

116TH CONGRESS
1ST SESSION

H. R. 8

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 2019”.

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 possession are not able to ob-
8 tain firearms.

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

10 Section 922 of title 18, United States Code, is
11 amended—

12 (1) by striking subsection (s);

13 (2) by redesignating subsection (t) as sub-
14 section (s); and

15 (3) by inserting after subsection (s), as redesignig-
16 nated, the following:

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

24 “(B) Upon taking possession of a firearm under sub-
25 paragraph (A), a licensee shall comply with all require-
26 ments of this chapter as if the licensee were transferring

1 the firearm from the inventory of the licensee to the unli-
2 censed transferee.

3 “(C) If a transfer of a firearm described in subpara-
4 graph (A) will not be completed for any reason after a
5 licensee takes possession of the firearm (including because
6 the transfer of the firearm to, or receipt of the firearm
7 by, the transferee would violate this chapter), the return
8 of the firearm to the transferor by the licensee shall not
9 constitute the transfer of a firearm for purposes of this
10 chapter.

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

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

18 “(B) a transfer that is a loan or bona fide gift
19 between spouses, between domestic partners, be-
20 tween parents and their children, including step-par-
21 ents and their step-children, between siblings, be-
22 tween aunts or uncles and their nieces or nephews,
23 or between grandparents and their grandchildren, if
24 the transferor has no reason to believe that the
25 transferee will use or intends to use the firearm in

1 a crime or is prohibited from possessing firearms
2 under State or Federal law;

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

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

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

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

1 “(i) at a shooting range or in a shooting
2 gallery or other area designated for the purpose
3 of target shooting;

4 “(ii) while reasonably necessary for the
5 purposes of hunting, trapping, or fishing, if the
6 transferor—

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

10 “(II) has reason to believe that the
11 transferee will comply with all licensing
12 and permit requirements for such hunting,
13 trapping, or fishing; or

14 “(iii) while in the presence of the trans-
15 feror.

16 “(3)(A) Notwithstanding any other provision of this
17 chapter, the Attorney General may implement this sub-
18 section with regulations.

19 “(B) Regulations promulgated under this paragraph
20 may not include any provision requiring licensees to facili-
21 tate transfers in accordance with paragraph (1).

22 “(C) Regulations promulgated under this paragraph
23 may not include any provision requiring persons not li-
24 censed under this chapter to keep records of background
25 checks or firearms transfers.

1 “(D) Regulations promulgated under this paragraph
2 may not include any provision placing a cap on the fee
3 licensees may charge to facilitate transfers in accordance
4 with paragraph (1).

5 “(E) Regulations promulgated under this paragraph
6 shall include, in the case of a background check conducted
7 by the national instant criminal background check system
8 in response to a contact from a licensed importer, licensed
9 manufacturer, or licensed dealer, which background check
10 indicates that the receipt of a firearm by a person would
11 violate subsection (g)(5), a requirement that the system
12 notify U.S. Immigration and Customs Enforcement.

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

22 **SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.**

23 (a) SECTION 922.—Section 922(y)(2) of title 18,
24 United States Code, is amended in the matter preceding

1 subparagraph (A) by striking “, (g)(5)(B), and
2 (s)(3)(B)(v)(II)” and inserting “and (g)(5)(B)”.

3 (b) CONSOLIDATED AND FURTHER CONTINUING AP-
4 PROPRIATIONS ACT, 2012.—Section 511 of title V of divi-
5 sion B of the Consolidated and Further Continuing Appro-
6 priations Act, 2012 (18 U.S.C. 922 note) is amended by
7 striking “subsection 922(t)” each place it appears and in-
8 serting “subsection (s) or (t) of section 922”.

9 **SEC. 5. RULE OF CONSTRUCTION.**

10 Nothing in this Act, or any amendment made by this
11 Act, shall be construed to—

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

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

18 **SEC. 6. EFFECTIVE DATE.**

19 The amendments made by this Act shall take effect
20 210 days after the date of the enactment of this Act.

Passed the House of Representatives February 27,
2019.

Attest:

Clerk.

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