

SA 586. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 587. Mr. ENSIGN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 588. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 589. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 590. Mr. LAUTENBERG (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 573.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end of the bill add the following:

#### **SEC. 9. FAIRNESS DOCTRINE PROHIBITED.**

(a) **LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.**—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

#### **"SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.**

"Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, guidelines, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part)—

"(1) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in In re Complaint of Syracuse Peace Council against Television Station WTVH, Syracuse New York, 2 FCC Rcd. 5043 (1987); or

"(2) any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance."

(b) **SEVERABILITY.**—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

**SA 574.** Mr. KYL proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

On page 27, strike line 21 through the end of the bill and insert the following:

#### **SEC. 8. JUDICIAL REVIEW.**

(a) **SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.**—If any action is brought to challenge the constitutionality

of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

#### **(b) INTERVENTION BY MEMBERS OF CONGRESS.**

(1) **IN GENERAL.**—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is challenged (including an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or the Senate shall have the right to intervene or file legal pleadings or briefs either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment.

(2) **COURT EFFICIENCY.**—To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any action described in paragraph (1) may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) **CHALLENGE BY MEMBERS OF CONGRESS.**—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

**SA 575.** Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

At the appropriate place, insert the following:

### **TITLE —SECOND AMENDMENT ENFORCEMENT ACT**

#### **SEC. .01. SHORT TITLE.**

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

#### **SEC. .02. 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. .03. 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. .04. REPEAL D.C. SEMIAUTOMATIC BAN.**

(a) **IN GENERAL.**—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7-2501.01(10), D.C. Official Code) is amended to read as follows:

"(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or may be readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun

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. 05. 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”;

(E) by striking subparagraphs (D) and (E).

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

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

“(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

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

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

(9) Section 502 (sec. 7–2505.02, D.C. Official Code) is amended—

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

“(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer.”;

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

“(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law.”;

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7–2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking “any registration certificate or” and inserting “a”; and

(B) in subsection (b), by striking “registration certificate,”.

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7–2531.01(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking “or ignoring proof of the purchaser’s residence in the District of Columbia”; and

(2) in subparagraph (B), by striking “registration and”.

#### SEC. 06. 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. 07. 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. 08. 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. 09. 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.”.

#### SEC. 11. REPEALS OF DISTRICT OF COLUMBIA ACTS.

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

#### SEC. 12. SEVERABILITY.

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

**SA 576.** Mr. COBURN (for himself and Mr. INHOFF) proposed an amendment to amendment SA 575 proposed by Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFF, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) to the bill s. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

Strike all after the first word and insert the following:

#### SECOND AMENDMENT ENFORCEMENT ACT

##### SEC. 01. SHORT TITLE.

This title may be cited as the “Second Amendment Enforcement Act”.

##### SEC. 02. 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. 03. 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. 04. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7-2501.01(10), D.C. Official Code) is amended to read as follows:

"(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or may be readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun 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. 05. 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 applicant shall—

"(1) lawfully remove from the District all destructive devices in his inventory, or

peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

"(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory."

(8) Section 407(b) (sec. 7-2504.07(b), D.C. Official Code) is amended by striking "would not be eligible" and all that follows and inserting "is prohibited from possessing or receiving a firearm under Federal or District law."

(9) Section 502 (sec. 7-2505.02, D.C. Official Code) is amended—

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

"(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer;"

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

"(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law;"

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7-2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking "any registration certificate or" and inserting "a"; and

(B) in subsection (b), by striking "registration certificate,".

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7-2531.01(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking "or ignoring proof of the purchaser's residence in the District of Columbia"; and

(2) in subparagraph (B), by striking "registration and".

#### SEC. 06. 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. 07. 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. 08. 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. 09. 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.”.

**SEC. 11. REPEALS OF DISTRICT OF COLUMBIA ACTS.**

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

**SEC. 12. SEVERABILITY.**

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

**SEC. 13. EFFECTIVE DATE.**

This Act shall take effect 1 day after the date of enactment of this Act.

**SA 577.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.**

Due to the unique status of the District of Columbia, created by the Constitution of the United States, bona fide residents of the District shall, notwithstanding any other provision of law, be exempt from the individual Federal income tax for taxable years beginning after the date of the enactment of this Act.

**SA 578.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.**

(a) IN GENERAL.—Subpart D of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 938. INCOME FROM SOURCES WITHIN THE DISTRICT OF COLUMBIA.**

“(a) GENERAL RULE.—In the case of an individual who is a bona fide resident of the District of Columbia during the entire taxable year, gross income shall not include—

“(1) income derived from sources within the District of Columbia; and

“(2) income effectively connected with the conduct of a trade or business by such individual within the District of Columbia.

“(b) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

“(1) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions); or

“(2) any credit, properly allocable or chargeable against amounts excluded from gross income under this section.

“(c) BONA FIDE RESIDENT AND OTHER APPLICABLE RULES.—For purposes of this section, rules similar to the rules of section 876, 937, 957(c), 3401(a)(8)(D), and 7654 shall apply.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part III of subchapter N of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 938. Income from sources within the District of Columbia.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

**SA 579.** Mr. THUNE (for himself, Mr. VITTER, Mr. GRASSLEY, Mr. WICKER, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. RISCH, Mr. CRAPO, and Mr. WEBB) proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

At the appropriate place, insert the following:

**SEC. —. RESPECTING STATES RIGHTS AND CONCEALED CARRY RECIPROCITY ACT OF 2009.**

(a) SHORT TITLE.—This section may be cited as the “Respecting States Rights and Concealed Carry Reciprocity Act of 2009”.

