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2 SHAYLAH LYNN BURRILL

3 HJU044000

4 MARKUP OF H.R. 8, BIPARTISAN BACKGROUND CHECKS ACT OF 2019;

5 AND H.R. 1112, ENHANCED BACKGROUND CHECKS ACT OF 2019.

6 Wednesday, February 13, 2019

7 House of Representatives

8 Committee on the Judiciary

9 Washington, D.C.

10 The committee met, pursuant to call, at 10:08 a.m., in
11 Room 2141, Rayburn Office Building, Hon. Jerrold Nadler
12 [chairman of the committee] presiding.

13 Present: Representatives Nadler, Lofgren, Jackson Lee,
14 Cohen, Johnson of Georgia, Deutch, Bass, Richmond, Jeffries,
15 Cicilline, Swalwell, Lieu, Raskin, Jayapal, Demings, Correa,
16 Scanlon, Garcia, Neguse, McBath, Stanton, Dean, Mucarsel-
17 Powell, Escobar, Collins, Sensenbrenner, Chabot, Gohmert,
18 Jordan, Buck, Ratcliffe, Roby, Gaetz, Johnson of Louisiana,
19 Biggs, McClintock, Lesko, Reschenthaler, Cline, Armstrong,
20 and Steube.

21 Staff present: Perry Apelbaum, Minority Staff Director;
22 David Greengrass, Majority Senior Counsel; Susan Jensen,
23 Majority Senior Counsel; Joe Graupensperger, Majority
24 Counsel; Ben Stern-Hernandez, Majority Counsel; Jilian
25 Gerson; Veronica Eligan, Majority Clerk; Brendan Belair,
26 Minority Chief of Staff; Robert Parmiter, Minority Deputy
27 Chief of Staff; Jon Ferro, Minority Parliamentarian; Jason
28 Cervanak, Minority Counsel; and Ryan Breitenbach, Minority
29 Counsel.
30

31 Chairman Nadler. The Judiciary Committee will please to
32 come to order, a quorum being present. Without objection,
33 the chair is authorized to declare a recess at any time.

34 Pursuant to Rule 2 and House Rule 11, Clause 2, the
35 chairman may postpone further proceedings today on the
36 question of approving any measure or matter or adopting an
37 amendment for which a recorded vote for the yeas and nays are
38 ordered.

39 Pursuant to notice, I now call up H.R., the Bipartisan
40 Background Checks Act of 2019, for purposes of markup, and
41 move that the committee report the bill favorably to the
42 House. The clerk will report the bill.

43 Mr. Biggs. Mr. Chairman, may I make a parliamentary
44 inquiry?

45 Chairman Nadler. The gentleman will state his
46 parliamentary inquiry. Who is talking?

47 Mr. Biggs. Yes, you just mentioned something regarding
48 amendments, and I would like just clarification. I didn't
49 catch that. Right at the end?

50 Chairman Nadler. All I said was boilerplate, which is
51 pursuant to rule so and so, the chair may postpone further
52 proceedings today on the question of approving --

53 Mr. Biggs. Okay. Very good. Thank you. I just want
54 to make sure I got that.

55 Chairman Nadler. It was absolute boilerplate, sir.

56 [Laughter.]

57 Chairman Nadler. The clerk will report the bill.

58 Ms. Eligan. Amendment to H.R. 8 offered by Mr.

59 Sensenbrenner of --

60 Chairman Nadler. Is she reading the right thing?

61 Voice. No.

62 Ms. Eligan. H.R. 8, to require a background check for
63 every firearm sale.

64 Chairman Nadler. Without objection, the bill will be
65 considered as read and open for amendment at any point.

66 [The bill follows:]

67

68 Chairman Nadler. I will begin by recognizing myself for
69 an opening statement.

70 Today the Judiciary Committee considers H.R. 8, the
71 Bipartisan Background Checks Act of 2019. This is long-
72 overdue legislation that will help address our national
73 crisis of gun violence. As I noted last week when the
74 committee held our hearing entitled, "Preventing Gun
75 Violence: A Call to Action," nearly 40,000 Americans lost
76 their lives because of guns in 2017. In fact, every day in
77 America, on average, 34 people are murdered with a firearm,
78 and more than 183 people are injured in an attack.

79 This is a distinctly American problem. By comparison,
80 in 2011, the United Kingdom had only 146 deaths due to gun
81 violence, Denmark 71, Portugal 142, and Japan just 30, but
82 last year in the United States, almost 40,000. We know the
83 reason for this stark difference between our country and the
84 rest of the industrialized world. The common factor in all
85 of these other countries is that they have stronger gun laws.
86 In fact, when Australia tightened its gun laws a few years
87 ago, we saw both suicide rates and homicide rates plummet.

88 Our country, however, is awash in guns, and we have the
89 shameful death toll to show for it. As several of our
90 witnesses in last week's hearing testified repeatedly, one of
91 the most important things we can do to address this epidemic
92 of gun violence is to enact universal background checks.

93 Under current law, only licensed firearms dealers are
94 required to conduct a background check before transferring a
95 gun to another person. This means that gun shows, online
96 sales, and other private sales can completely evade this
97 vital tool for ensuring that guns do not get into the wrong
98 hands.

99 According to one study, 22 percent of gun owners in the
100 United States acquired their most recent firearm without a
101 background check. We do not know if they were felons,
102 fugitives, or domestic abusers. We do not know if a court
103 had determined that they were seriously mentally ill. A huge
104 volume of guns were sold with no questions asked. It is time
105 to close this dangerous loophole.

106 There is a clear consensus among academics, public
107 health experts, and law enforcement personnel that universal
108 background checks would greatly enhance public safety.
109 Despite the obvious need to take action, however, Congress
110 for too long has done virtually nothing. Citizens across the
111 country have been organizing and demanding action. There is
112 now overwhelming public support for universal background
113 checks, 90 percent according to one survey.

114 I am particularly heartened by the mobilization of so
115 many students and young people from diverse backgrounds and
116 from every part of our Nation who are now at the forefront of
117 this effort. They join mothers and fathers in calling us to

118 do more to create a future in which children do not fear
119 being shot in school or on the streets. We have heard their
120 voices. That is why we are considering H.R. 8 today.

121 This bill would make it illegal for any person who is
122 not a licensed firearm importer, manufacturer, or dealer to
123 transfer a firearm to any other person who is not so licensed
124 without a background check. Individuals seeking to transfer
125 a firearm under this measure would be required to visit a
126 licensed firearms dealer to run the necessary background
127 check before the transfer could be finalized. The bill also
128 provides a number of exemptions to this requirement,
129 including gifts to family members and transfers for hunting,
130 target shooting, and self-defense.

131 The FBI's internal assessment demonstrated that checks
132 process through the National Instant Criminal Background
133 Check System are approximately 99.3 to 99.8 percent accurate,
134 and in 90 percent of cases, checks are processed within 90
135 seconds. H.R. 8 will provide an accurate and speedy
136 mechanism to help ensure firearms do not end up in the wrong
137 hands. The bill would, therefore, extend the current Federal
138 background check requirement, which applies now only to
139 licensed gun dealer, and require virtually all transactions
140 to undergo a background check.

141 There is no reason -- no reason -- to continue to make
142 it easier for people who are legally prohibited from

143 possessing firearms to acquire guns. Just last week, a new
144 report found that across several States, 1 in 9 people
145 seeking to buy a gun from a unlicensed seller through
146 ArmsList.com were legally prohibited from buying or
147 possessing a gun, and would have failed a background check at
148 a licensed gun dealer. This bill would close this dangerous
149 loophole. Evidence shows that universal background checks
150 will save lives. I urge my colleagues to support H.R. 8 and
151 to support safer streets, safer schools, and safer
152 communities.

153 I now recognize the ranking member of the Judiciary
154 Committee, the gentleman from Georgia, Mr. Collins, for his
155 opening statement.

156 Mr. Collins. Thank you, Mr. Chairman, for holding
157 today's markup. I think this is something that is a
158 continuation of our previous hearing. I think there is going
159 to be a lot of discussion today, a lot of hopeful amendments.
160 There is going to be a lot of discussion on what actually
161 works and what actually is simply for show, and we are going
162 to continue to hopefully have a meaningful discussion in this
163 process.

164 We have discussed the fact that many of the tragedies of
165 mass violence are punctuated by missed opportunities for law
166 enforcement to respond to mental illness or known threats. I
167 am sad the bill before us represents another missed

168 opportunity to prevent this violence in our communities. It
169 is disturbing that in a clamor to do something to combat mass
170 violence, you and your colleagues managed to craft a bill
171 that does exactly nothing.

172 In the last roughly 2 years, this committee has produced
173 three laws addressing factors fueling gun violence.
174 President Obama signed one of them. Evidence tells us,
175 though, that the H.R. 8 solves nothing.

176 My microphone, is it echoing back there? Maybe it is
177 just me. I don't know.

178 Voice. It is your Georgia twang.

179 Mr. Collins. It is my Georgia twang. That is probably
180 what it is. All right. We are fine. Thank you for whoever
181 turned it down. I appreciate it.

182 Evidence tells us that H.R. 8 will solve nothing. The
183 National Institute of Justice, the research and evaluation
184 arm of the Justice Department that informs criminal justice
185 decision-making, concluded in 2013 that universal background
186 checks are ineffective without a gun registry. So what did
187 my Democrat friends do with the NIJ's conclusion? They
188 ignored it. In fact, they wrote a bill that explicitly
189 prohibits creating a registry.

190 Let me clear, Mr. Chairman. In no way am I suggesting
191 there should be a registry. That is a profound intrusion on
192 the rights of millions of Americans. But this shows our

193 Democrat friends are perpetrating a fraud on the activists
194 who support them. They are peddling false hope to both
195 activists and victims of violence.

196 When we pointed out last week at the H.R. 8 hearing was
197 ineffective, Democrats had to scramble for new talking
198 points, and fortunately Chief Acevedo came to their rescue.
199 He was asked if the bill would save just one life, isn't it
200 worth it if the bill will save any lives. But we do know
201 from NIJ determined it would be ineffective, and we all know
202 criminals don't obey laws, and as a result, this bill may
203 actually cost us lives as we go forward.

204 Not only is the bill ineffective according to the Obama
205 DOJ, its policy is so irresponsible, it will turn law-abiding
206 citizens into criminals with the stroke of a pen. Consider
207 the domestic violence victim who has a restraining order
208 against her abuser, but still lives in fear of him. She
209 would like a firearm to protect herself but can't afford one,
210 because in their wisdom, the chairman and my colleagues have
211 prohibited the attorney general from capping the cost of the
212 NICS check.

213 If you happen to live here in Washington, D.C., that
214 cost is \$125. For many people, that means choosing between
215 putting food on the table or protecting themselves from
216 dangerous people. So this victim's friend offers to loan her
217 a firearm. As a law-abiding citizen under H.R. 8, this

218 victim would have to go to her nearest Federal firearms
219 licensee for a background check. Otherwise she will be a
220 criminal. Because she lives in North Dakota, the nearest FFL
221 is 4 hours away while her abuser lives just down the road.

222 These aren't choices people, and particularly victims,
223 should be forced to make. Yet that is the choice our
224 Democratic colleagues will be forcing upon numerous victims,
225 like the young lady, Savannah, we heard from last week. They
226 would rather leave people vulnerable to victimization than
227 write a law that could possibly work.

228 But that is only the beginning of the fatal flaws in
229 H.R. 8. If a police officer sells his rifle to a fellow
230 officer without running to the FFL first for a background
231 check, they would both be criminals. Likewise, if a
232 stepsister gives a firearm to her stepbrother without running
233 to a local FFL first, they would be criminals. There are
234 countless lawful firearm transfers occurring on a regular
235 basis between law-abiding citizens, none of which led to
236 crime.

237 The absurd bill ignores that fact and turns all these
238 innocent people into criminals. But this bill refuses to
239 take up the most logical step in combatting gun violence,
240 namely preventing criminals from acquiring firearms.
241 Criminals primarily get their firearms via theft and straw
242 purchases, but those are already illegal, so we don't need

243 more restrictive laws. We need more enforcement.

244 What is more, research shows background checks do
245 nothing to impact homicide or suicide death. At least one
246 scholarly article this month concluded California's
247 comprehensive background check system policies were not
248 associated with the changes in firearm suicide or homicide.
249 Sadly, the tragedy at San Bernardino and Thousand Oaks make
250 this obvious.

251 This bill would do nothing to address what my colleagues
252 would agree are the key dimensions of mass violence: mental
253 illness and a culture desensitized to violence. As a result,
254 H.R. 8 wouldn't have prevented Parkland, Sandy Hook, Orlando,
255 Aurora, or any other griefs that my friends on the Democratic
256 side have talked about, except for exploiting them.

257 Mr. Chairman, last week, we talked about this in depth.
258 We talked about how this is going to go about. It is nothing
259 short of a misnomer to say this would at first correct the
260 ills that is being tried here. I commend the effort. The
261 effort, though, however, comes up short. And despite its
262 title, this bill is anything really but bipartisan. There
263 are bipartisan solutions on the table, but this isn't one of
264 them, and I would urge my colleagues to oppose this misguided
265 legislation.

266 And with that, I yield back.

267 Chairman Nadler. I thank the gentleman. I now yield --

268 I now recognize I should say -- the chair of the Subcommittee
269 on Crime, Terrorism, and Homeland Security, the gentlewoman
270 from California, Ms. Bass, for her opening statement.

271 Ms. Bass. Mr. Chairman, I support H.R. 112, the
272 Enhanced Background Checks Act of 2019, as a commonsense
273 measure to improve the current -- I am sorry. Sorry about
274 that.

275 Mr. Chairman, I am pleased that the committee is
276 considering H.R. 8, the Bipartisan Background Checks Act of
277 2019, in our markup session today. We must do much more to
278 address our national problem of gun violence, and I strongly
279 support this bill.

280 While it is true that some States already require
281 background checks for all gun sales, inconsistent laws among
282 the States undermine these protections because guns from
283 less-restrictive States flow to the States where the laws are
284 stronger. It is also the case that some States do better
285 than others in enforcing their background check requirements.
286 That is why we need to extend the current Federal background
287 check requirement on a national basis to unlicensed sellers
288 of guns, not just licensed gun dealers, which is what this
289 bill would do.

290 In recent years, our Nation has experienced an increase
291 in mass shootings, and our Nation is appropriately horrified.
292 However, mass shootings are just one symptom of our gun

293 violence epidemic. Last week, as Aalyayah testified before
294 this committee, 1 year after the terrible shooting that took
295 the lives of 17 students and staff and injured 17 others at
296 her high school in Parkland, Florida, she said, "Minority
297 communities bear the heaviest burden of gun violence in this
298 country" and the impact on our young people is simply
299 unacceptable.

300 Every day, 47 children and teens are shot in this
301 country. Eight of these young people die and 39 are shot and
302 survive. The daily toll of shootings occurs in communities
303 across our country, on our streets, in our schools, and in
304 the houses of worship. Citizens across this country, such as
305 Diane Latiker, who also testified before us last week, are
306 taking it upon themselves to organize and engage in
307 community-based efforts to reduce gun violence and assist the
308 young people it affects.

309 But Congress must match their courage and commitment
310 with action of our own. I support H.R. 8 because it will
311 reduce gun violence by narrowing the avenues for criminals
312 and other prohibited persons from obtaining guns. We have
313 laws barring gun possession by some people because they pose
314 a risk of violence to themselves and others. For instance,
315 research has shown that State laws barring firearm access to
316 domestic violence abusers reduced intimate partner homicide
317 rates.

318 It makes no sense then, and it is dangerous, for us to
319 require that background checks for gun sales only be
320 conducted by licensed gun dealers when we know that nearly a
321 quarter of Americans who acquired a gun in recent years did
322 so without a background check. This is unacceptable, and we
323 must close this dangerous loophole as soon as possible. This
324 extension makes sense and is supported by our citizens with
325 as much as 97 percent of Americans supporting universal
326 background checks.

327 Certainly there is no single change to our gun laws that
328 will prevent every shooting, but enacting measures that will
329 help prevent some of them is clearly the right thing to do.
330 That is why I support this bill and ask my colleagues on the
331 committee to do the same. I yield back the balance of my
332 time.

333 Chairman Nadler. I thank the gentlelady. I now
334 recognize the ranking member of the Crime Subcommittee, the
335 gentleman from Texas, Mr. Ratcliffe, for his opening
336 statement.

337 Mr. Ratcliffe. Thank you, Chairman Nadler and Ranking
338 Member Collins, for the opportunity to discuss and mark up
339 this piece of legislation and move forward with an important
340 conversation about gun violence in our country.

341 Let me start by saying that I appreciate any effort by
342 any member on either side of the aisle to offer legislation

343 aimed at reducing gun violence. I do. But the majority's
344 legislation being considered today, however well meaning or
345 intended it may be, doesn't solve the problems the proponents
346 of this bill claim that it will. As the ranking member on
347 the Crime, Terrorism, and Homeland Security Subcommittee, I
348 want to highlight a few of the problems with this bill.

349 The majority wants to stem gun violence in our country
350 by improving our system of background checks, but H.R. 8
351 doesn't improve our current system of background checks. It
352 expands it. When a system is broken and not operating as
353 intended, the solution is to fix it, not to simply expand it.
354 This bill expands an incomplete background check system. A
355 system is only as good as the records in it, and as of today
356 it is incomplete at best.

357 Highlighting that point and, frankly, exacerbating the
358 problem is the fact that the majority's bill prohibits a gun
359 registry. How can you enforce a system of background checks
360 if there can't be a registry of those background checks? How
361 does that work? It doesn't work. It is unenforceable.

362 Now, I wouldn't necessarily expect my colleagues to take
363 my word for it, so let me refer to a concurring opinion from
364 a source that I don't frequently cite, the Obama Justice
365 Department. In 2013, the National Institute of Justice in
366 the Obama Justice Department concluded that the effectiveness
367 of any universal background check system depends on requiring

368 gun registration, but this bill clearly and unequivocally
369 prohibits that type of registry.

370 The majority's bill is also premised on the idea that an
371 expanded background check would keep guns out of the hands of
372 criminals, but that is based on the incontrovertibly false
373 premise that most criminals follow the law and will go
374 through a background check to get a gun. They don't and they
375 won't. Let's not forget the definition of a criminal:
376 someone who doesn't obey the law. The vast, vast majority of
377 people who follow the law and go through background checks to
378 get a gun are law-abiding gun owners who want to exercise
379 their Second Amendment rights. Today's legislation succeeds
380 only in making it harder on law-abiding citizens to exercise
381 their Second Amendment rights.

382 Now, if this legislation tried to make it harder for
383 people to exercise their First Amendment rights to speak or
384 to assemble instead of their Second Amendment rights, I am
385 pretty sure that a lot of my colleagues on the other side of
386 the aisle wouldn't be in favor of it. So they shouldn't be
387 in favor of it when it restricts the Second Amendment, and
388 not in a way that would reduce crime, but only makes it
389 harder for law-abiding people to exercise their rights.

390 I can and I will support legislation that is effectively
391 designed to keep guns out of criminals' hands, but this bill
392 doesn't do that. Again, the vast majority of criminals do

393 not submit themselves to a background check by licensed
394 firearms dealers when they are looking for a gun. They get
395 it through theft, and they get it through straw purchasers.

396 In fact, 90 percent of prisoners who possessed a gun
397 during the offense for which they have been incarcerated did
398 not get that gun from a retail source. Less than 1 percent
399 of those prisoners actually obtained a gun at a gun show.
400 These statistics underscore how today's legislation is not
401 effectively designed to target criminals who engage in gun
402 violence.

403 If the majority is interested in taking criminals and
404 their guns off the street, and I believe that they are, then
405 we should be addressing the root cause of gun violence in
406 this country, and this bill should be calling for increased
407 for gun prosecutions. But this bill does not mention
408 prosecutions.

409 Last week, the executive director of the Giffords Gun
410 Control Group testified that the majority's bill is a good
411 first step. Mr. Chairman, expanding an incomplete background
412 check system in a way that makes it entirely unenforceable is
413 a giant step backwards. If the majority believes that this
414 is a good first step, I don't want to see its second and
415 third steps. And I hope that the majority's gun control
416 agenda won't be to ignore the root causes of gun violence in
417 this country. And with that, I yield back.

418 Chairman Nadler. Thank you, Mr. Ratcliffe. Without
419 objection, all other opening statements will be included in
420 the record.

421 [The information follows:]

422

423 Chairman Nadler. The bill is open for amendments. Are
424 there any amendments to H.R. 8?

425 Mr. Collins. Mr. Chairman?

426 Chairman Nadler. Mr. Collins?

427 Mr. Collins. I have an amendment at the desk.

428 Chairman Nadler. The clerk will report the amendment.

429 Mr. Cicilline. Mr. Chairman, I reserve a point of
430 order.

431 Chairman Nadler. The gentleman reserves a point of
432 order. The clerk will report the amendment.

433 Ms. Eligan. Amendment in the nature of a substitute to
434 H.R. 8, offered by Mr. Collins. Strike all after the --

435 Chairman Nadler. Without objection, the amendment is
436 considered as read.

437 [The amendment of Mr. Collins follows:]

438

439 Chairman Nadler. And the gentleman is recognized in
440 support of the amendment.

441 Mr. Collins. Thank you, Mr. Chairman. My amendment
442 makes reasonable changes to Federal law to help prevent gun
443 violence. That is, it actually does what the underlying bill
444 only claims to do. H.R. 8, as I said, perpetrates a
445 continuation of a fraud on the American people and the
446 victims of violence. This bill is dangerous and deceitful
447 because our colleagues claim it will help and evidence
448 demonstrates it will not. It cannot.

449 Criminals by definition do not follow the law, so this
450 bill will do nothing to but punish law-abiding citizens. My
451 amendment, in contrast, takes several concrete steps to
452 address mass violence in America. First, it strengthens the
453 penalty for burglary of a Federal firearms licensee, or FFL.
454 A recent article in *The New Yorker*, hardly a conservative
455 publication, Mr. Chairman, highlights how criminals steal
456 guns and sell them on the black market, even using them as
457 currency on the street.

458 We all know the fundamental problem with gun violence
459 today arises from guns that people use or possess illegally.
460 This provision will deter criminals from committing these
461 crimes by imposing real consequences for those actions and
462 giving law enforcement a stronger tool to protect our
463 communities.

464 Second, my amendment establishes a fusion center at the
465 FBI to address mass violence. This provision follows
466 successful models for combatting terrorism, drug trafficking,
467 and child exploitation currently in place at the Department
468 of Justice. The fusion center would synthesize and analyze
469 intelligence related to mass violence and help law
470 enforcement respond swiftly and appropriately.

471 Mr. Chairman, last Congress, the FBI briefed this
472 committee on the failures that led to the horrific Parkland
473 shooting. To its credit, the Bureau admitted law enforcement
474 missed multiple opportunities to intervene and stop the
475 shooter. Now is the time to fix these problems. This
476 provision will dedicate new resources to preventing mass
477 violence through approaches proven to work. We know that
478 numerous events of mass violence involve lapses in law
479 enforcement coordination. Had this bill been in law in
480 recent years, I believe it would have saved lives. Going
481 forward, it certainly will.

482 Finally, my amendment will directly address gun violence
483 by authorizing the Department of Justice to hire additional
484 assistant U.S. attorneys to prosecute gun violence cases
485 under Project Safe Neighborhoods. Last Congress, we enacted
486 legislation reauthorizing Project Safe Neighborhoods, which
487 has reduced violent crime committed by gangs and organized
488 crime. This provision will allow the attorney general to

489 allocate these positions in response to the incidences of
490 firearms-related violence. This will help law enforcement
491 dismantle gangs and other criminal organizations, and will
492 curtail the violence plaguing cities in this country.

493 There is much more to be done, Mr. Chairman. Congress
494 should consider additional legislation addressing mental
495 health concerns, which continue to be a major factor driving
496 mass violence in America today. We can be sure, though, this
497 amendment represents a major step forward in preventing
498 tragedy because, unlike the fatally-flawed and dangerous H.R.
499 8, my amendment combats violence without curtailing the
500 constitutional rights of law-abiding citizens. And the
501 bottom line, my amendment would actually help as opposed to
502 the underlying bill.

503 And with that, I would urge my colleagues to support the
504 amendment.

505 Chairman Nadler. Does the gentleman insist on his point
506 of order?

507 Mr. Cicilline. Yes, I do, Mr. Chairman.

508 Chairman Nadler. The gentleman will state the point of
509 order.

510 Mr. Cicilline. Mr. Chairman, H.R. 8 expands the gun
511 sales that are subject to a background check. It has a very
512 specific purpose. The amendment offered by Mr. Collins
513 essentially substitutes the entire bill for new legislation

514 that purports to create a mass violence prevention center,
515 which while it has some interesting opportunities and may be
516 something we should consider at some future date, it is not
517 germane to this text of the bill at all. And, therefore, I
518 would ask that you rule that it is out of order.

519 Chairman Nadler. Does the sponsor of the amendment wish
520 to be heard on the point of order?

521 Mr. Collins. Yes, Mr. Chairman. This amendment does
522 not violate Clause 7 or Rule 16. The test for germaneness is
523 whether the amendment introduces a subject different from
524 that under consideration. The underlying proposition
525 represents a broad proposal to use Federal resources to
526 reduce instances of violence in the United States. And this
527 amendment similarly addresses Federal efforts to reduce
528 firearm-related and otherwise, and it actually will
529 accomplish something. So I would assume that it would be in
530 order, and the germaneness should be ruled to find that it
531 should be allowed.

532 Chairman Nadler. The chair is prepared to rule on the
533 point of order. The bill before us is a simple and narrow
534 bill. It simply expands the transactions, the gun
535 transactions, the transfer transactions, that are subject to
536 the background checks requirement of existing law. The
537 amendment sets up an entirely new center within the
538 Department of Justice with defined duties and is way beyond

539 the scope of the bill, and, therefore, is not germane to the
540 bill.

541 It may be a good idea. Maybe we should look at it, but
542 it is not germane to this bill. It deals with a different
543 subject matter and purpose. By the gentleman's logic,
544 anything to do with guns would be germane to the bill, and
545 that is simply not true. It is a narrow bill. This
546 amendment is a completely different subject. Therefore,
547 pursuant to House Rule 16, Clause 7 and related precedents,
548 the chair rules the amendment to be not germane to the
549 measure.

550 Mr. Collins. Mr. Chairman?

551 Chairman Nadler. Yes, sir?

552 Mr. Collins. I respect the chairman's ruling on this in
553 looking at this. But it is, I think, setting, as we start
554 this day off, it is starting an interesting and dangerous
555 precedent that an amendment that actually could help mass
556 violence as spoke of at this committee last week, this could
557 have actually --

558 Mr. Cicilline. Point of order, Mr. Chairman. The
559 chairman has ruled. Are we going to re-litigate every single
560 thing when Mr. Collins is disappointed?

561 Chairman Nadler. Let me just say it is an interesting
562 idea, but it is a different bill, and we cannot take
563 everything in under this bill. The amendment is out of

564 order. Are there any other amendments? The gentleman from
565 Wisconsin?

566 Mr. Sensenbrenner. Mr. Chairman, I have an amendment at
567 the desk.

568 Chairman Nadler. The gentleman will state his
569 amendment. The clerk will read the amendment rather.

570 Ms. Eligan. Amendment to H.R. 8 offered by --

571 Mr. Sensenbrenner. Mr. Chairman, I ask unanimous
572 consent that the reading be dispensed with.

573 Chairman Nadler. Without objection, the reading is
574 dispensed with.

575 [The amendment of Mr. Sensenbrenner follows:]

576

577 Chairman Nadler. The gentleman is recognized on his
578 amendment.

579 Mr. Sensenbrenner. Mr. Chairman, my amendment would add
580 to the list of exempt individuals those who hold a valid
581 concealed carry permit. Concealed carry laws allow
582 responsible gun owners to legally carry firearms on their
583 person. While requirements vary by State, most often
584 individuals must complete an extensive application process, a
585 background check, pay a fee, and complete a gun safety
586 course.

587 These are individuals who have proactively taken these
588 steps and have shown competence and the ability to safely
589 possess a firearm. It makes sense given this rigorous
590 process for permit holders to be exempt from the H.R. 8
591 Federal firearm licensee transfer requirements. And I ask
592 support of the amendment and yield back to the balance of my
593 time.

594 Chairman Nadler. I thank the gentleman. I oppose the
595 amendment because State permitting systems differ
596 dramatically. Some do not require training, but are simply
597 rubberstamped. Some look like library cards. Are unlicensed
598 individuals expected to simply assume these are valid?

599 Last year Florida was issuing CCW permits to concealed
600 felons without a background check. Florida is not the only
601 State that has done this. The Violence Police Center keeps

602 track of crimes committed by CCW permit holders on its
603 website, ConcealedCarryKillers.org. This amendment would put
604 a giant hole in the system of background checks for anybody
605 who has a permit from a State, but, as I said, the State
606 permit systems vary widely.

607 And I do not think we want to dispense with background
608 checks for someone whom any State may decide is okay. It may
609 not meet the requirements that the Federal government or we
610 think are okay, that we have for existing background checks.
611 We shouldn't put this exception into law, which would make it
612 vary completely State to State and would gut the bill. And,
613 therefore, I urge members to oppose this amendment.

614 Is there any further discussion of the amendment? Mr.
615 Gohmert?

616 Mr. Gohmert. Thank you, Mr. Chairman. I rise in
617 support of this amendment, and I understand the chair's
618 stated objection. But when you think about it, how would
619 H.R. 8 be enforced? If someone obtains a gun without getting
620 a background check, it would seem that that is not going to
621 come to light until that gun is used. And as we know, most
622 crimes are not committed with guns that are obtained from a
623 lawful store.

624 So it doesn't seem that this amendment would gut the
625 bill, adversely affect it at all, because whatever the
626 mechanism that causes someone to be found out that they got a

627 gun without a background check at that time -- I know the
628 chair says, well, some of them look like, you know, pieces of
629 paper, driver's license, not even good cards. But it
630 wouldn't matter what the card looked like. If you are
631 checking somebody to see if they violated the law, you would
632 check to see if they have a concealed carry permit that is
633 legitimate whether they have a card on them or not. And if
634 they do, then they would not be guilty of violating H.R. 8.

635 So it wouldn't be a gut of the bill. It would just be a
636 simple help. And I don't know, in Texas one of the things
637 that disturbed me is that when I saw that a name comes up
638 that has a concealed carry permit, the first words that the
639 DPS have is warning this person may be in possession of a
640 weapon or a firearm.

641 And so, anyway, that is going to be there. You do a
642 check, and either they have one or they don't. And, like,
643 for example, Texas, big firearm-owning State, but they are
644 very careful about issuing concealed carry permits, so I just
645 think it helps the bill. If somebody has gone to all the
646 trouble to go through all the classes and have the background
647 check that shows they are not violent, they haven't engaged
648 in violence, they haven't engaged in any domestic abuse,
649 other prohibitions having guns, then they have got a
650 concealed carry, and it won't matter what the concealed carry
651 permit looks like. You just check when whatever it is that

652 figuratively triggers the check to see if they have violated
653 H.R. 8.

654 So I think it is a good amendment, and I applaud my
655 colleague for bringing it, and hope that we will vote for it.

656 Voice. Mr. Chairman?

657 Chairman Nadler. Thank you. The gentlelady from Texas,
658 Ms. Jackson Lee, is recognized.

659 Ms. Jackson Lee. Let me thank the chair, and I have
660 great respect for the gentleman from Wisconsin. We have
661 worked together, have been on this committee for 2 decades.
662 And it has been 2 decades of fighting to listen to the
663 American people as it relates to their support for the
664 universal background checks.

665 Let me as the vice chair of the Gun Task Force thank Mr.
666 Thompson again for the introduction of a bipartisan bill, and
667 I think this is very important. When you say the word
668 "bipartisan," what does that mean? This bill has been
669 introduced by Republicans and Democrats, recognizing that the
670 bill has enormous validity in dealing with saving lives
671 because it is a Federal law that is required to be adhered to
672 and followed by every single American, irrespective of the
673 State they live in. That is the power of the Federal law.

674 And having worked with Moms Demand Action across the
675 Nation, that has been the advocacy that we need as a Federal
676 statement, a Federal law that indicates that guns cannot be

677 sold recklessly. And if the question is asked how will it
678 deter, well, let me say this, which may be a stretch. Murder
679 is against the law. There are murders, but, in fact, actions
680 are deterred because people know the consequences of a
681 murder. Are we able to get to the underlying underbelly of
682 that and determine how many?

