

1 NATIONAL CAPITOL CONTRACTING
2 RPTS VIEIRA
3 HJU137000

4 MARKUP OF H.R. 2561
5 Thursday, May 17, 2018
6 House of Representatives,
7 Committee on the Judiciary,
8 Washington, D.C.

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

12 Present: Goodlatte, Chabot, King, Poe, Marino, Collins,
13 DeSantis, Buck, Ratcliffe, Gaetz, Johnson of Louisiana,
14 Biggs, Handel, Rothfus, Nadler, Lofgren, Jackson Lee, Cohen,
15 Deutch, Cicilline, Lieu, Raskin, Jayapal, Schneider, and
16 Demings.

17 Staff Present: Shelley Husband, Staff Director; Branden
18 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian
19 and General Counsel; Jason Cervenak, Counsel, Subcommittee
20 on Crime, Terrorism, Homeland Security and Investigations;

21 Alley Adcock, Clerk; Joe Graupensperger, Minority Chief
22 Crime Counsel; Matthew Morgan, Minority Counsel; Monalisa
23 Dugue, Minority Counsel; Danielle Brown, Minority Deputy
24 Chief and Legislative Counsel; Veronica Eligan, Minority
25 Professional Staff; and Milagros Cisneros, Minority Counsel.

26 Chairman Goodlatte. The Judiciary Committee will come
27 to order. Without objection the chair is authorized to
28 declare a recess at any time. Pursuant to notice, I now
29 call up H.R. 2561 for purposes of markup and move that the
30 committee report the bill favorably to the House.

31 The clerk will report the bill.

32 Ms. Adcock. H.R. 2561. To amend title 18, United
33 States Code, to permit uniformed law enforcement officers to
34 carry agency-issued firearms in certain Federal facilities
35 and for other purposes.

36 [The bill follows:]

37 ***** INSERT 1 *****

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

41 Today I am pleased to consider for markup H.R. 2561,
42 the Protecting Officers of the Law in Civilian
43 Establishments Act of 2017 or the POLICE Act. The POLICE
44 Act was introduced a year ago this Saturday by
45 Representative Trey Hollingsworth.

46 We are all too familiar with the spate of attacks
47 plaguing law enforcement officers across this Nation. Our
48 law enforcement officers are facing increasing levels of
49 hostility and violence fueled by a growing antipolice
50 sentiment. This is why we saw the Protect and Serve Act
51 receive overwhelming support by the House yesterday.

52 Piggybacking off of that effort, Congress should be
53 examining ways to ensure that, if attacked, law enforcement
54 officers have the means to defend themselves.

55 Unfortunately, however, under existing law, uniformed
56 State and local police officers must remove their firearms
57 before entering Federal public facilities when not
58 responding to an emergency or acting in an official
59 capacity. This makes them vulnerable to attack and
60 potentially unable to adequately respond to developing
61 situations should they arise.

62 Just like the rest of us, law enforcement officers are

63 often required to take care of personal business in the
64 middle of the work day or immediately before or after their
65 shifts. These can include medical appointments or even
66 paperwork appointments.

67 Regrettably, Federal law requires the same police
68 officers entrusted to protect our communities and respond
69 during an emergency to disarm when they enter into public
70 buildings. This places these officers in significant
71 danger, considering that uniformed law enforcement officers
72 already are highly visible targets to those wishing to cause
73 harm to men and women in uniform.

74 The solution is simple, and it is before us today.
75 H.R. 2561 amends Federal law to modify the restriction on
76 possessing a firearm in a Federal facility, so the
77 prohibition will not apply to the lawful carrying of agency-
78 issued firearms by a uniformed law enforcement officer in
79 certain publicly accessible Federal facilities.

80 This is a narrow, commonsense solution to a problem
81 that puts law enforcement in dangerous situations, and I
82 urge my colleagues to support this important measure.

83 It is now my pleasure to recognize the ranking member
84 of the committee, the gentleman from New York, Mr. Nadler,
85 for his opening statement.

86 [The prepared statement of Chairman Goodlatte follows:]

87

***** COMMITTEE INSERT *****

88 Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman,
89 certainly we must assist our law enforcement officers who
90 work long hours under stressful and dangerous conditions to
91 protect all of us. However, I cannot support the bill
92 before us today.

93 H.R. 2561, the POLICE Act, would allow uniformed law
94 enforcement officers to carry agency-issued firearms into
95 certain Federal facilities that are low security and open to
96 the public. While there may be some merit to this proposal,
97 there may also be risks. This committee has held no
98 hearings about the need for this bill, and it would be
99 unwise to move forward without a greater understanding of
100 the potential benefits and potential dangers that may result
101 from this legislation.

102 I understand that the bill is intended to make it
103 easier for police officers to conduct nonofficial, personal
104 tasks such as visiting a VA hospital or Social Security
105 office while in uniform. We should learn more about the
106 problem, however, about possible ways to address it, and the
107 implications of enacting this bill as is.

108 For instance, the bill would allow any uniformed
109 officer from any jurisdiction to carry a loaded firearm or
110 "other dangerous weapons" into certain Federal facilities.
111 This would place an enormous burden on security guards at
112 Federal facilities who would have to recognize the uniforms

113 of law enforcement agencies from any jurisdiction in the
114 United States. This could also facilitate the ability of
115 armed individuals impersonating private security guards to
116 gain access to these facilities.

117 Given the potential risk presented by this legislation
118 and the lack of any documented need for it, there is no
119 reason to rush the bill through the legislative process
120 without the benefit of a hearing where we could consider its
121 merits and any possible concerns or necessary changes. We
122 should consult with law enforcement, with the General
123 Services Administration, with gun violence prevention
124 experts, among others, to evaluate this proposal.

125 This bill may be well-intentioned, but it raises
126 questions that should be addressed before the committee
127 adopts it and reports it for floor consideration.

128 In addition, I must note that as we once again consider
129 legislation to loosen restrictions on gun possession, we
130 continue to take no action to address the nationwide
131 epidemic of gun violence. When 35,000 Americans lose their
132 lives to gun violence each year while in some other major
133 industrial countries this figure barely cracks 100, we
134 cannot allow this to continue.

135 I urge the committee to hold hearings and to adopt
136 legislation that will make us all safer without further
137 delay. I yield back the balance of my time.

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

139 ***** COMMITTEE INSERT *****

140 Chairman Goodlatte. The chair thanks the gentleman.
141 Are there any amendments to H.R. 2561? For what purpose
142 does the gentleman from Rhode Island seek recognition?

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

144 Chairman Goodlatte. The gentleman is recognized for 5
145 minutes.

146 Mr. Cicilline. I just want to echo the sentiments of
147 the ranking member. I think this is an issue which if, in
148 fact, we were attempting to address a very discrete problem
149 of law enforcement officers not being able to access a
150 Federal building during a break, we could do that, but I am
151 fearful that this bill does much more than that, and I think
152 this is one of the regrettable consequences of not having
153 hearings where you could actually ask these questions and
154 understand the problem that we are attempting to address in
155 the legislation.

156 But I am struggling with a couple of things in terms of
157 the language, and I am hoping the chairman can assist or the
158 author of the bill or his representative.

