

**SEC. 302. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.**

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “(1) Except as provided in paragraph (2)” and inserting “(1)(A) Except as provided in subparagraph (B)”;

(2) in paragraph (2), by striking “(2) Paragraph (1)” and inserting “(B) Subparagraph (A)”;

(3) by inserting before paragraph (3) the following new paragraph (2):

“(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.”; and

(4) in paragraph (4)—

(A) by striking “(1)” each place it appears and inserting “(1)(A)”;

(B) by striking “(2)” and inserting “(1)(B)”.

**SEC. 303. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.**

Section 921(a)(31) of title 18, United States Code, is amended by striking “manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994”.

**TITLE IV—CHILD HANDGUN SAFETY**

**SEC. 401. SHORT TITLE.**

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

**SEC. 402. 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 Safe Handgun Storage and Child Handgun Safety Act of 1999.

(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.

**SEC. 403. 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 who is not licensed under section 923, unless the licensee provides the transferee with a secure gun storage or safety device for the handgun.

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

“(A)(i) manufacture for, transfer to, or possession by, the United States 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 referred 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 de-

vice 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 unlawful misuse of the handgun by a third party, if—

“(i) the handgun was accessed by another person without authorization of the person so described; and

“(ii) when the handgun was so accessed, 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 inserting “, or (p)” before “this section”; and

(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) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this chapter 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 chapter 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.

**SEC. 404. EFFECTIVE DATE.**

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

It was decided in the { Yeas ..... 184  
negative ..... Nays ..... 242

¶67.20

[Roll No. 243]

AYES—184

Abercrombie	Gejdenson	Moran (VA)
Ackerman	Gephardt	Morella
Allen	Gilchrest	Nadler
Andrews	Gonzalez	Napolitano
Baldacci	Greenwood	Neal
Baldwin	Gutierrez	Olver
Barrett (WI)	Hall (OH)	Ose
Becerra	Hastings (FL)	Owens
Bentsen	Hinches	Pallone
Berkley	Hinojosa	Pastor
Berman	Hoeffel	Payne
Bilbray	Holt	Pelosi
Blagojevich	Hooley	Pomeroy
Blumenauer	Horn	Porter
Boehlert	Hoyer	Price (NC)
Bonior	Insee	Quinn
Borski	Jackson (IL)	Ramstad
Brady (PA)	Jackson-Lee	Rangel
Brown (FL)	(TX)	Reyes
Brown (OH)	Jefferson	Rivers
Campbell	Johnson (CT)	Rodriguez
Capps	Johnson, E.B.	Roemer
Capuano	Jones (OH)	Rogan
Cardin	Kaptur	Ros-Lehtinen
Carson	Kennedy	Rothman
Castle	Kildee	Roukema
Clay	Kilpatrick	Roybal-Allard
Clayton	Kleczka	Rush
Clyburn	Klink	Sabo
Condit	Kucinich	Sanchez
Conyers	Kuykendall	Sanders
Coyne	LaFalce	Sawyer
Crowley	Lantos	Schakowsky
Cummings	Larson	Scott
Davis (FL)	Leach	Serrano
Davis (IL)	Lee	Shays
Davis (VA)	Levin	Sherman
DeFazio	Lewis (GA)	Slaughter
DeGette	Lipinski	Snyder
DeLahunt	Lofgren	Spratt
DeLauro	Lowe	Stabenow
Deutsch	Luther	Stark
Diaz-Balart	Maloney (NY)	Stupak
Dicks	Markey	Tauscher
Dixon	Martinez	Thompson (CA)
Doggett	Matsui	Thompson (MS)
Dooley	McCarthy (MO)	Tierney
Doyle	McCarthy (NY)	Towns
Edwards	McDermott	Udall (CO)
Engel	McGovern	Udall (NM)
Eshoo	McKinney	Velazquez
Evans	McNulty	Vento
Farr	Meehan	Viscosky
Fattah	Meek (FL)	Walters
Filner	Meeks (NY)	Watt (NC)
Forbes	Menendez	Waxman
Ford	Millender-	Weiner
Frank (MA)	McDonald	Wexler
Franks (NJ)	Miller, George	Weygand
Frelinghuysen	Mink	Woolsey
Frost	Moakley	Wu
Ganske	Moore	Wynn

