

110TH CONGRESS  
2D SESSION

# H. RES. 1331

Providing for the consideration of the bill (H.R. 1399) to restore Second Amendment rights in the District of Columbia.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2008

Mr. SOUDER submitted the following resolution; which was referred to the Committee on Rules

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## RESOLUTION

Providing for the consideration of the bill (H.R. 1399) to restore Second Amendment rights in the District of Columbia.

1       *Resolved*, That immediately upon the adoption of this  
2 resolution the House shall without intervention of any  
3 point of order consider in the House the bill (H.R. 1399)  
4 to restore Second Amendment rights in the District of Co-  
5 lumbia. The amendment printed in section 2 of this resolu-  
6 tion shall be considered as adopted. The bill, as amended,  
7 shall be considered as read. All points of order against  
8 the bill, as amended, are waived. The previous question  
9 shall be considered as ordered on the bill, as amended,  
10 to final passage without intervening motion except: (1) one

1 hour of debate on the bill equally divided and controlled  
2 by the majority leader and the minority leader, or their  
3 designees; and (2) one motion to recommit with or without  
4 instructions.

5       SEC. 2. The amendment referred to in section 1 is  
6 as follows: Strike all after the enacting clause and insert  
7 the following:

8 **“SEC. 1. SHORT TITLE.**

9       “This Act may be cited as the ‘Second Amendment  
10 Enforcement Act’.

11 **“SEC. 2. CONGRESSIONAL FINDINGS.**

12       “Congress finds the following:

13           “(1) The Second Amendment to the United  
14 States Constitution provides that the right of the  
15 people to keep and bear arms shall not be infringed.

16           “(2) As the Congress and the Supreme Court  
17 of the United States have recognized, the Second  
18 Amendment to the United States Constitution pro-  
19 tects the rights of individuals, including those who  
20 are not members of a militia or engaged in military  
21 service or training, to keep and bear arms.

22           “(3) The law-abiding citizens of the District of  
23 Columbia are deprived by local laws and by public  
24 housing leases of handguns, rifles, and shotguns that  
25 are commonly kept by law-abiding persons through-

1 out the United States for sporting use and for lawful  
2 defense of their persons, homes, businesses, and  
3 families.

4 “(4) The District of Columbia has one of the  
5 highest per capita murder rates in the Nation, which  
6 may be attributed in part to local laws prohibiting  
7 possession of firearms by law-abiding persons who  
8 would otherwise be able to defend themselves and  
9 their loved ones in their own homes and businesses.

10 “(5) The Federal Gun Control Act of 1968, as  
11 amended by the Firearms Owners’ Protection Act of  
12 1986, and the Brady Handgun Violence Prevention  
13 Act of 1993, provide comprehensive Federal regula-  
14 tions applicable in the District of Columbia as else-  
15 where. In addition, existing District of Columbia  
16 criminal laws punish possession and illegal use of  
17 firearms by violent criminals and felons. Con-  
18 sequently, there is no need for local laws which only  
19 affect and disarm law-abiding citizens.

20 “(6) Officials of the District of Columbia have  
21 indicated their intention to continue to unduly re-  
22 strict lawful firearm possession and use by citizens  
23 of the District.

24 “(7) Legislation is required to correct the Dis-  
25 trict of Columbia’s law in order to restore the funda-

1       mental rights of its citizens under the Second  
2       Amendment to the United States Constitution and  
3       thereby enhance public safety.

