

## Closing the Gun Show and Online Sales Loophole: A Historic Step in Curbing Gun Violence

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In a significant move to bolster public safety, the United States has taken decisive action to close a dangerous loophole that allowed firearms to change hands without proper scrutiny.<sup>1</sup> The Department of Justice's recent announcement not only marks a pivotal moment in the fight against gun violence but also instills a sense of reassurance in the public.

For years, the so-called "gun show loophole" has been a contentious issue. At gun shows and through online sales, private transactions have occurred without the rigorous background checks required of licensed dealers.<sup>2</sup> This gap in regulation has allowed firearms to end up in the wrong hands, posing a serious threat to public safety. The Biden administration, demonstrating its commitment to public safety, has long acknowledged the urgency of this issue. With the publication of a new rule in the federal register, the government is taking a historic step to close this loophole.<sup>3</sup>

Under the new regulation, it won't matter whether guns are sold online, at gun shows, or in brick-and-mortar stores.<sup>4</sup> The rule specifically targets individuals who sell firearms predominantly to earn a profit, requiring them to be licensed and conduct background checks. This means that private sellers can no longer evade scrutiny by exploiting the lack of oversight in certain venues. The rule also provides a clear definition of who is "engaged in the business" as a firearms dealer, expanding it to include any person who regularly sells firearms for profit. This comprehensive approach closes the "gun show loophole" and ensures all relevant sales are subject to background checks.

Attorney General Merrick Garland emphasized the significance of this regulation, stating that it would save lives.<sup>5</sup> Bureau of Alcohol, Tobacco, Firearms and Explosives Director Steven Dettelbach echoed this sentiment, highlighting the dangers posed by the unregulated sale of firearms and the black market that thrives under current loopholes.<sup>6</sup>

In announcing the new measures, Vice President Kamala Harris pointed to the 25th anniversary of the Columbine High School shooting, a tragedy that was exacerbated by the gun-show loophole.<sup>7</sup> She defended the administration's actions against potential political pushback, asserting that it is possible to support the Second Amendment while also implementing measures to prevent gun violence.<sup>8</sup>

A 2017 national survey estimates that approximately 22 percent of guns owned by Americans were acquired without a background check.<sup>9</sup> Under the new regulation, thousands of

individuals who previously sold firearms without a license will now be required to obtain one. This crackdown on unlicensed dealers will increase safety for law-abiding citizens and prevent firearms from falling into the wrong hands. The new rule builds upon the bipartisan Safer Communities Act of 2022.<sup>10</sup> By expanding the definition of who must obtain a license and conduct background checks, it addresses both the "gun show loophole" and the "fire-sale loophole."<sup>11</sup> The latter pertains to how firearms dealers liquidate their inventory when going out of business.

The response to this regulation has been overwhelming. During the three-month consultation period, nearly 388,000 comments flooded the Regulations.gov website.<sup>12</sup> Americans from all walks of life recognize the importance of closing this loophole and preventing gun violence. This regulation, expected to take effect in 30 days, is not just about paperwork; it's about safeguarding lives.<sup>13</sup> Let us hope that this historic step will contribute to a safer and more responsible firearms market in the United States.

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### Notes

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3. Department of Labor, "Definition of 'Engaged in the Business' as a Dealer in Firearms," *Federal Register*, 88

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4. Perry Stein, "Justice Department Finalizes Rules to Close 'Gun Show Loophole,'" *Washington Post*, April 11, 2024, <https://www.washingtonpost.com/national-security/2024/04/11/gun-show-loophole-closed-biden-atf/>.
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  8. "Press Call by Vice President Harris on Reducing Gun Violence and Expanding Background Checks."
  9. Matthew Miller, Lisa Hepburn, and Deborah Azrael, "Firearm Acquisition without Background Checks," *Annals of Internal Medicine* 166, no. 4 (January 3, 2017), <https://doi.org/10.7326/m16-1590>.
  10. Office of the Federal Register, National Archives and Records Administration. "Public Law 117 - 159 - Bipartisan Safer Communities Act," U.S. Government Publishing Office, June 24, 2022, <https://www.govinfo.gov/app/details/PLAW-117/publ159>.
  11. Luke Barr, "Biden Administration Closing 'Gun Show Loophole,'" ABC News, April 11, 2024, <https://abcnews.go.com/Politics/biden-administration-close-gun-show-loophole/story?id=109109314>.
  12. Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Definition of Engaged in the Business as a Dealer in Firearms*, Regulations.gov, September 7, 2023, <https://www.regulations.gov/document/ATF-2023-0002-0001>.
  13. Stein, "Justice Department Finalizes Rules to Close 'Gun Show Loophole.'"