(b) RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

**“§ 926D. Reciprocity for the carrying of certain concealed firearms**

“Notwithstanding any provision of the law of any State or the District of Columbia or political subdivision thereof—

“(1) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is carrying a valid license or permit which is issued pursuant to the law of any State or the District of Columbia and which permits the person to carry a concealed firearm, may carry in any State or the District of Columbia a concealed firearm in accordance with the terms of the license or permit, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried; and

“(2) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is otherwise than as described in paragraph (1) entitled to carry a concealed firearm in and pursuant to the law of the State or the District of Columbia in which the person resides, may carry in any State or the District of Columbia a concealed firearm in accordance with the laws of the State or the District of Columbia in which the person resides, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

“§ 926D. Reciprocity for the carrying of certain concealed firearms.”.

(c) SEVERABILITY.—If any other provision of this Act, another amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

**SA 580.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. NO FEDERAL INCOME TAXES FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.**

(a) IN GENERAL.—Subpart D of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 938. INCOME FROM SOURCES WITHIN THE DISTRICT OF COLUMBIA.**

“(a) GENERAL RULE.—In the case of an individual who is a bona fide resident of the District of Columbia (other than a Member of Congress) during the entire taxable year, gross income shall not include—

“(1) income derived from sources within the District of Columbia; and

“(2) income effectively connected with the conduct of a trade or business by such individual within the District of Columbia.

“(b) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

“(1) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions); or

“(2) any credit, properly allocable or chargeable against amounts excluded from gross income under this section.

“(c) BONA FIDE RESIDENT AND OTHER APPLICABLE RULES.—For purposes of this section, rules similar to the rules of sections 876, 937, 957(c), 3401(a)(8)(D), and 7654 shall apply.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part III of subchapter N of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 938. Income from sources within the District of Columbia.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

**SA 581.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.**

Due to the unique status of the District of Columbia, created by the Constitution of the

United States, bona fide residents of the District (other than Members of Congress) shall, notwithstanding any other provision of law, be exempt from the individual Federal income tax for taxable years beginning after the date of the enactment of this Act.

**SA 582.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE GUN CONTROL ACT OF 1968.**

(a) IN GENERAL.—Section 921(a)(4)(B) of title 18, United States Code, is amended—

(1) by striking “any type of weapon” and inserting the following: “any—

“(i) type of weapon”; and

(2) by striking “and” at the end and inserting the following: “or

“(ii) .50 BMG caliber sniper rifle; and”.

(b) DEFINITION OF .50 BMG CALIBER SNIPER RIFLE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(36) The term ‘.50 BMG caliber sniper rifle’ means—

“(A) a rifle capable of firing a center-fire cartridge in .50 BMG caliber, including a 12.7 mm equivalent of .50 BMG and any other metric equivalent; or

“(B) a copy or duplicate of any rifle described in subparagraph (A), or any other rifle developed and manufactured after the date of enactment of this paragraph, regardless of caliber, if such rifle is capable of firing a projectile that attains a muzzle energy of 12,000 foot-pounds or greater in any combination of bullet, propellant, case, or primer.”.

(c) COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE NATIONAL FIREARMS ACT.—

(1) IN GENERAL.—Section 5845(f) of the National Firearms Act (26 U.S.C. 5845(f)) is amended—

(A) by striking “and (3)” and inserting “(3) any .50 BMG caliber sniper rifle (as that term is defined in section 921 of title 18, United States Code); and (4)”; and

(B) by striking “(1) and (2)” and inserting “(1), (2), or (3)”.

(2) MODIFICATION TO DEFINITION OF RIFLE.—Section 5845(c) of the National Firearms Act (26 U.S.C. 5845(c)) is amended by inserting “or from a bipod or other support” after “shoulder”.

(d) IMPLEMENTATION.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall implement regulations providing for notice and registration of .50 BMG caliber sniper rifles as destructive devices (as those terms are defined in section 921 of title 18, United States Code, as amended by this section) under this section and the amendments made by this section, including the use of a notice and registration process similar to that used when the USAS-12, Striker 12, and Streetsweeper shotguns were reclassified as destructive devices and registered between 1994 and 2001 (ATF Ruling 94-1 (ATF Q.B. 1994-1, 22); ATF Ruling 94-2 (ATF Q.B. 1994-1, 24); and ATF Ruling 2001-1 (66 Fed. Reg. 9748)). The Attorney General shall ensure that under the regulations issued under this subsection, the time period for the registration of any previously unregistered .50 BMG caliber sniper rifle shall end not later than 7 years after the date of enactment of this Act.

**SA 583.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . FOREIGN CONVICTIONS OF DANGEROUS CRIMES.**

(a) COURTS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(36) The term ‘any court’ includes any Federal, State, or foreign court.”.

