

work together. In fact, this bill incorporated two things—one, a recognition that we need to continue getting the supply of oil to make it from here to there, but second, we needed a sustainable revenue source to invest in R&D and to invest in implementing alternative energy projects. The energy plan of the Republicans, cooked up by Vice President CHENEY in secret, has been very good for the American oil companies, not for the American consumers.

So far this year, oil companies in a down economy have raked in \$44 billion in profits. That's seven times the amount of profits Big Oil brought in when President Bush was first sworn into office.

What has the energy plan done that the President pursues or that our colleagues on the other side pursue? \$4 gasoline. It's costing \$2,500 more to heat your homes.

Mr. President, it's time for us to work together and to get our colleagues in the Senate to pass that bill.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will address his remarks to the Chair.

#### NATIONAL CAPITAL SECURITY AND SAFETY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1434 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 6842.

□ 1028

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further 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, with Mr. ALTMIRE (Acting Chairman) in the chair.

The Clerk read the title of the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first and foremost, I think it is imperative that we understand that the security and safety of our Nation's capitol should be of vital importance to all Americans, not simply the residents of the District of Columbia.

My dear colleague and District of Columbia Representative, Congresswoman ELEANOR HOLMES NORTON along with Congressman HENRY WAXMAN of California, drafted com-

prehensive and sensible firearm legislation which the Childers/Souder amendment not only eviscerates but allows residents and federal officials to places in immense danger.

#### CHILDERS/SOUDER AMENDMENT

The Childers/Souder Amendment in the Nature of a Substitute completely destroys the sensible Norton/Waxman Home Rule bill.

The dangerous consequences include:

No gun registration to let the police know who has guns and to trace guns used in crimes.

No regulation of guns, only a bare federal statute resulting in one of the most permissive gun laws in the Nation—post 9/11.

No age limit for possession of guns, including military-style weapons.

Permits a person who is voluntarily committed to a mental institution to own a gun the day after he gets out.

Federal law forbids a person to cross State lines to purchase a gun and bring it back, but this makes an exception uniquely for District residents to cross State lines to purchase guns and bring them back from Maryland and Virginia.

Requires a "gun show loophole," which avoids background checks in the nation's capital, i.e., District of Columbia residents can purchase weapons from private individuals and at gun shows without background checks.

#### DISTRICT OF COLUMBIA

The District of Columbia (the District) is a local self-governing jurisdiction and the seat of the United States Government, with unique Federal responsibilities. It is here that the President, the Vice President, and many cabinet and other Federal officials reside.

Unregulated firearms in the capital would preclude the ability of the District Metropolitan Police Department to track guns through registration and otherwise help ensure that guns do not endanger Federal officials and employees, visiting dignitaries, and other individuals.

#### REVISION OF DISTRICT OF COLUMBIA FIREARMS LAWS AND DISTRICT OF COLUMBIA V. HELLER

The revised firearm legislation requires the District within 6 months after enactment, to revise its laws governing the possession and use of firearms as necessary to comply with the decision of the Supreme Court in *District of Columbia v. Heller*. It also amends the Firearms Control Regulations Act of 1975 by adding a new section requiring the Mayor and the Council of the District to ensure that the District's firearms laws are consistent with *Heller*.

In *Heller*, the Supreme Court ruled in a 5-4 decision that the Second Amendment to the Constitution protects an individual's right to possess a firearm, irrespective of service in a militia, and to use that arm for traditionally lawful purposes such as self-defense within the home.

The decision in *Heller* affirmed the holding in *Parker v. District of Columbia*, wherein the Court of Appeals for the District of Columbia declared three provisions of the District's Firearms Control Regulation Act to be unconstitutional: D.C. Code §7-2502.02, which generally barred the registration of handguns; §22-4504, which prohibited carrying a pistol without a license, insofar as that provision would prevent a registrant from moving a gun from one room to another within his or her home; and §7-2507.02, which required that all lawfully owned firearms be kept unloaded and disassembled or bound by a trigger lock or similar device.

Addressing the holding in *Parker*, the Supreme Court noted that the District's approach "totally bans handgun possession in the home." The Court then declared that the inherent right of self-defense is central to the Second Amendment right, and that the District's handgun ban amounted to a prohibition of an entire class of arms that has been overwhelmingly utilized by American society for that purpose.

