

United States Senate

WASHINGTON, DC 20510

July 28, 2015

James Hagale
President and Chief Executive Officer
BPS Direct L.L.C.
1935 S. Campbell
Springfield, MO 65807

Dear Mr. Hagale:

We are writing you with a simple ask: stop selling guns to people who do not first definitively pass a background check. The senseless killing of nine innocent people in Charleston, S.C., on June 17, was made possible because the alleged gunman was able to buy a gun without passing a background check.

A “default to proceed” loophole in the Brady Handgun Violence Act allows, but does not require, gun retailers to proceed with a firearms sale after three days, if an applicant’s background check is still pending. While certain facts remain unknown, the FBI acknowledges that a fully completed background check would have uncovered the alleged perpetrator’s prior arrest on a drug charge and his drug addiction, thereby barring him from purchasing the .45-caliber handgun with which he took nine lives.


The perpetrator’s exploitation of this loophole is not an anomaly. In the last five years, the “default to proceed” loophole has led gun retailers to proceed with 15,729 firearm sales to “prohibited people” – individuals who were deemed ineligible to purchase a firearm once their background checks were completed.¹ Based on FBI data, the Brady Campaign estimates that on average more than ten prohibited people a day are sold guns by gun dealers who do not use their discretion to wait for a final determination from FBI. Responsible gun retailers can act today to address this unacceptable situation. The law allows retailers to decide whether or not to allow gun sales to proceed after the three-day “default period” has elapsed. You have a duty to ensure that your products do not get into the hands of dangerous individuals like the Emanuel AME Church shooter.

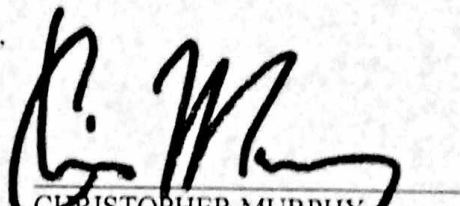
In 2002, Walmart, the nation’s largest gun retailer, agreed not to transfer firearms without background checks, even if three days had passed. Many other federally licensed dealers take the same approach. The short-term inconvenience is minimal. In the vast majority of cases the background check is completed within minutes and the retailer knows whether they may proceed with the sale. After the horror inflicted upon the Emanuel AME Church in Charleston, no responsible gun retailer should transfer a gun without first conducting a complete background check.


¹ In 2010, FBI referred 2,955 denials to ATF for firearm retrieval actions because the sale was denied after the three-business-day period. 3,166 such referrals were made in 2011; 3,722 in 2012; 3,375 in 2013; and 2,511 in 2014. FBI, NICS Operations Reports, 2010-2014

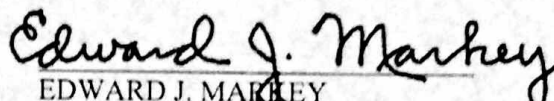
We implore you to act now. Join the movement of responsible gun retailers both large and small who will not sell a firearm absent a complete background check.


Sincerely,


RICHARD BLUMENTHAL
United States Senator

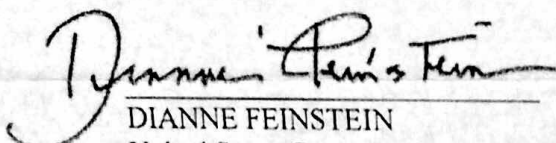

CHRISTOPHER MURPHY
United States Senator



RICHARD J. DURBIN
United States Senator

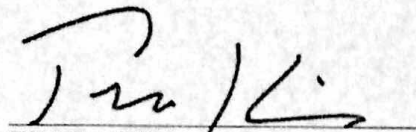

EDWARD J. MARKEY
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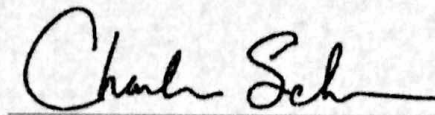

MAZIE K. HIRONO
United States Senator

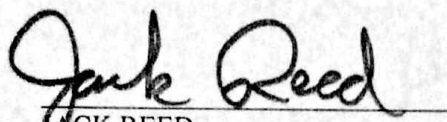

KIRSTEN GILLIBRAND
United States Senator

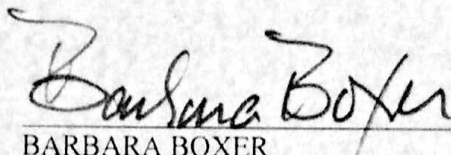

DIANNE FEINSTEIN
United States Senator

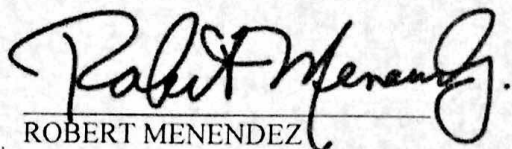

SHELDON WHITEHOUSE
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