

H.R. 8: THE BIPARTISAN BACKGROUND CHECKS ACT OF 2019

SUMMARY

H.R. 8, the Bipartisan Background Checks Act of 2019, would require a background check on every gun sale or transfer, with carefully defined exceptions for gifts to family members, hunting, target shooting, and self-defense. Federal law already requires licensed gun dealers to conduct background checks on gun purchasers and transferees. H.R. 8 would require unlicensed gun sellers to utilize this same system by requiring them to sell or transfer firearms only through licensed dealers. By coming together to introduce this legislation, Congress is taking action to address this public safety issue and make communities safer.

HOW BACKGROUND CHECKS WORK

Federal law prohibits certain people, including those with felony convictions, domestic abusers, and people who have been involuntarily committed to mental hospitals, from obtaining or possessing firearms. This law is enforced primarily through the **National Instant Criminal Background Check System** (NICS), which licensed gun dealers are required to contact, either directly through the FBI or indirectly through state and local law enforcement, before selling or transferring a firearm. Since its implementation in the 1990s, **NICS has stopped over three million gun sales or transfers** from licensed dealers. **H.R. 8 would:**

- Require all firearm purchases—both handguns and long guns—to undergo a NICS background check.
- Reduce the risk that gun buyers might avoid a background check by claiming to simply be borrowing the gun for an open-ended amount of time.
- Help prevent dangerous individuals from circumventing the laws on the books and obtaining deadly weapons.

DANGEROUS LOOPHOLES IN FEDERAL LAW

Under current federal law, unlicensed sellers can sell guns at gun shows, online, and person-to-person without conducting any background check on the purchaser. This loophole can have dangerous consequences—**up to 80% of firearms used for criminal purposes are obtained without a background check**. Twenty states have already either wholly or partially closed the background check loophole, and **H.R. 8 mirrors the most comprehensive and up-to-date versions of those state laws** with penalties of a fine and/or jail time for noncompliance. **H.R. 8 would:**

- Reduce firearms trafficking by prohibiting unlicensed transfers through unregulated secondary sales.
- Aid law enforcement's ability to trace crime guns, which depends on licensed gun dealers' sales records.
- Contain reasonable and explicit exceptions to allow a person to responsibly loan a gun for hunting or target shooting, to give a gun as a gift to a close family member, or to provide a gun in the moment for self-defense.

OVERWHELMING PUBLIC SUPPORT

Implementing universal background checks is a foundational step necessary to ensure the effectiveness of all gun laws— one that both sides agree on. Closing the dangerous loophole in our current system is supported by an overwhelming majority: **97% of Americans, including 97% of gun owners and 97% of Republicans, support requiring a background check for every gun sale.**