(b) EXCLUSION OF CERTAIN FELONIES.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking “any Federal or State offenses” and inserting “any Federal, State, or foreign offenses”;

(2) in subparagraph (B), by striking “any State offense classified by the laws of the State” and inserting “any State or foreign offense classified by the laws of that jurisdiction”; and

(3) in the matter following subparagraph (B), in the first sentence, by inserting before the period the following: “, except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States”.

(c) DOMESTIC VIOLENCE CRIMES.—Section 921(a)(33) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking “subparagraph (C)” and inserting “subparagraph (B)”; and

(2) in subparagraph (B)(ii), by striking “if the conviction has” and inserting the following: “if the conviction—

“(I) occurred in a foreign jurisdiction and the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States; or

“(II) has”.

(d) PENALTIES.—Section 924(e)(2)(A)(ii) of title 18, United States Code, is amended—

(1) by striking “an offense under State law” and inserting “an offense under State or foreign law”; and

(2) by inserting before the semicolon the following: “, except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States”.

**SA 584.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.**

(a) IN GENERAL.—Section 1259 of title 28, United States Code, is amended—

(1) in paragraph (3), by inserting “or denied” after “granted”; and

(2) in paragraph (4), by inserting “or denied” after “granted”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 867a(a) of title 10, United States Code, is amended by striking “The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Appeals for the Armed Forces in refusing to grant a petition for review.”.

**SA 585.** Mr. KYL proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. RETROCESSION OF DISTRICT OF COLUMBIA TO MARYLAND.**

(a) IN GENERAL.—Upon the issuance of a proclamation by the President under section 6 and except as provided in subsection (b), the territory ceded to Congress by the State of Maryland to serve as the District constituting the permanent seat of the Government of the United States is ceded and relinquished to the State of Maryland.

(b) CONTINUATION OF FEDERAL CONTROL OVER NATIONAL CAPITAL SERVICE AREA.—Notwithstanding subsection (a), Congress shall continue to exercise exclusive legislative authority and control over the District of Columbia, which shall consist of the National Capital Service Area described in section 3.

**SEC. 2. EFFECT ON JUDICIAL PROCEEDINGS IN DISTRICT OF COLUMBIA.**

(a) CONTINUATION OF SUITS.—No writ, action, indictment, cause, or proceeding pending in any court of the District of Columbia on the effective date of this Act shall abate as a result of the enactment of this Act, but shall be transferred and shall proceed within such appropriate court of the State of Maryland as established under the laws or constitution of the State of Maryland.

(b) APPEALS.—An order or decision of any court of the District of Columbia for which no appeal has been filed as of the effective date of this Act shall be considered an order or decision of a court of the State of Maryland for purposes of appeal from and appellate review of such order or decision in an appropriate court of the State of Maryland.

**SEC. 3. NATIONAL CAPITAL SERVICE AREA.**

(a) DESCRIPTION.—The National Capital Service Area referred to in section 1(b) is comprised of the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building (but shall not include the District Building), and is more particularly described as the territory located within the following boundaries:

Beginning at the point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east of the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Nineteenth Street Northwest;

thence north on Nineteenth Street Northwest to F Street Northwest;

