

106TH CONGRESS
1ST SESSION

H. R. 1086

To reform the manner in which firearms are manufactured and distributed by providing an incentive to State and local governments to bring claims for the rising costs of gun violence in their communities.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1999

Mr. FORD (for himself, Mrs. MCCARTHY of New York, Mr. MEEHAN, Mr. WEINER, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. WYNN, Mr. MENENDEZ, Mrs. MEEK of Florida, Mrs. LOWEY, Mr. NADLER, Mr. CONYERS, Ms. MILLENDER-McDONALD, Mr. JACKSON of Illinois, and Mr. DAVIS of Illinois) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To reform the manner in which firearms are manufactured and distributed by providing an incentive to State and local governments to bring claims for the rising costs of gun violence in their communities.

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 “Gun Industry Respon-
5 sibility Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Across the Nation, local communities are
4 bringing rightful legal claims against the gun indus-
5 try to seek changes in the manner in which the in-
6 dustry conducts business in the civilian market in
7 those communities.

8 (2) Since firearms are the only widely available
9 consumer product designed to kill, firearm manufac-
10 turers, distributors, and retailers have a special re-
11 sponsibility to take into account the health and safe-
12 ty of the public in marketing firearms.

13 (3) The gun industry has failed in this respon-
14 sibility by engaging in practices that have contrib-
15 uted directly to the terrible burden of firearm-re-
16 lated violence on society.

17 (4) The gun industry has generally refused to
18 include numerous safety devices with their products,
19 including devices to prevent the unauthorized use of
20 a firearm, indicators that a firearm is loaded, and
21 child safety locks, and the absence of such safety de-
22 vices has rendered these products unreasonably dan-
23 gerous.

24 (5) The gun industry has also engaged in dis-
25 tribution practices in which the industry oversupplies
26 certain legal markets with firearms with the knowl-

1 edge that the excess firearms will be distributed into
2 nearby illegal markets.

3 (6) According to the National Center for Injury
4 Prevention and Control—

5 (A) at least 80 percent of the economic
6 costs of treating firearms injuries are paid for
7 by taxpayer dollars; and

8 (B) in 1990, firearm injuries resulted in
9 costs of more than \$24,000,000,000 in hospital
10 and other medical care for long-term disability
11 and premature death.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) **FEDERAL DAMAGES.**—The term “Federal
15 damages” means the amount of damages sustained
16 by the Federal Government as a result of the sale,
17 distribution, use or misuse of a firearm (including
18 gun violence) including damages relating to medical
19 expenses, the costs of continuing care and disabili-
20 ties, law enforcement expenses, and lost wages.

21 (2) **FIREARM.**—The term “firearm” has the
22 meaning given the term in section 921 of title 18,
23 United States Code.

1 (3) GUN VIOLENCE.—The term “gun violence”
2 means any offense under Federal or State law
3 that—

4 (A) constitutes a crime of violence (as de-
5 fined in section 16 of title 18, United States
6 Code); and

7 (B) involves the use of a firearm.

8 (4) MANUFACTURER.—The term “manufac-
9 turer” has the meaning given the term in section
10 921 of title 18, United States Code;

11 (5) STATE.—The term “State” means each of
12 the several States of the United States, the District
13 of Columbia, the Commonwealth of Puerto Rico, the
14 Virgin Islands, Guam, American Samoa, and the
15 Commonwealth of the Northern Mariana Islands.

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

20 **SEC. 4. RECOVERY OF FEDERAL DAMAGES BY STATES AND**
21 **UNITS OF LOCAL GOVERNMENT SEEKING**
22 **FEDERAL DAMAGES.**

23 (a) IN GENERAL.—In any civil action by a State or
24 unit of local government against a manufacturer of fire-
25 arms to recover damages relating to the sale, distribution,

1 use or misuse of a firearm (including gun violence) in the
2 State or unit of local government, the State or unit of
3 local government may, in addition to other damages, re-
4 cover any Federal damages associated with the claim as
5 provided in this section.

6 (b) FEDERAL ACTIONS.—If the Attorney General
7 files an action against a manufacturer of firearms to re-
8 cover Federal damages, a State or unit of local govern-
9 ment may not recover those Federal damages under this
10 section in any action filed on or after the date on which
11 the Attorney General files that action.

12 (c) ACTIONS BROUGHT BY A STATE OR UNIT OF
13 LOCAL GOVERNMENT.—

14 (1) NOTICE OF CIVIL ACTION.—A State or unit
15 of local government seeking to recover Federal dam-
16 ages under this section shall serve a copy of the
17 complaint on Attorney General in accordance with
18 rule 4 of the Federal Rules of Civil Procedure.

