

October 18, 2022

The Honorable Merrick B. Garland
Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

The Honorable Steven M. Dettelbach
Director
Bureau of Alcohol, Tobacco, Firearms, and
Explosives
99 New York Avenue NE
Washington, D.C. 20226

Dear Attorney General Garland and Director Dettelbach:

We write to encourage the Department of Justice and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to issue enforcement guidance to clarify the Definition of “Frame or Receiver” Final Rule—better known as the Ghost Gun Rule—to ensure that it meets the goal of enforcing the law and stopping the proliferation of these deadly and untraceable firearms that can be acquired without a background check. This rule is intended to regulate nearly-complete frames and receivers that are the core components used to construct ghost guns. Under the final rule—effective August 24, 2022—readily completed frames and receivers are subject to the same regulations as traditional firearms: licensing, background check, and serialization requirements. If the Ghost Gun Rule is fully and properly implemented, the Department and ATF will be better able to protect the public from violent gun crimes and gun trafficking, and help law enforcement solve the crimes in which these firearms are used.

Notwithstanding the Ghost Gun Rule, ghost gun companies have continued to sell the parts and tools to make these dangerous firearms—contending that the final rule fails to cover them and their products. These companies have adopted the position that selling nearly-complete frames and receivers without the tools (commonly known as jigs) or instructions to complete them means that their products are not firearms under federal law. Of the 100 companies previously known to sell unserialized and nearly-complete frames and receivers, dozens remain engaged in that business—including selling nearly-complete unserialized frames and receivers as well as offering the standalone tools and equipment with directions to help purchasers complete them.

The final rule, however, is clear and unambiguous: a nearly-complete frame or receiver is a firearm. The rule does not cover only frames and receivers sold as part of a kit, but also frames and receivers that can be readily completed. Indeed, enforcing the rule only against sellers of kits would be a colossal loophole that would swallow the rule because the outcome is one and the same: both kits and standalone frames and receivers can readily be completed, assembled, restored, or otherwise converted to an operational frame or receiver. The text of the Ghost Gun Rule is consistent with other steps ATF has taken to ensure that unfinished frames and receivers are treated as firearms. For example, ATF has rescinded prior determination letters that ruled

nearly-complete frames or receivers are not firearms and has required manufacturers to resubmit these parts for review.

These parts and the ghost guns made from them pose a serious and severe threat to the public and to law enforcement. In May 2021, the Senate Committee on the Judiciary Subcommittee on The Constitution heard testimony from leading experts and law enforcement officials that ghost guns are becoming the preferred instruments for criminals and violent extremists—the fastest-growing gun violence menace in the nation. These firearms have been used in school and mass shootings, in domestic violence incidents, in domestic terrorism, and in police shootouts resulting in officer injuries and deaths.

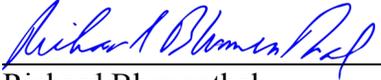
This threat continues to increase as the number of ghost guns recovered at potential crime scenes grows exponentially. In 2016, law enforcement recovered 1,758 ghost guns at potential crime scenes across the United States. The number of recovered ghost guns more than doubled in 2018, and more than doubled again in 2020. In 2021, alone, law enforcement recovered at least 19,344 ghost guns at potential crime scenes. That these firearms are untraceable only makes it more difficult for law enforcement to trace crime guns, develop leads, and solve crimes. Between January 1, 2016, and March 4, 2021, ATF attempted to trace almost 23,946 recovered ghost guns, but could only complete 151 traces. In the remaining 23,795 instances, absent other investigative leads and information, the crimes in which those firearms were used go unsolved.

The Ghost Gun Rule was promulgated to stop the proliferation of ghost guns, mitigate the threat these firearms pose to our communities, and help law enforcement—at every level—do their jobs. To that end, we urge the Department and ATF to issue enforcement guidance that makes clear that when determining whether a frame or receiver may be “readily converted” into a functional firearm, ATF will consider whether equipment, tools, and instructions that facilitate completion are available otherwise we risk allowing violent criminals, domestic terrorists, and school shooters arming themselves with these easy-to-get, untraceable firearms without a background check.

In particular, we urge the Department and ATF to confirm that how ATF reviews the “readily convertible” nature of a nearly-complete frame or receiver will not be limited to what tools, equipment, and instructions are included in the same sale or distribution of the part sold, but rather premised on the tools, equipment, and instructions that are readily available to the general public, including those easily obtainable online through third parties. We also encourage the Department and ATF to provide information about the enforcement actions that will be taken to hold accountable the ghost gun companies who continue to flaunt the final rule and sell ghost gun parts.

We applaud and commend the work the Department and ATF have done to protect the public from ghost guns, including this final rule. It is now incumbent upon the Department and ATF to see that it is enforced—and enforced strongly. This guidance would help ensure just that.

Sincerely,



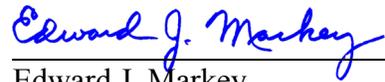
Richard Blumenthal
United States Senator



Christopher S. Murphy
United States Senator



Richard J. Durbin
United States Senator



Edward J. Markey
United States Senator



Dianne Feinstein
United States Senator



Robert Menendez
United States Senator



Chris Van Hollen
United States Senator



Cory A. Booker
United States Senator



Alex Padilla
United States Senator



Sheldon Whitehouse
United States Senator



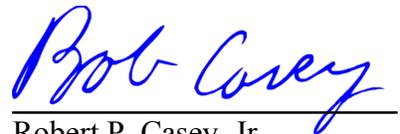
Elizabeth Warren
United States Senator



Mazie K. Hirono
United States Senator



Jack Reed
United States Senator



Robert P. Casey, Jr.
United States Senator