

**Senator Dick Durbin**  
**Chair, Senate Judiciary Committee**  
**Written Questions**  
**Hearing on “Constitutional and Common Sense Steps to Reduce Gun Violence”**  
**March 30, 2021**

**Question for Robin Brule**

1. Ms. Brule, thank you for your willingness to share your story with the Committee, and I’m very sorry for your loss.

One of the arguments that troubles me in the gun violence debate is when people claim that we shouldn’t pass a particular reform because it would not have stopped a particular past shooting. Reform is not about stopping the last shooting. It’s already too late for that. It’s about preventing the next shooting.

As long as there are gaps in the background check system, prohibited persons will use those gaps to get guns and cause harm. If we close those gaps, it will make it significantly harder for prohibited persons to succeed in getting guns, and will do so without violating the constitutional rights of law abiding citizens.

I want to thank you for work you have done to close gaps in the background check system in order to help reduce violence and save lives in the future.

**Can you please discuss the importance of taking common sense, constitutional steps to close gaps in the background check system and reduce gun violence in America?**

**Answer**

Thank you for this question. Gun violence is a complicated problem that requires multifaceted solutions. We cannot solve this public health crisis by looking at a single incident of gun violence. But the fact is that background checks are the foundation for any comprehensive approach to prevent gun violence. Background checks are a fundamental way to keep guns away from people who should have them and address illegal gun trafficking. Federal law enforcement lists no background check sales as one of the main drivers of illegal gun acquisition. In addition, an analysis of crime gun trace data by Everytown for Gun Safety found that 82% of likely-trafficked guns came from states without background check laws.

Federal law requires that there be background checks on gun sales made by licensed dealers, which leaves sales by unlicensed sellers uncovered. While it could be considered reasonable that there isn’t a background check between family members or hunting buddies who are loaning each other guns, the truth is this loophole has in fact allowed the development of a massive, unregulated market where people sell guns to complete strangers without a background check. The gun show loophole has been a problem since the law passed but this

loophole has changed dramatically with the rise of the internet. Websites that facilitate unlicensed gun sales make it way too easy for a person who should have a gun to find a complete stranger who is willing to sell them a gun without a background check.

Everytown for Gun Safety has examined just one online commercial marketplace and uncovered just how dangerous those marketplaces can be. Each year, 1.2 million online ads offering firearms for sale are listed that would not legally require a background check to be completed. Nearly 1 in 9 prospective buyers who respond to ads from unlicensed sellers would not pass a background check, a rate seven times higher than the denial rate at licensed gun stores or in other contexts where background checks are required. Following an online connection, the face-to-face transaction can be completed in under three minutes. But laws can make a difference. In states that require background checks on all gun sales, 84 percent of unlicensed sellers told prospective purchasers they would need to undergo a background check prior to the sale. But in states without these laws, only 6 percent of unlicensed sellers indicated a background check would be needed.

There should be a background check on every gun sale, period. The background check system should have the records it needs to expeditiously and accurately complete background checks and the background check operators need to have the time to complete particularly complicated checks before a firearm is transferred to a buyer.

We have seen some bipartisan progress on improving the background check laws. First, there was the effort to improve the records in the background check system called Fix NICS. This was a crucial step to require federal agencies to submit records and provide incentives for states to submit them. Second, the NICS Denial Notification Act was included in the Violence Against Women Reauthorization Act of 2022. This provision requires the background check system to inform state and local law enforcement when there is a background check denial so they have the opportunity to intervene. Third, the Bipartisan Safer Communities Act made a number of improvements to our background check laws, including requiring enhanced background checks for buyers under 21 and clarifying who has to become a licensed dealer.

We need to pass a law to require background checks on all gun sales – an overwhelmingly popular and effective policy. We also need to implement the important bipartisan laws that have been passed. It's particularly important that the section of the Bipartisan Safer Communities Act that clarifies who is engaged in the business of selling guns be fully implemented. We know there was confusion about that section of the law and now that Congress has clearly spoken we need to ensure that there is clear guidance and strong enforcement to shut down the unlicensed people and commercial marketplaces profiting off the sales of guns to complete strangers.

Thank you for the opportunity to testify and provide additional information on this critically important topic.