

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 8) TO REQUIRE A BACKGROUND CHECK FOR EVERY FIREARM SALE, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1112) TO AMEND CHAPTER 44 OF TITLE 18, UNITED STATES CODE, TO STRENGTHEN THE BACKGROUND CHECK PROCEDURES TO BE FOLLOWED BEFORE A FEDERAL FIREARMS LICENSEE MAY TRANSFER A FIREARM TO A PERSON WHO IS NOT SUCH A LICENSEE

FEBRUARY 25, 2019.—Referred to the House Calendar and ordered to be printed

Mr. RASKIN, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 145]

The Committee on Rules, having had under consideration House Resolution 145, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 8, the Bipartisan Background Checks Act of 2019, under a structured rule. The resolution provides one hour of general debate on the bill equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-5 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those amendments printed in Part A of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part A of this report. The resolution provides one motion to recommit with or without instruc-

tions. Section 2 of the resolution provides for consideration of H.R. 1112, the Enhanced Background Checks Act of 2019, under a structured rule. The resolution provides one hour of general debate on the bill equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116–6 shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments printed in Part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part B of this report. The resolution provides for one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 8 includes a waiver of the following:

- Clause 3(d) of rule XIII, which requires the inclusion of a committee cost estimate. A Congressional Budget Office (CBO) cost estimate on H.R. 8 was not available at the time the Committee on the Judiciary filed its report.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part A of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 1112 includes a waiver of the following:

- Clause 3(d) of rule XIII, which requires the inclusion of a committee cost estimate. A CBO cost estimate on H.R. 1112 was not available at the time the Committee on the Judiciary filed its report.

Although the resolution waives all points of order against provisions in the bill, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 16

Motion by Mr. Cole to amend the rule to H.R. 8 to make in order and provide the appropriate waivers to amendment #29, offered by Rep. Steube (FL) and Rep. Hurd (TX) and Rep. Buck (CO), which requires the national instant criminal background check system to notify the Immigration and Customs Enforcement Agency of the Department of Homeland Security whenever the information available to the system indicates that a person illegally or unlawfully in the United States may be attempting to receive a firearm.

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle		
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 17

Motion by Mr. Cole to amend the rule to H.R. 1112 to make in order and provide the appropriate waivers to amendment #12, offered by Rep. Collins (GA), which allows an FFL who has contacted NICS to rely on information provided by NICS respecting a transfer for 60 days after the FFL's initial date of contact. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle		
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 18

Motion by Mr. Cole to amend the rule to H.R. 1112 to make in order and provide the appropriate waivers to amendment #14, offered by Rep. Roe (TN), which clarifies that a person shall not be considered to be “adjudicated” under Title 18 as a result of any determination by the Secretary of Veterans Affairs under any laws administered by the Secretary of Veterans Affairs under Title 38. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle		
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		

Majority Members	Vote	Minority Members	Vote
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 19

Motion by Mr. Woodall to amend the rule to H.R. 8 to make in order and provide the appropriate waivers to amendment #16, offered by Rep. Palmer (AL), which ensures that state laws and regulations related to private party transfers are not pre-empted by the bill. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle			
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 20

Motion by Mr. Woodall to amend the rule to H.R. 8 to make in order and provide the appropriate waivers to amendment #21, offered by Rep. Gianforte (MT) and Rep. Hurd (TX), which clarifies that transferring firearms from a property owner to a ranch hand for the purposes of ranch activities such as predator and pest control, hunting, target practice, and for the use in safety courses is permitted. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle			
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 21

Motion by Mr. Burgess to amend the rule to H.R. 8 to make in order and provide the appropriate waivers to amendment #6, offered by Rep. Burgess (TX), which requires the Department of Justice Inspector General to submit a report to Congress on the number of NICS denials referred for investigation, the number of prosecutions resulting from denial investigations, and the number of firearms recovered by ATF following delayed NICS denials. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle			

Majority Members	Vote	Minority Members	Vote
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 22

Motion by Mr. Burgess to amend the rule to H.R. 1112 to make in order and provide the appropriate waivers to amendment #3, offered by Rep. Brown (MD), #3, which requires the FBI to submit a report to Congress with recommendations on how to improve the FBI's public access line. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle			
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 23

