



SUBMITTED VIA FEDERAL RULEMAKING PORTAL

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My name is Gabrielle Giffords. I was born in Tucson, Arizona, and I had the honor of representing my hometown in Congress from 2007 until 2012. I have dedicated my adult life to public service and the betterment of my community, but the trajectory of my public service changed dramatically after January 8, 2011.

Like millions of Americans, I am a survivor of gun violence. My life was dramatically altered by a bullet fired from a gun in the hands of a person who should not have had access to that weapon. Our nation's gun violence crisis—which took the lives of nearly 49,000 people and injured more than 100,000 people last year—is fueled by weak gun laws at the federal level, and specifically loopholes that allow people to purchase guns without undergoing a background check.

Background checks conducted through the National Instant Criminal Background Check System (NICS) help ensure that people who are prohibited from purchasing or possessing firearms cannot easily do so. This is one of the most significant and effective methods to keep guns out of the hands of people who should not have them. However, federal law only requires federally licensed gun dealers to conduct background checks when selling a gun. The loophole in the law that allows unlicensed sellers to sell guns without a background check is a major source of firearms that are used in crime.

When I founded the organization now known as GIFFORDS, passing universal background checks through Congress was one of my top priorities. Within the last 10 years, we have made progress, notably passing H.R. 8, the Bipartisan Background Checks Act, through the House of Representatives in 2019 and 2021. While we have not yet fulfilled the goal of making universal background checks law, I remain committed to what I view as one of the most important and foundational policies that can meaningfully address the gun violence epidemic our country currently faces.



As part of this commitment, my organization has been at the forefront of pursuing other opportunities to expand background checks. This has meant advocacy at the state level— currently twenty-one states and the District of Columbia have expanded the background check requirement beyond federal law—and better defining *who* is required to conduct background checks at the federal level.

Since 2014, GIFFORDS has repeatedly urged both the Obama and Biden Administrations to issue a rule clarifying the definition of who is considered “engaged in the business” of selling firearms and subject to the legal requirements of a licensed gun dealer. Better defining this category of individuals will expand the number of background checks conducted on gun sales. Under President Obama’s leadership, we saw notable progress when the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) issued guidance specifying that a person can be engaged in the business of dealing in firearms regardless of the location in which firearm transactions are conducted. ATF also provided guidance that those engaged in the business of dealing in firearms who utilize the Internet or other technologies must obtain a federal firearms license.

Since that time, the use of the Internet and social media to connect individuals to buy and sell firearms without background checks has dramatically increased, allowing more and more firearms to fall into the hands of individuals who should not have them. It is clear that moving beyond guidance to federal rulemaking is absolutely essential to ensure that those who are selling firearms for profit are conducting background checks, thereby reducing the volume of guns sold without a background check.

The Bipartisan Safer Communities Act (BSCA) provides the best opportunity yet to address the definition of “engaged in the business” through federal rulemaking. I am so heartened to see the Biden Administration and ATF take this important step forward with its proposed rule of “Definition of ‘Engaged in the Business’ as a Dealer in Firearms.” This proposed rule will expand the number of individuals who are “engaged in the business” of selling firearms “to predominately earn a profit” as outlined by the BSCA, ensuring that those who make repetitive sales in the federal licensing scheme are required to conduct background checks.

For example, individuals who repeatedly sell or offer for sale firearms within 30 days after they were purchased will now be “engaged in the business” of selling firearms. To address where and how guns are sold today, the rule clarifies that individuals who sell firearms from their homes, a flea market, over the Internet, or at a gun range will now be considered as “engaged in the business.” In short, this regulation will ensure that people in the business of selling firearms are both licensed to sell firearms and that they are completing background checks prior to completing sales or transfers of firearms. Lives will be saved by implementing and enforcing this important regulation across the country.



I know that there is no one single solution to prevent every act of gun violence, but, like many other survivors who want to ensure no other American family experiences the horror of gun violence, I know that more can be done. We know that gun laws save lives, and if we can implement one more law or federal regulation to save a single life, it will be worth it. Working hand-in-hand with other survivors of gun violence to make our country safer for everyone is the single most important cause I have undertaken in my life of public service. I am enormously grateful for the leadership of the Biden Administration and ATF for proposing such a robust rule to address this gap in our laws, and I strongly urge you to finalize the rule as written soon.