159 It says on page 2 that "lawful carrying of agency-
160 issued firearms and other dangerous weapons." Does that
161 mean a nonagency-issued firearm would constitute a dangerous
162 weapon so that you could in fact have someone who has a gun
163 not issued by an agency? Because there is no definition
164 that I can see of dangerous weapons. That is the first

165 question.

166 The second question, it says on page 3, it defines
167 uniformed officer, agent, or employee means "an officer,
168 agent, or employee wearing a clearly identifiable agency
169 standard issued uniform with a badge." It seems as if that
170 does not have a requirement in the definition that the
171 person be, in fact, a law enforcement officer.

172 It simply says an employee is an agent, officer, or
173 employee wearing a badge, and so you have some inconsistency
174 between that definition and the definition on page 2 where
175 it says, "by a uniformed officer, agent, or employee of the
176 United States, a State, or political subdivision thereof who
177 is authorized by law to engage in supervised prevention,
178 detection, investigation, or prosecution of any law." So
179 there seems to be an inconsistency in the definition.

180 And then thirdly, it seems as if this also would cover
181 anyone involved in prevention, detection, investigation, or
182 prosecution of a violation of law, which would seem to me to
183 be a much larger group than law enforcement. It could
184 involve clinical social workers, family court investigators,
185 a whole series of people who are not who we would typically
186 identify as law enforcement that are part of this group we
187 are attempting to address at least in the description of the
188 bill.

189 So I think there are a lot of questions about its

190 strict application here, and I think we would obviously have
191 benefited from a hearing to get these answered, but with all
192 of these uncertainties, it seems like it would be opening
193 the floodgate maybe unintentionally to lots of people who
194 may not even be properly trained in firearms to go into
195 Federal buildings, which I think is a dangerous precedent.

196 Not sure why anyone would want to do that, and in the
197 absence of some explanation for any of these questions, it
198 is not a bill I can support. And I do not know if the
199 chairman can respond to some of those real concerns that I
200 have.

201 Chairman Goodlatte. If the gentleman would yield.

202 Mr. Cicilline. Sure.

203 Chairman Goodlatte. First of all, the language that
204 the gentleman cites tracks the already existing Federal
205 statute LEOSA, the Law Enforcement Officers Safety Act.
206 Secondly --

207 Mr. Cicilline. Well, I am just going to ask, Mr.
208 Chairman, that may well be that it tracks it, but do you
209 agree that there is inconsistency in the language? And the
210 fact that it may be inartfully written at a prior time does
211 not mean we ought to reaffirm it.

212 Chairman Goodlatte. I do not agree that it is
213 inconsistent.

214 Mr. Cicilline. So who does it apply to? Does it apply

215 to officers who --

216 Chairman Goodlatte. First of all, to the first
217 question the gentleman had, it only applies to a firearm
218 issued by the agency, not to other weapons of various kinds
219 or even firearms that are not issued by the agency.

220 Mr. Cicilline. That is not in the bill. It says "the
221 lawful carrying of agency-issued firearms and other
222 dangerous weapons" with no explanation of what other
223 dangerous weapons means. So is someone who is carrying a
224 dangerous weapon that is a firearm that is not agency-issued
225 does not qualify as "other dangerous weapon?"

226 Chairman Goodlatte. If the item is not issued by the
227 agency, it is not allowed under this bill.

228 Mr. Cicilline. Well, that may be the intention, but
229 that is not what the language says.

230 Chairman Goodlatte. I think it is the language. I
231 mean, it is pretty clear. Are there any amendments to H.R.
232 2561?

233 Ms. Jackson Lee. Mr. Chairman, I have -- I am sorry.

234 Chairman Goodlatte. The gentlewoman from Texas, the
235 ranking member of the Crime, Terrorism, Homeland Security,
236 and Investigations Subcommittee is recognized for her
237 opening statement or anything else she might want to say.

238 Ms. Jackson Lee. Responding to having an amendment at
239 the desk.

240 Chairman Goodlatte. Okay, well, the clerk will report
241 the amendment.

242 Ms. Adcock. Amendment to H.R. 2561, offered by Ms.
243 Jackson Lee. Page 2, line 17, strike --

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

245 ***** COMMITTEE INSERT *****

246 Chairman Goodlatte. Without objection, the amendment
247 is considered as read, and the gentlewoman is recognized for
248 5 minutes on her amendment. The gentlewoman is recognized.

249 Ms. Jackson Lee. Mr. Chairman, I want to start by
250 acknowledging on many occasions the collegiality in this
251 room and with the members of this body, including
252 Republicans and Democrats. I want to, specifically, take
253 note of the work of Mr. Rutherford and Ms. Demings. We,
254 specifically, voted on a bill yesterday that both of them
255 sponsored, and I am reminded of the emotion with which Mr.
256 Rutherford spoke.

257 And having been a locally elected official, my
258 interaction with law enforcement has been close and
259 continuing. Even today, as I check on my police department,
260 my constables, my sheriff, my rangers, we work together. We
261 are eager to dialogue and to be of help to each other.

262 Number two, I think it is important to know that any
263 law enforcement certified can go into any Federal building
264 across the Nation for official business and as well for any
265 emergency. In fact, I would make the argument that they are
266 welcomed in that instance, and I also want to acknowledge
267 that they have utilized their profession to save lives
268 beyond their jurisdiction.

269 But I do think it is important that we recognize the
270 vulnerability of uniforms being misused or other

271 misrepresentation that may be generated by a bill that has
272 not, to my knowledge, had any hearings before our committee.
273 And I want to take note of the fact that it is important for
274 this committee to be fact finders, because we have experts
275 on the committee. We have former judges, lawyers, defense
276 counsel, prosecutors, and certainly law enforcement, of
277 which we are pleased.

278 And then I would like to, if I might, I am a little
279 stunned. In the memo that was sent out by the majority,
280 "Police agencies in the U.S. are currently facing a crisis
281 resulting from a spate of high-profile incidences involving
282 the use of force by police officers, many involving minority
283 citizens. As a result, police officers are facing
284 increasing levels of hostility and violence fueled by this
285 growing antipolice sentiment. In the aftermath of the
286 August 2014 event in Ferguson, Missouri, there has been an
287 increase in ambush-style attacks on police officers."

288 And I would only ask and put on the record to not
289 associate minority citizens, I am not sure if it is African
290 Americans or others, to take a broad brush and suggest that
291 there is that kind of sentiment in my community. I take
292 issue. I want it to be noted on the record that I believe
293 the memo could have been written in a more appropriate
294 style, because there are incidences to be documented that
295 represent people from all walks of life. And certainly my

296 community, in the minority community, with so many of us in
297 the law enforcement agencies, take great issue with that
298 assessment.

299 Yes, there have been incidences, but our communities
300 continue to try to work together. Yes, there are
301 organizations of young people, Black Lives Matter, and their
302 premise has not been refuted. They believe that we should
303 assess issues dealing with young African Americans.

