

FACT SHEET: The Biden Administration Cracks Down on Ghost Guns, Ensures That ATF Has the Leadership it Needs to Enforce Our Gun Laws

APRIL 11, 2022 • STATEMENTS AND RELEASES

Today, President Biden and Deputy Attorney General Lisa Monaco will deliver remarks in the Rose Garden to announce additional steps the Administration is taking to combat gun crime.

Ensuring that ATF has the leadership it needs to enforce our commonsense gun laws and fight gun crime.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is our top federal law enforcement agency responsible for enforcing our commonsense gun laws. Today, the President is nominating Steve Dettelbach to serve as Director of ATF.

Dettelbach is a highly respected former U.S. Attorney and career prosecutor who spent over two decades as a prosecutor at the U.S. Department of Justice. He has received bipartisan praise and support from law enforcement for his work. In 2009, he was unanimously confirmed for his position as U.S. Attorney for the Northern District of Ohio. He has a proven track record of working with federal, state, and local law enforcement to fight violent crime and combat domestic violent extremism and religious violence – including through partnerships with the ATF to prosecute complex cases and take down violent criminal gangs. Dettelbach also worked closely with local law enforcement and community leaders to develop and implement data-driven and neighborhood-based efforts to prevent and fight violent crime. His leadership and his record of innovation in fighting crime and violence make him ready from day one to aggressively and creatively address these pressing issues at the Director of ATF.

Cracking down on ghost guns – the weapon of choice for many violent criminals

Today, the President and Deputy Attorney General will also announce that the U.S. Department of Justice has issued a final rule to rein in the proliferation of “ghost guns” – unserialized, privately-made firearms that law enforcement are increasingly recovering at crime scenes in cities across the country. Last year alone, there were approximately



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20,000 suspected ghost guns reported to ATF as having been recovered by law enforcement in criminal investigations – a ten-fold increase from 2016.^[1] Because ghost guns lack the serial numbers marked on other firearms, law enforcement has an exceedingly difficult time tracing a ghost gun found at a crime scene back to an individual purchaser.

This final rule bans the business of manufacturing the most accessible ghost guns, such as unserialized “buy build shoot” kits that individuals can buy online or at a store without a background check and can readily assemble into a working firearm in as little as 30 minutes with equipment they have at home. This rule clarifies that these kits qualify as “firearms” under the Gun Control Act, and that commercial manufacturers of such kits must therefore become licensed and include serial numbers on the kits’ frame or receiver, and commercial sellers of these kits must become federally licensed and run background checks prior to a sale – just like they have to do with other commercially-made firearms.

The final rule will also help turn some ghost guns already in circulation into serialized firearms. Through this rule, the Justice Department is requiring federally licensed dealers and gunsmiths taking any unserialized firearm into inventory to serialize that weapon. For example, if an individual builds a firearm at home and then sells it to a pawn broker or another federally licensed dealer, that dealer must put a serial number on the weapon before selling it to a customer. This requirement will apply regardless of how the firearm was made, meaning it includes ghost guns made from individual parts, kits, or by 3D-printers.

This rule builds on the Biden Administration’s prior executive action to rein in the proliferation of ghost guns. In February 2022, the U.S. Department of Justice launched a National Ghost Gun Enforcement Initiative, which is training a national cadre of prosecutors and disseminating investigation and prosecution tool to help bring cases against those who use ghost guns to commit crimes. As President Biden [said](#) during an event at the New York Police Department headquarters, if you use a ghost gun to commit a crime “not only are state and local prosecutors going to come after you, but expect federal charges and federal prosecution as well.”

Additional executive action to reduce gun violence

Today’s final rule includes two additional actions to make our communities safer.

First, the final rule ensures that firearms with split receivers are subject to regulations requiring serial numbers and



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background checks when purchased from a licensed dealer, manufacturer or importer. Decades ago, ATF issued a regulation defining the “frame or receiver” of a firearm as the part that is regulated by the Gun Control Act – meaning that is the part that triggers federal serialization, background check, and other requirements. At that time, many firearms in the United States were single-framed firearms, like revolvers, that house key components in a single structure. However, we have seen the increasing popularity of firearms using split or multi-part receivers that house key components in multiple structures. Some courts have recently interpreted decades-old regulatory text in a way that, if broadly applied, could mean that as many as 90 percent of firearms in the United States today would not have a frame or receiver subject to federal regulation. The final rule updates the regulatory definitions of “frame” and “receiver” to ensure that firearms using split or multi-part receivers continue to be covered by our common-sense gun laws.

Second, the final rule requires federally licensed firearms dealers to retain key records until they shut down their business or licensed activity. At that time, these dealers must transfer the records to ATF, just as they are currently required to do at the end of licensed activity. Previously, these dealers were permitted to destroy most records after 20 years, making it harder for law enforcement to trace firearms found at crime scenes. According to ATF’s National Tracing Center, on average more than 1,300 firearms a year are untraceable because the federally licensed firearms dealer destroyed the relevant records that were more than 20 years old.

Implementing the President’s comprehensive gun crime reduction strategy

This final rule is part of the President’s comprehensive gun crime reduction strategy. President Biden made more progress on executive actions to reduce gun violence than any other President during their first year in office. You can read more about the Administration’s whole-of-government approach to reduce gun crime [here](#).

President Biden’s fiscal year 2023 budget calls on Congress to deliver the funding needed to implement the President’s comprehensive strategy to reduce gun crime and make our communities safer. These additional resources will fund accountable policing, including by putting more police officers on the beat, and making essential investments in crime prevention and community violence intervention.

Congress needs to do its job by passing this budget and other essential legislation to reduce gun crime, including legislation to require background checks for all gun sales, ensure that no terrorist can buy a weapon in the United



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States, ban the sale and possession of unserialized firearms
– ghost guns, ban assault weapons and high-capacity
magazines, and repeal gun manufacturers' protection from
liability.

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