

by corrupt dealers and through so-called straw purchases, when an ineligible buyer has a friend or relative buy a firearm for him.

While federal law already prohibits a person from transferring a firearm when a person knows that the gun will be used to commit a crime, it is very difficult for victims of gun violence to seek legal redress from gun dealers who sell guns to those prohibited from buying firearms. There is very little case law and no federal law giving victims of gun violence the right to sue gun dealers who make illegal gun sales.

To remedy this situation, my legislation, the Gun Dealer Responsibility Act, would provide a statutory cause of action for victims of gun violence against dealers whose illegal sale of a gun directly contributes to the victim's injury.

I believe this legislation will make unscrupulous gun dealers think twice about selling weapons to minors, convicted felons, or any other ineligible buyer, either directly or through straw purchases.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun Dealer Responsibility Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) DEALER.—The term "dealer" has the meaning given such term in section 921(a)(11) of title 18, United States Code.

(2) FIREARM.—The term "firearm" has the meaning given such term in section 921(a)(3) of title 18, United States Code.

(3) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means any officer, agent, or employee of the United States, or of a State or political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law.

SEC. 3. CAUSE OF ACTION; FEDERAL JURISDICTION.

Any person suffering bodily injury as a result of the discharge of a firearm (or, in the case of a person who is incapacitated or deceased, any person entitled to bring an action on behalf of that person or the estate of that person) may bring an action in any United States district court against any dealer who transferred the firearm to any person in violation of chapter 44 of title 18, United States Code, for damages and such other relief as the court deems appropriate. In any action under this section, the court shall allow a prevailing plaintiff a reasonable attorney's fee as part of the costs.

SEC. 4. LIABILITY.

(a) IN GENERAL.—Except as provided in subsection (b) of this section, the defendant in an action brought under section 3 shall be held liable in tort, without regard to fault or proof of defect, for all direct and consequential damages that arise from bodily injury or death proximately resulting from the illegal sale of a firearm if it is established by a preponderance of the evidence that the defend-

ant transferred the firearm to any person in violation of chapter 44 of title 18, United States Code.

(b) DEFENSES.—

(1) INJURY WHILE COMMITTING A FELONY.—There shall be no liability under subsection (a) if it is established by a preponderance of the evidence that the plaintiff suffered the injury while committing a crime punishable by imprisonment for a term exceeding 1 year.

(2) INJURY BY LAW ENFORCEMENT OFFICER.—There shall be no liability under subsection (a) if it is established by a preponderance of the evidence that the injury was suffered as a result of the discharge, by a law enforcement officer in the performance of official duties, of a firearm issued by the United States (or any department or agency thereof) or any State (or department, agency, or political subdivision thereof).

SEC. 5. NO EFFECT ON OTHER CAUSES OF ACTION.

This Act shall not be construed to limit the scope of any other cause of action available to a person injured as a result of the discharge of a firearm.

SEC. 6. APPLICABILITY.

This Act applies to any—

- (1) firearm transferred before, on, or after the date of enactment of this Act; and
- (2) bodily injury or death occurring after such date of enactment.

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. COVERDELL, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 247

At the request of Mr. ROBB, his name was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 254

At the request of Mr. HATCH, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Delaware (Mr. BIDEN), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 296

At the request of Mr. FRIST, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 303

At the request of Mr. ROTH, his name was added as a cosponsor of S. 303, a bill to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multi-channel video providers to compete effectively with cable television systems, and for other purposes.

S. 344

At the request of Mr. BOND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 348

At the request of Ms. SNOWE, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 593

At the request of Mr. COVERDELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 712

At the request of Mr. LOTT, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 712, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

S. 731

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 731, a bill to provide for substantial reductions in the price of prescription drugs for medicare beneficiaries.

S. 759

At the request of Mr. MURKOWSKI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 759, a bill to regulate the transmission of unsolicited commercial electronic mail on the Internet, and for other purposes.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 875

At the request of Mr. ALLARD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes.

S. 879

At the request of Mr. CONRAD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements

S. 918

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 924

At the request of Mr. NICKLES, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 924, a bill entitled the "Federal Royalty Certainty Act".

S. 934

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 934, a bill to enhance rights and protections for victims of crime.

S. 935

At the request of Mr. LUGAR, the names of the Senator from Rhode Island (Mr. CHAFFEE), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 935, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1029

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1073

At the request of Mr. ASHCROFT, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1073, a bill to amend the Trade Act of 1974 to ensure that United States industry is consulted with respect to all aspects of the WTO dispute settlement process.

S. 1077

At the request of Mr. SCHUMER, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 1077, a bill to dedicate the new Amtrak station in New York, New York, to Senator DANIEL PATRICK MOYNIHAN.

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 1077, *supra*.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 104—TO AUTHORIZE TESTIMONY, PRODUCTION OF DOCUMENTS, AND LEGAL REPRESENTATION

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 104

Whereas, in the case of *United States v. Nippon Miniature Bearing, Inc., et al.*, Court

No. 96-12-02853, pending in the United States Court of International Trade, a subpoena for testimony and documents has been issued to Tim Osborn, a former employee of the Senate Committee on Small Business, concerning the performance of his duties on behalf of the Committee;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§228b(a) and 228c(a)(2), the Senate may direct its counsel to represent Members or employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Tim Osborn, and any other former Senate Member or employee from whom testimony may be required, are authorized to testify and produce documents in the case of *United States v. Nippon Miniature Bearing, Inc., et al.*, except matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Tim Osborn, and any other former Member or employee of the Senate from whom testimony may be required, in connection with the case of *United States v. Nippon Miniature Bearing, Inc., et al.*

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

DURBIN AMENDMENT NO. 367

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ SHORT TITLE.

This Act may be cited as the "Family Responsibility Act".

SEC. ____ CHILDREN AND FIREARMS SAFETY.

(a) DEFINITION.—Section 921(a)(34)(A) of title 18, United States Code, is amended by inserting "or removing" after "deactivating".

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) PROHIBITION AGAINST GIVING JUVENILES ACCESS TO CERTAIN FIREARMS.—

"(1) DEFINITION OF JUVENILE.—In this subsection, the term 'juvenile' means an individual who has not attained the age of 18 years.

"(2) PROHIBITION.—Except as provided in paragraph (3), it shall be unlawful for any person to keep a loaded firearm, or an unloaded firearm and ammunition for the firearm, any of which has been shipped or transported in interstate or foreign commerce or