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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

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A BILL

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

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 ''States' Rights and Second and Tenth Amendment Restoration Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) Congressional findings:

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

(2) Many States have classified Domestic Violence crimes as misdemeanors, others as felonies. States are the proper authority, rather than the Federal Government, to classify Domestic Violence offenses.

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

(4) Section 658 of Public Law 104–208, commonly referred to as the Lautenberg amendment, oversteps Federal authority, violating States' rights, because no nexus has been shown to exist between Domestic Violence and interstate commerce.

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

(6) The Lautenberg amendment oversteps Congress's power to regulate commerce as delineated

by the Commerce Clause of the United States Constitution.

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

(8) State and Federal judges already have the power to deny persons convicted of misdemeanors the right to possess firearms as a condition of probation or parole.

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

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

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

times every year. Of these self-defense cases, as many as 200,000 are by women defending themselves against sexual assault.

(12) Section 658 of the Treasury-Postal portion of Public Law 104–208 will, if allowed to stand, result in the disarming of millions of citizens, including women, on account of misdemeanor offenses which, in many cases, were committed long before the effective date of that Act.

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

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

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

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

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

(b) PURPOSE.—It is the purpose of this Act to restore States' rights, the tenth amendment, and second amendment freedoms.

SEC. 3. REPEALER.

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

SEC. 4. EFFECTIVE DATE.

This Act shall take effect immediately upon enactment.

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