thence east on F Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;  
 thence north on Seventeenth Street Northwest to H Street Northwest;  
 thence east on H Street Northwest to Madison Place Northwest;  
 thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;  
 thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;  
 thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;  
 thence southeast on Pennsylvania Avenue Northwest to Tenth Street Northwest;  
 thence north on Tenth Street Northwest to E Street Northwest;  
 thence east on E Street Northwest to Ninth Street Northwest;  
 thence south on Ninth Street Northwest to Pennsylvania Avenue Northwest;  
 thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;  
 thence north on John Marshall Place Northwest to C Street Northwest;  
 thence east on C Street Northwest to Third Street Northwest;  
 thence north on Third Street Northwest to D Street Northwest;  
 thence east on D Street Northwest to Second Street Northwest;  
 thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;  
 thence northeast on Louisiana Avenue Northwest to North Capitol Street;  
 thence north on North Capitol Street to Massachusetts Avenue Northwest;  
 thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;  
 thence following Union Square to F Street Northeast;  
 thence east on F Street Northeast to Second Street Northeast;  
 thence south on Second Street Northeast to D Street Northeast;  
 thence west on D Street Northeast to First Street Northeast;  
 thence south on First Street Northeast to C Street Northeast;  
 thence east on C Street Northeast to Third Street Northeast;  
 thence south on Third Street Northeast to Maryland Avenue Northeast;  
 thence south and west on Maryland Avenue Northeast to Constitution Avenue Northeast;  
 thence west on Constitution Avenue Northeast to First Street Northeast;  
 thence south on First Street Northeast to Maryland Avenue Northeast;  
 thence generally north and east on Maryland Avenue to Second Street Northeast;  
 thence south on Second Street Northeast to East Capitol Street;  
 thence east on East Capitol Street to Third Street Northeast;  
 thence south on Third Street Northeast to Independence Avenue Southeast;  
 thence west on Independence Avenue Southeast to Second Street Southeast;  
 thence south on Second Street Southeast to C Street Southeast;  
 thence west on C Street Southeast to New Jersey Avenue Southeast;  
 thence south on New Jersey Avenue Southeast to D Street Southeast;  
 thence west on D Street Southeast to Washington Avenue Southwest;  
 thence north and west on Washington Avenue Southwest to the intersection of Independence Avenue Southwest and Second Street Southwest;  
 thence south on Second Street Southwest to Virginia Avenue Southwest;  
 thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;  
 thence west on C Street Southwest to Sixth Street Southwest;  
 thence south on Sixth Street Southwest to E Street Southwest;  
 thence west on E Street Southwest to Seventh Street Southwest;  
 thence north on Seventh Street Southwest to Maryland Avenue Southwest;  
 thence west on Maryland Avenue Southwest to Ninth Street Southwest;  
 thence north on Ninth Street Southwest to Independence Avenue Southwest;  
 thence west on Independence Avenue Southwest to Twelfth Street Southwest;  
 thence south on Twelfth Street Southwest to D Street Southwest;  
 thence west on D Street Southwest to Fourteenth Street Southwest;  
 thence south on Fourteenth Street Southwest to the middle of the Washington Channel;  
 thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;  
 thence due east to the side of the Washington Channel;  
 thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;  
 thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;  
 thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;  
 thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;  
 thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;  
 thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.  
 (b) **STREETS AND SIDEWALKS.**—The National Capital Service Area shall include any street (and sidewalk thereof) that bounds such Area.  
 (c) **AFFRONTING OR ABUTTING FEDERAL REAL PROPERTY.**—  
 (1) **IN GENERAL.**—The National Capital Service Area shall include any Federal real property affronting or abutting such Area as of the effective date of this Act.  
 (2) **PROPERTY INCLUDED.**—For purposes of paragraph (1), Federal real property affronting or abutting the National Capital Service Area shall—  
 (A) include the Department of Housing and Urban Development Building, the Department of Energy Building, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and  
 (B) not include any portion of Rock Creek Park, any portion of Anacostia Park east of the northern side of the Eleventh Street Bridge, or any territory not located in the District of Columbia on the day before the date of the enactment of this Act.  
**SEC. 4. TRANSITION PROVISIONS RELATING TO HOUSE OF REPRESENTATIVES.**  
 (a) **TEMPORARY INCREASE IN APPORTIONMENT.**—

(1) **IN GENERAL.**—Until the taking effect of the first reapportionment occurring after the effective date of this Act—

(A) the individual serving as the Delegate to the House of Representatives from the District of Columbia shall serve as a member of the House of Representatives from the State of Maryland;

(B) the State of Maryland shall be entitled to 1 additional Representative until the taking effect of such reapportionment; and

(C) such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law.

(2) **INCREASE NOT COUNTED AGAINST TOTAL NUMBER OF MEMBERS.**—The temporary increase in the membership of the House of Representatives provided under paragraph (1) shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13; 2 U.S.C. 2), nor shall such temporary increase affect the basis of reapportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C. 2a), for the 82nd Congress and each Congress thereafter.

(b) **REPEAL OF LAWS PROVIDING FOR DELEGATE FROM THE DISTRICT OF COLUMBIA.**—Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91-405; sections 1-401 and 1-402, D.C. Official Code) are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

#### **SEC. 5. EFFECT ON OTHER LAWS.**

No law or regulation which is in force on the effective date of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided in this Act, or to the extent that such law or regulation is inconsistent with this Act.

#### **SEC. 6. PROCLAMATION REGARDING ACCEPTANCE OF RETROCESSION BY MARYLAND.**

Not later than 30 days after the State of Maryland enacts legislation accepting the retrocession described in section 1(a), the President shall issue a proclamation announcing such acceptance and declaring that the territory ceded to Congress by the State of Maryland to serve as the District constituting the permanent seat of the Government of the United States has been ceded back to the State of Maryland.

#### **SEC. 7. EFFECTIVE DATE.**

The provisions of this Act and the amendments made by this Act shall take effect on the date the President issues a proclamation under section 6 or the date of the ratification of an amendment to the Constitution of the United States repealing the twenty-third article of amendment to the Constitution, whichever comes later.

**SA 586.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **SEC. \_\_\_\_ . BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.**

(a) **DISPOSITION OF FIREARM.**—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

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



“(10) has been convicted in any court of a misdemeanor sex offense against a minor.”.

(b) POSSESSION OF FIREARM.—Section 922(g) of title 18, United States Code, is amended—  
(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the comma at the end and inserting “; or”; and

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

“(10) has been convicted in any court of a misdemeanor sex offense against a minor.”.

(c) MISDEMEANOR SEX OFFENSE AGAINST A MINOR DEFINED.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(36) The term ‘misdemeanor sex offense against a minor’ means a sex offense against a minor punishable by imprisonment for not more than 1 year.

“(37) The term ‘sex offense’ means a criminal offense that has, as an element, a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

“(38) The term ‘minor’ means an individual who has not attained 18 years of age.”.

**SA 587.** Mr. ENSIGN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . REAUTHORIZATION OF THE DC SCHOOL CHOICE INCENTIVE ACT OF 2003.**

(a) REAUTHORIZATION.—Section 313 of the DC School Choice Incentive Act of 2003 (title III of division C of Public Law 108–199, 118 Stat. 134) is amended by striking “fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “fiscal year 2010”.