NOES—242

Aderholt	Buyer	Duncan
Archer	Callahan	Dunn
Armey	Calvert	Ehlers
Bachus	Camp	Ehrlich
Baird	Canady	Emerson
Baker	Cannon	English
Ballenger	Chabot	Etheridge
Barcia	Chambliss	Everett
Barr	Chenoweth	Ewing
Barrett (NE)	Clement	Fletcher
Bartlett	Coble	Foley
Barton	Coburn	Fossella
Bass	Collins	Fowler
Bateman	Combest	Gallagher
Bereuter	Cook	Gekas
Berry	Cooksey	Gibbons
Biggart	Costello	Gillmor
Bilirakis	Cox	Gilman
Bishop	Cramer	Goode
Biley	Crane	Goodlatte
Blunt	Cubin	Goodling
Boehner	Cunningham	Gordon
Bono	Danner	Goss
Boswell	Deal	Graham
Boucher	DeLay	Granger
Boyd	DeMint	Green (TX)
Brady (TX)	Dickey	Green (WI)
Bryant	Dingell	Gutknecht
Burr	Doolittle	Hall (TX)
Burton	Dreier	Hansen

Hastings (WA)	McKeon	Shimkus
Hayes	Metcalf	Shows
Hayworth	Mica	Shuster
Hefley	Miller (FL)	Simpson
Herger	Miller, Gary	Sisisky
Hill (IN)	Mollohan	Skeen
Hill (MT)	Moran (KS)	Skelton
Hilleary	Murtha	Smith (MI)
Hobson	Myrick	Smith (NJ)
Hoekstra	Nethercutt	Smith (TX)
Holden	Ney	Smith (WA)
Hostettler	Northup	Souder
Houghton	Norwood	Spence
Hulshof	Nussle	Stearns
Hunter	Oberstar	Stenholm
Hutchinson	Obey	Strickland
Hyde	Ortiz	Stump
Isakson	Oxley	Sununu
Istook	Packard	Sweeney
Jenkins	Paul	Talent
John	Pease	Tancredo
Johnson, Sam	Peterson (MN)	Tanner
Jones (NC)	Peterson (PA)	Tauzin
Kanjorski	Petri	Taylor (MS)
Kasich	Phelps	Taylor (NC)
Kelly	Pickering	Terry
Kind (WI)	Pickett	Thornberry
King (NY)	Pitts	Thune
Kingston	Pombo	Thurman
Knollenberg	Portman	Tiahrt
Kolbe	Pryce (OH)	Toomey
LaHood	Radanovich	Trafficant
Lampson	Rahall	Turner
Largent	Regula	Upton
Latham	Reynolds	Vitter
LaTourette	Riley	Walden
Lazio	Rogers	Walsh
Lewis (KY)	Rohrabacher	Wamp
Linder	Royce	Watkins
LoBiondo	Ryan (WI)	Watts (OK)
Lucas (KY)	Ryun (KS)	Weldon (FL)
Lucas (OK)	Sandlin	Weldon (PA)
Maloney (CT)	Sanford	Weller
Manzullo	Saxton	Whitfield
Mascara	Scarborough	Wicker
McCollum	Schaffer	Wilson
McCrery	Sensenbrenner	Wise
McHugh	Sessions	Wolf
McInnis	Shadegg	Young (AK)
McIntosh	Shaw	Young (FL)
McIntyre	Sherwood	

NOT VOTING—8

Bonilla	Lewis (CA)	Salmon
Brown (CA)	Minge	Thomas
Hilliard	Pascrell	

So the amendment was not agreed to. The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

When Mr. THORNBERRY, Chairman, pursuant to House Resolution 209, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

In section 931(c)(1) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike "indicates a willingness to accept" and insert "accepts".

In section 931(c)(1)(B)(ii)(II) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike "72" and insert "24".

In section 931(c)(2) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike subparagraph (B) and insert the following:

"(B) For any instant background check conducted at a gun show, the time period stated in section 922(t)(1)(B)(ii) shall be 24 consecutive hours since the licensee contacted the system, and notwithstanding any other provision of this chapter, the system shall, in every instance of a request for an instant background check from a gun show, complete such check over instant checks not originating from a gun show.

In section 931(d) of title 18, United States Code, as proposed to be added by section

2(c)(1) of the bill, strike "indicates a willingness to accept" and insert "accepts".

