

1 NATIONAL CAPITOL CONTRACTING  
2 RPTS AVERETT  
3 HJU333000

4 MARKUP OF H.R. 38; H.R. 4477;  
5 AND H.R. 2666  
6 Wednesday, November 29, 2017  
7 House of Representatives,  
8 Committee on the Judiciary,  
9 Washington, D.C.

10 The committee met, pursuant to call, at 10:00 a.m., in  
11 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte  
12 [chairman of the committee] presiding.

13 Present: Representatives Goodlatte, Sensenbrenner,  
14 Smith, Chabot, Issa, King, Franks, Gohmert, Jordan, Poe,  
15 Marino, Gowdy, Labrador, Collins, DeSantis, Buck, Ratcliffe,  
16 Roby, Gaetz, Johnson of Louisiana, Biggs, Rutherford,  
17 Handel, Nadler, Lofgren, Jackson Lee, Cohen, Johnson of  
18 Georgia, Deutch, Bass, Jeffries, Cicilline, Swalwell, Lieu,  
19 Raskin, and Schneider.

20 Staff Present: Shelly Husband, Staff Director; Branden

21 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian  
22 and General Counsel; Jason Cervenak, Counsel, Subcommittee  
23 on Crime, Terrorism, Homeland Security, and Investigations;  
24 Meg Barr, Counsel, Subcommittee on Crime Terrorism, Homeland  
25 Security, and Investigations, Alley Adcock, Clerk; Joe  
26 Graupensperger, Minority Counsel; David Greengrass, Minority  
27 Counsel; Monalisa Dugue, Minority Deputy Chief Counsel;  
28 Matthew Morgan, Minority Counsel; Danielle Brown, Minority  
29 Legislative Counsel; Perry Apelbaum, Minority Chief Counsel  
30 and Staff Director; Rachel Calanni, Minority Professional  
31 Staff Member; and Keenan Keller, Minority Staff.

32 Chairman Goodlatte. The Judiciary Committee will come  
33 to order, and without objection, the chair is authorized to  
34 declare a recess at any time. Pursuant to notice, I now  
35 call up H.R. 38 for purposes of markup and move that the  
36 committee report the bill favorably to the House. The clerk  
37 will report the bill.

38 Ms. Adcock. H.R. 38, to amend Title XVIII United  
39 States Code to provide a means by which nonresidents of a  
40 State whose residents may carry concealed firearms may also  
41 do so in the State.

42 [The bill follows:]

43 \*\*\*\*\* INSERT 1 \*\*\*\*\*

44 Chairman Goodlatte. Without objection, the bill is  
45 considered as read and open for amendment at any time. And  
46 I will begin by recognizing myself for an opening statement.

47 The Second Amendment to the Constitution of the United  
48 States reads, "A well-regulated militia being necessary to  
49 the security of a free State, the right of the people to  
50 keep and bear arms shall not be infringed." In *District of*  
51 *Columbia v. Heller*, the United States Supreme Court held  
52 that the Second Amendment protects an individual's right to  
53 possess a firearm unconnected with service in a militia, and  
54 to use that firearm for traditionally lawful purposes, such  
55 as self-defense.

56 Further, the Court concluded that the Second Amendment  
57 guarantees the individual right to possess and carry weapons  
58 in case of confrontation, and that central to this right is  
59 the inherent right of self-defense. Finally, in *McDonald v.*  
60 *City of Chicago*, the Supreme Court ruled that the right of  
61 an individual to keep and bear arms as protected under the  
62 Second Amendment is incorporated by the due process clause  
63 of the 14th Amendment against the States. H.R. 38, the  
64 Concealed Carry Reciprocity Act, would ensure these time-  
65 honored rights extend to all law-abiding Americans.

66 We know that citizens who carry a concealed handgun are  
67 not only better prepared to act in their own self-defense,  
68 but also in the defense of others. For instance, in 2015,

69 an Uber driver who possessed a concealed carry permit  
70 witnessed Everardo Custodio firing into a crowd of people.  
71 The driver pulled out a handgun and fired six shots at  
72 Custodio, hitting him several times, according to court  
73 records. Responding officers found Custodio lying on the  
74 ground, bleeding. No other injuries were reported. Without  
75 this citizen's quick thinking and actions, who knows how  
76 many could have fallen victim to this shooter?

77         Likewise, in 2014 at a Philadelphia-area hospital  
78 Richard Plotts shot and killed the psychiatric caseworker  
79 with whom he was meeting. He also shot and wounded his  
80 psychiatrist, Lee Silverman. Silverman, however, returned  
81 fire and incapacitated Plotts. Delaware County DA Jack  
82 Whelan stated that "if the doctor did not have a firearm,  
83 and the doctor did not utilize the firearm, he would be dead  
84 today, and I believe that other people in that facility  
85 would also be dead." Police Chief Donald Molineux echoed  
86 the DA by stating that he believed the doctor saved lives.  
87 Plotts had an additional 39 unspent rounds of ammunition  
88 when he was arrested.

89         It is not just anecdotal evidence that supports passing  
90 this important piece of legislation. A 2013 peer-reviewed  
91 study in Applied Economic Letters found that between 1980  
92 and 2009, States with more restrictive concealed carry laws  
93 had gun-related murders rates that were 10 percent higher.

94 A little over 3 years ago amidst an increase in crime,  
95 Detroit Chief of Police, Larry Craig, said, "Permitted  
96 concealed weapons are a deterrent, and good Americans with  
97 concealed permit licenses translates into crime reduction."  
98 Also, a 2013 survey of 15,000 current and retired police  
99 officers found that more than 90 percent of them support the  
100 concealed carry of guns by civilians.

101 H.R. 38 maintains the right of each State to determine  
102 permitting requirements, but allows citizens who meet the  
103 qualifications for concealed carry in their home States to  
104 carry in any State they may be traveling in as long as they  
105 follow the local concealed carry laws. Finally, I want  
106 people to remember that this bill will not arm criminals.

107 If someone is a criminal who is prohibited from  
108 purchasing or possessing a firearm, nothing in this bill  
109 would allow that person to purchase or possess a firearm,  
110 let alone carry one in a concealed fashion. That is  
111 currently illegal and will remain illegal under this bill.  
112 I strongly believe the way to combat gun violence is not to  
113 infringe the rights of law-abiding citizens, but to enforce  
114 the laws against criminals. This bill is about the simple  
115 proposition that law-abiding Americans should be able to  
116 exercise their right to self-defense, even when they cross  
117 out of their State's borders. That is their Constitutional  
118 right.

119 I commend Richard Hudson, Member of Congress from North  
120 Carolina, for introducing this vital legislation to protect  
121 our cherished constitutional rights and the lives of our  
122 fellow Americans. I urge my colleagues to support this  
123 bipartisan bill, and it is now my pleasure to recognize the  
124 Ranking Member of the Judiciary Committee, the gentleman  
125 from New York, Mr. Nadler, for his opening statement.

126 [The prepared statement of Chairman Goodlatte follows:]

127 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

128 Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman, I  
129 strongly oppose the Concealed Carry Reciprocity Act, and I  
130 am disappointed that this legislation is before us today.  
131 Before I begin, I want to acknowledge the many advocates we  
132 have in the audience who are demanding that Congress take  
133 action to address gun violence and who are outraged that the  
134 Republican solution is to flood our streets with more guns,  
135 we appreciate that you are watching us and watching this  
136 committee closely and holding us accountable.

137 The level of gun violence in our country is astounding  
138 and unacceptable. Our gun violence problem is much more  
139 than the periodic, but all too frequent, horrors of mass  
140 shootings. Every day in America, on average, 32 people are  
141 murdered with a firearm, and 164 people are shot in addition  
142 to those who died. We must summon the will in Congress to  
143 close loopholes and to address the weaknesses in our  
144 patchwork of gun laws. Instead, this bill takes us  
145 dangerously in the opposite direction. This bill would  
146 overrule restrictions on the concealed carrying of firearms  
147 that States have carefully crafted to make the practices  
148 safer based on the needs and circumstances in each State.

149 I will explain more fully the dangers this bill passes  
150 when we discuss the amendment in the nature of a substitute  
151 to be considered shortly, but suffice it to say now that  
152 public safety would suffer if we were to unwisely adopt this



153 legislation. I want to emphasize that this bill is not  
154 about protecting Second Amendment rights. The Supreme Court  
155 has interpreted the Second Amendment to be an individual  
156 right unconnected with service in a militia and has held  
157 that individuals may use firearms for traditionally lawful  
158 purposes.

159       However, even Justice Scalia in delivering the opinion  
160 of the court in the District of Columbia v. Heller in 2008  
161 recognized that the rights secured by the Second Amendment  
162 is not unlimited. In fact, in discussing lawful  
163 restrictions on firearms, he specifically recognized the  
164 tradition of courts in holding that, "Prohibitions on  
165 carrying concealed weapons were lawful under the Second  
166 Amendment or State analogs." This bill in overriding the  
167 ability of States to restrict concealed carry by nonstate  
168 residents runs counter to the traditional ability of States  
169 to enforce such restrictions in order to make their citizens  
170 safer while still respecting the Second Amendment. And it  
171 shakes the underpinnings of public firearms safety laws.

172       By discarding the concealed carry restrictions enacted  
173 by the majority of States, the bill will only endanger the  
174 citizens of the States whose laws will be overruled. While  
175 it is currently up to each State to determine whether it  
176 will allow concealed carry; and, if so, under what  
177 conditions, we know that expansive concealed carry

178 permitting laws are linked to an increase in violent crime.  
179 A 2017 study by researchers at Stanford University found  
180 that 10 years after enacting permissive concealed carry  
181 laws, States experienced a 13 to 15 percent increase in  
182 violent crimes.

183         This study shows that undermining strong State  
184 restrictions on concealed carry, as this bill would do,  
185 would jeopardize public safety in the States into which  
186 individuals carrying handguns under permissive laws will  
187 travel. This legislation is terrible public policy, and it  
188 caters to some of the worst themes of our current public  
189 discourse, particularly at a time when some national leaders  
190 are fomenting division in our communities.

191         Just 2 weeks ago the FBI disclosed that hate crimes are  
192 on the rise in our country, and recently this committee  
193 adopted a bill to strengthen our laws against violence  
194 intended to interfere with the free exercise of religion,  
195 largely to respond to recent bomb threats and vandalism  
196 against several Jewish community centers. This is not the  
197 time to encourage the interstate carrying of loaded  
198 concealed guns in violation of the restrictions many of our  
199 States have adopted specifically to reduce the likelihood of  
200 violence by those carrying concealed guns.

201         At our core, I know that our Nation is much better than  
202 this, and it is up to us in Congress to do much better than

203 this. That is why I urge my colleagues to reject this bill  
204 and to engage in a serious effort to strengthen our gun laws  
205 in a way that will actually make us safer. I yield back the  
206 balance of my time.

207 [The prepared statement of Mr. Nadler follows:]

208 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

209 Chairman Goodlatte. Thank you, Mr. Nadler. I now  
210 recognize myself for purposes of offering an amendment in  
211 the nature of a substitute, and the clerk will report the  
212 amendment.

213 Ms. Adcock. An amendment in the nature of a substitute  
214 to H.R. 38 offered by Mr. Goodlatte of Virginia. Strike all  
215 --

216 [The amendment of Chairman Goodlatte follows:]

217 \*\*\*\*\* INSERT 2 \*\*\*\*\*

218 Chairman Goodlatte. Without objection, the amendment  
219 will be considered as read. And I will recognize myself to  
220 explain the amendment. This amendment in the nature of a  
221 substitute makes two very important changes to H.R. 38, the  
222 Concealed Carry Reciprocity Act of 2017. First, it adds any  
223 land managed or administered by the United States Forest  
224 Service to the list of Federal areas in which a person may  
225 possess or carry a concealed handgun in the areas of a State  
226 that are open to the public.

227 Second, it would close a loophole by allowing off-duty  
228 law enforcement officers and qualified retired law  
229 enforcement officers to carry a concealed firearm onto  
230 school grounds. This affords our school children an extra  
231 layer of security to prevent possible tragedies. I urge my  
232 colleagues to support this amendment.

233 I first recognize the gentleman from New York, Mr.  
234 Nadler, for his remarks.

235 Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman, I  
236 oppose this amendment for the same reasons I opposed the  
237 underlying bill because it would not protect us from gun  
238 violence, but instead would make us far less safe. Under  
239 current law, each State makes its own determination about  
240 who may carry a concealed firearm in public, including  
241 deciding which other States' concealed carry permits to  
242 recognize. This amendment would eviscerate the core public

243 safety determinations that each State makes concerning the  
244 concealed carrying of guns in public based on the unique  
245 circumstances in each State and on the desires of its  
246 citizens.

247       In fact, the standards and requirements adopted in the  
248 States vary dramatically. Thirty-one States and the  
249 District of Columbia require gun safety training to carry  
250 concealed guns in public, and 21 of those States require  
251 live-fire training. Twenty-seven States and the District of  
252 Columbia prohibit individuals convicted of misdemeanor  
253 crimes of violence from concealed carry. Twenty-eight  
254 States and the District of Columbia prohibit convicted  
255 stalkers from carrying concealed weapons. Thirty-four  
256 States and the District of Columbia prohibit those under 21  
257 years of age from carrying concealed guns. Many States  
258 prohibit gun possession and concealed carry by abusive  
259 dating partners, exceeding Federal protections against  
260 abusive spouses.

261       All of these States would have their carefully  
262 considered laws governing concealed carry overridden by this  
263 amendment. The obvious solutions to the varying State laws  
264 is to continue to do what is currently done by many States,  
265 which is to choose which other State permits they will  
266 recognize. Some States, including my State of New York,  
267 have chosen not to recognize permits issued by any other

268 State. Most States, however, have chosen to recognize  
269 permits from at least some other States, basing the choice  
270 on the strength of the standards employed by the other  
271 States.

272 We should not disregard these determinations, which is  
273 what this amendment would do. Furthermore, while most  
274 States have laws restricting concealed carry to those who  
275 meet certain standards and training requirements, 12 States  
276 impose no requirements and allow concealed carry without  
277 permits. Under this amendment, all of the States that do  
278 have standards would have to allow concealed carry by  
279 individuals from the States that have no requirements and by  
280 individuals who have met no standards. That is dangerous  
281 and absurd.

282 In fact, when Missouri repealed its permit requirement,  
283 aggravated assaults with a firearm increased over 22 percent  
284 in St. Louis. While it is up to Missouri to decide whether  
285 it will require a permit and related standards for concealed  
286 carry within its borders, other States should not be forced  
287 to accept concealed carry in their States by individuals  
288 from Missouri's permitless system for those States may  
289 suffer the same harm to public safety.

290 To make matters worse, it appears that this amendment  
291 would allow someone who resides in a State that has strict  
292 requirements to obtain a permit from another State that has

293 little or no requirements. The person could then carry a  
294 concealed gun in their own State using the out of State  
295 permit, thereby subverting their own State laws.

296       Aside from these threats to public safety, this bill  
297 also jeopardizes police officer safety, as more concealed  
298 handguns will flood the streets. In addition, the bill puts  
299 law enforcement in legal jeopardy merely for doing their  
300 job. It would be difficult for police officers encountering  
301 someone with a concealed weapon to know if an out-of-State  
302 permit is valid, but this amendment allows officers to be  
303 sued if they attempt to verify the validity of an out-of-  
304 State permit.

305       These are the central flaws of the bill, although there  
306 are others such as changing current law to allow individuals  
307 who have not been screened by law enforcement to carry  
308 concealed guns in gun-free school zones. And the bill would  
309 also in effect allow concealed carrying of handguns equipped  
310 with high-capacity magazines even if such magazines are  
311 illegal under the laws of the State into which the carrier  
312 is traveling.

313       These are the reasons that law enforcement  
314 organizations such as the Fraternal Order of Police, the  
315 International Association of Chiefs of Police, and the  
316 Police Foundation and the major cities' Chiefs Associations  
317 have denounced concealed carry reciprocity, which is the



318 heart of this bill. Anyone whose goal is to protect our  
319 citizens from gun violence should oppose this amendment and  
320 this bill. I ask that my colleagues join me in doing so,  
321 and I yield back the balance of my time.

322 Chairman Goodlatte. Are there any amendments to the  
323 amendment in the nature of a substitute? For what purpose  
324 does the gentleman from Florida seek recognition?

325 Mr. Rutherford. Mr. Chairman, I would like to offer an  
326 amendment at the table.

327 Chairman Goodlatte. The clerk will report the  
328 amendment.

329 Ms. Adcock. An amendment to the amendment in the  
330 nature of a substitute to H.R. 38 offered by Mr. Rutherford.  
331 Page 5 after --

332 [The amendment of Mr. Rutherford follows:]

333 \*\*\*\*\* INSERT 3 \*\*\*\*\*

334 Chairman Goodlatte. Without objection, the amendment  
335 is considered as read, and the gentleman is recognized for 5  
336 minutes on his amendment.

337 Mr. Rutherford. Thank you, Mr. Chairman. Mr.  
338 Chairman, it is always important for law enforcement when  
339 conducting their official duties to be able to use all of  
340 their knowledge, skills, and abilities to conduct brief  
341 investigative stops to further determine whether a violation  
342 of law may have been committed. And the reasonable  
343 suspicion standard is one that is often used by law  
344 enforcement, and this is simply an affirmative statement in  
345 the bill so that there is no chilling effect on the law  
346 enforcement officer's desire based on his knowledge, skills,  
347 and abilities to further conduct a brief investigation in  
348 accordance with the Constitution.

349 Chairman Goodlatte. The chair thanks the gentleman. A  
350 question occurs on the amendment offered by the -- for what  
351 purpose does the gentleman from New York seek recognition?

352 Mr. Nadler. I move to strike the last word.

353 Chairman Goodlatte. The gentleman is recognized for 5  
354 minutes.

355 Mr. Nadler. Mr. Chairman, in my statement on the  
356 substitute amendment a moment ago, I pointed out that the  
357 bill would enable a police officer to be sued for seeking to  
358 verify a permit from another State. This amendment is a fig

359 leaf trying to undo that problem. It goes in the right  
360 direction, which is why I will not oppose the amendment, but  
361 it does not solve the problem. And it is a fig leaf and  
362 does not change the unfortunate provision with respect to  
363 police officers of that provision nor the general  
364 obnoxiousness of the bill. I yield back.

365 Chairman Goodlatte. The question occurs on the  
366 amendment offered by the gentleman from Florida.

367 All those in favor, respond by saying aye.

368 Those opposed, no.

369 In the opinion of the chair, the ayes have it, and the  
370 amendment is adopted.

371 Are there further amendments? For what purpose does  
372 the gentleman from New York seek recognition?

373 Mr. Nadler. Mr. Chairman, I have an amendment at the  
374 desk.

375 Chairman Goodlatte. The clerk will report the  
376 amendment.

377 Ms. Adcock. Amendment to the amendment in the nature  
378 of a substitute to H.R. 38 offered by Mr. Nadler of New  
379 York. Page one, line 11 --

380 [The amendment of Mr. Nadler follows:]

381 \*\*\*\*\* INSERT 4 \*\*\*\*\*

382 Chairman Goodlatte. Without objection, the amendment  
383 is considered as read, and the gentleman is recognized for 5  
384 minutes on his amendment.

385 Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman,  
386 this amendment would prohibit offenders who have been  
387 convicted of a violent misdemeanor in the past 3 years from  
388 carrying a concealed weapon in a State where that conviction  
389 would otherwise disqualify them from carrying in public.  
390 Several States have made the deliberate determination to bar  
391 violent misdemeanor offenders from possessing guns at all,  
392 and a majority of States -- 30 plus the District of Columbia  
393 to be precise -- will not issue concealed carry permits to  
394 individuals convicted of various violent misdemeanor  
395 offenses. Depending on the State, this may include people  
396 convicted of sexual battery, aggravated assault, and  
397 strangulation.

398 Without my amendment, this legislation would gut these  
399 States' public safety decisions and would subvert the will  
400 of their citizens. It would allow violent offenders to seek  
401 permits from those States that will happily grant them and  
402 then to take those permits and legally carry guns in States  
403 that would otherwise bar them from doing so. Any permit  
404 from a State that does not bar a violent misdemeanant from  
405 carrying or mere residency in a permitless carry State that  
406 does the same would allow these offenders who have committed

407 violent misdemeanors to legally travel around the country  
408 with a hidden gun.

409         In fact, as written, this bill would even enable these  
410 offenders to circumvent their own home State's laws. If  
411 their conviction for assault, for inciting violence, or even  
412 for negligent homicide blocks them from getting a permit  
413 from local law enforcement, they can simply find another  
414 State that is willing to issue a permit, and then use that  
415 permit to carry back at home. This bill is not simply an  
416 affront to local decisionmaking and to State's rights, it is  
417 also a danger to public health and safety.

418         We know from research that a history of misdemeanor  
419 convictions predicts future criminal activity for gun  
420 purchasers. One study showed that buyers with at least one  
421 conviction were more than seven times more likely to be  
422 charged with a new crime compared to gun buyers who do not  
423 have that criminal history. In fact, if you look at men  
424 with at least two violent misdemeanor convictions, they are  
425 10 to 15 times more likely to be charged with gun crimes or  
426 violent crimes after that gun purchase. To those States  
427 that have made the reasonable decision not to allow  
428 individuals with such violent criminal history to carry a  
429 concealed weapon, this bill overrides that decision.

430         We should respect the public safety determinations of  
431 those States, and make sure that these violent offenders

432 cannot use this legislation to circumvent their laws. I  
433 urge adoption of this amendment, and I yield back the  
434 balance of my time.

435 Chairman Goodlatte. The chair recognizes himself in  
436 opposition to the amendment. Federal law currently  
437 prohibits someone convicted of a felony or certain  
438 misdemeanors from possessing or carrying a firearm. In the  
439 cases where these crimes are not State felonies, it is  
440 because either the facts of the case did not warrant such  
441 treatment or the State has decided across the board that the  
442 violations do not rise to the level of felony.

443 The Supreme Court has recently ruled that the right to  
444 bear arms is a fundamental right grounded in the right to  
445 self-defense. Congress should not limit fundamental  
446 constitutional rights with no time limit based on situations  
447 that do not rise to a sufficiently serious level.  
448 Therefore, I oppose the amendment.

449 For what purpose does the gentleman from Rhode Island  
450 seek recognition?

451 Mr. Cicilline. I move to strike the last word.

452 Chairman Goodlatte. The gentleman is recognized for 5  
453 minutes.

454 Mr. Cicilline. Thank you, Mr. Chairman. I strongly  
455 support Mr. Nadler's amendment. And if I follow the logic  
456 of the chairman's argument, it is that there is a Federal

457 law that prohibits possession of a firearm of a conviction  
458 of a felony. Mr. Nadler's amendment attempts to address  
459 another issue, that is violent misdemeanors that States may  
460 have already determined make someone dangerous and  
461 ineligible to possess a firearm. But that prohibition  
462 evaporates with this legislation. And so, Mr. Nadler's  
463 amendment attempts to restore it.

464 Let's remember this is a determination made at the  
465 State level that a conviction for a particular offense ought  
466 to warrant prohibition to carry a loaded, concealed weapon,  
467 and that determination made by the State legislature in that  
468 jurisdiction will be overridden because a carry concealed  
469 permit from another State will now allow that individual to  
470 have a firearm loaded in that jurisdiction. So, the  
471 amendment is incredibly important if we are actually  
472 intending to try to protect public safety and not override  
473 the determination made by State legislatures in terms of how  
474 to protect the public safety.

475 So, I thank Mr. Nadler for his amendment. I encourage  
476 my colleagues to support this, and I yield the balance of my  
477 time to the gentlelady from California.

478 Ms. Lofgren. I just wanted to thank Mr. Nadler for  
479 this amendment. It is an important one. My State of  
480 California has taken action to make sure that those who are  
481 under a restraining order for abusing a partner or convicted

482 of domestic abuse are ineligible for a concealed carry  
483 weapons permit. That we would think that we would override  
484 this -- I mean, this is a Congress that says we are for  
485 States' rights -- is appalling and dangerous. And I hope  
486 that all of us will support Mr. Nadler's amendment, and I  
487 would yield back to Mr. Cicilline. Thank you for yielding  
488 to me.

489 Mr. Raskin. Would the gentleman yield?

490 Mr. Cicilline. Yes, I am happy to yield to Mr. Raskin.

491 Mr. Raskin. Thank you, Mr. Cicilline. I also want to  
492 add my voice on behalf of the gentleman from New York's  
493 excellent amendment. I was quite baffled to see this  
494 legislation even being introduced, and I was waiting for a  
495 hearing to find out what was behind it. But there was no  
496 hearing. I assumed it must have been law enforcement that  
497 was asking for it, except now we learn that the Fraternal  
498 Order of Police is opposed to the legislation, the Chief of  
499 Police are opposed to the legislation, every law enforcement  
500 organization I have heard from is against it.

501 So, maybe is it because we are trying to comply with a  
502 ruling of the Supreme Court that the Second Amendment  
503 demands that those of us in States with more stringent  
504 standards have to accept concealed carry permit holders from  
505 other States? No, the Supreme Court has not said that, and  
506 yet we hear all kinds of rhetoric being thrown about around



507 the Second Amendment. So, Mr. Nadler's amendment is an  
508 absolute necessity here.

509 In my State, in Maryland, we do not give people  
510 concealed carry permits unless there is safety training  
511 first, live-fire experience required. We have the right to  
512 deny it to people we consider dangerous, no convicted  
513 stalkers, no crimes of violence at all -- felony or  
514 misdemeanor -- no abusive domestic relationship perpetrators  
515 are allowed, and no drunk drivers. And you want to wipe out  
516 our State law. You want to override our State laws to allow  
517 the lowest common denominator to govern in the State of  
518 Maryland. Now, that is an absolute violation of States'  
519 rights and federalism which is something that I have heard  
520 people on both sides of the aisle talk about.

521 So, Mr. Nadler's amendment simply says that people who  
522 have been convicted of a violent misdemeanor in the last 3  
523 years are exempt from this attempt to nationalize concealed  
524 carry law. If you support federalism, if you support  
525 States' rights, and you support the right of the people my  
526 State and every other State in the country to decide for  
527 themselves what public safety is, then you will have to vote  
528 for the Nadler amendment. And I want to thank the gentleman  
529 from Rhode Island for yielding, and I yield back.

530 Chairman Goodlatte. Would the gentleman from Rhode  
531 Island yield?

532 Mr. Cicilline. Certainly.

533 Chairman Goodlatte. I thank the gentleman for  
534 yielding. I just want to make it clear something that both  
535 the gentleman from New York and the gentleman from Maryland  
536 have now said is simply not correct and that is that the  
537 Fraternal Order of Police who, after hearing Mr. Nadler's  
538 statement, promptly emailed us to make it clear that they do  
539 not denounce concealed carry reciprocity. I just simply  
540 want to make that a part of the record.

541 Mr. Cohen. Mr. Chairman?

542 Chairman Goodlatte. Who seeks recognition? Mr.  
543 Cicilline still controls the time.

544 Mr. Cohen. Mr. Cicilline?

545 Mr. Cicilline. I yield.

546 Mr. Cohen. Thank you. I would like to enter for the  
547 record a letter from the Association of Prosecuting  
548 Attorneys who do oppose the bill, and I would like to  
549 introduce that for the record.

550 Chairman Goodlatte. Without objection, it will be made  
551 a part of the record.

552 [The information follows:]

553 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

554 Mr. Cohen. They oppose it for several reasons among  
555 which is it increases crime. It disregards State laws, and  
556 undermines State and municipal laws, increases the danger to  
557 officers involved in routine traffic stops, and makes it  
558 more difficult for prosecutors to evenly enforce criminal  
559 gun possession laws.

560 Chairman Goodlatte. The time of the gentleman from  
561 Rhode Island has expired.

562 Ms. Lofgren. Mr. Chairman?

563 Chairman Goodlatte. Who seeks recognition? For what  
564 purpose does the gentlewoman from California seek  
565 recognition?

566 Ms. Lofgren. To ask unanimous consent to put into the  
567 record a letter from the California State Sheriffs  
568 Association. The California State Sheriffs Association has  
569 written that they oppose H.R. 38, that it would disrupt the  
570 balance between State and Federal authority. And I think  
571 this letter from the Sheriffs Association speaks volumes  
572 about what law enforcement actually thinks on this bill, and  
573 I would ask you to unanimous --

574 Chairman Goodlatte. Without objection, it will be made  
575 a part of the record.

576 [The information follows:]

577 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

578 Ms. Jackson Lee. Mr. Chairman?

579 Chairman Goodlatte. For what purpose does the  
580 gentlewoman from Texas seek recognition?

581 Ms. Jackson Lee. I move to strike the last word.

582 Chairman Goodlatte. The gentlewoman is recognized for  
583 5 minutes.

584 Ms. Jackson Lee. Mr. Chairman, I rise to support the  
585 Nadler amendment. A legislative initiative like this should  
586 not juxtapose individuals who see real dangers with the men  
587 and women who are on the front lines of protecting this  
588 Nation. First of all, let me acknowledge Moms Demand Action  
589 who are our guests today who come from States all over the  
590 Nation, who I can assure you -- and men are here as well --  
591 have a refined and defined respect for law enforcement.

592 I see a mom whose son was killed in a gasoline station  
593 through no fault of his own. He was not involved in any  
594 criminal activity. He was simply riding in a car like our  
595 teenagers tend to do, and I want to thank her and others for  
596 their ongoing commitment. I will be offering amendments  
597 that deal with ensuring that law enforcement are able to do  
598 their job, because no one wants them not to do their job.  
599 But let me tell you the value of this legislation, this  
600 amendment, with Mr. Nadler.

601 First of all, we often say in this room this is already  
602 Federal law. We often say that when we want to counter

603 someone's amendment, we will always say, "You can go to 18,  
604 14, or U.S.C. and find such and such." There is nothing  
605 that undermines a statute when it is not comprehensive, when  
606 it is left to chance. If you are talking about opening the  
607 floodgates of guns going across State lines, under the  
608 pretext of the concealed weapon authority, in my State we  
609 have open carry. But if you have that, then you open the  
610 floodgates of unregulated anarchy and you jeopardize law  
611 enforcement officers of all kinds.

612         So, what Mr. Nadler is trying to do is to ensure that  
613 the bill is comprehensive, that it will, in fact, have -- in  
614 the language of the bill -- that if you have been convicted  
615 of a violent misdemeanor in the past 3 years from carrying a  
616 concealed weapon in a State where the conviction would  
617 otherwise disqualify them. Otherwise, law enforcement is in  
618 jeopardy. They are the ones out doing the stops.

619         And with that in mind, I do not think the law  
620 enforcement is going to pull out 14 U.S.C., 10 U.S.C., they  
621 know there is a bill that we passed that gives the  
622 reciprocity, maybe the person driving has it in their  
623 pocket. But if it is comprehensive, and you are just not  
624 denied under this particular bill, as we will be offering  
625 other restrictions, we are not only protecting the public  
626 but the law enforcements who see every day.

627         To my dismay, cops are killed. They do not go home to

628 their families. Those of us who believe in police-community  
629 relations and protecting young boys from being killed in  
630 whatever way it is, we are still adherents of the law. And  
631 we believe in our law enforcement, just as we fight for  
632 those families and others whose loved ones are killed in  
633 manners that are inappropriate and devastating. Let us be  
634 reminded of the predator in Las Vegas. Let us be reminded  
635 as we sit here today, those people are still in pain. You  
636 cannot go to one of those families that have lost someone or  
637 whose loved one is still laying in a hospital bed or  
638 disabled for life. Just imagine that individual having  
639 driven and being stopped.

640 Now, his example is not precise, because to my  
641 understanding he has not been convicted of anything. That  
642 is unfortunate because his behavior certainly seemed to have  
643 warranted being convicted of something with this massive  
644 number of guns that he had. But he massacred people. So,  
645 take, for example, if hypothetical, he had a misdemeanor and  
646 he was coming across with all manner of weapons, you mean  
647 the law enforcement would not have that authority under this  
648 bill? Please be reminded, I know that there may be all  
649 kinds of miscellaneous Federal laws, but what is in this  
650 bill?

651 So, I support the Nadler amendment as my good friend  
652 from Maryland has indicated. He is concerned that his State

653 may be vulnerable because as we know, some States have  
654 chosen to bar violent misdemeanor offenders from presenting  
655 the guns at all. Mr. Chairman, I will just offer to say let  
656 us make the bill comprehensive, and I would ask us to  
657 support the Nadler amendment. With that, I yield back. The  
658 pain is too deep. I yield back.

659 Chairman Goodlatte. The time of the gentlewoman has  
660 expired.

661 Mr. Deutch. Mr. Chairman?

662 Chairman Goodlatte. Who seeks recognition? The  
663 gentleman from Florida is recognized for 5 minutes.

664 Mr. Deutch. I move to strike the last word. Mr.  
665 Chairman, I just think that this is an opportunity to have a  
666 really honest and frank discussion. Like so many of us  
667 here, I have spent time with families who have lost loved  
668 ones in Newtown and in Orlando and people who have been  
669 victims of gun violence. And when the Newtown families come  
670 to talk to legislators, when they come to the Hill, when  
671 Orlando Pulse families come here, if you talk to families  
672 from Las Vegas who lost loved ones, and I presume in  
673 Sutherland Springs, we hear a lot of the same things.

674 What we hear from them is that we would really like  
675 Congress to actually do something that can help save lives,  
676 maybe close the terror watch list loophole, maybe require  
677 universal background checks, maybe outlaw devices that can

678 take a semiautomatic rifle and turn it into a fully-  
679 automatic killing machine, maybe ban high-capacity  
680 magazines.

681 They acknowledge that this committee and this House is  
682 not going to stop all gun violence, but they are right to  
683 ask whether we are interested in doing anything, taking even  
684 the most modest steps that can help prevent one mass  
685 shooting, one. And that is what we hear from those  
686 families.

687 And I think this is an important moment because what we  
688 do not hear, what no one has ever come into my office whose  
689 been affected by gun violence directly, personally, no one  
690 has ever come into my office and said, "You know what we  
691 need? We need Congress to step up right now and make sure  
692 that you can carry a concealed weapon in every State in this  
693 country. That is what we need you to do. We need you to do  
694 it quickly." No one.

695 So, my question is who is it? Who are my friends  
696 across the aisle meeting with? Who is coming to them? Who  
697 is coming to your office to say, "You know what? In the  
698 wake of mass shooting after mass shooting after mass  
699 shooting, it is about time that we require and permit and  
700 enable anyone to carry a concealed weapon in any State in  
701 this country."

702 I am not trying to be flippant about this. This is an



703 honest, serious question. I do not understand who it is who  
704 is coming to suggest to you that this is an appropriate way  
705 to save lives. We talk all the time about polls and closing  
706 the terror watch list. If you are too dangerous to get on a  
707 plane, well then, you probably should not be able to buy a  
708 gun. Well, it is popular. Well, it is popular because it  
709 seems fairly obvious to I think anyone who looks at it  
710 objectively. It seems pretty clear that anyone that buys a  
711 gun ought to get a background check.

712         And certainly, there was that moment we had after Las  
713 Vegas, that moment that split second when it looked like the  
714 gun lobby was going to support preventing, outlawing  
715 anything with bump stocks, anything that would allow a  
716 semiautomatic gun to be turned into a fully-automatic one,  
717 that moment passed. But all of these, in every instance,  
718 every one of these steps, small steps, baby steps, for all  
719 the people who are listening now rolling their eyes saying,  
720 "Oh, it is the guns. That guns do not cause these crimes.  
721 It is the people. And why are you wasting your time, and  
722 you cannot do anything about it."

723         There are so many small steps that we could take that  
724 might prevent just one shooting. That is what people come  
725 to talk to me about. I would welcome a full conversation  
726 about who it is who is coming into your office to tell you  
727 that the response to tragedy after tragedy after horrific

728 tragedy is to make it possible for anyone to carry a  
729 concealed gun in any State.

730 Chairman Goodlatte. Would the gentleman yield?

731 Mr. Deutch. I would be glad to.

732 Chairman Goodlatte. I would be happy to respond to the  
733 gentleman. I hear from thousands of my constituents who  
734 have concealed carry permits and cannot utilize them in  
735 other States. In the State of Florida that the gentleman  
736 represents, there are 1,784,395 concealed carry permit  
737 holders in the State of Florida, more than any other State  
738 in the country. So, those are the people who think that  
739 they will be safer and they can keep other people safer if  
740 they can use that reciprocity when they travel. That is the  
741 reason for this legislation.

742 Mr. Deutch. Reclaiming my time, Mr. Chairman. While  
743 we are having the discussion, and I have some amendments to  
744 this bill that point out the many ways why taking this  
745 approach is only going to make us less safe. But, again, I  
746 ask, and if the good people of Florida are coming to see you  
747 to talk about that, I --

748 Chairman Goodlatte. My constituents are coming to me,  
749 but I know there are many Members of the House who represent  
750 districts in Florida who are hearing from these and other  
751 people in Florida who support this legislation.

752 Mr. Deutch. And they are also hearing from people who

753 lost loved ones in Orlando, which is also in Florida. And  
754 those people do not understand why it is that this would be  
755 the first response, the only response that we have seen, the  
756 only legislative effort at all that we have taken up that  
757 addresses guns. Why it is that every time we take up any  
758 legislation affecting guns it is to expand the opportunity?

759 Chairman Goodlatte. Without objection, the gentleman  
760 is recognized for an additional minute.

761 Mr. Deutch. I appreciate that, Mr. Chairman. The  
762 question again that I have to keep asking is when there are  
763 steps that we can take, the steps that we hear about and,  
764 look, I know that there are people that want to expand  
765 concealed carry, and we are having a good discussion about  
766 why that does not make us safer. It makes us less safe, but  
767 I also know that there are lots of people that would like to  
768 have a full and open debate about all of the kinds of  
769 legislation that we think would make us safer, that might  
770 prevent one mass shooting.

771 And I implore the chairman even as this legislation is  
772 being debated today, that perhaps, at some point before the  
773 end of this session of Congress, we might actually have an  
774 opportunity to bring one of those bills up and have that  
775 discussion here and have a good discussion and debate it the  
776 way that Congress is supposed to debate important measures.  
777 And if it passes, it passes. And we will send it onto the

778 House floor. And if it does not, everyone will at least  
779 know where everyone stands on these issues. I think that we  
780 owe that at least -- at least -- to all of those families  
781 who constantly ponder why it is that this committee and this  
782 House seem so wholly unable to deal with these issues. I  
783 yield back.

784 Ms. Lofgren. Will the gentleman yield?

785 Chairman Goodlatte. The time of the gentleman has  
786 expired. For what purpose does the gentlewoman from  
787 California seek recognition?

788 Ms. Lofgren. Gentlewoman from California.

789 Chairman Goodlatte. I think I said that.

790 Ms. Lofgren. I just actually would like to ask you a  
791 question, Mr. Chair.

792 Chairman Goodlatte. The gentlewoman is recognized for  
793 5 minutes.

794 Ms. Lofgren. You were referencing that your  
795 constituents when they go to Florida, they are concerned  
796 because they cannot carry a gun? Is that what you were  
797 saying?

798 Chairman Goodlatte. I was just pointing out the number  
799 of constituents in Florida, but I have heard from many, many  
800 of my constituents who when they travel, want to be able to  
801 utilize their concealed carry permit outside of the State of  
802 Virginia.

803 Ms. Lofgren. So, is that because people have no  
804 confidence in law enforcement because I just would like to -  
805 -

806 Chairman Goodlatte. No, no. I think it is because  
807 they think that law enforcement is not always present, and  
808 that law enforcement and many, many officers recognize that  
809 having law-abiding citizens with concealed carry permits can  
810 help to prevent further crimes.

811 Ms. Lofgren. I know the law enforcement in my  
812 community, which is Los Angeles, most certainly does not  
813 want to see more citizens carrying guns. But I just wanted  
814 to know if maybe you could take a minute because I would  
815 like to understand where this goes because should everybody  
816 in the United States carry guns? And so, then, what role  
817 does law enforcement play? It seems like --

818 Chairman Goodlatte. Well, if the gentlewoman would  
819 yield further, the fact of the matter is that not everyone  
820 in the United States should carry firearms. Only those who  
821 are both law-abiding citizens and make proper application to  
822 do so should. But I would quote, if you will yield further,  
823 I would quote the Chief of Police in Detroit, Michigan, who  
824 I had the opportunity to meet last year. He said that,  
825 "Permitted concealed weapons are a deterrent, and good  
826 Americans with concealed permit licenses translates into  
827 crime reduction."

828 Ms. Lofgren. So, just a clarification. I am from Los  
829 Angeles. My chief of police certainly would not say that,  
830 but I thought when you said law-abiding citizens, I thought  
831 that you did not want to restrict it to people with violent  
832 misdemeanors. They are not law-abiding.

833 Chairman Goodlatte. They are law-abiding except to the  
834 extent that Federal law prohibits them from doing so. And  
835 the fact of the matter is I think that to be consistent, we  
836 have to have a uniform definition for circumstances under  
837 which people can carry weapons in a concealed fashion.

838 Ms. Lofgren. I will yield to Mr. Nadler, but I thought  
839 Mr. Nadler's amendment called for restricting it to violent  
840 --

841 Mr. Nadler. I thank the gentlewoman for yielding.  
842 Yes, the chairman is saying that law-abiding citizens ought  
843 to be able to carry if they get permits, but law-abiding  
844 apparently includes people who have committed violent  
845 misdemeanors. And in his statement in opposition to my  
846 amendment, he said that, "Well, if it does not rise to the  
847 level of a felony." So, in effect, if a State decides that  
848 certain acts of violence indicate an inclination to commit  
849 other acts of violence -- and we know that once you have  
850 committed one, you are more likely than other people to  
851 commit another -- but they do not want to classify it as a  
852 felony. They want to classify it as a misdemeanor. That

853 should not be permitted.

854       They should not be permitted to restrict gun carry  
855 under those circumstances. And that does not make sense  
856 because you do not want people who have committed violent  
857 acts, even if they are classified as misdemeanors, if the  
858 States have said they should not carry to override the rule  
859 of that State.

860       But I want to make one other comment because it was  
861 stated that the right to travel does not provide a person  
862 with the right to violate other States' laws. Instead it  
863 gives a person a right to get the privileges and immunities  
864 that another State's laws grants its own residents when the  
865 person is in the State. To get what the State is giving its  
866 residents, not to get what a State is not giving its own  
867 residents. The privileges and immunities clause of the  
868 Constitution was not intended to allow a person traveling in  
869 a State to do something the State does not allow its own  
870 residents to do. So, I just want to clarify that point on  
871 the Constitution. I will yield back to the gentlelady. I  
872 thank her for yielding.

873       Ms. Lofgren. Reclaiming my time, I was just wondering  
874 if the chairman believes that a person that has had multiple  
875 DUIs should they be allowed? Is that considered law-abiding  
876 if you have had multiple DUIs? Should you be allowed to  
877 carry concealed weapons?

878 Chairman Goodlatte. First of all, the law prohibits  
879 felonies, and multiple DUIs usually translates into a felony  
880 after the first offense.

881 Ms. Lofgren. Okay. So, I think there is an amendment  
882 coming that you will probably be supportive of. I yield to  
883 Mr. Cicilline.

884 Mr. Cicilline. I thank the gentlelady for yielding. I  
885 just want to quickly say that the two arguments that this  
886 somehow creates a national standard for carrying a concealed  
887 weapon is not true. A national patchwork of 50 different  
888 States will remain. It will just allow an entry point in  
889 the least restrictive place. So, this idea that enacting  
890 this will be there is a national standard is just not true.

891 The second argument that has been advanced a number of  
892 times now is this will make communities safer. Well, I  
893 would ask that a copy of a report be introduced into the  
894 record completed in June 2017, a comprehensive report that,  
895 in fact, shows that States that have a lax or lenient carry  
896 laws have more violent crimes. So, it is just the opposite.  
897 I would ask that this be made a part of the record.

898 [The information follows:]

899 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*



900 Chairman Goodlatte. Without objection, it will be made  
901 a part of the record. For what purpose does the gentleman  
902 from California, Mr. Swalwell, seek recognition?

903 Mr. Swalwell. Thank you, Mr. Chairman. I move to  
904 strike the last word.

905 Chairman Goodlatte. The gentleman is recognized for 5  
906 minutes.

907 Mr. Swalwell. I would like to support Mr. Nadler's  
908 amendment. And the concern is that there are a number of  
909 States, at least 12 States, that do not require a permit to  
910 carry a concealed gun in public. And just to demonstrate  
911 the concerns that States that do have requirements may have.

912 For example, in the State of Idaho, to get a concealed  
913 weapons permit: no safety training is required; no live-fire  
914 experience is required; there is no requirement that the  
915 individual be 21 years old; there is no requirement that the  
916 person has no convictions of being stalker. So, in Idaho,  
917 you could have a conviction for being a stalker, be given a  
918 concealed carry permit, and then go into another State and  
919 that State could have a prohibition against being a stalker  
920 and having a concealed carry permit, but they would have to  
921 honor that permit.

922 In Idaho, there is no requirement that the person does  
923 not have a conviction for a crime of violence. In Idaho,  
924 there is no requirement that the person has no history of

925 abusive dating partners or domestic violence, and also in  
926 Idaho, there is no requirement that the person not have  
927 multiple drunk driver or driving under the influence  
928 convictions.

929       And so, essentially, we are telling States who are  
930 responsible in the requirements that they place on their  
931 concealed carry permits that that does not matter anymore.  
932 If another State wants to have the lowest possible standards  
933 where no safety training is required, no live-fire  
934 experience is required, no requirement of how old you can  
935 be, and that you could even be a convicted stalker, you now  
936 have to allow that person to carry a weapon in your State.  
937 Of course, I think this is a breach of many of the norms and  
938 Constitutional requirements for States' rights, but I think  
939 it is really a community's right to want to protect itself  
940 from dangerous individuals and not accept another  
941 community's oversight or lack of any standards. And so,  
942 that is my concern.

943       I think that is why so many people here today are  
944 concerned. And so, I do support the amendment, and I know  
945 other amendments are going to be put forward that will  
946 address this. But unless we clean this up, we are reducing  
947 every community in America to the lowest common denominator,  
948 as far as standards for concealed carry laws. I yield back.

949       Chairman Goodlatte. For what purpose does the

950 gentleman from Florida seek recognition?

951 Mr. Rutherford. I move to strike the last word.

952 Chairman Goodlatte. The gentleman is recognized for 5  
953 minutes.

954 Mr. Rutherford. Thank you, Mr. Chairman. Mr.  
955 Chairman, in law enforcement in my 41 years, I can tell you  
956 I have seen personally multiple, multiple times that  
957 individuals have utilized legal firearms that they had in  
958 their possession to protect themselves against deadly force,  
959 to protect their families against deadly force, to protect  
960 their neighbors against deadly force. The idea that somehow  
961 law enforcement is opposed to concealed carry as was  
962 suggested earlier -- and I am glad, Mr. Chairman, that you  
963 corrected that by a word straight from the Fraternal Order  
964 of Police. Because my experience with law enforcement is we  
965 want good people carrying guns. We want that ability for an  
966 individual to stop a mass shooting, for example, before law  
967 enforcement responds.

968 One of the points that I made after Sandy Hook was on a  
969 priority one call -- which is a life at risk call -- law  
970 enforcement's targeted response time is 7 minutes. Seven  
971 minutes; that is a good response time for law enforcement in  
972 a well-secured community, 7 minutes. Now, let's say that  
973 that active shooter is killing children at the rate of five  
974 a minute. Five a minute, and we want to wait 7 minutes for

975 police to arrive at their best response time. We are  
976 talking about 35 dead children before the police even  
977 arrive. Yet one individual, one good citizen, armed with a  
978 concealed carry weapon could at least pin down this active  
979 shooter and save untold numbers of lives.

980 Folks, in NRA magazines if you read them, there are  
981 stories every single month about cases where individuals in  
982 legal possession of firearms are savings lives in this  
983 country every day. Now, guns are also used illegally to  
984 take life, and I realize that. But that is why I want good  
985 people to have those guns, and I do not believe that my  
986 right to protect myself, to protect my family, to protect  
987 those around me should end at the State line. The Second  
988 Amendment right was created for self-defense as well, and my  
989 Constitutional rights do not end at the Florida State line.  
990 Thank you, Mr. Chairman. I yield back.

991 Mr. Cohen. Would the gentleman yield?

992 Chairman Goodlatte. For what purpose does the  
993 gentleman from Tennessee, Mr. Cohen, seek recognition?

994 Mr. Cohen. Five minutes.

995 Chairman Goodlatte. The gentleman is recognized for 5  
996 minutes.

997 Mr. Cohen. I have had people come to me and ask me to  
998 be allowed to carry guns in other States with their permit,  
999 but I have never had anybody come to me and say I have been

1000 convicted of a violent misdemeanor, and I want to be able to  
1001 take my gun into another State. And I have never had  
1002 anybody come to me and say I want people who have been  
1003 convicted of violent misdemeanors to be able to carry their  
1004 guns into other States.

1005 And I have never had anybody come to me who was under  
1006 21 years of age and say I want to change the law so I can  
1007 carry my gun into Tennessee where you cannot possess a gun  
1008 unless you are 21. But I am just 18 or 19, and I am from  
1009 Alabama and Mississippi, and I want to go to Tennessee and  
1010 carry my gun and show all my friends there that I can carry  
1011 a gun and they cannot. Mr. Chairman, would you yield?

1012 Chairman Goodlatte. You are the one who has the time.  
1013 Mr. Cohen. But I am asking you to yield for a  
1014 question.

1015 Chairman Goodlatte. You can ask me a question, and I  
1016 will ask you to yield in response.

1017 Mr. Cohen. All right. I am going to ask you a  
1018 question. Have you had anybody come to you and say, "I want  
1019 the law changed so that people who have violent misdemeanors  
1020 can travel and use their carry permits in another State?"

1021 Chairman Goodlatte. No. And the fuller answer to that  
1022 is that the Federal law bars certain types of misdemeanors  
1023 from possessing firearms. Whether a State interprets the  
1024 law to include some of the things you are talking about for

1025 the issuance of a concealed carry is a separate issue, but  
1026 you have to have some standard measure. And that is what we  
1027 do in this bill.

1028 Mr. Cohen. There is no standard measure in this bill.  
1029 The standard measure is whatever the State has that issues  
1030 the permit and then you can carry it into another  
1031 jurisdiction. And on the same issue, Mr. Chairman, has  
1032 anybody come and asked you to allow people that are under 21  
1033 to be able to carry guns into States where the law requires  
1034 you to be 21? For instance, Virginia is 21. Has anybody  
1035 come to you and said, "I would like 18- and 19-year-olds and  
1036 20-year-olds in Alabama and Mississippi to come to Virginia  
1037 and carry their guns in your State while your citizens  
1038 cannot?"

1039 Chairman Goodlatte. I do not know if anybody has  
1040 gotten to the specifics of that, but I have no problem with  
1041 that, as long as it is a lawfully recognized concealed carry  
1042 permit in their home State.

1043 Mr. Cohen. So, you have no problem with somebody who  
1044 gets a permit in Mississippi who is 18 -- even though the  
1045 Virginia State House delegates has said you have to be 21 in  
1046 Virginia -- and to have an 18-year-old from Mississippi come  
1047 into Virginia and carry their gun even though they could not  
1048 carry it in Virginia if --

1049 Chairman Goodlatte. That is correct.

1050 Mr. Cohen. Wow. Let me just say this, thank you.  
1051 This is crazy. This is back to the fact that the NRA  
1052 overrides States' rights. States' rights is a mantra until  
1053 the NRA gets involved, and then it is out the window.  
1054 Skittles is a Donald Trump mantra for Syrians, but if one  
1055 person would change their behavior because of a gun law,  
1056 that one Skittle does not make any difference when it is the  
1057 NRA and guns because Syrians matter and guns and innocent  
1058 Americans and the NRA that is the difference. This is  
1059 astonishing, sir, that you would want people to come into  
1060 your State who were 18 years old and have a permit when  
1061 people from Virginia cannot have it.

1062 There should be some bottom line understanding of State  
1063 laws and State legislatures understanding what is best for  
1064 their State, and people under 21 are less likely to be  
1065 mature to carry a gun. That is why 34 States have those  
1066 laws that say you have to be 21.

