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"Show Me Your Gun": A Way Forward on Waiting Periods Annual Survey: Gun Reform Symposium

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"SHOW ME YOUR GUN": A WAY FORWARD ON WAITING PERIODS

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I. INTRODUCTION

On March 16, 2021, a white man walked into an Atlanta-area gun store, legally purchased a handgun, and walked out of the store with it.[1] Within hours, he had used the gun to kill eight people, including six women of Asian descent.[2] What if the shooter had not been allowed to get a gun so quickly? What if he had been required to wait a few days? Would he still have gone on his horrific killing spree?

It may be impossible to enter the mind of the Atlanta shooter to answer these questions, but legislators in several states have introduced so-called "waiting period" bills. Among these is a Georgia bill introduced in direct response to this shooting.[3] The length of periods varies, but they all operate in the same way: a gun buyer is not allowed to take possession of a new gun until a fixed period of time has passed since purchase. The idea is that a "cooling off" period will deter impulsive gun violence—including suicide, which makes up 60% of all gun deaths in the U.S.[4] Research shows that waiting periods save lives.[5]

The affirmative case for waiting periods is strong, but only ten states and the District of Columbia have them,[6] and only one state

* Ira Drayton Pruitt, Sr. Professor of Law, University of Alabama School of Law. Thanks to Ian Ayres for helpful comments on an earlier draft.

1. Lindsay Whitehurst, *Gun Waiting Periods Rare in U.S. States but More May Be Coming*, ASSOCIATED PRESS (March 21, 2021), https://apnews.com/article/shootings-atlanta-ahmaud-arbery-violence-georgia-d444884e06c90b625b471b98e48bee24 [https://perma.cc/YVD9-MCXE].

2. *Id.*

3. *See id.* (listing Arizona, New York, Pennsylvania and Vermont); Jesse Paul, *Colorado Democrats will Pursue Mandatory Waiting Period for Gun Buyers, Safe-Storage Measure in 2021*, COLO. SUN (Jan. 11, 2021), https://coloradosun.com/2021/01/11/colorado-gun-control-laws-2021-preview/ [https://perma.cc/5C8V-AAT9]; *Gun Bills Fail to Pass Georgia Session, Lawmakers Eye 2022*, WSAV (Apr. 2, 2021) [https://perma.cc/WGD2-2HGU].

4. *Facts and Figures*, U.C. DAVIS HEALTH, https://health.ucdavis.edu/what-you-can-do/facts.html [https://perma.cc/9TL8-GRQ3].

5. *See infra* text accompanying notes 13-17.

6. *See infra* note 22.

has passed a waiting period bill in recent years—Florida, after the Parkland massacre in 2018.[7] This article proposes two potential modifications to waiting period bills that will hopefully tilt the political landscape in their favor. First, I offer two statutory bypass mechanisms for certain gun buyers: one for individuals who can show to law enforcement that they need a gun to protect themselves from an external imminent threat. and the other for individuals who can demonstrate to a judge that they themselves are not dangerous. A prospective gun purchaser who met either standard would be able to take immediate possession of a new gun. Second, and more radically, I propose allowing a person who already has access to a gun to buy another immediately, thus imposing the waiting period only on people buying their first gun. A person who already has access to a gun can use that one rather than wait for another, rendering the waiting period effectively moot for such buyers.

It should be recognized that these modifications could reduce the overall effectiveness of waiting periods. But most of the benefits of waiting periods would remain, and a modified, first-gun waiting period is much better than no waiting period at all. Section II of this article sets forth the case for traditional, across-the-board waiting periods: they are constitutional, effective, and popular. Section III considers the two strongest counter-arguments: delaying gun access in an emergency and inconveniencing gun owners. Rather than ignoring or minimizing these counter-arguments, I suggest ways to address them and hopefully persuade reluctant lawmakers to move forward, adopt waiting periods, and save lives.