304 Quickly, my amendment would alleviate the security risk
305 posed by the bill, only allowing local law enforcement
306 officers to carry firearms and dangerous weapons in Federal
307 facilities in a State where they serve. Under the current
308 bill, a law enforcement officer from any State or Federal
309 jurisdiction would be authorized to enter certain low-
310 security Federal facilities carrying agency-issued firearms
311 or dangerous weapons. This puts security personnel at
312 Federal facilities in a position of having to determine and
313 assess someone from out of State on whether or not there is
314 an impostor or legitimate law enforcement officer, and I
315 would venture to say that the police people would understand
316 that.

317 And one can imagine a scenario in which a person who is
318 not, in fact, a law enforcement officer puts on a police
319 officer's uniform from an out-of-State jurisdiction and
320 wants to bring a loaded gun into a facility. Security

321 personnel may have difficult visually determining whether or
322 not someone is a legitimate law enforcement officer, with
323 the resulting confusion leading to at least some of the
324 impostors carrying successfully weapons past security.

325 Let me very clear: officers can go into any Federal
326 building on the basis of an emergency or on official
327 business. My amendment is intended to provide extra
328 security, not only for those in those buildings, but for law
329 enforcement officers themselves.

330 And so I would ask my colleagues to support the Jackson
331 Lee amendment and acknowledge the fact that we want to make
332 sure that our officers are safe, and we really want to
333 reemphasize, because that is what the Police Working Group
334 is about, that we are working to improve our relationships.
335 And we are not suggesting that incidences which have
336 occurred, and one of them occurred in the State of Texas.
337 An ex-military person in Dallas that is alleged of maybe
338 suffering from PTSD, as well as the individual that came in
339 under the sovereign nation label, as I understand it, in
340 Baton Rouge.

341 But we want to improve police-community relations, not
342 suggest that out of incidences that have occurred, certain
343 minority communities may be at the core of these kinds of
344 lack of police-community relations. I ask my colleagues to
345 support this in the name of improved police-community

346 relations.

347 Chairman Goodlatte. The chair recognizes himself for 5
348 minutes. First, the chair wants to say to the gentlewoman
349 from Texas that he takes to heart her comments regarding the
350 first paragraph in the memo and would note that, surely, no
351 one should suggest that the shootings are all involving
352 minority citizens, nor would it matter. If there are
353 ambushes taking place of any kind of anybody by any race, we
354 would want to make sure that added measures are taken to
355 make sure that people are protected.

356 And I also agree and share with her her concern that
357 other things can be done besides additional protections for
358 law enforcement officers to try to improve that situation so
359 that the number of those incidents are reduced.

360 However, the amendment before us today does not take
361 into account the realities of modern-day commuting or work
362 habits. Take the region around us right here as an example.
363 We have workers that come from Maryland, Virginia,
364 Washington, D.C., and some as far away as West Virginia or
365 Pennsylvania. I am not comfortable telling those who work
366 across State lines or those who might need to travel across
367 State lines to visit a VA facility that they cannot defend
368 themselves.

369 In my own district, particularly at the northern end of
370 it, many residents travel to the closest VA facility, which

371 is in Martinsburg, West Virginia. Law enforcement officers
372 in uniform who will make that trip are no less a target when
373 they travel across State lines than when they remain within
374 Virginia.

375 Further, LEOA already allows these law enforcement
376 officers to travel across State lines with their firearms.
377 There is no reason to treat them differently than those law
378 enforcement officers in the State where the Federal facility
379 is located.

380 Finally, the VA as a Federal agency is organized by
381 geographic regions, not States. A uniformed law enforcement
382 officer of one State's police department should be allowed
383 to head across the border, complete a physical, pick up a
384 prescription, and be back at work all on a lunch hour.

385 It is for these reasons that I must oppose the
386 amendment. I urge my colleagues to do the same, and I would
387 note that the underlying bill is supported by a wide array
388 of law enforcement officers, including the National
389 Association of Police Organizations, and therefore the issue
390 of determining whether or not one is a legitimate police
391 officer or somebody posing as one is certainly a concern but
392 one I think that the law enforcement organizations and the
393 Federal facilities that they are protecting should be
394 prepared to address.

395 So for those reasons I must oppose the gentleman's

396 amendment.

397 Mr. King. Would the chairman yield?

398 Chairman Goodlatte. I would be happy to yield.

399 Mr. King. Over to your right, Mr. Chairman. Thank
400 you, Mr. Chairman. I just want to put a short point in that
401 I did not hear in anybody else's dialogue. And that is that
402 under current law or under the gentlelady's amendment, what
403 will happen in practical application is the officers are
404 likely to leave their weapons in their car and lock the car
405 up and get out.

406 And I am going to suggest that they are safer on the
407 officer than they are in the car subject to potential theft,
408 which would be more mischief than you might have with an
409 officer that is duly licensed and trained to carry that
410 weapon. I want to add that point to this and yield back to
411 the chairman.

412 Chairman Goodlatte. Reclaim my time. The gentleman
413 makes a very good point. There have been instances where
414 weapons have been stolen out of vehicles and used for
415 unlawful purposes, and people have been harmed as a result
416 of that.

417 I also would ask for unanimous consent to place in the
418 record the letter from the National Association of Police
419 Organizations supporting the legislation. Without objection
420 it will be made.

421 [The information follows:]

422 ***** COMMITTEE INSERT *****

423 Chairman Goodlatte. For what purpose does the
424 gentleman from Tennessee seek recognition?

425 Mr. Cohen. I move to strike the last word.

426 Chairman Goodlatte. The gentleman is recognized for 5
427 minutes.

428 Mr. Cohen. Would the Chair yield? I missed a little
429 bit of your --

430 Chairman Goodlatte. You have got the time.

431 Mr. Cohen. -- your opening statement. And can you
432 tell me the situation, the incident that provoked this bill
433 where somebody went into a Federal facility and either their
434 gun was stolen at the Federal facility in the parking lot or
435 the officer was endangered at the Federal facility and
436 needed a gun to protect himself?

437 Chairman Goodlatte. If the gentleman would yield.

438 Mr. Cohen. Yeah, I do yield, please. Thank you.

439 Chairman Goodlatte. What I say would only be hearsay
440 because it is not my bill. It is introduced by a gentleman,
441 Mr. Hollingsworth, who I believe is from Indiana, and he was
442 contacted by law enforcement officers in his district
443 requesting that he undertake this. I think that is the
444 genesis of this.

445 Mr. Cohen. But is there any example that we know of
446 that somebody is --

447 Chairman Goodlatte. I do not have one that I can offer

448 for you right now.

449 Mr. Cohen. All right. I suspect, sir, that there is
450 no example that somebody has gone into a VA and been shot or
451 attacked and they did not have a gun to stop a bad guy with
452 a gun. And I am just concerned about us telling folks who
453 might have PTSD going into visit their psychiatrist that
454 they are taking a gun, and one day this could cause more of
455 a problem than we think we are solving, because there is no
456 example of a situation where this has caused an officer to
457 lose their life. This is supposed to be protecting police.

458 Well, we do not have a situation where police have ever
459 had a gun stolen at a Federal facility when they locked it
460 in their car or an example of someplace where somebody has
461 been attacked and they did not have a gun to protect
462 themselves and were not as capable as James Shaw in being
463 able to defend themselves without a gun.