4       **“SEC. 3. REFORM DC COUNCIL’S AUTHORITY TO RESTRICT**  
5                                   **FIREARMS.**

6       “Section 4 of the Act entitled ‘An Act to prohibit the  
7       killing of wild birds and wild animals in the District of  
8       Columbia’, approved June 30, 1906 (34 Stat. 809; section  
9       1–303.43, D.C. Official Code) is amended by adding at  
10      the end the following: ‘Nothing in this section or any other  
11      provision of law shall authorize, or shall be construed to  
12      permit, the Council, the Mayor, any governmental or regu-  
13      latory authority of the District of Columbia, or any inde-  
14      pendent authority of the District government, to prohibit,  
15      constructively prohibit, or unduly burden the ability of  
16      persons not prohibited from possessing firearms under  
17      Federal law from acquiring, possessing in their homes or  
18      businesses, or using for sporting, self-protection or other  
19      lawful purposes, any firearm neither prohibited by Federal  
20      law nor subject to the National Firearms Act. The District  
21      of Columbia and its independent authorities shall not have  
22      authority to enact or impose laws, regulations or lease pro-  
23      visions that discourage or eliminate the private ownership  
24      or use of firearms.’.

1 **“SEC. 4. REPEAL DC SEMIAUTOMATIC BAN.**

2 “(a) IN GENERAL.—Section 101(10) of the Firearms  
3 Control Regulations Act of 1975 (section 7–2501.01(10),  
4 D.C. Official Code) is amended to read as follows:

5 ““(10) “Machine gun” means any firearm  
6 which shoots, is designed to shoot, or can be readily  
7 restored to shoot automatically, more than 1 shot,  
8 without manual reloading, by a single function of  
9 the trigger, and includes the frame or receiver of  
10 any such weapon, any part designed and intended  
11 solely and exclusively, or combination of parts de-  
12 signed and intended, for use in converting a weapon  
13 into a machine gun, and any combination of parts  
14 from which a machine gun can be assembled if such  
15 parts are in the possession or under the control of  
16 a person.’.

17 “(b) CONFORMING AMENDMENT TO PROVISIONS  
18 SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of  
19 the Act of July 8, 1932 (47 Stat. 651; section 22–4501(c),  
20 D.C. Official Code) is amended to read as follows:

21 ““(c) “Machine gun”, as used in this Act, has the  
22 meaning given such term in section 101(10) of the Fire-  
23 arms Control Regulations Act of 1975.’.

24 **“SEC. 5. REPEAL REGISTRATION REQUIREMENT.**

25 “(a) REPEAL OF REQUIREMENT.—

1           “(1) IN GENERAL.—Section 201(a) of the Fire-  
 2 arms Control Regulations Act of 1975 (section 7–  
 3 2502.01(a), D.C. Official Code) is amended by strik-  
 4 ing ‘any firearm, unless’ and all that follows through  
 5 paragraph (3) and inserting the following: ‘any fire-  
 6 arm described in subsection (c).’.

7           “(2) DESCRIPTION OF FIREARMS REMAINING  
 8 ILLEGAL.—Section 201 of such Act (section 7–  
 9 2502.01, D.C. Official Code) is amended by adding  
 10 at the end the following new subsection:

11           “(c) A firearm described in this subsection is any  
 12 of the following:

13           “(1) A sawed-off shotgun.

14           “(2) A machine gun.

15           “(3) A short-barreled rifle.’.

16           “(3) CONFORMING AMENDMENT.—The heading  
 17 of section 201 of such Act (section 7–2502.01, D.C.  
 18 Official Code) is amended by striking ‘Registration  
 19 requirements’ and inserting ‘Firearm Possession’.

20           “(b) CONFORMING AMENDMENTS TO FIREARMS  
 21 CONTROL REGULATIONS ACT.—The Firearms Control  
 22 Regulations Act of 1975 is amended as follows:

23           “(1) Sections 202 through 211 (section 7–  
 24 2502.02 through 7–2502.11, D.C. Official Code) are  
 25 repealed.

1           “(2) Section 101 (section 7–2501.01, D.C. Offi-  
2           cial Code) is amended by striking paragraph (13).

3           “(3) Section 401 (section 7–2504.01, D.C. Offi-  
4           cial Code) is amended—

5                   “(A) in subsection (a), by striking ‘the  
6           District;’ and all that follows and inserting the  
7           following: ‘the District, except that a person  
8           may engage in hand loading, reloading, or cus-  
9           tom loading of ammunition for non-commercial  
10          use.’; and

11                   “(B) in subsection (b), by striking ‘which  
12          are unregistrable under section 202’ and in-  
13          serting ‘which are prohibited under section  
14          201’.

