

MONTH DAY, 2023

Bureau of Alcohol, Tobacco, Firearms and Explosives
US Department of Justice
99 New York Avenue NE
Washington, DC 20226

Submitted electronically via [regulations.gov](https://www.regulations.gov)

Re: Definition of “Engaged in the Business” as a Dealer in Firearms
Docket Number: ATF 2022R—17

Dear Attorney General Garland and Department of Justice,

On behalf of the League of Women Voters of STATE (LWV**), I write to offer comments on the Bureau of Alcohol, Tobacco, Firearms and Explosives’ (ATF’s) proposed rulemaking entitled *Definition of ‘Engaged in the Business’ as a Dealer in Firearms*. LWV** urges the Department of Justice and ATF to finalize this proposed rule.

The League of Women Voters (the League) is a 103-year-old, nonpartisan nonprofit that works to empower voters and defend democracy. There are NUMBER state and local Leagues in STATE, representing a wide array of perspectives and lived experiences, and unified by the common goal of ensuring that everyone is represented in our democracy. We know the devastating impact that gun violence has on our communities and nation, and we work alongside state officials, law enforcement, and the public to inform communities about the dangers of gun violence and recommend common-sense reforms. The League supports licensing procedures for gun ownership by private citizens, including a waiting period for background checks.

The League of Women Voters of STATE strongly supports the proposed rule to clarify what it means to be “engaged in the business” as a dealer in firearms in line with provisions of the *Bipartisan Safer Communities Act*. This rule would ensure that individuals who offer firearms for sale online or at gun shows are licensed to do so, complete background checks before transferring guns, and maintain records of those transactions. It also would ensure that dealers who have lost their licenses may no longer sell firearms to the public.

Under the 1993 *Brady Handgun Violence Prevention Act*, federally licensed firearms dealers are required to conduct background checks prior to transferring a gun. Since 1994, this law has prevented approximately 4 million firearm sales to prohibited purchasers¹. However, federal law does not require unlicensed private sellers to perform these checks. Today, nearly 1 in 5 firearms are sold in the US without a background check, posing an enormous threat to public safety².

¹ <https://www.bradyunited.org/history>

² <https://www.acpjournals.org/doi/10.7326/M16-1590>

Commented [RG1]: You can find it here:
https://www.lwv.org/local-leagues/find-local-league?field_zip_code_value=

18 listed on LWVUS

Commented [RG2]: Remove if this is not the case for your League

Works for Colorado

[INSERT RELEVANT STATE STATISTICS OR ANECDOTES TO DEMONSTRATE BENEFITS TO YOUR STATE IF THE RULE WAS FINALIZED AND/OR COSTS TO YOUR COMMUNITY IF THE RULE WAS NOT FINALIZED].

As federal legislation has been insufficient to protect the American people, ATF has an incredible opportunity and responsibility with these proposed regulatory changes to keep our communities and country safe. The League of Women Voters of **STATE** urges the Department of Justice and ATF to finalize its proposed rule to both ensure that individuals who are selling firearms for profit are licensed, regulated, and engaged in responsible firearm sale practices, and to prevent firearm transfers to prohibited purchasers.

Sincerely,

NAME
TITLE

Commented [ROJ3]: The Colorado Legislature enacted in the last session a robust set of legislation to regulate gun sales: age limitations, 3-day waiting period, required serialization of firearms and components. This legislation also provided for Extreme Risk Protection Orders, extended consumer protections to gun customers and victims, and established an Office of Gun Violence Prevention.

We are justifiably proud of the progress we have made in promoting gun safety in Colorado. Colorado is one of 14 states that require background checks at the point of sale and/or permits for all transfers, including purchases from unlicensed sellers. In 2020 more than 14,000 people failed background checks and were denied a firearm. In 2022, nearly 7,000 people failed, according to the Colorado Bureau of Investigation.

Closing the loopholes nationwide that allow purchases without background checks is an important step in improving the safety of our citizens. These loopholes currently enable thousands of people who are not allowed to purchase firearms to do so. These loopholes also prevent law enforcement from tracing guns used in crimes.

Clarifying who should be licensed firearms dealers and what their responsibilities are is a key step in fairly regulating firearms sales.

Commented [RG4]: Note: State laws can require a background check at the point of firearm transfer, so if you aren't sure about your state's laws, you can check here: <https://giffords.org/lawcenter/gun-laws/policy-areas/background-checks/universal-background-checks/#:~:text=California%2C%20Colorado%2C%20Delaware%2C%20Maryland,prospective%20firearm%20purchasers%20or%20recipients>