Motion by Rep. Lesko to amend the rule to H.R. 8 to make in order and provide the appropriate waivers to amendment #28, offered by Rep. Scalise (LA), which allows the transfer of a firearm to a victim of domestic violence or sexual assault, an individual protected under an order of protection issued by a court of law, a person with a valid concealed carry permit, a member of the Armed Forces who is on active duty, or an active duty or retired law enforcement officer. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle			
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 24

Motion by Rep. Lesko to amend the rule to H.R. 8 to make in order and provide the appropriate waivers to amendment #11, offered by Rep. Lesko (AZ), allows for the transfer of a firearm to a victim of domestic violence or sexual assault who has an order of protection issued by a court. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Nay	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle			

Majority Members	Vote	Minority Members	Vote
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 25

Motion by Rep. Lesko to amend the rule to H.R. 1112 to make in order and provide the appropriate waivers to the following amendments: Amendment #12, offered by Rep. Lesko (AZ), which allows the transfer of firearms to individuals who have been admitted and are participants in the Global Entry Program; amendment #13 offered by Rep. Lesko (AZ), which allows the temporary transfer of firearms to individuals which take place solely on the property of the firearm owner; amendment #14 offered by Rep. Lesko (AZ), which allows the transfer of firearms to individuals who have a valid state-issued permit to purchase or own a firearm; and amendment #20 offered by Rep. Lesko (AZ), which allows the transfer of firearms to individuals who have a security clearance. Defeated: 4–7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle		
Ms. Shalala	Nay		
Mr. DeSaulnier	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 26

Motion by Mr. Raskin to report the rule. Adopted: 8–4

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Yea	Mr. Cole	Nay
Mrs. Torres	Yea	Mr. Woodall	Nay
Mr. Perlmutter	Yea	Mr. Burgess	Nay
Mr. Raskin	Yea	Mrs. Lesko	Nay
Ms. Scanlon	Yea		
Mr. Morelle		
Ms. Shalala	Yea		
Mr. DeSaulnier	Yea		
Mr. McGovern, Chairman	Yea		

SUMMARY OF THE AMENDMENTS IN PART A MADE IN ORDER

1. Lesko (AZ): Allows the transfer of firearms to individuals who participate in the TSA Pre-Check program of the Department of Homeland Security. (10 minutes)

2. Dean (PA): Clarifies that the exemption from the background check requirement in instances of imminent threats of death or great bodily harm would apply to someone who is at risk of committing suicide. (10 minutes)

3. Horn (OK), Murphy (FL): Clarifies that “great bodily harm” includes domestic violence, dating partner violence, sexual assault, stalking, and domestic abuse. (10 minutes)

4. Van Drew (NJ), Brindisi (NY), Delgado (NY): Clarifies that the exception for gifts and loans of firearms between parents and their children applies to step-parents and step-children. (10 minutes)

SUMMARY OF THE AMENDMENTS IN PART B MADE IN ORDER

1. Rice, Tom (SC): Grants NICS examiners access to the National Data Exchange (N-DEx) when reviewing firearm transfers. (10 minutes)

2. Schneider (IL), Jackson Lee (TX): Requires the FBI to report on the number of petitions it was not able to make a determination on within the 10-day period. (10 minutes)

3. Levin, Andy (MI): Requires GAO to submit a report to the Committee on the Judiciary, US Senate, and the Committee on the Judiciary, House of Representatives analyzing the extent to which the new Section 922(t)(1)(B)(ii) of title 18, United States Code, added by H.R. 1112 prevents firearms from being transferred to prohibited persons. The report shall be issued 90 days after the 1 year, 3 years, and 5 years following the date of implementation of the law. (10 minutes)

4. Porter (CA), Moore (WI), Dean (PA), Fletcher (TX), Sherrill (NJ), Spanberger (VA), Underwood (IL), McBath (GA): Requires a report analyzing the impact of this Act on the safety of victims of domestic violence, domestic abuse, dating partner violence, sexual assault, and stalking. (10 minutes)

5. Van Drew (NJ), Cunningham (SC): Allows an FFL who has contacted NICS, and who was not notified that the transfer is legally permissible within 3 business days of the initial date of contact, to rely on information provided by NICS respecting a transfer for 25 days after the transfer becomes legally permissible. (10 minutes)

PART A—TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LESKO OF ARIZONA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 17, strike “or”.