15          “(4) Section 402 (section 7–2504.02, D.C. Offi-  
16          cial Code) is amended—

17                   “(A) in subsection (a), by striking ‘Any  
18          person eligible to register a firearm’ and all  
19          that follows through ‘such business,’ and insert-  
20          ing the following: ‘Any person not otherwise  
21          prohibited from possessing or receiving a fire-  
22          arm under Federal or District law, or from  
23          being licensed under section 923 of title 18,  
24          United States Code,’; and

1           “(B) in subsection (b), by amending para-  
2           graph (1) to read as follows:

3           ““(1) The applicant’s name;”.

4           “(5) Section 403(b) (section 7–2504.03(b),  
5           D.C. Official Code) is amended by striking ‘registra-  
6           tion certificate’ and inserting ‘dealer’s license’.

7           “(6) Section 404(a)(3) (section 7–  
8           2504.04(a)(3), D.C. Official Code) is amended—

9           “(A) in subparagraph (B)(i), by striking  
10           ‘registration certificate number (if any) of the  
11           firearm,’;

12           “(B) in subparagraph (B)(iv), by striking  
13           ‘holding the registration certificate’ and insert-  
14           ing ‘from whom it was received for repair’;

15           “(C) in subparagraph (C)(i), by striking  
16           ‘and registration certificate number (if any) of  
17           the firearm’;

18           “(D) in subparagraph (C)(ii), by striking  
19           ‘registration certificate number or’;

20           “(E) by striking subparagraphs (D) and  
21           (E).

22           “(7) Section 406(c) (section 7–2504.06(c), D.C.  
23           Official Code) is amended to read as follows:

1       “(c) Within 45 days of a decision becoming effective  
2 which is unfavorable to a licensee or to an applicant for  
3 a dealer’s license, the licensee or application shall—

4               “(1) lawfully remove from the District all de-  
5 structive devices in his inventory, or peaceably sur-  
6 render to the Chief all destructive devices in his in-  
7 ventory in the manner provided in section 705; and

8               “(2) lawfully dispose, to himself or to another,  
9 any firearms and ammunition in his inventory.’.

10              “(8) Section 407(b) (section 7–2504.07(b),  
11 D.C. Official Code) is amended by striking ‘would  
12 not be eligible’ and all that follows and inserting ‘is  
13 prohibited from possessing or receiving a firearm  
14 under Federal or District law.’.

15              “(9) Section 502 (section 7–2505.02, D.C. Offi-  
16 cial Code) is amended—

17                      “(A) by amending subsection (a) to read  
18 as follows:

19                      “(a) Any person or organization not prohibited from  
20 possessing or receiving a firearm under Federal or District  
21 law may sell or otherwise transfer ammunition or any fire-  
22 arm, except those which are prohibited under section 201,  
23 to a licensed dealer.’;

24                      “(B) by amending subsection (c) to read  
25 as follows:

1       “(c) Any licensed dealer may sell or otherwise trans-  
 2 fer a firearm to any person or organization not otherwise  
 3 prohibited from possessing or receiving such firearm under  
 4 Federal or District law.’;

5               “(C) in subsection (d), by striking para-  
 6 graphs (2) and (3); and

7               “(D) by striking subsection (e).

8               “(10) Section 704 (section 7–2507.04, D.C. Of-  
 9 ficial Code) is amended—

10               “(A) in subsection (a), by striking ‘any  
 11 registration certificate or’ and inserting ‘a’; and

12               “(B) in subsection (b), by striking ‘reg-  
 13 istration certificate,’.

14       “(c) OTHER CONFORMING AMENDMENTS.—Section  
 15 2(4) of the Illegal Firearm Sale and Distribution Strict  
 16 Liability Act of 1992 (section 7–2531.01(2)(4), D.C. Offi-  
 17 cial Code) is amended—

18               “(1) in subparagraph (A), by striking ‘or ignor-  
 19 ing proof of the purchaser’s residence in the District  
 20 of Columbia’; and

21               “(2) in subparagraph (B), by striking ‘registra-  
 22 tion and’.