The Court also struck down as unconstitutional the requirement that any lawful firearm in the home be disassembled or bound by a trigger lock, as such a requirement "makes it impossible for citizens to use arms for the core lawful purpose of self-defense."

#### FIREARMS AND YOUTH

Right here in America according to the Harvard Injury Control Research Center, Harvard School of Public Health approximately 2,500 black youth (aged 15-24) die annually from gun homicide, 950 Hispanic youths and 600 white youth. For gun suicides, it's about 1,600 white youths annually, 300 black youths and 200 Hispanic youths.

Between 20 percent and 50 percent of children in the United States are touched by violence, either as victims or, even more commonly, as witnesses. And sadly for every child killed by a gun, four are injured according to the national estimates of nonfatal firearm-related injuries by the Journal of the American Medical Association.

#### TEXAS

In the U.S., the leading cause of death for African-Americans ages 15-24 and 25-34 is homicide, with the overwhelming majority (90 percent and 87 percent, respectively) committed with firearms. Homicide is the second leading cause of death for African-Americans ages 10-14, with firearm-related deaths accounting for 70 percent of these deaths.

Every day in Texas someone dies or is severely injured as a result of gun violence. Texans die from suicide, accidents, and crime. In 2004, 2,342 people died from firearm-related injuries in Texas. We hear about these deaths every day: depressed teenagers and spouses taking their own lives, children finding a loaded gun at a friend's house, gun related crime, etc. We hear about it so often; we have become numb to it and feel nothing can be done.

#### FIREARMS

While we speak of dignitaries, members of Congress, and the executive—the fact is that it is our children that are most at risk. We cannot allow a vague interpretation of the Second Amendment to put our children at risk and move guns on our streets.

It is our young African-American and Hispanic men who are frequently caught up in this system. Among youth ages 15-24, firearms rank as the leading cause of death for African-Americans and the second leading cause of death for whites and Hispanic youth. With over 5,049 federally licensed firearms dealers and pawnbrokers in Texas alone, how many more guns on our streets do we need?

#### CONCLUSION

Mr. Chairman I urge my colleagues to think about the safe of our children. Is there not already enough violence? For all the firearms in Afghanistan and Iraq is it helping them? Do more guns on our streets make them safer? I think we all know the answer is a resounding "no." I am not asking that we remove all firearms from the hands of every responsible and

law-abiding American, but I ask that we support sensible and comprehensive firearm legislation such as the Norton/Waxman approach.

The Acting CHAIRMAN. When the Committee of the Whole rose on Tuesday, September 16, 2008, a request for a recorded vote on the amendment printed in House Report 110-852 by the gentleman from Mississippi (Mr. CHILDERS) had been postponed.

AMENDMENT OFFERED BY MR. CHILDERS

Pursuant to clause 6 of rule XVIII, the unfinished business is the request for a recorded vote on the amendment printed in House Report 110-852 by the gentleman from Mississippi (Mr. CHILDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHILDERS:

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 unregistrable 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.”

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 260, noes 160, answered “present” 1, not voting 17, as follows:

[Roll No. 600]  
AYES—260

Abercrombie	Baca	Berry
Aderholt	Bachus	Biggert
Akin	Baird	Bilbray
Alexander	Barrett (SC)	Bilirakis
Allen	Barrow	Bishop (GA)
Altmire	Bartlett (MD)	Bishop (UT)
Arcuri	Barton (TX)	Blackburn

