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4 MARKUP OF:

5 H.R. 2471, TO AMEND SECTION 2710 OF TITLE 18, UNITED STATES  
6 CODE, TO CLARIFY THAT A VIDEOTAPE SERVICE PROVIDER MAY

7 OBTAIN A CONSUMER'S INFORMED, WRITTEN CONSENT ON AN ONGOING  
8 BASIS AND THAT CONSENT MAY BE OBTAINED THROUGH THE INTERNET;

9 H.R. 2870, THE ADAM WALSH REAUTHORIZATION ACT OF 2011;

10 H.R. 1254, THE SYNTHETIC DRUG CONTROL ACT OF 2011;

11 H.R. 10, THE REGULATIONS FROM THE EXECUTIVE IN NEED OF  
12 SCRUTINY ACT OF 2011;

13 H.R. 822, THE NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF  
14 2011; AND

15 H.R. 3012, THE FAIRNESS FOR HIGH-SKILLED IMMIGRANTS ACT

16 Friday, October 14, 2011

17 House of Representatives

18 Committee on the Judiciary

19 Washington, D.C.

20           The committee met, pursuant to call, at 10:01 a.m., in  
21 Room 2141, Rayburn House Office Building, Hon. Lamar Smith  
22 [chairman of the committee] presiding.

23           Present: Representatives Smith, Sensenbrenner, Coble,  
24 Gallegly, Goodlatte, Lungren, Chabot, Issa, Pence, Forbes,  
25 King, Franks, Gohmert, Poe, Chaffetz, Griffin, Marino,  
26 Gowdy, Ross, Adams, Quayle, Amodei, Conyers, Nadler, Scott,  
27 Watt, Lofgren, Jackson Lee, Waters, Cohen, Johnson, Quigley,  
28 Chu, Deutch, and Sanchez.

29           Staff Present: Sean McLaughlin, Majority Chief of  
30 Staff; Allison Halatei, Majority Deputy Chief of  
31 Staff/Parliamentarian; Sarah Kish, Clerk; Perry Apelbaum,  
32 Minority Staff Director; Joe Graupensperger, Minority  
33 Counsel; and Danielle Brown, Parliamentarian.

34

35 Chairman Smith. There are not many of us in the room,  
36 but we will start anyway. The Judiciary Committee will come  
37 to order.

38 Without objection, the chair is authorized to declare  
39 recesses of the committee at any time. The clerk will call  
40 the roll to establish a quorum.

41 Ms. Kish. Mr. Smith?

42 Chairman Smith. Present.

43 Ms. Kish. Mr. Sensenbrenner?

44 Mr. Coble?

45 Mr. Gallegly?

46 Mr. Goodlatte?

47 Mr. Lungren?

48 Mr. Chabot?

49 Mr. Issa?

50 Mr. Pence?

51 Mr. Forbes?

52 Mr. King?

53 Mr. Franks?

54 Mr. Franks. I am here.

55 Ms. Kish. Mr. Gohmert?

56 Mr. Jordan?

57 Mr. Poe?

58 Mr. Poe. Present.

59 Ms. Kish. Mr. Chaffetz?

60 Mr. Griffin?

61 Mr. Marino?

62 Mr. Marino. Here.

63 Ms. Kish. Mr. Gowdy?

64 Mr. Ross?

65 Mrs. Adams?

66 Mr. Quayle?

67 Mr. Amodei?

68 Mr. Conyers?

69 Mr. Berman?

70 Mr. Nadler?

71 Mr. Scott?

72 Mr. Watt?

73 Ms. Lofgren?

74 Ms. Jackson Lee?

75 Ms. Waters?

76 Mr. Cohen?

77 Mr. Johnson?

78 Mr. Johnson. Present.

79 Ms. Kish. Mr. Pierluisi?

80 Mr. Quigley?

81 Mr. Quigley. Here.

82 Ms. Kish. Ms. Chu?

83 Mr. Deutch?

84 Ms. Sanchez?

85 Mr. Coble?

86 Mr. Coble. Here.

87 Ms. Kish. Mr. Conyers?

88 Mr. Conyers. Present.

89 Ms. Kish. Mr. Nadler?

90 Mr. Nadler. Here.

91 Ms. Kish. Mr. Forbes?

92 Mr. Forbes. Here.

93 Ms. Kish. Mr. Scott?

94 Mr. Scott. Present.

95 Ms. Kish. Mr. Gallegly?

96 Mr. Gallegly. Present.

97 Chairman Smith. Do we need one more?

98           Let me mention to Members that I am going to try to  
99   establish a working quorum before I leave to go vote. We  
100   have a series of two votes, and the Judiciary Committee will  
101   reconvene immediately after the second vote.

102           We have 12 Members present. We need 13 for a working  
103   quorum. But let me assure Members, in case they might want  
104   to leave, that there will be no votes until after we return  
105   from the series of two votes.

106           I just would like to establish a quorum so we can get  
107   off to a start immediately after those two votes. So  
108   Members do not need to stay unless they want to participate  
109   in the very early debate on the next amendment.

110           Mr. Ross? Mr. Gowdy?

111           Mr. Ross. Here.

112           Mr. Gowdy. Present.

113           Chairman Smith. Okay. Thank you all for being here.  
114   The clerk will report.

115           Ms. Kish. Mr. Chairman, 14 Members responded present.

116           Chairman Smith. A working quorum is present. We are  
117   going to just have the next individual with an amendment  
118   introduce that amendment. Then we will break for votes.

119           The next amendment up is that offered by the gentleman  
120 from Georgia, Mr. Johnson, and he is recognized for that  
121 purpose.

122           Mr. Johnson. Thank you, Mr. Chairman.

123           I have an amendment at the desk.

124           Chairman Smith. The clerk will report the amendment.

125           Ms. Kish. Amendment to the amendment in the nature of  
126 a substitute to H.R. 822, offered by Mr. Johnson of Georgia.  
127 Page 2, line 20, after the period insert the following --

128           Chairman Smith. Without objection, the amendment will  
129 be considered as read.

130           [The information follows:]

131

132 Chairman Smith. And the gentleman from Georgia will  
133 be recognized to explain his amendment.

134 Mr. Johnson. Mr. Chairman, today, and actually, the  
135 month of October is National Domestic Violence Awareness  
136 Month. It is ironic that we are considering this possession  
137 across State laws or across State lines of carrying  
138 concealed weapons when we have a situation where in some  
139 States there may be an exclusion from being able to carry a  
140 concealed weapon that covers those who have had domestic  
141 violence orders of protection filed against them in the past  
142 that may exclude them on the basis of moral turpitude, if  
143 you will, or lack of good moral character.

144 My amendment, Mr. Chairman, is a common sense  
145 amendment. It would require the possession or carrying of a  
146 concealed handgun in a State to be subject to that State's  
147 law regarding concealed carry by any person subject to a  
148 domestic violence protection order within the past year --  
149 within the past 10 years, excuse me.

150 Domestic violence knows no social or economic  
151 boundaries. It takes place in rich households, poor  
152 households, old and young, black and white. Even Democrats

153 and Republicans are guilty of domestic violence. It doesn't  
154 matter whether or not you are Muslim or Christian, or Jews  
155 or Gentiles.

156 According to the Centers for Disease Control, each  
157 year, women experience about 4.8 million domestic assaults,  
158 and men are the victims of about 2.9 million domestic  
159 assaults. While Federal law prohibits possession of guns by  
160 felons and individuals currently subject to a domestic  
161 violence protective order, it does not prohibit gun  
162 possession by individuals who were subject to a protective  
163 order in the past.

164 Nonetheless, out of concerns for public safety and the  
165 welfare of families, some States have decided to go further  
166 and not grant concealed carry permits to individuals who  
167 have a history of domestic abuse or who were subject to a  
168 prior order of protection. H.R. 822 is dangerous, and the  
169 Franks amendment, substitute amendment is no better. It  
170 would trample upon these State laws and allow domestic  
171 abusers to carry nationwide.

172 Further, if the bill passes, permits will be difficult  
173 to verify, making it easier for domestic abusers to follow

174 victims across State lines. Is that what we want?

175 Absolutely not.

176           Between 1990 and 2005, guns were used to kill more  
177 than two-thirds of the spouses and ex-spouses who were  
178 victims of domestic violence. I would point you to the  
179 recent case, a lady, a hairdresser, hair salon stylist out  
180 in California on the job working, had taken out a  
181 restraining order on her husband, on her estranged husband  
182 the night before. I think it was Tuesday night.

183           Then Wednesday, lo and behold, the husband comes in  
184 and shoots up the place, kills the wife and seven other  
185 people, and is arrested shortly thereafter with body armor  
186 and all kinds of weaponry.

187           These things do happen. Domestic violence, according  
188 to the National Network to End Domestic Violence, affects  
189 one in four women throughout their lifetime, and it is a  
190 devastating situation to have to be involved in as a female.  
191 It is often kept secret because they are afraid to tell  
192 anyone, but we all know the horrors of domestic violence.

193           This amendment would simply preserve a State's ability  
194 to deny a concealed carry permit to an individual who in the

195 past 10 years had been cited with a protective order against  
196 that individual, and I think that that is a matter of  
197 States' rights. It is important that we respect State  
198 rights. It is important that we take a stand this month  
199 against domestic violence. And we should respect those  
200 States that have chosen to enact firearm prohibitions that  
201 go beyond current law.

202 Mr. Chairman, before I yield back, I would ask for  
203 unanimous consent to enter this letter from the National  
204 Network to End Domestic Violence, dated October 12, 2011,  
205 into the record.

206 Chairman Smith. Without objection, the letter will be  
207 made a part of the record.

208 [The information follows:]

209

210 Mr. Johnson. And I will yield back.

211 Chairman Smith. Thank you, Mr. Johnson.

212 Before I recognize the gentleman from Arizona, which I  
213 will do immediately upon our return, the Judiciary Committee  
214 is going to stand in recess until immediately after the  
215 series of two votes, after which the gentleman from Arizona  
216 will be recognized.

217 [Recessed.]

218 Chairman Smith. The Judiciary Committee will  
219 reconvene. We are in the process of considering amendments  
220 to the amendment, and the gentleman from Georgia had just  
221 finished offering an amendment and speaking on it. And now  
222 the gentleman from Arizona, Mr. Franks, is recognized.

223 Mr. Franks. Well, thank you, Mr. Chairman.

224 Mr. Chairman, the subject of domestic violence is one  
225 that moves the heart of all of us, and it has been something  
226 that I think society has taken much more seriously in recent  
227 days, recent years, and States have gone to a great length  
228 to make sure that they address this issue.

229 And to the extent that restraining orders are  
230 something that are used on a fairly regular basis, and in

231 some cases, the trend is to issue the restraining order and  
232 hope to sort it out in court later to make sure that the  
233 protection is in place. And consequently, that has the  
234 potential of leading to more false restraining orders at  
235 times.

236 Under current Federal law, any person who is currently  
237 under such a restraining order is barred from possessing a  
238 firearm during the duration of that order. But this  
239 amendment, Mr. Chairman, seeks to bar someone from  
240 exercising their constitutional rights for a full decade,  
241 regardless of whether the order is still in place or they  
242 are actually convicted of the underlying allegations.

243 Now this is a serious consequence for allegations that  
244 may not even prove to be true or are deemed insufficient for  
245 State law enforcement to pursue any further.

246 Under 18 U.S.C. Section 922, anyone actually convicted  
247 of either a felony or misdemeanor domestic violence crime is  
248 prohibited from possessing a firearm. The same is true  
249 under many State laws. Any person who is found to have been  
250 a threat, a serious threat to public safety or another  
251 person is already barred from possessing or carrying a

252 firearm. But this amendment seeks to arbitrarily lengthen  
253 the period of time for which a person cannot carry firearms  
254 even after a restraining order has expired or a court has  
255 found that person no longer poses a risk or never did.

256 Court orders are regularly issued with time limits or  
257 conditions that, when met, allow for the removal of the  
258 order. Expanding the effect of those orders for 10 years is  
259 an unreasonable restriction, particularly when there has  
260 been direct court action to take or limit -- to take and to  
261 limit or rescind that order.

262 Mr. Chairman, I would just encourage my colleagues to  
263 oppose this amendment.

264 Chairman Smith. Thank you, Mr. Franks.

265 Are there other Members who wish to be heard on the  
266 amendment? The gentleman from Illinois, Mr. Quigley?

267 Mr. Quigley. I yield to Mr. Johnson, please.

268 Mr. Johnson. Thank you, Mr. Quigley.

269 Mr. Chairman, as I pointed out earlier, the month of  
270 October is National Domestic Violence Awareness Month. And  
271 so, I find it -- I find it disturbing that the rights of  
272 domestic violence victims could be hampered by the

273 legislation that has been proposed here. There is no doubt  
274 about the fact that when a woman goes to court, speaks to a  
275 judge and gets a temporary restraining order, she has to lay  
276 out enough probable cause to cause the judge to believe that  
277 her life could be in danger or she could be in danger of  
278 suffering some kind of abuse.

279         And so, these judges then issue these protective  
280 orders, restraining orders -- different nomenclature,  
281 depending on what State -- and that becomes a part of the  
282 individual's record. Not criminal record, but it goes on  
283 record, and it is something that law enforcement does pay  
284 attention to.

285         And it is something that when a license-issuing  
286 authority reviews the character records, including criminal  
287 records and domestic violence records on an applicant for a  
288 concealed carry permit, in some States, the fact that a  
289 domestic violence order has been entered against that  
290 individual in the past -- may not be pending now, but in the  
291 past -- that can serve as the grounds for exclusion based on  
292 having a lack of good character.

293         And so, I am going to take issue with my friend's

294 characterization of the issuance of restraining orders as  
295 being a situation where there are many false allegations  
296 that result in a dismissal of the restraining orders. There  
297 may be some, but I can tell you with one out of four women  
298 being subjected to domestic violence within their lifetimes,  
299 that is a startling statistic. It is real. It is  
300 pervasive.

301       And as I said before, it transcends all demographics,  
302 religions, socioeconomic classes, and even there is  
303 Democrats and some Republicans and perhaps, I am sure, there  
304 are some Libertarians who engage in this practice of  
305 domestic violence.

306       So this is a bipartisan problem, and I am offering a  
307 bipartisan solution to the problem, which is to allow a  
308 State, if it deems it within its prerogative -- and  
309 certainly, States do have prerogatives that should not be  
310 offended by Federal legislation. If a State has a law that  
311 says that you must consider whether or not a person has good  
312 character by looking into the records and determining  
313 whether or not that person has been the subject of a  
314 restraining order or protective order, we should respect

315 that.

316           And we should understand that we should proceed with  
317 an abundance of caution in favor of the victims of domestic  
318 violence, who oftentimes are so shell-shocked and frightened  
319 by the abuse that they have taken that they won't even call  
320 out, they won't even complain about the domestic abuse.  
321 They will just take it, and it becomes part of a family  
322 tradition passed down through the generations.

323           Domestic violence is a serious matter. That is why we  
324 are in the month of National Domestic Violence Awareness.  
325 And so, I am proud to be able to, on behalf of those who are  
326 victimized by domestic violence, to present this very  
327 bipartisan amendment that will ensure that States' rights  
328 are respected and that women who have been abused by men and  
329 taken restraining orders out against those men and then the  
330 situation has been resolved, well, at very least, that man's  
331 character, that should be a part of the determination as to  
332 whether or not that man has good character and is eligible,  
333 according to State law, to have a concealed carry permit.

334           And so, with that, Mr. Chairman, I will yield back.

335           Chairman Smith. Okay. Thank you, Mr. Johnson.

336           The gentlewoman from Texas, Ms. Jackson Lee, is  
337 recognized.

338           Ms. Jackson Lee. Thank you, Mr. Chairman.

339           I want to rise to support Mr. Johnson's amendment. I  
340 am in two committees, and so I apologize -- Homeland  
341 Security and this committee. But I wanted to indicate, even  
342 for those of us, Mr. Johnson, who are not practicing law at  
343 this time, if any of us have served in that capacity as a  
344 practitioner or any of us have served on the bench, we  
345 realize the proliferation of cases dealing with domestic  
346 violence, but also dealing with individuals who have  
347 received a court order against another individual for any  
348 myriad of issues.

349           And most times, those individuals don't seek that  
350 court order until it is the last result. They have sought  
351 family assistance. They have sought the assistance of faith  
352 leaders. They have sought the friends of the individual to  
353 ask them to stop whatever the action is that has intimidated  
354 that person.

355           And I think I heard you referring, if I was not  
356 mistaken, to a case. Maybe it was not the California case,

357 but it seems that you were pointing to the California case  
358 of the individual, of the eight that were lost, if I am not  
359 mistaken. And you are absolutely right with the  
360 description. What a tragedy. That son that was being  
361 fought over is now without a father or a mother, but more  
362 importantly, the mother, because of the circumstances that  
363 occurred.

364       So I think that this is a very important amendment  
365 because it happens every day. Tragically, court orders are  
366 even violated, and you hear women and men and others who say  
367 that a court order was in place, but it is even violated.  
368 In this instance, it was more than violated, if such  
369 existed.

370       And so, I would argue that this court order is  
371 important. This was an ex-wife, as you indicated, and this  
372 was a violent result. And I think that we can help avoid  
373 tragedies by making sure that is an element of this  
374 legislation.

375       So I support the gentleman's amendment, and I ask  
376 support for the gentleman's amendment. I think it is a  
377 vital component to this legislation.

378 I yield back.

379 Chairman Smith. Thank you, Ms. Jackson Lee.

380 The gentleman from Tennessee, Mr. Cohen.

381 Mr. Cohen. Thank you, Mr. Chairman.

382 Would the gentleman from Arizona yield for a question?

383 Mr. Franks. Certainly, Mr. Cohen.

384 Mr. Cohen. Thank you.

385 I heard something in your remarks, and I should say,  
386 parenthetically, that I enjoyed the period of time when you  
387 were my ranking member, not simply because I was chairman,  
388 which was a wonderful part of that experience. But you were  
389 such a wonderful ranking member and colleague, parentheses.

390 Going on with my question, in your opening statement,  
391 you suggested something to the effect that a certain number  
392 of States have in their gun laws prohibitions on folks who  
393 have these restraining orders. Could you kind of refresh my  
394 recollection on what you said?

395 Mr. Franks. Let me refer to my statement, if I can.  
396 This is the Federal law. Under 18 U.S.C. Section 922,  
397 anyone actually convicted of either a felony or misdemeanor  
398 domestic violence crime is prohibited from possessing a

399 firearm at all, and the same is true under many State laws.

400 Any person who --

401 Mr. Cohen. That is where I wanted to ask you. Many  
402 State laws. How many State laws, and what do those State  
403 laws say, sir?

404 Mr. Franks. You know, I don't know how many States  
405 that is in. But I would suggest to you that in researching  
406 the opening statement here, it is probably similar to the  
407 Federal prohibition. That if you are a felony convict for  
408 domestic violence, then that is what would constitute the  
409 prohibition.

410 Mr. Cohen. But many States, so not all States. And  
411 that is the problem with this legislation, Mr. Chairman and  
412 members of the committee. Those States that don't have it  
413 in their law --

414 Mr. Franks. The bottom line, Mr. Cohen, in --

415 Mr. Cohen. There is a Federal, I know.

416 Mr. Franks. The Federal law preempts all those State  
417 laws anyway.

418 Mr. Cohen. But they did afterwards, but not before  
419 they issued permits. And they didn't go back. They didn't

420 go back and revoke permits for who had a restraining order.  
421 I know they didn't in my State, and I presume they didn't in  
422 other States because that would have been prospective in  
423 nature.

424         And so, in essence, what had happened in the past,  
425 which people have permits for, they have not been taken away  
426 from them. But in those States where they didn't have that  
427 law, they are going to be subjected to folks who are under  
428 that impediment from another State when they travel to their  
429 State.

430         Mr. Franks. But in so doing, they have to break the  
431 Federal law that is in place for all of the States.

432         Mr. Cohen. That may be true. But I am sure there are  
433 a lot of people that do it, and they have gun permits, and  
434 there is really not a basis for somebody to go and check  
435 that.

436         The bottom line is, this law shows that there are some  
437 States -- this amendment and the law, there are some States  
438 with certain prohibitions and other States that don't have  
439 prohibitions. But the prohibitions make no difference when  
440 you leave your State.

441           If you have a law in Arizona and they don't have that  
442 prohibition in Ohio, the person in Ohio who comes to Arizona  
443 can have a gun when they couldn't have one in Arizona. Now  
444 I know in Arizona, you have to have a gun.

445           Mr. Franks. In Arizona, sometimes to gain office, you  
446 have to have shot someone. I am joking, of course. I hope  
447 that the media understands that.

448           Mr. Cohen. I am not going to touch that one.

449           Mr. Franks. Especially if they really needed it.

450           Ms. Jackson Lee. Would the gentleman yield?

451           Mr. Cohen. I will yield to the lady from Texas.

452           Ms. Jackson Lee. I thank the gentleman for his line  
453 of reasoning, and if I might, I want to pose a question of  
454 Mr. Johnson.

455           When Mr. Franks and I engaged in a discussion on my  
456 amendment regarding stalking, he kept suggesting a felony.  
457 And what I was suggesting in my amendment was that it was  
458 even someone who was convicted of misdemeanor stalking is  
459 questionable under the Federal law. Since he would not meet  
460 the test of a felony, we should question whether that person  
461 should be having the opportunity for a gun.

462           What I understand Mr. Johnson's amendment to say is if  
463 you are under a court order, and Mr. Johnson, are you  
464 suggesting that you may not have had any offense? You may  
465 have been under restraining order, or you may be a citizen  
466 that has lost it because of this emotional situation you  
467 have with an individual. It could be a spouse, a  
468 girlfriend, a boyfriend, or whatever it is, and there is a  
469 court order. And you are not convicted of anything. Is  
470 that my understanding, Mr. Johnson?

471           Mr. Johnson. That is correct.

472           Ms. Jackson Lee. And that means that person has an  
473 unfortunate problem, and they are intimidating somebody  
474 else, and they may be dangerous with a gun. Is that my  
475 understanding, Mr. Johnson?

476           Mr. Johnson. Yes, that is correct. And moreover, a  
477 pending -- this amendment would allow for a State --

478           Ms. Jackson Lee. Mr. Cohen yields to you.

479           Mr. Johnson. Okay. This amendment would allow States  
480 that can ban people from receiving a concealed weapon permit  
481 based on a prior, not pending, restraining order --

482           Ms. Jackson Lee. Right.

483           Mr. Johnson. -- domestic violence order that has been  
484 in existence during the last -- at any point during the  
485 previous 10 years. It allows those States to be able to  
486 apply their laws to that circumstance. And there are many  
487 States, there are about 10 of them, that can deny a permit  
488 to carry a weapon based on factors that would equate to a  
489 lack of good character.

490           And so, certainly, the fact that one or two or three  
491 restraining orders taken out over the last 10 years would be  
492 a factor in a State's determination about whether to grant a  
493 permit or not, we should not deny those States the  
494 opportunity to do so based on an overarching Federal law  
495 that allows persons with concealed carry permits from one  
496 State to carry them in another.

497           Chairman Smith. The gentleman's time has expired.

498           Ms. Jackson Lee. Well, Mr. Chairman, could you yield,  
499 I would ask unanimous consent, 30 seconds?

500           Chairman Smith. The gentleman's time has expired.

501           Are there other Members who wish to be heard? If not,  
502 the question is on the amendment --

503           Ms. Sanchez. Mr. Chairman?

504 Chairman Smith. Those in favor, say aye.

505 Ms. Jackson Lee. Mr. Chairman, Ms. Sanchez.

506 Chairman Smith. The gentlewoman from California, Ms.  
507 Sanchez, is recognized.

508 Ms. Sanchez. Thank you, Mr. Chairman, and I would  
509 like to yield my time to the gentlewoman from Texas.

510 Ms. Jackson Lee. I thank you very much. Thank you so  
511 very much, Ms. Sanchez.

512 I want to pursue this line of reasoning. Mr.  
513 Johnson's amendment does not indicate the person was  
514 convicted, and so they are not caught by the language in  
515 this bill about a felony conviction. He is suggesting that  
516 they have a pattern of intimidating or causing someone to  
517 cause -- to desire a court order. For me, that is both a  
518 situation warranting review, surveillance, and concern.