Page 4, line 15, strike the period and insert “; or”.

Page 4, after line 15, insert the following:

“(G) a transfer to a participant in the Pre-Check or successor trusted traveler program of the Department of Homeland Security.”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEAN OF PENNSYLVANIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 11, after “harm,” insert “including harm to self, family, household members, or others.”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HORN OF OKLAHOMA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 14, insert “, including the harm of domestic violence, dating partner violence, sexual assault, stalking, and domestic abuse” before the semicolon.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VAN DREW OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 3, after “children,” insert “including step-parents and their step-children”.

Page 3, line 5, insert “, if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under State or Federal law” before the semicolon.

PART B—TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RICE OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, after line 23, insert the following:

SEC. __. REQUIREMENT THAT THE NICS SYSTEM SEARCH THE NATIONAL DATA EXCHANGE DATABASE IN CONDUCTING BACKGROUND CHECKS.

Section 922(t) of title 18, United States Code, as amended by section 2 of this Act, is amended by adding at the end the following:

“(8) The national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act shall search the database of the National Data Exchange in conducting a background check pursuant to this section.”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHNEIDER OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, after line 16, insert the following:

SEC. 3. REPORTS ON PETITIONS SUPPORTING FIREARM TRANSFERS NOT IMMEDIATELY APPROVED BY NICS SYSTEM, THAT WERE NOT RESPONDED TO IN A TIMELY MANNER.

The Director of the Federal Bureau of Investigation shall make an annual report to the public on the number of petitions received by the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act that were submitted pursuant to subclause (I) of section 922(t)(1)(B)(ii) of title 18, United States Code, with respect to which a determination was not made within the 10-day period referred to in subclause (II) of such section.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEVIN OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, after line 16, insert the following:

SEC. 3. GAO REPORTS.

Within 90 days after the end of each of the 1-year, 3-year, and 5-year periods that begin with the effective date of this Act, the Comptroller General of the United States shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report analyzing the extent to which, during the respective period, paragraphs (1)(B)(ii) and (7) of section 922(t) of title 18, United States Code, have prevented firearms from being transferred to prohibited

persons, which report shall include but not be limited to the following—

- (1) an assessment of the overall implementation of such subsections, including a description of the challenges faced in implementing such paragraphs; and
- (2) an aggregate description of firearm purchase delays and denials, and an aggregate analysis of the petitions submitted pursuant to such paragraph (1)(B)(ii).

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PORTER OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, after line 23, insert the following:

SEC. . . REPORT TO THE CONGRESS.

Within 150 days after the date of the enactment of this Act, the Attorney General, in consultation with the National Resource Center on Domestic Violence and Firearms, shall submit to the Congress a report analyzing the effect, if any, of this Act on the safety of victims of domestic violence, domestic abuse, dating partner violence, sexual assault, and stalking, and whether any further amendments to the background check process, including amendments to the conditions that must be met under this Act for a firearm to be transferred when the system has not notified the licensee that such transfer would not violate subsection (g) or (n) of section 922 of title 18, United States Code, would likely result in a reduction in the risk of death or great bodily harm to victims of domestic violence, domestic abuse, dating partner violence, sexual assault, and stalking.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VAN DREW OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 16, strike the close quotation marks and the following period.

Page 3, after line 16, insert the following:

“(8)(A) If, after 3 business days have elapsed since the licensee initially contacted the system about a firearm transaction, the system notifies the licensee that the receipt of a firearm by such other person would not violate subsection (g) or (n), the licensee may continue to rely on that notification for the longer of—

“(i) an additional 25 calendar days after the licensee receives the notification; or

“(ii) 30 calendar days after the date of the initial contact.

“(B) If such other person has met the requirements of paragraph (1)(B)(ii) before the system destroys the records related to the firearm transaction, the licensee may continue to rely on such other person having met the requirements for an additional 25 calendar days after the date such other person first met the requirements.”.

Page 3, after line 23, insert the following:

SEC. __. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 210 days after the date of the enactment of this Act.

