

Mr. HOYER. Ladies and gentlemen of the House, after consultation with the minority, we have agreed that we will take the debate on the District of Columbia bill tonight. We will conclude debate, but we will roll votes until tomorrow so that we will not have to keep Members here. I've discussed this with, as I say, the minority. I've also discussed it with the Members of our side. Those who will want to participate in the debate, obviously, will remain, but there has been agreement that there will be no further votes tonight.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6842.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

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 consideration of the bill, H.R. 6842.

□ 2209

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 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. WILSON of Ohio in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. SOUDER) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, today I rise in strong support of H.R. 6842, the National Capital Security and Safety Act.

The bill before us this evening has been crafted with great care and with utmost concern for the safety and well-being of our Nation's capital—its residents, businesses, visitors, and the Federal Government.

I would like to recognize and thank the gentlewoman from the District of Columbia (Ms. NORTON) as well as Committee Chairman HENRY WAXMAN for their leadership in bringing today's bill to the floor and for not turning a blind eye to the concept of home rule and self-governance by attempting to rewrite the District's new gun laws since the Supreme Court's decision in the Heller case.

The measure has been considered and debated thoroughly by the oversight committee and was approved by a vote of 21-1, which demonstrates the bill's bipartisan support.

As chairman of the subcommittee with oversight authority over the District of Columbia, I am well aware of the long history behind the District's gun regulatory efforts as well as the city's continual efforts to protect its citizens against violence and crime. As chairman, I'm also well aware of the effect that the presence of the Federal Government places on the security concerns of the District.

H.R. 6842 seeks to highlight this issue by urging the District's city council to take into consideration such issues as homeland security, military functionality, threats of terrorism, and foreign dignitary protection as they continue to amend their laws to be in compliance with the Supreme Court's Heller decision.

The measure being considered today serves as a commonsense and practical approach to ensuring the requisite protection of our Nation's capital, while at the same time supporting the District in its efforts to reform its own gun laws versus rewriting the laws for them.

□ 2215

That is the job that the District's elected officials are tasked with, not Congress, and I am happy to see that this legislation recognizes that, especially since according to information from the District City Council, efforts are already underway to address several outstanding second amendment issues from the Supreme Court's Heller decision and expressed by Members of Congress in other pieces of legislation. The Council is revisiting the definition of "machine guns" and "semiautomatics" and making current gun storage requirements advisory versus mandatory.

In light of the city's efforts today, today's bill, H.R. 6842, represents both the least and the most we should be doing at this moment and at this level. The bill upon enactment gives the District 6 months to finalize 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.

As the city continues to perform its work to produce a permanent gun law reform package, I am sure that at some point in the future Congress, under its legislative review authority, will have the chance to revisit this issue under regular and proper protocol. But until then, let us continue promoting the importance of self-government and home rule for the District of Columbia and the importance of safety and security in our Nation's capital by supporting H.R. 6842.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are a number of things that are less than normal procedure tonight, and I want to briefly explain what has gone on here.

We have an underlying bill that went through the Government Reform and Oversight Committee that is being offered first. The gentleman from Illinois is correct that that went through unanimously, partly after a contentious hearing and debate. Chairman WAXMAN and Ranking Member DAVIS asked if we could just move it without a lot of amendments, move it without contention, because we knew we were coming to the House floor for the major debate tonight.

In this major debate, there will be an amendment offered by Mr. CHILDERS of Mississippi that has been worked out in cooperation, proving that in fact when we try, we can work together, and that Congressman ROSS and I had a bill to overturn the D.C. gun ban. The Supreme Court took care of the need for that. The District of Columbia came back and attempted to reinstate the ban. It became apparent from the discharge petition that the will of this House, the overwhelming majority that signed the brief to the Supreme Court, the overwhelming majority of the Senate signed a brief to the Supreme Court, and it became apparent that this House wanted a vote.

The Democrat leadership, to their credit, worked out with the NRA and the minority a bill that was acceptable to Mr. ROSS and myself and those who had been attempting to overturn this. This will be offered in the nature of a substitute tonight. The underlying bill is not what is in contention here. The underlying bill is a stalking horse for the existing law and the debate we will have here is about the existing law.

The fact is that the reason the Supreme Court overturned the existing law is that under existing law if you wanted to protect yourself in your home, you had to have a gun in a

locked cabinet, disassembled, with the bullets in another location. If somebody broke into your house and started firing, you had to go find the key, assemble the gun, find the bullets, put the bullets into the gun and hope your family wasn't dead or you were dead.

The Supreme Court argued that American citizens have a preexisting right to defend themselves, and no city or State has the right to take that away. The critical part of that decision was that a militia is in fact not a military, but the militia are the citizenry itself and have a right to home defense and to self-defense. It supersedes any right of a city to abrogate that right. It supersedes the State's right to abrogate that right. It is a right to self-defense in the United States.

Now, there will be much debate tonight about the process. But let me make a couple of facts extremely clear. Marion Barry once said that the crime rate in the District of Columbia isn't too bad, except for the murders. That is not quite right, because they are actually up in all violent crime, 67 percent, even though the city has declined in population.

Washington, D.C. has been the murder capital of the United States 15 of the last 19 years. It has been in the top three the others. The two cities that have occasionally topped it from its top rank are Baltimore and Detroit. Both those cities have restrictive laws, in Detroit and in Baltimore as well, hardly making a case that guns do anything to protect people.

In fact, John Stossel on "20-20" in some interviews had some interesting points. He talked to a maximum security felon, and the unidentified male prisoner said, "When you go to rob somebody you don't know," speaking as if they are armed, "if you don't know, it makes it harder to rob them."

He also talked to another prisoner who said, when they said don't gun laws work, wouldn't that affect your ability to get guns? And he said, "I am not worried about the government saying I can't carry a gun. I am going to carry a gun anyway." This isn't about, to use the classic expression, whether criminals are going to have guns. This is about whether citizens have the right to protect themselves.

The D.C. City Council after the Supreme Court decision came back with a law that basically put variations of the restrictions again that in effect became a replacement for the previous law. In this replacement they said you had to be under imminent danger.

The general interpretation of that meant somebody had to have pulled a gun on you and was possibly firing before you could once again get your gun assembled, find the bullet and all that type of procedure. But imminent danger could possibly have been when they broke into your house, possibly when somebody is coming up a sidewalk with a gun. Quite frankly, it could possibly be in certain neighborhoods that it was so egregious that we felt we had to act.

We thought the Supreme Court made it clear, but it was clear D.C. intended to defy it.

Now they are trying to come forward and say just last night, I believe, that they were going to change the law again and that congressional action was unnecessary. On what basis would we at this point trust the second amendment to the D.C. City Council? The Supreme Court said it is a pre-existing right to defend yourself, and that is what the debate is going to be about tonight.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman and thank him for his leadership, and I rise in strong support of the bill and strong opposition to the amendment that will be offered.

Ladies and gentlemen, put this bill in context. I am not sure whether there were 435 of us, I don't know the total vote, but let's say 430. 430 of us this night, this night, voted either to give the States the option to opt out of one of the most important issues confronting us, and that is using American resources for our energy needs, or the other half voted to let the States opt in. So hear me. Everybody on this House floor voted to allow the States either to opt in or to opt out. Pick your bill. But the premise was the same, that States had the authority to act themselves.

The amendment to be offered rejects that and imposes, not on Detroit that the gentleman mentioned, there is no legislation on the floor about Detroit, Michigan. There is no legislation on this floor about Indianapolis, Indiana. I don't know what their gun law is. And, very frankly, there is none about Hartford, Connecticut, or Baltimore, Maryland. But the District of Columbia comes here, unfortunately defenseless, from the perspective of some on this floor. Their defense is us.

But let me speak to this. 220 years before this Capitol had been imagined and when this city was a swamp, our Founders were asking a question we still hear echoed in the District to this day: How could they establish a Federal city, cut it out from its home State and put it under the rule of Congress without violating the principles they had just fought a war to secure? That was their question. Government comes from the consent of the governed. That is a principle we hold dear, asterisk, except for the 600,000 people who happen to live in Washington, D.C.

In the 43rd Federalist Paper published in 1788, James Madison answered the question that was posed, that our authority over the District would be legitimate only if some basic guarantees were in place. The Government, and I quote, "will no doubt provide for the rights and the consent of the citizens inhabiting it."

In other words, James Madison thought we would surely secure the

rights of the citizens of the District of Columbia. And when we refer to the citizens of the District of Columbia, let us, my friends, be more expansive: Citizens of America who happen to live in the District of Columbia, and, but for Maryland's generosity, would live in Maryland. They are citizens of America who happen to live in the District of Columbia. But should they be disenfranchised because they happen to live in this square that we call the District of Columbia?

He went on to say, and "a municipal legislature for local purposes derived from their own suffrages, will of course be allowed them." That is the options to make their policy.

Now, listen to the confidence with which Madison wrote. His words suggested that "no doubt," "no doubt," Madison said, that surely the Congress of the United States and the Founding Fathers who had expressed the rights of our citizens would respect those rights, wherever those citizens might reside. And that "of course" they will be citizens, not subjects, unlike apparently those in Indianapolis or in other cities.

I think his confidence would be shaken if he could hear this debate, if he could see what a congressionally imposed gun policy would do to the District's right to govern itself.

We can argue back and forth the gun policy. What we cannot argue back and forth is that the District of Columbia citizens have the right and should have that right to govern themselves. That is the principle that is at stake here.

I will leave the argument over gun rights and gun control to other Members. We have a gun law in Maryland. It works well. I don't get any complaints about it. If I did, I would have to address it. I wouldn't expect you to address it, unless you wanted to pass a Federal statute. This is not a Federal statute. This is a statute for one area.

Whatever conclusion this House comes to, we are really confronted with a much more fundamental question, as I said: Do we impose that decision on those who have had no say in it, or do we pass the Norton bill as introduced, which I am in favor of, and require the people of the District of Columbia to comply with the Supreme Court's decision through local legislation, as all of us have to do? No more, no less.

The people of Maryland need to comply with the Constitution, as do the people of the District of Columbia. But you don't interpose your judgment. In fact, somebody repairs to the courts and the courts decide. The courts decided in this case, and the District of Columbia is moving to comply with the Court's decision.

You may disagree with their compliance, and indeed somebody may take it to court and the court will say, no, District of Columbia, you didn't do it right. That happens to us all. But we should not interpose our own judgment. Madison believed that would not be consistent with our principles.

If Congress imposes a gun policy on the people of D.C., are we meeting any of those conditions? Are we providing for their rights and consent? No. They do not have the right to consent to anything that goes on here.

Do they have a “voice in the election of the government which is to exercise authority over them”? Well, yes, in a way they do. They elect Ms. NORTON. We don’t give her a vote. That is wrong. They elect their council. They elect their mayor. But, oh, by the way, if we don’t like your policies, we will overturn them. Not because a court has found them to be unconstitutional, but because we interpose our judgment. Madison would have thought that was wrong.

Where is their equal vote in this Congress? Are they allowed a “municipal legislature for local purposes”? Well, yes, sort of, but subject to our interposing our own judgment for theirs. We are not elected to be local city council persons. Well, the City Council still meets. But on this supremely local and sensitive issue, we are preparing to silence it.

