

### MANCHIN-TOOMEY AMENDMENT

- ❑ **Bottom Line:** The Manchin-Toomey Amendment would require background checks for all gun sales in commercial settings, including at gun shows, on the internet, and in classified ads.
  - Expanded background checks are critically important for shutting off criminal access to guns. Today, a single website, Armslist.com, hosts over 73,000 ads for firearms, and 94% of them are offered by private sellers who are not required by federal law to conduct background checks. This is a 500% increase in sales volume over the course of 16 months.
  - There are more than 4,000 gun shows annually in the U.S. and 30% of all guns involved in federal gun trafficking investigations are connected to these shows.
- ❑ **Better background checks:** The bill would help keep guns out of the hands of felons, domestic abusers and the seriously mentally ill by requiring background checks on commercial gun sales.
  - **The bill covers** gun transfers: (1) at or immediately outside of a gun show, defined as any event with more than 75 guns for sale; or (2) pursuant to an advertisement on the internet or in another publication. It does not cover other types of transfers, including between friends and family.
  - **Checks by dealers:** Private sellers will be required to conduct background checks through licensed dealers, using the same background check system already used in dealer sales.
    - **Record keeping:** Licensed dealers will run background checks on potential buyers and keep records of sales in the same manner as they have for more than 40 years. The FBI will still be required to destroy all evidence of successful background checks within 24 hours, and federal law will continue to prohibit the creation of a federal gun registry.
    - **Permits in lieu of checks:** As with licensed dealer sales, the dealer may accept a qualifying state firearms permit instead of conducting a background check.
  - **Penalties:** It is a felony for a private seller to transfer a gun to a person federally prohibited from buying guns or to a law enforcement officer without a background check. Failure to comply with the background check requirement for sales to other buyers is a misdemeanor.
- ❑ **Getting critical records into NICS:** The bill will improve NICS—the federal database that is used for background checks—by incentivizing states to improve their reporting systems and removing perceived hurdles to the submission of critical mental health records.
- ❑ **Streamlined Gun Laws:** The bill contains provisions to improve and simplify laws for licensed dealers, gun owners, veterans and active military personnel, including:
  - Allowing active military personnel to purchase guns in the state where they live **and** in the state where they are stationed for duty
  - Ensuring that veterans who are prohibited from owning guns due to determinations of mental incapacitation are given an opportunity to appeal those determinations before losing their gun rights
  - Allowing licensed dealers to sell guns to a resident of any state, provided dealers follow the legal conditions of sale in the state where the sale takes place and the state in which the buyer resides
  - Clarifying that people traveling across state lines may carry guns that are locked and unloaded