519 And again, to refer to the California case, we have  
520 not explored it, but I am not sure whether this gentleman  
521 had a record.

522 All right. So, and that is the point. Thank you, Mr.  
523 Johnson. He had a restraining order. Pardon?

524 Excuse me. I was told that the gentleman had a

525 restraining order put on him prior, the night before. And I  
526 am going to speak out of turn to say that it doesn't appear  
527 or we haven't seen the facts of any record. But the point  
528 is he had a restraining order put out the night before.

529         And so, the point is these are individuals that  
530 warrant extra review. If a State desires to do that, that  
531 is what Mr. Johnson's amendment says, allow them to do that  
532 and prevent that individual from carrying a concealed  
533 weapon.

534         I cannot imagine a more common sense amendment to  
535 provide the safety for all persons -- children, men, women,  
536 families. This is a constructive amendment that gets to the  
537 nitty-gritty that this particular legislation fails to  
538 address. My friends, let us not open the door without  
539 thinking about the nuances that can occur.

540         And I thank Mr. Johnson for his amendment and the  
541 clarification, and I will back to the gentlelady from  
542 California.

543         Ms. Sanchez. And I will yield back my time.

544         Chairman Smith. Thank the gentlewoman for yielding  
545 back.

546 The gentleman from North Carolina, Mr. Coble?

547 Mr. Coble. Thank you, Mr. Chairman.

548 I yield to the gentleman from Arizona.

549 Mr. Franks. I thank the gentleman so much.

550 Mr. Chairman, I just wanted to correct the record to  
551 make sure this is in the record.

552 While there is an effort here to sort of make this a  
553 referendum on domestic violence, and the tragedy of domestic  
554 violence beggars human description, and all of us understand  
555 that. And I just want to make sure everyone here knows that  
556 under Federal law, if someone is put under a restraining  
557 order tonight, they are immediately breaking the law even  
558 possessing a firearm.

559 So this is a red herring. And I would suggest that  
560 once some lunatic has finally cracked and is going to murder  
561 his wife or a family member, sometimes the only way to  
562 defend themselves is if they have their own concealed  
563 weapon. And those are things that we have to keep in mind.  
564 I know that is a different subject, but --

565 Mr. Johnson. Will the gentleman yield?

566 Mr. Franks. -- I promised I would keep this short.

567 So I am going to yield back, in all due respect.

568 Mr. Nadler. Mr. Chairman?

569 Mr. Coble. I will reclaim and yield back.

570 Mr. Nadler. Mr. Chairman?

571 Chairman Smith. The gentleman from New York, Mr.

572 Nadler, is recognized.

573 Mr. Nadler. Mr. Chairman, I just have to point out

574 that some of what was just said by the gentleman from

575 Arizona is simply not correct.

576 It is true that Federal law is as the gentleman says.

577 But many, I don't know many, quite a few States have laws

578 that say that anyone who has had a restraining order within

579 the past 10 years cannot carry a handgun. And in the

580 absence of the amendment we are talking about, that would be

581 superseded by the bill we are dealing with.

582 So the amendment is necessary in order to allow States

583 to effectuate or enforce their laws for people who had

584 restraining orders against them, even if the restraining

585 order is not in force at the moment. Under Federal law, if

586 the restraining order is in force at the moment, then Mr.

587 Franks is correct. There would be no right under the law.

588           But if the restraining order is no longer in effect,  
589 many States have laws that nonetheless would prohibit  
590 carrying a concealed weapon as long as there was a  
591 restraining order within a period of time. That would be  
592 set aside by this bill. That is what the gentleman's  
593 amendment is designed to correct.

594           So the remarks of the gentleman from Arizona as to why  
595 this amendment is not necessary are not correct, unless you  
596 want to say -- and maybe you should come out and say it --  
597 that we want to overrule States. And if a State had a  
598 restraining order against somebody or the -- if there was a  
599 restraining order against somebody, but it is no longer in  
600 effect, the State should not be permitted to prohibit that  
601 domestically violent person.

602           The State should not be permitted from prohibiting him  
603 from carrying a weapon, even if it wants to, as long as the  
604 restraining order is no longer in effect. If that is what  
605 you want to do, then vote against the amendment. But if you  
606 think the State has a right to make that decision for  
607 itself, then the amendment makes sense.

608           I thank you. I yield back.

609 Chairman Smith. Thank you, Mr. Nadler.

610 The question is on the amendment to the amendment.

611 All in favor, say aye.

612 [A chorus of ayes.]

613 Chairman Smith. Opposed, no.

614 [A chorus of nays.]

615 Chairman Smith. In the opinion of the chair, the nays

616 have it, and the amendment is not agreed to.

617 A recorded vote has been requested. The clerk will

618 call the role.

619 Ms. Kish. Mr. Smith?

620 Chairman Smith. No.

621 Ms. Kish. Mr. Smith votes no.

622 Mr. Sensenbrenner?

623 [No response.]

624 Ms. Kish. Mr. Coble?

625 Mr. Coble. No.

626 Ms. Kish. Mr. Coble votes no.

627 Mr. Gallegly?

628 Mr. Gallegly. No.

629 Ms. Kish. Mr. Gallegly votes no.

630 Mr. Goodlatte?

631 [No response.]

632 Ms. Kish. Mr. Lungren?

633 Mr. Lungren. No.

634 Ms. Kish. Mr. Lungren votes no.

635 Mr. Chabot?

636 Mr. Chabot. No.

637 Ms. Kish. Mr. Chabot votes no.

638 Mr. Issa?

639 [No response.]

640 Ms. Kish. Mr. Pence?

641 [No response.]

642 Ms. Kish. Mr. Forbes?

643 [No response.]

644 Ms. Kish. Mr. King?

645 Mr. King. No.

646 Ms. Kish. Mr. King votes no.

647 Mr. Franks?

648 Mr. Franks. No.

649 Ms. Kish. Mr. Franks votes no.

650 Mr. Gohmert?

651 [No response.]

652 Ms. Kish. Mr. Jordan?

653 [No response.]

654 Ms. Kish. Mr. Poe?

655 [No response.]

656 Ms. Kish. Mr. Chaffetz?

657 Mr. Chaffetz. No.

658 Ms. Kish. Mr. Chaffetz votes no.

659 Mr. Griffin?

660 Mr. Griffin. No.

661 Ms. Kish. Mr. Griffin votes no.

662 Mr. Marino?

663 Mr. Marino. No.

664 Ms. Kish. Mr. Marino votes no.

665 Mr. Gowdy?

666 Mr. Gowdy. No.

667 Ms. Kish. Mr. Gowdy votes no.

668 Mr. Ross?

669 Mr. Ross. No.

670 Ms. Kish. Mr. Ross votes no.

671 Mrs. Adams?

672 Mrs. Adams. No.

673 Ms. Kish. Mrs. Adams votes no.

674 Mr. Quayle?

675 [No response.]

676 Ms. Kish. Mr. Amodei?

677 [No response.]

678 Ms. Kish. Mr. Conyers?

679 Mr. Conyers. Aye.

680 Ms. Kish. Mr. Conyers votes aye.

681 Mr. Berman?

682 [No response.]

683 Ms. Kish. Mr. Nadler?

684 Mr. Nadler. Aye.

685 Ms. Kish. Mr. Nadler votes aye.

686 Mr. Scott?

687 Mr. Scott. Aye.

688 Ms. Kish. Mr. Scott votes aye.

689 Mr. Watt?

690 Mr. Watt. Aye.

691 Ms. Kish. Mr. Watt votes aye.

692 Ms. Lofgren?

693 Ms. Lofgren. Aye.

694 Ms. Kish. Ms. Lofgren votes aye.

695 Ms. Jackson Lee?

696 Ms. Jackson Lee. Aye.

697 Ms. Kish. Ms. Jackson Lee votes aye.

698 Ms. Waters?

699 [No response.]

700 Ms. Kish. Mr. Cohen?

701 Mr. Cohen. Aye.

702 Ms. Kish. Mr. Cohen votes aye.

703 Mr. Johnson?

704 Mr. Johnson. Aye.

705 Ms. Kish. Mr. Johnson votes aye.

706 Mr. Pierluisi?

707 [No response.]

708 Ms. Kish. Mr. Quigley?

709 Mr. Quigley. Aye.

710 Ms. Kish. Mr. Quigley votes aye.

711 Ms. Chu?

712 Ms. Chu. Aye.

713 Ms. Kish. Ms. Chu votes aye.

714 Mr. Deutch?

715 Mr. Deutch. Aye.

716 Ms. Kish. Mr. Deutch votes aye.

717 Ms. Sanchez?

718 Ms. Sanchez. Aye.

719 Ms. Kish. Ms. Sanchez votes aye.

720 Chairman Smith. The gentleman from Virginia?

721 Mr. Forbes. No.

722 Ms. Kish. Mr. Forbes votes no.

723 Chairman Smith. And the clerk will report.

724 Ms. Kish. Mr. Chairman, 12 Members voted aye; 14

725 Members voted nay.

726 Chairman Smith. A majority having voted against the

727 amendment, the amendment is not agreed to.

728 Are there other amendments?

729 Mr. Quigley. Mr. Chairman?

730 Chairman Smith. The gentleman from Illinois is

731 recognized for the purpose of offering an amendment.

732 Mr. Quigley. On behalf of Mr. Pierluisi, it is Number

733 471 or 8, however you number it, I have an amendment at the

734 desk.

735 Chairman Smith. Okay. The clerk will report the  
736 amendment.

737 Ms. Kish. Amendment to the amendment in the nature of  
738 a substitute to H.R. 822, offered by Mr. Quigley. Page 1,  
739 beginning on line 15, strike "a valid identification" and  
740 all that follows through "firearm" on page 2, line 1, and  
741 insert "a valid license or permit issued pursuant to the law  
742 of a State, which permits the person to carry a concealed  
743 firearm and contains, at a minimum, the information and  
744 features described in subsection (c)."

745 Page 2, strike line 21 and all that follows through  
746 page 3, line 2, and insert the following: "(c) The  
747 information and features described in this subsection are  
748 the following: (1) The full legal name of the person --"

749 Chairman Smith. Without objection, the amendment will  
750 be considered as read.

751 [The information follows:]

752

753 Chairman Smith. And the gentleman is recognized to  
754 explain the amendment.

755 Mr. Quigley. Thank you, Mr. Chairman.

756 This amendment would require that a permit to carry a  
757 concealed firearm include information similar to that  
758 required by the Real ID Act of 2005. Specifically, the  
759 amendment would require that a permit include the holder's  
760 full legal name, date of birth, gender, digital photograph,  
761 address of principal address and signature, the permit's  
762 unique issuance number, and physical security features.

763 In 2005, Congress passed the Real ID Act, which  
764 required driver's licenses to meet certain minimum  
765 standards. Because of this legislation, States and  
766 territories have improved the quality of their driver's  
767 licenses. Today, it is now far more difficult for a person  
768 to forge a driver's license than it was before.

769 If Congress thought it was appropriate to set a  
770 minimum standard for a driver's license, which allows an  
771 individual to operate a motor vehicle, then it seems only  
772 prudent to require that permits to carry a concealed firearm  
773 meet similar standards if Congress is to require States and

774 territories to accept other jurisdictions' permits.

775           Many State-issued concealed permits are printed on  
776 easily accessible materials. For example, some States issue  
777 a permit that is printed on regular cardboard stock paper  
778 and not laminated. The permits of at least 11 States --  
779 Pennsylvania, Maine, Indiana, New Hampshire, Iowa, Georgia,  
780 South Dakota, North Carolina, Virginia, Minnesota, and  
781 Arkansas -- do not feature a photograph or other identifying  
782 information.

783           The permits of at least two States, Iowa and  
784 Minnesota, do not include any physical feature identifiers -  
785 - height, weight, eye color, gender. These permits could  
786 easily be reproduced and falsified in order to illegally  
787 carry a firearm in another State.

788           Because there is no handgun registry in the United  
789 States, it would be nearly impossible for a law enforcement  
790 officer from a separate State to confirm that the individual  
791 who is presenting the permit is, in fact, legally able to  
792 carry a concealed firearm.

793           The amendment adds a layer of protection for law  
794 enforcement officers who are out on the street making

795 traffic stops, conducting preventive patrolling, and could  
796 be the victim of individuals illegally carrying a concealed  
797 carry firearm. The amendment would not infringe on the  
798 right of lawful owners of firearms or place any burden on  
799 their ability to obtain a firearm. The amendment would  
800 simply change the design of the permit that they carry.

801 Thank you, Mr. Chairman.

802 Chairman Smith. Thank you, Mr. Quigley.

803 The gentleman from Arizona, Mr. Franks, is recognized.

804 Mr. Franks. Mr. Chairman, under the manager's  
805 amendment, a person who wishes to carry a concealed firearm  
806 in another State must be able to produce both a valid  
807 identification document and a valid concealed carry license  
808 or permit. That is essentially what law enforcement asks  
809 for if there is a contact.

810 And an identification document is defined to mean a  
811 Government-issued ID, such as a driver's license or  
812 passport, and these documents will already contain most or  
813 all of the information that this amendment seeks to include  
814 on a concealed carry permit. So when presented in tandem  
815 with a concealed carrying permit, there will be little doubt

816 of a person's identity and the legality of a concealed carry  
817 permit.

818 Now it is worth noting that, currently, the large  
819 majority of the States recognize concealed carry permits  
820 from other States without any serious difficulties. In  
821 fact, 14 States recognize concealed carry permits from all  
822 of the other 49 States. And law enforcement agencies can  
823 use the other resources that they have to check the validity  
824 of permits.

825 For example, the NLETS, formerly the National Law  
826 Enforcement Teletype System, enables Federal, State, and  
827 local law enforcement agencies to communicate directly with  
828 one another and to query one another's databases. And this  
829 is a system that provides an option to directly query  
830 handgun permit information for 12 States and also enables a  
831 police officer with an in-car terminal or a police  
832 dispatcher to inquire directly to out-of-State agencies that  
833 may issue permits but that don't participate directly in the  
834 NLETS carry permit program.

835 So I just fail to understand how extending the  
836 preexisting reciprocity nationwide will create new and

837 serious problems with verification. In fact, as I  
838 understand, Mr. Chairman, some of the gentleman's criteria  
839 is almost a mirror image of the Real ID Act that came out of  
840 this Congress some time ago. And some of the States are  
841 still, they are 5 years away from being able to comply with  
842 that.

843 And to add another layer here for something that  
844 demonstrably will not change the ultimate impact here I  
845 think is not the way to go. And I think that it will  
846 ultimately reduce the number of States whose permits will  
847 qualify for recognition under this legislation.

848 So I would respectfully oppose this amendment and ask  
849 my colleagues to do the same.

850 Chairman Smith. Thank you, Mr. Franks.

851 The question is on the amendment. All in favor, say  
852 aye.

853 [A chorus of ayes.]

854 Chairman Smith. Opposed, no.

855 [A chorus of nays.]

856 Chairman Smith. Let me encourage Members to raise  
857 their hands a little bit more promptly. I looked at both

858 sides, didn't see any Members who were going to ask to be  
859 recognized, and that is why I called the vote.

860 Mr. Cohen. I will pass.

861 Chairman Smith. Okay. Thank you. Appreciate that.

862 Is there a request for a recorded vote?

863 Mr. Quigley. Yes, there is, Mr. Chairman.

864 Chairman Smith. The Clerk will call the roll.

865 Ms. Kish. Mr. Smith?

866 Chairman Smith. No.

867 Ms. Kish. Mr. Smith votes no.

868 Mr. Sensenbrenner?

869 [No response.]

870 Ms. Kish. Mr. Coble?

871 [No response.]

872 Ms. Kish. Mr. Gallegly?

873 Mr. Gallegly. No.

874 Ms. Kish. Mr. Gallegly votes no.

875 Mr. Goodlatte?

876 [No response.]

877 Ms. Kish. Mr. Lungren?

878 Mr. Lungren. No.

879 Ms. Kish. Mr. Lungren votes no.  
880 Mr. Chabot?  
881 Mr. Chabot. No.  
882 Ms. Kish. Mr. Chabot votes no.  
883 Mr. Issa?  
884 [No response.]  
885 Ms. Kish. Mr. Pence?  
886 [No response.]  
887 Ms. Kish. Mr. Forbes?  
888 Mr. Forbes. No.  
889 Ms. Kish. Mr. Forbes votes no.  
890 Mr. King?  
891 Mr. King. No.  
892 Ms. Kish. Mr. King votes no.  
893 Mr. Franks?  
894 Mr. Franks. No.  
895 Ms. Kish. Mr. Franks votes no.  
896 Mr. Gohmert?  
897 [No response.]  
898 Ms. Kish. Mr. Jordan?  
899 [No response.]

900 Ms. Kish. Mr. Poe?  
901 [No response.]  
902 Ms. Kish. Mr. Chaffetz?  
903 Mr. Chaffetz. No.  
904 Ms. Kish. Mr. Chaffetz votes no.  
905 Mr. Griffin?  
906 [No response.]  
907 Ms. Kish. Mr. Marino?  
908 Mr. Marino. No.  
909 Ms. Kish. Mr. Marino votes no.  
910 Mr. Gowdy?  
911 Mr. Gowdy. No.  
912 Ms. Kish. Mr. Gowdy votes no.  
913 Mr. Ross?  
914 Mr. Ross. No.  
915 Ms. Kish. Mr. Ross votes no.  
916 Mrs. Adams?  
917 Mrs. Adams. No.  
918 Ms. Kish. Mrs. Adams votes no.  
919 Mr. Quayle?  
920 [No response.]

921 Ms. Kish. Mr. Amodei?

922 Mr. Amodei. No.

923 Ms. Kish. Mr. Amodei votes no.

924 Mr. Conyers?

925 Mr. Conyers. Aye.

926 Ms. Kish. Mr. Conyers votes aye.

927 Mr. Berman?

928 [No response.]

929 Ms. Kish. Mr. Nadler?

930 Mr. Nadler. Aye.

931 Ms. Kish. Mr. Nadler votes aye.

932 Mr. Scott?

933 Mr. Scott. Aye.

934 Ms. Kish. Mr. Scott votes aye.

935 Mr. Watt?

936 Mr. Watt. Aye.

937 Ms. Kish. Mr. Watt votes aye.

938 Ms. Lofgren?

939 Ms. Lofgren. Aye.

940 Ms. Kish. Ms. Lofgren votes aye.

941 Ms. Jackson Lee?

942 [No response.]

943 Ms. Kish. Ms. Waters?

944 [No response.]

945 Ms. Kish. Mr. Cohen?

946 Mr. Cohen. Aye.

947 Ms. Kish. Mr. Cohen votes aye.

948 Mr. Johnson?

949 Mr. Johnson. Aye.

950 Ms. Kish. Mr. Johnson votes aye.

951 Mr. Pierluisi?

952 [No response.]

953 Ms. Kish. Mr. Quigley?

954 Mr. Quigley. Aye.

955 Ms. Kish. Mr. Quigley votes aye.

956 Ms. Chu?

957 Ms. Chu. Aye.

958 Ms. Kish. Ms. Chu votes aye.

959 Mr. Deutch?

960 Mr. Deutch. Aye.

961 Ms. Kish. Mr. Deutch votes aye.

962 Ms. Sanchez?

963 Ms. Sanchez. Aye.

964 Ms. Kish. Ms. Sanchez votes aye.

965 Ms. Jackson Lee. How am I recorded?

966 Ms. Kish. Not recorded, ma'am.

967 Ms. Jackson Lee. Aye.

968 Ms. Kish. Ms. Jackson Lee votes aye.

969 Chairman Smith. The gentleman from Arkansas?

970 Mr. Griffin. No.

971 Ms. Kish. Mr. Griffin votes no.

972 Chairman Smith. The clerk will report.

973 Mr. Poe. Mr. Chairman?

974 Chairman Smith. Before the clerk reports, the

975 gentleman from Texas, Mr. Poe?

976 Mr. Poe. No.

977 Ms. Kish. Mr. Poe votes no.

978 Mr. Chairman, 12 Members voted aye; 15 Members voted

979 nay.

980 Chairman Smith. A majority having voted against the

981 amendment, the amendment is not agreed to.

982 Are there other amendments?

983 Mr. Quigley. Mr. Chairman, I have an amendment at the

984 desk.

985 Chairman Smith. The gentleman from Illinois, Mr.  
986 Quigley, is recognized. And the clerk will report the  
987 amendment.

988 Ms. Kish. Amendment to the amendment in the nature of  
989 a substitute to H.R. 822, offered by Mr. Quigley. Page 2,  
990 line 20, after the period insert the following:

991 "Notwithstanding the preceding sentence, the possession or  
992 carrying of a concealed handgun in a State under this  
993 section shall be subject to any State law limiting the  
994 eligibility to possess or carry a concealed handgun by  
995 reason of a conviction in any court, of assaulting a law  
996 enforcement officer, or impersonating a law enforcement  
997 officer."

998 [The information follows:]

999

1000 Chairman Smith. The gentleman is recognized to  
1001 explain his amendment.

1002 Mr. Quigley. Thank you, Mr. Chairman.

1003 Mr. Chairman, this amendment simply allows States to  
1004 protect those who protect us -- police officers who are on  
1005 our front lines protecting our highways, our communities,  
1006 and our families. My amendment would prevent individuals  
1007 convicted of assaulting a police officer or impersonating a  
1008 police officer from carrying concealed loaded guns.

1009 Mr. Chairman, the States handle people impersonating a  
1010 police officer very seriously, and they recognize that those  
1011 who double it up by carrying a gun are specific problems.  
1012 Several States that allow these permits deny them to those  
1013 who have assaulted or impersonated police officers.

1014 The law enforcement officials of these States have  
1015 decided that preventing those who assault or impersonate  
1016 police from carrying concealed weapons is what is best for  
1017 their communities. This bill would wipe those protections  
1018 away.

1019 Four States prohibiting individuals convicted of  
1020 assaulting a police officer -- Iowa, Florida, Louisiana,

1021 North Carolina -- and Michigan and Pennsylvania deny permits  
1022 to people convicted of impersonating a police officer.

1023 Thank you, and I yield back.

1024 Chairman Smith. Thank you, Mr. Quigley.

1025 The gentleman from Arizona, Mr. Franks?

1026 Mr. Franks. Thank you, Mr. Chairman.

1027 Mr. Chairman, once again, this is an amendment in  
1028 search of a problem. It is, indeed, correct the gentleman's  
1029 statement that States treat assaults against police officers  
1030 very seriously, and in a sense, that is one of the strong  
1031 arguments against the amendment. Because as a general  
1032 matter, any assault that results in serious injury to a law  
1033 enforcement officer will be treated as a felony, which would  
1034 bar anyone convicted of the crime from even possessing a  
1035 firearm under Federal law and even most State laws.

1036 In many States, even lesser assaults are often treated  
1037 as a felony when they are committed against a police  
1038 officer. In my home State of Arizona, assaults on police  
1039 officers are felonies regardless of the injuries sustained  
1040 and cannot be pled down to a misdemeanor.