(b) SEVERABILITY.—Notwithstanding section 7, if any provision of this Act (other than this section), any amendment made by this Act (other than by this section), or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section, the amendment made by this section, and the application of such to any person or circumstance shall not be affected thereby.

**SA 588.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

On page 28, after line 18, add the following:  
**TITLE \_\_\_\_ —PUERTO RICO**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Puerto Rico Democracy Act of 2009”.

**SEC. 202. DEFINITIONS.**

In this title:

(1) COMMISSION.—The term “Commission” means the Puerto Rico State Elections Commission.

(2) COMMONWEALTH.—The term “Commonwealth” means the Commonwealth of Puerto Rico.

**SEC. 203. PLEBISCITE.**

(a) IN GENERAL.—During the 111th Congress, but not later than December 31, 2010, the Commission shall conduct a plebiscite in the Commonwealth, the ballot of which shall

provide for voters to choose only 1 of the following options:

(1) “The Commonwealth of Puerto Rico should continue to have its present status and relationship with the United States. If you agree, mark here \_\_\_\_.”.

(2) “The Commonwealth of Puerto Rico should seek independence from the United States. If you agree, mark here \_\_\_\_.”.

(3) “The Commonwealth of Puerto Rico should seek nationhood in free association with the United States. If you agree, mark here \_\_\_\_.”.

(4) “The Commonwealth of Puerto Rico should seek admission as a State of the United States. If you agree, mark here \_\_\_\_.”.

(b) RULES AND REGULATIONS.—The Commission shall issue any rules and regulations necessary to conduct the plebiscite under subsection (a).

(c) CERTIFICATION OF RESULTS.—The Commission shall certify the results of the plebiscite conducted under subsection (a) to the President and each member of Congress.

(d) FEDERAL COURT JURISDICTION.—The Federal courts of the United States shall have jurisdiction over any legal claim or controversy arising from the implementation of this title.

**SEC. 204. AVAILABILITY OF FUNDS FOR THE SELF-DETERMINATION PROCESS.**

(a) AVAILABILITY OF AMOUNTS DERIVED FROM TAX ON FOREIGN RUM.—During the period beginning on October 1, 2008, and ending on the date on which the results of the plebiscite have been certified under section 203(c), the Secretary of the Treasury shall allocate to the Commission, from amounts that would otherwise be covered into the treasury of the Commonwealth under section 7652(e)(1) of the Internal Revenue Code of 1986, not more than \$5,000,000 to pay the costs incurred by the Commission in conducting the plebiscite, as determined by the President, in consultation with the Commission.

(b) USE OF FUNDS FOR EDUCATIONAL AND OTHER MATERIALS.—In allocating amounts to the Commission under subsection (a), the Secretary shall ensure that the content of any Commission voter education materials to be prepared by the Commission using those amounts are not incompatible with the Constitution and the laws and policies of the United States.

**SA 589.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.**

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

**“§ 922A. Attorney General’s discretion to deny transfer of a firearm**

“The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

“(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

**“§ 922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)**

“The Attorney General may determine that—

“(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”.

(2) in section 921(a), by adding at the end the following:

“(36) The term ‘terrorism’ includes international terrorism and domestic terrorism, as those terms are defined in section 2331 of this title.

“(37) The term ‘material support or resources’ has the same meaning as in section 2339A of this title.

“(38) The term ‘responsible person’ means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.”; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

“922A. Attorney General’s discretion to deny transfer of a firearm.

“922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).”.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting “or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking “and” at the end; and

(II) by adding at the end the following:

“(III) was issued after a check of the system established pursuant to paragraph (1);”;

(ii) in clause (ii), by inserting “and” after the semicolon; and

(iii) by adding at the end the following:

“(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;”;

(4) in paragraph (4), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”; and

(5) in paragraph (5), by inserting “, or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.”.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the comma at the end and inserting “; or”; and

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

“(10) who has received actual notice of the Attorney General’s determination made under section 922A, 922B, 923(d)(3), or 923(e) of this title.”.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “Any” and inserting “Except as provided in paragraph (3), any”; and

(2) by adding at the end the following:

“(3) The Attorney General may deny a license application under paragraph (1) if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(e)”; and

(2) by striking “revoke any license” and inserting the following: “revoke—

“(A) any license”;

(3) by striking “. The Attorney General may, after notice and opportunity for hearing, revoke the license” and inserting the following: “;”

“(B) the license”; and

(4) by striking “. The Secretary’s action” and inserting the following: “; or

“(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”.

“(2) The Attorney General’s action”.

