

HOMELAND SECURITY ASSESSMENT OF TERRORISTS' USE
OF GHOST GUNS ACT

MAY 28, 2019.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland
Security, submitted the following

R E P O R T

[To accompany H.R. 2621]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2621) to direct the Under Secretary for Intelligence and Analysis of the Department of Homeland Security to develop and disseminate a threat assessment regarding terrorist use of ghost guns, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of H.R. 2621, the “Homeland Security Assessment of Terrorists’ Use of Ghost Guns Act,” is to ensure that the Department of Homeland Security (DHS) maintains focused attention to the homeland security threat posed by ghost guns, which are unregistered, untraceable weapons that are sold and assembled without a serial number. H.R. 2621 requires the DHS’s Office of Intelligence and Analysis (I&A) to develop and disseminate an annual terrorism threat assessment regarding the availability of ghost guns in furtherance of an act of terrorism, including the provision of material support or resources to a foreign terrorist organization. H.R. 2621 also requires I&A to share this assessment with state, local, and tribal law enforcement officials.

BACKGROUND AND NEED FOR LEGISLATION

Ghost guns—unregistered, untraceable weapons sold and assembled without a serial number—present a homeland security challenge. These weapons are sold or made in forms that evade existing federal restrictions on the sale and purchase of firearms, leaving the door open for terrorists and other bad actors to get their hands on guns—ranging from small pistols to AR-15s—and elude detection when law enforcement officials attempt to trace the weapon.

Ghost guns not only pose a challenge on the front end, enabling prohibited buyers to purchase deadly weapons with just a few clicks online, but also on the back end, hamstringing law enforcement’s ability to investigate crimes committed with untraceable weapons. The wide availability of ghost guns and the emergence of functional 3D-printed guns are a homeland security threat. Terrorists and other bad actors may seek to exploit the availability of these weapons for dangerous ends.

On January 11, 2019, DHS, the Federal Bureau of Investigation (FBI), and the National Counterterrorism Center (NCTC) released a Joint Intelligence Bulletin (JIB) warning of the threat stemming from the use of ghost guns by criminal actors and terrorists. The JIB cautioned that these rapidly evolving technologies pose an ongoing, metastasizing challenge to law enforcement in understanding, tracking, and tracing ghost guns. On April 22, 2019, DHS released an intelligence assessment that repeated the warning that ghost guns pose an urgent and evolving threat to the homeland, particularly in the hands of ideologically motivated lone wolf actors.

Representative Max Rose (D-NY) introduced H.R. 2621 to ensure that DHS remains focused on the evolving homeland security threat posed by ghost guns by requiring I&A to develop and disseminate an annual ghost guns terrorism threat assessment. This legislation builds on the Committee’s history of advancing legislation directing DHS to develop and disseminate to State, local, and tribal law enforcement partners, targeted terrorism threats assessments of emerging threats such as terrorist exploitation of unmanned aerial systems and crypto-currency.

H.R. 2621 is supported by the International Association of Chiefs of Police. In addition, John J. Miller, the Deputy Commissioner for Intelligence and Counterterrorism for the New York Police Department (NYPD), stated that H.R. 2621 “represents a first step in as-

sessing the threat level and potential devastating impact of untraceable firearms, commonly known as ‘ghost guns.’”

HEARINGS

The Committee did not hold any legislative hearings on H.R. 2621 in the 116th Congress. However, this legislation was informed by testimony received during a Committee on Homeland Security hearing on May 8, 2019, entitled, “Confronting the Rise of Domestic Terrorism in the Homeland.” Additionally, the Committee received testimony regarding the threat posed by ghost guns from Mr. Michael McGarrity, Assistant Director for Counterterrorism at the Federal Bureau of Investigation (FBI), and Mr. Brian Murphy, Principal Deputy Undersecretary for Intelligence and Analysis at the Department of Homeland Security.

COMMITTEE CONSIDERATION

The Committee met on May 15, 2019, with a quorum being present, to consider H.R. 2621 and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 2621.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office.

Department of Homeland Security Legislation			
As ordered reported by the House Committee on Homeland Security on May 15, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	n.e.
Pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
n.e. = not estimated; * = between zero and \$500,000; the table above applies to each bill described below.			

On May 15, the House Committee on Homeland Security ordered reported the following bills:

- H.R. 542, the Supporting Research and Development for First Responders Act, which would codify laboratory programs that currently exist at the Department of Homeland Security (DHS);
- H.R. 2589, the Unifying DHS Intelligence Enterprise Act, which would direct DHS to manage and provide guidance for the use of intelligence throughout the department;
- H.R. 2590, the DHS Overseas Personnel Enhancement Act of 2019, which would require DHS to devise a plan to improve the effectiveness of department personnel who are stationed at foreign locations;
- H.R. 2609, the DHS Acquisition Review Board Act of 2019, which would direct the department to establish a board to review major acquisition programs and enhance accountability and uniformity in the review process for DHS acquisitions; and
- H.R. 2621, the Homeland Security Assessment of Terrorists Use of Ghost Guns Act, which would require DHS to evaluate the threat posed by firearms without unique serial numbers.

DHS is currently carrying out activities similar to those required by the bills listed above, and any new activities required under the legislation would not require substantial action by the department. Thus, CBO estimates that implementing each bill would not significantly affect spending by DHS.

The CBO staff contact for these estimates is Mark Grabowicz. The estimates were reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 2621 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2621 would require the Department of Homeland Security's Office of Intelligence and Analysis to develop an annual terrorist threat assessment regarding the availability of ghost guns in furtherance of an act of terrorism and disseminate such assessments to State, local, and tribal law enforcement officials.

ADVISORY ON EARMARKS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the "Homeland Security Assessment of Terrorists Use of Ghost Guns Act".

Sec. 2. Threat assessment on terrorist use of ghost guns

This section requires the Department of Homeland Security Office of Intelligence & Analysis (I&A) to develop and disseminate an annual terrorism threat assessment regarding the availability of ghost guns in furtherance of an act of terrorism, including the provision of material support or resources to a foreign terrorist organization. It requires I&A to share this assessment with State, local, and tribal law enforcement officials.

This section sets forth definitions of the following terms: "foreign terrorist organization," referring to organizations designated as such under the Immigration and Nationality Act; "ghost gun," referring to a firearm, including a frame or receiver, that lacks a unique serial number; and "frame or receiver," referring to the functional parts of a firearm.