II.
ARGUMENTS FOR WAITING PERIODS

Waiting periods are constitutional. California has had a waiting period to purchase firearms continuously since 1923.[8] After the United States Supreme Court in 2008 reversed its precedent and held for the first time that the Second Amendment protects an individual's right to bear arms,[9] two gun owners and two gun-rights organizations challenged California's 10-day waiting period.[10] However, the plaintiffs did not challenge the waiting period as applied to first-time gun purchases.[11] The Ninth Circuit upheld the traditional, across-the-board waiting period on the ground that the

7. FLA. STAT. ANN. § 790.0655 (West 2021).
8. Silvester v. Harris, 843 F.3d 816, 823 (9th Cir. 2016).
9. District of Columbia v. Heller, 554 U.S. 570 (2008).
10. *Silvester*, 843 F.3d at 825.
11. *Id.* at 818 ("It is not a blanket challenge to the waiting period itself.").

waiting period provides "a cooling-off period to deter violence resulting from impulsive purchases of firearms."[12]

Research (including studies conducted after the Ninth Circuit decision) confirms that waiting periods are effective, reducing suicide and homicide. A 2020 study by the independent RAND Corporation found some evidence that waiting periods may decrease total suicide and found even stronger evidence that waiting periods at least reduce firearm suicide.[13] The two key studies cited in the RAND report on suicide used similar methods, but different time periods.[14] As to violent crime, another RAND study included six studies in its analysis.[15] It concluded that waiting periods may decrease both total homicides and firearm homicides.[16] In sum, waiting periods save many lives, with estimates ranging from the hundreds to the thousands each year.[17]

There is strong public support for waiting periods. In a recent public opinion poll, 73% of respondents said that they would sup-

12. *Id.* at 829. The Second Amendment ground may shift depending on how the Supreme Court decides New York State Rifle & Pistol Ass'n v. Corlett, 141 S. Ct. 2566 (2021).

13. Rosanna Smart, *Effects of Waiting Periods on Suicide*, RAND CORP. (last updated Apr. 22, 2020), https://www.rand.org/research/gun-policy/analysis/waiting-periods/suicide.html [https://perma.cc/P44G-A8NF]. Some argue that a person who decides to commit suicide will just find another method if they are denied access to a gun. The term for this is "substitution." It is therefore important to show a reduction in total suicide, not just firearm suicide, to rebut the substitution hypothesis.

14. Griffin Edwards, Erik Nesson, Joshua J. Robinson & Fredrick Vars, *Looking Down the Barrel of a Loaded Gun: The Effect of Mandatory Handgun Purchase Delays on Homicide and Suicide*, 128 ECON. J. 3117 (2018) (1990-2013); Michael Luca, Deepak Malhotra & Christopher Poliquin, *Handgun Waiting Periods Reduce Gun Deaths*, 114 PROC. NAT'L ACAD. SCI. 12162 (2017) (1970-2014).

15. Andrew Morral, *Effects of Waiting Periods on Violent Crime*, RAND CORP. (last updated Apr. 22, 2020), https://www.rand.org/research/gun-policy/analysis/waiting-periods/violent-crime.html [https://perma.cc/UV9W-SXRC].

16. *Id.* There is, however, inconclusive evidence about the effect of waiting periods on mass shootings like the one in Atlanta discussed at the beginning of this article. , Samuel Peterson, *Effects of Waiting Periods on Mass Shootings*, RAND CORP. (last updated Apr. 22, 2020), https://www.rand.org/research/gun-policy/analysis/waiting-periods/mass-shootings.html [https://perma.cc/28LH-875Q]. Mass shootings, however, account for just 0.2% of firearm deaths each year, whereas suicide accounts for 60%. Lacey Wallace, *Mass Shootings Are Rare – Firearm Suicides Are Much More Common, and Kill More Americans*, PBS NATION (Mar. 30, 2021), https://www.pbs.org/newshour/nation/mass-shootings-are-rare-firearm-suicides-are-much-more-common-and-kill-more-americans [https://perma.cc/E2UA-ZXTQ].

17. *See* Edwards et al., *supra* note 14 (hundreds); Luca et al., *supra* note 14 (thousands).

port "establishing waiting periods of three days before a gun can be taken home after it is purchased."[18] A 2019 study found that 85% of non-gun owners and 72% of gun owners support mandatory waiting periods for firearm purchases.[19] Most Americans favor even lengthy waiting periods: in one poll, 75% supported a 30-day waiting period.[20]

Notwithstanding the constitutionality, effectiveness, and popularity of waiting periods, few jurisdictions have them.[21] This is not for lack of trying: waiting period bills have been introduced in several states and in Congress.[22] There are, however, stiff political headwinds, deriving in part from the arguments set forth below.