464 So I do not know why we are doing this. Mr. Chairman,
465 do you yield? What is the definition of a Level I and Level
466 II Federal facility?

467 Chairman Goodlatte. Generally, it is open to the
468 public and low security is a Level I facility.

469 Mr. Cohen. So would this permit people to take weapons
470 into the Federal office buildings where many of us have our
471 offices?

472 Chairman Goodlatte. Yes. Well, it depends on where

473 your office is located. If it is a United States
474 courthouse, it would not. If it is shared with other
475 Federal agencies that are not in a courthouse, like a VA
476 building or something like that, then yes.

477 Mr. Cohen. So a Federal courthouse is not a Level I or
478 Level II building? Is that for sure it is not?

479 Chairman Goodlatte. Yes. I am so informed.

480 Mr. Cohen. Okay. So we have no example of anybody at
481 the VA who needed this help?

482 Chairman Goodlatte. Does the gentleman yield back?
483 The gentleman yields back.

484 For what purpose does the gentlewoman --

485 Mr. Cohen. No, I do not yield my time back. I want
486 you to respond.

487 Chairman Goodlatte. I do not have any further
488 response.

489 Mr. Cohen. All right. So the bottom line is we have
490 got some hypothetical thing, and you say the police would
491 like this. Sure, the police would like to have their guns
492 everywhere, and that does not mean we let them have guns
493 everywhere. They should have them when they are on patrol
494 and when they are working and when they are in their
495 jurisdiction or whatever their State controls and determines
496 they should have their guns.

497 But you know, this really looks like a show business,

498 and meanwhile we are having, you know, the Senate
499 Intelligence Committee says that Russia interfered with our
500 elections and preferred Trump and is basically saying the
501 House did not do their job in our Intelligence Committee
502 that closed their investigation. And we are talking about a
503 hypothetical about somebody carrying a gun into a VA
504 facility. I mean, this is misplaced priorities.

505 The Republic is on fire, and some of the things we have
506 been seeing and learning from media reports should cause
507 this committee concern to have a hearing on some of these
508 issues that the Intelligence Committee in the House failed
509 and did not live up to their duties to be a check and
510 balance as the Senate Intelligence Committee did.

511 Senator Burr made clear that he believes that the
512 Russians favored Trump and that the report is totally
513 accurate, and we see so much about Russians and money and
514 young Trump who does not know if his father has a blocked
515 call phone or not. I mean, young Trump is like a cat that
516 goes out and gets a chipmunk. They bring it back to their
517 owner. Young Trump would have told the owner what went on.
518 Yield back.

519 Chairman Goodlatte. The time of the gentleman has
520 expired.

521 For what purpose does the gentlewoman from Florida seek
522 recognition?

523 Ms. Demings. I move to strike the last word.

524 Chairman Goodlatte. The gentlewoman is recognized for
525 5 minutes.

526 Ms. Demings. Thank you so much, Mr. Chairman. As you
527 all know, we just recognized law enforcement officers from
528 all over the country, particularly those who lost their
529 lives in the performance of their duties last year. I wore
530 the uniform for 27 years, and I was subject to the same
531 restrictions that we are talking about today.

532 And I am sensitive, of course, based on my direct
533 knowledge and experience, to the challenges of officers who
534 may need to take care of personal business while "on duty."
535 But I do believe, and I am concerned that allowing any law
536 enforcement officer from any agency from within the country
537 to carry firearms in any Federal facility, I do believe that
538 it puts an undue burden on security in those buildings to
539 verify the credentials that those officers have.

540 I think we want to get this right. We have to get it
541 right. I know it is police week, which I am very much in
542 tune with that, but I do believe we should take the time,
543 have hearings on the matter, hear from those who are
544 directly impacted, adversely impacted, as opposed to pushing
545 the legislation through today. And with that I yield back.

546 Ms. Jackson Lee. Would the gentlelady yield? Would
547 the gentlelady yield?

548 Ms. Demings. Yes.

549 Ms. Jackson Lee. Thank you. Let me thank you for your
550 comments, and as I started out, I indicated that there were
551 no hearings, but I think you have raised a very important
552 point about getting the facts and understanding the facts.
553 I would like to encourage my colleagues in the interim to
554 support at least a small limitation which could then be more
555 efficiently regulated, is to -- if this is to go forward, to
556 allow it to the States.

557 But the idea of us being fact finders, as you have
558 indicated, to do what is right for all of our constituents,
559 and law enforcement are constituents of the Judiciary
560 Committee, and I am proud of that. And so I would ask my
561 colleagues to consider, and I am very grateful for the
562 thoughtful comments that the Congresswoman has just made.
563 With that, I yield back. Thank you for yielding.

564 Mr. Raskin. Would the gentlelady yield?

565 Ms. Demings. I yield.

566 Mr. Raskin. Would you yield for a question?

567 Ms. Demings. Yes.

568 Mr. Raskin. I am also impressed by your statement,
569 having been a law enforcement officer for a few decades, is
570 I am reading this bill -- and again, I am laboring under the
571 same disability you are, which is we have had no hearing on
572 it, so it is unclear exactly what it means, but part of it

573 says, "the term uniformed officer, agent, or employee means
574 an officer, agent, or employee, wearing a clearly
575 identifiable agency standard-issued uniform with a clearly
576 identifiable agency-issued ID badge."

577 If you were a law enforcement officer, and you were
578 looking at that, would you think that you have to admit not
579 just officers but other employees? They might be postal
580 employees or firefighters or someone who has got some kind
581 of uniform and a badge on.

582 Ms. Demings. I would definitely interpret it in that
583 way. I think you would need to verify or limit it to sworn
584 law enforcement officers as defined by law.

585 Mr. Raskin. Would you think that it should be sworn
586 law enforcement officers just from the State if -- the
587 justification for this bill -- and its provenance does seem
588 mysterious -- but if the justification is that it is for the
589 convenience of the officers to be able to keep their
590 firearms on them, should it just be officers, sworn law
591 enforcement officers, from the State itself?

592 So, it is not someone traveling from across America who
593 is not subject to the laws and the regulations of law
594 enforcement authorities within the State.

595 Ms. Demings. And I do think we have to consider, and
596 that is why I think the hearings would be beneficial,
597 officers could be off duty, performing a personal matter,

598 and an emergency arises at that time. So, it is very
599 possible that they could be on unofficial business but then
600 need to be pressed into service. I understand that without
601 a doubt.

602 But I do think limiting it to a State as opposed to in
603 its current form would at least, I think, make the
604 credentials more recognizable, and they would be more
605 familiar within the State that issued them.

606 Mr. Raskin. Thank you. I yield back to you.

607 Mr. Cicilline. Mr. Chairman?

608 Chairman Goodlatte. For what purpose does the
609 gentleman from Rhode Island seek recognition?

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

611 Chairman Goodlatte. The gentleman is recognized for 5
612 minutes.

613 Mr. Cicilline. Thank you, Mr. Chairman. I rise in
614 strong support of the Jackson Lee amendment. The most
615 compelling testimony that we have heard on this bill just
616 came from Chief Demings, and I thank her for that.

