AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

110TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
110–852

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6842) TO REQUIRE THE DISTRICT OF COLUMBIA TO REVISE ITS LAWS REGARDING THE USE AND POSSESSION OF FIREARMS AS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE DECISION OF THE SUPREME COURT IN THE CASE OF DISTRICT OF COLUMBIA V. HELLER, IN A MANNER THAT PROTECTS THE SECURITY INTERESTS OF THE FEDERAL GOVERNMENT AND THE PEOPLE WHO WORK IN, RESIDE IN, OR VISIT THE DISTRICT OF COLUMBIA AND DOES NOT UNDERMINE THE EFFORTS OF LAW ENFORCEMENT, HOMELAND SECURITY, AND MILITARY OFFICIALS TO PROTECT THE NATION'S CAPITAL FROM CRIME AND TERRORISM

SEPTEMBER 15, 2008.—Referred to the House Calendar and ordered to be printed

---

Mr. MCGOVERN, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 1434]

The Committee on Rules, having had under consideration House Resolution 1434, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 6842, the "National Capital Security and Safety Act," under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment recommended by the Committee on Oversight and Government Reform, now printed in the bill, shall be considered as adopted in the House and the Committee of the Whole. The rule provides that the bill, as amended, shall be considered as an original bill for the purpose of further amendment and shall be considered as read. All points of order against provisions of the bill, as amended, are waived. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The rule makes in order only the amendment in the nature of a substitute printed in this report. The amendment may be offered only by the Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report

equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendment except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) includes a waiver of clause 4(a) of rule XIII, requiring a three-day layover of the committee report. Although the rule waives all points of order against provisions of the bill, as amended, the Committee is not aware of any points of order. The waiver of all points of order is prophylactic.

SUMMARY OF THE AMENDMENT IN THE NATURE OF A SUBSTITUTE MADE IN ORDER

The substitute repeals the District of Columbia semi-automatic weapons ban, restores the right of self-defense in the home, authorizes purchases of firearms by law-abiding D.C. residents through the purchase of weapons from federally approved firearm dealers in Maryland and Virginia, and repeals the firearm registration requirement currently in place in the District of Columbia. (60 minutes)

TEXT OF THE AMENDMENT IN THE NATURE OF A SUBSTITUTE MADE IN ORDER

AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHILDERS OF MISSISSIPPI, OR HIS DESIGNEE, DEBATABLE FOR 60 MINUTES

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Second Amendment Enforcement Act".

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons

who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia's law in order to restore the fundamental rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled "An Act to prohibit the killing of wild birds and wild animals in the District of Columbia", approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code) is amended by adding at the end the following: "Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person.".

SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

"(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.".

(b) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47

Stat. 651; sec. 22–4501(c), D.C. Official Code) is amended to read as follows:

"(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975.".

SEC. 5. REPEAL REGISTRATION REQUIREMENT.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking "any firearm, unless" and all that follows through paragraph (3) and inserting the following: "any firearm described in subsection (c).".

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

"(c) A firearm described in this subsection is any of the following:

"(1) A sawed-off shotgun.

"(2) A machine gun.

"(3) A short-barreled rifle.".

(3) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by striking "Registration requirements" and inserting "Firearm Possession".

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended as follows:

(1) Sections 202 through 211 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code) are repealed.

(2) Section 101 (sec. 7–2501.01, D.C. Official Code) is amended by striking paragraph (13).

(3) Section 401 (sec. 7–2504.01, D.C. Official Code) is amended—

(A) in subsection (a), by striking "the District;" and all that follows and inserting the following: "the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act."; and

(B) in subsection (b), by striking "which are unregisterable under section 202" and inserting "which are prohibited under section 201".

(4) Section 402 (sec. 7–2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking "Any person eligible to register a firearm" and all that follows through "such business," and inserting the following: "Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,"; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

"(1) The applicant's name;".

(5) Section 403(b) (sec. 7–2504.03(b), D.C. Official Code) is amended by striking "registration certificate" and inserting "dealer's license".

(6) Section 404(a)(3) (sec. 7–2504.04(a)(3)), D.C. Official Code) is amended—

(A) in subparagraph (B)(i), by striking "registration certificate number (if any) of the firearm,";

(B) in subparagraph (B)(iv), by striking "holding the registration certificate" and inserting "from whom it was received for repair";

(C) in subparagraph (C)(i), by striking "and registration certificate number (if any) of the firearm";

(D) in subparagraph (C)(ii), by striking "registration certificate number or"; and

(E) by striking subparagraphs (D) and (E).

(7) Section 406(c) (sec. 7–2504.06(c), D.C. Official Code) is amended to read as follows:

"(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

"(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

"(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory.".

(8) Section 407(b) (sec. 7–2504.07(b), D.C. Official Code) is amended by striking "would not be eligible" and all that follows and inserting "is prohibited from possessing or receiving a firearm under Federal or District law.".

(9) Section 502 (sec. 7–2505.02, D.C. Official Code) is amended—

(A) by amending subsection (a) to read as follows:

"(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer.";

(B) by amending subsection (c) to read as follows:

"(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law.";

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7–2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking "any registration certificate or" and inserting "a"; and

(B) in subsection (b), by striking "registration certificate,".

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7–2531.01(2)(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking "or ignoring proof of the purchaser's residence in the District of Columbia"; and

(2) in subparagraph (B), by striking "registration and".

SEC. 6. REPEAL HANDGUN AMMUNITION BAN.

Section 601(3) of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is amended by striking "is the holder of the valid registration certificate for" and inserting "owns".

SEC. 7. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

SEC. 8. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking "that:" and all that follows through "(1) A" and inserting "that a"; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. 9. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking "a pistol," and inserting the following: "except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,"; and

(2) by striking "except that:" and all that follows through "(2) If the violation" and inserting "except that if the violation".

(b) CONFORMING AMENDMENT.—Section 5 of such Act (47 Stat. 651; sec. 22–4505, D.C. Official Code) is amended—

(1) by striking "pistol" each place it appears and inserting "firearm"; and

(2) by striking "pistols" each place it appears and inserting "firearms".

SEC. 10. AUTHORIZING PURCHASES OF FIREARMS BY DISTRICT RESIDENTS.

Section 922 of title 18, United States Code, is amended in paragraph (b)(3) by inserting after "other than a State in which the licensee's place of business is located" the following: ", or to the sale or delivery of a handgun to a resident of the District of Columbia by a licensee whose place of business is located in Maryland or Virginia,".

Amend the title so as to read: "A bill to restore Second Amendment rights in the District of Columbia.".

○