



Department of Justice

STATEMENT OF
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DIRECTOR
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND
EXPLOSIVES

BEFORE THE
COMMITTEE ON THE JUDICIARY
U.S HOUSE OF REPRESENTATIVES

AT A HEARING ENTITLED
OVERSIGHT OF THE BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES

PRESENTED
APRIL 26, 2023

**Statement of
Steven Dettelbach
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Good morning, Chairman Jordan, Ranking Member Nadler, and members of this Committee. I am honored to make my first appearance before this Committee to discuss the public safety mission of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and to represent the dedicated men and women of ATF who work tirelessly to protect the American people from violent crime.

ATF has just over 5,100 employees dedicated to carrying out vital missions of protecting the public against violent crime and respecting the constitutional rights of law-abiding citizens. Every day, ATF works together with our state and local law enforcement partners to accomplish these goals—particularly in an effort to develop more effective tools and techniques to better protect the public from gun crime. ATF strives to integrate its various functions to break down silos and effectively use its resources as “One ATF” to protect the American people from violent crime. Public safety is the top priority of ATF.

ATF Enforcement Actions

Gun violence has a devastating effect not only for the individual victims and survivors of the violence, but also their families, their communities, and the entire Nation. As Director of ATF, I am briefed on what feels like countless shootings taking place across the United States every day. This includes the mass shooting incidents that often grab national headlines—such as last month’s horrific shooting at the Covenant School in Nashville, Tennessee, where three 9-year-old students and three employees were murdered at their elementary school. But it also includes the more than 100 people who die from firearms violence across the country every day. Most of these tragedies never make the news.

ATF plays a central role in combating gun violence, which includes supporting law enforcement, offering crime gun intelligence, enforcing the Bipartisan Safer Communities Act, and combating emerging threats.

Supporting Other Law Enforcement Partners. ATF embodies the Department of Justice’s commitment to combating violent crime by being a force multiplier for our law enforcement partners on the front lines. Every day, ATF partners with local, state, Tribal, territorial, and federal law enforcement with a mission of preventing, disrupting, and prosecuting violent crime. For example, in 2022, ATF collaborated with members of the Strike Force, which included Drug Enforcement Administration, Los Angeles Police Department, Homeland Security Investigations, Internal Revenue Service Criminal Investigation, and the United States Marshals Service, to charge six people with smuggling weapons into one of the world’s most violent and dangerous transnational Mexican drug cartels, the *Cártel Jalisco Nueva Generación*.¹ In that case, the defendants were charged with gun trafficking for smuggling firearms from the United States to Mexico, including weapon parts kits to assemble machine guns capable of firing up to 6,000 rounds a minute. ATF works on task forces all over the Nation to battle the violent crime threats our communities face—from gang violence to violent drug trafficking organizations to carjackings to robberies and more.

Offering Crime Gun Intelligence. ATF is committed to supporting a team effort to fight gun crime through increased use of technological innovations that we bring to these partnerships, which we refer to as Crime Gun Intelligence (CGI). CGI combines available information on crime guns, shooting incidents, human intelligence, social media, telephone analysis, and technology to disrupt the cycle of firearm violence. This is done by providing comprehensive information to investigators who use the CGI data to identify offenders illegally purchasing or transferring firearms or who use firearms to commit violent crimes. ATF’s CGI strategy rests primarily on three pillars: eTrace (electronic access for crime guns to ATF’s firearm tracing center); the National Integrated Ballistic Information Network (NIBIN); and our ability to extract Touch DNA evidence from spent cartridge casings and firearms. For example, CGI enables ATF to directly identify suspects, as was the case in 2022, when an individual indiscriminately fired into a crowd at a Fourth of July parade in Highland Park, Illinois, killing seven people and injuring another 48. In that case, with the ability to trace the firearm recovered at the scene, ATF was able to identify the suspect within hours. Our Touch DNA technology also allowed us to help our partners in the Tulare County Sheriff’s Department identify a person who had engaged in a mass murder—including the brutal execution of a newborn—and to stand shoulder-to-shoulder with those partners as law enforcement took gunfire when taking the suspect into custody.