1067 Tennessee has that law. I drafted that law. I drafted  
1068 and passed the right to carry law, but said you had to be 21  
1069 unless you were a member of the military. That was the only  
1070 difference. And now people from Mississippi and Alabama can  
1071 come up and carry a gun in Tennessee and show their buddies  
1072 and say, "Hey, I have got my gun, but you cannot carry  
1073 yours." But the people of Tennessee knew better in what  
1074 Tennessee wants and what Tennessee needs. And they said,

1075 "Yes, somebody with a concealed carry permit who has passed  
1076 the test, taken safety courses, gone on the range, does not  
1077 have a criminal record, and is 21 can carry." And I thought  
1078 that was right, and it passed. And it is the law.

1079 But we did not think people from Mississippi and  
1080 Alabama should come into our State at 18 or 19 who are  
1081 young, immature, and at the age where crime is more likely  
1082 to occur than at an older age when people are more mature.  
1083 I am just astonished that the NRA has taken over this  
1084 legislative proceeding to where we cannot have reasonable  
1085 restrictions.

1086 I am not against people carrying guns if they abide by  
1087 the laws and restrictions of the other States, and they are  
1088 reasonable, and if they are 21 years of age. But if we  
1089 cannot do that, we have just sold out our legislative  
1090 authority and our appearance of being capable of drawing  
1091 laws and respecting State laws. I yield back the balance of  
1092 my time.

1093 Chairman Goodlatte. Who seeks recognition? The  
1094 gentleman from California, Mr. Lieu, for what purpose do you  
1095 seek recognition?

1096 Mr. Lieu. I move to strike the last word.

1097 Chairman Goodlatte. The gentleman is recognized for 5  
1098 minutes.

1099 Mr. Lieu. Let me first enter some documents for the



1100 record. I know that earlier we heard about law  
1101 enforcement's views of this bill. I would like to enter a  
1102 letter from the National Law Enforcement Partnership to  
1103 Prevent Gun Violence dated July 7, 2017.

1104 Chairman Goodlatte. Without objection, it will be made  
1105 a part of the record.

1106 [The information follows:]

1107 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1108 Mr. Lieu. And the following organizations oppose this  
1109 bill. The Hispanic American Police Command Offices  
1110 Association, the National Association of Campus Law  
1111 Enforcement administrators, and the National Association of  
1112 Chiefs of Police Major Cities Chiefs Association, the  
1113 National Association of Women Law Enforcement Executives,  
1114 the National Organization of Black Law Enforcement  
1115 Executives, the Police Executive Research Forum, and the  
1116 Police Foundation.

1117 Chairman Goodlatte. Without objection, they will be  
1118 made a part of the record.

1119 Mr. Lieu. I would like to enter another set of letters  
1120 of organizations that oppose this bill. I will do it all at  
1121 once. These are letters from the American Academy of  
1122 Pediatrics, American Bar Association, American Federal of  
1123 Teachers, 17 attorneys general, Amnesty International,  
1124 Giffords Law Enforcement Coalition, Law Enforcement  
1125 Partnership to Prevent Gun Violence, United States  
1126 Conference of Mayors, National Task Force to End Sexual and  
1127 Domestic Violence, and the Association of Prosecuting  
1128 Attorneys. I would like to enter those for the record as  
1129 well, Mr. Chair.

1130 Chairman Goodlatte. Without objection, they will be  
1131 made part of the record.

1132 [The information follows:]

1133

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1134 Mr. Lieu. I have two marksmanship awards from the  
1135 military. I have fired guns. I have disassembled them. I  
1136 have cleaned them, and I understand how dangerous guns are.  
1137 And so, the reason I am opposing this bill is because it is  
1138 going to let dangerous people get guns, including people  
1139 that have been convicted of stalking, people that have  
1140 committed crimes of violence. We just do not want those  
1141 people carrying guns. And that is the reason that I oppose  
1142 this bill. And I join with all the numerous organizations  
1143 across America who also oppose this bill. And I will yield  
1144 to my colleague from Rhode Island.

1145 Mr. Cicilline. I thank the gentleman for yielding. I  
1146 just want to point out two additional things. In the  
1147 Association of Prosecuting Attorneys and the U.S. Conference  
1148 of Mayors, these are two organizations that represent  
1149 individuals fundamentally focused on the safety of  
1150 communities. And the U.S. Conference of Mayors in their  
1151 resolution says, "The goals of this legislation are  
1152 completely antithetical to all of the efforts to reduce and  
1153 prevent gun violence."

1154 And in the Association on Prosecuting Attorneys, to  
1155 respond to the gentleman from Florida who talked about his  
1156 law enforcement perspective, and I quote from the  
1157 Prosecuting Attorneys, "Traffic stops, already unpredictable  
1158 and dangerous, would become more stressful for police if

1159 they are confronted with hundreds of thousands of visitors  
1160 from States with lower concealed carry standards and forced  
1161 to anticipate the presence of a concealed firearm by  
1162 visitors. This legislation would force officers to make  
1163 split-second decisions for their own safety and would  
1164 increase the danger to all involved in the traffic stop."

1165         So, I think there is a law enforcement perspective  
1166 based on the letters submitted by Mr. Lieu and in this  
1167 letter from the Association of Prosecuting Attorneys that,  
1168 in fact, and the study that was previously introduced into  
1169 the record, that we do not increase public safety by  
1170 allowing people who meet a much lower standard than the  
1171 State legislature has determined to come into the State with  
1172 a loaded concealed firearm to do as they please. And with  
1173 that, I will yield back to Mr. Lieu in the hopes that he  
1174 will yield to the gentlelady from California.

1175         Mr. Lieu. I will yield to the gentlelady from  
1176 California.

1177         Ms. Lofgren. Thank you, Mr. Lieu. You know, I think  
1178 it is beyond dispute that there is a connection between  
1179 domestic violence and gun violence. I mean, that is clear.  
1180 In my own State of California, and Mr. Lieu's State, have  
1181 taken steps to prevent people who are convicted stalkers,  
1182 who have abused their dating partners, from getting  
1183 concealed permits. California, I think, can do more, but

1184 they have done a lot. And to say that that sensible program  
1185 to protect public safety is going to be thrown out the  
1186 window is simply wrong.

1187 I am seeing people here in the audience with Moms  
1188 Demand Action, and I have met with mothers who have lost  
1189 their sons and daughters because of gun violence. And to  
1190 say that we are going to deny their just cause in this way  
1191 is really heartbreaking.

1192 I just want to say one further thing, I have heard for  
1193 years and years that the answer to a bad guy with a gun is a  
1194 good guy with a gun. But I have never heard anybody after  
1195 Las Vegas admit that that is a preposterous statement, a  
1196 preposterous statement. And I think it is time for people  
1197 to be honest about what we are doing here. We are  
1198 endangering public safety to cozy up to one of the biggest  
1199 interest groups in the United States, the NRA. And I thank  
1200 the gentleman for yielding.

1201 Mr. Raskin. I move to --

1202 Chairman Goodlatte. What purpose does the gentleman  
1203 from Maryland seek recognition?

1204 Mr. Raskin. Move to strike the last word.

1205 Chairman Goodlatte. The gentleman is recognized for 5  
1206 minutes.

1207 Mr. Raskin. Mr. Chairman, thank you very much. I want  
1208 to make two points, and one is about our legislative agenda

1209 here in Congress, and the other is about the meaning of  
1210 reciprocity. I wanted to echo the sentiments of the  
1211 gentleman from Florida, Mr. Deutch. I came here to Congress  
1212 to work on gun safety. One of my proudest accomplishments  
1213 was working on legislation which passed the Maryland General  
1214 Assembly in 2013 in the wake of the catastrophe that took  
1215 place in Newtown, Connecticut, where a gunman came and  
1216 assassinated 20 schoolchildren at point blank range with an  
1217 assault weapon, and six adults.

1218         And we said, "Enough was enough." And we said, we are  
1219 going to look for commonsense, common-ground gun safety  
1220 legislation that respects people's Second Amendment rights  
1221 and advances the public safety however we can. The Supreme  
1222 Court told us in the Heller decision in 2008 what the Second  
1223 Amendment really means is you have a right to possess a  
1224 handgun for purposes of self-defense, and you have a right  
1225 to a rifle for purposes of recreation and hunting.

1226         But, Justice Scalia told us, it does not mean you have  
1227 a right to access a gun if you are mentally unstable or  
1228 dangerous. You do not have a right to access a gun if you  
1229 are a criminal convict, a felon, or a misdemeanant. You do  
1230 not have a right to an assault weapon. You do not have a  
1231 right to a high-capacity magazine.

1232         All of these things we put into our bill, and it has  
1233 been upheld against constitutional attack as recently as

1234 yesterday, when the Supreme Court rejected an appeal from  
1235 the fourth circuit about our statute, which banned military-  
1236 style assault weapons, which banned high-capacity magazines,  
1237 which imposed fingerprint licensing, universal background  
1238 check, which imposed frequent, unannounced inspections by  
1239 the Maryland State police of gun dealer to make sure they  
1240 were not dealing into the underground. All of that was  
1241 upheld as consistent with the Fourth Amendment, and people  
1242 can still have guns for lawful purposes, and they cannot be  
1243 taken away. So, we have got to stop spreading paranoia that  
1244 there is some move to take everybody's guns away. That is  
1245 not where we are at.

1246 Now, since I came to Congress in January, there have  
1247 been 397 mass killings in the United States of America --  
1248 397 killings of at least four people. Two of them are among  
1249 the worst massacres by gun in American history: the Las  
1250 Vegas killing on October 1st, which left 58 people dead and  
1251 more than 500 wounded; the Sutherland Springs Massacre on  
1252 November 5th, 2017, just a few weeks ago, which left 25 of  
1253 our fellow citizens dead, and many more wounded.

1254 And guess what? The gunman in Texas, Devin Patrick  
1255 Kelley, was court-martialed before for assaulting his wife  
1256 and child, for domestic violence. And all Mr. Nadler's  
1257 amendment says is that if you have convictions for violent  
1258 misdemeanors, my State -- Maryland -- does not have to



1259 accept your convicted violent domestic abusers with a gun  
1260 that you choose to let them have. If you want to do that in  
1261 your State, do that in your State, but do not impose that on  
1262 the people of Maryland when we have already rejected it for  
1263 our own people.

1264 Now, I want to say something about reciprocity.  
1265 Reciprocity mean you respect my laws, I respect yours. This  
1266 bill has nothing to do with reciprocity, and the word should  
1267 be purged from the bill. It lowers everybody's standards to  
1268 the lowest State in the Union. Whichever State -- and there  
1269 are several of them -- has no laws at all with respect to  
1270 concealed carry, all we need is one State -- and several of  
1271 them have done it -- to say that anybody can have a  
1272 concealed carry gun.

1273 Then those people can go anywhere in the United States,  
1274 overriding the laws of dozens of other States. What does  
1275 that have to do with federalism? What does that have to do  
1276 with States' rights? And what does it have to do with the  
1277 Second Amendment, and what does it have to do with public  
1278 safety? Nothing. Nothing.

1279 It is, as the gentleman just said, the agenda of the  
1280 NRA. But it should not be the agenda of the U.S. Congress,  
1281 and it is definitely not the agenda of the American people  
1282 today.

1283 Three-hundred and ninety-seven mass killings since we

1284 entered Congress, and what have we done? Have we taken up a  
1285 universal background check, which is supported by more than  
1286 90 percent of the American people? No. Have we taken up a  
1287 ban on military-style assault weapons, the kind that were  
1288 used to kill the children in Newtown, Connecticut, that were  
1289 used to kill dozens of Americans in Las Vegas? No. We have  
1290 not had time for that. We have a moment of silence, which  
1291 does not even last 60 seconds, and then we are off to rename  
1292 a Post Office. We do not have time for that. But what do  
1293 we put on the agenda? Let's expand national concealed  
1294 carry.

1295 For the first time in American history. This country  
1296 has been around for 241 years. Nobody ever put in a bill  
1297 like this to say that one State has to accept another  
1298 State's law or no law at all governing concealed carry. The  
1299 least we can do is pass Mr. Nadler's amendment. I yield  
1300 back.

1301 Chairman Goodlatte. The question occurs on the  
1302 amendment offered by the gentleman from New York.

1303 All those in favor, respond by saying aye.

1304 Those opposed, no.

1305 In the opinion of the chair, the noes have it and the  
1306 amendment is not agreed to.

1307 Mr. Nadler. Mr. Chairman?

1308 Chairman Goodlatte. For what purpose does the

1309 gentleman from New York seek recognition?

1310 Mr. Nadler. Could we have a recorded vote, please?

1311 Chairman Goodlatte. A recorded vote is requested, and  
1312 the clerk will call the roll.

1313 Ms. Adcock. Mr. Goodlatte?

1314 Chairman Goodlatte. No.

1315 Ms. Adcock. Mr. Goodlatte votes no.

1316 Mr. Sensenbrenner?

1317 Mr. Sensenbrenner. No.

1318 Ms. Adcock. Mr. Sensenbrenner votes no.

1319 Mr. Smith?

1320 [No response.]

1321 Mr. Chabot?

1322 [No response.]

1323 Mr. Issa?

1324 [No response.]

1325 Mr. King?

1326 Mr. King. No.

1327 Ms. Adcock. Mr. King votes no.

1328 Mr. Franks?

1329 [No response.]

1330 Mr. Gohmert?

1331 [No response.]

1332 Mr. Jordan?

1333 [No response.]

1334 Mr. Poe?  
1335 [No response.]  
1336 Mr. Marino?  
1337 [No response.]  
1338 Mr. Gowdy?  
1339 Mr. Gowdy. No.  
1340 Ms. Adcock. Mr. Gowdy votes no.  
1341 Mr. Labrador?  
1342 Mr. Labrador. No.  
1343 Ms. Adcock. Mr. Labrador votes no.  
1344 Mr. Farenthold?  
1345 [No response.]  
1346 Mr. Collins?  
1347 [No response.]  
1348 Mr. DeSantis?  
1349 Mr. DeSantis. No.  
1350 Ms. Adcock. Mr. DeSantis votes no.  
1351 Mr. Buck?  
1352 Mr. Buck. No.  
1353 Ms. Adcock. Mr. Buck votes no.  
1354 Mr. Ratcliffe?  
1355 Mr. Ratcliffe. No.  
1356 Ms. Adcock. Mr. Ratcliffe votes no.  
1357 Mrs. Roby?  
1358 [No response.]

1359 Mr. Gaetz?  
1360 [No response.]  
1361 Mr. Johnson of Louisiana?  
1362 [No response.]  
1363 Mr. Biggs?  
1364 [No response.]  
1365 Mr. Rutherford?  
1366 Mr. Rutherford. No.  
1367 Ms. Adcock. Mr. Rutherford votes no.  
1368 Mrs. Handel?  
1369 Mrs. Handel. No.  
1370 Ms. Adcock. Ms. Handel votes no. Mr. Nadler?  
1371 Mr. Nadler. Aye.  
1372 Ms. Adcock. Mr. Nadler votes aye.  
1373 Mr. Conyers?  
1374 [No response.]  
1375 Ms. Lofgren?  
1376 Ms. Lofgren. Aye.  
1377 Ms. Adcock. Ms. Lofgren votes aye.  
1378 Ms. Jackson Lee?  
1379 Ms. Jackson Lee. Aye.  
1380 Ms. Adcock. Ms. Jackson Lee votes aye.  
1381 Mr. Cohen?  
1382 Mr. Cohen. Aye.  
1383 Ms. Adcock. Mr. Cohen votes aye.

1384 Mr. Johnson of Georgia?  
1385 [No response.]  
1386 Mr. Deutch?  
1387 Mr. Deutch. Aye.  
1388 Ms. Adcock. Mr. Deutch votes aye.  
1389 Mr. Gutierrez?  
1390 [No response.]  
1391 Ms. Bass?  
1392 [No response.]  
1393 Mr. Richmond?  
1394 [No response.]  
1395 Mr. Jeffries?  
1396 Mr. Jeffries. Aye.  
1397 Ms. Adcock. Mr. Jeffries votes aye.  
1398 Mr. Cicilline?  
1399 Mr. Cicilline. Aye.  
1400 Ms. Adcock. Mr. Cicilline votes aye.  
1401 Mr. Swalwell?  
1402 Mr. Swalwell. Aye.  
1403 Ms. Adcock. Mr. Swalwell votes aye.  
1404 Mr. Lieu?  
1405 Mr. Lieu. Aye.  
1406 Ms. Adcock. Mr. Lieu votes aye.  
1407 Mr. Raskin?  
1408 Mr. Raskin. Aye.

1409 Ms. Adcock. Mr. Raskin votes aye.

1410 Ms. Jayapal?

1411 [No response.]

1412 Mr. Schneider?

1413 Mr. Schneider. Aye.

1414 Ms. Adcock. Mr. Schneider votes aye.

1415 Chairman Goodlatte. The gentleman from Arizona?

1416 Mr. Franks. No.

1417 Ms. Adcock. Mr. Franks votes no.

1418 Chairman Goodlatte. The gentlewoman from Alabama?

1419 Mrs. Roby. No.

1420 Ms. Adcock. Mrs. Roby votes no.

1421 Chairman Goodlatte. The gentleman from Texas?

1422 Mr. Gohmert. No.

1423 Ms. Adcock. Mr. Gohmert votes no.

1424 Chairman Goodlatte. The gentleman from Pennsylvania?

1425 Mr. Marino. No.

1426 Ms. Adcock. Mr. Marino votes no.

1427 Chairman Goodlatte. The gentleman from California?

1428 Mr. Issa. No.

1429 Ms. Adcock. Mr. Issa votes no.

1430 Chairman Goodlatte. The gentleman from Georgia?

1431 Mr. Johnson of Georgia. Yea.

1432 Ms. Adcock. Mr. Johnson votes yea.

1433 Chairman Goodlatte. Has every member voted who wishes

1434 to vote? The clerk will report.

1435 Ms. Adcock. Mr. Chairman, 12 members voted aye, 15  
1436 members voted no.

1437 Chairman Goodlatte. And the amendment is not agreed  
1438 to. Are there further amendments?

1439 Ms. Jackson Lee. Mr. Chairman?

1440 Chairman Goodlatte. For what purpose does the  
1441 gentlewoman from Texas seek recognition?

1442 Ms. Jackson Lee. I have an amendment at the desk that  
1443 involves domestic violence and stalking.

1444 Chairman Goodlatte. The clerk will report the  
1445 amendment.

1446 Ms. Adcock. Amendment to the amendment in the nature  
1447 of a substitute to H.R. 38, offered by Ms. Jackson Lee of  
1448 Texas. Page 1, line 16, insert after "a firearm" --

1449 Ms. Jackson Lee. That is not the --

1450 Chairman Goodlatte. Without objection, the amendment  
1451 is considered as --

1452 Ms. Jackson Lee. That is not the correct one.

1453 Chairman Goodlatte. Oh.

1454 Ms. Jackson Lee. It is page 5, line 10. No. I want  
1455 this one. It is supposed to be there.

1456 Chairman Goodlatte. Did the amendment you read include  
1457 005? Yes -- okay.

1458 Ms. Jackson Lee. No. This is not it. I do not know



1459 what this is. This is not it. This is this one we are  
1460 doing. Excuse me, Mr. Chair. He does -- he has --  
1461 Chairman Goodlatte. If the amendment is not ready --  
1462 Ms. Jackson Lee. Yeah. It is ready. Yeah. This is  
1463 it. And it should -- and this -- you guys are doing that  
1464 one? Let me proceed with this and we will stand --  
1465 Chairman Goodlatte. We think we may have a correct  
1466 amendment.  
1467 Ms. Adcock. I have it.  
1468 Chairman Goodlatte. The clerk will report the  
1469 amendment.  
1470 Ms. Adcock. Amendment to the amendment in the nature  
1471 of a substitute to H.R. 38, offered by Ms. Jackson Lee of  
1472 Texas. Page 5, line 10, insert after "service" --  
1473 [The amendment of Ms. Jackson Lee follows:]  
  
1474 \*\*\*\*\* INSERT 5 \*\*\*\*\*

1475 Chairman Goodlatte. Without objection, the amendment  
1476 is considered as read and the gentlewoman is recognized for  
1477 5 minutes on her amendment.

1478 Read the entire amendment.

1479 Ms. Adcock. Page 5, line 10, insert after "service"  
1480 the following: "This section does not apply in the case of  
1481 any person convicted of an offense of domestic violence  
1482 under the law of a State or Indian tribe."

1483 Chairman Goodlatte. Do we have copies of that  
1484 amendment available?

1485 I am going to suggest that we go on to the gentleman  
1486 from Florida's amendment while we figure out what the  
1487 correct amendment to offer is. So, for what purpose does  
1488 the gentleman from Florida seek recognition?

1489 Ms. Jackson Lee. I will yield, Mr. Chairman. I do  
1490 have the correct amendment, but we will make further --

1491 Chairman Goodlatte. You do not seem to have copies of  
1492 it available.

1493 Ms. Jackson Lee. We will make sure that the members  
1494 have the correct amendment.

1495 Chairman Goodlatte. We will come back to you next.

1496 Mr. Deutch. I have an amendment at the desk.

1497 Chairman Goodlatte. The clerk will report the  
1498 amendment.

1499 Mr. Deutch. Amendment 38.

1500 Chairman Goodlatte. Well, they do not have a Deutch  
1501 amendment either. Might I suggest that providing the  
1502 amendments earlier would help to make this process go better  
1503 than dropping them in at the very last minute?

1504 Mr. Deutch. 38?

1505 Mr. Cohen. Mr. Chairman, I have an amendment at the  
1506 desk.

1507 Chairman Goodlatte. And it is there? You promise?

1508 Mr. Cohen. I do not promise.

1509 Chairman Goodlatte. All right.

1510 Ms. Adcock. Okay.

1511 Chairman Goodlatte. Do you have an amendment from the  
1512 gentleman from Tennessee?

1513 Ms. Adcock. No. Yes.

1514 Chairman Goodlatte. You have Mr. Deutch's amendment or  
1515 Mr. Cohen's amendment?

1516 Ms. Adcock. I have both.

1517 Chairman Goodlatte. All right. Then let's do Mr.  
1518 Deutch's amendment, because we asked that one to be brought  
1519 up first.

1520 Ms. Adcock. I know, but this is the Cohen amendment.

1521 Chairman Goodlatte. The clerk will report the  
1522 amendment for Mr. Deutch.

1523 Ms. Adcock. Amendment to the amendment in the nature  
1524 of a substitute to H.R. 38, offered by Mr. Deutch of

1525 Florida. Page 2, line 20, insert after --

1526 [The amendment of Mr. Deutch follows:]

1527 \*\*\*\*\* INSERT 6 \*\*\*\*\*

1528 Chairman Goodlatte. Without objection, the amendment  
1529 will be considered as read and the gentleman is recognized  
1530 for 5 minutes on his amendment.

1531 Mr. Deutch. Thank you, Mr. Chairman. Mr. Chairman, my  
1532 amendment would permit State and local governments to draft  
1533 and enact laws that would restrict people from bringing  
1534 concealed weapons on private property. This would include  
1535 restrictions on a concealed weapon in a bar, a daycare  
1536 center, a sports venue, concert, or other private property.  
1537 This amendment would preserve the rights of State and local  
1538 governments to take the necessary steps that they believe  
1539 are needed to better protect the safety of the public and  
1540 our communities.

1541 As currently drafted, the Concealed Carry Reciprocity  
1542 Act would permit State and local governments to prohibit or  
1543 restrict the possession of firearms on any State or local  
1544 government property, installation, building, base, or park.  
1545 The bill rightly preserves the ability of State and local  
1546 governments to protect the safety of government officials  
1547 and elected leaders from possible violent acts involving  
1548 guns.

1549 However, the bill inexplicably prevents State and local  
1550 governments from acting to protect the public from gun  
1551 violence on private property, where disputes may be more  
1552 common and an escalation of violence, which could be deadly,

1553 can occur.

1554       The Concealed Carry Reciprocity Act would prohibit  
1555 States and localities from crafting and enacting sensible  
1556 laws that restrict people from bringing hidden loaded guns  
1557 into bars, daycare facilities, sports venues, other private  
1558 properties. Such a prohibition prevents the enactment of  
1559 sensible restrictions enacted by State governments and local  
1560 governments that are specifically designed to ensure that  
1561 hidden weapons are not brought into establishments or events  
1562 where disagreements are common.

1563       In my State of Florida, Mr. Chairman, as you pointed  
1564 out, people are permitted to carry a concealed weapon. In  
1565 fact, as you also rightly pointed out, Florida has the  
1566 largest number of concealed weapons permits in the country -  
1567 - more than 1.7 million -- and yet, the State of Florida has  
1568 a law the prevents people with a valid concealed carry  
1569 license or permit from entering specific government and  
1570 private property.

1571       In Florida, the law prohibits a person with a valid  
1572 concealed carry license from entering government buildings:  
1573 a meeting of the State legislature or committee meeting,  
1574 courthouses, courtrooms, and other government facilities  
1575 with a gun.

1576       But it also restricts a person's ability to bring a  
1577 concealed weapon into any establishment licensed to dispense

1578 alcoholic beverages for consumption and any school, college,  
1579 or professional athletic event not related to firearms.  
1580 Under the bill we are debating today, the restrictions that  
1581 Florida lawmakers have decided to place on people with  
1582 concealed weapons would be preserved as they apply to  
1583 government buildings -- meetings of the legislature,  
1584 courthouses. But the bill would strip State legislators of  
1585 the right to draft and pass sensible restrictions on  
1586 locations where people with concealed guns can enter.

1587 Florida's restrictions on people with concealed weapons  
1588 entering bars, and athletic events, and concerts is premised  
1589 on these being locations where disagreements and disputes  
1590 often occur between people. Enabling a person to possess a  
1591 hidden firearm in one of these locations provides the  
1592 potential for a dispute to escalate into a deadly  
1593 confrontation.

1594 And because State and local governments are in a unique  
1595 position to determine locations where carrying a concealed  
1596 gun may cause a dispute to become deadly, I think we ought  
1597 to respect the State and local governments to make their own  
1598 decisions about how to protect their own citizens. And that  
1599 is why I would urge of my colleagues to support, I think,  
1600 what is a fair attempt to take this underlying piece of  
1601 legislation and preserve the rights still for State and  
1602 local governments to take action.

1603 Ms. Lofgren. Will the gentleman yield?

1604 Mr. Deutch. I will.

1605 Ms. Lofgren. I have a question. I think this is a  
1606 good amendment. My own State of California does not have a  
1607 21-year-old rule. I hope they do someday, but they do not  
1608 at the moment. So, if I am understanding your amendment  
1609 correctly, California can and does prohibit kids from taking  
1610 concealed weapons to high school, in a public high school.  
1611 But unless your amendment passes, the Catholic schools would  
1612 not have the capacity to keep kids from carrying concealed  
1613 weapons. Would that be correct?

1614 Mr. Deutch. The underlying bill only retains the  
1615 restrictions on government buildings and meetings of  
1616 legislatures to protect public officials. It does not  
1617 permit the State and local governments to pass laws to  
1618 protect citizens as you described, in California.

1619 Ms. Lofgren. I thank the gentleman for clarifying. I  
1620 think this is an essential amendment, and I yield back.

1621 Mr. Raskin. Will the gentleman yield for a question?

1622 Mr. Deutch. Yes, I would be glad to yield.

1623 Mr. Raskin. If I understand you properly, in Florida,  
1624 people who are granted a concealed carry permit under State  
1625 law are not allowed to bring firearms with them into a  
1626 daycare center, or into a bar, or restaurant. Is that  
1627 correct?



1628 Mr. Deutch. Bars, restaurants, sporting events, yes.

1629 Mr. Raskin. They are not allowed to. But under this  
1630 legislation, people coming from 49 other States, presumably,  
1631 would be allowed to?

1632 Mr. Deutch. Right. That is correct. The legislation  
1633 takes away the ability for States to regulate where  
1634 concealed --

1635 Mr. Raskin. Yeah. You know, it occurs to me that this  
1636 could be even a taking of private property or a violation of  
1637 equal protection rights for people in your State. Why  
1638 should people from outside of the State have superior rights  
1639 to people inside the State? I yield back.

1640 Mr. Deutch. I appreciate the constitutional scholar's  
1641 rhetorical question. Yeah. And with that I yield back, Mr.  
1642 Chairman.

1643 Chairman Goodlatte. The time of the gentleman has  
1644 expired.

1645 Mr. Cicilline. Mr. Chairman?

1646 Chairman Goodlatte. The chair recognizes himself in  
1647 opposition of the amendment. The bill, as drafted, would  
1648 permit the private entity to prohibit the firearm from being  
1649 brought into the bar or public facility or stadiums and so  
1650 on that you referred to. But it would not recognize the  
1651 right of the State to have a blanket prohibition on all such  
1652 facilities.

1653 Mr. Cicilline. Will the chairman yield?

1654 Chairman Goodlatte. No, I am not yielding back my  
1655 time, but I will be happy to recognize whoever seeks  
1656 recognition. The gentleman is recognized for 5 minutes.

1657 Mr. Cicilline. Well, I was going to ask the chairman a  
1658 question, because I would be interested to know where in the  
1659 bill that right of private property owners to bar concealed  
1660 weapons into their property is reflected.

1661 Chairman Goodlatte. It is page 2, line 16.

1662 Mr. Deutch. Well, will the gentleman from Rhode Island  
1663 yield for a second while he looks?

1664 Mr. Cicilline. Of course.

1665 Mr. Deutch. Mr. Chairman, I appreciate the fact that a  
1666 private property owner may post a sign outside of his bar,  
1667 for example, saying that guns are not accepted there. There  
1668 is a difference -- as the chairman knows and as anyone in  
1669 this room knows -- between an individual declaring something  
1670 that he does not wish to occur on his own property, and a  
1671 law passed by the elected officials of the citizens of the  
1672 State that declare that it is a violation of law if guns are  
1673 taken into those places, putting the individuals in those  
1674 places at risk.

1675 That is why States passed these laws. That is why my  
1676 own State of Florida has passed this law. My own State of  
1677 Florida, with over 1.7 million concealed carry permits,

1678 because they understand that there are risks.

1679 And we diminish dramatically the ability for steps to  
1680 be taken to prevent guns in those places when we simply tell  
1681 the owners of those bars or those sporting venues that if  
1682 they put a sign up saying, "Your guns are not welcome here,"  
1683 that that is going to stop anyone from bringing them in. I  
1684 yield back to Mr. Cicilline.

1685 Mr. Cicilline. I thank the gentleman. I rise in  
1686 strong support of Mr. Deutch's amendment. It is important  
1687 to just state the obvious. Two months ago, we had the worst  
1688 mass shooting in American history. And despite our efforts  
1689 over the last many years to get the Republican leadership in  
1690 this Congress to enact commonsense gun safety legislation,  
1691 all we have had, time after time, is 30 seconds of doing  
1692 nothing and saying nothing in a moment of silence.

1693 And when we finally get the House Republicans to do  
1694 something about guns, we are all completely horrified that  
1695 the one thing they will do is to make it easier for people  
1696 to carry concealed, loaded firearms anywhere in America they  
1697 want.

1698 And now, Mr. Deutch offers an amendment that says, at  
1699 the very least, if a State legislature has decided that you  
1700 have to have certain training to have a concealed carry  
1701 permit and certain requirements, and they have decided that  
1702 there are certain places that are not appropriate for a

1703 loaded concealed weapon -- daycare centers, bars,  
1704 universities, whatever those settings are -- that we ought  
1705 to respect those determinations.

1706         What is the compelling public interest to override  
1707 those determinations, say, "Oh, no, no. We have to make  
1708 sure that someone who has a loaded concealed firearm can go  
1709 to a daycare center, can go to a school, can go to a bar."  
1710 That has to override the considerations made and  
1711 determinations by the State legislature.

1712         What is the compelling State interest? What is the  
1713 public interest that we are advancing, other than endearing  
1714 ourselves to the NRA and the gun lobby in this country?

1715         And so, I thank Mr. Deutch for the amendment. It is  
1716 important to remember that what this bill does is States  
1717 that have been careful about these restrictions, have  
1718 created safe places where guns -- secret loaded guns --  
1719 cannot go, and have required certain qualifications be met,  
1720 all that is gone. Because now all you have to do is get a  
1721 permit from another State that has none of those  
1722 requirements, and you can take that gun anywhere you want.

1723         Mr. Deutch's amendment attempts to correct one of the  
1724 many, many horrible consequences of this bill. I invite my  
1725 Republican colleagues to explain to me, what is the public  
1726 interest? What is the interest that is advanced in terms of  
1727 promoting public safety, to override the will of a

1728 legislature in keeping secret concealed guns out of daycare  
1729 centers, bars, university athletic events, and the like?

1730 There is no such thing.

1731 Mr. Deutch. Mr. Cicilline, will you yield for one last  
1732 point?

1733 Mr. Cicilline. Of course.

1734 Mr. Deutch. There are, in State capitals across this  
1735 country, fierce debates about whether to allow guns on  
1736 college campuses. That is a debate that is playing out in  
1737 Tallahassee, has played out, will continue to play out. And  
1738 I will stand with my friends in Tallahassee as they debate  
1739 these, and urge that those guns not be allowed.

1740 But it is a debate that ought to take place in State  
1741 capitols. And let's just be clear. If this bill goes  
1742 forward and passes, those debates will end because the  
1743 United States Congress will have said, "It is not up to you,  
1744 it is up to us, and we believe that guns should be allowed  
1745 on any university campus in any State in this country." I  
1746 yield back --

1747 Chairman Goodlatte. The time of the gentleman has  
1748 expired. For what purpose does the gentleman from Florida  
1749 seek recognition?

1750 Mr. Rutherford. Strike the last word.

1751 Chairman Goodlatte. The gentleman is recognized for 5  
1752 minutes.

1753 Mr. Rutherford. Thank you, Mr. Chairman. Mr.  
1754 Chairman, I would direct my colleagues to look at page 2,  
1755 line 14, that clearly says, "This section shall not be  
1756 construed to supersede or limit the laws of any State that,  
1757 number one, permits private persons or entities to prohibit  
1758 or restrict the possession of concealed firearms on their  
1759 property" -- on their private property.

1760 For example, there is one. Starbucks has said that  
1761 they want to restrict carrying concealed firearms upon their  
1762 property, anywhere. The State of Florida recognizes that.  
1763 Now, the difference is, it is not a law, it is a policy of  
1764 that individual owner. So, they can ask that individual who  
1765 may be carrying a concealed firearm to leave their property,  
1766 and they are obliged to do so. And if they do not, then the  
1767 police, after asking them to leave, if they do not, they can  
1768 be arrested for trespassing.

1769 Mr. Deutch. Will the gentleman yield?

1770 Mr. Cicilline. Will the gentleman yield for one  
1771 question?

1772 Mr. Rutherford. Yes.

1773 Mr. Cicilline. But under the statute, if the police  
1774 arrive, they are not allowed to ask or detain the person to  
1775 find out if they actually have a permit. And if they do,  
1776 they can get sued under this bill. Right?

1777 Mr. Rutherford. No. They can ask them --

1778 Mr. Cicilline. No, no. They cannot. They cannot  
1779 detain a person for purposes of --

1780 Mr. Rutherford. No, they cannot detain people, because  
1781 they are not law enforcement. But they can tell, in visuals  
1782 --

1783 Mr. Cicilline. No. I said when the police arrive.  
1784 You said the police can arrive. But under this bill --

1785 Mr. Rutherford. Right.

1786 Mr. Cicilline. -- when the police arrive, they are  
1787 prohibited from detaining a person to make this  
1788 determination. And if they do, they are subject to  
1789 liability and attorney's fees for doing that.

1790 Mr. Rutherford. No, they are not, which is why I  
1791 passed the -- which is why I offered the amendment --

1792 Mr. Cicilline. Well, they are. It is on page 3.

1793 Mr. Rutherford. No.

1794 Mr. Cicilline. "When a person successfully asserts  
1795 this section as a defense in a criminal proceeding, the  
1796 court shall award the prevailing defendant reasonable  
1797 attorney's fees. And the person who is deprived of any  
1798 right, privilege, or immunity by this section may bring an  
1799 action in any appropriate court against any other person,  
1800 including a State or political subdivision thereof, who  
1801 causes the person to be subject to the deprivation for  
1802 damages."

1803           So, you are subjecting the police officer who responds  
1804 to a lawsuit and attorney's fees.

1805           Mr. Rutherford. Which --

1806           Mr. Cicilline. This is page 3.

1807           Mr. Rutherford. I will reclaim my time. Which is why  
1808 I offered the amendment earlier that says, "Nothing in this  
1809 act prohibits a law enforcement officer with reasonable  
1810 suspicion of a violation of any law from conducting a brief  
1811 investigative stop in accordance with the United States  
1812 Constitution."

1813           Mr. Deutch. Will the gentleman yield? Could a  
1814 restaurant or bar in Florida post a sign saying, "We do not  
1815 recognize concealed carry permits from other States? If you  
1816 have got one from Florida, you can be here, but no concealed  
1817 carry permits from other States admitted in our restaurant  
1818 or bar."

1819           Mr. Rutherford. Yes. Property owners have that right.  
1820 They can restrict anyone that they wish.

1821           Mr. Deutch. Okay. I mean, I just want to be clear, in  
1822 your legislative history, that that is acceptable.

1823           Mr. Rutherford. And my colleague is absolutely right.  
1824 That is why I offered this amendment, to make sure that  
1825 officers have that investigative capability that they need.  
1826 So, Mr. Chairman, I go back to that page two, about private  
1827 property rights. Clearly, this bill does not supersede



1828 State law concerning the property rights of individuals  
1829 within the individual 50 States.

1830 Mr. Deutch. Will the gentleman yield? Will my --

1831 Mr. Rutherford. I yield.

1832 Mr. Deutch. -- friend from Florida yield for a  
1833 question? Let's just be clear. The language that you  
1834 referred to says that the section will not be construed to  
1835 supersede the laws of any State that permit private persons  
1836 to prohibit or restrict possession of firearms and laws that  
1837 prohibit or restrict the possession of firearms on any State  
1838 or local government property.

1839 Mr. Rutherford. No. It is not "and." It is "or."

1840 Mr. Deutch. Right. It is. And there is a difference  
1841 between a law that says that it is illegal to bring a gun to  
1842 the State legislature and a law that says, "You are a  
1843 business that can decide you do not want to have guns and  
1844 can post a sign outside," because that is all this really  
1845 does. To be consistent, it would say that you cannot limit  
1846 the laws of any State or local government that wants to  
1847 prohibit or restrict possession.

1848 In other words, why is it that a business can only say,  
1849 "You are not allowed to have guns," but the police -- there  
1850 is no law against it. But as State legislature, it is  
1851 illegal to even bring the gun inside. If it is too  
1852 dangerous for someone to bring a gun inside a State

1853 legislature, because we are worried about the State  
1854 legislators, then should not we also be worried about  
1855 members of the public in a bar and allow States to pass laws  
1856 to make that illegal?

1857 Mr. Rutherford. If I can reclaim my time, let's talk  
1858 about a bar. Because a bar in Florida, as you know, it is  
1859 restricted, because any facility that serves alcohol, it is  
1860 restricted.

1861 Mr. Deutch. Right.

1862 Mr. Rutherford. Which means, if I come from a State  
1863 that offers a concealed carry, that allows you to carry in a  
1864 bar in that State, that does not supersede Florida's law. I  
1865 cannot carry in a bar in Florida, even, you know, make up a  
1866 State that has a concealed carry that allows you to go into  
1867 a bar. I still could not carry in the State of Florida, if  
1868 I was from another State, in the bar, because this law does  
1869 not supersede in Florida law.

1870 Mr. Ratcliffe. [Presiding.] The gentleman's time has  
1871 expired.

1872 Mr. Deutch. In which case, this is a clarifying  
1873 amendment.

1874 Ms. Lofgren. Chairman? Mr. Chairman?

1875 Mr. Issa. Does any other member wish to be --

1876 Ms. Lofgren. I would like to strike the last word.

1877 Mr. Ratcliffe. The gentlewoman is recognized for 5

1878 minutes.

1879 Ms. Lofgren. Thank you very much. I would just like  
1880 to make a point before I yield to the gentleman from  
1881 Florida, Mr. Deutch, for his additional comment that the  
1882 private right to say, "You cannot bring in a concealed  
1883 weapon" -- I think Mr. Cicilline is right. It is flawed in  
1884 terms of how it is set up in terms of enforcement.

1885 But putting that issue to one side, we are a Nation of  
1886 laws, and the issue here is whether the State legislature or  
1887 a county -- I served for 14 years on the Board of  
1888 Supervisors in Santa Clara County -- whether the people who  
1889 are elected in States to make the laws to preserve the peace  
1890 are permitted to do that, and this undercuts their capacity  
1891 to do that as to private property. I think that is a  
1892 significant problem from a federalism point of view. I  
1893 think it is a significant problem in terms for public  
1894 safety. I am mindful that the Sheriffs Association from my  
1895 own State opposes this bill partly for that reason.

1896 And so, I do think this is a very important amendment,  
1897 and it cannot be resolved simply because individual owners  
1898 of property may have a hard-to-exercise right to refuse  
1899 people who are carrying concealed weapons to enter. The  
1900 passing of laws to keep the public peace is properly vested  
1901 in the legislatures and in the local governments who have  
1902 been elected to do that. And I would be happy to yield

1903 further to Mr. Deutsch for his excellent amendment.

1904           Mr. Deutch. I thank my friend from California, and I  
1905 would urge my friend from Florida to take another look at  
1906 the language. And if what he is suggesting is that this  
1907 piece of legislation is meant to respect State laws, State  
1908 laws that make it illegal for individuals to bring concealed  
1909 weapons into certain areas, then my amendment will simply  
1910 clarify that.

1911           Because the language, as drafted, says that it will not  
1912 interfere with any State law that permits private persons  
1913 from prohibiting the possession of concealed firearms. That  
1914 is different than a State legislature passing a law that  
1915 says, "No concealed firearms are permitted on a college  
1916 campus," or, "No concealed firearms are permitted in a bar."  
1917 They are two different things.

1918           But I appreciate what my friend from Florida is saying,  
1919 and if it is that his intent and the bill's intent to retain  
1920 the ability of States to pass those laws to keep the  
1921 citizens of their States safe, then I would respectfully  
1922 suggest that my amendment simply accomplishes and clarifies  
1923 what it is that he believes the bill already does, and I  
1924 would urge him to support it.

1925           Ms. Lofgren. Reclaiming my time, I think the point the  
1926 gentleman has made is an excellent one. I think if we want  
1927 to preserve the right of States to enact laws to preserve

1928 public safety, then we have to support your amendment. If,  
1929 in fact, the idea is to remove legislators and legislatures  
1930 from that role, then I think this vote will show that that  
1931 is really what is before us. And with that, Mr. Speaker, I  
1932 would be happy to yield to the gentleman from Maryland.

1933 Mr. Raskin. If I could just pose a question, either to  
1934 you or to Mr. Deutch, about this. In fact, if we do not  
1935 pass the Deutch amendment it may have the effect -- in  
1936 Florida, for example, the law is that you may not carry a  
1937 firearm into a private bar or restaurant, so there is a  
1938 categorical rule for all of them. And if we pass the  
1939 legislation the way it is, we throw it out; Florida does not  
1940 presently have a law that permits private persons or  
1941 entities to prohibit or restrict. It just does it on a  
1942 blanket basis for everybody.

1943 Now we have overturned the only law that they have got.  
1944 Theoretically, anybody can come in from Alabama or Missouri  
1945 another State carrying guns, saying, "There is no law on the  
1946 State which gives you the right to exclude me carrying a  
1947 gun." So, I think if you do want to accomplish the status  
1948 quo which you imagined, I think we have got to pass the  
1949 Deutch amendment. I yield back.

1950 Ms. Lofgren. And I would yield back, Mr. Chairman.

1951 Mr. Ratcliffe. The gentlelady yields back. Does any  
1952 other member wish to be recognized? For what purpose does

1953 the gentleman from Tennessee seek recognition?

1954 Mr. Cohen. Thank you. I would like to ask --

1955 Mr. Ratcliffe. The gentleman is recognized for 5  
1956 minutes.

1957 Mr. Cohen. Would the gentleman from Florida yield for  
1958 a question? I am confused with Mr. Deutch's amendment. I  
1959 certainly do not think that only the visiting team's fans  
1960 should have guns. I think the home team should have them,  
1961 too, otherwise the seven-point spread on the road games is  
1962 not to be relevant again if only the visitors have the guns.

1963 But are you saying you believe the law is that this is  
1964 drawn, that this would not affect concealed carry? If the  
1965 State of Florida says you cannot carry into a bar, you  
1966 cannot carry from any State, and if the State of Florida or  
1967 State of Tennessee says you cannot carry into a new stadium,  
1968 you cannot carry it regardless of what your State's policy?

1969 Mr. Rutherford. That is correct.

1970 Mr. Cohen. That is kind of the way I read, too. So,  
1971 you know, I guess is no harm, no foul maybe.

1972 Mr. Rutherford. I do not see the need.

1973 Mr. Cohen. I hate to be in disagreement, but I do not  
1974 see the need either. And I certainly --

1975 Mr. Deutch. Would the gentleman yield?

1976 Mr. Cohen. Yeah, I yield.

1977 Mr. Deutch. Before we vote on this amendment, just to

1978 be clear, again, the language says, "This section shall not  
1979 be construed to supersede or limit the laws of any State  
1980 that prohibits or restricts the possession of firearms on  
1981 State or local government property."

1982       If we were trying to accomplish what it is my friend  
1983 from Florida thinks the bill is trying to accomplish, it  
1984 would also say, "Prohibit or restrict the possession of  
1985 firearms on any laws on a private property." That is a law,  
1986 like in Florida, that says you cannot bring a concealed  
1987 weapon into an establishment licensed to dispense alcoholic  
1988 beverages for consumption.

1989       That is not what the bill says. The bill says that it  
1990 will not supersede any laws that permit private persons to  
1991 prohibit or restrict the possession. That means there is  
1992 not a law against taking a gun into a bar. It is a law --

1993       Mr. Rutherford. If my colleague will yield --

1994       Mr. Deutch. It would be a law that says it is okay for  
1995 the bar owner --

1996       Mr. Rutherford. Will the gentleman yield?

1997       Mr. Deutch. Of course.

1998       Mr. Cohen. I yield from southern Florida to you.

1999       Mr. Rutherford. Oh, I am sorry, Mr. Cohen. Thank you.  
2000 The issue is at the State law, you have committed a crime if  
2001 you go into a bar in Florida --

2002       Mr. Deutch. Right.

2003 Mr. Rutherford. -- that does not allow concealed carry  
2004 in a bar where alcohol is being served, or a restaurant.

2005 You have committed a crime.

2006 Mr. Deutch. Correct.

2007 Mr. Rutherford. If I go into Starbucks, who has as a  
2008 policy and private property owner, said, "I do not want  
2009 concealed carry guns in my business," which they have the  
2010 right to do, I have not committed a crime, but I can be  
2011 forced to leave that property.

2012 Mr. Raskin. Would the gentleman yield?

2013 Mr. Rutherford. That is their property right.

2014 Mr. Raskin. And you have convinced me on the policy  
2015 point, but go back to the crime point. Would it still be a  
2016 crime under this legislation?

2017 Mr. Rutherford. Because it does not supersede State  
2018 law.

2019 Mr. Raskin. Oh, but those are just State laws that  
2020 permit Starbucks to set up their own policy, but it does  
2021 override all the State laws which say there shall be no  
2022 private firearms taken into hotels, motels, stadiums,  
2023 private places. You see?

2024 There is nothing in the legislation that protects those  
2025 laws. You could protect it, as Mr. Deutch is saying, by  
2026 adding private property to the next provision, or you could  
2027 get rid of "permit private persons or entities," and say,



2028 "The section shall not supersede or limit the laws of any  
2029 State that prohibit or restrict possession of concealed  
2030 firearms on private property."

2031 But you see, it is deliberately not doing what you say  
2032 it does do, and I think if you want to accomplish that, I  
2033 think that you should be supporting the Deutch amendment,  
2034 which I am supporting very strongly. I yield back.

2035 Mr. Deutch. If my friend from Florida will yield, I  
2036 would point out that the gentleman makes a good point then  
2037 that I had not thought of, that we have not discussed. But  
2038 that there are in fact three different categories. There is  
2039 a category of laws against having concealed firearms, on  
2040 government property, laws against having concealed firearms  
2041 on private property, and laws that give private persons the  
2042 ability to prohibit guns in their businesses.

2043 Those are three different areas, three different  
2044 topics. This bill deals with two of them; it deals with  
2045 private persons that prohibit possession on their property;  
2046 it deals with laws against guns on public property. It does  
2047 not deal with laws against guns on private property. My  
2048 amendment simply adds the words "private property or State  
2049 or local government property" to accomplish exactly --  
2050 exactly -- what my friend from Florida intends this bill to  
2051 do.

2052 Mr. Cohen. And I reclaim my time, and after that, just

2053 a suggestion. I suggest Mr. Rutherford and Mr. Deutch have  
2054 a joint amendment to clarify it, because I think he makes a  
2055 point. I do not think it is a reality that would occur, but  
2056 it could. And so, I yield my time back and hope that you  
2057 all can come together.

2058 Mr. Ratcliffe. The gentleman's time has expired. The  
2059 question is on the amendment.

2060 Those in favor, say aye.

2061 Those opposed, no.

2062 In the opinion of the chair, the noes have it and the  
2063 amendment is not agreed to.

2064 Mr. Deutch. I ask for a recorded vote.

2065 Mr. Ratcliffe. A recorded vote has been requested and  
2066 the clerk will call the roll.

2067 Ms. Adcock. Mr. Goodlatte?

2068 [No response.]

2069 Mr. Sensenbrenner?

2070 [No response.]

2071 Mr. Smith?

2072 [No response.]

2073 Mr. Chabot?

2074 [No response.]

2075 Mr. Issa?

2076 [No response.]

2077 Mr. King?

2078 Mr. King. No.

2079 Ms. Adcock. Mr. King votes no.

2080 Mr. Franks?

2081 [No response.]

2082 Mr. Gohmert?

2083 Mr. Gohmert. No.

2084 Ms. Adcock. Mr. Gohmert votes no.

2085 Mr. Jordan?

2086 [No response.]

2087 Mr. Poe?

2088 [No response.]

2089 Mr. Marino?

2090 Mr. Marino. No.

2091 Ms. Adcock. Mr. Marino votes no.

2092 Mr. Gowdy?

2093 Mr. Gowdy. No.

2094 Ms. Adcock. Mr. Gowdy votes no.

2095 Mr. Labrador?

2096 Mr. Labrador. No.

2097 Ms. Adcock. Mr. Labrador votes no.

2098 Mr. Farenthold?

2099 [No response.]

2100 Mr. Collins?

2101 [No response.]

2102 Mr. DeSantis?

2103 Mr. DeSantis. No.

2104 Ms. Adcock. Mr. DeSantis votes no.

2105 Mr. Buck?

2106 [No response.]

2107 Mr. Ratcliffe?

2108 Mr. Ratcliffe. No.

2109 Ms. Adcock. Mr. Ratcliffe votes no.

2110 Mrs. Roby?

2111 Mrs. Roby. No.

2112 Ms. Adcock. Mrs. Roby votes no.

2113 Mr. Gaetz?

2114 [No response.]

2115 Mr. Johnson of Louisiana?

2116 Mr. Johnson of Louisiana. No.

2117 Ms. Adcock. Mr. Johnson votes no.

2118 Mr. Biggs?

2119 [No response.]

2120 Mr. Rutherford?

2121 Mr. Rutherford. No.

2122 Ms. Adcock. Mr. Rutherford votes no.

2123 Mrs. Handel?

2124 Mrs. Handel. No.

2125 Ms. Adcock. Mrs. Handel votes no.

2126 Mr. Nadler?

2127 Mr. Nadler. Aye.

2128 Ms. Adcock. Mr. Nadler votes aye.  
2129 Mr. Conyers?  
2130 [No response.]  
2131 Ms. Lofgren?  
2132 Ms. Lofgren. Aye.  
2133 Ms. Adcock. Ms. Lofgren votes aye.  
2134 Ms. Jackson Lee?  
2135 Ms. Jackson Lee. Aye.  
2136 Ms. Adcock. Ms. Jackson Lee votes aye.  
2137 Mr. Cohen?  
2138 Mr. Cohen. Aye.  
2139 Ms. Adcock. Mr. Cohen votes aye.  
2140 Mr. Johnson of Georgia?  
2141 Mr. Johnson of Georgia. Aye.  
2142 Ms. Adcock. Mr. Johnson votes aye.  
2143 Mr. Deutch?  
2144 Mr. Deutch. Aye.  
2145 Ms. Adcock. Mr. Deutch votes aye.  
2146 Mr. Gutierrez?  
2147 [No response.]  
2148 Ms. Bass?  
2149 [No response.]  
2150 Mr. Richmond?  
2151 [No response.]  
2152 Mr. Jeffries?

