

PROVIDING FOR CONSIDERATION OF H.R. 1036,
PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

APRIL 8, 2003.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 181]

The Committee on Rules, having had under consideration House Resolution 181, 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. 1036, the Protection of Lawful Commerce in Arms 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 the Judiciary. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

The rule makes in order only those amendments printed in this report. The rule provides that the amendments printed in this report shall be considered only in the order printed in this report, may be offered only by a 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, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule waives all points of order against the amendments printed in this report. The rule provides one motion to recommit with or without instructions.

The waiver of all points of order against consideration of the bill in the rule includes a waiver of clause 4(a) of rule XIII (requiring

a three-day layover of the committee report), which is necessary because the Committee on the Judiciary did not file its report (H. Rept. 108–59) until Monday, April 7, 2003, and the bill may be considered by the House as early as Wednesday, April 9, 2003.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 45

Date: April 8, 2003.

Measure: H.R. 1036, Protection of Lawful Commerce in Arms Act.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment offered by Representative Watt which omits the section requiring dismissal of pending lawsuits.

Results: Defeated 4 to 8.

Vote by Members: Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 46

Date: April 8, 2003.

Measure: H.R. 1036, Protection of Lawful Commerce in Arms Act.

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment offered by Representative Waxman which exempts from the scope of the bill actions where the seller knew or had a reason to know that the purchaser of a weapon or ammunition is a member or suspected member of a terrorist organization; or likely to supply the product to a member or suspected member of a terrorist organization.

Results: Defeated 4 to 8.

Vote by Members: Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 47

Date: April 8, 2003.

Measure: H.R. 1036, Protection of Lawful Commerce in Arms Act.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order the amendment offered by Representative Lofgren which exempts from the scope of the bill any action brought by police officers when they are shot in the line of duty.

Results: Defeated 4 to 8.

Vote by Members: Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 48

Date: April 8, 2003.

Measure: H.R. 1036, Protection of Lawful Commerce in Arms Act.

Motion by: Mr. McGovern.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Van Hollen which adds statutory language to require gun shop owners to comply with provisions of the Freedom of Information Act (FOIA).

Results: Defeated 4 to 8.

Vote by Members: Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 49

Date: April 8, 2003.

Measure: H.R. 1036, Protection of Lawful Commerce in Arms Act.

Motion by: Mr. McGovern.

Summary of motion: To make in order the amendment offered by Representative Meehan which exempts from the scope of the bill, a civil action brought by a plaintiff who has been injured as the result of a seller's alleged unlawful transfer of a gun to an individual previously convicted of a domestic violence-related offense.

Results: Defeated 4 to 8.

Vote by Members: Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

(Summaries derived from information provided by sponsors.)

1. Watt: Restores an individual plaintiff's ability to pursue all currently accepted product liability causes of action. (20 minutes)

2. Scott: Eliminates the requirement under the bill for the conviction of a transferor who knowingly transfers a firearm, knowing that such a firearm will be used to commit a crime of violence before a transferor can be sued. (20 minutes)

3. Linda Sanchez: Removes from liability immunity any gun sellers of manufacturers who sell or otherwise give guns or ammunition to someone who uses or is addicted to illegal drugs, or "who has been adjudicated as a mental defective." (20 minutes)

4. Meehan: Allows plaintiffs to recover against negligent manufacturers, sellers, or trade associations. (20 minutes)

5. Watt: Limits the bill's prohibition to suits against gun manufacturers for relief due to an injury resulting from the criminal act of another. (20 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATT OF NORTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

In section 4(5)(A)(v), strike " , when used as intended".

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCOTT OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

In section 4(5)(A), strike clause (i) and insert the following:

- (i) an action brought against a transferor who transfers a firearm in violation of section 924(h) of title 18, United States Code, or a comparable or identical State felony law, by a party directly harmed by conduct of the transferee involving the firearm;

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LINDA T. SANCHEZ OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 20 MINUTES

In section 4(5)(A)—

- (1) redesignate clauses (ii) through (v) as clauses (iii) through (vi), respectively; and
- (2) insert after clause (i) the following:
 - (ii) an action brought against a transferor convicted of a violation of paragraph (3) or (4) of section 922(d) of title 18, United States Code, or of a comparable or identical provision of State law, by a party directly harmed by conduct of which the transferee is convicted;

In section 4(5)(B), strike “(A)(ii)” and insert “(A)(iii)”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MEEHAN OF MASSACHUSETTS, OR HIS DESIGNEE DEBATABLE FOR 20 MINUTES

In section (5)(A), strike clause (ii) and insert the following:

- (ii) an action brought against a manufacturer, seller, or trade association for negligence;

In section 4(5)—

- (1) strike “(A) IN GENERAL.—”;
- (2) strike subparagraph (B); and
- (3) redesignate clauses (i) through (v) as subparagraphs (A) through (E), respectively; and
- (4) move the matter preceding the provisions redesignated by paragraph (3) of this amendment, and each of such provisions, 2 ems to the left.

AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATT OF NORTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

In section 2(a)(2), strike “, distributors, dealers, and importers”.

In section 2(a)(3)—

- (1) strike “, importation, possession, sale, and use”; and
- (2) strike “are” and insert “is”.

In section 2(a)(4), strike “, manufacture, marketing, distribution, importation, or sale to the public” and insert “and manufacture”.

In section 2(a)(5), strike “an entire industry” and insert “firearm and ammunition manufacturers”.

In section 2(b)(1)—

- (1) strike “, distributors, dealers, and importers”; and
- (2) strike “or unlawful”.

In section 2(b)(5), strike “, distributors, dealers, and importers of firearms or ammunition products, and trade associations,” and insert “of firearms or ammunition products”.

In section 4(1), strike “, and, as applied” and all that follows and insert a period.

In section 4(5)(A)—

(1) strike “(A) IN GENERAL.—”;

(2) strike “or seller of a qualified product, or a trade association,”;

(3) strike “or unlawful”;

(4) strike clauses (i) and (ii);

(5) in clause (iii)—

(A) strike “or seller”; and

(B) strike “sale or marketing” and insert “design or manufacture”; and

(6) redesignate and indent clauses (iii) through (v) as subparagraphs (A) through (C), respectively.

In section 4(5), strike subparagraph (B).

In section 4, strike paragraphs (6) and (8) and redesignate paragraph (7) as paragraph (6).