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

“(II) in any circumstance in which, if the prospective purchaser were not the holder of such a license or permit, it would be unlawful for the sale to proceed without the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act verifying that receipt of a firearm by the prospective purchaser would not violate subsection (g) or (n) of section 922 of this title or State law,

the national instant criminal background check system so established must provide that verification; and

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

“(i) the transfer of a firearm between spouses, between parents or spouses of parents and their children or spouses of their children, between siblings or spouses of siblings, or between grandparents or spouses of grandparents and their grandchildren or spouses of their grandchildren, or between aunts or uncles or their spouses and their nieces or nephews or
their spouses, or between first cousins, if the transferor does not know or have reasonable cause to believe that the transferee is prohibited from receiving or possessing a firearm under Federal, State, or local law; and

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

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

"(A) means any event at which 75 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

"(B) does not include an offer or exhibit of firearms for sale, exchange, or transfer by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under section 923."