□ 2230

The principle of federalism, which so many of my colleagues profess, say that local problems are best tackled locally. That is why I suggest 435 of us, there weren’t 435 that voted, but unanimously voted, either to allow individual States to opt out of an important policy, or to opt in to an important policy. But we gave those States that right. Both sides gave it to them. Every one of us voted for that option, and we turn around and say, oh, but we are not going to give that option to the District of Columbia.

The closer you get to the problem, the more direct knowledge and direct accountability you find. While we in Congress may be close physically, we are still a world away from the gun violence the D.C. Council is struggling to confront, all the while upholding the Court’s decision.

They know they have to do that. They know the Court will oversee it. Let the law operate as it was intended to do, and if they do not comply with the Supreme Court decision, the Court will say so.

I ask my colleagues candidly, who is better equipped to make these difficult decisions, Congress or the people of this community? The people of our communities believe that they are best qualified to make their local decisions.

I don’t know how you can call yourself a Federalist and answer Congress. A conservative columnist put it well a few years ago. “You can’t favor federalism for only ideas you like.”

Federalism is about allowing local and State governments to make decisions you don’t like. So the ultimate issue here is not guns, it is a question of who here is prepared to be consistent in their principles, and of who here is prepared to respect the District’s right of self-government, as was referred to

by James Madison, which he said, the founders, which I am saying, the founders, took for granted.

I urge my colleagues to support this base bill. Whatever position you have on guns, this is an issue of federalism and principle and local option, local government.

You voted that way for the States on energy. Vote that way for the citizens of the District of Columbia.

Mr. SOUDER. Mr. Chairman, I yield myself 30 seconds.

Our attempt to reverse the D.C. gun ban was upheld by the Supreme Court, because, in fact, Detroit hasn’t, Indianapolis hasn’t, no city in the United States attempted to ban handguns, which 85 percent of American people defend themselves through handguns.

The second amendment is not any more than when the Supreme Court ruled on integration that States could stand in defiance of a court ruling. States, cities, nobody has a right to stand in defiance of a court ruling.

Mr. Chairman, I yield 3 minutes to my colleague and friend from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, for many years, Washington, D.C. has had the distinction of being the murder capital of America. It’s very high as far as crime is concerned, right up at the top.

I want to tell you a couple of stories, and I hope my colleagues on the other side of the aisle listen to this. I had a gal that worked for me, a young lady that worked for me as my secretary, years ago. She lived about four blocks from the Capitol, and one night she had her window opened this much on the second floor. A guy shimmied up the drain pipe, came in with a 4-inch knife and stabbed her four times. The only way she could protect herself was to hit him in the head with a pan. She couldn’t have mace, she couldn’t have a gun, and so she was at his mercy.

When I first got elected, I took a cab to the Capitol. On the way in, I said to the cab driver, I said, tell me about Washington, D.C. He said, “Oh, it’s a beautiful place, but there is an awful lot of crime.” I said, “Back in Indiana I used to carry a lot of money in my business, and I had a gun permit. Maybe I should get one here.” He said, “Oh, you can’t get a gun permit here in Washington, D.C. Nobody has guns here except the police and the crooks.” He reached under the front seat of his cab and pulled a .38 out and says, “But if you want one of these, I can get it for you in 15 minutes.”

Now a person who wants to defend themselves and their family in this city, and they want to do it legally, they are at the mercy of the people who can get these guns in 15 minutes.

The record shows that this has been a murder leader and a crime leader across this country, because criminals know if they break into your house, you don’t have any way to defend yourselves. That’s why the Supreme Court

made the decision that it did, because people have a right to protect themselves.

You know, I live across the river in Virginia. The crime rate over there in Alexandria is much, much lower than it is here, and it’s because the people have the right to defend themselves and their property in their own homes. If they want to, they can get a gun permit to carry a gun to protect themselves.

That’s the way it ought to be in Washington, D.C., and it isn’t. As a result, we have had Members of Congress mugged, the former minority leader of the House was mugged, beaten half to death. Two of my staff people have been mugged and beaten, one of them twice, and he took their money. They had no way to defend themselves, none, even in their homes.

Now, we are not asking you to give gun permits to everybody that’s walking around the streets, but they ought to at least have the right to have a gun in their home to protect themselves if somebody breaks in.

I want to end up by saying this, I think this is a beautiful capital, I enjoy being in Congress, but there is no way in hell I would live in this city. I live across the river where it’s safe.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 4 minutes to the primary author of the Norton bill, Delegate ELEANOR HOLMES NORTON from Washington, D.C.

Ms. NORTON. I thank the gentleman for yielding and for his principled work on the bill.

Tonight, just 7 years after the attack on the national capital region, not 7 days after our own tearful commemoration of that attack, the NRA has put a gun at the back of Members of this House and forced a debate, a late-night debate, on a bill that throws off of the roof of the Capitol all concern for homeland security that we have spent the last 7 years paying lip service to.

Now, the NRA may know how to write a bill to repeal gun safety laws, we have stopped that four times, but they certainly don’t know how to write a gun bill. They forgot the indelible link when it comes to gun safety between the District of Columbia and the Federal sector, which are joined at the hip. They are twins. You can’t get up without getting yourself, and so this time you step right in it.

Fortunately D.C. knows both sides because it has been in the business of protecting both for 208 years. Under the Home Rule Act, if it fails to protect the Federal sector, justifiably, its laws can be overturned. We have made in order, and I am grateful, boy am I grateful to the Chair of the full committee, Mr. WAXMAN, for putting his energy, the energy of his staff and his principled commitment to States’ rights and to the sovereignty of all Americans, to the bill which is the Waxman-Norton bill.

It requires the District to respond adequately within 180 days. That’s the

limits of what you are entitled to do. If they don't do it, then you are entitled to step in.

The fact is the District of Columbia has been working on a bill ever since a Supreme Court decision on June 26. They started the very next day. It's the Supreme Court, the final arbiter of all of this, that has required the District to rewrite the law. A narrow bill, 5-4, say you tailor it, each and every one of you, to your convictions. That's what has been done, has been done. So all of this talk about what it used to be before the Supreme Court, is used to be.

Now, what this District has done and signed, I am sure Members haven't even taken any note of. But it wasn't much influenced by the NRA threat, the way Members who support this substitute were.

Sure, it permits some of the things that were always intended, some of the things in the substitute, because it does allow—I read the Supreme Court decision—it allows unlocked semiautomatic guns in the home, as the Supreme Court required. But most of what is reckless in this substitute you won't find in D.C.'s bill.

Of course, the bill came down from the Supreme Court as the Council was about to recess for summer, so they had to pass a stop-gap bill just to allow registration. They did that in good faith, and what did they get for it? What they get for it is the Souder bill all over again, which he, of course, put in.

That's the mirror image of this bill. He put the mirror image of this bill in in March of 2007 before the law was overturned. Now they come back with it after the law has been overturned and after D.C. has already, in fact, passed the law signed by the mayor.

They fastened on to the substitute that keeps them looking like complete idiots, so they fastened on to the substitute knowing full well that it was a stop-gap measure. The bill that is before you, the substitute that you will have to consider, is not the idea of any Member, it was written by the NRA, mandated by the NRA. Most Members would not, I will say, in your behalf, have cosponsored this bill.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. DAVIS of Illinois. I yield another 30 seconds to the lady.

Ms. NORTON. They would not have cosponsored this bill. They looked at the NRA label and signed onto this bill. Why? Because the NRA wanted to flex its muscles. They held the House up for now.

What you see, though, is what you get. It's a bare bill, federalizes all D.C. gun laws, won't be able to change it no matter what the need, no regulations, introduces military-style assault weapons into the Nation's capital that children and adults can possess, allows gun running across State lines into Maryland and Virginia, just what Federal gun laws have kept us from doing for decades, allows assault weapons to be

owned by juveniles and by people just released from mental institutions.

That's what you get if you don't vote for Waxman-Norton, if you do, in fact, vote for the substitute, the reckless substitute that no Member should want to have anything to do with or have his name attached to in any way.

Mr. SOUDER. Just for the record, the substitute is Mr. CHILDERS', a Democrat's bill, not my bill.

I yield 2 minutes to Mr. JORDAN of Ohio.

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to H.R. 6842, and in support of the Childers amendment, I support the amendment for three reasons, first it's just basic respect for the second amendment. The founders got it right when they put the second amendment right after the first.

Our founders understood how important this principle was in ensuring our basic freedoms in a constitutional republic.

I want to support the Childers amendment also for the fact that it respects the Supreme Court decision in the Heller case. This bill, in its current form, would allow for restrictions and regulations to be imposed that run contrary to the expressed opinion in that court decision.

When given the chance to implement commonsense legislation that protects the second amendment rights and respected the Supreme Court, the D.C. City Council instead enacted an emergency bill, completely in defiance of the Court, that banned most semiautomatic pistols, the firearm most often used by families to defend themselves.

They banned operable firearms in the home, requiring an individual to assemble and load and fire them only after an attack is under way and instituted costly and intrusive and convoluted registration process.

Finally, the last reason, I think, that the Childers amendment makes so much sense, is it's just good common sense. As the individual from Indiana pointed out, criminals aren't stupid, they are just bad.

Bad guys aren't dumb, they are just bad, and here is the dynamic that is at work. If you have a bad guy, a bad guy out there on the street trying to figure out which home he is going to rob some night, and there are two adjacent properties side by side. In one driveway is a pickup truck with a gun rack and a bumper sticker that says, "I love the NRA" and "Palin for President."

In the very next driveway, you have a Volkswagen with a Greenpeace bumper sticker and, respectfully, "WAXMAN for President" bumper sticker as well, which place do you think he is going to target for a crime?

That's the dynamics that is at work here. Criminals now have to stop and think, as previous speakers have pointed out, about this family may, in fact, be now able to exercise their second amendment rights to protect themselves, their family and their property.

That's the basic fundamental constitutional right we want to protect with the Childers amendment. That's why I oppose the underlying bill and support the amendment.

□ 2245

Mr. DAVIS of Illinois. Mr. Chairman, it is my pleasure to yield 3 minutes to the chairman of Oversight and Government Reform, Mr. HENRY WAXMAN.

Mr. WAXMAN. Mr. Chairman, the bill that is before us is a very simple bill. It directs the District of Columbia to comply with the recent Supreme Court decision in the Heller case which held that the second amendment gives individuals the right to have a handgun at home for personal protection. The Heller decision is now the law of the land, and the District of Columbia, just like every other State or local government in this country, has a legal obligation to follow it.

Our committee, the Oversight and Government Reform Committee, has jurisdiction over the District of Columbia and so our committee reported this measure last week to underline the District's legal obligations. The bill tells the city government in very clear, unequivocal terms that it has to conform its law to comply with the Heller decision. It even sets a deadline for the District to complete this effort in 180 days.

This measure, sponsored by Ms. NORTON and myself and others, was adopted by the committee of jurisdiction by a vote of 21-1. An amendment could have been offered like the amendment that is being offered today. It was not offered in committee. The committee recommended on a vote of 21-1 on a bipartisan basis that we support this legislation.

