

**Testimony of Esther Sanchez-Gomez
Litigation Director, GIFFORDS Law Center To Prevent Gun Violence**

**U.S. Senate Committee on the Judiciary
How Bump Stocks and Other Conversion Devices are
Amplifying the Gun Violence Epidemic
November 13, 2024**

Thank you, Chairman Durbin, and members of the Committee for the opportunity to testify here today. My name is Esther Sanchez-Gomez and I am the Litigation Director at GIFFORDS Law Center to Prevent Gun Violence. GIFFORDS Law Center was formed more than 30 years ago after a mass shooting at a San Francisco law firm and renamed for former Congresswoman Gabby Giffords after joining forces with the organization she leads.

It is worth noting the origins of the organization I represent—three mass shootings over two decades. The Law Center to Prevent Gun Violence was founded in the aftermath of the July 1993 shooting at the San Francisco law firm of Pettit & Martin which claimed the lives of eight people and wounded six others. Your former colleague, Congresswoman Gabby Giffords was shot in the head during a constituent event in January of 2011 where six were killed and twelve others injured. She was compelled into action during her own recovery after witnessing the horror of the Sandy Hook Elementary School shooting, forming GIFFORDS to find a path forward on gun violence prevention.

GIFFORDS Law Center is a non-profit policy organization serving lawmakers, advocates, legal professionals, gun-violence survivors, and others who seek to reduce gun violence and improve the safety of their communities. Through partnerships with gun-violence researchers, public-health experts, and community organizations, GIFFORDS Law Center researches, drafts, and defends the laws, policies, and programs proven to effectively reduce gun violence. GIFFORDS Law Center also advocates for the interests of gun owners and law enforcement officials who understand that gun-safety legislation and community violence prevention strategies are not only consistent with the Second Amendment—they are essential to protecting the health, safety, and lives of every person in the nation.

Perhaps the bigger tragedy is that these shootings are not just isolated moments in our nation's history, but examples of the sort of senseless gun violence that continues to ravage our country. Recently, this problem has taken a form this body sought to outlaw a century ago—machine guns have returned to American streets, destroying lives and forever changing communities across our country.

My fellow panelist is here today because she survived the October 1, 2017 shooting in Las Vegas. That day, a gunman armed with AR-15-style rifles shot over 500 people at a concert. Sixty concert goers were killed in what remains the deadliest mass shooting in our country's

history.¹ Numerous witnesses, including police officers, described hearing the assailant's weapons shooting "automatic gunfire."² Their descriptions of automatic gunfire, or machinegun fire, are accurate. The gunman equipped his firearms with bump stocks. When a rifle is modified with a bump stock, the shooter only needs to pull the trigger once, and the gun will fire continuously so long as the shooter keeps his trigger finger stationary and applies forward pressure by leaning into the bump stock. These devices allowed the Las Vegas gunman to fire over 1,000 rounds in 11 minutes.³

In response to the 2017 Las Vegas shooting, under President Trump's direction, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) amended its regulations to find bump stocks subject to the federal ban on machine guns and machine gun conversion devices. However, this past June, the Supreme Court supplanted its firearms expertise for that of the ATF and issued a decision in *Garland v. Cargill*, striking down this regulation. And while bump stocks are currently regulated by a number of states, they are now legal under federal law.

Bump stocks are not the only devices equipping shooters with weapons capable of automatic fire. In March of this year eight high schoolers were shot while waiting at a bus stop in Philadelphia. The shooter fired 30 rounds in mere seconds. The gunman was able to do so because his Glock handgun was equipped with a device called an auto sear.⁴ Just this September, several people opened fire in the popular entertainment district of Birmingham, Alabama, killing four people and injuring 17 others. Law enforcement recovered over 100 shell casings from the crime scene, and believe the shooters used auto sears to convert their firearms into fully automatic weapons.⁵