23 **“SEC. 6. REPEAL HANDGUN AMMUNITION BAN.**

24       “(a) DEFINITION OF RESTRICTED PISTOL BUL-  
 25 LET.—Section 101(13a) of the Firearms Control Regula-

1 tions Act of 1975 (section 7–2501.01(13a)) is amended  
2 to read as follows:

3 ““(13)(A) “Restricted pistol bullet” means—

4 ““(i) a projectile or projectile core  
5 which may be used in a handgun and  
6 which is constructed entirely (excluding the  
7 presence of traces of other substances)  
8 from one or a combination of tungsten al-  
9 loys, steel, iron, brass, bronze, beryllium  
10 copper, or depleted uranium; or

11 ““(ii) a full-jacketed projectile larger  
12 than .22 caliber designed and intended for  
13 use in a handgun and whose jacket has a  
14 weight of more than 25 percent of the total  
15 weight of the projectile.

16 ““(B) The term “restricted pistol bullet”  
17 does not include shotgun shot required by Fed-  
18 eral or State environmental or game regulations  
19 for hunting purposes, a frangible projectile de-  
20 signed for target shooting, a projectile which  
21 the Attorney General of the United States (pur-  
22 suant to section 921(a)(17) of title 18, United  
23 States Code) finds is primarily intended to be  
24 used for sporting purposes, or any other projec-  
25 tile or projectile core which the Attorney Gen-



1 ring after the 60-day period which begins on the date of  
2 the enactment of this Act.

3 **“SEC. 9. REMOVE CRIMINAL PENALTIES FOR CARRYING A**  
4 **FIREARM IN ONE’S DWELLING OR OTHER**  
5 **PREMISES.**

6 “(a) IN GENERAL.—Section 4(a) of the Act of July  
7 8, 1932 (47 Stat. 651; section 22–4504(a), D.C. Official  
8 Code) is amended—

9 “(1) in the matter before paragraph (1), by  
10 striking ‘a pistol,’ and inserting the following: ‘ex-  
11 cept in his dwelling house or place of business or on  
12 other land possessed by that person, whether loaded  
13 or unloaded, a firearm,’; and

14 “(2) by striking ‘except that.’ and all that fol-  
15 lows through ‘(2) If the violation’ and inserting ‘ex-  
16 cept that if the violation’.

17 “(b) TREATMENT OF CERTAIN EXCEPTIONS.—Sec-  
18 tion 5(a) of such Act (47 Stat. 651; section 22–4505(a),  
19 D.C. Official Code) is amended—

20 “(1) by striking ‘pistol’ each place it appears  
21 and inserting ‘firearm’; and

22 “(2) by striking the period at the end and in-  
23 serting the following: ‘, or to any person while car-  
24 rying or transporting a firearm used in connection  
25 with an organized military activity, a target shoot,

1 formal or informal target practice, sport shooting  
2 event, hunting, a firearms or hunter safety class,  
3 trapping, or a dog obedience training class or show,  
4 or the moving by a bona fide gun collector of part  
5 or all of the collector's gun collection from place to  
6 place for public or private exhibition while the per-  
7 son is engaged in, on the way to, or returning from  
8 that activity if each firearm is unloaded and carried  
9 in an enclosed case or an enclosed holster, or to any  
10 person carrying or transporting a firearm in compli-  
11 ance with sections 926A, 926B, or 926C of title 18,  
12 United States Code.'.

13 “(c) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply with respect to violations occurring  
15 after the 60-day period which begins on the date of the  
16 enactment of this Act.

17 **“SEC. 10. REPEALING STRICT LIABILITY FOR MANUFAC-**  
18 **TURERS.**

19 “Section 7–2551, D.C. Official Code, is repealed.”.

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