Now I know there is going to be an amendment proposed to this bill, but that amendment would trample on the principle of home rule for the District. If the District of Columbia adopts legislation that complies with the Supreme Court, it is no business of any Representative from other areas in this country to override the decision of the District of Columbia.

D.C. residents are the only Americans who pay Federal taxes but are denied a vote in Congress. That is fundamentally wrong, and when Congress overrules the City Council and the mayor, we compound that wrong. The District I believe is acting responsibly, and I think we ought to let them pursue their legislation to comply with the Supreme Court decision.

I ask my colleagues to imagine how you would feel if the Congress of the United States tried to dictate the gun laws or any other laws for your district. I think you would be outraged. Yet that is exactly what some Members want to do today.

Now we are going to have a substitute amendment that will be offered to Congresswoman NORTON's bill that does more than trample on home rule. It is also an exceptionally dangerous

proposal. It repeals key safeguards the District has established to protect our Nation's capital and the many officials who live and work here. Even basic commonsense measures like gun registration which tells law enforcement who possesses a weapon and enables background checks would be repealed.

I urge support of the underlying bill and rejection of the substitute.

Mr. SOUDER. Mr. Chairman, I yield myself 1 minute.

I want the record to show because I have great respect for the chairman of the Government Reform Committee, but the fact is I had talked to the minority staff about my concerns with some of the language of this bill because I believe it has factual mistakes in it that suggests that actually handguns endanger people rather than protect people.

But I talked to the chairman and to the ranking member, and the hearing that we had had been agreed to by both sides and we went through the process. You specifically told me you will get your vote on the floor and let's not have a fight in committee, so I didn't offer a series of amendments. I certainly had the right, but I chose not to do it.

Mr. WAXMAN. Will the gentleman yield?

Mr. SOUDER. I yield.

Mr. WAXMAN. You certainly had a right, but you chose not to exercise that right. It was up to you. What we discussed was that we have a clean vote on the substitute and a clean vote on the bill.

There might have been a misunderstanding, but it was on your part.

Mr. SOUDER. Reclaiming my time, did you not ask me if we could just have the vote and not have a bunch of amendments?

Mr. WAXMAN. No. If the gentleman would yield, I said to you if you would offer your substitute, we will vote on it, we will offer the underlying bill.

The CHAIRMAN. The gentleman's time has expired.

Mr. SOUDER. Mr. Chairman, I yield myself an additional minute.

Reclaiming my time, you said can you just offer your substitute, and we knew we were going to have that vote on the floor. But what I said was I had a series of amendments, and in discussion with the majority and the minority, I'm not objecting that I didn't have the right to do it; I certainly had the right to do it. What I am objecting to is we had a process that both sides had roughly agreed that we weren't going to challenge the underlying bill. We keep hearing that the underlying bill passed unanimously. It did not have unanimous support in the committee. If we would have had a forced vote, we would have polarized on this, as we would have on the bill.

We have moved the bill forward, and that was my point. I believe we are having that debate tonight, but it should not be taken by Members of Congress that there was a unanimous

vote in support of this bill as opposed to the substitute that is coming from Mr. CHILDERS.

I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), a senior member of the Oversight and Government Reform Committee.

Mr. SHAYS. I thank the gentleman for yielding, and I don't intend to take 3 minutes, but I do want to weigh in.

In 1993 or 1994, the assault weapon ban passed the House by one vote, and it resulted in the defeat of a number of powerful Democrats and may have resulted, in fact, in the Republican Party gaining the majority. This is not an easy vote for Members to take, and I had some Members suggest I won't be the next chairman or ranking member of the Committee on Government Reform if I step up and speak in favor of something I believe in. Obviously that is not a sensible thing to tell any Member.

The bottom line for me is this: I believe that people have a constitutional right to bear arms and the government has a constitutional responsibility to regulate that right. That's what I believe. I believe it has to conform to the Constitution of the United States.

I believe the Supreme Court has declared what the District of Columbia has outlined in banning handguns. They declared it as unconstitutional and they said come back with a law that is constitutional. It seems very reasonable to me that we would give the District of Columbia an opportunity to comply with the ruling of the Supreme Court without our bringing our own particular views to this issue.

During that debate I was in good company. Leading the debate for the Republicans on the assault weapon ban was Henry Hyde, a revered Member of this House. So there are obviously differences of agreements on what we should do. But what we should do is speak our mind as we see it and obviously live with the results of that as it impacts individuals.

People have a constitutional right to bear arms. The government has a constitutional responsibility to regulate that right. The District of Columbians are Americans. They don't have a full-fledged Member of Congress, though I would say Ms. NORTON is full-fledged with me but she does not have all of the powers she deserves. I hope some day she has those powers.

I agree with the majority leader when he said you can't favor Federalism for only the ideas you like. The bottom line for me, in the spirit of Henry Hyde, I believe that the District of Columbia should have the right to make this decision and abide by the Constitution of the United States.

Mr. DAVIS of Illinois. Mr. Chairman, may I inquire as to how much time I have left.

The CHAIRMAN. The gentleman from Illinois has 17 minutes remaining. The gentleman from Indiana has 15½.

Mr. DAVIS of Illinois. Mr. Chairman, it is my pleasure to yield 2 minutes to

the gentlelady from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise in strong support of H.R. 6842, the National Capital Security and Safety Act. It is a commonsense bill. This bill puts the District of Columbia on notice that it must comply with the Supreme Court's decision and directs the men and women elected by the citizens of our Nation's capital, along with the District's law enforcement officers, who put their lives on the line every day to do their jobs and to determine how best to comply with the Court.

Capital Police Chief Morse and D.C. Metropolitan Police Chief Cathy Lanier testified before our committee, and I trust them when they express their grave concerns about more guns, more powerful guns on D.C. streets. But rather than listen to Chief Lanier and Chief Morse, there will be a substitute amendment offered on behalf of the National Rifle Association with complete disregard for the American families that live in Washington, D.C.

The substitute amendment would allow for more guns designated solely to kill people on D.C. streets and surely result in more money in the pockets of gun profiteers and the possibility of more fund-raising dollars for pro-gun candidates.

To all the brave hunters on the floor tonight fighting to protect the rights of hunters, there are no bucks, bears or boars to shoot on the streets of D.C., but there are innocent children, women and men who will be shot as they are caught in the crossfire in a city loaded with guns designed to kill.

In our Nation's capital with all of the homeland security considerations, I simply cannot understand why we deny elected local officials from taking commonsense measures to comply with the court and at the same time ensure the safety of our residents, our dignitaries, and our guests.

Mr. Chairman, we talk a great deal about listening to military leaders on the ground in Iraq. Why aren't we taking our own advice and listening to our law enforcement leaders on the streets of D.C.?

As a supporter of the second amendment to the Constitution, I stand with law enforcement for safety, security and sensible gun laws. I urge my colleagues to support H.R. 6842 and reject the NRA's amendment that would facilitate the senseless proliferation of weapons of human destruction in our Nation's capital.

Mr. SOUDER. Mr. Chairman, I yield myself 30 seconds.

I want to remind people again not to forget during this debate that Washington, D.C. has been the murder capital of the United States 15 of the last 19 years, and the other four they were in the top three. Let's don't act like what we are doing is making it dangerous in this city.

Mr. DAVIS of Illinois. Mr. Chairman, I would just say you can certainly kill more people with automatic weapons.

I am pleased to yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

Mr. Chairman, let's start with something we can all agree on, that the Government of the District of Columbia should pass a local law that conforms to the recent Supreme Court decision. They have done that now. As of today, the Government of the District of Columbia has passed legislation that complies with the Supreme Court ruling.

So what is the issue before us today? It is not whether they should comply with the constitutional ruling, it is who gets to decide what new constitutional law they can put in place and whether or not this body should play D.C. City Council, or whether we should pretend we are 435 mayors of the District of Columbia and substitute our judgment for the judgment of the elected leaders of our Nation's capital.

You know, people in this body often talk about the importance of local decision-making, and we have to listen to the people close to the ground. That is great to say, but the actions, at least in the substitute bill, suggest that we are not serious in that respect about what we say because what this substitute bill does is takes away from the people of the District of Columbia the democratic rights that all of our constituents have in cities and States around this country.

Mr. BURTON mentioned he lived in Virginia when he is near the Nation's capital and how he feels safe there. Virginia has a law that says you can only purchase one gun a month. So does my State of Maryland, one gun a month.

What this substitute bill says is the people of the District of Columbia, they can't pass the same law that the people of Virginia and people of Maryland have. That is absolutely wrong.

I represent a district that is a neighbor to the Nation's capital. This bill eliminates for the purpose of the District of Columbia the ban on interstate trafficking of guns that applies to every other jurisdiction of this country that not only puts at risk the people of the District of Columbia but puts a burden and a risk on the people of all the surrounding jurisdictions. Why would we allow that provision which applies throughout the country just to the District of Columbia?

□ 2300

Why are we substituting our judgment for the decisions of the people of the District of Columbia when they are conforming to the Constitution of the United States, including the most recent ruling?

Mr. Chairman, we should support this bill and oppose the substitute.

Mr. SOUDER. I yield myself 1 minute.

Article I, section 8, clause 17 of the U.S. Constitution gives Congress the power to "exercise exclusive legisla-

tion in all cases whatsoever over the District." That was done by our Founding Fathers.

Two hundred and fifty Congressmen signed the amicus brief that said that they felt the DC gun ban should be overturned. Fifty-five Senators signed the amicus brief that said that the DC gun ban should be overturned because it violated a basic constitutional right and, according to Heller, was a pre-existing right to defend yourself, even without the constitutional question.

This is not about being a City Council. I don't believe, obviously, you could do gun limitations. The Heller case said there can be limitations. But DC came back with, in effect, a total ban all over again. The reason you have to have interstate commerce is, guess what, they passed a new ban, but there's no gun stores with which to get one gun. The Childers amendment, as I understand it, has a temporary ability to get guns elsewhere because there is no way to defend yourself in the District of Columbia because you can't buy a gun and bring it. And that's why that particular clause is in, regardless of the claims contrary, that this is not about being a State government because in fact—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SOUDER. I yield myself an additional minute.

That this isn't about whether or not we're usurping State government powers because the State, there isn't a State. We are, in effect, the State government. Normal cities have a State with which to work a check, and it's not a matter of city.

When it comes to a constitutional right, whether it's freedom of speech, freedom of religion or any basic right, no City Council has a right to take away.

Mr. VAN HOLLEN. Would the gentleman yield?

Mr. SOUDER. I would be happy to yield.

Mr. VAN HOLLEN. If you agreed that the District of Columbia had a gun law that was consistent with the recent Supreme Court ruling, would you then agree to abide by the democratic decisions of that elected government?

Mr. SOUDER. To answer the gentleman's question very directly, my assumption was, after the Heller case, that my bill was dead and that we would not have to revisit it in Congress. I was outraged by the actions of the District of Columbia, and that led to the process of working with those who signed the brief, including Mr. CHILDERS, who's doing the amendment, Mr. ROSS, on your side who had been there to act. I did not believe that the District of Columbia was going to do such an egregious bill that said you had to be in imminent danger that put most of those controls in.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SOUDER. I yield myself an additional 30 seconds.