2153 [No response.]

2154 Mr. Cicilline?

2155 Mr. Cicilline. Aye.

2156 Ms. Adcock. Mr. Cicilline votes aye.

2157 Mr. Swalwell?

2158 [No response.]

2159 Mr. Lieu?

2160 Mr. Lieu. Aye.

2161 Ms. Adcock. Mr. Lieu votes aye.

2162 Mr. Raskin?

2163 Mr. Raskin. Aye.

2164 Ms. Adcock. Mr. Raskin votes aye.

2165 Ms. Jayapal?

2166 [No response.]

2167 Mr. Schneider?

2168 Mr. Schneider. Aye.

2169 Ms. Adcock. Mr. Schneider votes aye.

2170 Mr. Sensenbrenner. [Presiding.] Are there any members

2171 who wish to cast or change their votes? Starting with the

2172 acting chair, who votes no.

2173 Ms. Adcock. Mr. Sensenbrenner votes no.

2174 Mr. Sensenbrenner. The real chair, the gentleman from

2175 Virginia?

2176 Chairman Goodlatte. No.

2177 Ms. Adcock. Mr. Goodlatte votes no.

2178 Mr. Sensenbrenner. The gentleman from Arizona?

2179 Mr. Franks. No.

2180 Ms. Adcock. Mr. Franks votes no.

2181 Mr. Sensenbrenner. Any other members who wish to cast  
2182 or change their votes? If not, the clerk will report.

2183 Ms. Adcock. Mr. Chairman, 10 members voted aye; 14  
2184 members voted no.

2185 Mr. Sensenbrenner. And the amendment is not agreed to.  
2186 Are there further amendments?

2187 Ms. Jackson Lee. I have an amendment at the desk.

2188 Mr. Sensenbrenner. For what purpose does the  
2189 gentlewoman from Texas seek recognition?

2190 Ms. Jackson Lee. I have an amendment at the desk, 005.

2191 Mr. Sensenbrenner. Will the clerk please report it and  
2192 see if this is the correct amendment this time?

2193 Ms. Jackson Lee. The correct amendment was at the  
2194 desk. I am glad to have it called up.

2195 Mr. Sensenbrenner. The clerk will report.

2196 Ms. Adcock. Amendment to the amendment in the nature  
2197 of a substitute to H.R. 38, offered by Ms. Jackson Lee.

2198 Page 5, line 10, insert after "service" the following --

2199 [The amendment of Ms. Jackson Lee follows:]

2200 \*\*\*\*\* INSERT 7 \*\*\*\*\*

2201 Mr. Sensenbrenner. Without objection, the amendment is  
2202 considered as read, and the gentleman from Texas is  
2203 recognized for 5 minutes.

2204 Ms. Jackson Lee. So the record is clarified, there  
2205 were two amendments on domestic violence. This amendment  
2206 was at the desk correctly, and I did call up the correct  
2207 one. I now call it up to be heard, and my amendment deals  
2208 with the question of domestic violence.

2209 As I begin, we always respect those who are here as  
2210 citizens in our audience. And they are not part of the  
2211 markup, but I do have the right to ask if anyone who is  
2212 sitting in the audience have experienced some violence with  
2213 guns? Anyone wants to raise their hands in the audience.

2214 Mr. Sensenbrenner. The chair would admonish the  
2215 gentlewoman from Texas, the House rules prohibit recognizing  
2216 people from the audience.

2217 Ms. Jackson Lee. I imagine that people have deal with  
2218 gun violence, and so they understand what this issue is all  
2219 about. It is a passionate issue and certainly -- and maybe  
2220 it is hard for them to hear -- but as I indicated, the  
2221 mother of Jordan Davis is here, and I do want to acknowledge  
2222 you that experienced this gun violence.

2223 Mr. Chairman, this legislation deals with domestic  
2224 violence, and if I might share some statistics that I think  
2225 are very important. About 4.5 million American women alive



2226 today have been threatened with a gun by an intimate  
2227 partner. In many States, these laws exist. Some do not  
2228 have extensive laws as other States. One in three women and  
2229 one in four men have been victims of some form of physical  
2230 violence. The presence of a gun in a domestic violence  
2231 situation increases the risk of homicide by 500 percent.

2232 It is noted that, as I indicated, some States have  
2233 begun to address the question of domestic violence  
2234 misdemeanors that are not covered by Federal law from buying  
2235 or possessing guns and or ammunition.

2236 My amendment indicates that anyone who has been  
2237 convicted of an offense of domestic violence or stalking  
2238 would not be covered under this legislation. It goes to my  
2239 earlier points of law enforcement trying to prevent a number  
2240 of factors with someone carrying a gun and coming across  
2241 State lines, and as well, to protect those who are victims  
2242 of domestic violence, or a domestic violence abuser who has  
2243 been convicted.

2244 Under VAWA, which we intend to reauthorize shortly and  
2245 to expand on a number of issues from sexual harassment to  
2246 sexual assault and have expanded powers under that, Congress  
2247 developed programs and strategies that focus on the specific  
2248 needs of victims of domestic violence, dating violence,  
2249 sexual assault, and stalking, including addressing the  
2250 various challenges imposed upon these victims due to limited

2251 law enforcement resources and training.

2252         This bill will undermine all the effort exerted in  
2253 implementing this vital piece of legislation, for it means  
2254 that if you are convicted of being a domestic violence  
2255 perpetrator or a stalking perpetrator under the law of the  
2256 land as defined in the Violence Against Women Act, you then  
2257 may be able to take a weapon across State lines for a  
2258 variety of reasons.

2259         Maybe your State did not count that; maybe you are  
2260 going into States that do. But it is very important, as I  
2261 started out by saying, that in order to have a comprehensive  
2262 initiative on this legislation, which I oppose, it makes it  
2263 important to include this language in the language of this  
2264 legislation.

2265         I ask my colleagues to support this legislation of  
2266 indicating if you are a convicted domestic abuser --  
2267 remember the statistic I indicated, that if there is a  
2268 circumstance where domestic violence is involved, that  
2269 situation, or a gun is involved in a domestic violence  
2270 situation, that likelihood of homicide increases 500  
2271 percent.

2272         My final point is that I have talked to law enforcement  
2273 officers who have to confront domestic violence situations.  
2274 They are situations which they find most difficult to handle  
2275 for the frightened victim, and as well, in cases of domestic

2276 violence officers, in those circumstances have also lost  
2277 their life going to that home where a domestic violence call  
2278 has been made and the abuser has a gun.

2279 I ask my colleagues to support this amendment. I yield  
2280 back.

2281 Mr. Sensenbrenner. The chair recognizes himself for 5  
2282 minutes in opposition of the amendment. The amendment would  
2283 exclude people convicted of the stalking offense from the  
2284 reciprocity extended under H.R. 38. It is unnecessary and  
2285 should not be adopted.

2286 The crime of stalking, particularly when accompanied by  
2287 other aggravating circumstances, is a felony in most States.  
2288 This means that people convicted of a felony stalking  
2289 offense will be barred from possessing a firearm under  
2290 current Federal law: 18 U.S.C. 922 also prohibits people who  
2291 are subject to a restraining order for stalking from  
2292 possessing a firearm during pendency of the order, and any  
2293 person convicted of a domestic violence misdemeanor, which  
2294 will often accompany stalking offense, are similarly barred.

2295 In essence, this amendment seeks to permanently bar  
2296 people from exercising a fundamental constitutional right in  
2297 situations that the State did not believe warranted a  
2298 felony. This is something that the State should make a  
2299 determination on. It is not something that we should  
2300 override the States on. And I urge my colleagues to join me

2301 in opposing the amendment and yield back the balance of my  
2302 time.

2303 For what purpose does the gentleman from New York seek  
2304 recognition?

2305 Mr. Nadler. I move to strike the last word.

2306 Mr. Sensenbrenner. The gentleman is recognized for 5  
2307 minutes.

2308 Mr. Nadler. Thank you, Mr. Chairman. What the  
2309 chairman just said is exactly wrong. The fact is that this  
2310 amendment, which says that the underlying bill does not  
2311 apply in the case of a person convicted of an offense of  
2312 domestic violence or stalking under law of other State or  
2313 Indian tribe, does not define domestic violence or stalking.  
2314 It leaves that to the State. It does not to say that  
2315 someone can or cannot carry a weapon. It says that the  
2316 State's determination should not be overridden by this bill.

2317 What this amendment says is that where a State has  
2318 determined that certain conduct constitutes domestic  
2319 violence or stalking, which may include conduct that the  
2320 Federal Government in its law has not defined as domestic  
2321 violence, but where the State has defined certain conduct as  
2322 domestic violence or stalking, and where the State has  
2323 decided that people convicted of that conduct should not be  
2324 permitted to carry a concealed weapon, that the Federal  
2325 Government should not override that State law.

2326 Or, more to the point, should not permit some other  
2327 State to override that State law by saying that anyone, in  
2328 effect, can carry the law of the State with them in their  
2329 pockets to another State to say that the concealed carry law  
2330 of State A, which does not define domestic violence to  
2331 include whatever the conduct is, or which permits concealed  
2332 carry despite a conviction of domestic violence, that that  
2333 law cannot prevail.

2334 What this amendment says is that law cannot prevail  
2335 over State B's law in State B. What the bill says is, yes,  
2336 it can, that in effect if you have a concealed carry permit,  
2337 or if your State does not require a concealed carry permit  
2338 so you just concealed-carry, you carry the law of your State  
2339 with you to another State. And despite the wishes of that  
2340 State, the law that applies to you is the law of your State  
2341 in the other State.

2342 Now, this is an obnoxious doctrine anyway. It is a  
2343 violation of States' rights. It is a violation of the local  
2344 ability of people to make their own decisions. But here we  
2345 are saying this amendment is much more limited. We are  
2346 saying you cannot at least override the local State law in a  
2347 case of a person convicted of domestic violence or stalking  
2348 as defined by that the law of that State. It may be, as the  
2349 chairman states, that Federal law does not permit concealed  
2350 carry or other things for people convicted of domestic

2351 violence, but the domestic violence --

2352 Mr. Sensenbrenner. Will the gentleman yield?

2353 Mr. Nadler. In 1 minute. But the domestic violence as  
2354 defined by State law may be different or broader than the  
2355 domestic violence as defined in the Federal law. I yield.

2356 Mr. Sensenbrenner. It is already Federal law that if  
2357 you are convicted of any kind of felony, you are ineligible  
2358 to purchase, attempt to purchase, or possess, or attempt to  
2359 possess any type of firearm.

2360 Now, with the so-called Lautenberg amendment that I  
2361 referred to in my comments, that is extended to misdemeanors  
2362 involving domestic violence as defined by the State law.  
2363 So, you know, here you have misdemeanors covered when  
2364 someone is convicted of it. There are only two types of  
2365 crimes in this country. They are felonies or misdemeanors.  
2366 So, I think we have got them both ways.

2367 Mr. Nadler. Reclaiming my time, we do not have them  
2368 both ways. If you wanted to have them both ways, you would  
2369 have adopted my amendment a little while ago, but on a party  
2370 line vote that amendment, which covered misdemeanor violence  
2371 as opposed to felonious violence -- and again, the  
2372 definition of a felony or misdemeanor varies from State to  
2373 State and varies in the Federal law -- would have been  
2374 adopted. Had that amendment been adopted you might have a  
2375 point, but that amendment was not adopted.

2376           And in addition to that, this amendment restrains such  
2377 persons from harassing, stalking, or threatening a dating  
2378 partner. Federal law, I think, only refers to domestic  
2379 violence to a married couple, not dating partners here.

2380           Without comparing Federal law to the laws of every  
2381 State, the fact is the laws of States may be more  
2382 restrictive than the Federal Government in some instances.  
2383 The definitions of domestic violence may be more expansive  
2384 in some instances. They may cover misdemeanors where the  
2385 Federal law does not. And again, why should we say that, as  
2386 a general thing in this bill, why should we say that you  
2387 carry the law of one State into the law of the other by  
2388 Federal mandate?

2389           The Federal Government is saying, "Never mind what New  
2390 York says or what Wyoming says. California says  
2391 differently; their law prevails in New York or Wyoming."  
2392 And what this amendment says is, "Okay, but not for domestic  
2393 violence," and that we ought to adopt as this amendment.  
2394 And I yield back.

2395           Mr. Sensenbrenner. The gentleman's time has expired.

2396           Ms. Lofgren. Mr. Chairman?

2397           Mr. Sensenbrenner. The gentlewoman from California?

2398           Ms. Lofgren. I move to strike the last word.

2399           Mr. Sensenbrenner. The gentlewoman is recognized for 5  
2400 minutes.

2401 Ms. Lofgren. I think that this is an important  
2402 amendment, as Mr. Nadler has pointed out. My home State of  
2403 California has very expansive protections for victims of  
2404 domestic violence. It is not just marital partners. And I  
2405 think this amendment would protect that. We know very  
2406 clearly the connection between gun violence and domestic  
2407 abuse, and that is why I strongly support Ms. Jackson Lee's  
2408 amendment, and I would like to yield her additional time.

2409 Ms. Jackson Lee. I thank the gentlelady for her  
2410 kindness. And I respect the chair's comments, but I totally  
2411 agree and associate myself with the comments of Mr. Nadler  
2412 of New York and Ms. Lofgren of California. They are  
2413 absolutely right.

2414 As I look at the data that I have before me, there are  
2415 only 27 States that have included misdemeanor domestic  
2416 violence issues. When I started out earlier today, as I am  
2417 listening to the very important amendments of all of my  
2418 colleagues -- Democratic colleagues, and we passed one from  
2419 a Republican member -- we should be able to do this  
2420 bipartisan; I oppose this bill.

2421 But the data is that only 27 States have put laws in  
2422 place on misdemeanors. So, when you have a bill that has  
2423 reciprocity for open carry, it seems obvious that, in the  
2424 instance of the gentleman from Maryland, we want to protect  
2425 his State. He has various rules.



2426           There are 27 States that have various rules, but there  
2427 are States that do not have various rules. I would want to  
2428 have a Federal law that misdemeanor domestic violence does  
2429 not apply, or you are not covered or protected by this  
2430 legislation and cannot be a participant in the reciprocity  
2431 of the concealed weapons legislation that we are now passing  
2432 and willy-nilly go from one State to the next that may not  
2433 have it. But that we know the ultimate good is that you  
2434 should not have a gun going into a State if you have been  
2435 convicted of a misdemeanor domestic violence with a gun, by  
2436 the way.

2437           And I remind everyone again that if there is a domestic  
2438 violence case, and there is a gun, 500 percent chance of  
2439 there being a homicide. With that, I ask my colleagues to  
2440 support the amendment and call the question.

2441           Mr. Raskin. I move to strike the last word.

2442           Mr. Sensenbrenner. Does the gentlewoman from  
2443 California yield back?

2444           Ms. Lofgren. I would be happy to yield to the  
2445 gentleman from Maryland.

2446           Ms. Jackson Lee. Oh, I am sorry.

2447           Mr. Raskin. Thank you very much.

2448           Ms. Jackson Lee. I apologize to the gentleman from  
2449 Maryland.

2450           Mr. Raskin. No, not at all. I wanted to rise in favor

2451 of Ms. Jackson Lee's amendment, and I want to make two  
2452 points here. One is that I was trying to think of an  
2453 analogy that would wake people up across the aisle, across  
2454 America, to what is happening here.

2455 Right now, the country is in a big debate about the  
2456 future of marijuana law, and some States make it a complete  
2457 crime to use marijuana, and some States have said you can  
2458 use marijuana for medical purposes. And some States have  
2459 moved to recreational use of marijuana.

2460 If we were to take the logic of this legislation and  
2461 import it to the marijuana field, we would say that if you  
2462 have the right to use marijuana recreationally in your  
2463 State, you have the right to use marijuana recreationally  
2464 anywhere in the country. If you have the right to use  
2465 marijuana medicinally in your State, you have the right to  
2466 use it medicinally anywhere in the country. And I just want  
2467 my colleagues to understand the logic of the approach that  
2468 they are pushing here.

2469 Mr. Nadler. Would the gentleman --

2470 Mr. Raskin. Yes.

2471 Ms. Lofgren. Actually, it is my time.

2472 Mr. Nadler. Oh, I am sorry.

2473 Ms. Lofgren. And I would be happy to yield to the  
2474 gentleman from New York.

2475 Mr. Nadler. Thank you. Picking up on what the

2476 gentleman from Maryland was just saying in general on this  
2477 bill, we know of plenty of laws -- some of them intelligent,  
2478 some of them not so intelligent -- that say, "Never mind  
2479 what the State says; the Federal Government, you know, is  
2480 ordering you to do this."

2481         With one exception, which I objected to at that time --  
2482 it was an abortion bill, but I do not think it passed in the  
2483 end -- I am not aware of any law -- any law -- that uses  
2484 Federal power to export the law of one State into another  
2485 State since the Fugitive Slave Act.

2486         The Fugitive Slave Act did exactly that. It said, "By  
2487 order of the Federal Government, the law of Alabama about  
2488 fugitive slaves applies in New York." I am not aware since  
2489 then of any law -- any law -- that does that, that uses the  
2490 power of the Federal Government to import the law of State A  
2491 and make it enforceable in State B. It is a terrible idea  
2492 to do that -- never mind the Fugitive Slave Act was a  
2493 terrible idea -- but it is a terrible idea to use Federal  
2494 power to enforce the laws of one State in another State,  
2495 whether for marijuana or for guns or for anything else, and  
2496 we should oppose a bill on that grounds if on no other  
2497 grounds. And I thank the gentlelady for yielding.

2498         Ms. Lofgren. I thank the gentleman for yielding back,  
2499 and my time has expired, so I yield back.

2500         Mr. Sensenbrenner. The time of the gentlewoman has

2501 expired. The question is the amendment offered by the  
2502 gentlewoman from Texas, Ms. Jackson Lee.

2503 Those in favor will say aye.

2504 Those opposed, no.

2505 The noes appear to have it.

2506 Ms. Jackson Lee. Mr. Chairman, I request a recorded  
2507 vote.

2508 Mr. Sensenbrenner. A recorded vote is ordered. The  
2509 clerk will call the roll.

2510 Ms. Adcock. Mr. Goodlatte?

2511 [No response.]

2512 Mr. Sensenbrenner?

2513 Mr. Sensenbrenner. No.

2514 Ms. Adcock. Mr. Sensenbrenner votes no.

2515 Mr. Smith?

2516 [No response.]

2517 Mr. Chabot?

2518 [No response.]

2519 Mr. Issa?

2520 [No response.]

2521 Mr. King?

2522 Mr. King. No.

2523 Ms. Adcock. Mr. King votes no.

2524 Mr. Franks?

2525 [No response.]

2526 Mr. Gohmert?  
2527 [No response.]  
2528 Mr. Jordan?  
2529 Mr. Jordan. No.  
2530 Ms. Adcock. Mr. Jordan votes no.  
2531 Mr. Poe?  
2532 [No response.]  
2533 Mr. Marino?  
2534 Mr. Marino. No.  
2535 Ms. Adcock. Mr. Marino votes no.  
2536 Mr. Gowdy?  
2537 Mr. Gowdy. No.  
2538 Ms. Adcock. Mr. Gowdy votes no.  
2539 Mr. Labrador?  
2540 [No response.]  
2541 Mr. Farenthold?  
2542 [No response.]  
2543 Mr. Collins?  
2544 [No response.]  
2545 Mr. DeSantis?  
2546 Mr. DeSantis. No.  
2547 Ms. Adcock. Mr. DeSantis votes no.  
2548 Mr. Buck?  
2549 Mr. Buck. No.  
2550 Ms. Adcock. Mr. Buck votes no.

2551 Mr. Ratcliffe?  
2552 Mr. Ratcliffe. No.  
2553 Ms. Adcock. Mr. Ratcliffe votes no.  
2554 Mrs. Roby?  
2555 Mrs. Roby. No.  
2556 Ms. Adcock. Mrs. Roby votes no.  
2557 Mr. Gaetz?  
2558 [No response.]  
2559 Mr. Johnson of Louisiana?  
2560 Mr. Johnson of Louisiana. No.  
2561 Ms. Adcock. Mr. Johnson votes no.  
2562 Mr. Biggs?  
2563 [No response.]  
2564 Mr. Rutherford?  
2565 Mr. Rutherford. No.  
2566 Ms. Adcock. Mr. Rutherford votes no.  
2567 Mrs. Handel?  
2568 Mrs. Handel. No.  
2569 Ms. Adcock. Mrs. Handel votes no.  
2570 Mr. Nadler?  
2571 Mr. Nadler. Aye.  
2572 Ms. Adcock. Mr. Nadler votes aye.  
2573 Mr. Conyers?  
2574 [No response.]  
2575 Ms. Lofgren?

2576 Ms. Lofgren. Aye.

2577 Ms. Adcock. Ms. Lofgren votes aye.

2578 Ms. Jackson Lee?

2579 Ms. Jackson Lee. Aye.

2580 Ms. Adcock. Ms. Jackson Lee votes aye.

2581 Mr. Cohen?

2582 Mr. Cohen. Aye.

2583 Ms. Adcock. Mr. Cohen votes aye.

2584 Mr. Johnson of Georgia?

2585 [No response.]

2586 Mr. Deutch?

2587 [No response.]

2588 Mr. Gutierrez?

2589 [No response.]

2590 Ms. Bass?

2591 [No response.]

2592 Mr. Richmond?

2593 [No response.]

2594 Mr. Jeffries?

2595 [No response.]

2596 Mr. Cicilline?

2597 Mr. Cicilline. Aye.

2598 Ms. Adcock. Mr. Cicilline votes aye.

2599 Mr. Swalwell?

2600 [No response.]

2601 Mr. Lieu?

2602 Mr. Lieu. Aye.

2603 Ms. Adcock. Mr. Lieu votes aye.

2604 Mr. Raskin?

2605 Mr. Raskin. Aye.

2606 Ms. Adcock. Mr. Raskin votes aye.

2607 Ms. Jayapal?

2608 [No response.]

2609 Mr. Schneider?

2610 Mr. Schneider. Aye.

2611 Ms. Adcock. Mr. Schneider votes aye.

2612 Mr. Sensenbrenner. Any members who wish to cast or

2613 change their votes? The gentleman from Ohio, Mr. Chabot?

2614 Mr. Chabot. No.

2615 Ms. Adcock. Mr. Chabot votes no.

2616 Mr. Sensenbrenner. The gentleman from Arizona?

2617 Mr. Franks. No.

2618 Ms. Adcock. Mr. Franks votes no.

2619 Mr. Sensenbrenner. The gentleman from Virginia?

2620 Chairman Goodlatte. No.

2621 Ms. Adcock. Mr. Goodlatte votes no.

2622 Mr. Sensenbrenner. The gentleman from Texas?

2623 Mr. Gohmert. No.

2624 Ms. Adcock. Mr. Gohmert votes no.

2625 Mr. Sensenbrenner. Any other members who wish to cast



2626 or change their votes? If not, the clerk will report.

2627 Ms. Adcock. Mr. Chairman, 8 members voted aye; 16

2628 members voted no.

2629 Mr. Sensenbrenner. And the amendment is not agreed to.

2630 Are there further amendments to --

2631 Ms. Lofgren. Mr. Chairman?

2632 Mr. Sensenbrenner. The gentlewoman from California?

2633 Ms. Lofgren. I have an amendment at the desk.

2634 Mr. Sensenbrenner. The clerk will report the

2635 amendment.

2636 Ms. Adcock. Amendment to the amendment in the nature

2637 of substitute to H.R. 38, offered by Ms. Lofgren of

2638 California. Page one, line 17, strike "carrying a valid

2639 license or permit which is used pursuant to the law of a

2640 State," and insert "carrying a valid license or permit which

2641 is issued pursuant to the law of the State in which the

2642 person resides."

2643 [The amendment of Ms. Lofgren follows:]

2644 \*\*\*\*\* INSERT 8 \*\*\*\*\*

2645 Mr. Sensenbrenner. The gentlewoman is recognized for 5  
2646 minutes.

2647 Ms. Lofgren. Mr. Chairman, the Concealed Carry  
2648 Reciprocity Act has a lot of flaws, and one of them is it  
2649 would allow potentially dangerous individuals to shop around  
2650 for the lowest quality concealed permit and then enjoy  
2651 reciprocity. If someone cannot get a permit in their own  
2652 State, under this bill they could go find another State with  
2653 less restrictive requirements, apply there, and reciprocity  
2654 would then require their home State, as well as other States  
2655 where concealed carry is allowed, to recognize their permit.

2656 My amendment would reserve out-of-state reciprocity for  
2657 permits that were issued to individuals who are actually  
2658 residents of the State that issued their permit. My home  
2659 State of California, like 34 States and the District of  
2660 Columbia, make those who are under a restraining order for  
2661 abusing a partner or misdemeanor domestic abuse ineligible.  
2662 Further, they are ineligible if they have committed a  
2663 misdemeanor crime of violence.

2664 Now, proponents of the bill say that it is necessary so  
2665 that law-abiding gun owners with concealed carry permits can  
2666 travel freely without having to worry about a patchwork  
2667 system of laws. This amendment would not disrupt that  
2668 purpose. It would merely prevent potentially dangerous  
2669 individuals from skirting their own State's rules to get a

2670 concealed carry permit. Now, I will give you an example.

2671 The State of Arizona, adjacent to California, does not  
2672 prohibit permits for abusive dating partners, a misdemeanor  
2673 criminal conviction. My own State of California does. So,  
2674 you can apply in Arizona for a permit online. You can apply  
2675 for a permit as a nonresident and then go to California.  
2676 Essentially, unless we adopt this amendment, anybody with a  
2677 problem in America can go and apply online to the States  
2678 that have the least restrictive provisions and skirt, not  
2679 only of the laws of the States where they are going to  
2680 travel to, but the laws of their own State.

2681 I think even at this amendment is adopted, this law has  
2682 flaws, but without this amendment it is completely  
2683 preposterous. So, I would hope that we would adopt this  
2684 amendment. It would make a bad bill slightly better. And  
2685 with that, I would yield back.

2686 Mr. Sensenbrenner. The chair recognizes himself in  
2687 opposition of the amendment. Reciprocity permits across  
2688 State lines should be recognized regardless of the State of  
2689 residency of the permitholder. Citizens of States that are  
2690 restrictive in the granting of concealed carry permits  
2691 should not be punished for living in those States.

2692 If they are not a prohibited individual and qualify for  
2693 a concealed carry permit in a State other than their own,  
2694 then that permit should be recognized by States in which

2695 these individuals travel, just like the residents of the  
2696 permit-granting State. The amendment should be defeated,  
2697 and I yield back the balance of my time.

2698 Mr. Cicilline. Mr. Chairman?

2699 Mr. Sensenbrenner. For what purpose does the gentleman  
2700 from Rhode Island seek recognition?

2701 Mr. Cicilline. I move to strike the last word.

2702 Mr. Sensenbrenner. The gentleman is recognized for 5  
2703 minutes.

2704 Mr. Cicilline. I want to thank the gentlelady for this  
2705 really excellent amendment that attempts to correct what I  
2706 see as one of the most egregious failings of this bill. And  
2707 with all due respect to the acting chairman, his argument in  
2708 favor of it is a declaration that ought to be so.

2709 I mean, the notion that it is good public policy to  
2710 allow an individual who is ineligible because of a criminal  
2711 conviction or some other factor from getting a concealed  
2712 carry permit in his or her own State, to be able to go on to  
2713 line and say, "I am going to apply for it from another State  
2714 that I do not live in for purposes of visiting a third State  
2715 with impunity," and to say that ought to be the case as a  
2716 sort of truism, it seems to me defies basic common sense,  
2717 good public policy.

2718 And the gentlelady's amendment at least says if you are  
2719 not a resident of that State, if you are not a real, bona

2720 fide resident of the State, you ought not have the ability  
2721 to shop around to a State that has no restrictions, maybe a  
2722 State that you are obviously permitted to have a permit even  
2723 though you have a criminal conviction or some other  
2724 disqualifying factor in your own State, that you simply can  
2725 go online and apply to a State that does not have a  
2726 residency requirement and then travel America with a  
2727 concealed loaded firearm anywhere you want.

2728 That is absurd, and there is no good argument I heard  
2729 from anyone on the Republican side. This is indefensible.  
2730 I thank the gentlelady for, in some modest way, trying to  
2731 fix some of the most horrible parts of this bill, and with  
2732 that I yield to the gentleman --

2733 Ms. Lofgren. Would the gentleman yield for just a  
2734 brief minute? You know, there are a number of States that  
2735 allow you to apply online -- Utah and Arizona -- as  
2736 nonresidents. And I think if you really think through how  
2737 this will work, the only laws that will apply in America  
2738 will be the laws of Utah and Arizona. And I thank the  
2739 gentleman for yielding.

2740 Mr. Cicilline. I thank you. And the State of Rhode  
2741 Island just passed proudly legislation that would prohibit  
2742 individuals convicted of misdemeanor domestic use from  
2743 possessing firearms. That will be overridden in large part  
2744 by this legislation. With that, I yield to the gentleman

2745 from Maryland.

2746 Mr. Raskin. I want to thank the gentleman from Rhode  
2747 Island, and I rise in very strong support of the Lofgren  
2748 amendment here, which goes right to the heart of what is  
2749 wrong with this bill. A Marylander, someone who lives in  
2750 our State, could come and ask for a conceal carry permit,  
2751 and we run them through the tests that we have adopted by  
2752 State law. We have had a whole legislative process, and we  
2753 run them through those tests. So, let's say they fail the  
2754 safety training; they fail the live fire experience; they  
2755 are deemed to be a dangerous person. We find that they have  
2756 a conviction on a stalking offense; we find that they have  
2757 crimes of violence; we find that they have an abusive dating  
2758 relationship and have been convicted of it; and they have  
2759 multiple convictions for drunk driving.

2760 Say they fail every single prong that we have, so we  
2761 deny it to them. Now, they go out of State -- or as the  
2762 gentlelady tells us, they do not even have to go out of  
2763 State -- they can go onto the internet and go, for example,  
2764 to Arizona, which does not have any of those criteria except  
2765 for the one on convicted stalkers. If they pass that test,  
2766 say they go to Alaska, where they do not have any of those  
2767 criteria, and they can do it online. They can get a  
2768 concealed carry permit for loaded firearms and carry in our  
2769 State because they have gotten the permit in another State,

2770 and maybe they got it online. You are destroying the laws  
2771 of the people of the States. That is what this legislation  
2772 purports to do in a completely brazen and unprecedented way.  
2773 You are trampling federalism underfoot. That is what this  
2774 would be.

2775         So, the Lofgren amendment says you have got at least  
2776 live in the State that you are purporting to have gotten  
2777 your concealed carry permit from, and that is critical. As  
2778 far as I can tell, and again, we have not had a hearing on  
2779 this bill, remember, this is rushing through Congress at the  
2780 speed of light. The most important thing we can do about  
2781 the thousands of our countrymen and women who have fallen  
2782 dead to massacres is to pass this national concealed carry  
2783 permit with no hearing.

2784         But anyway, the best I can tell, 14.5 million Americans  
2785 have these concealed carry permits right now, so we are  
2786 opening the floodgates into your State, regardless of what  
2787 your laws are, to 14.5 million people who can go online and  
2788 pass the test, if you can even call it that, of the weakest  
2789 laws in the country. So, we have got to pass the Lofgren  
2790 amendment if we have any respect at all left for the laws of  
2791 the States and the ability of the people to pass their own  
2792 regulations dealing with public safety. I yield back.

2793         Mr. Sensenbrenner. The gentleman's time has expired.  
2794 The question is on the Lofgren amendment.

2795 Those in favor will say aye.

2796 Those oppose, no.

2797 The noes appear to have it.

2798 Ms. Lofgren. Mr. Chairman, I would like a recorded  
2799 vote, please.

2800 Mr. Sensenbrenner. A recorded vote has been ordered.  
2801 The clerk call roll.

2802 Ms. Adcock. Mr. Goodlatte?

2803 [No response.]

2804 Mr. Sensenbrenner?

2805 Mr. Sensenbrenner. No.

2806 Ms. Adcock. Mr. Sensenbrenner votes no.

2807 Mr. Smith?

2808 [No response.]

2809 Mr. Chabot?

2810 [No response.]

2811 Mr. Issa?

2812 Mr. Issa. No.

2813 Ms. Adcock. Mr. Issa votes no.

2814 Mr. King?

2815 Mr. King. No.

2816 Ms. Adcock. Mr. King votes no.

2817 Mr. Franks?

2818 [No response.]

2819 Mr. Gohmert?



2820 Mr. Gohmert. No.

2821 Ms. Adcock. Mr. Gohmert votes no.

2822 Mr. Jordan?

2823 Mr. Jordan. No.

2824 Ms. Adcock. Mr. Jordan votes no.

2825 Mr. Poe?

2826 [No response.]

2827 Mr. Marino?

2828 Mr. Marino. No.

2829 Ms. Adcock. Mr. Marino votes no.

2830 Mr. Gowdy?

2831 Mr. Gowdy. No.

2832 Ms. Adcock. Mr. Gowdy votes no.

2833 Mr. Labrador?

2834 [No response.]

2835 Mr. Farenthold?

2836 [No response.]

2837 Mr. Collins?

2838 [No response.]

2839 Mr. DeSantis?

2840 Mr. DeSantis. No.

2841 Ms. Adcock. Mr. DeSantis votes no.

2842 Mr. Buck?

2843 Mr. Buck. No.

2844 Ms. Adcock. Mr. Buck votes no.

2845 Mr. Ratcliffe?  
2846 Mr. Ratcliffe. No.  
2847 Ms. Adcock. Mr. Ratcliffe votes no.  
2848 Mrs. Roby?  
2849 [No response.]  
2850 Mr. Gaetz?  
2851 [No response.]  
2852 Mr. Johnson of Louisiana?  
2853 Mr. Johnson of Louisiana. No.  
2854 Ms. Adcock. Mr. Johnson votes no.  
2855 Mr. Biggs?  
2856 [No response.]  
2857 Mr. Rutherford?  
2858 Mr. Rutherford. No.  
2859 Ms. Adcock. Mr. Rutherford votes no.  
2860 Mrs. Handel?  
2861 Mrs. Handel. No.  
2862 Ms. Adcock. Mrs. Handel votes no.  
2863 Mr. Nadler?  
2864 Mr. Nadler. Aye.  
2865 Ms. Adcock. Mr. Nadler votes aye.  
2866 Mr. Conyers?  
2867 [No response.]  
2868 Ms. Lofgren?  
2869 Ms. Lofgren. Aye.

2870 Ms. Adcock. Ms. Lofgren votes aye.

2871 Ms. Jackson Lee?

2872 [No response.]

2873 Mr. Cohen?

2874 Mr. Cohen. Aye.

2875 Ms. Adcock. Mr. Cohen votes aye.

2876 Mr. Johnson of Georgia?

2877 [No response.]

2878 Mr. Deutch?

2879 [No response.]

2880 Mr. Gutierrez?

2881 [No response.]

2882 Ms. Bass?

2883 [No response.]

2884 Mr. Richmond?

2885 [No response.]

2886 Mr. Jeffries?

2887 [No response.]

2888 Mr. Cicilline?

2889 Mr. Cicilline. Aye.

2890 Ms. Adcock. Mr. Cicilline votes aye.

2891 Mr. Swalwell?

2892 Mr. Swalwell. Aye.

2893 Ms. Adcock. Mr. Swalwell votes aye.

2894 Mr. Lieu?

2895 Mr. Lieu. Aye.

2896 Ms. Adcock. Mr. Lieu votes aye.

2897 Mr. Raskin?

2898 Mr. Raskin. Aye.

2899 Ms. Adcock. Mr. Raskin votes aye.

2900 Ms. Jayapal?

2901 [No response.]

2902 Mr. Schneider?

2903 Mr. Schneider. Aye.

2904 Ms. Adcock. Mr. Schneider votes aye.

2905 Mr. Sensenbrenner. Any members who wish to cast or

2906 change their votes? The gentleman from Virginia?

2907 Chairman Goodlatte. No.

2908 Ms. Adcock. Mr. Goodlatte votes no.

2909 Mr. Sensenbrenner. The gentlewoman from Alabama?

2910 Mrs. Roby. No.

2911 Ms. Adcock. Mrs. Roby votes no.

2912 Mr. Sensenbrenner. The gentleman from Arizona?

2913 Mr. Franks. No.

2914 Ms. Adcock. Mr. Franks votes no.

2915 Mr. Sensenbrenner. The gentleman from Ohio?

2916 Mr. Chabot. No.

2917 Ms. Adcock. Mr. Chabot votes no.

2918 Mr. Sensenbrenner. Are there members who wish to cast

2919 or change their votes? If not, the clerk will report.

2920 Ms. Adcock. Mr. Chairman, 8 members voted aye; 17  
2921 members voted no.

2922 Mr. Sensenbrenner. The noes have it. The amendment is  
2923 not agreed to. Are there further amendments to --

2924 Mr. Cohen. Mr. Chairman?

2925 Mr. Sensenbrenner. The gentleman from Tennessee.

2926 Mr. Cohen. Thank you. The amendment is at the desk.

2927 Mr. Sensenbrenner. The clerk will report the  
2928 amendment.

2929 Mr. Cohen. Number four.

2930 Ms. Adcock. Amendment to the amendment in the nature  
2931 of a substitute to H.R. 38, offered by Mr. Cohen of  
2932 Tennessee. Page one, line 11, strike A, and insert A-1.  
2933 Page two, line eight --

2934 Mr. Sensenbrenner. We would like to see the amendment  
2935 first. Is that okay?

2936 Mr. Cohen. Of course it is okay.

2937 [The amendment of Mr. Cohen follows:]

2938 \*\*\*\*\* INSERT 9 \*\*\*\*\*

2939 Mr. Sensenbrenner. Without objection, the amendment is  
2940 considered as read and the gentleman is recognized for 5  
2941 minutes.

2942 Mr. Cohen. Thank you, Mr. Chairman. This amendment  
2943 would limit the reciprocity mandated in this bill to  
2944 individuals who are at least 21 years of age, unless they  
2945 are at least 18 and members of the armed forces or have been  
2946 honorably discharged or retired from the armed forces. This  
2947 is what we require in Tennessee to obtain a permit to carry  
2948 a handgun. In fact, I was the author of that bill in the  
2949 '90s. I guess we have seen it; we do not have to listen to  
2950 it.

2951 Thirty-four States, plus the District of Columbia,  
2952 require an individual to be at least 21 years old to have a  
2953 concealed carry permit, yet this bill would effectively  
2954 override all of the State laws and that of the District of  
2955 Columbia. It would tell residents of those 34 States if  
2956 someone younger than 21 with an out-of-state concealed carry  
2957 permit wants to carry a gun into their State, that young  
2958 out-of-stater can do so even though the individual in their  
2959 own State could not.

2960 It is not just blue States that require concealed carry  
2961 permitholders to be 21, it is red ones like Texas, Kansas,  
2962 Wyoming, Mississippi, and Alabama. There are 34 States and  
2963 D.C. that require you to be at least 21. Wisconsin,

2964 Virginia, et cetera. The reason so many States have this  
2965 age restriction is because it makes sense. Maturity often  
2966 matters.

2967 We think maturity matters when it comes to alcohol.  
2968 You are restricted in drinking alcohol until you get to be  
2969 21. Moreover, we know there is a higher prevalence of  
2970 criminal behavior during in the teenage years as opposed to  
2971 older ages. According to the Department of Justice, the  
2972 prevalence of criminal behavior tends to increase in late  
2973 childhood, peaking in the teenage years, and declines in the  
2974 early twenties.

2975 Despite the broad consensus on the 21-year-old age  
2976 restriction for concealed carry permits, there are still  
2977 several States that do not have this restriction. On that  
2978 front I want to be clear. Nothing in this amendment would  
2979 undermine those States' ability to set whatever limits they  
2980 want. The only thing this amendment would do is prevent the  
2981 vast majority of States who have chosen a 21-year-old age  
2982 limit from being overridden by this bill.

2983 I think it would show maturity for this committee to  
2984 recognize that maturity and concealed carry go together. I  
2985 yield back the balance of my time and ask for a favorable  
2986 vote on a commonsense amendment.

2987 Mr. Sensenbrenner. The chair recognizes himself for 5  
2988 minutes in opposition to the amendment. Most States said 18

2989 is the age of majority. That means they are adults; they  
2990 can drive; they can vote; they can possess a firearm; they  
2991 can serve in the military; they can enter into contracts and  
2992 they are legally responsible before them; and they can serve  
2993 on a jury.

2994 And serving on a jury when someone is charged with  
2995 possessing a firearm or not being able to get a firearm  
2996 because they are 21, or, for that matter, underage drinking,  
2997 you can have 18-, 19-, and 20-year-olds sit on the jury and  
2998 make the determinations and findings of fact that juries do  
2999 under our system of government. I think that setting a  
3000 minimum age on a nationwide basis is not the right thing to  
3001 do.

3002 I am happy that States can make a determination on when  
3003 you can apply for and receive, if you pass whatever  
3004 restrictions they have, a concealed carry permit. My State  
3005 is 21. The State legislature has made that determination.  
3006 I am completely happy with that. If that is too old, then  
3007 people ought to go to Madison rather than coming here, and  
3008 for that reason I think that this amendment is not a good  
3009 idea and urge its rejection and yield back the balance of my  
3010 time.

3011 Mr. Raskin. Mr. Chairman?

3012 Mr. Sensenbrenner. The gentleman from California.

3013 Mr. Issa. Thanks, Mr. Chairman. I have an amendment



3014 at the desk.

3015 Mr. Sensenbrenner. We have to --

3016 Mr. Issa. Oh, I apologize. I apologize; you have not  
3017 voted yet.

3018 Mr. Sensenbrenner. Anybody else on the Cohen  
3019 amendment?

3020 Mr. Raskin. Mr. Chairman?

3021 Mr. Sensenbrenner. The gentleman from Maryland.

3022 Mr. Raskin. Thank you very much. I move to strike the  
3023 last word.

3024 Mr. Sensenbrenner. The gentleman is recognized for 5  
3025 minutes.

3026 Mr. Raskin. The acting chairman just said that he did  
3027 not think it was the right thing to do to set a minimum age,  
3028 if I heard you correctly, but essentially, if we do not  
3029 adopt Mr. Cohen's amendment, we will be setting a minimum  
3030 age or a uniform national age of 18, because if there are  
3031 States which go to 18 or even less than 18, anybody can go  
3032 and get a concealed carry permit from those States and then  
3033 come back to Wisconsin.

3034 And so, I understood the acting chair to say he wanted  
3035 to uphold the law of Wisconsin, which is 21. That is the  
3036 law in a majority of the States. The vast majority, 34,  
3037 States say you have got to be 21. But now we are going to  
3038 ravage, destroy the laws of those 34 States because people

3039 are going to be able to get in by going to get a permit in  
3040 another State that allows you to get it at 20, 19, 18, or  
3041 even less, and I am trying to check to see whether there are  
3042 States which do not have an age limit at all, whether you  
3043 can actually get one at age 17 or 16, but certainly at age  
3044 18 or 19.

3045         How are we vindicating the will of the people of  
3046 Wisconsin or any of these 34 States by allowing people who  
3047 are younger to come in? If you are a Wisconsinite, and you  
3048 think you are 19 and you are a tough guy, and you want to go  
3049 ahead and get a concealed carry, Wisconsin says, "No, you  
3050 cannot." But now you can go to Alaska or another State and  
3051 you can get a concealed carry permit and presumably come  
3052 back and use it in Wisconsin. So, how does that work for  
3053 our people?

3054         You know, this is a Swiss cheese law. It is all holes,  
3055 and there is barely any cheese left. Anybody can get a gun  
3056 anyplace. So, if I understood the acting chair correctly, I  
3057 thought he was --

3058         Mr. Sensenbrenner. Would the gentleman yield?

3059         Mr. Raskin. Yes.

3060         Mr. Sensenbrenner. How can you be an expert on  
3061 Cheeseheads, coming from where you come from?

3062         Mr. Raskin. I yield to your expertise, but where is  
3063 the cheese, Mr. Chairman? All I see is the holes here.

3064 Where is the cheese? Let's defend the laws of the 34 States  
3065 that have said age 21 is it. If we are going to federalize  
3066 law with respect to conceal carry, let's at least take the  
3067 majority sentiment of the States as expressed by the States  
3068 rather than diving to get the worst possible law in the  
3069 country, the weakest possible law in the country, the law  
3070 that has been rejected by the vast majority of the States.

3071 So, I do not see how we can do anything but pass Mr.  
3072 Cohen's amendment if we want to defend the laws of the  
3073 prevailing majority of the States in the country. I yield  
3074 back.

3075 Mr. Sensenbrenner. The question is on the amendment  
3076 offered by the gentleman from Tennessee.

3077 Those in favor will say aye.

3078 Those opposed, no.

3079 The noes appear to have it.

3080 Mr. Cohen. Roll call.

3081 Mr. Sensenbrenner. Roll call has been requested. The  
3082 clerk will call the roll.

3083 Ms. Adcock. Mr. Sensenbrenner?

3084 Mr. Sensenbrenner. No.

3085 Ms. Adcock. Mr. Sensenbrenner votes no.

3086 Mr. Smith?

3087 [No response.]

3088 Mr. Chabot?

3089 [No response.]

3090 Mr. Issa?

3091 Mr. Issa. No.

3092 Ms. Adcock. Mr. Issa votes no.

3093 Mr. King?

3094 Mr. King. No.

3095 Ms. Adcock. Mr. King votes no.

3096 Mr. Franks?

3097 [No response.]

3098 Mr. Gohmert?

3099 Mr. Gohmert. No.

3100 Ms. Adcock. Mr. Gohmert votes no.

3101 Mr. Jordan?

3102 Mr. Jordan. No.

3103 Ms. Adcock. Mr. Jordan votes no.

3104 Mr. Poe?

3105 [No response.]

3106 Mr. Marino?

3107 Mr. Marino. No.

3108 Ms. Adcock. Mr. Marino votes no.

3109 Mr. Gowdy?

3110 Mr. Gowdy. No.

3111 Ms. Adcock. Mr. Gowdy votes no.

3112 Mr. Labrador?

3113 [No response.]

3114 Mr. Farenthold?  
3115 [No response.]  
3116 Mr. Collins?  
3117 [No response.]  
3118 Mr. DeSantis?  
3119 Mr. DeSantis. No.  
3120 Ms. Adcock. Mr. DeSantis votes no.  
3121 Mr. Buck?  
3122 Mr. Buck. No.  
3123 Ms. Adcock. Mr. Buck votes no.  
3124 Mr. Ratcliffe?  
3125 [No response.]  
3126 Mrs. Roby?  
3127 Mrs. Roby. No.  
3128 Ms. Adcock. Mrs. Roby votes no.  
3129 Mr. Gaetz?  
3130 [No response.]  
3131 Mr. Johnson of Louisiana?  
3132 Mr. Johnson of Louisiana. No.  
3133 Ms. Adcock. Mr. Johnson votes no.  
3134 Mr. Biggs?  
3135 [No response.]  
3136 Mr. Rutherford?  
3137 Mr. Rutherford. No.  
3138 Ms. Adcock. Mr. Rutherford votes no.

3139 Mrs. Handel?

3140 Mrs. Handel. No.

3141 Ms. Adcock. Mrs. Handel votes no.

3142 Mr. Nadler?

3143 Mr. Nadler. Aye.

3144 Ms. Adcock. Mr. Nadler votes aye.

3145 Mr. Conyers?

3146 [No response.]

3147 Ms. Lofgren?

3148 Ms. Lofgren. Aye.

3149 Ms. Adcock. Ms. Lofgren votes aye.

3150 Ms. Jackson Lee?

3151 [No response.]

3152 Mr. Cohen?

3153 Mr. Cohen. Aye.

3154 Ms. Adcock. Mr. Cohen votes aye.

3155 Mr. Johnson of Georgia?

3156 [No response.]

3157 Mr. Deutch?

3158 [No response.]

3159 Mr. Gutierrez?

3160 [No response.]

3161 Ms. Bass?

3162 [No response.]

3163 Mr. Richmond?

3164 [No response.]

3165 Mr. Jeffries?

3166 [No response.]

3167 Mr. Cicilline?

3168 Mr. Cicilline. Aye.

3169 Ms. Adcock. Mr. Cicilline votes aye.

3170 Mr. Swalwell?

3171 Mr. Swalwell. Aye.

3172 Ms. Adcock. Mr. Swalwell votes aye.

3173 Mr. Lieu?

3174 Mr. Lieu. Aye.

3175 Ms. Adcock. Mr. Lieu votes aye.

3176 Mr. Raskin?

3177 Mr. Raskin. Aye.

3178 Ms. Adcock. Mr. Raskin votes aye.

3179 Ms. Jayapal?

3180 [No response.]

3181 Mr. Schneider?

3182 Mr. Schneider. Aye.

3183 Ms. Adcock. Mr. Schneider votes aye.

3184 Chairman Goodlatte. The chair recognizes himself to

3185 vote no.

3186 Ms. Adcock. Mr. Goodlatte votes no.

3187 Chairman Goodlatte. The gentleman from Ohio?

3188 Mr. Chabot. No.

3189 Ms. Adcock. Mr. Chabot votes no.

3190 Chairman Goodlatte. The gentleman from Arizona?

3191 Mr. Franks. No.

3192 Ms. Adcock. Mr. Franks votes no.

3193 Chairman Goodlatte. The gentleman from Texas, Mr.

3194 Ratcliffe?

3195 Mr. Ratcliffe. No.

3196 Ms. Adcock. Mr. Ratcliffe votes no.

3197 Chairman Goodlatte. Has every member voted who wishes

3198 to vote? The clerk will report.

3199 Ms. Adcock. Mr. Chairman, 8 members voted aye; 17

3200 members voted no.

3201 Chairman Goodlatte. And the amendment is not agreed

3202 to. For what purpose does the gentleman from California

3203 seek recognition?

3204 Mr. Issa. I have an amendment at the desk.

3205 Chairman Goodlatte. The clerk will report the

3206 amendment.

3207 Ms. Adcock. Amendment to the amendment in the nature

3208 of a substitute to H.R. 38, offered by Mr. Issa of

3209 California. At the end of the bill --

3210 [The amendment of Mr. Issa follows:]

3211 \*\*\*\*\* INSERT 10 \*\*\*\*\*



3212 Chairman Goodlatte. Without objection, the amendment  
3213 is considered as read and the gentleman is recognized for 5  
3214 minutes on his amendment.

3215 Mr. Issa. Thank you, Mr. Chairman. This is a  
3216 perfectly good vehicle, this bill, to take care of a small  
3217 oversight that exists in the law. Some years ago, we on a  
3218 very bipartisan basis authorized law enforcement to carry  
3219 across State lines, a reciprocal process. At that time we  
3220 did not consider and should have considered our Article III  
3221 judges, our Federal judges.

3222 As you know, Mr. Chairman, and I know all of us are  
3223 acutely aware, Federal judges try some of the worst of the  
3224 worst. They make enemies by definition and they find  
3225 themselves, while at court, with protection; when not at  
3226 court, often with no protection. So, by simply adding  
3227 Federal judges, trusted lifetime appointees who were  
3228 confirmed by the Senate and trusted by all to this bill, it  
3229 allows us to take care of an oversight that I believe  
3230 existed in a law that covered law enforcement more broadly  
3231 some years ago. So, I would urge support for the amendment  
3232 and yield back.

