

118TH CONGRESS  
1ST SESSION

# H. R. 5460

To direct the Department of Homeland Security to bolster security against threats posed by ghost guns, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2023

Mr. THOMPSON of Mississippi (for himself, Ms. JACKSON LEE, Mr. THOMPSON of California, Ms. CLARKE of New York, Mr. PAYNE, Ms. TITUS, Mr. SWALWELL, Mrs. WATSON COLEMAN, Mr. CORREA, Mr. CARTER of Louisiana, Mr. THANEDAR, Mr. MAGAZINER, Mr. IVEY, Mr. GOLDMAN of New York, Mr. ROBERT GARCIA of California, Mrs. RAMIREZ, and Mr. MENENDEZ) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To direct the Department of Homeland Security to bolster security against threats posed by ghost guns, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bolstering Security  
5 Against Ghost Guns Act”.

1 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY POLICY TO**  
2 **BOLSTER SECURITY AGAINST THREATS**  
3 **POSED BY GHOST GUNS.**

4 (a) IN GENERAL.—Not later than one year after the  
5 date of the enactment of this Act, the Secretary of Home-  
6 land Security, acting through the Under Secretary for  
7 Strategy, Policy, and Plans of the Department of Home-  
8 land Security, shall issue a Department-wide strategy to  
9 bolster security against threats posed by ghost guns. Such  
10 strategy shall—

11 (1) identify activities across the Department re-  
12 lated to ghost guns and approaches to enhance  
13 cross-component information sharing and collabora-  
14 tion to improve prevention, preparedness, and re-  
15 sponse to homeland security threats, such as an act  
16 of terrorism or targeted violence, associated with  
17 ghost guns; and

18 (2) identify activities with Federal, State, local,  
19 Tribal, and territorial partners related to ghost guns  
20 and approaches to enhance the Department’s col-  
21 laboration with such partners to improve prevention,  
22 preparedness, and response to homeland security  
23 threats, such as an act of terrorism or targeted vio-  
24 lence, associated with ghost guns.

25 (b) OFFICE OF INTELLIGENCE AND ANALYSIS AC-  
26 TIVITIES.—

1           (1) USE IN TERRORIST ACTIVITY.—Section  
2           5716 of the National Defense Authorization Act for  
3           Fiscal Year 2020 (Public Law 116–92) is amend-  
4           ed—

5                   (A) by amending subsection (a) to read as  
6           follows:

7           “(a) REPORTS.—Not later than 180 days after the  
8           date of the enactment of this subsection and annually  
9           thereafter, the Under Secretary for Intelligence and Anal-  
10          ysis of the Department of Homeland Security, in consulta-  
11          tion with the Director of the Federal Bureau of Investiga-  
12          tion, shall develop and submit to the entities in accordance  
13          with subsection (b) a report assessing homeland security  
14          threats of ghost guns and unfinished frames and receivers  
15          associated with a foreign terrorist organization or other  
16          individual in furtherance of an act of terrorism or targeted  
17          violence. Each report shall—

18                   “(1) assess the range of sources for acquiring,  
19                   manufacturing, and trafficking ghost guns and un-  
20                   finished frames and receivers;

21                   “(2) identify each type of homeland security  
22                   threat associated with ghost guns and unfinished  
23                   frames and receivers; and

1           “(3) specify the level of threat associated with  
2 each threat identified pursuant to paragraph (2).”;  
3 and

4           (B) by amending subsection (c) to read as  
5 follows:

6           “(c) DEFINITIONS.—In this section:

7           “(1) ACT OF TERRORISM.—The term ‘act of  
8 terrorism’ has the meaning given such term in sec-  
9 tion 3077 of title 18, United States Code.

10           “(2) APPROPRIATE CONGRESSIONAL COMMIT-  
11 TEES.—The term ‘appropriate congressional com-  
12 mittees’ means—

13           “(A) the Permanent Select Committee on  
14 Intelligence, the Committee on Homeland Secu-  
15 rity, and the Committee on the Judiciary of the  
16 House of Representatives; and

17           “(B) the Select Committee on Intelligence,  
18 the Committee on Homeland Security and Gov-  
19 ernmental Affairs, and the Committee on the  
20 Judiciary of the Senate.

21           “(3) DOMESTIC TERRORISM.—The term ‘do-  
22 mestic terrorism’ has the meaning given that term  
23 in section 2331 of title 18, United States Code.