There is no reason to believe that an action on the eve of legislation in Congress is in good faith by the DC Council.

Mr. VAN HOLLEN. Well, if the gentleman would yield.

Mr. SOUDER. I yield to the gentleman.

Mr. VAN HOLLEN. It was an emergency piece of legislation. It is now the law of the District of Columbia. I don't know if the gentleman's had a chance to review it. But if there's agreement by people reviewing this DC gun law that it is consistent with the U.S. Supreme Court decision that came down recently, then would the gentleman agree that we do not need to move forward with the substitute piece of legislation?

Mr. SOUDER. Reclaiming my time, it's Mr. CHILDERS, and obviously the Congressional process has started. I have no faith, that the current is a gimmick, that it will stand.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SOUDER. I yield myself an additional 30 seconds. And thus we are at this point in the process. Obviously, if the DC government enacted legislation that Congress had faith in, that this bill would likely not go through the Senate and be signed by the President. But we are now moving a bill through that had been agreed upon a number of weeks ago, that I believe is necessary, that I don't believe the DC Council acted in good faith. But we shall see.

But the vote's here. We're voting on a Democratic amendment tonight that's been agreed to, that the majority of this House, that the majority of the Senate agrees with, and I think, at this point the United States Congress has lost faith in whether the—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SOUDER. I yield myself an additional 15 seconds.

This Congress has lost faith in the willingness of the District of Columbia to defend the second amendment which is a constitutional right guaranteed by a Supreme Court decision.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Maryland, Representative ELIJAH CUMMINGS.

Mr. CUMMINGS. I want to thank the gentleman for yielding, and I rise today to express strong support for H.R. 6842. I was proud to join Mr. WAXMAN and other members of our committee on Tuesday when we passed this bill out of the Oversight and Government Reform Committee.

Mr. Speaker, I find it odd that certain individuals in Congress feel the need to weigh in on this subject now when it is still in the process of being resolved.

Specifically, H.R. 6691, legislation introduced by Representative CHILDERS, entitled the Second Amendment Enforcement Act, which will be offered as an amendment in the nature of a substitute, goes far beyond the court's intent. This amendment flies in the face

of the Heller decision by prohibiting the District of Columbia from enacting any future laws or regulations that discourage or eliminate the private ownership or use of firearms.

Aside from my concerns about whether Congress ought to weigh in on what is essentially a local issue, I seriously question whether Representative CHILDERS or any other Member of this body would appreciate Congress determining the gun laws in their congressional districts.

The proposed legislation is simply bad policy. We can all agree that different communities, whether they are urban, rural or suburban, require different types of regulation. The District of Columbia in particular presents a unique case.

No one in the Congress can tell me that they do not understand the specific homeland security issues that the National Capital region faces. We have allocated millions of Federal dollars to secure this city because we recognize that we are all still sitting in one big target.

With the number of U.S. officials and foreign dignitaries who live, work and travel here every day, it's simply astounding that there are not more acts of violence than we currently have. This is a tribute to the fine work of the law enforcement officials who patrol these streets and I, for one, simply cannot understand why we would fail to give them all the tools they need to do their work effectively and efficiently.

Let's be clear. They support this legislation. Allowing an individual to own an unregistered AK-47 in our Nation's Capital is pure insanity. And so I support the legislation, and I would ask our Members to vote against the substitute.

Mr. SOUDER. I continue to reserve my time.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 3 minutes to a strong proponent of sane, sensible gun legislation, Representative CAROLYN MCCARTHY from New York.

Mrs. MCCARTHY of New York. I thank the gentleman for the time.

Mr. Chairman, I rise in opposition to the Childers substitute amendment to H.R. 6842, the National Capitol Security and Safety Act, that would get in the way of the democratic process currently underway to reform the District of Columbia's gun laws and dictate to the district what all gun laws must be.

When the Supreme Court came up, in one way I was very happy because I think almost all of us have agreed in one way or the other, that people have the right to own a gun. But now I'm disappointed to see that we're actually overturning what the Supreme Court had said. They basically said the Court ruled that the second amendment right is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. That's a quote, unquote from their wording.

We have an obligation to keep our communities safe from gun violence. I

believe that the Heller decision actually allows us to move ahead to create commonsense gun laws that do not hinder the right to gun ownership but rather keep guns out of the wrong hands and keep communities and individuals safe from gun violence.

My colleague from the other side basically said, D.C. doesn't even have gun stores so the residents can't buy guns. That's not true. There is a gun store in the D.C. area, and I'm sure within a year we'll see many other gun stores there.

Heller paved the way for Congress to move forward on passing the kind of laws that will protect our communities and where we work and certainly in the D.C. area.

The District of Columbia is fully committed to appropriate response to Heller and reform its gun laws in a manner that is consistent with the rulings in the decision.

Make no mistake. This is not a battle, again, about is there a right to own a gun. The courts have put that out. D.C. is applying to that.

The District enacted temporary legislation in response to Heller, the Firearms Emergency Amendment Act of 2008 on July 16, 2008, which will only remain in effect for 90 days as the District is currently drafting permanent laws that would fully comply with Heller.

Why are we doing this? What is the rush?

You know, we, unfortunately, have seen D.C. go under some terrible times. But, again, I will say to you that again changing our laws or having this Congress dictate to D.C. is not the right way to go. The Mayor and the City Council are tasked to make sure that this occurs.

Unfortunately, some Members of Congress want to circumvent the democratic process underway in the District of Columbia.

The Heller decision clearly states that local governments can enact their own appropriate restrictions on gun ownership. Let me say that again. The States and local governments can enact their own appropriate restrictions on gun ownership.

However, the substitute amendment, based largely on H.R. 6691, would dictate to the District of Columbia what gun laws it must be.

H.R. 6691 will repeal the District's ban on most semi-automatic weapons, preempting many of the District's regulations on gun possession, including gun registrations.

Let me say this. We have a battle with the NRA. The battle has always been the right to own a gun. I'm not arguing that. The Court has stated that. The District has the right to write their own laws.

Mr. SOUDER. May I inquire as to the time remaining on both sides?

The CHAIRMAN. The gentleman from Indiana has 11¾ minutes. The gentleman from Illinois has 8 minutes.

Mr. SOUDER. I yield myself 2 minutes.

We earlier had an exchange with my distinguished colleague and friend from Maryland about whether it was needed for us to pass legislation. Let me read from washingtonpost.com right after the Supreme Court decision.

"Mayor Adrian Fenty and his feisty Attorney General, Peter Nickles, stood on the steps of the Wilson Building this week ostensibly to announce how the District will comply with the Supreme Court's rejection of Washington's ban on handguns. But really, they were delivering very much the opposite message. With only the narrowest of exceptions, we're sticking with our gun ban. Don't like it? Sue us."

Quote, "I am pretty confident that the people of the District of Columbia want us to err in the direction of trying to restrict guns," Fenty told me, smiling broadly at the suggestion that what he's really trying to do is make it as hard as possible for Washingtonians to keep a loaded gun at home."

Nickles, the Acting Attorney General said, "it's clear the Supreme Court didn't intend for you to have a loaded gun around the house."

Quite frankly, that isn't what the Supreme Court said. The Supreme Court says you have a right to have a handgun in your house to protect yourself; that if this bill was, in fact, just what the D.C. City Council was doing, then it won't harm for us to pass this bill. The only danger is if the City Council really doesn't mean to protect the second amendment.

We have lost faith. Statements like this were outrageous after the Supreme Court decision, and that a coalition in this House, something that's rare, a majority of Members working together on both sides of the aisle, working—and NRA has been spit out of some people's mouth like it's some kind of evil organization. The NRA represents gun owners and people who believe in family protection all over America. I am not ashamed to be proud that I work with the NRA. And there are Members on the Democratic side, Mr. CHILDERS is offering the substitute amendment with the support of the Blue Dogs and we've worked together, 250 Members, 55 in the Senate. And it's made to sound like it's some kind of little minor group that wants to take over the City Council of D.C. It's a majority of America. It's a majority of the House, the majority of the Senate, this administration who say the second amendment should be protected. And just because you live in a city that wants to take it away doesn't give that city the right to take it away.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from California, Representative LYNN WOOLSEY.

Ms. WOOLSEY. Mr. Chairman, sensible gun laws and reasonable restrictions are fully consistent with the second amendment. That's what the Supreme Court said when it ruled on the D.C. gun ban in June, and that's what this bill, H.R. 6842 does.

However, the proposed substitute amendment to this bill undermines commonsense protections in our Nation's Capital, particularly at a time when gun violence threatens our children and their families.

By legalizing semi-automatic assault weapons, repealing criminal and mental health restrictions for owning guns, and ending registration requirements for firearms, this amendment jeopardizes the safety of the families who live in Washington, D.C. and those who visit.

□ 2315

This substitute goes so far as to eliminate the vision test for owning a gun and repeals D.C.'s safe storage laws preventing D.C. from prohibiting people from storing loaded firearms near children.

Allowing people to go out and buy a gun the day after being released from a mental institution is reckless, not responsible; putting the same weapons in the hands that killed 32 students and faculty at Virginia Tech and 13 students and teachers at Columbine is reckless, it is not reasonable; removing the requirement that they register these guns is reckless, it is not reasonable.

I urge my colleagues to join me in opposing this substitute amendment and support the underlying bill because the safety of every person who steps foot in this city depends on it.

Mr. SOUDER. Mr. Chairman, I yield 4 minutes to my friend and colleague from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I was sitting in my office listening to this debate, and it occurred to me there was an interesting experiment done a number of years ago. The City of Morton Grove, Illinois, which is a suburb of Chicago, put in a ban on handguns. They outlawed the ownership of guns in Morton Grove; and in response to that, the City of Kennesaw, Georgia, enacted legislation within that community that required the ownership of firearms within that community.

Both of these are very similar communities. Morton Grove is just outside of Chicago; Kennesaw is just outside of Atlanta.

It was very interesting what happened with this social experiment. The crime rate, the murder rate, the assaults, the rapes, every measure of crime in Morton Grove, Illinois, rose exponentially. In Kennesaw, Georgia, the crime rate plummeted and is still low even today. The Kennesaw ordinance allowed people who didn't want to have firearms in their homes a method of having conscientious objection to doing so. But it's a very interesting experiment.

I hear from the other side all of these rants and raves and anger even expressed tonight over the substitute amendment supporting the bill. Well, the fact is the underlying bill does not

support the second amendment, it is anti-second amendment; and frankly, according to the Constitution, we have a pre-existing right prior to the Constitution to own firearms and to protect ourselves. And that's what this substitute would help allow to happen in Washington, D.C.

Washington is not a State. It's not a city, according to all of the other cities in the country. It's very unique. And this body has the prerogative, has the responsibility under the Constitution to set the laws and to monitor what is going on in Washington, D.C.

I hear claims on the other side that the substitute amendment would legalize AK-47s. Well, that's not factual. I hear that it will allow mentally deficient people to have firearms. That's not correct. I hear so many claims on the other side and every single person that I have heard come to this floor making these outrageous, incorrect claims are all on record of being anti-gun, anti-second amendment, and want to outlaw guns, register guns, and want to get guns out of the hands of individuals.