Enforcing the Bipartisan Safer Communities Act. Last year, Congress passed the Bipartisan Safer Communities Act (BSCA), which gave ATF new tools to better protect the public from gun crime. ATF has already started to implement the BSCA, including by conducting investigations that have resulted in charges against more than 60 defendants for violations of the BSCA’s new straw purchasing or firearms trafficking criminal statutes since the law went into effect in June 2022. For example, in September 2022, ATF helped secure

¹ See ATF Press Release, *Indictment Names Six in Scheme to Provide High-Powered Firearms and Huge Quantities of Ammunition to Mexican Drug Cartel* (Jan. 25, 2022), available at www.atf.gov/news/pr/indictment-names-six-scheme-provide-high-powered-firearms-and-huge-quantities-ammunition.

the first conviction under the BSCA’s Stop Illegal Trafficking in Firearms Act.² In that case, a 25-year-old U.S. citizen residing in Mexico admitted to purchasing 231 firearms, a large portion of which he planned to transport to Mexico. In February 2023, this defendant was sentenced to an 80-month term of imprisonment.³

Combating Emerging Threats. Over the last several years, law enforcement agencies throughout the country have encountered a significant increase in the recovery of non-serialized and privately made firearms in criminal investigations. Indeed, between 2016 and 2021, the number of such weapons recovered and reported by law enforcement increased from 1,758 to 19,344 in criminal investigations—an increase of over 1000%. The availability, proliferation, and use of virtually untraceable privately made firearms, commonly referred to as “Ghost Guns,” and machinegun conversion devices—such as “switches,” “drop-in auto sears,” or “forced reset triggers”—have grown to represent significant threats to public safety. To respond to these and other threats to public safety, ATF has created an Emerging Threats Unit (ETU) to conduct and coordinate multijurisdictional investigations, undercover operations, and other investigative functions related to the unlawful use of emerging technologies that pose a threat to public safety. By assembling Special Agents, Intelligence Research Specialists, Industry Operations Investigators, Firearms Enforcement Officers, Attorneys, and Forensic Auditors, the ETU will be able to break down investigative siloes and develop expertise and abilities to address new and changing violent crime threats.

ATF Regulatory Actions

ATF also utilizes its regulatory authority to fulfill our mission of public safety. ATF does so in multiple ways, ranging from educational campaigns—including joint efforts with the firearms industry—to compliance inspections to rulemaking. These efforts help ensure that those engaged in the business of manufacturing, importing, or dealing in firearms follow the law and have the essential education, training, and support necessary to comply with federal law. ATF engages in such efforts by partnering with industry, protecting and inspecting federal firearms licensees, and engaging in rulemaking.

Partnering with Industry. For many decades, ATF has educated federal firearms licensees (FFLs) on detecting and preventing the straw purchase of firearms. ATF routinely hosts firearms seminars to discuss the obligations of FFLs under the law and to respond to FFL questions and concerns. ATF also partners with the National Shooting Sports Foundation on the “Don’t Lie for the Other Guy” program, a multimedia campaign to better educate America’s firearms retailers on how to detect would-be straw purchasers. Just last month, I personally launched a “Don’t Lie for the Other Guy” campaign with the President of the National Sports Shooting Foundation outside of St. Louis, in fact. The program also raises public awareness that it is a serious crime to buy a firearm for a prohibited person, or for someone who does not otherwise want the firearm to be traceable to them.

² See ATF Press Release, *Mexican Resident Convicted for Trafficking Firearms Under New Law* (Sept. 29, 2022), available at www.atf.gov/news/pr/mexican-resident-convicted-trafficking-firearms-under-new-law.

³ See ATF Press Release, *Mexican Resident Sent to Prison for Trafficking Firearms Under New Law* (Feb. 10, 2023), available at www.atf.gov/news/pr/mexican-resident-convicted-trafficking-firearms-under-new-law.

