

Calendar No. 390

117TH CONGRESS
2D SESSION

H. R. 8

IN THE SENATE OF THE UNITED STATES

MARCH 11, 2021

Received

MAY 24, 2022

Read the first time

MAY 25, 2022

Read the second time and placed on the calendar

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to utilize the current back-
8 ground checks process in the United States to ensure indi-

1 viduals prohibited from gun purchase or possession are
2 not able to obtain firearms.

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

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

7 “(aa)(1)(A) It shall be unlawful for any person who
8 is not a licensed importer, licensed manufacturer, or li-
9 censed dealer to transfer a firearm to any other person
10 who is not so licensed, unless a licensed importer, licensed
11 manufacturer, or licensed dealer has first taken possession
12 of the firearm for the purpose of complying with sub-
13 section (t).

14 “(B) Upon taking possession of a firearm under sub-
15 paragraph (A), a licensee shall comply with all require-
16 ments of this chapter as if the licensee were transferring
17 the firearm from the inventory of the licensee to the unli-
18 censed transferee.

19 “(C) If a transfer of a firearm described in subpara-
20 graph (A) will not be completed for any reason after a
21 licensee takes possession of the firearm (including because
22 the transfer of the firearm to, or receipt of the firearm
23 by, the transferee would violate this chapter), the return
24 of the firearm to the transferor by the licensee shall not

1 constitute the transfer of a firearm for purposes of this
2 chapter.

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

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

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

22 “(C) a transfer to an executor, administrator,
23 trustee, or personal representative of an estate or a
24 trust that occurs by operation of law upon the death
25 of another person;

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

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

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

19 “(i) at a shooting range or in a shooting
20 gallery or other area designated for the purpose
21 of target shooting;

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

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

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

9 “(iii) while in the presence of the trans-
10 feror.

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

20 “(4) The Attorney General shall make available to
21 any person licensed under this chapter both Spanish and
22 English versions of the form required for the conduct of
23 a background check under subsection (t) and this sub-
24 section, and the notice and form required under paragraph
25 (3) of this subsection.”.

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