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Office of Regulatory Affairs, Enforcement Programs and Services
Bureau of Alcohol, Tobacco, Firearms, and Explosives
U.S. Department of Justice
99 New York Ave. NE
Washington, DC 20226

Submitted via <http://www.regulations.gov>

Re: Docket No. ATF 2022R-17; Definition of Engaged in the Business as a Dealer in Firearms

UnidosUS (formerly the National Council of La Raza) respectfully submits these comments on the U.S. Department of Justice’s (DOJ) Bureau of Alcohol, Tobacco, Firearms, and Explosives proposed rule, “Definition of Engaged in the Business as a Dealer in Firearms.”

UnidosUS is a nonprofit, nonpartisan organization that serves as the nation’s largest Hispanic* civil rights and advocacy organization. Since 1968, we have challenged the social, economic, and political barriers that affect Latinos through our unique combination of expert research, advocacy, programs, and an Affiliate Network of nearly 300 community-based organizations across the United States and Puerto Rico. We believe in an America where economic, political, and social progress is a reality for all Latinos, and we collaborate across communities to achieve it.

Communities across the United States are experiencing a significant rise in gun violence, with no signs of this troubling trend slowing. Gun violence has especially devastating impacts on Latino communities, who have increasingly been the target of hate-motivated violence and mass shootings. Each year, more than 4,700 Latinos die from gun violence – about 13 preventable deaths daily. An additional 13,300 Latinos are injured by guns annually.¹ Recent incidences of gun violence targeting Latinos in El Paso, Texas and Uvalde, Texas have traumatized Latino families and neighborhoods. In the wake of these shootings and rising violent crime, gun violence has emerged as a top priority issue for many Latinos.²

The Bureau of Alcohol, Tobacco, Firearms and Explosives’ (ATF) proposed rule “Definition of Engaged in the Business as a Dealer in Firearms” represents an important step towards sensible gun safety by closing loopholes allowing unchecked firearms sales. By clarifying “the definition

* The terms “Hispanic” and “Latino” are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race. Our materials may also refer to this population as “Latinx” to represent the diversity of gender identities and expressions that are present in the community.

of who is in the business of dealing in firearms, and thus required to become Federal firearms licensees (“FFLs”)” and “preventing former FFLs whose licenses have been revoked or surrender from continuing to engage in the business,” the rule will require that people selling firearms for profit conduct background checks on customers. Unlicensed and unchecked gun sales have armed dangerous individuals and fueled violence harming Latino communities across the United States. We strongly urge the Department of Justice to finalize this proposed rule without delay to protect Latino families and neighborhoods suffering from gun violence.

Gun violence enacts a terrible toll on Latino communities.

Latino communities across America are being devastated by gun violence enabled by unchecked weapons sales. Racist mass shootings targeting Latinos in El Paso and Uvalde have traumatized families, while everyday gun violence fueled in part by illegally accessed firearms continues to endanger communities of color. Stories of lives lost and those living in fear due to easy firearm access are all too frequent across Latino communities. By expanding background check requirements, this proposed rule would directly help reduce unchecked gun sales that have terrorized Latino neighborhoods and destroyed Latino lives.

The proposed rule protects Latinos in several critical ways.

While federal law mandates background checks for firearm purchases from licensed dealers, it contains a major loophole exempting sales by unlicensed, private sellers – such as at gun shows or over the internet. This enables individuals otherwise prohibited due to felony convictions or domestic violence restraining orders to easily obtain weapons without any oversight. Up to 22% of gun owners acquire guns yearly without undergoing checks under this loophole.³ By expanding requirements to cover all gun sales, not just those through licensed dealers, universal background checks would close this gap allowing disqualified and dangerous buyers to simply circumvent the lifesaving vetting process.

The proposed rule would directly address the crisis of gun violence in Latino neighborhoods by expanding background check requirements to cover private and online sales. By expanding background checks, this proposed rule provides critical protections in three key areas, as explained below.

First, it protects Latinos from hate-fueled attacks by keeping guns from individuals exhibiting extremism or racism until stronger laws are passed by Congress. More than 25,000 Americans fall victim to hate crimes involving firearms every year.⁴ Compared to white Americans, Latinos are twice as likely to die by gun homicide and four times more likely to be wounded.⁵ Racist rhetoric and beliefs have specifically endangered Latino communities, as in recent high-profile mass shootings in El Paso and Uvalde. Violent crimes reported by Latinos surged 46% from 2020 to 2021 as extremism festered nationwide.⁶ Preventing armed racists from accessing firearms

through unlicensed sales is vital for securing Latino neighborhoods against attacks from dangerous and unreasonable hatred.

