



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Public and Governmental Affairs

Washington, DC 20226

www.atf.gov

January 17, 2025

Senator Charles E. Grassley
United States Senate Judiciary Committee
Washington, DC 20510

Dear Senator Grassley:

This responds to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Director Steven Dettelbach, dated April 30, 2024, regarding ATF's efforts to combat "switches" and "auto sears" imported to the United States from China and Russia. We appreciate the opportunity to outline how ATF is addressing this serious issue.

Keeping our communities safe from violent criminals and the illegal use and trafficking of firearms is a top priority of ATF. An essential part of this goal is combatting the use of machinegun conversion devices (MCDs), often referred to as "auto sears", "switches", or "chips." These devices turn a legal semiautomatic firearm, which fires one round with each pull of the trigger, into an illegal fully automatic machinegun capable of firing several hundred rounds per minute.¹ The Gun Control Act (GCA) prohibits the transfer or possession of a MCD manufactured after May 19, 1986 by any person who is not under the authority of, the United States or any department or agency thereof or a State, or a department, agency, or political subdivision thereof. Additionally, the National Firearms Act (NFA) requires any MCD not in

¹ Machinegun is defined in the NFA under 26 U.S.C. § 5845(b) and GCA under 18 U.S.C. § 921(a)(24) as "any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, *any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun*, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person." (*emphasis added*). MCDs are designed and intended for use in converting a semiautomatic weapon into a machine gun, and, therefore, are classified and regulated as machineguns by the provisions of the GCA and NFA.

the possession or under the control of the United States be registered and recorded in the National Firearms Registration and Transfer Record.²

Despite this, ATF and our law enforcement partners across the country are seeing an increased proliferation and use of these illegal devices—in fact, in the decade prior to 2021, ATF experienced a 570% increase in MCD recoveries.³ MCDs are also now the most frequently recovered type of illegal firearm, accounting for almost 55% of the firearms recovered in ATF trafficking investigations between 2017 and 2021.⁴

China plays a key role in the availability of MCDs and the trafficking of other firearms into the United States. In fact, a recent ATF study found that between 2017 and 2021, “[f]irearm trafficking investigations involving the movement of firearms from China into the U.S. represented almost 55% of foreign country into the U.S. trafficking cases (45 of 82) and had a mean of 77 trafficked firearms per investigation...investigations involving illegal imports from China primarily relate to silencers, silencer parts, machine gun conversion devices, and unfinished frames or receivers (regulated for purposes of import).”⁵

That is why the Department of Justice recently issued a directive, entitled “Combating Illegal Machine Gun Conversion Devices through Enhanced Enforcement, Training, and Intelligence Sharing” (MCD Strategy), to aggressively pursue any individuals who illegally manufacture, sell, traffic, or use MCDs. This MCD Strategy, amongst other things, established a standing committee, the Action Network to Terminate Illegal Machinegun Conversion Devices (ANTI-MCD), to provide leadership and guidance for how to best deploy Department resources to reduce the proliferation of MCDs, to work with interagency and external partners on initiatives and joint MCD prosecution and enforcement efforts, and to ensure coordination among Department components and other stakeholders. In addition, the MCD Strategy directs Department law enforcement and prosecutors to enhance MCD prosecution efforts, including by creating an MCD Coordinator at ATF to serve as a national expert on enforcement-related issues concerning MCDs, directing Department prosecutors to bring MCD-related prosecutions where appropriate, and instructing law enforcement to enhance their tracking of MCD seizures.

ATF stands ready to assist the Department in its efforts to further combat the proliferation of MCDs. However, ATF’s focus on MCDs is not new. To counteract the rapid increase of these and other emerging technologies, ATF has already established an Emerging Threats Center (ETC) to conduct and coordinate multi-jurisdictional investigations, undercover operations, and other intelligence-driven investigative functions related to the unlawful use of emerging technologies which pose a potential threat to public safety, such as MCDs. ATF’s ETC also

² See 18 U.S.C. § 922(o) and 26 U.S.C. § 5841.

³ See National Firearms Commerce and Trafficking Assessment (NFCTA), *Crime Guns, Volume II, Part VII* at p. 4, available at www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-vii-recommendations/download.

⁴ See NFCTA, *Firearms Trafficking Investigations, Volume III, Part X* at p. 4, available at www.atf.gov/file/190676/download.

⁵ See NFCTA, *Firearms Trafficking Investigations, Volume III, Part V* at p. 11, available at <https://www.atf.gov/firearms/docs/report/nfcta-volume-iii-part-v/download>

provides investigative direction and assistance to disrupt and dismantle criminal activity conducted through internet-based platforms.

