requiring FFLs to appropriately mark PMFs when they accept them into their inventory. While the final rule addresses a part of the problem PMFs pose to public safety, ATF needs additional resources to be able to effectively enforce those new regulations. Additionally, in October 2022, the Deputy Attorney General proposed that the U.S. Sentencing Commission include a significantly enhanced sentence for firearm crimes involving ghost guns, which the Sentencing Commission adopted on April 5, 2023.

Machinegun conversion devices—such as “switches,” “drop in auto sears,” or “forced reset triggers”—similarly represent a significant emerging threat to public safety. Federal law prohibits the unregistered possession of machineguns, including the possession or transfer of machine gun conversion devices. Accordingly, ATF actively investigates and prosecutes individuals making, transferring, or otherwise trafficking in conversion devices. ATF and our law enforcement partners have seen a dramatic increase in the use of machinegun conversion devices in violent crimes over the last five years. These devices are often marketed incorrectly as unregulated firearms accessories; however, possession of unregistered machineguns is illegal under federal law.

To respond to these, and other threats to public safety, ATF has created an Emerging Threats Unit (ETU) to conduct and coordinate multijurisdictional investigations, undercover operations, and other investigative functions related to the unlawful use of changing and emerging technologies which pose a threat to public safety. The ETU supports ATF’s Field Operations by identifying potential new matters for investigation, ascertaining whether there is proper predication to further investigate, and providing investigative direction to disrupt and dismantle criminal or

otherwise unlawful activity online and elsewhere. By assembling Special Agents, Intelligence Research Specialists, Industry Operations Investigators, Firearms Enforcement Officers, Attorneys, and Forensic Auditors, with your support, the ETU will be able to break down investigative siloes and develop expertise and abilities to address new and changing violent crime threats.

Information is Power

To address a problem, we must first understand it. The National Firearms Commerce and Trafficking Assessment (NFCTA), a four-part comprehensive examination, offers unprecedented insight by a team of subject matter experts from ATF, academia, and related fields into commerce in firearms and the diversion of firearms to illegal markets. In May 2022, ATF issued Volume I of the NFCTA, [Firearms in Commerce](#), which presents and analyzes data collected by ATF and other federal agencies related to the manufacture, exportation, and importation of firearms. In January 2023, ATF issued Volume II of the NFCTA, [Crime Guns](#), focused on data and analysis related to crime guns recovered by law enforcement during domestic and international investigations. By way of the NFCTA, ATF is providing policymakers, law enforcement, and the public with evidence-based data, in a manner that protects the privacy interests of lawful firearms owners, to better identify and thwart the common channels of firearms trafficking.

ATF is also, as permitted by law, seeking to empower the American public by providing more information regarding the results of its FFL inspection process, and particularly the license revocation actions we take when an FFL has willfully violated federal law. Consequently, consistent with the Administration's recent Executive Order and as permissible by law, ATF has taken steps to publish information related to FFLs whose licensees were revoked for willful violations of the Department of Justice's Enhanced Regulatory Enforcement Policy. ATF appreciates that FFLs are often our first line of defense against gun crime and a source of critical enforcement information. However, those who willfully break the law—whether FFLs or individuals—must be held accountable. That's why, absent extraordinary circumstances, ATF will seek to revoke licenses of FFLs if, after appropriate due process, they are found to have willfully violated the law by failing to conduct background checks; falsifying records; failing to respond to trace requests; refusing to permit ATF inspections; or transferring firearms to those prohibited by law from receiving them. FFLs who willfully break the law in these ways warrant ATF's attention because they increase the risk that guns will fall into the hands of violent criminals and hinder law enforcement's tracing efforts.

Notably, ATF's compliance inspections far more frequently result in a determination that the subject FFL has not committed any violations of the regulations. For example, in FY 2022, 3,806 compliance inspections resulted in no violations, and only 90 inspections resulted in a revocation.³ This is no surprise to any of us at ATF, because as I said above, FFLs are often our first line of defense against gun crime.

³ ATF, *Fact Sheet: Facts and Figures for FY 2022* (Jan. 2023), available at www.atf.gov/resource-center/fact-sheet/fact-sheet-facts-and-figures-fiscal-year-2022.