III.
ARGUMENTS AGAINST WAITING PERIODS AND RESPONSES

With efficacy now established, there are two main arguments against waiting periods. The NRA states these objections as follows: (1) "First-time buyers seeking a firearm for self-defense would be affected by a waiting period that limits their ability to safeguard themselves and their loved ones"; and (2) "Most gun-owners own more than one firearm and a waiting period could not possibly have an effect on those purchasing an additional firearm."[23] Of course, the NRA does not speak for all gun owners, but these are

18. John Bowden, *Two in Two Support Stricter Gun Control Laws: Poll*, THE HILL (Apr. 14, 2021), https://thehill.com/homenews/news/548127-2-in-3-support-stricter-gun-control-laws-poll [https://perma.cc/P2WK-VE8H].

19. Graham Dixon et al., *Public Opinion Perceptions, Private Support, and Public Actions of U.S. Adults Regarding Gun Safety Policy*, 3(12) JAMA NETWORK e2029571, at 5 (Dec. 22, 2020).

20. Lydia Saad, *Americans Widely Support Tighter Regulations on Gun Sales*, G????? (Oct. 17, 2017), https://news.gallup.com/poll/220637/americans-widely-support-tighter-regulations-gun-sales.aspx [https://perma.cc/3XAG-XZUL].

21. *See supra* text accompanying notes 5, 6.

22. *See* John Whittaker, *N.Y. State Senate Passes Gun Bills*, OBSERVER TODAY (June 5, 2021), https://www.observertoday.com/news/local-region/2021/06/ny-state-senate-passes-gun-bills/ [https://perma.cc/4GRQ-HVM9] (reporting that one N.Y. state legislator has tried to pass waiting period bills "eight times since 2012, with all eight proposals expiring in committee"); Whitehurst, *supra* note 1; Press Release, Congressman Raja Krishnamoorthi, House of Representatives, Congressman Raja Krishnamoorthi Announces Reintroduction of the COOL OFF Act to Reduce Gun Violence Through a National Three-Day Waiting Period (Mar. 11, 2021), https://krishnamoorthi.house.gov/media/press-releases/congressman-raja-krishnamoorthi-announces-reintroduction-cool-act-reduce-gun [https://perma.cc/H8AF-H3ZL].

23. *Waiting Periods*, NRA INST. LEG. ACTION (Sept. 2019), https://www.nraila.org/get-the-facts/waiting-periods/ [https://perma.cc/JV2B-ZEUG].

serious arguments that deserve attention, whatever their source. I will discuss and respond to each of these two arguments in turn.

A. Immediate Need for Firearm for Self-Defense

The first argument goes to the fundamental trade-off that a mandatory waiting period presents: do the benefits of reduced suicide and homicide from waiting periods outweigh the costs of delaying gun purchase by those who would not misuse the gun? Self-defense in particular is a very common and perfectly valid reason to want a gun,[24] and sometimes the need for self-defense is urgent. Sponsors of waiting period bills might therefore include a bypass mechanism for emergencies.

One bypass mechanism relies on law enforcement. The Brady Act imposed a federal 5-day waiting period during the 1990s.[25] That waiting period did not apply if the buyer presented a statement from law enforcement that the buyer needed the gun "because of a threat to the life of the transferee or of any member of the household of the transferee."[26] The NRA criticized this bypass mechanism as too narrow in several respects.[27] First, the NRA thought that law enforcement would require proof of a specific communication in order to find a "threat."[28] Next, the NRA argued that a threat of "bodily harm," not just a threat to life as provided for in the statute, should be sufficient to justify immediate gun purchase.[29] Finally, the NRA posited that law enforcement would not admit that anyone in their jurisdiction needs a gun for self-defense because that would constitute an admission that law enforcement would not be up to

24. In a 2019 Gallup poll, 63% of gun owners cited "Personal Safety/Protection" as a reason they own a gun. *Guns*, GALLUP (last visited March 11, 2022), https://news.gallup.com/poll/1645/guns.aspx [https://perma.cc/ZP7M-GUWG]; District of Columbia v. Heller, 554 U.S. 570, 630 (2008) (holding that the Second Amendment protects "the core lawful purpose of self-defense").

25. Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, § 102(a)(1)(A)(ii)(I), 107 Stat. 1536, 1537 (1993).

26. 18 U.S.C.A. § 922(s)(1)(B) (West 2015). The full text of the exception is as follows: "the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee." *Id.*

27. Richard E. Gardiner & Stephen P. Halbrook, *NRA and Law Enforcement Opposition to the Brady Act: From Congress to the District Courts*, 10 ST. JOHN'S J. LEGAL COMMENT. 13, 23 (1994).

28. *Id.*

29. *Id.*

the task.[30] These criticisms did not convince lawmakers.[31] Overwhelming public support for the Brady Act overcame all objections.[32]

A co-author and I in another context have proposed a second bypass mechanism that avoids the NRA criticisms altogether: "A person who has registered with the "[STATE] Do-Not-Sell List" may deregister by applying for immediate deregistration to [AN APPROPRIATE STATE COURT] and proving by a preponderance of the evidence that he or she is not likely to act in a manner dangerous to public safety (including danger to self) in a proceeding where any public official or interested party may also present evidence."[33] Under this provision, a would-be gun purchaser does not have to establish a specific threat to life, but rather must convince a neutral judge that they themselves are not dangerous.

To be clear: I do not mean to suggest that any sort of bypass option is required by the Second Amendment—it is not. Nor do I mean to suggest that the Brady Act bypass was inadequate. After all, the studies finding waiting periods to be effective are driven in large part by the Brady Act waiting period, which included only the first exception described above. By offering these two bypass examples, I only mean to suggest that compromise is possible without undermining the effectiveness of a waiting period.

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30. *Id.*

31. Other criticisms raised during hearings on the Brady Act included: (1) concern that law enforcement might act in an arbitrary, capricious, or racist manner, *Brady Handgun Violence Prevention Act: Hearing on H.R. 1025 Before the Subcomm. on Crime & Criminal Justice of the H. Comm. on the Judiciary*, 103rd Cong., 496 (1993); (2) the fact that "the average citizen may not even be able to get an appointment to see the chief law enforcement officer," *Brady Handgun Violence Prevention Act: Hearing on H.R. 1025 Before the Subcomm. on Crime & Criminal Justice of the H. Comm. on the Judiciary*, 103rd Cong., 496 (1993). *Accord Brady Handgun Violence Prevention Act: Hearing on S. 414 Before the S. Comm.*, 103rd Cong., 167 (1993); (3) "No sanctions exist to require law enforcement officers to destroy personal information about applicants" and the provision did not afford due process, S. Hearing 100-1054, at 132; and, most fundamentally, (4) the decision to buy a gun "ought to be left in the hands of the individual," H.R. REP. NO. 102-47, at 21 (1991). *But see* S. HEARING 100-256, at 81 (1987) ("[The] inconvenience [of a waiting period] is lessened by the fact that the legislation exempts an individual who receives a waiver from a law enforcement agency because his or her life is threatened.").

32. Kevin Merida, *Senate Approves Brady Bill, 63 TO 36*, WASH. POST. (Nov. 21, 1993), https://www.washingtonpost.com/archive/politics/1993/11/21/senate-approves-brady-bill-63-to-36/b242e3dd-2fbd-4459-a59b-416a41b988bb/ [https://perma.cc/7TLZ-K8ER].

33. IAN AYRES & FREDRICK E. VARS, WEAPON OF CHOICE: FIGHTING GUN VIOLENCE WHILE RESPECTING GUN RIGHTS 181 (2020).

Having robust bypass options like these may also help lead to compromise on waiting period length. Current waiting periods vary from 72 hours (Illinois) to 14 days (Hawaii).[34] Research suggests that waiting periods of seven or more days prevent more suicides than do shorter waiting periods.[35] Legislators should therefore enact a 7-, 10-, or even 14-day waiting period, coupled with exceptions for emergencies and buyers adjudicated not to be dangerous. The inconvenience for gun owners of a waiting period of a week or more is discussed (and eliminated) in the next subsection.