3233 Chairman Goodlatte. For what purpose does the  
3234 gentleman from New York seek recognition?

3235 Ms. Lofgren. I move to strike the last word.

3236 Chairman Goodlatte. The gentleman from New York.

3237 Ms. Lofgren. Oh, I am so sorry.

3238 Mr. Nadler. I move to strike the last word. Mr.

3239 Chairman --

3240 Chairman Goodlatte. The gentleman is recognized for 5  
3241 minutes.

3242 Mr. Nadler. Thank you. Mr. Chairman, I do not know  
3243 why the Federal judges need a carveout from the law. What  
3244 this says a Federal judge can carry a concealed firearm in  
3245 any State, even if the law of the State would prohibit that  
3246 Federal judge from carrying a firearm. Now, who are we  
3247 talking about? Are we talking about a Federal judge who had  
3248 some DWI convictions, driving while drunk? And the law of  
3249 the State may say that anyone who was driving while drunk  
3250 should not have a concealed carry in the State? Are we  
3251 talking about someone who may have a restraining order on  
3252 domestic violence situation? These situations may be with a  
3253 Federal judge, too.

3254 Well, there are a lot of different things you can  
3255 imagine; we have had Federal judges in our history who have  
3256 been impeached. We have had Federal judges in our history  
3257 who were not the most mentally stable. We have had Federal  
3258 judges in our history who were senile. We do not require  
3259 that Federal judges retire at any one point.

3260 We even had a Supreme Court justice, a great Supreme  
3261 Court justice, however, Wendell Holmes, whose colleagues had

3262 to go to him and say, "Mr. Justice" -- I think he was 96 at  
3263 the time -- "it is time. You do not realize how" -- they  
3264 did not put it this way -- "but you do not realize how  
3265 senile and removed you are anymore." And one of the things  
3266 about losing your cognitive powers, you may not realize  
3267 that; that may be one of the problems.

3268 But be that as it may, you can imagine even august  
3269 Federal judges, even members of Congress -- that is not the  
3270 subject of this amendment, but why not? Same theory -- who  
3271 may have such a situation that the State has good reason to  
3272 say, "You cannot carry a concealed firearm in our State."  
3273 And again, why should the Federal Government come in and  
3274 make an all-encompassing rule against the judgment of the  
3275 State? So, I oppose the amendment, as I do the bill, and I  
3276 will yield to the gentlelady from California.

3277 Ms. Lofgren. I thank the gentleman for yielding. I  
3278 think the amendment is unwise in the following way. We do  
3279 value our Federal judges; you are right that they go through  
3280 a confirmation process and deserve our respect. However,  
3281 these are lifetime appointments, and the only way to remove  
3282 a judge is through impeachment, which is a very cumbersome  
3283 process. We have done it, but only a few times.

3284 Unfortunately, Federal judges are not immune from human  
3285 frailty, and if a Federal judge has committed domestic  
3286 violence and is unstable, I do not think they ought to be

3287 exempt from the requirements of State laws that prohibit  
3288 concealed carry for those who suffer from that malady. So,  
3289 I think although the intentions may be good, I would never  
3290 deem presumed to question the intentions of the author of an  
3291 amendment. I think the effect is to undercut the rule of  
3292 law in public safety, and I thank the gentleman from New  
3293 York --

3294 Mr. Issa. Would the gentleman yield?

3295 Ms. Lofgren. -- for yielding to me.

3296 Mr. Nadler. Sure.

3297 Mr. Issa. I thank the gentleman for yielding. I take  
3298 seriously the suggestion of the two members, and existing in  
3299 the law is a provision that I would add to this amendment if  
3300 it would cure the question you have, it would add is not  
3301 prohibited by Federal law from receiving a firearm, which  
3302 would cover all of the normal requirements that you are  
3303 talking about --

3304 Mr. Nadler. Reclaiming my time. That would improve  
3305 it, obviously, but it would still leave Federal judges  
3306 immune from State laws or State requirements in a way that  
3307 nobody else would be immune, and there is no good reason to  
3308 do that. I mean, we esteem and value our Federal judges,  
3309 but as the gentlelady from California said, they are subject  
3310 to human frailty. I mean, I just gave a couple of examples  
3311 that I thought of off the top of my head. There may be

3312 others. Whatever balance we strike in this legislation  
3313 ought to apply to everybody. Congress Members, senators,  
3314 Federal judges.

3315 And again, Federal judges, unlike Congress Members or  
3316 senators, are appointed for life and circumstances change.  
3317 People's mental status --

3318 Mr. Issa. Would the gentleman further yield?

3319 Ms. Lofgren. Will the gentleman yield, please?

3320 Mr. Issa. -- I agree with the gentleman's concern that  
3321 it does seem to be an exception, but as I said in the  
3322 opening statement, this simply puts Federal judges in the  
3323 same position as law enforcement, who already have that  
3324 prohibition, if you will, from any State other than their  
3325 own.

3326 Mr. Nadler. Reclaiming my time. Law enforcement  
3327 people -- first of all, I do not think they ought to have  
3328 that exception -- but they at least have training in law  
3329 enforcement, and in violence, and in how to handle guns, and  
3330 well certainly, how to handle guns. Federal judges do not  
3331 and need not under this. I will yield to the gentlelady  
3332 from California. You asked me to yield a moment ago.

3333 Chairman Goodlatte. I thank the gentleman. The  
3334 gentlelady is recognized for an additional 30 seconds.

3335 Mr. Nadler. Thank you.

3336 Ms. Lofgren. I would just note that our own State of

3337 California will not allow individuals who have engaged in  
3338 abusive dating partners. That is not part of the Federal  
3339 law, and yet there is a connection between that kind of  
3340 domestic violence and gun violence. In the case of law  
3341 enforcement officials, if you have got somebody who has an  
3342 abusive dating problem, they can be fired. But you cannot  
3343 do that with a judge. So, I think the proposed amendment  
3344 would slightly improvement, but I do not think it solves the  
3345 underlying problem. And I thank the gentleman from New York  
3346 for --

3347 Mr. Nadler. And I will just -- thank you -- and I will  
3348 just observe that the key difference from anybody you can  
3349 think of here is that a Federal judge, other than by  
3350 impeachment which is extremely rare, cannot be fired no  
3351 matter how the person may change, or his mental faculties  
3352 may change, et cetera --

3353 Chairman Goodlatte. The gentleman's time has expired.  
3354 For what purpose does the gentleman from Iowa seek  
3355 recognition?

3356 Mr. King. I move to strike the last word.

3357 Chairman Goodlatte. The gentleman is recognized for 5  
3358 minutes.

3359 Mr. King. Thank you, Mr. Chairman. I rise in support  
3360 of the Issa amendment and I think it is important for us to  
3361 recognize that there have been a good number of threats on

3362 judges in particular. And I think back at a time in my  
3363 neighborhood when it was a local district judge whose wife  
3364 and daughter were murdered on the home place because a  
3365 perpetrator came back to try to get even with the judge.  
3366 Judges live with that on a regular basis.

3367 I read a story about three weeks ago about a judge who  
3368 defended himself by utilizing his legal right to carry  
3369 within that State. And in the shootout that ensued, he  
3370 saved his life, his own life. So, judges are being  
3371 threatened, and I think that we ought to have the Issa  
3372 amendment for that reason. Plus, if anybody understands the  
3373 rule of law, it better be the judges. And yet, I also  
3374 wanted to point out to the committee that Mr. Nadler's  
3375 recommendation that members of Congress might be reasonable  
3376 people to include in that. I also wanted to let the panel  
3377 know that I have an amendment prepared to just that, and I  
3378 intend to offer that as an amendment to the substitute  
3379 amendment, assure the Issa amendment go on, which I will  
3380 support. And so, I would be happy to yield to the gentleman  
3381 from California, Mr. Issa.

3382 Mr. Issa. I thank the gentleman for yielding. I had  
3383 hoped this would be considered to be noncontroversial, but  
3384 since it appears as though it is, I do want to add one point  
3385 that maybe has not been considered by the members that are  
3386 opposing that. And that is that you are talking about State

3387 law but Federal law enforcement officers regularly -- this  
3388 is the FBI and a host of other law enforcement officers,  
3389 even the Social Security Administration has law enforcement  
3390 officers -- they are all covered as they travel throughout  
3391 the many States. I do recognize that --

3392 Mr. King. Would the gentleman yield?

3393 Mr. Issa. -- of course, I yield.

3394 Chairman Goodlatte. I think the gentleman has a good  
3395 amendment and I would support his amendment.

3396 Mr. Issa. I thank the gentleman. So, in closing --  
3397 and I thank the gentleman for yielding -- I think we really  
3398 have to, in my opinion, not look at the possibility that one  
3399 Federal judge might stay until '93 and be told it is time to  
3400 go and look and recognize that there is a process and the  
3401 judges are trusted, and any reasonable markup of the  
3402 original law enforcement carry right, we would have had no  
3403 problem adding this. So, I would hope that we look at  
3404 existing law and add them at this time. And I thank the  
3405 gentleman for yielding.

3406 Mr. Nadler. Mr. Chairman?

3407 Mr. King. Reclaiming my time, I would just point out  
3408 to the committee that I am prepared to offer the amendment  
3409 that will expand this to members of Congress, but I intend  
3410 to support the Issa amendment, I urge its adoption, and I  
3411 yield back the balance of my time.



3412 Chairman Goodlatte. For what purpose does the  
3413 gentlewoman from California seek recognition?

3414 Ms. Lofgren. To strike the last word.

3415 Chairman Goodlatte. The gentlewoman is recognized for  
3416 5 minutes.

3417 Ms. Lofgren. You know, there is a distinction between  
3418 those who serve for life and those who can be fired when  
3419 they engage in misbehavior that would disqualify them from  
3420 securing a concealed weapon permit. That would be true of  
3421 Federal judges. Let me just also say I hope the gentleman  
3422 from Iowa will think about the Members of Congress issue  
3423 because we have, in fact, had Members of Congress who were  
3424 involved with domestic violence. Members of Congress cannot  
3425 be fired. They can only be removed by an extraordinary  
3426 procedure in the House, which I think in my 23 years has  
3427 only occurred once with Mr. Traficant. So, I --

3428 Chairman Goodlatte. Would the gentlewoman yield?

3429 Ms. Lofgren. I certainly would yield.

3430 Chairman Goodlatte. I appreciate the gentlewoman's  
3431 concern, but here is my concern. We were very fortunate  
3432 that at the Republican baseball practice earlier this year,  
3433 we had the Whip present --

3434 Ms. Lofgren. Right.

3435 Chairman Goodlatte. -- because he had two security  
3436 officers that saved a lot of people's lives. If he had not

3437 been on the baseball team or he had not made that practice,  
3438 none of those members would have had a concealed weapon with  
3439 them, even if they have one in their home State, because  
3440 they were going to leave that practice and enter the  
3441 District of Columbia, where they could not take their  
3442 concealed carry permit. So, to me, protecting members of  
3443 Congress in that fashion is worth it.

3444 Yes, there are going to be issues with individuals but  
3445 there is going to be far more, I think, proof of lives being  
3446 saved than there is going to be risk to individuals who  
3447 might have a concealed carry permit that might not otherwise  
3448 get one.

3449 Ms. Lofgren. Reclaiming my time. I do not believe,  
3450 and I have never heard an allegation, and I am sure the  
3451 Chairman does not mean to imply that the Whip has engaged in  
3452 domestic violence or anything of that sort. His  
3453 characterization is --

3454 Chairman Goodlatte. If the gentlewoman --

3455 Ms. Lofgren. -- a good one.

3456 Chairman Goodlatte. -- I am not talking about the  
3457 Whip, I am talking about the 25 other members of the team  
3458 who --

3459 Ms. Lofgren. Well, I am not aware that any of them  
3460 have been involved. Maybe the Chairman knows something I do  
3461 not know. But I do not think any of them --

3462 Chairman Goodlatte. I am not suggesting that. I am  
3463 suggesting that it is a good thing for members of Congress  
3464 to have a concealed carry right, so that when they leave  
3465 their baseball practice and come in to the District of  
3466 Columbia to work --

3467 Mr. Nadler. Would the gentlewoman yield?

3468 Chairman Goodlatte. -- and they can take that weapon  
3469 with them. Otherwise they are not going to leave it on --

3470 Ms. Lofgren. Reclaiming my time.

3471 Chairman Goodlatte. -- the playground in Virginia.

3472 Ms. Lofgren. If, I do not think, that members of  
3473 Congress or Federal judges who have committed an offense of  
3474 violence, of domestic violence, should be exempt from the  
3475 requirements of law that preclude them from carrying a  
3476 concealed weapon. I do not think, so far as I am aware,  
3477 none of the members on that ballfield who were so brutally  
3478 exposed to gunfire by that crazy man had that problem. And  
3479 I do not think that requiring them to adhere to the  
3480 standards of every other citizen would have precluded that  
3481 problem. I would be happy to yield to Mr. Nadler.

3482 Mr. Nadler. Thank you. I just want to say that the  
3483 premise -- I am not going to get into this stuff about the  
3484 Members of Congress or judges -- but the premise of what the  
3485 chairman said goes to the heart of the gun debate. And the  
3486 premise of that is basically if lots of people are carrying

3487 guns, lots of honest people, then they will prevent gun  
3488 violence by dishonest dead people.

3489 But the fact is, just listen to these statistics: in  
3490 2011 -- I was about to say last year -- in 2011, the United  
3491 Kingdom had 146 deaths due to gun violence. Denmark, 71.  
3492 Portugal, 142. Japan, 30. The United States, over 33,000.  
3493 The U.S. murder rate in the United States is 25 times higher  
3494 than other high-income countries, and the only difference --  
3495 we are not 25 times more mentally ill. We do not have 25  
3496 times more mentally ill people. We are not 25 times more  
3497 violence prone. We are not more evil. The difference, and  
3498 you can correlate this directly, you look at the percentage  
3499 of people with guns in the country.

3500 The percentage of people with guns in the country  
3501 correlates directly with the percentage of people who die  
3502 from gunfire and the statement or the assertion that if more  
3503 good people had guns they would stop the bad people simply  
3504 is not true. It may be true in a given instance. It may  
3505 have been true in that instance with the baseball team, but  
3506 overwhelmingly -- I mean, think -- 142, Japan. Denmark, 71.  
3507 United Kingdom, 146. United States, 33,000. Year, after  
3508 year, after year. We ought to learn something from this.

3509 Ms. Lofgren. I see that my time is expired, so I yield  
3510 back, Mr. Chairman.

3511 Mr. Rutherford. Mr. Chairman?

3512 Chairman Goodlatte. For what purpose does the  
3513 gentleman from Florida seek recognition?

3514 Mr. Nadler. I move to strike the last word, Mr.  
3515 Chairman.

3516 Chairman Goodlatte. The gentleman is recognized for 5  
3517 minutes.

3518 Mr. Rutherford. I believe that there was a statement  
3519 by Mr. Issa to accept that the intent of Mr. Nadler's  
3520 comments into the bill, is that?

3521 Mr. Issa. Yes. If the gentleman would yield, I would  
3522 add after Federal judge, "who is not prohibited by Federal  
3523 law from possessing a fireman." I would ask unanimous  
3524 consent that the amendment be modified to include that.

3525 Chairman Goodlatte. Without objection, the  
3526 modification --

3527 Mr. Rutherford. And reclaiming my time, Mr. Chairman,  
3528 I think what that does is eliminate all of the issues that I  
3529 have heard thus far about individual judges who may not any  
3530 longer qualify to carry a fireman, and they would be  
3531 excluded. I yield back the balance of my time.

3532 Chairman Goodlatte. For what purpose does the  
3533 gentleman from Rhode Island seek recognition?

3534 Mr. Cicilline. I move to strike the last word.

3535 Chairman Goodlatte. The gentleman is recognized for 5  
3536 minutes.

3537 Mr. Cicilline. I appreciate the gentleman from  
3538 California's attempt to salvage this, but unfortunately, I  
3539 do not think that solves the problem. You know, I like  
3540 everyone on this committee have enormous respect for Federal  
3541 judges, but the reality is the screening that happens that  
3542 gives us that confidence happens at their confirmation  
3543 process, which could be 20, 30, 40, or 50 years ago. There  
3544 are a lot of intervening events and what this would do,  
3545 particularly for those States -- and I think there are 31  
3546 States -- that requires some training. Some safety  
3547 training, some live-fire experience is required. This would  
3548 eliminate those requirements.

3549 There is quite a difference to say law enforcement  
3550 officers who have that training as a part of their work and  
3551 their ongoing education as a law enforcement officer might  
3552 have an exemption. But Federal judges do not have safety  
3553 training or live-fire requiring as part of their --

3554 Mr. Rutherford. Would the gentleman yield?

3555 Mr. Cicilline. -- let me just finish and I will -- as  
3556 part of their training. And so, to carve out this huge  
3557 exception that says forever you have the right to carry a  
3558 firearm interstate. And by the way, it can be concealed in  
3559 the same way that the bill provides.

3560 There is really no justification for that. There are a  
3561 lot of intervening events, as was described, human frailties

3562 that would prevent these individuals from carrying a firearm  
3563 and State that -- no one can imagine that the burden for a  
3564 Federal judge of actually going through the process of  
3565 getting a concealed carry permit is that burdensome. You go  
3566 online, and you can do it really easily.

3567       So, I would suggest that this is fraught with too many  
3568 challenges. And frankly, all we need is one example of some  
3569 Federal judge who was involved in an issue which would have  
3570 disqualified him or her, but because this statute has passed,  
3571 has a gun and traveling intrastate, that is our  
3572 responsibility. I think it is unnecessary, I urge my  
3573 colleagues to vote against it, and I am happy to yield to  
3574 the gentleman from Florida.

3575       Mr. Rutherford. Thank you, sir. The H.R. 218 statute  
3576 under which law enforcement officers and these Federal  
3577 judges would be allowed to carry a firearm does require  
3578 yearly requalification on a firing range and be certified by  
3579 a State firearms instructor. So, they do have to maintain -  
3580 -

3581       Mr. Cicilline. I guess the problem is -- reclaiming my  
3582 time -- the challenge is if this underlying bill is passed,  
3583 which provides for reciprocity, you can, again, get a  
3584 concealed carry permit in a State that does not require any  
3585 of that training, and then use it as justification to allow  
3586 you to have it in another State. And so, I think it

3587 compounds the very serious problems that the underlying bill  
3588 presents.

3589 Mr. Rutherford. If the gentleman would yield, under  
3590 H.R. 218 there is no need for reciprocity. You already have  
3591 it. You can carry that anywhere. That is why it is  
3592 required that you requalify. It is a stricter carry law for  
3593 qualification.

3594 Mr. Cicilline. That currently applies to law  
3595 enforcement officers?

3596 Mr. Rutherford. And would apply to these judges as  
3597 well.

3598 Mr. Cicilline. If this amendment is passed?

3599 Mr. Rutherford. Yes.

3600 Mr. Cicilline. I guess my suggestion is that the  
3601 provisions that apply to law enforcement officers, there is  
3602 an underlying rationale for that. It is connected to their  
3603 work. They have specific training for it, and now you tell  
3604 me that they are required to update that training every  
3605 year. Great. That is not the case for Federal judges who  
3606 do not have that training, it is not a part of their work as  
3607 a judge, and they are appointed for life. And then, there  
3608 is no intervening ability other than a full removal to  
3609 respond to any of the human frailty that might result in  
3610 their being disqualified, as there is with a police officer.

3611 Mr. Rutherford. No, but I --



3612 Mr. Cicilline. So, I think that for all those reasons,  
3613 I think this amendment is both unnecessary and dangerous.  
3614 And I yield back.

3615 Chairman Goodlatte. The question occurs on the  
3616 amendment offered by the gentleman from California.

3617 All those in favor respond by saying aye.

3618 Those opposed, no.

3619 In the opinion of the chair the ayes have it and the  
3620 amendment is agreed to.

3621 Mr. Nadler. Recorded vote, please.

3622 Chairman Goodlatte. Recorded vote is requested, and  
3623 the clerk will call the roll.

3624 Ms. Adcock. Mr. Goodlatte?

3625 Chairman Goodlatte. Aye.

3626 Ms. Adcock. Mr. Goodlatte votes aye.

3627 Mr. Sensenbrenner?

3628 Mr. Sensenbrenner. Aye.

3629 Ms. Adcock. Mr. Sensenbrenner votes aye.

3630 Mr. Smith?

3631 [No response.]

3632 Mr. Chabot?

3633 Mr. Chabot. Aye.

3634 Ms. Adcock. Mr. Chabot votes aye.

3635 Mr. Issa?

3636 Mr. Issa. Aye.

3637 Ms. Adcock. Mr. Issa votes aye.  
3638 Mr. King?  
3639 Mr. King. Aye.  
3640 Ms. Adcock. Mr. King votes aye.  
3641 Mr. Franks?  
3642 Mr. Franks. Aye.  
3643 Ms. Adcock. Mr. Franks votes aye.  
3644 Mr. Gohmert?  
3645 Mr. Gohmert. Aye.  
3646 Ms. Adcock. Mr. Gohmert votes aye.  
3647 Mr. Jordan?  
3648 Mr. Jordan. Yes.  
3649 Ms. Adcock. Mr. Jordan votes yes.  
3650 Mr. Poe?  
3651 [No response.]  
3652 Mr. Marino?  
3653 Mr. Marino. Yes.  
3654 Ms. Adcock. Mr. Marino votes yes.  
3655 Mr. Gowdy?  
3656 [No response.]  
3657 Mr. Labrador?  
3658 Mr. Labrador. Yes.  
3659 Ms. Adcock. Mr. Labrador votes yes.  
3660 Mr. Farenthold?  
3661 [No response.]

3662 Mr. Collins?  
3663 [No response.]  
3664 Mr. DeSantis?  
3665 Mr. DeSantis. Yes.  
3666 Ms. Adcock. Mr. DeSantis votes yes.  
3667 Mr. Buck?  
3668 Mr. Buck. Yes.  
3669 Ms. Adcock. Mr. Buck votes yes.  
3670 Mr. Ratcliffe?  
3671 [No response.]  
3672 Mrs. Roby?  
3673 Mrs. Roby. Aye.  
3674 Ms. Adcock. Mrs. Roby votes yes.  
3675 Mr. Gaetz?  
3676 [No response.]  
3677 Mr. Johnson of Louisiana?  
3678 Mr. Johnson of Louisiana. Aye.  
3679 Ms. Adcock. Mr. Johnson votes aye.  
3680 Mr. Biggs?  
3681 [No response.]  
3682 Mr. Rutherford?  
3683 Mr. Rutherford. Yes.  
3684 Ms. Adcock. Mr. Rutherford votes yes.  
3685 Mrs. Handel?  
3686 Mrs. Handel. Yes.

3687 Ms. Adcock. Mrs. Handel votes yes.  
3688 Mr. Nadler?  
3689 Mr. Nadler. No.  
3690 Ms. Adcock. Mr. Nadler votes no.  
3691 Mr. Conyers?  
3692 Ms. Lofgren?  
3693 Ms. Lofgren. No.  
3694 Ms. Adcock. Ms. Lofgren votes no.  
3695 Ms. Jackson Lee?  
3696 [No response.]  
3697 Mr. Cohen?  
3698 [No response.]  
3699 Mr. Johnson of Georgia?  
3700 [No response.]  
3701 Mr. Deutch?  
3702 [No response.]  
3703 Mr. Gutierrez?  
3704 [No response.]  
3705 Ms. Bass?  
3706 [No response.]  
3707 Mr. Richmond?  
3708 [No response.]  
3709 Mr. Jeffries?  
3710 [No response.]  
3711 Mr. Cicilline?

3712 Mr. Cicilline. No.

3713 Ms. Adcock. Mr. Cicilline votes no.

3714 Mr. Swalwell?

3715 Mr. Swalwell. No.

3716 Ms. Adcock. Mr. Swalwell votes no.

3717 Mr. Lieu?

3718 Mr. Lieu. No.

3719 Ms. Adcock. Mr. Lieu votes no.

3720 Mr. Raskin?

3721 [No response.]

3722 Ms. Jayapal?

3723 [No response.]

3724 Mr. Schneider?

3725 Mr. Schneider. No.

3726 Ms. Adcock. Mr. Schneider votes no.

3727 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

3728 Mr. Poe. Yes.

3729 Ms. Adcock. Mr. Poe votes yes.

3730 Chairman Goodlatte. The gentleman from Texas, Mr.

3731 Ratcliffe?

3732 Mr. Ratcliffe. Yes.

3733 Ms. Adcock. Mr. Ratcliffe votes yes.

3734 Chairman Goodlatte. Has every member voted who wishes

3735 to vote? The clerk will report.

3736 Ms. Adcock. Mr. Chairman, 18 members voted aye, 6

3737 members voted no.

3738 Chairman Goodlatte. And the amendment is agreed to.

3739 For what purpose does the gentleman from Rhode Island seek  
3740 recognition?

3741 Mr. Cicilline. Mr. Chairman, I have an amendment at  
3742 the desk.

3743 Chairman Goodlatte. The clerk will report the  
3744 amendment.

3745 Ms. Adcock. Amendment to the amendment in the nature  
3746 of a substitute to H.R. 38 offered by Mr. Cicilline of Rhode  
3747 Island. Page 4, line 13 --

3748 [The amendment of Mr. Cicilline follows:]

3749 \*\*\*\*\* INSERT 11 \*\*\*\*\*

3750 Chairman Goodlatte. Without objection, the amendment  
3751 is considered as read, and the gentleman is recognized for 5  
3752 minutes on his amendment.

3753 Mr. Cicilline. Thank you, Mr. Chairman. And before I  
3754 go specifically to my amendment, I want to just underscore  
3755 the point that the gentleman from New York made about the  
3756 gun violence epidemic in this country, as a context for my  
3757 amendment. Just to give you some statistics, we kill each  
3758 other with guns 297 times more than Japan, 49 times more  
3759 than France, and 33 more times than Israel. American  
3760 children die by guns 11 times as often as children in other  
3761 high-income countries. On average, 31 Americans are  
3762 murdered with guns every day, and 151 are treated for a gun  
3763 assault in an emergency room.

3764 So far, this year, according to the Gun Violence  
3765 Archive, 14,140 people have been killed and 28,746 injured  
3766 in incidents of gun violence in America. 674 children have  
3767 been killed. We have seen 323 mass shootings this year  
3768 alone and 1,847 unintentional shootings. So, we have a gun  
3769 violence epidemic in this country. Since 1968, more  
3770 Americans have lost their lives to guns than in all U.S.  
3771 wars dating back to the American Revolution. And so, this  
3772 is a serious issue.

3773 My amendment would respond to, I think, something very  
3774 dangerous in this bill. H.R. 38 would force States to

3775 recognize the concealed carry standards for handguns from  
3776 every other State. Under this bill, the term "handgun"  
3777 includes any magazine for use in a handgun and any  
3778 ammunition loaded into the handgun or its magazine. This  
3779 definition of handgun could allow people to carry high-  
3780 capacity magazines for use handguns across State lines.

3781 My amendment would prohibit the inclusion of high-  
3782 capacity magazines from the definition of handgun in H.R.  
3783 38. High- or large- capacity magazines are generally  
3784 defined as magazines that are able to hold more than 10  
3785 rounds of ammunition. Large-capacity magazines, some of  
3786 which can hold up to 100 rounds of ammunition, can be  
3787 incredibly lethal and significantly increase a shooter's  
3788 ability to injure and kill large numbers of people quickly.  
3789 Large-capacity magazines have been used in numerous mass  
3790 shootings, including at Sandy Hook Elementary School, at a  
3791 movie theater in Aurora, Colorado, on a military base in  
3792 Fort Hood, Texas, and most recently at a country music  
3793 concert in Las Vegas, Nevada.

3794 What makes this type of ammunition so dangerous is that  
3795 it enables the shooter to fire repeatedly and rapidly  
3796 without needing to reload. For example, when Jared Lee  
3797 Loughner opened fire in Tucson, Arizona with a Glock 19, he  
3798 had boosted the firing capability of his semiautomatic  
3799 handgun with a high-capacity magazine. He was able to fire



3800 31 bullets in 15 seconds before stopping to reload, killing  
3801 6 people and injuring 14 others, including our former  
3802 colleague, Gabrielle Giffords.

3803         Recognizing how dangerous they are eight States in the  
3804 District of Columbia have enacted laws restricting the use  
3805 of large-capacity magazines. Some of these States have set  
3806 standards for carrying ammunition on city streets that  
3807 include criteria that exceed the requirement that an  
3808 applicant pass a Federal background check or only allow  
3809 possession by certain categories of individuals. For  
3810 example, some States only allow possession by a person who  
3811 has a registered and grandfathered large-capacity magazine.  
3812 Other States only allow possession by a person who uses the  
3813 large-capacity magazine in conjunction with a registered  
3814 assault firearm.

3815         The Concealed Carry Reciprocity Act would eviscerate  
3816 these States rights to set their own eligibility standards  
3817 for who may carry a concealed, heavily loaded handgun in  
3818 public. States would be forced to allow out-of-State  
3819 visitors to carry concealed high-capacity magazines, even if  
3820 they do not meet the State's concealed licensing standards  
3821 or training requirements. In effect, H.R. 38 would reduce  
3822 all States to the lowest common denominator of concealed  
3823 carry laws for high-capacity ammunition and would amount to  
3824 a heavy-handed encroachment on States' rights.

3825 High-capacity magazines can dramatically increase a  
3826 handgun's firing power and turn a firearm into a killing  
3827 machine. We should be strengthening not dramatically  
3828 weakening laws that protect the public from senseless acts  
3829 of gun violence. So, I urge my colleagues to support my  
3830 amendment, and with that, I yield back.

3831 Chairman Goodlatte. The chair recognized himself in  
3832 opposition to the amendment.

3833 As the gentleman knows, there was a ban on large-  
3834 capacity magazines, and a study for the Congress and follow-  
3835 up studies, which were mandated by the Congress, showed that  
3836 the large magazine ban was not effective. The banned guns  
3837 were never used in more than a modest fraction of all gun  
3838 murders before the ban, and the ban's 10-round limit on new  
3839 magazines was not a factor in multiple victim or multiple  
3840 wound crimes. A follow-up study concluded that "large-  
3841 capacity magazines were used in only a minority of gun  
3842 crimes prior to the 1994 ban and relatively few attacks  
3843 involved more than 10 shots fired. The ban's effect on gun  
3844 violence are likely to be small at best and perhaps too  
3845 small for reliable measurement."

3846 Another follow-up study found gunshot injury incidents  
3847 involving pistols, many of which use magazines that hold  
3848 more than 10 rounds, were less likely to produce a death  
3849 than those involving revolvers, which typically hold five or

3850 six rounds. And the average number of wounds per pistol  
3851 victim was actually lower than that for revolver victims.  
3852 So, for that reason I see no reason to pick an arbitrary  
3853 limit of devices capable of holding only 10 rounds, and I  
3854 would oppose the amendment.

3855 The question occurs on the amendment offered by the  
3856 gentleman from Rhode Island.

3857 All those in favor respond by saying aye.

3858 Those opposed, no.

3859 In the opinion of the chair, the noes have it and --  
3860 Mr. Cicilline. Request a recorded vote, Mr. Chairman.  
3861 Chairman Goodlatte. Recorded vote is requested, and  
3862 the clerk will call the roll.

3863 Ms. Adcock. Mr. Goodlatte?

3864 Chairman Goodlatte. No.

3865 Ms. Adcock. Mr. Goodlatte votes no.

3866 Mr. Sensenbrenner?

3867 [No response.]

3868 Mr. Smith?

3869 [No response.]

3870 Mr. Chabot?

3871 Mr. Chabot. No.

3872 Ms. Adcock. Mr. Chabot votes no.

3873 Mr. Issa?

3874 Mr. Issa. No.

3875 Ms. Adcock. Mr. Issa votes no.  
3876 Mr. King?  
3877 Mr. King. No.  
3878 Ms. Adcock. Mr. King votes no.  
3879 Mr. Franks?  
3880 Mr. Franks. No.  
3881 Ms. Adcock. Mr. Franks votes no.  
3882 Mr. Gohmert?  
3883 Mr. Gohmert. No.  
3884 Ms. Adcock. Mr. Gohmert votes no.  
3885 Mr. Jordan?  
3886 Mr. Jordan. No.  
3887 Ms. Adcock. Mr. Jordan votes no.  
3888 Mr. Poe?  
3889 [No response.]  
3890 Mr. Marino?  
3891 Mr. Marino. No.  
3892 Ms. Adcock. Mr. Marino votes no.  
3893 Mr. Gowdy?  
3894 [No response.]  
3895 Mr. Labrador?  
3896 Mr. Labrador. No.  
3897 Ms. Adcock. Mr. Labrador votes no.  
3898 Mr. Farenthold?  
3899 [No response.]

3900 Mr. Collins?  
3901 [No response.]  
3902 Mr. DeSantis?  
3903 Mr. DeSantis. No.  
3904 Ms. Adcock. Mr. DeSantis votes no.  
3905 Mr. Buck?  
3906 Mr. Buck. No.  
3907 Ms. Adcock. Mr. Buck votes no.  
3908 Mr. Ratcliffe?  
3909 Mr. Ratcliffe. No.  
3910 Ms. Adcock. Mr. Ratcliffe votes no.  
3911 Mrs. Roby?  
3912 Mrs. Roby. No.  
3913 Ms. Adcock. Mrs. Roby votes no.  
3914 Mr. Gaetz?  
3915 [No response.]  
3916 Mr. Johnson of Louisiana?  
3917 Mr. Johnson of Louisiana. No.  
3918 Ms. Adcock. Mr. Johnson votes no.  
3919 Mr. Biggs?  
3920 [No response.]  
3921 Mr. Rutherford?  
3922 Mr. Rutherford. No.  
3923 Ms. Adcock. Mr. Rutherford votes no.  
3924 Mrs. Handel?

3925 Mrs. Handel. No.

3926 Ms. Adcock. Mrs. Handel votes No.

3927 Mr. Nadler?

3928 Mr. Nadler. Aye.

3929 Ms. Adcock. Mr. Nadler votes aye.

3930 Mr. Conyers?

3931 Ms. Lofgren?

3932 Ms. Lofgren. Aye.

3933 Ms. Adcock. Ms. Lofgren votes aye.

3934 Ms. Jackson Lee?

3935 [No response.]

3936 Mr. Cohen?

3937 Mr. Cohen. Aye.

3938 Ms. Adcock. Mr. Cohen votes aye.

3939 Mr. Johnson of Georgia?

3940 [No response.]

3941 Mr. Deutch?

3942 [No response.]

3943 Mr. Gutierrez?

3944 [No response.]

3945 Ms. Bass?

3946 [No response.]

3947 Mr. Richmond?

3948 [No response.]

3949 Mr. Jeffries?

3950 [No response.]

3951 Mr. Cicilline?

3952 Mr. Cicilline. Aye.

3953 Ms. Adcock. Mr. Cicilline votes aye.

3954 Mr. Swalwell?

3955 Mr. Swalwell. Aye.

3956 Ms. Adcock. Mr. Swalwell votes aye.

3957 Mr. Lieu?

3958 Mr. Lieu. Aye.

3959 Ms. Adcock. Mr. Lieu votes aye.

3960 Mr. Raskin?

3961 [No response.]

3962 Ms. Jayapal?

3963 [No response.]

3964 Mr. Schneider?

3965 Mr. Schneider. Aye.

3966 Ms. Adcock. Mr. Schneider votes aye.

3967 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

3968 Mr. Poe. No.

3969 Ms. Adcock. Mr. Poe votes no.

3970 Chairman Goodlatte. Has every member voted who wishes

3971 to vote? The clerk will report.

3972 Ms. Adcock. Mr. Chairman, 7 members voted aye, 17

3973 members voted no.

3974 Chairman Goodlatte. And the amendment is not agreed

3975 to. Are there further amendments?

3976 Mr. King. Mr. Chairman.

3977 Chairman Goodlatte. For what purpose does the  
3978 gentleman from Iowa seek recognition?

3979 Mr. King. Thank you, Mr. Chairman. I have an  
3980 amendment at the desk, King Number 143.

3981 Chairman Goodlatte. The clerk will report the  
3982 amendment.

3983 Ms. Adcock. Amendment to the amendment in the nature  
3984 of a substitute to H.R. 38 offered by Mr. King. Of Iowa.  
3985 Page four, after line 15, insert the following: The term  
3986 "person" includes a member of Congress.

3987 [The amendment of Mr. King follows:]

3988 \*\*\*\*\* INSERT 12 \*\*\*\*\*



3989 Chairman Goodlatte. The gentleman is recognized for 5  
3990 minutes on his amendment.

3991 Mr. King. Thank you, Mr. Chairman. This is the  
3992 amendment that I propose to offer in the debate over the  
3993 Issa amendment that has now gone on to the underlying bill  
3994 that grants a concealed weapon permit to the Federal judges,  
3995 the Article III judges. And I support the Issa amendment  
3996 but for members of Congress to not be included in that was,  
3997 I think, a glaring omission.

3998 In particular, when I look back and most of us remember  
3999 where we were at some cataclysmic times in our lives. And  
4000 it may be the assassination of President Kennedy for some of  
4001 us. I remember where I was the day I got the news that  
4002 Gabby Giffords had been shot and the others had been killed  
4003 in Arizona. And I was sitting live on a Fox News network  
4004 doing an interview when it came in my ear and said, "She has  
4005 been shot. Would you care to comment?" And I did not have  
4006 30 seconds to gather my thoughts. It was a shock to all of  
4007 us to see that happen to her and I am grateful that she  
4008 survived, and our prayers have been with the victims.

4009 Steve Scalise and the others that were shot in the  
4010 ballfield that the chairman alluded to a few minutes ago,  
4011 and had we not had the Capitol Hill Police there to defend  
4012 them and as aggressively and skillfully as they did, they  
4013 were sitting ducks on that ball field. And I do not think

4014 anybody thinks there would have been very many survivors if  
4015 that shooter had been allowed to continue, if he had not  
4016 have been interrupted by the Capitol Hill Police.

4017 But without the leader there, without the majority Whip  
4018 there, there is no security team there. No security team  
4019 there meant no weapons there. Had any of those members had  
4020 any right to carry and go back and forth across the river  
4021 and into Virginia out of the District of Columbia and back  
4022 again, it might have been what could have saved them under  
4023 different circumstances. And I happen to know at least one  
4024 member on this committee was departing that ballfield right  
4025 then.

4026 And for us. We have turned in a number of death  
4027 threats over the years. I have lost track of how many, but  
4028 I will say we have turned in substantially more in the last  
4029 several months than we have prior to that. The  
4030 confrontations that take place on the streets in America  
4031 between members of Congress and irate citizens have gone up  
4032 dramatically. And I mentioned a judge that had his wife and  
4033 his daughter brutally murdered. We have watched it.  
4034 Members of Congress have been more targets than judges have  
4035 on a percentage basis, on a per capita basis.

4036 And by the way, Members of Congress are cleared for a  
4037 security to walk into the White House without going through  
4038 the metal detector, to walk aboard Air Force I without the

4039 security, walk up to the First Lady or the President,  
4040 because our backgrounds have all been checked by, let's say,  
4041 the eye of the public. And this amendment also would be  
4042 consistent and compart with a bill that was introduced by  
4043 Brian Babin that would have granted this right to carry to  
4044 members of Congress; House and Senate.

4045 And so, that is what the amendment does. It includes  
4046 members of Congress into the underlying bill so that there  
4047 would be a right to carry regardless of what their state of  
4048 residence is. That defines it, I urge its adoption, and I  
4049 yield back the balance of my time.

4050 Ms. Lofgren. Mr. Chairman?

4051 Mr. King. I would be happy to yield.

4052 Chairman Goodlatte. I support the gentleman's  
4053 amendment. I already considered myself and you and other  
4054 persons, but we will make it eminently clear, since not  
4055 everybody is sure of that, so. I support the amendment.

4056 Ms. Lofgren. Mr. Chairman?

4057 Chairman Goodlatte. For what purpose does the  
4058 gentlewoman from California seek recognition?

4059 Ms. Lofgren. I move to strike the last word. First, I  
4060 want to comment on our former colleague, Gabby Giffords.  
4061 What happened to her was a terrible thing, and I think we  
4062 all remember when we heard the news. However, I think it is  
4063 important to note that the organization which she founded,

4064 Giffords Courage to Fight Gun Violence, opposes this bill.  
4065 And I would like to ask unanimous consent to put in to the  
4066 record several items from the Giffords organization: a  
4067 factsheet, Myths Versus Facts; a fact sheet, Federally  
4068 Mandated Concealed Carry Reciprocity; as well as a letter  
4069 from the Giffords organization about the law enforcement  
4070 coalition in opposition to the bill.

4071 Chairman Goodlatte. Without objection, they will be  
4072 made part of the record.

4073 [The information follows:]

4074 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4075 Ms. Lofgren. I would just like to note, you know,  
4076 Gabby, when she was a member of Congress, she was a  
4077 remarkable person and lived in Arizona and had been a rural  
4078 person. She rode a horse. She shot a gun. I mean, she had  
4079 a lot of spunk, and I would note that had she wanted to have  
4080 a concealed weapon permit, under Arizona law she could have  
4081 done so. She would not need this amendment to do that. For  
4082 whatever reason, she chose not to do that.

4083 And I think it may be that even though she was someone  
4084 who could do skeet shooting, she also had a recognition that  
4085 gun violence was a danger in our country. In all of her  
4086 activities since she was the victim of that terrible assault  
4087 have been in that effort to keep our country safe, to  
4088 prevent other people from being victimized, as she was, by  
4089 someone with an assault weapon. In terms of reviewing what  
4090 happened to her, it is pretty clear that had she, in fact,  
4091 had a concealed weapon it would not have saved her from that  
4092 assault at all.

4093 I would just like to say one other thing. One of the  
4094 things that the public really hates is when members of  
4095 Congress ask for special treatment. You know, people think  
4096 we ought to live under the same laws as everyone else.

4097 Chairman Goodlatte. Would the gentlewoman yield?

4098 Ms. Lofgren. I will in a minute. I think to single  
4099 out members of Congress -- and Federal judges, I grant you

4100 that -- for special treatment is completely at odds with  
4101 what the American public is expecting from us at this time.

4102 I think the amendment is a mistake. I think it is  
4103 improper, in terms of elevating our status above that of  
4104 other Americans, and I think it is inconsistent with,  
4105 really, the only member of Congress in my 23 years whose --  
4106 well, no, I will take that back. But Ms. Giffords has led  
4107 the way against this bill and -- although I have not talked  
4108 to her about this amendment -- given her opposition to the  
4109 overall bill, I am sure she would also oppose this  
4110 amendment. So, with that, I would be happy to yield to the  
4111 chairman.

4112 Chairman Goodlatte. I thank the gentlewoman for  
4113 yielding, and I agree with you that people want Members of  
4114 Congress to live under the same laws as themselves. And I  
4115 believe that is exactly what Mr. King's amendment does. So,  
4116 I do not think we should be in any way bashful about that,  
4117 and there has obviously been a need demonstrated with this  
4118 most recent shooting. So, I support the amendment, and I  
4119 thank the gentlewoman for yielding.

4120 Ms. Lofgren. Reclaiming my time, if in fact Members of  
4121 Congress were being treated the same as everyone else, the  
4122 amendment would be superfluous. In fact, it does carve out  
4123 Members of Congress with special treatment and I think,  
4124 aside from the fact that I oppose the bill overall, I do not

4125 think that that is what the American public is expecting  
4126 from us. And for that reason alone, even members who  
4127 support the bill, ought to oppose this amendment. I would  
4128 be happy to yield to Mr. Cohen.

4129 Mr. Cohen. Thank you. I just would like to ask the  
4130 chair, or Mr. King, does this amendment say that Congress  
4131 people can carry whether they have a State carry permit or  
4132 not?

4133 Chairman Goodlatte. No.

4134 Mr. Cohen. What does it say?

4135 Chairman Goodlatte. It simply refers to the section of  
4136 the bill that refers to "persons," to include a member of  
4137 Congress, which I think is already clear.

4138 Mr. Cohen. Persons? Well, we were already persons.

4139 Chairman Goodlatte. I agree with that.

4140 Mr. Cohen. Some of us are persons.

4141 Chairman Goodlatte. I hope all of us are but --

4142 Mr. Cohen. I think all of us are, yeah.

4143 Chairman Goodlatte. -- I think the Constitution  
4144 requires us all to be.

4145 Ms. Lofgren. Reclaiming my time. I would yield back,  
4146 because I am out of time.

4147 Chairman Goodlatte. We have a vote on the floor, but  
4148 if the gentleman will be brief, I will be happy to recognize  
4149 --

4150 Mr. Cohen. Thank you. Mr. King, would you clarify  
4151 what your amendment does. It just says we are persons?

4152 Mr. King. Yes, I would, if the gentleman would yield?

4153 Mr. Cohen. Yes, I thank you.

4154 Mr. King. My amendment goes directly to that  
4155 definition and for clarification purposes to the word  
4156 "person," and so that is what the amendment does. And it  
4157 defines members of Congress; House and Senate. There would  
4158 be 535 people covered by this and it would allow the  
4159 reciprocity to move from State to State. And I return my  
4160 time.

4161 Mr. Cohen. But how does that change the law? I mean,  
4162 I have a gun permit in Tennessee. Why do I need to be named  
4163 a person here?

4164 Mr. King. You may be from a State that does not do  
4165 such a thing.

4166 Mr. Cohen. You mean a State that does not have a carry  
4167 permit?

4168 Mr. King. Right.

4169 Mr. Cohen. So, this supersedes and makes the Congress  
4170 people the only people in the State that can carry?

4171 Chairman Goodlatte. It would be one person because  
4172 unicameral --

4173 Mr. King. Well, the judges.

4174 Chairman Goodlatte. Three because of the two senators.



4175 Mr. Cohen. Yeah, there would be three.

4176 Mr. King. I am not worried about the three in Vermont.

4177 I think --

4178 Mr. Cohen. I yield, thank you.

4179 Chairman Goodlatte. The question occurs on the  
4180 amendment offered by the gentleman from Iowa.

4181 All those in favor respond by saying aye.

4182 Those opposed, no.

4183 In the opinion of the chair, the ayes have it and the  
4184 amendment is agreed to.

4185 Ms. Lofgren. Record a roll call?

4186 Chairman Goodlatte. Recorded vote is requested, and  
4187 the clerk will call the roll.

4188 Ms. Adcock. Mr. Goodlatte?

4189 Chairman Goodlatte. Aye.

4190 Ms. Adcock. Mr. Goodlatte votes aye.

4191 Mr. Sensenbrenner?

4192 [No response.]

4193 Mr. Smith?

4194 [No response.]

4195 Mr. Chabot?

4196 Mr. Chabot. Aye.

4197 Ms. Adcock. Mr. Chabot votes aye.

4198 Mr. Issa?

4199 Mr. Issa. Aye.

4200 Ms. Adcock. Mr. Issa votes aye.  
4201 Mr. King?  
4202 Mr. King. Aye.  
4203 Ms. Adcock. Mr. King votes aye.  
4204 Mr. Franks?  
4205 [No response.]  
4206 Mr. Gohmert?  
4207 [No response.]  
4208 Mr. Jordan?  
4209 Mr. Jordan. Yes.  
4210 Ms. Adcock. Mr. Jordan votes yes.  
4211 Mr. Poe?  
4212 [No response.]  
4213 Mr. Marino?  
4214 Mr. Marino. Yes.  
4215 Ms. Adcock. Mr. Marino votes yes.  
4216 Mr. Gowdy?  
4217 [No response.]  
4218 Mr. Labrador?  
4219 Mr. Labrador. No.  
4220 Ms. Adcock. Mr. Labrador votes no.  
4221 Mr. Farenthold?  
4222 [No response.]  
4223 Mr. Collins?  
4224 [No response.]

4225 Mr. DeSantis?  
4226 Mr. DeSantis. No.  
4227 Ms. Adcock. Mr. DeSantis votes no.  
4228 Mr. Buck?  
4229 Mr. Buck. No.  
4230 Ms. Adcock. Mr. Buck votes no.  
4231 Mr. Ratcliffe?  
4232 [No response.]  
4233 Mrs. Roby?  
4234 [No response.]  
4235 Mr. Gaetz?  
4236 [No response.]  
4237 Mr. Johnson of Louisiana?  
4238 Mr. Johnson of Louisiana. Yes.  
4239 Ms. Adcock. Mr. Johnson votes yes.  
4240 Mr. Biggs?  
4241 [No response.]  
4242 Mr. Rutherford?  
4243 Mr. Rutherford. Yes.  
4244 Ms. Adcock. Mr. Rutherford votes yes.  
4245 Mrs. Handel?  
4246 Mrs. Handel. No.  
4247 Ms. Adcock. Mrs. Handel votes no.  
4248 Mr. Nadler?  
4249 [No response.]

4250 Mr. Conyers?  
4251 [No response.]  
4252 Ms. Lofgren?  
4253 Ms. Lofgren. No.  
4254 Ms. Adcock. Ms. Lofgren votes no.  
4255 Ms. Jackson Lee?  
4256 [No response.]  
4257 Mr. Cohen?  
4258 Mr. Cohen. No.  
4259 Ms. Adcock. Mr. Cohen votes no.  
4260 Mr. Johnson of Georgia?  
4261 [No response.]  
4262 Mr. Deutch?  
4263 [No response.]  
4264 Mr. Gutierrez?  
4265 [No response.]  
4266 Ms. Bass?  
4267 [No response.]  
4268 Mr. Richmond?  
4269 [No response.]  
4270 Mr. Jeffries?  
4271 [No response.]  
4272 Mr. Cicilline?  
4273 Mr. Cicilline. No.  
4274 Ms. Adcock. Mr. Cicilline votes no.

4275 Mr. Swalwell?

4276 Mr. Swalwell. No.

4277 Ms. Adcock. Mr. Swalwell votes no.

4278 Mr. Lieu?

4279 Mr. Lieu. No.

4280 Ms. Adcock. Mr. Lieu votes no.

4281 Mr. Raskin?

4282 [No response.]

4283 Ms. Jayapal?

4284 [No response.]

4285 Mr. Schneider?

4286 Mr. Schneider. No.

4287 Ms. Adcock. Mr. Schneider votes no.

4288 Chairman Goodlatte. The gentleman from New York?

4289 Mr. Nadler. No.

4290 Ms. Adcock. Mr. Nadler votes no.

4291 Chairman Goodlatte. The gentleman from Texas?

4292 Mr. Gohmert. Yes.

4293 Ms. Adcock. Mr. Gohmert votes yes.

4294 Chairman Goodlatte. The gentleman from Arizona?

4295 Mr. Franks. Aye.

4296 Ms. Adcock. Mr. Franks votes aye.

4297 Chairman Goodlatte. Has every member voted who wishes

4298 to vote? The clerk will report.

4299 Ms. Adcock. Mr. Chairman, 10 members voted aye, 11

4300 members voted no.

4301 Chairman Goodlatte. And the amendment is not agreed  
4302 to. The committee will stand in recess until immediately  
4303 following this series of votes.

4304 [Recess.]

4305 Chairman Goodlatte. The committee will reconvene.  
4306 When the committee recessed, we were considering amendments  
4307 to H.R. 38. Are there further amendments?

4308 Mr. Swalwell. Yes, Mr. Chair, I have an amendment at  
4309 the desk.

4310 Chairman Goodlatte. The clerk will report the  
4311 amendment by the gentleman from California, Mr. Swalwell.

4312 Ms. Adcock. Amendment to the amendment in the nature  
4313 of a substitute H.R. 38, offered by Mr. Swalwell of  
4314 California. Page two, line 18, strike, or page two, line 21  
4315 --

4316 [The amendment of Mr. Swalwell follows:]

4317 \*\*\*\*\* INSERT 13 \*\*\*\*\*

4318 Chairman Goodlatte. Without objection, the amendment  
4319 is considered as read and the gentleman is recognized for 5  
4320 minutes on his amendment.

4321 Mr. Swalwell. Thank you, Mr. Chairman. My amendment  
4322 seeks to address an issue that this bill, if passed, will  
4323 cause, which is that 28 States have possession requirements  
4324 in their States that limit who can possess a firearm at all.  
4325 For example, some States say that if you have a juvenile  
4326 conviction you are not entitled to possess a firearm.

4327 If you have a domestic violence conviction, for  
4328 example, you are not allowed to possess a firearm. This  
4329 amendment would say that regardless as to your right to  
4330 possess and carry a concealed weapon, that if you travel to  
4331 a State that has a possession limitation and you have a  
4332 conviction for one of those offenses, your right to carry a  
4333 concealed weapon is prohibited.