ATF's Crime Fighting Assets

National Tracing Center (NTC): One of the most important assets of ATF in fighting violent crime is our NTC, which provides investigative leads to link a firearm recovered in a criminal investigation to suspects. The NTC, located at ATF's National Services Center in Martinsburg, West Virginia, is the Nation's only crime gun tracing facility. The NTC's mission is to conduct firearms tracing to provide investigative leads for local, state, federal, and foreign law enforcement agencies. Firearms tracing provides critical information to assist domestic and international law enforcement agencies investigate and solve firearms crimes; detect firearms trafficking; and track the intrastate, interstate, and international movement of crime guns. All firearms traced must have been used, or suspected to have been used, in a crime.

This unique ATF function is critical to law enforcement in their efforts to identify, investigate, and prosecute the offenders who use guns to commit crimes and the traffickers who supply them. In FY 2022, the NTC processed over 623,000 crime gun trace requests, and, in FY 2023, anticipates more than 642,000. To further enhance the efficiency and effectiveness of crime gun tracing, ATF has developed eTrace Direct, a web-based service that allows participants to create a state-wide, integrated tracing platform. ATF and the Kentucky State Police initiated this program on a state-wide level in January 2023. Based on results to date, we anticipate a four to five-fold increase in annual trace submissions across law enforcement agencies in Kentucky. ATF is actively working to expand eTrace Direct to additional law enforcement agencies, further enhancing efficiency and cost-effectiveness of crime gun tracing across the Nation.

Unfortunately, despite the process and technological improvements we consistently pursue, limited physical capacity at the ATF's National Services Center (NSC), coupled with increasing traces due to increasing incidents of gun crime, negatively affects ATF's tracing program. The physical infrastructure of the NSC, which also houses ATF's NFA Division and Firearms and Ammunition Technology Division, is in dire need of repair and modernization. By the end of 2022, ATF notified this committee and secured a lease at a former Internal Revenue Service (IRS) facility in Martinsburg for temporary storage of these records.

ATF's NTC serves as vital tool for all law enforcement as the Nation's only crime gun tracing center. The tracing process is a laborious one, in part, because ATF is prohibited by law from maintaining a national firearms registry. For active FFLs, firearm transaction records are statutorily required to be maintained at the licensed business. For inactive FFLs, NTC maintains the transaction records at our Martinsburg facility. Records of both active and inactive FFLs are integral in the crime gun tracing process. Simply put, without these records ATF would be unable to help law enforcement partners solve crimes. Out-of-business records are an especially critical resource in completing gun crime traces for law enforcement. Of the over 7.6 million trace requests processed by the NTC between 2000 and 2021, 53% were completed using out-of-business records.

Arson and Explosives Investigations: ATF is the primary federal agency responsible for administering and enforcing the criminal and regulatory provisions pertaining to destructive devices (bombs), explosives, and arson, and its expertise in these areas is unparalleled. In just over 40 years, ATF has developed scientifically proven investigative capabilities, expertise, and resources which have positioned ATF as the Nation's primary source for explosives and fire

investigative expertise and assistance. In FY 2022, ATF initiated approximately 2,242 fire and arson investigations and 1,194 explosives and bombing investigations. ATF Special Agent Certified Fire Investigators (CFIs) provide technical support, analysis, and assistance to ATF and its local, state, Tribal, territorial, and federal law enforcement and emergency service partners in arson investigations, and fire origin and cause determinations. These CFIs are a primary resource for ATF field divisions with violent crime investigations involving arson and arson-for-profit; conducting fire scene examinations; making origin and cause determinations; providing expert testimony; assisting other Special Agents and prosecutors with investigations; and conducting training for ATF Special Agents and other local, state, and federal fire investigators.