Through these investigations, ATF has found that MCDs sold online by foreign companies are mass produced and sold at lower prices. Chinese companies frequently advertise MCDs on various websites whose domain names change frequently, encrypted apps (e.g., Telegram and Whats App), and via online marketplaces, like Alibaba, eBay, and DHgate. Although some of these vendors, like eBay, have mechanisms in place to allow ATF to report items being sold in violation of U.S. law, many do not. However, even if an online vendor's policies and practices expressly prohibit the sale of MCDs, Chinese and other foreign-based companies utilize deceptive marketing practices, such as selling the MCDs as "dog tags" or "toy car kits" to avoid detection.

While ATF monitors and conducts proactive enforcement against foreign-based websites advertising the sale of firearms that are regulated by the GCA and NFA, including MCDs, given that ATF's jurisdiction is limited to reducing violent crime and firearm trafficking investigations related to U.S.-sourced firearms, ATF frequently works with Homeland Security Investigations (HSI), Customs and Border Protection (CBP), and the U.S. Postal Inspection Service (USPIS) to investigate those entities and individuals located in foreign countries who illegally import MCDs into the United States. To that end, ATF and its law enforcement partners, including CBP and the Massachusetts State Police, recently led an investigation that resulted in the seizure of more than 350 internet domains that were allegedly used for the illegal importation of MCDs and silencers from China.⁶

ATF is committed to continuing its work with our federal, state, and local law enforcement partners to curb the proliferation of MCDs that are trafficked from both domestic and international sources. For example, ATF examines and classifies MCDs submitted for review by state and local law enforcement agencies.

ATF also provides expert assistance and training to ensure that law enforcement on the front lines can identify and seize MCDs, some of which are quite small and difficult to detect. For example, ATF has issued technical bulletins about the development, use, and identification of MCDs and made such technical bulletins available to our law enforcement partners. ATF also conducts training events designed to educate our law enforcement partners and the public about MCDs, solvent traps, privately made firearms, and the 3D manufacturing of these devices.

As part of these efforts, ATF has worked with federal, state, and local partners to launch initiatives focused on enhancing enforcement efforts to seize MCDs and hold offenders accountable. For example:

- In July 2024, the U.S. Attorney's Office for the Northern District of Alabama, along

⁶ See USAO – District of MA, *Federal Authorities Seize Over 350 Website Domains Used to Import Illegal Switches and Silencers from China*, Sept. 11, 2024, available at <https://www.justice.gov/usao-ma/pr/federal-authorities-seize-over-350-website-domains-used-import-illegal-switches-and>

with ATF, announced “Operation Flip the Switch,” an initiative targeting illegal MCDs. As part of Operation Flip the Switch, the U.S. Attorney’s Office is partnering with Crime Stoppers of Metro Alabama to offer rewards for information leading to the issuance of a warrant or an arrest being made of someone who possess MCDs or 3D printers used to manufacture them.⁷

- In June 2024, the U.S. Attorneys for the Western, Northern, Southern, and Eastern Districts of Texas, along with ATF, launched “Operation Texas Kill Switch, a statewide initiative targeting illegal MCDs. The number of MCDs recovered by Texas law enforcement has risen dramatically in the past few years. They are often sold over social media, marketed to adults and juveniles alike. Between June 10, 2024 and August 31, 2024, the U.S. Attorneys Offices partnered with local crime stopper programs to offer rewards for information leading to the apprehension or prosecution of those who possess MCDs or the 3-D printers used to manufacture them.⁸
- In November 2023, the U.S. Attorney’s Office for the Western District of Oklahoma, in coordination with ATF, launched “Project Switch Off” to target prosecutions related to MCDs and to take illegal machineguns off the streets.⁹

These partnerships have removed violent criminals from our streets. In August 2024, as a result of Operation Texas Kill Switch, a violent felon in Texas armed with a loaded handgun that was fitted with an MCD, was arrested and charged via criminal complaint with felon in possession of a firearm.

ATF shares your concerns regarding the availability of MCDs in the United States, and that is why we and our law enforcement partners are committed to aggressively pursuing any individuals who illegally possess, traffic, or use MCDs.¹⁰ For example:

⁷ See USAO – NDAL, *U.S. Attorney’s Office Announces “Operation Flip the Switch” Aimed at Machinegun Conversion Devices*, July 18, 2024, available at <https://www.justice.gov/usao-ndal/pr/us-attorneys-office-announces-operation-flip-switch-aimed-machinegun-conversion#:~:text=%E2%80%93%20Today%2C%20U.S.%20Attorney%20Prim%20Escalona,colloquially%20known%20as%20%E2%80%9Cswitches.%E2%80%9D>

⁸ See USAO – NDTX, *Texas U.S. Attorneys Announce “Operation Texas Kill Switch” Aimed At Machinegun Conversion Devices*, June 10, 2024, available at <https://www.justice.gov/usao-ndtx/pr/texas-us-attorneys-announce-operation-texas-kill-switch-aimed-machinegun-conversion>

