

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
One Hundred Sixteenth Congress

April 23, 2020

Ms. Regina Lombardo
Acting Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue NE
Washington, D.C. 20226

Dear Acting Director Lombardo:

We write to express concern about the dangerous proliferation of untraceable firearms, commonly known as “ghost guns,” during the COVID-19 pandemic and to learn what actions the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has undertaken to ensure those who are prohibited from owning firearms do not obtain ghost guns during the COVID-19 emergency. While the surge in firearm sales from federally licensed dealers has received nationwide attention, at least 16 companies that sell ghost gun kits have reported order backlogs and shipping delays due to overwhelming demand.¹ The uptick in sales of ghost gun kits and parts have received substantially less notice, even though the increase in sales of ghost guns poses a direct threat to public safety and law enforcement.

Ghost guns are firearms constructed with component parts that can be obtained anonymously, without a background check, and which lack serial numbers. Sometimes referred to as “do-it-yourself guns,” ghost guns are assembled by unlicensed persons, rather than manufacturers, and generally evade all the regulations that apply to the licensed firearms industry. While ghost guns may be made with 3D printers, the overwhelming number of ghost guns are assembled from parts or “kits.” Numerous online and brick-and-mortar retailers offer ghost gun kits, which contain all the parts needed to assemble a firearm, including unfinished receivers, tools, and step-by-step instructions.

The widespread availability and use of ghost guns undermines gun safety laws and poses a danger to our communities. Federal gun laws are intended to encompass frames or receivers that can be readily converted into function firearms, but because the ATF does not define or regulate unfinished receivers and frames as firearms, purchasers are not required to undergo a background check to obtain them.² This allows anyone—including persons prohibited under federal law

¹ Tess Owen, *People Are Panic-Buying Untraceable ‘Ghost Guns’ Online in the Coronavirus Pandemic*, Vice News, Mar. 27, 2020, https://www.vice.com/en_us/article/g5x9q3/people-are-panic-buying-untraceable-ghost-guns-online-in-the-coronavirus-pandemic.

² See 18 U.S.C. § 922(t) (2018).

from purchasing or possessing firearms, children under the age of 18, or people engaged in firearms trafficking—to easily and anonymously obtain the parts for constructing fully functioning handguns and assault weapons.

Since ghost guns are devoid of serial numbers and other identifying marks, such guns recovered in crime are not traceable by law enforcement.³ The absence of a manufacturing record, serial number, or background check is exactly what draws prohibited purchasers to ghost guns, and makes them the perfect guns to use in committing crimes. The threat ghost guns pose to public safety and law enforcement is clear. In Southern California, for instance, even prior to the pandemic-inspired surge in sales, the ATF reported that almost half of all new investigations involved ghost guns.⁴ Likewise, the District of Columbia has reported a dramatic increase in ghost guns recovered in crime, from just three in 2017 to 116 recovered in 2019.⁵ Ghost guns have been linked nationwide to homicides, suicides, mass shootings, robberies, shooting deaths of law enforcement officers, and domestic violence.

Because the proliferation of ghost guns is a serious problem, we write to request the following information and documentation to probe how the ATF is monitoring, overseeing, and regulating the sale of ghost gun kits and unfinished frames and receivers, amid the COVID-19 pandemic.

1. Does the ATF, or any other component of the Department of Justice (DOJ), collect data on sales of ghost gun kits? If so, please outline how and from where such data is acquired. Also, please provide all available data concerning sales of ghost gun kits and unfinished frames and receivers from the last five years, broken down by state.
2. Does the ATF collect data on the number of ghost guns recovered as part of criminal investigations that are submitted for tracing, but are unable to be traced because they do not contain a serial number or other identifying marks? If so, please provide this data for the last five years, broken down by state.
3. Has the ATF, or any other component of DOJ, seen any increase, since February 2020, in the sale of ghost gun kits or unfinished frames and receivers, or in the recovery of ghost guns? If so, what are those increases, how was this information obtained, and does the DOJ plan to continue to track these statistics?
4. What actions is the ATF taking to ensure that ghost guns, ghost gun kits, and unfinished frames and receivers are not obtained by prohibited purchasers, including minors, during the COVID-19 pandemic?
5. Has the ATF provided or distributed information, guidelines, or rules to sellers of ghost gun kits or unfinished frames and receivers, in response to COVID-19? If so, please provide a copy of such materials and identify when they were distributed and the mechanism of distribution.

³ Compare with 27 C.F.R. § 478.92 (2020) (outlining the identification requirements for licensed manufacturers and licensed importers).

⁴ Brandi Hitt, *Ghost Guns Investigation: Law Enforcement Seeing Unserialized Firearms on a Daily Basis in SoCal*, ABC News, Jan. 30, 2020, <https://abc7.com/5893043/>.

⁵ Mayor Bowser Announces Emergency Ghost Gun Legislation, DC.gov, Feb. 28, 2020, <https://dc.gov/release/mayor-bowser-announces-emergency-ghost-gun-legislation>.

6. Has the ATF, or any other component of the DOJ, provided any communications or recommendations to Federal Firearms Licensees (FFLs) to cease transferring ghost gun kits or unfinished frames and receivers amid the COVID-19 pandemic? If yes, please provide a copy of all such communications or recommendations and identify when and how they were sent or otherwise communicated to FFLs.

7. Please provide any internal ATF or DOJ component memoranda, white papers, or other documents addressing the lethality and risk of ghost guns, the recovery of ghost guns as part of criminal investigations, and/or whether the ATF or any other component of DOJ can regulate them as firearms, or otherwise. In your response, please include any determination letters that the ATF, or any other component of DOJ, has provided to sellers of unfinished frames or receivers.

In providing answers to these important questions, I thank you in advance for your cooperation in addressing the grave threats posed by ghost guns. Please respond by May 8, 2020.

Sincerely,



Jerrold Nadler
Chairman



Karen Bass
Chair, Subcommittee on Crime
Terrorism, and Homeland Security



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Member of Congress
House Judiciary Committee



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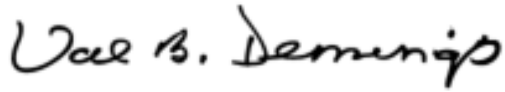
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cc: Jim Jordan, Ranking Member
John Ratcliffe, Ranking Member, Subcommittee on Crime, Terrorism, and Homeland Security