

**ATF'S ASSAULT ON
THE SECOND AMENDMENT:
WHEN IS ENOUGH ENOUGH?**

JOINT HEARING
BEFORE THE
SUBCOMMITTEE ON ECONOMIC GROWTH, ENERGY
POLICY, AND REGULATORY AFFAIRS
OF THE
COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
AND THE
SUBCOMMITTEE ON CRIME AND FEDERAL
GOVERNMENT SURVEILLANCE
OF THE
COMMITTEE ON THE JUDICIARY
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- * Graphics; submitted by Rep. Luna.
- * Report, “Ten individuals who were shot in Ohio’s 11th Congressional district since the start of this year”; submitted by Rep. Brown.
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**ATF'S ASSAULT ON
THE SECOND AMENDMENT:
WHEN IS ENOUGH ENOUGH?**

Thursday, March 23, 2023

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
SUBCOMMITTEE ON ECONOMIC GROWTH, ENERGY POLICY, AND
REGULATORY AFFAIRS
JOINTLY, WITH THE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME AND FEDERAL GOVERNMENT
SURVEILLANCE

Washington, D.C.

The Subcommittees met, pursuant to notice, at 10:08 a.m., in room 2154, Rayburn House Office Building, Hon. Pat Fallon [Chairman of the Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs] presiding.

Present from Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs: Fallon, Donalds, Perry, McClain, Boebert, Fry, Luna, Edwards, Langworthy, Bush, Raskin, Norton, Krishnamoorthi, Khanna, Brown, and Stansbury.

Present from Subcommittee on Crime and Federal Government Surveillance: Representatives Biggs, Jordan, Gaetz, Tiffany, Nehls, Moore, Kiley, Lee, Jackson Lee, Nadler, McBath, Dean, Cohen, and Cicilline.

Also present: Representatives Higgins, Roy, Clyde, Frost, Swalwell, and Ivey.

Mr. FALLON. Welcome, everyone. This is a joint hearing of the Subcommittee on Economic Growth, Energy Policy, Regulatory Affairs and the Subcommittee on Crime and Federal Government Surveillance, will come to order. Again, I want to welcome everyone, and without objection, the Chair may declare a recess at any time.

Without objection the following Members are waived on to the Subcommittee for the purpose of questioning witnesses: Representative Andrew Clyde of Georgia, Representative Clay Higgins of Louisiana, Representative Wesley Hunt of Texas, Representative Chip Roy of Texas, Representative Maxwell Frost of Florida, Representative Eric Swalwell from California, Representative Joe Neguse from Colorado, Representative Glenn Ivey of Maryland.

And the Majority and the Minority can each control 10 minutes for the purpose of opening statements.

I recognize myself for the purpose of making an opening statement.

Again, good morning, and welcome to today's joint hearing with the Oversight and Accountability Subcommittee on Economic Growth, Energy Policy and Regulatory Affairs and the Judiciary Committee Subcommittee on Crime and Federal Government Surveillance. I want to thank Chairman Biggs and his staff for joining us in this critical oversight hearing to explore and expose government overreach by the Bureau of Alcohol, Tobacco, and Firearms.

The Second Amendment to the United States Constitution plainly states, "The right of the people to keep and bear arms shall not be infringed." "Shall not be infringed," four key and critical words. Ever since Mr. Biden took office, his Administration has actively sought to infringe on this right, and I am deeply concerned that the ATF and their recent actions against firearms manufacturers, Federal Firearms Licenses, or FFLs, and law-abiding Americans who wish to procure and use firearms. Under the Biden Administration, the ATF has been weaponized against gun owners and Americans who wish to acquire firearms in numerous ways in recent years.

The ATF issued the "Frame or Receiver" final rule in April 2022, infringing on Americans' ability to assemble their own firearms from component parts. More recently, the ATF issued a final rule at the end of January 2023 that will have an effective impact of criminalizing the possession of stabilizing braces in most instances, even though those braces were lawful to possess for over a decade by the ATF's own guidance. These braces were originally designed to assist disabled veterans who were physically unable to utilize traditional pistols for self-defense or to enjoy recreational firearms activity. The congressional Research Service estimates that—now get this—approximately 40 million of these devices are already in circulation.

On November 26, 2012, over a decade ago, the Obama Administration, their own ATF Firearms Technology Branch issued a letter to Mr. Alex Bosco, one of our witnesses here today and the inventor of the stabilizing brace. The letter clearly stated that the ATF finds that the submitted forearm brace when attached to a firearm does not—does not—convert that weapon to be fired from the shoulder and would not alter the classification of a pistol or other firearm. It also stated that such a firearm would not be subject to the National Act or NFA controls. In fact, they underlined "would not be." It is underlined in the letter.

Millions of people acquired stabilizing braces, relying on the ATF's determination, and they did it in good faith made over a decade ago under the Obama Administration that these ingenious devices were perfectly legal and did not convert a firearm into a short barrel rifle subject to NFA controls. Now, anyone who has a stabilizing brace will be committing a crime after May 31 of this year unless they permanently remove and dispose of the stabilizing brace, turn in their firearm to a local ATF office, destroy the firearm, or try to obtain an NFA registration through a byzantine process that includes marking the firearm so it can be traced. This rule will effectively turn many law-abiding gun owners into crimi-

nals if they fail to comply even though Congress did not act. We didn't pass any new criminal laws or penalties related to stabilizing braces. We had unelected bureaucrats create a rule. It is not the way this should work.

In addition to these overreaching regulations, the ATF has abused its enforcement authority at the direction of President Biden and other gun control advocates who simply don't care about the Second Amendment and, by extension, our Constitution or the proper role of government. In June 2021, Mr. Biden directed the Department of Justice to adopt a zero-tolerance policy when inspecting firearms merchants, known as again the FFL, and to revoke their license for any violation, no matter how minor or unintentional. This policy has led the ATF to revoking licenses on the basis of small and technical paperwork errors without showing any pattern, intent, practice, or materiality. Revocations have skyrocketed. In 2022 alone, the ATF revoked 90 licenses, more than in any other year since 2006.

So, at the end of the day, unfortunately, the actions taken by the ATF have clearly demonstrated that the Agency has changed its focus from those who commit crime to law-abiding Americans who wish to exercise their constitutional rights. Instead of going after actual criminals, the ATF, by changing the rules without any input from Congress, is trying to turn law-abiding citizens into criminals. It is unacceptable, it is unfair, and, quite frankly, it is unconstitutional. This hearing will examine how the Biden Administration's ATF has engaged in a host of practices to chip away at your constitutional rights. I want to thank the witnesses for appearing today, and look forward to their testimony.

I now yield to Chairman Biggs for the purpose of making an opening statement.

Mr. BIGGS. Thank you, Mr. Chairman. I am pleased to be here today. I thank you, Mr. Chairman, and your staff for hosting this important hearing today. The business before us today is a hearing entitled, "ATF's Assault on the Second Amendment: When is Enough Enough?" That really is the question of this. When is enough, enough? That is a question that we have to resolve because there is a concerted effort to change the regulations that ATF has put in place and that millions of people have relied upon.

ATF has engaged in various practices that seek to undermine the Second Amendment rights of Americans across the United States. The Biden Administration has weaponized the ATF as it has weaponized every institution of our Federal Government, and this weaponization is an attack on law-abiding Americans. It is time for Congress to uphold the appropriate checks and balances by examining these actions by its own government against the American people. Hopefully, today's hearing is just the beginning of holding ATF and countless other agencies under this administration accountable for its lawless over-regulation of law-abiding Americans. And the good news is this is just the beginning of oversight as we have been informed today that ATF will come to a hearing in April.

We are having this hearing in part because the Bureau of Alcohol, Tobacco, Firearms, and Explosives has abused its rulemaking authority, authority delegated to it by Congress, this body. Earlier this year ATF issued a final rule titled "Factoring Criteria for Fire-

arms with Attached ‘Stabilizing Braces.’” That rule effectively bans pistol-stabilizing braces nationwide. We will hear today from the inventor of those braces. Disabled persons, including the disabled veterans for whom the pistol brace originally was created, will lose the benefit of this useful tool and potentially their ability to operate firearms entirely.

The final rule provides that pistols equipped with stabilizing braces meet the definition of a firearm under the National Firearms Act, and that any weapons with stabilizing braces or similar attachments that constitute rifles under the NFA must be registered. Under this rule, millions of law-abiding gun owners will be forced to remove their stabilizing braces from their pistols, install longer gun barrels, register their weapons as short-barreled rifles or destroy their braced weapons, or face felony charges. You heard that correctly. Millions of law-abiding Americans will be turned into felons overnight by the stroke of a pen and without any congressional action, in other words, by unelected bureaucrats who believe they can make law, apply law, enforce and adjudicate law. That is something every American should be concerned about because that is the definition that James Madison wrote so eloquently in the 62d Federalist as the definition of tyranny.

And it doesn’t just apply to this Agency. Those of you who applaud it in this Agency, will you applaud it in every other agency when an Administration changes, and you have been relying on a rule and it changes without your elected representative weighing in on it? This is not an international, but a nationwide threat. This is not what our Nation’s founders intended. This rule terrifies my own constituents. They ask me how Congress passed this law. They are shocked when I described the administrative rulemaking process. They did not vote for this. They did not elect the individuals making these decisions, and, in fact, I did not vote for this. That is a huge problem.

The pistol brace rule exceeds the ATF’s statutory authority. Congress has neither criminalized the use of pistol braces under the Gun Control Act, nor authorized the regulation under the National Firearms Act. To make matters worse, for more than a decade, ATF actually told the manufacturers and consumers of pistol braces that the devices were perfectly legal before this abrupt about-face. That can happen with every agency. I hope you are not applauding this abuse of bureaucratic authority today because you happen to be sympathetic with what this rule is, because I can tell you, every agency can then turn on the American citizen.

When ATF isn’t exceeding their statutory authority criminalizing products they once deemed illegal, they are making it more difficult for law-abiding Americans to purchase firearms by capriciously revoking the licenses of American gun dealers. The Biden Administration, acting on behalf of the gun control lobby, has targeted firearm businesses.

Another example. Soon after taking office, President Biden demanded the Justice Department adopt a zero-tolerance policy to revoke Federal Firearms Licenses from those who committed willful violations of the law. That wasn’t what the law is. There was no statutory authority for that. But shortly thereafter, ATF updated its Federal Firearms Licensee Quick Reference and Best Practices

Guide to state, “ATF will, absent extraordinary circumstances, initiate proceedings to revoke the license of any dealer that has committed a willful regulatory violation of the Gun Control Act or specified violations.”

ATF has begun to revoke the licenses of FFLs for simple technical and non-material paperwork violations, violations that are anything but willful. They are revoking licenses for minor paperwork violations that have no bearing whatsoever on public safety. ATF’s overzealous enforcement of paperwork infractions is shutting down small businesses and diverting resources away from holding criminals accountable. FFLs and law-abiding citizens are not the cause of firearm-related deaths. The Biden Administration knows this. If it were concerned with safety, they would not be the most-soft-on-crime Administration in my lifetime. Guns are not the problem. Law-abiding gun owners are not the problem. Violent criminals whose sentences are cut short due to lax prosecution, who roam the streets instead of being incarcerated, are the problem. The ATF should be directing its agents to go after these criminals, not directing their agents to check for technical paperwork errors from FFLs and chase down disabled persons with pistol braces.

When is enough, enough? Well, I think we have seen enough, and I hope that we can act to put an end to this ATF overreach. And I would suggest that the most effective approach is to reduce funding, or, better still, eliminate all funding, and even better, eliminate this woke weaponized Agency. I yield back.

Mr. FALLON. Thank you. The Chair now recognizes Ms. Bush for the purpose of making an opening statement.

Ms. BUSH. Thank you, Mr. Chairman, and thank you to our Ranking Members Raskin and Nadler and Ranking Member Jackson Lee, as well as to the gun safety advocates in the room and to all the survivors in the room.

St. Louis and I are here today to talk about the extraordinary gun violence epidemic in this country. In St. Louis and nationwide, gun violence is a public health emergency, and commonsense regulations are a necessity. As a survivor of gun violence, I know first-hand the urgency of this issue. When I was in my early 20’s, I found myself in a relationship with an abusive partner. He had guns. He kept one in the kitchen cabinet and another in between our pillows at night when we slept. One day my abuser did not approve of the way I was cooking food, he got upset, and he began to hit me. I ran out the back door, and as I ran, I remember thinking to myself, he was behind me and now he is not. Why isn’t he chasing me? Where did he go? Where is he? Next thing I knew, I heard gunshots, gunshots aimed at me.

My experience is not an anomaly. It is one too many survivors of gun violence know all too well, and it is not my only experience. I survived that harrowing and traumatic experience, but many others have not. Just five months ago, a shooter opened fire on students and teachers at the Central Visual & Performing Arts High School in St. Louis, a predominantly Black school. Two people were killed, seven were injured, and the entire CVPA and Collegiate School of Medicine and Bioscience community was traumatized. Like so many shootings, this one could have been prevented. The shooter failed an FBI background check, and his own mother had

concerns, but his gun was unable to be confiscated because Republican anti-gun safety lawmakers refused to enact a red flag law in Missouri.

Gun violence is now the leading cause of death for children and teenagers in the United States. With Black children eight times more likely—eight, eight times more likely—to die from firearms than white children. Two-thirds of intimate partner homicides in the United States are committed with a gun, and 80 percent of intimate partner firearm homicide victims are women. Nearly 80 percent of homicides are committed with a firearm. In this year, we have already had more than 100 mass shootings. It is only March. The cause of these statistics is obvious. This country has more guns than people.

There are approximately 400 million privately owned firearms in the United States, which has a population of 332 million. The U.S. is home to nearly half of the world's civilian firearms, but for many Republicans, this is not enough. Students being murdered at their desks is not enough for them to value lives over toys. Republicans want the U.S. to have an even higher share of the world's gun supply. They don't want commonsense regulations on gun ownership. Their perverted view of the Second Amendment compels them to argue against reasonable restrictions. We are asking for reasonable restrictions.

Our work has to be to save lives. Republicans' refusal to accept commonsense regulations is why we are here today as killing machines flood rural and urban communities and slaughter our children. They want to pretend that regulating ghost guns is an assault on our liberties. They want to pretend that regulating stabilizing braces intended to convert a pistol into a short-barrel rifle is trampling on our freedoms. They want to pretend that Democrats are coming for peoples' guns, but let's be clear. Republicans want to pretend that people who support gun safety measures are coming for everybody's guns. We are not. We are coming for the end to gun violence. We are coming for the end of this public health crisis. We are coming for the end of a society where the number of guns exceeds the number of people. We are coming for the end of weak gun laws that allow people to buy an assault rifle and kill and traumatize school children, traumatize teachers, and traumatize grocery patrons. That is what we are coming for, and it doesn't require taking away people's right to bear arms.

Our work is about saving people's lives. We will not succumb to the nihilist insurrection view of the Second Amendment. We will not allow the apologists for gun violence to win. We will double down on a public health response to the public health emergency—that is, gun violence in our country—and together, we will end this crisis once and for all.

I now yield to the gentlelady from Texas, Ranking Member Sheila Jackson Lee.

Ms. Jackson Lee. Let me thank the gentlewoman and Ranking Subcommittee Member from Missouri, Congresswoman Bush. Let me acknowledge our Chair from the Oversight Committee and as well Chair from Judiciary, and, of course, the Ranking Members of the full Committees on Oversight, Congressman Raskin, and, of course, the Ranking Member of the Judiciary Committee, Mr. Nad-

ler. I thank them for their service and leadership, and I thank Mr. Chairman for convening a hearing that will evidence a very sharp contrast in the issue of saving lives.

I do want to acknowledge, in particular, Moms Demand Action and the many other good people of advocates who are wanting to have a reasonable protocol and structure for the owning of guns in America. I call you patriots, and I am grateful for your presence here today. I call those who sadly and devastatingly are either the family members of victims long gone or who are victims themselves. I thank you for your courage. I acknowledge the witnesses here today, and I hope that they will understand that this democratic process is both a purpose with a purpose, and the purpose, of course, is truth.

I am incredulous that we are holding this hearing. I am stunned, I am almost in a sense of pain because we have had over 100 mass shootings only since the beginning of 2023, constant range of gunfire across America. Sometimes one would think during the week you would be relieved, but it is during the week, it is on the weekend, it is on Friday night, it is on Saturday night, it is on Sunday, when many people in America are seeking the solace of faith. It is in our temples, synagogues, churches. It is in places in the park, schools, hospitals and beyond.

As far back as 1886, the Bureau of Alcohol, Tobacco, Firearms, and Explosives have been one of this country's most important Federal agencies, fulfilling a multifaceted mission to protect American communities from violent crime, while keeping us safe through regulation and enforcement of Federal laws. Today's ATF's role is more crucial than ever before to help with public safety as there are more guns in the United States than people. The No. 1 killer for children is homicide, and the tool of the homicide are guns—precious children, America's children, America's future.

Fueled by politics and anxieties brought on by the COVID-19 pandemic, firearms sales have surged. In 2021, Americans purchased approximately 19 million firearms, down 12.5 percent from 2020, according to several industry estimates, but 2021 was still the industry's second busiest year on record, while last year was the third busiest. We rely on the ATF to ensure firearms do not end up in the hands of those who should not have them. That is all. That is all they do, and to regulate the purchase and transfer of firearms, licensing of firearms manufacturers and dealers, and innovations within the industry to ensure compliance with Federal law, particularly when manufacturers and dealers attempt to circumvent longstanding statutes and regulation.

Contrary to what some of my Republican colleagues might say, evidence shows that more guns lead to more shootings. Gun violence is now the leading cause of death among children, as I said, while an average of 70 women are shot and killed by an intimate partner every month, and every day 316 people on average are shot. Congresswoman Bush's story is real, evident, and it is painful. In an average year, guns account for roughly two-thirds of homicides. However, in 2020, 77 percent of murders involved firearms.

Despite these appalling statistics, congressional Republicans, aided and abetted by extreme rulings from the Federal judiciary in

favor of possessing and carrying firearms, have allowed our communities to be flooded with guns of every kind, even in grocery stores and shopping at our major box stores on a Saturday morning. This push to reduce regulation enforcement along with the surge in gun sales has only made communities across the country—rural, urban and suburban—less safe.

Tragically, mass shootings have become an all-too-common occurrence, and stolen guns, untraceable weapons, firearms purchased in states with fewer restrictions on gun purchases, ghost guns, are trafficked through the iron pipeline into states with stiffer laws, boosting the gun-related crimes. It is ironic that yesterday with the two-year anniversary of the massacre of 10 people, including a police officer, at the King Soopers supermarket in Boulder, Colorado, and Republicans are here today to attack the ATF and mount a defense of every firearm and modification involved in that shooting.

I commend the ATF for their work in identifying a problem and providing guidance to prevent the harm created by the misuse of stabilizing braces which convert everyday firearms into killing machines. I want to just remind everybody of ghost guns, ghost guns that led a shootout in my city against three police officers. I would point out that the ATF performed a similar analysis during the previous administration to create a rule for bump stocks following the mass shooting in Las Vegas that left 60 people dead. In both cases, the firearms and hardware used by the shooters were legally purchased and possessed, but it was evident that something had been done or had to be done after seeing the destruction they cause. And while the vast majority of guns are purchased by law-abiding citizens, there are many ways that legal guns end up in the hands of those who should not have them. And Democrats have never interfered with the purchase of law-abiding citizens under the Second Amendment.

And while the vast majority of guns are purchased, the reporting from ATF indicates that more than 1 million guns were stolen from private citizens in the five-year period from 2017 to 2021. That number is very likely much higher since there is no law that requires gun owners to report theft or loss of firearm. Again, ironically, Republicans have attacked the very data base that ATF maintains to track weapons and solve problems.

The ATF has taken affirmative steps to prevent future violence using technology to get violent criminals off the streets. In 2016, ATF created a Crime Gun Intelligence Center, launched as an interagency collaboration designed to collect, analyze, and distribute intelligence data about crime, guns, mass shootings, and major incidents across multiple jurisdictions. The 25 CGICs are strategically located. Mr. Chairman, as I close, I would like to finish this last paragraph. Through their work, more than 616,000 investigative leads were generated by CGIs in 2020 and 490,800 crimes were traced back to their origins. In my home state, in Houston, the police department and other local agencies joined the ATF Crime Gun Strike Force.

Finally, that is why Democrats passed several additional pieces of legislation last Congress to ban assault weapons, bump stocks, ghost guns, and high-capacity magazines, encourage safe firearm storage practices, raise the age at which semiautomatic rifles can

be purchased, pass a huge amount for violence intervention, and keep firearms out of the hands of prohibited persons. Democrats will continue to promote responsible firearm ownership through commonsense laws that keep Americans safe and support the efforts of the ATF to enforce those laws. I don't know about anyone else here, Mr. Chairman. I believe in saving the lives of our babies and our fellow Americans. I yield back.

Mr. FALLON. Thank you. And just for the interest of equal time, there was about two-and-a-half minutes over, and we—me and Mr. Biggs—might take that when we have our questions.

