

August 19, 2021

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: Definition of “Frame or Receiver” and Identification of Firearms; (ATF 2021R-05)

Dear Attorney General Garland:

On behalf of the physician and medical student members of the American Medical Association (AMA), I am writing in response to the notice of proposed rulemaking issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in the Department of Justice (DOJ) published in the Federal Register on May 21, 2021. This proposed rule would update the definitions of “firearm” and related parts for the first time since 1968, and modernize the definition of “frame or receiver,” which would help close a regulatory loophole associated with the un-serialized privately made firearms that are increasingly being recovered at crime scenes across the country. These unmarked firearms, known as “ghost guns,” are often assembled from kits that are sold without background checks, making them easily acquired by criminals who otherwise would not be permitted to possess a firearm. The AMA supports this important proposed rule and urges that it be finalized without delay.

Ghost guns are firearms that anyone can buy in parts and kits and assemble at home, and because they are un-serialized, they are nearly impossible for law enforcement to trace. They are a growing murder weapon of choice in America, and are increasingly being used in robberies, mass shootings, and homicides across the country. According to the ATF, more than 23,000 un-serialized firearms were reported to have been recovered from 2016 to 2020 by law enforcement from potential crime scenes, including in connection with 325 homicides or attempted homicides. The proposed rule would help address the proliferation of these un-serialized firearms in three ways:

- To help keep guns from being sold to convicted felons and other prohibited purchasers, the rule would make clear that retailers must run background checks before selling kits that contain the parts necessary for someone to readily make a gun at home;
- To help law enforcement trace guns used in a crime, the rule would require that manufacturers include a serial number on the firearm “frame or receiver” in easy-to-build firearm kits; and
- To help reduce the number of “ghost guns” on the streets, the rule would set out requirements for federally licensed firearms dealers to have a serial number added to 3D printed guns or other un-serialized firearms they take into inventory.

For more than two decades the AMA has recommended numerous policy solutions to address firearm safety and reduce and prevent firearm violence. In 2016, the AMA declared gun violence a public health

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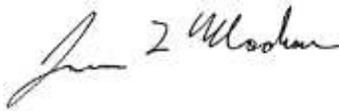
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crisis that requires a comprehensive, public health-based approach. In addition, the AMA expanded its existing policy on gun safety to include support for waiting periods and background checks for all firearm purchasers. Since then, the AMA has adopted numerous additional policies and modified existing policy aimed at reducing gun violence and injuries and deaths related to such violence. Physicians see firsthand the carnage resulting from gun violence as well as the long-term consequences for individuals, their families, and their communities. This proposed rule would close the ghost gun loophole that allows these homemade firearms to evade background checks and other existing laws, thereby making our communities safer and preventing deaths and injuries from unregulated firearms.

Accordingly, the AMA urges the DOJ to finalize this proposed rule. Thank you for the opportunity to comment on this important public health and safety issue.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Madara". The signature is written in a cursive style with a large initial "J" and "M".

James L. Madara, MD