1041 Now this means, in most instances, the only people who

1042 would be affected by this amendment are those whose crimes  
1043 are so minor that their own State chooses not to treat them  
1044 as a serious crime, even when they are committed against a  
1045 police officer. And I don't believe it is appropriate to  
1046 then restrict these people's exercise of their Second  
1047 Amendment rights for life.

1048 Now, similarly, the impersonation of a police officer  
1049 is a felony in the majority of States and even more States  
1050 when it is done in the course of another crime. These  
1051 people would also be prohibited from possessing a firearm,  
1052 concealed or not, under Federal law.

1053 So, consequently, Mr. Chairman, I oppose this  
1054 amendment, and I would encourage my colleagues to do the  
1055 same.

1056 Chairman Smith. Thank you, Mr. Franks.

1057 Are there any other Members who wish to be recognized  
1058 on this amendment?

1059 Ms. Jackson Lee. Mr. Chairman?

1060 Chairman Smith. The gentlewoman from Texas, Ms.  
1061 Jackson Lee?

1062 Ms. Jackson Lee. Mr. Chairman, I appreciated what Mr.

1063 Cohen said in his respect for the gentleman from Arizona in  
1064 the chair and co-chair -- chair and ranking member position  
1065 that they had, and I think all of us recognize the  
1066 collegiality that many Members have had over the years on  
1067 the Judiciary Committee, in spite of its contentious agenda.  
1068 But I just can't understand "no, no, no, no."

1069 First, we are saying no on ensuring that we have more  
1070 accuracy in the data that is provided by the person who has  
1071 a concealed weapon. That, again, would help law enforcement  
1072 in case anything untoward happened.

1073 We are always having the stories that tell us, "This  
1074 was such a nice person. He must have snapped. She must  
1075 have snapped." Yes, that happens. The concealed weapon  
1076 carrier must have snapped, and somebody dies.

1077 And so, in the first instance of Mr. Pierluisi's  
1078 amendment that Mr. Quigley had, that was a reasonable  
1079 request to ensure the data was complete, that was a "no."  
1080 Mr. Quigley now wants to doubly ensure that anyone convicted  
1081 of assaulting or impersonating a law enforcement officer is  
1082 limited in their eligibility to possess or carry a concealed  
1083 handgun, and we hear a "no" again.

1084           The question is we have the responsibility to ensure  
1085 that there are no loopholes, and I don't think the gentleman  
1086 from Arizona can ensure it. He can talk about citing  
1087 particular sections on the felony, but there are loopholes  
1088 that we are trying to protect our law enforcement officers  
1089 across America and others who, civilians or citizens who  
1090 have, in fact, had individuals come to their door or see  
1091 them in the course of their business impersonating an  
1092 officer.

1093           There have been cases where impersonators have raped  
1094 individuals, stopped them on the street saying that they  
1095 were giving them a ticket, driven them off. That is a  
1096 dangerous proposition, and I can't imagine that a simple  
1097 enhancement of this legislation would warrant our friends on  
1098 the other side of the aisle to say "no." "No, no, no."

1099           You know what? We are going to trip over a "no" and  
1100 void an important legislative addition to these bills that  
1101 we have before us because the mindset is "no, no, no."

1102           Mr. Quigley, I think you have offered a very sensible  
1103 amendment. It is well documented that those who impersonate  
1104 law enforcement officers can be dangerous. And certainly, I

1105 am not going to be on the record voting no against  
1106 protecting an officer against assaulting or at least not  
1107 allowing someone to carry a gun.

1108         And let me just say this for the record, I don't know  
1109 why we have not put in some of this data. That it is well  
1110 known that the various law enforcement officers  
1111 associations, many of them, have consistently argued against  
1112 the expansion of being able to carry and conceal. It is  
1113 well known and well documented.

1114         Now we all know that there is nothing we can do about  
1115 the NRA, but it is well known that law enforcement  
1116 organizations have stated publicly, "How many more guns do I  
1117 have to deal with? How many more guns do I have to deal  
1118 with?"

1119         So I don't know -- let me indicate that I don't know,  
1120 Mr. Chairman, whether or not a concealed weapon in that  
1121 beauty shop of unsuspecting individuals might have helped.  
1122 There might have been a bloody gun battle that would have  
1123 run out into the street and other innocent persons might  
1124 have lost their lives. So I am not going to make a comment  
1125 on yea or nay.

1126 But what I will say is if this bill is moving, let us  
1127 be responsible, and Mr. Quigley's amendment is a very  
1128 responsible amendment. I would ask my colleagues to support  
1129 his amendment.

1130 I yield back.

1131 Chairman Smith. Thank you, Ms. Jackson Lee.

1132 The gentleman from Virginia, Mr. Forbes, is  
1133 recognized.

1134 Mr. Forbes. Mr. Chairman, I will be brief. But the  
1135 gentlelady asked why over here we were constantly saying  
1136 "no, no, no." I think if you look across the country, if we  
1137 talk to businessmen, we talk to other Americans, one of the  
1138 things that they are so concerned about is across the aisle,  
1139 we have had them constantly saying "yes, yes, yes" to every  
1140 single regulation anybody could think of anywhere, whether  
1141 it was a nexus to the problem or whether there was a problem  
1142 that existed at all.

1143 And at some particular point in time, our business  
1144 people just become overwhelmed by all of these regulations.  
1145 Average citizens become overwhelmed, and they look to us and  
1146 say can't you guys just bring one thing to the table, some

1147 common sense, and say is there a problem out there? And if  
1148 there is a problem, try to fix that. But don't sit back  
1149 here and imagine every problem that could possibly exist and  
1150 put every regulation you can.

1151 We mentioned a situation where you had someone  
1152 impersonating a law enforcement officer who raped someone.  
1153 The gentleman from Arizona said that would be covered. I  
1154 can't imagine a State saying that that wouldn't be a felony  
1155 if that was going to be the case and taking place.

1156 And when you talk about all the law enforcement  
1157 officers, I have sat through a lot of the hearings, none of  
1158 them have come in and said this is a big problem that we  
1159 have got people who were impersonating law enforcement  
1160 officers and now they have got permits to carry in some  
1161 other States.

1162 So, Mr. Chairman, I think it is a good thing for us to  
1163 sit back and say before we put in another provision, another  
1164 regulation, we are going to make sure there is a problem out  
1165 there and there is a nexus to it. And so, I am glad that we  
1166 are saying when it is not, when we are just kind of creating  
1167 these situations, that we are going to consistently say no.

1168           And so, with that, I hope we will reject this  
1169 amendment, and I yield back my time.

1170           Chairman Smith. Thank you, Mr. Forbes.

1171           Mr. Johnson. Mr. Chairman?

1172           Chairman Smith. The gentleman from Virginia, Mr.  
1173 Scott, is recognized.

1174           Mr. Scott. Mr. Chairman, I have talked to a lot of  
1175 businessmen, and I haven't talked to one that thought it was  
1176 a good idea for someone in violation of State law, having  
1177 been convicted of impersonating a police officer in  
1178 violation of State law to get a permit to be able to use a  
1179 concealed weapon in violation of the State law.

1180           Now, apparently, Michigan and Pennsylvania deny  
1181 permits to people convicted of impersonating a police  
1182 officer. I haven't heard anybody in Michigan and  
1183 Pennsylvania that thought somebody ought to be able to get a  
1184 permit in another State and wander into Michigan and  
1185 Pennsylvania, notwithstanding the fact that they have been  
1186 convicted of impersonating a police officer.

1187           Now, let me just remind people how this works. If you  
1188 live in one State, in Pennsylvania, and want to get a

1189 permit, notwithstanding the fact that you have been  
1190 convicted of impersonating a police officer, you can go to  
1191 Vermont, get a license, and then go to Michigan, which also  
1192 denies permits to people convicted of impersonating a police  
1193 officer, and use your Vermont permit in Michigan.

1194 Now, you know, I would like to find a businessman that  
1195 thinks that is a good idea. I don't think there is, and I  
1196 thank the gentleman from Illinois for introducing this  
1197 amendment to add some common sense to our gun laws. Those  
1198 convicted of impersonating an officer, if the State decides,  
1199 ought to be denied the right to carry a concealed weapon in  
1200 that State.

1201 I would hope we would adopt the amendment, Mr.  
1202 Chairman. And again, thank the gentleman from Illinois.

1203 I yield back.

1204 Chairman Smith. Thank you, Mr. Scott.

1205 Mr. Johnson. Mr. Chairman?

1206 Chairman Smith. The gentleman from Tennessee, who I  
1207 owe a recognition to, is now recognized.

1208 Mr. Cohen. Thank you, Mr. Chairman.

1209 First of all, I would like to remind Members that the

1210 EPA, which is the law most under attack for all these  
1211 opprobrious regulations, was President Richard Nixon's  
1212 number-one legislative accomplishment.

1213         Secondly, I would like to suggest that when I look at  
1214 a map here of the States that recognize Tennessee's  
1215 concealed carry law by reciprocity, most States already do  
1216 it. But the States decided. They didn't have the Federal  
1217 Government tell them. The big State that doesn't stands  
1218 out. Big, old, pink State is Texas.

1219         I don't know what your problem is. We brought some  
1220 guns down there in the 1840s and helped you all out a lot.  
1221 Maybe you all should remember that. But now --

1222         Chairman Smith. I think it was 1836, but --

1223         Mr. Cohen. Well, it is within the margin of error.

1224         Tennessee requires a person to be 21 years of age to  
1225 get a gun permit. Some States don't. You just have to be  
1226 18. Does it make sense to say to the States that require  
1227 you to be 21 that you could have 18- and 19- and 20-year-  
1228 olds now coming into your State with guns? I submit not.

1229         My friends on the other side of the aisle are great  
1230 supporters of States' rights until this happens. It is as

1231 if somebody is holding a gun to your head. I don't  
1232 understand it.

1233 I would yield back the remainder of my time.

1234 Chairman Smith. Thank you, Mr. Cohen.

1235 The gentleman from South Carolina, Mr. Gowdy, is  
1236 recognized.

1237 Mr. Gowdy. I thank the chairman.

1238 And the gentleman from Tennessee raised a very good  
1239 point. I would be curious to whether or not he agreed with  
1240 me that there is a constitutional right to travel?

1241 Mr. Cohen. I don't know that there is. I think there  
1242 is a constitutional right to, like, there is speech. There  
1243 is redress your grievances, petition your government,  
1244 freedom of religion --

1245 Mr. Gowdy. You do not think the Constitution, within  
1246 the penumbra of any of --

1247 Mr. Cohen. It probably does in the penumbra. I just  
1248 can't place a specific case or a specific verbiage.

1249 Mr. Gowdy. Do you think inherent within the  
1250 Constitution is a constitutional right to defend yourself?

1251 Mr. Cohen. I have never -- I guess there is. I don't

1252 know if it is in the Constitution. You have a right to  
1253 liberty and the pursuit of happiness, and maybe defending  
1254 yourself allows you to have happiness. Liberty is maybe  
1255 there.

1256 Of course, that is the Declaration of Independence. I  
1257 don't want to get like Governor Perry. I am sorry.

1258 Mr. Gowdy. Well, the gentleman from Tennessee is an  
1259 extremely accomplished, highly decorated attorney who I have  
1260 great respect for his legal acumen. But I guarantee you  
1261 that no one on the other side of the aisle would allow there  
1262 to be any restrictions whatsoever on the First Amendment.

1263 You would go nuts if we argue that States' rights  
1264 allowed South Carolina to somehow impact the First  
1265 Amendment. Or the Fourth, that we were going to have all  
1266 these different search and seizure requirements based on the  
1267 50 States. Or the Fifth, that Miranda was going to be  
1268 subject to what South Carolina wanted or Utah wanted or  
1269 Nevada wanted.

1270 Mr. Nadler. Will the gentleman yield?

1271 Mr. Gowdy. Or the Eighth with cruel and unusual  
1272 punishment.

1273 Mr. Nadler. Would the gentleman yield?

1274 Mr. Gowdy. I am just curious why the Second Amendment  
1275 is afforded so little respect.

1276 Mr. Nadler. Would the gentleman yield?

1277 Mr. Cohen. If what you are saying is that the Second  
1278 Amendment --

1279 Chairman Smith. The gentleman from South Carolina has  
1280 the time.

1281 Mr. Nadler. Would the gentleman yield?

1282 Mr. Gowdy. Sure.

1283 Mr. Nadler. First of all, I don't think anybody would  
1284 say that the First Amendment, the Fourth Amendment, or any  
1285 of these other amendments are absolutes. There are limits  
1286 on all rights, the Supreme Court has said.

1287 Mr. Gowdy. What restrictions would you allow the  
1288 State of South Carolina to put on the First Amendment?

1289 Mr. Nadler. Well, the State of South Carolina can  
1290 certainly have libel laws. The State of South --

1291 Mr. Gowdy. Not that trump New York versus --

1292 Mr. Nadler. No, no, no. Of course not. The Supreme  
1293 Court, in our system of jurisprudence, despite what a

1294 certain former Member from Indiana thought, the Supreme  
1295 Court --

1296 Mr. Gowdy. Can we require a test before you become a  
1297 blogger?

1298 Mr. Nadler. No, the Supreme --

1299 Mr. Gowdy. Can we require a test before you become a  
1300 blogger to make sure that you can be a responsible --

1301 Mr. Nadler. No. If the gentleman would yield, let me  
1302 answer the question. No. But the Supreme Court has  
1303 delineated the legality of various limitations. The classic  
1304 one, of course, is Justice Holmes's formulation. You can't  
1305 cry fire in a crowded theater, unless, of course, the State  
1306 says, yes, you can. If the State says you can't, the First  
1307 Amendment doesn't give you the right to do so.

1308 Mr. Gowdy. My point is Heller said the right to keep  
1309 and bear arms is a fundamental constitutional right that  
1310 should be afforded the exact same amount of respect as all  
1311 the other rights in the Bill of Rights.

1312 Mr. Nadler. It is. Well --

1313 Mr. Gowdy. And we would never allow this -- I won't  
1314 use the word that comes to mind. I can't judge motives. I

1315 was going to say "charade," but I won't. We would never  
1316 allow any other amendment to be subject to what we have been  
1317 doing for the last 2 days.

1318 Mr. Nadler. Well, if the gentleman would yield? No.  
1319 That is not the case. We allow other amendments to be  
1320 subject to reasonable limitations, and the courts,  
1321 obviously, set, delineate how far you can go.

1322 Mr. Gowdy. There is a national standard with respect  
1323 to the Fourth Amendment. There is a national standard with  
1324 respect to the Eighth Amendment.

1325 Mr. Nadler. But even within those national standards  
1326 --

1327 Mr. Gowdy. There is a national standard with respect  
1328 to the Fifth Amendment.

1329 Mr. Nadler. But even within those national standards,  
1330 there is some leeway for States. For instance, I will --

1331 Mr. Gowdy. What State can disregard Miranda?

1332 Mr. Nadler. You can't disregard Miranda, but --

1333 Mr. Gowdy. Which State cannot give an attorney if you  
1334 are facing a felony charge?

1335 Mr. Nadler. Say again.

1336 Mr. Gowdy. Which State cannot afford you counsel if  
1337 you are facing a felony charge?

1338 Mr. Nadler. There are certain things that States  
1339 cannot do, obviously, but there are other things that States  
1340 can do. States can have, for example, libel laws. How far  
1341 you can go, the Supreme Court rules. States can have laws  
1342 against -- well, States have laws on searching vehicles, for  
1343 instance, which the courts have declared do not violate -- I  
1344 disagree with some of those. But the courts have declared  
1345 do not violate your Fourth Amendment rights.

1346 And the courts, frankly, have gone farther in giving  
1347 the States --

1348 Mr. Gowdy. Well, States can give more rights than are  
1349 what afforded --

1350 Mr. Nadler. That is not what we are talking about.

1351 Mr. Gowdy. But they can't give less rights.

1352 Mr. Nadler. No. But defining how far those rights go  
1353 is what the courts do.

1354 Mr. Gowdy. Well, I guarantee you if this were a  
1355 conversation about what limits to put on the First  
1356 Amendment, you would be apoplectic. If we were going to

1357 require tests, if we were going to subject the First  
1358 Amendment to the same scrutiny that we do the Second  
1359 Amendment, there would be apoplexy on the other side of the  
1360 aisle. And I am just curious why the Second Amendment is  
1361 afforded so little deference.

1362 Mr. Cohen. Mr. Gowdy, would you yield?

1363 Mr. Gowdy. I would be delighted to yield to the  
1364 gentleman from Tennessee.

1365 Chairman Smith. The gentleman's time has expired.  
1366 The gentleman is yielded an additional minute.

1367 Mr. Gowdy. Yes, sir.

1368 Mr. Cohen. Thank you.

1369 Are you submitting that there should be a national  
1370 right-to-carry law and that the State laws are violative  
1371 because if you have State laws that limit who can have a  
1372 gun, that they are, in essence, violations of the Second  
1373 Amendment because the Second Amendment says everybody should  
1374 have a gun?

1375 Mr. Gowdy. What I am asking is why we have a national  
1376 standard for every other amendment except the Second?

1377 Mr. Cohen. But we don't have --

1378 Mr. Gowdy. Because I have been getting, some of it  
1379 good natured and some of it less than good natured, lectures  
1380 on States' rights. There are more defenders of States'  
1381 rights on the other side of the aisle in the last 2 days  
1382 than I have heard in my previous 7 months.

1383 States' rights emanate from the 9th and 10th  
1384 Amendment. The 9th and 10th Amendments come after the 2nd  
1385 Amendment. So the notion that we are going to choose  
1386 States' rights when we like it and ignore them when we  
1387 don't, I just find that to be sophistry.

1388 Mr. Cohen. Well, that is what we are suggesting is  
1389 the sophistry is bipartisan.

1390 [Laughter.]

1391 Mr. Deutch. Will the gentleman yield? Will the  
1392 gentleman from Tennessee yield?

1393 Mr. Cohen. Sure, I will yield.

1394 Mr. Deutch. I appreciate this exchange very much. It  
1395 seems to make exactly the point I made yesterday that was so  
1396 vehemently objected to.

1397 The question I asked yesterday of the amendment  
1398 sponsor --

1399 Chairman Smith. The gentleman is yielded an  
1400 additional minute.

1401 Mr. Deutch. Thank you, Mr. Chairman.

1402 Chairman Smith. The gentleman from South Carolina has  
1403 the time.

1404 Mr. Deutch. I think the gentleman from Tennessee has  
1405 the time?

1406 Mr. Cohen. Don't waste your time.

1407 Mr. Deutch. In any event, the question I asked was is  
1408 if it is eligibility requirements today, then isn't it  
1409 likely that where we are headed next is the suggestion that  
1410 there should be no ability for States to impose their own  
1411 regulations with respect to where the handguns can be  
1412 carried and how it is actually implemented?

1413 The fact is, as I explained, in Florida now there are  
1414 all sorts of public places that are open that one can take a  
1415 concealed handgun. Other States, no. I was told very  
1416 clearly yesterday, no, it is acceptable for States to  
1417 regulate those certain aspects, but as to eligibility, there  
1418 should be a national standard. I think you are suggesting  
1419 that this is merely a first step and that, ultimately, the

1420 goal is to eliminate any State regulation altogether.

1421 Mr. Gowdy. I think you are giving me more credit than  
1422 I deserve. What I am suggesting is simply this. There  
1423 would be apoplexy if we required any kind of test for the  
1424 exercise of any other right. And the Second Amendment is  
1425 treated as a stepchild in constitutional jurisprudence, and  
1426 I am just curious why that is.

1427 Chairman Smith. The gentleman's time has expired.

1428 Mr. Johnson. Mr. Chairman?

1429 Chairman Smith. Are there other Members who wish to  
1430 be recognized? The gentleman from Georgia, Mr. Johnson?

1431 Mr. Johnson. Thank you, Mr. Chairman.

1432 I will yield to Mr. Quigley.

1433 Mr. Quigley. Thank you so much.

1434 I think it is actually just the opposite. When it  
1435 comes to the Second Amendment, with all due respect, you  
1436 guys are the greatest civil libertarians in the universe. I  
1437 mean, everything switches when it comes to this because let  
1438 us look at all the laws here. Let us talk about the terror  
1439 gap and the gun show loophole.

1440 The fact of the matter is all bets are off. You can

1441 be a terrorist. You can be a five-time felon. You can be  
1442 adjudicated dangerously mentally ill, and you can go to a  
1443 gun show in 33 States without a background check and buy  
1444 whatever you want.

1445 If you are really concerned about all this aspects of  
1446 States being able to do this, nothing is there. It is fair  
1447 game.

1448 Mr. Gowdy. Would the gentleman yield for a question?

1449 Mr. Quigley. It is not my time in that sense. But  
1450 let me just finish by saying this. The Second Amendment,  
1451 you guys have -- it has trumped everything else. You  
1452 actually have afforded greater protection than you do all  
1453 the other amendments. You will bend over backwards to  
1454 protect someone who has a pretty darned good chance  
1455 statistically of being a terrorist.

1456 Mr. Johnson. Reclaiming my time, that dovetails well  
1457 into my comment here, which is that this is nothing more  
1458 than special interest legislation. The special interest  
1459 that this legislation is being proposed in favor of has  
1460 three initials. It is called the NRA.

1461 And my colleague from Virginia I believe talked about

1462 how folks on this side of the aisle like to say "yes, yes,  
1463 yes" to regulation where there is no problem. But I will  
1464 tell you there are some big problems that some big  
1465 organizations have with this legislation, with this special  
1466 interest legislation.

1467       Among those who have a problem with it, the National -  
1468 - the International Association of Chiefs of Police. They  
1469 see a problem that needs to be regulated. They are against  
1470 forced national concealed carry reciprocity. They oppose  
1471 this legislation.

1472       Major Cities Chiefs Association, the International  
1473 Association of Campus Law Enforcement Administrators, the  
1474 National Association of Women Law Enforcement Executives,  
1475 the Police Foundation, the Association of Prosecuting  
1476 Attorneys. Mr. -- you may have been involved in that,  
1477 Congressman Gowdy. You were a former prosecutor.

1478       The American Bar Association, the Alabama Association  
1479 of Chiefs of Police, the California Police Chiefs  
1480 Association, they all oppose this legislation. The Colorado  
1481 Association of Chiefs of Police, the Milwaukee County Law  
1482 Enforcement Executives oppose this legislation, this special

1483 interest legislation.

1484           The Minnesota Chiefs of Police Association, the  
1485 Virginia Association of Chiefs of Police, and the Wisconsin  
1486 Chiefs of Police Association, all of them in opposition to  
1487 this legislation, Mr. Chairman.

1488           Mr. Chairman, the people of the great State of  
1489 Georgia, now we love our guns in Georgia. We are like  
1490 people from Arizona. We absolutely love our guns. We want  
1491 to have our guns in church, and that is no joke. I mean,  
1492 there is serious litigation going on in Georgia to allow  
1493 folks to carry their firearms into church on Sunday morning,  
1494 and this is opposed by many.

1495           I will tell you some more law enforcement agencies  
1496 that are opposed to this Federal special interest  
1497 legislation that is being proposed. The Las Vegas  
1498 Metropolitan Police Department; Sheriff Douglas Gillespie of  
1499 Las Vegas; Minneapolis police chief Tim Dolan; Milwaukee  
1500 police chief Ed Flynn; the Boston police commissioner Edward  
1501 Davis; Duluth police chief Gordon Ramsay; Colorado Springs  
1502 police chief Richard Myers; Broomfield, Colorado, police  
1503 chief Thomas Deland.

1504           They see that there is a need for regulation in this  
1505 area. It is not a "yes, yes, yes" to all regulation. Some  
1506 regulation is good.