Auto sears are small, lego-sized, machine gun conversion devices that can be easily inserted into a firearm, allowing it to fire continuously with a single pull of the trigger. These devices are also called "switches" or "Glock switches" because of their pervasive use on Glock pistols. Unlike bump stocks, auto sears are classified as machine guns under federal law and are illegal. However, they have proliferated significantly in recent years because of the ease of access created by online marketplaces and the rise of 3D printing technology. ATF's most current reports on firearms commerce and trafficking find that there has been a 570% increase in auto sears recovered by the agency in recent years.⁶ That statistic is borne out in the lived

¹ Jonathan Bernstein & Mark Gray, *Five Years Since the Route 91 Massacre No One Knows a Damn Thing*, Rolling Stone (Sept. 21, 2022), <https://tinyurl.com/bdjkavk2>.

² See Las Vegas Metro. Police Dep't, LVMPD Criminal Investigative Report of the 1 October Mass Casualty Shooting 7, 34-36, 40-41, 56-57, 58, 73 (Aug. 3, 2018).

³ *Id.* at 125.

⁴ Bill Hutchinson and Jennifer Vilcarino, "Machine-gun conversion device dubbed 'Glock switches' taking violence to the 'next level': Experts," ABC News, June 12, 2024, <https://abcnews.go.com/US/machine-gun-conversion-device-taking-violence-level-experts/story>.

⁵ Michelle Watson, et al., "Up to \$100,000 In Rewards Offered for Tips to Solve Birmingham Shooting That Left 4 People Dead," CNN (Sept. 23, 2024), <https://www.cnn.com/2024/09/23/us/birmingham-shooting-what-we-know/index.html>.

⁶ Bureau of Alcohol, Tobacco, Firearms & Explosives & Dep't of Just., *Part VII: Recommendations and Future Enhancements*, in Nat'l Firearms Commerce and Trafficking Assessment (NFCTA): Crime Guns (2023), <https://web.archive.org/web/20240419184738/https://gunswitch.org/product/glock-switch>.

trauma of our communities. The examples I gave before, of shootings in Philadelphia and Alabama, this year are a tiny sampling of shootings being committed with auto sear enabled machine guns.

This is not the first period of American life marred by machine gun fire. During the 1920s and '30s the country was rocked by a gun violence epidemic fueled by prohibition era organized crime.⁷ The weapon of choice was the Thompson submachine gun, which fired 600 rounds per minute.⁸

The ceaseless stream of violence spurred Congress to action, passing the National Firearms Act (NFA), which President Roosevelt signed into law in 1934. The NFA effectively banned automatic firearms through a tax and registration policy. It is our country's first and most enduring federal gun violence prevention legislation.

Instructively, it has been amended over time to account for changes in commerce and technology, and to make an explicit ban on civilian ownership of automatic weapons. Which is to say, the violence we see perpetrated today with the aid of bump stocks and auto sears can be prevented. Congress has the constitutional authority to ban bump stocks, and Congress can grant ATF and other federal law enforcement agencies the resources to address the trafficking of machine gun conversion devices.

We are not condemned to live in a society where a gunman can enter our places of worship, political rallies, concerts, or any other type of gathering and slaughter Americans by the dozens with the single pull of a trigger. The Supreme Court has made clear that you can act—and the harm occurring in our communities compels you to do so.

The remainder of my testimony further discusses the legal regime governing automatic weapons and both bump stocks and auto sears in greater detail. I have submitted it in writing for the Committee's consideration.

Congress explicitly banned automatic weapons, and expanded the definition of “machine gun” to counteract efforts to circumvent that ban.

The History of the National Firearms Act.

Congress, confronted with the brutal, machine gun fueled violence of prohibition-era organized crime in the 1920s and '30s imposed a registration requirement and a hefty \$200 tax on the making and transfer of machine guns via the National Firearms Act (NFA).⁹ Adjusted for inflation

⁷ “Prohibition-Era Gang Violence Spurred Congress To Pass First Gun Law,” NPR, June 30, 2016, <https://tinyurl.com/4s6e2efn>.

