

Congress of the United States

Washington, DC 20515

September 4, 2024

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

Dear ATF Director Dettelbach,

Thank you for your long-standing commitment to preventing gun violence in our communities. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has played an important role in addressing the gun violence epidemic by, among other things, partnering with local law enforcement to develop crime reduction solutions that target the most significant drivers of violent crime. In April 2022, ATF issued final rule 2021R-05F, “Definition of ‘Frame or Receiver’ and Identification of Firearms,” to address the proliferation of “ghost guns”—unserialized firearms that are made from unregulated parts obtained without a background check and assembled by private individuals rather than licensed manufacturers. Because they lack serial numbers, ghost guns are untraceable by law enforcement.

We applaud the Biden Administration for taking such critical steps to address the threat of ghost guns. Unfortunately, ghost guns have quickly become the weapon of choice for criminals in recent years. The New York Police Department (NYPD) recently reported that in 2023, it seized 400 ghost guns at crime scenes—a 733% increase from the 48 ghost guns recovered at crime scenes during 2019.¹ According to Everytown for Gun Safety’s “Ghost Gun Shootings” database, there have been at least 183 known shootings using ghost guns since 2013.² ATF’s ghost gun rule is a crucial policy for addressing a problem felt in communities all over the country, and in particular black and brown communities disproportionately impacted by gun violence. However, this rule is currently undergoing review by the U.S. Supreme Court after a lower court held that the ATF exceeded its statutory authority in issuing the rule.³

The human toll of ghost guns’ recent proliferation is widespread, devastating families in communities across the country. Guy Boyd, a constituent of Representative Debbie Dingell (MI-06), was shot by his best friend with a ghost gun when he was just 17 years old. In a lawsuit filed by Mr. Boyd, he alleges that a ghost gun kit seller illegally sold firearms parts to a minor, who then assembled the firearm and fired it at Mr. Boyd. Tragically, Mr. Boyd lost his right eye in the shooting and has grappled with a number of long-term injuries ever since. In the years since the shooting, Mr. Boyd and his family have become

¹ <https://www.fox5ny.com/news/ghost-guns-on-the-rise-and-how-to-spot-them>

² <https://everytownresearch.org/report/ghost-guns-recoveries-and-shootings/>

³ <https://www.reuters.com/world/us/us-supreme-court-hear-challenge-bidens-ghost-guns-curbs-2024-04-22/>

passionate advocates for gun safety, so that no other families have to go through this horrifying experience.⁴

ATF's ghost gun rule takes crucial steps to address this crisis by requiring that the manufacturers of the partially complete firearm parts used to make ghost guns comply with existing federal firearms regulations under the Gun Control Act. Under ATF's rule, manufacturers of weapons parts kits, such as "80%" build kits, which include nearly complete frames and receivers, and other components necessary to make functioning firearms, are subject to the same requirements as other commercial firearm manufacturers. These requirements include being federally licensed, marking their products with serial numbers, and retaining records. Additionally, federally licensed firearms dealers and gunsmiths are also required to conduct background checks prior to sales of these firearms and serialize any unserialized firearms they have or that they take into inventory. The rule also updates the definitions of "frame" and "receiver" to regulate firearms that use split or multi-part receivers.

As Members of Congress dedicated to curbing gun violence, we will continue to work to enact common-sense gun safety policies that save lives in communities across America—including by helping to protect and strengthen ATF's existing ghost gun rule. With this in mind, we respectfully ask the following questions to understand the degree to which the implementation of this final ghost gun rule has been successful, and what challenges still remain in addressing the proliferation of ghost guns:

- 1) Please provide all available information regarding the outcome of this rulemaking, including:
 - a) The number of ghost guns recovered by law enforcement and reported to the ATF before and after the rule was implemented.
 - b) The number of individuals who have been identified as operating in violation of this rule and the number of individuals who have been referred for prosecution.
 - c) ATF's procedures following the identification of an individual operating in violation of this rule.
- 2) What tools and guidance has ATF provided to Federal Firearm Licensees to support their ability to implement this rule?
- 3) What additional actions can be taken by the Biden Administration, Congress, state and local governments, and community stakeholders to bolster the effective implementation of this rule?

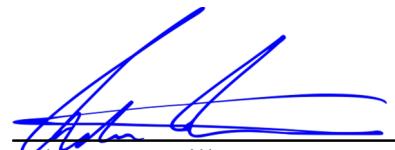
We greatly appreciate ATF's steadfast leadership and continued work on this issue, and we thank you for your consideration of this important request.

Sincerely,

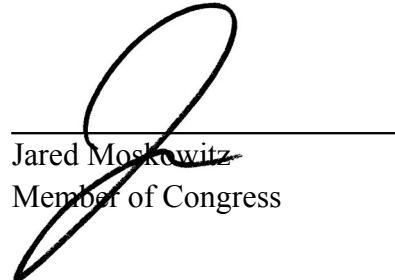
⁴ <https://www.freep.com/story/news/local/michigan/2024/03/12/ghost-gun-lawsuit-jsd-supply-guy-boyd-michigan-shooting/72897079007/>



Debbie Dingell
Member of Congress



Adriano Espaillat
Member of Congress



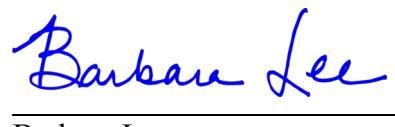
Jared Moskowitz
Member of Congress



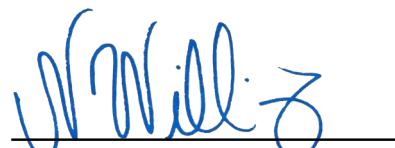
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