



Bill Summary and Position Paper

H.R. 1446

House Bill 1446
117th Congress (2021-22)

Enhanced Background Checks (De Facto Waiting Periods)

Rep. James Clyburn (D-SC-6)
NAGR Position: **Strongly Oppose**

Background

- Under current law, the ATF has a maximum of three business days to process a background check to prove a gun buyer is ineligible to purchase a firearm. If the ATF cannot complete this process within those 3 days, the gun store may transfer the firearm to the purchaser. This forces the ATF to take responsibility for doing their jobs in 3 days or less (which is already too long for a person to exercise a basic Constitutional right, especially for those in imminent danger of being harmed.)

What the Bill Does

- H.R. 1446 (De Facto Waiting Periods) would remove the current three business day maximum processing period to get a background check completed and replace it with an up to ten business day period - allowing bureaucrats to spend up to two weeks or more (with federal holidays) to approve or deny firearm purchases.
- This legislation forces gun buyers to petition the U.S. Attorney General to exercise their rights if a background check takes longer than 10 business days.
- Unelected government bureaucrats would be allowed to delay a firearms purchase beyond the current 3 days to anyone they wish and for any reason.

Why it's Bad for Gun Owners:

- These background checks will cause extensive delays – if the ATF doesn't approve a firearm purchase in the 10 business days they are allotted, the onus is on the gun buyer to petition the U.S. Attorney General to beg their permission to be allowed to make the purchase. At that point, the absolute soonest a gun buyer can get approved to obtain their gun would be a month. You and I both know these administrators will take the longest road possible to deciding your future as a gun purchaser.
- This is a violation of the rights of people to purchase a gun and to protect themselves, putting law-abiding citizens in danger should they need to purchase a firearm quickly. **A right delayed is a right denied.**
- Eliminating the three day mandatory approval or denial range will allow gun grabbing bureaucrats to exponentially delay the purchasing process – this is an intentional effort to disarm Americans.
- The U.S. Attorney General petitioning process is vague and adds yet another obstacle to exercising a Constitutional right.