⁸ Ronald G. Shafer, “They were killers with powerful guns. The president went after their weapons.”, The Washington Post, May 26, 2022, <https://www.washingtonpost.com/history/2022/05/26/fdr-machine-gun-control-dillinger/>.

⁹ See, e.g., S. Rep. No. 73-1444, at 1-2 (1934) (“[The] law violator must be deprived of his most dangerous weapon, the machine gun.”); H.R. Rep. No. 73-1780, at 1 (1934) (same).

that tax would be well over \$3,500 today, and during the Great Depression effectively functioned to ban civilian ownership of machine guns.¹⁰ The NFA reflected Congress’s judgment that machineguns have no legitimate civilian purpose, because they were neither useful nor necessary for sport or self-defense.¹¹

As originally proposed, the NFA defined “machinegun” as “any weapon designed to shoot automatically or semiautomatically twelve or more shots without reloading.”¹² In a hearing before a House Committee, the National Rifle Association’s then-President, Karl T. Frederick, expressed concern that this definition was too narrow and could be easily circumvented by firearm manufacturers. He was specifically worried that a gun with an ammunition-feeding device limited to 11 rounds or fewer would circumvent the regulation but still fire automatically in practice.¹³

Instead, Fredrick proposed a broader definition for Congress to adopt. He said a machine gun should be defined as a weapon that “shoots automatically more than one shot without manual reloading, by a single function of the trigger.”¹⁴ This was the final definition in the NFA when President Roosevelt signed it into law.

The Evolution of the Automatic Weapons’ Regulation.

Despite the NFA’s initial success in helping tamp down the violence of prohibition era United States, firearm manufacturers found a way to circumvent the regulation by producing components that converted semi-automatic weapons to fully automatic machine guns. Congress acted twice to reign in the proliferation of machine gun conversion devices. First, by enacting the Gun Control Act of 1968 (“GCA”), which expanded the NFA’s machine gun definition to include “any combination of parts designed and intended for use in converting a weapon into a machine gun.”¹⁵ The gun industry continued to work around those regulations, however, and by the 1980s converted machine guns accounted for 20 percent of machine guns recovered by ATF.¹⁶ In 1986 Congress responded by passing the Firearms Owners’ Protection Act, which replaced the prior registration scheme with a complete ban on civilian ownership of newly manufactured machine guns.¹⁷ In doing so, Congress broadened the definition of machine gun to capture any part used to convert a weapon into a machine gun.

¹⁰ *Supra* at note 7.

¹¹ See S. Rep. No. 73-1444, at 2 (1934) (“[T]here is no reason why anyone except a law officer should have a machine gun or sawed-off shotgun.”); H.R. Rep. No. 73-1780, at 1 (1934) (same).

¹² Hearings Before a Subcommittee of the Committee on Commerce of the United States Senate on S. 885, S. 2258 and S. 3680, at 75 (1934).

¹³ See Hearings Before The Committee on Ways and Means, House of Representatives on H.R. 9066, at 39-40 (1934) (“House NFA Hearing”) (“A gun which fires automatically or semiautomatically less than 12 shots is not under this definition a machine gun. And yet, in my opinion, it is in fact a machine gun and should be so classified.”).

¹⁴ *Id.* at 40.

¹⁵ Pub. L. No. 90-618, 82 Stat. 1213 (Oct. 22, 1968).

¹⁶ See Sen. Comm. on the Judiciary, 97th Cong., Federal Regulation of Firearms 26 (1982).

¹⁷ Pub. L. No. 99-308, § 102(9).

There is a consistent throughline in federal firearms legislation—Congress and the American people agree that the public good is served by banning automatic weapons from civilian use.

Bump stocks create automatic weapons in function and practice.

Bump stocks harness a firearm’s recoil movement to enable continuous fire.

