

(c) *Challenge by Members of Congress.*--Any Member of Congress may bring an action, subject to the special rules described in subsection (a), to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

**SA 575.** Mr. ENSIGN (for himself, Mr. Vitter, Mr. Coburn, Mr. DeMint, Mr. Burr, Mr. Wicker, Mr. Thune, Mr. Grassley, Mr. Risch, Mr. Inhofe, Mr. Bennett, Mr. Enzi, Mr. Chambliss, Mr. Isakson, Mr. Crapo, Mr. Cornyn, Mr. Brownback, Mr. Corker, Mr. Martinez, Ms. Murkowski, Mr. Graham, and Mr. Roberts) proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

At the appropriate place, insert the following:

TITLE \_\_\_\_--SECOND AMENDMENT ENFORCEMENT ACT

**SEC. X01. SHORT TITLE.**

This title may be cited as the ``Second Amendment Enforcement Act''.

**SEC. X02. 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. X03. 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. X04. 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 may be 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

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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. X05. 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(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. X06. 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. X07. 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. X08. 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. X09. 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. X10. 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,".

#### **SEC. X11. REPEALS OF DISTRICT OF COLUMBIA ACTS.**

The Firearms Registration Amendment Act of 2008 and the Firearms Registration Emergency Amendment Act of 2008, as passed by the District of Columbia, are repealed.

#### **SEC. X12. SEVERABILITY.**

Notwithstanding any other provision of this Act, if any provision of this Act, or any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this title and amendments made by this title, and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

**SA 576.** Mr. COBURN (for himself and Mr. Inhofe) proposed an amendment to amendment SA 575 proposed by Mr. Ensign (for himself, Mr. Vitter, Mr. Coburn, Mr. DeMint, Mr. Burr, Mr. Wicker, Mr. Thune, Mr. Grassley, Mr. Risch, Mr. Inhofe, Mr. Bennett, Mr. Enzi, Mr. Chambliss, Mr. Isakson, Mr. Crapo, Mr. Cornyn, Mr. Brownback, Mr. Corker, Mr. Martinez, Ms. Murkowski, Mr. Graham, and Mr. Roberts) to the bill s. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

Strike all after the first word and insert the following:

#### SECOND AMENDMENT ENFORCEMENT ACT

##### **SEC. X01. SHORT TITLE.**

This title may be cited as the ``Second Amendment Enforcement Act".

##### **SEC. X02. 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

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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.