



FACT SHEET: Privately Made Firearms (PMFs), aka “Ghost Guns,” “Buy-Build-Shoot” kits, and the “Frame or Receiver” Final Rule

Q: What is a “ghost gun?”

A privately made firearm (PMF) is often called a “ghost gun” because it is not marked with a serial number and is therefore far more difficult for law enforcement to trace if it is used to commit a crime. Individuals can make PMFs from scratch or they can buy weapon parts kits, including “buy-build-shoot” kits. “Buy-build-shoot” kits are essentially pre-manufactured, dissembled, complete firearms. The “Frame or Receiver” Final Rule updates the regulatory definitions of “firearm” and “frame or receiver,” clarifying that weapon parts kits that permit someone to readily make a gun are regulated in the same way as commercially manufactured firearms.

Q: What Does the Rule Do?

This rule updates the regulatory definition of a firearm to better reflect the changes in technology that have occurred in the decades since the Gun Control Act (GCA) was enacted, and the original regulatory definition of “firearm” was issued. The GCA requires commercial manufacturers to mark firearms with serial numbers; requires all federal firearms licensees to keep records regarding the acquisition and disposition of firearms, and requires individuals buying firearms from FFLs to undergo a background check. In many instances sellers of kits that can be readily converted into a fully assembled firearm have not been serializing those firearms or conducting background checks. The “Frame or Receiver” Final Rule updates the regulatory definition and makes clear that weapon parts kits that can be readily converted into a fully assembled firearm will be subject to the same regulations that apply to commercially manufactured, fully assembled firearms.

Specifically, the rule requires:

- 1) **Background Checks:** The rule makes clear that background checks must be conducted before kits that contain the parts necessary for someone to readily make a gun are commercially sold. Background checks are an essential tool in preventing convicted felons, domestic abusers, and other prohibited persons from acquiring firearms.
- 2) **Serial Numbers:**
 - a. The rule requires that manufacturers of kits that can be readily converted into a fully assembled firearm include a serial number on the firearm frame or receiver in the same manner as any other firearm. This will help ensure that the completed gun can be traced if used in a crime.
 - b. If a federally licensed firearms dealer or gunsmith has or takes a firearm without a serial number into inventory, the rule requires them to add a serial number and other markings.
- 3) **Recordkeeping:** To better support tracing efforts, the rule requires federal firearms licensees to retain records for the length of time they are licensed to sell firearms, thereby extending the previous minimum retention period of 20-years. Over the past decade the ATF has been unable to trace thousands of firearms – many reportedly used in homicides or other violent crimes – because the records had already been destroyed.



Q: What is a “buy-build-shoot” kit?

“Buy-build-shoot” kits are weapon parts kits that are essentially pre-manufactured, disassembled, complete firearms (a firearm in a box). Prior to the rule, many sellers of “buy-build-shoot kits” were not serializing those firearms or conducting background checks. By updating the regulatory definition of a “firearm” and clarifying that these kits are regulated in the same way as commercially manufactured firearms, the regulation ensures that relevant parts will be marked with a serial number and the kits will require a background check before being transferred by a licensed dealer. By regulating “buy-build-shoot” kits the same as other firearms, law enforcement will be better able to keep these firearms out of the hands of criminals and individuals who are not lawfully permitted to possess a gun. And, if a gun created by a kit is used in a crime, the fact that it will have a serial number means law enforcement will be able to trace the gun more effectively.

Q: Can “ghost guns” be traced?

Unserialized firearms are incredibly difficult to trace. For instance, over the past five-year period, ATF reports that it was only able to successfully trace to an individual purchaser 0.98% of the suspected “ghost guns” submitted by law enforcement around the country.

Q: Why are serial numbers important?

When a firearm is recovered at a crime scene, the serial number allows law enforcement to trace where the firearm originated and identify the original purchaser. Trace information provides vital leads to law enforcement in determining how a firearm recovered in a criminal investigation was obtained by the offender and leads that can help identify straw purchasers and firearm trafficking organizations.

Q: Does this rule ban privately made firearms/ghost guns?

No, privately made firearms are not illegal. The rule does not restrict an individual’s ability to make their own firearms from parts for self-defense or other lawful purposes provided the individual is not prohibited from possessing or receiving firearms, engaged in the business of dealing or manufacturing firearms without a license, or other unlawful activity. Of course, private makers must abide by the Undetectable Firearms Act, National Firearms Act, and Gun Control Act requirements, and any applicable state and local laws that govern privately made firearms.

Q: What is the effect of the extended record retention requirement?

Extending record retention is important for law enforcement tracing and for public safety. Over the past decade, ATF has been unable to trace thousands of firearms – many reportedly used in homicides or other violent crimes – because the records were more than 20 years old and were destroyed by licensed businesses. ATF estimates that preservation of these records will facilitate the completion of more than a 1,000 additional traces per year. These records will be maintained by federal firearms licensees, not ATF, until the licensed activity ends – at which time the records will be transferred to ATF, consistent with current requirements. To ease the burden on FFLs, the final rule allows records to be maintained electronically and permits licensees to store records that are more than 20 years old at offsite premises.



“Frame or Receiver” Final Rule Quick Facts:

When was the rule submitted to the Federal Register for publication?

April 11, 2022

When was the rule proposed?

May 7, 2021

How many comments did the public submit?

Approximately 290,000.

When does the rule take effect?

120 days after the Federal Register publishes the rule.

How many privately made firearms, aka “ghost guns,” are used in crimes?

From January 2016 to December 2021, ATF received approximately 45,000 reports of suspected privately made firearms (PMFs) recovered by law enforcement in criminal investigations — including 692 homicides or attempted homicides.

Can I buy a “buy-build-shoot” kit online?

Once the rule is implemented, the same rules will apply to “buy-build-shoot” kits offered for sale online as apply to other firearms offered for sale online.

What is the estimated result of expanding mandatory record retention beyond 20 years?

ATF estimates the ability to trace more than 1,000 additional guns recovered in criminal investigations per year.