1507           Chairman Smith. The gentleman's time has expired.

1508           Mr. Johnson. And with that, I will yield back. I  
1509 have still got names.

1510           Chairman Smith. I am just wondering if there are any  
1511 more on that list?

1512           Mr. Johnson. Oh, yes, there are. There are a few  
1513 more. I would like to read them, but --

1514           Chairman Smith. Okay --

1515           Mr. Nadler. Mr. Chairman?

1516           Chairman Smith. Thank you, Mr. Johnson.

1517           The gentleman from New York, Mr. Nadler?

1518           Mr. Nadler. I think the comments of the gentleman  
1519 from Georgia are excellent and apropos, and I would like to  
1520 hear the rest of his list. I yield to the gentleman from  
1521 Georgia.

1522           Mr. Johnson. Thank you, Mr. -- my colleague from New  
1523 York.

1524           I mean, the police chief Gordon Ramsay of the Duluth

1525 Police Department; Colorado Springs police chief Richard  
1526 Myers; Broomfield, Colorado, police chief Thomas Deland;  
1527 Bellingham, Washington, police chief Todd Ramsay. The  
1528 Revere, Massachusetts, police chief Reardon is in opposition  
1529 to this legislation. Police chief Wes Kahley of York,  
1530 Pennsylvania, he has got a problem with this.

1531       They all want regulation. Regulation, reasonable  
1532 regulation is good. But the problem with my friends on the  
1533 other side is that there is no regulation that they approve  
1534 of. They want to get rid of regulation when it comes to the  
1535 safety of our food, the safety of our water, the safety of  
1536 our air quality.

1537       They want to remove restrictions on everything except  
1538 for abortion. Abortion is an area that they want to  
1539 restrict a woman's right to choose, and so there has been a  
1540 relentless offering of legislation, which has been brought  
1541 to the House floor as recently as yesterday, regulating a  
1542 woman's right to decide things about her own body.

1543       And it is mostly the males who are pushing this,  
1544 another piece of special interest legislation. But --

1545       Mr. Nadler. Would the gentleman yield? I have the

1546 time now.

1547           Mr. Johnson. I will yield in just a second. This is  
1548 just, plain and simple, special interest legislation. It is  
1549 for the continued support of the NRA, a single-issue  
1550 organization that simply wants to sell more guns, wants to  
1551 flood the market with guns. And ironically, we have got a  
1552 committee chairman from the other side, your side of the  
1553 aisle, who wants to now look into the spread of these  
1554 firearms into areas like Mexico.

1555           But I will tell you, they don't want to look at the  
1556 overall problem. They just want to look at one particular  
1557 law enforcement initiative that apparently was misguided,  
1558 and they want to tear the President down, try to infer  
1559 responsibility to the President for that law enforcement  
1560 debacle. And it is just nothing but politics. Special  
1561 interest legislation rules the day here in the House of  
1562 Representatives.

1563           Not one jobs bill in over 300 days these Republicans  
1564 have been in charge. Not one single jobs bill. This is an  
1565 abomination. There are so many people suffering out here.  
1566 They need relief, and we are here talking about giving

1567 people more rights to carry guns. We want them to carry the  
1568 guns in church --

1569 Mr. Nadler. Reclaiming --

1570 Mr. Johnson. And with that, I will yield back.

1571 Mr. Nadler. Thank you.

1572 Reclaiming my time, I would point out that what the  
1573 gentleman says is entirely correct. And also, you know,  
1574 with respect to what Mr. Gowdy was saying before, yesterday  
1575 we saw a very interesting debate on the floor of the House.  
1576 And many of the people supporting the bill that passed  
1577 yesterday were saying in very straight terms, starting with  
1578 Mr. Smith -- I mean, we had a debate of whether this had  
1579 anything to do with Federal funding of abortions.

1580 Well, putting that question aside, the intent of the  
1581 people pushing it was very clear, and they made it very  
1582 clear. They made no bones about it. They said -- Mr. Smith  
1583 said this will decrease the number of abortions. This will  
1584 make it much more difficult for people to get abortions, and  
1585 that is a good thing because we don't like abortions.

1586 You are entitled to that view. But don't -- and I am  
1587 not going to debate that right now. I disagree with it,

1588 obviously. But don't tell us that that isn't an attempt or  
1589 wasn't an attempt and isn't a continuing attempt to limit  
1590 the exercise of a constitutional right. Women have a  
1591 constitutional right to abortion. The Supreme Court says  
1592 you can't put undue burdens on --

1593 Mr. Forbes. Would the gentleman yield?

1594 Mr. Nadler. Just a moment. You can't put undue  
1595 burdens on that right, which is a constitutional right to an  
1596 abortion.

1597 Chairman Smith. The gentleman's time has expired.  
1598 The gentleman is yielded an additional minute.

1599 Mr. Nadler. And what we saw yesterday was a  
1600 deliberate attempt, and we have seen all these attempts to  
1601 say we want to make the exercise of that right as difficult  
1602 as possible because we don't like it. Fine. Not fine, but  
1603 that is what they are doing.

1604 But don't come back and say we don't try to put limits  
1605 on other constitutional rights, as Mr. Gowdy was saying, we  
1606 pick out the Second Amendment for special treatment. No, we  
1607 don't.

1608 We all disagree on what reasonable regulation and

1609 reasonable restrictions on constitutional rights may be, and  
1610 we certainly disagree with respect to abortions and we  
1611 disagree with respect to the Second Amendment. But don't  
1612 say that any of these rights are absolute. Everything we  
1613 saw on the floor yesterday from the people supporting the  
1614 bill was let us make it hard as possible for a woman to  
1615 exercise this constitutional right because we think it is a  
1616 bad thing to do.

1617 Most of us on this side don't agree with that, but  
1618 that is what you were trying to do. So don't say that we  
1619 pick out the Second Amendment for special treatment. We  
1620 don't.

1621 I yield back.

1622 Ms. Chu. Mr. Chairman?

1623 Chairman Smith. The gentleman yields back. Are there  
1624 other Members who wish to be recognized? The gentlewoman  
1625 from California, Ms. Chu?

1626 Ms. Chu. Yes. I would like to yield my time to the  
1627 gentleman from Georgia.

1628 Mr. Johnson. Thank you, Congresswoman.

1629 There is a coalition of 56 domestic violence victim

1630 advocacy groups that oppose national concealed carry  
1631 reciprocity. They oppose this special interest legislation.

1632 This legislation, it appears, is hell bent on passage,  
1633 ramrod it through, despite reasonable amendments. My  
1634 friends on the other side of the aisle, like Pavlovian  
1635 subjects, have voted down every single and reasonable  
1636 amendment offered in good faith to try to make the best out  
1637 of what is a bad situation. We are trying to make it less  
1638 onerous.

1639 Mr. Forbes. Would the gentleman yield for a question?

1640 Mr. Johnson. Who is that?

1641 Chairman Smith. The gentleman from Virginia asked to  
1642 be yielded to.

1643 Mr. Johnson. Yes, sir. I would yield.

1644 Mr. Forbes. Appreciate the gentleman's comments, and  
1645 I know we have heard some discussions about attacks on the  
1646 President, abortion, and jobs. But all the groups that you  
1647 have just read off, since we are talking about this  
1648 amendment, do you have any --

1649 Mr. Johnson. These are the organizations.

1650 Mr. Forbes. Organizations.

1651 Mr. Johnson. Police organizations.

1652 Mr. Forbes. Police or whatever organization. Do any  
1653 single one of them --

1654 Mr. Johnson. They are law enforcement, law  
1655 enforcement.

1656 Mr. Forbes. Do any single one of those groups, do you  
1657 have anything from --

1658 Mr. Johnson. These are law enforcement organizations  
1659 that are arrayed against this legislation.

1660 Mr. Forbes. And I understand. If you don't mind, if  
1661 I could just pose one question?

1662 Mr. Johnson. Sure.

1663 Mr. Forbes. And that is do any of those organizations  
1664 -- do you have anything in writing from any of those  
1665 organizations that they oppose or support this amendment?

1666 Mr. Johnson. Mr. Forbes, I am deeply disturbed that  
1667 you would think that I would come in and misrepresent facts.

1668 Mr. Forbes. That is not what I said. I said to the  
1669 gentleman did any of their objections resonate to this  
1670 amendment versus the whole bill?

1671 Mr. Johnson. I would not be so disrespectful as to

1672 accuse one of my colleagues on the other side of the aisle  
1673 as misrepresenting the support or the opposition to any  
1674 particular measure. I would take you at your word.

1675 But you know, I know that it is inconsistent with this  
1676 law-and-order mentality, this frontier mentality, this  
1677 mentality of the strong survive. "I will live alone in my  
1678 cabin and take care of my children and my wife. And I have  
1679 got the pickup trucks and the dogs, and a country boy can  
1680 survive." This kind of mentality.

1681 I know that it goes against the notions of refined  
1682 culture and refined ways of living that regulation enhances  
1683 for Americans. We are a system and a country of laws. Some  
1684 of the laws that we have may not be appropriate for today in  
1685 time, but we can't throw out the baby with the bath water.

1686 There are some rules that make sense. There are some  
1687 regulations that make sense. And I think these national  
1688 police organizations like the International Association of  
1689 Chiefs of Police, the Major Cities Police Organization,  
1690 International Association of Campus Law Enforcement  
1691 Administrators, the National Association of Women Law  
1692 Enforcement Executives, because they know about -- they know

1693 about domestic violence and its impact on women.

1694           The Police Foundation, the Association of Prosecuting  
1695 Attorneys, which is one of the groups that I assume Mr.  
1696 Gowdy has been a card-carrying member of, they are in  
1697 opposition to this legislation. And the only thing we have  
1698 tried to do is make it better, and we have been met with a  
1699 brick wall. The reason being is because we have got to pay  
1700 homage to our special interest group supporters, the NRA.

1701           And we will do this despite what law enforcement tells  
1702 us is a bad policy, and that is for us to adopt a national  
1703 concealed carry law that trumps State law. That is not what  
1704 our founders, the framers --

1705           Chairman Smith. The gentleman's time has expired.

1706           The question is on the amendment. All in favor, say  
1707 aye.

1708           [A chorus of ayes.]

1709           Chairman Smith. Opposed, nay.

1710           [A chorus of nays.]

1711           Chairman Smith. In the opinion of the chair, the nays  
1712 have it. The clerk will call the roll.

1713           Ms. Kish. Mr. Smith?

1714 Chairman Smith. No.

1715 Ms. Kish. Mr. Smith votes no.

1716 Mr. Sensenbrenner?

1717 [No response.]

1718 Ms. Kish. Mr. Coble?

1719 [No response.]

1720 Ms. Kish. Mr. Gallegly?

1721 [No response.]

1722 Ms. Kish. Mr. Goodlatte?

1723 [No response.]

1724 Ms. Kish. Mr. Lungren?

1725 [No response.]

1726 Ms. Kish. Mr. Chabot?

1727 Mr. Chabot. No.

1728 Ms. Kish. Mr. Chabot votes no.

1729 Mr. Issa?

1730 [No response.]

1731 Ms. Kish. Mr. Pence?

1732 [No response.]

1733 Ms. Kish. Mr. Forbes?

1734 Mr. Forbes. No.

1735 Ms. Kish. Mr. Forbes votes no.  
1736 Mr. King?  
1737 [No response.]  
1738 Ms. Kish. Mr. Franks?  
1739 Mr. Franks. No.  
1740 Ms. Kish. Mr. Franks votes no.  
1741 Mr. Gohmert?  
1742 [No response.]  
1743 Ms. Kish. Mr. Jordan?  
1744 [No response.]  
1745 Ms. Kish. Mr. Poe?  
1746 [No response.]  
1747 Ms. Kish. Mr. Chaffetz?  
1748 Mr. Chaffetz. No.  
1749 Ms. Kish. Mr. Chaffetz votes no.  
1750 Mr. Griffin?  
1751 Mr. Griffin. No.  
1752 Ms. Kish. Mr. Griffin votes no.  
1753 Mr. Marino?  
1754 Mr. Marino. No.  
1755 Ms. Kish. Mr. Marino votes no.

1756 Mr. Gowdy?  
1757 Mr. Gowdy. No.  
1758 Ms. Kish. Mr. Gowdy votes no.  
1759 Mr. Ross?  
1760 Mr. Ross. No.  
1761 Ms. Kish. Mr. Ross votes no.  
1762 Mrs. Adams?  
1763 [No response.]  
1764 Ms. Kish. Mr. Quayle?  
1765 Mr. Quayle. No.  
1766 Ms. Kish. Mr. Quayle votes no.  
1767 Mr. Amodei?  
1768 Mr. Amodei. No.  
1769 Ms. Kish. Mr. Amodei votes no.  
1770 Mr. Conyers?  
1771 Mr. Conyers. Aye.  
1772 Ms. Kish. Mr. Conyers votes aye.  
1773 Mr. Berman?  
1774 [No response.]  
1775 Ms. Kish. Mr. Nadler?  
1776 Mr. Nadler. Aye.

1777 Ms. Kish. Mr. Nadler votes aye.  
1778 Mr. Scott?  
1779 Mr. Scott. Aye.  
1780 Ms. Kish. Mr. Scott votes aye.  
1781 Mr. Watt?  
1782 Mr. Watt. Aye.  
1783 Ms. Kish. Mr. Watt votes aye.  
1784 Ms. Lofgren?  
1785 Ms. Lofgren. Aye.  
1786 Ms. Kish. Ms. Lofgren votes aye.  
1787 Ms. Jackson Lee?  
1788 [No response.]  
1789 Ms. Kish. Ms. Waters?  
1790 [No response.]  
1791 Ms. Kish. Mr. Cohen?  
1792 Mr. Cohen. Aye.  
1793 Ms. Kish. Mr. Cohen votes aye.  
1794 Mr. Johnson?  
1795 Mr. Johnson. Aye.  
1796 Ms. Kish. Mr. Johnson votes aye.  
1797 Mr. Pierluisi?

1798 [No response.]

1799 Ms. Kish. Mr. Quigley?

1800 Mr. Quigley. Aye.

1801 Ms. Kish. Mr. Quigley votes aye.

1802 Ms. Chu?

1803 Ms. Chu. Aye.

1804 Ms. Kish. Ms. Chu votes aye.

1805 Mr. Deutch?

1806 Mr. Deutch. Aye.

1807 Ms. Kish. Mr. Deutch votes aye.

1808 Ms. Sanchez?

1809 Ms. Sanchez. Aye.

1810 Ms. Kish. Ms. Sanchez votes aye.

1811 Chairman Smith. The gentleman from California, Mr.

1812 Issa?

1813 Mr. Issa. No, please.

1814 Ms. Kish. Mr. Issa votes no.

1815 Chairman Smith. The gentleman from Texas?

1816 Mr. Gohmert. No.

1817 Ms. Kish. Mr. Gohmert votes no.

1818 Chairman Smith. The gentleman from California?

1819 Mr. Lungren. No.

1820 Ms. Kish. Mr. Lungren votes no.

1821 Chairman Smith. The gentleman from Virginia?

1822 Mr. Goodlatte. No.

1823 Ms. Kish. Mr. Goodlatte votes no.

1824 Chairman Smith. The gentleman from Wisconsin?

1825 Mr. Sensenbrenner. No.

1826 Ms. Kish. Mr. Sensenbrenner votes no.

1827 Chairman Smith. Are there other Members who wish to

1828 be recorded?

1829 [No response.]

1830 Chairman Smith. If not, the clerk will report.

1831 Ms. Kish. Mr. Chairman, 11 Members voted aye; 16

1832 Members voted nay.

1833 Chairman Smith. A majority having voted against the

1834 amendment, the amendment is not agreed to.

1835 Are there other amendments? The gentlewoman from

1836 California, Ms. Chu, is recognized.

1837 Ms. Chu. Mr. Chair, I have an amendment at the desk.

1838 Chairman Smith. The clerk will report the amendment.

1839 Ms. Kish. Amendment to the amendment in the nature of

1840 a substitute to H.R. 822, offered by Ms. Chu of California.

1841 Page 2, line 20, after the period insert the following:

1842 "Notwithstanding the preceding sentence, the possession or  
1843 carrying of a concealed handgun in a State under this  
1844 section shall be subject to any State law limiting the  
1845 eligibility to possess or carry a concealed handgun by  
1846 reason of a conviction in any court of selling a controlled  
1847 substance to a minor."

1848 [The information follows:]

1849

1850 Chairman Smith. The gentlewoman is recognized to  
1851 explain the amendment.

1852 Ms. Chu. Mr. Chair, my amendment makes it clear that  
1853 criminals convicted of selling drugs to a minor cannot carry  
1854 a concealed weapon under this act. Federal law currently  
1855 prohibits possession of guns by felons, but it doesn't  
1856 prohibit possession by individuals convicted of a  
1857 misdemeanor crime of selling drugs to a minor.

1858 While at least 38 States have laws that prevent people  
1859 from carrying concealed weapons if they have certain  
1860 dangerous misdemeanor criminal convictions, criminals who  
1861 sell drugs to a minor could potentially still be eligible to  
1862 receive a concealed carry permit and then bring that gun  
1863 into States where that drug dealer would not have the right  
1864 to conceal that gun under State law.

1865 Think about this. A convicted drug dealer to children  
1866 would be eligible to carry a concealed gun. A person who  
1867 endangers the lives of our most valuable assets, our youth,  
1868 could be entrusted to carry a concealed weapon.

1869 Now, in my State of California, a State with robust  
1870 concealed carry weapon framework, local law enforcement has

1871 broad discretion to approve or deny a concealed carry  
1872 permit. Also in California, applicants have to prove good  
1873 moral character in order to carry a concealed carry permit,  
1874 and that is probably not someone found guilty of selling  
1875 drugs to a minor.

1876 California is not alone in granting local law  
1877 enforcement broad discretion to deny concealed carry  
1878 permits. At least nine other States grant their police  
1879 officers this same authority. In addition, at least 14  
1880 States require applicants to show good moral character.

1881 One State, Massachusetts, explicitly prohibits  
1882 concealed carry by an individual convicted of a misdemeanor  
1883 crime of selling drugs, including to minors, and it does not  
1884 recognize concealed weapons from other States. Under this  
1885 proposed bill, the Federal Government would force this State  
1886 to allow something that their legislature has determined to  
1887 be totally unacceptable.

1888 This bill before us today negates these reasonable  
1889 State guidelines by reducing all States to the lowest common  
1890 denominator. Without my amendment, criminals of drug crimes  
1891 to our vulnerable young children will be able to carry

1892 concealed loaded weapons nationwide.

1893           What is to stop drug dealers from continuing this  
1894 illegal and inappropriate conduct with children if they have  
1895 a gun in their pocket? It is well documented that  
1896 individuals convicted of misdemeanors who buy handguns are  
1897 more likely to commit future crimes, and we should think  
1898 long and hard in this committee if the individuals that  
1899 endanger the lives of our youth by supplying them with  
1900 harmful substance should be allowed to carry concealed  
1901 weapons in States that don't want them to do.

1902           In my eyes, these drug dealers are dangerous people,  
1903 and I believe that they should not be able to carry a  
1904 handgun, especially one that is concealed. This National  
1905 Right-to-Carry Reciprocity Act makes our country vulnerable  
1906 to a variety of questionable and dangerous individuals in  
1907 being able to carry concealed weapons.

1908           With my amendment, we have an opportunity to lessen  
1909 that probability by expressly prohibiting criminals who sell  
1910 drugs to our children from carrying concealed handguns.

1911           Thank you, and I yield back.

1912           Mr. Goodlatte. [Presiding] The chair recognizes the

1913 gentleman from Arizona, Mr. Franks, for 5 minutes.

1914 Mr. Franks. Well, thank you, Mr. Chairman.

1915 Mr. Chairman, I would like to respectfully yield to  
1916 Ms. Chu and ask her one question. Do you have any  
1917 statistics or any numbers on how many people who have been  
1918 convicted of selling drugs to minors who have a concealed  
1919 carry permit?

1920 Ms. Chu. Well, what I do know is that, according to  
1921 one study, those with misdemeanors who buy handguns are more  
1922 likely to commit future crimes than other handgun buyers.  
1923 Buyers who had at least one misdemeanor conviction were 7.5  
1924 times more likely to be charged with a new offense as buyers  
1925 who had no record.

1926 The more past misdemeanors a gun buyer had, the more  
1927 likely they were to be charged with a future offense or  
1928 further offense after the purchase. Men who had one violent  
1929 misdemeanor conviction were 9.3 times as more likely to be  
1930 charged with a new offense as men who had no record. And  
1931 also, men with two or more violent --

1932 Mr. Franks. Reclaiming my time.

1933 Ms. Chu. -- misdemeanor convictions who bought --

1934 Mr. Franks. Reclaiming my time, Mr. Chairman.

1935 That was a different answer than the question I asked.

1936 Mr. Chairman, the point is very simple. Distributing  
1937 marijuana, specifically to a minor, is a felony in most, if  
1938 not all, States. It carries mandatory penalties in some  
1939 States and, in a few, can lead to life in prison.

1940 Someone convicted of these crimes would already be  
1941 barred from possessing a handgun, making this amendment  
1942 unnecessary. Also, this amendment solely addresses  
1943 concealed carry by those convicted of selling drugs to  
1944 minors. What about selling drugs to adults? What about  
1945 trafficking drugs to other organizations?

1946 I don't see why we are carving out exceptions under  
1947 the concealed carry law when Federal law already prohibits  
1948 gun purchases and possession to certain called prohibited  
1949 persons. And those persons, those prohibited persons  
1950 include those convicted of felonies, including the  
1951 distribution of controlled substances.

1952 And Mr. Chairman, I would just with that go ahead and  
1953 urge my colleagues to oppose the amendment.

1954 Mr. Goodlatte. The question is on the amendment.

1955 Mr. Conyers. Could I seek recognition?

1956 Mr. Goodlatte. The chair recognizes the ranking  
1957 member for 5 minutes.

1958 Mr. Conyers. Thank you.

1959 Now Massachusetts is a State that already carries out  
1960 what the intent of the Chu amendment is. And so, what we  
1961 are saying is that that would be overridden were this the  
1962 Federal law of the land. And I think that poses a serious  
1963 question.

1964 What I think the gentlelady is doing here is requiring  
1965 that the possession or carrying of a concealed handgun in a  
1966 State be subject to the State's law regarding concealed  
1967 carry by someone convicted of selling a controlled substance  
1968 to a minor.

1969 Now I think that, since we have a more or less drug  
1970 epidemic in the country, just saying that this is going to  
1971 be tough and that Massachusetts is the only one that already  
1972 does this, I think we are moving in the wrong direction. We  
1973 ought to be encouraging more States to do what Massachusetts  
1974 does, but certainly not vitiating the Massachusetts  
1975 provision that already exists.

1976 I am not sure if we all want to go on record as saying  
1977 that this is -- it is more important to be able to federally  
1978 carry a concealed weapon in other State, regardless if that  
1979 State will not give such a permit to someone that has been  
1980 convicted of this drug situation. I hope all the Members  
1981 think carefully about this because I think it is an  
1982 important amendment, and I urge its support.

1983 I yield to the gentlelady.

1984 Ms. Waters. Thank you for yielding.

1985 As a matter of fact, Mr. Conyers, I would like to  
1986 clarify what the objection is since you have paid a little  
1987 bit more attention. I just came in. Are you telling me  
1988 that the gentleman would like to protect drug dealers who,  
1989 it being identified in this amendment as a group that should  
1990 not be able to -- have should have to follow the laws of the  
1991 State that they have a concealed weapon in?

1992 Is he saying that there is no need to have this  
1993 amendment because we should not care about whether or not  
1994 someone who has sold drugs to a minor carries a concealed  
1995 weapon? Is that what this is all about?

1996 Mr. Conyers. Well, I think it in a way goes even

1997 further than that because the gentlelady was asked to name  
1998 cases where a drug dealer convicted was carrying a concealed  
1999 weapon. I mean, in other words, we have got to prove it.