683 I believe in this bill we will be. We will have the
684 opportunity, but murder is either the death penalty or other
685 aspects under it depending on where you are. People know it
686 is morally wrong and against the law. If you set a Federal
687 standard of universal background checks and you indicate
688 across the Nation this is against the law, it is a deterrent
689 for those who are licensed firearm importers, manufacturers,
690 or dealers to know that it is illegal for them to transfer a
691 firearm without a background check.

692 And I would suggest that the idea of a concealed weapons
693 person, I would give them a level of credibility. But I
694 think in reinforcing what has been said, we do not have
695 control over the criteria used by 50 States. The real issue
696 of this underlying bill is to set the national standard. No
697 one can go under that national standard. Everyone in every
698 State, if you are selling a gun in the capacity of a licensed
699 firearm dealer or importer, must engage in a universal
700 background.

701 And 80 to 90 percent of the American people agree with

702 that, and gratefully, Republicans and Democrats in the United
703 States House of Representatives agree with that. And this
704 committee has been tasked with following the instructions of
705 a bipartisan group of members who have introduced this
706 legislation, and the overwhelming support of the American
707 people. I believe the idea of those who hold concealed
708 weapons licenses, I would encourage them to maintain their
709 license, to not default on their license, which is a
710 possibility. And they would have that card, and it could be
711 utilized, in essence, to undermine the universal background
712 check.

713 That is my concern with using that State standard versus
714 the Federal standard. The Federal standard is what the
715 American people are crying out for, and that is what this
716 legislation does. And I would hope, reluctantly, that we
717 oppose the gentleman's amendment because it undermines the
718 purpose of this legislation, which is to establish that
719 universal framework and protect the American people. With
720 that, I yield back.

721 Mr. Biggs. Mr. Chairman?

722 Chairman Nadler. The gentleman from Arizona --

723 [Disturbance in the hearing room.]

724 Chairman Nadler. The people in the audience will please
725 refrain from showing support or opposition with respect to
726 anything that goes on here.

727 The gentleman from Arizona, Mr. Biggs, is recognized.

728 Mr. Biggs. Thank you, Mr. Chairman. I am glad that
729 those on the other side have mentioned the reflection of the
730 will of the American people because one of the things that
731 reflects the will of the American people is the licensure
732 requirements in the individual States. In fact, there is
733 probably no better way to understand what the American people
734 desire than to take a look at the representative States.

735 And so we see a lot of people in these States have come
736 up with the criterion to obtain a concealed weapon carry
737 permit. Most of those States have a very rigorous check,
738 including classes and background checks. And the additional
739 thing that goes to the will of the American people and also
740 gets at normalizing or removal of some of the disparities
741 mentioned by the chair and our previous speaker, is that the
742 movement toward reciprocity between various States, that
743 includes baseline requirements, such as classes, background
744 checks. Those are already in place. And so it becomes a bit
745 of a red herring to say we need a national marker because we
746 are seeing the States move to that through their reciprocity
747 process.

748 And so with that, Mr. Chairman, I support and hope that
749 we adopt Mr. Sensenbrenner's amendment to H.R. 8. And with
750 that, I yield to the gentleman from Colorado, Mr. Buck.

751 Mr. Buck. I thank my friend for yielding. I happen to

752 have my concealed carry permit card in my hand, Mr. Chairman,
753 and I just want to read a little bit of it because I think it
754 is important for the committee to understand. This card is
755 issued in Weld County, Colorado, my home county, and it is
756 signed by our sheriff, the great sheriff, Steve Reams, and he
757 is a man who enforces the law.

758 And the law is listed on the back of this card. It is
759 Colorado Revised Statute 18-12-2031. And if this card is
760 lost, there is a section on it that talks about it should be
761 returned to the Weld County Sheriff's Office at 1950 O
762 Street, Greeley, Colorado, 80631. And this card is also
763 identified as the property of the sheriff's office.

764 Now, Mr. Chairman, I understand that there is some
765 concern on the other side of the aisle that there may be a
766 rogue State in this country that would somehow pass a law
767 that would put its citizens at risk. I want to assure my
768 colleagues on the other side, that is not Colorado. In
769 Colorado, we have a criminal background check to get this
770 card. You have to pass a gun safety course to get this card,
771 and there is an expiration on this card. If there is anybody
772 interested, it is awful small, but it is August 17th of 2022
773 in my case.

774 Mr. Chairman, I wonder if any State or the District of
775 Columbia that my friends on the other side of the aisle are
776 concerned about would put their citizens at risk by having a

777 standard to obtain a card like this to give special
778 privileges to individuals that passed a criminal background
779 check, that pass a gun safety course, actually a higher
780 standard than to purchase a gun under the Federal law right
781 now. What State in this country is putting its citizens at
782 risk that we couldn't pass this amendment and make this bill
783 stronger?

784 And I open my remainder of my time, the minute and 10
785 seconds, to anybody that can identify that State. I am sure
786 the chairman wouldn't say that New York or my friend from
787 Texas wouldn't say that Texas has low standards for a card
788 like this. This actually increases the level for obtaining a
789 firearm, and it is a level that makes a lot of sense. I
790 appreciate my friend from Wisconsin offering this amendment,
791 and I think that the amendment should be adopted. With that,
792 I yield back to my friend from Arizona.

793 Mr. Biggs. Mr. Chairman, reclaiming my time. Thank
794 you, Mr. Chairman. I wanted to dovetail on that with the
795 coursework that I went to when we were looking into obtaining
796 a concealed weapon. It was 8 hours with a gun expert.
797 Everything from safety. Gun safety was paramount, how to
798 handle the gun, where never to point a gun. I mean, it was
799 so thorough, it was, quite frankly, one of the best classes
800 that I have taken. And I am with my friend from Colorado
801 where it is hard for me to understand which State in this

802 Union is not taking care of its citizens enough, and has no
803 background checks and has no classes in order to get a CCW.

804 So with that, Mr. Chairman. I am looking at the time.
805 I don't know that I have 4:19 left.

806 Chairman Nadler. The timing is incorrect. When you had
807 40 seconds left, it was set to 5 minutes.

808 [Laughter.]

809 Mr. Biggs. Okay. All right. And with that, Mr.
810 Chairman, I will yield back.

811 Mr. Cohen. Mr. Chairman.

812 Chairman Nadler. I thank the gentleman. The gentleman
813 from Tennessee, Mr. Cohen, is recognized.

814 Mr. Cohen. Thank you, Mr. Chair. States differ on
815 concealed carry weapons pretty much. I passed the concealed
816 carry bill in Tennessee. I drew it, sponsored it, and passed
817 it. There are differences in the States on how they look
818 into background checks on people who have mental illness, who
819 have been committed to mental institutions, who have had, I
820 guess they are called 601s in Tennessee, but a danger to
821 themselves or others, that have to have mental protection.
822 And the States on that, and that is one of the most important
823 things in this bill is to see to it that people who have had
824 declarations of having mental illness and having difficulty
825 in dealing with understanding and risking danger to
826 themselves or others would not be able to get a permit.

827 As far as testing, the fact that it is a great firearms
828 course, I would rather that the people that are going to do
829 bad things, mass killings, not have a firearms course. I
830 would rather they not shoot too well. The fact that you
831 learn how to shoot a weapon has nothing to do with the fact
832 whether or not you should have a weapon. It is about mental
833 background checks that is so important, criminal background
834 checks.

835 But the States differ, and that is why this is important
836 that we have a Federal standard and that we see to it that
837 people who are mentally disturbed, been committed to
838 hospitals, or been committed because of actions that show
839 they are not responsible, not get firearms. I yield back.

840 Mr. Cicilline. Would the gentleman yield? Would the
841 gentleman yield?

842 Mr. Cohen. Who is asking?

843 Mr. Cicilline. Mr. Cicilline.

844 Mr. Cohen. Sure.

845 Mr. Cicilline. Thank you. I just thank the gentleman
846 for yielding. And it is important to recognize that not only
847 do States have different standards, there are some States
848 that have no standards. There are some States where you
849 don't even have to be a resident. You can apply online. And
850 importantly, you could get a concealed carry permit, have a
851 subsequent crime that you have committed, and nothing happens

852 to the status of your concealed carry permit.

853 So, for example, it leads to the results of a *Los*
854 *Angeles Times* analysis of Texas criminal concealed carry
855 criminals holders, for example, found that between 1995 and
856 2000, more than 400 convicted criminals, including rapists
857 and armed robbers, have been issued concealed carry licenses
858 under the State's law. Another study of Texas' permissive
859 concealed carry law found that between January 1st, 1996, and
860 August 31st, 2001, Texas concealed handgun license holders
861 were arrested for 5,314 crimes, including murder, rape,
862 kidnapping, and theft. And finally, a Violence Policy Center
863 analysis also found that concealed carry permit holders have
864 perpetrated at least 32 mass shooting and killed at least
865 1,289 people since May of 2017.

866 So there is a real problem if we give this exemption for
867 concealed carry permits, that a whole group of people who are
868 otherwise ineligible to buy will be able to buy it. And we
869 know background checks work because 3-and-a-half million guns
870 sales were denied since the Brady Law was put into place.
871 That meant people were not eligible to buy a gun because they
872 were a criminal or otherwise disqualified tried to buy one,
873 and they were disqualified. But we also know that 1 in 5 gun
874 sales happen without a background check.

875 So this is a system that works. This legislation will
876 expand it, and we ought not exempt out this concealed carry

877 permit because, you know, when my State passes qualifications
878 that we want to ensure that someone has before they can carry
879 a concealed weapon, I don't want some other State's
880 determination to overrule the Rhode Island legislature and
881 the will of the people in my State. And there are some
882 States that have no requirements. You have to be breathing
883 and you can get one, and I don't want that applied to Rhode
884 Island. I don't want someone to be exempt from a background
885 check because some other State doesn't value protecting
886 someone from having a concealed firearm as deeply as Rhode
887 Island does, just as an example.

888 I will yield, if I am allowed to, to Mr. Raskin or back
889 to Mr. Cohen. Mr. Cohen, thank you.

890 Mr. Cohen. Thank you for yielding back, and I yield to
891 Ms. Jackson Lee.

892 Ms. Jackson Lee. Yes. Just to frame what has just been
893 said, background checks stop sales to prohibited people every
894 day. That is because it is a Federal standard. Since 1994,
895 over 3.5 million sales have been blocked to violent criminals
896 and other prohibited people. In 2017 alone, over 170,000
897 sales were denied, 39 percent of them convicted felons.

898 So when you juxtapose the idea of concealed weapons
899 cards that are disparate conditions in 50 States to the
900 documented idea that you have stopped felons, you have
901 stopped violent criminals, and other prohibited people with

902 background checks. The American people want universal
903 background checks. I thank the gentleman from Tennessee.

904 Mr. Cohen. Thank you. And to close, Mr. Cicilline has
905 informed me that seven States issue background check permits
906 or concealed carry permits without background checks,
907 criminal background checks. And it seems that more and more
908 States, particularly red States, are going towards making it
909 easier and easier and easier, and not going through the
910 process. So I just urge us to defeat the amendment, pass the
911 bill, save lives. And I yield back the balance of my time.

912 Chairman Nadler. I thank the gentleman. I recognize
913 the gentleman from Florida, Mr. Gaetz.

914 Mr. Gaetz. Thank you, Mr. Chairman. I am sure
915 throughout the course of today there will be a number of
916 issues where there is substantial disagreement, and perhaps
917 for good reason. But there should not be disagreement on the
918 question of whether or not obtaining training for firearms
919 use is a good thing.

920 Whether you are for gun control or whether you are an
921 ardent supporter of the Second Amendment, under either
922 circumstance, making sure that the people who do have guns
923 are responsible gun owners is really important, and I would
924 think that we would all hold that view. And I offer that
925 comment and debate because my colleague, the gentleman from
926 Tennessee, said that we wouldn't want people to go through

927 training courses --

928 Mr. Cohen. Would the gentleman yield?

929 Mr. Gaetz. No.

930 Mr. Cohen. I agree with you, but I just think that --

931 Mr. Gaetz. I don't think I yielded, sir. I believe I
932 control the time.

933 Chairman Nadler. The gentleman has the time.

934 Mr. Gaetz. And so when you make statements, in the
935 committee when colleagues make statements that we want people
936 to be, you know, a bad shot and we don't want them to go
937 through training, again, I wouldn't want any American
938 watching this hearing, and I guess there are quite a few who
939 pick up on our debates and discussions here, to think that we
940 were encouraging people not to be responsible gun owners and
941 to engage in that way. And so at this point, I would yield
942 to my colleague from Tennessee in the hopes that he would
943 concur in that assessment.

944 Mr. Cohen. Thank you, Mr. Gaetz. I do concur that with
945 the carry permit you should be able to show you can use your
946 weapon and you get a course. I just don't think that being
947 able to use your weapon should be a condition precedent or
948 necessary to buying a gun. I think once you want to get a
949 license and you have a gun, you certainly should be able to
950 use it, and the courses are good.

951 But that has been argued that because that is part of

952 the concealed carry permit requirement in some States, that,
953 therefore, we shouldn't worry about them getting transfers of
954 weapons, and they should be in a different class, and I just
955 disagree with that. But I agree with you it is a good idea
956 to be able to hit a target.

957 Mr. Gaetz. I greatly appreciate the gentleman's
958 clarification on that subject. And I would simply offer that
959 creating benefit for a concealed carry permit holder is one
960 of the things that has caused people to become more
961 responsible with their gun ownership. Take, for example, my
962 State of Florida. In Florida, concealed carry permit holders
963 are 8 times less likely to commit crimes than members of law
964 enforcement. And so these are some of the most law-abiding
965 citizens that we have in our State that are concealed carry
966 permit holders.

967 And so to enrich that experience with more benefit to
968 the permit holder, more training, more understanding of how
969 to store, clean, and use a firearm safely, I think that those
970 are the types of things that we would want to include in any
971 safety legislation. And I support the gentleman's amendment
972 because this amendment seems to create an additional benefit
973 to concealed carry permit holding, which would then encourage
974 people to become more responsible in their gun ownership.
975 And I would yield the remainder of my time to the gentleman
976 from Colorado.

977 Mr. Buck. I thank the gentleman from Florida. Is Mr.
978 Cicilline here? No? Someone mentioned that there were seven
979 States that do not require criminal background checks, and I
980 am just wondering if there is an article on that or a list of
981 that, and if that can be placed in the record so that we have
982 that. But I would be very curious what those seven States
983 are. I yield to my friend from Maryland, Mr. Raskin.

984 Mr. Raskin. Thank you, Mr. Buck. I just found an
985 article in the *Washington Post* describing how --

986 Mr. Gaetz. Is there a credible source?

987 Mr. Raskin. Well, they are citing the National
988 Conference of State Legislatures and the National Rifle
989 Association, so presumably that is all right. At least 11
990 States have passed laws allowing the concealed carry of guns
991 without a permit, any permit at all. So there are 11 States
992 where you could get a concealed carry with no permit, and,
993 therefore, presumably, no background check.

994 Chairman Nadler. Does Mr. Gaetz yield back?

995 Mr. Raskin. And we have got the seven States with no
996 background checks: Alabama, Georgia, Indiana, New York,
997 Pennsylvania, South Dakota, and Washington.

998 Chairman Nadler. Did you say New York?

999 Mr. Raskin. Yeah.

1000 Mr. Buck. Mr. Chairman, we need to look into that, I
1001 think.

1002 Chairman Nadler. I think New York has other laws.

1003 Mr. Buck. I yield to my friend from -- I am sorry.

1004 Chairman Nadler. Mr. Gaetz controls the time.

1005 Mr. Gaetz. I yield to the gentleman from Texas.

1006 Mr. Sensenbrenner. If you look at the amendment, it

1007 says, "has a valid permit to carry a concealed firearm."

1008 There is a debate that goes on in the States between

1009 concealed carry where you need to pass a background check and

1010 you get a permit, and constitutional carry where you don't

1011 need to get a permit and the State has said that the Second

1012 Amendment allows you to carry a concealed weapon with or

1013 without a permit. My amendment is restricted only to

1014 concealed carry permit States.

1015 Chairman Nadler. The gentleman's time has expired.

1016 Does anyone else seek recognition?

1017 Mr. Swalwell. Mr. Chairman?

1018 Chairman Nadler. The gentleman from California, Mr.

1019 Swalwell.

1020 Mr. Swalwell. Thank you, Mr. Chairman. And I will

1021 support the underlying bill. I am intending to oppose the

1022 amendment. I just want to make sure that we put into the

1023 record a 2013 study that found that approximately 80 percent

1024 of all firearms acquired for criminal purposes were obtained

1025 from sources who were not required to run a background check,

1026 and that 96 percent of inmates who were prohibited from

1027 possessing a firearm at the time they committed their crime
1028 obtained their firearm that way.

1029 And the source of that is a Kathleen Vitz article,
1030 "Legal Status and Sources of Offenders' Firearms in the
1031 States With the Least Stringent Criteria for Gun Ownership."
1032 And, Mr. Chairman, I just want to share an experience that I
1033 had. I had a member of parliament from the U.K. with me 2
1034 years ago in my district, and I took him to Oakland,
1035 California where I had worked as a prosecutor. And I asked
1036 our district attorney, Nancy O'Malley, to show him the
1037 firearms that had been recently seized in the community and
1038 were awaiting prosecution.

1039 And as they were displayed on multiple tables, the eyes
1040 of this gentleman were quite wide opened. And he said to us,
1041 this looks like a military museum. And the district attorney
1042 said, well, this is just what we have seized this year. And
1043 he asked her, well, are all of these guns coming from
1044 California? And she pointed out that she and her office had
1045 the same question, and they looked at where all of the
1046 firearms had originated, and we found, probably not
1047 surprisingly, that a good number of them had come from
1048 Nevada, and Arizona, and Indiana, and States with less
1049 stringent laws.

1050 And so I guess my point is the President likes to rail
1051 against Chicago and other States, and some of my colleagues,

1052 I think, rightfully point out that we should better enforce
1053 the laws, which I think all of us are in favor of. However,
1054 Chicago is only as safe as the laws in Indiana. California
1055 is only as safe as the laws in the States around us. And
1056 that is why a Federal requirement for all firearm purchases
1057 would protect Chicago, as well as it would protect
1058 Indianapolis, as well as it would protect Oakland,
1059 California.

1060 And so that is why I support this bill is that no
1061 State's safety should really depend on the least common or
1062 the least safe requirements of a State that is nearby. I
1063 also just want to thank, Mr. Chairman, I see the Moms Demand
1064 Action group, who is here today. There are many groups like
1065 them who have been advocating for this for a very long time,
1066 and it is their activism that I think has brought this to the
1067 forefront.

1068 And I also just want to acknowledge, as many of us have,
1069 the work of our colleague, Mike Thompson, for so diligently
1070 and doggedly making sure that this is a priority for the new
1071 Congress. And I will yield back.

1072 Chairman Nadler. I join the gentleman in acknowledging
1073 the presence of Moms Demand Action, and in commending the
1074 actions of our colleague, Mr. Thompson of California.

1075 The question now occurs on the amendment --

1076 Mr. Collins. Mr. Chairman? Mr. Chairman?

1077 Chairman Nadler. The gentleman from Georgia.

1078 Mr. Collins. Move to strike the last word.

1079 Chairman Nadler. The gentleman is recognized.

1080 Mr. Collins. Thank you, Mr. Chairman. This has been an
1081 interesting discussion, and I think there is, and I would
1082 agree with my friends across the aisle and others, that there
1083 are differences States. But I think there is one interesting
1084 thing is that most of the statistics do not lie. The States
1085 may differ in their categories, but the statistics do not.
1086 And I think this is an interesting point.

1087 When we were talking about concealed carry permit, one,
1088 I do need to, and I did ask my friend from Maryland if he did
1089 say Georgia. Georgia does require a background check on its
1090 concealed carry permit. I have a concealed carry permit, and
1091 it is required. And understanding, and I think, my friend
1092 from Wisconsin discussed this, on the issue of constitutional
1093 carry, which have been proposed in some States, including
1094 Georgia it has been proposed, and I think most of us have
1095 concerns with that. And I think this is not an issue about
1096 that.

1097 But it is interesting to me that when you start looking
1098 at numbers, it is about like everything else. They do
1099 require at least the discussion on how the numbers were
1100 found. The VPC, the Violence Policy Center, was actually
1101 named in some of their discussions, and we can go back and

1102 forth on the discussion on mass violence and how these are
1103 actually carried out with concealed carry permit holders.
1104 But it does need to be pointed out that almost 30 percent of
1105 the tragedies that are reported by the Violence Policy Center
1106 were suicides on concealed carry permit, not criminal in the
1107 sense of mass violence as being portrayed.

1108 Also the numbers also included a couple of cases
1109 actually where the permit holders were counted, although they
1110 were operating a motor vehicle in a drunk driving case. I
1111 mean, this is not a gun violence case, and they were counted
1112 in that, and in some instances they were double counted in
1113 many ways. But even with the VPC number, and assuming that
1114 the claim of 636, including the suicides, are correct, when
1115 we get into the idea of the concealed carry permit itself,
1116 there are 11 million concealed handgun permit holders in the
1117 U.S. right now. Annual number of deaths of that group rate
1118 is .0083 percent, and the non-suicide rates, if you take
1119 those out, is obviously even lower at .0058 percent.

1120 Why that is important and why I believe this amendment
1121 is a valid amendment and one that needs to be appropriated
1122 and passed is because when you look at that in the abstract,
1123 you may say, well, that is just looking at different numbers.
1124 And you can say these folks, there is just not a lot in
1125 there. But I want to actually put it in a little bit more
1126 perspective.

1127 And the perspective is this, that police officers are
1128 rarely convicted of firearms-related violations, but they are
1129 convicted at about 7 times the rate of concealed carry permit
1130 holders. In other words, police officers, firearms
1131 violations occur at 16.5 per 100,000 officers as you look
1132 through that. But yet when you look at the rate for
1133 concealed carry permit owners who commit crimes, it is
1134 markedly lower. In fact, the 25 States with the highest rate
1135 of permit holding experience markedly lower rates of murder
1136 and violent crime.

1137 The last thing about this is the interesting take away
1138 here is that the reason that they are lower and the reason
1139 you see this even with 11 million folks carrying a concealed
1140 carry permit is the desire not to lose that concealed carry
1141 permit over many things that would cause them to lose those.
1142 And the concealed carry permit holders are the most law-
1143 abiding group in the country and are a deterrent to crime.

1144 The type of person that would go through the process, as
1145 spoken of, like the gentleman from Colorado and others and
1146 myself, we don't take that trivially. It is like a license
1147 to drive. You don't take it trivially. You want to have
1148 that possibility, and you don't want to have it taken away.
1149 So I think the gentleman from Wisconsin is making a valid
1150 point here because when you deal with the concealed weapons
1151 issues, you are dealing with it in a way that, I believe, is

1152 showing that in the State of Georgia, as I have said, there
1153 is a background check that is already done. And as we go
1154 through this bill, and as I had, you know, looked at this
1155 personally, and as we go forward, this group of individuals
1156 are reluctant to use their guns in improper ways because they
1157 want to keep that possibility of having that for their own
1158 protection and others. And I don't see this is as an
1159 amendment really we should be going this much in depth.
1160 States may differ, but the statistics do not. The statistics
1161 do not when it comes to these.

1162 Does the gentleman from Texas seek time? At that point
1163 then, Mr. Chairman, I would, again, just say this is an
1164 amendment that needs to be passed. It is one that I think
1165 when you look at it, you can differ on wildly as far as what
1166 you believe is actually trying to occur here. But when you
1167 look at this, there is not one person on the other side of
1168 the aisle can point to where a concealed carry permit holder
1169 loses their permits for any type of firearms violation at
1170 more than a thousandth of a percent where it would actually,
1171 you know, make a difference.

1172 I think this is something that is a commonsense
1173 amendment. I think it is an amendment that should be
1174 incorporated into what is otherwise a bill that is not on
1175 point. And with that, I yield back.

1176 Mr. Johnson of Georgia. Mr. Chairman?

1177 Chairman Nadler. For what purpose does the gentleman
1178 seek recognition?

1179 Mr. Johnson of Georgia. Move to strike the last word.

1180 Chairman Nadler. The gentleman is recognized.

1181 Mr. Johnson of Georgia. Thank you, Mr. Chairman.

1182 This H.R. 8 legislation, which we are marking up today
1183 has nothing to do with concealed carry. Concealed carry is
1184 not implicated in any way by passage of H.R. 8. So
1185 discussion of concealed carry is an attempt to inflame the
1186 public into thinking that somehow their rights to carry a
1187 concealed weapon are being curtailed.

1188 And so let us not appeal to the fears of the people.
1189 The people understand that there is a big loophole when it
1190 comes to background checks. They know that unlicensed gun
1191 dealers are able to sell as many weapons as they can get
1192 their hands on to as many people who many of whom are not
1193 eligible to possess a firearm.

1194 And they know, the American people know that we need to
1195 close this loophole in our gun laws. This is common-sense
1196 legislation to protect the public. It is not legislation
1197 designed to prevent lawful gun owners from carrying their
1198 concealed weapons if they are so eligible to do so in
1199 whatever State that they live.

1200 And with that, I will yield back.

1201 Mr. Collins. Will the gentleman yield for just a quick

1202 question?

1203 Mr. Johnson of Georgia. I will.

1204 Mr. Collins. You mentioned an unlicensed gun dealer. I
1205 think the interesting issue there, an unlicensed gun dealer
1206 also has another name, called a felon. I think we have got
1207 to -- this is something we need to think about as we go
1208 forward.

1209 And I appreciate your concern, and we have shared many
1210 things in Georgia, and I appreciate it. But there is this
1211 idea about an unlicensed gun dealer is a felon.

1212 Mr. Johnson of Georgia. No, they are -- reclaiming my
1213 time. People go to gun shows, set up tables lined with guns,
1214 and they are there right beside licensed gun dealers. And
1215 they, themselves, are not individuals who are excluded from
1216 owning guns. They are just unlicensed, but they have the
1217 ability to sell guns. They can sell as many guns from their
1218 table at the gun show as the licensed gun dealer is selling
1219 at his table at the gun show, and quite frankly, I am sure
1220 most licensed gun dealers would prefer that all gun dealers
1221 be licensed because that would mean they would get more
1222 business.

1223 So we get unlicensed gun dealers selling guns to people
1224 who should not -- who are not eligible to possess guns, and
1225 then those guns end up in the wrong hands and in the hands of
1226 people who are mentally disabled, into the hands of dangerous

1227 convicted criminals. And those criminals then do what they
1228 do -- mass murder, whatever the outcome, gun violence.

1229 And so we need to close that gun show loophole.

1230 Mr. Collins. Yes --

1231 Mr. Johnson of Georgia. We need to -- I like the fact
1232 that people can go to a gun show, but when they go to the gun
1233 show, they should only be purchasing weapons from licensed
1234 gun dealers who conduct background checks for everyone who
1235 makes a purchase. Those unlicensed gun dealers don't do the
1236 background checks. They just sell to anybody who comes up.
1237 Don't even ask for ID. And that's a glaring loophole in our
1238 laws that has resulted in the proliferation of guns in
1239 American society.

1240 Mr. Collins. Yes, I --

1241 Mr. Cicilline. Mr. Johnson, will you yield for a
1242 moment?

1243 Mr. Johnson of Georgia. And we need to close that gun
1244 show loophole.

1245 Mr. Cicilline. Mr. Johnson?

1246 Mr. Johnson of Georgia. And with that, I will yield to
1247 the gentleman.

1248 Mr. Cicilline. I just want to support what you said,
1249 Mr. Johnson, because the report from the National Institute
1250 of Justice that Mr. -- the ranking member, Mr. Collins, made
1251 reference to, confirms exactly what you say. In a 2000 study

1252 by the ATF relating to the source of gun crimes, that is
1253 crimes committed with a gun, they found that 26 percent were
1254 stolen, 20 percent were from an unregulated private seller,
1255 13 percent were from gun shows and flea markets.

1256 So 23 percent -- I am sorry, 33 percent came from
1257 unregulated private sales, gun shows, and flea markets. More
1258 than the stolen now, which was 26 percent.

1259 So the claim that, oh, it is stolen guns that is the
1260 problem, the ATF study proves just the opposite, that
1261 33 percent of guns used in crimes came from those
1262 unauthorized sales that you are speaking about.

1263 And I thank you for yielding.

1264 Mr. Johnson of Georgia. Reclaiming my time, I thank the
1265 gentleman for that statistic. If I have got any time left,
1266 Mr. Collins, I will yield to you.

1267 Mr. Collins. At this point, I will --

1268 Mr. Johnson of Georgia. Thank you. I yield back.

1269 Mr. Jordan. Mr. Chairman?

1270 Chairman Nadler. The gentleman from Ohio is recognized.

1271 Mr. Jordan. I thank the chairman. I would like to
1272 yield to the ranking member.

1273 Mr. Collins. Thank you to my friend from Ohio.

1274 I think the discussion is actually good because it
1275 actually does get to this bill. It is a private sale bill.
1276 And when we talk about gun show loophole and we talk about

1277 these other things, it is a private sale bill.

1278 The interesting statement that my friend from Georgia
1279 made was, is, again, licensed dealers setting up a table,
1280 that just doesn't happen. In fact, the Obama administration
1281 set up the priorities on what classifies as a licensed gun
1282 dealer. If you do this for a living, you do enough
1283 transactions. This was set up under the Obama
1284 administration.

1285 I understand what the gentleman is saying. What I am
1286 also saying is, is if someone goes to these gun shows and if
1287 a gun show actually allows somebody who is not a federally
1288 licensed firearm dealer to actually sell at their shows, they
1289 are going to be liable as well.

1290 And I agree with the gentleman is, is the idea that you
1291 and I meet each other at the gun show. And you say, you
1292 know, I have looked at all these guns, but I don't like any
1293 of them. But he is saying I may have one that you would like
1294 to purchase. This is a private sale bill. You have actually
1295 said it properly.

1296 But I think when you get to the idea of -- and it has
1297 been talked about how do we propagate, you know,
1298 misinformation? This gun show loophole of somebody setting
1299 up a table at a gun show is, frankly, goes back to the Obama
1300 administration when they set up what a licensed Federal gun
1301 dealer should look like and how they operate and how they

1302 can.

1303 So I will still stand by my statement that someone who
1304 is an unlicensed "dealer" in the words that you used would be
1305 a felon. This is not something that happened. The private
1306 sale, I agree with my friend from Georgia. You are looking
1307 at the private sale, and that is why I have said from day
1308 one, this is about private sales. And as long as we are
1309 classifying that, I think we are good, and I appreciate it.

1310 Mr. Johnson of Georgia. Would the gentleman from Ohio
1311 yield?

1312 Mr. Jordan. I will if I have got some time, but I
1313 promised to yield to the gentleman from Colorado next.

1314 Mr. Buck. I thank my friend from Ohio. And when my
1315 colleagues on the other side indicated that New York does not
1316 have a background check for their concealed carry permit, it
1317 reminded me of the quote that there are three types of lies.
1318 There are lies, there are damn lies, and there are
1319 statistics. And most of them are quoted in the Washington
1320 Post.

1321 And so I wanted to help my friend the chairman from New
1322 York, he seemed to have a look of terror on his face. I want
1323 to make sure he gets a good night's sleep tonight. Let me
1324 read from the law dictionary about the application process in
1325 New York.

1326 "Getting a license to carry a concealed weapon begins

1327 with the completion of an application form. The form
1328 requests the name, address and personal information about the
1329 applicant, the names of character references, and the reason
1330 why the applicant needs to carry a weapon.

1331 "Along with the application, an applicant must submit a
1332 set of fingerprints that are sent to the FBI and the New York
1333 State Police. An applicant must be at least 21 years of age
1334 and a resident of the city or county in which the application
1335 is submitted and cannot be a convicted felon or otherwise
1336 prohibited under State or Federal law from owning a firearm.
1337 Some jurisdictions within New York also require a personal
1338 interview of the applicant and completion of a firearms
1339 training program prior to issuance of the license."

1340 So, Mr. Chairman, I just want to make sure that you can
1341 rest easy tonight. Your State does, in fact, require a
1342 background check and does prohibit felons and those that are
1343 under mental disability from having a concealed carry permit
1344 in New York.

1345 Chairman Nadler. I assure the gentleman I am satisfied
1346 with the adequacy of New York laws.

1347 Mr. Jordan. Mr. Chairman? Mr. Chairman, I would yield
1348 to the gentleman from Arizona.

1349 Mr. Biggs. Thank you.

1350 I want to just cover two quick points. Nondealers.
1351 Well, first of all, I am always intrigued by people talking

1352 about gun shows, who I assume had never actually been to a
1353 gun show. The people who organize --

1354 Mr. Johnson of Georgia. That is exactly wrong, sir.

1355 Mr. Biggs. The people who organize gun shows, they are
1356 very cognizant of the Federal laws. So a nondealer who is
1357 transferring a firearm to anyone known or believed to be
1358 prohibited from possessing a firearm commits a felony under
1359 18 U.S.C. 992(d). That is already that law.