Now I am pleased to introduce our witnesses today. Alex Bosco was a Marine Corps and Army veteran, and the founder of SB Tactical, and the inventor of the pistol-stabilizing brace. Amy Swearer is a senior legal fellow at the Heritage Foundation. Ms. Swearer is an expert on the Second Amendment and firearms in the United States and in 2022 received the Second Amendment Institute's 2022 Gun Rights Champion award. And now, Mr.—can you help me with your last name?

Mr. LAROSIERE. Larosiere.

Mr. FALLON. Losiere?

Mr. LAROSIERE. Larosiere. My apologies for being French.

Mr. FALLON. Larosiere. Thank you. You are forgiven. Matthew Larosiere is an attorney and partner at the Zermay-Larosiere. As an attorney, Mr. Larosiere has represented Federal Firearms Licenses, who have—licensees rather—who have had their licenses revoked by the ATF. He has also written extensively on the Second Amendment and firearms law. And Rob Wilcox is the Federal legal director at Everytown for Gun Safety, leading the organization's Federal policy work, and has served on the board of New Yorkers Against Gun Violence. I look forward to hearing from the witnesses today on these very important issues regarding Americans' Second Amendment rights.

Pursuant to Committee Rule 9(g), the witnesses will please stand and raise their right hands.

Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[A chorus of ayes.]

Mr. FALLON. OK. Let the record show that the witnesses all answered in the affirmative. You can sit down. Thank you.

We appreciate all of you being here today and look forward to your testimony. Let me remind the witnesses that we have read your written statements, and they will appear in full in the hearing record. Please limit your oral statements to five minutes. As a reminder, please press the button on your microphone in front of you so that it is on and the Members can hear you. When you begin to speak, the light in the front will turn green. After four minutes, it turns yellow, and when the red light comes on, I am going to give you a little tap. We maybe will play five or 10 seconds, then I will shut you off, OK? And I recognize the first witness. We are going to go in a little bit of a different order here, so let's go with Mr. Bosco. You are recognized for five minutes, sir.

**STATEMENT OF ALEX BOSCO, FOUNDER AND INVENTOR OF
THE STABILIZING BRACE**

Mr. BOSCO. Chairmen Fallon and Biggs, Ranking Members Bush and Jackson Lee, distinguished Members of Congress, my name is Alex Bosco, and I am the inventor of the forearm stabilizing brace and founder of SB Tactical. As a naturalized citizen, former member of the Army and Marines, and small business owner, it is my high honor to share with you my experience aboard the ATF regulatory roller coaster. My original effort to help a friend, an injured veteran, to safely and accurately participate in pistol shooting and then build a business has put me and millions of law-abiding Americans on a whiplash-inducing regulatory odyssey that has serious consequences, including imprisonment. I urge you and your colleagues to reverse the arbitrary, inconsistent, and capricious action of the ATF.

The forearm stabilizing brace, which I originally designed to allow a disabled veteran to more accurately and safely enjoy the sport of pistol shooting, has been used by millions of law-abiding citizens to more safely shoot large pistols. Each SB Tactical product is designed as an orthotic device made out of an elastomer material, basically rubber, and has one or more flaps and a strap to safely secure the firearm to the shooter's forearm. The stabilizing brace is not a force multiplier. It merely adds an additional point of contact at the forearm to more securely hold a firearm.

Since I began my business, I have made every effort to comply with all the rules and regulations set out by ATF. After submitting the original brace to the ATF for their review, ATF responded in writing stating that attaching a stabilizing brace "would not alter the classification of a pistol or other firearm" and that "such a firearm would not be subject to National Firearms Act controls". In the 10 years that followed, ATF repeatedly held that various pistol brace designs did not convert a pistol to a short-barreled rifle, and my business steadily grew.

In 2017, ATF stated that incidental shouldering of a brace pistol does not result in a redesign and, therefore, is not a regulated NFA firearm, and that "stabilizing braces are perfectly legal accessories for large handguns or pistols." Along the way and at significant cost, I worked with attorneys, former ATF regulators, and even a former Presidentially appointed ATF director to seek guidance from ATF whenever we made adjustments to the original design of the brace that I had submitted back in 2012.

Shortly after his swearing-in, President Biden decided to reverse the previous decade of ATF decisions on stabilizing braces. He ordered ATF to treat pistols modified with stabilizing braces as short-barreled rifles subject to NFA controls. This change, the President said, would require an owner of a pistol equipped with a stabilizing brace to pay a \$200 fee, submit their name and other identifying information to the Justice Department, or face criminal penalties. The President even admitted that his goal was to make these changes "without having to go through Congress." ATF responded to the President's directive and published a final rule on January 31, 2023.

The effects of this change are enormous. According to the ATF, millions of Americans who followed ATF's advice for the past dec-

ade have, unbeknownst to anyone, been committing felony crimes, and ATF almost certainly underestimates the scope of the impact of the rule. In the final rule, ATF assumes that there are approximately 3 million firearms with attached stabilizing braces in circulation, but ATF failed to include sales after 2020. SP Tactical alone sold more than 2.3 million braces since 2020. Unless this rule is put on hold by Congress or the courts, the company I founded, and many others, will go out of business soon.

Furthermore, responsible gun owners will be harmed. None of them want to run afoul of the NFA as a result of ATF's flip-flop, but neither do they want to purchase new braces when ATF now says that in order to use these braces, people must register in a Federal data base and submit their photographs and fingerprints to the government. The effects of ATF's rule is to put out of business the industry that ATF itself fostered for 10 years, and punish consumers who relied on ATF's prior decisions. Ironically, this rule eliminates an important and widely adopted safety feature that will arguably make the sport of pistol shooting less safe. Ultimately, this rule should be seen for what it is: circumvention of the legislative process.

In Federalist Paper 47, James Madison observed that "The accumulation of all powers, legislative, executive, and judiciary in the same hands may justly be pronounced the very definition of tyranny." It is in Congress that the legislative authority is vested, and the President must faithfully execute those laws. The President and the ATF don't get to do both. I urge Congress to reverse ATF's arbitrary decision, take back its legislative authority, and strike a blow for liberty and good government. Thank you, and I look forward to your questions.

Mr. FALLON. Thank you, Mr. Bosco. The Chair recognizes Ms. Swearer for her five minutes.

**STATEMENT OF AMY SWEARER
SENIOR LEGAL FELLOW, HERITAGE FOUNDATION**

Ms. SWEARER. Chairmen Fallon and Biggs, Ranking Members Bush and Jackson Lee, and distinguished Members of Congress, ATF is, in some respects, much like the guns that it is supposed to regulate. In a vacuum, ATF is neither inherently good nor inherently bad. It depends in large part on who controls it and the ends for which its power is exerted. Like all branches or forms of government, ATF is imbued with certain coercive powers that can be wielded either properly or improperly and for either constitutionally sound or abusive purposes.

ATF is not some natural-born villain. The Agency was neither conceived in constitutional sin nor did it come out of the executive branch womb covered in iniquity. It has the potential for tremendous good, and, at its best, ATF plays a vital role in keeping Americans safe from violent crime. Unfortunately, ATF also has a habit of turning into its worst self when left unsupervised by Congress for extended periods of time, and that is a problem because at its worst, ATF tends to use its vast and often unchecked regulatory powers to accomplish through Agency rulemaking the very types of unreasonable and unconstitutional gun control measures that elected officials couldn't accomplish through the democratic process.

The litany of recent abuses is long. In just the last year, ATF, at the prompting of the President, implemented a zero-tolerance policy for violations by Federal firearms licensees that has dramatically increased the number of licenses the Agency revokes. Where the Agency used to see itself as partners, working with FFLs, to ensure compliance with the vast array of Federal gun laws, almost overnight it turned itself into an antagonist. The new policy presumes that many violations merit revoking a license absent extraordinary circumstances, even for first-time violations. The zero-tolerance policy often applies to situations that are basically clerical errors or paperwork mistakes that don't result in any actual harm. And this is particularly ironic given ATF's propensity for sloppiness with its own firearms and records which has sometimes resulted in actual harm.

As Mr. Bosco explained, ATF also told potentially millions of American gun owners that despite a decade of ATF assurances to the contrary, their pistol-braced firearms were actually heavily regulated short-barrel rifles, and if these gun owners want to keep their pistol-braced firearms without immediately being branded as felons, they would have to register each gun with the government and pay a \$200 per gun tax. Otherwise, yes, the ATF is coming for their guns. In another recent rule change, ATF decided that Congress hadn't given it enough regulatory authority and decided it would rewrite Federal law altogether. Whereas Congress said ATF could regulate firearms, anything readily convertible into firearms, and the frames and receivers of firearms, ATF told gun owners that actually it could, without any supporting statutory authority, also regulate almost frames and almost receivers.

In addition to increasing the number and complexity of records that FFLs must maintain, ATF told them that these records must now be maintained indefinitely instead of for 20 years as under the old rule. And why, you ask, did ATF impose this tremendous burden on FFLs? Well, because it might help the Agency in 0.002 percent of gun traces where having records older than 20 years might meaningfully further an investigation. And not all of ATF's malignant actions are recent. Federal law generally prohibits the importation of firearms and ammunition, except for those that are useful for sporting purposes. For decades now, ATF has maimed and mutilated the definition of "sporting purposes" in a purposeful attempt to inhibit Americans' access to commonly owned and constitutionally protected semi-automatic rifles. Despite the fact that millions of peaceable Americans routinely use these firearms for legitimate sporting purposes to say nothing of other lawful uses, ATF continues to defy reality by insisting that they are not, in fact, useful for the sporting purposes.

To be clear, Congress should not undermine ATF's legitimate efforts to enforce Federal law and stop violent criminals, but it should absolutely step in to restrict ATF's discretion as to where it should focus its efforts and how it should wield its vast regulatory powers. It can and should consider statutorily undoing ATF's recent and not-so-recent attacks on the Second Amendment rights of peaceable Americans.

You have asked us today when is enough, enough. How long, oh Lord, will ATF continue being its worst self at the expense of

peaceable Americans? Respectfully, the Constitution provides a clear answer. It is enough when you say it is enough, and it will continue until you do something to stop it. In my written submission, I have outlined a number of specific ways in which Congress can begin undoing ATF's problematic attacks on the Second Amendment and the separation of powers, and prevent the Agency from using the same abusive tactics in the future. I look forward to your questions on these important corrective actions.

Mr. FALLON. Thank you. The Chair now recognizes Mr. Wilcox for his five minutes.

**STATEMENT OF ROB WILCOX, FEDERAL LEGAL DIRECTOR,
EVERYTOWN FOR GUN SAFETY**

Mr. WILCOX. Thank you, and good morning, Chair Fallon and Biggs, Ranking Members Bush and Jackson Lee, and distinguished Members of the Subcommittees, and those who have waived on. I truly appreciate the opportunity to be here this morning.

My professional work on gun policy and gun violence prevention is deeply informed by a number of personal experiences. I grew up in Brooklyn, New York in the 1980's and 1990's where gun violence was not an uncommon occurrence. But at the same time, my father, who was a veteran of the Special Forces, taught us to respect firearms. At our family farm, we enjoyed hunting, sports shooting, target practice, and learned about responsible gun ownership, including securing our firearms in a locked gun safe.

Unfortunately, my family's experience with guns took a violent turn when my 19-year-old cousin, Laura, was shot and killed by someone who never should have had a gun in the first place. Laura was extraordinarily talented, kind, and with a beautiful spirit. She was an outstanding student, graduated as high school valedictorian, and at the time of her death as a sophomore at Haverford College was in the midst of her campaign for student body president. But in January 2001, when Laura was home on winter break filling in as a receptionist at a rural county behavioral health clinic, a client came in and opened fire. He shot Laura four times at point blank range, killing her instantly. When his rampage at the clinic and a nearby restaurant was done, three people lay dead and three more were injured, another mass shooting in the long line of mass shootings that doesn't always break through the national media.

My aunt and uncle processed this tremendous loss while also fighting for a safer future for others. They became advocates who turned pain into progress, working to pass dozens of gun safety laws, and they are role models. I have now spent 20 years of my career working on gun policy and law around firearms, and one thing I know for sure is that ATF plays an essential role in keeping us safe by enforcing the laws on the books.

ATF is one of the Nation's leading law enforcement agencies with 5,000 brave men and women doing work across this country in 25 field divisions and 200 local offices. Its mission is clear: to protect the public from violent crime. And they work hand-in-hand with our state and local law enforcement to solve crimes and do their job. ATF also regulates the gun industry through education and ac-

countability, supporting those who want to do better and holding those who break the law accountable.

ATF's role in this system is unique in its effort to keep communities safe. From 2017 to 2021, ATF processed nearly 2 million crime gun traces and 1.5 million NIBIN cases in order to assist local law enforcement in linking crime scenes, developing leads to solve crimes, and identifying gun trafficking channels. These crime gun traces show that guns are moving faster than ever from dealer to crime scene. Nearly half of these crime guns have a time-to-crime of under three years and a quarter with a time-to-crime of under one year. Guns with short time-to-crime indicate trafficking, and it is where ATF and the industry can take action to step in and shut it down, like, for example, when a gun dealer was selling multiple guns to people, he should have known it was intending to break the law. ATF traced those guns to multiple crimes, including murders. ATF investigated, and the licensed dealer, the gun traffickers, and the shooters were all prosecuted.

The fact of the matter is, is that only ATF can make sure there is accountability from the shooter up to the supplier. ATF protects and serves at a time in this country when we need it to be at its strongest, fully funded, and supported because gun violence is threatening communities across the country. In an epidemic exacerbated by rogue gun dealers, gun sales without background checks, and industry innovations, like arm braces, ghost guns, and bump stocks, ATF boldly steps into this space to enforce the laws passed by Congress and stop the illegal diversion of firearms.

It is truly not lost to me, as the Ranking Member mentioned, that yesterday was the two-year mark of the shooting at a grocery store in Boulder, Colorado, where 10 people, including a law enforcement officer, were killed. The shooter used a short-barreled Ruger AR-15 pistol that came equipped with an SB Tactical arm brace, the same kind of firearm that ATF now regulates.

ATF has been there time and again under Republican and Democratic administrations to respond to these threats and enforce our laws. Its mission is to protect the public from violent crime and stop gun trafficking. In other words, its mission is to save lives, keep illegal guns out of communities, and save the lives of concert goers, lives of supermarket shoppers, lives of students, and so many others. And that is what ATF has done using the tools and authorities granted to it by Congress. I am personally thankful for the men and women who are dedicated to their service at ATF and do this work to prevent senseless tragedies. Thank you again for the invitation to be here and look forward to the questions.

Mr. FALLON. Thank you, sir. Mr. Larosiere is recognized for his five minutes, my good Frenchman friend here.

**STATEMENT OF MATTHEW LAROSIERE
PARTNER, ZERMAY-LAROSIERE LAW GROUP**

Mr. LAROSIERE. Much appreciated. Chairmen Fallon, Biggs, Ranking Members Bush and Jackson Lee, thank you so much for the invitation and for the opportunity to speak on this important measure. I am an attorney working in the Second Amendment space. I am a child of immigrants, and I guess in following their

lead, I decided to do a job that most Americans didn't want to, and that is protecting fundamental rights.

I have been studying the law and policy of arms for over a decade, but I think most important for this hearing is my experience representing individuals and small businesses who have been caught up in some of the flip-floppery that ATF has engaged in; representing individuals and small businesses that have had their lives shattered, their employees left jobless, because of, frankly, innocent omissions that were characterized as intentional misconduct by the ATF. These individuals, oftentimes in the firearms industry, are employers with less than 15 employees. That is the majority of the industry here, and I have represented these people for nominal or no fee, frankly, because I feel it is the right thing to do, and what I have seen ATF doing in these prosecutions is extremely concerning. The threats that are posed by ATF's overreach are not theoretical. They are very real, and they are not limited to arm braces or the zero-tolerance rule either.

I would like to tell you guys about Patrick Tate Adamiak. He was a 28-year-old Navy sailor, and he was recently convicted for dealing in machine guns. Now, looking at that headline might not cause you to take a second thought, but when you scratch a little deeper, the machine guns Tate was convicted of dealing in were actually boxes of cut-up inoperable parts that the ATF had approved the importation and sale of as unregulated parts kits years ago. And then in an unpromulgated, unpublicized change of opinion, ATF decided that that amount of cut up was not quite cut up enough. They have secured a conviction, and, again, 28-year-old Tate, who dealt in parts that were purchased in open commerce with a credit card, is now awaiting sentencing, and his plans of marriage are indefinitely on hold. I would like to tell you about Matthew Raymond Hoover, who is a political commentator who is accused of advertising metal cards with a drawing of an alleged machine gun part on it. A drawing. ATF took the incredibly aggressive position and vindictively has prosecuted Mr. Hoover, suggesting that this drawing is actually a combination of parts. He is facing over 60 years in prison, a cancer-stricken man with not an ill-willed bone in his body and several young children.

I think it is important when we think about the pistol brace problem to look at what law we're dealing with. We are talking about interpretations of the National Firearms Act. This is an act that, in its original drafts, sought to regulate handguns, and this is why it sheds some light as to just how absurd the pistol brace problem is. Short-barreled rifles were added to the act to correct an obvious loophole to a handgun restriction. It was raised in the hearings that if pistols were regulated, but you could simply cut down a rifle, well, that would be the effective equivalent of a pistol. Later on, to secure passage, the reference to pistols and revolvers were slip-shottedly removed, but the vestigial remains of a pistol regulation, the barrel length restrictions were there, leaving the rules that we are now dealing with, the law that we are now dealing with interpretations of, it is kind of like a cancer-prone vestigial organ. It doesn't accomplish anything useful. But as many Americans and some of my clients have found out, it sure can get you into trouble.

The argument that these guns, under a law that was designed to regulate concealable firearms, become more dangerous when you make them less concealable by adding a component to the end, is so obviously and intensely contrived. It is kind of absurd.

Insofar as zero-tolerance goes, the GCA, the Gun Control Act, has made Federal firearms licensees the gatekeepers to access to the Second Amendment right for most Americans. What we are seeing now is a two-pointed prong where ATF is revoking licenses for little to no reason. The violations that were alleged were as simple as a customer had filled out Black as their race, but not picked "Hispanic" or "Latino." That didn't strike me as terribly nefarious. I think that ATF has a moral obligation to really look at how it is enforcing these laws. I look forward to your questions. Thank you.

Mr. FALLON. Thank you very much. The Chair recognizes Mr. Gaetz for his five minutes.

Mr. GAETZ. The nonpartisan Government Accountability Office issued a report in June 2016, "Firearms Data: The ATF did not always comply with the Appropriations Act Restriction and should better adhere to its policies." Mr. Wilcox, you are the witness the Democrats invited here today. Are you familiar with that report?

Mr. WILCOX. I am.

Mr. GAETZ. And does the fact that the ATF broke the law concern you?

Mr. WILCOX. The report, I believe, supported ATF's action in cataloging records to stop crime.

Mr. GAETZ. I will read from it. It says, "A technical defect allows ATF agents to access data, including purchaser data, beyond what ATF policy permits." Do you take any umbrage with that conclusion?

Mr. WILCOX. ATF has been collecting out-of-business records pursuant to a law signed by Ronald Reagan, and President Trump digitized more records than any other President.

Mr. GAETZ. I don't care who did it. I am just worried about the impact on my citizens. And I would acknowledge there may be Republican Presidents who didn't do enough in the 80's to protect our gun rights, but on this finding, the ATF had to delete 252 million records, didn't they?

Mr. WILCOX. So, this is a tool that has helped solve 50 percent of crime—

Mr. GAETZ. Wait, wait, wait. Did they have to delete 252 million records?

Mr. WILCOX. What I know about this tool is that it is a crime-fighting tool.

Mr. GAETZ. That is now what I am asking you. Did they have to delete? You said you are aware of the report. Is that conclusion correct, they had to delete 252 million records?

Mr. WILCOX. I am not aware of that line, but what I am aware of is the tool is a crime-fighting tool.

Mr. GAETZ. OK. Well, I will represent to you that that is what had to happen. The fact that the government collected 252 million records that was beyond the law, beyond policy, never approved according not to me, not to my fellow Republicans, but to the GAO,

should that be concerning to us, that scope of records being collected?

Mr. WILCOX. ATF's collection of out-of-business records was fully complying with the law. The issue—

Mr. GAETZ. That is not what the GAO said. So, you disagree with the GAO report?

Mr. WILCOX. Well, there are two points they made. One is the collection of out-of-business paper records that FFLs keep. The second piece was the collection of electronic records that FFLs keep. And what the GAO said was the electronic records were not being converted sufficiently, and that is what ATF fixed to become in compliance with the law.

Mr. GAETZ. Right. So, that is why they had to delete it because they had gone beyond their authority. You see, that that is the concern of my constituents, when they go beyond their authority, and you may find those things virtuous, but no one elected you. They elected us to make the laws, and when we make the laws and they don't follow them, then people's rights get diminished.