At the end of section 3 of the bill, insert the following:

(c) DELIVERIES TO AVOID THEFT.—Section 922(a)(5) of title 18, United States Code, is amended—

(1) by striking "and (B)" and inserting "(B)"; and

(2) by inserting "and (C) firearms transfers and business away from their business premises with another licensee without regard to whether the business is conducted in the State specified on the license of either licensee" before the semicolon at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

After section 3 of the bill, insert the following:

**SEC. \_\_\_\_ . PENALTIES FOR USING A LARGE CAPACITY AMMUNITION FEEDING DEVICE DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.**

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(i), by inserting "large capacity ammunition feeding device," after "short-barreled rifle,"; and

(2) by adding at the end the following:

"(5) For purposes of this subsection, the term 'large capacity ammunition feeding device' means a device as defined in section 921(a)(31) regardless of the date it was manufactured."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

At the end of the bill, insert the following:

**TITLE \_\_\_\_ —ASSAULT WEAPONS**

**SEC. \_\_\_\_ 1. SHORT TITLE.**

This title may be cited as the "Juvenile Assault Weapon Loophole Closure Act of 1999".

**SEC. \_\_\_\_ 2. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.**

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following new paragraph (2):

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device,"; and

(4) in paragraph (4)—

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

(B) by striking "(2)" and inserting "(1)(B)".

**SEC. \_\_\_\_ 3. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.**

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

At the end of the bill, insert the following:

**SEC. \_\_\_\_ . PROHIBITING JUVENILES FROM POSSESSING SEMIAUTOMATIC ASSAULT WEAPONS.**

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.";

(2) in paragraph (2)—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by inserting at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device."; and

(3) by striking paragraph (3) and inserting the following:

"(3) This subsection shall not apply to—

"(A) a temporary transfer of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile or to the temporary possession or use of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon by a juvenile—

"(i) if the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon are possessed and used by the juvenile—

"(I) in the course of employment,

"(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

"(III) for target practice,

"(IV) for hunting, or

"(V) for a course of instruction in the safe and lawful use of a firearm;

"(ii) clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

"(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(II)(aa) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

"(bb) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon in the line of duty;

“(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile; or

“(D) the possession of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

“(4) A handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

“(5) For purposes of this subsection, the term ‘juvenile’ means a person who is less than 18 years of age.

“(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant’s parent or legal guardian at all proceedings.

“(B) The court may use the contempt power to enforce subparagraph (A).

“(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

“(7) For purposes of this subsection only, the term ‘large capacity ammunition feeding device’ has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.”

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.

**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—

“(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 referred 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)”; and

(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.

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 photo-

graphic 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."

At the end of the bill, insert the following:

SEC. GUNS PAWNED FOR MORE THAN 1 YEAR REQUIRE BACKGROUND CHECK.

Section 922(t) of title 18, United States Code, is amended by adding at the end the following:

"(7) Paragraph (1) shall not apply in connection with the redemption from a licensee of a firearm that, during the preceding 365 days, was delivered to the licensee as collateral for a loan."

Add at the end the following:

SEC. RIGHT OF LAW-ABIDING RESIDENTS OF THE DISTRICT OF COLUMBIA TO KEEP A HANDGUN IN THE HOME.

(a) DEFENSE.—Notwithstanding any provision of law, a person may not be held criminally responsible for the possession of a handgun, or ammunition appropriate to the handgun, if each of the following elements are established:

(1) The person is a law-abiding individual not less than 18 years of age.

(2) The person is the sole owner of the handgun and is in compliance with all applicable Federal and State registration laws and regulations with respect to the handgun.

(3) The possession occurred in the District of Columbia—

(A) in a place of residence of the person; or

(B) if the handgun is unloaded, while the person was traveling to or from a place of residence of the person solely for the purpose of transporting the handgun in connection with an otherwise lawful transaction or activity relating to the handgun.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "handgun" has the meaning given such term in section 921 of title 18, United States Code.

(2) The term "law-abiding individual" means an individual who has never been convicted of a criminal offense for which the person actually served time in jail or prison, and has never been convicted of battery, assault, or any other violent criminal offense.

At the end of the bill, insert the following:

SEC. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting "(A)" after "(20)";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

"(B) For purposes of subsections (d) and (g) of section 922, the term 'adjudicated to have committed an act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony (as defined in section 3559(c)(2)(F)(i)) had Federal jurisdiction existed and been exercised."; and

(4) in the undesignated subparagraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking "What constitutes" and all that follows through "this chapter," and inserting the following:

"(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter."

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) has been adjudicated to have committed an act of violent juvenile delinquency."; and

(2) in subsection (g)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the comma at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) who has been adjudicated to have committed an act of violent juvenile delinquency,".

(c) EFFECTIVE DATE.—The amendments made by this section shall only apply to an act of violent juvenile delinquency that occurs 180 days or more after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. CONYERS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 147 negative ..... } Nays ..... 280

¶67.21 [Roll No. 244] AYES—147

Table with 3 columns: Name, Name, Name. Lists names of members of the House of Representatives.