(g) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: “However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(3), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General deter-

mines that disclosure of the information would likely compromise national security.”.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: “With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(h) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: “If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the comma at the end and inserting “; or”; and

(3) by inserting after paragraph (3) the following:

“(4) constitutes an act of terrorism, or providing material support or resources for terrorism.”.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking “**Remedy for erroneous denial of firearm**” and inserting “**Remedies**”; and

(B) by striking “Any person denied a firearm pursuant to subsection (s) or (t) of section 922” and inserting the following:

“(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B”; and

(C) by adding at the end the following:

“(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General’s determination under section 922A or 922B of this title. The court shall sustain the Attorney General’s determination upon a showing by the United States by a preponderance of evidence that the Attorney General’s determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court’s own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or

redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General’s determination satisfies the requirements of section 922A or 922B.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:

“925A. Remedies.”.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting “or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,” after “is ineligible to receive a firearm”; and

(B) by inserting “except any information for which the Attorney General has determined that disclosure would likely compromise national security,” after “reasons to the individual,”; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting “or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,” after “or State law.”; and

(ii) by inserting “, except any information for which the Attorney General has determined that disclosure would likely compromise national security” before the period at the end; and

(B) by adding at the end the following: “Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.”.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting “; or”; and

(2) by adding at the end the following:

“(10) has received actual notice of the Attorney General’s determination made pursuant to subsection (d) or (j) of section 843 of this title.”.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by adding “; or” at the end; and

(2) by inserting after paragraph (7) the following:

“(8) who has received actual notice of the Attorney General’s determination made pursuant to subsection (d) or (j) of section 843 of this title.”.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking “Upon” and inserting “Except as provided in subsection (j), upon”; and

(2) by adding at the end the following:

“(j) The Attorney General may deny the issuance of a permit or license to an applicant under subsection (b) if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief



that the person may use explosives in connection with terrorism.”.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(d)”;

(2) by striking “if in the opinion” and inserting the following: “if—

“(A) in the opinion”; and

(3) by striking “. The Secretary’s action” and inserting the following: “; or

“(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

“(2) The Attorney General’s action”.

(p) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: “However, if the denial or revocation is based upon an Attorney General determination under subsection (d) or (j), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.”; and

(2) in paragraph (2), by adding at the end the following: “In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (d) or (j), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting “or in subsection (b)(1) of this section (on grounds of terrorism)” after “section 842(i)”; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting “or in subsection (j) of this section,” after “section 842(i)”; and

(B) in clause (ii), by inserting “, except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security” after “determination”.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking “or (5)” and inserting “(5), or (10)”.

**SA 590.** Mr. LAUTENBERG (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

## TITLE II—GUN SHOW LOOPHOLE CLOSING ACT OF 2009

### SEC. 201. SHORT TITLE.

This title may be cited as the “Gun Show Loophole Closing Act of 2009”.

### SEC. 202. DEFINITIONS.

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(36) The term ‘special firearms event’—

“(A) means any event at which 75 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce;

“(B) does not include an offer or exhibit of firearms for sale, exchange, or transfer by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under section 923 or 932; and

“(C) does not include an offer or exhibit of firearms for sale, exchange, or transfer at events conducted and attended by permanent or annual dues paying members, and their immediate family, of private, not-for-profit organizations whose primary purpose is owning and maintaining real property for the purpose of hunting activities.

“(37) The term ‘special firearms event licensee’ means any person who has obtained and holds a valid license in compliance with section 932(d) and who is authorized to contact the national instant criminal background check system on behalf of another individual, who is not licensed under this chapter, for the purpose of conducting a background check for a potential firearms transfer at a special firearms event in accordance with section 932(c).

“(38) The term ‘special firearms event vendor’ means any person who is not required to be licensed under section 923 and who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a special firearms event, regardless of whether or not the person arranges with the special firearms event promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.”.

### SEC. 203. REGULATION OF FIREARMS TRANSFERS AT SPECIAL FIREARMS EVENTS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

#### “§932. Regulation of firearms transfers at special firearms events

“(a) SPECIAL FIREARMS EVENTS OPERATORS.—It shall be unlawful for a special firearms events operator to organize, plan, promote, or operate a special firearms event unless that operator—

“(1) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, verifies the identity of each special firearms event vendor participating in the special firearms event by examining a valid identification document (as defined in section 1028(d)(2)) of the vendor containing a photograph of the vendor;

“(2) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, requires each special firearms event vendor to sign—

“(A) a ledger with identifying information concerning the vendor; and

“(B) a notice advising the vendor of the obligations of the vendor under this chapter;

“(3) notifies each person who attends the special firearms event of the requirements of this chapter; and

“(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the operator.

“(b) FEES.—The Attorney General shall not impose or collect any fee from special firearms event operators in connection with the requirements under this section.

#### “(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

“(1) IN GENERAL.—If any part of a firearm transaction takes place at a special firearms event, or on the curtilage of the event, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee in accordance with subsection (d).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement under paragraph (1) shall not—

“(A) transfer the firearm to the transferee until the licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee through which the transfer is made makes the notification described in subsection (d)(2)(A); or

“(B) transfer the firearm to the transferee if the person has been notified under subsection (d)(2)(B) that the transfer would violate section 922 or State law.

“(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Attorney General to impose recordkeeping requirements on any nonlicensed special firearms event vendor.

