



House of Representatives  
**Judiciary Committee**  
Ranking Member Jim Jordan

**H.R. 1446, the “Enhanced Background Checks Act of 2021”**  
***Sponsor: Rep. James Clyburn (D-SC)***  
**House Judiciary Republicans Urge Opposition**

Under current federal law, when an individual attempts to purchase a firearm through a federal firearms licensee (FFL), the Federal Bureau of Investigation (FBI) has three days to complete a National Instant Criminal Background Check System (NICS) check on the individual. This legislation eradicates the 3-day proceed to sale provision and allows the government to delay the sale of a firearm for an indefinite period of time.

- **H.R. 1446 will result in arbitrary delays that could curb the rights of millions of law-abiding Americans to protect and defend their families.** If enacted, this bill could delay the purchase of a firearm to a law-abiding citizen for an indefinite period of time. The government’s failure to process a background check in an efficient and timely manner should not prohibit a law-abiding citizen from exercising his or her constitutional right to keep and bear arms.
- **The Charleston tragedy does not justify eliminating the 3-day proceed to sale provision because the failure at the heart of that case was a breakdown in the coordination between the FBI and local law enforcement.** What the gun control advocates call the “Charleston Loophole,” is not a loophole. Under current law, the commercial sales of firearms are not to be transferred until a background check determines that the transfer to the individual would not violate applicable federal and state laws. If the background check is not completed within three business days, the FFL has the **option** to proceed with the transfer but is **not required** to complete the transfer.
- **The 3-day proceed to sale provision is necessary to ensure law-abiding Americans aren’t arbitrarily denied their Second Amendment rights.**
  - Without the 3-day proceed to sale provision, the FBI has no incentive to complete background checks in a timely manner. A system that allows the government to arbitrarily delay a citizen’s ability to acquire a firearm would be a clear violation of his or her constitutional right.
  - In 2015, New Jersey resident Carol Bowne was murdered by her ex-boyfriend after she waited for more than 40 days for a firearm permit. Eradicating the 3-day proceed to sale provision would prevent thousands of Americans just like Carol Bowne from exercising their right to self-defense.