Bump stocks serve one function—to convert semi-automatic rifles into machine guns. Automatic and semi-automatic rifles have very few mechanical differences. In semi-automatic rifles, the firing process is controlled by a “disconnecter,” which requires each shot to be fired with a trigger pull. In automatic rifles, a trigger pull disengages the disconnecter, and the auto sear then controls the firing process. The auto sear harnesses the kinetic force created by the combustion reaction that fires each round, to load and fire a new round without additional operator action. Bump stocks harness the back-and-forth movement from the same combustion reaction, allowing the disconnecter cycle to loop and the gun to continuously fire, without the need for the shooter to make repeat trigger pulls. This turns a semi-automatic weapon into an automatic weapon.

The name “bump stock” is helpful in understanding how these devices function. A bump stock allows the rifle to slide within the stock. The recoil from each shot, combined with forward pressure from the operator’s non-shooting hand (or a spring in some bump stocks), causes the rifle to slide back and forth, “bumping” the operator’s stationary trigger finger, which rests on the bump stock’s “trigger ledge.” Each bump initiates a new firing sequence, allowing the hammer to fire another round without the shooter acting to pull the trigger.

The primary difference between a traditional automatic rifle and a rifle equipped with a bump stock is the method by which the rifle harnesses kinetic energy to create automatic fire. Traditional machine guns have an internal mechanism, the bolt carrier, to leverage excess gas from the combustion to activate continuous fire. Bump stocks harness the movement of the rifle created by the combustion to activate continuous fire. With a bump stock, so long as the shooter keeps a stationary finger on the trigger ledge and holds the gun in place by applying forward pressure to the barrel via the stock, the rifle will fire continuously.

Bump stocks enable fire at the same rate as machine guns.

Bump stocks enable firing rates that rival other automatic weapons. A firearm’s fire rate is measured by the time between firing a loaded round and locking a new round into firing position.¹⁸ The military-issue M16 has a fire rate of 800 rounds per minute (RPM). Semi-automatic rifles cannot achieve this rate because they are constrained by a shooter’s physical ability to successively pull the trigger. Professional sport-shooting competitors, who use semi-automatic rifles, have a maximum theoretical firing rate of about 180 RPM.¹⁹ However, a

¹⁸ FM23-9 at Glossary 7.

¹⁹ Steven Koff, “Assault Weapons, Semi-Automatic Rifles and the AR-15: Defining the Debate,” Cleveland.com (Apr. 18, 2018), https://www.cleveland.com/nation/2018/04/assault_weapons_semi-automatic_1.html.

semi-automatic rifle equipped with a bump stock can fire between 400 and 800 RPM.²⁰ The Thompson submachine gun—which, as discussed earlier, was responsible for much of the violence that prompted the passage of the NFA—has a fire rate of 600 RPM. Bump stock equipped rifles are machine guns in practice, enabling fire rates that rival other automatic firearms. They are entirely within the universe of devices Congress has already deemed to be too dangerous for civilian use.

Bump stock equipped rifles are analogous to the devices Congress has already deemed too dangerous for the public and should be regulated as such.

Bump stocks are entirely within the universe of devices Congress has already deemed to be too dangerous for civilian use. This past summer, the Supreme Court read the definition of machine guns in its *Garland v. Cargill* decision to explicitly exclude bump stock devices from the definition of machine guns under federal law. As my testimony has sought to explain, in both use and purpose, bump stock equipped rifles are indistinguishable from traditional automatic firearms. But you do not need to take my word for it. Justice Alito, in his *Cargill* concurrence said:

“There can be little doubt that the Congress that enacted 26 U. S. C. §5845(b) would not have seen any material difference between a machinegun and a semiautomatic rifle equipped with a bump stock. . . . There is a simple remedy for the disparate treatment of bump stocks and machineguns. Congress can amend the law—and perhaps would have done so already if ATF had stuck with its earlier interpretation. Now that the situation is clear, **Congress can act.**”²¹

Congress should act to close the loophole that now exists in our federal ban on machine guns.