Blunt	Graves	Pence
Boehner	Green, Gene	Peterson (MN)
Bonner	Hall (TX)	Petri
Bono Mack	Hastings (WA)	Pickering
Boozman	Hayes	Platts
Boren	Heller	Poe
Boswell	Hensarling	Pomeroy
Boucher	Herger	Porter
Boustany	Hersteth Sandlin	Price (GA)
Boyd (FL)	Higgins	Pryce (OH)
Boyd (KS)	Hill	Putnam
Broun (GA)	Hinchev	Radanovich
Brown (SC)	Hobson	Rahall
Brown-Waite,	Hodes	Rehberg
Ginny	Holden	Reichert
Buchanan	Hunter	Renzi
Burgess	Inglis (SC)	Reyes
Burton (IN)	Issa	Reynolds
Buyer	Johnson (IL)	Rodriguez
Calvert	Johnson, Sam	Rogers (AL)
Camp (MI)	Jones (NC)	Rogers (KY)
Campbell (CA)	Jordan	Rogers (MI)
Cannon	Kagen	Rohrabacher
Capito	Kanjorski	Ros-Lehtinen
Cardoza	Keller	Roskam
Carney	Kind	Ross
Carter	King (IA)	Royce
Cazayoux	Kingston	Ryan (OH)
Chabot	Kline (MN)	Ryan (WI)
Chandler	Knollenberg	Salazar
Childers	Kuhl (NY)	Sali
Coble	LaHood	Saxton
Cole (OK)	Lamborn	Scalise
Conaway	Latham	Schmidt
Cooper	LaTourrette	Sensenbrenner
Costa	Latta	Sessions
Costello	Lewis (CA)	Shadegg
Cramer	Lewis (KY)	Shea-Porter
Crenshaw	Linder	Shimkus
Cuellar	LoBiondo	Shuler
Culberson	Lucas	Shuster
Davis (AL)	Lungren, Daniel	Simpson
Davis (KY)	E.	Skelton
Davis, David	Mack	Smith (NE)
Davis, Lincoln	Mahoney (FL)	Smith (TX)
Deal (GA)	Manullo	Souder
DeFazio	Marchant	Space
Dent	Marshall	Spratt
Diaz-Balart, L.	Matheson	Stearns
Diaz-Balart, M.	McCarthy (CA)	Stupak
Dingell	McCauley (TX)	Sullivan
Donnelly	McCotter	Tancred
Doolittle	McCrery	Tanner
Drake	McHenry	Taylor
Duncan	McHugh	Terry
Edwards (TX)	McIntyre	Thompson (CA)
Ellsworth	McKeon	Thornberry
Emerson	McMorris	Tiahrt
English (PA)	Rodgers	Tiberi
Everett	McNerney	Turner
Fallin	Meeke (FL)	Udall (CO)
Feehey	Melancon	Udall (NM)
Flake	Mica	Upton
Forbes	Michaud	Walberg
Fortenberry	Miller (FL)	Walden (OR)
Fossella	Miller (MI)	Walsh (NY)
Foster	Miller, Gary	Walz (MN)
Fox	Mitchell	Wamp
Franks (AZ)	Mollohan	Welch (VT)
Frelinghuysen	Moore (KS)	Weldon (FL)
Galleghy	Moran (KS)	Weller
Garrett (NJ)	Murphy, Patrick	Westmoreland
Gerlach	Murphy, Tim	Whitfield (KY)
Giffords	Murtha	Wilson (NM)
Gillibrand	Musgrave	Wilson (OH)
Gingrey	Myrick	Wilson (SC)
Gohmert	Nunes	Wittman (VA)
Goode	Oberstar	Wolf
Goodlatte	Ortiz	Young (AK)
Gordon	Paul	Young (FL)
Granger	Pearce	

NOES—160

Ackerman	Carson	Delahunt
Andrews	Castle	DeLauro
Baldwin	Castor	Dicks
Bean	Clarke	Doggett
Becerra	Clay	Doyle
Berkley	Cleaver	Edwards (MD)
Berman	Clyburn	Ellison
Blumenauer	Cohen	Emanuel
Bordallo	Conyers	Engel
Brady (PA)	Courtney	Eshoo
Braley (IA)	Crowley	Etheridge
Brown, Corrine	Cummings	Faleomavaega
Butterfield	Davis (CA)	Farr
Capps	Davis (IL)	Fattah
Capuano	Davis, Tom	Ferguson
Carnahan	DeGette	Filner