617 I think we all, every time we approach legislation,
618 want to balance certain interests, and it seems to me this
619 amendment does a very good job of striking the right
620 balance, if in fact the argument for this legislation is
621 that police officers who occasionally have to do personal
622 errands or run into a -- go to a Federal building while they

623 are on duty, in uniform, that this is a terrible
624 inconvenience, and one assumes that is the case, then the
625 Jackson Lee amendment would strike the right balance and
626 say, okay, the vast majority of those circumstance will be
627 people who are running errands in their own jurisdiction.

628 It seems odd that someone would put on their police
629 uniform to go to a pharmacy in another State. So, I think
630 it would cover most cases. Of course, we do not know that,
631 because we do not actually know that this is the real reason
632 for doing it; we do not know whether it is actually a
633 problem, because we have not had a hearing.

634 But assuming that that claim is the reason this bill
635 was put forth, I think the Jackson Lee amendment strikes the
636 right balance, because the danger that someone will be
637 wearing a police uniform from another jurisdiction,
638 purporting to be a police officer from another jurisdiction,
639 when the person required to check that may not be familiar
640 with uniforms outside their jurisdiction imposes some
641 danger.

642 And so, let's remediate that, reduce that likelihood,
643 and focus it on what will actually address the purported
644 problem, which is exactly what the Jackson Lee amendment
645 does. It balances, I think, in the right way, and I think
646 it makes sense.

647 We do not want to inadvertently create greater danger

648 for police officers in an earnest attempt to do something to
649 accommodate an issue that has been raised to the sponsor of
650 the bill.

651 So, I thank the Congresswoman from Texas for this very
652 thoughtful amendment that I think strikes the right balance
653 that will in fact accomplish a very important objective in
654 the bill. And with that, I yield to the gentleman from
655 Maryland.

656 Mr. Raskin. Thank you so much for yielding. I think
657 if we are going to move forward with this legislation we
658 absolutely need to have the Sheila Jackson Lee amendment on
659 it. Again, we have not had a hearing, so we do not really
660 know what the factual predicate is for changing the law in
661 this way. It has been suggested that the sponsor believes
662 that it will make life more convenient for officers who do
663 not want to remove their weapons and stop off in a Federal
664 building to do some business.

665 If that is the case, surely it should be confined and
666 limited to people who are sworn law enforcement officers, or
667 at least sworn law enforcement officers and employees, which
668 I guess is imported through this amendment, who are from the
669 State itself, because there is the problem of imposters.

670 We are opening up a huge loophole here, and the minute
671 that the word goes out that all you have got to do is put on
672 something that looks like standard-issue uniform, and you

673 can get into a Federal building with a weapon, that will
674 certainly be a principal mode of attempting to get into
675 Federal buildings to conduct mischief, and it is far more
676 likely that it is going to happen from someone crossing the
677 country than someone who is within the State itself.

678 So, I think the amendment begins to tighten up what is
679 a very loose and porous piece of legislation. I yield back.

680 Mr. Cicilline. Thank you. I just want to add before I
681 yield back to the chairman, the gentleman from Iowa
682 mentioned this notion about, you know, if you did not get to
683 bring it into the building you would have to lock it in your
684 car, and someone could steal from your car. Again, it would
685 be really useful to have hearings, and we could determine
686 how often that happens, what kind of risk it is. My
687 experience is that many Federal buildings have secure,
688 locked facilities that when you go in they secure your
689 firearm before you go into the building.

690 It would be nice to know in these Level I, Level II,
691 Level III, how many of these Federal buildings have locked
692 facilities for firearms; how many do not; how real is this
693 risk that it will be left in a car and stolen. I mean, this
694 is what the American people expect us to do, to have
695 hearings, to listen to evidence, to determine what is -- how
696 do we develop good public policy based on those sets of
697 facts and that kind of circumstances.

698 This is the danger of sort of pulling a bill, having no
699 hearing, throwing it on for a markup, and just sort of
700 hoping the emotion of our love for police will compel us to
701 pass a bill that is poorly written, that may endanger police
702 officers, and that may be completely unnecessary because it
703 is National Police Week.

704 Ms. Jackson Lee. Would the gentleman yield for just
705 one --

706 Mr. Cicilline. I would be happy to yield.

707 Ms. Jackson Lee. -- for just one moment. It will only
708 be a moment, because it struck me, for those of us -- a
709 number of us are lawyers on the committee, and we are in and
710 out of Federal courts. And I just had a moment of being of
711 great concern for Federal courts for impostors, because who
712 knows if someone that may have a particular angst against a
713 decision made in a Federal court and against a judge? With
714 that, I yield back, and I thank the gentleman for yielding
715 and ask my colleagues to support the amendment as my
716 colleague to support the amendment.

717 Mr. Cicilline. I thank the gentlelady. I yield back,
718 Mr. Chairman.

719 Chairman Goodlatte. I thank the gentlewoman for her
720 comment. The bill does specifically exclude Federal courts.

721 The question occurs on the amendment offered by the
722 gentlewoman from Texas.

723 All those in favor, respond by saying aye.
724 Those opposed, no.
725 In the opinion of the chair, the noes have it.
726 Ms. Jackson Lee. I request a recorded vote.
727 Chairman Goodlatte. A recorded vote is requested, and
728 the clerk will call the roll.
729 Ms. Adcock. Mr. Goodlatte?
730 Chairman Goodlatte. No.
731 Ms. Adcock. Mr. Goodlatte votes no.
732 Mr. Sensenbrenner?
733 [No response.]
734 Mr. Smith?
735 [No response.]
736 Mr. Chabot?
737 Mr. Chabot. No.
738 Ms. Adcock. Mr. Chabot votes no.
739 Mr. Issa?
740 [No response.]
741 Mr. King?
742 Mr. King. No.
743 Ms. Adcock. Mr. King votes no.
744 Mr. Gohmert?
745 [No response.]
746 Mr. Jordan?
747 [No response.]

748 Mr. Poe?
749 [No response.]
750 Mr. Marino?
751 Mr. Marino. No.
752 Ms. Adcock. Mr. Marino votes no.
753 Mr. Gowdy?
754 [No response.]
755 Mr. Labrador?
756 [No response.]
757 Mr. Collins?
758 Mr. Collins. No.
759 Ms. Adcock. Mr. Collins votes no.
760 Mr. DeSantis?
761 Mr. DeSantis. No.
762 Ms. Adcock. Mr. DeSantis votes no.
763 Mr. Buck?
764 Mr. Buck. No.
765 Ms. Adcock. Mr. Buck votes no.
766 Mr. Ratcliffe?
767 Mr. Ratcliffe. No.
768 Ms. Adcock. Mr. Ratcliffe votes no.
769 Mrs. Roby?
770 [No response.]
771 Mr. Gaetz?
772 Mr. Gaetz. No.

