

Bill no.:	HR 2037
Amendment no.:	H.L.C. 3
Date offered:	9/25/02
Disposition:	Not Agreed by VV

**AMENDMENT TO THE AMENDMENT  
NATURE OF A SUBSTITUTE TO H.R. 2037**

**OFFERED BY MS. DEGETTE**

In lieu of the matter proposed to be inserted by the amendment, insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Legal Fairness for the  
3 Firearms Industry Act".

**4 SEC 2. AMENDMENT TO ORGANIC ACT.**

5 The Act entitled "An Act to establish the Department  
6 of Commerce and Labor", approved February 14, 1903  
7 (15 U.S.C. 1501 et seq.), is amended by redesignating sec-  
8 tion 13 as section 14 and by inserting after section 12  
9 the following:

**10 "SEC. 13. NOTIFICATION TO THE SECRETARY.**

11 "(a) SECRETARY OF COMMERCE LIST.—The Sec-  
12 retary of Commerce shall establish and maintain a list  
13 consisting of each person that notifies the Secretary under  
14 subsection (b) that such person is a licensed manufacturer  
15 of a firearm or an ammunition product, a licensed seller  
16 of a firearm, a licensed seller of an ammunition product,  
17 or a trade association representing such manufacturers or  
18 sellers. The list shall contain the name of the person, the  
19 chief executive officer of the person, and the address and  
20 location of the headquarters of the person. The Secretary



1 shall maintain and update the list and may publish the  
2 list in the Federal Register.

3       “(b) NOTIFICATION.—Each person that—

4               “(1) is a licensed manufacturer of a firearm or  
5       an ammunition product,

6               “(2) is a licensed seller of a firearm,

7               “(3) is a licensed seller of an ammunition prod-  
8       uct, or

9               “(4) is a trade association representing such  
10       manufacturers or sellers,

11 may notify the Secretary of that person’s existence and  
12 provide to the Secretary the information described in sub-  
13 section (a).

14       “(c) FAIR TREATMENT OF FIREARM INDUSTRY DE-  
15 FENDANTS.—Any person on the list described in sub-  
16 section (a) that is named as a defendant in any action  
17 brought in any Federal, State, or local court shall have  
18 the same legal rights and defenses as any other defendant  
19 in such an action in that Federal, State, or local court.

20       “(d) ABSENCE FROM LIST.—The absence from the  
21 list maintained under this section of any person who is  
22 a manufacturer of a firearm or an ammunition product,  
23 a seller of a firearm, or a seller of an ammunition product  
24 shall not be construed to create any cause of action or



1 to deprive such person of any lawful defense that may oth-  
2 erwise be available to such person.

3 “(e) LIMITATION OF USE OF LIST.—No officer,  
4 agency, or instrumentality of the United States may use  
5 the list established and maintained under this section for  
6 any purpose other than the enforcement of the provisions  
7 of this section.

8 “(f) DEFINITIONS.—In this section:

9 “(1) AMMUNITION PRODUCT.—The term ‘am-  
10 munition product’ means ‘ammunition’ as defined in  
11 section 921(a)(17) of title 18, United States Code,  
12 and includes a component part of such ammunition  
13 product that has been shipped or transported in  
14 interstate or foreign commerce.

15 “(2) ENGAGED IN THE BUSINESS.—The term  
16 ‘engaged in the business’ has the meaning given that  
17 term in section 921(a)(21) of title 18, United States  
18 Code, and, as applied to a seller of an ammunition  
19 product described in paragraph (7)(A)(ii), means a  
20 person who devotes, time, attention, and labor to the  
21 sale of ammunition products as a regular course of  
22 trade or business with the principal objective of live-  
23 lihood and profit through the sale or distribution of  
24 the ammunition products.



1 engaged in the business as a seller de-  
2 scribed in that clause.

3 “(8) STATE.—The term ‘State’ includes the  
4 District of Columbia, the Commonwealth of Puerto  
5 Rico, and any territory of possession of the United  
6 States.

7 “(9) TRADE ASSOCIATION.—The term ‘trade  
8 association’ means any association or business orga-  
9 nization (whether or not incorporated under the laws  
10 of any State) that is not operated for profit, and 2  
11 or more members of which are manufacturers of a  
12 firearm or an ammunition product, sellers of a fire-  
13 arm, or sellers of an ammunition product.”.