2000 Ms. Waters. But, Mr. Conyers, why would we bend over  
2001 backwards on something like this? Even if we erred and even  
2002 if it was duplicative, wouldn't it be better that we have  
2003 some assurance that persons who were granted concealed  
2004 weapons permits would have to follow the law of a State that  
2005 says if you have sold drugs to a minor, you have to comply  
2006 with the law of this State? Why would we care about  
2007 fighting for someone who sold drugs to a minor? Why would  
2008 we care about that?

2009 Mr. Conyers. I don't think that it would be good  
2010 policy for the House Judiciary Committee to oppose this  
2011 amendment. And if this law were carried into effect and the  
2012 Chu amendment wasn't there, I think we would be thoroughly  
2013 embarrassed for years to come whenever something like the  
2014 example that Judy Chu has raised occurs.

2015 It isn't good policy. It isn't good law policy. It  
2016 is certainly not consistent with the rights of States to  
2017 make these kinds of exceptions now only to see them

2018 overridden by a Federal mandate that says it is okay if you  
2019 have been convicted of selling drugs to a minor.

2020 Ms. Waters. Well, Mr. Conyers --

2021 Mr. Goodlatte. The time of the --

2022 Ms. Waters. Reclaiming my time --

2023 Mr. Goodlatte. It is the gentleman from Michigan's  
2024 time, but his time has expired. And the chair is pleased to  
2025 recognize the gentlewoman from California for 5 minutes.

2026 Ms. Waters. Thank you very much.

2027 I suppose Mr. Conyers has made it absolutely clear  
2028 what this amendment is all about, and I would like to  
2029 commend the gentlelady from California for moving in ways  
2030 that would protect a State's right to have its laws honored.  
2031 And if we have people with concealed weapons that have to  
2032 follow, who would be in a State that does not allow one with  
2033 concealed weapons who have had -- rather who have broken the  
2034 law and sold drugs to minors, they would not be able to have  
2035 a concealed weapon in their State, I think that makes good  
2036 sense.

2037 But the reason I am asking, I can't figure --  
2038 something is wrong with this picture. Here liberals are,

2039 being tough on crime, and those who are supposed to be tough  
2040 on crime being very lenient and trying to protect people  
2041 with concealed weapons, who have sold drugs to minors to be  
2042 able to have their concealed weapons. What is wrong with  
2043 this picture? Something is wrong with this picture.

2044       And I would hope, as you said, the members of the  
2045 Judiciary Committee would certainly consider this very  
2046 carefully and not fall on the side of those who have sold  
2047 drugs to minors, somehow standing up for their right to have  
2048 concealed weapons in somebody else's State.

2049       I yield back the balance of my time. Yes, I yield to  
2050 the gentleman.

2051       Mr. Conyers. Thank you.

2052       There is something else curious about the nature of  
2053 this debate is that we end up defending States' rights all  
2054 the time. All during this hearing I find myself defending  
2055 the rights of States to create their own laws with regard to  
2056 possession and concealment, and the people that talk much  
2057 more about States' rights than I do end up saying forget  
2058 States' rights. We are writing the Federal law.

2059       Am I becoming more of a States' righter, or are they

2060 becoming more national?

2061 Ms. Waters. If the gentleman -- reclaiming my time.  
2062 That, too, is curious. As we have said, here we are being  
2063 tough on criminals, and we have those on the opposite side  
2064 of the aisle who claim to be tough on criminals who are  
2065 coddling them in this bill.

2066 In addition to that, on the opposite side of the  
2067 aisle, there have been strong arguments about States'  
2068 rights. You are absolutely correct. Here you are being  
2069 tougher on States' rights than those who have championed so-  
2070 called States' rights for so long.

2071 On both of these issues, it seems as if the tables  
2072 have turned. I don't know what is going on. And since I  
2073 was a little late coming in, I thought I had it wrong. But  
2074 now that you have clarified it, I have it right. They are  
2075 on the side of those who have sold drugs to minors being  
2076 able to have concealed weapons in another State.

2077 Mr. Conyers. That is right.

2078 Ms. Waters. We are opposing that. And we are  
2079 protecting States' rights, and they have thrown States'  
2080 rights out of the window. I get it.

2081 Thank you very much.

2082 Mr. Watt. Would the gentlelady yield?

2083 Ms. Waters. Yes, I yield to the gentleman.

2084 Mr. Watt. Would now be a good time for me to submit  
2085 my prior credentials on States' rights issues as the chair  
2086 of the States' Rights Caucus?

2087 Chairman Smith. [Presiding] I think we are very  
2088 familiar with them, but the gentleman is welcome to submit  
2089 them again.

2090 Mr. Watt. Yes, you have heard that. I could just go  
2091 back and maybe snip it and incorporate it by reference.

2092 Chairman Smith. Absolutely.

2093 Mr. Watt. Okay. All right. I didn't want Mr.  
2094 Conyers to diminish the fact that some people on this side  
2095 have been saying that you all have lost your way on States'  
2096 rights for a good while on a number of different issues.  
2097 This perhaps is the worst one, but I could list a few  
2098 others.

2099 Federalizing all tort standards, for example. You  
2100 have lost your way on that issue, Mr. Chairman, and Members  
2101 on your side of the aisle. I have never known a medical

2102 procedure to take place in interstate commerce. Generally,  
2103 they take place within local communities, and the standard  
2104 has always been a local standard of care, not a Federal  
2105 standard of care.

2106 So this is not the first time you have lost your way,  
2107 but this is another indication that you have certainly lost  
2108 your way.

2109 Chairman Smith. I thought we already incorporated all  
2110 this by reference.

2111 Mr. Watt. Okay. Well, I -- then let me just  
2112 incorporate that by reference, and I will yield back to the  
2113 gentlelady from California.

2114 Mr. Conyers. Could I --

2115 Ms. Waters. Well, I would like to yield back to the  
2116 gentleman because I think that this discussion about States'  
2117 rights is very important. And people have been confused.  
2118 We are confusing people.

2119 Now what side are we on here, and who is standing up  
2120 for States' rights? What is wrong with the way, the  
2121 direction that my friends on the opposite side of the aisle  
2122 have been going?

2123 Chairman Smith. The gentlewoman's time has expired.

2124 Ms. Waters. I would yield back to the gentleman so he  
2125 can further clarify this.

2126 Thank you.

2127 Mr. Johnson. Mr. Chairman?

2128 Chairman Smith. The gentleman from Georgia is  
2129 recognized.

2130 Mr. Johnson. Thank you, Mr. Chairman.

2131 We have been reduced on the Judiciary Committee to  
2132 protecting the rights of the State of Georgia to allow its  
2133 citizens to carry guns in church. Now as much as I don't  
2134 agree with that proposition, I do think that it is within  
2135 the purview of the State of Georgia to allow that.

2136 And I am firmly in favor of the 10th Amendment, and I  
2137 am in favor of the State of Georgia, through its duly  
2138 elected legislature, to build State law in the way that its  
2139 elected representatives decide to do. And that is just a  
2140 matter of States' rights.

2141 Now we should not be coddling criminals, especially  
2142 criminals who would sell controlled substances to minors,  
2143 and it is a misdemeanor. I think that is what Ms. Chu is

2144 getting at with this amendment. I think it is a great  
2145 amendment.

2146 Now Congresswoman Waters raised a great point when she  
2147 asked if this is already covered under Federal law, then why  
2148 don't we go ahead and make sure that we are not going to  
2149 coddle criminals by passing this amendment? Why don't we  
2150 make sure? There is nothing that I can see that would  
2151 mitigate against that.

2152 I think it is reasonable because I don't think there  
2153 is a person in this room who can say that they have examined  
2154 all 50 State laws regarding the sale, regarding the  
2155 misdemeanor sale of drugs to minors. I don't think there is  
2156 anyone in this room who can say that beyond a reasonable  
2157 doubt there are no laws in any of the 50 States that are  
2158 misdemeanors when it comes to selling drugs to minors. I  
2159 don't think we can make that assertion.

2160 And so, in an abundance of caution, it would seem to  
2161 me that there would be absolutely no opposition to this very  
2162 reasonable amendment that has been offered by Ms. Chu that  
2163 goes to the protection of minors. Minors need our -- they  
2164 need our oversight. Children, they need our protection.

2165           We are adults. We are the ones with the power. We  
2166 are the ones that is making the rules. And if we want to  
2167 coddle the criminals instead of protecting the children,  
2168 then I do believe that we have lost our way.

2169           Mr. Conyers. Could the gentleman yield?

2170           Mr. Johnson. We have badly lost our way, and I will  
2171 yield to the gentleman.

2172           Mr. Conyers. I just remembered, with the exhortation  
2173 of the very distinguished gentleman from North Carolina  
2174 about, Mel, in the debate over the Civil Rights Act of 1964,  
2175 there were more arguments about States' right entered into  
2176 that debate. The committee hearings, the floor, the other  
2177 body was replete with objections of a civil rights law  
2178 because it interposed and interfered with States' rights.

2179           So that was way before Mel Watt's time. So he  
2180 wouldn't probably have been that familiar with it. But you  
2181 have got to watch this States' rights business, too, my  
2182 distinguished colleague.

2183           Mr. Johnson. Reclaiming my time --

2184           Chairman Smith. The gentleman's mike is not on.

2185           Mr. Johnson. I just want to make sure, Mr. Chairman,

2186 that I go on record supporting the great State of Georgia's  
2187 prerogative in legislating that it is okay for its citizens  
2188 to carry a concealed weapon inside the church on a Sunday  
2189 morning, Sunday School.

2190 Chairman Smith. The gentleman's time has expired.

2191 Mr. Johnson. I think that States have the rights, and  
2192 I don't think that the Federal Government should be  
2193 intruding in that. It is really ironic.

2194 I will yield back.

2195 Chairman Smith. The gentleman's has expired.

2196 Okay. The question is on the amendment to the  
2197 amendment. All in favor, say aye.

2198 [A chorus of ayes.]

2199 Chairman Smith. Opposed, no.

2200 [A chorus of nays.]

2201 Chairman Smith. In the opinion of the chair, the nays  
2202 have it, and the amendment is not agreed to.

2203 Ms. Chu. Roll call.

2204 Chairman Smith. A roll call vote has been requested.

2205 The clerk will call the role.

2206 Ms. Kish. Mr. Smith?

2207 Chairman Smith. No.

2208 Ms. Kish. Mr. Smith votes no.

2209 Mr. Sensenbrenner?

2210 [No response.]

2211 Ms. Kish. Mr. Coble?

2212 [No response.]

2213 Ms. Kish. Mr. Gallegly?

2214 [No response.]

2215 Ms. Kish. Mr. Goodlatte?

2216 Mr. Goodlatte. No.

2217 Ms. Kish. Mr. Goodlatte votes no.

2218 Mr. Lungren?

2219 Mr. Lungren. No.

2220 Ms. Kish. Mr. Lungren votes no.

2221 Mr. Chabot?

2222 Mr. Chabot. No.

2223 Ms. Kish. Mr. Chabot votes no.

2224 Mr. Issa?

2225 [No response.]

2226 Ms. Kish. Mr. Pence?

2227 [No response.]

2228 Ms. Kish. Mr. Forbes?  
2229 Mr. Forbes. No.  
2230 Ms. Kish. Mr. Forbes votes no.  
2231 Mr. King?  
2232 Mr. King. No.  
2233 Ms. Kish. Mr. King votes no.  
2234 Mr. Franks?  
2235 Mr. Franks. No.  
2236 Ms. Kish. Mr. Franks votes no.  
2237 Mr. Gohmert?  
2238 [No response.]  
2239 Ms. Kish. Mr. Jordan?  
2240 [No response.]  
2241 Ms. Kish. Mr. Poe?  
2242 Mr. Poe. No.  
2243 Ms. Kish. Mr. Poe votes no.  
2244 Mr. Chaffetz?  
2245 Mr. Chaffetz. No.  
2246 Ms. Kish. Mr. Chaffetz votes no.  
2247 Mr. Griffin?  
2248 Mr. Griffin. No.

2249 Ms. Kish. Mr. Griffin votes no.  
2250 Mr. Marino?  
2251 Mr. Marino. No.  
2252 Ms. Kish. Mr. Marino votes no.  
2253 Mr. Gowdy?  
2254 Mr. Gowdy. No.  
2255 Ms. Kish. Mr. Gowdy votes no.  
2256 Mr. Ross?  
2257 Mr. Ross. No.  
2258 Ms. Kish. Mr. Ross votes no.  
2259 Mrs. Adams?  
2260 [No response.]  
2261 Ms. Kish. Mr. Quayle?  
2262 Mr. Quayle. No.  
2263 Ms. Kish. Mr. Quayle votes no.  
2264 Mr. Amodei?  
2265 Mr. Amodei. No.  
2266 Ms. Kish. Mr. Amodei votes no.  
2267 Mr. Conyers?  
2268 Mr. Conyers. Aye.  
2269 Ms. Kish. Mr. Conyers votes aye.

2270 Mr. Berman?

2271 [No response.]

2272 Ms. Kish. Mr. Nadler?

2273 Mr. Nadler. Aye.

2274 Ms. Kish. Mr. Nadler votes aye.

2275 Mr. Scott?

2276 Mr. Scott. Aye.

2277 Ms. Kish. Mr. Scott votes aye.

2278 Mr. Watt?

2279 Mr. Watt. Aye.

2280 Ms. Kish. Mr. Watt votes aye.

2281 Ms. Lofgren?

2282 Ms. Lofgren. Aye.

2283 Ms. Kish. Ms. Lofgren votes aye.

2284 Ms. Jackson Lee?

2285 [No response.]

2286 Ms. Kish. Ms. Waters?

2287 Ms. Waters. Aye.

2288 Ms. Kish. Ms. Waters votes aye.

2289 Mr. Cohen?

2290 Mr. Cohen. Aye.

2291 Ms. Kish. Mr. Cohen votes aye.

2292 Mr. Johnson?

2293 Mr. Johnson. Aye.

2294 Ms. Kish. Mr. Johnson votes aye.

2295 Mr. Pierluisi?

2296 [No response.]

2297 Ms. Kish. Mr. Quigley?

2298 Mr. Quigley. Aye.

2299 Ms. Kish. Mr. Quigley votes aye.

2300 Ms. Chu?

2301 Ms. Chu. Aye.

2302 Ms. Kish. Ms. Chu votes aye.

2303 Mr. Deutch?

2304 [No response.]

2305 Ms. Kish. Ms. Sanchez?

2306 Ms. Sanchez. Aye.

2307 Ms. Kish. Ms. Sanchez votes aye.

2308 Chairman Smith. The gentleman from Wisconsin?

2309 Mr. Sensenbrenner. No.

2310 Ms. Kish. Mr. Sensenbrenner votes no.

2311 Chairman Smith. The gentleman from California?

2312 Mr. Issa. No.

2313 Ms. Kish. Mr. Issa votes no.

2314 Chairman Smith. Are there other Members who wish to  
2315 be recorded?

2316 [No response.]

2317 Chairman Smith. If not, the clerk will report.

2318 Ms. Kish. Mr. Chairman, 11 Members voted aye; 17  
2319 Members voted nay.

2320 Chairman Smith. A majority having voted against the  
2321 amendment, the amendment is not agreed to.

2322 And the gentleman from California, Mr. Lungren, is  
2323 recognized to offer an amendment.

2324 Mr. Lungren. Mr. Chairman, I have an amendment at the  
2325 desk.

2326 Chairman Smith. The clerk will report the amendment.

2327 Ms. Kish. Amendment to the Franks amendment in the  
2328 nature of a substitute to H.R. 822, offered by Mr. Daniel E.  
2329 Lungren of California. Add at the end the following,  
2330 Section 3 --

2331 Mr. Lungren. Mr. Chairman, I ask unanimous consent  
2332 the amendment be considered as read.

2333 Chairman Smith. Without objection, the amendment by  
2334 the gentleman is considered as read.

2335 [The information follows:]

2336

2337 Chairman Smith. And he is recognized to explain his  
2338 amendment.

2339 Mr. Lungren. Thank you very much, Mr. Chairman.

2340 I registered some of my concerns about this bill  
2341 yesterday, and the difficulty in attempting to try and  
2342 balance the principles of federalism, the idea that States  
2343 have the general right to have sovereignty over what is  
2344 known as police powers, and at the same time, the  
2345 constitutional right under the Second Amendment, as  
2346 explicated by the more recent Supreme Court decisions, that  
2347 is the right of someone to keep and bear arms, and then how  
2348 that works in with the issue of concealed weapons permits.

2349 One of the concerns I raised yesterday was about the  
2350 authorizing authority for a permit being a State that was  
2351 not the State of residence of the person applying for it and  
2352 the fact that while that would appear to be appropriate in  
2353 some cases, if you are visiting a State and that State wants  
2354 to allow you to have a permit in that State, that is their  
2355 decision, and then they have reciprocal agreement with  
2356 another State for that to be the case.

2357 So I had indicated that I was entertaining the

2358 possibility of an amendment to the substitute amendment,  
2359 which would require that for this authority granted that one  
2360 who has a concealed weapons permit could utilize it in other  
2361 States, that that would only be the case with respect to  
2362 having received the authority from a State in which they  
2363 were a resident.

2364         After much discussion and after much vote counting, I  
2365 have realized the inevitability of my position vis-a-vis  
2366 being able to amend this legislation. And after discussions  
2367 with the chairman and others, I believe that this amendment  
2368 at least moves in the direction that I thought was  
2369 important.

2370         This amendment would require the GAO to specifically  
2371 audit all the laws and regulations of each State that  
2372 authorized the issuance of a valid permit or license, to  
2373 permit that person who is other than a resident of the State  
2374 to possess or carry a concealed firearm. It would also  
2375 require the GAO to give us the number of such valid permits  
2376 or licenses issued and denied and the basis for such denials  
2377 by each State to those who were other than residents of  
2378 their States.

2379           And then, finally, to do a study on the effectiveness  
2380 of such State laws and regulations in protecting the public  
2381 safety. It requires that we receive a report from the  
2382 controller general not later than one year after the date of  
2383 enactment of the bill.

2384           I think the amendment in the nature of a substitute  
2385 offered by Mr. Franks addresses a number of issues that I  
2386 had expressed concern about. But I would hope that we would  
2387 adopt this amendment so that we would have the ability to  
2388 see exactly how this is being implemented with those States  
2389 that do grant concealed weapons permits to those who are  
2390 other than residents of their States and how this goes to  
2391 the question that people have raised on both sides of the  
2392 aisle, the effectiveness of such State laws in protecting  
2393 the public safety.

2394           So I hope this will be viewed as a noncontroversial  
2395 amendment. I hope it allows people to get information about  
2396 which we have argued over the past couple of days, and I  
2397 believe that it would be a positive addition to this bill.

2398           And with that, I would yield back the balance of my  
2399 time.

2400 Chairman Smith. Thank you, Mr. Lungren.

2401 Mr. Johnson. Mr. Chairman?

2402 Chairman Smith. The gentleman from Illinois, Mr.  
2403 Quigley.

2404 Mr. Quigley. Thank you, Mr. Chairman.

2405 I will speak just briefly. I respect the issues that  
2406 Mr. Lungren is having. I respect the fact that we all  
2407 struggle with balancing States' rights, individuals' rights,  
2408 our mandate here to try to do what we think is correct.

2409 And I will say I had considered another amendment,  
2410 which we aren't going to do, but it gets to the point that  
2411 he is making. And that was an amendment that would say that  
2412 a marriage recognized as valid under the laws of a State  
2413 shall be valid in all States.

2414 Because let us think about it. We are in a building  
2415 filled with people who think that government should stay out  
2416 of people's lives. What is more personal and private and  
2417 important to a person than a decision of who they love and  
2418 how they should express that love? And should another State  
2419 tell somebody that they can't do that?

2420 So I respect how important all of you over there feel

2421 about the Second Amendment. All I would suggest is that we  
2422 have to constantly remind ourselves that all of these rights  
2423 are important to us and that we try, as I know you do, to be  
2424 consistent. And that sometimes if we wake up in the morning  
2425 and recognize the other person's point of view, perhaps we  
2426 will all do our jobs a little better.

2427 I just want us to keep in mind that certain of these  
2428 other rights are important to those folks as well. I yield  
2429 back.

2430 Chairman Smith. Thank you, Mr. Quigley.

2431 I will recognize myself in support of the amendment.  
2432 This amendment offered by my friend from California would  
2433 mandate a GAO study of how States actually grant concealed  
2434 carry permits to nonresidents in the approximately 20 States  
2435 that do so.

2436 This study would consider whether the States are able  
2437 to conduct sufficiently robust background checks of  
2438 nonresidents in the same way that they are able to do so for  
2439 their own residents. I commend the gentleman from  
2440 California for this amendment, which demonstrates his strong  
2441 commitment to both public safety and Second Amendment

2442 rights. And I ask my colleagues to support it.

2443 I will yield back my time.

2444 Mr. Johnson. Mr. Chairman?

2445 Chairman Smith. The gentleman from Georgia, Mr.

2446 Johnson?

2447 Mr. Johnson. I would ask Mr. Lungren, with respect to

2448 his well-intentioned amendment requesting various studies,

2449 do you -- have you included in your amendment a proviso that

2450 this particular law would not go into effect until the

2451 results of the study have been published? Or do you

2452 anticipate that we would pass this, in my opinion, misguided

2453 legislation and then study the possible impact on States?

2454 Mr. Lungren. If the gentleman would yield?

2455 Mr. Johnson. Yes, I would.

2456 Mr. Lungren. This amendment is in the nature of a

2457 monitoring of the effectiveness of the law, and --

2458 Mr. Johnson. So it does not tell us anything about

2459 the state of State law at this particular time. It is not

2460 providing us with guidance before we actually pass this

2461 special interest legislation. Is that correct?

2462 Mr. Lungren. Well, if the gentleman would yield? In

2463 answering your question, I don't accept all the premises of  
2464 the question or description. But I would say, in answer to  
2465 your question, this is an effort by me to introduce  
2466 something that I believe will get a majority vote that will  
2467 allow us to answer some of the questions that have been  
2468 raised.

2469         Mr. Johnson. Well, reclaiming my time, I think that  
2470 what this indicates is that the gentleman from California,  
2471 the prior attorney general of the entire State of California  
2472 for a number of years and a strong upholder of States'  
2473 rights, has some degree of heartburn about this special  
2474 interest legislation. And I do respect that. I feel the  
2475 heartburn.

2476         I mean, nothing could be worse than should we proceed  
2477 along this path of usurping States' rights and my great  
2478 State of Georgia would lose its ability to allow folks to  
2479 bring firearms into the churches on Sunday morning, even  
2480 during Sunday School.

2481         And so, I share your heartburn about States' rights  
2482 and the ability of States to regulate who and under what  
2483 circumstances people should be allowed to carry concealed

2484 weapons, concealed firearms. I share in that, but I am  
2485 afraid that your amendment does not go far enough in  
2486 preventing a total destruction of States' rights in this  
2487 particular area.

2488 Mr. Conyers. Would the gentleman yield?

2489 Mr. Johnson. And I will yield.

2490 Mr. Conyers. The problem with this amendment is that  
2491 the bill kicks in, and then we do the study. That is not  
2492 the way this should play out. We are going to enact a law  
2493 and then do a GAO study. And goodness knows, I think there  
2494 are going to be some surprises in that study, and then we  
2495 will be saying I wish we had had that before we passed the  
2496 bill.

2497 I think the simple principle that creates some problem  
2498 with other members on the committee is whether or not we  
2499 should simply allow State laws to govern concealed weapons  
2500 carrying. And a GAO study is not likely to take care of  
2501 that.