1360 And there is really no gun show loophole because the
1361 Federal law is the same, regardless of where a firearm sale
1362 takes place. Federal law requires all firearms dealers to be
1363 licensed and to initiate a background check before
1364 transferring a firearm to a nondealer, regardless of where
1365 the transfer takes place.

1366 And according to the Department of Justice, less than
1367 1 percent of criminals in State prisons for firearm crimes
1368 get their firearms from dealers or nondealers at gun shows.
1369 Less than 1 percent. And according to ATF, 6 percent of
1370 Federal armed career criminals got their firearms from
1371 dealers or nondealers at gun shows.

1372 So it is an extremely low amount, and the penalties are
1373 already there. They are already in place.

1374 And with that, I yield back to the gentleman from Ohio.

1375 Mr. Johnson of Georgia. Would the gentleman yield?

1376 Mr. Jordan. I yield to the gentleman from Georgia.

1377 Mr. Johnson of Georgia. Yes. I have been to numerous
1378 gun shows. I put my hat on and maybe a fake beard and a
1379 mustache --

1380 [Laughter.]

1381 Mr. Johnson of Georgia. -- walk in. I will have my
1382 shirt on, my lumberjack shirt on, and I will look around, and
1383 I will see the tables lined with weapons. I will talk with
1384 the dealers. Some of them are licensed. Some of them are
1385 not. I would say half and half.

1386 And these shows come to my area about once a quarter.
1387 You could see the big signs on the highway, the big
1388 billboards. And so we go, and we see what happens. And it
1389 is clear that there is a giant loophole that is posed to
1390 society with these gun shows that allow unlicensed gun
1391 dealers --

1392 Chairman Nadler. The time of the gentleman has expired.
1393 The gentleman --

1394 Mr. Johnson of Georgia. -- to sell their weapons.

1395 Chairman Nadler. The time of the gentleman has expired.
1396 The gentleman from Louisiana, Mr. Richmond?

1397 Mr. Richmond. Thank you, Mr. Chairman.

1398 And I wanted to respond from my other colleague from
1399 Georgia, Mr. Collins, the ranking member. You know, a lot of
1400 times we have arguments that I think are just purely academic
1401 and purely in theory. If we are talking about private sales,

1402 the gentleman from Colorado held up his concealed carry card,
1403 and I am happy that he has it.

1404 But if we are doing a private sale, I have no way to
1405 know if it is valid. I have no way to know if it is
1406 fraudulent. I have no way to know whether you committed a
1407 domestic battery on your partner in between you qualifying
1408 for that concealed carry and the time you try to purchase it
1409 from me.

1410 So what I would like us to do is just, you know, let us
1411 enact a little practicality or common sense to the argument.
1412 Private sales, the people are not equipped to verify the
1413 validity of the concealed carry permit. So I don't know in
1414 your State, but if you have yours for a year at a time, and
1415 in February or March, you go out and get arrested for
1416 domestic violence -- I am not saying you, the gentleman from
1417 Colorado, but whoever has the concealed carry -- or if a
1418 protective order is issued against that person, in a private
1419 sale, the individual selling will not know that you are not
1420 qualified to have that card anymore.

1421 So I understand the intent of the amendment, and in the
1422 beginning if the amendment, I liked it until I started to
1423 think about how do we actually put this in practice if the
1424 amendment passes? And because I don't think that there is a
1425 way in practice to do this without somebody running the
1426 concealed carry permit to make sure that it is valid and that

1427 you have not violated the terms of the concealed carry, you
1428 might as well just go through the background check and do the
1429 90 minutes.

1430 So, you know, in theory, yes, this makes sense. But in
1431 practice, it would create a big gaping loophole, I believe,
1432 and you said 11 million people have concealed carry. And we
1433 talk about the number, and somebody mentioned 1 percent. But
1434 if any of them are able to buy a gun that have violated a
1435 protective order or are under stay-away order or something
1436 like that, we don't want them to have this weapon.

1437 So at some point, the right to bear arms, which is
1438 sacred, there is no reason why we should not have a belt-and-
1439 suspenders approach to making sure that domestic abusers,
1440 people with mental disabilities, people who have violated the
1441 terms of their concealed carry permit did not get the right
1442 to purchase a gun. And that's all this does. And I think
1443 the amendment will create a loophole that I think is very,
1444 very dangerous.

1445 So, with that, I would just say that when you look at
1446 the number of deaths in this country due to firearms, and
1447 this is -- this is our wall. This is our wall to protect our
1448 communities, to protect our families, to protect our people
1449 from gun violence. This is just that one step, that one
1450 barrier to keep people who should not have a firearm, who are
1451 not stable, who intend to do harm from doing harm.

1452 So as we think about this and we think about protecting
1453 our communities and our families, I would just ask us to look
1454 at the practical effect of the amendment, and what the
1455 amendment does is, I believe, create a loophole --
1456 unintentional, but a loophole, nevertheless -- that would
1457 allow people to buy guns who otherwise would not be
1458 qualified.

1459 And with that, I would --

1460 Mr. Johnson of Louisiana. Would the gentleman yield
1461 just for a moment?

1462 Mr. Richmond. Sure.

1463 Mr. Johnson of Louisiana. My friend from Louisiana,
1464 just you are talking about the practical aspect of all this.
1465 But the bill itself does not have a gun registry component,
1466 right? So how would you administer any of this anyway? That
1467 is the question we are asking. It is a bill that is
1468 unenforceable on its face, isn't it?

1469 Mr. Richmond. No. I disagree with you because it is
1470 the same way that you have to get a background check when you
1471 buy a firearm. This requires you to get a background check
1472 if it is a private sale.

1473 Now if you think that most people in the private sale
1474 are willing to just violate the law and do the private sale
1475 anyway, then maybe -- then maybe in your area in Shreveport,
1476 your great citizens up there --

1477 Mr. Johnson of Louisiana. Amen.

1478 Mr. Richmond. -- may have that intention. But down in
1479 New Orleans, we don't have that intention. And what I am
1480 worried about is just the person who, in good faith, is
1481 selling a firearm to a person who purports to have a
1482 concealed carry permit, with no way of verifying that it is
1483 real.

1484 Chairman Nadler. The gentleman's time has expired.
1485 The question now occurs on the amendment.
1486 Those in favor, say aye.
1487 Those opposed, no.
1488 In the opinion of the chair, the noes --
1489 Mr. Sensenbrenner. Roll call, please.
1490 Chairman Nadler. In the opinion of the chair, the noes
1491 have it.

1492 Mr. Sensenbrenner. Roll call, please.
1493 Chairman Nadler. The amendment is not agreed to.
1494 Mr. Sensenbrenner. Roll call, please.
1495 Chairman Nadler. A roll call is requested. The clerk
1496 will call the roll.

1497 Ms. Eligan. Mr. Nadler?
1498 Chairman Nadler. No.
1499 Ms. Eligan. Ms. Lofgren?
1500 Ms. Lofgren. No.
1501 Ms. Eligan. Ms. Jackson Lee?

1502 Ms. Jackson Lee. No.
1503 Ms. Eligan. Mr. Cohen?
1504 Mr. Cohen. No.
1505 Ms. Eligan. Mr. Johnson of Georgia?
1506 Mr. Deutch?
1507 Ms. Bass?
1508 Mr. Richmond?
1509 Mr. Richmond. No.
1510 Ms. Eligan. Mr. Jeffries?
1511 Mr. Jeffries. No.
1512 Ms. Eligan. Mr. Cicilline?
1513 Mr. Cicilline. No.
1514 Ms. Eligan. Mr. Swalwell?
1515 Mr. Lieu?
1516 Mr. Raskin?
1517 Mr. Raskin. No.
1518 Ms. Eligan. Ms. Jayapal?
1519 Ms. Jayapal. No.
1520 Ms. Eligan. Mrs. Demings?
1521 Mrs. Demings. No.
1522 Ms. Eligan. Mr. Correa?
1523 Mr. Correa. No.
1524 Ms. Eligan. Ms. Scanlon?
1525 Ms. Scanlon. No.
1526 Ms. Eligan. Ms. Garcia?

1527 Ms. Garcia. No.

1528 Ms. Eligan. Mr. Neguse?

1529 Mr. Neguse. No.

1530 Ms. Eligan. Mrs. McBath?

1531 Mrs. McBath. No.

1532 Ms. Eligan. Mr. Stanton?

1533 Mr. Stanton. No.

1534 Ms. Eligan. Ms. Dean?

1535 Ms. Dean. No.

1536 Ms. Eligan. Ms. Mucarsel-Powell?

1537 Ms. Mucarsel-Powell. No.

1538 Ms. Eligan. Ms. Escobar?

1539 Ms. Escobar. No.

1540 Ms. Eligan. Mr. Collins?

1541 Mr. Collins. Yes.

1542 Ms. Eligan. Mr. Sensenbrenner?

1543 Mr. Sensenbrenner. Aye.

1544 Ms. Eligan. Mr. Sensenbrenner says aye.

1545 Mr. Chabot?

1546 Ms. Eligan. Mr. Gohmert?

1547 Mr. Gohmert. Yes.

1548 Ms. Eligan. Mr. Jordan?

1549 Mr. Jordan. Yes.

1550 Ms. Eligan. Mr. Buck?

1551 Mr. Buck. Aye.

1552 Ms. Eligan. Mr. Ratcliffe?

1553 Mr. Ratcliffe. Yes.

1554 Ms. Eligan. Mrs. Roby?

1555 Mrs. Roby. Aye.

1556 Ms. Eligan. Mr. Gaetz?

1557 Mr. Gaetz. Aye.

1558 Ms. Eligan. Mr. Johnson of Louisiana?

1559 Mr. Johnson of Louisiana. Aye.

1560 Ms. Eligan. Mr. Biggs?

1561 Mr. McClintock?

1562 Mr. McClintock. Aye.

1563 Ms. Eligan. Mrs. Lesko?

1564 Mr. Reschenthaler?

1565 Mr. Cline?

1566 Mr. Cline. Aye.

1567 Ms. Eligan. Mr. Armstrong?

1568 Mr. Armstrong. Yes.

1569 Ms. Eligan. Mr. Steube?

1570 Mr. Biggs. Mr. Chairman, how am I recorded?

1571 Chairman Nadler. The gentleman, how is the gentleman

1572 recorded?

1573 Ms. Eligan. Mr. Biggs? Is that Mr. Biggs?

1574 Mr. Biggs. Aye.

1575 Ms. Eligan. Thank you. Mr. Biggs votes aye.

1576 Chairman Nadler. Mr. Johnson?

1577 Mr. Johnson of Georgia. No.

1578 Chairman Nadler. Mr. Johnson, no.

1579 Mr. Eligan. Mr. Johnson votes no.

1580 Chairman Nadler. Are there any other Members who wish

1581 to vote who haven't voted?

1582 [No response.]

1583 Chairman Nadler. The clerk will report.

1584 Ms. Eligan. Mr. Chairman --

1585 Chairman Nadler. Before the clerk reports, does

1586 Mr. Lieu wish to vote?

1587 Mr. Lieu. No. I want to --

1588 [Laughter.]

1589 Chairman Nadler. Mr. Lieu votes no.

1590 The clerk will report.

1591 Ms. Eligan. Mr. Chairman, 13 ayes and 21 noes.

1592 Chairman Nadler. The amendment is not agreed to.

1593 Are there any further amendments to H.R. 8?

1594 Mr. Gohmert. Mr. Chairman?

1595 Chairman Nadler. The gentleman from Texas is

1596 recognized. For what purpose does the gentleman seek

1597 recognition?

1598 Mr. Gohmert. Mr. Chairman, I have an amendment at the

1599 desk.

1600 Chairman Nadler. The clerk will report the amendment.

1601 Mr. Gohmert. Number 1.

1602 Ms. Eligan. Amendment to H.R. 8, offered by

1603 Mr. Gohmert.

1604 Chairman Nadler. Without objection, the amendment is

1605 considered as read.

1606 [The amendment of Mr. Gohmert follows:]

1607

1608 Chairman Nadler. And the gentleman is recognized in
1609 support of the amendment.

1610 Mr. Gohmert. Thank you, Mr. Chairman.

1611 This is rather simple. It would allow people to trade
1612 firearms to people who lawfully have firearms, could trade
1613 firearms without being subject to a background check.

1614 Lawfully purchased firearms are frequently traded
1615 between gun owners. If this bill, H.R. 8, is enacted, then
1616 two individuals who legally own firearms would have to both
1617 appear before a licensed dealer. Both would be subject to
1618 background check, which costs money, before a trade could be
1619 lawfully completed.

1620 There are multiple problems with this process, but
1621 ultimately, I am proposing an amendment because I don't want
1622 lawful gun owners to be subject to the fees associated with
1623 background checks simply for trading firearms, especially our
1624 Nation's poor and especially in high-crime areas. And I know
1625 a lot of belittling is done of the National Rifle
1626 Association, but if you go back to its early history, one of
1627 its purposes was to ensure that the Constitution's Second
1628 Amendment was applied fairly across the board because there
1629 were bigots in this country that simply didn't want -- did
1630 not want African Americans having guns.

1631 And so we have seen the same thing with the poll tax
1632 that was, fortunately, struck down. You shouldn't put fees

1633 that could prevent our Nation's poor from being able to
1634 observe a constitutional right.

1635 And for example, in Chicago, they have got tough gun
1636 laws, but a massive amount of murder. And having been a
1637 prosecutor and a judge, I have seen situations where you have
1638 someone who, in their younger years, was comfortable with a
1639 firearm, a handgun that was an automatic, and as they got
1640 older, became more and more difficult to chamber around. And
1641 if they were to then trade that, for example, for a revolver,
1642 it is much easier, especially for somebody with arthritis, to
1643 use.

1644 If you are in a high-crime area or you live here in
1645 Washington, D.C., which we know has significant crime but has
1646 had some of the toughest gun laws and backed prohibition for
1647 so long, but here, to run a background check, you would have
1648 to have a \$125 charge. That would be on both persons. And
1649 if it is simply two people who don't have much money here in
1650 Washington and wanting to get a weapon that is usable by an
1651 elderly poor person in a high-crime area, well, they both
1652 have to come up with \$125 to do the transfer.

1653 And I know my friend Mr. Gaetz made the point before
1654 about the enforceability, and the response was basically,
1655 well, but no, this requires national background checks. And
1656 I think people were not understanding Mr. Gaetz's point.

1657 The point is if someone transfers a gun in the scenario

1658 I have just indicated. They are poor. They can't come up
1659 with \$225 fees for background checks. They both lawfully own
1660 guns. They could transfer those, even as this H.R. 8 would
1661 make it illegal to do. They could transfer them, and nobody
1662 would know the difference until and unless one of them is
1663 implicated in a crime, and a search warrant is run or the gun
1664 is at the scene. And then the background check would be done
1665 on the weapon, where it came from, whose it was, and only
1666 then would you begin to realize there may have been a
1667 violation of H.R. 8.

1668 This amendment would simply say if somebody defends
1669 themselves, somebody is breaking into their home, and they --
1670 this amendment were accepted and passed, and they had gotten
1671 a gun they were able to use to save their own lives or to
1672 save themselves from being raped, they would not then have
1673 somebody come in, though they had been through such a
1674 harrowing experience, then be charged because a friend
1675 transferred a weapon that they could use to protect
1676 themselves. They did so in total self-defense, and yet now
1677 they are guilty of a crime under H.R. 8 because a friend or a
1678 relative transferred a gun that they could use.

1679 They are alive today, but they are going to jail because
1680 they violated H.R. 8. So I think it is a good amendment, and
1681 I hope my colleagues will get onboard, and let us help our
1682 Nation's poor be able to defend themselves.

1683 I yield back.

1684 Chairman Nadler. I urge opposition to this amendment.

1685 The amendment would exempt from the background check
1686 requirement a transfer when one person gives a gun to another
1687 in exchange for another gun.

1688 Well, we have no assurance that both transferor and
1689 transferees may not be felons or that one, or the other may
1690 not be a felon, or that both or one or the other may not be a
1691 danger, subject to an order of protection for domestic
1692 violence or any other situation which the background check
1693 system is designed to protect against.

1694 The background check system is designed to protect the
1695 public against people who shouldn't have guns because they
1696 are felons, because they are dangerous, they are mentally
1697 ill, they are domestic abusers. For whatever reason, these
1698 people shouldn't have guns.

1699 The background check system is designed to assure, to
1700 the extent possible, that they don't get guns. The bill is
1701 designed to expand the background check system to fill a
1702 dangerous loophole, and this amendment would simply say --
1703 would create another loophole, huge loophole without giving
1704 us any assurance that people who shouldn't have guns don't
1705 have guns, which is the purpose of the existing system, as
1706 well as the purpose of the bill.

1707 Therefore, I urge opposition to the bill.

1708 Is there any further debate on the amendment?

1709 The gentleman from Louisiana?

1710 Mr. Richmond. Thank you, Mr. Chairman.

1711 I just have a unanimous consent to put in the record a

1712 statement from Representative Steven Horsford, Nevada's

1713 Fourth Congressional District. And we all know what happened

1714 in Nevada, and he wanted to make sure that he had a statement

1715 on the record.

1716 Thank you, Mr. Chairman.

1717 Chairman Nadler. Without objection, the document will

1718 be entered into the record.

1719 [The statement of Mr. Horsford follows:]

1720

1721 Chairman Nadler. Does anyone else seek recognition on
1722 the amendment? The gentleman from Arizona?

1723 Mr. Biggs. Thanks, Mr. Chairman.

1724 This amendment, which I support, is consistent with the
1725 makeup of my district. And within my district and within my
1726 State, we have constitutional carry. And within my district,
1727 we have many gun owners who are legal gun owners, and it is
1728 not anomalous for them to trade or transfer guns between each
1729 other.

1730 Freedom to transfer guns in this way is consistent with
1731 the idea of making certain that guns are in the hands of
1732 skilled and, quite frankly, legal gun owners. These people
1733 are legal gun owners, and that is the implication.

1734 The presumption that I hear so often today and as we
1735 talk about this issue is one that these people are not legal
1736 gun owners, and you are going to put guns -- you might have a
1737 felon trading with another felon or a felon trading with a
1738 legal gun owner. The reality is that will still remain a
1739 felony. That will still remain a crime.

1740 What this does is it allows people who are legal gun
1741 owners to be exempt from an additional background check,
1742 which if they are legal gun owners most likely they have
1743 endured a legal background check. So this is a common-sense,
1744 straightforward amendment, and I support that amendment.

1745 And with that, I yield back.

1746 Chairman Nadler. The gentleman yields back.

1747 The gentleman from Florida?

1748 Mr. Gaetz. I thank the chairman, and I am really trying
1749 to understand -- Mr. Chairman, do I have 5 minutes if I move
1750 to strike the last word?

1751 Chairman Nadler. Yes.

1752 Mr. Gaetz. Okay. I just wondered because I am at 3:20
1753 on the clock.

1754 Thank you, Mr. Chairman. I appreciate that.

1755 I am trying to understand where the majority is coming
1756 from with the legislation. As I understand it has been
1757 articulated, the goal is to make sure that people who are bad
1758 folks, who we don't want to have guns, don't get guns. And
1759 what I don't understand about the opposition to this
1760 amendment is that both parties to this transaction already
1761 have a gun, and so opposition to this amendment seems to do
1762 nothing to further the goal of the legislation, which is to
1763 stop people from having guns.

1764 It also seems noteworthy that the amendment applies only
1765 to handguns. A lot of the discussion in the hearing that the
1766 majority hosted and a lot of the basis for the majority's
1767 argument seems to center around long guns and other types of
1768 guns. But with handgun swaps, I think you are far more
1769 likely to encounter the circumstances that my colleague from
1770 Texas raised, where you have maybe people who are friends,

1771 neighbors, collectors that already have gone through
1772 background checks in many circumstances.

1773 The opposition to this amendment, though, does seem to
1774 indicate what this bill is really about, and it doesn't
1775 really seem to be about background checks. It seems to be
1776 about taking guns away from people. Because in the
1777 chairman's remarks opposing the amendment, he said, well, if
1778 one of those folks was a felon, then we need to take their
1779 guns away from them.

1780 And again, as my colleague from Arizona said, if one of
1781 the parties to this transaction is already a felon, then it
1782 is always unlawful conduct. And so passing a Federal law to
1783 make something that is already illegal more illegal I don't
1784 think reduces the impact of gun violence. I don't think it
1785 reduces the tendency for people who shouldn't have guns to
1786 have guns. I think it sort of makes us feel better without
1787 actually addressing the problem.

1788 And so while I am eager to try to unlock the innovative
1789 potential of our States to be able to target folks who are
1790 likely to commit gun violence, to give law enforcement the
1791 tools to go after them, to utilize social media to be able to
1792 find people like those in my State who really spoke loudly
1793 about their intention to commit violence before they do so.

1794 But it seems as though trying to make those instances
1795 less likely is in no way serviced by a provision of Federal

1796 law that gets the Federal Government excessively entangled in
1797 a gun swap. Perhaps between best friends or neighbors or
1798 people who know each other well.

1799 And so I would hope that --

1800 Chairman Nadler. Would the gentleman yield?

1801 Mr. Gaetz. Certainly.

1802 Chairman Nadler. I would point out that 90 percent of
1803 background checks are completed within 90 seconds. And I did
1804 not say that we would take the guns away from anybody, but I
1805 did say that if someone is seeking to acquire a gun, this
1806 includes by transfer or by purchase, they should be subject
1807 to the background check.

1808 Mr. Gaetz. Reclaiming my time, Mr. Chairman. How much
1809 does that 90-second background check typically cost?

1810 Chairman Nadler. Are you yielding to me?

1811 Mr. Gaetz. Yes, sir.

1812 Chairman Nadler. That depends on the market. It could
1813 cost \$10, \$15.

1814 Mr. Gaetz. Mr. Chairman, reclaiming my time, since you
1815 seem very well versed in the timing, I don't think that my
1816 constituents are mostly worried about the time. I think they
1817 would be mostly worried about the cost. And so if the
1818 chairman were similarly -- similarly able to inform the
1819 committee on cost. And then perhaps for those background
1820 checks that take 90 seconds or longer, maybe the chairman

1821 would be willing to entertain an amendment to make those
1822 free?

1823 You know, maybe a background check that takes -- since
1824 90 seconds constitutes 90 percent of the background checks,
1825 maybe we ought to work on an amendment to say that if your
1826 background check takes more than a day, which presumably
1827 would be less than 10 percent of instances, then maybe in
1828 those cases, Federal law would prohibit someone from charging
1829 for a background check.

1830 I would yield to my colleague from Texas.

1831 Mr. Gohmert. This is such an important point. It is
1832 not the time, but here in Washington, D.C., it is apparently
1833 \$125. And that would -- if it is a trade, both would have to
1834 pay \$125, and again, it brings back to mind the poll tax,
1835 which put a fee, a tax on a constitutional right, which is
1836 just wrong. If you have a right to legally possess a gun,
1837 you shouldn't have to come in and pay \$250 in Washington to
1838 swap guns.

1839 And I appreciate the time. I yield back Mr. Gaetz.

1840 Mrs. McBath. Mr. Chairman?

1841 Chairman Nadler. The gentleman has yielded back.

1842 I would recognize --

1843 Mr. Collins. The gentleman yields back to the gentleman
1844 from Florida. Do you still have time?

1845 Mr. Gaetz. Yes. I yield to the ranking member.

1846 Mr. Collins. And the one thing that I also want to
1847 point out here is that we are discussing a bill that,
1848 frankly, we are probably going to get to here in a little
1849 bit. But in the bill itself, it does not -- in fact, it
1850 specifically prohibits a limit on what you can actually
1851 charge for this. This bill actually has that.

1852 So you could actually -- in a State that wanted to do
1853 away with this, they could charge a \$1,500 fee to do a
1854 background check. This bill, again, when you read the
1855 details of the bill, it becomes even more concerning, and
1856 your point is well raised.

1857 With that, I yield back to the gentleman.

1858 Chairman Nadler. I am going to recognize myself.

1859 Mr. Gaetz. Mr. Chairman?

1860 Chairman Nadler. I just want to point out a couple of
1861 things. Exchanges of guns, which is what this amendment is
1862 talking about, are common among criminals and interfere with
1863 the ability of law enforcement to trace guns that have been
1864 used in crime. That is why criminals like to exchange
1865 firearms to avoid accountability for their crimes, number
1866 one. Number two, what is to stop a criminal from exchanging
1867 a high-cost assault weapon for a revolver and some drugs or
1868 money?

1869 Mr. Gaetz. Will the gentleman yield?

1870 Chairman Nadler. No, I will not yield. This sounds

1871 like a loophole --

1872 Mr. Gaetz. I yielded to you --

1873 Chairman Nadler. I will not yield at the moment. This
1874 sounds like a loophole that criminals will exploit. And
1875 finally, I want to say that a 2004 survey of prison inmates
1876 found that 34 percent of those inmates who had been convicted
1877 of gun offenses had obtained their most recent gun from a
1878 friend or family member. Thirty percent had obtained the gun
1879 on the street or through drug dealers or similar sources.

1880 In other words, to summarize, this amendment, which
1881 would exempt from the background check a transfer, which is
1882 an exchange of firearms, it would exempt from background
1883 checks one of the most common means of criminals, the exact
1884 people we don't want to have guns, of getting guns and would
1885 make it harder for law enforcement to trace the guns used in
1886 crimes. It is exactly what we shouldn't want to do, I would
1887 think.

1888 I will now yield to the gentleman.

1889 Mr. Gaetz. Thank you, Mr. Chairman.

1890 I would just ask why did you reference high-power
1891 assault rifles when the gentleman's amendment only deals with
1892 handguns?

1893 Chairman Nadler. Reclaiming my time, the gentleman's
1894 amendment is not -- it says a transfer, which is an exchange
1895 of firearms. It does not limit it to handguns. Firearms

1896 includes high-cost assault weapons. But I referenced it
1897 because one can imagine a transfer where someone has a pistol
1898 and gives it to someone else for an assault rifle or rather
1899 gives in which money and the pistol is exchanged. Or maybe
1900 the pistol and drugs are exchanged for the assault rifle, and
1901 one would like to know who has the assault rifle.

1902 I yield back the balance of my time.

1903 Mr. Collins. Mr. Chairman?

1904 Chairman Nadler. The gentleman from Georgia?

1905 Mr. Collins. Move to strike the last word.

1906 Chairman Nadler. The gentleman is recognized.

1907 Mr. Collins. Thank you, Mr. Chairman.

1908 I think it is interesting, and again, this conversation
1909 gets better and better as we discuss this because the
1910 chairman just made mention that criminals swap guns just as a
1911 way to avoid. How many of us in this room, and honestly, if
1912 we had a -- you know, nobody could see anybody, would raise
1913 their hand and say that a criminal is going to follow H.R. 8?
1914 Nobody.

1915 I mean, this isn't the problem. I understand the
1916 desire. I understand the problem. But when you talk about
1917 the issue of criminals swapping guns, H.R. 8 will not apply
1918 to that because criminals are criminals by very nature of
1919 your tag. Criminals are not going to go and say, hey, you
1920 know, I want to trade your gun for my gun. Let us go get a

1921 background check. They are not going to do it.

1922 It is interesting also that you mention tracing guns
1923 used in crimes, which, by the way, the registry is not a part
1924 of your bill that the DOJ from the Obama administration
1925 wanted as a part of that. I think these are the kind of
1926 things that these kind of markups -- and I appreciate the
1927 chairman for doing this. I appreciate this markup because
1928 these are the kind of questions that do need to be asked.
1929 These are the questions that do need.

1930 But to simply use as the reason this amendment is not a
1931 good one is that criminals want to swap guns and that they
1932 are going to run to get them checked on H.R. 8 is just,
1933 frankly, no matter what you feel about this bill, no matter
1934 if you are passionately for it or passionately against,
1935 criminals are not going to run and get background checks.

1936 Mr. Cicilline. Will the gentleman yield?

1937 Chairman Nadler. Will the gentleman yield?

1938 Mr. Cicilline. Will the gentleman yield?

1939 Mr. Collins. Sure. I will yield.

1940 Mr. Cicilline. So the gentleman has said several times
1941 now this morning that criminals will not try to get a
1942 background check, and I wonder how we would answer the
1943 question that since the Brady law was passed requiring
1944 background checks, 3 1/2 million illegal gun sales have been
1945 stopped. So 3 1/2 million people who were disqualified,

1946 either because they were convicted criminals, determined to
1947 be mentally ill and institutionalized, or some other
1948 disqualifying factor, trying to break the law and buy a gun.
1949 Three and a half million people were denied.

1950 So when you say they don't work, that is simply not
1951 true. They do work. The problem is they don't cover all gun
1952 sales.

1953 Mr. Collins. Reclaiming my time, I think the
1954 interesting argument made by the gentleman, but if those are
1955 also nixed, denials, then my question is, is why are we not
1956 prosecuting? That is another question for that issue.

1957 Mr. Cicilline. I am happy to answer that.

1958 Mr. Collins. That is not a false question. I would
1959 yield to the gentleman from Texas.

1960 Mr. Gohmert. And yes, I am glad this number was brought
1961 up. Another one of our colleagues across the aisle brought
1962 up 3 million people who were denied access to a firearm
1963 because they tried to acquire one illegally. Now we are in
1964 3 1/2 million. The fact is those were the first hits when
1965 the name is submitted in the most generic, phonetically
1966 spelled form, and over 96 percent -- and it may only be
1967 1 percent of the 3 million, but over 96 percent turned out to
1968 be false hits.

1969 And when they went to second and sometimes third review,
1970 they found this was not the person in issue that was trying

1971 to get a gun or get a background check completed. So it is
1972 not 3 million. It is not 3 1/2 million. And under the Obama
1973 administration, there was one year where they only prosecuted
1974 I think it was four convictions out of all of those, you
1975 know, hundreds of thousands of false hits, but only resulted
1976 in four convictions.

1977 I yield back to my friend from Georgia.

1978 Mr. Collins. And I will yield to the gentleman from
1979 California.

1980 Mr. McClintock. Thank you, Mr. Chairman and ranking
1981 member.

1982 I just wanted to interject this thought as well. The
1983 question is, are these effective at stopping crimes and
1984 murders? And I would refer the gentleman to a study by Johns
1985 Hopkins and UC-Davis. It was released on December 28th,
1986 involving California's universal background check. They
1987 found it had no impact on gun deaths.

1988 Mr. Collins. And if I can reclaim my time, I think the
1989 issue here, you know, as was so well-spoken by the gentleman
1990 from Texas, is this is -- the number is independent, as he
1991 had described it. I think my comment was specifically not
1992 those -- and the issue from the chairman's perspective was
1993 the swapping of guns between criminals.

1994 And I understand the gentleman from Rhode Island's, you
1995 know, thought that, yes, people who have background checks

1996 get flagged, and there are errors in that. And there are
1997 some that get caught legitimately, and that is why the law is
1998 in place. But I think premise that criminals -- and that was
1999 the premise of it. Not law-abiding citizens, not people who
2000 didn't know about they were going to have do it. But
2001 criminals swapping guns, this bill does not even remotely
2002 have a chance of helping.

2003 And I think that's why many of these concerns need to be
2004 voiced. They are being voiced now. And again, going back to
2005 the issue of if you are truly -- and I think the chairman
2006 rightfully said it, is this idea of trying to trace, and we
2007 will probably have this discussion probably much later this
2008 afternoon is this issue of the bill itself guts itself in
2009 Article 5 with no registry.

2010 So I think this is something we continue to talk about.
2011 I do support the gentleman's amendment. And with that, I
2012 will yield back my time.

2013 Mrs. McBath. Mr. Chairman?

2014 Chairman Nadler. I will now recognize the gentlelady
2015 from Georgia, Mrs. McBath.

2016 Mrs. McBath. Thank you so much.

2017 I appreciate all the comments from my colleagues that I
2018 have heard today. But absolutely, I have to be honest with
2019 you, H.R. 8 acts as a deterrent. We know that there are a
2020 number of ways that we need to be able to work in this

2021 culture to be able to eradicate the ways people -- the ways
2022 in which people are using their guns in a criminal manner.

2023 This bill does not in any way infringe upon anyone's
2024 individual rights to be a gun owner, to lawfully use their
2025 guns to hunt, to do whatever they need to do with their guns,
2026 to be a gun enthusiast. And I take very much of an issue
2027 with any innuendo that this is going to infringe upon the
2028 rights of anyone that is a law-abiding gun owner.

2029 And I would like to go back to the comment made by
2030 Mr. Gohmert. You know, I am skeptical that Mr. Gohmert's
2031 amendment is really about the concern for the people that are
2032 living in poverty. The fact is that studies show that poor
2033 communities are harmed most by gun violence, and these
2034 communities have the most to gain from gun laws that make us
2035 safer.

