

**Prepared Testimony of
Greg Lickenbrock**

Everytown for Gun Safety

Senate Judiciary Committee

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Chairman Sears and distinguished members of the committee.

Thank you for the opportunity to be here. My name is Greg Lickenbrock, and I am the senior firearms analyst for Everytown for Gun Safety, the country's largest gun violence prevention organization. I serve as Everytown's technical advisor and firearms expert.

Before joining Everytown in 2020, I spent a decade working in the gun industry as a magazine editor, which gave me the opportunity to test hundreds of firearms, attend media events and training courses, and meet people working at every level of the firearms industry — from CEOs and vice presidents to marketing professionals and engineers — including those who knew “ghost guns” were a way to skirt regulations when they were first introduced.

Since 1968, the federal Gun Control Act (GCA) has required licensed gun makers to engrave or imprint serial numbers on their weapons' frames or receivers — the basic building blocks of every firearm. The law also requires that gun makers and dealers log the serial numbers of the firearms that enter and leave their inventories. In this way, when a gun is recovered from a crime scene, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) can trace the gun back to its first point of sale. Since 1993, federal law has also required that licensed dealers perform background checks on potential customers in most situations.

But in recent years, dozens of companies found a way around those federal regulations to sell gun parts and do-it-yourself kits online and at gun shows that make it easy for anyone, including those prohibited from owning firearms, to build their own unserialized, and thus untraceable, firearms — known as “ghost guns” — at home in minutes.

Most ghost guns today are built using so-called “80-percent”-complete frames and receivers, which are sold with jigs, instructions, and even drill bits so that they can be finished quickly and without any specialized training. More importantly, these unfinished frames and receivers lack serial numbers, and until recently, the gun industry maintained that they did not have to be sold or transferred through licensed dealers with accompanying background checks.



A Polymer80 80% pistol frame with an included red jig and drill bits.

Of course, the “80-percent” moniker is itself [misleading](#), as these firearm components are nearly finished. For example, the largest manufacturer and distributor in this market, Polymer80, produces “80-percent” frames for Glock-style pistols that can be completed by simply drilling out two holes and removing five plastic tabs (as shown in green below). Once that is done, other parts, such as the slide and trigger, can be added to the frame to complete the pistol.



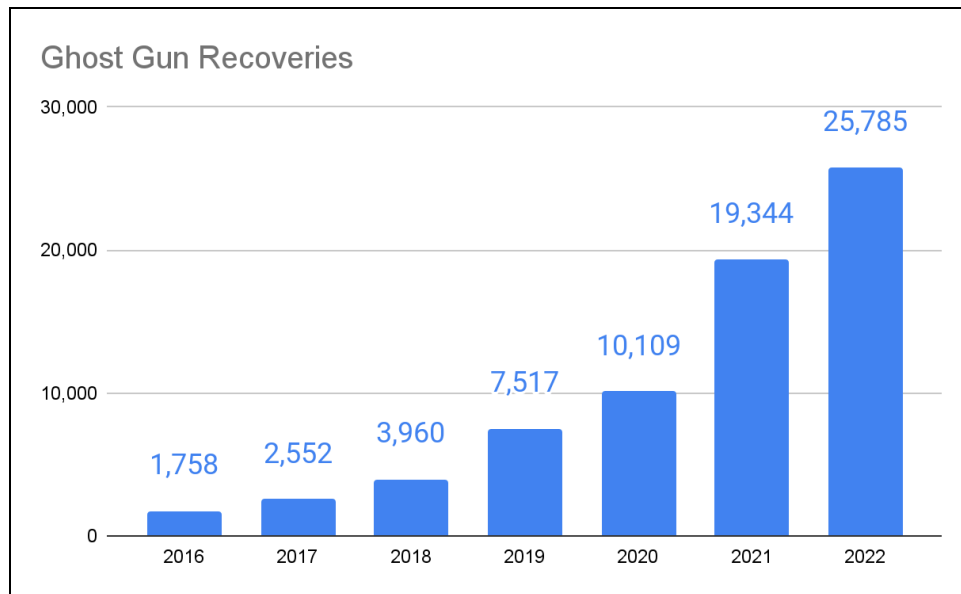
Polymer80’s instruction manuals show the frame completion steps in green.

The rise of 3D printing has also created another avenue for criminals to obtain untraceable firearms. While guns can be completely 3D-printed from plastic, like the single-shot, .22-caliber [Liberator](#) pistol that captured headlines in 2013, today it’s more common for people to build sturdier firearms by 3D-printing frames and receivers and adding metal components, such as barrels and slides, made by established gun companies. The 3D printers, materials, and gun parts are all readily available online.

