

**AMENDMENT TO H.R. 157, AS REPORTED
OFFERED BY MR. HELLER OF NEVADA**

Add at the end the following:

1 **TITLE II—SECOND AMENDMENT**
2 **ENFORCEMENT ACT**

3 **SEC. 201. SHORT TITLE.**

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

6 **SEC. 202. CONGRESSIONAL FINDINGS.**

7 Congress finds the following:

8 (1) The Second Amendment to the United
9 States Constitution provides that the right of the
10 people to keep and bear arms shall not be infringed.

11 (2) As the Congress and the Supreme Court of
12 the United States have recognized, the Second
13 Amendment to the United States Constitution pro-
14 tects the rights of individuals, including those who
15 are not members of a militia or engaged in military
16 service or training, to keep and bear arms.

17 (3) The law-abiding citizens of the District of
18 Columbia are deprived by local laws of handguns, ri-
19 fles, and shotguns that are commonly kept by law-
20 abiding persons throughout the United States for

1 sporting use and for lawful defense of their persons,
2 homes, businesses, and families.

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

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

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

23 (7) Legislation is required to correct the Dis-
24 trict of Columbia's law in order to restore the funda-
25 mental rights of its citizens under the Second

1 Amendment to the United States Constitution and
2 thereby enhance public safety.

3 **SEC. 203. REFORM D.C. COUNCIL'S AUTHORITY TO RE-**
4 **STRICT FIREARMS.**

5 Section 4 of the Act entitled "An Act to prohibit the
6 killing of wild birds and wild animals in the District of
7 Columbia", approved June 30, 1906 (34 Stat. 809; sec.
8 1-303.43, D.C. Official Code) is amended by adding at
9 the end the following: "Nothing in this section or any
10 other provision of law shall authorize, or shall be con-
11 strued to permit, the Council, the Mayor, or any govern-
12 mental or regulatory authority of the District of Columbia
13 to prohibit, constructively prohibit, or unduly burden the
14 ability of persons not prohibited from possessing firearms
15 under Federal law from acquiring, possessing in their
16 homes or businesses, or using for sporting, self-protection
17 or other lawful purposes, any firearm neither prohibited
18 by Federal law nor subject to the National Firearms Act.
19 The District of Columbia shall not have authority to enact
20 laws or regulations that discourage or eliminate the pri-
21 vate ownership or use of firearms. Nothing in the previous
22 two sentences shall be construed to prohibit the District
23 of Columbia from regulating or prohibiting the carrying
24 of firearms by a person, either concealed or openly, other

1 than at the person's dwelling place, place of business, or
2 on other land possessed by the person.”.

3 **SEC. 204. REPEAL D.C. SEMIAUTOMATIC BAN.**

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

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

19 (b) CONFORMING AMENDMENT TO PROVISIONS SET-
20 TING FORTH CRIMINAL PENALTIES.—Section 1(c) of the
21 Act of July 8, 1932 (47 Stat. 651; sec. 22—4501(c), D.C.
22 Official Code) is amended to read as follows:

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

1 **SEC. 205. REPEAL REGISTRATION REQUIREMENT.**

2 (a) REPEAL OF REQUIREMENT.—

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

9 (2) DESCRIPTION OF FIREARMS REMAINING IL-
10 LEGAL.—Section 201 of such Act (sec. 7-2502.01,
11 D.C. Official Code) is amended by adding at the end
12 the following new subsection:

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

15 “(1) A sawed-off shotgun.

16 “(2) A machine gun.

17 “(3) A short-barreled rifle.”

18 (3) CONFORMING AMENDMENT.—The heading
19 of section 201 of such Act (sec. 7-2502.01, D.C.
20 Official Code) is amended by striking “Registration
21 requirements” and inserting “Firearm Possession”.

22 (b) CONFORMING AMENDMENTS TO FIREARMS CON-
23 TROL REGULATIONS ACT.—The Firearms Control Regu-
24 lations Act of 1975 is amended as follows:

1 (1) Sections 202 through 211 (secs. 7–2502.02
2 through 7–2502.11, D.C. Official Code) are re-
3 pealed.

4 (2) Section 101 (sec. 7—2501.01, D.C. Official
5 Code) is amended by striking paragraph (13).

6 (3) Section 401 (sec. 7—2504.01, D.C. Official
7 Code) is amended—

8 (A) in subsection (a), by striking “the Dis-
9 trict;” and all that follows and inserting the fol-
10 lowing: “the District, except that a person may
11 engage in hand loading, reloading, or custom
12 loading of ammunition for firearms lawfully
13 possessed under this Act.”; and

14 (B) in subsection (b), by striking “which
15 are unregistrable under section 202” and in-
16 serting “which are prohibited under section
17 201”.

18 (4) Section 402 (sec. 7—2504.02, D.C. Official
19 Code) is amended—

20 (A) in subsection (a), by striking “Any
21 person eligible to register a firearm” and all
22 that follows through “such business,” and in-
23 serting the following: “Any person not other-
24 wise prohibited from possessing or receiving a
25 firearm under Federal or District law, or from

1 being licensed under section 923 of title 18,
2 United States Code,”; and

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

5 “(1) The applicant’s name;”.

