

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

McKinney	Price (NC)	Stearns
McNulty	Pryce (OH)	Strickland
Meehan	Quinn	Stupak
Meek (FL)	Rahall	Sununu
Meeks (NY)	Ramstad	Sweeney
Menendez	Rangel	Talent
Millender-	Regula	Tancredo
McDonald	Reyes	Tanner
Miller (FL)	Reynolds	Tauscher
Miller, Gary	Rivers	Tauzin
Miller, George	Rodriguez	Taylor (MS)
Mink	Roemer	Thompson (MS)
Moakley	Rogan	Thurman
Mollohan	Rohrabacher	Tierney
Moore	Ros-Lehtinen	Toomey
Moran (VA)	Rothman	Towns
Morella	Roukema	Traficant
Murtha	Roybal-Allard	Udall (CO)
Myrick	Royce	Udall (NM)
Nadler	Rush	Upton
Napolitano	Ryan (WI)	Velazquez
Neal	Sabo	Vento
Northup	Sanchez	Visclosky
Nussle	Sanders	Walden
Oberstar	Sawyer	Walsh
Obey	Saxton	Waters
Olver	Schakowsky	Watt (NC)
Ortiz	Scott	Waxman
Ose	Serrano	Weiner
Owens	Shaw	Weldon (FL)
Oxley	Shays	Weldon (PA)
Pallone	Sherman	Weller
Pascarell	Simpson	Wexler
Pastor	Sisisky	Weygand
Payne	Slaughter	Wilson
Pelosi	Smith (MD)	Wise
Petri	Smith (NJ)	Wolf
Phelps	Smith (WA)	Woolsey
Pickett	Snyder	Wu
Pombo	Spence	Wynn
Pomeroy	Spratt	Young (FL)
Porter	Stabenow	
Portman	Stark	

NOES—115

Aderholt	Goode	Pickering
Armey	Goodlatte	Pitts
Bachus	Green (TX)	Radanovich
Ballenger	Gutknecht	Riley
Barr	Hansen	Rogers
Barton	Hastings (WA)	Ryun (KS)
Bentsen	Hayes	Sandlin
Blunt	Hayworth	Sanford
Boehner	Heger	Scarborough
Bonilla	Hill (MT)	Schaffer
Boucher	Hilleary	Sensenbrenner
Bryant	Hilliard	Sessions
Burr	Hostettler	Shadegg
Burton	Hulshof	Sherwood
Buyer	Hunter	Shimkus
Callahan	Istook	Shows
Cannon	Jenkins	Shuster
Chabot	Johnson, Sam	Skeen
Chambliss	Jones (NC)	Skelton
Chenoweth	Kingston	Smith (TX)
Coble	Largent	Souder
Coburn	Lewis (KY)	Stenholm
Collins	Linder	Stump
Combest	Lucas (KY)	Taylor (NC)
Condit	Lucas (OK)	Terry
Cooksey	Manzullo	Thompson (CA)
Cramer	McCreery	Thornberry
Crane	McIntyre	Thune
Cubin	Metcalf	Tiahrt
Danner	Mica	Turner
Deal	Moran (KS)	Vitter
DeLay	Nethercutt	Wamp
DeMint	Ney	Watkins
Doolittle	Norwood	Watts (OK)
Duncan	Packard	Whitfield
Emerson	Paul	Wicker
Everett	Pease	Young (AK)
Ganske	Peterson (MN)	
Gibbons	Peterson (PA)	

NOT VOTING—8

Brown (CA)	Kaptur	Salmon
Frost	Lewis (CA)	Thomas
Houghton	Minge	

So the amendment was agreed to.

¶67.7 RECORDED VOTE

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

At the end of the bill, insert the following:

TITLE —COMMUNITY PROTECTION ACT

SEC. 1. SHORT TITLE.

This title may be cited as the "Community Protection Act of 1999".

SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

“§ 926B. Carrying of concealed firearms by qualified law enforcement officers

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified law enforcement officer’ means an employee of a governmental agency who—

“(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

“(2) is authorized by the agency to carry a firearm;

“(3) is not the subject of any disciplinary action by the agency; and

“(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm.

“(d) The identification required by this subsection is the official badge and photographic identification issued by the governmental agency for which the individual is, or was, employed as a law enforcement officer.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

“§926B. Carrying of concealed firearms by qualified law enforcement officers.”.

SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

“§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government

property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified retired law enforcement officer’ means an individual who—

“(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

“(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

“(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 5 years or more; or

“(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

“(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

“(5) during the most recent 12-month period or, if the agency requires active duty officers to do so with lesser frequency than every 12 months, during such most recent period as the agency requires with respect to active duty officers, has completed, at the expense of the individual, a program approved by the State for training or qualification in the use of firearms; and

“(6) is not prohibited by Federal law from receiving a firearm.

“(d) The identification required by this subsection is photographic identification issued by the State in which the agency for which the individual was employed as a law enforcement officer is located.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

“§926C. Carrying of concealed firearms by qualified retired law enforcement officers.”.

It was decided in the { Yeas 372 affirmative } Nays 53

¶67.8

[Roll No. 237]

AYES—372

Abercrombie	Borski	Cunningham
Ackerman	Boswell	Danner
Aderholt	Boucher	Davis (FL)
Andrews	Boyd	Davis (VA)
Archer	Brady (PA)	Deal
Armey	Brown (FL)	DeFazio
Bachus	Brown (OH)	DeGette
Baird	Bryant	Delahunt
Baker	Burr	DeLauro
Baldacci	Burton	DeLay
Baldwin	Buyer	DeMint
Ballenger	Callahan	Deutsch
Barcia	Calvert	Diaz-Balart
Barr	Camp	Dickey
Barrett (NE)	Canady	Dicks
Barrett (WI)	Cannon	Dingell
Bartlett	Capps	Dixon
Barton	Cardin	Doggett
Bass	Carson	Dooley
Bateman	Castle	Doolittle
Becerra	Chabot	Doyle
Bentsen	Chambliss	Dreier
Bereuter	Clement	Duncan
Berkley	Clyburn	Edwards
Berman	Coble	Ehlers
Berry	Coburn	Ehrlich
Biggert	Collins	Emerson
Bilbray	Combest	English
Bilirakis	Condit	Etheridge
Bishop	Cook	Evans
Blagojevich	Cooksey	Everett
Bliley	Costello	Ewing
Blumenauer	Cox	Farr
Blunt	Coyne	Filner
Boehlert	Cramer	Fletcher
Boehner	Crane	Foley
Bonilla	Crowley	Forbes
Bonior	Cubin	Ford
Bono	Cummings	Fossella