Another area is this issue of the arm braces. Now, in Mr. Wilcox's testimony, he says that an arm brace makes a weapon more powerful. Mr. Bosco, you know a lot about arm braces, don't you?

Mr. BOSCO. I do.

Mr. GAETZ. Do arm braces make firearms more powerful?

Mr. BOSCO. They do not. They do not.

Mr. GAETZ. Does it concern you that the witness that the Democrats brought would make such a claim that is obviously disproven by any utilization of those arm braces?

Mr. BOSCO. I hope that my testimony today can help everyone here understand that the brace does nothing to make the weapon any more dangerous than it already is.

Mr. GAETZ. And so, when you have got the ATF going beyond their authority, collecting 252 million records that they have to destroy, well, that can just be explained because they are doing their best. But when Americans get inadvertently converted to felons because the ATF has exceeded their authority, there is no such grace for them, is there, Ms. Swearer?

Ms. SWEARER. That would seem to be the case under the recent policy change to zero tolerance.

Mr. GAETZ. Zero tolerance for our fellow Americans, when they are trying to exercise their rights and protect their liberties, but all the tolerance in the world for a corrupt bureaucracy that is violating the law, exceeding their authority, and collecting records that they have no business collecting.

I would make this final observation. I had the great privilege to spend two years on the House Judiciary Committee with the gentlelady from Missouri. And while she and I disagree strongly on this issue, her beliefs are sincere, and they are strong, and they are powerful, particularly when she expresses them. And so when she says to people that she wants to defund the police, she means it; and when she says in this Committee meeting that gun violence is a public health emergency, well, she means that, too. And our fellow Americans know the impact of folks up here in Washington declaring everything and anything a public health emergency. That

means you are more likely to be locked in your homes, deprived of your freedoms, less healthy, less safe, less secure, and less able to live a truly American life.

So, know this. When the left talks about this as a public health emergency, get ready to see those enhanced authorities abused by the ATF. And, Mr. Chairman, it is my sincere hope that in the very near future, we will have those very folks from the ATF here. And I intend to be utilizing the new rules that we have in the House of Representatives to offer amendments to the Appropriations Act, to zero out their salaries for breaking the law and abusing the liberties of our fellow Americans.

Mr. FALLON. Thank you, and the Chair now recognizes Mr. Raskin for his five minutes.

Mr. RASKIN. Thank you much, Mr. Chairman. The stabilizing braces have evolved significantly from their original intended use, which was allowing disabled gun users to fire an AR-style pistol. Today's braces are largely used to exploit a loophole in the regulatory structure to allow owners to turn their weapons into short-barreled rifles, efficient weapons of war, without triggering traditional ATF oversight of this kind of weapon. But don't take my word for it. Take the word of the people who use these so-called risk-stabilizer braces. Please play the video, if you would.

[Video shown.]

Mr. RASKIN. Mr. Wilcox, why are short-barreled rifles more dangerous and strictly regulated than other kinds of firearms?

Mr. WILCOX. Short-barreled rifles are more easily concealable than long-barreled rifles and have more destructive power than traditional handguns. For example, common ballistic vests worn by police protect against handgun ammunition, while rifle ammunition, like those fired by short-barrel rifles, can penetrate it.

Mr. RASKIN. And what is the difference between a short-barreled rifle and a firearm with a stabilizing brace as we saw brandished in the video there and as we see on the poster behind me?

Mr. WILCOX. When it comes to usability, I think next to none.

Mr. RASKIN. There really is no difference in the power and potential violence of the weapon, and there is very little difference in the weapon's design. Look, our colleagues know that gun violence is the leading cause of death among children in the United States of America today. They know that more people proportionately die of gun violence in America than in any other industrialized country on earth, whether we are talking about Canada, or Germany, or France, United Kingdom, Japan, Israel, you name it. They know that the states with the highest rates of firearm deaths are the ones with the weakest gun laws, and the states with the lowest levels of firearm deaths have the strongest gun laws. But they say that all of this chaos and destruction is just the necessary price we have to pay because of the Second Amendment. All those thousands of people gunned down at church, and school, at the Walmart, in parks, in grocery stores are just the human sacrifice we have decided to pay as a society for our Second Amendment. My colleagues, this is a lie.

Our colleagues advance a completely flawed theory of the Second Amendment, which leads them to oppose even reasonable common-sense gun safety rules that the Supreme Court has approved and

which the vast majority of Americans endorse. Our colleagues embrace what is called the insurrectionist theory of the Second Amendment. Our colleague, Mr. Gaetz, says the Second Amendment is “about maintaining within the citizenry the ability to maintain an armed rebellion against the government if that becomes necessary.” Our colleague, Chip Roy, says, “The Second Amendment was designed purposefully to empower the people to resist the force of tyranny used against them.” And Congresswoman Boebert says the Second Amendment “has nothing to do with hunting, unless you are talking about hunting tyrants, maybe.” Well, this theory is completely debunked and destroyed by the text of the Constitution itself and by Supreme Court precedent, and yet their theory of the Second Amendment is killing Americans.

Article I, Section 8, Clause 15 of the Constitution gives Congress the power to provide for a calling forth of the militia to execute the laws of the Union and suppress insurrections and invasions. The republican guarantee clause tells the U.S. Congress to guarantee a republican form of government to the states and to protect them against domestic violence. There are six other provisions in the Constitution, including the treason clause, that debunk what they are saying, and we are going to have to get through their false notion of the Second Amendment in order to save human life. Thank you. I yield back.

Mr. FALLON. Thank you. The Chair recognizes Mr. Donalds for his five minutes.

Mr. DONALDS. Thank you, Mr. Chairman. Real quick, I find that interesting to my colleagues have no problem with the ATF going outside its boundaries with respect to this brace. Meanwhile, my colleagues have no issue with the fact that the President of the United States has made a complete bastardization of asylum at the southern border, which has led to more fentanyl killing more people between the ages of 18 and 45 in the United States. Fentanyl is the No. 1 killer of Americans in the United States, and they have no problem talking about that. They don't even want to discuss it, but we are here talking about this. Ms. Swearer, you just saw a video that was up on the screen. Do you have a response for this video?

Ms. SWEARER. Yes, though I suppose Mr. Bosco does as well. I think it is being used in a way to misconstrue the reality of SBRs. Like, SBRs are actually still used by plenty of Americans who do have disabilities, but also just from the standpoint of SBRs themselves, they were the loophole. In an attempt to regulate a loophole while trying to essentially ban handguns, their restriction under the NFA has always been irrational. This idea that somehow a 14.5 inch barrel is more concealable than a 16.5 inch barrel, when you walk in to commit a mass shooting and that is why they choose it, it is just not realistic. It is the same gun. If you take that same gun and put it in a 16-inch barrel, if anything, the muzzle velocity will be increased when it is fired. So, it just doesn't make a whole lot of sense, and I am sure Mr. Bosco has some thoughts on that as well.

Mr. DONALDS. Mr. Bosco, you are the inventor. What do you think?

Mr. BOSCO. Yes, thanks. You know, I think there are a lot of people online, and we have seen some of those videos. The reason I invented the brace was for people with limited mobility. Well, that was the inception. That was why I made it. It was for a friend. Yes, there are people that are not using my product the way that I have designed it to be used, but the intent has always been that. The idea that by adding a brace to a pistol makes the firearm more concealable and, therefore, more dangerous is laughable. It is a piece of plastic. It weighs a certain amount. It makes the firearm longer. It is not making the firearm more concealable. It is making it less concealable.

Mr. DONALDS. Mr. Bosco, let me answer your question. How many Americans do you think will become felons as a result of this rule?

Mr. BOSCO. Well, I think we should probably look at what congressional Research Services did. They came up with a study that said anywhere between 10 and 40 million Americans own arm braces at this moment. If we use the smallest number that they have, which is 10 million, you will have an effect that come, I believe, it is May 16, which is the deadline, if someone wasn't smart enough to look up the Federal Register, who didn't know about this rule from one day to the next, he will be in possession of an unregistered short-barreled rifle. And he will be committing a crime, which is punishable of up to 10 years in prison. It is a felony offense, \$250,000 fine.

Mr. DONALDS. So, in order to avoid this, the American will have to spend \$200, get their fingerprints taken, get a photo of them given to the ATF. Am I correct in that?

Mr. BOSCO. So, the Agency even with this has flip-flopped back and forth. Originally, they were suggesting that Americans pay \$200.

Mr. DONALDS. Well, and, Mr. Bosco, not to totally cut you off. Let me ask you this question real quick. Did Congress pass a law to stipulate the ATF do this?

Mr. BOSCO. Unequivocally, no.

Mr. DONALDS. Mr. Wilcox, how are you doing, fellow Brooklynite over here? Grew up the same time. Let me ask you this question. Do you think it is OK for the ATF to act outside of congressional legislative authority, criminalizing 10 million Americans who are currently law-abiding citizens?

Mr. WILCOX. It is good to see another proud son of Brooklyn. I don't think or believe that is what ATF is doing here, so I disagree with the premise.

Mr. DONALDS. Do you think that by this rule there will not be 10 million felons in the United States because they bought a product that the ATF authorized to be sold and that the ATF said was legal up until the Biden Administration?

Mr. WILCOX. Not liking a law isn't a reason for ATF not to—

Mr. DONALDS. But, Mr. Wilcox, there is no law. Congress didn't pass it. That is a rule from ATF. Let me ask you this question. Do you believe in separation of powers?

Mr. WILCOX. Of course.

Mr. DONALDS. Do you believe that the legislative power resides within the congressional body and not the executive?

Mr. WILCOX. I do.

Mr. DONALDS. So then, why do you think it is OK for the ATF to come up with some rule with the force of law that Congress did not pass?

Mr. WILCOX. Congress passed the law 90 years ago and ATF—

Mr. DONALDS. So, you are saying to me that a law that Congress passed 90 years ago allows for 10 million Americans to become felons today?

Mr. WILCOX. Congress passing a law allows ATF to regulate as technology changes.

Mr. DONALDS. Come on, Mr. Wilcox. Don't do that to the American people. We know better. Don't do that. I yield.

Mr. FALLON. Thank you very much. The Chair recognizes Mr. Nadler for five minutes.

Mr. NADLER. Thank you, Mr. Chairman. Gun violence continues to take the lives of more than 100 Americans every day. It changes how safe we feel in our schools and in our houses of worship. It reduces vibrant cities to somber headlines. It takes our loved ones, old and young, and leaves us with another anniversary of lives cut short and the community forever changed. One of those tragic anniversaries was yesterday. On March 2, 2021, at 2:30, a shooter opened fire in the parking lot of a supermarket in Boulder, Colorado. The shooter used a pistol with a stabilizing brace—an accessory that turned the gun into a concealable assault rifle. Ten people were killed, including officer Eric Talley, a father of seven and one of 69 officers killed on duty that year.

It is against this sobering backdrop that Republicans have called this hearing to criticize the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the law enforcement agency tasked with keeping guns out of the wrong hands. Rather than inviting the Agency's director for serious discussions of ATF's work, the Majority has called representatives of the gun industry and those who profit from defending them. The witnesses include the person who invented self-stabilizing braces just like the one used to kill ten people in Boulder.

At least Republicans are transparent about their goal. They have introduced a bill to abolish the ATF. They seek to eliminate the law enforcement agency responsible for protecting communities from gun violence, stopping gun trafficking, and ensuring lawful and responsible gun ownership. Local law enforcement depends on ATF to provide resources to help them solve crimes and prevent gun violence, but the Majority seeks to strip them of this vital assistance to keep their community safe. It is essential that we conduct oversight of our agencies to make sure they are fulfilling their missions, but today's hearing makes no attempt at that. Instead, it shows how radically out of step my Republican colleagues are with both the American people and with law enforcement.

Democrats have put forth a variety of solutions to prevent gun violence, to support law enforcement, and to solve crimes. But our colleagues across the aisle continue to push for unfettered access to assault weapons, concealable rifles, and ghost guns. As Republicans continue to seek freedom from gun regulation, we will continue to see communities free from violence. We know that the Second Amendment, only half of which the Chairman quoted, reads,

“A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.” We know that it was adopted because of the framers’ fear of standing armies. This fact was not disputed, and the Second Amendment turned into a general license for the private possession of firearms until an extremist Supreme Court decided the Heller Case 11 years ago.

Mr. Wilcox, we have heard a lot of talk today about the ATF’s rule subjecting firearms equipped with stabilizing braces to regulation. Does that rule do anything more than close a loophole that allowed people to evade public safety regulations simply by adding accessories to pistols to transform them into short-barreled rifles? And again, short-barreled rifles have been regulated under the National Firearms Act passed by Congress in 1934, haven’t they?

Mr. WILCOX. Thank you, Ranking Member. Yes, you are correct. This was ATF enforcing a law that has been on the books for 90 years, catching up with changing technology, and regulating weapons that Congress long ago decided needed to be treated differently than other firearms.

Mr. NADLER. Mr. Wilcox, more than 300 Americans are shot every day, and more than 100 of those people who face gun violence lose their lives every day. Do other countries have similar rates of gun violence and gun deaths, and if not, what, in your opinion, accounts for the difference?

Mr. WILCOX. So right now, the United States has a gun homicide rate 26 times higher than other high-income countries. I think that is what we have had enough of, and what we need is strong gun laws because the states with strong gun laws have less gun violence. And I am very proud to have seen Congress, in a bipartisan manner, pass the first Federal legislation in 30 years last year to strengthen our laws, invest in communities, and save lives because that is our ticket. It is downstream investment in community-based organizations and upstream enforcement on the sources of illegal guns.

Mr. NADLER. Thank you. My colleagues across the aisle like to blame Democratic cities for this Nation’s problem with gun violence. Can you please explain what the iron pipeline is and how it contributes to gun violence in cities and states that have stronger gun regulations?

Mr. WILCOX. Yes. So, the iron pipeline is describing a gun trafficking channel. It is how guns move from states with weak gun laws to states with stronger gun laws, but I really do think about it as just the movement of illegal guns. And what we know is that criminals are targeting states with weaker gun laws, sales without background checks, gun dealers who they know will skirt the law to acquire illegal guns and move them into our cities. That is the critical intervention point. That is what ATF does. Just recently, they busted a gun trafficking ring that moved 500 guns that were acquired from online, no background check sales in Georgia to California. It is why we need ATF on this front line.

Mr. NADLER. Thank you. My time has expired. I yield back.

Mr. FALLON. Thank you. The Chair recognizes Ms. Boebert for her five minutes.

Ms. BOEBERT. Thank you, Mr. Chairman. You know, it is interesting hearing the rhetoric from the other side of the aisle. I used to say we don't differ in our hearts. We differ in data. No one wants to see children injured or even lose their lives. However, especially since serving in Congress, I have seen that Democrats do differ in their hearts because they are doing nothing to save lives in the womb. We had a Born-Alive Act where one Democrat voted in favor of a full-term baby who is being aborted and survived that abortion would be born alive and then issued medical care to save that child's life. So, we do differ in our hearts. I have not seen my Democrat colleagues defend innocent life, but they want to use these talking points of children in tragic, horrible scenarios as a political pawn to regulate law-abiding citizens.

Now, for far too long, rogue politicians and partisans at the ATF have really run amok, infringing and trampling on the Second Amendment. The rights of the American people this shall not be infringed, period. There is no comma after "shall not be infringed," and it is trampled on by the Federal Government, by these states, and local governments on a regular basis to disarm Americans, to make them subjects rather than citizens. And I stand by the statements that I made because this is to protect the people from a tyrannical government, and it is for self-preservation. This is to defend yourself, your life, which is so valuable.

But anyone remember, since we are talking about the ATF, and, Mr. Chairman, I actually second Mr. Gaetz's comments. I would love to have the ATF in here so we can actually question them on this rule. But do any of you remember Project Gunrunner and Operation Fast and Furious? Yes, the fact that the ATF allowed 1,000—no, more than that—thousands of guns to end up in the hands of Mexican cartels and criminal organizations. And they lost thousands of these traced firearms, and then one of these guns was used to kill Border Agent Brian Terry, all through some brilliant government program, and it is absolutely outrageous.

If you think the ATF is going to be successful in this, making millions of Americans felons through this rule, that is an overreach of the separation of powers. You have heard it from the witnesses today. You don't necessarily agree with my stance. Mr. Wilcox says that it is us to make the law. Congress makes the law, not bureaucrats, and they are seeking to make millions of Americans felons with this rule.

Now, what happened with Fast and Furious, with these traced guns that they lost, thousands of them, the records in question. Well, a judge found that they were not covered by privilege and that they were supposed to be released to the American people. Well, what happened to those records? That is right. Nancy Pelosi and the Democrats ended the House lawsuit when they took control in 2019 and further buried this scandal. Absolutely shameful.

As the National Shooting Sports Foundation has pointed out, in just the last five years, ATF, under political pressure, has at least on three occasions, through administrative fiat, changed long-standing positions to declare products lawfully sold in full view of the ATF and in reliance upon ATF classification letters to now be illegal and/or regulated under the National Firearms Act. ATF bureaucrats are not only ignoring the direction of Congress, they are

literally ignoring the law and trying to rewrite it themselves, a complete separation of powers.

And I apologize, I did have some questions for the witnesses, and I do thank you all for being here and providing testimony. But hearing this on the other side and then just realizing that we differ in data as well as in our hearts because we do want to protect innocent lives, that is why we support the Second Amendment. It is your right to defend yourself, and we will always speak up to defend life. Thank you. I yield.

Mr. FALLON. Thank you. The Chair recognizes Ranking Member Bush.

Ms. BUSH. Thank you, Mr. Chairman. St. Louis and I rise because the gun violence epidemic affects all of the people of this country, but some more than others. I am talking about children whose leading cause of death is now guns. I am also talking about Black and Brown communities that have borne the brunt of gun violence and mass incarceration. But gun violence may, as we have seen, be a political tool for some of my Republican colleagues, but it is a matter of actual life or death, especially for Black and Brown communities.

Last October, as I spoke about, in St. Louis, a gunman fatally shot a student—her name, Alexandria Bell, and the teacher, Jean Kuczka—at Central Visual and Performing Arts High School where more than two-thirds of the students are Black. The shooter's mother was concerned, and a third party known to the family had taken his gun just a few days before, but he regained possession. This is why commonsense gun safety measures like red flag laws that Republicans refuse to support, why they are so important. In addition to ensuring the safe ownership of guns, we must also stop the flow of guns into our communities. Weak Republican laws are flooding communities with guns that are killing people. In 2020, per capita murder rates were 40 percent higher in states won by Donald Trump than those won by Joe Biden. Nine of the ten states with the highest gun mortality rates, including my state of Missouri, are red states.

Mr. Wilcox, first of all, thank you for your strong, well-informed advocacy. I want to build on Mr. Nadler's question. Can you explain how the iron pipeline and weak Republican laws, or gun laws, disproportionately harm Black and Brown communities?

Mr. WILCOX. Yes, Ranking Member, and thank you for the question. As you stated, what we see pretty clearly from examining gun laws and looking at rates of gun violence is states with stronger gun laws see less gun violence. Why is that? It is because it is too easy for guns to be illegally diverted from legal commerce, responsible law-abiding citizens, into gun trafficking channels. What are the ways that that happens? No background check gun sales, straw purchasing, gun theft, and rogue gun dealers. We are here to talk about ATF, and that is exactly what they are to focus on is that diversion of illegal guns because we have to invest in communities, but we also have to stop the flow of illegal guns. And that is exactly what ATF is here to do, and that is exactly why we need them to be well resourced and supported in doing it.

One of the most troubling things we saw during the pandemic most recently is guns are moving even faster from dealer to crime

scenes, especially when it comes to young people. You see almost 40 percent of guns that were used by in crime by young people in 2021 moved from the gun dealer to that young person's hand in under a year. That is where we have to intervene. That is where we have to stop it. And for those in the industry that want to help out, let's give them that tools and education. For those who want to look the other way, let's actually hold them accountable.

Ms. BUSH. Thank you. Thank you. And instead of blaming, as we often hear, Black and Brown communities for gun deaths, we need to, and I will continue to say it, make sure that there is a public health approach to address this epidemic. Mr. Wilcox, can you tell us how can a carceral strategy solve the gun violence epidemic?

Mr. WILCOX. I don't think you can do it alone. I think there has to be accountability, but I think we also need investment. We need investment in community-based organizations that are doing the work on the ground, proven effective with cognitive behavioral health therapy, hospital-based violence intervention, street interruption. These are proven effective programs that we need to be investing in to intervene prior to acts of violence. On the other hand, there are laws and people have to be held accountable if there is violence. But more importantly, if they are moving guns into the iron pipeline, into the gun trafficking pipeline, we have to invest downstream in community, and we have to hold upstream accountable the suppliers of illegal guns.

Ms. BUSH. Thank you because the carceral strategy cannot be the answer. Thank you for that. I think it is a critical point that you just made and just our response to this crisis cannot be mass incarceration. I just want to make that clear. Many communities around this country face high rates of gun violence and are disproportionately targeted by the carceral infrastructure that becomes the default response to every single social problem. This only results in compounding trauma and a cycle of violence that doesn't help anyone. The only path forward is through investing in our communities using evidence-based public health strategies that will solve this public health crisis. Thank you, and I yield back.