2036 H.R. 8 does that. It does not answer every means of
2037 identifying how we are going to make people safer, but it is
2038 a deterrent. It is a beginning. It is one of the most basic
2039 ways to keep guns out of the hands of people who should not
2040 have them, such as people that have mental instabilities, or
2041 they have severe criminal histories, or they are domestic
2042 abusers.

2043 Mr. Johnson of Georgia. Would the gentlelady yield?

2044 Mr. Raskin. Would the gentlelady yield?

2045 Mr. Johnson of Georgia. Would the gentlelady yield?

2046 Mrs. McBath. I yield my time.

2047 Chairman Nadler. The gentlelady yields.

2048 Mr. Johnson of Georgia. Thank you.

2049 I just want to let everybody know that if this
2050 legislation passes, it will not impose an undue -- it will
2051 not impose any burden financially on someone who gets a
2052 background check. What happens when you purchase a gun from
2053 a licensed gun dealer, that gun dealer picks up the phone,
2054 calls the toll-free number, which is to the national FBI
2055 information NCIS. They call that number.

2056 They put in your information, and the FBI runs your
2057 background check, and instantaneously almost they tell the
2058 dealer whether or not you are eligible to purchase a firearm.
2059 And there is no cost associated with that check from a
2060 licensed gun dealer.

2061 So I just want the public to understand that this is a
2062 service that the FBI does. It is designed to keep guns out
2063 of the hands of the people who should not have them. And so
2064 the FBI has that service of running those background checks
2065 for licensed gun dealers. And if we don't have any
2066 unlicensed gun dealers and all we have are licensed gun
2067 dealers running background checks, what that is going to do
2068 is cut out so many people from not being able to get a
2069 firearm who should not have it.

2070 And with that, I will yield back to the gentlelady.

2071 Mr. Raskin. Would the gentlelady yield?

2072 Mrs. McBath. Yes.

2073 Mr. Raskin. Good. Thank you very much. And thank you
2074 for your leadership.

2075 I want to thank the gentleman from Georgia for
2076 refocusing us on what this is all about, and I am glad that
2077 our friends from Moms Demand Action are with us here today
2078 because the reason why we have a majority that had the first
2079 hearing on gun violence in 8 years and the reason why we are
2080 hearing for the first time and having a markup on a bill that
2081 is favored by more than 90 percent of the American people is
2082 because of the massive outpouring of public sentiment
2083 demanding real change in our gun laws in the country.

2084 Now for the life of me, Mr. Chairman, I can't understand
2085 why anybody would oppose the bill we are doing or try to mark
2086 it up with all of the graffiti-like finger painting we are
2087 getting from these amendments today. The current Brady law,
2088 named after Jim Brady, is an effort to make sure that we stop
2089 gun sales to felons, to fugitives, to seriously mentally ill
2090 people, to domestic abusers.

2091 If you are not in one of those categories, you got
2092 nothing to worry about because you are going to be able to
2093 get your gun. What we are doing is closing the loopholes
2094 that are in place that are making this very effective law
2095 less effective than it should be. We want to make this law

2096 universally effective, and that is why we have massive
2097 support in the public for doing this.

2098 Over 90 percent of background checks are completed in
2099 less than 90 seconds. That is not a real hang-up for people,
2100 and that is why 90 percent of the people support it.

2101 I will yield back.

2102 Chairman Nadler. The gentleman has yielded back.

2103 The question is on the amendment.

2104 Those in favor, say aye.

2105 Mr. Buck. Mr. Chairman?

2106 Chairman Nadler. Opposed, no.

2107 Mr. Buck. Mr. Chairman, I asked several times to be
2108 recognized. Mr. Chairman?

2109 Chairman Nadler. In the opinion of the chair -- in the
2110 opinion of the chair, the nays have it, and the amendment is
2111 not agreed to.

2112 Voice. Roll call.

2113 Chairman Nadler. A roll call is requested. The clerk
2114 will call the roll.

2115 Voice. Do we have a motion? We have a motion --

2116 Chairman Nadler. A motion is not in order.

2117 Voice. I have a point of parliamentary inquiry.

2118 Chairman Nadler. A motion was not in order. I called
2119 the vote. The clerk will call the roll.

2120 Voice. Point of parliamentary inquiry?

2121 Chairman Nadler. A parliamentary inquiry is not in
2122 order during a vote. The clerk will call the roll.
2123 Ms. Eligan. Mr. Nadler?
2124 Chairman Nadler. The clerk will call the roll. That is
2125 what we have, a division. The clerk will call the roll.
2126 Ms. Eligan. Mr. Nadler?
2127 Chairman Nadler. No.
2128 Ms. Eligan. Mr. Nadler votes no.
2129 Ms. Lofgren?
2130 Ms. Lofgren. No.
2131 Ms. Eligan. Ms. Lofgren votes no.
2132 Ms. Jackson Lee?
2133 Mr. Cohen?
2134 Mr. Johnson of Georgia?
2135 Mr. Johnson of Georgia. No.
2136 Ms. Eligan. Mr. Johnson votes no.
2137 Mr. Deutch?
2138 Ms. Bass?
2139 Mr. Richmond?
2140 Mr. Jeffries?
2141 Mr. Jeffries. No.
2142 Ms. Eligan. Mr. Jeffries votes no.
2143 Mr. Cicilline?
2144 Mr. Cicilline. No.
2145 Ms. Eligan. Mr. Cicilline votes no.

2146 Mr. Swalwell?
2147 Mr. Lieu?
2148 Mr. Lieu. No.
2149 Ms. Eligan. Mr. Lieu votes no.
2150 Mr. Raskin?
2151 Mr. Raskin. No.
2152 Ms. Eligan. Mr. Raskin votes no.
2153 Ms. Jayapal?
2154 Mrs. Demings?
2155 Ms. Eligan. Mr. Correa?
2156 Mr. Correa. No.
2157 Ms. Eligan. Mr. Correa votes no.
2158 Ms. Scanlon?
2159 Ms. Scanlon. No.
2160 Ms. Eligan. Ms. Scanlon votes no.
2161 Ms. Garcia?
2162 Ms. Garcia. No.
2163 Ms. Eligan. Ms. Garcia votes no.
2164 Mr. Neguse?
2165 Mr. Neguse. No.
2166 Ms. Eligan. Mr. Neguse votes no.
2167 Mrs. McBath?
2168 Mrs. McBath. No.
2169 Ms. Eligan. Mrs. McBath votes no.
2170 Mr. Stanton?

2171 Mr. Stanton. No.

2172 Ms. Eligan. Mr. Stanton votes no.

2173 Ms. Dean?

2174 Ms. Dean. No.

2175 Ms. Eligan. Ms. Dean votes no.

2176 Ms. Mucarsel-Powell?

2177 Ms. Mucarsel-Powell. No.

2178 Ms. Eligan. Ms. Mucarsel-Powell votes no.

2179 Ms. Escobar?

2180 Ms. Escobar. No.

2181 Ms. Eligan. Ms. Escobar votes no.

2182 Mr. Collins?

2183 Mr. Collins. Aye.

2184 Ms. Eligan. Mr. Collins votes aye.

2185 Mr. Sensenbrenner?

2186 Mr. Sensenbrenner. Aye.

2187 Ms. Eligan. Mr. Sensenbrenner votes aye.

2188 Mr. Chabot?

2189 Mr. Gohmert?

2190 Mr. Gohmert. Votes aye to the prematurely called vote.

2191 Ms. Eligan. Mr. Gohmert votes aye.

2192 Mr. Jordan?

2193 Mr. Jordan. Yes.

2194 Ms. Eligan. Mr. Jordan votes yes.

2195 Mr. Buck?

2196 Mr. Buck. Aye.
2197 Ms. Eligan. Mr. Buck votes aye.
2198 Mr. Ratcliffe?
2199 Mrs. Roby?
2200 Mrs. Roby. Aye.
2201 Ms. Eligan. Mrs. Roby votes aye.
2202 Mr. Gaetz?
2203 Mr. Gaetz. Aye.
2204 Ms. Eligan. Mr. Gaetz votes aye.
2205 Mr. Johnson of Louisiana?
2206 Mr. Johnson of Louisiana. Aye.
2207 Ms. Eligan. Mr. Johnson of Louisiana votes aye.
2208 Mr. Biggs?
2209 Mr. Biggs. Aye.
2210 Ms. Eligan. Mr. Biggs votes aye.
2211 Mr. McClintock?
2212 Mr. McClintock. Aye.
2213 Ms. Eligan. Mr. McClintock votes aye.
2214 Mrs. Lesko?
2215 Mr. Resenthaler?
2216 Mr. Resenthaler. Aye.
2217 Ms. Eligan. Mr. Resenthaler votes aye.
2218 Mr. Cline?
2219 Mr. Armstrong?
2220 Mr. Steube?

2221 Mr. Steube. Yes.

2222 Ms. Eligan. Mr. Steube votes yes.

2223 Chairman Nadler. Are there any Members who haven't
2224 voted that wish to vote?

2225 Mr. Deutch?

2226 Mr. Deutch. No.

2227 Ms. Eligan. Mr. Deutch votes no.

2228 Chairman Nadler. Are there any other Members who
2229 haven't voted who wish to vote?

2230 [No response.]

2231 Chairman Nadler. The clerk will report.

2232 Ms. Eligan. Mr. Chairman, 17 noes and 12 ayes.

2233 Chairman Nadler. The amendment is not agreed to. Are
2234 there any --

2235 Mr. Gaetz. Point of parliamentary inquiry.

2236 Chairman Nadler. One second. Are there any further
2237 amendments?

2238 Mr. Buck. I have an amendment at the desk.

2239 Mr. Gaetz. I have a point of parliamentary inquiry.

2240 Chairman Nadler. Who has the point of parliamentary
2241 inquiry?

2242 Mr. Jordan. Gaetz.

2243 Chairman Nadler. Mr. Gaetz will state the point of
2244 parliamentary inquiry.

2245 Mr. Gaetz. Mr. Chairman, what parliamentary tool would

2246 the chairman prefer Members to use in the minority who seek
2247 recognition as the chairman is prematurely calling votes?

2248 Chairman Nadler. The normal way of seeking recognition
2249 is to seek recognition. I did not see anyone at that point
2250 by the time I started calling the vote.

2251 Mr. Collins. Mr. Chairman? Mr. Chairman, parliamentary
2252 inquiry.

2253 Chairman Nadler. The gentleman from Georgia?

2254 Mr. Collins. Mr. Chairman, I was actually tapping you
2255 on the shoulder and saying Mr. Buck from Colorado had a
2256 request for time. You continued on this process, and the
2257 parliamentary inquiry is this. Are we going to continue this
2258 way, or do we just -- what is our mechanism to continue
2259 discussion, which is under our rights --

2260 Chairman Nadler. The mechanism to continue discussion
2261 is to recognize Members who seek recognition. I will point
2262 out that, my opinion at least, both amendments have had ample
2263 discussion. Every point had been made, though not every
2264 person had made it, I think.

2265 We have a long list of amendments we are told. We must
2266 finish the markup today at some hour, and I will say if there
2267 is an extensive list of amendments and if Members insist on
2268 long, on long lists of people speaking on each amendment, at
2269 some point, we will have to do what I do not like to do,
2270 which is to move the previous question.

2271 I would rather that we get to every amendment, but we
2272 will finish today.

2273 Mr. Collins. Well, Mr. Chairman, let us discuss this
2274 for a second. I mean, it is not fair either a Republican or
2275 Democratic chairman to determine when debate on amendments
2276 and requesting under proper rules and proper orders. And
2277 also I would like to remind the chairman that this bill was
2278 submitted as the bill and not as an amendment in the nature
2279 of a substitute, and there is no previous question.

2280 Mr. Sensenbrenner. Mr. Chairman, further parliamentary
2281 inquiry?

2282 Chairman Nadler. The gentleman will state his
2283 parliamentary inquiry.

2284 Mr. Sensenbrenner. Me?

2285 Chairman Nadler. Yes.

2286 Mr. Sensenbrenner. Mr. Chairman, when is it possible
2287 for the chair to substitute a motion or substitute a
2288 recognition or failure of recognition for a motion to adopt
2289 the previous question? Because that is what you did when
2290 Mr. Buck sought recognition?

2291 Chairman Nadler. I did not. No, I don't think that is
2292 what I did. And I don't -- I don't think that is what I did.

2293 Are there any further amendments?

2294 Mr. Buck. I have an amendment at the desk,

2295 Mr. Chairman.

2296 Chairman Nadler. Who said that? Mr. Buck. The clerk
2297 will report the amendment.

2298 Ms. Eligan. Amendment to H.R. 8, offered by
2299 Representative Buck of Colorado. Proposed to authorize the
2300 use of funds to permit --

2301 Mr. Johnson of Georgia. Mr. Chairman, I reserve a point
2302 of order.

2303 Chairman Nadler. The gentleman reserves a point of
2304 order.

2305 Ms. Eligan. Amendment to H.R. 8, offered by Mr. Buck of
2306 Colorado.

2307 Mr. Buck. I object, Mr. Chairman. Mr. Chairman, I
2308 object and ask that the amendment be read.

2309 Chairman Nadler. Okay. The amendment will be read.

2310 Ms. Eligan. Proposed to authorize the use of funds to
2311 permit the restoration of rights pursuant to 18 U.S.C.
2312 925(c).

2313 [The amendment of Mr. Buck follows:]

2314

2315 Chairman Nadler. The gentleman is recognized for
2316 5 minutes in support of his amendment.

2317 Mr. Buck. Thank you, Mr. Chairman. I appreciate being
2318 recognized this time.

2319 What is this amendment about?

2320 Chairman Nadler. The gentleman will proceed.

2321 Mr. Buck. I couldn't hear myself think, Mr. Chairman.
2322 But I appreciate it.

2323 It is about second chances and restoration. Last year,
2324 many individuals on this committee worked on the First Step
2325 Act, a chance to give nonviolent criminal offenders a second
2326 chance. Earlier this year, we had a hearing on legislation
2327 that would have restored the voting rights of all felons,
2328 even people convicted of voter registration fraud, voter
2329 fraud, and voter intimidation.

2330 This amendment is very simple. As with the other
2331 legislation I mentioned, this amendment is about second
2332 chances. Current law allows an individual to petition the
2333 Attorney General for the restoration of their gun rights if
2334 they can demonstrate that their ownership of a firearm would
2335 not present a danger to anyone.

2336 This provision has been on the books for decades. But
2337 for many years now, a legislative rider has prevented the
2338 Attorney General from considering an application to restore
2339 an individual's gun rights. This has effectively prevented

2340 the Attorney General from approving any petitions.

2341 This amendment removes the current limitation to allow
2342 Federal funds to be used to process, review, and either
2343 approve or deny petitions for the restoration of rights. I
2344 would like to read an article from 2017 about a former
2345 convicted felon who had his gun rights restored and how that
2346 allowed him to prevent the murder of an Arizona State trooper
2347 and another person. The title of the article is "Former
2348 Felon with Restored Gun Rights Saved Trooper in Arizona
2349 Ambush."

2350 "Consider former felon Thomas Yoxall's debt to society
2351 paid in full with interest. The man who shot and killed an
2352 assault suspect on a dark highway in Arizona, rescuing a
2353 State trooper, said on Wednesday that he doesn't think of
2354 himself as a hero. The good Samaritan had requested media
2355 anonymity since the early morning January 12th incident on
2356 Interstate 10. Today, he made his first appearance since the
2357 incident at a news conference at the headquarters of the
2358 Arizona Department of Public Safety.

2359 "He identified himself as Thomas Yoxall, 43, a
2360 maintenance supervisor with a passion for photography and
2361 reading. And he mentioned that he has a past.

2362 "As court records show, the past includes a 2000
2363 conviction for felony theft. Fortunately, for DPS trooper
2364 Edward Andersson, whose life hung on the edge before Yoxall

2365 showed up on January 12th, Yoxall had his gun rights restored
2366 in 2003 after he successfully completed probation. Yoxall
2367 has paid back his debit to society big time.

2368 "That morning, I never would have dreamt that I was
2369 going to save somebody's life, let alone take the life of
2370 another individual,' Yoxall said. 'I don't recall any
2371 thought or feeling of fear. It happened very quickly. There
2372 wasn't necessarily time for me to react or think logically.
2373 I don't consider myself a hero that day.'

2374 "Yet DPS officials describe Yoxall's actions in terms
2375 that could, in fact, best be described as heroic. Trooper
2376 Edward Andersson responded to a vehicle rollover and saw a
2377 man and woman ejected from a vehicle. As Andersson
2378 approached, the man -- an illegal alien who used to be a
2379 federal Mexican police officer -- fired a handgun that hit
2380 Anderson in the shoulder. The individual firing the handgun
2381 then began slamming Anderson's head into the pavement, trying
2382 to kill him.

2383 "Yoxall saw the attack as it took place, pulled over,
2384 and grabbed the handgun he kept in the center console, and
2385 ran to help Trooper Andersson. When the individual refused
2386 to stop attacking Andersson, and Andersson called for
2387 assistance, Yoxall took a firing position that didn't put
2388 Anderson in the line of fire and took two shots that put the
2389 individual down.

2390 "Mr. Yoxall then ran to assist Trooper Andersson, only
2391 to see the individual rise up and come at both of them.
2392 Yoxall then took careful aim and killed the man, hitting him
2393 in the head. The individual and the woman killed in the
2394 incident were allegedly meth users and drug dealers.

2395 "Mr. Yoxall did not let his checkered past dictate his
2396 future. Maricopa County Superior Court records show a felony
2397 charge of theft from the year 2000, which was later reduced
2398 to a misdemeanor. According to court records, Yoxall
2399 admitted to stealing electronics items from a group home
2400 where he worked.

2401 "When petitioning the judge to reduce his felony
2402 conviction, Yoxall stressed that he was eager to be restored
2403 his right to bear arms. A felony conviction strips
2404 individuals of the right to possess a firearm, but they may
2405 be allowed the opportunity to have those rights reinstated in
2406 Arizona.

2407 'Before this incident, I was an avid shooter,' Yoxall
2408 wrote in 2003. 'I miss owning a gun. I miss shooting with
2409 my friends, as well as my son. I hope, if nothing else, you
2410 will reinstate my civil rights to include the right to bear
2411 arms once again.'"

2412 I yield back the remainder of my time, Mr. Chairman.

2413 Mr. Johnson of Georgia. Mr. Chairman?

2414 Chairman Nadler. Does the gentleman insist on his point

2415 of order?

2416 Mr. Johnson of Georgia. I do, Mr. Chairman.

2417 Chairman Nadler. The gentleman will state the point of
2418 order.

2419 Mr. Johnson of Georgia. This amendment has absolutely
2420 nothing to do with background checks, which is the subject of
2421 H.R. 8, and for that reason I ask that the amendment be ruled
2422 out of order.

2423 Chairman Nadler. Does the sponsor of the amendment wish
2424 to be heard on the point of order?

2425 Mr. Buck. I do, Mr. Chairman.

2426 Chairman Nadler. The gentleman --

2427 Mr. Buck. I am assuming that the gentleman from Georgia
2428 is asking that the amendment be ruled out of order because it
2429 is not germane?

2430 Chairman Nadler. Yes.

2431 Mr. Buck. I didn't hear that in the argument.

2432 Mr. Johnson of Georgia. I insist on my point of order,
2433 and the secret words you have uttered I will adopt.

2434 Mr. Buck. It is not really a secret. It is actually in
2435 the rules of the committee.

2436 Chairman Nadler. The gentleman will comment on the
2437 point of order.

2438 Mr. Buck. I will. Do I have 5 minutes, Mr. Chairman?

2439 Chairman Nadler. You do.

2440 Mr. Buck. Okay. I think that when we talk about gun
2441 violence, when we talk about the bill involving background
2442 checks, it is important that we understand that this
2443 individual, Mr. Yokesaw, would not have passed a background
2444 check had his gun rights not been restored. All I am asking
2445 for, Mr. Chairman, is that we recognize in this bill that an
2446 individual who is eligible under Federal law to have his gun
2447 rights restored should be allowed to have those gun rights
2448 restored. It strengthens this bill.

2449 You know, I was listening to the opening statements from
2450 the other side of the aisle, and I was impressed that on a
2451 number of occasions the chairman and the chairman of the
2452 subcommittee both talked about how this was bipartisan and
2453 how proud they were that this bill was bipartisan. There are
2454 five Republican co-sponsors on this bill.

2455 Mr. Chairman, I think that we need to strengthen this
2456 bill to make it more bipartisan, to make a bill that the
2457 Senate will consider, to make it a bill that the President
2458 might consider. But if the majority continues to vote down
2459 and rule out of order good, commonsense measures that would
2460 strengthen the bill, I fear that the majority might actually
2461 lose those five Republicans, and this may not be a bipartisan
2462 bill.

2463 My amendment is already part of Federal law. All it
2464 does is ensure that it will be recognized in this bill that

2465 an individual that has committed a felony can have his rights
2466 restored, a nonviolent felony can have his rights restored so
2467 that he may participate in society just as we want that
2468 individual to participate as a voter, just as we want other
2469 constitutional rights to be restored. This bill actually was
2470 run in the Colorado State legislature, and to the surprise of
2471 many of my friends on the other side of the aisle, this bill
2472 was supported by the ACLU.

2473 I am sorry, Mr. Chairman. I can't --

2474 Chairman Nadler. Proceed.

2475 Mr. Buck. This bill was supported by the ACLU. Just
2476 like restoring voting rights would be supported by the ACLU,
2477 this bill was supported by the ACLU. It was supported by
2478 conservative Republican district attorneys and liberal
2479 Democrat district attorneys. Mr. Chairman, this is a
2480 necessary part of making this bill stronger and I ask the
2481 committee's support of it. And I ask the chair to rule it in
2482 order.

2483 Ms. Mucarsel-Powell. Mr. Chairman?

2484 Chairman Nadler. The chair is prepared to rule on the
2485 point of order. This bill expands the background check
2486 system to certain people. Right now certain people are
2487 subjected to it. The bill expands it to certain people who
2488 are not subjected to it. The amendment directs that sums
2489 should be made available for implementation of a completely

2490 different law respecting a restoration of rights.

2491 The amendment is out of order for two separate reasons.
2492 Number one, it deals with a different subject matter and
2493 purpose and would broaden the measure beyond the current
2494 scope, and is, therefore, not germane. Second of all, since
2495 it says "the President shall make available such sums as are
2496 necessary," it is an appropriation. An appropriation on an
2497 authorization bill is not in order.

2498 For those two reasons, I rule that the point of order is
2499 well taken, and the amendment is not in order.

2500 Mr. Collins. Mr. Chairman? Appeal the ruling of the
2501 chair.

2502 Chairman Nadler. The gentleman appeals the ruling of
2503 the chair.

2504 Mr. Johnson of Georgia. Motion to table.

2505 Chairman Nadler. Motion to table the appeal of the
2506 ruling of the chair has been made. A motion to table is not
2507 debatable.

2508 The clerk will call the roll on the motion to table.
2509 Before the clerk calls the roll, all those in favor of the
2510 motion to table, say aye.

2511 Opposed?

2512 The ayes have it.

2513 Mr. Collins. Move to a roll call.

2514 Chairman Nadler. A roll call is asked for. The clerk

2515 will call the roll.

2516 Ms. Eligan. Mr. Nadler?

2517 Chairman Nadler. Aye.

2518 Ms. Eligan. Mr. Nadler votes aye.

2519 Ms. Lofgren?

2520 Ms. Jackson Lee?

2521 Mr. Cohen?

2522 Mr. Johnson of Georgia?

2523 Mr. Johnson of Georgia. Aye. I mean, no. Aye.

2524 [Laughter.]

2525 Ms. Eligan. Mr. Johnson of Georgia votes aye.

2526 Mr. Deutch?

2527 Mr. Deutch. Aye.

2528 Ms. Eligan. Mr. Deutch votes aye.

2529 Ms. Bass?

2530 Mr. Richmond of Louisiana?

2531 Mr. Jeffries?

2532 Mr. Jeffries. Aye.

2533 Ms. Eligan. Mr. Jeffries votes aye.

2534 Mr. Cicilline?

2535 Mr. Swalwell?

2536 Mr. Swalwell. Aye.

2537 Ms. Eligan. Mr. Swalwell votes aye.

2538 Mr. Lieu?

2539 Mr. Lieu. Aye.

2540 Ms. Eligan. Mr. Lieu votes aye.

2541 Mr. Raskin?

2542 Mr. Raskin. Yes.

2543 Ms. Eligan. Mr. Raskin votes yes.

2544 Ms. Jayapal?

2545 Mrs. Demings?

2546 Mr. Correa?

2547 Mr. Correa. Aye.

2548 Ms. Eligan. Mr. Correa votes aye.

2549 Ms. Scanlon?

2550 Ms. Scanlon. Aye.

2551 Ms. Eligan. Ms. Scanlon votes aye.

2552 Ms. Garcia?

2553 Ms. Garcia. Aye.

2554 Ms. Eligan. Ms. Garcia votes aye.

2555 Mr. Neguse?

2556 Mr. Neguse. Aye, with appreciation for my colleague

2557 from Colorado for bringing this important issue.

2558 Ms. Eligan. Mr. Neguse votes aye.

2559 Mrs. McBath?

2560 Mr. Stanton?

2561 Mr. Stanton. Aye.

2562 Ms. Eligan. Mr. Stanton votes aye.

2563 Ms. Dean?

2564 Ms. Dean. Aye.

2565 Ms. Eligan. Ms. Dean votes aye.
2566 Ms. Mucarsel-Powell?
2567 Ms. Mucarsel-Powell. Aye.
2568 Ms. Eligan. Ms. Mucarsel-Powell votes aye.
2569 Ms. Escobar?
2570 Ms. Escobar. Aye.
2571 Ms. Eligan. Ms. Escobar votes aye.
2572 Mr. Collins?
2573 Mr. Collins. No.
2574 Ms. Eligan. Mr. Collins votes no.
2575 Mr. Sensenbrenner?
2576 Mr. Chabot?
2577 Mr. Gohmert?
2578 Mr. Gohmert. No.
2579 Ms. Eligan. Mr. Gohmert votes no.
2580 Mr. Jordan?
2581 Mr. Jordan. No.
2582 Ms. Eligan. Mr. Jordan votes no.
2583 Mr. Buck?
2584 Mr. Buck. No.
2585 Ms. Eligan. Mr. Buck votes no.
2586 Mr. Ratcliffe?
2587 Mrs. Roby?
2588 Mrs. Roby. No.
2589 Ms. Eligan. Mrs. Roby votes no.

2590 Mr. Gaetz?

2591 Mr. Gaetz. No.

2592 Ms. Eligan. Mr. Gaetz votes no.

2593 Mr. Johnson of Louisiana?

2594 Mr. Biggs?

2595 Mr. Biggs. No.

2596 Ms. Eligan. Mr. Biggs votes no.

2597 Mr. McClintock?

2598 Mr. McClintock. No.

2599 Ms. Eligan. Mr. McClintock votes no.

2600 Mrs. Lesko?

2601 Mr. Reschenthaler?

2602 Mr. Reschenthaler. No.

2603 Ms. Eligan. Mr. Reschenthaler votes no.

2604 Mr. Cline?

2605 Mr. Armstrong?

2606 Mr. Steube?

2607 Mr. Steube. No.

2608 Ms. Eligan. Mr. Steube votes no.

2609 Chairman Nadler. Are there any members who haven't

2610 voted who wish to vote? Mr. Cohen?

2611 Mr. Cohen. I wish to vote aye.

2612 Ms. Eligan. Mr. Cohen?

2613 Mr. Cohen. Aye.

2614 Ms. Eligan. Mr. Cohen votes aye.

2615 Chairman Nadler. Are there any other members who
2616 haven't voted who wish to vote?

2617 [No response.]

2618 Chairman Nadler. The clerk will report.

2619 Ms. Eligan. Mr. Chairman, 16 ayes and 10 noes.

2620 Chairman Nadler. The motion to table the appeal of the
2621 ruling of the chair is adopted.

2622 Are there any further amendments to H.R. 8?

2623 Voice. Mr. Chairman?

2624 Mr. Biggs. Mr. Chairman?

2625 Voice. I have an amendment at the desk.

2626 Mr. Biggs. Mr. Chairman? Mr. Chairman?

2627 Chairman Nadler. Mr. Biggs. For what purpose does the
2628 gentleman seek recognition? I can't hear you.

2629 Mr. Biggs. I have a parliamentary inquiry.

2630 Chairman Nadler. The gentleman will state his
2631 parliamentary inquiry.

2632 Mr. Biggs. Mr. Chairman, as we proceed, I am wondering
2633 if we can have your assurance that all of the minority's
2634 amendments will be considered before debate is closed today
2635 on this bill.

2636 Chairman Nadler. Well, it is not a proper parliamentary
2637 inquiry I am told.

2638 Mr. Deutch. Mr. Chairman, may I make a unanimous
2639 consent request?

2640 Chairman Nadler. The gentleman is recognized for a
2641 unanimous consent request.

2642 Mr. Deutch. Mr. Chairman, I ask to enter into the
2643 record an article from the *Appleton Post Crescent* entitled,
2644 "Five Years of Part Armslist Was Source of Guns in High-
2645 Profile Domestic Violence Deaths," and an article from the
2646 *Washington Post* entitled, "Just How Easy is it to Buy a Gun
2647 Over the Internet?"

2648 Chairman Nadler. Without objection, the documents
2649 referenced by the gentleman will be admitted into the record.

2650 [The information follows:]

2651

2652 Chairman Nadler. Who seeks recognition? Are there any
2653 further amendments? The gentleman from Florida.

2654 Mr. Gaetz. Mr. Chairman, I have --

2655 Chairman Nadler. For what purpose does the gentleman
2656 seek recognition?

2657 Mr. Gaetz. Yeah. Mr. Chairman, parliamentary inquiry.
2658 Did the chair hear Mr. Biggs' objection to the prior
2659 unanimous consent request?

2660 Chairman Nadler. No. He objects to the unanimous
2661 consent request?

2662 Mr. Biggs. I am going to withdraw that objection.

2663 Chairman Nadler. Okay.

2664 Mr. Biggs. But, Mr. Chairman --

2665 Chairman Nadler. The gentleman is recognized.

2666 Mr. Biggs. -- my parliamentary inquiry --

2667 Chairman Nadler. For what purpose does the gentleman
2668 seek recognition?

2669 Mr. Biggs. Further, the question I asked, if I were to
2670 elaborate, since we are not reading the bill measure by
2671 amendment section by section, my question was may we have
2672 your assurance that all the minority's amendments will be
2673 considered before debate is closed. And I am trying to
2674 understand for clarification when you said that is not a
2675 proper parliamentary inquiry.

2676 Chairman Nadler. It is not a proper parliamentary

2677 inquiry.

2678 Mr. Biggs. Why is that so?

2679 Chairman Nadler. Because it doesn't involve the rules
2680 of the House. The parliamentary inquiry involves an inquiry
2681 with respect to the rules of the House.

2682 Mr. Biggs. May I further debate that point? The rules
2683 of the House talk about specifically when you can close
2684 debate. And I am asking you if you are going to extend the
2685 courtesy of --

2686 Chairman Nadler. It is my --

2687 Mr. Biggs. -- before debate is closed.

2688 Chairman Nadler. It is my intention and my wish that
2689 every amendment will be considered, but we will finish the
2690 bill tonight, today.

2691 Mr. Biggs. So, Mr. Chairman, do the rules of the House
2692 permit the chairman to preclude debate? House rules of
2693 procedure.

2694 Chairman Nadler. The chair is not going to because Mr.
2695 Sensenbrenner was correct in that we did not offer an
2696 amendment in the nature of a substitute. I will not move the
2697 previous question. I would be very hesitant to do so anyway.
2698 But unless there is an amendment in the nature of a
2699 substitute, I will not move the previous question. But --

2700 Mr. Biggs. Thank you, Mr. Chairman.

2701 Chairman Nadler. But if there are a large number of

2702 amendments and debate continues beyond a reasonable amount on
2703 an amendment, the chair reserves the right to call for a vote
2704 on the amendment without necessarily recognizing everyone who
2705 seeks recognition. That is the prerogative of the chair. I
2706 would hope not to have to use that.

2707 Mr. Buck. Mr. Chairman, I have a parliamentary inquiry.

2708 Chairman Nadler. Who seeks --

2709 Voice. Buck.

2710 Mr. Buck. Right here.

2711 Chairman Nadler. The gentleman will state his point of
2712 parliamentary inquiry.

2713 Mr. Buck. What is the rule basis for the judgment that
2714 the chair just made?

2715 Chairman Nadler. It is the chair's discretion to
2716 recognize members at any time. Is there further amendment at
2717 this point?

