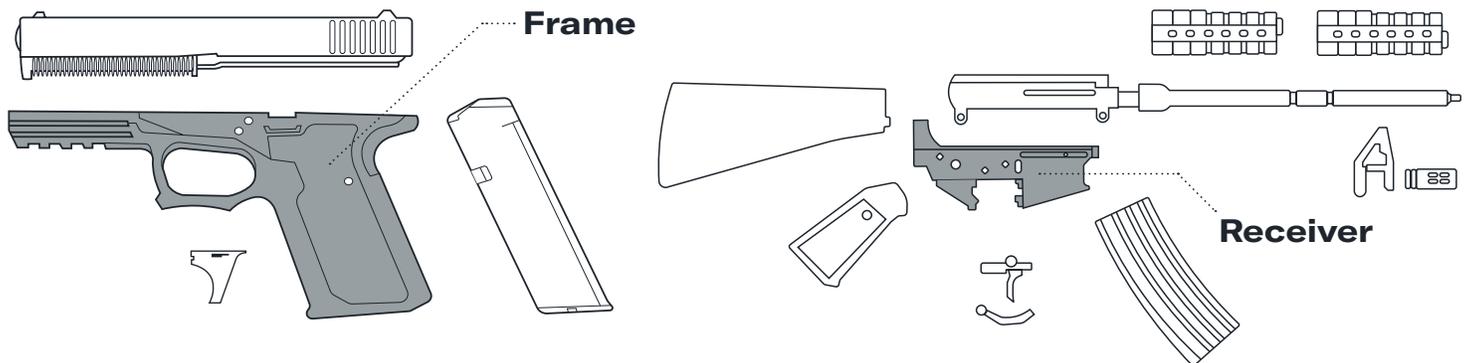


ATF & the Rising Threat of Ghost Guns

The rise of ghost guns is the fastest growing gun safety problem facing our country. Because of ATF's current interpretation of the law, the core building blocks for a ghost gun are not regulated as "firearms" and therefore can be acquired with no background check and made into a fully functioning, untraceable firearm in less than one hour.

A ghost gun is a DIY, homemade gun made from readily available, unregulated building blocks. It is produced by an individual, not a federally licensed manufacturer or importer.

- A ghost gun has three key, related characteristics: It is unserialized, untraceable, and its building blocks are acquired without a background check.
- Every firearm has a frame or receiver, parts that are regulated as firearms under federal law. Most ghost guns are made with frames and receivers that are not completely manufactured and therefore not regulated as firearms. "Unfinished" frames and receivers can be bought from multiple online retailers, at gun shows, and at stores.



Ghost gun kits are designed and marketed so that almost any person—even one with limited technical skills—can do the necessary work to build a gun.

- Kits often include the necessary drill bits, a tool known as a "jig" that guides the drilling and milling necessary to complete "unfinished" frames or receivers, and the parts to assemble it all into fully functioning firearms.

The screenshot shows a product page for a "Complete Black AR15 Build Kit". The price is listed as \$997.99, with a red banner indicating a discount to \$193.88. The page includes a "Subscribe To When In Stock" form and a customer review with a 5-star rating and the text "Good kit! The kit has everything you need to get setup and ready for an affordable price! Definitely recommended!".

Ghost guns are predictably emerging as a weapon of choice for violent criminals, gun traffickers, dangerous extremists, and other people legally prohibited from buying firearms.

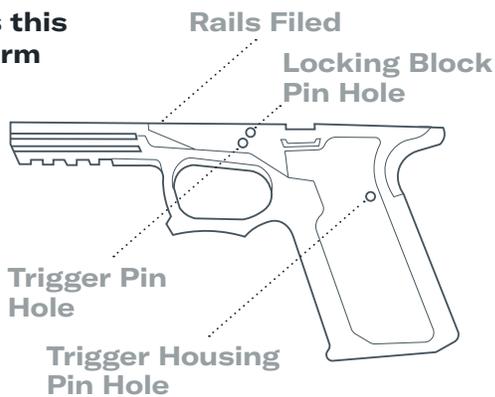
In communities across the country, law enforcement agencies are recovering increasing numbers of ghost guns. For example, 30 percent of the guns being recovered by ATF in California are unserialized.¹