We have an individual right to protect ourselves. We have an individual right to own a firearm. And what this amendment will do is it will allow the people of Washington, D.C. the right to protect themselves. It's inane to think that somebody can't have a gun and own that gun and have it loaded.

It's inane to think that somebody has to have a gun unloaded or locked or taken apart because if somebody's breaking into your house, if they're robbing, raping, pillaging, you don't have time to put those firearms together, even the loaded firearm.

We know from the experiment in Morton Grove, as well as Kennesaw, Georgia, that owning firearms within a community actually decreases crime and makes people safer.

So I encourage the Members of this House to vote for the substitute amendment and vote down the underlying bill.

Mr. WAXMAN. Will the gentleman yield?

Mr. BROUN of Georgia. Yes.

Mr. WAXMAN. Is it your position that the amendment that will be offered does not allow AK-47s?

Mr. BROUN of Georgia. It does not allow AK-47s.

Mr. WAXMAN. The gentleman is incorrect.

Mr. BROUN of Georgia. An AK-47 is a fully automatic machine gun. Machine guns are very strictly controlled and have been for decades. This will not allow machine guns.

Now, there are many on that side that think if a gun is an autoloader, that it's a machine gun. It is not. A machine gun, you pull the trigger, it fires multiple times with one pull of the trigger. This bill does not allow that. A semi-automatic would allow one shot with one pull of the trigger. There are shotguns that do that, there are pistols that do that, there are rifles that do that.

The CHAIRMAN. The gentleman's time has expired.

Mr. DAVIS of Illinois. Mr. Chairman, I'm absolutely certain that the people in Morton Grove, Illinois, would not suggest that they have a high-crime community.

It is my pleasure to yield 2 minutes to the gentleman from Georgia, Representative JOHN LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, I rise in support of the bill and against the amendment.

Members of Congress, you are not the mayor of Washington, D.C., you do not sit on the City Council, you have not been ordained to stand in judgment. I dare you to act as judge and jury and sentence the people of the District of Columbia to unfettered access to guns.

Some of my friends have fought tooth and nail against too much government intervention. So how could you suggest tonight that Congress circumvent, disregard, and disrespect the rights and freedom of the citizens of this city?

D.C. residents have made it crystal clear they want to limit the proliferation of guns in Washington to protect all of its citizens, including Members of Congress, staffers, even the President of the United States, who all live and work in this city.

The amendment would nullify the will of hundreds of thousands of voting Americans like they don't even exist. They are citizens of America. They are human beings.

We all heard the news of a few weeks ago: 11 people were shot, wounded, some even died on the streets of Washington in one night. How many more people will die? How many more victims will be robbed when they stare down the barrel of a gun?

As Members of Congress, you may believe what you will. Maybe you truly think that when everyone bears arms, the city will really be safer. You have a right to your opinion, but we are here tonight to say the people of the District of Columbia do not agree. And they should not have your way of life, your viewpoint, your amendment forced down their throat. That is not right. That is not fair. That is not just.

And I think even you would agree that that is not the American way.

Mr. SOUDER. Mr. Chairman, I yield myself 30 seconds.

Mr. LEWIS is certainly the most respected advocate for civil rights in this United States Congress. No city has a right to deprive a constitutional right, even if the majority of people in that State or city favor depriving you. I don't know how D.C. could be less safe. It's the murder capital in 15 of the last 19 years since they instituted the gun law, and the other 4 years they were in the top three. They were not before they instituted the gun law.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, it's my pleasure to yield 2 minutes to Representative DONNA EDWARDS from Maryland.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise in support of H.R. 6842 and in strong and absolute opposition to the Childers-Souder substitute to the National Capital Security and Safety Act.

It's not the place of this Congress to undermine the elected Council of the District of Columbia's ability to regulate firearms within their borders. The mayor and the District's Council have taken the necessary steps to revise their gun laws in accordance with the decision of the United States Supreme Court, and Representative NORTON's bill offers them that opportunity.

This substitute amendment is a dangerous alternative, the full scope of which we've not even had time to fully understand. Residents of the District of Columbia and my congressional district in neighboring Prince George's and Montgomery Counties in Maryland want a commonsense law enforcement approach when it comes to gun ownership. And if this NRA-sponsored substitute were to pass, it would have a devastating consequence of prohibiting registration for most guns and repealing the ban on semi-automatic weapons.

Furthermore, it is outrageous that the Congress of the United States is going to substitute and undermine the laws of my State of Maryland by allowing this substitute amendment to create an exemption to Federal law for the District of Columbia to enter jurisdictions in Maryland and Virginia to purchase guns.

Maryland taxpayers are going to be asked to foot the bill in an unfunded mandate to integrate systems, process applications. We're a State. We have a Governor who's elected, we have a general assembly that's elected. We have an Attorney General that's elected. We don't need the Congress of the United States stomping on the foot of Marylanders in order to pass a law that it's trying to impose on the sovereignty of the District of Columbia. And I think it's time for us to just say "no" to this substitute amendment on the sovereign rights of Maryland.

And I support Congresswoman NORTON's bill as a logical next step forward and urge my colleagues to vote "no" on the Childers substitute. The safety of all who live, work, and play in the District of Columbia and the surrounding metropolitan area hangs in the balance, and our sovereign State of Maryland is not going to stand for this body substituting its judgment for our State.

Mr. SOUDER. Does the gentleman have any additional speakers?

Mr. DAVIS of Illinois. I am prepared to close.

Mr. SOUDER. Mr. Chairman, I will yield myself the balance of the time.

Anybody watching this debate can feel the passion, and they can see some differences based on where people are from. And can you hear the passion from many of those in the urban cities who are very concerned about the violent crime.

I believe this solution is not only wrong and doesn't work; it's unconstitutional. But I do want to say a few words that we do need to get control of the challenges in our urban areas.

As my friend from Chicago knows well, we've worked together on prisoner re-entry programs; we've worked together on education programs. We need to make sure there are job opportunities. And there are many things we need to do to try to address the problems that the inner cities face.

I do not believe the taking away of the constitutional right to bear arms is the way to go. I don't believe it will work. I believe Washington, D.C. is a model of a gun law not working. And besides that, it happens to be the constitutional right of American citizens to defend themselves.

The Supreme Court ruled clearly. The City of Washington attempted to defy that ruling; 250 Members of Congress, 55 Senators who signed the amicus brief believed that Congress therefore has to step reluctantly in to try to pass this legislation.

I yield back the balance of my time. Mr. DAVIS of Illinois. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, we've been debating tonight a gun issue. But it also is a home rule issue, an issue that simply says that the people of the District of Columbia should have the opportunity to make a decision about themselves. We're also debating a homeland security issue, a crime prevention issue, a safety issue. It's a foreign dignitary protection issue. But it's also a commonsense issue.

Common sense tells us that the more weapons you put on the street, the more likely you are to have disaster. And so H.R. 6842 represents and protects all of what we have discussed relative to the ability of the people of the District of Columbia to make their own decision.

□ 2330

I urge that we vote in favor of the Waxman-Norton bill and reject the Childers substitute.

I yield back the balance of our time. The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in the bill is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 6842

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 "National Capital Security and Safety Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Washington, DC is both a local self-governing jurisdiction and the seat of the United States government, with unique Federal responsibilities that accompany its role as the Nation's capital.

(2) The Metropolitan Police Department (MPD), the District's local police force, with more than 4,000 members, is the only sizeable police force in the National Capital Region.

(3) In its role as a Federal city, the District of Columbia has always been linked with Federal law enforcement in a partnership to protect the Federal presence, including Federal officials and employees, visiting dignitaries, and other individuals.

(4) Since the terrorist attacks by a United States citizen on a Federal facility in Oklahoma City, Oklahoma, and especially since the attacks by foreign terrorists on the National Capital Region on September 11, 2001, the District of Columbia has been considered by Federal law enforcement and security officials to be a likely target for terrorist and domestic attacks on Federal sites and on Federal officials and employees, visiting dignitaries, and other individuals.

(5) The MPD works continuously with all Federal law enforcement agencies, including 36 different police agencies, to prevent attacks in the Nation's capital.

(6) Federal and District law enforcement interests work together and communicate daily on many efforts, including providing protective escort services to the President, Vice President, first lady, and presidential candidates as they travel and work throughout the District.

(7) The President, Vice President, and many cabinet and other Federal officials reside in the District of Columbia.

(8) MPD teams with Federal officials to provide protective escorts for the more than 40 national and international dignitaries who visit the District of Columbia every month.

(9) The Nation's capital is required by law to be the headquarters of every cabinet agency of the Federal government and has the largest concentration of Federal employees, a total of 145,000.

(10) In the District of Columbia Home Rule Act, Congress delegated self-governing powers to the District of Columbia local government but retained authority to protect Federal interests when necessary.

(11) The District of Columbia government has just begun the process of enacting legislation to allow gun ownership in the District for self-defense in a person's home in compliance with the Supreme Court ruling in the case of District of Columbia vs. Heller.

(12) Local jurisdictions, including the District of Columbia, enact firearms legislation in keeping with local desires and concerns, but the District of Columbia must take into account that the District also is a Federal city and that such legislation must be consistent with the heightened Federal interest in preventing terrorism and domestic attacks on individuals in the city because of the Federal presence.

(13) The most frequent attacks on Federal officials in the Nation's capital have been "lone-wolf" attacks by individuals with concealable handguns, such as the assassinations of Presidents Abraham Lincoln and James Garfield, the serious attempts on Presidents Ronald Regan and Andrew Jackson, and the July 1998 murder of 2 United States Capitol Police officers in the United States Capitol.

(14) The most dangerous attacks on individuals in the United States have been committed with handguns, including the recent attack at Virginia Tech University in which 32 people were shot and killed and the attack at Columbine High School in which 12 people were killed.

(15) The government of the District of Columbia, with the informed advice of MPD, is best suited to carrying out the complicated task of developing local laws that satisfy the Supreme Court's mandate while protecting

Federal officials and employees, visiting dignitaries, and other individuals. Congress should allow the District of Columbia the opportunity to enact statutes and promulgate regulations, while preserving the Federal right to intervene under the District of Columbia Home Rule Act if federally protected individuals or the Federal presence are exposed to risk.

(16) Unregulated firearms in the Nation's capital would preclude the ability of the MPD and, if needed, the Federal government to track guns through registration and otherwise to help ensure that guns do not endanger Federal officials and employees, visiting dignitaries, and other individuals.

SEC. 3. REVISION OF DISTRICT OF COLUMBIA FIREARMS LAWS.

(a) *REQUIRING DISTRICT TO REVISE LAWS.*—Not later than 180 days after the date of the enactment of this Act, the District of Columbia shall revise the laws and regulations of the District of Columbia which govern 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*.

(b) *CONFORMING AMENDMENT TO LOCAL LAW.*—Title VII of the *Firearms Control Regulations Act of 1975* (sec. 7-2507.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

“SEC. 712. CONSISTENCY WITH FEDERAL REQUIREMENTS.

“The Mayor and the Council shall ensure that this Act and the regulations promulgated to carry out this Act are consistent with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller.”

