



**NANCY PELOSI**  
SPEAKER OF THE HOUSE

## FACT SHEET

FROM SPEAKER OF THE HOUSE NANCY PELOSI  
SPEAKER.GOV

March 10, 2021

### **H.R. 8, The Bipartisan Background Checks Act of 2021**

*This Bipartisan Bill Would Expand Background Checks to Make Them Universal, Thereby Keeping Guns out of the Hands of Dangerous People*

#### **Key Points:**

- Today, the House will begin consideration of H.R. 8, The Bipartisan Background Checks Act of 2021. This critical bill is a long-overdue, bipartisan commonsense gun violence prevention measure, which will save lives. Democratic Members are urged to vote YES.
- In the 116th Congress, in February 2019, the House passed a version of H.R. 8 that was substantively the same as this year's bill by a bipartisan vote of 240 to 190 (2019 House Vote #99).
- This bipartisan commonsense bill would require a background check for every gun sale or transfer, with some reasonable and explicit exceptions that, for example, allow a person: to give a gun as a gift to a family member; loan a gun for hunting or target shooting; or temporarily transfer a gun for self-defense.
- This bipartisan bill's eight original cosponsors include five Democrats and three Republicans – Reps. Mike Thompson (D-CA), Jerrold Nadler (D-NY), Fred Upton (R-MI), Sheila Jackson-Lee (D-TX), Christopher Smith (R-NJ), Robin Kelly (D-IL), Brian Fitzpatrick (R-PA), and Lucy McBath (D-GA).
- National poll after national poll has consistently shown that a bill requiring universal background checks is supported by over 90 percent of Americans, including Democrats, Independents, and Republicans. The polls also show that universal background checks are even supported by 85 percent of gun owners.
- H.R. 8, requiring universal background checks, is supported by dozens and dozens of prominent national organizations – including gun violence prevention organizations, law enforcement organizations, veterans' organizations, local government organizations, medical organizations, education organizations, and social justice organizations. The organizations supporting H.R. 8 include such groups as Giffords, Everytown for Gun Safety, Brady, United States Conference of Mayors, Major Cities Chiefs Association, Association of Prosecuting Attorneys, Hispanic American Police Commanders Association, VoteVets, Third Way, American Medical Association, American Public Health Association, American College of Physicians, American Nurses Association, Catholic Health Association of the United States, National Education Association, American Federation of Teachers, National PTA, NAACP, League of Women Voters, and MomsRising.

#### **What Does H.R. 8 Do?**

- The purpose of H.R. 8 is straightforward. Its purpose is to ensure that individuals already prohibited from gun possession under federal law, such as felons and domestic abusers, are not able to obtain firearms. The bill does this by closing a dangerous background check loophole. This dangerous loophole in federal gun laws exempts unlicensed gun sellers –people who sell guns online, at gun shows, or

person-to-person without a federal dealer's license – from having to perform any background check whatsoever before selling a firearm.

- The bill would require a background check for every gun sale or transfer, with some carefully defined exceptions such as gifts to family members and temporary transfers for purposes such as hunting, target shooting, and self-defense.
- Federal law already requires licensed gun dealers to conduct background checks on gun purchasers or transferees. H.R. 8 extends the requirement of background checks to unlicensed gun sellers. Under H.R. 8, unlicensed gun sellers would meet their buyers at a licensed gun dealer, who would run a background check using the same process already used for sales from their own inventory.

#### **How Background Checks Work**

- Federal law already 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 implemented 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.

#### **The Background Check System Used by Licensed Gun Dealers Has Been Highly Effective**

- Background checks stop sales to prohibited people every day. Since 1994, when the background check system was first implemented, background checks have stopped more than 3 million dangerous people from getting guns. For example, in 2017 alone, due to background checks, over 170,000 sales were denied – 39 percent of them to convicted felons.
- Everyday background checks stop more than 160 felons and 50 domestic abusers from getting a gun from a federally licensed dealer. Unfortunately, in many states, these same prohibited purchasers can go to an unlicensed dealer and get a firearm without a background check.

#### **However, Currently, Because of the Large Background Check Loophole, Many People, Including Dangerous People, Purchase Guns Every Year Without A Background Check**

- The problem with the current background check system is that, because of the background check loophole, a person doesn't get a background check if they are purchasing a gun from an unlicensed gun seller – such as buying a gun at a gun show, online, or person-to-person.
- Studies show that, due to this large loophole, millions of guns change hands each year without a background check – through sales by unlicensed gun sellers.
- For example, according to [Giffords](#), around 80 percent of firearms used for criminal purposes are obtained through unlicensed sellers, without a background check.

#### **H.R. 8 Closes the Loophole By Blocking Prohibited People from Buying Guns by Requiring Background Checks for Every Gun Sale**

- No one should be able to avoid a background check simply by purchasing a gun from an unlicensed seller.
- H.R. 8 makes the background check universal, with certain well-defined exceptions.
- Under H.R. 8, unlicensed sellers would meet their buyers at a licensed gun dealer, who would run a background check using the same process already used for sales from their own inventory.
- 16 states and D.C. already have laws requiring background checks for all gun sales – either via point-of-sale background checks, as part of a purchase permit, or both. As a result, many Americans are now covered by these comprehensive background check laws, without an undue burden on gun purchasers, but a federal law is needed to ensure that we have a national standard and that weak laws in some states do not allow guns to flow into areas with stronger requirements.