

businesses that comply with federal, state and local gun laws. It is time to stop these frivolous lawsuits that threaten to bankrupt a responsible American industry by blaming the firearm industry for the actions of criminals. I urge my colleagues to support the Protection of Lawful Commerce in Arms Act.

Mr. PAUL. Mr. Chairman, I rise today as a firm believer in the second amendment to the United States Constitution and an opponent of all federal gun laws. In fact, I have introduced legislation, the Second Amendment Restoration Act (H.R. 153), which repeals the misguided federal gun control laws such as the Brady Bill and the assault weapons ban. I believe that the second amendment is one of the foundations of our constitutional liberties. However, Mr. Speaker, another foundation of those liberties is the oath all of us took to respect the Constitutional limits on federal power. While I understand and sympathize with the goals of the proponents of the Protection of Lawful Commerce in Arms Act (H.R. 1036), this bill exceeds those constitutional limitations, and so I must oppose this bill.

It is long past time for Congress to recognize that not every problem requires a federal solution. This country's founders recognized the genius of separating power amongst federal, state and local governments as a means to maximize individual liberty and make government most responsive to those persons who might most responsibly influence it. This separation of powers strictly limited the role of the federal governments in dealing with civil liability matters; instead, it reserved jurisdiction over matters of civil tort, such as gun related alleged-negligence suits, to the state legislatures from which their respective jurisdictions flow.

While I am against the federalization of tort reform, I must voice my complete disapproval for the nature of these very suits brought against gun manufacturers. Lawsuits for monetary damages form gun violence should be aimed at the perpetrators of those crimes, not the manufacturers! Holding manufacturers liable for harm they could neither foresee nor prevent is irresponsible and outlandish. The company that makes a properly functioning product in accordance with the law is acting lawfully and thus should not be taken to court because of misuse by the purchaser (or in many cases, by the one who stole the weapon). I fear these lawsuits are motivated not by a concern for justice but by a search for deep pockets, since gun manufactures have higher incomes than the average criminals, and a fanatical anti-gun political agenda.

These attacks on gun manufacturers are disturbing, since the gun industry provides our law enforcement and military with the necessary tools needed to fight crime and defend our country. We should be helping our law enforcement officers and military, not hurting them by putting reputable gun manufacturers out of business.

However, Mr. Chairman, the most disturbing aspect of these lawsuits is the idea that the gun, an inanimate object, is somehow responsible for crimes. H.R. 1036 enables individuals to abrogate responsibility for their actions, in that it allows gun dealers to be sued because they "should have known" the gun would be used in a crime. Under H.R. 1036, gun dealers will still be unjustly forced to scrutinize their customers for criminal intent.

This further erodes the ethics of individual responsibility for one's own actions that must

form the basis of a free and moral society. The root problem of violence is not the gun in the hand, but the gun in the heart: each person is accountable for the deeds that flow out of his or her own heart. One can resort to any means available to complete a crime (such as knives, fertilizer, pipes, and baseball bats). Should we start suing the manufacturers of these products as well because they are used in crimes? Of course not—its implications are preposterous.

Finally, Mr. Chairman, I would remind my fellow supporters of gun rights that using unconstitutional federal powers to restrict state gun lawsuits makes it more likely those same powers will be used to restrict our gun rights. Despite these lawsuits, the number one threat to gun ownership remains a federal government freed of its constitutional restraints. Expanding that government in any way, no matter how just the cause may seem, is not in the interests of gun owners or any lovers of liberty.

In conclusion, while I share the concern over the lawsuits against gun manufacturers, which inspired H.R. 1036, this bill continues the disturbing trend toward federalization of tort law. Enhancing the power of the federal government is not in the long-term interests of defenders of the second amendment and other constitutional liberties. Therefore, I must oppose this bill.

Mr. WILSON of South Carolina. Mr. Chairman, if there were previously any doubt about the importance of a vibrant and vigorous firearms industry in the United States, that doubt must surely have dissipated in the months since Sept. 11, 2001.

Since that fateful day, American military personnel have been engaged in operations overseas, against those who seek and plot our destruction.

At this moment, a quarter of a million of our soldiers, sailors, airmen and Marines are deployed in support of Operation Iraqi Freedom.

Thousands of reservists are mobilized, not only to support operations in Iraq, but also to support Operation Enduring Freedom—maintaining the watch against acts of terrorism on American soil.

Thousands of Coast Guardsmen are protecting our coastlines. Tens of thousands of federal, state, and local law enforcement and security personnel are guarding our communities and our public facilities

And millions of private citizens are doing what they always have done—protecting themselves, their families, and their neighborhoods.

One thing these Americans share in common is the need for firearms.

Another thing in common is the firearms that they use. In many instances, our military, law enforcement, security personnel, and private citizens use firearms made by the same manufacturers.

Unfortunately, frivolous lawsuits that have been filed against firearms manufacturers, with the sole intent of driving them out of business. These shameful efforts have been based upon outlandish and widely-rejected theories of liability—theories that would be equally absurd if applied against the manufacturers of any other lawful product.

Many states have already acted to put an end to these unwarranted lawsuits, which seek to hold the firearms industry responsible for the acts of criminals.

It is time for Congress to do so nationwide. It's the right thing to do for America's security.

Mr. SULLIVAN. Mr. Chairman, today, I rise in support of H.R. 1036, the Protection of Lawful Commerce in Arms Act of 2003.

I am a cosponsor of this legislation for several reasons. First, I do not believe that licensed gun manufacturers and merchants should be held legally responsible for the unlawful use of their lawful products. Second, I feel this constitutes a violation of tort law, and could send a dangerous precedent for future lawsuits affecting many other industries to come.

Tort law rests upon a foundation of individual responsibility in which a product may not be defined as defective unless there is something wrong with the product, rather than with the product's user.

Today, this Congress has the opportunity to address frivolous lawsuits and protect a legal and law-abiding industry from legal excess. We should pass this legislation to end the effort to drive law-abiding firearm manufacturers, distributors, and dealers into bankruptcy under the crushing weight of illegitimate lawsuits.

Congress has a constitutional authority to protect the interstate commerce in firearms, a lawful and legal product. I urge my colleagues to vote for this sensible legislation and set a precedent of legal business protection.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1036

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 "Protection of Lawful Commerce in Arms Act".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Citizens have a right, protected by the Second Amendment to the United States Constitution, to keep and bear arms.

(2) Lawsuits have been commenced against manufacturers, distributors, dealers, and importers of firearms that operate as designed and intended, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals.

(3) The manufacture, importation, possession, sale, and use of firearms and ammunition in the United States are heavily regulated by Federal, State, and local laws. Such Federal laws include the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act.

(4) Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, or sale to the public of firearms or ammunition that has been shipped or transported in interstate or foreign commerce are not, and should not, be liable for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as designed and intended.

(5) The possibility of imposing liability on an entire industry for harm that is solely caused by others is an abuse of the legal system, erodes