Mr. FALLON. Thank you. The Chair recognizes Mr. Moore for his five minutes.

Mr. MOORE. Thank you, Mr. Chairman, and, first, let me say mass shootings are fine when you have a shooting with three or more people die. That is 74 people in the U.S. died in mass shootings last year. We have had 107,000 opioid overdoses. No. 1 killer of people between the ages of 18 and 45 is opioid, and based on testimony we have been hearing about the open border, they are getting younger and younger. So, if we really, really care about young people in this country dying, we need to address the issue of opioids and those poisonings, that sort of thing, rather than this type of hearing here and trying to come after law-abiding citizens.

Mr. Bosco, I have a district that has more veterans in it than any district in Alabama. I have Fort Rucker and Maxwell-Gunter, and, you know, one of the things we do for wounded warriors very often is we will take them offshore fishing. I have hosted a couple of tournaments and take them out, let them shoot, hunt. It kind of gives them their life back. It gives them opportunities to do things.

So, tell me a little, when you invented this pistol brace, what was your motivation?

Mr. BOSCO. Well, I mean, I was at a range. A lot of us veterans enjoy shooting sports, shooting guns safely. And a range officer was out there, and he essentially told my buddy that he didn't want him shooting the weapon the way he was shooting it because in his opinion, he was firing unsafely.

Mr. MOORE. Now your buddy, he is—

Mr. BOSCO. He is a vet.

Mr. MOORE. Wounded warrior.

Mr. BOSCO. Yes, he is a wounded warrior, lost a limb, and obviously you obey the range officer's rules. But the initial impetus was to get this guy back out there shooting a firearm safely, and I think it did a good job of that, and it has brought a lot of other veterans back to shooting sports. It is the one thing that all of us enjoy doing. You know, I don't even think my colleague would disagree that it is something that veterans do. I mean, his father did it. I trained my kids the right way. It is something that really helps. It is cathartic to other veterans, including even wounded veterans, and it is cathartic to people who just want to go out there and enjoy it. We are all talking about Second Amendment issues here. I was really looking forward to talking about how this brace helps other people, how it helps wounded veterans, how it helps people with limited mobility. It is a piece of plastic that allows people to shoot a firearm better. That is what it is.

Mr. MOORE. You know, and my daughters shoot, and I understand that the brace allows three points of contact. So, some of the wounded among—some of the weaker maybe couldn't hold a handgun, and it allows them an opportunity to shoot as well. Is that correct?

Mr. BOSCO. That is exactly right. All it does is allows for a third point of contact to help you fire the weapon more safely. Nothing about this product makes the weapon any more dangerous.

Mr. MOORE. Wait now. So, you are saying, No. 1, it doesn't make the weapon more dangerous. Actually, it probably makes the weapons safer.

Mr. BOSCO. It does.

Mr. MOORE. And more accurate, I would think, which is a good thing. When you are firing downrange, I would assume you want to hit targets.

Mr. BOSCO. Exactly.

Mr. MOORE. So, thank you for that. And, Ms. Swearer, I got to move quickly here. I want to ask you, are you aware of any data that suggests that an increase in firearm ownership leads to an increase in violent crime?

Ms. SWEARER. No, not on the whole. It is all about who, in particular, has that firearm and whether it is for criminal motives. But generally speaking, who are the mass of gun owners, are not having that violent intent, and they are, therefore, not a danger to themselves or others.

Mr. MOORE. Are you aware of any law that would stop gun violence? Is there a law that we could pass as Congress that would actually stop murders in this country by firearms?

Ms. SWEARER. Congressman, even if you could pass a law outright banning guns, you would still have to be able to snap your fingers to make them disappear out of the hands of violent criminals, and it would be an impossibility to eliminate gun violence. We can certainly work on getting guns out of the hands of violent criminals and enabling law-abiding citizens to defend themselves with that lethal force as is their natural right and their constitutional right. But to suggest that we can somehow eliminate gun violence, I mean, you are talking about eliminating human nature and this propensity that violent people have to commit crimes.

Mr. MOORE. Yes. I am reminded of Rwanda where they killed all those people with machetes, right. It is more about human nature, actually, than it is the weapon we happen to be using. You know, it is interesting because most of the cities that are controlled by the Democrats, I moved to D.C., and I am here part-time. I have only been in Congress 24 months, but, you guys, I feel so much less safe here. I mean, they are pretty restrictive on firearms, so much less safe here than I did in the hometowns I grew up in, the cities, and my state because we are carrying concealed, so we are safe in that respect. But just the crime that we are seeing in the cities where they think they can pass a law to change human morality is just staggering to me, and the statistics simply do not support that approach. But with that, Mr. Chairman, I will yield back.

Mr. FALLON. Thank you. The Chair recognizes Ms. Jackson Lee for her five minutes.

Ms. Jackson Lee. Mr. Chairman, thank you so very much. This really warrants 10 minutes to probe this thrust that we have here today. We realize that what we are facing is really a gun trafficking crisis, that the ATF is trying to intervene and save lives. You take a city like Baltimore, looking for an anecdotal story, you will find that it is gun trafficking, to my good friend, from Washington, DC. In Washington, DC, I feel very safe, but the point is Washington, DC. is being flooded with guns coming from places like Virginia, where the laws are loose. I mean, do we have any common connection here? Here is an article that says, "Alleged Gun Smugglers Indicted in New York Under the New Federal law." Thank God. We are saving lives.

And so, I am very grateful to all of the witnesses. Mr. Larosiere, I applaud you, but I am a fighter for the Constitution, First Amendment, the Fifth Amendment, the Fourteenth Amendment, and the Second Amendment. We are fighters for that, if I might say. Mr. Bosco, I take no backseat to fighting for my veterans. I love them. I love the combat soldiers and others, sailors and others, every list of men that you can imagine, love traveling with the Marines and see what they do on the front lines. They are the first in. And then Army wants to tell me no, not really. Each one of them ought to be respected.

But let me just share with you, we know that stabilizing braces have been used to perpetrate horrific acts of violence, including the murder of nine people outside a bar in Dayton, Ohio, and ten people, including a police officer, at a grocery store in Boulder, Colorado. You are a nice person and a businessman, but surely you do not want people using your stabilizing braces to murder police officers. Is that true?

Mr. BOSCO. That is absolutely true.

Ms. Jackson Lee. And so, the work of the ATF is to ensure that we regulate not your work, not your brace, but to ensure that it does not get in the hands of those who would not be able to, if you will, use it as you would want it to be. Let me move quickly. Thank you for that.

Let me move quickly. Mr. Wilcox, doesn't the Bruen decision represent a radical departure from the line of reasoning that Justice Scalia used in *Heller*, in which he recognized that the rights secured by the Second Amendment are not unlimited, and that nothing in that opinion should be taken to cast doubt on longstanding prohibitions against carrying of dangerous and unusual weapons. Just as a Supreme Court's decision in *Dobbs* has endangered the health and safety of millions of women, do you anticipate that Bruen decision will threaten the safety of Americans and why?

Mr. WILCOX. So, I think the Bruen decision has created a lot of confusion. It has created over-abundant reliance on history looking for a deep specific historical twin by some courts rather than an analog, and what it led to is perverse results. In the Fifth Circuit—I know the Ranking Member's home circuit—we saw the Fifth Circuit Court of Appeals strike down a provision in Federal law that prohibits domestic abusers under protective orders from purchasing and possessing guns.

Now going forward in your circuit. Sadly, Ranking Member, domestic abusers under protective orders, in the most dangerous time, can access firearms. I don't think that is what Bruen meant. I do not think that is what the Supreme Court meant. But that language is too broad, and it needs to be tightened up because we can't live in a country where dangerous domestic abusers, felons, gun traffickers can go free and terrorize our women, our children, our communities.

Ms. Jackson Lee. If you talk to police officers, as I do, the most dangerous call is the domestic violence call. I lost a beloved sergeant saving the life of a mother and son, but he died, wounded and died on a domestic violence call.

Let me quickly move to this issue of FFLs. How does it impact public safety if FFLs are not being regularly inspected? And how would increasing the ability for ATF to inspect FFLs impact law-abiding citizens? Mr. Wilcox, I don't want to put anyone out of business. I am just trying to save lives. Regulation of FFLs.

Mr. WILCOX. Look, I think it is incredibly important what this Administration has done, and we have heard a little bit that I think goes beyond the facts because what this Administration has done is to say we are going to target inspections on those dealers that are most connected to crime guns. Have you been connected to crime guns? Are there violent crimes connected to your store? And then they are going to look at very specific willful violations, such as you can conduct a background check on your sale. You knowingly sold to a prohibited person. These are serious years of offenses.

Ms. Jackson Lee. Let me get this in. How does the ATF's ghost gun rule promote public safety and reduce crime? Can he just answer since I got it under the bell, Mr. Chairman?

Mr. FALLON. Yes, and I apologize—we gave you an extra four-and-a-half; minutes earlier, so we are going to cut it off here.

Ms. Jackson Lee. Thank you very much to all of the witnesses for their answers. Thank you.

Mr. FALLON. The Chair recognizes Mr. Fry.

Mr. FRY. Thank you, Mr. Chairman. President Biden and the ATF purposely decided to put a plan together to take millions of law-abiding citizens and turn them into felons after May 31, just like that, through a rule on stabilizing braces, which is nearly a total ban. This action, despite prior guidance from the ATF, Mr. Bosco, as you testified earlier, to the contrary. Does that sound crazy? Of course, it does, but this is just another day in Joe Biden's America. Inaction, in this body, is sanctioning a lawfully established good actor in the community, your company, Mr. Bosco. Let's just change the rules midstream.

In order to register firearms under this proposal, gun owners are required to destroy, turn in, rebuild their guns, or fill out what is called a Form 1. This is the Form 1. It is a 17-page guidance on how to fill out a government form. This means that owners of up to 40 million braces will spend a collective 160 million hours registering their lawfully acquired firearms to comply with ATF's unconstitutional rule. Anyone who does not register, turn in, rebuild, or destroy their brace firearm by ATF's arbitrary deadline will be subject to a 10-year in Federal prison or \$250,000 per firearm. These aren't illegal guns. These are lawfully acquired guns.

For perspective, in 2020, ATF reported that they processed 512,000 National Firearms Act gun registration forms. At that rate, assuming no further backlog and assuming all effective gun owners comply with gun registration date by May 31, it would take the ATF over 78 years to process all the pistol registration forms. The ATF is proposing regulations they aren't even capable of handling. Ms. Swearer, who is in charge of making the rules, making law in the United States of America?

Ms. SWEARER. That would be Congress.

Mr. FRY. Would you say that it is a fair assessment that ATF is attempting to usurp Congress' powers and undermine the Second Amendment?

Ms. SWEARER. I think ATF in recent years has sought to do that in several ways, yes.

Mr. FRY. In what ways? I am curious.

Ms. SWEARER. So, as I noted both in my written and my opening remarks, so one of them is with this pistol brace rule. So, Congress, yes, I think irrationally in 1934, but nonetheless, did seek to regulate short-barrel rifles, and ATF for a long time took the position that these were not short-barrel rifles. And then just like that, it changed its mind and said we are going to override that.

With respect to firearms themselves, ATF decided unilaterally that even though Congress said we can regulate firearms, and frames and receivers of firearms, well, we think now we can regulate almost frames and almost receivers, which is really just a hunk of drilled-out metal. It is not a functional firearm in and of itself. And in that way, we are going to claw back more power for ourselves. So, I think you will see this quite a bit, of ATF not just

interpreting the law, but intentionally misinterpreting the law to give itself more power.

Mr. FRY. The pistol brace ban is unconstitutional. It is irresponsible, and it is, quite frankly, downright maddening. In this poster behind me, you see two guns. Mr. Bosco, would option A or option B make you a felon under ATF's proposed rule?

Mr. BOSCO. Well, option B in 120 days will make you a felon.

Mr. FRY. Do you think the common American citizen would reasonably be able to distinguish which is the firearm of a felon versus a law-abiding citizen?

Mr. BOSCO. Well, that is the whole point here. I mean, this is what I was talking about. Again, I have no disagreement with Ms. Jackson Lee. I have no disagreement with my colleague with respect to what the ATF does, but this is not what the ATF should be doing. The ATF is making a rule, OK, and they are saying that this rule has criminal implication. It circumvents the legislative process. That is what is happening here. All I am saying and all I have been saying is that ATF should not be making laws. That is up to the people at the front of me.

Mr. FRY. What makes this firearm behind me illegal under the ATF proposed rule?

Mr. BOSCO. Well, essentially what they are saying, after 10 years of saying the opposite, is that the piece of plastic attached to the back of that firearm, which is a piece of rubber with two flaps and a strap, is now a stock similar to the one in A.

Mr. FRY. Does the arm brace make the firearm more deadly? For example, does it turn a semi-automatic weapon into a machine gun?

Mr. BOSCO. It doesn't turn the firearm into anything. All it is, is an orthotic device that allows you to fire that weapon in a more safe fashion.

Mr. FRY. What is the impact of this proposed rule, if enacted, to your company?

Mr. BOSCO. We will go out of business. The ATF itself said that four of the five companies will go out of business in their impact study. They said that, so they know that they are doing with this.

Mr. FRY. Has the Federal Government ever indicated to you that they would be willing to compensate you for shutting down your business?

Mr. BOSCO. Never.

Mr. FRY. Thank you, Mr. Chairman. I know I am out of time. I yield back.

Mr. FALLON. Thank you, Mr. Fry. The Chair recognizes Ms. Brown for five minutes.

Ms. BROWN. Thank you, Mr. Chairman. Unfortunately, we are all too familiar with the horrifying statistics that gun violence is the leading cause of death for children and teens in this country. Since the start of this year, ten people—ten people—under the age of 25 were shot and killed in Ohio's 11th congressional District, ten young people whose lives were taken too soon and did not have the opportunity to realize their potential. I have in my hand a list of reports describing each of these tragedies. Mr. Chairman, in recognition of the lives lost, I ask unanimous consent that this list be entered into the record.

Mr. FALLON. So, moved.

Ms. BROWN. Thank you. Just recently, an 18-year-old high school senior was waiting for the bus at John Adams High School, just waiting for the bus, and while on his way home from school, he was shot and killed. Mr. Chairman, John Adams High School is my alma mater. A few days ago, two men in Cleveland were arrested for selling an undercover ATF agent nearly 100 guns as part of an ongoing law enforcement operation to combat gun smuggling.

Many of the guns recovered by the law enforcement were ghost guns, firearms that can be assembled in parts without serial numbers, making them extremely difficult to trace. That is why they are called ghost guns. ATF estimates that about 45,000 ghost guns have been recovered from crime scenes since 2016, with more than 19,000 recovered in 2021 alone. As they are a massive source of violent crime, the reasonable thing to do is regulate ghost guns, but reasonable regulations to protect Americans, like tracking ghost guns, have been strongly opposed by Republicans and the gun industry. And that is despite thousands of American mayors and the majority of the American people begging for more regulation. Because in Republican eyes, not being allowed to manufacture and own deadly weapons of war somehow infringes on the Second Amendment. So, Mr. Wilcox, if you would, please describe the law enforcement challenges presented by the prevalence of ghost guns.

Mr. WILCOX. Thank you, Congresswoman, and I completely agree with your sentiments and respect how you are lifting up the survivors from your community. You know, I think this is one of the fastest-growing threats to public safety in our country because the untraceable product is the dream of gun traffickers and prohibited people who want to acquire easy-to-make guns with no record and no background check. I think we heard a suggestion that these are incredibly difficult to make. They are hunks of metal. That is not the case at all. These are readily converted by just about anyone. And building a ghost gun from the parts that these companies are selling is as close to gunsmithing as making a Lego set is as close to architectural design. These are not the same thing. This is something that is very easy to do with common tools and can be done in about an hour.

So, imagine acquiring these parts with nothing but a credit card or mailing address, some common hand tools, and an hour of time, and now you have an untraceable handgun. That is exactly what a gun trafficker wants, and that is why I am proud ATF is stepping up to regulate that as Congress intended.

Ms. BROWN. On that point, can you please describe how the ATF supports law enforcement in their daily activities, particularly when guns are recovered in a crime?

Mr. WILCOX. As I understand it talking to multiple local law enforcement officials across this country, ATF is the best partner they have in Federal law enforcement. They are on the scene, they are in the field, and they are doing the hard work. Supporting ATF is supporting law enforcement because that is who is helping them with ballistics information, with crime gun tracing, and connecting the dots to trafficking channels. As I mentioned earlier, the only way to get from the shooter to the supplier is in partnership between local law enforcement and ATF.

Ms. BROWN. Thank you so much. Let the record reflect I am a licensed gun owner and respect the rights of individuals afforded under the Second Amendment. However, we can preserve those rights while also implementing commonsense gun safety measures, many of which are supported by our law enforcement, to help them do their jobs and keep all of us safe. Despite this, we continue to hear talking points across the aisle against legitimate restrictions on firearms that will support the job of law enforcement and keep our children and community safe. In the 117th Congress, I was proud to support the Bipartisan Safer Communities Act, which provided hundreds of millions of dollars to support commonsense gun reform. In fact, Cleveland was already awarded \$2 million from that fund to support city-led collaborative community violence intervention and public engagement.

Thank you, Mr. Chairman. I understand my time has expired, but I do want to say this. President Biden is taking action that is desperately needed and timely, and along with that, the congressional Democrats are ready and willing to continue our diligent work to save lives of our country, communities, and children. Thank you, Mr. Chairman.

Mr. FALLON. Your time has expired. The time has expired. The Chair recognizes Mr. Jordan.

Mr. JORDAN. Thank you, Mr. Chairman. Mr. Wilcox, did you or anyone in your organization communicate with the ATF or the Biden Administration about these issues we are discussing today prior to the Notice of Proposed Rulemaking?

Mr. WILCOX. We submitted formal petitions for rulemaking through the appropriate channels, sir.

Mr. JORDAN. Before the Notice of Proposed Rulemaking?

Mr. WILCOX. That is correct.

Mr. JORDAN. So, you are in communication with the Biden Administration wanting to make these changes?

Mr. WILCOX. We filed formal petition for rulemaking through the appropriate channels.

Mr. JORDAN. Who did you talk to?

Mr. WILCOX. It was a written submission, sir.

Mr. JORDAN. Did you speak to anyone personally?

Mr. WILCOX. I didn't.

Mr. JORDAN. Did anyone in your organization talk to anyone?

Mr. WILCOX. I have to check, but I believe we submitted the written submission as a formal submission—

Mr. JORDAN. People in your organization may have talked to folks at the ATF prior to the Notice of Proposed Rulemaking?

Mr. WILCOX. Not that I am aware.

Mr. JORDAN. Did anyone in your organization talk to Mr. Dettelbach before the Notice of Proposed Rulemaking?

Mr. WILCOX. I don't believe Mr. Dettelbach has—

Mr. JORDAN. Or he came in afterward? Has anyone talked to Mr. Dettelbach about this personally?

Mr. WILCOX. Of course, we have been in communication with the ATF and this Administration and in prior administrations.

Mr. JORDAN. Talking to the director? You have talked to the director?

Mr. WILCOX. I mean, we have worked with ATF across administrations.

Mr. JORDAN. Have you talked to the director? It is a simple question.

Mr. WILCOX. Yes, I have communicated with the director.

Mr. JORDAN. You have talked to Mr. Dettelbach.

Mr. WILCOX. Of course.

Mr. JORDAN. Yes, and I find that interesting. I just know, as we are speaking upstairs, the president of the National School Boards Association is sitting for a transcribed interview because the same thing happened there. National School Boards Association talked with the Biden White House, the Biden Justice Department, the Biden Department of Education, concocted this letter that set in motion this whole attack on parents showing up at school boards. And it looks to me like we have a similar operation going on here where you guys worked with the ATF to change something that had been the law for 10 years to go after law-abiding Second Amendment supporting Americans. Mr. Bosco, you invented this stabilizing brace, is that right?

Mr. BOSCO. That is correct.

Mr. JORDAN. And you did it for a Marine buddy, a friend of yours who served our country and was injured?

Mr. BOSCO. That is correct.

Mr. JORDAN. And you were told 10 years ago that the stabilizing brace does not convert a pistol into a short-barreled rifle. Is that right?

Mr. BOSCO. That is correct.

Mr. JORDAN. I got the letter right here from the ATF. November 26, 2012, right? And then, seven weeks ago, 180-degree change, right? 180 degree change, just the opposite. They now say it is just the opposite of what they told you 10 years ago. I know others have talked about this. I think it is so clear, 180-degree change. So, in 10 years and two months, the rule was one way, and you develop business based on the rule that they told you. Your government told you this was fine, and now they have changed it.

Mr. BOSCO. That is correct.

Mr. JORDAN. When did the bill pass to change the law?

Mr. BOSCO. There was no bill.