Protecting FFLs. ATF works closely with FFLs to respond to all burglaries and robberies of their premises. In 2017, ATF implemented a policy of responding to all FFL burglaries and robberies with teams consisting of both Special Agents and Industry Operations Investigators (IOIs) and expediting the processing of evidence from these incidents in its forensic laboratories. We often work with the industry to offer rewards to help capture the perpetrators. Similarly, ATF has also developed an automated system that sends urgent alerts about FFL burglaries and robberies to other FFLs in the geographic area where the incident has occurred, allowing them to take additional precautionary measures. Likewise, IOIs work with prospective or existing FFLs to identify potential vulnerabilities and suggest methods to reduce the risk of firearm thefts and losses, including by providing recommendations for improving both structural and firearms inventory security. By strategically redirecting resources and leveraging our partnerships with FFLs, ATF has enhanced its ability to identify, arrest, and prosecute criminals and recover stolen firearms as soon as possible. This will ultimately reduce the potential of criminal activity and mitigate the substantial threat that these firearms pose to public safety.

Inspecting FFLs. ATF appreciates that FFLs are often our first line of defense against gun crime and a source of critical enforcement information. However, Congress has also entrusted ATF with holding accountable those few who willfully fail to comply with their legal obligations. ATF must inspect FFLs to make those determinations and those who willfully violate the law must be held accountable, especially when those violations directly affect public safety. That’s why, absent extraordinary circumstances, ATF will seek to revoke licenses of FFLs if, after appropriate due process, they are found to have willfully violated the law by failing to conduct required background checks; falsifying records; failing to respond to trace requests; refusing to permit ATF inspections; or transferring firearms to those prohibited by law from receiving them. FFLs who willfully break the law in these ways warrant ATF’s attention because they increase the risk that guns will fall into the hands of violent criminals and hinder law enforcement’s tracing efforts. For example, in 2022, ATF helped secure the guilty plea of the owner of an FFL in Ohio who, three days after being told by an ATF IOI that she was not allowed to manufacture and sell certain firearms, sold those firearms without the required manufacturer’s license and falsely described them in ATF forms accompanying the sale.⁴

Engaging in Rulemaking. The statutes that ATF administers and enforces expressly include Congressional authorization to promulgate implementing regulations.⁵ When promulgating regulations, ATF meticulously follows the rulemaking process established by Congress in the Administrative Procedure Act, 5 U.S.C. § 551 *et. seq.* (APA). For example, in 2022, ATF issued Final Rule 2021R-05F, “*Definition of ‘Frame or Receiver’ and Identification of Firearms,*” which, among many other regulatory updates, clarified when a partially complete frame or receiver, including one in a parts kit, is “readily” convertible to a functional state and therefore subject to regulation as a “firearm.” This rule helps to address the proliferation of “ghost guns” that are frequently assembled from kits. Ghost guns are

⁴ See ATF Press Release, *Blue Ash Gun Dealer Pleads Guilty to Manufacturing Firearms Without a License, Making False Entries on Dealer Records* (Sept. 22, 2023), available at www.atf.gov/news/pr/blue-ash-gun-dealer-pleads-guilty-manufacturing-firearms-without-license-making-false.

⁵ See, e.g., 18 U.S.C. § 926(a); 26 U.S.C. §§ 7801(a)(2)(A), 7805(a).

popular with criminals because they do not contain serial numbers and are often improperly sold without background checks, making them almost impossible to trace and easy for prohibited people to buy, including over the Internet. ATF strictly adhered to the statutorily required rulemaking process before adopting the final rule. Specifically, as required by the APA and 18 U.S.C. § 926(b), ATF submitted a notice of proposed rulemaking (NPRM) that underwent an extensive internal review process at ATF, the Department of Justice, the Office of Management and Budget, and other Federal agencies before being published in the Federal Register. During the 90-day comment period, ATF received over 290,000 public comments on this NPRM from individuals, government officials (including Members of Congress), and various interest groups, to which ATF responded in more than 60 pages of analysis in Final Rule 2021R-05F.

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All these efforts, both criminal enforcement and regulatory, are ultimately designed to execute the laws enacted by Congress to reduce violent crime and promote the safety of the American people. Mr. Chairman, Mr. Ranking Member, and Members of the Committee, thank you again for the opportunity to be here today. I am happy to answer any questions you may have.