

United States Senate

March 9, 2021

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, Northwest
Washington, D.C. 20500

Dear President Biden,

We write to ask that you take executive action to keep unserialized and untraceable firearms known as “ghost guns” off our streets. Specifically, we request that you immediately direct the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to regulate these firearms under the Gun Control Act and ensure that they are subject to a background check. Additionally, the ATF should collect data on when ghost guns are used in crimes and publicly release that information.

Ghost guns are untraceable firearms that can be bought online and assembled at home. Ghost gun kits enable prohibited purchasers, domestic abusers, and gun traffickers to obtain a firearm without background check.¹ Research from Everytown for Gun Safety found AR-15 build kits and a lower receiver — which houses the trigger parts and magazine, and attaches to other parts of a semi-automatic rifle — for as little as \$345.19, and kits for making Glock-type pistol kits with a frame — which provides the basic bottom outline of a gun — for as little as \$400.20.² Despite the ease with which these kits and parts can be purchased and assembled into a fully functioning firearm, the ATF does not regulate these ghost-gun building blocks as firearms.

This dangerous loophole undermines federal and state laws, hampers the ability of law enforcement to investigate and solve firearm crimes, and presents a real threat to the public.³ Additionally, law enforcement and policymakers lack a full set of data on ghost guns. When FBI Director Chris Wray appeared before Congress in February 2020, he acknowledged growing concern over ghost guns but was unable to provide any statistics about their prevalence.⁴ Having this data would allow policymakers, researchers, and law enforcement to better combat the growing threat of ghost guns.

¹ *What Are Ghost Guns?*, Brady, <https://www.bradyunited.org/fact-sheets/what-are-ghost-guns>.

² *Untraceable: The Rising Specter of Ghost Guns*, Everytown Research & Policy (May 14, 2020), <https://everytownresearch.org/report/the-rising-specter-of-ghost-guns/>.

³ *Id.*

⁴ *Id.*; C-SPAN, *FBI Oversight Hearing*, (Feb. 5, 2020), <https://www.c-span.org/video/?468923-1/fbi-director-wray-testifies-oversight-hearing>.

Even more troubling is the rise in ghost-gun popularity among white supremacists.⁵ In January 2020, authorities arrested three members of a white supremacist group who planned to travel to attend a gun-rights rally in Virginia and attempt to start a civil war.⁶ One member of the group made an AR-15 using parts and a jig widely available online.⁷ In the last few years, major cities across the United States witnessed a spike in ghost-gun-related crimes. For example, in 2017 the District of Columbia recovered three such weapons; in 2018 that number jumped to 116.⁸ In Los Angeles, the police department recovered more than 600 ghost guns in 2020; of those, 145 were recovered from felons who are prohibited from owning or possessing firearms.⁹ According to reporting from May 2019, 30 percent of all guns now recovered by ATF agents in California are unserialized.¹⁰ Facing this scourge, Chicago, San Jose, Columbia (South Carolina), and Syracuse sued the ATF in August 2020 demanding that the Bureau correctly interpret the Gun Control Act.¹¹

According to the Gun Violence Archive, at least 19,233 Americans lost their lives to gun violence in 2020, the highest number in the last two decades.¹² We fear the number will only increase without swift action on ghost guns. Recognizing this threat, New York, New Jersey, Connecticut, California, Washington State, Massachusetts, Virginia, and the District of Columbia enacted legislation to ban or regulate ghost guns.¹³ During the 116th Congress, we introduced several bills to address ghost guns, including the Stopping the Traffic in Overseas Proliferation of Ghost Guns Act, the Untraceable Firearms Act, and the 3D Printed Gun Safety

⁵ Alain Stephens, *They Planned to Start a Race War. DIY Gun Kits Allowed Them to Build an Arsenal*, The Trace (Jan. 23, 2020), https://www.thetrace.org/2020/01/white-supremacists-the-base-fbi-virginia-diy-ghost-gun/?utm_source=The+Trace+mailing+list&utm_campaign=4426d2c5b4-EMAIL_CAMPAIGN_2019_09_24_04_06_COPY_01&utm_medium=email&utm_term=0_f76c3ff31c-4426d2c5b4-112434029.

⁶ *Untraceable: The Rising Specter of Ghost Guns*, Everytown Research & Policy (May 14, 2020), <https://everytownresearch.org/report/the-rising-specter-of-ghost-guns/>.

⁷ *Id.*

⁸ Maureen Pao, *How D.C. Is Addressing An Ongoing Spike In Gun Violence*, NPR (Mar. 2, 2020), <https://www.npr.org/local/305/2020/03/02/811194978/how-d-c-is-addressing-an-ongoing-spike-in-gun-violence>.

⁹ *New City Data Shows Rapidly Escalating Ghost Guns Crisis – 11 Cities File Amicus Brief Supporting Everytown Suit Seeking ATF Action*, Everytown (Dec. 17, 2020), <https://everytown.org/press/new-city-data-shows-rapidly-escalating-ghost-guns-crisis-11-cities-file-amicus-brief-supporting-everytown-suit-seeking-atf-action/>.

¹⁰ Alain Stephens, *Ghost Guns Are Everywhere in California*, The Trace (May 17, 2019), <https://www.thetrace.org/2019/05/ghost-gun-california-crime/>.

¹¹ Brad Brooks, *U.S. cities sue federal government over untraceable 'ghost guns'*, Reuters (Aug. 26, 2020), <https://www.reuters.com/article/us-usa-guns-ghostguns/u-s-cities-sue-federal-government-over-untraceable-ghost-guns-idUSKBN25M1OW>.

¹² Lulu Garcia-Navarro, *2020 Was A Record-Breaking Year For Gun-Related Deaths In The U.S.*, NPR (Jan. 23, 2021), [https://time.com/5922082/2020-gun-violence-homicides-record-year/](https://www.npr.org/2021/01/03/952969760/2020-was-a-record-breaking-year-for-gun-related-deaths-in-the-u-#:~:text=On%20the%20last%20day%20of,killed%20in%20the%20United%20States.&text=According%20to%20he%20Gun%20Violence,jump%20from%20the%20year%20before; Josiah Bates, <i>2020 Will End As One of America's Most Violent Years in Decades</i>, Time (Dec. 30, 2020), <a href=).

¹³ *Untraceable: The Rising Specter of Ghost Guns*, Everytown Research & Policy (May 14, 2020), <https://everytownresearch.org/report/the-rising-specter-of-ghost-guns/>.

Act. As we work to pass these important pieces of legislation, it is imperative that the Executive Branch take action.

Thank you for your attention to this important matter, and we look forward to working with you on solutions that will strengthen public safety and keep guns out of the hands of dangerous individuals.

Sincerely,

/s/ Robert Menendez
Robert Menendez
United State Senator

/s/ Edward J. Markey
Edward J. Markey
United States Senator

/s/ Dianne Feinstein
Dianne Feinstein
United State Senator

/s/ Richard Blumenthal
Richard Blumenthal
United States Senator