Mr. JORDAN. No bill. That is the fundamental issue, right? No bill. Mr. Dettelbach, the new director, he never ran for Congress. I don't remember a bill going through Mr. Nadler's committee last Congress that changed the law. I would have known because I am on that committee, the Judiciary Committee, which has jurisdiction over this stuff. I would have known. I don't remember bill passing the full Congress. I don't remember bill in the Senate Judiciary Committee passing or going through the Senate, and I certainly don't remember a bill going to President Biden's desk that he signed into legislation that changed the rule, but this could potentially impact millions of Americans—law-abiding, Second Amendment supporting Americans. Is that right, Mr. Bosco?

Mr. BOSCO. That is absolutely correct.

Mr. JORDAN. How many products have you sold, just your company alone, to Americans? How many stabilizing braces have you sold?

Mr. BOSCO. Many millions. I can say that from 2020 until today, which are the years that the ATF didn't concern itself with when it did its impact study, we sold, our company alone, 2.3 million braces.

Mr. JORDAN. So, while they were doing their study, they didn't count the number of braces that were being sold?

Mr. BOSCO. They didn't count in their impact study.

Mr. JORDAN. That is probably because Mr. Wilcox's organization told him not to count it, right?

Mr. BOSCO. I don't want to—

Mr. JORDAN. Well, they were talking to him all the time, it sounds like, putting this all together going after people to support the Second Amendment. How many Americans do you think it is total? So, I have heard estimates as many as 40 million Americans can be impacted by this.

Mr. BOSCO. Correct. Congressional Research Services has said anywhere between 10 and 40 million Americans own a stabilizing brace.

Mr. JORDAN. Unless you remove the brace, lengthen the barrel, turn in or destroy your firearm, or register your gun with this government that you know you can trust because Mr. Wilcox has been working with them, unless you do those four things, what happens? What are you?

Mr. BOSCO. A felon.

Mr. JORDAN. A felon. A felon for something 10 years ago they said was just fine, that you build a business on, and the business started because you wanted to help a man who put the uniform of his country on his back and served our country was injured. And now they are going to put you out of business and make people felons. But don't worry, Everytown USA, Mr. Wilcox has been working with our government to implement this to target Americans who support the Second Amendment. Such a deal. Such a deal. That is why we need legislation to say—we need to pass that law. That is what we do need to pass into law now, based on what has happened with this organization. Mr. Chairman, I yield back.

Mr. FALLON. Thank you, sir. The Chair recognizes Ms. Stansbury for five minutes.

Ms. STANSBURY. Thank you, Mr. Chairman. Uvalde, Buffalo—this week, Sumter, Milwaukee, Tampa. Some of you may not have heard that, just this morning at the street in Baltimore. When will this violence stop? Our communities are living in fear. Our children are literally afraid to go to school. When will this body take meaningful action? This includes in my hometown of Albuquerque, where just a year-and-a-half ago, a young man named Bennie Hargrove, who was only 13 years old, an eighth grader at Washington Middle School, tragically lost his life.

I want to tell you Bennie's story. It was Friday, August 13, 2021. It was only the third day of school. He had just started the 8th grade. Bennie was a good student. He was a good friend. He was brave. And shortly before 1 p.m. on that day, he saw one of his classmates bullying another one of his classmates. He stepped in to try to deescalate what was going on, but what Bennie did not know on that day was that his classmate had brought a gun to school, and Bennie died in the hospital at 13 years old. Now, just

this last week in my state legislature in New Mexico, my own state House representative, who is championing these issues at home, Pamelya Herndon, just passed the Bennie Hargrove Safety Act in New Mexico, and our Governor proudly signed it. But people across the country are begging us to take action because our children are literally afraid to go to school.

I have heard a lot of testimony this morning from my friends across the aisle calling into question the Second Amendment, and the right to freedom, and law-abiding citizens. That is not what we are talking about this morning. We are talking about the safety of our children and our communities, and about taking meaningful action in this body to stem the tide of violence that is affecting every single community across the country. I want to thank the moms, and the advocates, and the survivors who I see here in the audience today and who are tuning in here today to hear this first of a hearing. I want to thank Mr. Wilcox for being here to help represent the voices of all of those individuals here in this hearing today.

I have listened to my friends across the aisle take umbrage with our Federal law enforcement this morning. These are men and women who put their lives on the line every single day to serve our country. When are we going to take action to protect our children? When is this body going to take meaningful action? That is what our children are asking us. Now don't get me wrong. I am deeply proud of the bipartisan Community Safety Bill that we passed last summer. It is the most significant piece of legislation in 30 years because of the impact of the gun lobby, which I am sure is loud and proud in the background in this hearing today, but we need to take meaningful action. And so, Mr. Wilcox, I want to ask you, what are the actions that we must take to protect our communities?

Mr. WILCOX. Thank you for that question, Congresswoman. I think first we need to be implementing the Bipartisan Safer Communities Act and the laws on the books, just like ATF has been doing with ghost guns, and with arm braces, with unlicensed sellers who make gun sales without background checks. We also have to keep passing foundational laws, background checks on all gun sales, ensuring there is an extreme risk protection order process across the country, and that people who own guns, like my family, store them securely because we know that 80 percent of the guns that are used in school shootings, those are coming from the home, the home of the parent, or family, or relative. And that is our intervention point, responsible gun ownership, which I think there is agreement on this dais about, as well as commonsense and constitutional gun laws to keep guns out of the hands who shouldn't have them, while supporting our Federal law enforcement officers at ATF.

Ms. STANSBURY. Thank you, Mr. Wilcox. And with that, Mr. Chairman, I yield back, and I beg my colleagues to take urgent action now.

Mr. FALLON. Thank you. The Chair recognizes myself for my time. Mr. Wilcox, is a stabilizing brace a ghost gun?

Mr. WILCOX. No.

Mr. FALLON. OK. So, I just want for the record to recognize the fact that our Democratic colleagues were in charge of this chamber

for four years, and there was no legislation passed to regulate or ban ghost guns. In fact, it wasn't even marked up, and my colleague just said that they were begging for action. Well, you had four years, and you did nothing about that particular issue at all. We are talking about a stabilizing brace, and we are also talking about bureaucratic overreach and an end-around to the democratic process, and I suspected that we were going to be insulted, and I wasn't disappointed. So, Mr. Wilcox, is it your firm belief that less guns will equate to less violence?

Mr. WILCOX. Thanks for the question, Chairman. It is my belief that strong gun laws lead to less gun violence.

Mr. FALLON. So, less guns is better?

Mr. WILCOX. No, strong gun laws lead to less gun violence.

Mr. FALLON. What are stricter laws going to do? It was going to limit gun ownership, wouldn't it?

Mr. WILCOX. So, we looked at every state across 50 policies, and what we found is the states that had the strongest suite of policies had the least amount of gun violence.

Mr. FALLON. Well, that is not what I am asking. Furthermore, you can play a game with states. You compare Vermont to Texas, and it is very unfair comparison. I can also compare North Dakota to California. You are not comparing apples to apples. So, I think that it is very interesting to point out that in 1980, in this country, there were 226 million people. We had 23,040 murders. It was a murder rate of 10.2 per 100,000, and there were approximately 280 million guns. In 2019, there were 400 million guns, so a significant increase. They were 16,425 murders for a murder rate of 5.0.

We understand that one murder is one too many, but you can't legislate away evil. Gun control in Mexico is very strict. In fact, for all intents and purposes, it is very difficult for an average Mexican citizen, although the constitution says they can own a gun, it is very difficult for them to do so, and also, every single firearm in Mexico is supposed to be registered. Mexico has 124 million people—

[Disturbance in hearing room.]

Voice. I think—

Mr. FALLON. Whoa. Whoa. Ma'am? Ma'am?

Mr. BIGGS. OK, Officer—

Mr. FALLON. All right.

Mr. BIGGS. Out she goes. She has got to go.

Mr. FALLON. Please remove that woman, please.

Mr. BIGGS. Yes, Officer, please.

Mr. FALLON. You are removed. You are breaching protocol and disorder in the Committee room.

Voice. You took my son away from me. I am not going anywhere.

Mr. BIGGS. He never took anyone away.

Mr. FALLON. No, no. Officer, please remove her, and remove the gentleman, too, and I am going to read a statement for the other folks in attendance. The Committee welcomes the public to this meeting. We have people on both sides of the aisle that, not only up here, but in the audience, that have differing opinions. While you are welcome here, I want to point out to the Members and to the audience in attendance today, House Rule 11 provides that the Chairman of the Committee may punish breaches of order and de-

corum by censure and exclusion from the hearing. All participants will be required to avoid unruly behavior and inappropriate language. Expressions of support or opposition are not in order. I expect all parties to these proceedings to conduct themselves at all times in a manner that reflects credibility on the House of Representatives.

OK. Now I am going to reclaim my time. You know what? I am probably pretty emotional as well. I think some people are, and we should be, because it is my firm belief that if you look at Mexico with 124 million people, the murder rate in this country is 5 per 100,000. Mexico with their very strong, strict gun laws, the murder rate is 29 per 100,000. That is remarkably higher, so how can that be if laws can wash away, unfortunately, human nature. They can't, and evil is evil.

Whether someone is murdered with a gun, with a knife, with a car, a bomb, or even with your bare hands, the fact of the matter is what a firearm does is equalizing the playing field, particularly for elderly and for women, for folks that may not have the physical strength to defend themselves. So, when we were called apologists for gun violence, we are using this for political tools, insurrectionists, and we are out of step, this is about the democratic process. We are supposed to pass laws. Congress, not unelected bureaucrats.

If that is the case, we can all just go home. I would rather spend more time with my family, quite frankly, my 13-and 16-year-old sons. I want to keep them safer. I want to keep everybody in this room safer, and I find it very hypocritical that some Members of Congress hire armed security to protect themselves with firearms. So, firearms are OK if they protect them, but not other people, the great masses.

Alcohol-related deaths in 2020: 13.1 per 100,000. We are talking about regulating anymore alcohol? We are talking about banning it? We are talking about making new rules to make it harder to get alcohol? No. Deaths by car, vehicles: 38,824, 11.2 per 100,000. Anybody want to ban cars? Any talk of that? No. Mass shootings, one is too many. In November 2021, in Wisconsin, a driver drove his SUV through a Christmas parade and he killed six. Was there any talk of banning cars? No. We weren't going to ban the Ford Escape he used or any like them. The Ford Super Duty pickup truck in October 2017 in Manhattan, drove his truck along a bike path and crashed into a school bus, killing eight. There was no talk of that. It is not the gun that kills people. It is the person pulling the trigger. A gun is merely a tool.

So, you have a stabilizing brace, Mr. Bosco.

[Disturbance in hearing room.]

Mr. FALLON. See, this is exactly what we have to avoid, which is some minority of folks trying to silence dissent. Dissent shouldn't be kryptonite. We should have a civil conversation. We should have a spirited exchange of ideas. Mr. Raskin and I do, and I really respect him because he is good and he firmly believes what he believes. I believe, a lot of the time differing, but there is a decorum that should be adhered to.

So, Mr. Bosco, your brace is not a ghost gun, correct?

[Disturbance in hearing room.]

Mr. FALLON. Is this an insurrection? So, will they be held to the same—I don't want another January 6. Do we? Mr. Bosco—

Mr. CICILLINE. If they are trying to overthrow the government, they ought to be held to the same standard, but I think they are trying to express their—

Mr. FALLON. Whoa, whoa, whoa, whoa, whoa. The Member is out of line.

Mr. CICILLINE. Point of order. The gentleman's time has expired.

Mr. FALLON. Yes, and here is a point of order.

Mr. BIGGS. He wasn't here to begin with.

Mr. FALLON. You weren't here to begin with. Ms. Jackson Lee went four-and-a-half; minutes over. We said that I was going to take one additional minute and Mr. Biggs was going to take one additional minute. She went over by four-and-a-half minutes.

Mr. Bosco, you invented the pistol brace after witnessing a disabled combat veteran struggling to shoot while—

[Disturbance in hearing room.]

Mr. FALLON. Does the Capitol Police not doing their jobs? What the hell is going on? All right. This hearing is recessed.

[Recess.]

Mr. FALLON. This proceeding is called to order. Just a quick note on what had transpired. There are House rules that govern proceedings. Unfortunately, we had some folks that were disruptive during the hearing. We asked Capitol Police to remove them, they were then removed, and then one decided to come back in while we were still gaveled in and disrupted the hearing. That is when we had a recess. Capitol Police were overwhelmed outside in the hallway, and now we are back in session.

So, I have one minute left, and this is what I want to talk about. Dissent is not kryptonite. It is the basis of this Nation. I was on a city council, first elected office I had in 2009. We used to give our citizens five minutes to speak, and she came in and told us how awful we were and enumerated the reasons as to why, and I thought that was wonderful. In fact, she ended writing me a letter, and I put it in a frame, and I put it in my office, and my friends would come in and read it and say why on earth would you put that in your office? And I said because she can write that letter to a government official knowing in this country that her house isn't going to be burned down, that her car is not going to be confiscated, that she is not going to have a fear of suffer violence because she simply spoke up to folks that are in power and elected.

And that is the majesty of our representative republic, and we should have a spirited exchange of ideas which we have had in this Committee and, I would imagine, over the next hour or so, we will continue to have. But to be that disruptive and to be that narcissistic to breach the quorum and disruption shouldn't be applauded, and it is sure as hell shouldn't be applauded by Members of this Committee. That is why I was a little bit shocked that one Member did that. So, my time has now expired.

Mr. IVEY. Would the gentleman yield for a moment?

Mr. FALLON. I will not yield. We are just going to move on. Go ahead if you have a quick question.

Mr. IVEY. I just wanted to say this. There is a bill coming up that is a Republican-sponsored bill based on the Loudoun County School

Board protests. And the Republicans, I guess, are arguing that that gentleman who was removed from that proceeding was mistreated, and that is part of the FBI weaponization strategy, I guess.

Mr. FALLON. All right, sir. I have absolutely, literally no idea what you are talking about.

Mr. IVEY. Let me just say this.

Mr. FALLON. No, we are done. We are done. We are done. No, no, no, we are moving on. We are not going to get in this. We can have a discussion all day long. I will see you on the Floor. We can talk all day. I love that, and I think that you can learn from people that disagree with you, and so I have no problem with chatting. We will chat each other out—

Mr. IVEY. We will continue with this when it is time to vote on Republican bill.

Mr. FALLON. Very good, and we will chat each other out. OK. So now, the Chair recognizes Ms. Holmes Norton. Is she here? No. Who is going to be next? Mr. Cicilline, you are next.

Mr. CICILLINE. Thank you. I want to just quickly rebut two claims that have been made in this hearing, one, that we have done nothing about ghost guns. The ATF has taken action to limit ghost guns. We passed my bill to ban ghost guns as part of the Protect Our Kids Act. It wasn't acted upon by the Senate. And second, this notion that somehow guns level the playing field for women. Really? More than two-thirds of the victims shot and killed by intimate partners are women. And the presence of a firearm makes an abuser five times more likely to take a partner's life than if no firearm was present. So, we will just set those two claims aside quickly.

The reality is every day in this country, 120 people are killed by gun violence. That is one life lost every 12 minutes. Gun violence is now the leading cause of death in children and teens in this country. There have been more mass shootings than days in 2023. Our children are participating and being traumatized by active shooter drills because the risk of a school shooting is so high. We have even seen a new design for bulletproof mini room to be installed in classrooms to provide better protection if they are forced to shelter in place. This has become our day-to-day reality in the United States, but we cannot accept this as normal. And yet as we continue to see the gun violence epidemic in this country continue to grow, how do my Republican colleagues respond? By trying to abolish the ATF, the Agency responsible for implementing regulations to curb this violence and carnage.

And that brings me to my first question. Mr. Bosco, this is a "yes" or "no." Is this AR-15 equipped with an SB tactical arm brace?

Mr. BOSCO. Yes, it is.

Mr. CICILLINE. Thank you. Now, for members of the audience, this is a picture of the weapon used by the mass shooter who killed five people and wounded 17 on November 19 in the Club Q shooting, an LGBTQ club in Colorado. It appears to have an SB tactical arm brace just identified. The shooter had several run-ins with law enforcement before this massacre, including an incident where he had held his grandparents hostage that led to a SWAT team stand-off in 2019. Mr. Wilcox, if the ATF arm brace rule had been en-

acted earlier, even last year, would the shooter have been able to obtain this kind of weapon?

Mr. WILCOX. Thanks for that question. The fact is, is that short-barreled rifles aren't showing up in mass shootings unless they have been equipped with an arm brace because those have been able to get around the national firearm restrictions. So no, that product wouldn't have been available as easily as it was if the regulation had been in place.

Mr. CICILLINE. And Colorado Springs is sadly just one example. Mr. Wilcox, have any other mass shootings been committed with AR-15 style weapons with arm braces?

Mr. WILCOX. Yes, Congressman. I am aware of at least two others, one in Dayton, Ohio, and another in Boulder, Colorado.

Mr. CICILLINE. Now, we have heard a lot today about ATF rules subjecting firearms equipped with stabilizers and braces to regulation. Does that rule do anything more than close a loophole that allowed people to evade public safety regulations simply by adding accessories to pistols to transform them into short-barreled rifles?

Mr. WILCOX. No, Congressman. This is ATF enforcing the laws on the books, assessing technology going through the notice and comment rulemaking process, taking appropriate action, and providing ample compliance opportunities, waiving the fees that come with the National Firearms Act, and having a grace period so that law-abiding, responsible citizens can take advantage and register their weapons, if they wish.

Mr. CICILLINE. And again, short-barreled rifles have been regulated under the National Firearms Act since 1934. Isn't that correct?

Mr. WILCOX. That is correct. Your predecessors in Congress established the clear law in the 1930's around short-barreled rifles.

Mr. CICILLINE. And stabilizing braces have been examined by the ATF since 2012. Why did it take so long for the Agency to close this loophole?

Mr. WILCOX. So, it is because I believe technology has changed in that time, and, in fact, this wasn't the first time ATF acted. Under the last Administration, the Trump Administration, they took action sending a cease and desist letter to one company that was selling a short-barreled rifle equipped with an arm brace. And so we have seen ATF consistently act as they start to assess technology before entering the formal notice and comment rulemaking process.

Mr. CICILLINE. And does the ATF rule prohibit veterans, or the disabled, or any law-abiding American from possessing a firearm equipped with a stabilizing brace? And will disabled veterans be able to keep these types of firearms, even if the stabilizing brace was designed to be fired from the shoulder?

Mr. WILCOX. Absolutely, Congressman. There is no prohibition in this regulation. There is no prohibition on short-barreled rifles in the National Firearms Act. In fact, ATF processes hundreds of thousands of national firearm applications every year for millions of firearm. This is something ATF knows how to do and does do.

Mr. CICILLINE. Thank you. I want to just end by thanking all the advocates here for gun safety for all your good work and for being

present today to hold everyone accountable for their remarks and their votes, and I yield back.

Mr. FALLON. The Chair recognizes Mr. Perry for his five minutes.

Mr. PERRY. I thank the Chairman.

Mr. FALLON. Sorry. Go ahead, Mr. Biggs. OK. Mr. Perry, go ahead.

Mr. PERRY. I am trying to balance, right? I am trying to balance the safety of the citizens in the United States of America with the God-given constitutional rights enshrined in the Constitution, came down from God that we can defend ourselves. We are trying to balance that, and that, I think, is what this discussion is about. And then who does that balancing, whether we are a Nation of laws or a Nation of hysteria and screaming, which doesn't seem to produce much but a bunch of screaming, and I get that people are exercised. But there are people here that are elected and accountable to make the laws. Unfortunately, in this case, folks that aren't accountable seem to be making laws with the power to put you in jail, the authority to put you in jail if you disagree. Mr. Wilcox, are you a gun manufacturer?

Mr. WILCOX. Are you asking if I am a licensed gun manufacturer?

Mr. PERRY. I am just asking if you are a gun manufacturer?

Mr. WILCOX. I am not.

Mr. PERRY. Licensed or otherwise. So, you are not. Have you made a so-called ghost gun?

Mr. WILCOX. I have not.

Mr. PERRY. You have not. What are the tools necessary to manufacture the so called ghost gun?

Mr. WILCOX. So, I have worked with a number of veterans who have made this, and to make the handgun model if you buy the polymer frame with the kit, what you need is a hand drill and a hand file. So actually, these aren't motorized tools or battery-operated tools at all. They are just working with muscle power, and—

Mr. PERRY. So, you have done it? When you said you have worked with them, you stood right next to them, you held the tools, you are saying a hand drill, and what was the other thing, a file?

Mr. WILCOX. A hand file, yes, sir. I would be happy to send you the link. It is on YouTube. It actually, shockingly, has 4 million views of people seeing these hand tools in under an hour convert this frame into something that can be used in a firearm.

Mr. PERRY. So, you don't have the tools, and you are talking about that you have assisted veterans doing it, and I can go watch on YouTube. Do you think that everything you see on YouTube is real?

Mr. WILCOX. I sure hope not, or my kids would be in trouble.

Mr. PERRY. OK. All right. Well, I think that is fair. What are the components of what you characterize as a ghost gun?