Frank (MA)	Lofgren, Zoe	Schakowsky
Gilchrest	Lowey	Schiff
Gonzalez	Lynch	Schwartz
Green, Al	Maloney (NY)	Scott (GA)
Grijalva	Markey	Scott (VA)
Gutierrez	Matsui	Serrano
Hall (NY)	McCarthy (NY)	Sestak
Hare	McCollum (MN)	Shays
Harman	McDermott	Sherman
Hastings (FL)	McGovern	Sires
Hinojosa	McNulty	Slaughter
Hirono	Meeks (NY)	Smith (NJ)
Holt	Miller (NC)	Smith (WA)
Honda	Miller, George	Snyder
Hooley	Moore (WI)	Solis
Hoyer	Moran (VA)	Speier
Inslie	Murphy (CT)	Stark
Israel	Nadler	Sutton
Jackson (IL)	Napolitano	Tauscher
Jackson-Lee	Neal (MA)	Thompson (MS)
(TX)	Norton	Tierney
Jefferson	Olver	Towns
Johnson (GA)	Pallone	Tsongas
Johnson, E. B.	Pascarell	Van Hollen
Kaptur	Pastor	Velázquez
Kennedy	Payne	Vislosky
Kildee	Perlmutter	Wasserman
Kilpatrick	Price (NC)	Schultz
King (NY)	Ramstad	Waters
Kirk	Rangel	Watson
Klein (FL)	Richardson	Watt
Kucinich	Rothman	Waxman
Langevin	Roybal-Allard	Weiner
Larsen (WA)	Ruppersberger	Wexler
Lee	Rush	Woolsey
Levin	Sánchez, Linda	T.
Lewis (GA)	T.	Sanchez, Loretta
Lipinski	Sanchez, Loretta	Wu
Loeb sack	Sarbanes	Yarmuth

ANSWERED “PRESENT”—1

NOT VOTING—17

Bachmann	Dreier	Larson (CT)
Bishop (NY)	Ehlers	Neugebauer
Brady (TX)	Fortuño	Peterson (PA)
Cantor	Hoekstra	Pitts
Christensen	Hulshof	Regula
Cubin	Lampson	

□ 1058

Messrs. GEORGE MILLER of California, FILNER, RANGEL, COHEN, ACKERMAN, EMANUEL, SHAYS, RUSH, Ms. SOLIS, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Ms. MCCOLLUM of Minnesota, Messrs. FATTAH, CONYERS, ROTHMAN, BECERRA and Ms. KAPTUR changed their vote from “aye” to “no.”

Messrs. SMITH of Nebraska, COLE of Oklahoma, Ms. GINNY BROWN-WAITE of Florida, Messrs. KINGSTON, ABERCROMBIE, and Ms. PRYCE of Ohio changed their vote from “no” to “aye.”

So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated for:  
Mrs. BACHMANN. Mr. Chairman, today I was unexpectedly detained and unable to vote on the Childers Amendment in the Nature of a Substitute to H.R. 6842, the National Capital Security and Safety Act (Roll No. 600.) Had I been present I would have voted “aye.”

Mrs. BLACKBURN. Mr. Chairman, I rise in support of H.R. 6842, The Second Amendment Enforcement Act. Earlier this year, the Supreme Court rightly overturned the unconstitutional gun ban enforced by the District of Columbia.

The Court recognized what Tennesseans have always known, that the second amendment applies to individuals, and that all law-abiding Americans have an inherent right to self-defense. The ruling was a victory for freedom and constitutional rights.

Sadly, the District of Columbia has chosen to turn a blind eye to the court and the constitution by re-legislating the gun ban piece by piece. DC has legislated that guns must be trigger locked or disassembled in the home, rendering it nearly impossible for law-abiding citizens from purchasing guns in the District.

When the court overturned the ban, I breathed a sigh of relief for the young women on my staff who are now able to appropriately defend themselves. Imagine my surprise when the District dictated that those same staffers store their guns in pieces or with trigger locks until an "immediate" threat presents itself. Have you ever heard of anything so ridiculous? When a threat is immediate, you don't have time to find a key or put together a gun!

I stand for the right of all Americans to defend themselves and in support of H.R. 6842, which will make the policy of the District of Columbia consistent with the ruling of the court and the clear intent of the Constitution.

Mr. UDALL of Colorado. Mr. Chairman, the Constitution gives Congress the ultimate legislative responsibility for the District of Columbia.

However, through enactment of the DC Home Rule Act Congress has authorized the residents of the District to elect a Mayor and City Council to be responsible for the day-to-day exercise of that authority.

I respect the intent of home rule because I think residents of Washington, DC—like residents of Colorado—should be able to govern themselves so far as consistent with the ability of the Federal Government to function.

And I think this principle of home rule for DC is made all the more important because the residents of the District are not fully represented here in Congress.

So, I have some hesitation supporting legislation that would in effect shape policies for the District of Columbia without the involvement of its elected officials.

However, I am supporting H.R. 6842 today because any flaws in its approach can be corrected as the legislative process continues and because I think it is needed in order to send a strong message to the District government to move promptly to revise its laws to reflect the recent decision of the Supreme Court in the case of DC v. Heller and thus to assure that the second amendment rights of the District's residents are not infringed.