2502 Mr. Johnson. Well, I want to reclaim my time. And I  
2503 would piggyback on that. I recall several years ago there  
2504 was the murder of a doctor who performed abortions in

2505 Kansas. The homicide, the murder occurred at the church  
2506 where the doctor was a deacon, and it occurred during the  
2507 service, if I recall.

2508 And now some States would find it appropriate to allow  
2509 their citizens to carry concealed weapons inside a church  
2510 because they think that the gunman --

2511 Chairman Smith. The gentleman's time has expired.

2512 Mr. Johnson. -- may have been deterred if they knew  
2513 that someone else in the church may have had a concealed  
2514 weapon. And I think that that is a valid States' right --

2515 Chairman Smith. The gentleman's time has expired.  
2516 The gentleman from Utah, Mr. Chaffetz?

2517 Mr. Chaffetz. Thank you, Mr. Chairman.

2518 I appreciate the gentleman's amendment here and the  
2519 spirit in which it is offered. I do have a question, a  
2520 concern about (a) (3), which is at the beginning of page 2.  
2521 "The effectiveness of State laws and regulations in  
2522 protecting public safety," I just worry that that is so  
2523 overly broad that it is going to open up to subjective  
2524 interpretation as opposed to objective metrics that the  
2525 first two points, points (1) and (2), would be and, as Mr.

2526 Conyers pointed out, could offer a whole variety of  
2527 surprises.

2528           Now I want to make sure we are thoroughly  
2529 understanding the issue and looking at it moving forward,  
2530 but I do worry about point number (3) and would wonder if  
2531 that would be something that could potentially be struck  
2532 from this amendment because I think it is overly broad and  
2533 will complicate matters.

2534           Yield back.

2535           Chairman Smith. Let me say, since there are a number  
2536 of Members who had their hands raised and will be recognized  
2537 momentarily, that since it doesn't look like we are going to  
2538 finish this before we go to the series of votes, the markup  
2539 will resume immediately after the last series of these  
2540 votes.

2541           The gentleman from North Carolina, Mr. Watt, is  
2542 recognized.

2543           Mr. Watt. Thank you, Mr. Chairman.

2544           I actually had the same concern, question that Mr.  
2545 Chaffetz had. I understand how the Government Accounting  
2546 Office -- Accountability Office, is that what it is? Okay.

2547 Okay. Can conduct an audit of number (1) and (2). That is,  
2548 I suppose, a fact-gathering process. It can count the  
2549 number of laws and regulations that States have that  
2550 authorize the issuance of valid permits. It can count,  
2551 under number (2), the number of valid permits or licenses  
2552 issued or denied.

2553 I don't know how it can count the effectiveness or  
2554 audit, I guess is the word that is used, the effectiveness  
2555 of those laws. So I share that concern. I was going to  
2556 raise it if I had been recognized before the gentleman.

2557 But I also share the concern that has been expressed,  
2558 and I guess we do this quite often, but it seems to me the  
2559 equivalent of shutting the barn door after all the horses or  
2560 repairing the fence after all of the cows have gone out of  
2561 the pasture. To have a study conducted after the passage of  
2562 the law, it just seems to me to be an ineffective time to  
2563 have the study.

2564 And it also seems to me to be counter to what I have  
2565 understood a number of my colleagues say they support, which  
2566 is not wasting taxpayer money on studies that really are  
2567 going to yield nothing because when you get to the end, we

2568 are going to get a report of the number of States that have  
2569 these laws, the number of valid permits that have been  
2570 issued.

2571 I am not sure what we are going to get under number  
2572 (3), as Mr. Chaffetz has indicated. But the law would have  
2573 already been in effect for a year, I suppose, because we  
2574 don't get the report until a year out. And I don't know  
2575 what we would do with the report after we get it.

2576 This reminds me of a lot of the reports that some of  
2577 my other colleagues have requested be done. I just, I mean,  
2578 I understand how it gives Mr. Lungren a great deal of cover  
2579 if he is planning to support, vote one way or another. But  
2580 I don't know what other purpose this audit will serve.

2581 And so, let me yield to Mr. Lungren on the question  
2582 that how do you audit, how does the Government  
2583 Accountability Office audit the effectiveness of a State law  
2584 and regulation? Maybe that would be a good thing to at  
2585 least try to get clarified --

2586 Mr. Lungren. Well, if the gentleman would yield?

2587 Mr. Watt. This has been raised on both -- on a  
2588 bipartisan basis. I will yield to the gentleman, yes.

2589 Mr. Lungren. You do a fact-based analysis of the  
2590 results to see if they vary from those who have permits from  
2591 those States that only give it to residents versus those who  
2592 grant permits to those who are not residents, or within a  
2593 State that grants both to residents and nonresidents to see  
2594 if there is any significant difference between the illegal  
2595 activities, if any, of those who have those or the  
2596 inappropriate use of the weapon or the concealed weapon  
2597 permit.

2598 That would be a factual basis for such an analysis.  
2599 It wouldn't be limited to that.

2600 Mr. Watt. What does the gentleman think an audit of  
2601 this kind would cost the taxpayers? And what would be the  
2602 offset for it since we are under PAYGO? Does the gentleman  
2603 have any concept of what that might cost?

2604 Mr. Lungren. No, I do not.

2605 Mr. Watt. Okay. All right. Well, I think I have  
2606 made the point that I tried to make, Mr. Chairman. I just  
2607 think we are closing the barn door after the horses are  
2608 gone, and I don't know what we do with this report after we  
2609 get it.

2610 Chairman Smith. Okay.

2611 Mr. Nadler. Mr. Chairman?

2612 Chairman Smith. Thank you, Mr. Watt.

2613 And Mr. Watt, we may incorporate by reference in the  
2614 future your comments about studies when other Members offer  
2615 --

2616 Mr. Watt. Well, I, Mr. Chairman -- if the chairman  
2617 would yield?

2618 Chairman Smith. Yes.

2619 Mr. Watt. I will tell the chairman privately what I  
2620 said to Mr. Scott.

2621 Chairman Smith. Fair enough.

2622 Mr. Watt. So as not to embarrass other members of our  
2623 committee who have requested such similar reports.

2624 Chairman Smith. We will mutually --

2625 Mr. Watt. Let me make that deal with you.

2626 Chairman Smith. We will mutually agree to that.

2627 The gentlewoman from California, Ms. Waters?

2628 Ms. Waters. Thank you very much.

2629 Chairman Smith. And let me say that if there are no  
2630 other Members who wish to speak on the amendment, this is

2631 just an amendment in regard to a study, I would like to  
2632 finish this amendment. And then we will go vote.

2633 Mr. Nadler. Mr. Chairman, I can't hear you. We can't  
2634 hear you.

2635 Chairman Smith. Okay. I was saying if there are no  
2636 other Members after the gentlewoman from California who wish  
2637 to speak on this amendment, and I hope that there are not, I  
2638 would like to finish the amendment, go vote, and then we  
2639 will return.

2640 Mr. Nadler. Then we will return --

2641 Chairman Smith. The gentlewoman from California?

2642 Ms. Waters. Thank you very much, Mr. Chairman.

2643 I do think the point has been made. This is a waste  
2644 of time and a waste of money. It certainly is not timely.  
2645 As Mr. Watt described, I mean, this is closing the barn door  
2646 after the horse has left.

2647 Now I want to know if it has been scored because this  
2648 costs money. And I think Mr. Lungren has indicated he has  
2649 no idea how much it would cost. But Mr. Watt raised the  
2650 question, how are you going to do this? I will tell you how  
2651 you are going to do it.

2652           You are going to hire some consultants. Then they are  
2653 going to take some polls. And then you are going to have  
2654 some focus groups. And then you are going to interview law  
2655 enforcement. You are going to interview criminals. You are  
2656 going to interview elected officials. You are going to  
2657 interview nonresidents. And it is going to cost money.  
2658 This is a waste of money.

2659           I am so surprised that the fiscal conservatives who  
2660 have literally held up this Congress and demanded cuts and  
2661 no spending, no new revenue, who would come in with a study  
2662 like this that doesn't mean anything. If this isn't a waste  
2663 of money, I don't know what is.

2664           I yield back the balance of my time.

2665           Mr. Lungren. Will the gentlelady yield?

2666           Ms. Waters. Yes.

2667           Mr. Lungren. I would just say that I am surprised the  
2668 gentlelady is not aware of the fact that the GAO is an  
2669 authorized and appropriated activity of the Congress, that  
2670 this would add not a single dollar to the budget. This  
2671 would direct them to do a study.

2672           Mr. Watt. Would the gentlewoman yield?

2673           Ms. Waters. Reclaiming my time, reclaiming my time.  
2674 Is the gentleman aware that even if the GAO is doing the  
2675 study that there are personnel hours or man-hours involved,  
2676 and that is a cost. And they have the discretion to go  
2677 outside if they feel that they cannot accomplish within the  
2678 agency the kind of study that they would like to have. Is  
2679 the gentleman aware of that?

2680           Mr. Lungren. I am aware of that, and I also am aware  
2681 of the gentlelady's record on voting for increased spending  
2682 in just about every opportunity.

2683           Ms. Waters. Reclaiming my time, you don't know  
2684 anything about my record.

2685           I yield to the gentleman from North Carolina.

2686           Mr. Watt. Well, I think that the gentlelady has amply  
2687 described the problem here. We are getting a study that  
2688 goes nowhere and that means nothing. So I don't know why we  
2689 are beating this dog anymore. We let the horse out of the  
2690 barn. Now we are beating the dog. So --

2691           Mr. Johnson. Will the gentleman yield? Will the  
2692 gentleman yield?

2693           Mr. Watt. It is the gentlelady's time.

2694 Chairman Smith. The gentlewoman from California --  
2695 Ms. Waters. I will be happy to yield to the gentleman  
2696 from Georgia.

2697 Mr. Johnson. Thank you.

2698 We have been beating dogs and dead horses around here  
2699 for the last 300 days, 300-plus days. We have been beating  
2700 the immigration. We have been beating the abortion issue,  
2701 just beating them relentlessly, a dead horse, and not one  
2702 jobs bill. Now we should be talking about --

2703 Mr. Lungren. Would the gentleman yield on that?

2704 Mr. Johnson. Well, it is not my time to yield, but I  
2705 will tell you, Americans are not interested in concealed  
2706 carry universally. They are concerned about where the next  
2707 paycheck is going to come from, where is the rent going to  
2708 be paid. How are we going to pay the light bill, the gas  
2709 bill, take care of the car note?

2710 This does nothing to address that problem. So we are  
2711 standing here looking at a gorilla of a problem and refusing  
2712 to acknowledge that the gorilla is in the room. And then we  
2713 are so intent on taking care of our special purpose, special  
2714 interest legislation that we think everybody else does not

2715 even notice that we don't care about the 800-pound gorilla  
2716 in the room.

2717 But everybody sees that 800-pound gorilla. We are  
2718 feeling it, and we need to do something about it. And  
2719 unfortunately, this legislation does nothing about that 800-  
2720 pound gorilla.

2721 And I will yield back.

2722 Chairman Smith. Does the gentlewoman from California  
2723 yield back her time? Reluctantly, I am sure.

2724 Ms. Waters. I have something else I want to say.

2725 Chairman Smith. You have approximately --

2726 Ms. Waters. I will yield back the balance of my time.

2727 Chairman Smith. I thank the gentlewoman.

2728 The question is on the amendment. All in favor, say  
2729 aye.

2730 [A chorus of ayes.]

2731 Chairman Smith. Opposed, nay.

2732 [A chorus of nays.]

2733 Chairman Smith. In the opinion of the chair, the ayes  
2734 have it. Roll call vote has been requested. The clerk will  
2735 call the role.

2736 Ms. Kish. Mr. Smith?

2737 Chairman Smith. Aye.

2738 Ms. Kish. Mr. Smith votes aye.

2739 Mr. Sensenbrenner?

2740 [No response.]

2741 Ms. Kish. Mr. Coble?

2742 [No response.]

2743 Ms. Kish. Mr. Gallegly?

2744 [No response.]

2745 Ms. Kish. Mr. Goodlatte?

2746 Mr. Goodlatte. Aye.

2747 Ms. Kish. Mr. Goodlatte votes aye.

2748 Mr. Lungren?

2749 Mr. Lungren. Aye.

2750 Ms. Kish. Mr. Lungren votes aye.

2751 Mr. Chabot?

2752 Mr. Chabot. Aye.

2753 Ms. Kish. Mr. Chabot votes aye.

2754 Mr. Issa?

2755 Mr. Issa. Aye.

2756 Ms. Kish. Mr. Issa votes aye.

2757 Mr. Pence?

2758 [No response.]

2759 Ms. Kish. Mr. Forbes?

2760 Mr. Forbes. Aye.

2761 Ms. Kish. Mr. Forbes votes aye.

2762 Mr. King?

2763 Mr. King. Aye.

2764 Ms. Kish. Mr. King votes aye.

2765 Mr. Franks?

2766 Mr. Franks. Aye.

2767 Ms. Kish. Mr. Franks votes aye.

2768 Mr. Gohmert?

2769 [No response.]

2770 Ms. Kish. Mr. Jordan?

2771 [No response.]

2772 Ms. Kish. Mr. Poe?

2773 [No response.]

2774 Ms. Kish. Mr. Chaffetz?

2775 Mr. Chaffetz. No.

2776 Ms. Kish. Mr. Chaffetz votes no.

2777 Mr. Griffin?

2778 Mr. Griffin. Aye.

2779 Ms. Kish. Mr. Griffin votes aye.

2780 Mr. Marino?

2781 Mr. Marino. Aye.

2782 Ms. Kish. Mr. Marino votes aye.

2783 Mr. Gowdy?

2784 Mr. Gowdy. Yes.

2785 Ms. Kish. Mr. Gowdy votes yes.

2786 Mr. Ross?

2787 [No response.]

2788 Ms. Kish. Mrs. Adams?

2789 [No response.]

2790 Ms. Kish. Mr. Quayle?

2791 Mr. Quayle. Aye.

2792 Ms. Kish. Mr. Quayle votes aye.

2793 Mr. Amodei?

2794 Mr. Amodei. Yes.

2795 Ms. Kish. Mr. Amodei votes yes.

2796 Mr. Conyers?

2797 Mr. Conyers. No.

2798 Ms. Kish. Mr. Conyers votes no.

2799 Mr. Berman?

2800 [No response.]

2801 Ms. Kish. Mr. Nadler?

2802 Mr. Nadler. No.

2803 Ms. Kish. Mr. Nadler votes no.

2804 Mr. Scott?

2805 Mr. Scott. No.

2806 Ms. Kish. Mr. Scott votes no.

2807 Mr. Watt?

2808 Mr. Watt. No.

2809 Ms. Kish. Mr. Watt votes no.

2810 Ms. Lofgren?

2811 [No response.]

2812 Ms. Kish. Ms. Jackson Lee?

2813 [No response.]

2814 Ms. Kish. Ms. Waters?

2815 Ms. Waters. No.

2816 Ms. Kish. Ms. Waters votes no.

2817 Mr. Cohen?

2818 [No response.]

2819 Ms. Kish. Mr. Johnson?

2820 Mr. Johnson. No.

2821 Ms. Kish. Mr. Johnson votes no.

2822 Mr. Pierluisi?

2823 [No response.]

2824 Ms. Kish. Mr. Quigley?

2825 [No response.]

2826 Ms. Kish. Ms. Chu?

2827 [No response.]

2828 Ms. Kish. Mr. Deutch?

2829 [No response.]

2830 Ms. Kish. Ms. Sanchez?

2831 Ms. Sanchez. No.

2832 Ms. Kish. Ms. Sanchez votes no.

2833 Chairman Smith. The clerk will report.

2834 Ms. Kish. Mr. Chairman, 13 Members voted aye; 8

2835 Members voted nay.

2836 Chairman Smith. A majority having voted in favor of

2837 the amendment, the amendment is agreed to.

2838 The Judiciary Committee will resume the markup

2839 immediately after this series of votes.

2840 [Whereupon, at 1:11 p.m., the committee recessed, to

2841 reconvene at 2:15 p.m., the same day.]

2842 Chairman Smith. The Judiciary Committee will resume  
2843 its markup, and the clerk, who is on her way, will --

2844 [Pause.]

2845 Chairman Smith. The clerk will call the roll.

2846 Ms. Kish. Mr. Smith?

2847 Chairman Smith. Present.

2848 Ms. Kish. Mr. Sensenbrenner?

2849 Mr. Coble?

2850 Mr. Gallegly?

2851 Mr. Goodlatte?

2852 Mr. Lungren?

2853 Mr. Chabot?

2854 Mr. Issa?

2855 Mr. Pence?

2856 Mr. Forbes?

2857 Mr. King?

2858 Mr. King. Here.

2859 Ms. Kish. Mr. Franks?

2860 Mr. Franks. Here.

2861 Ms. Kish. Mr. Gohmert?

2862 Mr. Jordan?  
2863 Mr. Poe?  
2864 Mr. Chaffetz?  
2865 Mr. Griffin?  
2866 Mr. Marino?  
2867 Mr. Marino. Present.  
2868 Ms. Kish. Mr. Gowdy?  
2869 Mr. Ross?  
2870 Mrs. Adams?  
2871 Mrs. Adams. Here.  
2872 Ms. Kish. Mr. Quayle?  
2873 Mr. Amodei?  
2874 Mr. Conyers?  
2875 Mr. Berman?  
2876 Mr. Nadler?  
2877 Mr. Scott?  
2878 Mr. Watt?  
2879 Ms. Lofgren?  
2880 Ms. Jackson Lee?  
2881 Ms. Waters?  
2882 Mr. Cohen?

2883 Mr. Cohen. Here.

2884 Ms. Kish. Mr. Johnson?

2885 Mr. Johnson. Here.

2886 Ms. Kish. Mr. Pierluisi?

2887 Mr. Quigley?

2888 Ms. Chu?

2889 Mr. Deutch?

2890 Ms. Sanchez?

2891 [Pause.]

2892 Ms. Kish. Mr. Forbes?

2893 Mr. Forbes. Here.

2894 [Pause.]

2895 Ms. Kish. Mr. Griffin?

2896 Mr. Griffin. Here.

2897 [Pause.]

2898 Ms. Kish. Mr. Goodlatte?

2899 Mr. Goodlatte. Present.

2900 [Pause.]

2901 Ms. Kish. Mr. Chabot?

2902 Mr. Chabot. Present.

2903 [Pause.]

2904 Ms. Kish. Mr. Chaffetz?

2905 Mr. Chaffetz. Present.

2906 [Pause.]

2907 Ms. Kish. Mr. Cohen?

2908 Mr. Cohen. Here.

2909 [Pause.]

2910 Ms. Kish. Mr. Pence?

2911 Mr. Pence. Here.

2912 Chairman Smith. The clerk will report.

2913 Ms. Kish. Mr. Chairman, 13 Members responded present.

2914 Chairman Smith. A working quorum is present. Are  
2915 there any further comments? If not, the question is on the

2916 Franks substitute --

2917 Oh, the gentleman from Tennessee is recognized.

2918 Mr. Cohen. I believe I have an amendment at the  
2919 table, the desk, whatever -- chair.

2920 Chairman Smith. The clerk will report the gentleman's  
2921 amendment.

2922 Ms. Kish. Amendment to the amendment in the nature of  
2923 a substitute to H.R. 822, offered by Mr. Cohen. Page 2,

2924 line 20, after the period insert the following:

2925 "Notwithstanding the preceding sentence, the possession or  
2926 carrying of a concealed handgun in a State under this  
2927 section shall be subject to any State law limiting the  
2928 eligibility to possess or carry a concealed handgun by  
2929 reason of having attained the age of 21."

2930 [The information follows:]

2931

2932 Chairman Smith. The gentleman is recognized to  
2933 explain his amendment.

2934 Mr. Cohen. Thank you, Mr. Chair.

2935 The laws of most States, about 37 of them, is that you  
2936 have to be 21 years of age to get a gun permit. The United  
2937 States Government made all the States go to 21 on drinking  
2938 age, or they would lose their highway funds.

2939 In 2007, the most recent year I have got statistics,  
2940 15,300 people lost their lives because of driving accidents  
2941 involving alcohol. Double that many people, 31,000, lost  
2942 their lives because of gunfire. Twice as many people lost  
2943 their lives because of guns as drinking and driving.

2944 We have a law that says you have got to be 21 years of  
2945 age to drink, and yet this bill would say that in the 37  
2946 States that have laws, responsible laws that limit gun carry  
2947 permits to people 21 and over, that they are going to allow  
2948 people from other States -- and there are eight of them --  
2949 Iowa, Indiana, Maine, Montana, New Hampshire, South Dakota,  
2950 Delaware, and Alabama -- people from those States, where  
2951 they only require you to be 18, to go into your State and  
2952 carry a gun.

2953           Now it doesn't seem at all appropriate, regardless of  
2954 your position on States' rights or State sovereignty or  
2955 State legislatures, federalism, to say that States who have  
2956 the majority view, which seems to be a responsible view that  
2957 is somebody, as this Congress has found, needs to be 21 to  
2958 be capable of handling a glass of beer, that they certainly  
2959 ought to be 21 to be able to carry a pistol.

2960           And by this law, you are saying that in those 36 --  
2961 Wisconsin becoming 37 in a couple of weeks -- States that  
2962 say you need to be 21 and be a majority to carry a weapon,  
2963 that they are going to let people, while their residents  
2964 won't be able to carry one because they are underage, and it  
2965 is really to protect all the other citizens from an  
2966 irresponsible, immature, underage use of a weapon, they are  
2967 going to allow people from other States that are 18, 19, and  
2968 20 to come into their State and carry.

2969           That is not right, Mr. Chairman. This isn't politics.  
2970 This is common sense. This is federalism. It is logic.  
2971 And I would hope that we could come together in some  
2972 bipartisan fashion and understand that we shouldn't trump  
2973 the other States' laws.

2974           There are laws right now for States to accept other  
2975 States' carry permit laws. Tennessee is recognized by 34 of  
2976 36 or whatever. They recognize that many. We are taking  
2977 all those States' powers and laws away from them, and that  
2978 is not what we are supposed to be doing here.

2979           When there is a system that works where States make  
2980 the laws and they agree with compacts or agreements to  
2981 recognize other States' laws in their States, that is the  
2982 way the system is supposed to work, unless you have a  
2983 uniform law. Instead of having a uniform law, which would  
2984 make some sense, which is what I think Mr. Lungren was  
2985 trying to get at, which a study would have given us the  
2986 opportunity to do, but, no, we don't need a study. We are  
2987 going to rush ahead and do what we want. Fire when ready.

2988           We are going to say your laws make no difference. We  
2989 are not going to give you basic standards. We are not going  
2990 to give you uniform standards, minimum standards. Minimum  
2991 standards is whatever the most craven legislature comes up  
2992 with. That becomes the standard for people visiting your  
2993 State.

2994           Mrs. Adams. Will the gentleman yield?

2995 Mr. Cohen. No. And that is not right. You should  
2996 respect other people's laws, and you should respect the age  
2997 of majority. And this is an irresponsible and immature type  
2998 of activity.

2999 With that, I would yield. Would the lady like  
3000 recognition?

3001 Mrs. Adams. Thank you.

3002 I just want to make sure I heard you. You said that  
3003 you believe that 21 should be the age that someone should be  
3004 able to have a gun, carry a gun?

3005 Mr. Cohen. That is what we have in Tennessee, and I  
3006 think that is probably a responsible age.

3007 Mrs. Adams. Can you tell me what is the age to be a  
3008 police officer in your State?

3009 Mr. Cohen. I really don't know.

3010 Mrs. Adams. In my State, if you are 18, you can go to  
3011 the academy. And once you complete it, you can be a police  
3012 officer.