The CHAIRMAN. No further amendment is in order except the amendment in the nature of a substitute printed in House Report 110-852. That amendment may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

AMENDMENT OFFERED BY MR. CHILDERS

Mr. CHILDERS. Mr. Chairman, I have an amendment in the nature of a substitute at the desk.

The CHAIRMAN. The Clerk will designate 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.”.

The CHAIRMAN. Pursuant to House Resolution 1434, the gentleman from Mississippi (Mr. CHILDERS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. CHILDERS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I’m pleased to be here this evening in support of my substitute amendment to H.R. 6842.

I want to start out by saying that I in no way promote increased violence inside the District of Columbia, nor do I disrespect the sovereignty of the District city council and their congressional leadership. My only goal in this matter, along with over 130 of my colleagues, is to restore fundamental second amendment rights to law-abiding citizens who reside in the Nation’s capital.

There has certainly been a lot of spirited discussion and debate on this matter. I want to dispel any false rumors that my legislation makes it easier for terrorists or other individuals to openly spur violence in the District of Columbia.

I specifically reference section 3 of my amendment, which states: 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.

Again, my inherent goal in this amendment is to restore second amendment rights within the home for self-protection purposes. Unfortunately, it is evident to me and many others that the District of Columbia city council is unwilling to comply with the Supreme Court’s Heller decision.

On multiple fronts, the Firearms Emergency Amendment Act of 2008, which was passed following the Heller decision, continues to infringe on second amendment rights. Specifically, the D.C. city council’s definition of machine guns groups together the majority of semi-automatic handguns, most used for self-protection purposes, which effectively bans their possession in the District.

Secondly, the ballistics identification procedure is an overburdensome and lengthy registration requirement that improperly denies the right of D.C. citizens, law-abiding citizens I

might add, to immediately possess a firearm in their household.

Finally, the continued insistence of having to keep a firearm unloaded, stored or trigger-locked is not acceptable to affording a right of self-defense within an individual household.

In summary, I would compare my substitute amendment to words written in the majority opinion by the Supreme Court in the Heller case that reflect my sole intention of granting self-protection rights for law-abiding citizens.

The Court stated that their decision should not be taken to cast doubt on long-standing prohibitions on the possession of firearms by felons and the mentally ill or law forbidding the carrying of firearms in sensitive places such as schools and government buildings.

I came to Congress to serve and protect the ideals laid out by our Nation’s Founding Fathers. As I stated above, I have no intention of directly circumventing the legislative practices of the D.C. city council. However, the second amendment right is a long-standing pillar in our system of government, and I believe law-abiding citizens should have the right to defend their homes in the District of Columbia, just like they have the ability to do so in the First Congressional District of Mississippi.

I reserve my time.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong opposition to the amendment being offered.

The CHAIRMAN. The gentleman is recognized for 30 minutes.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the amendment being offered by the gentleman from Mississippi. The amendment, which is largely taken from the base bill H.R. 6691, goes way beyond the ruling that’s been handed down by the Supreme Court in the Heller case and, ironically, would lead to less security and safety and greater risk in the Nation’s capital.

Moreover, in light of the ruling in the Heller case, the gentleman’s amendment touches on more than just the issue of gun ownership in the home for purposes of self-defense.

The amendment would allow the unfettered transport of guns and/or firearms and the possession of guns in businesses, and as written, the amendment only says businesses and nothing about businesses in which property is owned.

And what is even more disturbing about the amendment is that it strips the District of Columbia from issuing or enacting any rule, law, or regulation dealing with homeownership. Nowhere in the case was such an order or action addressed or even mentioned in the Heller Supreme Court decision as written by Justice Scalia. In fact, it is my understanding that the decision clearly stated that a range of gun regulations

are presumptively lawful. However, the gentleman's amendment fails to take that part of the Court's ruling into consideration.

When the Court overturned the District's long-standing gun laws, in order not to infringe upon the second amendment rights of District residents, it set in motion a process that would require the District Government to rewrite the laws and not the United States Congress or the House of Representatives. This would be the case in Tupelo, Mississippi. Therefore, the elected officials of the District of Columbia should have an opportunity to develop permanent legislation to bring the city into compliance with the Heller ruling.

If I may, Mr. Chairman, let me point out just what the amendment before us does. For starters, it would eliminate any form of gun registration which would prevent the city's police department from knowing who owns what type of gun or firearm.

Secondly, the language is written so broadly that it would permit individuals to carry assault rifles openly in public and on D.C. streets.

Lastly, I'd also like to point out that the amendment creates a gun show loophole that will allow D.C. residents to avoid background checks when purchasing weapons from private individuals and at gun shows without background checks.

While Members from both sides of the aisle agree on the importance of preserving individual rights, we must also recognize that we live in perilous times, and with lone-wolf terrorists and copycat shootings on the rise, flat out ignoring the homeland security interests of the District of Columbia and the Federal Government is downright reckless and risky.

But yet, this is exactly what this amendment has the potential to do, if adopted. As stated earlier, the District has already begun to revamp its laws, and in the coming months, we will have an opportunity to review the newly adopted gun ownership laws under our already well-established congressional review authority.

I ask my colleagues to recognize and respect this fact and to join me in opposing this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CHILDERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan, and I believe to be the longest-serving Member in this great body, Mr. DINGELL.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I rise to salute the offerer of the amendment. The gentleman from Mississippi has shown extraordinary leadership, courage, and ability, and the body owes him a thanks for his efforts in this matter.

I also rise to thank the leadership for putting this legislation on the floor. The amendment offered by the gentleman from Mississippi is a common-

sense, bipartisan proposal that will implement the historic Heller decision enacted by the Supreme Court, and it will restore and protect second amendment rights of the residents of the District of Columbia and elsewhere.

The Congress acts tonight under its plenary power over the District of Columbia, and one of its actions tonight are to assure the protections of the second amendment of the Constitution.

We've heard much falsehood and misunderstanding pronounced in the press and tonight in the discussion about what it is going to do. The Supreme Court found that the District of Columbia's ban on handguns was a violation of the second amendment, and it based that finding on a decision that the second amendment grants each individual the right to own a firearm for self-defense.

Like a majority of the Members of this body, I supported the decision, and I pointed out that the Court's ruling provided important guidance that would allow local governments to craft sensible, responsible measures designed to keep firearms out of the hands of criminals, the mentally ill, and those who pose a threat to the public safety.

That remains the truth today and tonight. The D.C. council reacted to this historical ruling not by enacting sensible regulations but, instead, passed emergency legislation that continues to bar law-abiding citizens, residents of the District of Columbia, from meaningful access to the firearms within the second amendment.

I'm happy to hear that the D.C. council and the mayor have now proposed changes to D.C. gun laws that will begin to bring the District into compliance with the Supreme Court decision. I commend them for it. It came, regrettably, too late. These efforts do not, however, preclude us from acting upon the amendment offered by the distinguished gentleman from Mississippi, and again, I commend him for his leadership in this matter.

When the D.C. council's proposals, if they are carried forward as they say they intend to, are there, they, together with the legislation that we are enacting tonight with the Childers amendment, will protect the rights of the citizens of the District of Columbia under the second amendment, but they also will assure that the District of Columbia has the reasonable power to control improper use of firearms.

The legislation only does four things. First, it overturns existing D.C. gun laws banning semi-automatic weapons, including the types of guns most commonly used for self-defense, something which the Supreme Court said was protected by the second amendment.

Secondly, it overturns D.C. law requiring residents to keep their firearms locked and inoperable until the very moment that they are attacked. What a silly proposal, a proposal that requires a person to rush to the cabinet to unlock it, to get a firearm, to load it, so that they can protect themselves

against thugs, bandits, murderers or rapists.

Third, it gives the D.C. residents a reasonable ability to purchase a firearm in Maryland or Virginia, a necessity because only one federally licensed firearms dealer exists in Washington, D.C.

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And he operates without a facility that is open to the public.

Fourth, the legislation removes lengthy and burdensome registration procedures malevolently put in place by the D.C. City Council to ensure that citizens would not be able to access firearms in a lawful, legal, and proper fashion.

This legislation does not preclude the Council from in any way enacting sensible firearms regulations that comply with the Supreme Court's decision in Heller. The D.C. Council will retain authority to restrict firearms so long as those restrictions do not improperly burden the second amendment rights of D.C. residents.

Some of the opponents of Congressman CHILDERS' amendment have claimed that this legislation will lead to more guns ending up in the hands of criminals or even terrorists. What hooey. The only people in D.C. that can own a firearm for almost all intents and purposes are criminals. Law-abiding citizens have enormous burdens in achieving ownership of a firearm. And so we have, in the District of Columbia, a well-armed group of thugs armed to the teeth, preying upon law-abiding citizens at their whim with firearms which they may have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHILDERS. Mr. Chairman, I yield another 30 seconds.

Mr. DINGELL. I thank the gentleman.

The legislation is simply going to put D.C. residents in a position where they have their rights under the second amendment.

I urge my colleagues to support this amendment. It is a sensible, proper amendment. It is a sensible, proper exercise of the power of the Congress under the Constitution. And it is a sensible and proper protection of the rights of American citizens.

I urge the adoption of the amendment. And I commend the distinguished gentleman from Mississippi for his important leadership in this very important constitutional question.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to yield 3 minutes to the gentelady from Maryland, Representative DONNA EDWARDS.

Ms. EDWARDS of Maryland. Mr. Chairman, I rise again in strong opposition to this substitute.

Why does this body believe it has the right to force Maryland, my State, a sovereign State, to bear the cost and work to register D.C. firearms under this substitute? Our State is already facing significant shortfalls. And the

proponents of this substitute are not planning to reimburse Maryland taxpayers—I haven't heard that coming from Mississippi or from Indiana.

This matter is properly already under the jurisdiction of local elected officials in the District of Columbia. And I do respect and the people of Maryland respect the right of the people of the District of Columbia and their elected officials to make decisions for themselves and to comply with the courts of this land. So why are the Members of this body unwilling to let the legislature and the courts do their job?

Our great and sovereign State of Maryland has regulations in place that work for our citizens. We're not trying to regulate D.C. guns; we're not trying to regulate Virginia guns or Mississippi guns or Indiana guns. That's not our job in Maryland. We respect your sovereignty and you should respect ours by not imposing unfunded mandates on our taxpayers or creating additional burdens for our State troopers whose job it is to process firearm applications.

With this substitute, you are demanding that our State troopers double the size of our enforcement units, integrate with D.C. databases, criminal and mental health databases and other databases that currently do not comply with Maryland's system, and all of this within a 7-day period so that we can comply with our own law in our State.

For a group of people who often cry foul on States' rights and on unfunded mandates, you sure haven't had a problem at all in offering this substitute to impose exactly those same burdens on the State of Maryland and on Virginia.

Mr. CHILDERS. I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentleman from Mississippi. And I also want to thank the dean of the House, Chairman DINGELL, who has been a hero to gun owners all over America for many years, for his willingness to stand up. And I want to thank our new freshman Member, Mr. CHILDERS, and those who are standing with him, because this is, indeed, a historic night. And unless you're a Member of Congress or somebody who is kind of a political junkie, it's hard to figure out exactly what's happening tonight.

