

106TH CONGRESS
1ST SESSION

H.R. 1233

To regulate interstate commerce by providing a Federal cause of action against firearms manufacturers, dealers, and importers for the harm resulting from gun violence.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1999

Mrs. LOWEY (for herself and Mrs. MCCARTHY of New York) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To regulate interstate commerce by providing a Federal cause of action against firearms manufacturers, dealers, and importers for the harm resulting from gun violence.

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 “Firearms Rights, Re-
5 sponsibilities, and Remedies Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the manufacture, distribution, and importa-
9 tion of firearms is inherently commercial in nature;

1 (2) firearms regularly move in interstate com-
2 merce;

3 (3) firearms trafficking is so prevalent and
4 widespread in and among the States that it is usu-
5 ally impossible to distinguish between intrastate
6 trafficking and interstate trafficking;

7 (4) to the extent firearms trafficking is intra-
8 state in nature, it arises out of and is substantially
9 connected with a commercial transaction, which,
10 when viewed in the aggregate, substantially affects
11 interstate commerce;

12 (5) gun violence results in great costs to soci-
13 ety, including the costs of law enforcement, medical
14 care, lost productivity, and loss of life;

15 (6) to the extent possible, the costs of gun vio-
16 lence should be borne by those liable for them, in-
17 cluding manufacturers, dealers, and importers;

18 (7) in any action to recover the costs associated
19 with gun violence to a particular entity or to a given
20 community, it is usually impossible to trace the por-
21 tion of costs attributable to intrastate versus inter-
22 state commerce;

23 (8) the law governing the liability of manufac-
24 turers, dealers, and importers for gun violence is
25 evolving inconsistently within and among the States,

1 resulting in a contradictory and uncertain regime
2 that is inequitable and that unduly burdens inter-
3 state commerce;

4 (9) the inability to obtain adequate compensa-
5 tion for the costs of gun violence results in a serious
6 commercial distortion to a single national market
7 and a stable national economy, thereby creating a
8 barrier to interstate commerce;

9 (10) it is an essential and appropriate role of
10 the Federal Government, under the Constitution of
11 the United States, to remove burdens and barriers
12 to interstate commerce;

13 (11) because the intrastate and interstate traf-
14 ficking of firearms are so commingled, full regula-
15 tion of interstate commerce requires the incidental
16 regulation of intrastate commerce; and

17 (12) it is in the national interest and within the
18 role of the Federal Government to ensure that man-
19 ufacturers, dealers, and importers can be held liable
20 under Federal law for gun violence.

21 (b) PURPOSE.—Based on the power of Congress in
22 clause 3 of section 8 of article I of the Constitution of
23 the United States, the purpose of this Act is to regulate
24 interstate commerce by—

1 (1) regulating the commercial activity of fire-
2 arms trafficking;

3 (2) protecting States, units of local government,
4 organizations, businesses, and other persons from
5 the adverse effects of interstate commerce in fire-
6 arms;

7 (3) establishing a uniform legal principle that
8 manufacturers, dealers, and importers can be held
9 liable for gun violence; and

10 (4) creating greater fairness, rationality, and
11 predictability in the civil justice system.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) GUN VIOLENCE.—The term “gun violence”
15 means any—

16 (A) actual or threatened unlawful use of a
17 firearm; and

18 (B) unintentional discharge of a firearm.

19 (2) INCORPORATED DEFINITIONS.—The terms
20 “firearm”, “importer”, “manufacturer”, and “deal-
21 er” have the meanings given those terms in section
22 921 of title 18, United States Code.

23 (3) STATE.—The term “State” means each of
24 the several States of the United States, the District
25 of Columbia, the Commonwealth of Puerto Rico, the

1 Virgin Islands, Guam, American Samoa, and the
2 Commonwealth of the Northern Mariana Islands.

3 (4) UNIT OF LOCAL GOVERNMENT.—The term
4 “unit of local government” means any city, town,
5 township, county, parish, village, or other general
6 purpose political subdivision of a State.

7 **SEC. 4. FEDERAL CAUSE OF ACTION.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of Federal, State, or local law, a State, unit of local
10 government, organization, business, or other person that
11 has been injured by or incurred costs as a result of gun
12 violence may bring a civil action in a Federal or State
13 court of original jurisdiction against a manufacturer, deal-
14 er, or importer who knew or reasonably should have known
15 that its design, manufacturing, marketing, importation,
16 sales, or distribution practices would likely result in gun
17 violence.

18 (b) REMEDIES.—In an action under subsection (a),
19 the court may award appropriate relief, including—

20 (1) actual damages;

21 (2) punitive damages;

22 (3) reasonable attorneys’ fees and other litiga-
23 tion costs reasonably incurred, including the costs of
24 expert witnesses; and

- 1 (4) such other relief as the court determines to
- 2 be appropriate.