2718 Mr. Collins. Mr. Chairman, I want to --

2719 Mr. Gaetz. I have an amendment at the desk.

2720 Chairman Nadler. Who has the amendment at the desk?

2721 Mr. Collins. Parliamentary inquiry.

2722 Chairman Nadler. Didn't you make a parliamentary --

2723 Mr. Collins. Nope.

2724 Chairman Nadler. The gentleman will state his
2725 parliamentary inquiry.

2726 Mr. Collins. Let's continue down this line. The

2727 chairman is available to do most anything that they want to
2728 do, and we understand that. But what would have been said
2729 when we went through so many hours of debate on this other
2730 side to an amendment and a parliamentary inquiry is, will the
2731 chairman continue just to stifle debate and not call a
2732 parliamentary inquiry?

2733 Chairman Nadler. That is not a parliamentary inquiry,
2734 and I don't think any rational observer will think we have
2735 stifled debate on this bill so far.

2736 Mr. Gaetz. Mr. Chairman?

2737 Chairman Nadler. Mr. Gaetz sought recognition for the
2738 purpose of an amendment?

2739 Mr. Gaetz. Mr. Chairman, I have an amendment at the
2740 desk.

2741 Chairman Nadler. The clerk will report the amendment.

2742 Ms. Eligan. Amendment to H.R. 8, offered by Mr. Gaetz
2743 of Florida. Beginning on page 5, line 14, after "(1),"
2744 delete period and insert the following.

2745 Chairman Nadler. Without objection, the amendment will
2746 be considered as read.

2747 [The amendment of Mr. Gaetz follows:]

2748

2749 Chairman Nadler. The gentleman is recognized for 5
2750 minutes on his amendment.

2751 Mr. Gaetz. Thank you, Mr. Chairman. And it is my
2752 sincere hope that the majority will accept this amendment as
2753 friendly and include it in the legislation. And I want to
2754 begin by commending my colleague, the gentleman from
2755 Louisiana, Mr. Richmond, who earlier in this discussion
2756 referenced the importance of protecting those who have
2757 received protective orders that may be victims of domestic
2758 violence. And that really is what my amendment speaks to.

2759 I also want to commend the majority. When you look at
2760 the overall prohibitions on the transfers of firearms, there
2761 is a provision of the bill that says that if you believe
2762 someone is in imminent danger of being harmed, you obviously
2763 don't have to go through a background check to move a firearm
2764 into that person's possession. The question becomes in the
2765 definitions of that state of eminency.

2766 And so here is what I have tried to pair, what I believe
2767 is a good intention on the part of the majority, with perhaps
2768 stronger legislative language. My amendment would say that
2769 if any person has received a protective order, then that
2770 person would be able to receive a firearm in the absence of
2771 going through a background check. And my rationale is that,
2772 like, if you had a friend who had received --

2773 Mr. Raskin. Point of parliamentary inquiry. I think we

2774 have been given to the wrong amendment.

2775 Chairman Nadler. Yeah.

2776 Mr. Gaetz. Oh, I am sorry. Mr. Chairman, this is not
2777 the amendment that was referenced on the chart. Which
2778 amendment would you prefer?

2779 Chairman Nadler. Let's take the amendment we started.

2780 Mr. Gaetz. Okay. Very well. I am sorry. I had a
2781 different one. So this amendment, and I can explain it in
2782 the time I have remaining. Mr. Chairman, this amendment
2783 before us now, I think, references the debate that the chair
2784 made earlier. When we were discussing --

2785 Chairman Nadler. Would the gentleman suspend? Just to
2786 make sure we are talking about the same amendment, this is
2787 the one that caps the fee at zero?

2788 Mr. Gaetz. Yes, sir.

2789 Chairman Nadler. Proceed, please.

2790 Mr. Gaetz. Thank you, and I apologize sincerely. I
2791 know we have a lot of amendments today and we are all trying
2792 to keep up. But in our early discussion of background
2793 checks, the chairman indicated, and actually also the
2794 gentleman from Maryland, Mr. Raskin, indicated, that 90
2795 percent of background checks only take 90 seconds, and that
2796 really with such a limited impairment of people's time, that
2797 we should have no concern about the obligation or the burden
2798 that a background check puts on someone.

2799 And I know the gentleman from Texas, Mr. Gohmert, and I
2800 represent a lot of lower-class individuals who are
2801 responsible gun owners, and when engaged in transfers, the
2802 issue for them is not the time. The issue for them would be
2803 the cost. And because there is no Federal standard on the
2804 cost, and different jurisdictions can change, you literally
2805 are pricing people's Second Amendment rights, and you are not
2806 even pricing them equitably. You are pricing them
2807 disparately across a variety of States or jurisdictions.

2808 And so I have tried to take what the chairman indicated
2809 in his discussion and pair that with legislative language to
2810 say that in the event, in that small circumstance, the 10
2811 percent or less of cases where a background check would take
2812 more than 90 seconds, and, my gosh, it would presumably be
2813 far less than 10 percent of cases that a background check
2814 would take more than a day. But in those circumstances where
2815 someone was burdened in a way that no one on this committee
2816 expects them to be burdened by the deprivation of their
2817 rights over an extended period of time, that we would not add
2818 a second burden on constitutionally-protected rights with
2819 cost.

2820 And so the amendment says that in the event a background
2821 check takes more than 24 hours to complete, which the
2822 majority assures us will almost never, ever happen, in those
2823 circumstances, we won't supercharge the burden by also adding

2824 costs. And so the amendment would create an obligation on
2825 the part of the attorney general to promulgate regulations to
2826 cap fees at zero for all background checks that take longer
2827 than 24 hours.

2828 Again, that would make sure that people conducting
2829 background checks would have an incentive to complete them
2830 quickly. Otherwise, they wouldn't be able to charge for
2831 them, and that people who simply want access to the full
2832 complement of their constitutionally-protected rights would
2833 not have two burdens standing in the way of those rights.
2834 They would only have the background check itself, a
2835 background check that even by the majority's own admission
2836 would be far longer than anyone would ever contemplate or
2837 anticipate.

2838 That is the amendment, Mr. Chairman, and I yield back.

2839 Chairman Nadler. I thank the gentleman. I would oppose
2840 and urge my colleagues to oppose the amendment. The
2841 amendment directs that the fee be zero, which, if applied
2842 generally, would cripple the background check system
2843 obviously. But this limits it to where the background is not
2844 complete within 24 hours. While it is true that most
2845 background checks, well over 90 percent are completed within
2846 90 seconds, and very few are not completed within 24 hours,
2847 the ones that are not completed within 24 hours are the most
2848 suspicious because the reason they are not completed is that

2849 there is something in the system not complete. If they were
2850 complete, they would reject the application or say okay.

2851 But there is something in the system, such as an
2852 indictment, but not indication of the disposition of the
2853 indictment, or an arrest, or a referral for domestic
2854 violence, but no indication of whether the person was found
2855 guilty or innocent of those things. And, therefore, it needs
2856 further investigation.

2857 So when the background check is not completed within 24
2858 hours, those are precisely the people about whom there is the
2859 most need to complete the background check. And it makes no
2860 sense to say it has no relevance, never mind sense, to say
2861 that that should have a zero-dollar fee. So I would urge my
2862 colleagues to oppose the amendment.

2863 Is there any further discussion on the amendment?

2864 Mr. Buck. Mr. Chairman?

2865 Chairman Nadler. The gentleman --

2866 Mr. Buck. Move to strike the last word.

2867 Chairman Nadler. -- from Arizona.

2868 Mr. Buck. You keep saying that, Mr. Chairman. I object
2869 to being --

2870 Chairman Nadler. Colorado. I am sorry.

2871 Mr. Buck. That is okay.

2872 Chairman Nadler. There is nothing wrong with Arizona,
2873 though.

2874 Mr. Buck. Oh, there is not. It is a beautiful State,

2875 Mr. Chairman. It is just not as beautiful as Colorado.

2876 [Laughter.]

2877 Mr. Buck. Mr. Chairman --

2878 Chairman Nadler. Being from New York, I can see the
2879 point.

2880 [Laughter.]

2881 Mr. Buck. I offer a friendly amendment to address the
2882 chairman's concerns on this issue, and I ask from my Florida
2883 to accept the friendly amendment. Following the period after
2884 24 hours, I offer the amendment, "and is ultimately
2885 approved." So the zero fee would only kick in in situations
2886 where it took more than 24 hours and the background check
2887 revealed that there was nothing that prevented an individual
2888 from buying or purchasing this firearm or possessing this
2889 firearm.

2890 I would ask my friend from Florida to accept my
2891 amendment.

2892 Mr. Gaetz. Mr. Chairman, I would accept the amendment
2893 as friendly, and I thank my colleague for his meaningful
2894 input.

2895 Chairman Nadler. Do we have the amendment in writing,
2896 or the amendment, as amended, in writing?

2897 Mr. Buck. I don't have the amendment in writing.

2898 Chairman Nadler. Well, we will proceed with discussion

2899 on the amendment, but we need a lot of copies.

2900 Mr. Buck. Okay. Well, I would be glad to repeat it 60
2901 times so that 60 different people could understand it, Mr.
2902 Chairman. But all it says is, "and is ultimately approved."

2903 And I was wondering --

2904 Chairman Nadler. It says what?

2905 Mr. Buck. "And is ultimately approved."

2906 Chairman Nadler. Is that all it says?

2907 Mr. Buck. And I am wondering whether that takes care of
2908 the chairman's concerns and whether the chairman at this
2909 point would agree to the amendment.

2910 Chairman Nadler. I would not agree. I would not agree
2911 to the amendment because there is no reason to exempt any
2912 applications from the fee, even if they are ultimately
2913 approved, and certainly not the applications which take the
2914 most time and money to investigate, even if that is not the
2915 fault of the applicant. We recognize that, but it makes no
2916 logical sense to cut some applications out of the normal fee
2917 arrangement. So I would oppose the amendment.

2918 Mr. Buck. And, Mr. Chairman, I had one other question
2919 on your statement, if I may inquire.

2920 Chairman Nadler. Certainly. It is your time.

2921 Mr. Buck. You made a statement that background checks,
2922 90 percent of background checks take 90 seconds or less.
2923 Actually the last time I purchased a firearm, I had to come

2924 back the next day to pick up the firearm because the
2925 background check took a day. I do not have a criminal past,
2926 and I have never been adjudged mentally insane, although some
2927 of my opponents on the campaign trail have alleged such.

2928 But, Mr. Chairman, I am wondering how close to a
2929 firearms dealer that you live because it took me at least 45
2930 minutes to drive to the firearms dealer, another 45 minutes
2931 to drive back. So it was a total of 3 hours driving time to
2932 get to the firearms dealer for the alleged 90-second
2933 background check. I have never heard of a background check
2934 being run in 90 seconds. But, Mr. Chairman, it obviously
2935 takes times to get there, to purchase a firearm, to fill out
2936 the paperwork. And I think that 90 seconds is slightly
2937 misleading, and I am wondering if you agree with me on that.

2938 Chairman Nadler. The statistics, and I am not an expert
2939 on this, but the statistics I have seen say that better than
2940 90 percent of background checks are done within 90 seconds.
2941 Now, that doesn't count the time to drive to and from the
2942 office obviously, but, again, I would say the system is
2943 financed by these fees. There is no reason to eliminate any
2944 of the fees. And I would also say that the fee, whether it
2945 be \$10, or \$15, or \$5 is not excessive to pay for public
2946 safety. And that is what we are talking about here, public
2947 safety. Forty thousand people a year are killed by guns. If
2948 this bill passes, we think it will be a lot less than that.

2949 And if there is a price of \$10, so what?

2950 Mr. Buck. Mr. Chairman?

2951 Chairman Nadler. The gentleman's time --

2952 Mr. Buck. -- reclaiming my time?

2953 Chairman Nadler. Yes.

2954 Mr. Buck. I am wondering what would be an excessive
2955 fee?

2956 Chairman Nadler. The fee is set by the dealers. It is
2957 a market-based fee, so we don't set that in statute. If you
2958 want to suggest we should, that is a different bill.

2959 Mr. Buck. Well, I am wondering, Mr. Chairman, since you
2960 believe that we should nationalize firearms laws, if there is
2961 a fee that we should prevent States, local communities,
2962 firearms dealers from preventing because it would, in fact,
2963 deny a constitutional right.

2964 Chairman Nadler. Well, I don't think we are denying a
2965 constitutional right. Even Justice Scalia in the *Heller*
2966 decision said that Second Amendment rights are not absolute.
2967 The community has a right to protect itself against felons or
2968 violent people from having guns. That is what the background
2969 check system is intended to do. This bill is intended to
2970 plug a loophole in the background check system, period.
2971 There is nothing further to say on that. I mean, either you
2972 think it is worth doing and saving the lives or you don't.
2973 The gentleman's time has expired.

2974 Voice. Mr. Chairman, I call the previous question.

2975 Chairman Nadler. Are there any further people who wish
2976 to speak on the amendment?

2977 Mr. Collins. Mr. Chairman?

2978 Chairman Nadler. The gentleman from Georgia.

2979 Mr. Collins. Thank you. I think the debate has been
2980 had, and I think we are getting ready to have a vote on the
2981 amendment to the amendment. And with that, I think the
2982 gentleman is correct and this is a proper amendment. With
2983 that, I yield back.

2984 Chairman Nadler. Is there any further debate on the
2985 amendment?

2986 [No response.]

2987 Chairman Nadler. If not, the question occurs on the
2988 amendment.

2989 All those in favor of the amendment --

2990 Mr. Collins. Mr. Chairman? Mr. Chairman? We are
2991 voting on the amendment to the amendment, not the amendment
2992 from Mr. Gaetz.

2993 Chairman Nadler. I thought he accepted it.

2994 Mr. Collins. He did not accept it.

2995 Chairman Nadler. Did someone object to --

2996 Mr. Gaetz. Mr. Chairman, I just seek a parliamentary
2997 inquiry. Mr. Buck's friendly amendment is included in the
2998 amendment we are calling the vote on?

2999 Chairman Nadler. Yes. Yes.

3000 Mr. Gaetz. Thank you, Mr. Chairman.

3001 Chairman Nadler. It was accepted, and we are calling
3002 the vote now on your amendment, as amended by Mr. Buck.

3003 It is a vote on the amendment, as amended.

3004 All in favor will say aye.

3005 Noes?

3006 The noes have it.

3007 Mr. Gaetz. I request a roll call.

3008 Chairman Nadler. A roll call vote is requested. Do you
3009 think we should do this now?

3010 All right. The committee will stand in recess until
3011 immediately after the next set of votes. This should allow
3012 us to consult with the minority regarding the pending
3013 amendments so that we may complete consideration today. We
3014 will recess until the completion of votes on the floor, which
3015 we expect shortly. And when we reconvene, we will take the
3016 vote on this amendment.

3017 The committee will stand in recess.

3018 [Recess.]

3019 Chairman Nadler. The committee will come to order.

3020 When the committee recessed, the recorded vote was
3021 requested on the Gaetz amendment. The Clerk will now call
3022 the roll.

3023 Ms. Eligan. Mr. Nadler?

3024 Chairman Nadler. No.

3025 Ms. Eligan. Ms. Lofgren from California?

3026 Ms. Jackson Lee?

3027 Mr. Cohen?

3028 Mr. Johnson of Georgia?

3029 Mr. Johnson of Georgia. No.

3030 Ms. Eligan. Mr. Johnson votes no.

3031 Mr. Deutch?

3032 Mr. Deutch. No.

3033 Ms. Eligan. Mr. Deutch votes no.

3034 Ms. Bass?

3035 Mr. Richmond?

3036 Mr. Jeffries?

3037 Mr. Cicilline?

3038 Mr. Cicilline. No.

3039 Ms. Eligan. Mr. Cicilline votes no.

3040 Mr. Swalwell?

3041 Mr. Lieu?

3042 Mr. Raskin?

3043 Mr. Raskin. No.

3044 Ms. Eligan. Mr. Raskin votes no.

3045 Ms. Jayapal?

3046 Ms. Jayapal. No.

3047 Ms. Eligan. Ms. Jayapal votes no.

3048 Mrs. Demings?

3049 Mrs. Demings. No.

3050 Ms. Eligan. Mrs. Demings votes no.

3051 Mr. Correa?

3052 Mr. Correa. No.

3053 Ms. Eligan. Mr. Correa votes no.

3054 Ms. Scanlon?

3055 Ms. Scanlon. No.

3056 Ms. Eligan. Ms. Scanlon votes no.

3057 Ms. Garcia?

3058 Ms. Garcia. No.

3059 Ms. Eligan. Ms. Garcia votes no.

3060 Mr. Neguse?

3061 Mrs. McBath?

3062 Mrs. McBath. No.

3063 Ms. Eligan. Mrs. McBath votes no.

3064 Mr. Stanton?

3065 Mr. Stanton. No.

3066 Ms. Eligan. Mr. Stanton votes no.

3067 Ms. Dean?

3068 Ms. Dean. No.

3069 Ms. Eligan. Ms. Dean votes no.

3070 Ms. Mucarsel-Powell?

3071 Ms. Escobar?

3072 Ms. Escobar. No.

3073 Ms. Eligan. Ms. Escobar votes no.

3074 Mr. Collins?

3075 Mr. Collins. Aye.

3076 Ms. Eligan. Mr. Collins votes aye.

3077 Mr. Sensenbrenner?

3078 Mr. Chabot?

3079 Mr. Chabot. Aye.

3080 Ms. Eligan. Mr. Chabot votes aye.

3081 Mr. Gohmert?

3082 Mr. Gohmert. Aye.

3083 Ms. Eligan. Mr. Gohmert votes aye.

3084 Mr. Jordan?

3085 Mr. Jordan. Yes.

3086 Ms. Eligan. Mr. Jordan votes yes.

3087 Mr. Buck?

3088 Mr. Buck. Aye.

3089 Ms. Eligan. Mr. Buck votes aye.

3090 Mr. Ratcliffe?

3091 Mrs. Roby?

3092 Mrs. Roby. Aye.

3093 Ms. Eligan. Mrs. Roby votes aye.

3094 Mr. Gaetz?

3095 Mr. Gaetz. Aye.

3096 Ms. Eligan. Mr. Gaetz votes aye.

3097 Mr. Johnson of Louisiana?

3098 Mr. Johnson of Louisiana. No.

3099 Ms. Eligan. Mr. Johnson of Louisiana votes no.
3100 Mr. Biggs?
3101 Mr. Buck. Mr. Chair, can we correct the record, please?
3102 Mr. Johnson did not vote. He is not present.
3103 Ms. Eligan. Mr. Johnson is not present.
3104 Mr. Buck. Thank you.
3105 Ms. Eligan. Mr. Biggs?
3106 Chairman Nadler. I think Mr. Johnson of Louisiana is
3107 next.
3108 Ms. Eligan. Mr. Johnson of Louisiana?
3109 Mr. Biggs?
3110 Mr. Biggs. Yes.
3111 Ms. Eligan. Mr. Biggs votes yes.
3112 Mr. McClintock?
3113 Mr. McClintock. Aye.
3114 Ms. Eligan. Mr. McClintock votes aye.
3115 Mrs. Lesko?
3116 Mrs. Lesko. Aye.
3117 Ms. Eligan. Mrs. Lesko votes aye.
3118 Mr. Reschenthaler?
3119 Mr. Reschenthaler. Aye.
3120 Ms. Eligan. Mr. Reschenthaler votes aye.
3121 Mr. Cline?
3122 Mr. Cline. Aye.
3123 Ms. Eligan. Mr. Cline votes aye.

3124 Mr. Armstrong?

3125 Mr. Armstrong. Yes.

3126 Ms. Eligan. Mr. Armstrong votes yes.

3127 Mr. Steube?

3128 Mr. Steube. Yes.

3129 Ms. Eligan. Mr. Steube votes yes.

3130 Chairman Nadler. Are there any members who have not

3131 voted who wish to vote?

3132 Ms. Lofgren?

3133 Ms. Lofgren. No.

3134 Ms. Eligan. Ms. Lofgren votes no.

3135 Chairman Nadler. Ms. Jackson Lee?

3136 Ms. Jackson Lee. No.

3137 Ms. Eligan. Ms. Jackson Lee votes no.

3138 Chairman Nadler. Mr. Cohen?

3139 Mr. Cohen. No.

3140 Ms. Eligan. Mr. Cohen votes no.

3141 Chairman Nadler. Mr. Ratcliffe?

3142 Mr. Ratcliffe. Yes.

3143 Ms. Eligan. Mr. Ratcliffe votes yes.

3144 Chairman Nadler. Is there any other member who has not

3145 voted yet who wishes to vote?

3146 The Clerk will report.

3147 Before the Clerk reports, are there any members who have

3148 not voted who wish to vote?

3149 Ms. Mucarsel-Powell. No.

3150 Ms. Eligan. Ms. Mucarsel-Powell votes no.

3151 Chairman Nadler. Are there any other members?

3152 The Clerk will report.

3153 Ms. Eligan. Mr. Chairman, we have 18 noes and 15 yeas.

3154 Chairman Nadler. The amendment is not agreed to.

3155 Are there any other amendments?

3156 Voice. Mr. Chairman, I have a unanimous consent

3157 request.

3158 Chairman Nadler. The gentleman will state his unanimous

3159 consent request.

3160 Voice. I ask unanimous consent that the Chair take note

3161 that the majority did not have the votes before we recessed,

3162 and we wasted 50 minutes --

3163 Chairman Nadler. That is not a proper unanimous consent

3164 request.

3165 Are there any --

3166 Mr. Deutch. Mr. Chairman, for a unanimous consent

3167 request?

3168 Chairman Nadler. Who is speaking?

3169 The gentleman from Florida.

3170 Mr. Deutch. Thank you, Mr. Chairman.

3171 I ask a unanimous request to insert into the record an

3172 article from Reuters entitled "Background Checks for Gun

3173 Buyers Could Save Lives, U.S. Study Finds."

3174 Chairman Nadler. Without objection, the article will be
3175 entered into the record.

3176 [The information follows:]

3177

3178 Chairman Nadler. Does anyone else have an amendment?

3179 Mr. Cline. Mr. Chairman?

3180 Chairman Nadler. Mr. Cline?

3181 Mr. Cline. I have an amendment at the desk.

3182 Chairman Nadler. The gentleman will state -- the Clerk

3183 will report the amendment.

3184 [The amendment of Mr. Cline follows:]

3185

3186 Ms. Eligan. Amendment to H.R. 8, offered by Mr. Cline
3187 of Virginia. At the end of the bill, add the following --

3188 Chairman Nadler. Without objection, the amendment is
3189 considered as read.

3190 Mr. Johnson of Georgia. Mr. Chairman, a point of
3191 order.

3192 Chairman Nadler. Without objection, the amendment is
3193 considered as read, and the gentleman is recognized in
3194 support of the amendment.

3195 Mr. Cline. Thank you, Mr. Chairman.

3196 Chairman Nadler. Who has a point of order? The
3197 gentleman from -- Ms. Jackson Lee?

3198 Ms. Jackson Lee. We both do.

3199 Chairman Nadler. Who has a point of order? Oh, you are
3200 reserving a point of order. The gentleman reserves a point
3201 of order.

3202 The gentleman will explain his amendment.

3203 Mr. Cline. Thank you, Mr. Chairman.

3204 This is a targeted amendment to address a problem that I
3205 believe is shared. It is an issue that is of concern to both
3206 sides of the aisle and, in fact, has already been introduced
3207 by my colleague on the other side, Mr. Cicilline, and co-
3208 sponsored by you, Mr. Chairman, in House Resolution 4343.

3209 This bill would simply state that when it becomes
3210 apparent that there has been a violation of the National

3211 Instant Criminal Background Check on the basis of legal
3212 status in this country, that appropriate law enforcement be
3213 notified. In this case, that would be ICE.

3214 So this would notify ICE when an illegal immigrant
3215 attempts to illegally purchase a firearm, and this is, as I
3216 said, similar to language that was introduced by Mr.
3217 Cicilline and co-sponsored by the Chairman, so I hope it will
3218 be unanimously adopted.

3219 And I would yield back.

3220 Chairman Nadler. Does the gentleman insist on his point
3221 of order? The gentleman will state his point of order.

3222 Mr. Johnson of Georgia. Yes, Mr. Chairman. This
3223 amendment is not germane because it deals with reporting of
3224 people to ICE, and this piece of legislation deals with
3225 background checks on people applying for firearms permits
3226 through licensed gun dealers. So, in other words, removing
3227 the gun show loophole, ensuring that all sales go through a
3228 background check process. To encumber this bill, which is
3229 plain and simple, with extraneous matter dealing with ICE
3230 makes that amendment non-germane. For that reason, I would
3231 ask that the amendment be ruled out of order.

3232 Chairman Nadler. Does the gentleman wish to be heard on
3233 the point of order?

3234 Mr. Cline. I do, Mr. Chairman.

3235 Chairman Nadler. The gentleman is recognized.

3236 Mr. Cline. Thank you, Mr. Chairman. I would argue that
3237 the amendment is germane. It goes to the same title of code.
3238 It involves violations of the background check that are
3239 currently in the code related to legal status, and there is
3240 already a requirement of a report to law enforcement. So it
3241 is without a doubt germane to the bill, dealing with the same
3242 subject and under the same title. So I would ask that it be
3243 ruled germane.

3244 Chairman Nadler. The Chair is prepared to rule on the
3245 point of order.

3246 The point of order, in the opinion of the Chair, is well
3247 taken. The amendment is not germane in that the amendment is
3248 beyond the scope of the bill. The bill does not establish a
3249 background check system. It establishes the statutory duties
3250 of an office to deal with it. If that were the bill, the
3251 original bill, then this amendment would probably be germane
3252 to that bill. However, the bill before us merely extends an
3253 existing requirement to a different class of people, and this
3254 amendment is way beyond the scope of that extension, way
3255 beyond the scope of the bill. Therefore, it is not germane.
3256 I rule that the amendment is not in order.

3257 Mr. Collins. Mr. Chairman?

3258 Chairman Nadler. The gentleman is recognized.

3259 Mr. Collins. Again, I will have to insist on appealing
3260 the ruling of the Chair.

3261 Chairman Nadler. The ruling of the Chair is appealed.

3262 Ms. Jackson Lee. Motion to table.

3263 Chairman Nadler. A motion to table is heard.

3264 A motion to table is not debatable.

3265 The Clerk will call the roll on the motion to table the

3266 appeal of the ruling of the Chair.

3267 Ms. Eligan. Mr. Nadler?

3268 Chairman Nadler. Yes.

3269 Ms. Eligan. Mr. Nadler votes yes.

3270 Miss Lofgren?

3271 Ms. Jackson Lee?

3272 Ms. Jackson Lee. Yes.

3273 Ms. Eligan. Ms. Jackson Lee votes yes.

3274 Mr. Cohen?

3275 Mr. Cohen. Aye.

3276 Ms. Eligan. Mr. Cohen votes aye.

3277 Mr. Johnson of Georgia?

3278 Mr. Johnson of Georgia. Aye.

3279 Ms. Eligan. Mr. Johnson of Georgia votes aye.

3280 Mr. Deutch?

3281 Mr. Deutch. Aye.

3282 Ms. Eligan. Mr. Deutch votes aye.

3283 Ms. Bass?

3284 Mr. Richmond?

3285 Mr. Jeffries?

3286 Mr. Cicilline?
3287 Mr. Cicilline. Aye.
3288 Ms. Eligan. Mr. Cicilline votes aye.
3289 Mr. Swalwell?
3290 Mr. Lieu?
3291 Mr. Raskin?
3292 Mr. Raskin. Aye.
3293 Ms. Eligan. Mr. Raskin votes aye.
3294 Ms. Jayapal?
3295 Ms. Jayapal. Aye.
3296 Ms. Eligan. Ms. Jayapal votes aye.
3297 Mrs. Demings?
3298 Mrs. Demings. Yes.
3299 Ms. Eligan. Mrs. Demings votes yes.
3300 Mr. Correa?
3301 Mr. Correa. Aye.
3302 Ms. Eligan. Mr. Correa votes aye.
3303 Ms. Scanlon?
3304 Ms. Scanlon. Aye.
3305 Ms. Eligan. Ms. Scanlon votes aye.
3306 Ms. Garcia?
3307 Ms. Garcia. Aye.
3308 Ms. Eligan. Ms. Garcia votes aye.
3309 Mr. Neguse?
3310 Mr. Neguse. Aye.

3311 Ms. Eligan. Mr. Neguse votes aye.
3312 Mrs. McBath?
3313 Mrs. McBath. Aye.
3314 Ms. Eligan. Mrs. McBath votes aye.
3315 Mr. Stanton?
3316 Mr. Stanton. Aye.
3317 Ms. Eligan. Mr. Stanton votes aye.
3318 Ms. Dean?
3319 Ms. Dean. Yes.
3320 Ms. Eligan. Ms. Dean votes yes.
3321 Ms. Mucarsel-Powell?
3322 Ms. Mucarsel-Powell. Yes.
3323 Ms. Eligan. Ms. Mucarsel-Powell votes yes.
3324 Ms. Escobar?
3325 Mr. Collins?
3326 Mr. Collins. No.
3327 Ms. Eligan. Mr. Collins votes no.
3328 Mr. Sensenbrenner?
3329 Mr. Chabot?
3330 Mr. Chabot. No.
3331 Ms. Eligan. Mr. Chabot votes no.
3332 Mr. Gohmert?
3333 Mr. Gohmert. No.
3334 Ms. Eligan. Mr. Gohmert votes no.
3335 Mr. Jordan?

3336 Mr. Jordan. No.

3337 Ms. Eligan. Mr. Jordan votes no.

3338 Mr. Buck?

3339 Mr. Ratcliffe?

3340 Mrs. Roby?

3341 Mr. Ratcliffe. No.

3342 Ms. Eligan. Mr. Ratcliffe votes no.

3343 Mr. Gaetz?

3344 Mr. Johnson of Louisiana?

3345 Mr. Biggs?

3346 Mr. Biggs. No.

3347 Ms. Eligan. Mr. Biggs votes no.

3348 Mr. McClintock?

3349 Mr. McClintock. No.

3350 Ms. Eligan. Mr. McClintock votes no.

3351 Mrs. Lesko?

3352 Mrs. Lesko. No.

3353 Ms. Eligan. Mrs. Lesko votes no.

3354 Mr. Resenthaler?

3355 Mr. Resenthaler. No.

3356 Ms. Eligan. Mr. Resenthaler votes no.

3357 Mr. Cline?

3358 Mr. Cline. No.

3359 Ms. Eligan. Mr. Cline votes no.

3360 Mr. Armstrong?

3361 Mr. Armstrong. No.

3362 Ms. Eligan. Mr. Armstrong votes no.

3363 Mr. Steube?

3364 Mr. Steube. No.

3365 Ms. Eligan. Mr. Steube votes no.

3366 Chairman Nadler. Ms. Lofgren?

3367 Ms. Lofgren. Aye.

3368 Ms. Eligan. Ms. Lofgren votes aye.

3369 Chairman Nadler. Ms. Escobar?

3370 Ms. Escobar. Aye.

3371 Ms. Eligan. Ms. Escobar votes aye.

3372 Chairman Nadler. Are there any other members who wish

3373 to vote who have not voted?

3374 Mr. Gaetz?

3375 Mr. Gaetz. No.

3376 Ms. Eligan. Mr. Gaetz votes no.

3377 Chairman Nadler. Mr. Johnson of Louisiana?

3378 Mr. Johnson of Louisiana. No.

3379 Ms. Eligan. Mr. Johnson of Louisiana votes no.

3380 Chairman Nadler. Mr. Chabot? You voted?

3381 How was Mr. Chabot recorded?

3382 Ms. Eligan. Mr. Chabot votes no.

3383 Chairman Nadler. Is there anyone else who wishes to

3384 vote?

3385 The Clerk will report.

3386 Ms. Eligan. Mr. Chairman, 19 yeas and 14 noes.
3387 Chairman Nadler. The amendment is not adopted.
3388 I am sorry. The motion to table is agreed to.
3389 Are there any other amendments?
3390 Mr. Chabot. Mr. Chairman?
3391 Chairman Nadler. Mr. Chabot?
3392 Mr. Chabot. Thank you, Mr. Chairman. I have an
3393 amendment at the desk.
3394 Chairman Nadler. The Clerk will report the amendment.
3395 Ms. Lofgren. I reserve a point of order.
3396 Chairman Nadler. The gentle lady reserves a point of
3397 order.
3398 [The amendment of Mr. Chabot follows:]
3399

3400 Ms. Eligan. Amendment to H.R. 8 --

3401 Mr. Chabot. Mr. Chairman, I would ask unanimous consent
3402 the amendment be considered as read.

3403 Chairman Nadler. Without objection, the amendment is
3404 considered as read.

3405 The gentleman is recognized in support of the amendment.

3406 Mr. Chabot. Thank you, Mr. Chairman.

3407 This is an embarrassingly flawed bill. It is not going
3408 to become law. And if it did, it would not reduce gun
3409 violence. But it would infringe on the rights of and
3410 inconvenience law-abiding citizens.