Predictably, ghost guns have emerged as the weapons of choice for criminals, gun traffickers, and others legally prohibited from buying firearms, leading to a steep increase in the number of ghost guns recovered from crime scenes in recent years, as depicted by the chart below. The ATF estimates that between 2016 and 2021, law enforcement personnel recovered approximately [45,240](#) unserialized crime guns. More recently, the Department of Justice announced that it had “recovered [25,785](#) ghost guns in domestic seizures” in 2022 alone. That’s over 71,000 ghost guns seized in the U.S. alone.

Ghost guns have also been used in [mass shootings](#), armed [far-right extremists](#), and led to gunfire on school grounds in places like [Arizona](#), [Kansas](#), [Maryland](#), and [New Mexico](#). We’ve

also seen them show up here in cases tied to criminal activity in Vermont, including in [Rutland](#) and [Bennington](#). Everytown has cataloged more ghost gun recoveries and shootings [here](#).



Source: ATF data

The National Shooting Sports Foundation (NSSF), the gun industry’s trade association, has [allowed](#) ghost gun sellers like Polymer80 to exhibit at its annual Shooting, Hunting, Outdoor Trade (SHOT) Show. The NSSF even defended Polymer80 after the ATF [raided](#) the company on the suspicion that it was selling complete firearm-building kits without a background check as required by federal law, [stating](#), “We have not seen credible evidence and statistics demonstrating that [ghost guns are] a significant issue.” And larger, more established gun companies continue to sell all of the components required to build, modify, and repair firearms — including ghost guns — online and through distributors. Some companies even sell Glock factory parts alongside ghost gun frames and kits, for example.

In May 2021, the Biden administration responded to this threat by proposing a new rule to end the proliferation of ghost guns. The rule sought to shutter most of the ghost gun market by clarifying the regulatory definitions of “firearm” and “frame or receiver” to include ghost gun kits as well as standalone components like nearly complete frames and receivers.

The finalized rule, which went into effect on August 24, 2022, corrected the ATF’s previous interpretation of federal law. Since 1968, the federal definition of “firearm” has included 1) complete firearms, 2) those that may “readily” be completed, and 3) the core building blocks of firearms, including the frames of handguns and the receivers of long guns. As the Department of Justice [stated](#), the ATF’s rule “makes clear that parts kits that are readily convertible to functional weapons, or functional ‘frames’ or ‘receivers’ of weapons, are subject to the same regulations as traditional firearms,” meaning they must be serialized and sold with an accompanying background check.

According to the [final rule](#), the ATF will consider several factors in determining if an unfinished frame or receiver can be “readily completed,” including the time it takes to finish the process, the ease of doing so, and the equipment required.

In determining if a firearm part counts as a frame or receiver, the [ATF](#) “may consider any associated templates, jigs, molds, equipment, tools, instructions, guides, or marketing materials that are sold, distributed, or possessed with the item or kit, or otherwise made available by the seller or distributor of the item or kit to the purchaser or recipient of the item or kit.” In other words, the ATF can look at how a product is sold and marketed to determine if it is in fact a frame or receiver and needs to be serialized and sold with a background check.

Since the final rule’s enactment, [gun groups](#) and ghost gun sellers, including [Polymer80](#), have filed lawsuits against the ATF and Department of Justice in an attempt to stop the rule from being implemented, which is why S.209 is so critical. These lawsuits allege that the ATF rule infringes upon the Second Amendment, and that the ATF — the agency tasked with enforcing gun serialization and sales requirements that have been on the books since the Gun Control Act was enacted in 1968 — does not have the authority to promulgate the rule. Currently, the U.S. Supreme Court has allowed the rule to remain in effect while the challenges work their way through the courts.

For its part, the NSSF asked the agency to [withdraw](#) the rule, calling it “vague, ambiguous, confusing, ‘arbitrary, capricious, an abuse of discretion, [and] otherwise not in accordance with law,’” and claiming that the ATF had “exceed[ed] its statutory authority.” Notably, the NSSF has not put forth any alternative solutions to the growing problem of ghost guns.

While the ATF’s ghost gun rule is being litigated in court, 80-percent frames and receivers can still be found online, as with the jigs required to complete them, and some [ghost gun](#) sellers have shifted to offering 3D-printing files for frames and receivers along with all of the parts necessary to build untraceable guns. Today, the gun industry as a whole continues to support this dangerous trend.

Thankfully, [13 states](#) and Washington, D.C., have passed legislation to curb ghost guns, including California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Nevada, New Jersey, New York, Oregon, Rhode Island, and Washington. In general, these laws prohibit unserialized firearms and components and establish serialization requirements. Some also prohibit undetectable firearms and 3D printing.

The provisions of S.209 that regulate ghost guns are smart, well-reasoned, and a win for public safety. If enacted, Vermont will join the growing coalition of states who have chosen to stop ghost guns and save lives. Thank you.