In fact, a discharge petition is something that, when you sign it, basically would turn the House over to the other party. And if you're willing to stand up to your own party, you could force a vote. I know this because, when we first became in the majority, I was one who was often pulled into a side room, threatened that by bringing down a rule or other things that I was going to destroy the party. In fact, sometimes it's your only way to force things. There is a certain number of votes that are allowed on each side to let a bill go through.

But what we're seeing tonight was the courage of some Members on the

majority side to stand up and say, look, we want a bill. And as these negotiations move forward, it came to me, as the Republican author, along with Mr. ROSS, of the bill to overturn this, of, will you accept somewhat less than the whole, but a bill that actually has a chance to be law.

Now, as a Republican, I could have said, you know, I think we'll let them fight and we'll go into the election with no bill, with no vote in the House, and put those who are so-called Blue Dogs in a real spot. But that isn't the way we should legislate. We have Members who stood up, even in their own party, and said we want to broker an agreement. We had Members on our side, in our leadership, agreeing that we will be willing to negotiate. And we had a Democrat leadership willing to sit down and work it out even though the majority of their party doesn't agree with this, and obviously many of them are passionately upset.

So tonight is a historic debate. Tomorrow will be a historic vote: Will the will of the House be allowed to work its will as it did on campaign finance reform? And I thank the gentleman from Mississippi for his leadership.

Mr. DAVIS of Illinois. Mr. Chairman, I now yield 5 minutes to the gentlewoman from the District of Columbia, Delegate ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the gentleman for yielding. And I particularly thank the gentleman and the chairman of the full committee, Mr. WAXMAN, for your time and effort that you put into Waxman-Norton, and yes, into defeating the substitute before us now.

This substitute stoops very, very low to conquer. The Congress is known for its low blows against the District of Columbia, but this is the first time that in shooting the District of Columbia in the back—which has become routine—that in over 200 years, never before, but tonight you are shooting protections for the entire Federal presence that this House is sworn to protect, beginning with the President of the United States and going to every Federal employee working in a Cabinet agency. And the House has the gall to ask for a vote to nullify the gun laws in my district, depriving my district of the right to protect itself and visitors like yourselves, while denying me a vote on this floor on passage? Have you no shame? Is no principle invalid?

The sponsors of the substitute have consistently singled out two sections of the old D.C. law because otherwise this would look crazier than it already does. The section, for example, they temporarily left in place while they worked on new legislation, as the Supreme Court asked them to, new legislation which has now been signed into law, left in place the trigger lock section. But whoever would have left that in place—after all, it was one of the few issues singled out in the Supreme Court decision, and you know it. And they knew it. But they had to do the necessary investigation. They had to

know what other jurisdictions did. And they knew that handguns had to be defined as semi-automatics because those are the most commonly used handguns today. But they had to have time to do it. Now they've done it.

Those changes were inevitable, you knew they were inevitable. They've occurred. And here you are, a day late and a dollar short, looking very foolish. Only because of the Waxman hearings were we able to expose the high risk and danger to the Federal Government, to the Federal presence that this bill brings, the high risk in government to Members of Congress every day when they come here. Yes, you think you are endangered? Well, boy, would you have really been at risk if this bill were to get through both Houses.

With the help of three police chiefs with jurisdiction in this region, all three came to show that the bill that you brokered would have allowed carrying semi-automatic handguns in this city—by children, sir, and by adults, thank you very much—well, that was even too much for the NRA, so they changed it.

When the chiefs testified that in an inauguration parade we can't protect the Federal presence, one had to wonder what kind of brokering of bills you folks do. Don't you read what you broker? Don't you read what the NRA tells you to pass?

The danger of the bill that we now have is almost as great. Oh, no, you can't carry a gun in public anymore, as a child could and as an adult could, but you can possess a semi-automatic AK-47, sir. You can possess a Bushmaster XM-15, which 6 years ago the sniper, the D.C. sniper used in the States of Virginia, Maryland and D.C. Semi-automatics, that's in your bill; that's still in your bill.

Just back from unveiling the memorial benches at the 9/11 ceremony, just back from a ceremony after the National Capital region was targeted—and still is—7 years ago, you had just dried your tears and now you come and ask us to vote for a substitute.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. DAVIS of Illinois. I yield 1 additional minute to the gentlelady.

Ms. NORTON. You now ask us to vote on a substitute mandating in the Nation's capital one of the most permissive gun laws in the country, no registration of gun laws, no way for the police to know who has a gun or to trace guns used in committing a crime.

Mandates. Gun show loophole. Licensed dealers must do a criminal background check, but private individuals don't have to. And we exempt gun shows. You can have gun shows in the Nation's capital, perfectly legal. D.C. can't close any of these loopholes because you Federalize gun laws, you leave us with a bare bill.

The police can't issue any regulations. You allow the stockpiling of assault weapons. You allow gun running between Maryland, Virginia and the

District. You allow people, voluntarily committed to a mental institution, to get out and the next day they can own a gun even while John Hinkley is still institutionalized at St. Elizabeth's Hospital for an attempt on the life of President Reagan.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. DAVIS of Illinois. I yield the gentlewoman an additional 30 seconds.

Ms. NORTON. You allow children to own AK-47s. You allow this in the Nation's capital. No age limit whatsoever on owning a gun.

This isn't Mississippi, sir. You have just been elected to Congress; you better understand where you are. This is a big city. You have squandered critical time with the House while the economy is falling down behind you, Wall Street is collapsing. Why? Because the NRA told you to do so.

I've been to the Senate, too. There's another House. And you know what I know.

Mr. CHILDERS. I would ask the speaker to direct her remarks to the Chair.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. DAVIS of Illinois. I yield 30 additional seconds to the gentlewoman.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Member should direct her remarks to the Chair and not to an individual.

Ms. NORTON. You know that this substitute is going to be strangled with a thousand holes, and still you march in salute to the NRA.

I say to the cosponsors, watch what you vote for. If you analyze this bill, this substitute, step by step, you can think of half a dozen bills of major importance. Well, they can stick up the Democrats and make us sue for peace. Watch the precedent you set. Watch what you vote for tomorrow. Defeat the substitute. Vote for Waxman-Norton.

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Mr. CHILDERS. Mr. Chairman, I would yield 3 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. I thank the gentleman.

We're here tonight, not because we've asked for a vote but because the Supreme Court, in a recent decision, changed the law of the land or at least clarified what the law of the land is with respect to the second amendment. It could be about almost any subject. We routinely come here after the Supreme Court decides what the law of the land is on a justiciable issue, and we enact, implementing legislation whether its on people in Tennessee or in Mississippi or in Oregon or in Washington State or in the District of Columbia. That's done routinely over and over again. The subject happens to be the second amendment in this most recent Supreme Court decision. It could be about anything.

Nobody disputes the fact that the District of Columbia has every right to

make its own laws. What we do dispute is that the District of Columbia does not have the right, nor does any other American citizen, to ignore the law of the land. The law of the land, as enunciated in a recent Supreme Court decision, whether one agrees or disagrees, grants to individual citizens the right to bear arms legally. The District has failed to implement that decision, and therefore, we are here tonight.

This Childers substitute does nothing more nor nothing less than implement the bare minimum that the Supreme Court said was the law of the land. Whether you like it or not, that is the law of the land when the Supreme Court decides a justiciable issue.

This legislation, the Childers substitute, does not in any way limit the authority of the District or the ability of independent authorities in the District to restrict firearm possession. It does not repeal the D.C. law banning a person from the possession of ammunition. It does not amend the D.C. definition of "restricted pistol bullets." It does not repeal the D.C. law providing for strict liability for handgun manufacturers.

Quite frankly, many of us live in the District for most of the year now because of our job requirements. I don't want to impose on the District, but I do say this:

The District, just like people all over the rest of America, has to implement legislation when the Supreme Court speaks. That's why we're here, not because we asked for this. I, quite frankly, enjoy living in the District and enjoy having the District make the laws that we live under here, but like no other citizen, the District is no different in that they cannot ignore the law of the land even if they disagree with it as cannot the citizens of my State or of any other State.

Mr. DAVIS of Illinois. Mr. Chairman, I'm pleased to yield 4 minutes to the chairman of the Committee on Oversight and Government Reform, Representative HENRY WAXMAN.

Mr. WAXMAN. Mr. Chairman and my colleagues, the Supreme Court ruled in the Heller case that the District of Columbia could not ban handguns. They said that would violate the second amendment. The Supreme Court said every individual has a right to own a handgun. That's now the law of the land. The District of Columbia has finalized its revision of its laws just today, and I defy any Member of this body to say that the District of Columbia has failed to comply with the second amendment to the Constitution under the Heller decision. I think that the District of Columbia has complied with that law. I know we've heard from Members of Congress that D.C. is unwilling to comply and that they're unwilling to live by the law of the land. Well, let us examine that D.C. law more carefully. Since it only was finally enacted today, I would suggest that when this bill goes to the other body that they hold this bill up and review that D.C. law.

The District of Columbia is not obligated to do all of the things that are in this substitute. In fact, not one single provision of H.R. 6691 is required by the second amendment or by the Supreme Court decision in the Heller case. Let me just walk through it.

One provision removes the District's longstanding ban on semiautomatic assault rifles and pistols. Well, there is nothing in the second amendment that guarantees an individual's right to high-powered military assault rifles capable of firing more than 30 rounds without reloading. There is certainly nothing in the Heller case that says that. Evidently, the people who are offering this substitute don't like the fact that the D.C. Government agreed with that provision, but they said that they would limit it to 10 rounds. Well, there is nothing in the Constitution that says it has to be 30 or more.

One provision of this substitute removes the District's longstanding provision for a registration system, which includes D.C.'s required background checks before someone can buy a gun. Well, there is nothing in the second amendment that says individuals have a right not to register their guns. Yet the substitute would wipe out that D.C. law.

Now, it was said by one of the advocates of this substitute that this is a burdensome requirement for registration that was put malevolently in place by the District of Columbia. Well, I want you all to know that it was also put in place by California, Connecticut, Maryland, New Jersey, Michigan, Chicago, Cleveland, New York City, and Omaha, and I don't think that any of those jurisdictions are violating the second amendment to the Constitution.

Another provision in this substitute would take away the ability of the District of Columbia's law enforcement authorities, through their registration system, to trace guns used in crimes. It helps them figure out who bought the guns, who transferred them, how they got into the hands of the criminal or terrorist. That's not in violation of the second amendment, and yet this substitute would repeal it.

This amendment would allow people to obtain firearms without criminal background checks. I don't know why they think the second amendment requires that, because it does not.

This amendment goes far beyond the Heller case. It goes far beyond the second amendment to the Constitution. It is gratuitously rewriting the law of the District of Columbia. It is not our job to rewrite a law passed by the people elected in the District of Columbia if that law complies with the Constitution of the United States.

I urge that we reject the substitute amendment.

Mr. CHILDERS. Mr. Chairman, I would yield 3 minutes to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Chairman, I rise in support of the Childers amendment to H.R. 6842.

