

**House Judiciary Committee Testimony**  
**The Honorable Dusty Johnson**  
**Member Day Hearing**  
**November 3, 2023**

Chairman Jordan, Ranking Member Nadler, and Members of the Judiciary Committee,

Thank you for the opportunity to testify before you today. I am here to urge the committee to consider legislation of mine that seeks to expand access to 2<sup>nd</sup> Amendment rights to more Americans and safeguard America's highest court.

For those who rely on PO or Private Mail Boxes (PMBs), access to owning a firearm presents additional hurdles. Certain individuals like full-time RV travelers or tribal residents on reservations face barriers to purchase and transfer firearms due to restricted use of a PO Box or PMB on ATF Form 4473. Further, military spouses are unable to transfer and purchase firearms to their spouse's new duty station. My bill, H.R. 1508, the *Traveler's Gun Rights Act*, would broaden and define the terms "state of resident" and "resident" in the *Gun Control Act (GCA)* to account for these individuals and expand existing "resident" military personnel flexibilities to their spouses.

The right to obtain a firearm should not be restricted by one's address or identification documents. While foreign government passports can be used to purchase firearms, American Indians and Alaskan Natives are unable to use their government-issued IDs to do so. For states like South Dakota, it's not uncommon for a Native American to rely solely upon their tribal ID. They contain much of the same information found on state-issued driver's licenses and are considered as acceptable identification documents by numerous state and federal government agencies. Yet, current law forbids an American citizen who is a tribal member from using their ID. I introduced H.R. 1709, the *Tribal Firearm Access Act*, alongside Sen. Markwayne Mullin and Rep. Mary Peltola to fix this oversight by clarifying that federally recognized tribes are eligible entities to issue identification documents for the purposes of transferring a firearm.

Tribal law enforcement agencies struggle with similar challenges in obtaining service weapons. Federal, state, and local entities are exempted from certain requirements in the *National Firearms Act (NFA)* and the *GCA*. However, this exemption is not extended to tribal police departments. Tribal police departments lacking a cross-deputization agreement with the Bureau of Indian Affairs (BIA) must pay the NFA transfer tax stamp, are prohibited from interstate transfers, and are prohibited from possessing "post 1986" machineguns. Sen. Markwayne Mullin and I introduced H.R. 3236, the *Tribal Police Department Parity Act* to ensure the ATF treats tribal law enforcement agencies equally as it does federal, state, and local agencies in its implementation of the *NFA* and *GCA*.

The last bill I would like to discuss with you is H.J.Res. 8, a resolution proposing a Constitutional amendment requiring the Supreme Court of the United States be composed of nine Justices. Last Congress, Democrats introduced legislation to expand the Supreme Court to thirteen Justices. But experts and Supreme Court Justices on both sides of the aisle have long agreed that packing the Court is dangerous. Justices Ruth Bader Ginsburg and Stephen Breyer called expanding the Court beyond nine

Justices a “bad idea,” and said Congress ought to “think long and hard” about the risks of expanding the Court.<sup>1 2</sup>

For over 150 years, our nation’s highest court has remained at nine Justices. My resolution has 140 cosponsors in the House. Senator Cruz’s companion resolution (S.J.Res. 21) has 20 cosponsors in the Senate. I believe that Congress ought to preserve the integrity of the Supreme Court during this divisive era and I urge this committee to consider H.J.Res. 8.

Thank you again for holding this Member Day Hearing. I look forward to working with the committee to keep the Supreme Court at nine Justices and ensure all Americans can exercise their 2<sup>nd</sup> Amendment rights.

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<sup>1</sup> Totenberg, Nina “Justice Ginsburg,” NPR. 24 July 2019. [Ruth Bader Ginsburg On Her Health, Opposition To Court-Packing : NPR](#)

<sup>2</sup> Breyer, Stephen G. “The Authority of the Court and the Peril of Politics,” *The Scalia Lecture*, Harvard Law School. 6 April 2021. <https://www.youtube.com/watch?v=bHxTQxDVTdU>