National Response Teams: The specialized, elite personnel of the National Response Teams (NRTs) are the best in their field. The NRT includes ATF Special Agent Certified Fire Investigators and Special Agent Certified Explosives Specialists, fire protection engineers, and electrical engineers. They respond to scenes across the United States and, at the request of the State Department, anywhere in the world. NRT members work hand in hand with the requesting local agency and ATF field office throughout all facets of the investigation. Team members can work as scene investigators, photographers, videographers, forensic mappers, interview coordinators, and safety officers. The team works together to determine the origin and cause of the fire or explosion incident. ATF's National Center for Explosives Training and Research oversees all requests for NRT assistance, as explained below. In FY 2022, an NRT was activated approximately 16 times, generating over 1,400 leads while working scenes with over \$1.1 billion in damage and 38 reported fatalities. For example, ATF's NRT recently deployed in March of this year to join the investigation into a fire at a business in Buffalo, New York.

National Center for Explosives Training and Research: ATF's National Center for Explosives Training and Research (NCETR) in Huntsville, Alabama supports one of ATF's core missions and competencies: investigating the criminal use of explosives. NCETR contributes to this mission through training, research, and information sharing with our federal, state, and local partners. NCETR serves as the hub for all of ATF's explosives and fire/arson training, research and development, and information-sharing programs. In addition, ATF plays a unique role with our civilian and military partners in the overall counter-IED effort. The Explosives Research and Development Division at NCETR is an investment in scientific knowledge generation and technology development, allowing ATF to adapt and respond to changes to the ongoing threat posed by the criminal misuse of explosives.

U.S. Bomb Data Center: ATF's U.S. Bomb Data Center (USBDC) is the sole source responsible for collecting and analyzing intelligence data about bombings, arson, and criminal misuse of explosives investigations. It also serves as the national archive that holds nearly 584,000 bombing and arson related facts, evidence, and investigation materials. Furthermore, the USBDC provides services such as the Bomb Arson Tracking System (BATS), arson and explosives intelligence, explosives tracing, and explosive theft and loss reporting in a single, web-based system. BATS is an online case management system that provides local, state, and federal arson and explosives investigators with free access to the latest data from across the nation. Additionally, USBDC maintains all reports of the explosives industry's explosive losses and thefts and is the central repository for explosives trace data.

ATF Forensics Laboratories: ATF currently operates two forensics laboratories—one in Atlanta, Georgia, and the National Laboratory in Ammendale, Maryland, where we also conduct fire research. These laboratories are staffed with a variety of chemists, forensic biologists, fingerprint specialists, firearms examiners, and other scientists. The staff consists of highly trained individuals specializing in the examination of evidence typically seen in fire, explosives, and firearms-related crimes who perform forensic exams and provide technical support, expert witness testimony, and advanced training to a wide range of national and international law enforcement personnel. In our FY 2023 appropriations, Congress provided ATF with additional funds to construct a new laboratory facility which will assist us in expanding our capacity to meet the pressing needs across the nation for forensics support. ATF laboratories have also developed methodologies for the recovery of DNA from fired cartridge casings. From these generated DNA profiles, we can compare them to suspects and others searched through the Combined DNA Index System database, which serves as the national DNA database.

Fire Research Laboratory: As mentioned above, the National Laboratory in Ammendale, Maryland, includes our Fire Research Laboratory (FRL), which is the only large-scale fire research laboratory dedicated to fire investigation in the world. At the FRL, our scientists utilize its unique structure and sophisticated instrumentation to investigate fire scene phenomena, conduct forensic fire science and engineering tests, and analyze fire growth and dynamics questions. The FRL supports criminal investigations and conducts research that involves fire scene reconstruction, flashover studies, electrical fire cause evaluation, and validation of fire pattern analysis indicators for prosecutors in local, state, and federal courts.

National Canine Division: ATF's National Canine Division (NCD) is located in Front Royal, Virginia, and is the only federally accredited accelerant detection canine program. The NCD conducts evaluation and analysis of new and emerging facets within the explosives detection canine arena and shares this vital information with our partners in a concerted effort to provide the best tools possible for safety and security in the fight against violent crime and terrorism. In addition, since 1990, NCD has trained more than 1,000 explosives detection canines and 300 accelerant canine teams deployed across the United States with local, state, and federal law enforcement agencies. In FY 2022 alone, the National Canine Division trained four ATF Special Agent canine Search Enhanced Evidence K-9 teams; 17 explosives detection canine teams; and 13 accelerant detection canine teams. The National Canine Division also performed certification and recertification for 733 teams across the nation in odor recognition and explosives and accelerant detection.

