

Congress of the United States

Washington, DC 20515

August 15, 2022

The Honorable Merrick Garland
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Dear Attorney General Garland,

With the recent passage and enactment of the Bipartisan Safer Communities Act, our nation has taken meaningful action that will protect communities across the United States and save lives. This law is a positive step in the right direction, but it is not perfect – especially when it comes to protecting survivors of dating violence. We are, therefore, sending this letter to clarify congressional intent of the included language and to urge the U.S. Department of Justice to issue rulemaking on the application of new and undefined terms within the law.

For too long, a gap in federal law has put survivors of domestic abuse at risk every day. Known as the dating partner (or boyfriend) loophole, this gap has enabled abusive dating partners to access firearms simply because they are not married to, live with, or have a child with their victim.

While the Bipartisan Safer Communities Act takes an important first step in shrinking this dangerous loophole, we must be intentional with its application to ensure survivors are well protected. For that reason, we urge the U.S. Department of Justice to swiftly promulgate regulations pertaining to the implementation of Section 12005 of Public Law 117-159.

One of the challenges in drafting Section 12005 was how to define “dating relationship” to ensure it covers the relationships experienced by the survivors of dating violence but excludes acquaintances outside the context of a romantic or intimate relationship. Within the definitions of “dating relationship” and “misdemeanor crime of domestic violence,” Section 12005 has introduced new and undefined terms that may undermine protections for survivors if left unexplained. These terms require swift rulemaking to ensure consistent and effective application nationwide aligning with the law’s congressional intent.

During congressional debate on the Bipartisan Safer Communities Act, Congress clarified it intended “dating relationship” in the law to be broadly construed to cover dating relationships as commonly experienced in the lives of survivors and as understood in both the Violence Against Women Act and relevant state domestic violence laws. Further, the introduction of new terms such as “serious,” “continuing,” and “recent” should not be interpreted to establish new criteria that must be proven to establish a dating relationship. Instead, the existence of a dating relationship must be determined based on the enumerated factors set forth in subparagraph B of the section.¹

These sentiments are also widely reflected across a diverse group of national organizations committed to protecting survivors of dating violence. Thirteen of these leading organizations recently submitted a letter to your office on July 12, 2022, outlining items for the U.S. Department of Justice to consider and address

¹ Congressional Record Vol. 162, No. 108, June 24, 2022, H5881 (daily ed. Jun. 24, 2022) (colloquy between Rep. Dingell and Rep. Thompson). <https://www.congress.gov/117/crec/2022/06/24/168/108/CREC-2022-06-24-house.pdf>

throughout the rulemaking process.² These organizations serve on the frontlines defending survivors of domestic abuse every day, and we hope your rulemaking is guided by their vast expertise and firsthand knowledge of what is necessary to protect survivors from the devastating impacts of dating partner violence.

The Bipartisan Safer Communities Act represents a historic victory and strong step forward in combating America's epidemic of gun violence. As lawmakers, we have a responsibility to protect every American from being threatened by gun violence, and survivors of domestic violence are not an exception. With proper rulemaking, Section 12005 will save lives and offer survivors the support they deserve. Thank you for your consideration of these requests, and we look forward to continuing this important work together.

Sincerely,

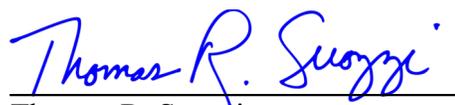

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André Carson
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Nikema Williams
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Thomas R. Suozzi
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Anthony G. Brown
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² July 12, 2022, National Organization Sign-On [Letter](#) to Attorney General Garland Regarding Rulemaking on BSCA



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Eric Swalwell
Member of Congress



Ann Kirkpatrick
Member of Congress



Tom O'Halleran
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Haley M. Stevens
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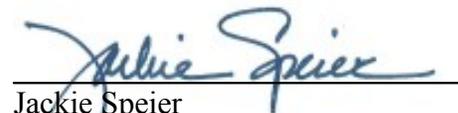
Sheila Jackson Lee
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Bill Foster
Member of Congress



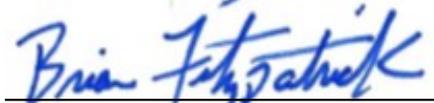
Joseph D. Morelle
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Jackie Speier
Member of Congress



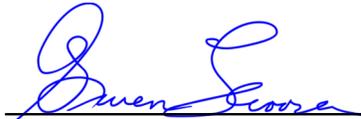
Rashida Tlaib
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Brian Fitzpatrick
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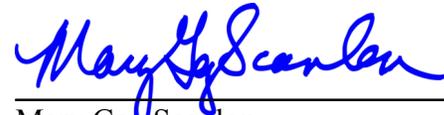
Anna G. Eshoo
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Gwen S. Moore
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Lucy McBath
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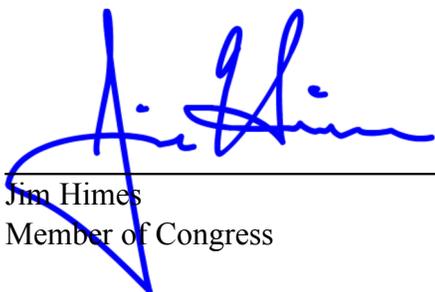
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Jim Himes
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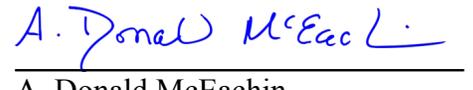


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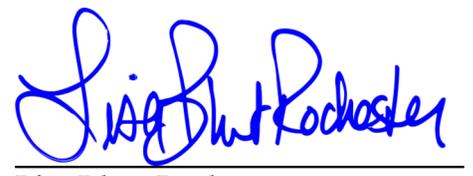

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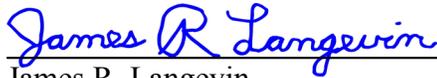
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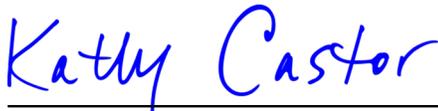
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