

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 38
OFFERED BY MR. SWALWELL OF CALIFORNIA**

Page 5, line 10, strike the close quotation marks and the following period.

Page 5, after line 10, insert the following:

1 “(g)(1) A person who would otherwise be entitled to
2 carry a concealed handgun in a State by reason of sub-
3 section (a) shall not be so entitled unless that State, and
4 the State which has issued to the person a license or per-
5 mit to carry a concealed firearm or the State in which
6 the person resides and is entitled to carry a concealed fire-
7 arm, have in effect a law that—

8 “(A) requires that, before a firearm may be
9 sold in the State—

10 “(i) to a prospective purchaser who is the
11 holder of a license or permit to carry a con-
12 cealed firearm in the State; and

13 “(ii)(I) at a gun show or event, on the
14 curtilage thereof, or pursuant to an advertise-
15 ment, posting, display or other listing on the
16 Internet or a publication by the transferor of

1 his intent to transfer, or the transferee of his
2 intent to acquire, the firearm; or

3 “(II) in any circumstance in which, if the
4 prospective purchaser were not the holder of
5 such a license or permit, it would be unlawful
6 for the sale to proceed without the national in-
7 stant criminal background check system estab-
8 lished under section 103 of the Brady Handgun
9 Violence Prevention Act verifying that receipt of
10 a firearm by the prospective purchaser would
11 not violate subsection (g) or (n) of section 922
12 of this title or State law,

13 the national instant criminal background check sys-
14 tem so established must provide that verification;
15 and

16 “(B) excepts from the requirement described in
17 subparagraph (A)—

18 “(i) the transfer of a firearm between
19 spouses, between parents or spouses of parents
20 and their children or spouses of their children,
21 between siblings or spouses of siblings, or be-
22 tween grandparents or spouses of grandparents
23 and their grandchildren or spouses of their
24 grandchildren, or between aunts or uncles or
25 their spouses and their nieces or nephews or

1 their spouses, or between first cousins, if the
2 transferor does not know or have reasonable
3 cause to believe that the transferee is prohibited
4 from receiving or possessing a firearm under
5 Federal, State, or local law; and

6 “(ii) a firearm transfer that is approved by
7 the Attorney General under section 5812 of the
8 Internal Revenue Code of 1986.

9 “(2) In paragraph (1), the term ‘gun show or
10 event’—

11 “(A) means any event at which 75 or more fire-
12 arms are offered or exhibited for sale, exchange, or
13 transfer, if 1 or more of the firearms has been
14 shipped or transported in, or otherwise affects, inter-
15 state or foreign commerce; and

16 “(B) does not include an offer or exhibit of fire-
17 arms for sale, exchange, or transfer by an individual
18 from the personal collection of that individual, at the
19 private residence of that individual, if the individual
20 is not required to be licensed under section 923.”.