24           “(4) FOREIGN TERRORIST ORGANIZATION.—  
25 The term ‘foreign terrorist organization’ means an

1 organization designated as a foreign terrorist organi-  
2 zation under section 219 of the Immigration and  
3 Nationality Act (8 U.S.C. 1189).

4 “(5) GHOST GUN.—The term ‘ghost gun’—

5 “(A) means a firearm, including a frame  
6 or receiver, that is privately made or which  
7 lacks a unique serial number engraved or cast  
8 by a licensed gunsmith, manufacturer, or im-  
9 porter, or was removed, obliterated, or altered  
10 in accordance with chapter 44 of title 18,  
11 United States Code; and

12 “(B) does not include—

13 “(i) a firearm that has been rendered  
14 permanently inoperable;

15 “(ii) a firearm identified by means of  
16 a unique serial number assigned by a State  
17 agency and engraved or cast on the fire-  
18 arm before the effective date of this Act in  
19 accordance with a State law;

20 “(iii) a firearm manufactured or im-  
21 ported before December 16, 1968, or un-  
22 less the Attorney General has provided  
23 otherwise by regulation with respect to the  
24 specific make and model of firearm on or  
25 before January 1, 2024; or

1                   “(iv) a firearm identified as provided  
2                   for under section 5842 of the Internal Rev-  
3                   enue Code of 1986.

4                   “(6) TARGETED VIOLENCE.—The term ‘tar-  
5                   geted violence’ has the meaning given such term in  
6                   section 6418 of the National Defense Authorization  
7                   Act for Fiscal Year 2022 (6 U.S.C. 124h–1).

8                   “(7) UNFINISHED FRAME OR RECEIVER.—The  
9                   term ‘unfinished frame or receiver’ means—

10                   “(A) a forged, cast, printed, extruded, or  
11                   machined body or similar article that is de-  
12                   signed to, or may readily be completed, assem-  
13                   bled, or otherwise converted to, provide the  
14                   housing or structure, without regard to whether  
15                   such housing or structure has been indexed,  
16                   drilled, or machined in any way, and without  
17                   regard to whether such body or article is sold,  
18                   distributed, or marketed with or for any associ-  
19                   ated template, jig, mold, equipment, tool, in-  
20                   structions, or guide; and

21                   “(B) an object that is marketed or sold to  
22                   become or be used as the frame or receiver of  
23                   a functional firearm once completed, assembled,  
24                   or converted.”.

1           (2) CROSS-BORDER THREATS.—Not later than  
2           180 days after the date of the enactment of this Act,  
3           the Under Secretary for Intelligence and Analysis of  
4           the Department of Homeland Security, in coordina-  
5           tion with the Commissioner of U.S. Customs and  
6           Border Protection, the Director of U.S. Immigration  
7           and Customs Enforcement, and the heads of other  
8           appropriate Federal partners, shall develop and dis-  
9           seminate a homeland security threat assessment re-  
10          garding cross-border threats associated with United  
11          States-sourced ghost guns and unfinished frames  
12          and receivers, with special attention to ghost guns  
13          and unfinished frames and receivers used by  
14          transnational criminal organizations involved in il-  
15          licit activity that pose a threat to the border.

16          (c) UNITED STATES SECRET SERVICE ACTIVITIES.—  
17          Not later than one year after the date of the enactment  
18          of this Act, the Director of the United States Secret Serv-  
19          ice, acting through the Chief of the National Threat As-  
20          sessment Center, in coordination with appropriate Federal  
21          partners, shall carry out research and issue public reports  
22          that provide guidance on how to prevent, prepare for, and  
23          respond to homeland security threats, such as an act of  
24          terrorism or targeted violence, associated with ghost guns.

1 (d) TRANSPORTATION SECURITY ADMINISTRATION  
2 ACTIVITIES.—Not later than one year after the date of  
3 the enactment of this Act and annually thereafter, the Ad-  
4 ministrator of the Transportation Security Administration  
5 shall report to the Committee on Homeland Security of  
6 the House of Representatives and the Committee on Com-  
7 merce, Science, and Transportation of the Senate regard-  
8 ing the number of violations of subsection (a) of section  
9 1540.111 of title 49, Code of Federal Regulations, and  
10 any other incidents involving the unauthorized carriage of  
11 a firearm at a passenger screening checkpoint, including  
12 information regarding which such violations and incidents  
13 during the period of time covered by each such report were  
14 committed by individuals while receiving expedited screen-  
15 ing, which were repeat offenses, and which involved a  
16 ghost gun. Such reporting shall also include information  
17 regarding trends in the rates of violations and incidents  
18 on a per passenger basis, as well as a description of Trans-  
19 portation Security Administration efforts during the pe-  
20 riod of time covered by each such report to increase public  
21 awareness of the prohibition of unauthorized carriage of  
22 a firearm at a passenger screening checkpoint.