773 Ms. Adcock. Mr. Gaetz votes no.
774 Mr. Johnson of Louisiana?
775 Mr. Johnson of Louisiana. No.
776 Ms. Adcock. Mr. Johnson votes no.
777 Mr. Biggs?
778 Mr. Biggs. No.
779 Ms. Adcock. Mr. Biggs votes no.
780 Mr. Rutherford?
781 [No response.]
782 Mrs. Handel?
783 Mrs. Handel. No.
784 Ms. Adcock. Mrs. Handel votes no.
785 Mr. Rothfus?
786 [No response.]
787 Mr. Nadler?
788 [No response.]
789 Ms. Lofgren?
790 [No response.]
791 Ms. Jackson Lee?
792 Ms. Jackson Lee. Aye.
793 Ms. Adcock. Ms. Jackson Lee votes aye.
794 Mr. Cohen?
795 Mr. Cohen. Aye.
796 Ms. Adcock. Mr. Cohen votes aye.
797 Mr. Johnson of Georgia?

798 [No response.]
799 Mr. Deutch?
800 Mr. Deutch. Aye.
801 Ms. Adcock. Mr. Deutch votes aye.
802 Mr. Gutierrez?
803 [No response.]
804 Ms. Bass?
805 [No response.]
806 Mr. Richmond?
807 [No response.]
808 Mr. Jeffries?
809 [No response.]
810 Mr. Cicilline?
811 Mr. Cicilline. Aye.
812 Ms. Adcock. Mr. Cicilline votes aye.
813 Mr. Swalwell?
814 [No response.]
815 Mr. Lieu?
816 Mr. Lieu. Aye.
817 Ms. Adcock. Mr. Lieu votes aye.
818 Mr. Raskin?
819 Mr. Raskin. Aye.
820 Ms. Adcock. Mr. Raskin votes aye.
821 Ms. Jayapal?
822 Ms. Jayapal. Aye.

823 Ms. Adcock. Ms. Jayapal votes aye.

824 Mr. Schneider?

825 Mr. Schneider. Aye.

826 Ms. Adcock. Mr. Schneider votes aye.

827 Ms. Demings?

828 Ms. Demings. Aye.

829 Ms. Adcock. Ms. Demings votes aye.

830 Chairman Goodlatte. The gentleman from Texas, Mr.

831 Ratcliffe?

832 Mr. Ratcliffe. How am I recorded?

833 Ms. Adcock. No.

834 Chairman Goodlatte. Has every member voted who wishes

835 to vote? The clerk will report.

836 Ms. Adcock. Mr. Chairman, 9 members voted aye; 12

837 members voted no.

838 Chairman Goodlatte. And the amendment is not agreed

839 to. Are there further amendments to H.R. 2561?

840 For what purpose does the gentleman from Rhode Island

841 seek recognition?

842 Mr. Cicilline. Mr. Chairman, I have an amendment at

843 the desk.

844 Chairman Goodlatte. The clerk will report the

845 amendment.

846 Ms. Adcock. Amendment to H.R. 2561, offered by Mr.

847 Cicilline. Strike and --

848 [The amendment of Mr. Cicilline follows:]

849 ***** COMMITTEE INSERT *****

850 Chairman Goodlatte. Without objection, the amendment
851 is considered as read, and the gentleman is recognized for 5
852 minutes on his amendment.

853 Mr. Cicilline. Thank you, Mr. Chairman. My amendment
854 simply strikes the three words "other dangerous weapons" on
855 page 2, line 13.

856 As I mentioned in my opening, I am concerned that the
857 bill authorizes the lawful carrying of an agency-issued
858 firearm -- which is a very discrete set of things; agency-
859 issued firearm -- but then says, "and other dangerous
860 weapons," with no definition of what those other dangerous
861 weapons could be, or even any qualifier that it would be an
862 agency-issued dangerous weapon.

863 So, we ought to at least eliminate that someone who is
864 potentially an imposter can bring in something which is not
865 a firearm that can cause significant injury to others. And
866 it also is -- if it is the case that we are saying police
867 officers need to have their firearms to defend themselves,
868 it is hard to imagine that this other category would be
869 necessary if they have their firearms. I do not know what
870 it means.

871 It seems to be a huge hole in this bill that would
872 allow the carrying of dangerous weapons -- undefined; not
873 issued by an agency; by definition, not defined in the
874 statute or qualified by "agency-issued" -- into

875 jurisdictions in which the person is not a police officer or
876 law enforcement officer, which I think presents an enormous
877 potential for mischief and danger. And I think it is
878 unnecessary, and I urge my colleagues to support the
879 amendment.

880 Chairman Goodlatte. The chair recognizes himself in
881 opposition to the amendment. "Dangerous weapons" is a term
882 that is defined in the underlying statute at 18 U.S.C. 926 -
883 - I am sorry, 930, subsection G(2). The term "dangerous
884 weapons" means "a weapon, device, instrument, material, or
885 substance, animate or inanimate, that is used for or is
886 readily capable of causing death or serious bodily injury
887 except that such a term does not include a pocket knife with
888 a blade of less than two and a half inches in length."

889 And I would just add to that that law enforcement
890 officers carry a variety of defensive weapons that are
891 issued by their departments. They can include night sticks;
892 tasers; flashlights; pepper spray and other similar items.
893 These items are routinely issued to law enforcement
894 officers, and, further, they receive training on how to use
895 these items. And I would note that in most of these
896 instances these items are less dangerous than firearms, and
897 therefore it makes no sense to me to tell them they cannot
898 bring those items into these public buildings.

899 Mr. Cicilline. Would the chairman yield to a question?

900 Chairman Goodlatte. I would be happy to yield to the
901 gentleman.

902 Mr. Cicilline. I withdraw my amendment if the chairman
903 agreed to a friendly amendment to add "agency-issued" before
904 "dangerous weapons."

905 Chairman Goodlatte. The chair would accept that. I do
906 not think that is necessary, but I would agree to that. It
907 makes it clear that the words "agency-issued" applies to
908 both firearms and dangerous weapons.

909 Ms. Jackson Lee. Would the chairman yield?

910 Chairman Goodlatte. Does the gentleman from Colorado
911 have a concern?

912 Mr. Buck. I do. Oftentimes, in rural agencies
913 officers buy their own and bring their own weapons to the
914 department that they are working for, so that would not be
915 an agency-issued weapon.

916 Chairman Goodlatte. But the statute already provides
917 for agency-issued weapons, but then it says, "other
918 dangerous weapons," and I think the solution to your problem
919 would simply be that they would have the agency authorize
920 the weapon even the individual purchased it.

921 Mr. Buck. So, the agency would authorize a weapon that
922 the individual would purchase, then.

923 Chairman Goodlatte. Correct.

924 Mr. Buck. Okay.

925 Chairman Goodlatte. Correct.

926 Ms. Demings. Would the gentleman yield?

927 Chairman Goodlatte. Who is seeking? I would be happy
928 to yield.

929 Ms. Demings. I think a way to handle that concern -- I
930 certainly understand it -- would be "agency-issued or agency
931 approved."

932 Chairman Goodlatte. If the gentleman from Rhode Island
933 is okay with that, we are considering an amendment that has
934 not yet been placed in writing, but it would read after --
935 immediately before "dangerous weapons" add the phrase
936 "agency-issued or agency-approved."