Auto sears are illegal machine guns that require modern, robust enforcement measures.

Auto sears are the quintessential machine gun conversion device.

Auto sears—short for automatic sear—are small devices that attach to semi-automatic firearms and convert them into fully automatic firearms capable of firing one to two dozen rounds per second.²² The mechanics are straightforward. The sear is the part of the trigger mechanism that holds back the striker. The striker, in turn, is a part of the firing mechanism that strikes the primer and initiates the explosion that propels the bullet. Once the sear is overtaken, the striker can continue firing with just one trigger pull. Stated simply, a gun with an auto sear will fire continuously until the ammunition runs out or the shooter releases the trigger.

²⁰ See “*The “Bump Stocks” Used in the Las Vegas Shooting May Soon Be Banned,*” *Economist* (Oct. 6, 2017), <https://www.economist.com/graphic-detail/2017/10/06/the-bumpstocks-used-in-the-las-vegas-shooting-may-soon-be-banned>.

²¹ Alito, J., concurring, *Garland v. Cargill*, 602 U. S. ____ (2024) (emphasis added).

²² Alain Stephens and Keegan Hamilton, “Auto Sears: The Return of the Machine Gun,” *The Trace*, March 24, 2022, <https://www.thetrace.org/2022/03/auto-sear-gun-chip-glock-switch-automatic-conversion>.

Firearms equipped with auto sears pose a particular public safety risk. The uninterrupted stream of fire these devices enable increases the recoil of the firearm. This coupled with the lack of any time between shots fired creates a situation where it is extremely difficult for the shooter to manage the recoil and control the weapon. The resulting harm is an indiscriminate barrage of bullets.

Auto sears are often referred to as switches or the more specific “Glock switch.” This is just a different name for the same type of device. Glock switches have established a brand name affiliation because Glock pistols are both common and particularly easy to modify with an auto sear. A person with no training, technical expertise, or specialized tools can install a Glock switch in a short time. All it requires is removing the slide cover plate from the back of the Glock pistol and attaching the Glock switch to the rear of the slide.

A combination of global internet based marketplaces and modern technologies are fueling the proliferation of auto sears.

Despite being banned as machine guns under existing federal law, auto sears are increasingly being recovered from crime scenes, corresponding with an increase in the frequency of automatic gun fire reported across the United States. ATF reports that, between 2017 and 2021, the number of machine gun conversion devices recovered by the agency increased by approximately 570% compared to a similar analysis the five years before.²³ This corresponds with another troubling increase. ShotSpotter—an acoustic gunshot detection system deployed in communities throughout the United States—detected more than 75,000 rounds of fully automatic gunfire across 127 cities in 2022. This was a 49% increase in fully automatic incidents the system detected in these cities from the prior year.²⁴

The proliferation of auto sears is likely attributable to the appeal of their function combined with their inexpensive market price and ease of purchasability. Conversion devices are primarily manufactured outside the United States, commonly in China and Russia, and sold into American consumers through online platforms. For example, a 2019 investigation by ATF uncovered nearly 4,000 PayPal orders for auto sears from just a single exporter, suspected to be a Chinese company, that sold the devices for under \$20 each.²⁵ In a similar vein, Glock switches and conversion devices are being marketed to Americans through social media platforms like Facebook, Instagram, and Twitter.²⁶

²³ *Supra* at note 6.

²⁴ Ernesto Londoño & Glenn Thrush, “Growing in Popularity, Switch Devices are Making Guns Deadlier,” N.Y. Times (Aug. 12, 2023), <https://web.archive.org/web/20240419183906/https://www.nytimes.com/2023/08/12/us/guns-switch-devices.html>.

²⁵ Scott Glover, “ATF on the hunt for thousands of illegal machine gun conversion devices smuggled into US,” CNN, May 23, 2019, <https://www.cnn.com/2019/05/23/us/atf-agents-hunting-down-illegal-machine-gun-device-invs>.