23 (e) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
24 ACTIVITIES.—Not later than one year after the date of  
25 the enactment of this Act, the Director of U.S. Immigra-



1 tion and Customs Enforcement, acting through the Execu-  
2 tive Associate Director of Homeland Security Investiga-  
3 tions, shall, in coordination with the Commissioner of U.S.  
4 Customs and Border Protection and appropriate Federal  
5 partners—

6           (1) prepare an analysis that includes data from  
7           Bureau of Alcohol, Tobacco, Firearms and Explo-  
8           sives and other Federal partners regarding home-  
9           land security threats, including border security  
10          threats, and cross-border illicit smuggling trends and  
11          patterns associated with United States-sourced fire-  
12          arms, including ghost guns, recovered in Mexico;

13          (2) research and develop a mechanism to share  
14          aggregated Federal information regarding United  
15          States-sourced firearms, including ghost guns, recov-  
16          ered in Mexico in support of carrying out subsection  
17          (a); and

18          (3) develop performance measures to assess the  
19          effectiveness of U.S. Immigration and Customs En-  
20          forcement activities aimed at combatting homeland  
21          security threats, including border security threats,  
22          and illicit cross-border activities involving United  
23          States-sourced firearms, including ghost guns.

24          (f) DEFINITIONS.—In this section:

1           (1) ACT OF TERRORISM.—The term “act of ter-  
2           rorism” has the meaning given such term in section  
3           3077 of title 18, United States Code.

4           (2) FIRE CONTROL COMPONENT.—The term  
5           “fire control component” means a component nec-  
6           essary for a firearm to initiate or complete the firing  
7           sequence, including a hammer, bolt or breechblock,  
8           cylinder, trigger mechanism, firing pin, striker, and  
9           slide rails.

10          (3) FOREIGN TERRORIST ORGANIZATION.—The  
11          term “foreign terrorist organization” means an or-  
12          ganization designated as a foreign terrorist organiza-  
13          tion under section 219 of the Immigration and Na-  
14          tionality Act (8 U.S.C. 1189).

15          (4) GHOST GUN.—The term “ghost gun”—

16                (A) means a firearm, including a frame or  
17                receiver, that is privately made or which lacks  
18                a unique serial number engraved or cast by a  
19                licensed gunsmith, manufacturer, or importer,  
20                or was removed, obliterated, or altered in ac-  
21                cordance with chapter 44 of title 18, United  
22                States Code; and

23                (B) does not include—

24                        (i) a firearm that has been rendered  
25                        permanently inoperable;

1 (ii) a firearm identified by means of a  
2 unique serial number assigned by a State  
3 agency and engraved or cast on the fire-  
4 arm before the effective date of this Act in  
5 accordance with a State law;

6 (iii) a firearm manufactured or im-  
7 ported before December 16, 1968, or un-  
8 less the Attorney General has provided  
9 otherwise by regulation with respect to the  
10 specific make and model of firearm on or  
11 before January 1, 2024; or

12 (iv) a firearm identified as provided  
13 for under section 5842 of the Internal Rev-  
14 enue Code of 1986.

15 (5) TARGETED VIOLENCE.—The term “targeted  
16 violence” has the meaning given such term in section  
17 6418 of the National Defense Authorization Act for  
18 Fiscal Year 2022 (6 U.S.C. 124h–1).

19 (6) UNFINISHED FRAME OR RECEIVER.—The  
20 term “unfinished frame or receiver” means—

21 (A) a forged, cast, printed, extruded, or  
22 machined body or similar article that is de-  
23 signed to, or may readily be completed, assem-  
24 bled, or otherwise converted to, provide the  
25 housing or structure, without regard to whether

1           such housing or structure has been indexed,  
2           drilled, or machined in any way, and without  
3           regard to whether such body or article is sold,  
4           distributed, or marketed with or for any associ-  
5           ated template, jig, mold, equipment, tool, in-  
6           structions, or guide; and

7                       (B) an object that is marketed or sold to  
8           become or be used as the frame or receiver of  
9           a functional firearm once completed, assembled,  
10          or converted.

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