

Dear Colleague,

As the Senate begins the examination of federal firearms laws and how to protect the Constitution that we have all sworn an oath to, I believe our country deserves a thorough and open debate about this vitally important issue. I want to share with you my proposal for how to help keep firearms out of the hands of the dangerous without using a federally designated 3rd party and incurring a new tax on guns.

As a firm believer of the 2nd Amendment, I support the reasonable expansion of National Instant Criminal Background Check System(NICS) checks into secondary and private markets for the purpose of keeping firearms out of the wrong hands. Longstanding federal law prohibits convicted felons, those with dangerous mental illness and illegal aliens from purchasing or possessing a firearm. Yet, unlike retailers, we as private citizens have no tool to know if the purchasers of our weapons in secondary markets (such as gun shows, flea markets, and through internet advertisements) are on the prohibited list. However, I believe we owe the American people a better plan than a new regime of de facto transfer taxes and burdensome regulations on law abiding gun owners as proposed by Senators Toomey and Manchin.

Unlike other proposed plans that require a government designated 3rd party to perform transactions in the secondary or private markets, my plan will retain the current freedoms and liberties of law abiding gun owners to participate in gun commerce without a federally licensed dealer. Instead of rerouting all commerce through federally designated persons that will charge a \$30-\$50 and up to \$125 fee, creating a new de facto tax on guns, my plan would allow a consumer friendly website or concealed carry permits to be used for verification, allowing law abiding gun owners the freedom to easily and safely transfer firearms.

I firmly believe that the easier the law is to comply with, the more effective it will be. Under my plan, if you have a concealed carry permit, you've already cleared a NICS check and your life will not be impacted at all. If you do not, you will need to take an extra 2 minutes to print off a piece of paper or pull up a smart phone app that says you are not on the prohibited list of felons and those with dangerous mental illness. My plan also provides states the flexibility to come up with their own ideas if they can improve upon the federal law along with giving states the ability to assume primacy of enforcement of compliance. This is a simple solution that focuses on empowering the individual gun owner to keep firearms out of the hands of the dangerous, not the further expansion of big government.

To my colleagues that say that records are essential to the enforcement of expanding NICS checks, please consider that a record can only be used after a crime has already taken place. Empowering American citizens to stop prohibited people from buying guns is what will

help prevent tragedies. Requiring record keeping of a legal transaction between two law abiding citizens has no preventative value.

To my colleagues that say that any reform dealing with gun laws is an infringement on the 2nd Amendment, then I welcome a debate on your amendments to repeal the 1993 Brady Bill or the provision in the 1968 Gun Control Act that prohibits violent felons and those adjudicated as dangerously mentally ill from purchasing or possessing firearms. If prohibited people are not going to comply with any law we pass, then why should Congress make an effort to improve the reporting of disqualifying records to NICS. The more than \$1 billion in federal tax dollars spent on creating and maintaining the National Instant Criminal Background Check System is rendered useless when a prohibited purchaser can just as easily procure a firearm from a gun show or an internet marketplace without a NICS check as they can at a gun store.

My amendment is the only proposal that both reaffirms the constitutional rights and privacy of law abiding citizens while deterring gun violence by enhancing the tools to keep firearms out of the hands of violent criminals and dangerous individuals.

Sincerely,

A handwritten signature in blue ink that reads "Tom Coburn". The signature is stylized and written in a cursive script.

Tom A. Coburn, M.D.

U.S. Senator

Dr. Coburn's amendment would require a NICS check or validation permit to be presented for non-FFL transfers, exempting family transfers, estate/will transfers, and all temporary transfers. The requirement can be satisfied in one of four ways:

- 1) An FFL takes custody of the firearm in order to perform a background check on the transferee as mandated in Schumer original and Manchin-Toomey
- 2) Presentation of temporary 30 day permit created by running a self-NICS check through a new consumer portal(details below)
- 3) Usage of a concealed carry permit or any other state issued permit that requires a NICS check to be conducted to obtain
- 4) Any other alternative that a state comes up with to satisfy the validation requirements for secondary and private market transfers

The amendment also includes a provision that places penalties on ATF agents that abuse records during audits, an IG report on the FBI's 24 hour destruction rule compliance, a prohibition on records, a prohibition on centralizing records pertaining to gun ownership and a provision that allows states to assume primacy of enforcement of the background check law.

Consumer Portal

- FBI shall provide a consumer portal through its website, mobile application, or other applicable medium to allow a potential transferee to run a NICS check on his/herself
- A successful background check will provide potential transferee with a temporary 30 day permit that validates he/she is not prohibited from legally purchasing or possessing a firearm
- The temporary permit can be used by the transferee for any private transfers in compliance with state or federal law during the 30 day time window
- The permit will be made available to the transferee as an electronic printable document, via a mobile application or other appropriate means
- The 30 day permit will provide the name, date of expiration of permit, and a unique pin number that can be used to verify activation by transferor
- The consumer portal will be designed with privacy protections so that only a prospective transferee can run his/her own NICS check
- The documentation provided by consumer portal will utilize necessary fraud protections
- A valid 30 day permit provided by the consumer portal that is verified with a valid government-issued photo identification would suit the law's requirements

- Information provided by prospective transferee to conduct background check through the consumer portal must be destroyed within 24-hours as occurs for FFL conducted background checks

The new law will not go into effect until the consumer portal is up and running, and the law will be nullified if the consumer portal is permanently shut down or defunded.

If you have any questions or for more information, please contact Bryan Berky at bryan_berky@coburn.senate.gov.