4334 And so, Mr. Chairman, this goes to a larger issue,  
4335 however, which is that there is a gun violence problem in  
4336 our country. It is affecting families. It is destroying  
4337 our communities. It is taking lives. And as a family  
4338 member of two police officers, I worry also about the  
4339 pervasiveness of guns on our streets and what it means to  
4340 those who walk the beat and do all they can to keep us safe.

4341 I believe that after what has happened over the past 5  
4342 years, from Sandy Hook to Pulse, to Charleston, so many

4343 other countless mass shootings that we have experienced just  
4344 as recently as Las Vegas and Texas, that the correct  
4345 direction that our country should be taking is to address  
4346 mass shootings, to address gun violence, and to do all we  
4347 can to reduce the gun violence that exists in our  
4348 communities, not to make it easier for individuals to carry  
4349 concealed weapons, particularly in States that have strict  
4350 prohibitions already on the possession of firearms.

4351 So, this amendment, Mr. Chairman, would say just that;  
4352 that if your State has prohibitions on who can possess a  
4353 firearm, that would prevent any person who otherwise would  
4354 be able under this bill to conceal and carry in that State.  
4355 And with that, I yield back.

4356 Chairman Goodlatte. The chair thanks the gentleman and  
4357 recognizes himself in opposition to the amendment. This is  
4358 similar to previous amendments in that it attempts to change  
4359 the Federal standard, which is well established in the law,  
4360 on who is permitted to possess a firearm. And I do not  
4361 think that if we are going to have a successful reciprocity  
4362 concealed carry program that this would work. So, therefore  
4363 I must oppose the amendment.

4364 The question occurs on the amendment offered by the  
4365 gentleman from California.

4366 All those in favor, respond by saying aye.

4367 All those opposed, no.



4368 In the opinion of the chair, the noes have it and the  
4369 amendment is not agreed to.

4370 Mr. Swalwell. A record vote, please.

4371 Chairman Goodlatte. A recorded vote is requested, and  
4372 the clerk will call the roll.

4373 Ms. Adcock. Mr. Goodlatte?

4374 Chairman Goodlatte. No.

4375 Ms. Adcock. Mr. Goodlatte votes no.

4376 Mr. Sensenbrenner?

4377 [No response.]

4378 Mr. Smith?

4379 [No response.]

4380 Mr. Chabot?

4381 Mr. Chabot. No.

4382 Ms. Adcock. Mr. Chabot votes no.

4383 Mr. Issa?

4384 [No response.]

4385 Mr. King?

4386 Mr. King. No.

4387 Ms. Adcock. Mr. King votes no.

4388 Mr. Franks?

4389 [No response.]

4390 Mr. Gohmert?

4391 Mr. Gohmert. No.

4392 Ms. Adcock. Mr. Gohmert votes no.

4393 Mr. Jordan?  
4394 [No response.]  
4395 Mr. Poe?  
4396 [No response.]  
4397 Mr. Marino?  
4398 Mr. Marino. No.  
4399 Ms. Adcock. Mr. Marino votes no.  
4400 Mr. Gowdy?  
4401 [No response.]  
4402 Mr. Labrador?  
4403 [No response.]  
4404 Mr. Farenthold?  
4405 [No response.]  
4406 Mr. Collins?  
4407 Mr. Collins. No.  
4408 Ms. Adcock. Mr. Collins votes no.  
4409 Mr. DeSantis?  
4410 [No response.]  
4411 Mr. Buck?  
4412 [No response.]  
4413 Mr. Ratcliffe?  
4414 [No response.]  
4415 Mrs. Roby?  
4416 Mrs. Roby. No.  
4417 Ms. Adcock. Mrs. Roby votes no.

4418 Mr. Gaetz?  
4419 [No response.]  
4420 Mr. Johnson of Louisiana?  
4421 Mr. Johnson of Louisiana. No.  
4422 Ms. Adcock. Mr. Johnson votes no.  
4423 Mr. Biggs?  
4424 [No response.]  
4425 Mr. Rutherford?  
4426 Mr. Rutherford. No.  
4427 Ms. Adcock. Mr. Rutherford votes no.  
4428 Mrs. Handel?  
4429 [No response.]  
4430 Mr. Nadler?  
4431 [No response.]  
4432 Mr. Conyers?  
4433 [No response.]  
4434 Ms. Lofgren?  
4435 [No response.]  
4436 Ms. Jackson Lee?  
4437 [No response.]  
4438 Mr. Cohen?  
4439 [No response.]  
4440 Mr. Johnson of Georgia?  
4441 [No response.]  
4442 Mr. Deutch?

4443 Mr. Deutch. Aye.

4444 Ms. Adcock. Mr. Deutch votes aye.

4445 Mr. Gutierrez?

4446 [No response.]

4447 Ms. Bass?

4448 [No response.]

4449 Mr. Richmond?

4450 [No response.]

4451 Mr. Jeffries?

4452 [No response.]

4453 Mr. Cicilline?

4454 Mr. Cicilline. Aye.

4455 Ms. Adcock. Mr. Cicilline votes aye.

4456 Mr. Swalwell?

4457 Mr. Swalwell. Aye.

4458 Ms. Adcock. Mr. Swalwell vote aye.

4459 Mr. Lieu?

4460 Mr. Lieu. Aye.

4461 Ms. Adcock. Mr. Lieu votes aye.

4462 Mr. Raskin?

4463 Mr. Raskin. Aye.

4464 Ms. Adcock. Mr. Raskin votes aye.

4465 Ms. Jayapal?

4466 [No response.]

4467 Mr. Schneider?

4468 Mr. Schneider. Aye.

4469 Ms. Adcock. Mr. Schneider votes aye.

4470 Chairman Goodlatte. The gentleman from Idaho?

4471 Mr. Labrador. No.

4472 Ms. Adcock. Mr. Labrador votes no.

4473 Chairman Goodlatte. The gentleman from Arizona?

4474 Mr. Franks. No.

4475 Ms. Adcock. Mr. Franks votes no.

4476 Chairman Goodlatte. The gentleman from New York?

4477 Mr. Nadler. Aye.

4478 Ms. Adcock. Mr. Nadler votes aye.

4479 Chairman Goodlatte. The gentleman from Arizona?

4480 Mr. Biggs. No.

4481 Ms. Adcock. Mr. Biggs votes no.

4482 Chairman Goodlatte. Has every member voted who wishes

4483 to vote? The clerk will report.

4484 Ms. Adcock. Mr. Chairman, 7 members voted aye; 12

4485 members voted no.

4486 Chairman Goodlatte. And the amendment is not agreed

4487 to. Are there further amendments to H.R. 38?

4488 Mr. Swalwell. Mr. Chairman, I have an amendment at the

4489 desk.

4490 Chairman Goodlatte. The clerk will report the

4491 amendment by the gentleman from California.

4492 Ms. Adcock. Amendment to the amendment in the nature

4493 of a substitute to H.R. 38, offered by Mr. Swalwell of  
4494 California. Page 2, line 18 --

4495 [The amendment of Mr. Swalwell follows:]

4496 \*\*\*\*\* INSERT 14 \*\*\*\*\*

4497 Chairman Goodlatte. Without objection, the amendment  
4498 is considered as read and the general is recognized for 5  
4499 minutes on his amendment.

4500 Mr. Swalwell. Thank you, Mr. Chairman. My amendment  
4501 would allow States to continue to enforce their own laws  
4502 prohibiting persons convicted of misdemeanor offenses of  
4503 assaulting or impersonating a police officer from carrying  
4504 concealed weapons. My colleagues and I have already  
4505 explained the dangerousness and unconstitutionality of the  
4506 underlying bill. The amendment I am offering now highlights  
4507 a specific problem with that.

4508 As I have told this committee before, being related to  
4509 several police officers and having been a prior prosecutor  
4510 who has prosecuted battery on police officer cases, I have  
4511 seen first-hand the sacrifice it takes to be in law  
4512 enforcement. Day in and day out, they put their lives on  
4513 the line to keep us safe and rescue people in need. We owe  
4514 them a deep debt of gratitude for their service.

4515 Unfortunately, there are too many in America who see  
4516 police officers as targets and not as heroes. In fact, in  
4517 2016, 64 police officers died in firearm-related incidents.  
4518 That was up 56 percent over 2015. Over 57,000 officers were  
4519 assaulted in 2016, about one in 10 officers surveyed.

4520 People who assault or impersonate police officers are  
4521 attacking the very heart of the rule of law. Some States

4522 have made the determination that such persons should not be  
4523 trusted to carry concealed weapons. Iowa, Florida,  
4524 Louisiana, North Carolina, and Ohio specifically prohibit  
4525 those with convictions for assaults against law enforcement  
4526 from getting a concealed weapons permit, and Michigan and  
4527 Pennsylvania do the same for people convicted of  
4528 impersonating a police officer.

4529 My amendment is intended to make this bill slightly  
4530 less dangerous to our community by allowing these States and  
4531 any ones who pass such laws in the future to do what they  
4532 feel is best and the way to protect their citizens, and in  
4533 particular their police officers, by allowing them to ban  
4534 people who attack or impersonate cops from carrying  
4535 concealed weapons.

4536 Put more simply, Mr. Chairman: we should not allow  
4537 anybody who has assaulted, battered, or impersonated a  
4538 police officer to carry a concealed weapon at any corner of  
4539 America. Let's be clear: a vote against this amendment is a  
4540 vote to allow people who attack cops to carry concealed  
4541 weapons. I urge all members to keep that in mind, to  
4542 support law enforcement, and vote yes on my amendment. And  
4543 I yield back.

4544 Chairman Goodlatte. For what purpose does the  
4545 gentleman from Texas seek recognition?

4546 Mr. Gohmert. I move to strike the last word.



4547 Chairman Goodlatte. The gentleman is recognized for 5  
4548 minutes.

4549 Mr. Gohmert. I think it is a great idea, anything we  
4550 can do to help protect police officers. But generally  
4551 speaking, if a crime is a misdemeanor in any jurisdiction,  
4552 there is a reason that that jurisdiction made it a  
4553 misdemeanor. And people are normally going to be carrying  
4554 or possessing guns in the same area where they have been  
4555 charged with a misdemeanor; in that jurisdiction it is not  
4556 considered to be that serious.

4557 When I was sentencing people that assaulted police  
4558 officers as a felony judge, I always took it very, very  
4559 seriously. But I also considered the range of punishment  
4560 that the legislature set for the alleged crime as being the  
4561 way to look at it. And so, again, in a country where we are  
4562 supposed to, according to the Constitution, give great  
4563 weight and substance to the actions of the legislatures of  
4564 the different States, if something is a misdemeanor in a  
4565 State, we ought to take that at face value and not start  
4566 making exceptions. Because once the exceptions start, they  
4567 will have no end, and it will be another way of beginning to  
4568 take away more of the individual's Second Amendment rights.

4569 So, I think we have the law about right, and I would  
4570 appreciate the gentleman's efforts, but I would encourage a  
4571 no vote on the amendment.

4572 Mr. Cicilline. Would the gentleman yield?

4573 Chairman Goodlatte. For what purpose does the  
4574 gentleman from Rhode Island seek recognition?

4575 Mr. Cicilline. I move to strike the last word.

4576 Chairman Goodlatte. The gentleman is recognized if he  
4577 seeks recognition.

4578 Mr. Cicilline. Yeah, I do not know if my friend from  
4579 Texas will yield, but --

4580 Chairman Goodlatte. He does not need to. You are  
4581 recognized for 5 minutes.

4582 Mr. Cicilline. No, I will posit a question, and then  
4583 he can decide whether he wants to yield. My friend from  
4584 Texas just made the argument that we ought to respect the  
4585 determination made by States about what constitutes a  
4586 misdemeanor felony, and while that is an interesting  
4587 argument, it is the argument that, if you follow it through  
4588 its logical extension, would be we should also respect the  
4589 determination the States make about who and when someone  
4590 should be permitted to carry a loaded concealed weapon, but  
4591 we are totally abrogating that in the bill.

4592 You know, I hope that same fervor for respecting the  
4593 determination by States for classification of crimes will  
4594 carry over to the very important determination about who  
4595 gets to carry concealed weapons.

4596 Mr. Gohmert. Will the gentleman yield?

4597 Mr. Cicilline. Of course.

4598 Mr. Gohmert. So, I appreciate that you are asking for  
4599 a response, and that is very simple. The States should have  
4600 complete latitude to make any decision so long as it does  
4601 not abrogate our constitutional amendments, one of which is  
4602 the Second Amendment right; the right to keep and bear arms  
4603 will not be infringed.

4604 And so, sure, let's give complete latitude to the  
4605 States so long as they do not infringe on that Second  
4606 Amendment right. And obviously there are some States that  
4607 have been, so that is why we have to step in. I yield back.

4608 Mr. Cicilline. Thank you. I thank the gentleman. And  
4609 reclaiming my time, as our distinguished colleague from  
4610 Maryland has explained to the committee, the Heller decision  
4611 of the United States Supreme Court recognized the right of  
4612 States to impose reasonable restrictions on the possession,  
4613 use, and transportation of firearms. So, these statutes  
4614 which limit in some way or prevent people who have criminal  
4615 convictions, mental illness, other characteristics that make  
4616 possession of firearms dangerous to themselves or others are  
4617 perfectly permitted, consistent with the Second Amendment,  
4618 consistent with our constitution.

4619 So, although hope springs eternal, my sense is that my  
4620 colleagues seem to be interested in respecting the  
4621 determinations made at the State level in some areas that

4622 they agree with them, but not in other areas in which they  
4623 disagree. And with that, I will yield to the gentleman --

4624 Mr. Swalwell. Would the gentleman yield?

4625 Mr. Cicilline. -- gentleman from California.

4626 Mr. Swalwell. I thank the gentleman for yielding.

4627 This amendment simply says, "You hurt a cop, you lose your  
4628 right to carry a concealed weapon and every single state."

4629 And I do not understand why anyone on the other side would  
4630 want any person who has hurt a cop and has been convicted of  
4631 that to be able to carry a concealed weapon.

4632 These are the people who protect our communities. I  
4633 have seen these cases; I have prosecuted these individuals  
4634 who have punched or used weapons against police officers,  
4635 who have been convicted for doing so, and I would not want  
4636 any of them to have a firearm at any place in this country.  
4637 So, I hope we can draw a line somewhere as to who is allowed  
4638 to carry a firearm, and maybe today we can start by saying,  
4639 "You touch a cop, you get convicted for it, you lose your  
4640 right to carry a firearm in another State." I yield back.

4641 Chairman Goodlatte. The question occurs on the  
4642 amendment offered by the gentleman from California.

4643 All those in favor, respond by saying aye.

4644 Those opposed, no.

4645 In the opinion of the chair, the noes have it and the  
4646 amendment is not agreed to.

4647 Mr. Swalwell. A recorded vote, please.

4648 Chairman Goodlatte. A recorded vote is requested and  
4649 the clerk will call the roll.

4650 Ms. Adcock. Mr. Goodlatte?

4651 Chairman Goodlatte. No.

4652 Ms. Adcock. Mr. Goodlatte votes no.

4653 Mr. Sensenbrenner?

4654 [No response.]

4655 Mr. Smith?

4656 [No response.]

4657 Mr. Chabot?

4658 [No response.]

4659 Mr. Issa?

4660 [No response.]

4661 Mr. King?

4662 Mr. King. No.

4663 Ms. Adcock. Mr. King votes no.

4664 Mr. Franks?

4665 [No response.]

4666 Mr. Gohmert?

4667 Mr. Gohmert. No.

4668 Ms. Adcock. Mr. Gohmert votes no.

4669 Mr. Jordan?

4670 [No response.]

4671 Mr. Poe?

4672 [No response.]

4673 Mr. Marino?

4674 Mr. Marino. No.

4675 Ms. Adcock. Mr. Marino votes no.

4676 Mr. Gowdy?

4677 Mr. Gowdy. No.

4678 [No response.]

4679 Mr. Labrador?

4680 [No response.]

4681 Mr. Farenthold?

4682 [No response.]

4683 Mr. Collins?

4684 [No response.]

4685 Mr. DeSantis?

4686 [No response.]

4687 Mr. Buck?

4688 Mr. Buck. No.

4689 Ms. Adcock. Mr. Buck votes no.

4690 Mr. Ratcliffe?

4691 Mr. Ratcliffe. No.

4692 Ms. Adcock. Mr. Ratcliffe votes no.

4693 Mrs. Roby?

4694 Mrs. Roby. No.

4695 Ms. Adcock. Mrs. Roby votes no.

4696 Mr. Gaetz?

4697 [No response.]

4698 Mr. Johnson of Louisiana?

4699 [No response.]

4700 Mr. Biggs?

4701 Mr. Biggs. No.

4702 Ms. Adcock. Mr. Biggs votes no.

4703 Mr. Rutherford?

4704 Mr. Rutherford. No.

4705 Ms. Adcock. Mr. Rutherford votes aye.

4706 Mrs. Handel?

4707 Mrs. Handel. No.

4708 Ms. Adcock. Mrs. Handel votes no.

4709 Mr. Nadler?

4710 Mr. Nadler. Aye.

4711 Ms. Adcock. Mr. Nadler votes aye.

4712 Mr. Conyers?

4713 [No response.]

4714 Ms. Lofgren?

4715 [No response.]

4716 Ms. Jackson Lee?

4717 [No response.]

4718 Mr. Cohen?

4719 [No response.]

4720 Mr. Johnson of Georgia?

4721 Mr. Johnson of Georgia. Aye.

4722 Ms. Adcock. Mr. Johnson votes aye.  
4723 Mr. Deutch?  
4724 Mr. Deutch. Aye.  
4725 Ms. Adcock. Mr. Deutch votes aye.  
4726 Mr. Gutierrez?  
4727 [No response.]  
4728 Ms. Bass?  
4729 [No response.]  
4730 Mr. Richmond?  
4731 [No response.]  
4732 Mr. Jeffries?  
4733 [No response.]  
4734 Mr. Cicilline?  
4735 Mr. Cicilline. Aye.  
4736 Ms. Adcock. Mr. Cicilline votes aye.  
4737 Mr. Swalwell?  
4738 Mr. Swalwell. Aye.  
4739 Ms. Adcock. Mr. Swalwell votes aye.  
4740 Mr. Lieu?  
4741 Mr. Lieu. Aye.  
4742 Ms. Adcock. Mr. Lieu votes aye.  
4743 Mr. Raskin?  
4744 Mr. Raskin. Aye.  
4745 Ms. Adcock. Mr. Raskin votes aye.  
4746 Ms. Jayapal?



4747 [No response.]

4748 Mr. Schneider?

4749 Mr. Schneider. Aye.

4750 Ms. Adcock. Mr. Schneider votes aye.

4751 Chairman Goodlatte. The gentleman from Arizona, Mr.

4752 Franks?

4753 Mr. Franks. No.

4754 Ms. Adcock. Mr. Franks votes no.

4755 Chairman Goodlatte. The gentleman from Ohio, Mr.

4756 Jordan?

4757 Mr. Jordan. No.

4758 Ms. Adcock. Mr. Jordan votes no.

4759 Chairman Goodlatte. The gentleman from Ohio, Mr.

4760 Chabot?

4761 Mr. Chabot. No.

4762 Ms. Adcock. Mr. Chabot votes no.

4763 Chairman Goodlatte. Has every member voted who wishes

4764 to vote? The clerk will report. The gentleman from Idaho?

4765 Mr. Labrador. No.

4766 Ms. Adcock. Mr. Labrador votes no.

4767 Chairman Goodlatte. The gentleman from Georgia?

4768 Mr. Collins. No.

4769 Ms. Adcock. Mr. Collins votes no.

4770 Chairman Goodlatte. Has every member voted who wishes

4771 to vote? The clerk will report.

4772 Ms. Adcock. Mr. Chairman, 8 members voted aye; 15  
4773 members voted no.

4774 Chairman Goodlatte. And the amendment is not agreed  
4775 to. Are there further amendments?

4776 Mr. Deutch. Mr. Chairman?

4777 Chairman Goodlatte. For what purpose does the  
4778 gentleman from Florida seek recognition?

4779 Mr. Deutch. I have an amendment at the desk, Amendment  
4780 40.

4781 Chairman Goodlatte. The clerk will report the  
4782 amendment.

4783 Ms. Adcock. Amendment to the amendment in the nature  
4784 of a substitute to H.R. 38, offered by Mr. Deutsch of  
4785 Florida. Page 5, line 6, insert before the period --

4786 [The amendment of Mr. Deutch follows:]

4787 \*\*\*\*\* INSERT 15 \*\*\*\*\*

4788 Chairman Goodlatte. Without objection, the amendment  
4789 is considered as read and the gentleman is recognized for 5  
4790 minutes on his amendment.

4791 Mr. Deutch. Thank you, Mr. Chairman. Under section  
4792 F(2)(d), the Concealed Carry Reciprocity Act would permit a  
4793 person possessing a concealed handgun in the State to bring  
4794 a gun onto any land administered and managed by the Army  
4795 Corps of Engineers that is open to the public.

4796 This would open more than 11.7 million acres to people  
4797 possessing a permit to carry a concealed gun, including 400  
4798 lakes and river projects, 90,000 campsites, and 4,000 miles  
4799 of trails. In addition, the provision of the bill would  
4800 open many of our Nation's beaches to people carrying a  
4801 concealed firearm.

4802 My State of Florida has some of the most beautiful  
4803 beaches in the world, from Amelia Island to Fort Lauderdale  
4804 Beach and South Beach, and many others in the State attract  
4805 tourists from all over the world to vacation. The tourism  
4806 is essential to our economy. Tourism in Florida generates  
4807 more than \$89 billion for the State's businesses and employs  
4808 more than 1.2 million people in our State and provides over  
4809 \$5 billion in tax revenue.

4810 Beaches, however, are not just tourist destinations  
4811 that support the local and State economy. Their stretches  
4812 of sand and dunes also provide a natural barrier against

4813 coastal erosion and damaging storm surge. Maintaining these  
4814 protective barriers and tourism destinations that support  
4815 the local economies requires periodic renourishment, and  
4816 such beach rehabilitation and renourishments projects are  
4817 costly, and they require significant equipment.

4818 To maintain beaches, local governments often enter into  
4819 agreements with the Army Corps of Engineers to oversee and  
4820 manage beach rehabilitation and renourishment projects. In  
4821 many of these projects the local governments have submitted  
4822 a request to the Army Corps asking for assistance. Such  
4823 rehabilitation projects include sand restoration and  
4824 restoration of dunes.

4825 In my district, the Army Corps of Engineers has been  
4826 working with Broward County on renourishing several miles of  
4827 beaches in Fort Lauderdale. This renourishment project  
4828 maintains the quality of the beach, which attracts tourism,  
4829 provides a nesting area for sea turtles, provides a natural  
4830 barrier from storm surge for the business establishment and  
4831 hotels along the coast. This working agreement the local  
4832 government has entered into to work with the Army Corps of  
4833 Engineers to manage the beach is not unique to my district.  
4834 In fact, such arrangements are common in other coastal  
4835 communities throughout Florida and throughout the United  
4836 States.

4837 The broad wording of the Concealed Carry Reciprocity

4838 Act would permit people with concealed handguns to enter  
4839 beaches in which the Army Corps manages renourishment  
4840 projects, and bringing handguns onto the beaches can create  
4841 a safety risk to families, children, and people spending  
4842 time and vacationing on the beach.

4843       The presence of handguns also discourages tourists from  
4844 around the world from vacationing on our beautiful beaches.  
4845 The presence of dangerous concealed handguns on our Nation's  
4846 beaches could discourage tourists from other countries to  
4847 vacation there and could encourage them to go to beaches  
4848 that do not permit handguns. And for these reasons I  
4849 strongly urge support for this amendment, and I yield back  
4850 the balance of my time.

4851       Chairman Goodlatte. The chair thanks the gentleman and  
4852 recognizes himself in opposition to the amendment. I do not  
4853 see a need to extend areas where your capacity to exercise  
4854 your concealed carry right would have to extend to beaches  
4855 other than to say that the amount of clothing people wear on  
4856 beaches may limit the ability to conceal. But short of  
4857 that, I would not see any reason why we should extend this  
4858 to beaches. So, I would oppose the amendment.

4859       The question occurs on the amendment offered by the  
4860 gentleman from Florida.

4861       All those in favor, respond by saying aye.

4862       Those opposed, no.

4863 In the opinion of the chair, the noes have it and the  
4864 amendment is not agreed to. Are there further amendments to  
4865 H.R. 38?

4866 Mr. Deutch. Mr. Chairman, I have an amendment at the  
4867 desk.

4868 Chairman Goodlatte. The clerk will report the  
4869 amendment offered by the gentleman from Florida.

4870 Ms. Adcock. Amendment to the amendment in the nature  
4871 of a substitute H.R. 38, offered by Mr. Deutch of Florida.  
4872 Page one, line 16, insert after the comma the following: who  
4873 has not been convicted in the proceeding 5 years of a crime  
4874 --

4875 [The amendment of Mr. Deutch follows:]

4876 \*\*\*\*\* INSERT 16 \*\*\*\*\*

4877 Chairman Goodlatte. Without objection, the amendment  
4878 is considered as read, and the gentleman is recognized for 5  
4879 minutes on his amendment.

4880 Mr. Deutch. Thank you, Mr. Chairman. Mr. Chairman, I  
4881 have been very clear about this bill, and I wanted to  
4882 address, first, this loophole. We hear in this committee a  
4883 lot that Chicago is an example of a city with tough gun laws  
4884 and high rates of gun violence. Why can Chicago not keep  
4885 guns off the streets? Well, because their neighboring  
4886 States do not have those same tough gun laws. And that just  
4887 shows what happens when your force a huge loophole on every  
4888 State.

4889 It is a bad idea for law enforcement, many of whom  
4890 strongly oppose this bill; it is a bad idea for survivors of  
4891 domestic violence and stalking; and it is a remarkable blow  
4892 to the rights we have traditionally reserved for States.  
4893 But we will try to make this bad bill just a little bit  
4894 better, a little bit safer, a little more likely to stop  
4895 those who have shown that they do not deserve the privileges  
4896 that law-abiding gun owners might receive under this law.  
4897 As a baseline, we have to agree that people convicted of  
4898 abuse or stalking should not be eligible under this bill.  
4899 And I thank my colleagues Ms. Jayapal and Ms. Jackson Lee  
4900 for their good work on this issue.

4901 People found by a court to be a danger to their

4902 domestic partner should not be able to carry a concealed  
4903 firearm across State lines; that is common sense. But  
4904 another link down the chain from domestic violence and gun  
4905 violence is violence against animals. Often referred to as  
4906 "the tip of the iceberg," those who harm animals are also  
4907 likely to harm people in their home, including children,  
4908 seniors, and their partners. In a survey conducted at  
4909 domestic violence shelters, 71 percent of survivors reported  
4910 that their partners also abused their pets.

4911 Animal abuse is something that we have taken seriously  
4912 in Congress; in 2010, Congress passed the Animal Crush  
4913 Prohibition Act, which criminalized the creation and  
4914 distribution of a video depicting animals being  
4915 intentionally crushed, burned, drowned, suffocated, impaled,  
4916 or otherwise subjected to serious bodily injury.

4917 And now I am proud to join my colleague Lamar Smith to  
4918 supplement that prohibition to include the underlying  
4919 offense. That is the Preventing Animal Cruelty and Torture  
4920 Act, which recognized that animals being crushed, burned,  
4921 drowned, suffocated, impaled, or subjected to heinous  
4922 cruelty, is inexcusable and should be banned.

4923 But, as we work to enhance the protections of animals,  
4924 we can also recognize that a person who abuses animals has  
4925 already demonstrated a disturbing disregard for the  
4926 suffering of these creatures. The link between violence



4927 committed against animals and violence committed against  
4928 people is strong.

4929 My amendment would break that link for those who have  
4930 been convicted of animal cruelty in the past 5 years. Those  
4931 criminals should not be able to avail themselves of the same  
4932 reciprocity privileges as law-abiding gun owners. My  
4933 amendment does not touch individual State concealed carry  
4934 eligibility requirements; so if a State chooses to ignore  
4935 the red flag of animal abuse in its own criteria, nothing  
4936 would stop that State from issue a concealed carry permit to  
4937 someone convicted of animal abuse.

4938 But if we are creating an easy pass for concealed  
4939 carry, there is simply no reason to allow animal abusers to  
4940 enjoy the benefits of this new loophole. That is why this  
4941 amendment is so important, to ensure that we do not, and I  
4942 urge my colleagues to support it, to help support the safety  
4943 of those in homes with weapons, and I yield back the balance  
4944 of my time.

4945 Chairman Goodlatte. The chair thanks the gentleman and  
4946 recognizes himself in opposition to the amendment. I  
4947 applaud the gentleman for his strong conviction to prevent  
4948 cruelty to animals. And, in fact, under the law and under  
4949 this legislation, if someone is convicted of a felony for  
4950 cruelty to animals, and for example, the Crush Video  
4951 legislation the gentleman referred to provides a felony that

4952 would bar the individual from participating in a concealed  
4953 carry reciprocity program. However, misdemeanors are of  
4954 all shapes and sizes and are much more subjective, and  
4955 therefore I would not extend that prohibition to people who  
4956 have been convicted of a misdemeanor, cruelty to animals,  
4957 and therefore I would oppose the amendment. The question  
4958 occurs on --

4959 Mr. Cicilline. Mr. Chairman.

4960 Chairman Goodlatte. For what purpose does the  
4961 gentleman from Rhode Island seek recognition?

4962 Mr. Cicilline. I move to strike the last word.

4963 Chairman Goodlatte. The gentleman is recognized for 5  
4964 minutes.

4965 Mr. Cicilline. I would like to thank the gentleman  
4966 from Florida, Mr. Deutch, for this amendment, and just  
4967 briefly respond to the chairman's argument against it.

4968 We know already, if someone is convicted of a felony,  
4969 they are barred from having a firearm. But what this  
4970 amendment recognizes is the very well-documented  
4971 relationship between animal cruelty and other acts of  
4972 violence. And, knowing that, Mr. Deutch's amendment says,  
4973 let's not for that category of individuals that have been  
4974 convicted of an offense, that are not otherwise ineligible -  
4975 - because if it is a felony, as the chairman says, they are  
4976 already ineligible -- but what Mr. Deutch says is, let's

4977 protect the public even more.

4978           If we have evidence that someone has been convicted of  
4979 a misdemeanor of animal cruelty, knowing the data and the  
4980 empirical evidence about the relationship between that and  
4981 the likelihood of committing other acts of violence on  
4982 people, let's not extend to that person a new right to  
4983 travel all throughout the country with a concealed, armed  
4984 firearm. Oh, by the way, for a period of 5 years; this is  
4985 not a permanent bar. It is simply for 5 years.

4986           It is a modest effort to limit the ability of  
4987 individuals to impose real harms on communities when we have  
4988 good, empirical data to suggest we ought to be concerned  
4989 about this. And the explanation of, "Well, it is not a  
4990 felony," that is not a good answer. There is a lot of  
4991 evidence that people who commit acts of cruelty against  
4992 animals engage in violent behavior against people. Let's at  
4993 least protect our constituents from that for a period of 5  
4994 years. I really urge my colleagues to surprise me and vote  
4995 for this amendment.

4996           Chairman Goodlatte. The question occurs on the  
4997 amendment offered by the gentleman from Florida.

4998           All those in favor, respond by saying, aye.

4999           Those opposed, no.

5000           In the opinion of the chair, the noes have it, and the  
5001 amendment is not agreed to.

5002 Mr. Deutch. Mr. Chairman, I ask for a recorded vote.  
5003 Chairman Goodlatte. A recorded vote is requested, and  
5004 the clerk will call the role.  
5005 Ms. Adcock. Mr. Goodlatte?  
5006 Chairman Goodlatte. No.  
5007 Ms. Adcock. Mr. Goodlatte votes no.  
5008 Mr. Sensenbrenner?  
5009 [No response.]  
5010 Mr. Smith?  
5011 [No response.]  
5012 Mr. Chabot?  
5013 [No response.]  
5014 Mr. Issa?  
5015 [No response.]  
5016 Mr. King?  
5017 Mr. King. No.  
5018 Ms. Adcock. Mr. King votes no.  
5019 Mr. Franks?  
5020 Mr. Franks. No.  
5021 Ms. Adcock. Mr. Franks votes no.  
5022 Mr. Gohmert?  
5023 Mr. Gohmert. No.  
5024 Ms. Adcock. Mr. Gohmert votes no.  
5025 Mr. Jordan?  
5026 Mr. Jordan. No.

5027 Ms. Adcock. Mr. Jordan votes no.  
5028 Mr. Poe?  
5029 [No response.]  
5030 Mr. Marino?  
5031 [No response.]  
5032 Mr. Gowdy?  
5033 [No response.]  
5034 Mr. Labrador?  
5035 [No response.]  
5036 Mr. Farenthold?  
5037 [No response.]  
5038 Mr. Collins?  
5039 [No response.]  
5040 Mr. DeSantis?  
5041 [No response.]  
5042 Mr. Buck?  
5043 Mr. Buck. No.  
5044 Ms. Adcock. Mr. Buck votes no.  
5045 Mr. Ratcliffe?  
5046 [No response.]  
5047 Mrs. Roby?  
5048 Mrs. Roby. No.  
5049 Ms. Adcock. Mrs. Roby votes no.  
5050 Mr. Gaetz?  
5051 [No response.]

5052 Mr. Johnson of Louisiana?  
5053 [No response.]  
5054 Mr. Biggs?  
5055 Mr. Biggs. No.  
5056 Ms. Adcock. Mr. Biggs votes no.  
5057 Mr. Rutherford?  
5058 Mr. Rutherford. No.  
5059 Ms. Adcock. Mr. Rutherford votes no.  
5060 Mrs. Handel?  
5061 Mrs. Handel. No.  
5062 Ms. Adcock. Mrs. Handel votes no.  
5063 Mr. Nadler?  
5064 Mr. Nadler. Aye.  
5065 Ms. Adcock. Mr. Nadler votes aye.  
5066 Mr. Conyers?  
5067 [No response.]  
5068 Ms. Lofgren?  
5069 [No response.]  
5070 Ms. Jackson Lee?  
5071 [No response.]  
5072 Mr. Cohen?  
5073 [No response.]  
5074 Mr. Johnson of Georgia?  
5075 Mr. Johnson of Georgia. Aye.  
5076 Ms. Adcock. Mr. Johnson votes aye.

5077 Mr. Deutch?

5078 Mr. Deutch. Aye.

5079 Ms. Adcock. Mr. Deutch votes aye.

5080 Mr. Gutierrez?

5081 [No response.]

5082 Ms. Bass?

5083 [No response.]

5084 Mr. Richmond?

5085 [No response.]

5086 Mr. Jeffries?

5087 [No response.]

5088 Mr. Cicilline?

5089 Mr. Cicilline. Aye.

5090 Ms. Adcock. Mr. Cicilline votes aye.

5091 Mr. Swalwell?

5092 [No response.]

5093 Mr. Lieu?

5094 Mr. Lieu. Aye.

5095 Ms. Adcock. Mr. Lieu votes aye.

5096 Mr. Raskin?

5097 Mr. Raskin. Aye.

5098 Ms. Adcock. Mr. Raskin votes aye.

5099 Ms. Jayapal?

5100 [No response.]

5101 Mr. Schneider?

5102 Mr. Schneider. Aye.

5103 Ms. Adcock. Mr. Schneider votes aye.

5104 Chairman Goodlatte. The gentleman from Georgia.

5105 Mr. Collins. No.

5106 Ms. Adcock. Mr. Collins votes no.

5107 Chairman Goodlatte. Has every member voted who wishes  
5108 to vote?

5109 The gentleman from Idaho.

5110 Mr. Labrador. No.

5111 Ms. Adcock. Mr. Labrador votes no.

5112 Chairman Goodlatte. The gentleman from California.

5113 Mr. Swalwell. Aye.

5114 Ms. Adcock. Mr. Swalwell votes aye.

5115 Chairman Goodlatte. The clerk will report.

5116 Ms. Adcock. Mr. Chairman, 8 members voted aye, 12  
5117 members voted no.

5118 Chairman Goodlatte. And the amendment is not agreed  
5119 to. For what purpose does the gentleman from Maryland seek  
5120 recognition?

5121 Mr. Raskin. I have an amendment at the desk, Mr.  
5122 Chairman.

5123 Chairman Goodlatte. The clerk will report the  
5124 amendment.

5125 Ms. Adcock. Amendment to the amendment in the nature  
5126 of a substitute to H.R. 38 offered by Mr. Raskin of



5127 Maryland. Page 3, line 7. After the period, insert the  
5128 following.

5129 [The amendment of Mr. Raskin follows:]

5130 \*\*\*\*\* INSERT 17 \*\*\*\*\*

5131 Chairman Goodlatte. Without objection, the amendment  
5132 is considered as read, and the gentleman is recognized for 5  
5133 minutes on his amendment.

5134 Mr. Raskin. Mr. Chairman, thank you very much, and I  
5135 want to thank all my colleagues who are here for their  
5136 attention and their seriousness about this; it is a deadly  
5137 serious issue.

5138 I wonder if members of the committee know how many  
5139 people died of gun violence in Japan in the year 2014. And  
5140 the answer to that is six. Six people died in the country  
5141 of Japan in 2014. Now, it is true that their country has  
5142 one-third the population of us, so on that theory we should  
5143 have had 18 people die by gun violence. But we had 33,599  
5144 people die that year.

5145 And why is it? Is it because the people in Japan are  
5146 smarter than us? Are they mentally healthier than us? Are  
5147 they more virtuous than us? Is it because they have banned  
5148 guns completely? No, not at all.

5149 People have the right to get a gun there; the  
5150 difference is that they actually subject people to a written  
5151 test for getting guns. They subject people to a mental  
5152 health test to make sure that they are not mentally  
5153 dangerous and unstable, and they give them firearms  
5154 training. But then anybody can get a gun. And look at the  
5155 difference. But everything in this legislation pushes in

5156 exactly the opposite direction. It is to open the  
5157 floodgates and to make it possible for people to acquire a  
5158 concealed carry permit -- and there are 14.5 million of  
5159 them, as I understand it -- to go wherever they want in the  
5160 country.

5161         So, Mr. Chairman, I am trying to take the legislation  
5162 seriously. Although I disagree philosophically with this  
5163 massive invasion of the rights of people of the States, even  
5164 though I disagree with usurping the prerogatives of the  
5165 State governments, but I am trying to take it seriously.  
5166 What this amendment says is that the law enforcement  
5167 officers in our States, the police officers in your States,  
5168 have the power to detain people for a reasonable period of  
5169 time for the purpose of verifying that the person is  
5170 carrying the documents that are referred to in subsection A  
5171 and verifying with the issuing State that the documents are  
5172 accurate and valid.

5173         In other words, if the whole idea is, we are going to  
5174 throw open the entire country to the weakest laws in America  
5175 on the theory that they have a permit somewhere, at least  
5176 let our own police officers actually determine that they  
5177 actually have the documents and that they are not a forgery,  
5178 they are not made up, and that the State verifies that they  
5179 are accurate and valid. That is the very least we can do to  
5180 support law enforcement officers in our own States in terms

5181 of protecting the public safety and protecting themselves  
5182 out on the trail as they are trying to enforce the law.

5183         So, with that, I beseech all of my colleagues to take a  
5184 serious look at this. It is in the interests of law  
5185 enforcement and the public safety in all of our communities.  
5186 And I yield back, Mr. Chairman. Oh, I am sorry. And Mr.  
5187 Johnson is cosponsoring this with me, and I want to yield to  
5188 Mr. Johnson.

5189         Mr. Johnson of Georgia. I thank the gentleman. The  
5190 Raskin-Johnson amendment would help to protect and support  
5191 law enforcement officers and strengthen the public safety  
5192 judgements that they make as they carry out their duty to  
5193 protect and serve law-abiding citizens, including women and  
5194 children.

5195         This amendment ensures that law enforcement can still  
5196 investigate whether people are carrying legally beyond a  
5197 brief investigatory stop. This amendment allows law  
5198 enforcement to detain a person in possession of a concealed  
5199 firearm for a reasonable period of time while verifying that  
5200 the person is carrying valid photo identification and a  
5201 valid concealed carry permit. There may be times when law  
5202 enforcement needs adequate time to verify the documents are  
5203 genuine and are not counterfeit or forged.

5204         For example, there may be times when law enforcement  
5205 will call the verifying State afterhours. In these

5206 instances and others, there may be more than a brief period  
5207 of time required to verify the validity of the documents.

5208 I agree that these stops should be as minimally  
5209 intrusive as possible and that the stop should last only as  
5210 long as is reasonably necessary to verify the validity of  
5211 the documents presented to the law enforcement officer. And  
5212 this amendment accomplishes that while, at the same time,  
5213 not limiting anyone from bringing a civil rights action is  
5214 they contend that their civil rights have been violated.  
5215 This amendment makes the bill stronger and protects law  
5216 enforcement, and permits them to carry out their  
5217 responsibilities without undue fear of civil lawsuits and  
5218 liability for payment of attorney's fees.

5219 A vote against this amendment is a vote against the  
5220 authority of law enforcement, specifically our local and  
5221 State law enforcement officers. So, I ask that you support  
5222 this amendment, and with that I will yield back.

5223 Chairman Goodlatte. For what purpose does the  
5224 gentleman from Florida seek recognition?

5225 Mr. Rutherford. I move to strike the last word.

5226 Chairman Goodlatte. The gentleman is recognized for 5  
5227 minutes.

5228 Mr. Rutherford. Thank you, Mr. Chairman. I believe,  
5229 because it has been some time since we passed this amendment  
5230 earlier, the gentleman's concerns have already been

5231 addressed in the previous amendment. It said nothing in  
5232 this act prohibits a law enforcement officer with reasonable  
5233 suspicion of a violation of any law from conducting a brief  
5234 investigative stop in accordance with the Constitution of  
5235 the United States.

5236 Law enforcement officers all over this country use that  
5237 reasonable suspicion standard many, many times -- if not a  
5238 day, certainly a week -- to conduct brief investigations to  
5239 determine whether or not a law is being violated and whether  
5240 or not they can develop probable cause to then hold that  
5241 person.

5242 In this, you talk about reasonable time, but that is  
5243 not defined anywhere, and it has been in other stops, by  
5244 courts it has been determined that officers have a  
5245 reasonable time to conduct an investigation to determine  
5246 whether or not a law has been violated.

5247 And I think, Mr. Chairman, that the previous amendment  
5248 has already addressed and answered this concern for law  
5249 enforcement. I am certainly very comfortable. In fact,  
5250 honestly, I do not even know that the original amendment  
5251 that I proposed was really necessary, other than that I  
5252 wanted to have an affirmative statement in the law that  
5253 officers have this right.

5254 Mr. Raskin. Would the gentleman yield for a question?

5255 Mr. Rutherford. Yes, sir.

5256 Mr. Raskin. Do you contemplate that your amendment  
5257 covers the ability of our police officers with the issuing  
5258 State that the documents presented are accurate and valid?

5259 Mr. Rutherford. Absolutely. If they are presented  
5260 documents that they have reasonable suspicion, as in this  
5261 document, that those documents may be forged, for example.

5262 Mr. Raskin. So, in other words, you agree with  
5263 amendment. You just think that your amendment already  
5264 covers everything that is in my amendment?

5265 Mr. Rutherford. Already covered.

5266 Mr. Raskin. I think spelling it out, given the radical  
5267 invasion of States' rights that is taking place here, I  
5268 think, would be the least that we can do to guarantee the  
5269 people are not sued and then for attorney's fees simply for  
5270 holding someone until they can check with the providing  
5271 State to make sure that those documents are real.

5272 Mr. Johnson of Georgia. Will the gentleman yield?

5273 Mr. Rutherford. Again, I would say, officers have  
5274 investigative stops every day. I like the idea that we put  
5275 an affirmative statement in this statute, and it is there  
5276 already.

5277 Mr. Johnson of Georgia. Will the gentleman yield?

5278 Mr. Rutherford. Yes, sir.

5279 Mr. Johnson of Georgia. I thank the gentleman. I  
5280 think the Raskin-Johnson amendment provides that, as opposed

5281 to a brief period of detention, that is be a reasonable  
5282 period of time for the law enforcement officers to verify  
5283 the documents. And that is the difference between the  
5284 amendment that you have proposed, Representative Rutherford,  
5285 and the one that we have proposed. It gives the law  
5286 enforcement officer a little bit more leeway than just  
5287 simply a brief period of time.

5288         When you say, "brief period," the reasonable period of  
5289 time that is encompassed with "briefness" may be only  
5290 just a couple of minutes, whereas a reasonable period of  
5291 time would be longer than that. It could be 10, 15 minutes.  
5292 The time it takes, for instance, in a drug stop for a drug  
5293 dog to be brought to the scene; that is a reasonable period  
5294 of time, but in this kind of situation you have to make  
5295 contact with law enforcement agencies and other agencies in  
5296 other States.

5297         And it may be at times that are not within normal  
5298 business hours, so you would have to give law enforcement a  
5299 little more leeway, and that is what this amendment does. I  
5300 yield back to you.

5301         Mr. Rutherford. Withdrawing the time, I would say that  
5302 this already exists within current law: giving officers the  
5303 right to an investigative stop based on reasonable  
5304 suspicion.

5305         Now, once they present documents, and that suspicion



5306 grows or there are other elements that might - a reasonable  
5307 time might be 4 hours. It might have started with a brief  
5308 investigative stop, but now the reasonable time that you  
5309 refer to could be 4 hours. That is in current law as it  
5310 exists today.

5311 Mr. Johnson of Georgia. Would the gentleman yield?

5312 Mr. Rutherford. Again, I think the --

5313 Chairman Goodlatte. The time of the gentleman has  
5314 expired.

5315 Mr. Cicilline. Mr. Chairman?

5316 Mr. Rutherford. I yield back. I think the point has  
5317 been made; I yield back, Mr. Chairman.

5318 Chairman Goodlatte. You have made your point. For  
5319 what purpose does the gentleman from Rhode Island --

5320 Mr. Cicilline. I move to strike the last word.

5321 Chairman Goodlatte. The gentleman is recognized for 5  
5322 minutes.

5323 Mr. Cicilline. Thank you, Mr. Chairman. I strongly  
5324 support the Raskin-Johnson amendment. I think the issue is  
5325 further complicated by the actual text of the underlying  
5326 bill.

5327 Although the gentleman from Florida offered an  
5328 amendment that was passed that talks about reasonable  
5329 suspicion, it does not change the text of the bill before  
5330 us. Page 2, line 22, it begins, "A person who carries or

5331 possesses a concealed handgun, in accordance with subsection  
5332 A and B, may not be arrested or otherwise detained for  
5333 violation of any law or any rule, or regulation of a State,  
5334 or any political subdivision thereof related to the  
5335 possession, transportation, or carrying of firearms unless  
5336 there is probable cause to believe that the person is doing  
5337 so in a manner not provided by the section."

5338         So, the statute that we are about to pass requires a  
5339 probable cause determination before a person can be detained  
5340 for any of this. And so, without the Raskin Amendment, you  
5341 basically have a scenario in which you have allowed people  
5342 to carry a concealed, loaded firearm anywhere in the country  
5343 once they get a permit from the least restrictive  
5344 jurisdiction, then you have prevented the police from  
5345 stopping them to make sure they actually have a permit.

5346         Oh, and it goes further than that. On page 3, we add  
5347 in affirmative defense in criminal proceedings and the award  
5348 of attorney's fees to someone who prevails. I was a  
5349 criminal defense lawyer for 10 years. I have never seen a  
5350 statute that gave attorney's fees to a defendant who  
5351 successfully asserts a defense.

5352         And then we go further when we create a cause of action  
5353 against the police if they dare to ask about whether or not  
5354 someone has a permit for their gun.

5355         I mean, talk about constraining police officers for

5356 making sure that at least people apply with this incredibly  
5357 generous grant of authority to bring a gun anywhere you want  
5358 in America, loaded and hidden. But now we are preventing  
5359 the police from even stopping to inquire about it unless  
5360 they have probable cause, which of course they will not have  
5361 yet. So, this is a big problem.

5362 Mr. Raskin's amendment addresses it in a fundamental  
5363 way. Let's, in addition to creating danger to our  
5364 constituents by flooding America with more concealed  
5365 weapons. Let's not simultaneously take away the authority  
5366 of police to prevent this from happening.

5367 And, by the way, since I am on that point, I would like  
5368 to offer two pieces -- you know, there has been a lot of  
5369 discussion of, just, everyone had a gun and was carrying a  
5370 concealed weapon, we would be in a safer country. There was  
5371 a wonderful study, very recently, October 2017. I would ask  
5372 for unanimous consent that this study from Boston  
5373 University, and these two studies, entitled, "BU Studies:  
5374 States with Tighter Laws on Concealed Carry have Lower Rates  
5375 of Handgun Homicide, and "States with Looser Concealed Carry  
5376 Laws have More Gun Deaths, Study Says," be made a part of  
5377 the record.

5378 And with that, I would be happy to yield to Mr. Raskin  
5379 if he has some final thoughts. Oh, Mr. Chairman? Asking  
5380 unanimous consent?

5381 Chairman Goodlatte. Without objection.

5382 [The information follows:]

5383 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

5384 Mr. Cicilline. And I would yield to Mr. Raskin.

5385 Mr. Raskin. And I yield back to Mr. Chair.

5386 Chairman Goodlatte. I think it was Mr. Cicilline's  
5387 time, but if you yield back, all right. For what purpose  
5388 does the gentleman from Colorado seek recognition?

5389 Mr. Buck. Move to strike the last word.

5390 Chairman Goodlatte. The gentleman is recognized for 5  
5391 minutes.

5392 Mr. Buck. I want to clarify something with the  
5393 gentleman from Maryland about, if I can. Because I do not  
5394 believe that the gentleman from Florida's amendment does  
5395 cover everything that your amendment covers. And I want to  
5396 make sure that we establish, if there is any legislative  
5397 history in this body, that there is legislative history to  
5398 that extent.

5399 Is the gentleman from Maryland suggesting that an  
5400 officer with no cause at all to believe that a document is  
5401 forged can detain an individual so that that officer has  
5402 time to inquire of the originating State as to whether that  
5403 is in fact a valid document?

5404 Mr. Raskin. Well, I do not know what you mean by "no  
5405 cause at all," but the police officers are out there doing a  
5406 job to pursue the public interest and defend public safety.  
5407 So, if they have a question as either to the authenticity of  
5408 the documents, they have the right to check with the issuing

5409 state. Remember, we are creating for the first time in  
5410 American history a national --

5411 Mr. Buck. I reclaim my time because I have some other  
5412 questions for you.

5413 Mr. Raskin. Okay.

5414 Mr. Buck. But what is the threshold for determining  
5415 whether or not the validity of a document could be brought  
5416 into question?

5417 Mr. Raskin. I thought both I was saying and Mr.  
5418 Rutherford was saying reasonable suspicion. Is it not  
5419 reasonable suspicion?

5420 Chairman Goodlatte. Would the gentleman yield?

5421 Mr. Raskin. Yes.

5422 Chairman Goodlatte. But the amendment clearly does not  
5423 say that, and that is why the amendment offered by the  
5424 gentleman from Florida is perfectly correct, because the law  
5425 provides for Terry stops, but not beyond that. So, the  
5426 amount of time it might take, as the gentleman from Georgia  
5427 pointed out, to determine whether or not, by contacting the  
5428 State, a permit is valid in that State or was issued by that  
5429 State, could be a very lengthy period of time.

5430 But if there is no basis for believing that it is not a  
5431 valid permit, there would be no basis for detaining the  
5432 individual other than for a brief period of time. So, this  
5433 amendment, in my opinion, is exceedingly defective for that

5434 reason.

5435 Mr. Raskin. Would the gentleman yield?

5436 Mr. Buck. Yes, I will yield.

5437 Mr. Raskin. Let me just respond to two things on the  
5438 table. The Terry stop relates to a criminal search. This  
5439 is not a criminal search. You guys are wanting to create a  
5440 whole new national system of concealed carry. We  
5441 essentially have to put a legal bureaucracy in place,  
5442 telling the police in our own States what they can do to  
5443 determine if somebody who they think is engaged in  
5444 suspicious behavior has a gun and they are not able to  
5445 identify a license to carry that gun in the State. And --

5446 Chairman Goodlatte. Will the gentleman yield?

5447 Mr. Raskin. Yes.

5448 Chairman Goodlatte. I thank the gentleman for  
5449 yielding. The fact of the matter is, no matter for what  
5450 reason you stop him, he has to comply with the United States  
5451 Constitution. You cannot tell somebody, nor would it be a  
5452 good idea for this Congress --

5453 Mr. Raskin. Well, wait, but --

5454 Chairman Goodlatte. -- to pass legislation that would  
5455 tell a State that was hostile to people using their new  
5456 right under the law for concealed carry that they can stop  
5457 every single person and hold them for days while they check  
5458 back with the home State and determine whether or not that

5459 document is valid, unless they have probable cause to  
5460 believe that a crime is being committed, which would mean  
5461 having a forged document or something.