That is the purpose of this legislation—one that I support, because complying with our oath to support and defend the Constitution is the first duty of all Members of Congress.

Mr. BLUMENAUER. Mr. Chairman, the Childers amendment to the National Capital Security and Safety Act is deeply flawed. We continue to treat the residents of the District of Columbia as members of a colony, hampering their ability to govern themselves. We ought not to have Congress be the State legislature or city council for 580,000 people.

For the tens of thousands of Oregonians who visit our Nation's capital each year, traveling with their children to experience America's history and culture, and as someone who lives in DC for 30 percent of the year and has worked with victims of gun violence, this legislation is neither comforting nor sound policy. The imposition on local government would throw out all locally approved gun safety measures, including handgun registration and the semiautomatic ban, and even go as far as removing all age restrictions on gun purchase,

permitting a 6-year-old to purchase a deadly weapon.

It is best for Congress not to do the National Rifle Association's bidding, forcing DC to be their showcase for eliminating all boundaries of gun safety. I urge my colleagues to respect home rule and common sense.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration 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, pursuant to House Resolution 1434, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOUDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, noes 152, answered "present" 1, not voting 14, as follows:

[Roll No. 601]

AYES—266

Abercrombie	Bishop (UT)	Buyer
Aderholt	Blackburn	Calvert
Akin	Blunt	Camp (MI)
Alexander	Boehner	Campbell (CA)
Allen	Bonner	Cannon
Altmire	Bono Mack	Capito
Arcuri	Boozman	Cardoza
Baca	Boren	Carnahan
Bachmann	Boswell	Carney
Bachus	Boucher	Carter
Baird	Boustany	Cazaayoux
Barrett (SC)	Boyd (FL)	Chabot
Barrow	Boyd (KS)	Chandler
Bartlett (MD)	Broun (GA)	Childers
Barton (TX)	Brown (SC)	Coble
Berry	Brown-Waite,	Cole (OK)
Biggert	Ginny	Conaway
Bilbray	Buchanan	Cooper
Bilirakis	Burgess	Costa
Bishop (GA)	Burton (IN)	Costello

Cramer	Kanjorski	Rahall
Crenshaw	Keller	Rehberg
Cuellar	Kind	Reichert
Culberson	Kingston	Renzi
Davis (AL)	Kline (MN)	Reyes
Davis (KY)	Knollenberg	Reynolds
Davis, David	Kuhl (NY)	Rodriguez
Davis, Lincoln	LaHood	Rogers (AL)
Davis, Tom	Lamborn	Rogers (KY)
Deal (GA)	Latham	Rogers (MI)
DeFazio	LaTourette	Rohrabacher
Dent	Latta	Ros-Lehtinen
Diaz-Balart, L.	Lewis (CA)	Roskam
Diaz-Balart, M.	Lewis (KY)	Ross
Dingell	Linder	Royce
Donnelly	LoBiondo	Ryan (OH)
Doolittle	Lucas	Ryan (WI)
Drake	Lungren, Daniel	Salazar
Duncan	E.	Sali
Edwards (TX)	Mack	Saxton
Ellsworth	Mahoney (FL)	Scalise
Emerson	Manzullo	Schmidt
English (PA)	Marchant	Sensenbrenner
Etheridge	Marshall	Sessions
Everett	Matheson	Shadegg
Falin	McCarthy (CA)	Shea-Porter
Feeney	McCaul (TX)	Shimkus
Ferguson	McCotter	Shuler
Flake	McCrery	Shuster
Forbes	McHenry	Simpson
Fortenberry	McHugh	Sires
Fossella	McIntyre	Skelton
Foster	McKeon	Smith (NE)
Fox	McMorris	Smith (TX)
Franks (AZ)	Rodgers	Souder
Frelinghuysen	McNerney	Space
Gallely	Meek (FL)	Spratt
Garrett (NJ)	Melancon	Stearns
Gerlach	Mica	Stupak
Giffords	Michaud	Sullivan
Gillibrand	Miller (FL)	Tancredo
Gingrey	Miller (MI)	Tanner
Gohmert	Miller, Gary	Taylor
Goode	Mitchell	Terry
Goodlatte	Mollohan	Thompson (CA)
Gordon	Moore (KS)	Thornberry
Granger	Moran (KS)	Tiahrt
Graves	Murphy, Patrick	Tiberi
Green, Gene	Murphy, Tim	Turner
Hall (TX)	Murtha	Udall (CO)
Hastings (WA)	Musgrave	Udall (NM)
Hayes	Myrick	Upton
Heller	Nunes	Walberg
Hensarling	Oberstar	Walden (OR)
Herger	Ortiz	Walsh (NY)
Herseth Sandlin	Paul	Walz (MN)
Higgins	Pearce	Wamp
Hill	Pence	Welch (VT)
Hinchey	Peterson (MN)	Weldon (FL)
Hobson	Peterson (PA)	Weller
Hodes	Petri	Westmoreland
Holden	Pickering	Whitfield (KY)
Hunter	Platts	Wilson (NM)
Inglis (SC)	Poe	Wilson (OH)
Issa	Pomeroy	Wilson (SC)
Johnson (IL)	Porter	Wittman (VA)
Johnson, Sam	Price (GA)	Wolf
Jones (NC)	Pryce (OH)	Young (AK)
Jordan	Putnam	Young (FL)
Kagen	Radanovich	