Mr. WILCOX. The core of the ghost gun is the frame or the receiver that can be readily converted into operational status, and ATF is making that—

Mr. PERRY. So, hold on a second. Let's be clear. The frame or the receiver, or the frame and the receiver, what is it?

Mr. WILCOX. It is a good question, sir.

Mr. PERRY. I know it is.

Mr. WILCOX. But the frame is for the handgun, and the receiver is for the long gun.

Mr. PERRY. So, a handgun doesn't have a receiver?

Mr. WILCOX. That is correct.

Mr. PERRY. And a long gun does?

Mr. WILCOX. Correct.

Mr. PERRY. Interesting. On YouTube, when you watch this video, so to speak, at what point did the components—or forget the YouTube. When you assisted, when you personally assisted with a hand drill, not even on an electric—you are talking a hand drill with a crank, right? When you assisted with that, at what point did those components become a gun?

Mr. WILCOX. When Polymer 80 was selling those parts, those are firearms and would be regulated as such.

Mr. PERRY. No. So, it was in the package and it showed up, was it a gun?

Mr. WILCOX. Yes, that is a firearm.

Mr. PERRY. You could fire it when it showed up in the package?

Mr. WILCOX. That is not what the law says, sir.

Mr. PERRY. No, no, I am asking you. When it showed up, however it showed up at the house in the package before the hand drill and the file, was it a gun?

Mr. WILCOX. Yes, sir, because Congress has defined firearm—

Mr. PERRY. Could you fire it?

Mr. WILCOX. That is not how Congress define “firearm,” sir.

Mr. PERRY. And how does Congress define “firearm?”

Mr. WILCOX. An operational weapon—

Mr. PERRY. Is it operational when it shows up in the mail, the components?

Mr. WILCOX. Yes, sir.

Mr. PERRY. So, why are you filing, and why are you drilling it?

Mr. WILCOX. Because the firearm definition is operational or—

Mr. PERRY. No, no. I am asking you if it doesn't work when it shows up, why do you have to do those things? Sir, the point is it is not a gun. At what point are you going to outlaw or are you going to sanction the ATF outlawing a block of aluminum, a block of steel, a screw? And by the way, you have no idea what you are talking about regarding receivers or frame. Sir, you are unqualified to comment on this because you have no idea what you are talking about. You haven't manufactured anything. Let's face it, you have no idea. Sir, I am going to turn to Mr. Larosiere. Do folks that kill other people, do they apply for permits when getting a gun?

Mr. LAROSIERE. Certainly not in my experience.

Mr. PERRY. Criminals. Do criminals go out to their local gun shop, and fill out the paperwork, and pray to the good Lord that they are not found out to be criminals when they want to purchase a gun?

Mr. LAROSIERE. I think it would be odd for them to do that, so no.

Mr. PERRY. I yield the balance, Mr. Chairman.

Mr. FALLON. Thank you. The Chair recognizes Mr. Krishnamoorthi for his five minutes. No? All right. Yes, yes. OK. Good.

Mr. KRISHNAMOORTHI. Thank you, Mr. Chair. I want to address some issues that have been raised in this hearing. First of all, I believe that there have been some claims of the Biden ATF and Democrats attacking the Second Amendment, so I just wanted to clarify the record a little bit. Mr. Wilcox, I was under the impression that it was the ATF under the Trump Administration that issued a notice seeking public comment on criteria for evaluating stabilizing braces, correct?

Mr. WILCOX. That is correct.

Mr. KRISHNAMOORTHI. And that was December 18, 2020. However, ATF notice to address the stabilizing brace was abruptly abandoned on December 31 following pressure from House Republicans. Isn't that right?

Mr. WILCOX. That is my understanding.

Mr. KRISHNAMOORTHI. In fact, 90 of my House Republican colleagues pressured ATF into withdrawing its guidance on this particular topic. Mr. Wilcox, how long did it take for a mass shooting to occur involving an AR-style pistol with a stabilizing brace following the rescinding of ATF's notice?

Mr. WILCOX. Tragically, sir, I think it was mere weeks.

Mr. KRISHNAMOORTHI. Well, it ended up being only three months later. On March 22, 2021, ten people were tragically killed at King Soopers grocery store in Boulder, Colorado by a gunman who was armed with an AR-style pistol with a stabilizing brace. Now Mr. Larosiere, you have a YouTube channel called Fudd Busters. Isn't that right?

Mr. LAROSIERE. Yes. I see you are a fan.

Mr. KRISHNAMOORTHI. I actually have a screenshot right here. This is your YouTube channel, correct?

Mr. LAROSIERE. Yes, sir.

Mr. KRISHNAMOORTHI. OK. And Fudd Busters is kind of your handle for YouTube and social media. Isn't that right?

Mr. LAROSIERE. For YouTube, correct.

Mr. KRISHNAMOORTHI. OK. And you have a similar account for Twitter with Fudd Busters, correct?

Mr. LAROSIERE. Yes.

Mr. KRISHNAMOORTHI. OK. Very good. Very good. Well, we went back and looked at your Twitter history on Fudd Busters—can you hold that, please—and this is what we found. Can you see this tweet?

Mr. LAROSIERE. Yes, I can.

Mr. KRISHNAMOORTHI. This is from January 27, 2023, at 7:51 p.m. where you said something very, very disturbing. What were you thinking when you wrote that statement?

Mr. LAROSIERE. I was very upset about the very public execution of an individual, but I don't think that that is the subject of this hearing.

Mr. KRISHNAMOORTHI. Those are your words, right?

Mr. LAROSIERE. Oh yes, they are.

Mr. KRISHNAMOORTHI. Correct. I find these deeply offensive as somebody who believes very much in protecting law enforcement, not attacking them. Mr. Wilcox, what is your reaction to this particular tweet by Mr. Larosiere?

Mr. WILCOX. I find the words offensive. I think it is an attack on law enforcement. And to the subject of this hearing, we need to be supporting agencies like ATF who are doing the work on the frontlines, not threatening to abolish or defund them.

Mr. KRISHNAMOORTHY. And certainly not this probably, too?

Mr. WILCOX. No, sir.

Mr. KRISHNAMOORTHY. You know, Mr. Chairman, I just respectfully submit that when we talk about law enforcement in this way, using such epithets about them, that we are really harming public safety, not enhancing it, and, Mr. Larosiere this is deeply, deeply disturbing conduct. Thank you so much, and I yield back.

Mr. FALLON. The Chair recognizes Mr. Biggs.

Mr. BIGGS. Thank you, Mr. Chairman. I am just going to submit two articles for the record, one from the Washington Times and from ABC News, interestingly, where the gentleman who was escorted out earlier, was escorted from the President's—President Biden's event earlier. Thank you.

Mr. FALLON. Without objection, so moved.

Mr. FALLON. The Chair recognizes Mr. Tiffany for his five minutes.

Mr. TIFFANY. I haven't been in this hearing room before, Mr. Chairman. Mr. Bosco, we are hearing about banks and other lending institutions that are not lending to companies that make firearms, make munitions, things like that. Are you familiar with that?

Mr. BOSCO. I am, yes.

Mr. TIFFANY. Tell us how pervasive it is.

Mr. BOSCO. Well, I mean, as a small business owner, when you start off a company, obviously somebody like myself, who does not come from money, had to go through typical lenders to try and find funding for what I was doing, and, you know, you need to find a smaller bank essentially. If you use a larger bank and you say what you are doing, essentially they will tell you no, so there is no other place to go other than smaller lending institutions.

Mr. TIFFANY. So, what do you think when you hear that that the ability to lend is being suppressed?

Mr. BOSCO. I believe it.

Mr. TIFFANY. So, where is it driven from?

Mr. BOSCO. I mean, it is a politicization. You certainly have people in banks that have political opinions, and what they do is they use those political opinions to essentially stop you from obtaining any money from them.

Mr. TIFFANY. So, there is a real-world example going on, right in our state of Wisconsin. At this time, I believe it is Bank of America has cutoff a company that is involved in producing these types of products, and fortunately, a regional bank who really does a good job, it is good for them. They are going to pick up that business, but you got one of the big banks that are just saying you are now persona non grata. Won't you kind of put this under the heading of ESG—

Mr. BOSCO. I would, yes.

Mr. TIFFANY. Yes, for sure. I hope I say your name correctly, Mr. Larosiere. Do you have any comments in regards to that issue?

Mr. LAROSIERE. As far as de-banking the firearms industry?

Mr. TIFFANY. Yes.

Mr. LAROSIERE. It has been an incredible source of tumult for my clients, and especially, when you are talking about small businesses, fewer than 15 employees, then having to pay exorbitant rates, you know, for things like credit card processing. That is why I am glad that measures have been taking in states like my own in Florida to kind of put a stop to that. But I am also involved in the firearms industry, and I can certainly say that most people will have to either find some unconventional loans, or self-start and bootstrap, and very often resort to credit cards whereas other businesses don't have that problem.

Mr. TIFFANY. Thank you. Mr. Wilcox, if a person lies on Form 4473 and is a user of unlawful drugs, you can get between 5 to 10 years for that. Is that correct? Is that my understanding?

Mr. WILCOX. No, I believe Congress changed the sentence last Congress.

Mr. TIFFANY. What is that sentence now?

Mr. WILCOX. Up to 15.

Mr. TIFFANY. Up to 15 years. Why hasn't Hunter Biden been prosecuted for the crime that he committed?

Mr. WILCOX. I am not aware of the facts of that case, and I can't comment on it.

Mr. TIFFANY. OK. Who would we talk to, to see why this case is not being prosecuted? I mean, he said very clearly in his book that he used drugs, he had gun, a gun, at least a gun.

Mr. IVEY. Point of order, Mr. Chairman.

Mr. FALLON. State your point of order?

Mr. IVEY. Totally irrelevant and not germane to this proceeding.

Mr. FALLON. Sir, he has got his five minutes. Go ahead, continue.

Mr. TIFFANY. OK. I understand why you do not want Mr. Wilcox to answer that question. It is very clear why you don't want it because there is a dual system of justice in America. That is what is going on right now, and everybody is talking about it across America. There are two standards of justice that are going on.

So, I will just close by saying this, Mr. Chairman. You know, time and again, we find ourselves addressing these cynical plays by the Biden Administration. Now they are, you know, going after the gun-owning people of America, by the way, of legal gun-owning people across America, and it is always using administrative law to do it. This is nothing but a cynical ploy that is going on by the Biden Administration, trying to score points with those people that are in their corner of the American public.

All you got to do is look at what happened with the student loan thing. It was an election year gambit that went on. They were trying to motivate young people to get out and vote, and how could they do that best? By playing the Supreme Court and Republicans off, oh, those are those evil people that are going to make you have to pay off your student loan. By the way, I have two daughters who have student loans, and they should pay it off. They signed the contract. Our family signed the contract. They should do it. And yet this is this kind of cynical stuff that goes on with the Biden Administration all the time, and this is no different. This is no different at all.

It is time that my colleagues on the left in the Biden Administration stop trying to unconstitutionally make law-abiding citizens into criminals. Stop using administrative law the way you are using it. I yield back.

Mr. FALLON. Thank you. The Chair recognizes Mrs. McBath for five minutes.

Mrs. MCBATH. Thank you so much, Mr. Chairman, and thank you so much to our witnesses today. I have read your testimonies. I am grateful that the Majority has provided us this opportunity to highlight the great and very successful work that the ATF is doing to combat gun violence and also keep our community safe.

As most people in this room know, the ATF finally has a permanent director after almost 10 years without a leader at the helm of one of the most consequential agencies in the Federal Government, an agency tasked with keeping guns out of the hands of those who are in danger to themselves or their communities, an agency that partners day in and day out with our local and our state law enforcement agencies, and an agency that simply just helps stop crime before it happens.

I know that there has been an effort in this room to criticize the ATF and the important work that they are doing. However, I think something that we can all agree upon is that we all want to save American lives, we all want to prevent violent crime, and we all want to keep our community safe, and that is exactly the type of work that the ATF does day in and day out.

And it is not just this side of the aisle that recognizes the importance of a supported ATF. When Director Dettelbach was nominated, the Federal Law Enforcement Officers Association, which represents over 26,000 law enforcement professionals, issued a letter of support, as did the International Association of Chiefs of Police, the world's largest organization for police leaders, and the Women in Federal Law Enforcement Foundation. The public, law enforcement groups, and survivors, such as myself, know the difference that a supported ATF can make in our fight against gun violence.

My questions are for you, Mr. Wilcox. The ATF recently issued a comprehensive report on gun trafficking for the first time in 20 years. Can you please speak to the importance of regular gun trafficking reports in our fight against gun violence, and how law-makers such as ourselves sitting in this room, or some of us sitting in this room, can utilize such reports in crafting legislation?

Mr. WILCOX. Thank you for the question, Congresswoman, and your leadership. I think as the director said in the opening, information is power, and the second volume of the gun trafficking report provides real information about where we should be focusing our attention. It taught us that there has been a 1,000-percent increase in the recovery of ghost guns in the past five years, a 500-percent increase in the recovery of machine gun conversion devices, and that guns are moving from gun dealers to crime scenes faster than they ever have before.

These are concrete intervention points where we could focus resources to address the proliferation of ghost guns, machine gun conversion devices, like auto sears, that slip into a handgun and can be printed for quarters on the dollar from computer code, and

cracking down on the gun-trafficking channels. ATF has taken that information and converted it to action by going after rogue gun dealers like the one who was selling dozens of guns to individuals who are engaged in unlicensed unlawful gun sales. cracking down on trafficking rings that are moving hundreds of guns from one state to the next.

And so these are really the clues, but it is not the end of the story. There is volume 3 and 4 still to come. And the hard-working, brave men and women at ATF are going to continue to accumulate data, produce it, and hopefully lead us to the data-driven results and solutions we know we need, like the Bipartisan Safer Communities Act.

Mrs. MCBATH. Well, thank you. Local and state law enforcement, they regularly work with ATF in solving crimes and preventing them from happening again and again and again. Can you please describe the expertise and the resources that the ATF provides to our local and state police departments?

Mr. WILCOX. There really is no better partner to local and state law enforcement than ATF. They provide needed technology to assess ballistics, to trace crime guns, identify crime trafficking patterns, and help solve investigations. Just recently, they helped to bust a fentanyl trafficking ring that also involved a gun-trafficking element. So, ATF is out in the world. They are out in the community doing the work, providing a force multiplier for local law enforcement who is seeking to address violent crime, illegal guns, and to keep our community safe.

Mrs. MCBATH. Well, thank you so very much for that. And honestly, I am so grateful that we do have a director at this time because right now, we do seem to be making some headway, making some commonsense decisions, and keeping Americans safe. Thank you so much, and I yield back.

Mr. FALLON. Thank you. The Chair recognizes Mr. Clyde for five minutes.

Mr. CLYDE. Thank you, Subcommittee Chairman Fallon and Subcommittee Chairman Biggs for allowing me—

Mr. FALLON. You can just call us “chairman.” That is fine. You don’t have to be specific.

Mr. CLYDE. “Chairman” works? But thank you for allowing me to participate in this joint hearing. As one of the few Federal firearms licensees in Congress and a small business gun store owner for over 30 years, I have had a lot of experience working with ATF. Our unalienable right to keep and bear arms, this fundamental freedom, is certainly under attack by President Biden and the ATF with the new framing receiver rule, the pistol brace rule, and now the most recent attempt at universal background checks through President Biden’s executive order.

On January 13, the ATF finalized its pistol brace rule, which unlawfully treats firearms as stabilizing braces, as short-barreled National Firearms Act restricted weapons, effectively turning millions of law-abiding gun owners, including many disabled veterans, into criminals in just 120 days. Unelected anti-gun bureaucrats announced a law to law-abiding gun owners possessing these pistols with these attached braces, that starting on January 31, they have only 120 days to register, turn over, dismantle, or destroy their

firearms. Failure to comply with this unconstitutional measure will result in up to 10 years in jail and a \$250,000 fine. The ATF's abuse of rulemaking authority dangerously violates Americans' Second Amendment rights, irresponsibly disregards Congress' sole legislative authority, and reveals yet another uninformed flip-flop decision by anti-gun bureaucrats at the ATF.

Back in 2012, pistol braces were determined legal to use and shoulder. The decision was reversed three years later in 2015, claiming stabilizing braces were illegal to shoulder turning pistol brace firearms into unregistered short-barreled rifles. This changed again in 2017, when stabilizing braces were once more determined to be legal to shoulder. And now here we are in 2023 as the ATF is, yet again, vilifying pistol braces and turning their owners into criminals, and, in the process, destroying the hard work of entrepreneurs and small business owners like Mr. Bosco.

To help with this injustice, this week, I introduced the joint resolution of disapproval, H.J. Res. 44, under the congressional Review Act, with Congressman Richard Hudson, as well as the support of over 180 of my House Republican colleagues as original co-sponsors, to repeal the tyranny of ATF misguided and unconstitutional pistol brace rule. This ATF rule and every other form of gun control pushed by the Biden Administration is nothing more than a thinly veiled assault on our Second Amendment Rights. It is yet another attempt to advocate backdoor gun control in order to disarm our Nation and dismantle Americans' Second Amendment freedoms. The intended end result would be an unarmed America, which would make for a less safe and less free America.

Mrs. SWEARER, will the ATF's pistol brace rule reduce crime and save lives, do you think?

Ms. SWEARER. Almost certainly not. In fact, it is mostly liable to create felons where there were not felons before instead of attacking violent crime as it currently exists.

Mr. CLYDE. And by the tens of thousands of them?

Ms. SWEARER. Yes, sir.

Mr. CLYDE. So, if the intent is not to reduce crime and save lives, what do you believe is the purpose of ATF's pistol brace rule?

Ms. SWEARER. I firmly believe that the intended purpose is simply to try to do something, if you will, about gun violence in the typical way of, well, look, we have done something. We have regulated more. The problem is the regulation is not directed at the violent criminals themselves. It is directed at millions of peaceable citizens who are not and never were the problem. Meanwhile, to the extent that it is regulating these devices for would-be-violent criminals, congratulations. They have a plethora of other ways of either obtaining that same firearm because if they are not prohibited and just bent on violence, they can pay the \$200 tax and they still have the same firearm. So, we have not even cut down that option for them, or they can turn around, as most of them do, and break other laws, obtain firearms off the street with a pistol brace or no pistol brace, NFA or not NFA. And, as most of them do, they are already not using these firearms. They are using non-NFA firearms.

Mr. CLYDE. Right.

Ms. SWEARER. It just is not directed remotely at any part of the problem.

Mr. CLYDE. Mr. Bosco, in 2012 and 2017, the ATF found pistol braces were not subject to the National Firearms Act controls. Has the basic design of stabilizing brace has changed over the last six to 10 years?

Mr. BOSCO. The brace has been the same thing that I have done in 2012. It is a piece of rubber that attaches to the back of the firearm with two flaps and a strap, and it allows you to fire the weapon more safely. It does nothing to change the lethality of the firearm.

Mr. CLYDE. OK. So, why do you think ATF flip-flopped and then flip-flopped again on the decision process concerning the legality of the pistol brace accessory?

Mr. BOSCO. Because the political winds at the ATF changed. That is simply it. They needed to do something, anything, and the one thing that I think a lot of people wanted to talk about was the brace issue. And they talked about it, and the process through which they are doing it is this promulgation of regulation. And now after, I don't know how much time, I mean, another 2 weeks, 3 weeks, 2 months, 10 to 40 million Americans will be criminals.

Mr. FALLON. The gentleman's time has expired.

Mr. CLYDE. Thank you.

Mr. FALLON. Thank you. The Chair recognizes Ms. Holmes Norton.

Ms. NORTON. Thank you, Mr. Chairman. This question is for Mr. Wilcox. Mr. Wilcox, we are still early in the 118th Congress, and we have already had numerous hearings on public health emergencies, specifically fentanyl. However, it is shocking that the first hearing on firearms held by this Congress does not address the fact that guns are the No. 1 cause of death for children in the United States. Now, that has been alluded to before in this hearing, but it should be noted that in 2020, for the first time, guns surpassed auto accidents as the leading cause of death in children. Six thousand children were killed or injured by firearms just last year in 2022. Our Republican colleagues don't focus on gun deaths. Instead, they are worried that the ATF is taking steps to better regulate short-barreled rifles, which they have had the authority to do for nearly a century.

But let's get back to public health. Mr. Wilcox, how did guns get to be the leading cause of death for children in the United States?

Mr. WILCOX. Thank you for the question. I think it is because the other leading causes—automobiles, cancer—well, those are instances where we have innovated for safety. We have innovated for safety with laws, with regulations, with concrete industry action. You know, the way we drive cars today is very different than how we drove it 10, 15, 20, 30 years ago, and we have seen children's deaths from automobiles decrease dramatically as children's death from firearms continue a slow, but steady increase. And so, we need that same kind of attention to law, regulatory change, and industry effort if we are going to keep our kids safe.

