

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 8**  
**OFFERED BY MR. Deutch**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bipartisan Back-  
3 ground Checks Act of 2019”.

**4 SEC. 2. PURPOSE.**

5 The purpose of this Act is to utilize the current back-  
6 ground checks process in the United States to ensure indi-  
7 viduals prohibited from gun possession are not able to ob-  
8 tain firearms.

**9 SEC. 3. FIREARMS TRANSFERS.**

10 Section 922 of title 18, United States Code, is  
11 amended—

12 (1) by striking subsection (s);

13 (2) by redesignating subsection (t) as sub-  
14 section (s); and

15 (3) by inserting after subsection (s), as redesign-  
16 nated, the following:

17 “(t)(1)(A) It shall be unlawful for any person who  
18 is not a licensed importer, licensed manufacturer, or li-

1 censed dealer to transfer a firearm to any other person  
2 who is not so licensed, unless a licensed importer, licensed  
3 manufacturer, or licensed dealer has first taken possession  
4 of the firearm for the purpose of complying with sub-  
5 section (s).

6 “(B) Upon taking possession of a firearm under sub-  
7 paragraph (A), a licensee shall comply with all require-  
8 ments of this chapter as if the licensee were transferring  
9 the firearm from the inventory of the licensee to the unli-  
10 censed transferee.

11 “(C) If a transfer of a firearm described in subpara-  
12 graph (A) will not be completed for any reason after a  
13 licensee takes possession of the firearm (including because  
14 the transfer of the firearm to, or receipt of the firearm  
15 by, the transferee would violate this chapter), the return  
16 of the firearm to the transferor by the licensee shall not  
17 constitute the transfer of a firearm for purposes of this  
18 chapter.

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

20 “(A) a law enforcement agency or any law en-  
21 forcement officer, armed private security profes-  
22 sional, or member of the armed forces, to the extent  
23 the officer, professional, or member is acting within  
24 the course and scope of employment and official du-  
25 ties;

1           “(B) a transfer that is a loan or bona fide gift  
2           between spouses, between domestic partners, be-  
3           tween parents and their children, between siblings,  
4           between aunts or uncles and their nieces or nephews,  
5           or between grandparents and their grandchildren;

6           “(C) a transfer to an executor, administrator,  
7           trustee, or personal representative of an estate or a  
8           trust that occurs by operation of law upon the death  
9           of another person;

10          “(D) a temporary transfer that is necessary to  
11          prevent imminent death or great bodily harm, if the  
12          possession by the transferee lasts only as long as im-  
13          mediately necessary to prevent the imminent death  
14          or great bodily harm;

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

18          “(F) a temporary transfer if the transferor has  
19          no reason to believe that the transferee will use or  
20          intends to use the firearm in a crime or is prohibited  
21          from possessing firearms under State or Federal  
22          law, and the transfer takes place and the trans-  
23          feree’s possession of the firearm is exclusively—

1           “(i) at a shooting range or in a shooting  
2           gallery or other area designated for the purpose  
3           of target shooting;

4           “(ii) while reasonably necessary for the  
5           purposes of hunting, trapping, or fishing, if the  
6           transferor—

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

10                   “(II) has reason to believe that the  
11                   transferee will comply with all licensing  
12                   and permit requirements for such hunting,  
13                   trapping, or fishing; or

14           “(iii) while in the presence of the trans-  
15           feror.

16           “(3)(A) Notwithstanding any other provision of this  
17           chapter, the Attorney General may implement this sub-  
18           section with regulations.

19           “(B) Regulations promulgated under this paragraph  
20           may not include any provision requiring licensees to facili-  
21           tate transfers in accordance with paragraph (1).

22           “(C) Regulations promulgated under this paragraph  
23           may not include any provision requiring persons not li-  
24           censed under this chapter to keep records of background  
25           checks or firearms transfers.

1 “(D) Regulations promulgated under this paragraph  
2 may not include any provision placing a cap on the fee  
3 licensees may charge to facilitate transfers in accordance  
4 with paragraph (1).

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

14 **SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.**

15 (a) SECTION 922.—Section 922(y)(2) of title 18,  
16 United States Code, is amended in the matter preceding  
17 subparagraph (A) by striking “, (g)(5)(B), and  
18 (s)(3)(B)(v)(II)” and inserting “and (g)(5)(B)”.

19 (b) CONSOLIDATED AND FURTHER CONTINUING AP-  
20 PROPRIATIONS ACT, 2012.—Section 511 of title V of divi-  
21 sion B of the Consolidated and Further Continuing Appro-  
22 priations Act, 2012 (18 U.S.C. 922 note) is amended by  
23 striking “subsection 922(t)” each place it appears and in-  
24 serting “subsection (s) or (t) of section 922”.

1 **SEC. 5. RULE OF CONSTRUCTION.**

2 Nothing in this Act, or any amendment made by this  
3 Act, shall be construed 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 **SEC. 6. EFFECTIVE DATE.**

11 The amendments made by this Act shall take effect  
12 210 days after the date of the enactment of this Act.