Second, expanding background checks would prevent domestic abusers from easily accessing firearms to perpetrate violence. About 4.5 million American women nationwide have faced gun threats from a partner, but research shows Latino women may face elevated risk.⁷ A large national study of couples demonstrated a higher incidence of intimate partner violence (IPV) among Hispanic couples (14%) compared to non-Hispanic white couples (6%).⁸ Children are also vulnerable as guns make domestic violence more deadly. By regulating more firearm sellers, this proposal would enforce oversight keeping Latino families safer. Abusers looking for weapons could no longer just turn to unregulated private dealers.

Finally, expanding background check requirements would help combat the epidemic of illegal firearms being trafficked into communities of color. States with weak gun safety laws supply guns to criminals in other states, leading to tens of thousands of guns being trafficked across state lines each year.⁹ Unlicensed sellers operating offline and online frequently enable these illegal sales. Illegal guns drive surges in community gun violence and homicides impacting Latinos. By regulating secondary market vendors as gun dealers, this proposal would curb unchecked trafficking of crime guns into schools, public spaces, and homes in Latino and other minority neighborhoods being terrorized by gun violence.

Finalizing this proposed rule would yield substantial benefits for communities of color.

Swift implementation of the proposed regulation offers immense potential benefits for improving public safety and community wellbeing in Latino neighborhoods plagued by gun violence. Research shows that states with laws requiring background checks on all firearm purchases were associated with 10% lower homicide rates.¹⁰ Expanding requirements for gun dealers to enforce background checks could make public spaces much safer, particularly in states with significant Latino populations that lack comprehensive background checks on gun sales.

Latino communities urgently need protection from unchecked gun sales fueling violence and destroying families. By closing federal loopholes enabling unlicensed dealing, this proposed rule provides long-overdue reforms recently affirmed by Congress with the passage of the Bipartisan Safer Communities Act. We strongly urge finalizing this life-saving regulation without further delay.

Should you have any questions or need further information, please contact Umaila Fatima, Health Policy Analyst at UnidosUS, at ufatima@unidosus.org.

Notes

¹ Everytown for Gun Safety. (2023, August 2). The Impact of Gun Violence on Latinx Communities. Everytown Research. Retrieved from <https://everytownresearch.org/report/the-impact-of-gun-violence-on-latinx-communities/>

² UnidosUS. (2023, July). Latinos and Gun Violence Prevention: Improving Gun Safety in Our Communities . Retrieved from https://unidosus.org/wp-content/uploads/2023/07/unidosus_latinosandgunviolenceprevention-1.pdf

³ Everytown for Gun Safety. (2023). Background Checks on All Gun Sales. Retrieved from <https://www.everytown.org/solutions/background-checks/>

⁴ Everytown for Gun Safety. (2023). Hate Crimes. Retrieved from <https://www.everytown.org/issues/hate-crimes/>

⁵ Everytown for Gun Safety. (2023, August 2). The Impact of Gun Violence on Latinx Communities. Everytown Research. Retrieved from <https://everytownresearch.org/report/the-impact-of-gun-violence-on-latinx-communities/>

⁶ Thompson, A., & Tapp, S.N. (2022, September). Criminal victimization, 2021 (NCJ 305101). U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/cv21.pdf>

⁷ Everytown for Gun Safety. (2023, April 10). Guns and violence against women: America's uniquely lethal intimate partner violence problem. Retrieved from <https://everytownresearch.org/report/guns-and-violence-against-women-americas-uniquely-lethal-intimate-partner-violence-problem/>

⁸ Cummings, A. M., Gonzalez-Guarda, R. M., & Sandoval, M. F. (2013). Intimate Partner Violence Among Hispanics: A Review of the Literature. *Journal of family violence*, 28(2), 153–171. <https://doi.org/10.1007/s10896-012-9478-5>

⁹ Everytown for Gun Safety. (2023). Gun trafficking. Retrieved from <https://www.everytown.org/issues/gun-trafficking/>

¹⁰ Everytown for Gun Safety. (2023). Background Checks on All Gun Sales. Retrieved from <https://www.everytown.org/solutions/background-checks/>