Tonight is a historic night. The American people are sick and tired of all of the partisan bickering that goes on up in Washington. Time after time, bills come to the floor, and they pass or fail on a straight party line vote. Tonight, a bill is going to be defeated by Democrats and Republicans coming together, and an amendment is going to pass because of Democrats and Republicans coming together. That, in my opinion, is long overdue.

Mr. Chairman, when I raised my right hand and took the oath of office, I swore that I would uphold the Constitution of the United States of America. That includes amendment No. 2. Mr. Chairman, I could not be more proud of the gentleman from Mississippi (Mr. CHILDERS). He may be a new Member of Congress, but he certainly knows where he is, and he knows why he's here—to defend the Constitution of the United States of America. We can't cherry pick. We took the oath to defend the entire Constitution, including the second amendment.

Back home in Arkansas, there's a bumper sticker that says, "When you outlaw guns, only outlaws will have guns." Quite frankly, I don't believe it's a coincidence that Washington, D.C. has a high crime rate, a rate where guns can only be found with the outlaws and not with responsible, law-abiding citizens.

In June of this year, the U.S. Supreme Court struck down D.C.'s ban on handguns and operable firearms for self-defense within the home as in the case of D.C. versus Heller. Mr. SOUDER and I had a bill to address this issue. We thought we would no longer need to raise the issue after the Supreme Court ruling, but that was before we learned that the District responded by passing an emergency bill that failed to comply with the Supreme Court's ruling. In fact, they snubbed their nose at the Supreme Court.

The Childers substitute amendment remedies this by enforcing the Supreme Court's Heller decision and by preventing the District of Columbia's government from restricting the second amendment rights of its citizens. This should be very important to every one of us who is a Member of Congress because, folks, Mr. Chairman, if our Nation's capital can pass gun control, our hometowns all across America could be next. That's why I'm against this bill and why I am for the amendment. I'm proud to stand here as a pro gun Democrat.

What did the Washington, D.C. city council do that was so bad and that makes no sense in snubbing their nose at the Supreme Court?

Number one, they defined "machine guns" to include all semiautomatic guns. Nearly every gun in America today is a semiautomatic gun. We duck hunt with semiautomatic guns. Pistols are semiautomatics.

They also said that any gun that you own must be unassembled in the privacy of your own home until you are in

imminent danger. In other words, you've got to wait until someone is inside your home and then say, "Mr. Intruder, would you please respectfully wait while I assemble my gun."

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHILDERS. I yield the gentleman an additional 30 seconds.

Mr. ROSS. That makes no sense either.

Then, finally, the Supreme Court said you can have a gun in D.C., but they don't sell guns in D.C. Guess what? The D.C. city council said you can't transport a gun from Maryland or Virginia into D.C. Therefore, that means you can still no longer have a gun in D.C.

We're not giving Washington, D.C. any more or any less than what most citizens in this country enjoy today under the second amendment. That is the ability of law-abiding citizens to responsibly own guns and to have them assembled, if they so choose, in the privacy of their own homes. We provide Washington, D.C. in this substitute amendment the same definition as most of the rest of the country has as it relates to machine guns.

I urge support of the amendment and a vote against the bill in support of our Nation's second amendment rights.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself 30 seconds.

Much of the discussion is about crime and crime prevention and protection. We sound as though people are invading people's homes and are murdering them and are attacking them. Much of the murder that I read about and that I hear about is really from drive-by shootings. It's really by individuals with semiautomatics who are engaged in turf battles over drugs, who are killing each other. They're not by people who are necessarily invading homes. They're by people who have access to these high-powered guns, people who are killing each other on the streets.

I reserve the balance of my time.

Mr. CHILDERS. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Mississippi has 10½ minutes remaining. The gentleman from Illinois has 13 minutes remaining.

Mr. CHILDERS. Mr. Chairman, I recognize the gentleman from Tennessee (Mr. LINCOLN DAVIS) for 4 minutes.

(Mr. LINCOLN DAVIS of Tennessee asked and was given permission to revise and extend his remarks.)

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Mr. LINCOLN DAVIS of Tennessee. Mr. Chairman, it is good to be here to discuss what I believe is the foundation of our society and America, our Constitution.

In 1787, the articles were proposed that ultimately became the foundation for our Constitution. In 1789, 12 amendments were offered, of which only 10 were approved immediately, or pretty well immediately, by 1791.

Included in those are 10 amendments we often called the Bill of Rights. The

first one, a lot of us talk about, our ability to have religious freedom. In the South, where I am from, that is something that we treasure. Our freedom of speech is included in number one. And number two is the right to bear arms.

Now, I know we don't live on the frontier anymore, but if you can imagine a farmer or someone moving his family into the wilderness in Tennessee, or as we moved westward, one of the things that you would find with them, pieces of equipment, more than just the farm equipment, was generally a muzzleloader, that would hang on many cases on the beam that supported the loft in the cabin in which the family would live. It was there for protection.

When he would go into the fields to farm, he would also take his muzzleloader with him, oftentimes leaning it upon a stump or a tree, where it would be for protection from wildlife or wild animals or from those who might be intending to do harm to his family or himself.

The second amendment gives us that right to protect our homes and our family, whether it is in Pall Mall, Tennessee, where I am from, are whether it is right here in Washington, D.C. We can't suspend the Constitution depending on where we live.

We had a huge argument over what is called the Foreign Intelligence Surveillance Act, about whether or not our individual rights were about to be jeopardized. In fact, many of us argued on this floor that there are certain constitutional guarantees that guarantee our liberty and our freedom from oppression and from an oppressive and intrusive government. In fact, that is not just for Washington, D.C., and it was just not for Pall Mall, Tennessee. It is for all of us who live in this Nation. So, for me, we cannot cherry pick and pick and choose what that Constitution guarantees us.

To me, I applaud the efforts of the gentleman from Mississippi to offer the substitute amendment that I believe will give individuals who live in Washington, D.C. the same opportunity to defend their sons and their daughters, their husband or their wife, and the home that they own from those who would do harm or be intrusive in their homes.

Mr. DAVIS of Illinois. Mr. Chairman, I reserve the balance of my time.

Mr. CHILDERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I thank the gentleman.

When the D.C. City Council decided to ignore a ruling from the United States Supreme Court and when the District of Columbia decided to play games with the Constitution of the United States, it was they that brought us to the point where we are today, where congressional intervention is necessary to uphold the rights of Washington, D.C. citizens under the second amendment to the Constitution.

As a signatory of the amicus brief urging the Supreme Court to overturn the unconstitutional gun ban, I was outraged at the D.C. Council's new gun restrictions. So I joined with Mr. CHILDERS of Mississippi to help craft the Second Amendment Enforcement Act, which is the text of the amendment we are debating here tonight.

This bill repeals D.C.'s gun ban and permits law-abiding gun owners the right to keep their firearms in ways that will ensure their availability and use for self-defense. This amendment ensures that the intent of the Supreme Court and of the second amendment are upheld for all citizens, including those who live in the District of Columbia.

Mr. CHILDERS. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentleman from Mississippi.

I wanted to clarify for those watching the debate and for the CONGRESSIONAL RECORD that the one hearing we did have, there were four witnesses. Three of them were Federal witnesses, and Mr. ISSA asked each one of them whether the bill that this amendment is amending had any impact on them. All of them said no. They were never asked another question during the hearing, because they weren't relevant to the hearing.

The fourth witness was the police chief of Washington, D.C., and she did have an opinion and doesn't agree, obviously, with this amendment. But she is a political appointee of the mayor, and while it may be her personal view, if she held a view different from the mayor or city council, she would have been removed.

So it was somewhat inaccurate to present that at our hearing, that somehow the witnesses all felt that there was this imminent danger in the Federal sector, because all three of them said the bill had nothing to do whatsoever with their positions.

Mr. DAVIS of Illinois. Mr. Chairman, I continue to reserve. I understand that Mr. CHILDERS is ready to close.

PARLIAMENTARY INQUIRY

Mr. SOUDER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. Does the gentleman yield for a parliamentary inquiry?

Mr. CHILDERS. I would yield to the gentleman.

Mr. SOUDER. Does the gentleman from Mississippi have the right to close?

The CHAIRMAN. No, the gentleman from Illinois, as a manager controlling time in opposition to the amendment, is entitled to close debate thereon.

Mr. CHILDERS. Mr. Chairman, in closing, let me just simply say to my distinguished colleagues Mr. DAVIS from Illinois and all those who have spoken not only for my amendment, but to those also who have spoken against my amendment, I have nothing but the greatest of respect for all of you. I have nothing but the greatest re-

spect for this wonderful institution which I am so proud to be a part of.

Mr. Chairman, there is no hidden agenda here. The intent of my amendment offered in the form of a substitute is simply to give the law-abiding citizens of the District of Columbia the same rights and freedoms that all Americans share, from coast to coast and all over this great land.

I appreciate the spirited debate. I certainly hope that I have been respectful of all of my colleagues. It certainly was my intent. In closing, I would like to ask for a recorded vote, and I understand that will be in the morning, and I would urge passage of my amendment.

Mr. Chairman, I yield back my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to certainly acknowledge the not only newness of the gentleman from Mississippi, but also his demeanor, his debate and his introduction of legislation. It occurred to me though if we were in West Point, Mississippi, or if we were in Fort Wayne, Indiana, or if we were in Western Pennsylvania telling the people in those communities what we thought they ought to be doing or the way in which we felt they had to be in compliance with the Supreme Court as they were wrestling with those decisions themselves, they probably would say that we were unwelcome.

I think that the people of the District of Columbia would say that this amendment is unwelcome, that it further takes away their right to self-governance. Here they are, they don't have a representative in Congress with a vote. Now we are saying that your City Council and your representatives on the City Council can't decide the way in which you would be in compliance with the highest court in our land.

Let me just mention that a previous speaker said that the District passed a law prohibiting District residents from bringing in weapons from across State lines. That was incorrect. In fact, Congress passed this law, not the District of Columbia. But this amendment would remove this restriction.

So I think Members should understand that this is the first step in the NRA's plan to repeal Federal gun control laws, not just in the District of Columbia. But I think it is a matter of using the District of Columbia to work one's will for other parts of the country and to work a national will using the people of the District of Columbia.

I think the protections that are needed and the compliance that is needed can be found in the Waxman-Norton bill, and that this amendment, the Childers amendment, unfortunately strips that bill of its impact. For that reason, I would urge that we reject the Childers amendment vote for the Norton-Waxman bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gen-

tleman from Mississippi (Mr. CHILDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHILDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

Mr. DAVIS of Illinois. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALTMIRE) having assumed the chair, Mr. WILSON of Ohio, 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, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute Special Orders are entered in favor of the gentleman from South Carolina (Mr. SPRATT) and the gentleman from New Jersey (Mr. HOLT), each with customary leave to insert.

There was no objection.

A REVISION TO THE BUDGET ALLOCATIONS AND AGGREGATES FOR CERTAIN HOUSE COMMITTEES FOR FISCAL YEARS 2008 AND 2009 AND THE PERIOD OF FISCAL YEARS 2009 THROUGH 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 205 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2008 and 2009 and the period of fiscal years 2009 through 2013. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of the bill H.R. 6899, Comprehensive American Energy Security and Consumer