“(d) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, licensed dealer, or special firearms event licensee who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) with respect to the transfer of a firearm shall—

“(1) except as provided in paragraph (2), comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor);

“(2) not later than 3 business days (meaning days on which State offices are open) after the date of the agreement to purchase, or if the event is held in a State that has been certified by the Attorney General under section 204 of the Gun Show Loophole Closing Act of 2009, not later than 24 hours after such date (or 3 business days after such date if additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General), notify the nonlicensed transferor and the nonlicensed transferee—

“(A) of any response from the national criminal background check system, or if the licensee has had no response from the national criminal background check system within the applicable time period under this paragraph, notify the nonlicensed transferor that no response has been received and that the transfer may proceed; and

“(B) of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or State law;

“(3) in the case of a transfer at 1 time or during any 5 consecutive business days, of 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or

more, to the same nonlicensed person, in addition to the recordkeeping requirements described in paragraph (4), prepare a report of the multiple transfers, which report shall be—

“(A) on a form specified by the Attorney General; and

“(B) not later than the close of business on the date on which the multiple transfer occurs, forwarded to—

“(i) the office specified on the form described in subparagraph (A); and

“(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

“(4) comply with all recordkeeping requirements under this chapter.

“(e) SPECIAL FIREARMS EVENT LICENSE.—

“(1) IN GENERAL.—The Attorney General shall issue a special firearms event license to a person who submits an application for a special firearms event license in accordance with this subsection.

“(2) APPLICATION.—The application required by paragraph (1) shall be approved if—

“(A) the applicant is 21 years of age or older;

“(B) the application includes a photograph and the fingerprints of the applicant;

“(C) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under subsection (g) or (n) of section 922;

“(D) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

“(E) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with the application; and

“(F) the applicant certifies that—

“(i) the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1);

“(ii) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located; and

“(iii) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met.

“(3) APPLICATION AND APPROVAL.—

“(A) IN GENERAL.—Upon the approval of an application under this subsection and payment by the applicant of a fee of \$200 for 3 years, and upon renewal of a valid registration and payment of a fee of \$90 for 3 years, the Attorney General shall issue to the applicant an instant check registration, and advise the Attorney General of that registration.

“(B) NICS.—A special firearms event licensee may contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) for information about any individual desiring to obtain a firearm at a special firearms event from any special firearms event vendor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, during the 3-year period that begins on the date on which the registration is issued.

“(4) REQUIREMENTS.—The requirements for a special firearms event licensee shall not exceed the requirements for a licensed dealer and the recordkeeping requirements shall be the same.

“(5) RESTRICTIONS.—

“(A) BACKGROUND CHECKS.—A special firearms event licensee may have access to the national instant criminal background check system to conduct a background check only at a special firearms event and only on behalf of another person.

“(B) TRANSFER OF FIREARMS.—A special firearms event licensee shall not transfer a firearm at a special firearms event.

“(f) DEFINED TERM.—In this section, the term ‘firearm transaction’—

“(1) includes the sale, offer for sale, transfer, or exchange of a firearm; and

“(2) does not include—

“(A) the mere exhibition of a firearm; or

“(B) the sale, transfer, or exchange of firearms between immediate family members, including parents, children, siblings, grandparents, and grandchildren.”

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(8)(A) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(1) have not been met—

“(i) shall be fined under this title, imprisoned not more than 2 years, or both; and

“(ii) in the case of a second or subsequent conviction, shall be fined under this title, imprisoned not more than 5 years, or both.

“(B) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under subsection (a)(2) or (c) of section 932 have not been met, shall be fined under this title, imprisoned not more than 5 years, or both.

“(C) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(3) have not been met, shall be fined under this title, imprisoned not more than 2 years, or both.

“(D) In addition to any other penalties imposed under this paragraph, the Attorney General may, with respect to any person who violates any provision of section 932—

“(i) if the person is registered pursuant to section 932(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 932(a); and

“(ii) impose a civil fine in an amount equal to not more than \$10,000.”

(c) UNLAWFUL ACTS.—Section 922(b) of title 18, United States Code, is amended in the matter preceding paragraph (1), by striking “or licensed collector” and inserting “licensed collector, or special firearms event licensee”.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Chapter 44 of title 18, United States Code, is amended in the chapter analysis, by adding at the end the following:

“932. Regulation of firearms transfers at special firearms events.”

#### SEC. 204. STATE OPTION FOR 24-HOUR BACKGROUND CHECKS AT SPECIAL FIREARMS EVENTS FOR STATES WITH COMPUTERIZED DISQUALIFYING RECORDS.

(a) IN GENERAL.—Effective 3 years after the date of enactment of this Act, a State may apply to the Attorney General for certification of the 24-hour verification authority of that State.

(b) CERTIFICATION.—The Attorney General shall certify a State for 24-hour verification authority only upon a clear showing by the State, and certification by the Bureau of Justice Statistics, that—

(1) not less than 95 percent of all records containing information that would disqualify an individual under subsections (g) and (n) of section 922 of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal

background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note);

(2) not less than 95 percent of all records containing information that would disqualify an individual under paragraphs (8) and (9) of subsection 922(g) of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Protection Act (18 U.S.C. 922 note); and

(3) the chief judicial officer of the State requires the courts of the State to use the toll-free telephone number described in subsection (d)(1) to immediately notify the National Instant Criminal Background Check System each time a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court.

(c) CLARIFICATIONS.—

(1) DISQUALIFYING INFORMATION.—Disqualifying information for each State under subsection (b) shall include the disqualifying records for that State generated during the 30 years preceding the date of application to the Attorney General for certification.