3411 Criminals would ignore it. That is why we call them
3412 criminals.

3413 However, my amendment, if accepted, would make this bill
3414 slightly less bad.

3415 In my district, I represent most of Cincinnati and a lot
3416 of southwest Ohio, and like many other major American cities,
3417 we have experienced too many violent crimes, often committed
3418 by individuals who are not in legal possession of a firearm.

3419 Now, I am a strong advocate, I would acknowledge, of
3420 Second Amendment rights, but I also agree that firearms
3421 should not be in the hands of criminals. There are presently
3422 a number of ways that a gun owner can get rid of his or her
3423 gun. They can sell it, which under current law would, in
3424 most circumstances, require a NICS background check. They

3425 could give it to a friend or loved one, which under current
3426 law prohibits them from transferring it to someone known or
3427 believed to be prohibited from legally possessing a firearm.
3428 Or they could voluntarily relinquish it to their local police
3429 station or at a buy-back program.

3430 My amendment is very simple. While H.R. 8 states that a
3431 background check would be required for nearly every gun sale
3432 or transfer, it seems to make an exception for transfer from
3433 or between law enforcement officers. But it is not clear
3434 that it would apply for transfers to law enforcement
3435 officers.

3436 My amendment just clarifies this by making a clear
3437 exception for transfers to a law enforcement officer who is
3438 authorized to carry a firearm as a part of employment. If
3439 this legislation were enacted as written without this
3440 amendment, it is my opinion that we would remove the ability
3441 for individuals to voluntarily transfer their firearm to
3442 local law enforcement or at buy-back days, many of which are
3443 held in communities represented by members of this very
3444 committee. Such buy-back days have been advertised in my
3445 city, in Cincinnati, just as they have in New York and L.A.
3446 and Houston and Memphis and New Orleans and Orlando and
3447 Atlanta and in other communities.

3448 As such, I urge my colleagues to support this amendment,
3449 and I yield back the balance of my time.

3450 Chairman Nadler. Does the gentle lady insist upon her
3451 point of order?

3452 Ms. Lofgren. No.

3453 Chairman Nadler. The gentle lady does not insist upon
3454 her point of order.

3455 I recognize myself for 5 minutes in opposition to the
3456 amendment.

3457 This amendment essentially says there is an exception to
3458 the bill for a transfer to a law enforcement officer who is
3459 authorized to carry a firearm as a part of his employment.

3460 However, there is already an exception in the bill for
3461 law enforcement officers acting within the scope of their
3462 employment, and I will read it. It is on page 3, starting on
3463 line 3. "Paragraph 1 shall not apply to a law enforcement
3464 agency or any law enforcement officer, armed private security
3465 professional, or member of the armed forces, to the extent
3466 the officer, professional, or member is acting within the
3467 course and scope of employment and official duties."

3468 So to the extent you want a provision that says the
3469 transfer to a law enforcement officer for use in connection
3470 with his or her law enforcement duties, there is already such
3471 an exception in the bill.

3472 The amendment would create an exception for law
3473 enforcement officers in their personal capacity, as well as
3474 in their professional capacity. First of all, that is

3475 unnecessary. Second of all, one would hope that every local
3476 government agency, that every local government that has a
3477 police force, one would hope that they would properly screen
3478 their officers and their applicants for employment and so
3479 forth, but there is no guarantee of that. And there is no
3480 harm -- in fact, there may be a great use in subjecting
3481 anyone even who is a police officer in some local
3482 jurisdiction who wishes a firearm for his personal, not
3483 official, use to be subjected to the background check. There
3484 is no reason he should not be subject to the background
3485 check, and we cannot have a blind faith that every local
3486 jurisdiction in the United States has a proper screening of
3487 their police officers.

3488 To the extent we are talking about professional use, it
3489 is already accepted in the bill. So I think the amendment,
3490 though well intentioned, goes a little further than it ought
3491 to go and is unnecessary for any proper purpose, and I would
3492 oppose it on that basis.

3493 Is there any discussion on the amendment?

3494 Mr. Collins. Mr. Chairman?

3495 Chairman Nadler. Mr. Collins, the gentleman is
3496 recognized.

3497 Mr. Collins. Thank you, Mr. Chairman.

3498 I am not really sure where to start on that one. I
3499 agree with your assessment and your reading from the

3500 perspective of someone being issued a firearm for their
3501 professional use in law enforcement.

3502 The implication of your argument, though, basically says
3503 that there are law enforcement agencies out there right now
3504 who are blatantly or even un-blattantly allowing officers who
3505 should not be carrying guns to continue to be in employment.
3506 I am not sure that, again, that is enough to travel down for
3507 many hours, I think, discussing the fact that we have the
3508 implication by the Chairman that there are law enforcement
3509 agencies out there that are allowing law enforcement officers
3510 in the pursuit of their job, they should not have firearms to
3511 begin with.

3512 I know this is an interesting fact because there are
3513 many times that a law enforcement officer involved in a
3514 domestic violence issue have their guns taken from them
3515 because they should not have a gun in their employment.

3516 To say that someone like myself or the Chairman or
3517 others could sell or transfer a gun to a law enforcement
3518 officer and then require that law enforcement officer to
3519 undergo a background check simply to find out if they still
3520 should basically be employed as a police officer, I am not
3521 sure that is probably the best argument here because I think
3522 this is simply saying these are the men and women that we
3523 trust. We implicitly ask the agencies who have a duty to
3524 make sure that these officers are up to date in everything

3525 that they do, and if they do not, they are opening themselves
3526 up to massive violations of law and encouraging many things
3527 to be taken out of context.

3528 But it just continues a pattern here in this last little
3529 bit, especially to the previous amendment, which was, by the
3530 way -- just a note. The amendment offered earlier was
3531 actually deemed as germane by Chairman Goodlatte last year
3532 because it was actually yours and Mr. Cicilline's bill and
3533 added a Fix NICS, that we do need to report folks, and if
3534 they are illegally here trying to purchase a firearm, that is
3535 something that should be reported.

3536 So I think the problem -- and I think Mr. Chabot said it
3537 really well -- there are many problems to this bill. I
3538 understand the intent, I understand the desire. This is
3539 just, as has been pointed out all day, not the way to go
3540 about this. But to imply that our law enforcement officers
3541 must get a background check, frankly, just to see if they are
3542 able to be employed, because that is the implication here, is
3543 that they should not even be having a gun, then that should
3544 bring up an issue for all of us on this committee to discuss
3545 why are we here, and maybe we should change and say there
3546 should be a hearing on law enforcement agencies, on their use
3547 of law enforcement officials.

3548 This is simply saying that the exception to be included
3549 is someone selling or transferring to a law enforcement

3550 agency to be exempt from this. This is nothing -- again, I
3551 think it is a stretch, at the least, to say that this is a
3552 problem going forward as we look ahead into this.

3553 Again, going back to the path that we are going down
3554 here, where bills that were actually accepted as under the
3555 background check law last year are now being deemed as not
3556 germane, we are just going down an interesting path here.

3557 And with that, Mr. Chairman, I will just yield to the
3558 gentleman from Ohio.

3559 Mr. Chabot. Thank you very much for yielding.

3560 This is a very poorly worded bill. That being said, it
3561 does seem to want to make an exception for transfers from or
3562 between law enforcement officers. It is just not clear that
3563 it would apply to transfers to law enforcement officers.

3564 Mr. Chairman, in speaking against my amendment, you had
3565 indicated that the amendment goes a little too far. Are
3566 there any changes that could be made in the amendment where
3567 it would not be a little too far, it would be acceptable?

3568 Chairman Nadler. Yes. Would the gentleman yield?

3569 Mr. Chabot. I would be happy to yield.

3570 Chairman Nadler. Yes. The gentleman could amend his
3571 amendment to match the current wording of the paragraph that
3572 I read and it would be fine.

3573 Mr. Chabot. Well, I do not think that is going to be
3574 particularly helpful. But I do think --

3575 [Laughter.]

3576 Mr. Chabot. I will yield back.

3577 Ms. Lofgren. Mr. Chairman?

3578 Chairman Nadler. The gentle lady is recognized.

3579 Ms. Lofgren. Thank you, Mr. Chairman.

3580 I think it is important to return to the reason why we
3581 are here today. This is a bill. It is just a first step of
3582 many things that need to happen, to try to do something about
3583 gun violence in our country. I am mindful that there are
3584 people who are here who have been active on this, a mothers
3585 group, and there are certainly those across the country who
3586 we have all met with. And as we get into arcane details, I
3587 think it is sometimes important to remember what it is that
3588 brought us here.

3589 I would just note before yielding to the Chairman that
3590 the issue for law enforcement is adequately covered under the
3591 paragraph that he read. There is no need to go beyond that.

3592 And I would yield to the Chairman.

3593 Chairman Nadler. I thank the gentle lady for yielding.

3594 I just wanted to point out that there are, I am told,
3595 over 18,000 jurisdictions in the United States. We cannot
3596 vouch that every one of them does a perfect job in screening
3597 their police officers. I am sure that 17,900 do, but I
3598 cannot vouch for the last 100. That is number one.

3599 And number two, it may very well be, and I am sure there

3600 are cases where the local jurisdiction may have screened
3601 their police officer perfectly fine and you have a perfectly
3602 good police officer, but at some point that police officer is
3603 accused of domestic violence or something else and that does
3604 not come to the attention of the police department or the
3605 sheriff's agency or whatever it is, and they would not know.
3606 That is why, if you are transferring a firearm to a police
3607 officer in the scope of their employment, for use in their
3608 employment, you do not need the background check, and that is
3609 why the exception in the bill covers that.

3610 But if you are doing it for some other reason, you still
3611 should have the background check because you cannot be sure
3612 that the local government is aware of some factor that may
3613 have intervened that makes this person not suitable to have a
3614 gun in private life as of now, whereas it may have been fine
3615 when they screened him when they hired him five years ago.

3616 So on those two grounds, I would oppose the amendment.

3617 Ms. Lofgren controls the time. I yield back to her.

3618 Ms. Lofgren. I would, before yielding to the gentle
3619 lady from Texas, I would note that the paragraph the Chairman
3620 read is very broad. It is not just law enforcement
3621 officials. It is also armed private security professionals,
3622 members of the armed forces and the like. But it is limited
3623 because it is only the course and scope of their employment
3624 and official duties, which I think is an important

3625 constraint. To move beyond that I think would not be
3626 reasonable, and I would be happy to yield to the gentle lady
3627 from Texas.

3628 Ms. Jackson Lee. You are very kind. I am going to try
3629 to get my own time. Do you want to yield to --

3630 Ms. Lofgren. To the gentleman from --

3631 Mr. Cicilline. I thank the gentle lady.

3632 Two quick points. One is that there continues to be
3633 reference to legislation that I introduced, co-sponsored by
3634 the Chairman, referring to the Unlawful Buyer Alert Act.
3635 That is not the bill that is before us. That is a bill that
3636 said you can notify local law enforcement when a person has
3637 purchased a gun and is not authorized to purchase a gun by
3638 law. It is not this at all. So with all due respect, I
3639 appreciate you invoking my legislation, but it is not this
3640 bill.

3641 Second, the amendment that is offered creates a real
3642 problem. If you have a police officer who is required to
3643 surrender his gun because he or she is charged with domestic
3644 violence and assigned to desk duty or administrative duties,
3645 conceivably that officer would go and try to buy a gun and
3646 would fit the definition of being authorized even though not
3647 currently carrying a firearm, but authorized to carry a
3648 firearm as part of his or her employment, and that person
3649 would be permitted to buy a gun if you pass this amendment.

3650 So I think the Chairman's language from the existing
3651 statute is clear. It makes sense. This would create a
3652 gaping hole that would invite individuals who would not pass
3653 a criminal background check from buying a firearm, which I do
3654 not think anyone wants. So I urge my colleagues to defeat
3655 the amendment.

3656 I thank the gentle lady for yielding, and I yield back.
3657 Chairman Nadler. Is there any further discussion on the
3658 amendment?

3659 Ms. Jackson Lee?

3660 Ms. Jackson Lee. Mr. Chairman, I want to point us in a
3661 certain direction, which is the reason why we are here today.
3662 I respect my colleagues, but I have been on this committee
3663 for a very long time, and I know that I have disagreed with
3664 legislation, but I do not know if I have said it was
3665 embarrassing.

3666 This legislation has been vetted for at least two
3667 decades. It has been vetted by very thoughtful legal
3668 scholars and advocacy groups, certainly none less than the
3669 groups and advocacies with research professionals, the Gabby
3670 Giffords Law Center, the Every Town. It has certainly been
3671 vetted by the hearts and minds of Americans who have lost
3672 loved ones because someone got a gun that should not have
3673 gotten a gun.

3674 So I just want to turn us really to the reason that we

3675 are here, and I do not think I have ever called a bill
3676 embarrassing. And as I look at this bill, it is carefully
3677 crafted, so much so that last week the head of the Major
3678 Chiefs, Chief Acevedo, was willing to come and testify and
3679 indicate his support for this legislation, along with a major
3680 from the Baltimore Police Department who headed the Domestic
3681 Violence Unit. They, as police officers carrying guns, were
3682 willing to take a public stand for this legislation.

3683 And as I look at this language, it is listed along a
3684 litany or a list of exceptions or exemptions, shall not apply
3685 to, and it is quite extensive in law enforcement. I do not
3686 know if the Chairman read it in its entirety. "A law
3687 enforcement agency or any law enforcement officer, armed
3688 private security professional, or member of the armed forces,
3689 to the extent the officer, professional, or member is acting
3690 within the course and scope of employment and official
3691 duties."

3692 I think the comment made that any one of us could be
3693 subjected to where our authority has been tempered because of
3694 something, and that could happen to a law enforcement officer
3695 too, which means be sure to have the universal background
3696 check with these limitations.

3697 So let me read into the record the reason why we are
3698 here. This is the total number of gun deaths in other
3699 countries: Japan, 10; Sweden, 41; Switzerland, 47 in the

3700 last year; the United Kingdom, 50; Israel, 105; Australia,
3701 207. The total population of the above countries combined,
3702 246,959,950. Total guns of above countries combined,
3703 8,804,000. Total gun deaths of above countries combined,
3704 460.

3705 The United States stands alone. Population,
3706 329,093,106. These numbers may be changing. I am sure our
3707 population grows every day. The number of guns that we have,
3708 and we may be under a bit, 393,347,000. That is more than
3709 the people in this country, and I would venture to say that
3710 the Second Amendment is well protected with 393 million,
3711 probably approaching 400 million guns.

3712 The number of gun deaths, which includes certainly mass
3713 murders, but it also includes what our friends from Chicago
3714 and other urban centers talk about is gun violence in
3715 neighborhoods, drive-bys where 13-year-olds or 5-year-olds in
3716 my area are tragically and violently shot -- gun deaths,
3717 39,773.

3718 That is why we are here today. The sadness weighs on
3719 all of us who are supporting this legislation. And without
3720 tipping the word, more of these bills, thoughtful bills, are
3721 going to come forward that we will seek bipartisan support.
3722 We are not here to embarrass anyone. We are not here to put
3723 forward an embarrassing bill. What we are here to do is to
3724 answer the painful cry of Americans over two to three decades

3725 who have been asking when are we going to face this crisis,
3726 and it is.

3727 With that, Mr. Chairman, I oppose the amendment, support
3728 the underlying bill, and yield back my time.

3729 Chairman Nadler. The gentle lady yields back.

3730 The gentleman from Arizona, Mr. Biggs.

3731 Mr. Biggs. Thank you, Mr. Chairman. I move to strike
3732 the last word.

3733 Chairman Nadler. The gentleman is recognized.

3734 Mr. Biggs. Thank you.

3735 So, when we look at the underlying bill and the language
3736 that we have been referring to in the underlying bill, it
3737 refers to course and scope of employment, which is what the
3738 gentle lady from California had previously discussed.

3739 But as we are talking and we are having this debate,
3740 this discussion going on, I thought I heard the Chairman and
3741 actually maybe a couple of other people discuss the potential
3742 failure of some jurisdictions to monitor their officers or to
3743 know of the advisability of various officers to actually
3744 carry a gun in the sense of Mr. Chabot's amendment, which
3745 would be a little bit more carte blanche, a little bit more
3746 open to an exemption to H.R. 8 here.

3747 But if that is the case, then it strikes me that you
3748 actually have a big, major hole in your bill. If you are
3749 making the contention that the police agencies are not good

3750 or adept in some instances in determining the background or
3751 the advisability of their officers to carry a gun in their
3752 off-duty times, then how so is it that you are permitting
3753 them to have a transfer of weapons if it is used within the
3754 scope and course of their employment? It seems to me that
3755 there is an inherent inconsistency there.

3756 So I agree with Mr. Chabot. I think this is an
3757 amendment that makes sense. I suggest that most police
3758 agencies, every one that I have encountered, does keep a good
3759 watch, a good monitor of their officers and their capacity to
3760 carry weapons, because they understand within the scope and
3761 course of duty that they have liability based on what their
3762 officers do.

3763 So if they understand there is that liability, and they
3764 have determined that the officer is capable of carrying a
3765 weapon, then I think that Mr. Chabot's amendment makes sense
3766 because they are constantly under scrutiny by the agencies
3767 themselves.

3768 Someone said earlier today as well that you have nothing
3769 to worry about here if you are a law-abiding citizen, and yet
3770 I would encourage you to tell that to anyone who has ever had
3771 their civil rights abrogated by the heavy hand of government.
3772 I mean, it happens. And not only that, in this particular
3773 instance, in this particular amendment, you are taking
3774 officers who are under scrutiny who are found to be capable

3775 of carrying weapons during the course and scope of their
3776 employment and you are saying, well, you know what, we are
3777 not sure if you are capable of carrying outside of your
3778 employment, and thus it just gets back to this whole thing of
3779 inconsistencies.

3780 So I am with Mr. Chabot here. I support his amendment,
3781 and with that I yield back, Mr. Chairman.

3782 Chairman Nadler. I thank the gentleman.

3783 The gentle lady from Pennsylvania, Ms. Scanlon, is
3784 recognized.

3785 Ms. Scanlon. Thank you, Mr. Chairman.

3786 At the risk of moving along the slow walk here, I want
3787 to refocus, as Ms. Jackson Lee did, on the reason why we are
3788 here.

3789 In the last 48 hours, three people in my district have
3790 been shot, a 17-year-old, an 18-year-old, and a 28-year-old.
3791 Two of them were killed in broad daylight, okay? Two lives
3792 ended, dozens more traumatized and heartbroken.

3793 It is time for us to do something. This bill may not
3794 prevent every single incident of gun violence, but it is
3795 going to go a long way in closing loopholes that are killing
3796 people in my community, and it is time to get it done. Thank
3797 you.

3798 Mr. Raskin. Would the gentle lady yield?

3799 Chairman Nadler. Would the gentle lady yield to the

3800 gentleman from Maryland?

3801 Ms. Scanlon. The gentle lady would yield.

3802 Mr. Raskin. I want to thank Ms. Scanlon for her very
3803 cogent and impressive remarks.

3804 We need to refocus on why we are here. We are losing
3805 tens of thousands of people in our communities to gun
3806 violence. That is, importantly, what a lot of the election
3807 was about in 2018. That is why we are here. That is why all
3808 of these wonderful people have come to Washington, to the
3809 hearing, and now to the markup.

3810 I am amazed that my colleagues across the aisle seem to
3811 turn a deaf ear to the demand in the public for this
3812 legislation. More than 90 percent of the American people
3813 want it. They understand it is something we need to do.

3814 The whole purpose of the legislation is to close the
3815 loopholes. We have caught more than 3 million people who
3816 should not be buying guns because they are felons, they are
3817 fugitives, they are mentally ill in the eyes of the law, they
3818 are undocumented aliens, they have a dishonorable discharge
3819 from the military.

3820 There are a whole series of reasons why, and they are
3821 squeezing through the loopholes, which include the private
3822 gun show loophole and the private sales loophole. And rather
3823 than join us in trying to close the loopholes, they keep
3824 offering more loopholes. When we say let us close the

3825 loopholes, they say let us throw some more loopholes in. It
3826 is the most extraordinary thing I have ever seen.

3827 So the only argument I have heard from them -- it is
3828 quite amazing, Mr. Chairman, and I counted it, I think, seven
3829 times so far, and I want to try to get the quote exactly
3830 right. My friends across the aisle keep saying "criminals do
3831 not obey the law, criminals do not fill out forms, criminals
3832 do not follow the law."

3833 So the talking points have issued out. The talking
3834 points are there. Everybody say "criminals do not follow the
3835 law." But think about what your talking point is.

3836 The first point that needs to be made is we are not just
3837 talking about criminals who are swept up in the Brady law,
3838 okay? Our background check bill extends the current
3839 legislation, which applies not just to felons but fugitives,
3840 to drug addicts, to people who are mentally unstable and
3841 should not be in the possession of a gun, to unlawful aliens
3842 -- you think you guys would support that -- to people who
3843 have been dishonorably discharged from the military, to
3844 people who have a civil protection order in a domestic
3845 violence case but do not necessarily have a criminal
3846 conviction. But they say it is just about criminals.

3847 It is not just about criminals. There are seven or
3848 eight different categories we are sweeping up.

3849 In any event, the argument about criminals makes no

3850 sense to me. They say, well, criminals are not going to
3851 follow the law, therefore we should not have the law. Great.
3852 Why do you not repeal the law against murder? Because
3853 murderers are not going to follow the law, they are going to
3854 murder anyway. But we have a law against murder in order to
3855 create a social norm, in order to deter people from the bad
3856 action, and we know that more than 3 million people have been
3857 stopped from getting firearms under the law even with the
3858 loopholes that exist.

3859 So we say let us close those loopholes, let us make it
3860 more effective. Then you use this as an opportunity to say,
3861 no, let us throw in some more loopholes.

3862 There was even one good idea in there, at least it
3863 sounded good, about creating a mass violence Department of
3864 Justice Center. How come we did not hear anything about that
3865 for the last two years? They brought us two bills over the
3866 last two years when they controlled this committee. One was
3867 they wanted to legalize silencers in America, which sounds
3868 like a Mafia agenda to me, and the other was to wipe out 50
3869 states' concealed carry weapons laws. So if you can get the
3870 license to carry a concealed loaded weapon in one state, and
3871 some states' laws are so lax that more than a million people
3872 have such a weapon, have such a license and such a weapon,
3873 they want to say if you can get it in one state, then you can
3874 get it anywhere. That is what they are offering to us.

3875 But in a political sense, if they want to go down that
3876 road, the American people have already spoken, which is why
3877 we have Mary Gay Scanlon and Joe Neguse and all these
3878 wonderful new colleagues here on the committee who are
3879 speaking for America and speaking for their communities.

3880 Thank you for yielding. I yield back to you.

3881 Chairman Nadler. The gentle lady from Georgia, Mrs.
3882 McBath.

3883 Mrs. McBath. Thank you so much, Mr. Chairman.

3884 Thank you, Chairman Nadler and Congressman Thompson,
3885 Congressman King, and the 230 members, my colleagues, who
3886 have co-sponsored H.R. 8, which I am proud to be an original
3887 co-sponsor on. I am so proud to be an original co-sponsor
3888 because this is historic.

3889 I have been working on this legislation for the last six
3890 years as a survivor of gun violence myself, and I refuse to
3891 let anyone in this room challenge this bill as legislation
3892 that is not germane to saving as many lives as we possibly
3893 can.

3894 The overwhelming bipartisan support for universal
3895 background checks symbolizes the power of advocacy and the
3896 incredible power of the survivors like myself, and many of
3897 them who are sitting in this room, family members and
3898 students who have shared their stories as they advocate over
3899 and over again for commonsense gun safety solutions and

3900 demand that we act to address the extremist culture, and
3901 today we are finally taking action.

3902 The two bills that sit before us today will ensure
3903 mothers and fathers have one less reason to worry when they
3904 send their children off to school. They will give students
3905 one less thing to fear when they walk into their schools.
3906 And most importantly, it will make our communities and our
3907 nation a safer place.

3908 I talked to victims. I have been working with victims
3909 for the last six years, and I refuse to talk to one more
3910 parent that is scared every single day when they send their
3911 children off to school. I refuse to let my colleagues stand
3912 here and devalue the importance that this bill has. And I am
3913 so grateful to everyone in this room, and I am so grateful to
3914 my colleagues who continue to champion commonsense
3915 legislation that will save lives.

3916 Mr. Johnson of Georgia. Will the gentle lady yield?

3917 Mrs. McBath. Yes, I yield.

3918 Mr. Johnson of Georgia. I thank the gentle lady.

3919 This argument that criminals do not follow the law, and
3920 so therefore there is no need for a universal background
3921 check requirement, is ridiculous, is nonsense, is illogical.
3922 I mean, criminals do not follow the law? There is no law
3923 that says that you must purchase through a licensed gun
3924 dealer. The only law that we have allows for people to

3925 purchase from an unlicensed gun dealer.

3926 And there are so many unlicensed gun dealers in the
3927 nation that it is just open season for anybody that wants to
3928 purchase one firearm, two, ten, twenty. There is no limit
3929 how many can be purchased.

3930 So what this legislation is going to do is to close that
3931 loophole. It is a gaping loophole that allows people who
3932 should not have firearms to purchase them.

3933 This is very commonsense legislation. I want to thank
3934 the gentle lady from Georgia who has dedicated her life to
3935 commonsense gun reform legislation, and H.R. 8 is the epitome
3936 of it.

3937 With that, I will yield back to the gentle lady.

3938 Chairman Nadler. Does the gentle lady yield back?

3939 Mrs. McBath. I yield the rest of my time. Thank you.

3940 Chairman Nadler. The question is on the amendment.

3941 Those in favor, say aye.

3942 Those opposed, no.

3943 In the opinion of the Chair, the nays have it and the
3944 amendment is not agreed to.

3945 A recorded vote is requested. The Clerk will call the
3946 roll.

3947 Ms. Eligan. Mr. Nadler?

3948 Chairman Nadler. No.

3949 Ms. Eligan. Mr. Nadler votes no.

3950 Miss Lofgren?
3951 Ms. Lofgren. No.
3952 Ms. Eligan. Ms. Lofgren votes no.
3953 Ms. Jackson Lee?
3954 Ms. Jackson Lee. No.
3955 Ms. Eligan. Ms. Jackson Lee votes no.
3956 Mr. Cohen?
3957 Mr. Cohen. No.
3958 Ms. Eligan. Mr. Cohen votes no.
3959 Mr. Johnson of Georgia?
3960 Mr. Johnson of Georgia. No.
3961 Ms. Eligan. Mr. Johnson of Georgia votes no.
3962 Mr. Deutch?
3963 Ms. Bass?
3964 Mr. Richmond?
3965 Mr. Jeffries?
3966 Mr. Jeffries. No.
3967 Ms. Eligan. Mr. Jeffries votes no.
3968 Mr. Cicilline?
3969 Mr. Cicilline. No.
3970 Ms. Eligan. Mr. Cicilline votes no.
3971 Mr. Swalwell?
3972 Mr. Lieu?
3973 Mr. Lieu. No.
3974 Ms. Eligan. Mr. Lieu votes no.

3975 Mr. Raskin?
3976 Mr. Raskin. No.
3977 Ms. Eligan. Mr. Raskin votes no.
3978 Ms. Jayapal?
3979 Ms. Jayapal. No.
3980 Ms. Eligan. Ms. Jayapal votes no.
3981 Mrs. Demings?
3982 Mrs. Demings. No.
3983 Ms. Eligan. Mrs. Demings votes no.
3984 Mr. Correa?
3985 Mr. Correa. No.
3986 Ms. Eligan. Mr. Correa votes no.
3987 Ms. Scanlon?
3988 Ms. Scanlon. No.
3989 Ms. Eligan. Ms. Scanlon votes no.
3990 Ms. Garcia?
3991 Ms. Garcia. No.
3992 Ms. Eligan. Ms. Garcia votes no.
3993 Mr. Neguse?
3994 Mr. Neguse. No.
3995 Ms. Eligan. Mr. Neguse votes no.
3996 Mrs. McBath?
3997 Mrs. McBath. No.
3998 Ms. Eligan. Mrs. McBath votes no.
3999 Mr. Stanton?

4000 Mr. Stanton. No.

4001 Ms. Eligan. Mr. Stanton votes no.

4002 Ms. Dean?

4003 Ms. Dean. No.

4004 Ms. Eligan. Ms. Dean votes no.

4005 Ms. Mucarsel-Powell?

4006 Ms. Escobar?

4007 Mr. Collins?

4008 Mr. Collins. Aye.

4009 Ms. Eligan. Mr. Collins votes aye.

4010 Mr. Sensenbrenner?

4011 Mr. Chabot?

4012 Mr. Chabot. Aye.

4013 Ms. Eligan. Mr. Chabot votes aye.

4014 Mr. Gohmert?

4015 Mr. Jordan?

4016 Mr. Jordan. Yes.

4017 Ms. Eligan. Mr. Jordan votes yes.

4018 Mr. Buck?

4019 Mr. Ratcliffe?

4020 Mrs. Roby?

4021 Mr. Gaetz?

4022 Mr. Johnson of Louisiana?

4023 Mr. Johnson of Louisiana. Aye.

4024 Ms. Eligan. Mr. Johnson of Louisiana votes aye.

4025 Mr. Biggs?

4026 Mr. Biggs. Aye.

4027 Ms. Eligan. Mr. Biggs votes aye.

4028 Mr. McClintock?

4029 Mr. McClintock. Aye.

4030 Ms. Eligan. Mr. McClintock votes aye.

4031 Mrs. Lesko?

4032 Mr. Reschenthaler?

4033 Mr. Cline?

4034 Mr. Cline. Aye.

4035 Ms. Eligan. Mr. Cline votes aye.

4036 Mr. Armstrong?

4037 Mr. Armstrong. Yes.

4038 Ms. Eligan. Mr. Armstrong votes yes.

4039 Mr. Steube?

4040 Mr. Steube. Yes.

4041 Ms. Eligan. Mr. Steube votes yes.

4042 Chairman Nadler. Has every member who wishes to vote

4043 done so?

4044 Mr. Deutch?

4045 Mr. Deutch. No.

4046 Ms. Eligan. Mr. Deutch votes no.

4047 Chairman Nadler. Is there anyone else who has not voted

4048 who wishes to be recorded?

4049 The Clerk will report.

4050 Ms. Eligan. Mr. Chairman, 19 noes and 9 ayes.

4051 Chairman Nadler. The amendment is not agreed to.

4052 Are there any other amendments to H.R. 8?

4053 Mr. Collins. Mr. Chairman, I have an amendment at the
4054 desk.

4055 Chairman Nadler. For what purpose does the gentleman
4056 seek recognition?

4057 Mr. Collins. I have an amendment at the desk, Mr.
4058 Chairman.

4059 Chairman Nadler. The Clerk will report the amendment.

4060 [The amendment of Mr. Johnson of Louisiana follows:]

4061

4062 Ms. Eligan. Amendment to H.R. 8, offered by Mr. Johnson
4063 of Louisiana. Page 4, beginning on line 8, strike the comma
4064 and all that follows through line 24, and insert a period.

4065 Mr. Johnson of Louisiana. This is the fourth amendment,
4066 in place of the first, Mr. Chairman. I took them out of
4067 order because we were --

4068 Chairman Nadler. The Clerk will read the amendment.
4069 Make sure we have the right one.

4070 [The amendment of Mr. Johnson of Louisiana follows:]

4071

4072 Ms. Eligan. Amendment to H.R. 8, offered by Mr. Johnson
4073 of Louisiana. Page 4, beginning on line 8, strike the comma,
4074 and all that follows through line --

4075 Chairman Nadler. Without objection, the amendment is
4076 considered as read.

4077 The gentleman is recognized for 5 minutes in support of
4078 the amendment.

4079 When the gentleman has finished his remarks, we will
4080 recess for votes on the Floor, which have just started.

4081 Mr. Johnson of Louisiana. Thank you, Mr. Chairman. I
4082 will be as brief as possible.

4083 I want to say a couple of things here at the outset, and
4084 I will not belabor the point. But I think the members on
4085 this side of the dais, I think you all need to know, victims'
4086 advocates and Moms Demand Action, that we applaud what you
4087 are doing. We applaud the emotion that is behind what you
4088 are doing, and we acknowledge that that is a very real thing.