²⁶ Cyrus Farivar, “It’s Shockingly Easy to Buy Illegal Gun Modifiers on Instagram, Facebook and Twitter,” Forbes (Jun. 28, 2023), <https://web.archive.org/web/20240419190626/https://www.forbes.com/sites/cyrusfarivar/2023/06/28/its-shockingly-easy-to-buy-illegal-gun-modifiers-on-instagram-facebook-and-twitter/?sh=6254964f67e5>.

Further aiding the proliferation of auto sears is the rise of 3D printing technology. As this technology has developed and gone mainstream, the ability for illicit domestic manufacture of auto sears has increased dramatically. At a time where the risk of political violence in the United States is higher than it has been in a generation, the ease of access 3D printing technology offers those who seek auto sears is particularly dangerous. This is not hyperbole. In 2020, a West Virginia man was charged with 3D printing and selling hundreds of auto sears to domestic extremists, including to a man who subsequently shot two police officers and two security guards in California, killing two of the four victims.²⁷

Auto sears are illegal under existing federal law, meaning their proliferation can be curtailed with greater enforcement.

Under existing federal law it is illegal to possess, transfer, manufacture, or import auto sears, with limited exceptions. Auto sears, unlike bump stocks, are considered machine guns under the NFA definition which includes: “any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun.” ATF has also issued a decision further clarifying that the definition of “machinegun” includes auto sears regardless of whether they are installed on a firearm. Furthermore, the Supreme Court’s decision in *Cargill* included dicta specifying that auto sears are machine guns under the current legal regime.

The Biden Administration has taken a number of proactive steps to address this problem, including an executive order just this past September establishing the Emergency Firearms Threats Task Force, which will develop “a risk assessment and strategy to stop the proliferation of machinegun conversion devices, with a particular emphasis on the devices used to convert a standard, semiautomatic firearm to a machinegun.”²⁸

Congress must be a partner to the next administration and the state and local governments working to address the challenge of modern machine guns. ATF must be fully funded and staffed to carry out their enforcement mission. Likewise, other federal law enforcement agencies, such as Customs and Border Protection, must be equipped to assist the Department of Justice in its anti-trafficking work.

Conclusion

My message to this committee is simple—Congress has regulated automatic firearms out of civilian use repeatedly over the past century, and Congress can continue to do so by updating our laws to regulate bump stocks and better enforce restrictions on auto sears. There are currently pending legislative proposals that you should consider to address this challenge:

²⁷ Azi Paybarah, “West Virginia Man Sold Machine Gun Conversion Devices to Extremists, US Says,” New York Times, November 18, 2020, <https://www.nytimes.com/2020/11/18/us/boogaloo-machine-gun-sales-indicted.html>.

²⁸ Exec. Order No. 14127, 2 C.F.R. § 3 (2024).

- **S. 1909: Banning Unlawful Machinegun Parts (BUMP) Act** – proposed by Sen. Martin Heinrich (D-NM), this bill prohibits the import, sale, manufacture, transfer, receipt, or possession of bump-fire devices and requires persons currently in possession of these devices to register them under the NFA.
- **S. 1319: Preventing Illegal Weapons Trafficking Act** – proposed by Sen. Amy Klobuchar, (D-MN) this bill requires federal law enforcement to coordinate efforts to prevent the importation and trafficking of auto sears and seize all profits that come from the illegal trafficking of these devices.

Whether through these legislative proposals or otherwise, I sincerely hope Congress takes action to address the violence done by bump stocks and auto sears. Thank you for the opportunity to testify before you today.

ABOUT GIFFORDS LAW CENTER

For 30 years, the legal experts at GIFFORDS Law Center to Prevent Gun Violence have been fighting for a safer America. Led by former Congresswoman Gabrielle Giffords, GIFFORDS Law Center researches, drafts, and defends the laws, policies, and programs proven to save lives from gun violence.