

# WHY THE FIREARMS INDUSTRY OPPOSES SO-CALLED “UNIVERSAL BACKGROUND CHECKS”

1. **BURDENSOME** - Federally licensed firearms retailers will be burdened with having to perform a governmental function (background check on private party transfers). Many proposals mandate that the dealer perform background checks on private party transfers, but cap the fee a dealer can charge:
  - a. The time and effort necessary to perform the check at government set fee is inadequate to cover the retailers cost. Must maintain A&D records for life of the business and the Form 4473 for 20 years.
  - b. FFL status can be jeopardized by mandatory record keeping requirements imposed by Federal (and State) laws. A retailer could have their FFL revoked for a record-keeping error in the paperwork for a gun they didn't actually sell.
2. **LIABILITY EXPOSURE** - Federally licensed firearms retailers will have liability exposure, e.g. product liability claims arising from an accident involving a firearm they didn't sell, and for which they may thus have no insurance coverage; a property damage claim (“you damaged the gun.”)
3. **NICS DELAYS** - Firearms retailers are very concerned that “universal background checks” will result in very lengthy delays in conducting NICS checks when they sell a firearm from their inventory. Proponents of “universal background checks” claim 40% of gun transfers are not subject to a background check. A 40% increase in NICS checks will cause the NICS system to crash. The system simply can't handle such an increase in volume; delays are growing unacceptably long now even without “private party transfers.”
4. **REGISTRATION** - According to the National Institute of Justice, “universal background checks” are only effective if there is national registration of all guns and all private party transfers.
5. **FixNICS<sup>SM</sup>** - The current background check system is broken. The background checks that are currently done are not as accurate and complete as they should be. This is because both the Federal government and about half the States have failed to put into the NICS system all appropriate records pertaining to prohibited persons, such as mental health records. “Universal background checks” will simply produce more inaccurate and incomplete checks. Before we talk about requiring background checks on private party transfers, we should FixNICS.” Members of the firearms industry, through the NSSF, are funding a grassroots campaign called FixNICS to encourage the reporting records of prohibited persons.
6. **FAILURE TO PROSECUTE** - Both the Federal and State governments are not prosecuting those who fail a background check when illegally attempting to purchase firearms now. Why would we think the government is any more likely to prosecute criminals who try to illegally obtain a firearm through a private party transfer if they are unwilling to prosecute those who fail checks performed by licensed retailers?
7. **“DEMAND LETTERS”** - ATF could further abuse its “demand letter” authority by sending a “demand letter” to all dealers requiring them to submit to ATF a copy of records pertaining to private party transfers (checks) that they are required to maintain. This has happened already to certain dealers.
8. **UNDEFINED TERM** - What exactly is meant by “universal background check”? Some proponents insist it applies any time a firearm is exchanged between any two individuals. Will intra-family transfers be included? Gifts between friends? Inherited firearms? A loan of a firearm to a hunting buddy during a hunting trip?