19 (2) ENTRY OF APPEARANCE.—If the Attorney
20 General is served under paragraph (1), the Attorney
21 General may proceed with the action by entering an
22 appearance before the expiration of the 30-day pe-
23 riod beginning on the date on which the Attorney
24 General is served under paragraph (1).

1 (3) EFFECT OF FAILURE TO ENTER APPEAR-
2 ANCE OR PROCEED WITH THE ACTION.—If a State
3 or unit of local government serves the Attorney Gen-
4 eral under paragraph (1), the State or unit of local
5 government may recover Federal damages under this
6 section only if the Attorney General—

7 (A) fails to enter an appearance in the ac-
8 tion in accordance with paragraph (2) or gives
9 written notice to the court of an intent not to
10 enter the action; or

11 (B) does not proceed with the action before
12 the expiration of the 6-month period (or such
13 addition period as the court may allow after no-
14 tice) beginning on the date on which the Attor-
15 ney General enters an appearance under para-
16 graph (2).

17 (4) LIMITATION.—If the Attorney General en-
18 ters an appearance under paragraph (2) and pro-
19 ceeds with the action before the expiration of the 6-
20 month period described in paragraph (3)(B), the
21 State or unit of local government may not recover
22 Federal damages under this section.

23 (d) PREVENTION OF DUAL RECOVERY OF FEDERAL
24 DAMAGES.—If there is a conflict between a State and 1
25 or more units of local government within the State over

1 which jurisdiction may recover Federal damages under
2 this section on behalf of a certain area in the State, only
3 the first jurisdiction to file an action described in sub-
4 section (a) may recover those Federal damages.

5 (e) FEDERAL RIGHT TO DAMAGES IN OTHER AC-
6 TIONS.—The recovery of Federal damages by a State or
7 unit of local government under this section may not be
8 construed to waive any right of the Federal Government
9 to recover other Federal damages in an action by the At-
10 torney General.

11 (f) DISMISSAL OR COMPROMISE.—

12 (1) IN GENERAL.—In an action for Federal
13 damages brought by a State or unit of local govern-
14 ment under this section—

15 (A) the action may not be dismissed or
16 compromised without the approval of the court;
17 and

18 (B) notice of the proposed dismissal or
19 compromise shall be given to the Attorney Gen-
20 eral in such manner as the court directs.

21 (2) COURT APPROVAL.—In approving the dis-
22 missal or compromise of an action described in para-
23 graph (1), the court shall—

24 (A) state whether the dismissal or com-
25 promise is with or without prejudice to the

1 right of the Federal Government to bring an ac-
2 tion for the Federal damages at issue; and

3 (B) determine the percentage of any
4 amount recovered by the State or unit of local
5 government that represents Federal damages.

6 (g) DISTRIBUTION AND USE OF FEDERAL DAMAGES
7 RECOVERED.—Of the total amount of Federal damages
8 recovered by a State or local government under this sec-
9 tion (including any amount recovered pursuant to a dis-
10 missal or compromise under subsection (f))—

11 (1) $\frac{1}{3}$ shall be paid to the Federal Government,
12 to be used for crime prevention, mentoring pro-
13 grams, and firearm injury prevention research and
14 activities; and

15 (2) $\frac{2}{3}$ shall be retained by the State or unit of
16 local government, of which—

17 (A) $\frac{1}{3}$ shall be used for—

18 (i) law enforcement activities;

19 (ii) families of law enforcement offi-
20 cers injured or killed in the line of duty as
21 a result of gun violence; and

22 (iii) a compensation fund for the vic-
23 tims of gun violence; and

24 (B) $\frac{1}{3}$ shall be used for education (reduce
25 class size, school modernization, after school,

1 summer school, and tutoring), child care, or
2 children's health care; and

3 (C) $\frac{1}{3}$ may be used by the State or unit
4 of local government in the discretion of the
5 State or unit of local government.

6 (h) EFFECTIVE DATE.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 this section only applies to an action described in
9 subsection (a) that is filed on or after the date of
10 enactment of this Act.

11 (2) AMENDMENT OF COMPLAINT IN PENDING
12 ACTIONS.—This section applies to an action de-
13 scribed in subsection (a) that is filed before the date
14 of enactment of this Act, if—

15 (A) as of such date of enactment, there
16 has been no dismissal, compromise, or other
17 final disposition of the action; and

18 (B) after such date of enactment, the
19 State or unit of local government amends the
20 complaint to include relief for Federal damages
21 pursuant to this section.

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