National Firearms Act Division: ATF's National Firearms Act (NFA) Division maintains the National Firearms Registration and Transfer Record, the central registry of all restricted weapons (*i.e.*, machineguns and silencers). Located in the same Martinsburg, West Virginia facility as the NTC, the NFA Division records a restricted firearm's identification, date of registration, transfer records, and name and address of the person or entity entitled to legally possess the firearm. The NFA Division also processes all applications to make, export, transport, and register NFA firearms and destructive devices and maintains the National Firearms Registration Transfer Records Database.

Market demand for the NFA Division's services continues to set annual records, which has resulted in an increased workload over the past several years. In FY 2022, ATF received over

764,000 NFA registration applications and processed in excess of 700,000 NFA registration and transfer applications. Much of the increase from prior fiscal years can be attributed to changes in several state laws that allow for the use of gun silencers for hunting purposes. The increase in overall firearms commerce also continues to significantly increase ATF's workload and impact ATF's ability to meet internal and external performance targets. With the introduction of our eForms system for all applications, ATF has reduced the time examiners spend on individual applications through efficiencies. In addition, ATF has devoted additional overtime resources and surged processing to seven days a week. It should be noted, however, that the same facility issues hampering the NTC are hampering the NFA Division. Since 2010, the volume of incoming NFA applications has increased nearly 450%. This has necessitated increases in staffing levels, which are restricted based on physical workspace that is available within the NSC.

Firearms and Ammunition Technology Division: Also in Martinsburg, the Firearms and Ammunition Technology Division (FATD) provides expert technical support on firearms and ammunition to ATF, the firearms and ammunition industry, the general public, and other local, state, federal, and foreign law enforcement agencies. The division is the federal technical authority relating to firearms and ammunition and their classification under Federal laws and regulations. It is responsible for the technical evaluation of firearms to determine if they meet the requirements for importation into the United States. Further, the division provides expert firearms testimony to the U.S. Department of Justice, State prosecutors' offices, District Attorney's offices, and military courts. This testimony includes the identification and origin of firearms, how they are regulated under federal law, and other matters relating to firearms and the firearms industry. Crucially, this is also the area within ATF which has been conducting research on unserialized privately made firearms, often called "ghost guns," and 3-D printing technology. The work they conduct at FATD is so important, it has been the inspiration for a new unit within ATF, the Emerging Threats Unit, which will be working to keep pace with how criminals are using technological advances. But without proper funding to expand and grow at the Martinsburg facility, this important area of ATF's crime-fighting work will also be limited.

ATF and the Regulated Firearms and Explosives Industries

FFLs serve a vital role in fighting violent crime by providing information that assists law enforcement in identifying straw purchasing and gun trafficking schemes. For that reason, ATF has partnered with the National Shooting Sports Foundation—the trade association for the firearms industry—to design an educational program to assist FFLs in the detection and possible deterrence of straw purchasing. The goal of this program, called "Don't Lie for the Other Guy," is to reduce firearm straw purchases at the retail level and to educate would-be straw purchasers of the penalties of knowingly participating in an illegal firearm purchase. The denial of guns to prohibited persons is critical to the mission of ATF in preventing violent crime and protecting the Nation.

ATF maintains relations with the regulated firearms and explosives industries by conducting industry round tables, seminars, and training for retail personnel. To better understand the industry's business processes, we also regularly conduct industry visits to help us better understand potential vulnerabilities, to encourage cooperation with law enforcement to combat violent crime and firearms trafficking, and, ultimately, to help us create the best policies possible. ATF's goal is to have all

licensees comply with the federal laws and regulations that govern their industry so that they may succeed as a business.

FFL burglaries, thefts, and robberies are a significant source of illegally trafficked firearms, directly fueling violent crimes involving firearms. After a peak in FFL burglaries and robberies between calendar years 2017 and 2020, ATF implemented a policy of responding to 100% of all FFL burglaries and robberies with teams consisting of both Special Agents and Industry Operations Investigators and expediting the processing of evidence from these incidents in its forensic laboratories. After implementing this policy, burglary and robbery incidents decreased. By strategically redirecting resources to confront crimes against FFLs, ATF enhanced its ability to identify, arrest, and prosecute criminals and recover stolen firearms as soon as possible, thus mitigating the substantial threat they pose to public safety. In addition to proactive enforcement measures, ATF has partnered with the National Shooting Sports Foundation in “Operation Secure Store,” which promotes best security practices to FFLs to aid in the prevention of these crime gun incidents.