B. Needless Burden on Gun Owners

The second argument against waiting periods that I will discuss is that waiting periods for people who already own guns are pointless. Gun owners will simply use the gun or guns they already own rather than wait for a new one.[36] As a matter of constitutional law, the Ninth Circuit expressly rejected this argument:

> "[It] assumes that all subsequent purchasers who wish to purchase a weapon for criminal purposes already have an operable weapon suitable to do the job. [This] assumption is not warranted. An individual who already owns a hunting rifle, for example, may want to purchase a larger capacity weapon that will do more damage when fired into a crowd."[37]

Alternatively, and much more likely, the individual who already owns a hunting rifle may be trying to purchase a handgun for a suicide attempt. One recent study found that handguns—even though more tightly regulated than long guns in the state studied—were used in 72% of firearm suicides.[38]

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34. *Waiting Periods*, GIFFORDS LAW CTR. (last visited March 11, 2022), https://giffords.org/lawcenter/gun-laws/policy-areas/gun-sales/waiting-periods/, [https://perma.cc/FJ6B-QMU3].

35. Edwards et al., *supra* note 14, at 3133 tbl.4.

36. *See* Silvester v. Becerra, 138 S. Ct. 945, 949 (2018) (Thomas, J., dissenting from denial of certiorari) ("Common sense suggests that subsequent purchasers contemplating violence or self-harm would use the gun they already own, instead of taking all the steps to legally buy a new one in California.").

37. Silvester v. Harris, 843 F.3d 816, 828 (9th Cir. 2016).

38. Paul S. Nestadt et al., *Prevalence of Long Gun Use in Maryland Firearm Suicides*, 7 INJURY EPIDEMIOLOGY 1, 4 (2020), https://injepijournal.biomedcentral.com/track/pdf/10.1186/s40621-019-0230-y.pdf. [https://perma.cc/8HTU-PPB9]. *See also* Thomas J Hanlon, et al., *Type of Firearm Used in Suicides: Findings From Thirteen States in the National Violent Death Reporting System, 2005-2015*, 65 J. ADOLESCENT HEALTH 366, 367 (2019). While these studies show that handguns are used in suicide attempts much more frequently than long guns, the fact that around a quarter of gun suicides involve long guns strongly suggests that a waiting period should include *all* firearms, not just handguns.

It is true that one cannot know for certain which gun purchase will be the fatal one, but slowing down the first gun purchase probably accounts for the bulk of lives saved by a waiting period. Research finds that the risk of firearm suicide peaks immediately after the first acquisition.[39] A person who already owns a handgun does not need another one to make a firearm suicide attempt or to kill someone else. They can simply use the first gun rather than wait for another. Single-victim incidents account for roughly 80% of total gun deaths each year.[40] You don't need two guns to kill one person. This suggests that a waiting period for first gun purchases only would capture most of the benefits of traditional, across-the-board waiting periods, without imposing any burden on current gun owners.

Once again, compromise is possible. Before offering a potential implementation strategy, however, it is important to emphasize that a first-gun-only waiting period is not required by the Second Amendment.[41] And, even though the life-saving effect of waiting periods is likely concentrated on the first gun purchase, across-the-board waiting periods will save even more lives. The reason to consider the first-gun-only approach is to eliminate the burden waiting periods impose on current gun owners and hopefully to overcome political opposition. Where waiting period bills have been introduced and have failed, the perfect should not be the enemy of the good.

The trick to implementing a first-gun-only waiting period is determining reliably whether the prospective buyer already has access to a gun. There is no national registry of gun owners,[42] which presents a problem. But the solution to the problem is simple: require a buyer who wants immediate possession of a new firearm to show the seller an unloaded firearm already in their possession.[43] It

39. David M. Studdert et al., *Handgun Ownership and Suicide in California*, 382 N. ENGL. J. MED. 2220, 2220 (2020).

40. "More than 50 percent (50.6) of all murders for which the UCR Program received supplemental data were single victim/single offender situations." *2019 Crime in the United States*, FED. BUREAU OF INVESTIGATION (last visited March 11, 2022), https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/expanded-homicide [https://perma.cc/J9VN-VYDV].

