

106TH CONGRESS
1ST SESSION

H. R. 3444

To repeal section 658 of Public Law 104–208, commonly referred to as the Lautenberg amendment.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 1999

Mrs. CHENOWETH-HAGE (for herself, Mr. BARR of Georgia, Mr. WATTS of Oklahoma, Mr. DOOLITTLE, Mrs. CUBIN, Mr. GIBBONS, Mr. COBURN, Mr. YOUNG of Alaska, Mr. MCINTOSH, Mr. PAUL, Mr. GOODE, Mr. HASTINGS of Washington, Mr. CANNON, Mr. SMITH of Michigan, Mr. SKEEN, Mr. PICKETT, Mr. HILL of Montana, Mr. BATEMAN, Mr. RYUN of Kansas, and Mr. WICKER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To repeal section 658 of Public Law 104–208, commonly referred to as the Lautenberg amendment.

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 “States’ Rights and Sec-
5 ond and Tenth Amendment Restoration Act of 1999”.

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

7 (a) Congressional findings:

1 (1) Domestic Violence remains a very serious
2 problem in the United States. It is a dangerous
3 crime and should be punished as such, including,
4 where appropriate, as a felony.

5 (2) Many States have classified Domestic Vio-
6 lence crimes as misdemeanors, others as felonies.
7 States are the proper authority, rather than the
8 Federal Government, to classify Domestic Violence
9 offenses.

10 (3) Where appropriate, States should classify
11 Domestic Violence offenses as a felony.

12 (4) Section 658 of Public Law 104–208, com-
13 monly referred to as the Lautenberg amendment,
14 oversteps Federal authority, violating States’ rights,
15 because no nexus has been shown to exist between
16 Domestic Violence and interstate commerce.

17 (5) The Lautenberg amendment does not deal
18 with a subject delegated to Congress under article I,
19 section 8 of the Constitution of the United States
20 and is therefore unconstitutional under the tenth
21 amendment to the Constitution, as interpreted by
22 United States v. Lopez.

23 (6) The Lautenberg amendment oversteps
24 Congress’s power to regulate commerce as delineated

1 by the Commerce Clause of the United States Con-
2 stitution.

3 (7) Some of the strictest gun control laws are
4 found in cities where the number of incidents of
5 guns being used in violent crimes is the highest.
6 Therefore, the Lautenberg amendment does not re-
7 duce incidents of domestic violence.

8 (8) State and Federal judges already have the
9 power to deny persons convicted of misdemeanors
10 the right to possess firearms as a condition of proba-
11 tion or parole.

12 (9) The Lautenberg amendment is an unfunded
13 Federal mandate because States are liable for the
14 costs of monitoring those citizens who have been
15 banned for life from owning a firearm. Many times
16 this lifetime ban is a result of a misdemeanor, not
17 a felony.

18 (10) Section 658 of the Treasury-Postal portion
19 of Public Law 104–208 violates all notions of con-
20 stitutional due process and constitutes an ex post
21 facto law because it imposes a criminal penalty on
22 crimes which were not subject to that penalty at the
23 time of the Act.

24 (11) Law-abiding citizens use guns to defend
25 themselves against criminals as many as 2.5 million

1 times every year. Of these self-defense cases, as
2 many as 200,000 are by women defending them-
3 selves against sexual assault.

4 (12) Section 658 of the Treasury-Postal portion
5 of Public Law 104–208 will, if allowed to stand, re-
6 sult in the disarming of millions of citizens, includ-
7 ing women, on account of misdemeanor offenses
8 which, in many cases, were committed long before
9 the effective date of that Act.

10 (13) Section 658 of the Treasury-Postal portion
11 of Public Law 104–208 will, in many cases, disarm
12 battered women who need access to firearms in
13 order to protect themselves from their battering
14 spouses as well as from common criminals.

15 (14) Section 658 of the Treasury-Postal portion
16 of Public Law 104–208 will, if allowed to stand, im-
17 pose a lifetime gun ban on persons who committed
18 acts so minor that they were not even entitled to a
19 jury trial prior to conviction.

20 (15) Section 658 of the Treasury-Postal portion
21 of Public Law 104–208, will, if allowed to stand, re-
22 sult in the disarming and dismissal of a significant
23 number of law enforcement officers and American
24 servicemen, on account of misdemeanors, which in

1 many cases, were committed long before the effective
2 date of that Act.

3 (16) Section 658 of the Treasury-Postal portion
4 of Public Law 104–208 ignores the real problem
5 surrounding domestic violence in that truly violent
6 offenders are allowed to plea-bargain down to mis-
7 demeanors.

8 (b) PURPOSE.—It is the purpose of this Act to re-
9 store States’ rights, the tenth amendment, and second
10 amendment freedoms.

11 **SEC. 3. REPEALER.**

12 Section 658 of the Treasury-Postal portion of Public
13 Law 104–208 is repealed and is null and void as if it had
14 not been enacted, and all provisions of law amended by
15 such section are restored as if section 658 had not been
16 enacted.

17 **SEC. 4. EFFECTIVE DATE.**

18 This Act shall take effect immediately upon enact-
19 ment.

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