⁹ See USAO – WDOK, *United States Attorney and ATF Discuss Emerging Threat of Machinegun Conversion Devices*, Nov. 29, 2023, available at <https://www.atf.gov/news/press-releases/united-states-attorney-and-atf-discuss-emerging-threat-machinegun-conversion-devices>

¹⁰ ATF investigates cases and, where appropriate, refers them to the appropriate prosecutor’s office. The prosecutor’s office then conducts its own assessment of relevant case intake factors and determines whether to accept or decline the ATF referral for prosecution. Each prosecutor’s office, whether federal or state, sets prosecution priorities based on a wide variety of local factors that may differ greatly between jurisdictions and locations. Accordingly, with respect to your questions regarding the number of MCD-related prosecutions, we respectfully refer you to federal

- In August 2024, the U.S. Attorney’s Office for the District of Delaware announced an individual was arrested and charged with illegally possessing machineguns. The criminal complaint alleges that he knowingly ordered and received MCDs from China.¹¹
- In June 2024, the U.S. Attorney for the Middle District of Florida announced the arrest and filing of a criminal complaint charging a man from Plant City, FL with smuggling MCDs into the United States, possession of firearms and ammunition as a convicted felon, and possession of unregistered machineguns and a silencer. According to the complaint, in April 2024, CBP seized a suspicious package shipped from Shenzhen, China that was destined for a residence in Plant City. The package contained 63 MCDs. If convicted, the defendant faces up to 20 years in federal prison for smuggling MCDs, up to 15 years for possession of a firearm as a convicted felon, and up to 10 years for possession of an unregistered machinegun and silencer.¹²
- In June 2024, the U.S. Attorney for the Western District of Michigan announced that a man was sentenced to 108 months in prison for his part in trafficking methamphetamine, guns, and machinegun switches. He was the last of 17 defendants to be sentenced from this investigation. Ten other defendants in this case were charged with firearms violations related to MCDs; one allegedly imported MCDs from China and distributed them to members of his street gang.¹³
- In December 2022, the U.S. Attorney for the Eastern District of Michigan announced that a federally licensed firearms dealer was charged with illegally importing MCDs from Russia, using a Russian website, and failing to keep proper records.¹⁴
- In November 2022, the U.S. Attorney for the Western District of New York

or state prosecutor offices for additional information on charging decisions.

¹¹ See USAO – District of Delaware, *Middletown Man Charged with Illegally Possessing Machineguns*, August 5, 2024, available at <https://www.justice.gov/usao-de/pr/middletown-man-charged-illegally-possessing-machineguns>

¹² See USAO – MDFL, *Convicted Felon Arrested For Smuggling Machinegun Conversion Devices Into The United States And Possession Of Firearms, Ammunition, And Silencer*, June 4, 2024, available at <https://www.justice.gov/usao-mdfl/pr/convicted-felon-arrested-smuggling-machinegun-conversion-devices-united-states-and>

¹³ See USAO – WDMI, *Final Member Of Benton Harbor Machinegun And Drug Trafficking Investigation Sentenced*, June 13, 2024, available at https://www.justice.gov/usao-wdmi/pr/2024_0613_Austin_E_Sentenced

¹⁴ See USAO – EDMI, *Clinton Township Firearms Dealer Charged With Illegally Importing Glock Conversion Devices from Russia*, December 27, 2022, available at <https://www.justice.gov/usao-edmi/pr/clinton-township-firearms-dealer-charged-illegally-importing-glock-conversion-devices>

announced that a defendant was charged with conspiracy to possess machine guns and smuggling machine guns. According to the complaint, on October 27, 2022, CBP officers intercepted a parcel, sent from China, at the FedEx facility at the Memphis International Airport in Memphis, Tennessee. The contents of the parcel were described as “plastic spring buckles used for clothes,” but an examination of the parcel found that it actually contained parts for several MCDs, which were concealed in a bag comingled among black plastic drawstring clips.¹⁵

MCDs have no place in our communities. Moving forward, ATF will continue to work with its law enforcement partners at all levels of government to hold those who traffic and use these devices accountable. While HSI, CBP, and USPIS are better situated to answer many of the questions in your letter, we hope the information we have provided is helpful. Should you have any other concerns, please do not hesitate to contact ATF’s Legislative Affairs Division at (202) 648-8510 or via email at atflegislativeaffairs@atf.gov.

Sincerely,

Brian Nickey
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Public and Governmental Affairs

¹⁵ See ATF Press Release, *Buffalo Man Charged With Conspiracy To Possess and Smuggling Machine Guns*, November 14, 2022, available at <https://www.atf.gov/news/press-releases/buffalo-man-charged-conspiracy-possess-and-smuggling-machine-guns>