937 Mr. Cicilline. That is acceptable, Mr. Chairman.

938 Chairman Goodlatte. All right. For what purpose does
939 the gentleman from Iowa seek recognition?

940 Mr. King. Mr. Chairman, I just think that this has
941 been turned into a far more complicated issue than it is. I
942 mean, we have law enforcement officers that are entrusted
943 with enforcing nearly every aspect of the law that I can
944 think of. And we want to train them; we want to equip them;
945 we want them to have the best amount of self-defense they
946 can have.

947 We want them to use that at the appropriate trained
948 times, and we are down here slicing and dicing and splitting
949 hairs about whether an officer can fire up his lathe in his

950 basement and turn out his own billy club and bring it along
951 or not without getting the permission of the department. I
952 just think we have gone way deep into the rabbit trail here.

953 And if we are going to give them the authority to move
954 across State lines and into Federal buildings, we ought to
955 decide to do it. And I think the bill, the underlying bill,
956 is written clearly and accurately, and I want to just get on
957 to the final and pass this bill, so I oppose this amendment,
958 and I actually also oppose the negotiated components of the
959 amendment.

960 Let's get to the base bill and pass it, because we owe
961 it to our law enforcement officers not to complicate their
962 lives anymore.

963 Chairman Goodlatte. Would the gentleman yield?

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

965 Chairman Goodlatte. I share the gentleman's concerns.
966 However, since we have already used the phrase "agency-
967 issued" firearms I have absolutely no problem applying that,
968 and as Chief Demings has suggested, the term "agency-issued
969 or agency-approved" prior to the term "dangerous weapons,"
970 which are defined in the Federal statute.

971 Mr. King. And reclaiming my time, I do disagree,
972 because there is such a variety of weapons, and the officers
973 that are -- some of them are required to equip themselves,
974 as Mr. Buck said, and the whole variety of that -- the

975 solution that the gentlelady from Texas offered seems to be
976 a reasonable solution to me, but on the other hand, it is
977 just too much burden on our officers.

978 Chairman Goodlatte. First of all, I think some members
979 on both sides would say that there is a semantics issue here
980 in terms of whether or not the first use of the term
981 "agency-issued" modifies both "firearms" and "other
982 dangerous weapons," or whether it is not, and I think all we
983 are trying to do here is clarify that it modifies both.

984 So, I agree with you that we are making a lot out of a
985 little, but if it helps, I think it does not hurt in terms
986 of the clarity of the section to make the change that the
987 gentleman from Rhode Island has offered, modified by the
988 gentlewoman from Florida.

989 Mr. King. Reclaiming my time, I maintain my position,
990 but I yield back to the chair.

991 Chairman Goodlatte. For what purpose does the
992 gentleman from Arizona seek recognition?

993 Mr. Biggs. I move to strike the last word.

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

996 Mr. Biggs. Thank you, Mr. Chairman. If we are going
997 to make that modification when we are talking about other
998 weapons, other dangerous weapons, we probably need to make a
999 modification on line 12 of page 2, "the lawful carrying of

1000 the agency-issued or agency-approved firearms."

1001 Chairman Goodlatte. And if the gentleman from Rhode
1002 Island has no objection to that I would consider that a
1003 friendly amendment to the amendment.

1004 Mr. Cicilline. I defer to the congresswoman from
1005 Florida as to whether or not that that is appropriate. I do
1006 not know enough about, again, what is agency-approved versus
1007 agency-issued. "Approved" is fine.

1008 Chairman Goodlatte. The question occurs on the
1009 amendment offered by the gentleman from Rhode Island.

1010 All those in favor, respond by saying aye.

1011 Those opposed, no.

1012 In the opinion of the chair, the ayes have it, and the
1013 amendment is agreed to.

1014 The previous amendment is withdrawn -- the previous
1015 amendment offered by the gentleman from Rhode Island. Are
1016 there further amendments to H.R. 2561?

1017 Mr. Raskin. Mr. Chair?

1018 Chairman Goodlatte. Who seeks recognition?

1019 Mr. Raskin. I move to strike the last word.

1020 Chairman Goodlatte. The gentleman is recognized for 5
1021 minutes.

1022 Mr. Raskin. Thank you very much. Again, in lieu of an
1023 actual hearing where we could explore the dimensions and the
1024 implications of this legislation, I was hoping that perhaps

1025 you, Mr. Chair, or another member could just answer a couple
1026 of questions about the intent and the scope of this
1027 legislation.

1028 As I understand it, this would apply to employees of
1029 States and political subdivisions as well as of the United
1030 States. Is that right?

1031 Chairman Goodlatte. That is correct.

1032 Mr. Raskin. Okay. And if the chair would yield for a
1033 further question, do those people have to be sworn law
1034 enforcement officers? Could someone be, for example, a
1035 State agricultural inspection officer? Could they be a
1036 meter enforcer for the Chicago Police Department? Because
1037 it says "employee," and so --

1038 Chairman Goodlatte. If the gentleman would yield, I
1039 think that is defined by lines 17 through 19, "who is
1040 authorized by law to engage in or supervise the prevention,
1041 detection, investigation, or prosecution of any violation of
1042 law."

1043 Mr. Raskin. Right. So, if I am a meter enforcer in
1044 the city of Chicago, I am interested in preventing,
1045 detecting, and investigating people who are, you know, not
1046 conforming to the parking laws.

1047 Chairman Goodlatte. If you are a meter enforcer in
1048 Chicago who is authorized to carry a firearm, then the
1049 answer would be yes.

1050 Mr. Raskin. Okay. And the same with an agricultural
1051 inspector if they are --

1052 Chairman Goodlatte. If they are authorized by their
1053 agency to carry a firearm, the answer would be yes.

1054 Mr. Raskin. Right, if their gun now is either issued
1055 by or approved by the State or local -- okay. Again, in
1056 lieu of a hearing, do you know how many public employees at
1057 the local, State, and Federal level would be swept into the
1058 new expansion of this --

1059 Chairman Goodlatte. That I do not.

1060 Mr. Raskin. -- section of the law? Yes?

1061 Mr. Buck. Would the gentleman yield?

1062 Mr. Raskin. Please.

1063 Mr. Buck. Typically, in law enforcement we have sworn
1064 officers and sworn officers. And so, a sworn officer is
1065 someone that has the training to carry a firearm, make
1066 arrests, and go forward in that manner, and this is intended
1067 to cover sworn officers, not nonsworn or civilian employees.

1068 Mr. Raskin. Oh.

1069 Mr. Buck. So, "authorized by law" is the term that is
1070 being used to cover sworn officers.

1071 Mr. Raskin. Thank you. Would you be amenable to just
1072 making that explicit in the way we just made --

1073 Mr. Buck. No, I think it is explicit by saying
1074 "authorized by law." In law you have a distinction between

1075 sworn and civilian.

1076 Mr. Raskin. Well, are you telling me that there are no
1077 unsworn employees who have the right to carry weapons or
1078 arms?

1079 Mr. Buck. I am telling you that is the case in
1080 Colorado. I do not know about the other States. I do know
1081 in Colorado that is the case.