3013 Mr. Cohen. And you go through the academy and become  
3014 a police officer and get all this training and all these  
3015 tests. And you probably have more than 4 hours tests on the

3016 range, which is what you generally have to have, 4 hours or  
3017 8 hours, to get a gun permit. You probably have to have --  
3018 how many hours do you have to go through to get your permit?  
3019 How many hours of training do you go through with guns?

3020 Mrs. Adams. With guns?

3021 Mr. Cohen. Yes.

3022 Mrs. Adams. It has been a long time since I have been  
3023 in training, but it was more than 4 hours. But the question  
3024 I have for you is --

3025 Mr. Cohen. It is a lot more than 4 hours. And the  
3026 legal education is a lot more.

3027 Mrs. Adams. -- you just said you wanted people to be  
3028 21. And so, what would happen would be all of our military,  
3029 anyone that was 18 or older who was trained, trained with  
3030 this, if they came back and asked for a concealed weapons  
3031 permit, based on their age alone, not on their training,  
3032 they would not be allowed to have it.

3033 Mr. Cohen. They can't drink a beer either. But that  
3034 is not what the issue is. The issue is carrying a pistol  
3035 for any citizen. Don't bring me an exception. Don't give  
3036 me a rabbit trail to go down because I don't do rabbit

3037 trails. That is not the issue.

3038 Mrs. Adams. Well, I just wanted to confirm that you  
3039 felt that 21, regardless of your training or your ability,  
3040 because at 21 --

3041 Mr. Cohen. That is exactly right, 21. I authored the  
3042 Tennessee right-to-carry law. It is a good law. It says  
3043 21, and that should be the basis upon which anybody who  
3044 comes into my State should have to meet that criteria to  
3045 carry a gun in the State of Tennessee.

3046 Chairman Smith. The gentleman's time has expired.

3047 Mr. Cohen. When people come in for Liberty Bowl, they  
3048 shouldn't come in at 18 from Alabama with a pistol.

3049 Chairman Smith. The gentleman's time has expired.

3050 The gentleman from Virginia, Mr. Forbes, is  
3051 recognized.

3052 Mr. Forbes. Mr. Chairman, I am not going to run down  
3053 a rabbit trail. I am going to tell you a true story.

3054 I have a young man. His name is Cody Childers. From  
3055 the time Cody was 11 years old, all he wanted to do was be a  
3056 Marine. That was his dream.

3057 When he was 18 years old, he was sworn in. He became

3058 a Marine. Cody had two tattoos on his body. One of them  
3059 was a picture of the American flag, literally in red, white,  
3060 and blue. The other one was that said "family." Cody,  
3061 literally, the best America has to offer.

3062 At 19 years old, I presided over Cody's funeral where  
3063 he had given his life for his country. One of the awards  
3064 that Cody was handed posthumously, the first soldier ever to  
3065 be given this, was a rifle that was used in World War II.  
3066 And when I look at Cody and I look at his family and I look  
3067 at what he gave, to say that it would have been  
3068 irresponsible and immature to allow a Cody Childers to be  
3069 able to have a gun, that is beyond any limit that I can  
3070 possibly go.

3071 And Mr. Chairman, when you look at many of the States,  
3072 they already have in some of the reciprocity agreements,  
3073 provisions that relate to this. But when we start sweeping  
3074 every 18-year-old, even the ones that we look at and say  
3075 "you go fight" while we stand here behind microphones, and  
3076 you say that they don't have the right to the same Second  
3077 Amendment privileges and the right to carry that gun, I  
3078 think we need to pause before we do it. And I hope we will

3079 defeat this amendment.

3080 And Mr. Chairman, I yield back.

3081 Chairman Smith. Thank you --

3082 Mr. Cohen. Would you yield for a question?

3083 Chairman Smith. The gentleman has yielded back his  
3084 time.

3085 The question is on the amendment. All in favor, say  
3086 aye.

3087 Mr. Johnson. Mr. Chairman? Mr. Chairman?

3088 Chairman Smith. The gentleman from Georgia is  
3089 recognized.

3090 Mr. Johnson. Thank you. I want to yield some time to  
3091 Mr. Cohen.

3092 Mr. Cohen. Thank you, Mr. Johnson.

3093 I just wanted to note the fact that, Mr. Forbes, the  
3094 State of Virginia's law is 21 years of age. If you think it  
3095 was so wrong, you should be lobbying the Virginia General  
3096 Assembly, or whatever they call their house. But 37 States  
3097 have determined you need to be 21 to carry a pistol. Cop,  
3098 police are different. Soldiers are different.

3099 What you are basically suggesting is that we should

3100 give anybody that can join the military at 18 because they  
3101 can, anybody can. Our best and brightest sometimes want to  
3102 be policemen. Our best and brightest want to go into the  
3103 military. Not necessarily our best and brightest are the  
3104 most mature and capable when they are 18 and 19, and you  
3105 want to give them all a pistol? I think that is a mistake,  
3106 and 37 States do as well.

3107 But you are going to force on those 37 States all  
3108 those minors with guns if they choose to go there.

3109 Chairman Smith. Thank you, Mr. Cohen.

3110 The question is on --

3111 Mr. Johnson. I am not yielding back as of yet, Mr.  
3112 Chairman.

3113 Chairman Smith. Oh, okay. Mr. Johnson is right. I  
3114 am corrected. He controls the time.

3115 Mr. Johnson. Thank you, sir.

3116 Thirty-seven States prohibit concealed carry if you  
3117 are below the age of 21, 37 out of 50 States. I am not sure  
3118 where Georgia stands on it. But I will tell you with that  
3119 many States being -- with that many States having that  
3120 limit, there must be some wisdom that supports that

3121 regulation. It must be reasonable if 37 out of 50 States  
3122 have the same rules. I think it serves a valid State  
3123 purpose.

3124 It is ironic that someone who, such as young Cody who  
3125 gave his life for his country in a foreign land, I would  
3126 assume, as a member of the military -- it is ironic that he  
3127 could at that age give his life as a member of the armed  
3128 forces but could not come here and drink a beer. Soon, if  
3129 we keep having the voter suppression tactics that have been  
3130 unleashed on people, we probably will make it more difficult  
3131 for young people to actually exercise their right to vote.

3132 I think we are already doing that in some locations.  
3133 States are doing that. And I am sure that if there was any  
3134 Federal legislation that would prohibit States from enacting  
3135 unreasonable regulations that interfere with a person's  
3136 right to vote, I am sure that the Republicans, my friends on  
3137 the other side of the aisle, would vote against a Federal  
3138 intervention in that very important area of rights.

3139 But here, we are talking about States' rights.  
3140 Thirty-seven States out of 50 have a requirement age 21 or  
3141 over to carry a concealed weapon. This special interest

3142 legislation would overrule the wisdom, the prerogatives of  
3143 the legislators of those 37 States duly elected by their  
3144 people.

3145           It would just overrule that with a Federal one-size-  
3146 fits-all, special interest bonanza legislation benefitting  
3147 my friends at the NRA, not producing one single job, except  
3148 for perhaps at Glock or any of the gun manufacturers, Smith  
3149 and Wesson maybe? A few more jobs there so that we could  
3150 pump out more guns to kill more folks, both here and in  
3151 Mexico and throughout the world. It is very shortsighted  
3152 legislation.

3153           This amendment that was offered by my colleague from  
3154 Tennessee is a common sense, seemingly beyond partisan  
3155 amendment that it would seem to me eminently reasonable.  
3156 Anybody would respect --

3157           Chairman Smith. The gentleman's time has expired.

3158           Mr. Johnson. So, with that, I will yield back.

3159           [Laughter.]

3160           Chairman Smith. Okay. The question is on the  
3161 amendment. All in favor, say aye.

3162           [A chorus of ayes.]

3163 Chairman Smith. Opposed, no.

3164 [A chorus of nays.]

3165 Chairman Smith. In the opinion of the chair, the nays  
3166 have it, and the amendment is not agreed to. The clerk will  
3167 call the roll.

3168 Ms. Kish. Mr. Smith?

3169 Chairman Smith. No.

3170 Ms. Kish. Mr. Smith votes no.

3171 Mr. Sensenbrenner?

3172 [No response.]

3173 Ms. Kish. Mr. Coble?

3174 [No response.]

3175 Ms. Kish. Mr. Gallegly?

3176 [No response.]

3177 Ms. Kish. Mr. Goodlatte?

3178 Mr. Goodlatte. No.

3179 Ms. Kish. Mr. Goodlatte votes no.

3180 Mr. Lungren?

3181 [No response.]

3182 Ms. Kish. Mr. Chabot?

3183 [No response.]

3184 Ms. Kish. Mr. Issa?  
3185 [No response.]  
3186 Ms. Kish. Mr. Pence?  
3187 [No response.]  
3188 Ms. Kish. Mr. Forbes?  
3189 Mr. Forbes. No.  
3190 Ms. Kish. Mr. Forbes votes no.  
3191 Mr. King?  
3192 Mr. King. No.  
3193 Ms. Kish. Mr. King votes no.  
3194 Mr. Franks?  
3195 Mr. Franks. No.  
3196 Ms. Kish. Mr. Franks votes no.  
3197 Mr. Gohmert?  
3198 [No response.]  
3199 Ms. Kish. Mr. Jordan?  
3200 [No response.]  
3201 Ms. Kish. Mr. Poe?  
3202 [No response.]  
3203 Ms. Kish. Mr. Chaffetz?  
3204 Mr. Chaffetz. No.

3205 Ms. Kish. Mr. Chaffetz votes no.  
3206 Mr. Griffin?  
3207 Mr. Griffin. No.  
3208 Ms. Kish. Mr. Griffin votes no.  
3209 Mr. Marino?  
3210 Mr. Marino. No.  
3211 Ms. Kish. Mr. Marino votes no.  
3212 Mr. Gowdy?  
3213 [No response.]  
3214 Ms. Kish. Mr. Ross?  
3215 [No response.]  
3216 Ms. Kish. Mrs. Adams?  
3217 Mrs. Adams. No.  
3218 Ms. Kish. Mrs. Adams votes no.  
3219 Mr. Quayle?  
3220 [No response.]  
3221 Ms. Kish. Mr. Amodei?  
3222 [No response.]  
3223 Ms. Kish. Mr. Conyers?  
3224 [No response.]  
3225 Ms. Kish. Mr. Berman?

3226 [No response.]

3227 Ms. Kish. Mr. Nadler?

3228 [No response.]

3229 Ms. Kish. Mr. Scott?

3230 Mr. Scott. Yes.

3231 Ms. Kish. Mr. Scott votes yes.

3232 Mr. Watt?

3233 [No response.]

3234 Ms. Kish. Ms. Lofgren?

3235 [No response.]

3236 Ms. Kish. Ms. Jackson Lee?

3237 Ms. Jackson Lee. Aye.

3238 Ms. Kish. Ms. Jackson Lee votes aye.

3239 Ms. Waters?

3240 [No response.]

3241 Ms. Kish. Mr. Cohen?

3242 Mr. Cohen. Aye.

3243 Ms. Kish. Mr. Cohen votes aye.

3244 Mr. Johnson?

3245 Mr. Johnson. Aye.

3246 Ms. Kish. Mr. Johnson votes aye.

3247 Mr. Pierluisi?

3248 [No response.]

3249 Ms. Kish. Mr. Quigley?

3250 [No response.]

3251 Ms. Kish. Ms. Chu?

3252 [No response.]

3253 Ms. Kish. Mr. Deutch?

3254 [No response.]

3255 Ms. Kish. Ms. Sanchez?

3256 [No response.]

3257 Mr. Goodlatte. [Presiding] Are there other Members

3258 seeking to vote? The gentleman from Ohio?

3259 Mr. Chabot. No.

3260 Ms. Kish. Mr. Chabot votes no.

3261 Mr. Goodlatte. The gentleman from Arizona?

3262 Mr. Quayle. No.

3263 Ms. Kish. Mr. Quayle votes no.

3264 Mr. Goodlatte. The gentleman from Wisconsin?

3265 Mr. Sensenbrenner. No.

3266 Ms. Kish. Mr. Sensenbrenner votes no.

3267 Mr. Goodlatte. The clerk will report.

3268 Ms. Kish. Mr. Chairman, 4 Members voted aye; 12

3269 Members voted nay.

3270 Mr. Goodlatte. And the amendment is not agreed to.

3271 Ms. Jackson Lee. Mr. Chairman?

3272 Mr. Goodlatte. For what purpose does the gentlewoman  
3273 from Texas seek recognition?

3274 Ms. Jackson Lee. I want to introduce a Deutch  
3275 amendment. Ms. Jackson Lee.

3276 Mr. Goodlatte. The clerk will report the amendment.

3277 Ms. Kish. Amendment to the amendment in the nature of  
3278 a substitute to H.R. 822, offered by Ms. Jackson Lee.

3279 Mr. Goodlatte. Without objection, the amendment to  
3280 the amendment is considered as read.

3281 [The information follows:]

3282

3283 Mr. Goodlatte. And the gentlewoman is recognized for  
3284 5 minutes to share with us her and Mr. Deutch's amendment.

3285 Ms. Jackson Lee. Thank you so very much, Mr.  
3286 Chairman.

3287 And I would like unanimous consent, before I begin, to  
3288 indicate that I had an amendment on the floor of the House.  
3289 If I had been present, I would have voted aye for the Chu  
3290 amendment, aye for the Lungren amendment, and aye for the --  
3291 excuse me, Chu amendment, Lungren amendment, and Quigley  
3292 amendment.

3293 If I had been present, I would have voted aye. I ask  
3294 unanimous consent that that be placed in the record at the  
3295 appropriate place.

3296 Mr. Goodlatte. Without objection, the request of the  
3297 gentlewoman will be granted.

3298 Ms. Jackson Lee. Am I recognized now, Mr. Chairman?

3299 Mr. Goodlatte. There seems to be some confusion about  
3300 which amendment is being handed out.

3301 Ms. Jackson Lee. It should be the one that was  
3302 labeled Deutch. Is that the one you have?

3303 Mr. Goodlatte. Yes, we have got it.

3304 Ms. Jackson Lee. All right. Thank you. It is now  
3305 Jackson Lee introducing it.

3306 Mr. Goodlatte. The gentlewoman is recognized.

3307 Ms. Jackson Lee. Thank you. And I am trying to wait  
3308 for it to come to me.

3309 Thank you very much.

3310 Mr. Chairman, again, I believe our commitment for all  
3311 of us is to ensure that any legislation we pass is  
3312 legislation that provides for the health and public safety  
3313 of all of our citizens, including certainly men and women on  
3314 the front line. Our EMS officers, our firefighters, and our  
3315 law enforcement officers go into neighborhoods and homes not  
3316 knowing who has a form of firearm, whether registered, not  
3317 registered, they have a right to carry, whatever the  
3318 condition may be. They go in harm's way.

3319 And it is a disaster when law enforcement officers  
3320 cannot communicate, cannot access databases to determine the  
3321 legitimacy of an individual's right to carry a concealed  
3322 weapon.

3323 I heard my colleague earlier, Mr. Johnson, speak about  
3324 the idea of the right to work and making it in America must

3325 be the intent of this legislation for more guns to be  
3326 proliferated. But I call this the Federal subsidy for gun  
3327 manufacturers because, obviously, the least amount of  
3328 requirements and the restrictions and the protection that we  
3329 have just proliferates guns, and I assume we are going to  
3330 handle the Federal debt by just making sure we have more  
3331 guns.

3332 But our law enforcement officers are quite the  
3333 contrary, literally opposed to this kind of system. We ask  
3334 that a complete database of all permits and licenses issued  
3335 by the State for the carrying of a concealed handgun, make  
3336 that database available to law enforcement officers in all  
3337 States for 24 hours.

3338 The basic underlying bill, Mr. Chairman, would create  
3339 a nightmare for law enforcement officers because law  
3340 enforcement officers would be faced with the impossible task  
3341 of being able to verify the validity of 48 different  
3342 carrying permits, forcing officers to make split-second  
3343 decisions for their own safety in already dangerous  
3344 situations as traffic stops.

3345 A database at least that would have the ability to be

3346 accessed by these officers as quickly as possible might  
3347 diminish the nightmare, and they might be able to wake up  
3348 and protect themselves or determine whether or not this  
3349 individual should be, in fact, allowed to move on with this  
3350 concealed weapon.

3351 For example, the issues that we face are real. This  
3352 past summer, Colorado purged its State-wide database of  
3353 permit holders after its legislature allowed its authorizing  
3354 law to lapse. Even before the records were deleted,  
3355 Colorado's database was riddled with inaccuracies. Only 55  
3356 percent of the handgun permits issued in Colorado were  
3357 represented in the database.

3358 These databases need to be accurate. So a law  
3359 enforcement officer trying to check on a concealed-to-carry  
3360 or carry-to-conceal weapon, in essence, is trying to check  
3361 it out in Colorado and, lo and behold, they are in a pickle.  
3362 The question has to be who are we here to protect?

3363 In Florida, police in Pennsylvania report persistent  
3364 problems with Florida's permit verification process, in one  
3365 instance having to wait 4 hours to get confirmation of the  
3366 validity of a permit despite telling the State the

3367 verification was urgent.

3368           We want to be fair to our citizens. You are talking  
3369 about the Second Amendment. The Second Amendment is not  
3370 without requirements. The Constitution did not prohibit the  
3371 requirements or the structuring of an infrastructure around  
3372 the Second Amendment, particularly for civilians.

3373           And I think it is tragic to think that we have, just  
3374 as an example, soldiers on the front line in Iraq and  
3375 Afghanistan where weapons are of absolute necessity, and one  
3376 of their loved ones are shot dead by a gun-carrying  
3377 concealed weapon permitting individual that we were not able  
3378 to restrain because law enforcement officers couldn't check  
3379 the validity or nonvalidity of such a permit and possibly  
3380 ask them to move on.

3381           Mr. Goodlatte. The time of the gentlewoman has  
3382 expired.

3383           Ms. Jackson Lee. I ask my colleagues to consider this  
3384 amendment as a reasonable addition to this legislation,  
3385 insist on databases that our law enforcement officers can  
3386 access.

3387           Mr. Goodlatte. The time of the gentlewoman has

3388 expired.

3389           The gentleman from Arizona is recognized for 5  
3390 minutes.

3391           Mr. Franks. Mr. Chairman, I would just respectfully  
3392 oppose the amendment. Law enforcement agencies can use  
3393 other resources to check the validity of permits. We have  
3394 the NLETS, formerly the National Law Enforcement Teletype  
3395 System, that enables Federal, State, and local law  
3396 enforcement agencies to communicate directly with one  
3397 another and even to query one another's databases.

3398           And I think that database system will only develop  
3399 further as time goes along. And I think we are just kind of  
3400 jumping the gun here a little bit, to put it in a cliché or  
3401 a pun. And I am hoping that my colleagues will vote no on  
3402 the amendment.

3403           I mean, very simply, it is rare for devoted criminals  
3404 really seek out a concealed carry permit. They usually just  
3405 don't bother. So, with that, I yield back.

3406           Mr. Goodlatte. The question is on the amendment.

3407           Mr. Johnson. Mr. Chairman?

3408           Mr. Goodlatte. The gentleman from Georgia is

3409 recognized.

3410 Mr. Johnson. Thank you, Mr. Chairman.

3411 Mr. Goodlatte. Five minutes.

3412 Mr. Johnson. I find it incredible that we can  
3413 institute a remedy for a problem that does not exist. The  
3414 problem being compliance with State law regarding concealed  
3415 weapons. I haven't heard anybody clamoring for a solution  
3416 to a problem. There is no problem.

3417 This is just special interest legislation to appease  
3418 supporters of my friends on the other side. It is nonsense  
3419 to put the requirement in before you can even access the  
3420 data to determine whether or not someone is eligible to  
3421 carry a weapon, for a State official to be able to determine  
3422 that.

3423 No uniform requirement as far as database maintenance,  
3424 management, nothing requires a State to adhere to certain  
3425 standards that would be suitable for a nationwide carry  
3426 concealed permit. We don't even know what the current state  
3427 of State laws are.

3428 We have had an amendment from one of my brothers on  
3429 the other side of the aisle to try to get some information

3430 on how the other -- on the laws throughout the 50 States.  
3431 That would not impede this legislation from going into  
3432 effect.

3433         It just seems like there is a rush -- it is almost  
3434 like there is a rush to get this thing done. There is such  
3435 a great need to address this. And there really is no outcry  
3436 from anyone other than my friends at the NRA. There is  
3437 nobody pushing this except for them.

3438         The police are not in favor. Law enforcement is not  
3439 in favor. But yet people on this committee who are law  
3440 enforcement themselves will vote against their profession on  
3441 this. You have to wonder. You have to ask yourself why.  
3442 What is it that is so important about this that this trumps  
3443 States' rights? It trumps jobs. It trumps common sense.

3444         We hope that criminals would not try to get a permit,  
3445 but yet we can't prevent them from doing so because we don't  
3446 know what the laws are. But you still should have a Federal  
3447 right to carry a concealed weapon across State line. This  
3448 is just crazy what we are doing, and all the while, people  
3449 are in need of jobs in this economy.

3450         I want to yield to my sister from Texas.

3451 Ms. Jackson Lee. You highlighted it. I see the  
3452 gentleman from -- I am not sure if the gentleman from  
3453 Virginia, but I was noting a particular point from Virginia.  
3454 I am going to allow the gentleman to utilize it if he is  
3455 going to utilize it.

3456 So let me just indicate a point that I think is  
3457 crucial. And that point that is crucial, Mr. Johnson, that  
3458 you made and I have made, law enforcement are absolutely  
3459 continuously raising the concern about the exposure and  
3460 expansion of concealed permits, conceal-to-carry permits.

3461 And just a note. I am so -- the refrain that we hear  
3462 all the time is that guns don't kill. The problem of gun  
3463 violence is not that we need -- it is people that kill. But  
3464 gun violence does exist, and it does not in any way diminish  
3465 by putting more guns on the street. Sixty-five million  
3466 handguns in the United States, and in 1 year an average of  
3467 almost 100,000 people are shot or killed.

3468 Our good friends seem to suggest that with the  
3469 conceal-to-carry bill, carry-to-conceal, whatever it is,  
3470 that somebody will be out there with the John Wayne style  
3471 and shoot down all the bad guys.

3472 But let me just say this point. It is not always the  
3473 bad guys. It is the guys that blow up. It is the good  
3474 Samaritans that this other gentleman who was described in  
3475 California, that he was a nice neighbor, that he had done  
3476 this and that. He blew up. He killed eight people. That  
3477 is the problem --

3478 Chairman Smith. [Presiding] The gentlewoman's time  
3479 has expired.

3480 Ms. Jackson Lee. -- with expanding gun usage. I  
3481 yield back.

3482 Chairman Smith. The gentlewoman yields back. The  
3483 question is on the amendment.

3484 The gentleman from Virginia, Mr. Scott, is recognized.

3485 Mr. Scott. Thank you, Mr. Chairman.

3486 Move to strike the last word.

3487 Chairman Smith. The gentleman is recognized for 5  
3488 minutes.

3489 Mr. Scott. Mr. Chairman, this amendment is important  
3490 because the reciprocity really depends on the ability to  
3491 verify the information that is presented to you. Virginia  
3492 has reciprocity with many States, but it is conditioned on a

3493 capability of 24 hour a day, 7 days a week verification.

3494           In a letter from our Department of State Police to the  
3495 Virginia Center for Public Safety, State police writes,  
3496 "This will respond to your request for information  
3497 concerning concealed handgun permit reciprocity with other  
3498 States. One of the reasons that reciprocity may not be  
3499 established is based on the lack of verification capability  
3500 24 hours, 7 days a week, by the other State. This is the  
3501 case with Alabama, Colorado, Georgia, Idaho, Indiana, Iowa,  
3502 and New Hampshire."

