

## Union Calendar No.

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6842

[Report No. 110-]

To require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's capital from crime and terrorism.

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### IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2008

Ms. NORTON (for herself and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

SEPTEMBER --, 2008

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

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## A BILL

To require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of

the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's capital from crime and terrorism.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Capital Secu-  
5 rity and Safety Act”.

6 **SEC. 2. FINDINGS.**

7       Congress finds the following:

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

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

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

1           (4) Since the terrorist attacks by a United  
2 States citizen on a Federal facility in Oklahoma  
3 City, Oklahoma, and especially since the attacks by  
4 foreign terrorists on the National Capital Region on  
5 September 11, 2001, the District of Columbia has  
6 been considered by Federal law enforcement and se-  
7 curity officials to be a likely target for terrorist and  
8 domestic attacks on Federal sites and on Federal of-  
9 ficials and employees, visiting dignitaries, and other  
10 individuals.

11           (5) The MPD works continuously with all Fed-  
12 eral law enforcement agencies, including 36 different  
13 police agencies, to prevent attacks in the Nation's  
14 capital.

15           (6) Federal and District law enforcement inter-  
16 ests work together and communicate daily on many  
17 efforts, including providing protective escort services  
18 to the President, Vice President, first lady, and  
19 presidential candidates as they travel and work  
20 throughout the District.

21           (7) The President, Vice President, and many  
22 cabinet and other Federal officials reside in the Dis-  
23 trict of Columbia.

24           (8) MPD teams with Federal officials to pro-  
25 vide protective escorts for the more than 40 national

1 and international dignitaries who visit the District of  
2 Columbia every month.

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

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

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

18 (12) Local jurisdictions, including the District  
19 of Columbia, enact firearms legislation in keeping  
20 with local desires and concerns, but the District of  
21 Columbia must take into account that the District  
22 also is a Federal city and that such legislation must  
23 be consistent with the heightened Federal interest in  
24 preventing terrorism and domestic attacks on indi-  
25 viduals in the city because of the Federal presence.

1           (13) The most frequent attacks on Federal offi-  
2           cials in the Nation’s capital have been “lone-wolf”  
3           attacks by individuals with concealable handguns,  
4           such as the assassinations of Presidents Abraham  
5           Lincoln and James Garfield, the serious attempts on  
6           Presidents Ronald Regan and Andrew Jackson, and  
7           the July 1998 murder of 2 United States Capitol  
8           Police officers in the United States Capitol.

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

15          (15) The government of the District of Colum-  
16          bia, with the informed advice of MPD, is best suited  
17          to carrying out the complicated task of developing  
18          local laws that satisfy the Supreme Court’s mandate  
19          while protecting Federal officials and employees, vis-  
20          iting dignitaries, and other individuals. Congress  
21          should allow the District of Columbia the oppor-  
22          tunity to enact statutes and promulgate regulations,  
23          while preserving the Federal right to intervene under  
24          the District of Columbia Home Rule Act if federally

1       protected individuals or the Federal presence are ex-  
2       posed to risk.

3           (16) Unregulated firearms in the Nation's cap-  
4       ital would preclude the ability of the MPD and, if  
5       needed, the Federal government to track guns  
6       through registration and otherwise to help ensure  
7       that guns do not endanger Federal officials and em-  
8       ployees, visiting dignitaries, and other individuals.

9       **SEC. 3. REVISION OF DISTRICT OF COLUMBIA FIREARMS**  
10           **LAWS.**

11       (a) **REQUIRING DISTRICT TO REVISE LAWS.—**

12           (1) **REVISION.—**Not later than 180 days after  
13       the date of the enactment of this Act, the District  
14       of Columbia shall revise the laws and regulations of  
15       the District of Columbia which govern the use and  
16       possession of firearms, as necessary to comply with  
17       the requirements of the decision of the Supreme  
18       Court in the case of *District of Columbia v. Heller*.

19           (2) **CONFORMING AMENDMENT TO LOCAL**  
20       **LAW.—**Title VII of the Firearms Control Regula-  
21       tions Act of 1975 (sec. 7-2507.01 et seq., D.C. Offi-  
22       cial Code) is amended by adding at the end the fol-  
23       lowing new section:

1 **“SEC. 712. CONSISTENCY WITH FEDERAL REQUIREMENTS.**

2 “The Mayor and the Council shall ensure that this  
3 Act and the regulations promulgated to carry out this Act  
4 are consistent with the requirements of the decision of the  
5 Supreme Court in the case of District of Columbia v. Hell-  
6 er and the criteria provided under section 3(b) of the Na-  
7 tional Capital Security and Safety Act.”.

8 (b) **CRITERIA FOR REVISIONS.**—For purposes of sub-  
9 section (a)(1) and section 712 of the Firearms Control  
10 Regulations Act of 1975 (as added by subsection (a)(2));  
11 the revisions to the laws and regulations of the District  
12 of Columbia which govern the use and possession of fire-  
13 arms shall be based upon the following criteria:

14 (1) The need to ensure the safety and security  
15 of the Nation’s capital so that nothing in the revi-  
16 sions will place at risk the safety and security of  
17 Federal buildings or other Federal interests located  
18 in the District of Columbia, including the safety and  
19 security of Federal employees, or will place at risk  
20 the safety and security of the people who reside in  
21 or visit the District.

22 (2) The need to ensure that nothing in the revi-  
23 sions will interfere with the operations of Federal  
24 law enforcement officials (including officials of the  
25 Secret Service, the Federal Protective Service of the  
26 Department of Homeland Security, the United

1 States Marshals Service and Supreme Court Police,  
2 and the United States Capitol Police) and the Met-  
3 ropolitan Police Department and other local law en-  
4 forcement officials in carrying out their duties to  
5 protect those who work in, reside in, or visit the Dis-  
6 trict of Columbia.

7 ~~(3)~~ The need to ensure that nothing in the revi-  
8 sions will compromise the ability of local and Fed-  
9 eral homeland security and military officials to carry  
10 out their duties to protect the Nation's capital from  
11 terrorism.

12 **SEC. 3. REVISION OF DISTRICT OF COLUMBIA FIREARMS**  
13 **LAWS.**

14 *(a) REQUIRING DISTRICT TO REVISE LAWS.—Not*  
15 *later than 180 days after the date of the enactment of this*  
16 *Act, the District of Columbia shall revise the laws and regu-*  
17 *lations of the District of Columbia which govern the use*  
18 *and possession of firearms, as necessary to comply with the*  
19 *requirements of the decision of the Supreme Court in the*  
20 *case of District of Columbia v. Heller.*

21 *(b) CONFORMING AMENDMENT TO LOCAL LAW.—Title*  
22 *VII of the Firearms Control Regulations Act of 1975 (sec.*  
23 *7—2507.01 et seq., D.C. Official Code) is amended by add-*  
24 *ing at the end the following new section:*



1 **“SEC. 712. CONSISTENCY WITH FEDERAL REQUIREMENTS.**

2       *“The Mayor and the Council shall ensure that this Act*  
3 *and the regulations promulgated to carry out this Act are*  
4 *consistent with the requirements of the decision of the Su-*  
5 *preme Court in the case of District of Columbia v. Heller.”.*

Amend the title so as to read: “A bill to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of *District of Columbia v. Heller.*”.