1082 Mr. Raskin. Well --

1083 Ms. Demings. Would the gentleman from Maryland yield?

1084 Mr. Raskin. By all means.

1085 Ms. Demings. Just a point of clarification for me.
1086 The bill talks about uniformed officers with a clearly
1087 identifiable agency standard-issued uniform, which would not
1088 include detectives or those sworn members who do not wear
1089 uniform to work every day but would still have the same
1090 challenges as the uniformed officers. Are we excluding the
1091 detectives or plainclothes undercover officers? Detectives
1092 -- they wear no uniform. Would they be excluded in this
1093 bill?

1094 Mr. Raskin. If the gentlelady would yield back, and
1095 that is the perfect kind of question that we would be able
1096 to raise that hearing if we were serious about coming up
1097 with something that would actually benefit law enforcement
1098 personnel. So, that is another question to put on the
1099 table. It might be overinclusive in that it includes the

1100 meter inspectors and agricultural inspectors, but it might
1101 be underinclusive with respect to actual law enforcement
1102 officers who are detectives who are plainclothes. What can
1103 we do about that problem?

1104 Chairman Goodlatte. The gentleman will have to repeat
1105 this question. If it is directed to me, I was conferring --

1106 Mr. Raskin. No, I was essentially just channeling the
1107 question of the former police chief of Orlando, Florida, who
1108 was saying would this not apply to the tens of thousands of
1109 detectives across the country who are plainclothes, who are
1110 not wearing a uniform?

1111 Chairman Goodlatte. It does not apply to them.

1112 Mr. Raskin. Okay.

1113 Chairman Goodlatte. But if you want to make -- offer
1114 an amendment to make it apply to them --

1115 Mr. Raskin. Well, I would love to have a hearing so we
1116 can explore all of these issues. You see, I mean, what we
1117 are trying to do is to smuggle a hearing into a markup
1118 session, and some people are even impatient with having a
1119 markup session.

1120 But you know, it just seems like it is a -- this is a
1121 travesty of the legislative process, but -- you know, we
1122 have passed several bills on a bipartisan basis that I know
1123 the law enforcement community is interested in, and we are
1124 able to do that when we actually come together and have a

1125 hearing and answer all the questions.

1126 But here we do not really know what the implications of
1127 this bill are, so I would move that we have a hearing on it
1128 and then proceed. I am happy to yield back.

1129 Mr. Deutch. Mr. Chairman?

1130 Chairman Goodlatte. For what purpose does the
1131 gentleman from Florida seek recognition?

1132 Mr. Deutch. I move to strike the last word.

1133 Chairman Goodlatte. The gentleman is recognized for 5
1134 minutes.

1135 Mr. Deutch. Mr. Chairman, I appreciate the attention
1136 that the committee is giving to improving safety for our law
1137 enforcement officers who put their lives on the line to keep
1138 our communities safe every day. What I do not understand is
1139 why we could not, as we have already heard, have spared just
1140 a little more attention to this bill, why we could not have
1141 had a hearing to learn more about the problem.

1142 I have heard from officers in my district who are
1143 concerned that being forced to leave their firearms locked
1144 in their vehicle just makes their vehicles targets for savvy
1145 criminals who understand that a marked car is likely to have
1146 a gun inside. We all want to prevent the cowardly targeting
1147 of law enforcement, especially as they seek medical care in
1148 the VA or go about other important personal
1149 responsibilities, but I genuinely do not understand much

1150 about this problem.

1151 Is it a reasonable solution to check firearms at
1152 security checkpoints, after which presumably the building is
1153 secure? Does that solve the problem without having officers
1154 carry firearms throughout a building? I honestly do not
1155 know the answer to that, and I am not convinced that it is
1156 reasonable to solve a problem that I, and, as we have seen,
1157 other members of this committee, do not fully understand.

1158 I would also love for this committee to examine other
1159 ways to protect law enforcement officers in our communities,
1160 like the Jake Laird Act that Representative Brooks and I
1161 recently introduced. That is a bill named after a police
1162 officer killed in the line of duty by an individual with a
1163 history of mental illness who never should have had access
1164 to firearms.

1165 And I hope the committee can give some attention to
1166 this issue in the near future so that other officers do not
1167 have to face preventable dangers in addition to the many
1168 real dangers that they face as they do so much to keep our
1169 communities safe. But I also want to raise, Mr. Chairman,
1170 an unrelated issue that is within our committee's
1171 jurisdiction.

1172 The New Yorker reported that a law enforcement official
1173 believes that suspicious activity reports related to the
1174 transactions by Michael Cohen, President Trump's personal

1175 attorney, are missing from the Treasury Department's
1176 Financial Crimes Enforcement Network database, and I would
1177 like to submit for the record this article entitled "Missing
1178 Files Motivated the Leak of Michael Cohen's Financial
1179 Records." I would like to submit that for the record.

1180 Chairman Goodlatte. Without objection, that will be
1181 made a part of the record.

1182 [The information follows:]

1183 ***** COMMITTEE INSERT *****

1184 Mr. Deutch. Thank you. There is a lot that we do not
1185 know about this story, but the article -- thank you --
1186 indicates that searches of the database failed to return two
1187 previous suspicious activity reports referenced in a third
1188 suspicious activity report filed by First Republic Bank
1189 related to Michael Cohen's account for essential
1190 consultants. The details of the first and second suspicious
1191 activity reports are unknown, but their absence from the
1192 FinCEN database is a matter that is rightly within the
1193 jurisdiction of this committee.

1194 This committee must examine both Treasury Department
1195 and Justice Department policies and procedures related to
1196 the retention of and access to suspicious activity reports
1197 to ensure that law enforcement officials are able to conduct
1198 their work without interference. That is the reason, Mr.
1199 Chairman, that I am making this request for a committee
1200 hearing on the policies and procedures regarding the
1201 retention and access to these records so that law
1202 enforcement can do its job.

1203 And, Mr. Chairman, we should give Secretary Mnuchin the
1204 opportunity to testify under oath, whether in public or a
1205 closed session, in order to understand why seven former
1206 government officials and other experts familiar with the
1207 Treasury Department's FinCEN database expressed various
1208 levels -- varying levels of concern about the missing

1209 reports.

1210 We have an obligation, Mr. Chairman, to do our job, and
1211 we must understand what is happening here, and we can do it
1212 by simply doing the work that our constituents expect us to
1213 be doing in this committee, and that is conducting the
1214 necessary oversight that we ought to be engaged in.

1215 And I will submit this letter to you and hope very much
1216 that we are able to have that important hearing and that we
1217 are able to schedule it soon, and I yield back.

1218 Chairman Goodlatte. The question occurs on final
1219 passage of the bill.

1220 A reporting quorum being present, the question is on
1221 the motion report the bill H.R. 2561, as amended, favorably
1222 to the House.

1223 Those in favor will say aye.

1224 Those opposed, no.

1225 The ayes have it, and the bill is ordered reported
1226 favorably.

1227 Members will have 2 days to submit views. Without
1228 objection, the bill be reported as a single amendment in the
1229 nature of a substitute incorporating all adopted amendments,
1230 and staff is authorized to make technical and conforming
1231 changes.

1232 This concludes our business for today, and thanks to
1233 all our members for attending. The markup is adjourned.

1234 [Whereupon, at 12:25 p.m., the committee was
1235 adjourned.]