

117TH CONGRESS
1ST SESSION

H. R. 8

IN THE SENATE OF THE UNITED STATES

MARCH 11, 2021

Received

AN ACT

To require a background check for every firearm sale.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bipartisan Back-
3 ground Checks Act of 2021”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to utilize the current back-
6 ground checks process in the United States to ensure indi-
7 viduals prohibited from gun purchase or possession are
8 not able to obtain firearms.

9 **SEC. 3. FIREARMS TRANSFERS.**

10 (a) IN GENERAL.—Section 922 of title 18, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 “(aa)(1)(A) It shall be unlawful for any person who
14 is not a licensed importer, licensed manufacturer, or li-
15 censed dealer to transfer a firearm to any other person
16 who is not so licensed, unless a licensed importer, licensed
17 manufacturer, or licensed dealer has first taken possession
18 of the firearm for the purpose of complying with sub-
19 section (t).

20 “(B) Upon taking possession of a firearm under sub-
21 paragraph (A), a licensee shall comply with all require-
22 ments of this chapter as if the licensee were transferring
23 the firearm from the inventory of the licensee to the unli-
24 censed transferee.

25 “(C) If a transfer of a firearm described in subpara-
26 graph (A) will not be completed for any reason after a

1 licensee takes possession of the firearm (including because
2 the transfer of the firearm to, or receipt of the firearm
3 by, the transferee would violate this chapter), the return
4 of the firearm to the transferor by the licensee shall not
5 constitute the transfer of a firearm for purposes of this
6 chapter.

7 “(2) Paragraph (1) shall not apply to—

8 “(A) a law enforcement agency or any law en-
9 forcement officer, armed private security profes-
10 sional, or member of the armed forces, to the extent
11 the officer, professional, or member is acting within
12 the course and scope of employment and official du-
13 ties;

14 “(B) a transfer or exchange (which, for pur-
15 poses of this subsection, means an in-kind transfer
16 of a firearm of the same type or value) that is a loan
17 or bona fide gift between spouses, between domestic
18 partners, between parents and their children, includ-
19 ing step-parents and their step-children, between sib-
20 lings, between aunts or uncles and their nieces or
21 nephews, or between grandparents and their grand-
22 children, if the transferor has no reason to believe
23 that the transferee will use or intends to use the
24 firearm in a crime or is prohibited from possessing
25 firearms under State or Federal law;

1 “(C) a transfer to an executor, administrator,
2 trustee, or personal representative of an estate or a
3 trust that occurs by operation of law upon the death
4 of another person;

5 “(D) a temporary transfer that is necessary to
6 prevent imminent death or great bodily harm, in-
7 cluding harm to self, family, household members, or
8 others, if the possession by the transferee lasts only
9 as long as immediately necessary to prevent the im-
10 minent death or great bodily harm, including harm
11 to self, and the harm of domestic violence, dating
12 partner violence, sexual assault, stalking, and do-
13 mestic abuse;

14 “(E) a transfer that is approved by the Attor-
15 ney General under section 5812 of the Internal Rev-
16 enue Code of 1986; or

17 “(F) a temporary transfer if the transferor has
18 no reason to believe that the transferee will use or
19 intends to use the firearm in a crime or is prohibited
20 from possessing firearms under State or Federal
21 law, and the transfer takes place and the trans-
22 feree’s possession of the firearm is exclusively—

23 “(i) at a shooting range or in a shooting
24 gallery or other area designated for the purpose
25 of target shooting;

1 “(ii) while reasonably necessary for the
2 purposes of hunting, trapping, pest control on
3 a farm or ranch, or fishing, if the transferor—

4 “(I) has no reason to believe that the
5 transferee intends to use the firearm in a
6 place where it is illegal; and

7 “(II) has reason to believe that the
8 transferee will comply with all licensing
9 and permit requirements for such hunting,
10 trapping, pest control on a farm or ranch,
11 or fishing; or

12 “(iii) while in the presence of the trans-
13 feror.

14 “(3) It shall be unlawful for a licensed importer, li-
15 censed manufacturer, or licensed dealer to transfer posses-
16 sion of, or title to, a firearm to another person who is
17 not so licensed unless the importer, manufacturer, or deal-
18 er has provided such other person with a notice of the
19 prohibition under paragraph (1), and such other person
20 has certified that such other person has been provided
21 with this notice on a form prescribed by the Attorney Gen-
22 eral.

23 “(4) The Attorney General shall make available to
24 any person licensed under this chapter both Spanish and
25 English versions of the form required for the conduct of

1 a background check under subsection (t) and this sub-
2 section, and the notice and form required under paragraph
3 (3) of this subsection.”.

4 (b) AMENDMENT TO SECTION 924(a).—Section
5 924(a)(5) of title 18, United States Code, is amended by
6 striking “(s) or (t)” and inserting “(s), (t), or (aa)”.

7 (c) RULES OF INTERPRETATION.—Nothing in this
8 Act, or any amendment made by this Act, shall be con-
9 strued to—

10 (1) authorize the establishment, directly or indi-
11 rectly, of a national firearms registry; or

12 (2) interfere with the authority of a State,
13 under section 927 of title 18, United States Code,
14 to enact a law on the same subject matter as this
15 Act.

16 (d) EFFECTIVE DATE.—The amendment made by
17 subsections (a) and (b) shall take effect 180 days after
18 the date of enactment of this Act.

Passed the House of Representatives March 11,
2021.

Attest: CHERYL L. JOHNSON,
Clerk.