Ms. NORTON. Thank you, Mr. Wilcox. I do want to note for the record that North Dakota has a higher per capita murder rate than California, and there is a difference with cars because they are reg-

istered. I want that noted for the record. Mr. Wilcox, during the pandemic, we saw a surge in gun sales across the country. Mr. Wilcox, what effect did the surge on sales have in gun trafficking?

Mr. WILCOX. So, the surge in gun sales also came with an exacerbation of existing loopholes and a dramatic spike in the speed of gun trafficking. In 2021, we saw guns move faster from dealer to crime scene than we really have at any time before in recent time. You know, 54 percent of the crime guns that were recovered in 2021 were likely trafficked because they had been purchased within three years, and, shockingly, 32 percent of the crime guns recovered in 2021 were purchased just a year before, so a third of the crime guns were purchased a year before. I think those are very troubling statistics, but there are also opportunities for intervention so that we can stop the flow of the iron pipeline. We can stop illegal gun trafficking.

Ms. NORTON. Recently, the President promulgated an executive order on gun violence that has been very much noted in the news, and ATF has been taking steps to pursue its mission to stem gun violence. So, Mr. Wilcox, how will these actions help stem the public health risks posed by guns to Americans across the country?

Mr. WILCOX. So, I think the President's most recent executive order is a homerun for public safety. If I can touch on just one piece, it is to take a part of the Bipartisan Safer Communities Act and direct the Attorney General to issue a clarifying regulation that will get as close to universal background checks as possible. And through that, we will take a major bite out of the marketplaces that gun traffickers go to acquire guns, the gun show loophole, the online sales loophole. That is what the President is getting at, and that has the potential to have a big win for public safety, to keep our kids safe and keep our communities safe.

Ms. NORTON. Well, thank you very much. I yield back.

Mr. FALLON. Thank you. The Chair recognizes Mrs. Luna for five minutes.

Mrs. LUNA. Good afternoon, everyone, and thank you for being here today. I just wanted to start out by saying that, probably not just on this Committee, but in the entire House of Representatives, I am the only Member of Congress that has both survived an armed robbery, a home invasion, a gang shooting on my school campus. And I remember being a young girl and being brought to a cousin's funeral that had been murdered. She was shot. So, when I hear people trying to turn this, which is a hearing on a stabilizing brace, into issues of gun violence, and raising the topics and concerns of children and violence against children, I would like to remind people that in Washington—Chairman, if I could submit these to the record—in Washington—

Mr. FALLON. So, moved.

Mrs. LUNA. Thank you. We are allowing for late-term abortion and these babies were born alive, and my colleagues are not acknowledging that. So, I just want to put that in perspective that I don't believe that this is about protecting children. I believe that this is a political argument from people that have not gone through experiences and are seeking to use this platform to write legislation that is unconstitutional. So, my following questions are for Ms.

Swearer. Do you believe that firearms and women that have firearms is apparently anti-woman?

Ms. SWEARER. Yes. So, this has been something that has been raised several times in this hearing, this idea that guns don't protect women. Of course, they do, and I personally take offense at having my natural right to self-defense mansplained to me by Members of this body who come to work every day protected by armed men with guns, very much believing that those guns are keeping them safe. And I tend to agree with them that those guns are, in fact, a large component in keeping them safe. I would also point to the Defensive Gun Use Data base that we have run at Heritage. So many of those instances involve women, women who otherwise would have been at a physical strength and disadvantage who were able to use, essentially, self-defense at a distance to take on and defend their rights in ways they otherwise would not have been able to.

Mrs. LUNA. Thank you. My next question is for Mr. Bosco. Mr. Bosco, as I am sure you may know, one of the leading cause of death in this country is obesity. Do you believe that we should place a ban on spoons?

Mr. BOSCO. I don't think spoons should be regulated, but if they are regulated, it should be Congress that does it and not the FDA.

Mrs. LUNA. Do you believe that somehow controlling someone's spoon access is going to prevent them from becoming obese?

Mr. BOSCO. I don't believe it will make any difference, no.

Mrs. LUNA. Well, I am so glad you have clarified because clearly in this instance, and oh, actually, I would like to follow up with one more question. For veterans that are disabled, would this law turn those veterans who have served their country, regardless of party affiliation, into criminals?

Mr. BOSCO. So, this law will place burdens on every American who owns them, and it won't allow people to own this product without following through the process. So, will veterans not be able to use the product? They will have to register their firearms and go through a burdensome process—

Mrs. LUNA. If a veteran is unaware that this has passed, would that turn that veteran into a criminal?

Mr. BOSCO. Well, anyone who does not read where you can find all the regulations is not going to know about it, and they will be subject to a 10-year felony offense. And I don't know how many people read promulgation of regulation on their spare time. I know that a lot of us do here. But I can certainly tell you that there are a lot of gun owners in the United States that don't know anything about this.

Mrs. LUNA. What the ATF has done with this Administration, with the weaponization of this Agency, to take something that is basically done to aid people that are disabled, and then make this about protecting children from a majority of Members who have never experienced gun violence and/or seen the direct outcome of what happens when bad people obtain guns, of which you will never be able to regulate, is not only an abusive, I think, authority, but it is unconstitutional. I thank you for being here today, and, Chairman, I yield my time.

Mr. FALLON. Thank you. The Chair recognizes Mr. Swalwell for five minutes.

Mr. SWALWELL. I want to thank the activists who have stayed in this fight for reasonable gun safety, and thank you for showing up today. I am also sorry that you were targeted earlier. You know, the same people that want to have you arrested and put in jail want to go to the D.C. jail this week to take the January 6 terrorists out, if you can believe that or not. We probably should not be surprised that this hearing has deviated to include Hunter Biden's laptop. And for such a serious issue like this, I would encourage my colleagues to go through Hunter Biden's laptop on their own time. Whatever they want to see in there, they should do that on their own time and not when we have such an important topic like gun safety.

I also have to just say that as the son of a police officer and a brother to two police officers, I am a little surprised, especially growing up in a Republican family, that my colleagues have abandoned the position I have long known them to hold, which is to defend and protect the police, and instead, they have brought here a witness who said, "Fuck the cops," and they have among their ranks a colleague who sells campaign merchandise that says, "Defund the FBI."

And the title of this is "ATF's Assault on the Second Amendment." This is a law enforcement agency charged with protecting the community, and so what we are really coming to find is that this gang is not interested in backing the blue. They are entirely interested in backing the coup. They don't stand up for the officers who protected us at the Capitol that day, and certainly by bringing witnesses here today that say, "fuck the cops," we know that that is exactly where they stand. Otherwise, they would not have invited somebody like that.

But what is really disturbing is that this hearing has gone way outside the mainstream because most Americans believe that you should be able to own a firearm to protect yourself, that you should be able to own a firearm to take your kids hunting, and that you should be able to own a firearm to go to a range and shoot for sport. Most Americans agree with that. An organization called 97Percent, which only focuses on gun owners, has found that 78 percent of gun-owning Republicans want laws that restrict the ownership of a firearm if you have been committed of a violent crime. 70 percent of gun owners also want, according to 97Percent, red flag laws.

Most of us live in the great big center where we think that we can protect our kids and protect the Second Amendment. What we are seeing here today is just chaos. They don't want solutions. They want chaos. They want to attack the people who are charged with protecting our community. And also, I always thought Republicans were, you know, the self-proclaimed protector of free markets, but here, they seem to have a problem that a free-market society that has banks would say we don't want to bank with a certain individual. They had no problem when in a free market, a baker said, I don't want to make a cake for a gay couple, never stood up for that guy, but they are here to stand up for someone where a bank said we don't want to do business with this particular client.

I do want to ask you, Mr. Wilcox, if you wanted to respond to Mr. Jordan when he said and suggested that the ATF does not meet with gun manufacturers and sellers. Do you have a response to that?

Mr. WILCOX. I think the ATF has an open-door policy, both to the regulated industry and interested members of the community, and I really do commend Director Dettelbach and the ATF for taking that approach to really take in all views.

Mr. SWALWELL. And I agree they should do that. They should have open dialog with manufacturers and sellers. Also, my colleagues said earlier and suggested that Democrats do not have any lived experiences with firearms, and I know one person who ran for Congress because of a tragic lived experience with firearms. And if it is OK, I would yield my remaining time to Mrs. McBath.

Mrs. MCBATH. Thank you so much. I really appreciate you yielding to me from my colleague from California. And I would just like to say to my Republican colleague, you know, to make a blanket accusation that others in this room have no relative experience with violence or gun violence other than you is definitely very premature. Since my son was murdered in 2012, I have spent every day, every hour, as many individuals in this room have, many of our experts, many of our survivors, many of the people that are sitting in this room working on this issue, probably have far more experience and relative knowledge about what it is going to take to change the culture of gun violence in this country, and we actively work on it every single day. So, I really take offense to the language and to what you said, and I would hope that you would just think more candidly about the remarks that you make going forward. Because as a survivor, I am very, very—I will just say I am very disgusted by that remark. Thank you.

Mr. SWALWELL. I yield back.

Mr. FALLON. The Chair recognizes Mr. Edwards.

Mr. EDWARDS. Thank you, Mr. Chair. To all of you, thanks for being with us this afternoon. Mr. Wilcox, we probably have gone through this, but I just need to clarify a couple of points to help me make a point. And this is irregardless of the fact that many of my colleagues have and a couple of the witnesses have already made the point that the laws of this land should be made by Congress, not by any Federal agency. So, I will skip through that. Did you testify that a pistol brace will not change the capacity of a firearm?

Mr. WILCOX. I don't believe I was asked that question.

Mr. EDWARDS. All right. Will a pistol brace change the capacity of a firearm?

Mr. WILCOX. What do you mean by "capacity," sir?

Mr. EDWARDS. The number of rounds.

Mr. WILCOX. No, sir.

Mr. EDWARDS. Will a pistol brace change the firing speed of a firearm?

Mr. WILCOX. No, sir.

Mr. EDWARDS. Well, let me back up there just a minute. And so what I hear you saying is a pistol brace will not change the basic mechanisms of a firearm that makes it more dangerous.

Mr. WILCOX. No, sir. I don't think that is precisely correct.

Mr. EDWARDS. OK. Mr. Bosco, are you familiar with a Form 4473?

Mr. BOSCO. I am.

Mr. EDWARDS. All right. Are you an FFL dealer?

Mr. BOSCO. I am.

Mr. EDWARDS. Yes, so am I. It is getting to be a smaller, smaller club.

Mr. BOSCO. Uh-huh.

Mr. EDWARDS. I am glad we are here. On a Form 4473, there are basically two types of firearms referenced. Will you tell us what they are?

Mr. BOSCO. One is "other." Well, there is pistol, rifle, and there is "other," or "receivers" is what we call them.

Mr. EDWARDS. So yes, dependent on the form, line gun, handgun—which of those is typically more regulated by the states?

Mr. BOSCO. Pistol.

Mr. EDWARDS. And so we saw a diagram that Mr. Fry had here a while ago of a long gun and then of a pistol that had been made into a long gun. Can you help me think through the rationale of why anyone would want to make a gun or would want to prevent us from making a gun that look like and behave like one that was less regulated? Is there some logic there that you can see that I cannot?

Mr. BOSCO. I have not seen much logic, with all due respect to everybody here. And I think the problem is, is that a lot of people really are not informed about what is and is not a pistol and what is and is not a rifle, and, frankly, it is very nuanced. So, in their defense, it is hard to really understand all of this. So, what I would say is that the product is a safety device. My colleague was talking about innovation for safety when it comes to vehicles, and that is what has helped vehicles be safer. Well, this is an innovation for safety for firearms. All it does is help you fire a large pistol more safely. It does nothing to change the lethality of the firearm.

Since Mr. Cicilline has well said, showed the picture, it is a terrible thing that happened, but whether my product is on there or not changes nothing, and it hasn't changed anything for 10 years. All of a sudden, now we are going to say that a pistol is a short-barreled rifle. It is not the way things are done. If they want to make that change, they can make that change through Congress. ATF should not be able to make and say that a firearm, all of a sudden, is something else. It is not the way it should work.

Mr. EDWARDS. Thank you. And so what I heard here is that a pistol brace does not change the firing capacity of a short gun, and a pistol brace makes a pistol, a short gun, into a long gun, which is even less regulated, and that seems to defy logic. Thank you very much. Mr. Chair, I would like to yield the rest of my time to Mrs. Luna.

Mrs. LUNA. I just want to correct for the record, as words matter, especially here in Washington, that I did not say I was the only person, but I am definitely the only person that has those listed experiences. So, to take my words out of context, I am not in the business of listening to people who are offended. I am in the business into finding the facts, and the facts are that I have one job, and that is to uphold and defend the Constitution, and for people to try

to take that and then use this position, clearly that, again, I will reiterate that we are focusing on a brace, not gun violence and the rest of these topics and rabbit trails that they are going down. The point is that bad people will always obtain guns, and regulating the rights of law-abiding citizens to do other than that is not going to do anything but enable the bad guys.

Mr. FALLON. The Chair recognizes Representative Frost.

Mr. FROST. Thank you so much, Mr. Chair. You know, I am glad to hear that my colleagues on the other side of the aisle—and I have heard it said time and time again—are very concerned about the overreach of government, and I want to give a suggestion. We should look at a state where government is very much overreaching, my state of Florida, where our Governor, Ron DeSantis, is abusing the power of the state to target people who disagree with him. And so, if folks want to talk about government overreach, I suggest going to where it is the worse in fascist Governor DeSantis.

I will also say this. We heard people talking about, you know, folks talking about disabled veterans, which is an incredibly important issue to me as my father and a lot of folks in my families are veterans, I come from military family. But I just want to state for the record, no disabled veteran groups submitted public comment about the ATF rule as an issue, and when we reached out to these groups, they advised that they do not intend on taking that position. Mr. Wilcox, do you want to speculate why they are not wanting to comment on this?

Mr. WILCOX. I am reticent to speak for another organization, but I would have to guess that it is because they do not see it as a disabled veterans' issue.

Mr. FROST. OK. Thank you. Mr. Wilcox, how many people did we lose last year due to gun violence?

Mr. WILCOX. There was 48,830 people killed by guns in this country last year.

Mr. FROST. I know we lose 100 lives a day due to gun violence. Hundreds are shot a day, and thousands survived shootings. Is that correct, Mr. Wilcox?

Mr. WILCOX. That is right, and my numbers actually were for 2021, not last year.

Mr. FROST. For 2021. Over time, is this problem getting worse or is it getting better?

Mr. WILCOX. Sadly and tragically, it is getting worse. You know, the rate of gun death has increased 39 percent from 2012 to 2021.

Mr. FROST. Does the premise of this hearing get us any closer to solving gun violence?

Mr. WILCOX. I think at times we have talked about the value of ATF and common-sense gun laws, but I think the premise itself does not get us, of the hearing, much closer to the solutions that we need to this gun violence epidemic.

Mr. FROST. I just heard one of my colleagues bring up the fact that this hearing is about a brace and it is not about gun violence or victims or anything like that, and I think it goes to show just how much people don't understand what it means to take a step back and look at an issue holistically, and that is why this is about everything. It is about victims. It is about the brace. It is about the

families. It is about the fact that if you have a child in this country, and God forbid they die before the age of 18, the most likely reason is because they were shot to death, in this country in 2023.

You know, I plan on acknowledging three people, both of them are not in this room anymore, folks who I have worked with and that I know, Manny and Patricia Oliver, who lost their son, Joaquin Oliver, in the Parkland shooting. To lose a child to gun violence, to see the photos of your child sitting in a pool of blood, I can't imagine that. You know, Manny and Patricia have dedicated their lives to fighting for world where true justice can be achieved because unfortunately, there is no justice for the dead, and true justice is ensuring that this never happens again.

I fight alongside Manny and Patricia Oliver. I believe that they are American heroes, and what they always say is they don't want their son, Joaquin, to be remembered as a victim. They want him to be remembered as an activist. And today, Republicans on this Committee chose to sit in front of those parents, and the survivors, and organizers, and advocates that are in the audience right now, people who are reliving their trauma listening through this, people impacted by gun violence across the Nation, and show that their priority is gun lobby money, manufacturers who profit off death, and creating fake narratives for political gain.

Again, the leading cause of death for kids in America is guns, and today's hearing is about distracting the people from the truth. They want you to believe that the greater threat is the ATF and not the facts that are in front of us. So, we heard one of my colleagues bring up facts. Let's us look at the facts, and I just said them: a hundred people a day. And I know it is easy to say a number and forget that behind every number there is a human. There is a Joaquin Oliver. Enough is enough. Not one more.

And to all the organizers, advocates, survivors, and families here today, I am so sorry that you have had to sit through this hearing. I am so sorry that you had to see what happened outside to Manny and Patricia, who are just fighting for a world where no other parents have to go through what they went through. And I, for one, believe this has nothing to do with policy and everything to do with politics, and I won't be listening to another second of it, and I wouldn't blame you all if you made the same decision. I yield back.

Mr. FALLON. The Chair recognizes Representative Higgins.

Mr. HIGGINS. Thank you, Mr. Chairman. I would like to introduce for the record a copy of a bill, H.R. 1678, titled, Protecting Legal Firearms Ownership Act of 2023. This bill was given to staff prior to committee, Mr. Chairman.

Mr. FALLON. Without objection, so ordered.

Mr. HIGGINS. Thank you, Mr. Chairman. Mr. Chairman, evil is not born in the mechanisms of man, it is born in the heart of man. A lot of passionate discussion here today. Let us call it that. There is no such thing as gun violence, ladies and gentlemen. It is only human violence. It is intellectually unsound to assign an act of violence to a mechanism of man. So, we are an assemblage of people, and sometimes it is quite inconvenient to my colleagues that lean left that we live in a representative republic, and we are a constitutionalist Nation. So, the Constitution doesn't say a lot of things we wish it would, does say something that others don't like, but it

most certainly grants every free American the right to keep and bear arms, says that right shall not be infringed.

We have a balance of power, Mr. Chairman, as the founders intended, between the executive branch, the legislative branch, and the judicial branch, and the executive branch is intended to have broad and sweeping authorities. When you have an executive branch that abuses that authority, you don't change the authority, you change the executive. That is what elections are for, and that is what we will do.

So, in the meantime, we are responding to ATF oppression of our Second Amendment rights very calmly and judiciously because we have that right as American citizens to uphold our right to keep and bear arms. That is what this legislation does. The Biden Administration, with the stroke of a pen through ATF rule, is forcing Americans into felony possession of illegal firearms, with the stroke of that pen. So, this legislation maintains the legal possession and ownership of a firearm or firearm attachment according to the rule regime that existed when it was legally owned and possessed. Pretty simple response to the oppression we are seeing out of the Federal Government.

Ms. Swearer, thank you for being here. Do you recognize that the founders intended to give broad authority to the executive branch?

Ms. SWEARER. No, the authority of the executive branch, just as for all branches of government, is fairly limited, and certainly, the executive branch is not tasked with such broad authority to create or pass or legislate laws into existence just to enforce those.

Mr. HIGGINS. OK. Solid answer. We can debate about that when we have more time. I would suggest that the language of the Constitution does indeed intend—that is what is called executive authority. There are no votes. There is no legislation passed. There is no judicial procedure. It is executive authority. So, when that executive authority is abused and infringes upon our constitutional rights, do we not as Americans—you are a constitutionalist, good lady, I am sure—do we not as Americans have the right to respond and stand for our rights?

Ms. SWEARER. Well, certainly the congressional branch has the opportunity to respond with both other branches for checks and balances—

Mr. HIGGINS. We can write legislation, but individual Americans have that right to stand, correct?

Ms. SWEARER. Yes. We certainly have the right to—

Mr. HIGGINS. So, what I am getting at with this is that Americans were left out of this loop. They purchased a weapon legally. They went to their gun dealer, they gave their information, they had their background check, they purchased their weapon, they brought it home, they have committed no crime, and yet they have been criminalized by the Biden ATF. And my colleagues across the aisle can deny that if they want to, but what I just stated is fact.

Mr. Chairman, I thank you for allowing me to participate in today's joint committee hearing, and I yield.

Mr. FALLON. Thank you. The Chair recognizes Ms. Dean.

Ms. DEAN. Ms. Dean. Thank you, Mr. Chairman. I appreciate the recognition, and I am glad to be here in this august room. I just think that the title of this Subcommittee hearing is really way off

base. Instead of, “ATF’s Assault on the Second Amendment: When is Enough Enough,” I think this should be called, “Defund and Dissolve the ATF.” And I would put in a subtitle of “when is enough gun violence and slaughter enough in this country for us to do something about it.”

I am a bit perplexed by the posture of this hearing as I have been observing it. You know, for the better part of two years, my colleagues on the other side of the aisle have made it a point to highlight the elevated risk rates of violent crime in this country, which we have suffered since 2020. They are not wrong to raise that issue. Analysis by the Brennan Center shows that the murder rate increased by roughly 30 percent, and assaults increased by 10 percent. Seventy-five percent of murders in 2020 were committed with a firearm. In the following year, 2021, nearly 49,000 Americans were killed by gun violence.