6 (5) Section 403(b) (sec. 7—2504.03(b), D.C.
7 Official Code) is amended by striking “registration
8 certificate” and inserting “dealer’s license”.

9 (6) Section 404(a)(3) (sec. 7—2504.04(a)(3)),
10 D.C. Official Code) is amended—

11 (A) in subparagraph (B)(i), by striking
12 “registration certificate number (if any) of the
13 firearm,”;

14 (B) in subparagraph (B)(iv), by striking
15 “holding the registration certificate” and insert-
16 ing “from whom it was received for repair”;

17 (C) in subparagraph (C)(i), by striking
18 “and registration certificate number (if any) of
19 the firearm”;

20 (D) in subparagraph (C)(ii), by striking
21 “registration certificate number or”; and

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

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

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

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

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

10 (8) Section 407(b) (sec. 7—2504.07(b), D.C.
11 Official Code) is amended by striking “would not be
12 eligible” and all that follows and inserting “is pro-
13 hibited from possessing or receiving a firearm under
14 Federal or District law.”.

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

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

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

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

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

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

7 (D) by striking subsection (e).

8 (10) Section 704 (sec. 7—2507.04, D.C. Offi-
9 cial Code) is amended—

10 (A) in subsection (a), by striking “any reg-
11 istration certificate or” and inserting “a”; and

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

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

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

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

23 **SEC. 206. REPEAL HANDGUN AMMUNITION BAN.**

24 Section 601(3) of the Firearms Control Regulations
25 Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is

1 amended by striking “is the holder of the valid registration
2 certificate for” and inserting “owns”.

3 **SEC. 207. RESTORE RIGHT OF SELF DEFENSE IN THE**
4 **HOME.**

5 Section 702 of the Firearms Control Regulations Act
6 of 1975 (sec. 7-2507.02, D.C. Official Code) is repealed.

7 **SEC. 208. REMOVE CRIMINAL PENALTIES FOR POSSESSION**
8 **OF UNREGISTERED FIREARMS.**

9 (a) **IN GENERAL.**—Section 706 of the Firearms Con-
10 trol Regulations Act of 1975 (sec. 7-2507.06, D.C. Offi-
11 cial Code) is amended by striking paragraph (2) and re-
12 designating paragraph (3) as paragraph (2).

13 (b) **EFFECTIVE DATE.**—The amendment made by
14 subsection (a) shall apply with respect to violations occur-
15 ring after the 60-day period which begins on the date of
16 the enactment of this Act.

17 **SEC. 209. REMOVE CRIMINAL PENALTIES FOR CARRYING A**
18 **FIREARM IN ONE'S DWELLING OR OTHER**
19 **PREMISES.**

20 (a) **IN GENERAL.**—Section 4(a) of the Act of July
21 8, 1932 (47 Stat. 651; sec. 22—4504(a), D.C. Official
22 Code) is amended—

23 (1) in the matter before paragraph (1), by
24 striking “a pistol,” and inserting the following: “ex-
25 cept in his dwelling house or place of business or on

1 other land possessed by that person, whether loaded
2 or unloaded, a firearm,”; and

3 (2) by striking “except that:” and all that fol-
4 lows through “(2) If the violation” and inserting
5 “except that if the violation”.

6 (b) CONFORMING AMENDMENT.—Section 5 of such
7 Act (47 Stat. 651; sec. 22—4505, D.C. Official Code) is
8 amended—

9 (1) by striking “pistol” each place it appears
10 and inserting “firearm”; and

11 (2) by striking “pistols” each place it appears
12 and inserting “firearms”.

13 **SEC. 210. AUTHORIZING PURCHASES OF FIREARMS BY DIS-**
14 **TRICT RESIDENTS.**

15 Section 922 of title 18, United States Code, is
16 amended in paragraph (b)(3) by inserting after “other
17 than a State in which the licensee’s place of business is
18 located” the following: “, or to the sale or delivery of a
19 handgun to a resident of the District of Columbia by a
20 licensee whose place of business is located in Maryland or
21 Virginia,”.

22 **SEC. 211. REPEALS OF DISTRICT OF COLUMBIA ACTS.**

23 The Firearms Registration Amendment Act of 2008
24 (D.C. Act 17—708) and the Firearms Registration Emer-
25 gency Amendment Act of 2008 (D.C. Act 17—651) are

1 repealed, and any provision of law amended or repealed
2 by either of such Acts is restored or revived as if such
3 Acts had not been enacted into law.

4 **SEC. 212. SEVERABILITY.**

5 Notwithstanding any other provision of this Act, if
6 any provision of this Act, or any amendment made by this
7 Act, or the application of such provision or amendment
8 to any person or circumstance is held to be unconstitu-
9 tional, this title and amendments made by this title, and
10 the application of such provision or amendment to other
11 persons or circumstances shall not be affected thereby.