(2) TOLL-FREE TELEPHONE NUMBER.—Upon a showing by the State that a court of the State has developed computer systems which permit the court to immediately electronically notify the National Instant Criminal Background Check System with respect to the issuance or lifting of restraining orders, the use of the toll-free telephone number described in subsection (d)(1) shall no longer be required under subsection (b)(3).

(d) NOTIFICATION INFRASTRUCTURE.—Before certifying any State under subsection (b), the Attorney General shall—

(1) create a toll-free telephone number through which State and local courts may immediately notify the National Instant Criminal Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court; and

(2) encourage States to develop computer systems that permit courts to immediately electronically notify the National Instant Criminal Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) has been issued, lifted, or otherwise removed by order of the court.

(e) 24-HOUR PROVISION.—Upon certification by the Attorney General, the 24-hour provision in section 932(c)(2) of title 18, United States Code, shall apply to the verification process (for transfers between unlicensed persons) in that State unless additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General, in which case the 3 business day limit shall apply.

(f) ANNUAL REVIEW.—The Director of the Bureau of Justice Statistics shall annually review the certifications under this section.

(g) REVOCATION.—The Attorney General shall revoke the certification required under this section for any State that is not in compliance with subsection (b).

#### SEC. 205. INSPECTION AUTHORITY.

Section 923(g)(1)(B), of title 18, United States Code, is amended by striking “or licensed dealer” and inserting “licensed dealer, or special firearms event operator”.

#### SEC. 206. INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.

Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

“(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer,

licensed manufacturer, licensed collector, or special firearms event licensee who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

“(B) If the violation described in subparagraph (A) is in relation to an offense—

“(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

“(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.”.

#### **SEC. 207. INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.**

Section 924(a) of title 18, United States Code, as amended by section 203(b), is further amended—

(1) in paragraph (5), by striking “subsection (s) or (t) of section 922” and inserting “section 922(s)”; and

(2) by adding at the end the following:

“(9) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.”.

#### **SEC. 208. RULE OF INTERPRETATION.**

A provision of State law is not inconsistent with this title or an amendment made by this title if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this title or an amendment made by this title.

#### **SEC. 209. EFFECTIVE DATE.**

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

### **AUTHORITY FOR COMMITTEES TO MEET**

#### **COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, February 25, 2009 at 2:30 p.m. in room 106 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **COMMITTEE ON ARMED SERVICES**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 25, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 25, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **COMMITTEE ON FINANCE**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Com-

mittee on Finance be authorized to meet during the session of the Senate on Wednesday, February 25, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **COMMITTEE ON THE JUDICIARY**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled “Ensuring Television Carriage in the Digital Age” on Wednesday, February 25, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection it is so ordered.

#### **COMMITTEE ON THE JUDICIARY**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled “Executive Nominations” on Wednesday, February 25, 2009, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **SPECIAL COMMITTEE ON AGING**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Aging be authorized to meet on Wednesday, February 25, 2009 at 10 a.m.–12:30 p.m. in Dirksen 106 for the purpose of conducting a business meeting and hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### **PRIVILEGES OF THE FLOOR**

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Ted Vogt of Senator KYL's staff be given floor privileges during the duration of the debate on S. 160.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### **APPOINTMENT**

The PRESIDING OFFICER. The Chair announces on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: the Senator from Montana (Mr. BAUCUS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from North Dakota (Mr. CONRAD), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Utah (Mr. HATCH).

### **COMMEMORATING THE ROLE OF ENSLAVED AFRICAN AMERICANS IN THE CONSTRUCTION OF THE CAPITOL**

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further con-

sideration of S. Res. 53 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 53) authorizing a plaque commemorating the role of enslaved African Americans in the construction of the Capitol.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table en bloc, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 53) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### **S. RES. 53**

Whereas enslaved African-Americans provided labor essential to the construction of the Capitol;

Whereas enslaved African-Americans performed the backbreaking work of quarrying the stone which comprised many of the floors, walls, and columns of the Capitol;

Whereas enslaved African-Americans toiled in the Aquia Creek sandstone quarry in Stafford County, Virginia and in a marble quarry in Montgomery County, Maryland to produce the stone that would be used in the Capitol;

Whereas the marble columns in the Old Senate Chamber and the sandstone walls of the East Front corridor remain as the lasting legacies of the enslaved African-Americans who worked the quarries;

Whereas enslaved African-Americans also participated in other facets of construction of the Capitol, including carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing;

Whereas enslaved African-Americans labored on the Nation's Capitol while they, themselves, were not free;

Whereas the contributions of enslaved African-Americans in the construction of the Capitol have not been acknowledged nor adequately represented in the Capitol;

Whereas no narrative on the construction of the Capitol that does not include the contributions of enslaved African-Americans can fully and accurately reflect the history of the Capitol; and

Whereas recognition of the contributions of enslaved African-Americans brings to all people of the United States an understanding of the continuing evolution of democracy: Now, therefore, be it

*Resolved*, That the Senate authorizes and directs—

(1) the Senate Commission on Art to procure an appropriate plaque acknowledging the role of enslaved African-Americans in the construction of the Capitol; and

(2) that, under the direction of the Committee on Rules and Administration of the Senate, the plaque shall be placed near the original exterior wall that was constructed between 1793 and 1800 in the East Front corridor on the third floor of the Senate wing of the Capitol.