4089 Gun violence is a scourge on the country, and every
4090 single member of this committee wants it to end. What we are
4091 doing here in this process is about debating and fine-tuning
4092 what is the best approach to that, and because we do not
4093 believe this current legislative vehicle is the right
4094 approach does not mean that somehow we are against you.

4095 We are for you. We are for all Americans. We are for
4096 the country, and we are trying to find the best means to the

4097 end.

4098 We are heartbroken over this. I remember after a
4099 shooting in Baton Rouge in 2016, we lost three police
4100 officers. Three others were shot. It was an ambush attack
4101 on officers, and our sheriff there in East Baton Rouge Parish
4102 was having an impromptu press conference, and he said I know
4103 there will be a call for new gun control. He said the
4104 problem is not guns, the problem is the human heart.

4105 At the end of the day, that is what all of us are having
4106 to deal with.

4107 The problem we have with this bill is that we believe it
4108 truly is terribly misguided, that it is unenforceable on its
4109 face because, as we have said many times today, it does not
4110 include a Federal registration, which makes the whole thing
4111 just almost an exercise in futility; and, as we have said
4112 many times, it turns law-abiding citizens into criminals.

4113 This amendment, Mr. Chairman, would make room for the
4114 countless instances where the transfer of a firearm is an
4115 appropriate and perhaps necessary course of action but would
4116 otherwise be prohibited by this legislation.

4117 The text lists a number of scenarios where the transfer
4118 of a firearm would not require a background check, but the
4119 exemptions are just far too narrow. As a consequence, law-
4120 abiding citizens would be imprisoned and fined for simply
4121 exercising their basic Second Amendment right. Indeed, as it

4122 has been pointed out, many necessary and important firearms
4123 transfers would become crimes under this bill. Let me give
4124 you two examples.

4125 One of them, a friend who offers a gun to a domestic
4126 violence victim because the victim's abuser is being released
4127 from prison.

4128 Another one that would become a crime under this bill, a
4129 suicidal person asks a trusted friend to take possession of
4130 his guns because he is not in a good place.

4131 I have had two very close friends who have lost their
4132 lives to suicide because of a firearm. Do we want to take
4133 the ability -- do we want to create a deterrent to that kind
4134 of activity? We want to encourage that, we do not want to
4135 deter it. But that is what this legislation does.

4136 Do we want to take weapons away from the domestic
4137 violence victims who can save their lives? I do not think
4138 so. But that is what this bill does.

4139 My amendment would simplify Subsection 2(f) to allow a
4140 transfer to happen, number one, as long the gun owner does
4141 not believe the recipient will commit a crime with a gun; or
4142 if he does not believe the recipient is prohibited from
4143 possessing a firearm.

4144 This is a commonsense amendment that everybody should
4145 agree with. It would reduce the number of law-abiding
4146 citizens who get trapped and wrapped up in the majority's

4147 quest to unduly burden the constitutionally protected right,
4148 and that is what this amounts to, whether it is really
4149 intended or not.

4150 I urge my colleagues to support this important
4151 amendment.

4152 I yield back the balance of my time, Mr. Chairman.

4153 Chairman Nadler. Thank you.

4154 There are votes on the Floor, four votes, I am told.

4155 One vote is 9 minutes left on the vote, theoretically.

4156 So the committee will stand in recess until immediately
4157 after the last vote on the Floor. I urge the members to come
4158 back here as rapidly as possible so we can resume right after
4159 the votes.

4160 Pending the votes on the Floor, the committee will stand
4161 in recess.

4162 [Recess.]

4163 Chairman Nadler. The committee will come to order.

4164 When the committee recessed, the gentleman from Louisiana had
4165 offered an amendment and had spoken for the amendment. I
4166 will now recognize myself to speak in opposition to the
4167 amendment.

4168 This amendment concerns the provision in the bill that
4169 provides an exception to the background check requirement for
4170 certain temporary transfers. The bill would only exempt
4171 specific types of temporary transfers, such as those

4172 exclusively for use at a shooting range or while reasonably
4173 necessary for hunting. The amendment would strike these
4174 limiting purposes and thereby allowing temporary transfers
4175 for any purpose. The result is a temporary use exception
4176 that is extremely broad and that, therefore, swallows the
4177 rule regarding the requirement of background checks.

4178 There are other exceptions in H.R. 8 that apply to a
4179 variety of other situations that would justify allowing the
4180 transfer of a firearm without a background check. For
4181 instance, there is an exception for transfers that are
4182 "necessary to prevent imminent death or great bodily harm if
4183 the possession by the transferee lasts only as long as
4184 immediately necessary."

4185 Taken together, the exceptions in the bill, as drafted,
4186 address situations that justify transfers without background
4187 checks, and these are limited for a reason, because we want
4188 these checks to be conducted except in a narrow range of
4189 circumstances. That is what will help prevent the transfer
4190 of guns to people who should not have or use them.

4191 This amendment would allow temporary transfers without
4192 exception, period, and is way beyond what we think the bill,
4193 or rather guts the essence of the bill, and is way beyond the
4194 scope of a reasonable transfer exception. And, therefore, I
4195 ask my colleagues to oppose the amendment.

4196 I will ask for a vote on the amendment now.

4197 All in favor of the amendment will say aye.
4198 Opposed, no?
4199 The noes have it.
4200 Voice. Roll call.
4201 Chairman Nadler. A roll call is requested. The clerk
4202 will call the roll.
4203 Ms. Eligan. Mr. Nadler?
4204 Chairman Nadler. No.
4205 Ms. Eligan. Mr. Nadler votes no.
4206 Ms. Lofgren?
4207 Ms. Jackson Lee?
4208 Mr. Cohen?
4209 Mr. Johnson of Georgia?
4210 Mr. Deutch?
4211 Ms. Bass?
4212 Mr. Richmond?
4213 Mr. Jeffries?
4214 Mr. Jeffries. No.
4215 Ms. Eligan. Mr. Jeffries votes no.
4216 Mr. Cicilline?
4217 Mr. Cicilline. No.
4218 Ms. Eligan. Mr. Cicilline votes no.
4219 Mr. Swalwell?
4220 Mr. Lieu?
4221 Mr. Lieu. No.

4222 Ms. Eligan. Mr. Lieu votes no.
4223 Mr. Raskin?
4224 Mr. Raskin. No.
4225 Ms. Eligan. Mr. Raskin votes no.
4226 Ms. Jayapal?
4227 Ms. Jayapal. No.
4228 Ms. Eligan. Ms. Jayapal votes no.
4229 Mrs. Demings?
4230 Mrs. Demings. No.
4231 Ms. Eligan. Mrs. Demings votes no.
4232 Mr. Correa?
4233 Ms. Scanlon?
4234 Ms. Scanlon. No.
4235 Ms. Eligan. Ms. Scanlon votes no.
4236 Ms. Garcia?
4237 Ms. Garcia. No.
4238 Ms. Eligan. Ms. Garcia votes no.
4239 Mr. Neguse?
4240 Mr. Neguse. No.
4241 Ms. Eligan. Mr. Neguse votes no.
4242 Mrs. McBath?
4243 Mrs. McBath. No.
4244 Ms. Eligan. Mrs. McBath votes no.
4245 Mr. Stanton?
4246 Ms. Dean?

4247 Ms. Dean. No.

4248 Ms. Eligan. Ms. Dean votes no.

4249 Ms. Mucarsel-Powell?

4250 Ms. Mucarsel-Powell. No.

4251 Ms. Eligan. Ms. Mucarsel-Powell votes no.

4252 Ms. Escobar?

4253 Mr. Collins?

4254 Mr. Collins. Aye.

4255 Ms. Eligan. Mr. Collins votes aye.

4256 Mr. Sensenbrenner?

4257 Mr. Chabot?

4258 Mr. Chabot. Aye.

4259 Ms. Eligan. Mr. Chabot votes aye.

4260 Mr. Gohmert?

4261 Mr. Jordan?

4262 Mr. Buck?

4263 Mr. Buck. Aye.

4264 Ms. Eligan. Mr. Buck votes aye.

4265 Mr. Ratcliffe?

4266 Mrs. Roby?

4267 Mr. Gaetz?

4268 Mr. Gaetz. Aye.

4269 Mr. Johnson of Louisiana?

4270 Mr. Johnson of Louisiana. Aye.

4271 Ms. Eligan. Mr. Gaetz votes aye.

4272 Mr. Johnson of Louisiana?

4273 Mr. Johnson of Louisiana. Aye.

4274 Mr. Biggs?

4275 Mr. Biggs. Aye.

4276 Ms. Eligan. Mr. Biggs votes aye.

4277 Mr. McClintock?

4278 Mrs. Lesko?

4279 Mrs. Lesko. Aye.

4280 Ms. Eligan. Mrs. Lesko votes aye.

4281 Mr. Reschenthaler?

4282 Mr. Reschenthaler. Aye.

4283 Ms. Eligan. Mr. Reschenthaler votes aye.

4284 Mr. Cline?

4285 Mr. Cline. Aye.

4286 Ms. Eligan. Mr. Cline votes aye.

4287 Mr. Armstrong?

4288 Mr. Armstrong. Yes.

4289 Ms. Eligan. Mr. Armstrong votes yes.

4290 Mr. Steube?

4291 Mr. Steube. Yes.

4292 Ms. Eligan. Mr. Steube votes yes.

4293 Chairman Nadler. Are there any members present who
4294 haven't voted who wish to vote?

4295 Ms. Lofgren?

4296 Ms. Lofgren. No.

4297 Ms. Eligan. Ms. Lofgren votes no.
4298 Chairman Nadler. Mr. Cohen?
4299 Mr. Cohen. No.
4300 Ms. Eligan. Mr. Cohen votes no.
4301 Chairman Nadler. Mr. Deutch?
4302 Mr. Deutch. No.
4303 Ms. Eligan. Mr. Deutch votes no.
4304 Chairman Nadler. Mr. Stanton?
4305 Mr. Stanton. No.
4306 Ms. Eligan. Mr. Stanton votes no.
4307 Chairman Nadler. Mr. Swalwell?
4308 Mr. Swalwell. No.
4309 Ms. Eligan. Mr. Swalwell votes no.
4310 Chairman Nadler. Is there any other member present who
4311 wishes to vote that hasn't voted?
4312 [No response.]
4313 Chairman Nadler. The clerk will report.
4314 Ms. Eligan. Mr. Chairman, 18 noes and 11 ayes.
4315 Chairman Nadler. The amendment is not agreed to.
4316 Are there any further amendments to H.R. 8? The
4317 gentleman from Arizona is recognized. For what purpose does
4318 the gentleman seek recognition?
4319 Mr. Biggs. I have an amendment at the desk.
4320 Chairman Nadler. The clerk will report the amendment.
4321 Ms. Eligan. Amendment to H.R. 8, offered by Mr. Biggs

4322 of Arizona.

4323 Chairman Nadler. Without objection, the amendment is
4324 considered as read --

4325 Mr. Deutch. Mr. Chairman? Mr. Chairman?

4326 Chairman Nadler. -- and the gentleman is recognized in
4327 support of the amendment.

4328 Mr. Deutch. Mr. Chairman?

4329 Chairman Nadler. The gentleman from Florida.

4330 Mr. Deutch. Mr. Chairman, I reserve a point of order.

4331 Chairman Nadler. The gentleman reserves a point of
4332 order. The gentleman from Arizona?

4333 Mr. Biggs. Thank you, Mr. Chairman. My amendment, Mr.
4334 Chairman, has a provision dealing with the sense of Congress,
4335 and specifically talks about in all three paragraphs of my
4336 amendment the relationship of financial restrictions or
4337 constraints on an exercise of one's constitutional rights.
4338 In particular, the second paragraph indicates the exercise of
4339 a citizen's Second Amendment right shall not be abridged or
4340 restricted by burdensome payments or delays in the conduct of
4341 background checks for the lawful transfer of firearms, and
4342 goes on to talk about financial constraints have no place in
4343 the exercise of constitutional rights.

4344 One of the things that makes this so relevant to the
4345 bill before us today, the underlying bill, is Paragraph 3(d).
4346 If one were to go to page 5 and look at lines 11 through 14,

4347 one would see that regulations that are to be promulgated
4348 under this particular statute may not include any provision
4349 placing a cap on the fee. No cap on the fee. There is not
4350 even a qualification indicating a reasonableness standard.

4351 This has the fundamental effect of constraining one's
4352 ability to obtain or alienate a gun. This then essentially
4353 abridges or encroaches on an individual's right to bear arms.
4354 My amendment is fundamental to understanding not only what
4355 the Second Amendment entails, but what a fee that has no cap
4356 constrains. The provision on page 5, Paragraph 3(d) is so
4357 broad as to indicate that there will be no constraint
4358 whatsoever, no limitation whatsoever on a fee.

4359 It has the same dilatory effect as someone who had to
4360 pay a poll tax. That is to say, there is a financial
4361 constraint on someone who is attempting to exercise their
4362 constitutional right. Thus, Mr. Chairman, I believe my
4363 amendment is important because if we are going to say that
4364 there is no cap on a fee, what you will have is an impairment
4365 of one's Second Amendment rights. That is not something that
4366 we can allow to stand. And with that, Mr. Chairman, I yield
4367 back.

4368 Mr. Deutch. Mr. Chairman?

4369 Chairman Nadler. Does the gentleman insist on his point
4370 of order?

4371 Mr. Deutch. No, Mr. Chair, I am going to withdraw the

4372 point of order.

4373 Chairman Nadler. The gentleman does not insist on his
4374 point of order. The chair recognizes himself in opposition
4375 to the amendment.

4376 This amendment is written in very broad terms: "It is
4377 the sense of Congress that rights guaranteed by the U.S.
4378 Constitution should not be hampered by financial
4379 restrictions." The right to buy a house under the
4380 Constitution should not be restricted by my ability to pay
4381 for the house? It sounds a little socialist or communist to
4382 me.

4383 There are a lots of constitutional rights that come with
4384 financial burdens. I have the right to hunt or fish. The
4385 State may impose a hunting or fishing license. I have a
4386 right to do lots of things, constitutional right which the
4387 State can't stop me from doing it, nor should it, but can tax
4388 it, can put a fee on it. Financial constraints have no place
4389 in the exercise of constitutional rights. It is simply
4390 silly.

4391 Now, this bill does not impose any financial fee or
4392 burden on anybody. It simply expands the universe of people
4393 who must have a background check before they can get a gun,
4394 and, as such, it is a reasonable thing to do. It is an
4395 essential thing to do. And if there is a fee associated with
4396 it to cover the reasonable costs of administration, there is

4397 nothing wrong with that, and it certainly doesn't offend a
4398 constitutional right.

4399 If we were to concede the point that any cost is a
4400 burden on constitutional rights, it would be a very, very
4401 different country in a way that I doubt any member of this
4402 committee on either side of the aisle would want. So the
4403 amendment is simply silly, unnecessary, and I oppose it for
4404 that reason.

4405 Mr. Cicilline. Mr. Chairman?

4406 Chairman Nadler. I yield back. Who seeks recognition?

4407 Mr. Cicilline. I do, Mr. Chairman.

4408 Chairman Nadler. The gentleman from Rhode Island is
4409 recognized.

4410 Mr. Cicilline. Move to strike the last word. First, I
4411 urge my colleagues to vote against the amendment because the
4412 final sentence of the amendment says, "A citizen's right to
4413 bear arms must not be qualified by the ability to pay a
4414 certain sum of money in order to exercise those rights,"
4415 which sounds like it is an argument for free guns for
4416 everyone because presumably guns are not free. Having to pay
4417 for it would be a burden of a certain sum of money. So I
4418 think, while I am sure it is not the intention of the
4419 sponsor, it would essentially be saying it is the sense of
4420 Congress that everyone should get free guns.

4421 So I urge my colleagues to vote against the amendment,

4422 but I would like to take a moment to again remind people why
4423 we are here. In many ways, this hearing has been a reminder
4424 that our democracy is broken. Ninety-percent of the American
4425 people, according to the most recent Quinnipiac poll of 1,249
4426 voters across the country, 97 percent of the American people
4427 support universal background checks. This is not a
4428 controversial issue anywhere else but in the Judiciary
4429 Committee of the House of Representatives. And something is
4430 fundamentally broken when the overwhelming majority of the
4431 American people support commonsense, basic universal
4432 background checks before you can buy a gun.

4433 And our Republican colleagues have paraded amendment
4434 after amendment after amendment in an effort to stop us from
4435 passing universal background checks. And despite Republican
4436 efforts to do that, the hard work of Moms Demand Action, the
4437 Brady Campaign, other advocacy groups, and the election of
4438 the Democrats to the majority in the House are because the
4439 American people are demanding that we enact responsible gun
4440 safety legislation and reduce the scourge of gun violence in
4441 this country.

4442 And we thought let's start with something that everyone
4443 agrees with, universal background checks. Not a heavy lift.
4444 They work. Three-and-a-half million people have been denied
4445 the right to buy a gun because they were disqualified, were
4446 not lawful purchasers, so we know background checks work, but

4447 1 out of 5 gun purchases happens without a background check.
4448 And to remind folks, the reason we are having this hearing,
4449 and I want to thank the chairman for this because this is our
4450 first gun violence prevention markup in 8 years, since I
4451 first arrived here. And the reason is because we have a gun
4452 violence epidemic in this country. On average, the number of
4453 Americans murdered by a firearm has risen to approximately
4454 100 every day. The gun death rate hit a nearly 20-year high
4455 in 2017 with roughly 40,000 deaths according to the CDC.
4456 Firearms are the second leading cause of death for American
4457 children and teens, making the United States the world leader
4458 in child gun deaths.

4459 In the face of this increasing gun violence, one of the
4460 best tools we have is the NICS Background Check System, which
4461 conducts the background check for anyone buying a gun from a
4462 licensed dealer. Since the Brady background checks law was
4463 passed in 1993, it has blocked more than 3-and-a-half million
4464 attempts to buy guns by people prohibited from having them.
4465 And we hear our Republican colleagues all the time say go
4466 after the people who shouldn't have a gun. Go after the
4467 criminals. That is exactly what this expansion does.

4468 At the time that the Brady law was enacted, internet gun
4469 sales and sales at gun shows by private sellers did not
4470 account for a substantial portion of the gun market. Now 1
4471 in 5 gun sales are done through a private dealer that is not

4472 covered by a background check. That allows millions of guns
4473 to exchange hands with no questions asked, including between
4474 criminals, domestic abusers, and people prohibited due to
4475 mental illness.

4476 Last year, nearly 1.2 million ads were posted on just
4477 one site, Armlist.com, for firearm sales where no background
4478 check was legally required. H.R. 8 will modernize the
4479 background check system by requiring background checks on all
4480 gun sales, and bringing more prohibited persons into the
4481 system. We already see it working in the 20 States that have
4482 taken it upon themselves to implement and enhance background
4483 checks beyond what the Federal law requires.

4484 Nearly half of Americans are now covered by these
4485 comprehensive background check laws. These States have lower
4486 rates of gun homicides, gun suicide rates, and gun
4487 trafficking. It is not only policymakers that realize how
4488 urgent it is to enhance background checks. Poll after poll
4489 after poll shows overwhelming support for requiring
4490 background checks on every single gun sale, including among a
4491 majority of gun owners and Republicans.

4492 So this is a time for our committee to move forward, to
4493 take action that will help reduce gun violence in our
4494 communities, by passing a very basic universal background
4495 check bill. This is the beginning of reducing gun violence
4496 in this country, not the end. But I am deeply saddened that

4497 something so basic, so overwhelmingly supported by the
4498 American people, but my friends on the other side of the
4499 aisle do not feel compelled to honor the will of the American
4500 people and join us in this effort.

4501 But no matter how many speeches and amendments they
4502 offer, no matter how many crazy arguments they make, we are
4503 going to continue to persist and make sure this happens
4504 because we owe it to the American people. And I thank you,
4505 Mr. Chairman, and yield back.

4506 Chairman Nadler. I thank the gentleman.

4507 Mr. Buck. Move to strike the last word.

4508 Chairman Nadler. The gentleman is recognized.

4509 Mr. Buck. Thank you, Mr. Chairman. Mr. Chairman, I
4510 share the sentiment of Mr. Cicilline from Rhode Island, and I
4511 am also deeply saddened. I am deeply saddened that my
4512 friends on the other side of the aisle won't accept
4513 reasonable improvements to this bill.

4514 Ninety-seven percent of Americans support universal
4515 background checks according to one poll that you have cited.
4516 Ninety-seven percent of Americans don't support bad
4517 legislation. We are trying to make this bill better, better
4518 so that Americans can support the concept that you talk
4519 about. This bill won't reduce gun violence. It won't
4520 accomplish the ends to which you claim. And I have to tell
4521 you, it discriminates against law-abiding citizens. It

4522 discriminates against law-abiding citizens on a
4523 constitutional right.

4524 Mr. Biggs' amendment is a perfect example. Mr.
4525 Chairman, I disagree with you when you say that it is like
4526 purchasing a house. What Mr. Biggs' amendment says is that a
4527 citizen's Second Amendment rights shall not be abridged by
4528 burdensome payments. My fear, and I share Mr. Biggs' fear in
4529 this situation. My fear is that a State will say, fine, we
4530 will allow a transfer, but we are going to charge a \$1,500
4531 fee, a \$2,000 fee, a \$5,000 fee, and that would be
4532 burdensome. That would be restricted by this commonsense
4533 amendment.

4534 And, again, why can't we agree that a burdensome fee
4535 like that is not the intent of this law? It is reasonable,
4536 and I yield the remainder of my time to Mr. Biggs.

4537 Mr. Biggs. Thank you. I appreciate the gentleman for
4538 yielding, and I appreciate his comments because they get to
4539 some of the comments that I wanted to make. I heard earlier
4540 today a friend from across the aisle talk about talking
4541 points, and he said seven 7 times I have heard certain
4542 talking points. Well, I will tell you that probably at least
4543 that many times I have heard the phrase "why we are really
4544 here."

4545 Well, why we are here is because there is this bill, and
4546 there are some of us that think it needs improvement, and so

4547 it becomes a tug of war. And so amendments like mine have
4548 been referred to as "specious," "crazy," "silly," as opposed
4549 to taking anything that we are doing over here seriously and
4550 truly trying to get to the bottom of it.

4551 So I was grateful to hear the chairman recognize that
4552 people actually have a right to fish and hunt. I thought
4553 that was pretty good that he would admit that, come that far.
4554 And then he used something as he was talking about my
4555 amendment that I thought was intriguing. He said, we would
4556 anticipate a reasonable cost of administration of this
4557 process. Well, this bill doesn't say that, does it? In
4558 fact, it says just the opposite. It says there is no cap.
4559 You cannot put a cap on it.

4560 And so I put an amendment here, I have offered an
4561 amendment that says, you know what? Second Amendment rights
4562 are important, and they shouldn't be constrained or abridged
4563 or shortened or restricted by burdensome payments. Now, not
4564 being restricted by burdensome payments sounds an awful lot
4565 like having a reasonable cost of administration as your fee.

4566 But this bill doesn't say that, does it? No, this bill
4567 says there will be no cap. There could be no cap. And if
4568 you have seen government in action, and I suppose most of us
4569 have, don't be surprised if you see a \$1,500 exchange fee,
4570 transfer fee, \$2,000 transfer fee, \$2,500 transfer fee. That
4571 would then be a constraint on someone's Second Amendment

4572 right, their ability to own a gun. I don't think that a
4573 \$2,000 fee would be a reasonable cost of administration.

4574 If that were all it was, as I actually heard earlier
4575 today someone say from the other side of the aisle --

4576 Chairman Nadler. Would the gentleman yield on that
4577 point?

4578 Mr. Biggs. Just one minute. Let me make the point, and
4579 then I will yield, is that \$10 is no big deal. Well, to some
4580 people it is a big deal. To some people it is a big deal.
4581 And with that, Mr. Chairman, I will yield.

4582 Chairman Nadler. Thank you. I just want to point out
4583 two things. One, because there seems to be a misconception
4584 here. One, we have had the background check system for 25
4585 years and we have heard no complaints of excessive fees. But
4586 number two, the State or the city doesn't set the fee. The
4587 gun dealer sets the fee. And if the gun dealer sets a fee
4588 that is too high, somebody else is a gun dealer, and the free
4589 market sets the fee. So it is up to the gun dealers and the
4590 market situation. The market we all fervently believe will
4591 kept fees down to a reasonable level. And, in fact, we have
4592 heard no complaints about this for 25 years, and so there is
4593 no discretion on the part of any government official
4594 whatsoever to set the fee.

4595 Mr. Biggs. Well, I would like to reclaim my time.

4596 Chairman Nadler. Yes, sir.

4597 Mr. Biggs. But there is no more time to reclaim, so.

4598 Chairman Nadler. The gentleman from --

4599 Mr. Collins. Mr. Chairman?

4600 Chairman Nadler. The gentleman from Georgia is

4601 recognized --

4602 Mr. Collins. Move to strike --

4603 Chairman Nadler. -- for 1 minute to --

4604 Mr. Collins. I want to claim my 5 minutes.

4605 Chairman Nadler. Okay.

4606 Mr. Collins. All right. I will yield my time to the

4607 gentleman from Arizona.

4608 Mr. Biggs. Thank you. I thank the gentleman from

4609 Georgia. The only point I want to make right here is that

4610 while the gentleman from New York, our chairman, has not

4611 heard complaints of too high fees, I have heard those

4612 complaints. I have heard complaints that sometimes fees are

4613 high. So I am also curious to know who the gentleman thinks

4614 is promulgating the regulations under Subsection 3 on page 5

4615 of this bill. That is who is going to set the fees. And

4616 with that, I would yield back to the gentleman from Georgia.

4617 Mr. Collins. And I thank the gentleman for yielding

4618 back. I think it is also an issue, as we have talked about,

4619 going forward, and we have seen the pressures of, especially

4620 in ideas like this as we have gone forward that there could

4621 be, and especially when you make the overt statement that

4622 there can't be any caps.

4623 It is also an interesting issue that, especially in
4624 places like the District of Columbia, there is only one FFL.
4625 They are a monopoly. And so, you know, they can pretty much
4626 do whatever they want to do here and they are a monopoly. I
4627 didn't know my friends on the other side were in favor of
4628 monopolies. That that is another issue for another day, but
4629 as we move forward, this is an issue, and I think the
4630 gentleman is just being reasonable on this. And I will yield
4631 back to the gentleman from Arizona.

4632 Mr. Biggs. Yeah, I want to clarify. I thank the
4633 gentleman for yielding back. When you get to 3(d), it is not
4634 talking about the private market setting the cap. It says
4635 "regulations promulgated under this paragraph." If we refer
4636 back to the paragraph, we are talking about the attorney
4637 general. Who is setting the regulations? Who is setting the
4638 regulations? They are the ones who will promulgate the fee.

4639 Mr. Raskin. Mr. Chairman?

4640 Mr. Biggs. With that, I yield back to the gentleman
4641 from Georgia.

4642 Mr. Collins. With that, I will yield back my time as
4643 well.

4644 Mr. Raskin. Mr. Chairman?

4645 Chairman Nadler. The gentlelady from Florida, Ms.
4646 Mucarsel-Powell, is recognized. For what purpose does she

4647 seek recognition?

4648 Ms. Mucarsel-Powell. I move to strike the last word.

4649 Chairman Nadler. The gentlelady is recognized for 5
4650 minutes.

4651 Ms. Mucarsel-Powell. Mr. Chairman, I have been sitting
4652 here throughout the day, and I have to say that time is of
4653 the essence. First of all, thank you to our guests that have
4654 been sitting through here all day hearing amendment after
4655 amendment, moving to strike a period and move to a comma. I
4656 apologize that this has become such a contentious hearing
4657 when it is common sense. And like my colleague --

4658 Mr. Collins. Will the gentlelady yield?

4659 Ms. Mucarsel-Powell. Not yet. I am reclaiming my time.
4660 I want to refocus that time is of the essence. I am
4661 representing a district where there is high risk for gun
4662 violence for kids under the age of 18, and we still have two
4663 very large gun shows. We have a gun show in 2 days and 15
4664 hours. I have been watching the clock in my phone minute by
4665 minute. It keeps passing. We have been sitting here for 7
4666 hours because my colleagues across the aisle are doing
4667 everything in their power to delay the fact that we are going
4668 to introduce H.R. 8 dealing with universal background checks.

4669 And let me tell you, these gun shows in Florida, in the
4670 State of Florida, we have unlicensed dealers that participate
4671 in the gun shows, that are selling guns to people that are

4672 not required. The dealers are not requiring background
4673 checks. This is a fact, and this is why H.R. 8 is so
4674 important for us to pass. And I am telling you, February
4675 16th we have a gun show in Miami in the youth fair. We have
4676 to do something now. Thank you, Mr. Chairman.

4677 Mr. Raskin. Would the gentlelady yield?

4678 Ms. Mucarsel-Powell. I yield.

4679 Mr. Raskin. Thank you very much for that powerful
4680 statement, and I would like to echo some of the things that
4681 you just said and answer some of the concerns that appear to
4682 be floating in the air right now. Just to restate where we
4683 are. We have brought forward a piece of legislation that is
4684 backed by more than 9 out of 10 Americans, the vast majority
4685 of Democrats, Republicans, Independents, gun owners, non-gun
4686 owners. Everybody believes that background checks work.

4687 We have stopped more than 3 million people -- felons,
4688 fugitives, mentally unstable people, undocumented aliens,
4689 people with a dishonorable discharge -- from getting
4690 firearms, and we are trying to close the loopholes which
4691 still make America the most dangerous industrialized Nation
4692 on earth in terms of gun violence. And we are trying to
4693 close the loopholes.

4694 And first we had a whole series of ludicrous attempts to
4695 add new loopholes, to proliferate the loopholes which we had
4696 to reject. Now what we get from my friend Mr. Biggs is an

4697 amendment which is cloaked in constitutional verbiage, but I
4698 think is almost comical in terms of a statement of
4699 constitutional principles. Financial constraints have no
4700 place in the exercise of constitutional rights. Well, I have
4701 got a First Amendment right to freedom of the press, but do I
4702 have a right to a newspaper? Does the government have to buy
4703 me a newspaper? Does the government have to pay for me to
4704 get a TV network to get a broadcast license? I don't think
4705 so.

4706 "A citizen's right to bear arms, just like a citizen's
4707 right to vote, must not be qualified by the ability to pay a
4708 certain sum of money in order to exercise those rights."
4709 Well, if that is your position, then I assume our next bill,
4710 which I am happily going to co-sponsor with you, is to get
4711 rid of all the voter ID laws all over the country which are
4712 causing people, forcing people to go out and pay 20 bucks or
4713 30 bucks or 40 bucks in order to get a personal ID before
4714 they are allowed to vote. So I eagerly await your
4715 collaboration on that bill.

4716 Meantime, the chairman of the committee actually
4717 introduces some facts into the discussion, and he says it is
4718 not the government which sets the fees. And so far I haven't
4719 seen a single documented report of anybody complaining about
4720 one. I don't see any letters, any emails. We don't see
4721 anything. And the chairman explains why, because it is not

4722 the government which sets the fees, it is the licensed
4723 private firearms dealers.

4724 So then Mr. Biggs says, well, wait a second,
4725 "regulations promulgated under this paragraph," and he
4726 doesn't finish the sentence, "may not include any provision
4727 placing a cap on the fee licensees may charge to facilitate
4728 transfers in accordance with paragraph." In other words,
4729 this provision protects the market principle. It is totally
4730 up to the private market to set what the fees are.

4731 So one would think at this point they would have the
4732 modesty just to withdraw the amendment and let us get on with
4733 the business of making America a safer place, which is what
4734 the vast majority of the American people want us to do. I
4735 yield back to the gentlelady.

4736 Ms. Mucarsel-Powell. I yield to the chairman.

4737 Chairman Nadler. I thank you.

4738 Mr. Lieu. Thank you, Mr. Chair.

4739 Chairman Nadler. For what purpose does the gentleman
4740 wish to be recognized?

4741 Mr. Lieu. Move to strike the last word.

4742 Chairman Nadler. The gentleman is recognized.

4743 Mr. Lieu. So let's just take a step back and
4744 understand. There is actually an existing background checks
4745 law. Some of my colleagues on the other side of the aisle
4746 appear to think this is a whole new thing we are doing. We

4747 are not. We are simply closing loopholes in the background
4748 checks law. And really what a lot of these background checks
4749 do is they check for violent histories, people who just
4750 should not have a gun.

4751 In terms of this legislation, over 230 members of
4752 Congress on a bipartisan basis have co-authored it as is. So
4753 what is happening now is you are seeing a minority of members
4754 of Congress trying to delay and stop this legislation from
4755 happening. And if you look at the most recent data on gun
4756 deaths, nearly 40,000 people die every year from gun deaths.
4757 That is 109 every day. That is about 9 every 2 hours. So
4758 since the time we have been here on this committee, nearly 60
4759 people have been shot and killed by guns just while we were
4760 on this committee.