5462 Mr. Buck. I am reclaiming my time from one gentleman  
5463 and about to yield to another. If you could address that  
5464 specific issue, because that is my question. When I read  
5465 this amendment, it does not have any threshold as to the  
5466 standard that the police have to use to determine when  
5467 someone can be held. It just says that they may detain  
5468 someone for the purpose of verifying the identity.

5469 Mr. Raskin. The reason for it is built into,  
5470 precisely, the purpose. They can be held for a reasonable  
5471 period of time, and reason would require that it is  
5472 justified --

5473 Mr. Buck. I am not asking about the timeframe; I am  
5474 asking about a threshold.

5475 Mr. Raskin. No, I am spelling out the Terry standard.  
5476 It would have to be justified at its inception. That is, it  
5477 would have to be reason to pursue the question. For  
5478 example, they stop someone in a car and they are carrying a  
5479 gun.

5480 For example, in my State, that is a very rare thing,  
5481 and they would say, "Why do you have a gun?" And they would  
5482 say, "Oh, I have a concealed carry permit from Alaska" or  
5483 "from Arkansas." And they would say, "I want to check that



5484 out." Are you saying that is not legitimate under this law?

5485 Because I understood Mr. Rutherford to be saying that  
5486 was precisely the purpose of his amendment, to allow a  
5487 verification that the issuing State, in fact, has a record  
5488 of that person actually getting a permit. And this is an  
5489 important point.

5490 Mr. Buck. It is an important point, and so what I hear  
5491 you saying is that a motorist that drives into Maryland can  
5492 be detained for a period of time until that person's Alaskan  
5493 driver's license can be verified with no other reason. Just  
5494 the fact that an officer wants to make sure that that is a  
5495 valid license from another State. That is ridiculous. That  
5496 is not how we run this country.

5497 Mr. Raskin. No, but, it is not the driver's license;  
5498 it is the possession of the gun.

5499 Mr. Buck. Is that how they work in Maryland? Because  
5500 that is a fascinating concept, that everybody that has a gun  
5501 can be detained?

5502 Mr. Raskin. Right now, you are trying to put 14.5  
5503 million people who have guns under their State laws into my  
5504 State. They do not have a right to do that right now. So,  
5505 when those millions of people come in, you are saying that  
5506 our law enforcement force now has no possibility of checking  
5507 out whether or not they are actually in lawful possession of  
5508 a gun. Do you know what kind of trade there is?

5509 Mr. Buck. Actually, what I am trying to say is that  
5510 14.5 million people can defend themselves in the State of  
5511 Maryland, or in any other State in the United States of  
5512 America, and they are not subject to a --

5513 Mr. Raskin. It is a State law.

5514 Mr. Buck. -- stop by the police for a period of time  
5515 to determine whether that is a valid permit or not.

5516 Mr. Raskin. So, in other words, what you are creating  
5517 is not just a right to override the laws of my State; our  
5518 law enforcement force does not even have the chance to check  
5519 it out. Once someone says, "This gun is lawful back in my  
5520 State," there is nothing that our law enforcement can do.

5521 I just want to get straight what the legislative  
5522 history is. It is not what Mr. Rutherford was saying, but  
5523 what you are saying is, if I think I have got a gun lawfully  
5524 back in my home State in Alaska, and I am in Maryland,  
5525 nobody can stop me and ask questions about it. And that is  
5526 a remarkable proposition.

5527 Mr. Buck. No, That is not what I am saying at all.  
5528 And my time has expired, but I would love to continue this,  
5529 because I want to get into what a NICS check is and the fact  
5530 that you can check a criminal background on an individual  
5531 instantaneously --

5532 Mr. Raskin. But this is in criminal background --

5533 Mr. Buck. What you are suggesting is something else.

5534 You are suggesting that we should --

5535 Mr. Raskin. You are creating an affirmative --

5536 Mr. Buck. -- be able to detain somebody to check  
5537 whether a permit is valid or not. And that could take days  
5538 to check. I yield back, Mr. Chairman.

5539 Chairman Goodlatte. For what purpose does the  
5540 gentlewoman from California seek recognition?

5541 Ms. Lofgren. I move to strike the last word.

5542 Chairman Goodlatte. Gentlewoman is recognized for 5  
5543 minutes.

5544 Ms. Lofgren. And I would love to yield to the  
5545 gentleman from Maryland so he can finish making his --

5546 Mr. Raskin. Thank you. Just to complete this very  
5547 interesting colloquy here, what we are doing is we are  
5548 essentially overriding the laws of every State to say that  
5549 people can come in with a permit from another State.

5550 I would assume that the very base consensus would be at  
5551 least the officers in my State have the right to check out  
5552 whether it is real or whether it is a fake ID. You know,  
5553 there is a rampant industry in fake IDs for young people to  
5554 get into bars.

5555 How long would it take for there to be fake concealed  
5556 carry permits? And so, what are we going to do to make sure  
5557 that it is real? Someone presents me a document -- I do not  
5558 know whether or not it is real -- from Alaska, saying that

5559 this person was able to make it through and has a concealed  
5560 carry permit, if we do not check it out with Alaska.

5561 At that point we may as well just throw away the laws  
5562 of all the States, because if it is enough for me to assert  
5563 that my State back home gave me the permit, then there is no  
5564 law anymore. I mean, that is Second Amendment anarchism. I  
5565 yield back to the gentlelady.

5566 Chairman Goodlatte. The question occurs on the  
5567 amendment offered by the gentleman in Maryland.

5568 All those in favor, respond by saying aye.

5569 Those opposed, no.

5570 In the opinion of the chair, the noes have it and the  
5571 amendment is not agreed to.

5572 Are there further amendments to H.R. 38?

5573 Mr. Raskin. Yes, Mr. Chairman, at the desk. And this  
5574 furthers this discussion. The amendment is at the desk.

5575 Chairman Goodlatte. The clerk will report the  
5576 amendment offered by the gentleman from Maryland.

5577 Ms. Adcock. Amendment to the amendment in the nature  
5578 of a substitute to H.R. 38, offered by Mr. Raskin of  
5579 Maryland. Page 1, line 11 --

5580 [The amendment of Mr. Raskin follows:]

5581 \*\*\*\*\* INSERT 18 \*\*\*\*\*

5582 Chairman Goodlatte. Without objection, the amendment  
5583 is considered as read and the gentleman is recognized for 5  
5584 minutes on his amendment.

5585 Mr. Raskin. Okay. And so, this goes back to the  
5586 gentleman's questions, and I hope that this helps. Because  
5587 I think if we are really going to do this -- if we are  
5588 serious about doing this -- then we have got to get the  
5589 bureaucracy right. And there are three effective parts to  
5590 this amendment.

5591 The first would say that the law enforcement officials  
5592 in my State have the right to verify by telephone or email  
5593 the accuracy and the integrity of the documents they are  
5594 being presented, okay? So, that is number one.

5595 Number two is that the issuing States have to conduct a  
5596 background check every two years to make sure that the  
5597 person has not committed an offense or somehow been  
5598 certified to be dangerously unstable in the meantime.  
5599 Otherwise, if it is just indefinite and permanent, I mean,  
5600 somebody could even lawfully get one of these concealed  
5601 carry permits, then commit crimes, and we would have no way  
5602 of catching them.

5603 And finally, this one includes a GAO study. So, we  
5604 would collect information about the concealed carry  
5605 permitting systems in all 50 States. And we would try to  
5606 determine how many crimes are being committed by people who

5607 have concealed carry permits. So, we would be able to do  
5608 some kind of rough, cursory assessment of how effective this  
5609 new regime is. If we are talking about allowing 14.5  
5610 million people to travel across State lines anywhere they  
5611 want in America, we need to be tracking as much as possible  
5612 what is actually taking place in terms of the commission of  
5613 crime.

5614 So, again, this is in the manner of trying to make this  
5615 vast new system work properly. And I submit it, Mr.  
5616 Chairman, to the wisdom of the committee.

5617 Chairman Goodlatte. For what purpose does the  
5618 gentleman from Colorado seek recognition?

5619 Mr. Buck. Move to strike the last word.

5620 Chairman Goodlatte. The gentleman is recognized for 5  
5621 minutes.

5622 Mr. Buck. Mr. Chairman, I am opposed to this amendment  
5623 for a number of reasons. But the first is that the third  
5624 line of this amendment would remove the constitutional carry  
5625 provision in this bill and would discriminate against those  
5626 individuals that come from enlightened States who allow  
5627 concealed carry without a permit. And I think  
5628 discriminating against those individuals is fundamentally  
5629 wrong.

5630 It also places onerous and unnecessary burdens on the  
5631 States when it demands a 24-hour per day hotline, basically,

5632 to be set up to require the reciprocity that we are talking  
5633 about, this bill.

5634 And finally, the concealed carry permit that I possess  
5635 from Colorado is for a period of 5 years, not 2 years. And  
5636 to require individuals from Colorado to be checked every two  
5637 years, again, is onerous and without merit. If, for some  
5638 reason, an individual in Colorado was convicted of a felony  
5639 or a domestic violence misdemeanor, that would disqualify  
5640 them from possessing a firearm. That individual would not  
5641 be allowed to have a concealed carry permit. And the  
5642 requirement to check up on that every 2 years would be  
5643 unnecessary. So, I oppose this amendment and ask the  
5644 members to vote against it.

5645 Chairman Goodlatte. The question occurs on the  
5646 amendment offered by the gentleman in Maryland.

5647 All those in favor, respond by saying aye.

5648 Those opposed, no.

5649 In the opinion of the chair, the noes have it and the  
5650 amendment is not agreed to.

5651 Mr. Raskin. I seek a recorded vote.

5652 Chairman Goodlatte. A recorded vote is requested and  
5653 the clerk will call the roll.

5654 Ms. Adcock. Mr. Goodlatte?

5655 Chairman Goodlatte. No.

5656 Ms. Adcock. Mr. Goodlatte votes no.

5657 Mr. Sensenbrenner?  
5658 [No response.]  
5659 Mr. Smith?  
5660 [No response.]  
5661 Mr. Chabot?  
5662 [No response.]  
5663 Mr. Issa?  
5664 [No response.]  
5665 Mr. King?  
5666 [No response.]  
5667 Mr. Franks?  
5668 Mr. Franks. No.  
5669 Ms. Adcock. Mr. Franks votes no.  
5670 Mr. Gohmert?  
5671 [No response.]  
5672 Mr. Jordan?  
5673 [No response.]  
5674 Mr. Poe?  
5675 [No response.]  
5676 Mr. Marino?  
5677 Mr. Marino. No.  
5678 Ms. Adcock. Mr. Marino votes no.  
5679 Mr. Gowdy?  
5680 [No response.]  
5681 Mr. Labrador?



5682 Mr. Labrador. No.

5683 Ms. Adcock. Mr. Labrador votes no.

5684 Mr. Farenthold?

5685 [No response.]

5686 Mr. Collins?

5687 Mr. Collins. No.

5688 Ms. Adcock. Mr. Collins votes no.

5689 Mr. DeSantis?

5690 Mr. DeSantis. No.

5691 Ms. Adcock. Mr. DeSantis votes no.

5692 Mr. Buck?

5693 Mr. Buck. No.

5694 Ms. Adcock. Mr. Buck votes no.

5695 Mr. Ratcliffe?

5696 [No response.]

5697 Mrs. Roby?

5698 Mrs. Roby. No.

5699 Ms. Adcock. Mrs. Roby votes no.

5700 Mr. Gaetz?

5701 Mr. Gaetz. No.

5702 Ms. Adcock. Mr. Gaetz votes no.

5703 Mr. Johnson of Louisiana?

5704 [No response.]

5705 Mr. Biggs?

5706 Mr. Biggs. No.

5707 Ms. Adcock. Mr. Biggs votes no.  
5708 Mr. Rutherford?  
5709 Mr. Rutherford. No.  
5710 Ms. Adcock. Mr. Rutherford votes no.  
5711 Mrs. Handel?  
5712 Mrs. Handel. No.  
5713 Ms. Adcock. Ms. Handel votes no.  
5714 Mr. Nadler?  
5715 Mr. Nadler. Aye.  
5716 Ms. Adcock. Mr. Nadler votes aye.  
5717 Mr. Conyers?  
5718 [No response.]  
5719 Ms. Lofgren?  
5720 Ms. Lofgren. Aye.  
5721 Ms. Adcock. Ms. Lofgren votes aye.  
5722 Ms. Jackson Lee?  
5723 [No response.]  
5724 Mr. Cohen?  
5725 [No response.]  
5726 Mr. Johnson of Georgia?  
5727 Mr. Johnson of Georgia. Aye.  
5728 Ms. Adcock. Mr. Johnson votes aye.  
5729 Mr. Deutch?  
5730 [No response.]  
5731 Mr. Gutierrez?

5732 [No response.]

5733 Ms. Bass?

5734 [No response.]

5735 Mr. Richmond?

5736 [No response.]

5737 Mr. Jeffries?

5738 [No response.]

5739 Mr. Cicilline?

5740 [No response.]

5741 Mr. Swalwell?

5742 Mr. Swalwell. Aye.

5743 Ms. Adcock. Mr. Swalwell votes aye.

5744 Mr. Lieu?

5745 Mr. Lieu. Aye.

5746 Ms. Adcock. Mr. Lieu votes aye.

5747 Mr. Raskin?

5748 Mr. Raskin. Aye.

5749 Ms. Adcock. Mr. Raskin votes aye.

5750 Ms. Jayapal?

5751 [No response.]

5752 Mr. Schneider?

5753 Mr. Schneider. Aye.

5754 Ms. Adcock. Mr. Schneider votes aye.

5755 Chairman Goodlatte. The gentleman from Iowa?

5756 Mr. King. No.

5757 Ms. Adcock. Mr. King votes no.

5758 Chairman Goodlatte. The gentleman from Ohio?

5759 Mr. Chabot. No.

5760 Ms. Adcock. Mr. Chabot votes no.

5761 Chairman Goodlatte. The gentleman from Ohio, Mr.

5762 Jordan?

5763 Mr. Jordan. No.

5764 Ms. Adcock. Mr. Jordan votes no.

5765 Chairman Goodlatte. The gentleman from Texas?

5766 Mr. Poe. No.

5767 Ms. Adcock. Mr. Poe votes no.

5768 Chairman Goodlatte. The gentleman from Rhode Island?

5769 Mr. Cicilline. Aye.

5770 Chairman Goodlatte. The only one.

5771 Ms. Adcock. Mr. Cicilline votes aye.

5772 Chairman Goodlatte. All right. Has every member who

5773 wishes to vote? Oh, the gentleman from Texas, Mr. Gohmert?

5774 Mr. Gohmert. No.

5775 Ms. Adcock. Mr. Gohmert votes no.

5776 Chairman Goodlatte. The clerk will report.

5777 Ms. Adcock. Mr. Chairman, 8 members voted aye; 17

5778 members voted no.

5779 Chairman Goodlatte. And the amendment is not agreed

5780 to. Are there further amendments to H.R. 38?

5781 Mr. Raskin. Mr. Chairman?

5782 Chairman Goodlatte. For what purpose does the  
5783 gentleman from Maryland seek recognition?

5784 Mr. Raskin. I have an amendment at the desk.

5785 Chairman Goodlatte. The clerk will report the  
5786 amendment.

5787 Ms. Adcock. Amendment to the amendment in the nature  
5788 of a substitute to H.R. 38, offered by Mr. Raskin of  
5789 Maryland. Page 2, line 14 --

5790 [The amendment of Mr. Raskin follows:]

5791 \*\*\*\*\* INSERT 19 \*\*\*\*\*

5792 Chairman Goodlatte. Without objection, the amendment  
5793 is considered as read and the gentleman is recognized for 5  
5794 minutes.

5795 Mr. Raskin. Mr. Chairman, thank you. The purpose of  
5796 this amendment is to exempt the Nation's capital, the  
5797 District of Columbia, from the app of this legislation.  
5798 Washington, D.C., of course, is the seat of the Federal  
5799 Government. It is where all three branches of the  
5800 government operate. It has been the scene and the target of  
5801 a lot of gun violence.

5802 Here in Washington, D.C., law specifically requires the  
5803 following for issuance of a concealed carry permit: the  
5804 individual must be a resident of D.C., must not have  
5805 suffered any mental illness in the past 5 years that would  
5806 cause the person to be at risk to themselves or others, is  
5807 not an alcohol, addict, or habitual user of controlled  
5808 substances, does not have a propensity for violence, 16  
5809 hours of training that includes in-home firearm safety,  
5810 basic marksmanship principles, and situational awareness,  
5811 and on the use of the deadly force.

5812 There are currently only 123 residents of the District  
5813 of Columbia that have concealed carry permits. Now, it may  
5814 be, in some States -- we have heard that in Florida, there  
5815 are 1.7 million. That is in the nature of our federalist  
5816 system. Different jurisdictions have different laws with

5817 respect to the possession of concealed carry firearms.

5818       But we have a special reason to want to make sure that  
5819 the millions of new guns that will be floating around  
5820 America do not come into the District of Columbia. The  
5821 legislation, as I read it, includes any unit of the National  
5822 Park system. The whole Mall area is part of the National  
5823 Park system, which would mean that we could have thousands,  
5824 tens of thousands, or hundreds of thousands of people  
5825 carrying concealed firearms loaded, locked, here in the  
5826 District of Columbia.

5827       In addition, we should say that the people of  
5828 Washington, D.C. remain the only residents of a national  
5829 capital on the planet Earth who are disenfranchised in our  
5830 national legislature. They have no voting representation in  
5831 the House or in the Senate. So, unlike the rest of us, they  
5832 do not even get to vote "No" on this new national concealed  
5833 carry regime to destroy the laws of 51 jurisdictions across  
5834 the land. So, the very least that we can do is to exempt  
5835 for the people of D.C., who want to go in another direction,  
5836 and for ourselves and our own safety, the District of  
5837 Columbia from application of this law. I yield.

5838       Chairman Goodlatte. For what purpose does the  
5839 gentleman from Florida, Mr. Gaetz, seek recognition?

5840       Mr. Gaetz. To oppose the amendment.

5841       Chairman Goodlatte. The gentleman is recognized for 5

5842 minutes.

5843           Mr. Gaetz. Thank you, Mr. Chairman. This amendment,  
5844 to stop people who have a legal concealed carry permit from  
5845 being able to carry their firearm in the District of  
5846 Columbia is emblematic of efforts on the political left to  
5847 punish law-abiding gun owners for the actions of people who  
5848 do not abide by the law. And so, I oppose the amendment  
5849 because we are best -- whether it is in our Nation's capital  
5850 or at any jurisdiction around this country -- when we  
5851 empower citizens, not the government.

5852           Thomas Jefferson had views on this subject. He said  
5853 that laws that forbid the carrying of arms disarm only those  
5854 who are neither inclined nor determined to commit crimes.  
5855 Such laws make things worse for the assaulted and better for  
5856 the assailants. They serve, rather, to encourage rather  
5857 than prevent homicides, for an unarmed man may be attacked  
5858 with greater confidence than an armed man.

5859           Now, in my State, the State of Florida, concealed carry  
5860 permit holders contribute to the safe environment in which  
5861 our citizens live. The gentleman mentioned we have 1.7  
5862 million concealed carry permit holders in the State of  
5863 Florida. And during the time in which we have seen a rapid  
5864 increase in the number of concealed carry permits issued, we  
5865 have seen decreases in violent crime. And it is important  
5866 to note that concealed carry permit holders in my State are



5867 remarkably law-abiding citizens.

5868       As a matter of fact, when we go and evaluate the data  
5869 of who commits crimes, someone who has a concealed carry  
5870 permit is eight times less likely to commit a crime than a  
5871 member of law enforcement. And so, it is ludicrous to  
5872 suggest that because some people cannot follow the law, we  
5873 would abridge the God-given constitutional rights of people  
5874 who are doing everything they can to follow the law and to  
5875 contribute to the safety in their communities, and in the  
5876 State, and in the country, and particularly our Nation's  
5877 capital: Washington, D.C.

5878       I am particularly troubled that in a year when a member  
5879 of Congress was attacked in an act of gun violence -- where  
5880 had members the resources to protect themselves, they may  
5881 have found safer circumstances -- that someone would try to  
5882 deprive people in the District of Columbia from being able  
5883 to carry firearms if they have obtained a lawful permit in  
5884 their State.

5885       It is also worth noting that we could get a lot safer  
5886 if we allowed open carry in this country. It is worth  
5887 noting that in States that allow citizens to openly carry  
5888 firearms, violent crime is 23 percent lower than in States  
5889 that ban open carry. I look forward to the State of Florida  
5890 -- my State -- joining the 45 other States in this country  
5891 that allow their citizens to openly carry in one form or

5892 another.

5893           And so, I oppose the amendment. I support the Second  
5894 Amendment. And I sincerely hope that we pass this  
5895 legislation that I have joined in sponsoring so that  
5896 someone's Second Amendment rights do not stop at the State  
5897 line. I yield back.

5898           Mr. Raskin. Would the gentleman yield for a question?

5899           Mr. Gaetz. Sure.

5900           Mr. Raskin. Are you aware of a concealed handgun  
5901 permit holder in Florida whose name is Everett Miller?

5902           Mr. Gaetz. I do not think we have met.

5903           Mr. Raskin. In August of this year, he shot and killed  
5904 two police officers in Florida with a gun that he was  
5905 carrying in the State. And there have been over 70 people  
5906 in your State who have been killed or who have killed  
5907 themselves with a concealed gun.

5908           So, the point is that if Florida wants to have that  
5909 law, Florida has the right to do it. But why do not the  
5910 people in the District of Columbia have a right to govern  
5911 themselves as they see fit as well?

5912           Mr. Gaetz. Well, it is ludicrous to suggest that  
5913 because one person --

5914           Mr. Raskin. No. There is many. I can read all of  
5915 them to you if you want.

5916           Mr. Gaetz. I am reclaiming my time. It is ludicrous

5917 to suggest that because one person, out of, I guess, 1.7  
5918 million you have been able to highlight, you know, somehow  
5919 impugns everyone else. That is the same logic that would  
5920 suggest that because --

5921 Mr. Raskin. How many do you need?

5922 Mr. Gaetz. -- one Democrat on the Judiciary Committee  
5923 committed improper conduct, that all Democrats on the  
5924 Judiciary Committee would be presumed to have committed  
5925 improper conduct. Now, of course, we would never accept  
5926 that logic, but it is the very logic that you are applying  
5927 to gun ownership.

5928 Mr. Raskin. No. If the gentleman would yield for just  
5929 a follow-up, I did not mean to impugn anyone, much less 1.7  
5930 million people. The point is, I could give you dozens of  
5931 cases where lawful concealed carry permit holders in Florida  
5932 committed crimes, committed homicides or suicides with their  
5933 guns. And if you are resting your argument on a negation of  
5934 that fact, you lose, because it is a reality.

5935 But if your argument is it should not make any  
5936 difference, that is a decision for you to make in Florida.  
5937 But why cannot the people of the District of Columbia make a  
5938 different choice? They have just around 100 people with  
5939 concealed carry. Why cannot they make that choice?

5940 Mr. Gaetz. Mr. Raskin, I am going to reclaim my time  
5941 so that I can answer your question. The reason is because

5942 Floridians come to the District of Columbia just as folks  
5943 from Maryland and all the other States come to the District  
5944 of Columbia. And when people come to our Nation's capital,  
5945 they ought to be able to exercise the full complement of  
5946 their rights.

5947 Chairman Goodlatte. The question occurs on the  
5948 amendment offered by the gentleman from Maryland.

5949 Ms. Jackson Lee. Mr. Chairman? Mr. Chairman?

5950 Chairman Goodlatte. For what purpose does the  
5951 gentlewoman from Texas seek recognition

5952 Ms. Jackson Lee. Mr. Chairman, I rise to strike the  
5953 last word.

5954 Chairman Goodlatte. The gentlewoman is recognized for  
5955 5 minutes.

5956 Ms. Jackson Lee. I just could not miss the potent  
5957 argument that the gentleman from Maryland has made. And we  
5958 have already heard pleas from the honorable people of the  
5959 District of Columbia, who have been put upon by laws of  
5960 people's preferences and have not respected their own  
5961 integrity.

5962 I was going to use the word "sovereignty," but I did  
5963 not want to have individuals to use that word and not hear  
5964 my argument. Though I do believe in the sovereignty of the  
5965 people of the Washington, D.C. and have voted repeatedly for  
5966 their sovereign rights, the right to vote, and their right

5967 to have all the rights of every other American; seated  
5968 senators, and seated members of Congress, and voting rights.

5969 But we are now talking about reciprocity, and we know  
5970 that the District of Columbia has made it very clear on  
5971 their position on guns and, I assume, open carry, and  
5972 concealed weapons. And the point was made this morning at a  
5973 earlier discussion. In this community comes every manner --  
5974 every manner -- of governmental and international hierarchy.  
5975 This is the seat of government. This is our capital. And  
5976 the District of Columbia and Federal law enforcement are  
5977 expected to protect heads of state and many others that come  
5978 to the United States capital.

5979 We have taken great efforts, insurmountable issues but  
5980 great efforts, to overcome any danger that would come to  
5981 these people. And I know there are some of you -- the  
5982 gentleman from Florida, certainly a good colleague of this  
5983 committee -- that were not here during 9/11 and did not see  
5984 the conditions in which this Nation was in. The White  
5985 House, the State Department, to the United States Capitol.  
5986 Probably did not see but on television members of Congress  
5987 fleeing violence. No. That was not an individual gun, but  
5988 it emphasized the danger that comes to this community -- the  
5989 capital -- as it did to New York, as it did to another  
5990 State, Pennsylvania, in this region.

5991 And so, what the gentleman from the District of

5992 Columbia is saying, rightly so: how much more do the people  
5993 of the District of Columbia have to take? And the gentleman  
5994 of Maryland, who has the amendment: how much more do the  
5995 District of Columbia people have to take?

5996 But we, as governmental people, must recognize the  
5997 extra added burden of being in this space and having to  
5998 protect the comings and goings of individuals who are heads  
5999 of states, including the President of the United States.

6000 So, I think this is a simple and fair amendment to  
6001 protect not only the people of the District of Columbia and  
6002 their rights, but to recognize the heavy responsibility and  
6003 burden they have with all of the distinguished guests,  
6004 international figures -- heads of state, and the President  
6005 of the United States -- which they have responsibility for.

6006 Mr. Raskin. Will the gentlelady yield?

6007 Ms. Jackson Lee. I will be happy to yield to the  
6008 gentleman.

6009 Mr. Raskin. I want to thank the gentlelady for her  
6010 very eloquent and impassioned comments on behalf of the  
6011 people of the District of Columbia. Let's not forget, these  
6012 are 650,000 taxpaying, draftable U.S. citizens who have no  
6013 voting representation in the U.S. House or U.S. Senate.

6014 And the idea that we would dare to lecture them about  
6015 violating other people's constitutional rights, which are  
6016 not constitutional rights, because nobody has the

6017 constitutional right to take a concealed carry permit from  
6018 one State and take their loaded arms into another State.  
6019 That is not a constitutional right. That has never been  
6020 determined to be a constitutional right by the Supreme Court  
6021 of the United States.

6022         So, this is a Federal statutory right that is  
6023 overriding the laws of at least 51 jurisdictions in the  
6024 land. And the idea that we would lecture them about respect  
6025 of other people's constitutional rights, the idea that we  
6026 would lecture them about giving other people full  
6027 constitutional equality, when they remain the only residents  
6028 of a national capital on the planet earth who are not  
6029 represented with full voting rights in their national  
6030 parliament, in their national legislature. And we have not  
6031 had a single hearing about that.

6032         We have not had a hearing about this either. We went  
6033 right to a vote. Maybe we should go ahead and -- right to a  
6034 vote and give people in the District of Columbia the right  
6035 to voting representation in the House and the Senate too.

6036         So, we have a public interest also in protecting our  
6037 own security, as the gentlelady from Texas just pointed out.  
6038 And if we do not want to allow people in D.C. to be  
6039 represented, to be part of this discussion and this vote,  
6040 equally, then we should not impose upon them this regime  
6041 which tramples the rights of all of the States. I yield

6042 back.

6043 Ms. Jackson Lee. Just simply saying there are 22  
6044 million tourists that come here to this great and wonderful  
6045 capital, but only 123 D.C. residents have concealed carry  
6046 permits. I think the statement is clear. Let the people of  
6047 the District of Columbia address their own circumstances.  
6048 With that, I yield back and ask support of the Raskin  
6049 amendment.

6050 Chairman Goodlatte. For what purpose does the  
6051 gentleman from Texas seek recognition?

6052 Mr. Gohmert. Strike the last word.

6053 Chairman Goodlatte. The gentleman is recognized for 5  
6054 minutes.

6055 Mr. Gohmert. Yeah, and I really appreciate the point  
6056 being made about the District of Columbia not having a full  
6057 voting member of Congress. And we wrestle with that in a  
6058 number of sessions. And when realizing that there is no  
6059 other territory of the United States, no other area of the  
6060 United States -- except the District of Columbia -- that  
6061 does not have a full voting member of Congress, that has to  
6062 pay income tax, I began filing a bill that would eliminate  
6063 the income tax in the District of Columbia so that we can be  
6064 consistent.

6065 As Franklin said -- and others joined in -- taxation  
6066 without representation is tyranny. And he said, if we do



6067 not get to elect one full voting Member of Parliament, they  
6068 have no right to exact a tax on us.

6069         So, I am thoroughly pleased to hear my friends across  
6070 the aisle bring up this issue, and I feel sure they will be  
6071 glad to join in on my bill to -- in this session -- to  
6072 eliminate the income tax for residents of the District of  
6073 Columbia, for income earned here. And that way, we can  
6074 rectify that grievous wrong that has been done for far too  
6075 long to the residents of the District of Columbia.

6076         But in the meantime, this is the only place that a  
6077 member of the House or Senate can come to do our work. We  
6078 are not allowed to vote in any other place but the House  
6079 floor. We have to come here. And to have the overzealous  
6080 efforts by local authorities, who we have given power -- but  
6081 we have the power of supervision over -- to have them keep  
6082 taking away our rights to defend ourselves under the Second  
6083 Amendment, despite the fact the Supreme Court tells them,  
6084 "You are way off the mark in violating the Constitution,"  
6085 then this bill is another way that we can -- we do not have  
6086 to wait for the Supreme Court to strike down another effort  
6087 by the Washington, D.C. folks to prevent people from  
6088 carrying weapons lawfully. We can do it ourselves. This is  
6089 the appropriate way to do it.

6090         And I am fully in support of the bill but oppose the  
6091 amendment. Thank you. I yield back.

6092 Chairman Goodlatte. The question occurs on the  
6093 amendment offered by the gentleman in Maryland.

6094 All those in favor, respond by saying aye.

6095 Those opposed, no.

6096 In the opinion of the chair, the noes have it and the  
6097 amendment is not agreed to.

6098 Are there further amendments to H.R. 38?

6099 Mr. Raskin. Mr. Chairman?

6100 Chairman Goodlatte. For what purpose does the  
6101 gentleman from Maryland seek recognition?

6102 Mr. Raskin. I have a final amendment at the desk.

6103 Chairman Goodlatte. The clerk will report the  
6104 amendment.

6105 Ms. Adcock. Amendment to the amendment in the nature  
6106 of a substitute to H.R. 38, offered by Mr. Raskin of  
6107 Maryland. Page 1, line 11, Strike --

6108 [The amendment of Mr. Raskin follows:]

6109 \*\*\*\*\* INSERT 20 \*\*\*\*\*

6110 Chairman Goodlatte. Without objection, the amendment  
6111 is considered as read and the gentleman is recognized for 5  
6112 minutes on his amendment.

6113 Mr. Raskin. Thank you, Mr. Chairman. This goes to the  
6114 question of the power of our law enforcement community to  
6115 enforce the law in our States. And it says that this  
6116 legislation shall not apply with respect to the possession  
6117 or carrying of a concealed handgun in a State on the basis  
6118 of a license or permit issued in another State, unless the  
6119 Attorney General of the State, the head of the State Police,  
6120 and the Secretary of State of the state jointly have issued  
6121 a certification that the laws of both States regarding the  
6122 issuance of such a license or permit are substantially  
6123 similar.

6124 In other words, this says that we will have a real  
6125 reciprocity agreement with those States whose laws are  
6126 similar to ours. And if we have our chief law enforcement  
6127 officials certifying that the laws are substantially  
6128 similar, then we will go ahead and be in a reciprocity  
6129 arrangement. Anything else is not a reciprocity  
6130 arrangement. It is just pulling out the rug from under  
6131 State law.

6132 So, I think this is a strong-on-crime, tough-on-crime  
6133 amendment to what is a weak-on-crime bill. The whole bill  
6134 is weak on crime because it has nothing to do with the

6135 reciprocity. It creates a new nationwide standard, lowering  
6136 the whole country to the weakest laws in the Union. That is  
6137 what it does. But what this does is it restores the idea of  
6138 real reciprocity.

6139 Now, of course there is nothing that prevents States  
6140 from engaging in interstate agreements right now. They can  
6141 engage in those interstate agreements. They have got the  
6142 right to form interstate compacts with the consent of  
6143 Congress. They already have that right, which is what makes  
6144 a joke out of the whole effort here. They can already do  
6145 it.

6146 But this says, "All right. If we are going to get  
6147 involved, if we are going to stick our Federal nose into the  
6148 tent, let's at least say we are going to have enough respect  
6149 for the sovereignty and the judgment of the people in our  
6150 own States to say that we will first require a certification  
6151 by the chief law enforcement officials of the State that the  
6152 laws under which people are bringing new firearms into our  
6153 State are substantially similar to our own laws." With  
6154 that, I would submit the amendment, Mr. Chairman.

6155 Mr. King. Mr. Chairman?

6156 Chairman Goodlatte. For what purpose does the  
6157 gentleman from Iowa seek recognition?

6158 Mr. King. Move to strike the last word.

6159 Chairman Goodlatte. The gentleman is recognized for 5

6160 minutes.

6161 Mr. King. Thank you, Mr. Chairman. Mr. Chairman, I  
6162 would rise in opposition to this amendment. I am a little  
6163 bit struck by the presentation of it, in that the Attorney  
6164 General, and the head of the State Police and the Secretary  
6165 of State, if they can get together and issue a joint  
6166 certification, then this Federal bill that is before us to  
6167 become a statute would only be ratified if we had that level  
6168 of agreement of the triumvirate of two adjoining States or  
6169 nonadjoining States. That is the equivalent of asking each  
6170 of the States to establish a memorandum of understanding  
6171 before the basis of this bill could be implemented.

6172 And, I don't know, that is what we are trying to get  
6173 away from here, is one Federal standard that lets people  
6174 have their constitutional rights. In fact, I have not heard  
6175 very much about constitutional rights, as I have listened to  
6176 this very long debate here today. And that is the basis for  
6177 this. The Constitution nullifies almost all of the dialogue  
6178 that we have heard in the many amendments that have been  
6179 offered.

6180 And I do not know that anybody over there has to get a  
6181 permit to exercise their freedom of speech, or religion, or  
6182 the press. You just go ahead and utilize it. And I think  
6183 you should, and I am all for it. And I utilize mine as  
6184 well. But this amendment essentially nullifies the bill and

6185 it would require almost a unanimous agreement between any of  
6186 the States before the bill would have any effect whatsoever.  
6187 So, I oppose the amendment, and I yield back the balance of  
6188 my time.

6189 Mr. Raskin. Would the gentleman yield for a question?

6190 Mr. King. I would yield.

6191 Mr. Raskin. Thank you. Are you aware that agreements  
6192 like this are already in effect in 22 States, which have  
6193 voluntarily decided to create real reciprocal concealed  
6194 carry laws?

6195 Mr. King. Reclaiming my time, yes. And they have  
6196 demonstrated support across the country that we should  
6197 eliminate the need for those memorandums of understanding,  
6198 those reciprocating agreements, and simply assert the  
6199 Constitution for the entire jurisdiction of this Federal  
6200 Government.

6201 Mr. Raskin. Would you yield for another question?

6202 Mr. King. I yield again.

6203 Mr. Raskin. When you say, "assert the Constitution,"  
6204 will you explain what you mean by that? Do you think that  
6205 the United States Congress has been in violation of the  
6206 Second Amendment for more than 2 centuries by not passing  
6207 this law?

6208 Mr. King. In reclaiming my time, I think the gentleman  
6209 maybe should be a little bit more cautious about that path

6210 because, you know, we are incrementally restoring  
6211 constitutional rights in the Second Amendment here. I think  
6212 we all recognize that, and I want to be prudent about it and  
6213 careful. I also would point out that I had dinner with Mr.  
6214 Heller. Some of you referenced the Heller decision, and he  
6215 still does not have his gun, even though he has a Supreme  
6216 Court decision that reestablished his Second Amendment  
6217 rights.

6218         And so, it is an incremental approach, but we do not  
6219 need to require the States to reach these unanimous type  
6220 agreements between them, and we certainly do not need to  
6221 empower one individual within a State, whether it is the  
6222 State Attorney General, the head of the State police, or the  
6223 Secretary of State to have veto authority over the United  
6224 States Congress. So, I would urge the defeat of this  
6225 amendment, but I would yield to the gentleman from  
6226 California.

6227         Mr. Issa. Thank you. I think the gentleman from Iowa  
6228 is right in a sense that, perhaps, the gentleman from  
6229 Maryland would agree with, and that is that there is an  
6230 essential safeguard here, which is that our Founding Fathers  
6231 clearly intended States to respect that which was legal in  
6232 the ordinary course of commerce and other areas in a State.

6233         For example, my State does not like the same standards

6234 on automobiles. But they have to accept a vehicle license  
6235 in one State driving into California. Trust me. They did  
6236 not want to. They passed at times laws trying to restrict  
6237 that, and the court has slapped them down.

6238 Now, a car or some other commercial vehicle, thing,  
6239 coming across State lines and not having to reregister, so  
6240 to speak, with new standards, it has nothing to do with a  
6241 constitutional right. We are dealing with a constitutional  
6242 right, the Second Amendment. We are restricting the ability  
6243 to assert that with rare exceptions, law enforcement, and  
6244 Federal judges and so on. We are restricting it to those  
6245 who have been granted in a State a concealed weapons permit.

6246 And so, I think one of the challenges that the  
6247 gentleman has is: I appreciate the idea that a compact is a  
6248 nice thing. But if this were the case, then we would have  
6249 compacts to say that your car could not come in to  
6250 California, and we do not because the court has held that  
6251 that which is legal in one State in the ordinary course is  
6252 legal in the other State after you purchase it.

6253 Mr. King. Would the gentleman yield?

6254 Mr. Raskin. It is the gentleman's time.

6255 Mr. King. I would yield to the gentleman from  
6256 Maryland.

6257 Mr. Raskin. Let me just ask because I am trying to



6258 take seriously the logic of this proposal. I hope that you  
6259 do understand the completely unprecedented nature of what  
6260 you want to do. This is the equivalent of saying that any  
6261 State must accept anybody's use of marijuana if that use of  
6262 marijuana were legal back in their home State. In other  
6263 words, if you have got recreational use in Colorado, then  
6264 you should be able to go to Texas and use it there. Would  
6265 you agree that that follows the logic?

6266 Mr. Issa. I reclaim my time, since it has expired. I  
6267 would point out another inconsistency, and that is our  
6268 trucks cannot always go into California. But what is in  
6269 front of us is the constitutional right that is specific and  
6270 specified in the Second Amendment. And so, I would conclude  
6271 and yield back the balance of my time and urge the defeat of  
6272 this amendment.

6273 Chairman Goodlatte. A question occurs on the amendment  
6274 offered by the gentleman from Maryland.

6275 All those in favor, respond by saying aye.

6276 Those opposed, no.

6277 In the opinion of the chair, the noes have it, and the  
6278 amendment is not agreed to.

6279 Ms. Jackson Lee. Mr. Chairman?

6280 Chairman Goodlatte. For what purpose does the  
6281 gentlewoman from Texas seek recognition?

6282 Ms. Jackson Lee. I have an amendment at the desk.

6283 Chairman Goodlatte. The clerk will report the

6284 amendment.

6285 Ms. Jackson Lee. 006.

6286 Ms. Adcock. Amendment to the amendment in the nature

6287 of a substitute to H.R. 38, offered by Ms. Jackson Lee.

6288 Page 5, line 10, insert after --

6289 [The amendment of Ms. Jackson Lee follows:]

6290 \*\*\*\*\* INSERT 21 \*\*\*\*\*

6291 Chairman Goodlatte. Without objection, the amendment  
6292 is considered as read, and the gentlewoman is recognized for  
6293 5 minutes on her amendment.

6294 Ms. Jackson Lee. Mr. Chairman, we have tried in every  
6295 way to be collaborative on the process where guns kill. We  
6296 want to protect our officers. We want to protect our  
6297 community. And I think it is important to note: even as we  
6298 have argued for guns to be in Florida and guns to be in  
6299 various States, that 114,994 people die every year through  
6300 gun violence. They are shot; 33,800 fatalities, 2,000  
6301 children.

6302 We do not know the reasons that people do so, but my  
6303 amendment, in particular, says this section will not apply  
6304 in the case of any person convicted of an offense under  
6305 Section 249 or substantially similar offense under the law  
6306 of any State.

6307 That is, my amendment intends to prevent someone  
6308 convicted of a hate crime, as defined or any substantially  
6309 similar offense under the law of any State from carrying  
6310 under this bill. This would enhance public safety by  
6311 barring those who commit hate crimes from traveling across  
6312 State lines to engage in similar activities while carrying.

6313 Under Federal law and the law in most States,  
6314 individuals who have been convicted of hate crimes remain

6315 free to buy and possess guns. One of the most notorious  
6316 hate crimes where the individual indicated that he was there  
6317 to start a race war were the actions in Mother Emmanuel in  
6318 Charleston, South Carolina where an individual came in to a  
6319 prayer circle, and because he wanted to start a race war,  
6320 shot nine praying parishioners.

6321 Hate-motivated individuals such as violent extremists  
6322 and hate criminals often use guns as a tool to terrorize,  
6323 threaten, and intimidate members of historically vulnerable  
6324 or marginalized communities. In many instances, African-  
6325 American communities, poor communities. Use of guns by  
6326 these perpetrators in immigrant communities infuses a harm  
6327 done to these communities by introducing a uniquely lethal  
6328 instrument, a firearm.

6329 Just a few hours ago I introduced legislation  
6330 preventing someone who had a domestic violence conviction,  
6331 and indicated that if it is a domestic violence situation  
6332 you have a gun: it is a 500 percent chance it will end in  
6333 homicide. If you have hatred, if you are the individuals  
6334 who are evidenced on the violent video in Charlottesville,  
6335 Virginia, the University of Virginia, where an individual  
6336 lost her life: if those individuals were able to be carrying  
6337 massive guns, what would have occurred? You could see the  
6338 hatred.

6339           The threat of a gun from dangerous extremists sends a  
6340 clear message that they not only harbor feelings of bias or  
6341 hate against a particular group, but also that they are  
6342 willing to kill in the service of this ideology.

6343           A new analysis of the national crime victimization  
6344 survey data by the Center for American Progress reveals that  
6345 between 2010 and 2014 roughly 43,000 hate crimes were  
6346 committed in the United States that involve the use or  
6347 threat of guns, and hate crimes are beginning to be on the  
6348 rise.

6349           The Jackson Lee amendment keeps guns out of the hands  
6350 of individuals who perpetrate hate crimes and is, therefore,  
6351 a crucial measure to help ensure the safety of groups that  
6352 have historically been targeted because of their race,  
6353 ethnicity, national origin, religion, gender, gender  
6354 identity, sexual orientation, or disability. Unfortunately,  
6355 hate proliferates, hate spreads, hate grows, hate can be  
6356 exercised by anyone.

6357           And so, I would ask my colleagues to make this a  
6358 comprehensive bill, and to ensure that someone convicted of  
6359 a hate crime as defined in section 24 or any substantially  
6360 similar offense under the law of any State from carrying  
6361 under this bill.

6362           Let me also indicate to my colleagues that the Major

6363 Cities Chiefs Association, representing all of the Nation's  
6364 national police chiefs; I think they know a little bit about  
6365 management. They know a little bit about running police  
6366 departments from the smallest of the 18,000 to the largest.  
6367 Members of the Police Departments of Chicago, New York,  
6368 Atlanta, and various other cities are well aware of the  
6369 dangers of this legislation.

6370         And so, they have written to oppose H.R. 38. "We are  
6371 writing to voice our strong opposition to the Concealed  
6372 Carry Reciprocity Act because we are responsible for public  
6373 safety in jurisdictions across the Nation. We recognize  
6374 that this legislation would be an enormous mistake."

6375         By the way, they sent this letter to the Speaker of the  
6376 House on November 2nd. "The measure is both impractical and  
6377 contrary to the rights of States. Moreover, it raises  
6378 constitutional questions about the authority of Congress to  
6379 direct State officers. Concealed weapon permits have been  
6380 tailored to the needs of regions and local communities over  
6381 a period of many years.

6382         An attempt by Congress to preempt these State laws,  
6383 forces States to accept the lowest minimum standard for  
6384 concealed carry across the Nation and creates a  
6385 contradiction between the standards required for State  
6386 residents and State visitors. The thousands of local permit

6387 | formats would make enforcement impossible."

6388 |       Let me re-emphasize: this is from chiefs of police who  
6389 | have gone up through the ranks, started as a patrol officer,  
6390 | a beat officer, would make enforcement impossible because  
6391 | police officers would not be able to determine the validity  
6392 | of a permit issued in another State or locality. It would  
6393 | be impossible for law enforcement to distinguish true permit  
6394 | carriers from criminals and illegal guns. They are on the  
6395 | street. They are in a stop.

6396 |       We are confident that Members of Congress will respect  
6397 | the constitutional sovereignty of the States and will not  
6398 | act with disregard for the many reasonable and prudent laws  
6399 | already in place across the Nation. Only 27 States had laws  
6400 | regarding misdemeanor domestic violence. These chiefs are  
6401 | correct. I ask unanimous consent to place this Major Cities  
6402 | Chiefs Association letter of opposition in the record.

6403 |       Chairman Goodlatte. Without objection, it will be made  
6404 | a part of the record.

6405 |       [The information follows:]

6406 | \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6407 Ms. Jackson Lee. Thank you Mr. Chairman, and I ask my  
6408 colleagues to support the Jackson Lee Amendment dealing with  
6409 the question of hate. Hate and guns is a toxic mixture and  
6410 can cause the loss of lives of innocent civilians and our  
6411 dutiful law-enforcement officers: State, local, and Federal.  
6412 With that, I ask support of the Jackson Lee amendment. I  
6413 yield back.

6414 Chairman Goodlatte. The chair thanks the gentlewoman,  
6415 and recognizes himself.

6416 The gentlewoman's concern about people involved in hate  
6417 crimes having access to concealed carry permits is a  
6418 legitimate concern. However, the good news is that the  
6419 section of the law that she cites, section 249 of title  
6420 XVIII, only encompasses felonies. So, anyone convicted  
6421 under section 249 of title XVIII is going to, by virtue of  
6422 that conviction, be excluded from concealed carry permits.  
6423 Therefore, the amendment is not necessary, and I oppose it.

6424 Ms. Jackson Lee. Does the gentleman yield?

6425 Chairman Goodlatte. I would be happy to yield.

6426 Ms. Jackson Lee. I will continue, Mr. Chairman. Thank  
6427 you for your comment, but I do believe that when you have a  
6428 bill that has potential, as this bill does, for collateral  
6429 damage, loss of life in a police stopping, that the idea of  
6430 hate crimes should be specifically so noted in the



6431 | legislation.

6432 |       Mr. Raskin. Would the gentlewoman yield?

6433 |       Ms. Jackson Lee. I would be happy to yield to the  
6434 | gentleman.

6435 |       Mr. Raskin. As I understand it, the chair's point  
6436 | related just to the Federal section 249, but your amendment  
6437 | would sweep within it any substantially similar offense  
6438 | under State law as well?

6439 |       Ms. Jackson Lee. That is correct.

6440 |       Chairman Goodlatte. Any substantially similar offense  
6441 | would be similarly a felony.

6442 |       Ms. Jackson Lee. No.

6443 |       Mr. Raskin. Well, I understood that the gentlelady's  
6444 | amendment was targeting hate crimes more broadly understood.  
6445 | In any event, again, if that is the contemplation, there  
6446 | should be no problem clarifying it through the gentlelady's  
6447 | amendment, which is not at all hypothetical, of course,  
6448 | because we have seen terrible incidents of hate crimes  
6449 | conducted with guns, such as the massacre that took place in  
6450 | South Carolina most recently, which is on everyone's minds.

6451 |       Why would we not be very clear to carve out from this  
6452 | unprecedented and dramatic new nationalization of concealed  
6453 | carry law to override the laws of the States an exception to  
6454 | make sure that we are preventing people who have committed

6455 | hate crimes under Federal or State law from excluding --  
6456 |       Chairman Goodlatte. Reclaiming my time. I would just  
6457 | say to the gentleman that the law is very clear under  
6458 | section 249. The offense is a felony. If you have a felony  
6459 | conviction, you do not qualify to possess a firearm, much  
6460 | less have a concealed carry permit. I would argue that any  
6461 | State law that is substantially similar would meet a similar  
6462 | fate for an individual who wants to have a concealed carry  
6463 | permit.

6464 |       But, if that is not the case, then the imprecise nature  
6465 | of this amendment would cause me concern because you could  
6466 | get into all kinds of efforts. I would think they would be  
6467 | unconstitutional to call certain types of speech and other  
6468 | activities a hate crime. It is not a hate crime unless it  
6469 | is spelled out in a law, and if it is a substantially  
6470 | similar law to the law that is on the Federal books, it is a  
6471 | felony, and it would not be covered. So, I cannot support  
6472 | the amendment.

6473 |       Ms. Jackson Lee. Would the gentleman allow me to yield  
6474 | just one more moment?

6475 |       Chairman Goodlatte. I would be happy to yield to the  
6476 | gentlewoman.

6477 |       Ms. Jackson Lee. Let me just join and associate myself  
6478 | with the remarks of the gentleman from Maryland, Mr.

6479 Chairman, but I also reemphasize that a repetition, not a  
6480 redundancy, but a repetition in the seriousness of this  
6481 legislation that opens up mass opportunity to carry guns  
6482 anywhere you could be permitted.

6483 That is the underlying premise, but as indicated by the  
6484 Major Chief's letter, many States have differing permit  
6485 qualifications, and the State that this individual is  
6486 entering into may not equate. You have now knocked out,  
6487 undermined, eliminated, extinguished those either stricter  
6488 or looser provisions and having law enforcement yield to it.

6489 Let me also just add a letter that has just come in,  
6490 Mr. Chairman, I ask unanimous consent to put it into the  
6491 record, from the chief of police of Houston, Texas, Chief  
6492 Art Acevedo, who has indicated his opposition because States  
6493 have carefully crafted laws.

6494 "We strongly ask Congress to reject the misguided and  
6495 impractical proposal for reciprocity as police officers  
6496 could not be expected to recognize legitimate or forged  
6497 permits from thousands of jurisdictions. It would be  
6498 impossible to determine which persons are authorized to  
6499 carry concealed weapons."

6500 I ask unanimous consent to place it in the record as I  
6501 yield back for support of my amendment. I yield back.

6502 Chairman Goodlatte. Without objection, the letter from

6503 Sheriff Acevedo, who I had the opportunity to meet thanks to  
6504 you, will be made a part of the record.

6505 [The information follows:]

6506 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6507 Chairman Goodlatte. A question occurs on the amendment  
6508 offered by the gentlewoman from Texas.

6509 All those in favor, respond by saying aye.

6510 Those opposed, no.

6511 In the opinion of the chair, the noes have it. The  
6512 amendment is not agreed to.

6513 A roll call vote is requested and the clerk will call  
6514 the roll.

6515 Ms. Adcock. Mr. Goodlatte?

6516 Chairman Goodlatte. No.

6517 Ms. Adcock. Mr. Goodlatte votes no.

6518 Mr. Sensenbrenner.

6519 [No response.]

