

August 10, 2023

In June 2022, President Biden signed into law the Bipartisan Safer Communities Act. This critical piece of gun violence legislation clarified the definition of “engaged in the business” to include sales undertaken “to predominantly earn a profit.” This key piece of the legislation is designed to further clarify who qualifies as a “federally licensed firearms dealer” and must register, keep appropriate records, and, crucially, conduct background checks.

According to recent media reports, an online gun-trading website, [Armslist](#), does not appear to enforce federal law when hosting firearm trading and selling. The reports indicate that requirements for gun sellers, such as background checks, are not implemented on Armslist. Armslist argues that their platform “is purely a service provider that allows sellers to list items,” but Armslist charges a monthly premium for their hosting services. By charging as much as \$30 per month to allow premium sellers “to create up to 500 listings,” Armslist is “engaged in the business” of gun sales through any reasonable criteria. A recent review of the website found more than 1,000 premium sellers engaged in business on the site, some of whom each have more than 1,000 active listings for firearms for sale.

Guns purchased on Armslist are subject to no background checks, and these weapons have been used in crimes across the country, according to reporting by [The New York Times](#). In one example, Orlando Harris was able to purchase an AR-15-style rifle on Armslist after triggering an automatic rejection when he attempted to purchase a gun at a licensed dealer. Harris used his weapon to carry out a mass shooting at the Central Visual and Performing Arts High School in St. Louis, Missouri, where he killed Alexzandria Bell, 15, and Jean Kuczka, a 61-year-old teacher, and injured seven others.

As you know, the Bipartisan Safer Communities Act passed more than a year ago, and, this is no time to delay in implementing this law, especially the new background check regulations, which the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is currently working on with the Justice Department and White House.

The ATF should use all the tools in its toolbox to make clear that Armslist, and similar websites like [GunBroker.com](#), cannot avoid processing background checks on sales conducted through their system. By accepting premium subscriptions from gun vendors, these platforms make a profit directly off of the sale of firearms, and any new regulations must ensure that they are subject to all the same oversight as any federally licensed firearm dealer. Continuing to allow these platforms to avoid background checks will only lead to further abuse of the system and more gun deaths in communities across the nation.

Thank you,

Shannon Grady
Interim Executive Director
Guns Down America