Let us put that into perspective. Over the course of 20 years of war in both Afghanistan and Iraq, sadly, 7,000 U.S. service members were killed. In just one year, we lost seven times that number of American civilians to gun violence. It is the ATF’s job to help us address this uniquely American disaster. ATF is the Federal law enforcement agency tasked with ensuring gun sellers and manufacturers, that they are following the law, and it is the agency tasked with investigating and preventing firearms trafficking, and it is the Agency’s responsibility for tracing firearms found at crime scenes. The ATF’s job essentially is saving lives, saving lives from gun violence, and yet some of my Republican colleagues have introduced legislation to abolish or defund, doing both, to this critical agency. I am dumbfounded. No one who is serious about stemming the scourge of violent crime would make such an appeal.

Mr. Wilcox, if you would, let’s take a look at a couple things. We had the ATF in front of a caucus, and the director of the ATF told us that they are struggling because they are severely underfunded and, therefore, cannot efficiently do their job to protect American lives. Could you speak to that part of ATF’s burden?

Mr. WILCOX. ATF has been underfunded for years, and I think, thankfully, this Congress finally changed that last appropriation cycle where they were appropriated \$1.7 billion, which was a 14 percent increase, and included a \$75 million appropriation to build a new crime gun tracing facility out in Kansas, an event that the director was at, along with Senate Republican, Senator Moran, showing the bipartisan nature of funding ATF when there is real desire to fight crime and prevent gun violence.

Ms. DEAN. Yes, and I hope we don’t undo that. Last year, ATF took action to reduce the prevalence of ghost guns, particularly difficult in my Southeastern region of Pennsylvania, guns that lack a serial number and cannot be traced by law enforcement. Why are ghost guns a particular threat to our public safety?

Mr. WILCOX. Look, ghost gun parts and the companies that sell them was a kind of money-making endeavor to get around the gun safety laws and create a product that was untraceable, perfectly designed for gun traffickers or those who wish to avoid a background check or detection. It makes law enforcement’s job incredibly difficult because when a ghost gun is recovered at a crime scene, you can’t tell who made it, who sold it, who first purchased it, and so

the trail can run dry in an investigation right off the bat. And you can't actually identify the gun trafficking channels that are funneling guns into our cities.

Ms. DEAN. I thank you for that. Again, this was about ATF's assault on the Second Amendment. I wonder if any of the panelists, do you represent the ATF? Anybody here on behalf of the ATF?

[No response.]

Ms. DEAN. I find it strange that we would have such a hearing about ATF's alleged assault on the Second Amendment without bothering to ask.

Mr. BIGGS. Will the gentlelady yield?

Ms. DEAN. No, I won't. Thank you. Without bothering to ask ATF. With that, I yield the remainder of my time.

Mr. FALLON. To Mr. Biggs? No. OK. The Chair recognizes Mr. Roy.

Mr. ROY. I thank my colleague from Texas, and I would simply note, and I just came from another hearing—I know we got votes coming on the floor—the extraordinary concern that we have with bureaucrats making law, right? I mean, that is at the crux of this. We talked about guns. We could talk about putting bad guys in jail. I will do that in a minute. But at the crux of this is a bureaucrat making a unilateral decision to try to turn millions of Americans into felons, to advance a radical leftist agenda, which is clearly what is at play. And I am wondering, Ms. Swearer, if you could comment to the extent you already haven't, but just to reiterate the extent to which the unilateral action by bureaucrats and an agency at ATF to do what Congress has not done, how that is clearly in violation of our separation of powers principles at play.

Ms. SWEARER. So our Constitution, as you mentioned, is set up with separated powers where you have the executive branch, whose job is to enforce the law, and you have Congress who passes laws because Congress is held accountable to the people. They are the ones who are elected. No official at the ATF is, or any other agency is elected and held accountable through the democratic process.

Mr. ROY. And you believe the ATF has abused its rulemaking authority here?

Ms. SWEARER. Yes, and it has done so in a way that infringes on rights without the American people having a process by which to recall those appointees.

Mr. ROY. And so therefore is it your position that the rulemaking in question is, in fact, unconstitutional, unlawful?

Ms. SWEARER. Yes, in several capacities.

Mr. ROY. And, therefore, though, it being applied to American citizens would be unlawful and unconstitutional, and therefore, Congress, in its duty in separation of powers, has an obligation to check that overrun executive branch. Would the gentlelady agree?

Ms. SWEARER. I would, yes.

Mr. ROY. Well, I appreciate that. And, you know, I would note, I heard one of my Democratic colleagues earlier, you know, complaining that if we were to go after individuals who are violent criminals, that somehow that would put more people in prison. Yes, that is, in fact, the goal and the objective of that effort, is if people are violating the law, and they are violent, and they are a danger to society, then yes, I want them to be in prison.

And as a former Federal prosecutor who prosecuted bad guys with guns under Project Safe Neighborhoods, a bipartisan effort to try to target criminals who are using guns to carry out violent acts and crimes against the American people, yes, I put bad guys in jail, and I am glad. I am glad. I hope we can put more bad guys in jail, but I don't want to put law-abiding citizens in jail who are exercising their Second Amendment rights and being able to defend themselves in their communities. And yet, that is what we are having an executive branch bureaucrat unilaterally decide to do. This should send shivers down the spine of all Members—of Article II.

And look, I don't view this through the lens of it being a Democratic Administration. I didn't like it when the Trump Administration was doing stuff like this, whether it was the bump stock ban. I didn't like that either. But my colleagues on other side of the aisle, no doubt, loved that because they loved the policy outcome. I thought that was bad. I thought it was bad that you go down the road of using executive power with respect to building a wall which I support. I do support building a wall, but I don't support unending use of emergency powers to carry out that kind of executive action. And I introduced legislation in the previous administration to address that because I think we should actually, on a bipartisan basis, try to stand up against the overreach of the executive branch. And in fact, it is our duty in Congress to do so, irrespective of which party is holding power in the executive branch.

I would only ask one last question to you, Mr. Bosco. When you were involved with the creation, development of the stabilizing brace, in your wildest dreams, did you think a bureaucrat would try to say that you didn't have a Second Amendment right to be able to use that? And could you please extol and accentuate the benefits of the brace?

Mr. BOSCO. I never, never would have thought that ATF would unilaterally make a decision through the bureaucratic process to ban my product. Again, and as I said before, that is up to you guys. That is not up to a bureaucratic agency. The product was designed, again, as a safety product, an orthotic device. It changes nothing on the firearm. I have no disagreement with ATF's ability to do their job of putting criminals in prison, but I don't think anybody on this side should agree to give the ATF the authority to unilaterally make a product illegal and circumvent the legislative process. That is the only reason I am here to talk about with you guys is to say that I don't want ATF to do that. If you want to do that, then you do that, but don't let an executive agency circumvent your power, your authority.

Mr. ROY. With that, I yield back. Thank you, Chair.

Mr. FALLON. The Chair recognizes, Mr. Khanna.

Mr. KHANNA. Thank you, Mr. Chair. Mr. Chair, I want to use my five minutes to speak about what happened in this room earlier. Manuel and Patricia Oliver were here. They lost their son to gun violence. As a parent, anyone knows that that is the most painful thing that can happen to a human being. Now, I am not going to say that their disruption shouldn't have been handled, but we need to, in this country, have some empathy. We need to have some understanding for people who have lost their child. I felt the same way, by the way, about the woman who testified here and lost two

of her children to fentanyl, and I said we need to have empathy for someone who is coming to the U.S. Congress and borne grief of the most unspeakable kind. And so if they curse, or if they are angry, let us understand where that anger and pain is coming from.

Mr. FALLON. Will the gentleman yield?

Mr. KHANNA. This is not about debating policy. We can have policy disagreements. This is about human empathy for a family who has faced enormous grief, regardless of where you sit.

Mr. FALLON. Will the gentleman yield?

Mr. KHANNA. Yes, sir.

Mr. FALLON. How in the world do I know? I didn't know that woman. I didn't know. I have empathy for anyone that loses a child. I have children. I had no idea who she was. She was disrupting the hearing. She was asked to stop, she continued, and then she was removed, and then she ended up reentering. I don't know her. She was a stranger to me.

Mr. KHANNA. Mr. Chair, I am not questioning your motives, actually, and we have been on committees together. We have had conversation. One of the things I am hoping you will ask is, my understanding is, that the father here was actually arrested. And I hope you would echo on a bipartisan basis that he should not be arrested for that, and that someone who has lost their son, that they should at least—yes, OK, they disrupted the hearing but, come on, to arrest him for that. And I think—

Mr. FALLON. I believe he wasn't arrested for just leaving. I don't know what happened in the hallway. He might have been resisting. I don't know. I can't speak to that. They weren't arrested. We did not request their arrest. We just requested their removal. What happened in the hallway, I can't speak to.

Mr. KHANNA. You know, I think what would be helpful, Mr. Chairman, and I know Chairman Gallagher did this in protests in the China Committee, is if you would consider making a statement that given their grief and given what they have been through, that they should not be arrested. I mean, we can look at the circumstances. I can't imagine they did something that was not simply based on human emotion for losing their child.

And I guess this is my broader point, Mr. Chairman, is this. Obviously, we are divided in this room about what the gun policy should be. You know, all the Democrats believe we need more regulations. The Republicans are saying, no, we don't need those regulations. And this is divided, the country is divided, and I acknowledge that division. And I am not saying, OK, one side has the full monopoly on the truth. We are a divided Nation on issue after issue, but there has got to be some sense, even as divided as we are, of human civility, of coming together as Americans, of recognizing tragedy, of recognizing loss, of recognizing pain.

You know, the way this Committee came together, frankly, when the Ranking Member Raskin had issues, and then the Committee came together. Can't we come together as people in a human way, of tragedy, regardless of our view on guns? That is all I am asking from this Committee and from you, Mr. Chair, and to acknowledge that people who were here, many of them have suffered unbearable loss. And even if you believe, even if you are a gun rights, total

Second Amendment believer, I know people understand the pain, and they probably understand why those individuals want stronger gun laws, even if they disagree with that. Let's acknowledge that pain. Let's respect that pain. Let's respect the anger and anxiety out there, and let's do that in a bipartisan way.

Mr. BIGGS. Will the gentleman yield?

Mr. FALLON. Will the gentleman yield for a second?

Mr. KHANNA. Yes.

Mr. BIGGS. Thanks, Mr. Khanna, and I do appreciate that because we have worked together on a lot of things. We have a lot of agreement on lot of issues. I will speak for myself. I do have empathy for people who have had an unspeakable loss. I don't think either one of us knew who either those people were, but I will tell you that the gentleman has a history of disrupting and being arrested. He was arrested at President Biden's event for the same conduct. And I don't know why he was arrested ultimately, Mr. Khanna, but, I mean, we can empathize, but we also have to understand that does not give license to pursue that type of conduct. And I yield back to you, Mr. Khanna. Thank you.

Mr. FALLON. The gentleman's time has expired. The Chair recognizes Mr. Langworthy.

Mr. LANGWORTHY. Well, thank you very much, Mr. Chairman, and I would like to thank all of our witnesses for being here today to discuss the crucial need to uphold the Second Amendment. And I know our witnesses today and many of my colleagues will agree that the right to bear arms is one that we must do everything in our power to uphold and defend for the American people that elected us. Now, Mr. Larosiere, are you at all familiar with the ATF's Form 4473, the Firearms Transaction Record?

Mr. LAROSIERE. Yes, sir.

Mr. LANGWORTHY. Can you explain the evolution of this document?

Mr. LAROSIERE. So, this began in the Gun Control Act, right, which is what established Federal firearms licensees to begin with. And originally, this document, you would effectively just attest that you were non-prohibited. Of course, over time, what makes an individual prohibited has expanded rapidly, but for right now, I guess your question is, what do you include in the document. So, personal identifying information, you know, name, address, a proof, a piece of ID, and then the firearms that are to be transferred.

Mr. LANGWORTHY. OK. I believe it started off as a one-page document. It is now a seven-page document, and I will say that even when I tried to download it, it took a very long time. The ATF has made it very hard to acquire the document, and you need certain system requirements, and then you have to go through several hoops just to download it, and I hear a lot of feedback from our constituents on that. Can you speak to the language in the document?

Mr. LAROSIERE. I can mostly from memory, yes.

Mr. LANGWORTHY. OK. You know, constituents in my district have said that it has become so complex that it is deterring people from obtaining and purchasing weapons.

Mr. LAROSIERE. So, the instructions are certainly very obtuse, right? There are "yes" and "no" questions on the front. They ask

for identifying information. They ask for identification on the firearm. Then there is a whole additional box whether or not you picked it up on the day of purchase. So, it can be quite complicated, especially in jurisdictions where you have a mandatory waiting period.

Mr. LANGWORTHY. OK. Do you believe that the agenda at the ATF was to make the document a deterrent for law-abiding citizens to purchase firearms?

Mr. LAROSIERE. I believe that the Gun Control Act was pretty facially a deterrent to the interstate transfers in arms.

Mr. LANGWORTHY. OK. Now, I want to move on and talk about pistol braces. Mr. Bosco, we have all heard the story of about why you created the pistol brace. An innovation like yours is what makes this country exceptional, and we applaud it. Why would the ATF impose rules against your pistol brace?

Mr. BOSCO. I mean, I can't speak specifically to why or what the ATF did. I do know that it is a political issue. So, essentially, the political winds at ATF changed after 10 years, and they decided that that was something that they were going to go after. We do understand that there was a transition team involved when Trump finished his presidency, and there was a Biden transition team that went into ATF and requested ATF, asked them what things should we be working on. And those were the points that President Biden pointed out in his first speech about firearm regulation in his first weeks in office.

Mr. LANGWORTHY. Well, I do know that constituents of mine, specifically returning veterans, who go to ranges, think it is an absolutely great innovation. It is very helpful to them in their lives. And last, Ms. Swearer, do you think that the recent ATF rules that are allegedly meant to deter crime might be leading Americans to obtain weapons in illegal fashion?

Ms. SWEARER. I am sorry. I am not sure I understood that question.

Mr. LANGWORTHY. OK. Some of the various ATF, you know, rules and regulations that have been put on the books in the last several years, do you believe that they have been intended to make our law-abiding gun owners and purchasers appear to be acting in an illegal fashion?

Ms. SWEARER. Well, I am not sure that the intent is to make it look that way, but in practice, that is what happens, is you have law-abiding, peaceable citizens who, especially in the case of this pistol brace rule, are sitting there with their lawfully obtained firearms. And then, a lot of times even without their knowledge because they are not paying attention to what goes on in regulatory rulemaking processes, overnight, they are now felons whether they recognize it or not. So, in practice, regardless of what the intent is, in practice, this is not directed at violent criminals. It is directed at and has the effect of creating criminals out of peaceable citizens.

Mr. LANGWORTHY. That is great. In my home state of New York, many regulations have been put on the books that have drastically deterred legal gun dealers from selling to law-abiding citizens and preventing them from purchasing arms. Can you speak to what ridiculous gun regulations are doing to the law-abiding gun owners and legal gun dealers?

Ms. SWEARER. Again, I would say, and I know that time has essentially expired.

Mr. LANGWORTHY. Sure.

Ms. SWEARER. But to summarize, it has that same effect. Regardless of what the intent is, in practice, the biggest impact that it has is to create criminals where there were not criminals previously. It is not directed at violence or violent crime.

Mr. LANGWORTHY. Thank you very much, and I yield back, Mr. Chairman.

Mr. FALLON. Thank you. All right. We are going to recess and reconvene immediately after votes, so I would say about 10 minutes after votes. And we are now in recess.

[Recess.]

Mr. FALLON. The Committee is called to order, and the Chair recognizes Mr. Biggs for his time.

Mr. BIGGS. Thank you, Mr. Chairman. I thank the witnesses for being here today, all of you. And even though I disagree with Mr. Wilcox on many things, we have encountered each other before in other hearings, so I appreciate you being here as well, and I appreciate all of you and your testimony. Passionate and thoughtful. If somebody were to just join us, just real briefly, Mr. Bosco again, a pistol brace is designed to do what?

Mr. BOSCO. A pistol brace is an orthotic device designed to help people with limited mobility, including our wounded veterans, fire these large, unwieldy pistols in a more safe manner.

Mr. BIGGS. And it does not make the gun more lethal?

Mr. BOSCO. It is not a force multiplier, no.

Mr. BIGGS. All right. Well, let us just get to the nub of this, and I will ask all of you this question. Mr. Bosco, as the designer, inventor of the pistol brace, did the ATF contact you for input or collaboration when they went to change the rule that you had been relying on for 10 years?

Mr. BOSCO. No, they didn't, but for years, we worked with ATF to try to get to the bottom of parameters that we could work with to allow us to make a product that fit and suit what they thought the needs should be.

Mr. BIGGS. Ms. Swearer, as an expert in this area, were you contacted?

Mr. SWEARER. I was not, no.

Mr. BIGGS. Mr. Wilcox, I believe you initiated some of this with regard to pistol brace, the rule change. Am I wrong at that? I thought that is what you testified to earlier.

Mr. WILCOX. That is incorrect, sir.

Mr. BIGGS. You submitted a request through the portal. What did you request?

Mr. WILCOX. That was for the ghost gun regulation.

Mr. BIGGS. Oh, excuse me. OK. So, you requested a regulation change for ghost guns?

Mr. WILCOX. Yes. We submitted a petition for rulemaking through the formal process.

Mr. BIGGS. OK. But you initiated that. That wasn't like they came to you. You initiated that, right?

Mr. WILCOX. Correct.

Mr. BIGGS. OK. Mr. Larosiere, as a practitioner in this area, were you extended the opportunity by ATF, did they call you and say let us collaborate on this?

Mr. LAROSIERE. No, sir.

Mr. BIGGS. OK. Mr. Larosiere, were any laws changed in Congress to allow any of these things, the outlawing of the gun brace, the ghost gun law, or the zero-tolerance policy, anything that will authorize that zero-tolerance policy by this body?

Mr. LAROSIERE. Absolutely not, sir.

Mr. BIGGS. Ms. Swearer, is that accurate?

Ms. SWEARER. Sorry. Can you repeat the question?

Mr. BIGGS. Yes. Did this body, this House of Representatives, Congress, and the President enact any law providing for control of ghost guns, outlawing pistol braces, and authorizing ATF to enact a zero-tolerance policy?

Ms. SWEARER. No, it did not.

Mr. BIGGS. So, this is essentially a bureaucratic institution that has decided it is going to impose its will, and that will is going to be imposed by one or two people at the top of ATF, and then they are going to funnel it down to all the ATF workers to enforce. I want to tell you that that is certainly antithetical to the Constitution of the United States and the separation of powers.

So, my constituents fear that what they legally possess today will soon make them a felon through administrative rulemaking. One of my constituent tells me that the ATF is denying his fourth NFA tax stamp because the ATF says that information is incorrect on his application. That is a technical issue. The only problem is that the ATF said the information was correct most recently in the same e-form that was correct in October 2022. Another concerning example: an FFL in my district was inspected by the ATF, and the agent took personal pictures of the FFL's records without the FFL's consent. This happened in my district. One constituent waited more than 450 days for ATF to resolve his suppressor application.

I could go on. I have got a whole list of these things that have gone on in my district, and this is because ATF is basically run amok. It is a bureaucracy, and they are the same people that gave us Operation Fearless, if you remember. Those of you who may remember Operation Fearless, where they lost guns and weapons in Milwaukee, and then they came and testified before Congress that that sting operation, you know, it was a mistake, yes, and we only did it in Milwaukee. And then reports came out they had done it all over the country in many locations. This is the same group of people that put together a Fast and Furious, Fast and Furious where traces indicated that a gun sold by the FFL was actually sold to ATF agents. And I am told we should trust the ATF, they are a great Agency, and I am telling you they are not.

And I would just make a couple other quick comments here. I did think it was humorous when my friend, the Ranking Member Nadler, talked about the radicalist Supreme Court because he didn't like their ruling. I thought that was interesting, and I thought it is also interesting that he now supports ATF's rulings on any of these bans. But guess what? He seemed to be OK with them for the previous 10 years and they had controlled every arm of government: House, Senate, and the presidency. They could have made all

these changes through the appropriate mechanism, which is to introduce legislation, vote on it, debate on it, and if it passes, send it to the President. Couldn't get it done, so now what they want to do is resort to what they always want to do, and that is the authoritarian complex to the left, and I yield back.

Mr. FALLON. Thank you. In closing, I want to thank our panelists once again for their important and insightful testimony today, all of you. I apologize for what happened earlier, and, you know, listen, we have rules for the way Members, witnesses, and the public conduct themselves, and regardless of the reasoning. And there is no way anybody up here can be a mind-reader. Otherwise, I wouldn't do anything different and won't. We have to have decorum. We have to have civility. We have to be above. And you know what? That is what makes our country special, the fact that we do have a right to redress and freedom of speech, but we can't do it in that manner. There are some constraints and guidelines.

So, with that, and without objection, all Members will have five legislative days within which to submit materials and to submit additional written questions for the witnesses which will be forwarded to the witnesses for their response.

Mr. FALLON. If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 2:51 p.m., the Subcommittees were adjourned.]