ATF inspections of firearms licensees are focused not only on ensuring regulatory compliance, but also on integrating and analyzing risk factors to detect diversion from lawful commerce and identifying “straw purchasers” who illegally purchase firearms to supply firearms to criminals. In FY 2022, there were over 136,000 active FFLs and more than 43,000 FFL licenses issued. During that time, ATF conducted 6,979 firearms compliance inspections that resulted in 606 warning letters, 131 warning conferences, and, as mentioned above, 90 revocations.

As part of our regulatory mission, ATF plays an important role in the National Instant Criminal Background Check System (NICS), run by our partners at the Federal Bureau of Investigation (FBI). Specifically, if a firearm is transferred to a prohibited person because of a delayed NICS determination, the FBI refers the case to ATF for retrieval of the firearm. ATF places a high priority on retrieving firearms held by prohibited persons and expends considerable resources to fully reviewing delayed denials within 48 hours of being notified.

ATF FY 2024 Budget Request and Program Increases

The Administration’s budget request for ATF in FY 2024 totals \$1.9 billion for Salaries and Expenses, with 5,965 total positions and 5,427 full-time equivalents. You have already received our detailed budget request for FY 2024; however, I did want to highlight the following program areas we propose to increase.

First, ATF’s FY 2024 budget request includes \$79.9 million for technical adjustments that are essential to providing ATF’s Special Agents, Industry Operations Investigators, and support professionals the core resources necessary to maintain current services. Of critical importance, that includes \$71.1 million to implement the BSCA to add 332 positions (including 100 Special Agents) needed to fully implement this historical congressional mandate.

Second, ATF’s FY 2024 budget also includes \$70.2 million for program enhancements to support our core missions. Of this amount, \$25.6 million would be used to add 100 positions (72 agents) to address the alarming surge in gun violence in American communities. This enhancement

is necessary for ATF to meet the Department's enhanced enforcement efforts and to increase support to each of your communities by doing what ATF does best: providing local, state, territorial, and Tribal law enforcement the investigative resources necessary to combat violent crime in each of your districts.

Conclusion

Mr. Chairman and Members of the Subcommittee, at the beginning of my statement I described the role we play in working with our law enforcement partners—partners in all our communities—to fight violent crime. Much of this work is technology-driven; in part because the criminal enterprises have become more dependent on technology as well.

Our mission, therefore, is accomplished through both criminal and regulatory enforcement, combined with Crime Gun Intelligence. ATF Industry Operations Investigators conduct inspections of licensed firearms manufacturers, importers, and dealers, ensuring that firearms are not being diverted into the hands of people who cannot legally possess them. Our Special Agents investigate violent criminals who obtain firearms by illegal means and use them to commit crimes. Together, and with partnerships across the country with state and local law enforcement, it's an effective crime fighting combination, thanks to your continued support.

Before I close, I would be remiss if I did not mention that tomorrow is the anniversary of a momentous tragedy for my agency and the nation: On April 19, 1995, Timothy McVeigh parked a rental truck in front of the Murrah Federal Building in Oklahoma City. The truck was loaded with fertilizer, fuel, and other chemicals to make a deadly combination that brought down a significant portion of the structure and killed 168 people, including 19 children. Countless more were injured. Countless more still were scarred, perhaps for the rest of their lives. We know today that it was an extremist anti-government ideology, including a particular hatred of ATF among others, that motivated that terrorist act. Tomorrow morning, I will be there for memorial ceremonies in Oklahoma City marking that occasion. We stand there in memory of the lives lost, but also motivated to continue our work against the violent extremism that was exhibited on that fateful day in 1995.

Thank you, Chairman Rogers, Ranking Member Cartwright, and Members of the Subcommittee. I look forward to answering any questions you may have.