6520 Mr. Smith?

6521 [No response.]

6522 Mr. Chabot?

6523 Mr. Chabot. No.

6524 Ms. Adcock. Mr. Chabot votes no.

6525 Mr. Issa?

6526 Mr. Issa. No.

6527 Ms. Adcock. Mr. Issa votes no.

6528 Mr. King?

6529 Mr. King. No.

6530 Ms. Adcock. Mr. King votes no.

6531 Mr. Franks?

6532 [No response.]

6533 Mr. Gohmert?

6534 Mr. Gohmert. No.

6535 Ms. Adcock. Mr. Gohmert votes no.

6536 Mr. Jordan?

6537 Mr. Jordan. No.

6538 Ms. Adcock. Mr. Jordan votes no.

6539 Mr. Poe?

6540 [No response.]

6541 Mr. Marino?

6542 Mr. Marino. No.

6543 Ms. Adcock. Mr. Marino votes no.

6544 Mr. Gowdy?

6545 [No response.]

6546 Mr. Labrador?

6547 [No response.]

6548 Mr. Farenthold?

6549 [No response.]

6550 Mr. Collins?

6551 Mr. Collins. No.

6552 Ms. Adcock. Mr. Collins votes no.

6553 Mr. DeSantis?

6554 Mr. DeSantis. No.

6555 Ms. Adcock. Mr. DeSantis votes no.  
6556 Mr. Buck?  
6557 Mr. Buck. No.  
6558 Ms. Adcock. Mr. Buck votes no.  
6559 Mr. Ratcliffe?  
6560 Mr. Ratcliffe. No.  
6561 Ms. Adcock. Mr. Ratcliffe votes no.  
6562 Mrs. Roby?  
6563 Mrs. Roby. No.  
6564 Ms. Adcock. Mrs. Roby votes no.  
6565 Mr. Gaetz?  
6566 Mr. Gaetz. No.  
6567 Ms. Adcock. Mr. Gates votes no.  
6568 Mr. Johnson of Louisiana?  
6569 [No response.]  
6570 Mr. Biggs?  
6571 Mr. Biggs. No.  
6572 Ms. Adcock. Mr. Biggs votes no.  
6573 Mr. Rutherford?  
6574 Mr. Rutherford. No.  
6575 Ms. Adcock. Mr. Rutherford votes no.  
6576 Mrs. Handel?  
6577 Mrs. Handel. No.  
6578 Ms. Adcock. Ms. Handel votes no.

6579 Mr. Nadler?

6580 Mr. Nadler. Aye.

6581 Ms. Adcock. Mr. Nadler votes aye.

6582 Mr. Conyers?

6583 [No response.]

6584 Ms. Lofgren?

6585 Ms. Lofgren. Aye.

6586 Ms. Adcock. Ms. Lofgren votes aye.

6587 Ms. Jackson Lee?

6588 Ms. Jackson Lee. Aye.

6589 Ms. Adcock. Ms. Jackson Lee votes aye.

6590 Mr. Cohen?

6591 [No response.]

6592 Mr. Johnson of Georgia?

6593 [No response.]

6594 Mr. Deutch?

6595 [No response.]

6596 Mr. Gutierrez?

6597 [No response.]

6598 Ms. Bass?

6599 [No response.]

6600 Mr. Richmond?

6601 [No response.]

6602 Mr. Jeffries?



6603 [No response.]

6604 Mr. Cicilline?

6605 Mr. Cicilline. Aye.

6606 Ms. Adcock. Mr. Cicilline votes aye.

6607 Mr. Swalwell?

6608 Mr. Swalwell. Aye.

6609 Ms. Adcock. Mr. Swalwell votes aye.

6610 Mr. Lieu?

6611 Mr. Lieu. Aye.

6612 Ms. Adcock. Mr. Lieu votes aye.

6613 Mr. Raskin?

6614 Mr. Raskin. Aye.

6615 Ms. Adcock. Mr. Raskin votes aye.

6616 Ms. Jayapal?

6617 [No response.]

6618 Mr. Schneider?

6619 Mr. Schneider. Aye.

6620 Ms. Adcock. Mr. Schneider votes aye.

6621 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

6622 Mr. Poe. No.

6623 Ms. Adcock. Mr. Poe votes no.

6624 Chairman Goodlatte. The gentleman from Idaho, Mr.

6625 Labrador?

6626 Mr. Labrador. No.

6627 Ms. Adcock. Mr. Labrador votes no.

6628 Chairman Goodlatte. The gentleman from Arizona, Mr.

6629 Franks?

6630 Mr. Franks. No.

6631 Ms. Adcock. Mr. Frank's votes no.

6632 Chairman Goodlatte. Has every member voted who wishes

6633 to vote? The clerk will report.

6634 Ms. Adcock. Mr. Chairman, 8 members voted aye; 19

6635 members voted no.

6636 Chairman Goodlatte. And the amendment is not agreed

6637 to. Are there further amendments to H.R. 38?

6638 Mr. Schneider. Mr. Chairman?

6639 Chairman Goodlatte. For what purpose does the

6640 gentleman from Illinois seek recognition?

6641 Mr. Schneider. I have an amendment at the desk.

6642 Chairman Goodlatte. The clerk will report the

6643 amendment.

6644 Ms. Adcock. Amendment to the amendment in the nature

6645 of a substitute to H.R. 38 offered by Mr. Schneider of

6646 Illinois. Page 2 --

6647 [The amendment of Mr. Schneider follows:]

6648 \*\*\*\*\* INSERT 22 \*\*\*\*\*

6649 Chairman Goodlatte. Without objection, the amendment  
6650 is considered as read and the gentleman is recognized for 5  
6651 minutes on his amendment.

6652 Mr. Schneider. Thank you Mr. Chairman. With more than  
6653 a month left in 2017, there have already been more than 300  
6654 mass shooting events this year. On October 1st, we saw the  
6655 worst mass shooting in our history as 59 Americans enjoying  
6656 a concert in Las Vegas were gunned down by a single shooter,  
6657 ensconced in a hotel room. Just a few short weeks later, 26  
6658 Americans were mercilessly murdered while worshiping on a  
6659 Sunday with family and friends at a church in Texas. Last  
6660 week, just before Thanksgiving, four people, including two  
6661 children, were shot outside an elementary school in  
6662 California.

6663 Our Nation has experienced one mass shooting on average  
6664 each and every day this year. This is outrageous, and this  
6665 is nothing to say of the horrific gun violence in cities and  
6666 homes across the country claiming lives daily. Yet, after  
6667 all this, we, as a Congress and as a committee, have not yet  
6668 considered any legislation, not one step, neither large nor  
6669 small, to meaningfully address the gun violence that is  
6670 wreaking havoc in communities throughout our country.

6671 Sadly today, we are not here today debating legislation  
6672 to address gaps in our background check system or consider

6673 the rising problem of stolen guns or even regulate the bump  
6674 stock that allowed Las Vegas shooter to convert his weapon  
6675 into a functionally automatic one. Instead, this committee  
6676 is now marking up a bill that will weaken what existing  
6677 commonsense regulations we have in place.

6678       So-called concealed carry reciprocity undermines  
6679 American gun laws by forcing States to accept the concealed  
6680 carry permitting standards of every other State, even if  
6681 another State has no standards at all. My constituents want  
6682 gun safety standards to protect our communities; not a race  
6683 to the bottom policy that puts more of our neighbors at  
6684 risk.

6685       Illinois, in fact, has commonsense regulations on  
6686 concealed carry permits. For example, if you have had two  
6687 or more DUIs within the past 5 years, you do not have the  
6688 right to obtain a concealed weapons permit. And Illinois is  
6689 not alone. A majority of U.S. States deny concealed carry  
6690 permits to people with multiple recent DUIs.

6691       This is a deliberate decision about who is simply too  
6692 irresponsible to carry a firearm in public. Yet, this bill  
6693 would steamroll over our States' laws, allowing multiple  
6694 offenders to carry anywhere in the country, so long as they  
6695 seek out any low standards permitting system willing to  
6696 issue them a permit.

6697 In a new study published earlier this year, researchers  
6698 showed that among hand owners' convictions for DUI and other  
6699 alcohol-related crimes are associated with a major increase,  
6700 a four- to five-fold increase, in the later risk of arrest  
6701 for a firearm crime or other violent crime. In other words,  
6702 these convictions are a serious flag that a person is at  
6703 risk of committing future crimes.

6704 States that have decided to bar these offenders and  
6705 have determined they are too irresponsible to carry in  
6706 public and Congress should not be overriding this decision.  
6707 My amendment to this legislation allows States like Illinois  
6708 to continue to enforce our State laws barring people with  
6709 two or more DUI offenses from carrying a concealed handgun.

6710 I urge my colleagues to join me on this amendment to  
6711 allow States to enforce commonsense rules to preventing  
6712 irresponsible concealed carry, and I yield back.

6713 Chairman Goodlatte. For what purpose does the  
6714 gentleman from Iowa seek recognition?

6715 Mr. King. I move to strike the last word.

6716 Chairman Goodlatte. The gentleman is recognized for 5  
6717 minutes.

6718 Mr. King. Thank you, Mr. Chairman. This is another  
6719 amendment that just addresses this and essentially says that  
6720 a misdemeanor should be included. If the States are serious

6721 | about this, then they can change their misdemeanors if they  
6722 | want to turn them into felonies, and that has been part of  
6723 | the debate that we have had here all along.

6724 |         And so, it is another amendment that I believe is  
6725 | redundant. But I appreciate the spirit that the gentleman  
6726 | offers this amendment in and the tenacity with which you  
6727 | have fought back this bill that restores some modicum of  
6728 | constitutional rights. And I urge the defeat of this  
6729 | amendment, and I yield back the balance of my time.

6730 |         Chairman Goodlatte. A question occurs on the amendment  
6731 | offered by the gentleman from Illinois. All those in favor,  
6732 | respond by saying aye.

6733 |         Those opposed, no.

6734 |         In the opinion of the chair, the noes have it. The  
6735 | amendment is not agreed to.

6736 |         Mr. King. A recorded vote, please.

6737 |         Chairman Goodlatte. A recorded vote is requested and  
6738 | the clerk will call the roll.

6739 |         Ms. Adcock. Mr. Goodlatte?

6740 |         Chairman Goodlatte. No.

6741 |         Ms. Adcock. Mr. Goodlatte votes no.

6742 |         Mr. Sensenbrenner?

6743 |         [No response.]

6744 |         Mr. Smith?

6745 [No response.]

6746 Mr. Chabot?

6747 Mr. Chabot. No.

6748 Ms. Adcock. Mr. Chabot votes no.

6749 Mr. Issa?

6750 [No response.]

6751 Mr. King?

6752 Mr. King. No.

6753 Ms. Adcock. Mr. King votes no.

6754 Mr. Franks?

6755 [No response.]

6756 Mr. Gohmert?

6757 Mr. Gohmert. No.

6758 Ms. Adcock. Mr. Gohmert votes no.

6759 Mr. Jordan?

6760 Mr. Jordan. No.

6761 Ms. Adcock. Mr. Jordan votes no.

6762 Mr. Poe?

6763 [No response.]

6764 Mr. Marino?

6765 Mr. Marino. No.

6766 Ms. Adcock. Mr. Marino votes no.

6767 Mr. Gowdy?

6768 [No response.]

6769 Mr. Labrador?

6770 Mr. Labrador. No.

6771 Ms. Adcock. Mr. Labrador votes no.

6772 Mr. Farenthold?

6773 [No response.]

6774 Mr. Collins?

6775 Mr. Collins. No.

6776 Ms. Adcock. Mr. Collins votes no.

6777 Mr. DeSantis?

6778 [No response.]

6779 Mr. Buck?

6780 Mr. Buck. No.

6781 Ms. Adcock. Mr. Buck votes no.

6782 Mr. Ratcliffe?

6783 Mr. Ratcliffe. No.

6784 Ms. Adcock. Mr. Ratcliffe votes no.

6785 Mrs. Roby?

6786 Mrs. Roby. No.

6787 Ms. Adcock. Mrs. Roby votes no.

6788 Mr. Gaetz?

6789 Mr. Gaetz. No.

6790 Ms. Adcock. Mr. Gates votes no.

6791 Mr. Johnson of Louisiana?

6792 Mr. Johnson of Louisiana. No.



6793 Ms. Adcock. Mr. Johnson votes no.

6794 Mr. Biggs?

6795 Mr. Biggs. No.

6796 Ms. Adcock. Mr. Biggs votes no.

6797 Mr. Rutherford?

6798 Mr. Rutherford. No.

6799 Ms. Adcock. Mr. Rutherford votes no.

6800 Mrs. Handel?

6801 Mrs. Handel. No.

6802 Ms. Adcock. Mrs. Handel votes no.

6803 Mr. Nadler?

6804 Mr. Nadler. Aye.

6805 Ms. Adcock. Mr. Nadler votes aye.

6806 Mr. Conyers?

6807 [No response.]

6808 Ms. Lofgren?

6809 Ms. Lofgren. Aye.

6810 Ms. Adcock. Ms. Lofgren votes aye.

6811 Ms. Jackson Lee?

6812 Ms. Jackson Lee. Aye.

6813 Ms. Adcock. Ms. Jackson Lee votes aye.

6814 Mr. Cohen?

6815 Mr. Cohen. Aye.

6816 Ms. Adcock. Mr. Cohen votes aye.

6817 Mr. Johnson of Georgia?

6818 [No response.]

6819 Mr. Deutch?

6820 [No response.]

6821 Mr. Gutierrez?

6822 [No response.]

6823 Ms. Bass?

6824 [No response.]

6825 Mr. Richmond?

6826 [No response.]

6827 Mr. Jeffries?

6828 [No response.]

6829 Mr. Cicilline?

6830 Mr. Cicilline. Aye.

6831 Ms. Adcock. Mr. Cicilline votes aye.

6832 Mr. Swalwell?

6833 Mr. Swalwell. Aye.

6834 Ms. Adcock. Mr. Swalwell votes aye.

6835 Mr. Lieu?

6836 Mr. Lieu. Aye.

6837 Ms. Adcock. Mr. Lieu votes aye.

6838 Mr. Raskin?

6839 Mr. Raskin. Aye.

6840 Ms. Adcock. Mr. Raskin votes aye.

6841 Ms. Jayapal?

6842 [No response.]

6843 Mr. Schneider?

6844 Mr. Schneider. Aye.

6845 Ms. Adcock. Mr. Schneider votes aye.

6846 Chairman Goodlatte. The gentleman from California?

6847 Mr. Issa. No.

6848 Ms. Adcock. Mr. Issa votes no.

6849 Chairman Goodlatte. The gentleman from Arizona?

6850 Mr. Franks. No.

6851 Ms. Adcock. Mr. Franks votes no.

6852 Chairman Goodlatte. Has every member voted who wishes

6853 to vote? The clerk will report.

6854 Ms. Adcock. Mr. Chairman, 9 members voted aye; 18

6855 members voted no.

6856 Chairman Goodlatte. And the amendment is not agreed

6857 to. Are there further amendments to H.R. 38?

6858 Mr. Swalwell. Mr. Chairman, I have an amendment at the

6859 desk.

6860 Chairman Goodlatte. Who said that? Oh, the clerk will

6861 report the amendment of the gentleman from California.

6862 Ms. Adcock. Amendment to the amendment in the nature

6863 of a substitute to H.R. 38 offered by Mr. Swalwell of

6864 California. Page 5, line 10, strike the closed quotation

6865 marks and the following period. Page 5 --

6866 [The amendment of Mr. Swalwell follows:]

6867 \*\*\*\*\* INSERT 23 \*\*\*\*\*

6868 Chairman Goodlatte. Without objection, the amendment  
6869 is considered as read, and the gentleman is recognized for 5  
6870 minutes on his amendment.

6871 Mr. Swalwell. thank you Mr. Chairman. My amendment is  
6872 offered in the spirit of the bipartisan King-Thompson  
6873 universal background check legislation. My amendment would  
6874 condition the ability for concealed carry reciprocity on  
6875 States expanding who is subject to Federal background  
6876 checks. This is a bipartisan idea that should improve this  
6877 bill.

6878 Background checks have blocked more than 3 million  
6879 sales to prohibited persons since the Brady Act went into  
6880 effect in 1994. It is just a cold, hard fact that  
6881 background checks keep Americans safer. It protects our  
6882 communities.

6883 Unfortunately, a large percentage of gun sales today  
6884 occur without a background check. This is in part due to  
6885 upgrades in technology since 1994 like internet sales, but  
6886 it also includes gun show sales, and in sales to people with  
6887 concealed carry permits under certain circumstances. Over  
6888 90 percent of Americans believe we should have universal  
6889 background checks. In fact, most Americans believe that  
6890 universal background checks, despite not existing actually,  
6891 are, in fact, in place.

6892 I implore my Republican colleagues: if we are going to  
6893 have reciprocity for concealed carry, let's do all we can to  
6894 ensure that every community in America that will now have to  
6895 honor another State's concealed carry laws at least can  
6896 guarantee to people in that community that the person  
6897 carrying the firearm has gone through an expanded, universal  
6898 background check.

6899 Again, this is a bipartisan idea. It is endorsed by  
6900 Congressman Peter King and Mike Thompson, as well as dozens  
6901 of other Republican and Democratic colleagues. It is an  
6902 idea that the American people are largely and overwhelmingly  
6903 behind, and I think if we are going to dramatically expand  
6904 firearm carrying in this country, we should make sure that  
6905 every person is subject to an enhanced, universal background  
6906 check. And with that, I yield back.

6907 Chairman Goodlatte. The chair recognizes the gentleman  
6908 from Iowa for 5 minutes.

6909 Mr. King. I move to strike the last word. Thank you,  
6910 Mr. Chairman. I arise in opposition to this amendment. I  
6911 wonder if the gentleman has ever tried to buy a gun at a gun  
6912 show, and I have not had much luck doing that without a  
6913 background check, although I do carry a concealed weapon  
6914 permit along with me, and that requires a background check  
6915 as well.

6916           These loopholes that are discussed are continually the  
6917 mantra of the antigun left, but when you look into the facts  
6918 of them, the facts do not support the statements that are  
6919 made. There is no loophole for private sales. The line in  
6920 Federal law was intentionally drawn at commercial activity,  
6921 rather than occasional casual transfers.

6922           I can, though, present a gun to my son under the  
6923 Christmas tree, and I should continue to be able to do that.  
6924 We do not want to outlaw Christmas at the Kings. And so, I  
6925 would say also that the gun show loophole background check  
6926 amendment has a number of references to loopholes in it, but  
6927 they have not been held up by the facts, and I urge defeat  
6928 of this amendment. I yield back the balance of my time.

6929           Chairman Goodlatte. For what purpose does the  
6930 gentleman from Maryland seek recognition?

6931           Mr. Raskin. I move to strike the last word.

6932           Chairman Goodlatte. The gentleman is recognized for 5  
6933 minutes.

6934           Mr. Raskin. I am rising in very strong support of the  
6935 Swalwell amendment here. Public opinion polls show that  
6936 more than 90 percent of the American people support a  
6937 universal background check. A majority of Democrats, a  
6938 majority of Republicans, a majority of Independents, north,  
6939 east, west, south.

6940 I have not seen any polls showing support for this idea  
6941 of nationalizing concealed carry law. So, the very least  
6942 that this amendment would do would be to radically improve  
6943 the popularity of this legislation, and I think it is the  
6944 least that we can do in terms of public safety --

6945 Ms. Jackson Lee. Will the gentleman yield?

6946 Mr. Raskin. Yes.

6947 Ms. Jackson Lee. Yes. Let me, if I might, rise in  
6948 support of universal background checks. I cannot think of a  
6949 more appropriate initiative for us to continue to remind our  
6950 colleagues of the sentiment of the majority of the American  
6951 people. I heard a terminology that I know my good friend  
6952 from Iowa just had a slip of the tongue on the left gun  
6953 second amenders, if you will.

6954 I know that there is no left or right when it comes to  
6955 lives that have been lost by the proliferation of guns, and  
6956 the importance of ensuring universal background checks to  
6957 ensure everyone's safety, including my good friend from  
6958 Iowa.

6959 But the point that I simply want to make is that it  
6960 stuns me that we are passing this legislation in the  
6961 backdrop of my native city, a city that is in my State,  
6962 where parishioners died on a Sunday morning. Or that we are  
6963 passing this legislation in the backdrop of a city that is  
6964 still trying to heal in Las Vegas, Nevada, where 58 people



6965 died.

6966 I am stunned. I ask my colleagues to reconsider.

6967 There is something of laying this on the table. This  
6968 legislation needs to be laid on the table and we really  
6969 should not proceed, and with that I yield back to the  
6970 gentleman.

6971 Mr. Swalwell. Will the gentleman yield?

6972 Mr. Raskin. Yes, I will yield for a moment.

6973 Mr. Swalwell. Thank you, and to address the gentleman  
6974 from Iowa's concerns about Christmas at the Kings. Well, we  
6975 were not specifically addressing Christmas at your home, Mr.  
6976 King, but if you read, there is an exception for the  
6977 transfer of a firearm between spouses, between parents, or  
6978 spouses of parents and their children as long as there is no  
6979 reason to know that the person is prohibited from receiving  
6980 or possessing firearm.

6981 So, this does not even prohibit the family transfer of  
6982 firearms. It is to address internet sales and sales at gun  
6983 shows where background checks are not being conducted. And  
6984 I yield back to Mr. Raskin.

6985 Mr. Raskin. I just want to close out this useful  
6986 colloquy by saying that for the first time, there is a  
6987 proposal on the floor to nationalize conceal carry law, to  
6988 destroy and thwart the laws of 50 States and other  
6989 jurisdictions in the country. And if we are going to create

6990 that national law, let's at least build into that law the  
6991 consensus of national popular sentiment, which is that we  
6992 need to have a universal background check in the wake of  
6993 everything that we have seen that has taken place.

6994 Everything that took place in Las Vegas. Everything  
6995 that took place in New Town, Connecticut. Everything that  
6996 took place in Charleston, South Carolina. Everything that  
6997 is taking place every single day in the urban areas, in the  
6998 rural areas, in the suburban areas of America. We do not  
6999 have to live like this.

7000 We can respect people's Second Amendment rights by  
7001 honoring the right to possess a handgun for purposes of  
7002 self-defense and allowing people to have rifles and long  
7003 guns for the purposes of hunting and recreation, while  
7004 having a universal background check, which is supported by  
7005 the vast majority of the American people.

7006 Do we really want to send the message, in the wake of  
7007 these calamities that we have seen all over American, that  
7008 all we can do is radically increase the availability and  
7009 access to guns across the country by opening up this huge  
7010 conceal carry loophole to allow 14 and a half-million  
7011 conceal carry permit holders to travel wherever they want?  
7012 And lots of them, and we can give you the numbers, have  
7013 committed crimes with those guns.

7014 So, that is all we can do in response to these

7015 catastrophes that we have seen that have come to our own  
7016 doorstep? That have affected our own members? I mean, that  
7017 is a remarkable proposition. I would hope that Mr.  
7018 Swalwell's reasonable, commonsense, common ground amendment  
7019 would be one that every member of this committee could  
7020 support. I yield back, Mr. Chairman.

7021 Chairman Goodlatte. The question occurs on the  
7022 amendment offered by the gentleman from California.

7023 All those in favor, respond by saying aye.

7024 Those opposed, no.

7025 In the opinion of the chair, the noes have it. The  
7026 amendment is not agreed to.

7027 Mr. Swalwell. May I have a record?

7028 Chairman Goodlatte. Word vote is requested. Chair  
7029 will call the roll.

7030 Ms. Adcock. Mr. Goodlatte?

7031 Chairman Goodlatte. No.

7032 Ms. Adcock. Mr. Goodlatte votes no.

7033 Mr. Sensenbrenner?

7034 [No response.]

7035 Mr. Smith?

7036 [No response.]

7037 Mr. Chabot?

7038 Mr. Chabot. No.

7039 Ms. Adcock. Mr. Chabot votes no.

7040 Mr. Issa?  
7041 Mr. Issa. No.  
7042 Ms. Adcock. Mr. Issa votes no.  
7043 Mr. King?  
7044 Mr. King. No.  
7045 Ms. Adcock. Mr. King votes no.  
7046 Mr. Franks?  
7047 [No response.]  
7048 Mr. Gohmert?  
7049 Mr. Gohmert. No.  
7050 Ms. Adcock. Mr. Gohmert votes no.  
7051 Mr. Jordan?  
7052 Mr. Jordan. No.  
7053 Ms. Adcock. Mr. Jordan votes no.  
7054 Mr. Poe?  
7055 [No response.]  
7056 Mr. Marino?  
7057 Mr. Marino. No.  
7058 Ms. Adcock. Mr. Marino votes no.  
7059 Mr. Gowdy?  
7060 [No response.]  
7061 Mr. Labrador?  
7062 [No response.]  
7063 Mr. Farenthold?  
7064 [No response.]

7065 Mr. Collins?  
7066 Mr. Collins. No.  
7067 Ms. Adcock. Mr. Collins votes no.  
7068 Mr. DeSantis?  
7069 Mr. DeSantis. No.  
7070 Ms. Adcock. Mr. DeSantis votes no.  
7071 Mr. Buck?  
7072 Mr. Buck. No.  
7073 Ms. Adcock. Mr. Buck votes no.  
7074 Mr. Ratcliffe?  
7075 Mr. Ratcliffe. No.  
7076 Ms. Adcock. Mr. Ratcliffe votes no.  
7077 Mrs. Roby?  
7078 Mrs. Roby. No.  
7079 Ms. Adcock. Mrs. Roby votes no.  
7080 Mr. Gaetz?  
7081 Mr. Gaetz. No.  
7082 Ms. Adcock. Mr. Gaetz votes no.  
7083 Mr. Johnson of Louisiana?  
7084 [No response.]  
7085 Mr. Biggs?  
7086 Mr. Biggs. No.  
7087 Ms. Adcock. Mr. Biggs votes no.  
7088 Mr. Rutherford?  
7089 Mr. Rutherford. No.

7090 Ms. Adcock. Mr. Rutherford votes no.  
7091 Mrs. Handel?  
7092 Mrs. Handel. No.  
7093 Ms. Adcock. Mrs. Handel votes no.  
7094 Mr. Nadler?  
7095 Mr. Nadler. Aye.  
7096 Ms. Adcock. Mr. Nadler votes aye.  
7097 Mr. Conyers?  
7098 [No response.]  
7099 Ms. Lofgren?  
7100 [No response.]  
7101 Ms. Jackson Lee?  
7102 Ms. Jackson Lee. Aye.  
7103 Ms. Adcock. Ms. Jackson Lee votes aye.  
7104 Mr. Cohen?  
7105 Mr. Cohen. Aye.  
7106 Ms. Adcock. Mr. Cohen votes aye.  
7107 Mr. Johnson of Georgia?  
7108 [No response.]  
7109 Mr. Deutch?  
7110 Mr. Deutch. Aye.  
7111 Ms. Adcock. Mr. Deutch votes aye.  
7112 Mr. Gutierrez?  
7113 [No response.]  
7114 Ms. Bass?

7115 [No response.]

7116 Mr. Richmond?

7117 [No response.]

7118 Mr. Jeffries?

7119 [No response.]

7120 Mr. Cicilline?

7121 Mr. Cicilline. Aye.

7122 Ms. Adcock. Mr. Cicilline votes aye.

7123 Mr. Swalwell?

7124 Mr. Swalwell. Aye.

7125 Ms. Adcock. Mr. Swalwell votes aye.

7126 Mr. Lieu?

7127 Mr. Lieu. Aye.

7128 Ms. Adcock. Mr. Lieu votes aye.

7129 Mr. Raskin?

7130 Mr. Raskin. Aye.

7131 Ms. Adcock. Mr. Raskin votes aye.

7132 Ms. Jayapal?

7133 [No response.]

7134 Mr. Schneider?

7135 Mr. Schneider. Aye.

7136 Ms. Adcock. Mr. Schneider votes aye.

7137 Chairman Goodlatte. The gentleman from Arizona?

7138 Ms. Adcock. Mr. Franks votes no.

7139 Chairman Goodlatte. The gentleman from Idaho?

7140 Ms. Adcock. Mr. Labrador votes no.

7141 Chairman Goodlatte. Has every member voted who wishes  
7142 to vote? The clerk will report.

7143 Ms. Adcock. Mr. Chairman, 10 members voted aye; 18  
7144 members voted no.

7145 Chairman Goodlatte. And the amendment is not agreed  
7146 to. Are there further amendments to H.R. 38?

7147 Mr. Raskin. Mr. Chairman?

7148 Chairman Goodlatte. For what purpose does the  
7149 gentleman from Maryland seek recognition?

7150 Mr. Raskin. I have an amendment at the desk.

7151 Chairman Goodlatte. The clerk will report the  
7152 amendment.

7153 Ms. Adcock. Amendment to the amendment in the nature  
7154 of a substitute to H.R. 38 offered by Mr. Raskin of  
7155 Maryland. Page 1, line 2 --

7156 [The amendment of Mr. Raskin follows:]

7157 \*\*\*\*\* INSERT 24 \*\*\*\*\*



7158 Chairman Goodlatte. Without objection, the amendment  
7159 is considered as read. The gentleman is recognized for 5  
7160 minutes.

7161 Mr. Raskin. Mr. Chairman, Thank you. We obviously  
7162 have a radical difference in philosophy with respect to  
7163 federalism, States' rights, law enforcement, and public  
7164 safety. But I hope we can at least converge around the  
7165 principal of truth in advertising. This amendment would  
7166 just change the short title of the bill from the Concealed  
7167 Carry Reciprocity Act of 2017 to the National Override of  
7168 State Concealed Carry Laws Act of 2017.

7169 As we have determined throughout discussion today, this  
7170 legislation is absolutely nothing to do with reciprocity.  
7171 There are 22 agreements in place right now where there are  
7172 compacts, agreements between the States. Those are all  
7173 being destroyed by this legislation. We are nullifying the  
7174 actual agreements of reciprocity that have been developed by  
7175 the States just like we have turned the Congress into a  
7176 bulldozer of State laws across the country governing  
7177 concealed carry laws.

7178 So, we cannot honestly call this a Concealed Carry  
7179 Reciprocity Act. It is a National Override of State  
7180 Concealed Carry Act of 2017. I have tried to state it as  
7181 neutrally as possible, and I hope that both sides of the  
7182 aisle would agree to the honesty of this approach.

7183 Chairman Goodlatte. The question occurs on the  
7184 amendment offered by the gentleman from Maryland.

7185 All those in favor respond by saying aye.

7186 Those opposed, no.

7187 In the opinion of the chair, the noes have it. The  
7188 amendment is not agreed to.

7189 Are there further amendments to H.R. 38?

7190 The question occurs on the amendment in the nature of  
7191 substitute as amended.

7192 All those in favor respond by saying aye.

7193 Those opposed, no.

7194 In the opinion of the chair, the ayes have it. The  
7195 amendment is agreed to.

7196 A reporting quorum being present, the question occurs  
7197 on the motion to report the bill H.R. 38 as amended  
7198 favorably to the House.

7199 Those in favor say aye.

7200 Those opposed, no.

7201 The ayes have it, and the bill is ordered reported  
7202 favorably.

7203 Mr. Swalwell. May we have a record vote?

7204 Chairman Goodlatte. A recorded vote is requested and  
7205 the clerk will call the roll.

7206 Ms. Adcock. Mr. Goodlatte?

7207 Chairman Goodlatte. Aye.

7208 Ms. Adcock. Mr. Goodlatte votes aye.  
7209 Mr. Sensenbrenner?  
7210 [No response.]  
7211 Mr. Smith?  
7212 [No response.]  
7213 Mr. Chabot?  
7214 Mr. Chabot. Aye.  
7215 Ms. Adcock. Mr. Chabot votes aye.  
7216 Mr. Issa?  
7217 Mr. Issa. Aye.  
7218 Ms. Adcock. Mr. Issa votes aye.  
7219 Mr. King?  
7220 Mr. King. Aye.  
7221 Ms. Adcock. Mr. King votes aye.  
7222 Mr. Franks?  
7223 [No response.]  
7224 Mr. Gohmert?  
7225 Mr. Gohmert. Aye.  
7226 Ms. Adcock. Mr. Gohmert votes aye.  
7227 Mr. Jordan?  
7228 Mr. Jordan. Yes.  
7229 Ms. Adcock. Mr. Jordan votes yes.  
7230 Mr. Poe?  
7231 [No response.]  
7232 Mr. Marino?

7233 Mr. Marino. Yes.

7234 Ms. Adcock. Mr. Marino votes yes.

7235 Mr. Gowdy?

7236 [No response.]

7237 Mr. Labrador?

7238 Mr. Labrador. Yes.

7239 Ms. Adcock. Mr. Labrador votes yes.

7240 Mr. Farenthold?

7241 [No response.]

7242 Mr. Collins?

7243 Mr. Collins. Aye.

7244 Ms. Adcock. Mr. Collins votes aye.

7245 Mr. DeSantis?

7246 Mr. DeSantis. Aye.

7247 Ms. Adcock. Mr. DeSantis votes aye.

7248 Mr. Buck?

7249 Mr. Buck. Aye.

7250 Ms. Adcock. Mr. Buck votes aye.

7251 Mr. Ratcliffe?

7252 Mr. Ratcliffe. Yes.

7253 Ms. Adcock. Mr. Ratcliffe votes yes.

7254 Mrs. Roby?

7255 Mrs. Roby. Aye.

7256 Ms. Adcock. Mrs. Roby votes aye.

7257 Mr. Gaetz?

7258 Mr. Gaetz. Aye.

7259 Ms. Adcock. Mr. Gates votes aye.

7260 Mr. Johnson of Louisiana?

7261 [No response.]

7262 Mr. Biggs?

7263 Mr. Biggs. Aye.

7264 Ms. Adcock. Mr. Biggs votes aye.

7265 Mr. Rutherford?

7266 Mr. Rutherford. Aye.

7267 Ms. Adcock. Mr. Rutherford votes aye.

7268 Mrs. Handel?

7269 Mrs. Handel. Aye.

7270 Ms. Adcock. Mrs. Handel votes aye.

7271 Mr. Nadler?

7272 Mr. Nadler. No.

7273 Ms. Adcock. Mr. Nadler votes no.

7274 Mr. Conyers?

7275 [No response.]

7276 Ms. Lofgren?

7277 Ms. Lofgren. No.

7278 Ms. Adcock. Ms. Lofgren votes no.

7279 Ms. Jackson Lee?

7280 [No response.]

7281 Mr. Cohen?

7282 Ms. Jackson Lee. How am I recorded?

7283 Ms. Adcock. Not recorded.

7284 Ms. Jackson Lee. No.

7285 Ms. Adcock. Ms. Jackson Lee votes no.

7286 Mr. Cohen?

7287 Mr. Cohen. No.

7288 Ms. Adcock. Mr. Cohen votes no.

7289 Mr. Johnson of Georgia?

7290 [No response.]

7291 Mr. Deutch?

7292 Mr. Deutch. No.

7293 Ms. Adcock. Mr. Deutch votes no.

7294 Mr. Gutierrez?

7295 [No response.]

7296 Ms. Bass?

7297 [No response.]

7298 Mr. Richmond?

7299 [No response.]

7300 Mr. Jeffries?

7301 [No response.]

7302 Mr. Cicilline?

7303 Mr. Cicilline. No.

7304 Ms. Adcock. Mr. Cicilline votes no.

7305 Mr. Swalwell?

7306 Mr. Swalwell. No.

7307 Ms. Adcock. Mr. Swalwell votes no.

7308 Mr. Lieu?

7309 Mr. Lieu. No.

7310 Ms. Adcock. Mr. Lieu votes no.

7311 Mr. Raskin?

7312 Mr. Raskin. No.

7313 Ms. Adcock. Mr. Raskin votes no.

7314 Ms. Jayapal?

7315 [No response.]

7316 Mr. Schneider?

7317 Mr. Schneider. No.

7318 Ms. Adcock. Mr. Schneider votes no.

7319 Chairman Goodlatte. The gentleman from Arizona?

7320 Mr. Franks. Aye.

7321 Ms. Adcock. Mr. Franks votes aye.

7322 Chairman Goodlatte. The gentleman from Georgia?

7323 Mr. Johnson of Georgia. No.

7324 Ms. Adcock. Mr. Johnson votes no.

7325 Chairman Goodlatte. The gentleman from Louisiana?

7326 Mr. Johnson of Louisiana. Yes.

7327 Ms. Adcock. Mr. Johnson votes yes.

7328 Chairman Goodlatte. Has every member voted who wishes

7329 to vote? The clerk will report.

7330 Ms. Adcock. Mr. Chairman, 19 members voted aye; 11

7331 members voted no.

7332 Chairman Goodlatte. The ayes have it. The bill is

7333 ordered reported favorably to the House. Members will have  
7334 2 days to submit views. And, without objection, the bill  
7335 will be reported as a single amendment in the nature of a  
7336 substitute incorporating all adopted amendments and staff is  
7337 authorized to make technical and conforming changes.

7338 Pursuant to notice, I now call up H.R. 4477 for  
7339 purposes of markup and move that the committee report the  
7340 bill favorably to the House. The clerk will report the  
7341 bill.

7342 Ms. Adcock. H.R. 4477. "To enforce current law  
7343 regarding the National Instant Criminal Background Check  
7344 System."

7345 [The bill follows:]

7346 \*\*\*\*\* INSERT 25 \*\*\*\*\*



7347 Chairman Goodlatte. Without objection, the bill is  
7348 considered as read and open for an amendment at any time,  
7349 and I will begin by recognizing myself for an opening  
7350 statement.

7351 In order to purchase a firearm from a Federal firearms  
7352 dealer in the United States, an individual must undergo a  
7353 National Instant Criminal Background Check System, or NICS,  
7354 check administered by the Federal Bureau of Investigation.  
7355 A NICS check includes a query of three databases maintained  
7356 by the FBI.

7357 If a NICS check identifies a person as falling within a  
7358 prohibited category, the FBI advises the firearms dealer  
7359 that the transfer is denied. Our NICS system is only as  
7360 good as the information that resides within it.  
7361 Unfortunately, records in the NICS prohibited individuals  
7362 are incomplete. In 2007, we tragically learned what can  
7363 happen when all the relevant information is not properly  
7364 uploaded into NICS.

7365 On April 16, 2007, on the campus of Virginia Tech, a  
7366 student shot and murdered 32 people and wounded 17 others in  
7367 two separate attacks. Prior to these horrific events, the  
7368 shooter had been adjudicated mentally ill and ordered to  
7369 attend treatment. This adjudication should have barred him  
7370 from purchasing the firearms used in the attacks.

7371 However, the State did not report the legal status of

7372 the murderer to NCIS. In response, Congress passed and the  
7373 President signed the NICS Improvement Amendments Act of  
7374 2007. The NIAA sought to address the gaps in information  
7375 available to NICS about such prohibiting mental health  
7376 adjudications and commitments and other prohibiting  
7377 backgrounds.

7378 Filling these information gaps was intended to better  
7379 enable the system to operate as intended to keep laws out of  
7380 the hands of persons prohibited by Federal or State law from  
7381 receiving or possessing firearms.

7382 A decade later, all of the relevant prohibiting  
7383 information is still not available in the NICS system.  
7384 Earlier this month, a mass shooting occurred at the First  
7385 Baptist Church in Sutherland Springs, Texas. The gunman  
7386 murdered 26 and injured 20 others. The perpetrator was  
7387 prohibited by law from purchasing or possessing firearms and  
7388 ammunition due to a domestic violence conviction.

7389 Unlike the Virginia Tech shooting, the shooter in this  
7390 instance had been convicted before a Federal tribunal. He  
7391 was found guilty during a court martial while in the United  
7392 States Air Force. However, the Air Force failed to record  
7393 the conviction in the FBI NCIC database. The Fix NICS Act  
7394 before us today will plug the holes and allow these  
7395 convictions to go unreported in NICS.

7396 Among other things, the bill requires all Federal

7397 agencies to certify twice per year that they are uploading  
7398 criminal records information to NICS and requires them to  
7399 establish an implementation plan to ensure maximum  
7400 coordination and reporting of records.

7401       The bill holds Federal agencies accountable for failing  
7402 to upload records by requiring the attorney general to  
7403 publish on the Department of Justice website and report to  
7404 Congress the status of any agency that has failed to submit  
7405 the required certification or failed to comply with its  
7406 implementation plan.

7407       Finally, the bill reauthorizes the NICS Record  
7408 Improvement Program and the National Criminal History  
7409 Improvement Program. I urge my colleagues to support this  
7410 legislation. It is now my pleasure to recognize ranking  
7411 member of the Judiciary Committee, the gentleman from New  
7412 York, Mr. Nadler, for his opening statement.

7413       [The prepared statement of Chairman Goodlatte follows:]

7414 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7415 Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman, I  
7416 support the Fix NICS Act as a sensible step to improve our  
7417 national firearms background check system. When we enacted  
7418 the Brady Act in 1994, we evolved from a waiting period  
7419 based system to one that has establish so called instant  
7420 check through the National Instant Criminal Background Check  
7421 System, what we now call the NICS.

7422 When a licensed gun dealer runs a check on a  
7423 prospective gun purchaser, that check is ultimately  
7424 conducted through the NICS and the various constituent  
7425 Federal and State databases in the NICS. If the check  
7426 reveals that purchase is prohibited under Federal law from  
7427 purchasing and possessing firearms, the sale should be  
7428 denied. Of course, it was always apparent that this system  
7429 would only be as effective as the information reported to  
7430 and contained in the NICS.

7431 With a national background check system was instituted,  
7432 we established the National Criminal History Record  
7433 Improvement Program, NCHIP, the help States automate  
7434 criminal history record case dispositions, many of which  
7435 were still record only on paper and were filed away in  
7436 courthouses across the country.

7437 Although that program has been helpful in making  
7438 progress toward a seamless background check system, there  
7439 have been numerous other obstacles. One such problem was

7440 illustrated by the shooting deaths of 32 people at Virginia  
7441 Tech in 2007. The young student was able to purchase a  
7442 firearm from a gun dealer because his prohibiting mental  
7443 health record had not been reported to the NICS system.

7444 In response, we enacted the NICS Improvement Amendments  
7445 Act in 2008 to encourage the submission of mental health  
7446 records to the NICS and to direct Federal agencies to ensure  
7447 that they submit to the system all relevant records in their  
7448 possession. That law also established the NICS Act Record  
7449 Improvement Program, otherwise known as NARIP, to help  
7450 States collect and submit records to the NICS.

7451 Now, after the Sutherland Springs, Texas shooting on  
7452 November 5th, it is apparent that there continue to be  
7453 dangerous gaps in reporting to the system. The Air Force  
7454 had failed to report the court martial conviction of Devin  
7455 Kelley for domestic abuse against his wife and child.  
7456 Subsequently, Kelley was able to purchase firearms from a  
7457 gun dealer after passing a background check he should have  
7458 failed, and he subsequently shot and killed 26 people.

7459 In response, we have the Fix NICS Act before us today.  
7460 The bill would take a number of steps to address the  
7461 shortcomings with the NCIS system. They would require  
7462 Federal agencies to certify twice a year, that they are  
7463 uploading relevant records to the NICS and would require  
7464 agencies to establish implementation plans for submitting

7465 their recodes. It would reauthorize the NCHIP and NARIP  
7466 programs.

7467 It would incentive States to specify which records  
7468 submitted constitute disqualifying domestic violence records  
7469 so that background checks may be processed more quickly when  
7470 such records are encountered, and it would require that  
7471 plans be established for each State to ensure that they  
7472 submit relevant records to the NICS with grand preferences  
7473 for States who comply with their plans.

7474 These are all sound steps, which I hope will increase  
7475 reporting of records to the NICS and will make the system  
7476 more effective. Accordingly, I will support this bill.  
7477 However, the logic of increasing reporting to the system to  
7478 reduce gaps in the system, also extends to the need to  
7479 expand the background check requirement to all commercial  
7480 sales, not just sales by license gun dealers. We know that  
7481 a large percentage of all gun sales proceed without a  
7482 background check through the NICS. It is every bit as  
7483 urgent that we close that massive loophole, which is much  
7484 more than a gap in the system.

7485 I look forward to addressing this issue as well as  
7486 other legislation to strengthen our gun laws to make our  
7487 citizens safer. Finally, I note that the last section of  
7488 the bill would direct the Justice Department to report to  
7489 Congress the number of instances in which bump stock devices

7490 have been used in a crime.

7491 I believe we should remove this provision from the  
7492 bill. It is no substitute for doing what we now know what  
7493 must be done. Ban these devices, ban the bump stocks, which  
7494 when added to a semiautomatic rifle, allow it to be fired at  
7495 a much higher rate, sometimes approximating full automatic  
7496 fire.

7497 The ATF has told members of staff that they do not have  
7498 the authority to ban these devices through classification or  
7499 administrative action. So, it is up to us and we certainly  
7500 should not wait for the results of a report before taking  
7501 action. We already know how dangerous they are. I ask my  
7502 colleagues to join me in supporting this bill today and,  
7503 perhaps more importantly, in working with me on these other  
7504 measures in the future. I thank you and I yield back the  
7505 balance of my time.

7506 [The prepared statement of Mr. Nadler follows:]

7507 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7508 Chairman Goodlatte. Thank you, Mr. Nadler. Are there  
7509 any amendments to H.R. 4477? I am going to go with the  
7510 gentlewoman from Georgia.

7511 Mrs. Handel. Thank you.

7512 Chairman Goodlatte. You two talk, because I think you  
7513 have similar amendments.

7514 Chairman Goodlatte. Okay.

7515 Mrs. Handel. Mr. Chairman, I have an amendment to the  
7516 bill.

7517 Chairman Goodlatte. The clerk will report the  
7518 amendment.

7519 Mrs. Handel. Is the clerk at the desk? Has it not  
7520 come out?

7521 Chairman Goodlatte. It is on the way.

7522 Mrs. Handel. It is on the way. Okay. Ready? Yeah.  
7523 Thank you. Thank you.

7524 Ms. Adcock. Amendment to H.R. 4477 offered by Mrs.  
7525 Handel of Georgia. Page 17 --

7526 [The amendment of Mrs. Handel follows:]

7527 \*\*\*\*\* INSERT 26 \*\*\*\*\*



7528 Chairman Goodlatte. Without objection, the amendment  
7529 is considered as read and the gentlewoman is recognized for  
7530 5 minutes on her amendment.

7531 Mrs. Handel. Thank you, Mr. Chairman. I support this  
7532 bill wholeheartedly. It strengthens NICS and injects some  
7533 much-needed accountability into the entire system. However,  
7534 in the aftermath of the evil act perpetrated in Las Vegas  
7535 last month, it is abundantly clear that bump stocks have  
7536 become a topic of very high conversation in the overall  
7537 debate about firearms.

7538 This amendment would instruct the Attorney General to  
7539 report to Congress on the number of instances in which a  
7540 bump stock has actually been used in the commission of a  
7541 crime and the specific type of firearms with which the bump  
7542 stocks has been used in the course of criminal activity.

7543 Additionally, the Attorney General would be required to  
7544 report back to Congress with an opinion on whether the use  
7545 of bump stocks in criminal activity is already covered under  
7546 law. It is important that Congress fully understand this  
7547 issue and this amendment will help us gather the relevant  
7548 and much needed information so that we can act prudently and  
7549 expeditiously in the best interest of the people and with  
7550 that Mr. Chairman, I yield back.

7551 Chairman Goodlatte. The chair thanks the gentlewoman.  
7552 For what purpose does the gentleman from New York seek

7553 recognition?

7554 Mr. Nadler. I move to strike the last word.

7555 Chairman Goodlatte. The gentleman is recognized for 5  
7556 minutes.

7557 Mr. Nadler. Mr. Chairman, I oppose this amendment.

7558 Mrs. Handel is quite correct. The bump stocks are very  
7559 dangerous, as we mentioned before. But at this point, to  
7560 contemplate our navels by asking for a report on what we  
7561 already know, namely that bump stocks are extremely  
7562 dangerous, that they turn semiautomatic weapons essentially  
7563 into automatic weapons, which have been banned since the  
7564 1930s is absurd. It is either irresponsible or a method of  
7565 evading what we should do, which is to ban the bump stocks.

7566 There is no function for a bump stock other than to  
7567 turn a legal weapon into the equivalent of an illegal  
7568 weapon, namely a fully automatic rifle. We have seen the  
7569 results of bump stocks. We ought to eliminate them. They  
7570 serve no function whatsoever.

7571 You do not hunt deer with bump stocks. You do not  
7572 protect your home from thieves with bump stocks. We have  
7573 made a decision back in the 1930s, which no one, to my  
7574 knowledge, has ever contested, that we do not want automatic  
7575 weapons and machine guns into the hands of people other than  
7576 the military.

7577 Bump stocks essentially are a clever way around that.

7578 And we should not study them. Now, that we know what they  
7579 do, now that we know two things that the public did not know  
7580 basically a year ago, less than a year ago, a) that they  
7581 exist, and b) what they do. We should ban them, which I  
7582 think we are going to have an amendment to do. And it is  
7583 simply disingenuous at this point to order a study. We know  
7584 the results of a study. We do not need a study. We do not  
7585 want a study. And it is just an excuse for evading action  
7586 when action is required.

7587 Chairman Goodlatte. Will the gentleman yield?

7588 Mr. Nadler. Sure.

7589 Chairman Goodlatte. I appreciate the gentleman  
7590 yielding. You say we do not need a study. We know the  
7591 results of the study. Can you answer question number one  
7592 there? "Specify the number of instances in which a bump  
7593 stock has been used in the commission of the crime in the  
7594 United States?"

7595 Mr. Nadler. Reclaiming my time. No, I cannot answer  
7596 the amount of times, but I know the answer to the more  
7597 important question. It ought never be used. We know at  
7598 least one, and that is one too many. There is no legitimate  
7599 function for a bump stock whatsoever. The only function of  
7600 a bump stock is to take a semiautomatic weapon, which we  
7601 allow to be sold, and turn it into an automatic weapon,  
7602 which we have banned in this country since the 1930s. There

7603 is no function.

7604 How many times this evasion of the criminal law has  
7605 been used to effect the criminal end is not the question.  
7606 We ought to stop it, whether it is one, or 100, or 1  
7607 million, it ought to be stopped. I yield back.

7608 Chairman Goodlatte. The question occurs on the  
7609 amendment offered by the gentlewoman from Georgia.

7610 All those in favor, respond by saying aye.

7611 Those opposed, no.

7612 In the opinion of the chair, the ayes have it. A  
7613 recorded vote is requested. The clerk will call the roll.

7614 Ms. Adcock. Mr. Goodlatte?

7615 Chairman Goodlatte. Aye.

7616 Ms. Adcock. Mr. Goodlatte votes aye.

7617 Mr. Sensenbrenner?

7618 [No response.]

7619 Mr. Smith?

7620 [No response.]

7621 Mr. Chabot?

7622 Mr. Chabot. Aye.

7623 Ms. Adcock. Mr. Chabot votes aye.

7624 Mr. Issa?

7625 [No response.]

7626 Mr. King?

7627 Mr. King. No.

7628 Ms. Adcock. Mr. King votes no.  
7629 Mr. Franks?  
7630 [No response.]  
7631 Mr. Gohmert?  
7632 Mr. Gohmert. No.  
7633 Ms. Adcock. Mr. Gohmert votes no.  
7634 Mr. Jordan?  
7635 Mr. Jordan. No.  
7636 Ms. Adcock. Mr. Jordan votes no.  
7637 Mr. Poe?  
7638 [No response.]  
7639 Mr. Marino?  
7640 Mr. Marino. No.  
7641 Ms. Adcock. Mr. Marino votes no.  
7642 Mr. Gowdy?  
7643 [No response.]  
7644 Mr. Labrador?  
7645 [No response.]  
7646 Mr. Farenthold?  
7647 [No response.]  
7648 Mr. Collins?  
7649 Mr. Collins. Aye.  
7650 Ms. Adcock. Mr. Collins votes aye.  
7651 Mr. DeSantis?  
7652 [No response.]

7653 Mr. Buck?

7654 Mr. Buck. No.

7655 Ms. Adcock. Mr. Buck votes no.

7656 Mr. Ratcliffe?

7657 [No response.]

