

S. Con. Res. 40. Concurrent resolution commending the President and the Armed Forces for the success of Operation Allied Force.

The message also announced that pursuant to Public Law 96-388, as amended by Public Law 97-84, the Chair, on behalf of the President pro tempore, appoints the following Senators to the United States Holocaust Memorial Council—

- the Senator from Utah (Mr. HATCH);
- the Senator from Alaska (Mr. MURKOWSKI); and
- the Senator from Michigan (Mr. ABRAHAM).

¶67.4 MANDATORY GUN SHOW BACKGROUND CHECK

The SPEAKER, pursuant to House Resolution 209 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2122) to require background checks at gun shows, and for other purposes.

Mr. THORBERRY, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶67.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. DAVIS of Virginia:

At the end of the bill, insert the following:

**TITLE —CHILD HANDGUN SAFETY**

**SEC. 1. SHORT TITLE.**

This title may be cited as the “Safe Handgun Storage and Child Handgun Safety Act of 1999”.

**SEC. 2. PURPOSES.**

The purposes of this title are as follows:

- (1) To promote the safe storage and use of handguns by consumers.
- (2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one of the circumstances provided for in the Youth Handgun Safety Act.
- (3) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

“(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

**SEC. 3. FIREARMS SAFETY.**

(a) UNLAWFUL ACTS.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

“(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under the provisions of this chapter, unless the transferee is provided with a secure gun storage or safety device, as described in section 921(a)(34), for that handgun.

“(2) EXCEPTIONS.—Paragraph (1) does not apply to the—

- “(A)(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or
- “(ii) transfer to, or possession by, a law enforcement officer employed by an entity re-

ferred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

“(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

“(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

“(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): *Provided*, That the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

“(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

“(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court. The term ‘qualified civil liability action’ means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, where—

“(i) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

“(ii) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device.

A ‘qualified civil liability action’ shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.”

(b) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking “or (f)” and inserting “(f), or (p)”;

(2) by adding at the end the following:

“(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

“(1) IN GENERAL.—

“(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

“(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

“(ii) subject the licensee to a civil penalty in an amount equal to not more than \$2,500.

“(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

“(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.”

(c) MODIFICATION OF DEFINITION OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 921(a)(34) of title 18, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting “; or”; and

(3) by adding at the end the following:

“(D) a device that is easily removable from a firearm and that, if removed from a firearm, is designed to prevent the discharge of the firearm by any person who does not have access to the device.”

(d) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this title shall be construed to—

(A) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this title shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

It was decided in the { Yeas ..... 311  
affirmative ..... } Nays ..... 115

¶67.6 [Roll No. 236] AYES—311

Abercrombie	DeGette	Holt
Ackerman	DeLahunt	Hooley
Allen	DeLauro	Horn
Andrews	Deutsch	Hoyer
Archer	Diaz-Balart	Hutchinson
Baird	Dickey	Hyde
Baker	Dicks	Inslee
Baldacci	Dingell	Isakson
Baldwin	Dixon	Jackson (IL)
Barcia	Doggett	Jackson-Lee
Barrett (NE)	Dooley	(TX)
Barrett (WI)	Doyle	Jefferson
Bartlett	Dreier	John
Bass	Dunn	Johnson (CT)
Bateman	Edwards	Johnson, E. B.
Becerra	Ehlers	Jones (OH)
Bereuter	Ehrlich	Kanjorski
Berkley	Engel	Kasich
Berman	English	Kelly
Berry	Eshoo	Kennedy
Biggett	Etheridge	Kildee
Bilbray	Evans	Kilpatrick
Bilirakis	Ewing	Kind (WI)
Bishop	Farr	King (NY)
Blagojevich	Fattah	Kleccka
Bliley	Filner	Klink
Blumenauer	Fletcher	Knollenberg
Boehlert	Foley	Kolbe
Bonior	Forbes	Kucinich
Bono	Ford	Kuykendall
Borski	Fossella	LaFalce
Boswell	Fowler	LaHood
Boyd	Frank (MA)	Lampson
Brady (PA)	Franks (NJ)	Lantos
Brady (TX)	Frelinghuysen	Larson
Brown (FL)	Gallely	Latham
Brown (OH)	Gejdenson	LaTourette
Calvert	Gekas	Lazio
Camp	Gephardt	Leach
Campbell	Gilchrest	Lee
Canady	Gillmor	Levin
Capps	Gilman	Lewis (GA)
Capuano	Gonzalez	Lipinski
Cardin	Goodling	LoBiondo
Carson	Gordon	Lofgren
Castle	Goss	Lowey
Clay	Graham	Luther
Clayton	Granger	Maloney (CT)
Clement	Green (WI)	Maloney (NY)
Clyburn	Greenwood	Markey
Conyers	Gutierrez	Martinez
Cook	Hall (OH)	Mascara
Costello	Hall (TX)	Matsui
Cox	Hastings (FL)	McCarthy (MO)
Coyne	Hefley	McCarthy (NY)
Crowley	Hill (IN)	McCollum
Cummings	Hinches	McDermott
Cunningham	Hinojosa	McGovern
Davis (FL)	Hobson	McHugh
Davis (IL)	Hoefel	McInnis
Davis (VA)	Hoekstra	McIntosh
DeFazio	Holden	McKeon