NOES—152

Ackerman	DeGette	Honda
Andrews	Delahunt	Hooley
Baldwin	DeLauro	Hoyer
Bean	Dicks	Inslée
Becerra	Doggett	Israel
Berkley	Doyle	Jackson (IL)
Berman	Edwards (MD)	Jackson-Lee
Blumenauer	Ellison	(TX)
Brady (PA)	Emanuel	Jefferson
Bralley (IA)	Engel	Johnson (GA)
Brown, Corrine	Eshoo	Johnson, E. B.
Butterfield	Farr	Kaptur
Capps	Fattah	Kennedy
Capuano	Filner	Kildee
Carson	Frank (MA)	Kilpatrick
Castle	Gilchrest	King (NY)
Castor	Gonzalez	Kirk
Clarke	Green, Al	Klein (FL)
Clay	Grijalva	Kucinich
Clyburn	Gutierrez	Langevin
Cohen	Hall (NY)	Larsen (WA)
Conyers	Hare	Larson (CT)
Courtney	Harman	Lee
Crowley	Hastings (FL)	Levin
Cummings	Hinojosa	Lewis (GA)
Davis (CA)	Hirono	Lipinski
Davis (IL)	Holt	Loebsack

Lofgren, Zoe	Perlmutter	Snyder
Lowey	Price (NC)	Solis
Lynch	Ramstad	Speier
Maloney (NY)	Rangel	Stark
Markey	Richardson	Sutton
Matsui	Rothman	Tauscher
McCarthy (NY)	Roybal-Allard	Thompson (MS)
McCollum (MN)	Ruppersberger	Tierney
McDermott	Rush	Towns
McGovern	Sánchez, Linda	Tsongas
McNulty	T.	Van Hollen
Meeks (NY)	Sanchez, Loretta	Velázquez
Miller (NC)	Sarbanes	Visclosky
Miller, George	Schakowsky	Wasserman
Moore (WI)	Schiff	Schultz
Moran (VA)	Schwartz	Waters
Murphy (CT)	Scott (GA)	Watson
Nadler	Scott (VA)	Watt
Napolitano	Serrano	Waxman
Neal (MA)	Sestak	Weiner
Oliver	Shays	Wexler
Pallone	Sherman	Woolsey
Pascarell	Slaughter	Wu
Pastor	Smith (NJ)	Yarmuth
Payne	Smith (WA)	

ANSWERED "PRESENT"—1

Obey

NOT VOTING—14

Bishop (NY)	Dreier	Lampson
Brady (TX)	Ehlers	Neugebauer
Cantor	Hoekstra	Pitts
Cleaver	Hulshof	Regula
Cubin	King (IA)	

□ 1116

Mr. HARE changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

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

A motion to reconsider was laid on the table.

Stated against:

Mr. SIRES. Mr. Speaker, when I voted on final passage of H.R. 6842, the Second Amendment Enforcement Act, I incorrectly voted aye. I meant to vote no on final passage of that bill.

Mr. ETHERIDGE. Mr. Chairman, Earlier today, the House took sequential votes on an amendment to and final passage of the National Capital Security and Safety Act, H.R. 6842. On roll number 601 when I cast my vote on final passage an "aye" vote was recorded when a "no" vote should have been recorded.

#### PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, (Mr. Chairman), on rollcall No. 600 and 601, I missed these votes due to illness (influenza). Had I been present, I would have voted "aye" on both.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### ADA AMENDMENTS ACT OF 2008

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the

rules and pass the Senate bill (S. 3406) to restore the intent and protections of the Americans with Disabilities Act of 1990.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3406

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "ADA Amendments Act of 2008".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act "provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities" and provide broad coverage;

(2) in enacting the ADA, Congress recognized that physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(3) while Congress expected that the definition of disability under the ADA would be interpreted consistently with how courts had applied the definition of a handicapped individual under the Rehabilitation Act of 1973, that expectation has not been fulfilled;

(4) the holdings of the Supreme Court in *Sutton v. United Air Lines, Inc.*, 527 U.S. 471 (1999) and its companion cases have narrowed the broad scope of protection intended to be afforded by the ADA, thus eliminating protection for many individuals whom Congress intended to protect;

(5) the holding of the Supreme Court in *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams*, 534 U.S. 184 (2002) further narrowed the broad scope of protection intended to be afforded by the ADA;

(6) as a result of these Supreme Court cases, lower courts have incorrectly found in individual cases that people with a range of substantially limiting impairments are not people with disabilities;

(7) in particular, the Supreme Court, in the case of *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams*, 534 U.S. 184 (2002), interpreted the term "substantially limits" to require a greater degree of limitation than was intended by Congress; and

(8) Congress finds that the current Equal Employment Opportunity Commission ADA regulations defining the term "substantially limits" as "significantly restricted" are inconsistent with congressional intent, by expressing too high a standard.

(b) PURPOSES.—The purposes of this Act are—

(1) to carry out the ADA's objectives of providing "a clear and comprehensive national mandate for the elimination of discrimination" and "clear, strong, consistent, enforceable standards addressing discrimination" by reinstating a broad scope of protection to be available under the ADA;

(2) to reject the requirement enunciated by the Supreme Court in *Sutton v. United Air Lines, Inc.*, 527 U.S. 471 (1999) and its companion cases that whether an impairment substantially limits a major life activity is to be determined with reference to the ameliorative effects of mitigating measures;

(3) to reject the Supreme Court's reasoning in *Sutton v. United Air Lines, Inc.*, 527 U.S.

471 (1999) with regard to coverage under the third prong of the definition of disability and to reinstate the reasoning of the Supreme Court in *School Board of Nassau County v. Arline*, 480 U.S. 273 (1987) which set forth a broad view of the third prong of the definition of handicap under the Rehabilitation Act of 1973;

(4) to reject the standards enunciated by the Supreme Court in *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams*, 534 U.S. 184 (2002), that the terms "substantially" and "major" in the definition of disability under the ADA "need to be interpreted strictly to create a demanding standard for qualifying as disabled," and that to be substantially limited in performing a major life activity under the ADA "an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives";

(5) to convey congressional intent that the standard created by the Supreme Court in the case of *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams*, 534 U.S. 184 (2002) for "substantially limits", and applied by lower courts in numerous decisions, has created an inappropriately high level of limitation necessary to obtain coverage under the ADA, to convey that it is the intent of Congress that the primary object of attention in cases brought under the ADA should be whether entities covered under the ADA have complied with their obligations, and to convey that the question of whether an individual's impairment is a disability under the ADA should not demand extensive analysis; and

(6) to express Congress' expectation that the Equal Employment Opportunity Commission will revise that portion of its current regulations that defines the term "substantially limits" as "significantly restricted" to be consistent with this Act, including the amendments made by this Act.

#### SEC. 3. CODIFIED FINDINGS.

Section 2(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination";

(2) by striking paragraph (7); and

(3) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

#### SEC. 4. DISABILITY DEFINED AND RULES OF CONSTRUCTION.

(a) DEFINITION OF DISABILITY.—Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended to read as follows:

#### "SEC. 3. DEFINITION OF DISABILITY.

"As used in this Act:

"(1) DISABILITY.—The term 'disability' means, with respect to an individual—

"(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

"(B) a record of such an impairment; or

"(C) being regarded as having such an impairment (as defined in paragraph (3)).

"(2) MAJOR LIFE ACTIVITIES.—

"(A) IN GENERAL.—For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting,