

The ATF's Definition of what constitutes a firearm is clear as mud.



Figure 1

In Figure 1 above, we see two AR-style weapons, cosmetically similar but with technical differences. The Sig Sauer 516 on top has a serialized lower receiver, while the MKA 1919 on the bottom has a serialized upper receiver.

ATF can't make up their mind which part of the gun is actually the gun. It varies from model to model and sometimes varies between makes of a certain model like we see here.

ATF Final Rule 2021R-05F can be viewed [here](#). I would highly encourage anyone in this committee to read it in its entirety and see if they can understand it (61 pages.)

Figures 2 and 3 below show up close, the differences between the MKA and Sig Sauer model weapons.

Figure 4 shows a Kel-Tec Sub-2000, a commercially manufactured rifle which comes in either 9mm or .40 Caliber variations and feeds from Glock pistol magazines.



Figure 2

As we can see in this picture, the MKA has an aluminum upper receiver which is serialized and a polymer lower receiver which is unserialized.

According to ATF, I can buy the lower receiver without any hassle, but I would need to have the upper receiver shipped to an FFL because THAT part is the firearm. It does not need to have the barrel affixed, nor a bolt carrier group, nor any other parts present to meet the definition of a firearm.

Figure 3



As we see here, the Sig Sauer (a traditional AR-15 design) has the serial number stamped on the lower receiver.

According to ATF, I must have the LOWER receiver of this weapon shipped to an FFL because THAT is "the firearm." It does not need to have a trigger group, grip, stock, pins, or hardware to meet this definition.

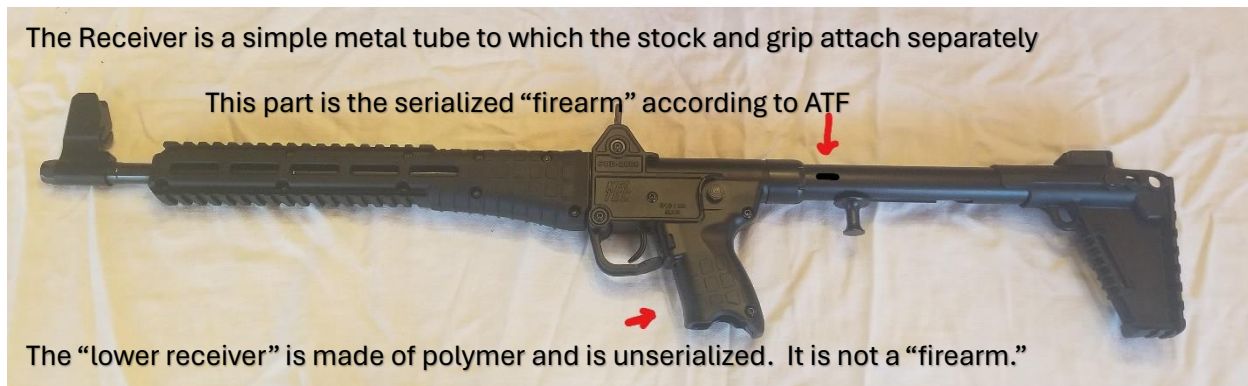


Figure 4

In the picture above, we see the Kel-Tec Sub-2000. It is a pistol-caliber rifle which accepts Glock magazines. The receiver or "the firearm" here is the metal tube on which the butt stock and pistol grip attach to opposite ends. Recoil spring and bolt carrier sold separately (as they are not parts of the "firearm.")

So, when exactly does it become a "firearm?" – ATF has struggled with this problem for years.

Is it when it is capable of firing a bullet?

Is it when the barrel and trigger group are attached?

Is it when the weapon is serialized?

Is it when all of the parts are present but not yet assembled?

Is it when only one part is complete, but the rest of the weapon might be readily completed if you had the rest of the parts?

Is it when that one specific part is 80% complete? 81% complete? 70% complete? 50%? 30%?

In any case, the serialized part of the weapon (fully machined or not) is NOT capable of functioning without the following:

- A trigger group and sear assembly, usually held in place by pressure fit pins.
- A bolt, bolt carrier, and firing pin.
- A barrel and cartridge chamber, properly [head spaced](#) to the bolt.
- The recoil spring(s).
- **All of these parts must be made of metal for the gun to function for more than one or two shots and thus cannot be 3-D printed.**

A Constitutional right to own unserialized firearms? Absolutely!

The fact that there is an exemption carved out in this bill for guns made prior to 1968 implies that the authors recognize a right to own unserialized weapons.



Figure 5

Pictured above, are 4 guns from my personal collection which were not manufactured with serial numbers. Nobody seems to have a problem with my grandfather's duck gun remaining unserialized, but under this proposal, I would become a criminal for simply possessing one of the wrong parts from figures 1-4 without a serial number.

We will answer the question that the NRA would not: **Yes, Americans have a constitutional right to build and possess unserialized firearms regardless of type.**

Easy as assembling a piece of furniture? Not exactly.

We have heard testimony to the idea that building a firearm from an 80% parts kit is comparable to assembling an Ikea dresser in the sense that it is already finished and all one must do to have a completed product is snap together a couple quick pieces and “viola,” instant gun.

This assertion is intentionally misleading. It is what’s known as a False Equivalence Fallacy – where two different things are misrepresented as being essentially the same based on a shared characteristic.

It would be like suggesting that one might be capable of overhauling diesel engines if they had previous experience fixing their leaky faucet. You might be handy, and you might even be capable of both tasks, but they’re not the same thing. Not even close.

The truth is, while someone with a moderate level of mechanical aptitude can finish one of these kits and make a gun, it takes more than just a simple drill press and a set of screwdrivers to assemble a working device.

While I am quite certain that each member of this committee could assemble an Ikea dresser if given the opportunity, I am equally certain that very few, if any, could assemble a working firearm from one of these kits, and as proof, I would encourage you to try.

The term “Unfinished Receiver” is ambiguous and vague.

In the bill’s current language : *“Unfinished frame or receiver’ means any forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture when it may be readily completed, assembled, or converted to be used as the frame or receiver of a functional firearm or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.”*

- A piece of pipe from the hardware store would meet this definition (See Figures 4 & 5 above.)
- A square block of solid aluminum would meet this definition to a machinist or someone with tools.
- “Resin or similar material” would meet this definition if one owned a 3-D printer regardless of what one intended to print - as it might be “readily converted” into a receiver with the push of a button.

Final Thoughts:

- We believe that it would be a mistake for this committee to attempt to put a legal definition on something so complex when the ATF with all of their technical experts haven't been able to do it for decades. In fact, the best they have been able to do is a nearly indecipherable, 60-something page ruling, which "revised" and "clarified" their last nearly indecipherable, 60-something page ruling.
- Given the relative difficulty of manufacturing a firearm from start to finish, and the fact that we know of only three(?) instances in Vermont where a personally made firearm has turned up in a crime, we can reasonably conclude that criminals are still far more likely to steal commercially manufactured guns than make their own.
- Establishing new crimes, especially non-violent crimes of possession, is something this legislature has talked extensively about trying to avoid going forward. We would ask that the committee consider our previous testimony about *who* is in possession of the majority of personally made firearms.

Considering these things, we reiterate our stance that a better approach to mitigating crime with "ghost guns" would be to punish violent felony crimes committed with one.