7658 Mrs. Roby?

7659 [No response.]

7660 Mr. Gaetz?

7661 [No response.]

7662 Mr. Johnson of Louisiana?

7663 Mr. Johnson of Louisiana. No.

7664 Ms. Adcock. Mr. Johnson votes no.

7665 Mr. Biggs?

7666 Mr. Biggs. No.

7667 Ms. Adcock. Mr. Biggs votes no.

7668 Mr. Rutherford?

7669 Mr. Rutherford. Yes.

7670 Ms. Adcock. Mr. Rutherford votes yes.

7671 Mrs. Handel?

7672 Mrs. Handel. Yes.

7673 Ms. Adcock. Mrs. Handel votes yes.

7674 Mr. Nadler?

7675 Mr. Nadler. No.

7676 Ms. Adcock. Mr. Nadler votes no.

7677 Mr. Conyers?

7678 [No response.]

7679 Ms. Lofgren?

7680 Ms. Lofgren. No.

7681 Ms. Adcock. Ms. Lofgren votes no.

7682 Ms. Jackson Lee?

7683 [No response.]

7684 Mr. Cohen?

7685 Mr. Cohen. No.

7686 Ms. Adcock. Mr. Cohen votes no.

7687 Mr. Johnson of Georgia?

7688 [No response.]

7689 Mr. Deutch?

7690 [No response.]

7691 Mr. Gutierrez?

7692 [No response.]

7693 Ms. Bass?

7694 [No response.]

7695 Mr. Richmond?

7696 [No response.]

7697 Mr. Jeffries?

7698 [No response.]

7699 Mr. Cicilline?

7700 Mr. Cicilline. No.

7701 Ms. Adcock. Mr. Cicilline votes no.

7702 Mr. Swalwell?

7703 Mr. Swalwell. Aye.

7704 Ms. Adcock. Mr. Swalwell votes aye.

7705 Mr. Lieu?

7706 Mr. Lieu. Aye.

7707 Ms. Adcock. Mr. Lieu votes aye.

7708 Mr. Raskin?

7709 Mr. Raskin. No.

7710 Ms. Adcock. Mr. Raskin votes no.

7711 Ms. Jayapal?

7712 [No response.]

7713 Mr. Schneider?

7714 Mr. Schneider. Aye.

7715 Ms. Adcock. Mr. Schneider votes aye.

7716 Mr. Poe. No.

7717 Ms. Adcock. Mr. Poe votes no.

7718 Mr. Labrador. No.

7719 Ms. Adcock. Mr. Labrador votes no.

7720 Mr. Raskin. Excuse me, Mr. Chairman? How is Mr.

7721 Raskin recorded?

7722 Ms. Adcock. No.

7723 Mr. Raskin. I would like to be recorded aye.

7724 Mr. Cicilline. Mr. Chairman, I would also like to be

7725 recorded as aye.

7726 Chairman Goodlatte. The clerk will report. The clerk

7727 will suspend.



7728 Ms. Lofgren. Mr. Chairman?

7729 Chairman Goodlatte. Yes.

7730 Ms. Lofgren. How am I recorded?

7731 Chairman Goodlatte. The clerk needs to answer the  
7732 question of the gentlewoman from --

7733 Ms. Adcock. No.

7734 Ms. Lofgren. I will vote aye.

7735 Chairman Goodlatte. Has every member voted who wishes  
7736 to vote? The clerk will report.

7737 Ms. Adcock. Mr. Chairman, 12 members voted aye, 12  
7738 members voted no.

7739 Chairman Goodlatte. The amendment is not agreed to.  
7740 Are there further amendments to H.R. 4477?

7741 Mr. Swalwell. Mr. Chairman, I have an amendment at the  
7742 desk.

7743 Chairman Goodlatte. The clerk will report the  
7744 amendment of the gentleman from California.

7745 Ms. Adcock. Amendment to H.R. 4477 offered by Mr.  
7746 Cicilline of Rhode Island.

7747 Chairman Goodlatte. The clerk will clarify the  
7748 recordation of the vote.

7749 Ms. Adcock. 12 members voted aye, 10 members voted no.

7750 Chairman Goodlatte. On that basis, the amendment is  
7751 agreed to.

7752 Mr. Poe. Mr. Chairman, I have a parliamentary inquiry.

7753 Chairman Goodlatte. The gentleman will state his  
7754 parliamentary inquiry.

7755 Mr. Poe. How come it was 12 to 12 and now it is 12 to  
7756 10? We have got three people counting over there. Can that  
7757 be explained?

7758 Chairman Goodlatte. I can only explain it on the basis  
7759 on the clerk sometimes making an error and apparently she  
7760 did in this case.

7761 Mr. Nadler. Three people made the same error?

7762 Chairman Goodlatte. We can vote again, if you would  
7763 like to vote again. We can certainly do that.

7764 Mr. Poe. I just would like an answer to that question.  
7765 Did we lose two votes? Did two people disappear?

7766 Chairman Goodlatte. I think there was miscommunication  
7767 amongst the three members of the panel there, and it is  
7768 regrettable because they do a good job most of the time.  
7769 But, apparently, there was a miscalculation there. Several  
7770 people changed their votes, and apparently that did not --

7771 Mr. Poe. Not to belabor the point, but there were 24  
7772 votes, but now there are 22 votes.

7773 Chairman Goodlatte. And there only were 22 people  
7774 voting, so that is --

7775 Mr. Poe. Okay. All right, thank you, Mr. Chairman.

7776 Chairman Goodlatte. Sure. I think he has got it.

7777 Mr. Poe. I am fine.

7778 Chairman Goodlatte. Anyway, the amendment is adopted,  
7779 12 to 10. And now, we are considering the amendment offered  
7780 by the gentleman from California, Mr. Swalwell, and the  
7781 clerk will report the amendment.

7782 Ms. Adcock. Cicilline?

7783 Chairman Goodlatte. Okay, we are doing Mr. Cicilline  
7784 now. All right.

7785 Ms. Adcock. Amendment to H.R. 4477 offered by Mr.  
7786 Cicilline of Rhode Island. Add at the end the following:  
7787 section 7, prevalidation of records. Section 101(a)(4) of  
7788 the NICS Improvement Act of 2007 is amended by adding at the  
7789 end the following: prevalidation of records. If a Federal  
7790 department or agency under subparagraph A has any record of  
7791 any person demonstrating that the person falls within one of  
7792 the categories described in subsection G(1), G(8), G(9) or  
7793 end of section 922 of Title XVIII United States code, the  
7794 head of such department or agencies shall, not less  
7795 frequently than quarterly, prevalidate the contents of the  
7796 prohibiting record by using the identification for firearm  
7797 sales, flag, or Brady indicator. Or making such records  
7798 available in the NICS index for persons who have been  
7799 convicted in any court of a crime punishable by imprisonment  
7800 for a term exceeding one year, or a misdemeanor crime of  
7801 domestic violence, or are subject to a disqualifying  
7802 protection order.

7803           The FBI shall not construe a Federal department or  
7804 agency's decision not to --

7805           Mr. Cicilline. Mr. Chairman, I am asking unanimous  
7806 consent that we dispense with the reading of this very  
7807 excellent amendment.

7808           [The amendment of Mr. Cicilline follows:]

7809           \*\*\*\*\* INSERT 27 \*\*\*\*\*

7810 Chairman Goodlatte. Scintillating, but, without  
7811 objection, the amendment will be considered as read, and the  
7812 gentleman is recognized for 5 minutes.

7813 Mr. Cicilline. Thank you, Mr. Chairman. Mr. Chairman,  
7814 when the NICS database contains up-to-date and accurate  
7815 records, it can work efficiently to prevent criminals,  
7816 domestic abusers, and the seriously mentally ill from  
7817 obtaining firearms. My amendment to the Fix NICS Act would  
7818 help make sure that the NICS system is even more effective  
7819 by requiring that Federal agencies prevalidate certain  
7820 records indicating a person should be barred from purchasing  
7821 or owning a firearm.

7822 A licensed firearm dealer running a background check  
7823 may transfer a firearm to a person if the dealer has not  
7824 received a response within 3 business days from the NICS  
7825 system. However, the background check process can take much  
7826 longer than 3 days for certain categories of prohibitive  
7827 persons. For example, in order to deny a firearm transfer  
7828 to a person with a domestic violence conviction or  
7829 protection order, NICS system officials must ensure that  
7830 several criteria are met. These criteria include confirming  
7831 the crime involves an element of force and that there was a  
7832 relationship between the offender and the victim.

7833 Another challenge regarding these kind of records is  
7834 that States differ on which criminal offenses should be

7835 could be considered a misdemeanor domestic violence  
7836 conviction. Some States have assault, battery, or  
7837 disturbing the peace offenses; other States have specific  
7838 domestic violence offenses. Background checks that involve  
7839 multiple criteria or State-specific offenses can lengthen  
7840 the background check process because of necessary  
7841 coordination with local agencies to obtain relevant  
7842 information.

7843 Federal and State agencies can submit prevalidated  
7844 records to the NICS system by identifying domestic violence  
7845 convictions and protection orders that are entered into the  
7846 NICS database and proactively flagging these records as  
7847 prohibiting. Prevalidated records can significantly  
7848 expedite NICS checks because they can be used to immediately  
7849 deny an unlawful firearm transfer and allow NICS officials  
7850 to bypass the additional time necessary to identify  
7851 prohibiting criteria. Therefore, it is encouraging that our  
7852 Senate colleagues arrived at a bipartisan solution to  
7853 improving the NICS system in the Fix NICS Act, which  
7854 specifically addresses prevalidation.

7855 The Fix NICS Act would incentivize prevalidation by  
7856 authorizing the head of each Federal agency to establish a  
7857 plan to ensure the accuracy of records submitted to NICS,  
7858 including the prevalidation of those records. While I  
7859 commend my Senate colleagues for developing a prevalidation

7860 standard, I believe the language on prevalidation in the Fix  
7861 NICS Act could be even stronger.

7862       Instead of making this practice voluntary, my amendment  
7863 would require Federal agencies to prevalidate disqualifying  
7864 domestic violence convictions, felony convictions, and  
7865 protection order records. Creating an across the board  
7866 standard will lead to more timely and accurate NICS checks  
7867 and, importantly, keep guns out of the hands of domestic  
7868 abusers and violent persons.

7869       The gunmen in Sutherland Springs, Texas and Charleston,  
7870 South Carolina were able to illegally purchase firearms  
7871 because of serious reporting gaps in the NICS system. The  
7872 more we implement vital tools to bolster prompt NICS  
7873 compliance, such as the prevalidation of records, the more  
7874 the our broad contracts system will stop dangerous people  
7875 from walking out of a gun store with an illegally obtained  
7876 weapon. And I urge my colleagues to support this amendment.

7877       Chairman Goodlatte. The chair recognizes himself in  
7878 opposition to the amendment. I appreciate the gentleman's  
7879 intent, but I think that the bill already includes a  
7880 strengthening of addressing the very problem that the  
7881 gentleman wants to address. And, frankly, I think this  
7882 could make the situation worse by requiring more input from  
7883 people that are not doing enough to put input into it now.  
7884 So, I think the "Fix-It" is in the bill, is a better

7885 approach to this than this, which I think is regulatory  
7886 overkill. So, I would oppose the gentleman's amendment.

7887 I would be happy to work with the gentleman if he wants  
7888 to withdraw it and work with us as we go to the floor to see  
7889 if there is a way to do some of this or marry this up with  
7890 the language that is the legislation already. But, that is  
7891 the best I can do at this point.

7892 Mr. Cicilline. Mr. Chairman, if the chairman is  
7893 willing to work with me to try to strengthen this  
7894 prevalidation requirement, I am happy to withdraw my  
7895 amendment.

7896 Chairman Goodlatte. We will work on it with you, thank  
7897 you. Without objection, the amendment is withdrawn. Are  
7898 there further amendments to H.R. 4477?

7899 Mr. Swalwell. Mr. Chairman?

7900 Chairman Goodlatte. I have an amendment at the desk.  
7901 The clerk will report the amendment.

7902 Ms. Adcock. Amendment to H.R. 4477 offered by Mr.  
7903 Goodlatte. Page 9, line 12: strike reauthorization of --

7904 [The amendment of Chairman Goodlatte follows:]

7905 \*\*\*\*\* INSERT 28 \*\*\*\*\*



7906 Chairman Goodlatte. Without objection, the amendment  
7907 is considered as read, and I will recognize myself for 5  
7908 minutes to explain the amendment.

7909 So these are a long series of technical corrections,  
7910 but I do not have the explanation here in front of me. So  
7911 we will go on to another amendment and return to this  
7912 amendment.

7913 The gentleman from California.

7914 Mr. Swalwell. Mr. Chairman, I have an amendment at the  
7915 desk.

7916 Chairman Goodlatte. The clerk will report the  
7917 amendment.

7918 Mr. Swalwell. Thirty, No. 30.

7919 Chairman Goodlatte. The clerk will report the  
7920 amendment.

7921 Ms. Adcock. Amendment to H.R. 4477, offered by Mr.  
7922 Swalwell of California. At the end of the bill, add the  
7923 following: GAO evaluation effectiveness of this act. In --

7924 [The amendment of Mr. Swalwell follows:]

7925 \*\*\*\*\* INSERT 29 \*\*\*\*\*

7926 Chairman Goodlatte. Without objection, the amendment  
7927 is considered as read, and the gentleman is recognized for 5  
7928 minutes on his amendment.

7929 Mr. Swalwell. Thank you, Mr. Chairman. I am  
7930 encouraged that we have already made bipartisan amending  
7931 this bill. I hope we can continue to do that. My amendment  
7932 would require an analysis and report of the bill's  
7933 effectiveness, including recommendations for improvements by  
7934 the GAO, the Government Accountability Office.

7935 I do want to thank the chairman for quickly bringing  
7936 this bill to improve background checks to markup.  
7937 Background checks imposed by the 1993 Brady Act has stopped  
7938 more than 3 million weapons sales to ineligible people like  
7939 dangerous felons and the mentally ill. The bottom line is  
7940 that background checks work.

7941 Under our background check system, a licensed dealer  
7942 checks a prospective purchaser for the National Instant  
7943 Criminal Background Check System, NICS. If and when the  
7944 person is checked against the system, a record is found that  
7945 they are not allowed to purchase a firearm they are supposed  
7946 to be denied.

7947 However, we have seen tragic results when this does not  
7948 occur. Just last month, Devin Kelley shot and murdered 26  
7949 people at a church in Texas. He had a domestic violence  
7950 conviction, which should have prohibited him from purchasing

7951 a firearm, but the Air Force failed to submit that to the  
7952 FBI.

7953         The Fix NICS Act would improve the background checks we  
7954 do have by reauthorizing two programs that provide funds to  
7955 States to upload criminal records to NICS. Additionally, it  
7956 would require Federal agencies to develop a plan to ensure  
7957 they are doing all they can to submit records to NICS.

7958         Further, it would require the Attorney General to  
7959 develop similar plans for each State.

7960         Before I get to my amendment, I would be remiss if I  
7961 did not mention here what this bill does not do. While it  
7962 is hard to disagree with the idea of improving the data in  
7963 NICS, many people believe, on both sides of the aisle, that  
7964 only requiring background checks for sales by licensed  
7965 dealers leaves major loopholes. People who go to gun shows  
7966 or to online, or buy from anyone else, are not subject to a  
7967 background check. That is a huge loophole that needs to be  
7968 closed.

7969         Upwards of 90 percent of Americans agree we need  
7970 universal background checks, and I urge the majority of move  
7971 on legislation to provide for such checks as soon as  
7972 possible. But while it does not go far enough, this bill  
7973 would improve the background checks we do have. My  
7974 amendment would require a review by the independent, non-  
7975 partisan GAO, of the effectiveness of the bill and provide a

7976 report to Congress within 5 years. The report would include  
7977 its findings as well as recommendations on further reforms  
7978 that should be made to improve the data in the NICS system.  
7979 Such recommendations will help Congress refine this bill  
7980 over time and improve NICS.

7981 My amendment, then, is intended to strengthen the bill  
7982 and further its intent. I ask my colleagues to support it,  
7983 and I yield back.

7984 Chairman Goodlatte. The chair recognizes himself. I  
7985 think the gentleman has another amendment involving yet  
7986 another study that we are prepared to accept. But this one  
7987 is a study of a bill that has not even become law yet, that  
7988 requires that it report 5 years from now. I think that is  
7989 premature at best, and I would ask the gentleman to withdraw  
7990 the amendment, or I would oppose it just because it seems  
7991 like it is getting way down the -- I want to study the  
7992 effectiveness of what we are doing, but I think this is  
7993 premature.

7994 Mr. Swalwell. Would the chairman yield?

7995 Chairman Goodlatte. Within 5 years of the enactment of  
7996 this --

7997 Mr. Swalwell. Would the chairman yield?

7998 Chairman Goodlatte. I would be happy to yield.

7999 Mr. Swalwell. I do appreciate the chairman and his  
8000 staff working with us on amendment 31, which I believe is

8001 what you are referring to, and I would withdraw this one,  
8002 and move to consideration of amendment 31.

8003 Chairman Goodlatte. Thank you. Let's consider  
8004 amendment 31 then. Clerk will report the amendment of the  
8005 gentleman from California.

8006 Ms. Adcock. Amendment to H.R. 4477, offered by Mr.  
8007 Swalwell of California. Page 4, line 18, after the period,  
8008 insert "the head of each Federal department or agency shall  
8009 update the plan biannually to the extent and -"

8010 [The amendment of Mr. Swalwell follows:]

8011 \*\*\*\*\* INSERT 30 \*\*\*\*\*

8012 Chairman Goodlatte. Without objection, the amendment  
8013 is considered as read and the gentleman is recognized for 5  
8014 minutes on his amendment.

8015 Mr. Swalwell. Thank you, Mr. Chairman. As I said when  
8016 I offered my previous amendment, a database is only as good  
8017 as the information in it, and NICS is no exception. And one  
8018 of the ways that this bill seeks to improve NICS is by  
8019 requiring Federal agencies to develop implementation plans  
8020 for how to ensure all of the relevant records are accurate  
8021 and submitted to NICS.

8022 Similar plans would be developed by the Attorney  
8023 General for each State. Plans would have mechanisms within  
8024 them on which the Attorney General could measure annual  
8025 success. This amendment requires the Attorney General to  
8026 actually make an assessment every 2 years of the extent to  
8027 which the bill has resulted in improvements in the NICS  
8028 system. Then the Attorney General and Federal agencies  
8029 would use that assessment to update implementation plans to  
8030 the extent necessary.

8031 I urge all members to support my amendment.

8032 Chairman Goodlatte. Would the gentleman yield?

8033 Mr. Swalwell. Yes.

8034 Chairman Goodlatte. I thank the gentleman for  
8035 yielding. I think the National Instant Check System is an  
8036 important system that has saved lives, has prevented people

8037 who should not have firearms in their possession from  
8038 getting firearms. But I think there is a serious problem  
8039 with the system in terms of the States, and now we have  
8040 discovered at least one agency of the Federal Government not  
8041 putting appropriate information into the system. The system  
8042 does not work if you do not get the data in there.

8043 I think the Attorney General and others need to be more  
8044 diligent about overseeing the system to make sure that the  
8045 information is getting in there. So I think the gentleman's  
8046 amendment is a good one and I support it. I urge my  
8047 colleagues to do the same.

8048 Mr. Swalwell. Reclaiming my time and I will yield  
8049 back.

8050 Chairman Goodlatte. Thank you. A question occurs on  
8051 the amendment offered by the gentleman from California.

8052 All those in favor, respond by saying aye.

8053 Those opposed, no.

8054 In the opinion of the chair, the ayes have it, and the  
8055 amendment is agreed to.

8056 For what purpose does the gentleman from Rhode Island  
8057 seek recognition?

8058 Mr. Cicilline. Mr. Chairman, I have an amendment at  
8059 the desk.

8060 Chairman Goodlatte. The clerk will report the  
8061 amendment.

8062           Ms. Adcock. Amendment of H.R. 4477, offered by Mr.  
8063 Cicilline of Rhode Island. Page 17, line 16, insert after  
8064 "solicited," the following: section 108 --  
8065           [The amendment of Mr. Cicilline follows:]  
  
8066 \*\*\*\*\* INSERT 31 \*\*\*\*\*



8067 Chairman Goodlatte. Without objection, the amendment  
8068 is considered as read, and the gentleman is recognized for 5  
8069 minutes on his amendment.

8070 Mr. Cicilline. Thank you, Mr. Chairman, I again want  
8071 to commend my colleagues in the Senate for coming together  
8072 to draft the underlying bipartisan bill, the Fix NICS Act,  
8073 which will incentivize NICS compliance and create more  
8074 accountability for agencies who do not properly report  
8075 relevant records.

8076 I have introduced several pieces of legislation to keep  
8077 guns out of the hands of dangerous individuals. One such  
8078 bill, the Unlawful Gun Buyer Alert Act, which would  
8079 particularly improve the NICS compliance by adding a vital  
8080 safeguard when a firearm has transferred to a person who is  
8081 barred from possessing or buying a firearm. And that is why  
8082 I am offering this amendment.

8083 Before selling a firearm, a licensed firearm dealer  
8084 must run a background check using the NICS system, which  
8085 brings up any records indicating that the person may not be  
8086 allowed to buy a gun. If the dealer has not received a  
8087 response within 3 business days of initiating the  
8088 background, they are allowed to go through with the firearm  
8089 sale.

8090 The background check can be a lengthy process and the  
8091 FBI may make a denial determination after the 3-day waiting

8092 period and up to as many as 90 days after the background  
8093 check stars. If in that time, the FBI makes a denial  
8094 determination but finds that a firearm has still been  
8095 transferred to a prohibited person, they can refer these  
8096 cases to ATF for firearm retrieval. However, given its  
8097 limited funding and resources, ATF is not always able to  
8098 make timely firearm retrievals, increasing the risk that  
8099 prohibited persons can use a firearm in a dangerous crime or  
8100 in harming others.

8101         The importance of having an even stronger backstop for  
8102 unresolved background checks is made apparent by a 2016  
8103 report by the Government Accountability Office. The 2016  
8104 GAO report studied NICS checks between 2006 through 2015  
8105 that involve prohibiting domestic violence convictions and  
8106 protection orders.

8107         The GAO report found that, while 70 percent of these  
8108 checks were completed within 3 days, 30 percent of checks  
8109 were only resolved after 3 business days. And the GAO  
8110 report also found that about 6 percent of NICS checks  
8111 involving a disqualifying protection order were only denied  
8112 after the 3-day period.

8113         What happened as a result of the delayed denials is  
8114 alarming. Between 2006 and 2015, firearms were transferred  
8115 to about 6,700 persons with domestic violence convictions.  
8116 Firearms were also transferred to more than 500 individuals

8117 with prohibited protection orders. The individuals were  
8118 able to purchase guns even with laws on the books that  
8119 should have stopped the purchases from going through.

8120 There is a clear need for a stronger backstop when  
8121 individuals successfully make an illegal gun purchase. This  
8122 amendment would create exactly such a safeguard and  
8123 strengthen enforcement of the NICS system. If a person's  
8124 background check is denied after 3 business days, and a  
8125 firearm has been transferred to that person, the NICS system  
8126 would have to send a notification to the local FBI field  
8127 office and State and local law enforcement agencies.

8128 Notifying local FBI and police would importantly alert  
8129 law enforcement that an individual has illegally obtained a  
8130 firearm and may be a danger to themselves or others.  
8131 Notification of unlawful transfers would also allow these  
8132 agencies to share the burden of firearm retrieval with the  
8133 ATF and expedite their recovery.

8134 And I would ask my colleagues to support this  
8135 amendment.

8136 Chairman Goodlatte. Would the gentleman yield?

8137 Mr. Cicilline. Yes.

8138 Chairman Goodlatte. I thank the gentleman for  
8139 yielding. My complaint about the whole debate about gun  
8140 control has been that we have lots of laws on the book  
8141 already that are not being properly enforced, and people are

8142 getting firearms because the current system is not working  
8143 properly.

8144 This amendment would provide a simple straightforward  
8145 notification when it is discovered that someone has been  
8146 able to purchase a firearm that the law prohibits from  
8147 getting a firearm; and therefore, I think it is a good  
8148 amendment, and I support it and I urge my colleagues to do  
8149 the same.

8150 Mr. Cicilline. Thank you, Mr. Chairman.

8151 Chairman Goodlatte. A question occurs on the amendment  
8152 offered by the gentleman from Rhode Island.

8153 All those in favor, respond by saying aye.

8154 Those opposed, no.

8155 In the opinion of the chair, the ayes have it. The  
8156 amendment is agreed to.

8157 The chair recognizes himself for the purposes of  
8158 offering an amendment, and the clerk will report the  
8159 amendment.

8160 Ms. Adcock. Amendment to H.R. 4477, offered by Mr.  
8161 Goodlatte. Page 9, line 12, strike "reauthorization of,"  
8162 Page 10, lines 14 through 22, and insert the following.

8163 [The amendment of Chairman Goodlatte follows:]

8164 \*\*\*\*\* INSERT 32 \*\*\*\*\*

8165 Chairman Goodlatte. Without objection, the amendment  
8166 is considered as read, and I will recognize myself to  
8167 explain the amendment.

8168 This amendment assures that this legislation complies  
8169 with the House's cut-go protocol and reauthorizes funding  
8170 for two very important components at the Department of  
8171 Justice, the Bureau of Justice Statistics, and the National  
8172 Institute of Justice.

8173 This amendment also authorizes ample funding to carry  
8174 out the NICS Act Record Improvement Program and the National  
8175 Criminal History Improvement Program. Over the last 5  
8176 years, Congress has appropriated an average of \$59 million a  
8177 year for the NARIP and NCHIP programs. For each of the last  
8178 3 years, the amount appropriated has been \$73 million. This  
8179 amendment authorizes a total of \$100 million a year in  
8180 funding for these two programs; a 37 percent increase over  
8181 current funding levels, in keeping with Congress's practice  
8182 of allowing the Department of Justice flexibility to  
8183 allocate funds between these two programs in response to  
8184 demand.

8185 By fully offsetting the authorization for  
8186 appropriations in accordance with the cut-go protocol, this  
8187 amendment will make it more likely that these programs will  
8188 continue to receive the funding needed to support and  
8189 encourage State, tribal, and territorial efforts to improve

8190 the quality and timeliness of the criminal history records  
8191 that are so vital to the success of NICS.

8192 In addition, because research is so critical to the  
8193 development of sound criminal justice policy, this amendment  
8194 reauthorizes two of the Department of Justice's flagship  
8195 research entities. The National Institute of Justice is the  
8196 research, development, and evaluation agency of the U.S.  
8197 Department of Justice. The work of NIJ advances our  
8198 understanding of crime and justice issues through science,  
8199 and provides objective and independent knowledge and tools  
8200 to reduce crime and promote justice, particularly at the  
8201 State and local levels. Funding for NIJ has not been  
8202 reauthorized since 1995.

8203 The mission of the Bureau of Justice Statistics is to  
8204 collect, analyze, publish, and disseminate information on  
8205 crime, criminals, victims of crime, and the operation of  
8206 justice systems at all levels of government. The  
8207 information BJS develops and disseminates is critical to  
8208 Federal, States, and local efforts to combat crime and enact  
8209 policies that ensure justice is both efficient and  
8210 evenhanded.

8211 Like NIJ, funding for this valuable institution has not  
8212 been reauthorized since 1995. Reauthorizing these two  
8213 programs for the first time in over 20 years will reassert  
8214 the importance of combating crime including firearms

8215 offenses.

8216 I urge the adoption of this important amendment.

8217 A question occurs on the amendment.

8218 Mr. Nadler. Mr. Chairman?

8219 Chairman Goodlatte. For what purpose does the

8220 gentleman from New York seek recognition?

8221 Mr. Nadler. Mr. Chairman, I rise in opposition to this

8222 amendment because it would reduce funding authorizing the

8223 bill for two important programs: the National Criminal

8224 History Record Improvement Program and the NICS Act Record

8225 Improvement Program.

8226 In the bill they are authorized at \$200 million and

8227 \$125 million per year respectively. The amendment would

8228 reduce combined funding for the programs to \$100 million a

8229 year, which is a dramatic reduction from \$325 million. The

8230 programs are essential to assisting the States to improve

8231 the state of their criminal history and other relevant

8232 records, and report them to the NICS.

8233 As many of our members on both sides of the aisle has

8234 said, the NICS is only as good as the completeness of the

8235 information it contains. We must authorizing at a robust

8236 level to recognize the seriousness of the problem and the

8237 dangerous implications of failing to ensure the

8238 effectiveness of the system. We should not make these cuts

8239 simply to comply with Republican cut-go requirements.

8240 We are going to reduce this program by \$225 million  
8241 while we are reducing taxes by \$1.7- or \$1.8 trillion. This  
8242 cut-go is entirely unnecessary -- I mean, it is necessary we  
8243 are told to hold the deficit in check, and we are going to  
8244 pass a tax bill that will increase the deficit by roughly \$2  
8245 trillion; never mind its other problems. So I would rather  
8246 reduce the tax bill by \$125 million and have an adequate  
8247 reporting system to prevent gun violence.

8248 So I oppose this amendment. There are other ways of  
8249 dealing with this. And this is, of course, what is brought  
8250 about by the cut-go rules, but we should oppose the cut-go  
8251 rules rather than give in to them and gut what we have been  
8252 working on all afternoon.

8253 I yield back.

8254 Chairman Goodlatte. Would the gentleman yield?

8255 Mr. Nadler. Yes.

8256 Chairman Goodlatte. I thank the gentleman for  
8257 yielding. I just want to reiterate that while it may be  
8258 cutting what is authorized, it is increasing and paying for  
8259 what we have increased by 37 percent; from \$73 million to  
8260 \$100 million.

8261 Mr. Nadler. Reclaiming my time. We ought to  
8262 appropriate the entire authorization so that this gets done  
8263 properly; not nickel and dime -- it is more than nickel and  
8264 diming it -- and then I will reference everything else I



8265 said. I yield back.

8266 Chairman Goodlatte. A question occurs on the amendment  
8267 offered by the chair.

8268 All those in favor, respond by saying aye.

8269 Those opposed, no.

8270 In the opinion of the chair, the ayes have it, and the  
8271 amendment is agreed to.

8272 Are there further amendments to H.R. 4477?

8273 For what purpose does the gentleman from Rhode Island  
8274 seek recognition?

8275 Mr. Cicilline. Mr. Chairman, I have one final  
8276 amendment at the desk.

8277 Chairman Goodlatte. The clerk will report the  
8278 amendment.

8279 Mr. Chabot. Mr. Chairman, reserving a point of order.

8280 Chairman Goodlatte. Point of order has been reserved.

8281 The clerk will report the amendment offered by the gentleman  
8282 from Rhode Island.

8283 Ms. Adcock. Amendment to H.R. 4477, offered by Mr.  
8284 Cicilline of Rhode Island. Page 17, strike line 22 and all  
8285 that follows through Page 18, line 18, and insert the  
8286 following.

8287 [The amendment of Mr. Cicilline follows:]

8288 \*\*\*\*\* INSERT 33 \*\*\*\*\*

8289 Chairman Goodlatte. Without objection, the amendment  
8290 is considered as read, and the gentleman is recognized for 5  
8291 minutes on his amendment.

8292 Mr. Cicilline. Thank you, Mr. Chairman. My final  
8293 amendment to the Fix NICS Act would strike language  
8294 requiring a study of bump stocks, and insert language from  
8295 my legislation, H.R. 3947, the Automatic Gunfire Prevention  
8296 Act.

8297 In October of this year, a shooter was able to unleash  
8298 hundreds of rounds of gunfire during a concert in Las Vegas  
8299 by using a device known as a bump stock, which can convert  
8300 semiautomatic firearms into guns that function as a fully  
8301 automatic weapon. The Las Vegas shooter had at least 12  
8302 bump stock devices, along with 23 guns, and was able to kill  
8303 58 people, and injure over 500 people.

8304 Although obtaining a fully automatic weapon is  
8305 extremely difficult, and prohibited in most States, a bump  
8306 stock, which modifies a semiautomatic weapon so that it  
8307 fires at near-automatic speeds, is readily available for  
8308 purchase online, and legal to buy. Bump stocks and similar  
8309 devices are not regulated under the National Firearms Act,  
8310 because they technically do not convert semiautomatic  
8311 weapons into automatic weapons, even though they permit them  
8312 to function as such. These devices, whose sole purpose it  
8313 is to fire as many bullets as quickly as possible, and which

8314 we have seen can lead to devastating carnage, should not be  
8315 legal.

8316 We must close the bump stock loophole immediately, and  
8317 that is why I introduced the Automatic Gunfire Prevention  
8318 Act, which would ban the sale, transfer, importation,  
8319 manufacturing or possession of bump stocks, trigger cranks  
8320 or any other device that accelerates a semiautomatic rifle's  
8321 rate of fire. I am proud that 175 of my colleagues support  
8322 the Automatic Gunfire Prevention Act. However, our  
8323 committee has yet to take any action to consider this  
8324 legislation, or hold a hearing on the issue of bump stocks  
8325 and other similar devices.

8326 And although the Fix NICS Act addresses bump stocks, it  
8327 does not go nearly far enough to get these devices off the  
8328 market, and out of the hands of people that seek to harm  
8329 others. The Fix NICS Act merely requires the Bureau of  
8330 Justice Statistics to prepare reports specifying the number  
8331 of times that a bump stock has been used in the commission  
8332 of crime.

8333 We are far beyond the need for study about the public  
8334 safety threat that these devices pose. We do not need a  
8335 study to know that bump stocks as instruments were part of  
8336 the deadliest mass shooting in modern American history. We  
8337 do not need a study to know that this shooting could be  
8338 easily replicated by another dangerous individual, as long

8339 as bump stocks are legal and easy to buy. We must use every  
8340 tool available to address this epidemic of gun violence and  
8341 prevent more mass shootings in the United States. A study  
8342 of bump stocks is simply not enough. We must take action,  
8343 and ban them entirely, and my amendment would do that. And  
8344 I encourage my colleagues to support the amendment.

8345 Chairman Goodlatte. Does the gentleman from Ohio  
8346 insist on his point of order?

8347 Mr. Chabot. Mr. Chairman, I do insist.

8348 Chairman Goodlatte. The gentleman is recognized.

8349 Mr. Chabot. Thank you, Mr. Chairman, I will be brief.  
8350 This amendment is not germane. It puts criminal penalty in  
8351 a bill that has no criminal penalties. For that reason, Mr.  
8352 Cicilline's amendment is not germane.

8353 Chairman Goodlatte. Does the gentleman from Rhode  
8354 Island, offering the amendment, wish to speak on the point  
8355 of order?

8356 Mr. Cicilline. I would like to yield to Mr. Raskin.

8357 Chairman Goodlatte. The gentleman from Rhode Island is  
8358 recognized to speak on the point of order. He can yield if  
8359 he wishes to do so.

8360 Mr. Cicilline. Thank you. I yield to Mr. Raskin.

8361 Mr. Raskin. Well, it seems to me that it clearly  
8362 relates to the subject matter of the legislation, and the  
8363 fact that it adds a criminal penalty does not distract from

8364 its clear germaneness and relevance, unless there is some  
8365 authority I am unaware of. We pass bills all the time that  
8366 have both criminal civil provisions in them.

8367 Chairman Goodlatte. On the point of order, and it is  
8368 the opinion of the Chair that the amendment is not germane.  
8369 We do not add criminal penalties to bills that do not cover  
8370 that, and that are civil in nature. So, this amendment is  
8371 not germane. Are there further amendments to H.R. 4477?

8372 Reporting quorum being present, the question is on the  
8373 motion to report the bill H.R. 4477, as amended, favorably  
8374 to the House.

8375 Those in favor, respond by saying "Aye."

8376 Those opposed, "No."

8377 The ayes have it. The bill is ordered reported  
8378 favorably.

8379 Voice. Mr. Chairman, could we get a recorded vote,  
8380 please?

8381 Chairman Goodlatte. Recorded vote is requested, and  
8382 the clerk will call the roll.

8383 Ms. Adcock. Mr. Goodlatte?

8384 Chairman Goodlatte. Aye.

8385 Ms. Adcock. Mr. Goodlatte votes aye.

8386 Mr. Sensenbrenner?

8387 [No response.]

8388 Mr. Smith?

8389 [No response.]

8390 Mr. Chabot?

8391 Mr. Chabot. Aye.

8392 Ms. Adcock. Mr. Chabot votes aye.

8393 Mr. Issa?

8394 [No response.]

8395 Mr. King?

8396 Mr. King. No.

8397 Ms. Adcock. Mr. King votes no.

8398 Mr. Franks?

8399 [No response.]

8400 Mr. Gohmert?

8401 [No response.]

8402 Mr. Jordan?

8403 Mr. Jordan. No.

8404 Ms. Adcock. Mr. Jordan votes no.

8405 Mr. Poe?

8406 [No response.]

8407 Mr. Marino?

8408 [No response.]

8409 Mr. Gowdy?

8410 [No response.]

8411 Mr. Labrador?

8412 Mr. Labrador. No.

8413 Ms. Adcock. Mr. Labrador votes no.

8414 Mr. Farenthold?  
8415 [No response.]  
8416 Mr. Collins?  
8417 [No response.]  
8418 Mr. DeSantis?  
8419 [No response.]  
8420 Mr. Buck?  
8421 Mr. Buck. No.  
8422 Ms. Adcock. Mr. Buck votes no.  
8423 Mr. Ratcliffe?  
8424 Mr. Ratcliffe. Yes.  
8425 Ms. Adcock. Mr. Ratcliffe votes yes.  
8426 Mrs. Roby?  
8427 [No response.]  
8428 Mr. Gaetz?  
8429 [No response.]  
8430 Mr. Johnson of Louisiana?  
8431 Mr. Johnson of Louisiana. Aye.  
8432 Ms. Adcock. Mr. Johnson votes aye.  
8433 Mr. Biggs?  
8434 Mr. Biggs. No.  
8435 Ms. Adcock. Mr. Biggs votes no.  
8436 Mr. Rutherford?  
8437 Mr. Rutherford. Yes.  
8438 Ms. Adcock. Mr. Rutherford votes yes.

8439 Mrs. Handel?

8440 Mrs. Handel. Yes.

8441 Ms. Adcock. Mrs. Handel votes yes.

8442 Mr. Nadler?

8443 Mr. Nadler. No.

8444 Ms. Adcock. Mr. Nadler votes no.

8445 Mr. Conyers?

8446 [No response.]

8447 Ms. Lofgren?

8448 Ms. Lofgren. No.

8449 Ms. Adcock. Ms. Lofgren votes no.

8450 Ms. Jackson Lee?

8451 [No response.]

8452 Mr. Cohen?

8453 [No response.]

8454 Mr. Johnson of Georgia?

8455 [No response.]

8456 Mr. Deutch?

8457 [No response.]

8458 Ms. Adcock. Mr. Gutierrez?

8459 [No response.]

8460 Ms. Bass?

8461 [No response.]

8462 Mr. Richmond?

8463 [No response.]



8464 Mr. Jefferies?

8465 [No response.]

8466 Mr. Cicilline?

8467 Mr. Cicilline. Aye.

8468 Ms. Adcock. Mr. Cicilline votes aye.

8469 Mr. Swalwell?

8470 Mr. Swalwell. Aye.

8471 Ms. Adcock. Mr. Swalwell votes aye.

8472 Mr. Lieu?

8473 Mr. Lieu. Aye.

8474 Ms. Adcock. Mr. Lieu votes aye.

8475 Mr. Raskin?

8476 Mr. Raskin. Aye.

8477 Ms. Adcock. Mr. Raskin votes aye.

8478 Ms. Jayapal?

8479 [No response.]

8480 Mr. Schneider?

8481 Mr. Schneider. Aye.

8482 Ms. Adcock. Mr. Schneider votes aye.

8483 Mr. Nadler. Mr. Chairman?

8484 Chairman Goodlatte. The gentleman from New York?

8485 Mr. Nadler. Mr. Chairman, how am I recorded?

8486 Ms. Adcock. No.

8487 Mr. Nadler. I want to change to yes, please.

8488 Ms. Lofgren. Mr. Chairman?

8489 Chairman Goodlatte. The gentlewoman from California?  
8490 Ms. Lofgren. How am I recorded?  
8491 Ms. Adcock. No.  
8492 Ms. Lofgren. I am yes.  
8493 Chairman Goodlatte. The gentlewoman from Texas?  
8494 Ms. Jackson Lee. Aye  
8495 Ms. Adcock. Ms. Jackson Lee votes aye.  
8496 Chairman Goodlatte. The gentlewoman from Alabama?  
8497 Mrs. Roby. Yes.  
8498 Ms. Adcock. Mrs. Roby votes yes.  
8499 Chairman Goodlatte. The gentleman from Pennsylvania?  
8500 Mr. Marino. Yes.  
8501 Ms. Adcock. Mr. Marino votes yes.  
8502 Chairman Goodlatte. Has every member voted who wishes  
8503 to vote? The gentleman from Texas?  
8504 Mr. Poe. Yes.  
8505 Ms. Adcock. Mr. Poe votes yes.  
8506 Chairman Goodlatte. The clerk will report. The  
8507 gentleman from Texas?  
8508 Mr. Gohmert. No.  
8509 Ms. Adcock. Mr. Gohmert votes no.  
8510 Chairman Goodlatte. The clerk will report.  
8511 Ms. Adcock. Mr. Chairman, 17 members voted aye, 6  
8512 members voted no.  
8513 Chairman Goodlatte. And the ayes have it, and the bill

8514 is ordered reported favorably to the House. Members will  
8515 have 2 days to submit views, and without objection, the bill  
8516 will be reported as a single amendment in the nature of a  
8517 substitute, incorporating all adopted amendments. And the  
8518 staff is authorized to make technical and conforming  
8519 changes.

8520 Ms. Jackson Lee. Mr. Chairman.

8521 Chairman Goodlatte. I now call up H.R. 2666, for  
8522 purposes of markup, and move that the committee report the  
8523 bill favorably to the House. The clerk will report the  
8524 bill.

8525 Ms. Adcock. H.R. 2666, "To amend the Protect Act to  
8526 make Indian tribes eligible for AMBER Alert grants."

8527 [The bill follows:]

8528 \*\*\*\*\* INSERT 34 \*\*\*\*\*

8529 Chairman Goodlatte. Without objection, the bill is  
8530 considered as read and open for amendment at any time. And  
8531 I will begin by recognizing myself for an opening statement,  
8532 which is that I support this bill offered by the gentleman  
8533 from Arizona. It surprised me to learn that Indian country  
8534 is not covered by the AMBER Alert program. I think it is a  
8535 great idea to do that. It would have saved a life that Mr.  
8536 Biggs will tell us about, I am sure, in a minute. And I  
8537 think it is great that the family of this young woman has  
8538 shown the courage to come to Washington and advocate for the  
8539 passage of this law.

8540 And I urge my colleagues to join me in supporting the  
8541 legislation, and now recognize the gentleman from New York,  
8542 Mr. Nadler, for his opening statement.

8543 Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman, I  
8544 join you in urging support for this bill, the AMBER Alert in  
8545 Indian Country Act of 2017. It is an important bill to give  
8546 Indian tribes the ability to respond quickly to child  
8547 abductions. Through the grant program authorized by this  
8548 legislation, tribal law enforcement agencies would gain the  
8549 ability to initiate their own AMBER Alerts immediately,  
8550 while tribal alert systems could also be integrated with  
8551 relatively more advanced AMBER Alert communications plans  
8552 with State and regional law enforcement. The inability to  
8553 do this has been a hole in our protective system.

8554 I ask unanimous consent to insert my statement in the  
8555 record, I do not think I have to make the entire statement  
8556 verbally now. But this is a welcome thing to do, and I urge  
8557 my colleagues to support this bill.

8558 Chairman Goodlatte. The Chair thanks the gentleman,  
8559 and recognizes the ranking member of the Crime, Terrorism,  
8560 Homeland Security Investigations Subcommittee, Ms. Jackson  
8561 Lee, for her opening statement.

8562 Ms. Jackson Lee. Mr. Chairman, I thank you, and I  
8563 sense a very positive spirit in this room, and I will join  
8564 in that spirit in my enthusiastic support for the AMBER  
8565 Alert in Indian Country Act of 2017. Likewise, I will ask  
8566 the unanimous consent for my entire statement to be put in  
8567 the record. But I do want to make the point that we have  
8568 tried in a bipartisan manner to consistently assure Native  
8569 Americans, and the places where they live, that they will  
8570 provided the protections that are so very important for them  
8571 and their families. This is an important protection, and I  
8572 would ask my colleagues to support this legislation as it  
8573 moves to the floor. And I yield back.

8574 Chairman Goodlatte. The Chair thanks the gentlewoman,  
8575 and is now pleased to recognize the chief sponsor of the  
8576 legislation, the gentleman from Arizona, Mr. Biggs. I  
8577 understand the gentleman has an amendment, is that correct?

8578 Mr. Biggs. That is correct.

8579 Chairman Goodlatte. Why do we not offer the amendment,  
8580 and he give his statement, and talk about the amendment at  
8581 the same time?

8582 Mr. Biggs. Thank you. I have an amendment at the  
8583 desk.

8584 Chairman Goodlatte. The clerk will report the  
8585 amendment.

8586 Ms. Adcock. Amendment to H.R. 2666 offered by Mr.  
8587 Biggs. Page one, line seven --

8588 [The amendment of Mr. Biggs follows:]

8589 \*\*\*\*\* INSERT 35 \*\*\*\*\*

8590 Chairman Goodlatte. Without objection, the amendment  
8591 is considered as read, and this Chair is pleased to  
8592 recognize the gentleman for 5 minutes.

8593 Mr. Biggs. Thank you, Mr. Chairman, I appreciate your  
8594 bringing the bill forward, and I appreciate the bipartisan  
8595 support of this bill. I am honored to be the sponsor of the  
8596 AMBER Alert in Indian Country Act, in memory of the life of  
8597 Ashlynn Mike. Eleven-year-old Ashlynn lived in the Navajo  
8598 Nation, the largest Indian reservation in the United States,  
8599 which is located in four States: Arizona, Utah, Colorado,  
8600 and New Mexico. And her favorite color was yellow, and she  
8601 enjoyed playing music for her friends and family. She was a  
8602 kind-hearted young girl, with enormous potential. After  
8603 school on Monday, May 2nd, 2016, while Ashlynn and her 9-  
8604 year-old brother Ian played near the local bus stop, a  
8605 stranger approached them and lured them into his vehicle by  
8606 offering them a ride home on this remote reservation. He  
8607 abducted the children and took them to a secluded part of  
8608 the reservation, where he violently abused Ashlynn, and he  
8609 left her to die, and left her 9-year-old brother Ian to fend  
8610 for himself. Indeed, Ashlynn died, alone.

8611 She had been abducted around 4:00 p.m. Her father  
8612 filed the Missing Person report within three hours, but  
8613 unfortunately authorities did not send an AMBER Alert until  
8614 2:30 a.m. on Tuesday, almost 10 hours after Ashlynn went

8615 missing. According to law enforcement records, Tom Begaye,  
8616 Jr., Ashlynn's attacker, admitted that though seriously  
8617 injured, Ashlynn was alive when he left her stranded in the  
8618 desert.

8619 Mr. Chairman, had Indian Country been included as  
8620 partners in the AMBER Alert plans, law enforcement might  
8621 have rescued Ashlynn in time, and she still might be alive  
8622 today. When a child is abducted or missing, action in those  
8623 first hours is crucial for their safe return. The AMBER  
8624 Alert program has proven effective at instantly providing  
8625 information to the public to assist in this effort.  
8626 According to the National Center for Missing and Exploited  
8627 Children, of the AMBER Alerts issued in 2016, 94 percent of  
8628 the recovered children were found within the first 72 hours,  
8629 including 47 percent who were found within the first 3  
8630 hours.

8631 Between 1997 and 2017, the AMBER Alert program was  
8632 credited with the safe recovery of 868 children. It is  
8633 obvious that AMBER Alerts save lives, and today we have the  
8634 opportunity to ensure that all children can benefit from the  
8635 AMBER Alert program if necessary, no matter where they  
8636 reside. This bill, the AMBER Alert in Indian Country Act of  
8637 2017, amends the Protect Act of 2003, which initially  
8638 established the Federal AMBER Alert Program, by including  
8639 all 567 federally recognized tribes as partners in the AMBER



8640 Alert program, allowing the U.S. Attorney General to waive  
8641 the 50-50 Federal share cost for Indian tribes on a case-by-  
8642 case basis, and requiring the U.S. Attorney General to  
8643 examine and report back to Congress on specific readiness,  
8644 education, training needs, technological challenges, or  
8645 other obstacles specific to Indian tribes.

8646 Mr. Chairman, again I thank you for bringing this bill  
8647 forward, and I thank my colleagues, and urge all the members  
8648 in memory of Ashlynn and others to support this legislation.

8649 And the amendment I will address briefly, Mr. Chairman.

8650 It makes two small but important changes to the bill.

8651 First, it amends the program requirements to the grant  
8652 program explicitly requiring these grants to be used to  
8653 integrate tribal AMBER Alert communications systems into  
8654 State systems. When children are abducted, a perpetrator  
8655 may transport them on or off tribal property, and it is  
8656 important that the alerts are able to reach the most  
8657 extensive audience possible. Imagine, if you will, a child  
8658 abducted in Northern Virginia prompts an AMBER Alert that  
8659 did not reach the District of Columbia or Maryland.

8660 Integration is a critical component of these communications  
8661 systems, and funds awarded under this program should be used  
8662 to facilitate this integration.

8663 Second, the amendment makes changes to the  
8664 authorization language to update the year the money is

8665 authorized, to 2019, in order to ensure the legislation  
8666 complies with House cut-go rules. Children are our most  
8667 precious resource, and we must be sure our laws are geared  
8668 toward preventing harm to them. AMBER Alert systems aim to  
8669 do just that, and we must assure the benefits of these  
8670 systems are available to all our children. Again, I urge my  
8671 colleagues to support this amendment and the underlying  
8672 bill. Thank you, Mr. Chairman. I yield back.

8673 Chairman Goodlatte. The question occurs on the  
8674 amendment offered by the gentleman from Arizona.

8675 All those in favor, respond by saying aye.

8676 Those opposed, no.

8677 The ayes have it. The amendment is agreed to.

8678 Are there further amendments to H.R. 2666? The  
8679 reporting quorum being present, the question is on the  
8680 motion to report the bill H.R. 2666 as amended favorably to  
8681 the House.

8682 All those in favor, respond by saying aye.

8683 Those opposed, no.

8684 The ayes have it.

8685 The bill is ordered reported favorably. Members will  
8686 have 2 days to submit views. And without objection, the  
8687 bill will be reported as a single amendment in the nature of  
8688 a substitute incorporating all adopted amendments, and staff  
8689 is authorized to make technical and conforming changes.

8690 This concludes our business for today. I thank all the  
8691 members for --

8692 Ms. Jackson Lee. Mr. Chairman.

8693 Chairman Goodlatte. For what purpose does the  
8694 gentlewoman from Texas seek recognition?

8695 Ms. Jackson Lee. I think just on the appeal that we  
8696 just passed, NICS bill, the information bill, was a good  
8697 start. As we well know, we had some issues dealing with  
8698 reporting through the Defense Department, which I have an  
8699 amendment. I assume that bill will be going to the floor  
8700 under rule? This is the background check.

8701 Chairman Goodlatte. It will be going to the floor  
8702 under rule.

8703 Ms. Jackson Lee. It will be going under rule. I  
8704 appreciate it. And do we know its immediacy or its  
8705 timeframe?

8706 Chairman Goodlatte. I think it is quite imminent. So,  
8707 soon.

8708 Ms. Jackson Lee. It may be next week?

8709 Chairman Goodlatte. It could be, so I would urge the  
8710 gentlewoman to get with us about her amendment. If it is  
8711 something we can agree to, we will work with her. If not,  
8712 she can present it to the Rules Committee.

8713 Ms. Jackson Lee. I will be happy to do it, thank you.

8714 Chairman Goodlatte. The Chair thanks the gentlewoman.

8715 The business is concluded for the day. I thank all the  
8716 members for attending, and the markup is adjourned.

8717 [Whereupon, at 5:57 p.m., the committee was adjourned.]