


(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To require a background check for every firearm sale.

IN THE HOUSE OF REPRESENTATIVES

Mr. FITZPATRICK introduced the following bill; which was referred to the
Committee on _____

A BILL

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 2023”.

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-
9 viduals prohibited from gun purchase or possession are
10 not able to obtain firearms.

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

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

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

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

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

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

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

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

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

23 “(D) a temporary transfer that is necessary to
24 prevent imminent death or great bodily harm, in-
25 cluding harm to self, family, household members, or

1 others, if the possession by the transferee lasts only
2 as long as immediately necessary to prevent the im-
3 minent death or great bodily harm, including harm
4 to self, and the harm of domestic violence, dating
5 partner violence, sexual assault, stalking, and do-
6 mestic abuse;

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

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

16 “(i) at a shooting range or in a shooting
17 gallery or other area designated for the purpose
18 of target shooting;

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

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

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

6 “(iii) while in the presence of the trans-
7 feror.

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

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

23 (b) AMENDMENT TO SECTION 924(a).—Section
24 924(a)(5) of title 18, United States Code, is amended by
25 striking “(s) or (t)” and inserting “(s), (t), or (aa)”.

1 (c) RULES OF INTERPRETATION.—Nothing in this
2 Act, or any amendment made by this Act, shall be con-
3 strued to—

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

6 (2) interfere with the authority of a State,
7 under section 927 of title 18, United States Code,
8 to enact a law on the same subject matter as this
9 Act.

10 (d) EFFECTIVE DATE.—The amendment made by
11 subsections (a) and (b) shall take effect 180 days after
12 the date of enactment of this Act.

H. R. #/H. J. Res. #


Member's Signature

Brian K. Fitzpatrick
Member's Name (printed)

CONSTITUTIONAL AUTHORITY STATEMENT

To accompany:

Bipartisan Background Checks Act of 2023

Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII, Clause 18

ADD A COSPONSOR

CONGRESS: 118th

SESSION: 1st

DATE: 2/1/2023

*Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives,
the following sponsors are hereby added to:*

H.R. Bipartisan Background Checks of 2023

H. Con. Res.

H.J. Res.

H. Res.

MEMBER NAME (PRINT)	ORIGINAL SIGNATURE	STATE
1 Mike Thompson		CA
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3 Joyce Beatty		OH
4 Norma J. Torres		CA
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7 David Scott		GA
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9 Adriano Espaillat		NY
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11 Jimmy Panetta		CA
12 Haley Stevens		MI
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17 Brian Higgins		NY
18 Jim Costa		CA
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1 Sara Jacobs	_____	CA
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4 Grace F. Napolitano	_____	CA
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6 Mary Gay Scanlon	_____	PA
7 Adam Smith	_____	WA
8 Eric Swalwell	_____	CA
9 Greg Stanton	_____	AZ
10 Gerald E. Connolly	_____	VA
11 Sylvia R. Garcia	_____	TX
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14 Dina Titus	_____	NV
15 Lizzie Fletcher	_____	TX
16 Raul M. Grijalva	_____	AZ
17 John B. Larson	_____	CT
18 Donald Norcross	_____	NJ
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1 Salud Carbajal	_____	CA
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5 Dean Phillips	_____	MN
6 Mike Quigley	_____	IL
7 Jared Huffman	_____	CA
8 Jennifer Wexton	_____	VA
9 Joe Neguse	_____	CO
10 Danny K. Davis	_____	IL
11 Lauren Underwood	_____	IL
12 Valerie Foushee	_____	NC
13 Donald S. Beyer Jr.	_____	VA
14 Jahana Hayes	_____	CT
15 Chris Pappas	_____	NH
16 Joseph D. Morelle	_____	NY
17 Grace Meng	_____	NY
18 Jake Auchincloss	_____	MA
19 David Trone	_____	MD
20 Suzan DelBene	_____	WA

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1 Barbara Lee		CA
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3 Brad Sherman		CA
4 Debbie Dingell		MI
5 Adam B. Schiff		CA
6 John P. Sarbanes		MD
7 Lloyd Doggett		TX
8 Jerrold Nadler		NY
9 Seth Moulton		MA
10 Nikema Williams		GA
11 Jamie Raskin		MD
12 Linda T. Sanchez		CA
13 Jill Tokuda		HI
14 Donald M. Payne, Jr.		NJ
15 Jim Himes		CT
16 Julia Brownley		CA
17 Frank Pallone, Jr.		NJ
18 Alma Adams		NC
19 Dan Goldman		NY
20 Wiley Nickel		NC

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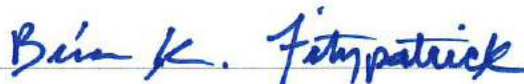
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3 James P. McGovern		MA
4 Matt Cartwright		PA
5 Stephen F. Lynch		MA
6 Susan Wild		PA
7 Jimmy Gomez		CA
8 Chellie Pingree		ME
9 Nydia M. Velazquez		NY
10 Debbie Wasserman Schultz		FL
11 Judy Chu		CA
12 Juan Vargas		CA
13 Kevin Mullin		CA
14 Jan Schakowsky		IL
15 Bill Foster		IL
16 Joaquin Castro		TX
17 Mike Levin		CA
18 Marcy Kaptur		OH
19 Rashida Tlaib		MI
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1 Derek Kilmer		WA
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3 Dwight Evans		PA
4 Brendan Boyle		PA
5 Kweisi Mfume		MD
6 Raja Krishnamoorthi		IL
7 Stacey E. Plaskett		VI
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9 Ami Bera		CA
10 Veronica Escobar		TX
11 Greg Landsman		OH
12 Ilhan Omar		MN
13 Sanford D. Bishop, Jr.		GA
14 Rosa L. DeLauro		CT
15 Lori Trahan		MA
16 Terri A. Sewell		AL
17 Yvette D. Clarke		NY
18 Mark Takano		CA
19 Brittany Pettersen		CO
20 Sheila Cherfilus-McCormick		FL

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MEMBER NAME (PRINT)	ORIGINAL SIGNATURE	STATE
1 Emanuel Cleaver, II		MO
2 Madeleine Dean		PA
3 Frederica S. Wilson		FL
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5 Glenn Ivey		MD
6 Ro Khanna		CA
7 Teresa Leger Fernandez		NM
8 Angie Craig		MN
9 Shontel M. Brown		OH
10 Ayanna Pressley		MA
11 Jasmine Crockett		TX
12 Josh Gottheimer		NJ
13 Doris Matsui		CA
14 Katie Porter		CA
15 Nanette Diaz Barragán		CA
16 Gregory W. Meeks		NY
17 Pramila Jayapal		WA
18 Mark Pocan		WI
19 Alexandria Ocasio-Cortez		NY
20 Morgan McGarvey		KY

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1 Raul Ruiz		CA
2 Hillary Scholten		MI
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4 Becca Balint		VT
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8 Val Hoyle		OR
9 Chris Deluzio		PA
10 Steve Cohen		TN
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12 Susie Lee		NV
13 Pete Aguilar		CA
14 William R. Keating		MA
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16 Lisa Blunt Rochester		DE
17 Joe Courtney		CT
18 Bobby Scott		VA
19 Marilyn Strickland		WA
20 Lois Frankel		FL

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1 Zoe Lofgren		CA
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5 Darren Soto		FL
6 M:kie Sherrill		NJ
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11 Maxwell A. Frost		FL
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Ben K. Fitzpatrick

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