3503           It is noted that Idaho and Indiana honor Virginia  
3504 permits, but recognition is not mutual due to Virginia's  
3505 verification requirement. A listing of States in which  
3506 Virginia has established permit reciprocity recognition is  
3507 available on their Web site. "While our agency participates  
3508 in this process, the ultimate establishment of concealed  
3509 handgun permit reciprocity is determined by the Virginia  
3510 attorney general's office."

3511           But the point they are making is if they are presented  
3512 with what looks like a concealed weapons permit, it would be  
3513 nice if they could verify it. And without the verification,

3514 Virginia does not allow the reciprocity. That is why this  
3515 amendment is so important. And I think Virginia is well  
3516 within its rights to require some kind of verification if  
3517 somebody is going to be carrying a handgun, and if that is  
3518 the way Virginia wants to operate, they ought to be able to.  
3519 And this amendment would make that possible.

3520 So, Mr. Chairman, I hope this amendment is adopted,  
3521 and I yield back.

3522 Chairman Smith. Thank you, Mr. Scott.

3523 The question is on the amendment. All in favor, say  
3524 aye.

3525 [A chorus of ayes.]

3526 Chairman Smith. Opposed, no.

3527 [A chorus of nays.]

3528 Chairman Smith. Nays have it, and the amendment is  
3529 not agreed to. Roll call has been requested.

3530 Ms. Kish. Mr. Smith?

3531 Chairman Smith. No.

3532 Ms. Kish. Mr. Smith votes no.

3533 Mr. Sensenbrenner?

3534 Mr. Sensenbrenner. No.

3535 Ms. Kish. Mr. Sensenbrenner votes no.  
3536 Mr. Coble?  
3537 [No response.]  
3538 Ms. Kish. Mr. Gallegly?  
3539 [No response.]  
3540 Ms. Kish. Mr. Goodlatte?  
3541 Mr. Goodlatte. No.  
3542 Ms. Kish. Mr. Goodlatte votes no.  
3543 Mr. Lungren?  
3544 [No response.]  
3545 Ms. Kish. Mr. Chabot?  
3546 [No response.]  
3547 Ms. Kish. Mr. Issa?  
3548 [No response.]  
3549 Ms. Kish. Mr. Pence?  
3550 [No response.]  
3551 Ms. Kish. Mr. Forbes?  
3552 Mr. Forbes. No.  
3553 Ms. Kish. Mr. Forbes votes no.  
3554 Mr. King?  
3555 Mr. King. No.

3556 Ms. Kish. Mr. King votes no.  
3557 Mr. Franks?  
3558 Mr. Franks. No.  
3559 Ms. Kish. Mr. Franks votes no.  
3560 Mr. Gohmert?  
3561 [No response.]  
3562 Ms. Kish. Mr. Jordan?  
3563 [No response.]  
3564 Ms. Kish. Mr. Poe?  
3565 [No response.]  
3566 Ms. Kish. Mr. Chaffetz?  
3567 Mr. Chaffetz. No.  
3568 Ms. Kish. Mr. Chaffetz votes no.  
3569 Mr. Griffin?  
3570 Mr. Griffin. No.  
3571 Ms. Kish. Mr. Griffin votes no.  
3572 Mr. Marino?  
3573 Mr. Marino. No.  
3574 Ms. Kish. Mr. Marino votes no.  
3575 Mr. Gowdy?  
3576 [No response.]

3577 Ms. Kish. Mr. Ross?  
3578 [No response.]  
3579 Ms. Kish. Mrs. Adams?  
3580 Mrs. Adams. No.  
3581 Ms. Kish. Mrs. Adams votes no.  
3582 Mr. Quayle?  
3583 Mr. Quayle. No.  
3584 Ms. Kish. Mr. Quayle votes no.  
3585 Mr. Amodei?  
3586 [No response.]  
3587 Ms. Kish. Mr. Conyers?  
3588 [No response.]  
3589 Ms. Kish. Mr. Berman?  
3590 [No response.]  
3591 Ms. Kish. Mr. Nadler?  
3592 [No response.]  
3593 Ms. Kish. Mr. Scott?  
3594 Mr. Scott. Aye.  
3595 Ms. Kish. Mr. Scott votes aye.  
3596 Mr. Watt?  
3597 [No response.]

3598 Ms. Kish. Ms. Lofgren?  
3599 [No response.]  
3600 Ms. Kish. Ms. Jackson Lee?  
3601 Ms. Jackson Lee. Aye.  
3602 Ms. Kish. Ms. Jackson Lee votes aye.  
3603 Ms. Waters?  
3604 [No response.]  
3605 Ms. Kish. Mr. Cohen?  
3606 [No response.]  
3607 Ms. Kish. Mr. Johnson?  
3608 Mr. Johnson. Aye.  
3609 Ms. Kish. Mr. Johnson votes aye.  
3610 Mr. Pierluisi?  
3611 [No response.]  
3612 Ms. Kish. Mr. Quigley?  
3613 [No response.]  
3614 Ms. Kish. Ms. Chu?  
3615 [No response.]  
3616 Ms. Kish. Mr. Deutch?  
3617 [No response.]  
3618 Ms. Kish. Ms. Sanchez?

3619 [No response.]

3620 Chairman Smith. The gentleman from Pennsylvania, have  
3621 you voted? I am sorry, the gentleman from Ohio has voted?

3622 Mr. Chabot. No.

3623 Ms. Kish. Mr. Chabot?

3624 Mr. Chabot. No.

3625 Ms. Kish. Mr. Chabot votes no.

3626 Chairman Smith. The gentleman from Utah has voted.

3627 The gentleman from California, Mr. Issa?

3628 [Pause.]

3629 Chairman Smith. The clerk will report.

3630 Ms. Kish. Mr. Chairman, 3 Members voted aye; 12

3631 Members voted nay.

3632 Chairman Smith. A majority having voted against the  
3633 amendment, the amendment is not agreed to.

3634 Is there another amendment?

3635 Ms. Jackson Lee. Yes, I have a Jackson Lee amendment  
3636 at the desk, please.

3637 Chairman Smith. The clerk will report the amendment.

3638 Ms. Kish. Amendment to the amendment in the nature of

3639 a substitute to H.R. 822, offered by Ms. Jackson Lee. Page

3640 3, after line 2, insert the following.

3641 Chairman Smith. Without objection, the amendment will

3642 be considered as read.

3643 [The information follows:]

3644

3645 Chairman Smith. The gentlewoman is recognized.

3646 Ms. Jackson Lee. Mr. Chairman, I would like to have  
3647 the amendment distributed, please. Thank you.

3648 Chairman Smith. The clerk will read the amendment.

3649 Ms. Kish. Amendment to the amendment in the nature of  
3650 a substitute to H.R. 822, offered by Ms. Jackson Lee. Page  
3651 3, after line 2, insert the following: "A person may not  
3652 under this section carry or possess a concealed handgun in a  
3653 State unless the person provided at least 24 hours' notice  
3654 to a law enforcement officer of the State of the intention  
3655 of the person to carry or possess a concealed handgun in the  
3656 State."

3657 Chairman Smith. The gentlewoman is recognized to  
3658 explain her amendment.

3659 Ms. Jackson Lee. I thank the gentleman and the  
3660 chairman.

3661 Again, I am concerned about our law enforcement  
3662 officers who every day are on the front lines of our  
3663 streets, attempting to do their job. This is a simple,  
3664 nonburdensome amendment that indicates that the person must  
3665 notify a law enforcement officer of the State of the

3666 intention of the person to carry or possess a concealed  
3667 weapon into the State. It gives broad discretion and the  
3668 ability to be able to do so, based upon the many options  
3669 that the individual would have.

3670 Let me just indicate, since we don't want to talk  
3671 about these numbers, what gun violence does to children.  
3672 Approximately 9 children and teens die every day from  
3673 gunfire, 1 every 2 hours and 45 minutes. In 2006, more  
3674 preschool children, 63, were killed by firearms than law  
3675 enforcement officers, 48, in the line of duty. Almost 300  
3676 African-American youth age 15 to 24 are injured by gunfire  
3677 each week. I don't think this particular provision would  
3678 have helped them thwart off that gunfire.

3679 In 2006, 369 children and young people ages 0 to 25 in  
3680 Illinois were killed by guns. From 1999 to 2006, 3,369  
3681 children and young people have been killed by guns in  
3682 Illinois. 2008 to 2009, at least 36 Chicago public school  
3683 students were killed, most from gun violence.

3684 Now that is a particular State and a particular city,  
3685 but we have the incident issues of thousands of school  
3686 children come to school bringing firearms and have been

3687 expelled from school. They may have gotten them from  
3688 families who have those permits and have those guns.

3689         Seventy-seven percent of children and youth who  
3690 witness a school shooting and 35 percent of urban youth  
3691 exposed to community violence are likely to develop post  
3692 traumatic stress disorder.

3693         So the issues that are before us are not so much our  
3694 emphasis on making sure that we loosen and unleash the right  
3695 to carry guns by adults, but the impact of carrying those  
3696 guns. The impact of violence, the impact on the children,  
3697 the impact on law enforcement trying their best to ensure  
3698 that we are safe.

3699         And I think a simple request to notify a law  
3700 enforcement entity of your intent to carry a gun is a simple  
3701 process of respect for the law enforcement community who is  
3702 out on the job every single day.

3703         Mr. Sensenbrenner. Will the gentlewoman yield? Will  
3704 the gentlewoman yield?

3705         Ms. Jackson Lee. It is also an acknowledgment. It is  
3706 also an -- I would be happy to yield in just a moment. It  
3707 is also an acknowledgment of this heinous number of what is

3708 happening to our children.

3709 I will yield to the gentleman.

3710 Mr. Sensenbrenner. Would the gentlewoman support a  
3711 law that provides a 24-hour notice to the parents of a minor  
3712 woman seeking an abortion?

3713 Ms. Jackson Lee. Let me indicate that what I have  
3714 asked -- and I thank the gentleman for the question. Many  
3715 States have laws like that, and I am sure that there are  
3716 probably in the State --

3717 Mr. Sensenbrenner. Well, would the gentlewoman -- I  
3718 am asking if you would support that?

3719 Ms. Jackson Lee. Well, let me indicate that you  
3720 already know my position on the question of choice, but I  
3721 would not thwart a State's determination if that was the  
3722 case. In this instance, I am talking about a law that we  
3723 are speaking of right now that deals with asking those who  
3724 go into States with concealed weapons to be able to notify  
3725 law enforcement officers.

3726 I appreciate the gentleman's metaphor and "got you"  
3727 question, and I love the give-and-take between myself and  
3728 the gentleman. But obviously, I believe we are talking

3729 about Federal legislation, and I believe it is appropriate  
3730 to put on the record the death impact of guns and to put on  
3731 the record that those in the line of fire are not only our  
3732 law enforcement officers, Mr. Chairman, but they are our  
3733 EMS. They are our firefighters and others who go into areas  
3734 where these kinds of weapons are unknown as to whether they  
3735 exist.

3736       So I am asking that my colleagues recognize that gun  
3737 violence comes from the use of guns by individuals, some of  
3738 whom may be the nicest of persons who ultimately explode. I  
3739 don't know if someone coming into a State that has that  
3740 permit has a stressful situation, carries a gun, and winds  
3741 up impacting that State. And no law enforcement entity  
3742 knows that they are even there.

3743       They are just coming in, visiting. They are at a  
3744 restaurant, the IHOP, the Denny's. And there they are,  
3745 taking advantage because nobody else is able to prevent that  
3746 violence.

3747       So I am asking my colleagues to support the amendment.  
3748 It is an amendment that simply requires you to notify law  
3749 enforcement at the time you enter a State with a concealed

3750 weapon permit.

3751 And I yield back.

3752 Chairman Smith. Thank you, Ms. Jackson Lee.

3753 The gentleman from Arizona, Mr. Franks, is recognized.

3754 Mr. Franks. Well, thank you, Mr. Chairman.

3755 Mr. Chairman, this may be one of the more unworkable  
3756 amendments offered here today. A law enforcement officer,  
3757 of course, is a pretty broad thing to put in it because you  
3758 don't know if you are talking about the sheriff's department  
3759 or the FBI, police officer, a mall security officer. I  
3760 mean, there is just a lot of possibilities here, and I am  
3761 not sure what the officer would do with the information at  
3762 that point.

3763 And what I am seeing here is just a pattern, and I  
3764 guess this is the best time to address it. In all due  
3765 respect to my friends on the left, it is astonishing how  
3766 much effort that they have put here in these amendments that  
3767 have as a fundamental end to try to prevent the underlying  
3768 legislation from succeeding.

3769 And certainly, it is their right to put sincere  
3770 amendments forward. But as we have gone through this today,

3771 I think it is important for us to state the obvious, and  
3772 that is the reason those of us on this side support the  
3773 Second Amendment so much is because we truly believe that it  
3774 is one of the ways and one of the main ways that many people  
3775 have of protecting themselves.

3776 It is an effort to try to help people defend  
3777 themselves and their innocent loved ones. That is the  
3778 motivation, and that is why we feel so strongly about it.  
3779 That is why we say "no, no, no" to some of these amendments.

3780 Now I have heard it talked a lot on the left here  
3781 today that we need to consider States' rights. Ms. Jackson  
3782 Lee talks about the dangers of guns killing around nine  
3783 children a day, and there is nothing more horrifying or  
3784 tragic to any of us than seeing children die in that young  
3785 part of their life.

3786 But yet, all of a sudden, States' rights evaporate  
3787 when we see something like Roe v. Wade that is by seven  
3788 justices that has never gone through any State or any court,  
3789 and it is imposed on all States, and of course, the left  
3790 holds that sacrosanct. But it is not 9 lives that are lost  
3791 every day, it is 4,000 lives that are lost every day.

3792           You will read in the record, if you look for it, Mr.  
3793 Johnson's earlier comment saying children need our  
3794 protection. I think he is right. And I am sorry that he  
3795 doesn't seem to apply that to all children.

3796           But the bottom line here, Mr. Chairman, is the reason  
3797 that we need people's ability to protect themselves is  
3798 oftentimes officers just don't get there in time. They  
3799 don't get there in time to protect anybody. They do their  
3800 best, but they don't get there. And we need to empower  
3801 parents and people to be able to protect themselves if we  
3802 really care about being able to protect the innocent in the  
3803 ultimate sense.

3804           And someone said that some people measure government  
3805 by how many people it helps. But I would suggest to you  
3806 that government success should be truly measured by how many  
3807 people no longer need its help. And when we are empowering  
3808 people to be able to defend themselves, as the Second  
3809 Amendment does, we are not only being good stewards of our  
3810 Constitution and of government, we are helping to protect  
3811 innocent lives in the long run.

3812           And that is the motivation, and I didn't mean to talk

3813 so long. And I yield back.

3814 Chairman Smith. Thank you, Mr. Franks.

3815 The gentleman from Georgia is recognized.

3816 Mr. Johnson. Mr. Chairman, we have veered off subject  
3817 now into the debate on abortion. Reasonable people differ  
3818 on that issue. Some States have taken the license to impose  
3819 various requirements restricting and hampering a woman's  
3820 right to receive an abortion, and some have gone so far as  
3821 to actually impose a requirement that minors get permission  
3822 from their parents before they can have an abortion.

3823 Other States have imposed what I am sure my friends on  
3824 the other side of the aisle would consider to be reasonable  
3825 restraints. You have got to be advised of the impact of an  
3826 abortion on the unborn fetus. You have got to be told about  
3827 various options that may exist. There may be a waiting  
3828 period.

3829 And so, these are State regulations that I am sure  
3830 that my friends on the other side would support. But yet,  
3831 when it comes to something like the Second Amendment, they  
3832 want to override all State regulation and impose a Federal  
3833 one-size-fits-all approach. There has been no explanation

3834 of why we would do that in the setting of a Second Amendment  
3835 but would not do so in the case of something so private as  
3836 abortion rights.

3837         And so, we are talking out of both sides of our  
3838 mouths, talking out of the side of our necks on this one.  
3839 And again, here we are, talking about abortion and gun  
3840 rights, but not talking about producing any jobs. That is  
3841 what the American people, I thought, made the change in 2010  
3842 for is because they expected that the Nation would get off  
3843 the issue of healthcare for everyone and get on the issue of  
3844 jobs.

3845         But the only thing we have done is a few reduce and  
3846 eliminate regulations, a few abortion bills, some gay  
3847 marriage, homosexuality stuff, some immigration stuff.  
3848 Nothing on jobs. In fact, the President's jobs bill has  
3849 been declared dead on arrival. We won't even talk about it  
3850 in committee.

3851         But yet the committees are fervently at work trying to  
3852 prevent women from getting abortions, trying to prevent  
3853 implementation of "don't ask" or abolition of "don't ask,  
3854 don't tell." It is just really mind boggling. We have been

3855 in this hearing now for --

3856 Ms. Jackson Lee. Would the gentleman yield?

3857 Mr. Johnson. -- it has been about 6 hours, and we are  
3858 still going at it. This amendment will appease the law  
3859 enforcement community, which is adamantly opposed to the  
3860 underlying legislation. This will at least give them 24  
3861 hours to determine whether or not the person seeking to come  
3862 into that State is, in fact, someone who should have a  
3863 pistol.

3864 And I will yield.

3865 Ms. Jackson Lee. Since we are in a philosophical  
3866 discussion, the gentleman is very right. We generally have  
3867 not produced legislation to create jobs. But I do want to  
3868 refer my colleagues to H.R. 822 and the findings in the  
3869 bill, and there is that first opening sentence that the  
3870 Second Amendment to the Constitution of the United States  
3871 protects the fundamental right of an individual to keep and  
3872 bear arms, including for the purposes of individual self-  
3873 defense.

3874 Now those of us --

3875 Mr. Goodlatte. [Presiding] The time of the

3876 gentlewoman has expired.

3877           Ms. Jackson Lee. -- who have a general perspective  
3878 believe that --

3879           Mr. Goodlatte. The gentlewoman from Florida is  
3880 recognized. For what purpose does the gentlewoman seek  
3881 recognition?

3882           Mrs. Adams. Strike the last word.

3883           Mr. Goodlatte. The gentlewoman is recognized for 5  
3884 minutes.

3885           Mrs. Adams. Thank you, Mr. Chairman.

3886           And as someone who actually is and was a law  
3887 enforcement officer, I think I can talk to this, especially  
3888 this amendment. I am trying to figure it out. If I were  
3889 called by someone, say, from another State and that would  
3890 then make this requirement taken care of.

3891           But it doesn't say who in the State you would call,  
3892 what law enforcement agency, what person within that agency,  
3893 and what would that person do with that information once  
3894 they receive that information. So it is very, very broad,  
3895 and I don't believe it is possible to have happen.

3896           Now the other thing is, as someone who has worked the

3897 streets, who has arrived on the scenes of these shootings,  
3898 who has been -- who has looked down the barrel of a rifle,  
3899 most, if not all, of those people didn't have a concealed  
3900 weapons permit. They may have not gotten their weapons even  
3901 legally, for the most part.

3902         And if I stop someone and they were to show me a  
3903 concealed weapons permit, I would think that was awful nice  
3904 of them because they were just now telling me that they may  
3905 or may not be armed. For the most part, if a bad guy has  
3906 got a weapon in the vehicle with him or on his body, his or  
3907 her body, they are not going to tell me. They are going to  
3908 wait to see if I find it, and if not, maybe, maybe not use  
3909 it.

3910         So these are the things that I have encountered on the  
3911 streets, and I worked the streets for over 17 years. I  
3912 understand how things operate on the streets.

3913         I also know that some of my best backup was EMS. But  
3914 we weren't really encountering the people with the concealed  
3915 weapons permits that had their background checks done. We  
3916 were encountering people that probably weren't allowed to  
3917 purchase a weapon, therefore shouldn't have had the weapon,

3918 and yet there were some bad things that happened.

3919           So when I listen to this argument, it is amazing to me  
3920 that none of these law enforcement agencies have reached out  
3921 to me, the one person on this committee that is a law  
3922 enforcement agency -- or person who has been in law  
3923 enforcement, who actually has a husband on the wall in  
3924 Judiciary Square.

3925           So when I listen to these arguments, I want us to be  
3926 very clear that there is a difference between purchasing a  
3927 firearm and having a concealed weapons permit, which I have  
3928 one of those, because when I got elected in the Florida  
3929 House, I had to retire my sworn status. So I chose not only  
3930 to have my retired sworn status, but to get a concealed  
3931 weapons permit because I wanted to be within the law at all  
3932 times.

3933           Ms. Jackson Lee. Will the gentlelady yield?

3934           Mrs. Adams. I will yield.

3935           Ms. Jackson Lee. First of all, let me thank you for  
3936 your service and offer my deepest respect for your husband.

3937           I am making a different point. My point is this. You  
3938 are right. You face the bad guys, and the way I would

3939 analyze this particular provision is that the individual  
3940 would contact the law enforcement of the jurisdiction. They  
3941 could be going into a big city like New York. They could  
3942 come into a city like Houston. They can come into  
3943 Jacksonville, Florida.

3944       They would notify the existing law enforcement. I  
3945 know there are layers, but they would notify the law  
3946 enforcement. Obviously, there is a database, and enter a  
3947 concealed weapon permit number so-and-so from Texas is in  
3948 the vicinity.

3949       The second thing is what we are speaking of, and you  
3950 are right, that is why we have a number of amendments about  
3951 enhancing the database. But what we are speaking of are the  
3952 individuals who are the nice guys with concealed weapons  
3953 who, for some reason or other, turn into bad guys. It  
3954 happens.

3955       It may not happen every day, but it happens. And you  
3956 probably in some incident may confront them as well. To  
3957 have the knowledge of whether they are moving around in the  
3958 territory, maybe innocently doing nothing, is something that  
3959 I think is a reasonable approach.

3960           We are going to keep working on this, and maybe it is  
3961 the attorney general should devise the guidelines because  
3962 this is a Federal bill, Federal legislation. But we are  
3963 going to keep working on it.

3964           I would only say to you that the Second Amendment can  
3965 have restraints --

3966           Mrs. Adams. Reclaiming my time.

3967           Ms. Jackson Lee. I yield back.

3968           Mrs. Adams. I understand that. But the way this is  
3969 written, it is not what you have just described. And I  
3970 would just respectfully disagree with giving someone 24  
3971 hours to let them know that you are coming to the State  
3972 because you say, well, where they are going.

3973           As soon as they cross that line, then they are going  
3974 to go somewhere within that State. So do they have to  
3975 notify every county in which they are going to drive  
3976 through? These are the things that really, as a law  
3977 enforcement officer, when I look at this, I try to figure  
3978 out how in the world we would enforce it.

3979           So, with that in mind, I am opposing this amendment.

3980           Mr. Goodlatte. The time of the gentlewoman has

3981 expired.

3982           And the question is on the amendment offered by the  
3983 gentlewoman from Texas to the amendment in the nature of a  
3984 substitute. All those in favor, say aye.

3985           [A chorus of ayes.]

3986           Mr. Goodlatte. Opposed, no.

3987           [A chorus of nays.]

3988           Mr. Goodlatte. In the opinion of the chair, the nays  
3989 have it, and the amendment to the amendment is not agreed  
3990 to.

3991           The question is on the Franks substitute. Those in  
3992 favor say aye.

3993           [A chorus of ayes.]

3994           Mr. Goodlatte. Opposed, no.

3995           [A chorus of nays.]

3996           Mr. Goodlatte. In the opinion of the chair, the ayes  
3997 have it, and the amendment in the nature of a substitute is  
3998 agreed to.

3999           Are there further amendments?

4000           [No response.]

4001           Mr. Goodlatte. The committee will now stand

4002 adjourned.

4003 [Whereupon, at 3:35 p.m., the committee was

4004 adjourned.]