



House of Representatives
Judiciary Committee
Ranking Member Jim Jordan

H.R. 8, the “Bipartisan Background Checks Act of 2021”
Sponsor: Rep. Mike Thompson (D-CA)
House Judiciary Republicans Urge Opposition

The “Bipartisan Background Checks Act,” also known as the “universal” background check bill, seeks to criminalize the private transfer of firearms. Current federal law requires “dealers” of firearms to hold a Federal Firearm License and to run a background check, including a National Instant Criminal Background Check System (NICS) check on any firearm purchaser. This legislation would subject law-abiding gun owners to criminal penalties for simply handing a firearm to another person. If someone wanted to simply loan his or her rifle to a life-long friend to go hunting, he or she could face a year in prison and a \$100,000 fine. The same would be true if he or she loaned an abuse victim a firearm for self-defense.

- **Federal firearm laws are already very strong in ensuring prohibited persons do not purchase firearms.** Federal law already strictly prohibits transferring firearms across a wide range of circumstances, including:
 - Transferring a firearm to anyone prohibited from possessing a firearm;
 - Transferring a handgun across state lines to someone without a firearms license;
 - Providing a handgun to a juvenile; and
 - Dealers selling rifles or shotguns to individuals under the age of 18.

- **“Universal” background checks will not stop criminals from obtaining firearms.** Criminals are not deterred by background checks. According to the Department of Justice, approximately 75 percent of criminals in state and federal prison who possessed a firearm during their offense obtained the firearm through theft, the black market, a family member or friend, or as a gift. Less than one percent of these criminals obtained their firearms from dealers or non-dealers.

- **“Universal” background checks will inevitably lead to a gun registry requiring law-abiding citizens to register their firearms.** If enacted, H.R. 8 would inevitably lead to the creation of an invasive national gun registry that would be used to check compliance. Without a registry, the government would have no way of knowing whether a private firearm transfer took place with the legally mandated background check. When speaking about “universal” background checks in 2013, an Obama Administration official stated, “effectiveness depends on . . . requiring gun registration.”

- **There is no evidence that “universal” background checks would reduce gun violence.** In 2013, the Department of Justice’s National Institute of Justice concluded that “universal” background checks would not be effective without further firearms restrictions and efforts to combat straw purchasing. In 2019, the RAND corporation found that “evidence of the effect of private-seller background checks on firearm homicides is inconclusive.”