41. Silvester v. Harris, 843 F.3d 816 (9th Cir. 2016).

42. *See* 18 U.S.C. 922(t)(2)(C) (requiring the federal background check system to "destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer").

43. One might provide other avenues to prove gun access, like showing a concealed carry permit.

is too late when a person already has access to a firearm to prevent most of the potential harms of firearms. A "show me your gun"[44] system would be targeted to delay access to that deadliest first firearm, not to delay second, third, and fourth gun purchases.

Handguns are responsible for over 92% of firearm homicides (where firearm type is known) and handguns are the overwhelming choice of victims of firearm suicide.[45] For this reason, under my proposal, a prospective buyer would have to show a handgun in order to purchase another handgun without a delay period. But either a handgun or a long gun (*i.e.* rifle or shotgun) would be sufficient for quick purchase of another long gun. Recall that the possibility of switching toward a more dangerous weapon was an important component of the Ninth Circuit's reasoning upholding California's waiting period as to gun owners.[46]

One argument against the "show me your gun" system is that it will lead to more gun carrying, which could increase unintentional shootings and gun thefts. This is a genuine concern, but needs to be evaluated in context. By definition, guns are already allowed in gun stores, so this proposal does not expand the number of places guns can be carried. A successful gun buyer will necessarily be carrying a gun *out* of the store after a completed purchase. The difference under my proposal is that gun owners who want to take immediate possession will be carrying a gun *into* the store as well. Logically, that would seem to double the risks of accidental discharge and theft. But there are two factors mitigating those risks: (1) the display firearm must be unloaded, so there is only a small chance of an unintentional shooting; and (2) the places where gun theft might occur has not expanded. If there's a thief lurking in the gun store parking lot today, he or she can just wait until the buyer is leaving the store. Thus, the marginal risks associated with the "show me your gun" system are small.

IV.
CONCLUSION

Waiting for the perfect waiting period is a mistake. Too many waiting period bills have died recently, some even before they've

44. *Cf.* AYRES & VARS, *supra* note 33, at 63 (observing in a different context that gun ownership is easy to prove: "just show me your gun").

45. *Crime in the United States 2019*, FBI, https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/table-20 [https://perma.cc/P7SC-JFJN]; Nestadt et al., *supra* note 38 at 1-2; Hanlon et al., *supra* note 38 at 367.

46. *Silvester*, 843 F.3d at 828.

been introduced.[47] Sometimes that may have been the result of fear-mongering and slippery-slope arguments,[48] but opponents also raise genuine concerns. The political question in some states, and perhaps federally, may be whether to ignore these concerns and to continue to fail to enact waiting periods or to instead accommodate these concerns in order to secure passage. The accommodations outlined in this article—robust bypass provisions and a "show me your gun" exception—squarely address opponents' primary concerns while retaining most of the life-saving benefits that traditional waiting periods achieve.[49]

47. Nick Reynolds, *Handgun Waiting Period Bill Won't be Introduced in Wyoming Senate*, CASPER STAR-TRIB. (Feb. 12, 2020), https://trib.com/news/state-and-regional/govt-and-politics/handgun-waiting-period-bill-wont-be-introduced-in-wyoming-senate/article_c5473ce4-8e1b-5845-a981-4074b82223b9.html [https://perma.cc/H25V-WG34].

48. *N.H. House Passes Gun Waiting Period Bill*, CONCORD MONITOR (Feb. 19, 2020, 5:05 PM), https://www.concordmonitor.com/House-passes-gun-waiting-period-bill-32799539 [https://perma.cc/3GF6-FMJ7] ("[I]f the bill is enacted, gun control advocates would likely extend the waiting period in the future.").

49. Even with these modifications, it may not be possible to enact waiting periods federally or in every state. Another alternative to combat impulsive gun deaths, currently in effect in three states, is to flip the default: people who want a waiting period could elect to have a waiting period for themselves. AYRES & VARS, *supra* note 33, at pt.1; VA. CODE ANN. §§ 52-50 to -52 (2021); UTAH CODE ANN. § 53-5c-301 (LexisNexis 2021); WASH. REV. CODE. § 9.41.350 (2021). In other words, government can offer an opt-in waiting period (sometimes called a "Voluntary Do-Not-Sell List"), rather than the opt-out waiting period proposed in this article.