



## COMMITTEE ON HOMELAND SECURITY

### **The Bolstering Security Against Ghost Guns Act (H.R. 5460)**

*As Introduced by Ranking Member Bennie G. Thompson (D-MS)*

**Endorsed by Brady: United Against Gun Violence, the International Association of Chiefs of Police, and GIFFORDS**

*Original Cosponsors: Rep. Mike Thompson (D-CA), Chairman of the House Gun Violence Prevention Task Force, and Reps. Sheila Jackson Lee (D-TX), Yvette Clarke (D-NY), Donald Payne, Jr. (D-NJ), Dina Titus (D-NV), Eric Swalwell (D-CA), Bonnie Watson Coleman (D-NJ), Lou Correa (D-CA), Troy Carter (D-LA), Shri Thanedar (D-MI), Seth Magaziner (D-RI), Glenn Ivey (D-MD), Dan Goldman (D-NY), Robert Garcia (D-CA), Delia C. Ramirez (D-IL), and Rob Menendez (D-NJ)*

Ghost guns—unregistered, untraceable weapons sold and assembled without a serial number—present a homeland security challenge. These weapons evade existing Federal restrictions on the sale and purchase of firearms, leaving the door open for terrorists and other bad actors to get their hands on untraceable guns—ranging from small pistols to AR-15s. Since 2016, there has been a more than 10-fold increase in ghost gun seizures<sup>1</sup> and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) reports that criminal use of ghost guns has risen by more than 1,000% since 2017.<sup>2</sup> In 2021, Department of Homeland Security (DHS), the Federal Bureau of Investigation, the National Counterterrorism Center, and ATF, have assessed that ghost guns are likely “favored” by domestic violent extremists and violent criminals for use in attacks and criminal activities.<sup>3</sup>

To combat the proliferation of ghost guns, in April 2022, the Biden Administration announced a rule to update the statutory definition of “firearm” to include homemade “buy build shoot” kits. On August 8<sup>th</sup>, the Supreme Court rejected a legal challenge to the regulation, clearing the way for ATF to require manufacturers and sellers of these DIY gun kits to obtain licenses, mark their products with serial numbers and conduct background checks.<sup>4</sup>

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<sup>1</sup> Department of Justice, *FACT SHEET: Update on Justice Department’s Ongoing Efforts to Tackle Gun Violence*, June 14, 2023, <https://www.justice.gov/opa/pr/fact-sheet-update-justice-department-s-ongoing-efforts-tackle-gun-violence>.

<sup>2</sup> Cara Tabachnick, *Ghost gun use in U.S. crimes has risen more than 1,000% since 2017, federal report says*, CBS NEWS, February 2, 2023, <https://www.cbsnews.com/news/ghost-gun-use-crimes-1000-percent-rise-since-2017-atf-report/>.

<sup>3</sup> Department of Homeland Security, Federal Bureau of Investigation, National Counterterrorism Center, Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Joint Intelligence Bulletin*, June 9, 2021.

<sup>4</sup> Zach Schonfeld, *Supreme Court revives Biden’s ghost gun restrictions*, THE HILL, August 8, 2023, <https://thehill.com/regulation/court-battles/4143872-supreme-court-revives-biden-ghost-gun-restrictions/>.

Due to the increased threat of ghost guns, it is crucial DHS understands how ghost guns impact homeland security, develops a strategy to address the threat, and works to bolster counter-ghost gun operations across the homeland security components. The **“Bolstering Security Against Ghost Guns Act”** directs DHS to take a comprehensive approach to addressing the threats posed by ghost guns. The elements of the bill cover the following areas:

### ***Strategy, Policy, and Plans***

Directs DHS to establish a policy for (1) cross-component information sharing and collaboration to improve prevention, preparedness, and response to homeland security threats such as acts of terrorism and targeted violence associated with ghost guns; and (2) collaboration with Federal, State, local, Tribal, and territorial partners to improve prevention, preparedness, and response to such ghost gun-related threats.

### ***Office of Intelligence and Analysis***

Directs the Office of Intelligence and Analysis (I&A) to build upon joint-intelligence assessments regarding homeland security threats associated with ghost guns and unfinished frames and receivers associated with a foreign terrorist organization or other individuals in furtherance of an act of terrorism or targeted violence.

Requires DHS I&A to develop and disseminate an additional homeland security threat assessment on cross-border threats posed by U.S.-sourced ghost guns and unfinished frames and receivers that identifies (1) the range of sources for acquiring, manufacturing, and trafficking ghost guns; (2) homeland security threats associated with ghost guns and unfinished frames and receivers; and (3) the level of each associated threat from ghost guns and unfinished frames and receivers.

### ***United States Secret Service***

Directs the U.S. Secret Service’s National Threat Assessment Center to research and provide guidance on how to prevent, prepare for, and respond to homeland security threats associated with ghost guns.

### ***Transportation Security Administration***

Requires Transportation Security Administration to report incidents involving the unauthorized carriage of a ghost gun at screening checkpoints.

### ***Immigration and Customs Enforcement Activities***

Directs Homeland Security Investigations within U.S. Immigration and Customs Enforcement to improve Federal law enforcement information sharing, including enhanced coordination with U.S. Customs and Border Protection, about cross-border illicit smuggling trends and patterns associated with U.S.-sourced firearms, including ghost guns.

Enactment of the **“Bolstering Security Against Ghost Guns Act”** will help ensure that DHS maintains focused attention to the homeland security threat posed by ghost guns and leads the way in countering exploitation by terrorists and other bad actors who seek to use these easily accessible and untraceable weapons for dangerous ends.