Ghost guns have been used in heinous crimes. In Washington D.C., ghost guns were used in four recent fatal shootings.² In Texas, a man who failed a background check went on a shooting rampage with an assault-style ghost gun that left seven people dead and 22 shot and wounded.³ In Arizona, a neo-Nazi sex offender bragged on Facebook about his arsenal of firearms and homemade assault-style ghost guns.⁴

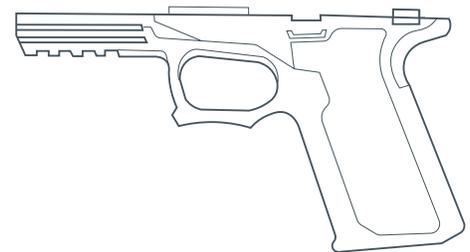
Under ATF's current interpretation of federal law, whether it's a 15-year-old, a felon, a domestic abuser, or a gun trafficker, if the person has a drill and an hour, they can undermine all of our gun safety laws and make a ghost gun.

Federal gun safety laws regulate "firearms," including frames or receivers that can readily be converted into an operable firearm.⁵ ATF has taken the flawed position that frames and receivers do not qualify as a firearm until they have been completely drilled out (see illustration below), even though unfinished frames and receivers can be made into a firearm in less than one hour.⁶

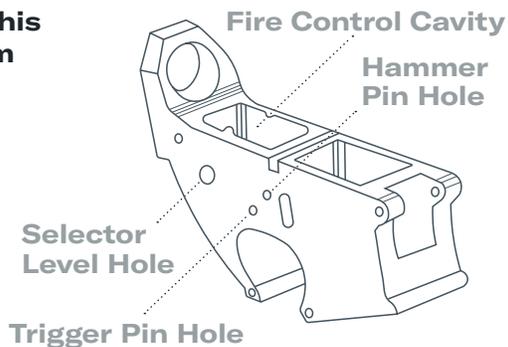
ATF says this is a firearm



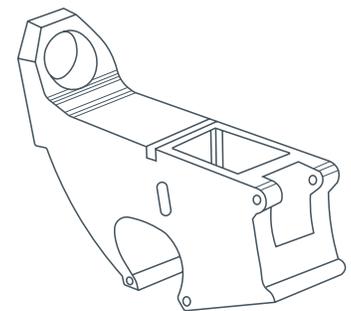
ATF says this is not a firearm



ATF says this is a firearm



ATF says this is not a firearm



ATF should clarify the regulation and enforce the law. It should adopt a new definition of "firearm frames and receivers" that would reassert regulation over ghost guns—like the proposed new definition formally submitted to ATF by Everytown in December 2019.

If ATF fails to act, Congress should clarify its intent by passing a new law, states should prohibit the purchase and sale of ghost guns, attorneys general should interpret state laws to include ghost gun parts, law enforcement should collect data and report on the availability and use of ghost guns, and, finally, companies that facilitate sales of ghost guns (e.g., credit cards, internet service providers) should take measures to prevent the spread of ghost guns.

1. Alain Stephens, "Ghost Guns Are Everywhere in California," *The Trace*, May 17, 2019, <https://bit.ly/2T5YAGW>.
2. Peter Hermann, "D.C. mayor signs law banning 'ghost gun' kits from District," *Washington Post*, March 11, 2020, <https://wapo.st/3eq7s1L>.
3. Dan Frosch, Sadie Gurman, and Zusha Elinson, "Authorities Suspect Man of Making and Selling Gun Used in Texas Shooting," *Wall Street Journal*, September 4, 2019, <https://on.wsj.com/2TaNG2N>.
4. Meg O'Connor, "How Facebook Led the FBI to Seize Guns from an Arizona 'Neo-Nazi,'" *Phoenix New Times*, May 16, 2019, <https://bit.ly/2T8LMj9>.

5. 18 U.S.C. § 921(a)(3).
6. Letter from John R. Spencer, Chief, Firearms Technology Branch, ATF, to Chris Coad, Ultra-Tech, Inc. (May 20, 2009); Letter from John R. Spencer, Chief, Firearms Technology Branch, ATF, to Rick W. Miller, G&S Precision Machine (July 24, 2009); Letter from Earl Griffith, Chief, Firearms Technology Branch, ATF, to Bradley Reece, Palmetto State Defense, LLC (Nov. 22, 2013); Letter from John R. Spencer, Chief, Firearms Technology Branch, ATF, to Alan Aronstein, Hi-Standard Manufacturing Company (Sept. 23, 2012).