4761 I just want to say to my colleagues I don't care how
4762 many amendments you try and put through. We will be here
4763 whether it is 7:00 p.m., 10 p.m., midnight, 3:00 a.m. We
4764 will wait you out. We will pass H.R. 8. Change is coming
4765 and you cannot stop it. I yield back.

4766 Chairman Nadler. Ms. Dean of Pennsylvania. For what
4767 purpose does the gentlelady seek recognition?

4768 Ms. Dean. I move to strike the last word.

4769 Chairman Nadler. The gentlelady is recognized.

4770 Ms. Dean. Mr. Chairman, I am mindful that we just on
4771 the floor of the House observed the 1-year anniversary

4772 tomorrow of the Parkland shooting. We are on the eve of that
4773 anniversary, and here we are discussing H.R. 8, and we are
4774 entertaining faux amendment after faux amendment after faux
4775 amendment in order to delay, stonewall, and deny what we know
4776 that 97 percent of Americans believe, that background checks
4777 work, that they save lives, and that we need to close the
4778 loopholes.

4779 Instead what our colleagues on the other side of the
4780 aisle do is offer more loopholes. It is shameful. I am
4781 looking here at the advocates, the victims, the victim
4782 survivors that are here today, and you wait, and you wait,
4783 and you wait. I apologize. I believe it is shameful sport
4784 that is going on here today, and we should stop it.

4785 I have here in front of me just a portion of a stack of
4786 3,200 notes that came to me yesterday urging us to please
4787 pass H.R. 8. "Keep it clean." "Get it done." "We have been
4788 asking you to do this for 20 years." We are on the eve of
4789 the Parkland anniversary. We heard from survivors just last
4790 week, and yet we have colleagues on the other side of the
4791 aisle who say I am heartbroken over this scourge of gun
4792 violence, but we mustn't "unduly burden a constitutional
4793 right." Think of that false equation. H.R. 8 is not going
4794 to unduly burden anyone's constitutional rights.

4795 Why are we really here? We are here to save lives.
4796 H.R. 8 will save lives. In Pennsylvania in 2017, more than

4797 15,000 people were denied their background check, and upon
4798 appeal 13,500 of them were prohibited purchasers. Bad guys
4799 do try to get guns. Background checks prohibited 13,555
4800 people in 2017 in Pennsylvania under our PICS and NICS system
4801 from getting their hands on guns.

4802 We are here to save lives. We have a constitutional
4803 obligation to save lives. And so what I would say is I carry
4804 with me my Constitution and related documents like the
4805 Declaration of Independence. And you all know that in the
4806 second paragraph of the Declaration of Independence we are
4807 guaranteed the right to life, liberty, and the pursuit of
4808 happiness. H.R. 8 pursues those rights. These amendments
4809 fly in the face of them. I am a no on the amendment.

4810 Mr. Chabot. Would the gentlelady yield?

4811 Ms. Dean. I yield back.

4812 Chairman Nadler. The gentlelady yielded back.

4813 Mr. Chabot. Mr. Chairman?

4814 Chairman Nadler. For what purpose does the gentleman
4815 seek recognition?

4816 Mr. Chabot. Move to strike the last word.

4817 Chairman Nadler. The gentleman is recognized.

4818 Mr. Chabot. Mr. Chairman, I would yield to ranking
4819 member, Mr. Collins.

4820 Mr. Collins. Thank you to the gentleman from Ohio. And
4821 look, I agree with where we can find agreement with the

4822 gentlelady who just spoke. I agree with the issue in
4823 Parkland. She brought up Parkland. I would remind you that,
4824 you know, although she feels that many of these amendments
4825 are faux, I respect that opinion. I disagree, but respect
4826 that.

4827 I offered an amendment earlier today that was ruled non-
4828 germane and out of order to start with for a fusion center
4829 that would have directly went toward the reporting problems
4830 at Parkland. And I think that is something that was ruled
4831 out of amendment and could have been accepted as part of
4832 this, but was not and that is fine. This is the way the
4833 hearing has gone. But not all of these, you know, amendments
4834 could be considered faux in that sense that this would
4835 actually be something.

4836 And we are going to introduce the bill and would love to
4837 have, you know, participation on that part as we look
4838 forward. The only thing is as we go forward, we will
4839 continue to debate the current amendment on the floor, but it
4840 is something that we need to respond to. I yield back to the
4841 gentleman from Ohio.

4842 Mr. Chabot. I would yield to the gentleman, Mr. Buck.

4843 Mr. Buck. Thank you. The gentlelady on the other side
4844 of the aisle mentioned false narratives. Let's talk about
4845 false narratives for a moment. I don't believe that the
4846 individual who engaged in the Parking shooting received guns

4847 from an unlicensed dealer at a gun show. How on earth does
4848 this bill prohibit or in any way inhibit that shooting,
4849 number one.

4850 Number two, the other side has this misconception that
4851 everybody who has been denied a gun as a result of a
4852 background check intended to use that gun to go out and
4853 commit an act of gun violence. That is absolutely crazy.
4854 There are a lot of people who are prohibited from using or
4855 obtaining guns because they are felons because they committed
4856 a white collar crime. The best indicator of future violence
4857 is past violence. It is not a felony.

4858 And we have this idea in this country that somehow you
4859 commit a fraud and you go out and try to buy a gun 30 years
4860 later, 40 years later, and you are setting out to commit a
4861 felony.

4862 Mr. Raskin. Would the gentleman yield?

4863 Mr. Buck. No, I will not yield. Ask the lady to yield
4864 next time she makes this argument. This is not --

4865 Ms. Mucarsel-Powell. This lady's name is Debbie
4866 Mucarsel-Powell. Thank you.

4867 Mr. Buck. Okay. Good. The narrative that you are
4868 creating is false. The idea that every single person that
4869 has been denied a gun as a result of a background check
4870 intends to commit an act of gun violence is just not true.
4871 And that is an assumption that you are making on that side of

4872 the aisle, and I yield to my friend from Ohio.

4873 Mr. Gaetz. Will the gentleman yield?

4874 Chairman Nadler. Who is asking --

4875 Mr. Gaetz. Mr. Gaetz.

4876 Ms. Mucarsel-Powell. Mr. Chairman, can I respond?

4877 Mr. Gaetz. The gentleman from Florida. Thank you for
4878 yielding.

4879 Chairman Nadler. The gentleman controls the time.

4880 Mr. Gaetz. Thank you, Mr. Chairman. This is not a faux
4881 amendment or a frivolous amendment. The gentleman from
4882 Arizona is making an argument about access to rights and
4883 whether or not you cost that access to rights. Now, if you
4884 want to make substantive arguments in response to that
4885 amendment as the gentleman did, then do it, but to sit here
4886 and question our motives and integrity.

4887 Look, it is not our fault that the majority brought a
4888 bill here that is a hot mess, and we are doing our best to
4889 offer amendments that will allow that bill to serve --

4890 Mr. Raskin. Would the gentleman yield?

4891 Mr. Gaetz. I will happily yield at the conclusion of my
4892 time, which by the way is a courtesy that the majority hasn't
4893 offered. If you are so sure that 9 out of 10 Americans love
4894 this bill, then at the conclusion of time and debate, yield
4895 for questions and colloquy and back and forth. I do that on
4896 amendments I offer. Several of the majority members do. But

4897 the last two members of the majority that spoke yielded back
4898 minutes of time rather than engaging in the substance of the
4899 issue. And so it is so rich to criticize us for being
4900 insincere when you offer these talking points, these empty
4901 remarks --

4902 Mr. Deutch. Will the gentleman yield?

4903 Mr. Gaetz. -- and then you won't even allow them to be
4904 tested by us --

4905 Mr. Deutch. Will the gentleman yield?

4906 Mr. Gaetz. -- when we want to go back and forth and
4907 question --

4908 Mr. Deutch. Will the gentleman yield?

4909 Mr. Gaetz. You have to be able to appreciate the irony
4910 in asking me to yield as I am criticizing your party's
4911 inability to accept a request to yield.

4912 Mr. Deutch. Will the gentleman yield so I can criticize
4913 your reference to Parkland?

4914 Chairman Nadler. The gentleman from Ohio controls the
4915 time.

4916 Mr. Gaetz. Which has been yielded to me, which I
4917 control. And so, again, as my colleague from Florida knows,
4918 I am always happy to go back and forth. But maybe that is
4919 advice that one should give to those on the lower row, on the
4920 majority side of the aisle. And, again, I think it is very
4921 rich to be critical of that, and it is almost as rich when

4922 one cites constitutional principles and then uses as the
4923 authority for those principles the Declaration of
4924 Independence. I certainly hope that no history class is
4925 watching that great display of intellect on the Judiciary
4926 Committee.

4927 And I will gladly yield to my colleague from --

4928 [Disturbance in the hearing room.]

4929 Mr. Chabot. Hold on. It is my time, and I will yield
4930 to the gentleman from Maryland, although I only have 12
4931 seconds.

4932 Mr. Raskin. Well, just first on that last rather ad
4933 hominem insinuation against my colleague, I would have to
4934 correct my friend and say that the principal champion on the
4935 Supreme Court of the argument that the Declaration of
4936 Independence should be read to inform the Constitution is
4937 Justice Clarence Thomas, who has made the argument
4938 repeatedly. So --

4939 Mr. Gaetz. Yeah, I am not arguing --

4940 Mr. Chabot. Reclaiming my time. My time has expired,
4941 and I yield back to the chair.

4942 Chairman Nadler. The gentleman's time has expired.

4943 The question is on the amendment.

4944 Those in favor, say aye.

4945 Opposed, no?

4946 In the opinion of the chair, the noes have it, and the

4947 amendment is not agreed to.

4948 Voice. Roll call.

4949 Chairman Nadler. A roll call has been requested. The

4950 clerk will call the roll.

4951 Ms. Eligan. Mr. Nadler?

4952 Chairman Nadler. No.

4953 Ms. Eligan. Mr. Nadler votes no.

4954 Ms. Lofgren?

4955 Ms. Lofgren. No.

4956 Ms. Eligan. Ms. Lofgren votes no.

4957 Ms. Jackson Lee?

4958 Ms. Jackson Lee. No.

4959 Ms. Eligan. Ms. Jackson Lee votes no.

4960 Mr. Cohen?

4961 Mr. Cohen. No.

4962 Ms. Eligan. Mr. Cohen votes no.

4963 Mr. Johnson of Georgia?

4964 Mr. Deutch?

4965 Mr. Deutch. No.

4966 Ms. Eligan. Mr. Deutch votes no.

4967 Ms. Bass?

4968 Mr. Richmond?

4969 Mr. Jeffries?

4970 Mr. Jeffries. No.

4971 Ms. Eligan. Mr. Jeffries votes no.

4972 Mr. Cicilline?
4973 Mr. Cicilline. No.
4974 Ms. Eligan. Mr. Cicilline votes no.
4975 Mr. Swalwell?
4976 Mr. Lieu?
4977 Mr. Lieu. No.
4978 Ms. Eligan. Mr. Lieu votes no.
4979 Mr. Raskin?
4980 Mr. Raskin. No.
4981 Ms. Eligan. Mr. Raskin votes no.
4982 Ms. Jayapal?
4983 Ms. Jayapal. No.
4984 Ms. Eligan. Ms. Jayapal votes no.
4985 Mrs. Demings?
4986 Mrs. Demings. No.
4987 Ms. Eligan. Mrs. Demings votes no.
4988 Mr. Correa?
4989 Mr. Correa. No.
4990 Ms. Eligan. Mr. Correa votes no.
4991 Ms. Scanlon?
4992 Ms. Scanlon. No.
4993 Ms. Eligan. Ms. Scanlon votes no.
4994 Ms. Garcia?
4995 Ms. Garcia. No.
4996 Ms. Eligan. Ms. Garcia votes no.

4997 Mr. Neguse?

4998 Mr. Neguse. No.

4999 Ms. Eligan. Mr. Neguse votes no.

5000 Mrs. McBath?

5001 Mrs. McBath. No.

5002 Ms. Eligan. Mrs. McBath votes no.

5003 Mr. Stanton?

5004 Mr. Stanton. No.

5005 Ms. Eligan. Mr. Stanton votes no.

5006 Ms. Dean?

5007 Ms. Dean. No.

5008 Ms. Eligan. Ms. Dean votes no.

5009 Ms. Mucarsel-Powell?

5010 Ms. Mucarsel-Powell. No.

5011 Ms. Eligan. Ms. Mucarsel-Powell votes no.

5012 Ms. Escobar?

5013 Mr. Collins?

5014 Mr. Collins. Aye.

5015 Ms. Eligan. Mr. Collins votes aye.

5016 Mr. Sensenbrenner?

5017 Mr. Chabot?

5018 Mr. Chabot. Aye.

5019 Ms. Eligan. Mr. Chabot votes aye.

5020 Mr. Gohmert?

5021 Mr. Gohmert. Aye.

5022 Ms. Eligan. Mr. Gohmert votes aye.
5023 Mr. Jordan?
5024 Mr. Jordan. Yes.
5025 Ms. Eligan. Mr. Jordan votes yes.
5026 Mr. Buck?
5027 Mr. Buck. Aye.
5028 Ms. Eligan. Mr. Buck votes aye.
5029 Mr. Ratcliffe?
5030 Mrs. Roby?
5031 Mr. Gaetz?
5032 Mr. Gaetz. Aye.
5033 Ms. Eligan. Mr. Gaetz votes aye.
5034 Mr. Johnson of Louisiana?
5035 Mr. Biggs?
5036 Mr. Biggs. Aye.
5037 Ms. Eligan. Mr. Biggs votes aye.
5038 Mr. McClintock?
5039 Mr. McClintock. Aye.
5040 Ms. Eligan. Mr. McClintock votes aye.
5041 Mrs. Lesko?
5042 Mrs. Lesko. Aye.
5043 Ms. Eligan. Mrs. Lesko votes aye.
5044 Mr. Reschenthaler?
5045 Mr. Reschenthaler. Aye.
5046 Ms. Eligan. Mr. Reschenthaler votes aye.

5047 Mr. Cline?

5048 Mr. Cline. Aye.

5049 Ms. Eligan. Mr. Cline votes aye.

5050 Mr. Armstrong?

5051 Mr. Armstrong. Yes.

5052 Ms. Eligan. Mr. Armstrong votes yes.

5053 Mr. Steube?

5054 Mr. Steube. Yes.

5055 Ms. Eligan. Mr. Steube votes yes.

5056 Chairman Nadler. Are there any members who wish to vote
5057 who haven't voted?

5058 Mr. Johnson of Georgia. Mr. Chairman?

5059 Chairman Nadler. Mr. Johnson of Georgia?

5060 Mr. Johnson of Georgia. No.

5061 Ms. Eligan. Mr. Johnson of Georgia votes no.

5062 Chairman Nadler. Are there any other members who wish
5063 to vote who haven't voted?

5064 [No response.]

5065 Chairman Nadler. The clerk will report.

5066 Ms. Eligan. Mr. Chairman, 13 ayes and 20 noes.

5067 Chairman Nadler. The amendment is not adopted.

5068 Are there any other amendments to H.R. 8? For what
5069 purpose does the gentleman seek recognition?

5070 Mr. Steube. I have an amendment on the desk.

5071 Chairman Nadler. The clerk will report the amendment.

5072 Ms. Eligan. Amendment to H.R. 8, offered by Mr. Steube
5073 of Florida.

5074 Ms. Lofgren. I reserve a point of order.

5075 Chairman Nadler. The gentlelady reserves a point of
5076 order. The clerk will continue. The clerk will continue.

5077 Ms. Eligan. Amendment to H.R. 8, offered by Mr. Steube
5078 of Florida. On page 5 --

5079 Chairman Nadler. Without objection, the amendment is
5080 considered as read.

5081 [The amendment of Mr. Steube follows:]

5082

5083 Chairman Nadler. And the gentleman is recognized in
5084 support of the amendment.

5085 Mr. Steube. Thank you, Mr. Chairman. This amendment --

5086 Mr. Johnson of Georgia. Mr. Chairman, I would reserve a
5087 point of order.

5088 Chairman Nadler. A point of order has already been
5089 reserved. Thank you. The gentleman will continue.

5090 Mr. Steube. Thank you, Mr. Chairman. This amendment
5091 takes H.R. 4343 from last Congress, the 115th Congress. It
5092 was sponsored by Mr. Cicilline, and that the chairman,
5093 yourself, co-sponsored. It takes it and puts that language,
5094 that exact language, on page 5, line 15, and inserts it into
5095 the bill that is presently before us. That would basically
5096 say that if you fail a NICS system background check, so if
5097 you fail a background check, law enforcement would have to be
5098 notified of that failure and that attempt to purchase a
5099 firearm. That is the amendment.

5100 [Pause.]

5101 Chairman Nadler. Mr. Steube, this lurks -- looks, not
5102 lurks -- this looks on first glance like an amendment we
5103 might want to accept or work with, but we have not seen it
5104 until now. If the gentleman will withdraw the amendment, we
5105 will look at it and consider it before the bill goes to the
5106 floor.

5107 Mr. Steube. I am not going to withdraw the amendment at

5108 this time.

5109 Chairman Nadler. Well, in that case, I am going to have
5110 to, simply we haven't considered all the implications and
5111 looked at it and so forth, oppose it for now. But we will
5112 look at it in any event before it goes to the floor. I am
5113 aware that it was advanced last year, and there may not be a
5114 good reason not to accept it. I am just not prepared to do
5115 it without having taken a good look at it. So as I said, we
5116 will not accept it now, but we will look at it and consider
5117 it before it goes to the floor.

5118 Mr. Steube. May I have some time to speak about it?

5119 Chairman Nadler. Well, it is your time.

5120 Mr. Steube. It is exactly the language of the bill that
5121 you co-sponsored from last session and that Mr. Cicilline
5122 sponsored, inserted into the bill. And Mr. Cicilline in some
5123 of his remarks earlier today talked about commonsense and
5124 supporting commonsense solution. I can't think of a more
5125 commonsense solution than when somebody fails a background
5126 check that is trying to and attempting to purchase a firearm.
5127 And most of those, if you look at the ones that have failed,
5128 the number one group of people that have failed the
5129 background checks are illegal immigrants attempting to
5130 purchase a firearm, that would want to notify local law
5131 enforcement. I don't see how there is more common sense than
5132 if somebody fails a background check, we are going to let

5133 local law enforcement know.

5134 Chairman Nadler. Would the gentleman yield?

5135 Mr. Steube. I will yield.

5136 Chairman Nadler. As I said, there may not be a good
5137 reason not to adopt this amendment. I am not opposed to it
5138 at this point. I may not be opposed to it. We may support
5139 it, but we do want to take a hard look at it. I am aware
5140 that it was introduced last year. The situation may be
5141 different or may not be different.

5142 If you had told us about this amendment yesterday, we
5143 might be in a position to support it now, but we cannot adopt
5144 it right now. But we will, if you are willing to withdraw it
5145 now, we will take a hard look at it, and we may very well
5146 join you in supporting it. But I cannot promise that because
5147 we haven't taken a hard look at it, although it is an
5148 appealing thing and we did support it last year under last
5149 year's circumstances. Why it would differ this year, I don't
5150 know off the top of my head, or if it would differ this year.
5151 So as I said, we will take a hard and honest look at this,
5152 but we are not prepared to adopt it right now.

5153 Mr. Collins. Mr. Chair, the ranking member, I would ask
5154 parliamentary inquiry.

5155 Chairman Nadler. It is the gentleman's time.

5156 Mr. Steube. Yeah, at this time I am not in an
5157 inclination to withdraw the amendment. I would like to yield

5158 my time to Mr. Buck.

5159 Mr. Buck. I appreciate the gentleman yielding his time.

5160 And I was wondering, I wanted to ask the gentleman --

5161 Chairman Nadler. Oh, Ms. Lofgren. Ms. Lofgren is

5162 recognized for your point of order.

5163 Ms. Lofgren. I do withdraw my point of order.

5164 Chairman Nadler. Okay.

5165 Mr. Buck. Well, the gentleman has recognized me, Mr.

5166 Chairman. May I --

5167 Chairman Nadler. The gentleman yielded it to you?

5168 Mr. Buck. Yes.

5169 Chairman Nadler. Then you have the time.

5170 Mr. Buck. Thank you. And I just wanted to ask the

5171 gentleman before the majority drafted this bill, did they

5172 approach you and ask you whether you had any amendments that

5173 you wanted to offer on this bill? I believe we were given

5174 notice of this bill a few days ago. Did you get that notice

5175 before that time when the bill was drafted and given to

5176 members so that you could offer this bill to the majority?

5177 Mr. Steube. No.

5178 Mr. Buck. I yield back my time.

5179 Mr. Gaetz. Would the gentleman yield for a question?

5180 Voice. Would the gentleman yield?

5181 Mr. Steube. I yield to Mr. Gaetz.

5182 Mr. Gaetz. I thank the gentleman for yielding. And

5183 this is like a real head turner from the last discussion that
5184 we just had for, like, 30 minutes. I mean, the majority
5185 lambasted the minority for being insincere, unserious,
5186 frivolous for offering faux amendments that weren't real.
5187 And the gentleman from Florida goes and finds a bill that two
5188 of you put your name on, and now you won't accept it as a
5189 friendly amendment.

5190 You know darn well in the majority that you have the
5191 ability, if there is some, like, unintended consequence you
5192 are unaware of, in the Rules Committee before this goes to
5193 the floor, you have the ability to take it out. You have the
5194 ability on the floor to take it out. You have the majority.
5195 And so please, Mr. Chairman, do not have the majority come to
5196 this hearing and lecture us about being insincere and
5197 frivolous and not caring about gun violence when my colleague
5198 offers a collaborative solution with local law enforcement to
5199 meet the very needs that your own leadership has supported,
5200 and now we get this, like, well, you know, we have been so
5201 busy criticizing you for being frivolous, that we are
5202 unwilling to evaluate the provision that we ourselves have
5203 sponsored.

5204 I could see no reason why circumstances from one year to
5205 the next would change as it relates to our desire to include
5206 local law enforcement in decisions about failed background
5207 checks. Is there something special about odd-numbered years?

5208 Would those be years where we wouldn't work with local law
5209 enforcement? Fascinating questions for the majority to
5210 ponder, and I yield back.

5211 Voice. Mr. Chairman?

5212 Ms. Lofgren. Mr. Chairman? Mr. Chairman?

5213 Chairman Nadler. For what purpose does the gentlelady
5214 seek recognition?

5215 Ms. Lofgren. To strike the last word.

5216 Chairman Nadler. The gentlelady is recognized.

5217 Ms. Lofgren. You know, as I am listening to my
5218 colleagues on the other side of the aisle, I can't help but
5219 reflect on the many years that I have spent on this committee
5220 starting in 1995. Henry Hyde was the chairman and following
5221 Henry, Jim Sensenbrenner was the chairman, and we had Lamar
5222 Smith as our chairman, really just a short time that Mr.
5223 Conyers chaired it. And then we went, of course, to Mr.
5224 Smith and Mr. Goodlatte.

5225 But most of the 24 years that I have served on this
5226 committee, I have been in the minority. And throughout that
5227 time, chairmen have said, Republican chairmen have said we
5228 are not sure about this because it has been offered at the
5229 last minute, we would ask you to withdraw, we promise that we
5230 will work with you between now and the floor. And I would
5231 say most of the time, 75, 85, 90 percent of the time, while
5232 were in the minority, we would leap at that opportunity to

5233 get our amendment accepted. You know, I think this is
5234 exactly the same thing.

5235 Now, the minority, and I know this because I was in the
5236 minority for so long, is not required to share their
5237 amendments in advance. But when you don't, then the majority
5238 doesn't have time to actually look at it, think through all
5239 the ramifications. My initial reaction was I would like to
5240 accept this, but we want to make sure how it fits in in the
5241 whole scheme of things. That is not unreasonable when we
5242 just got a copy. Not yet. I think --

5243 Mr. Raskin. Would the gentlelady yield?

5244 Ms. Lofgren. I think --

5245 Ms. Lofgren. Not yet. It is not easy to be in the
5246 minority, and I think it is hard to adjust for members who
5247 have only been in the majority. I understand that as someone
5248 who has spent most of her career in the minority. But I hope
5249 you will see that this offer to work with you between now and
5250 the floor is offered sincerely. It is not to mess with you
5251 or to treat you unfairly. Quite the reverse.

5252 So the gentleman from Maryland has asked me to yield to
5253 him.

5254 Mr. Raskin. Thank you very much. I thank the
5255 gentlelady for her graciousness. And I am just following up
5256 on your point because this was a very frequent practice of
5257 the prior chairman of the committee, Chairman Goodlatte. And

5258 several times actually I introduced amendments and he said, I
5259 am not positive yet, it looks good, I want to check it out,
5260 and I will talk to you. And a couple of times he ended up
5261 integrating it into the bill and a couple of times he didn't.
5262 So I haven't met the gentleman who is the offeror of this
5263 amendment, and I am looking forward to meeting him.

5264 But I think that when you are in the minority, as the
5265 gentlelady says, you have got to make a decision. You know,
5266 do you just want to participate in polemical combat and beat
5267 up the majority, which is one of going -- I am not sure what
5268 the public thinks about that -- or do you actually want to
5269 try to get some stuff done.

5270 So this may very well would have been accepted had it
5271 been, you know, shown to the chairman yesterday or the day
5272 before, what have you. But it can still be accepted, and I
5273 certainly don't see any reason why we wouldn't accept it.
5274 And maybe it is just a question of building some trust with
5275 the chairman.

5276 Ms. Lofgren. Reclaiming my time. I would like to yield
5277 to the gentleman from Rhode Island.

5278 Mr. Cicilline. I thank the gentlelady for yielding.
5279 First, you know, they say imitation is the best form of
5280 flattery, so I appreciate Mr. Steube partly imitating. And I
5281 am going to reintroduce the bill and happy to have you work
5282 with me. But I would note that what you have offered as an

5283 amendment is not my legislation because you, in fact, added
5284 provision four which talks about sharing information with
5285 U.S. Immigration and Customs Enforcement. That was not in my
5286 legislation.

5287 I think you owe it to a committee and to your colleagues
5288 when you represent that this is my legislation and you have
5289 added a provision, you need to be honest about that. That is
5290 not my legislation, and so I would object to this. I am
5291 going to introduce legislation, The Unlawful Buyer Alert Act,
5292 which I am happy to have you work on. But it is hard to take
5293 the Republicans on this committee seriously that you are
5294 actually trying to improve this bill after we have spent the
5295 last 7 hours beating back ridiculous amendments. And now you
5296 misrepresent --

5297 Voice. Would the gentleman yield?

5298 Mr. Cicilline. No, I will not.

5299 Ms. Lofgren. It is my time.

5300 Mr. Cicilline. And now you misrepresent what is in
5301 this. It is misleading. I urge my colleagues to oppose this
5302 amendment, and I yield back to the gentlelady and thank her
5303 for yielding.

5304 Ms. Lofgren. My time has almost expired, so I know Mr.
5305 Johnson can get his own time. I would just like to say that,
5306 you know, one of the provisions that we have often looked at
5307 is what encourages people to comply with a regulatory scheme.

5308 Section 4 that Mr. Cicilline has just pointed out would need
5309 to be examined with that in mind. But I just think, I hope
5310 that our friends on the other side of the aisle can learn to
5311 enjoy being in the minority as much as we did for those many
5312 decades. And I yield back, Mr. Chairman.

5313 Mr. Armstrong. Mr. Chairman?

5314 Chairman Nadler. Who seeks recognition? Mr. Armstrong?

5315 Mr. Armstrong. Thank you, Mr. Chairman. I yield my
5316 time to the gentleman from Florida. Move to strike the last
5317 word, then I will yield my time to the gentleman from Florida

5318 Chairman Nadler. Last word is struck and his time is
5319 yielded.

5320 Mr. Steube. Thank you. I have heard a lot of
5321 discussion today about, from the other side of this dais,
5322 about not allowing illegal immigrants who illegally come to
5323 this country illegally obtaining firearms. And you are
5324 correct, I should have clarified that that one piece wasn't
5325 in there. But are you saying, and I will yield to you to
5326 answer this question, sir. Are you saying that if somebody
5327 is illegally trying to purchase a firearm, that you do not
5328 want ICE to be notified of that attempt of an illegal
5329 purchase of a firearm by an illegal immigrant?

5330 Mr. Cicilline. Oh, I am not saying that. What I am
5331 saying is you ought not represent that I have introduced a
5332 piece of legislation, then you add a provision you don't

5333 share with the committee, and you represent that it is the
5334 bill we have already passed. It is not. Facts matter.

5335 Mr. Collins. Will the gentleman from Florida yield?

5336 Mr. Steube. Yeah, I will yield to you.

5337 Mr. Collins. I would agree that facts matter also when
5338 the chairman of the committee also puts out that a certain
5339 acting attorney general was coming in on a 5:00 letter that
5340 said that he would take it on a case-by-case and not a full
5341 pardon or basically a full immunity from being subpoenaed. I
5342 think there is an issue there, and I agree with Mr.
5343 Cicilline.

5344 But I think the question raises is a valid question. Is
5345 it illegal for someone illegally here to buy a firearm? If
5346 so, why or why not will they not be allowed to purchase?

5347 Voice. Would the gentleman yield?

5348 Voice. Will the gentleman yield?

5349 Voice. Will the gentleman yield?

5350 Chairman Nadler. The gentleman from Florida.

5351 Mr. Armstrong. Yeah, I will yield to Mr. Jordan.

5352 Mr. Jordan. I thank the gentleman. So I just want to
5353 get this straight. An American citizen fails a background
5354 check, and under Mr. Cicilline's legislation and the
5355 gentleman from Florida's now amendment, the field office of
5356 the Federal Bureau of Investigation would be notified, the
5357 local law enforcement agency would be notified, and the State

5358 law enforcement would be notified. But an illegal alien
5359 fails a background check, we are not going to tell anyone.
5360 That is the position?

5361 Mr. Cicilline. If the gentleman would yield, I am happy
5362 to answer that.

5363 Mr. Jordan. Well, so here is my question. Why don't
5364 you want element four in the amendment?

5365 Mr. Cicilline. You asked a question. I am happy to
5366 answer it.

5367 Chairman Nadler. The gentleman yields --

5368 Mr. Cicilline. It is not the case. Every single person
5369 who illegally purchases --

5370 Chairman Nadler. The gentleman yields to the gentleman
5371 from Rhode Island for a question?

5372 Mr. Jordan. Not my time, but I will be happy to yield
5373 the floor, and the gentleman can yield to Mr. Cicilline.

5374 Chairman Nadler. Does the gentleman yield to the
5375 gentleman from Rhode Island to answer the question?

5376 Mr. Steube. Yes.

5377 Chairman Nadler. The gentleman is recognized.

5378 Mr. Cicilline. So the long-term language that I
5379 proposed, which is not currently before the committee, would
5380 require notification regardless of the citizenship status of
5381 the prohibited purchaser, period.

5382 Mr. Jordan. Yeah, but will the gentleman yield?

5383 Mr. Steube. I yield to Mr. Jordan.

5384 Mr. Jordan. Would require notification, but not to ICE.

5385 Mr. Cicilline. Notification to the field office of the
5386 FBI, to the local law enforcement agency, and to the state
5387 law enforcement agency. All the agencies charged with
5388 enforcing the criminal law.

5389 Mr. Jordan. Okay, which still begs the question, why
5390 doesn't the gentleman want ICE notified when an illegal alien
5391 attempts to purchase a firearm and they are denied?

5392 Mr. Raskin. Would the gentleman yield for a question?

5393 Mr. Jordan. Sure.

5394 Mr. Raskin. Could I pose a question?

5395 Mr. Steube. Yeah, you can. I yield.

5396 Mr. Raskin. Thank you, because I think we are getting
5397 somewhere in the conversation. The question could be fairly
5398 posed right back to you, which is if you oppose closing the
5399 gun show loophole and the private sale loophole, does that
5400 mean that you favor allowing undocumented aliens to get guns
5401 without a criminal background check, because that is
5402 precisely what you are voting for when you try to oppose the
5403 extension of the background check legislation, Mr. Jordan.

5404 Mr. Buck. Would the gentleman yield?

5405 Mr. Steube. I yield to Mr. Buck.

5406 Mr. Buck. Actually my friend from Maryland should know
5407 that we are in favor of border security. We are in favor of

5408 stopping illegal aliens from coming to this country in the
5409 first place --

5410 [Disturbance in the hearing room.]

5411 Mr. Buck. -- much less getting guns when they come into
5412 the country.

5413 Chairman Nadler. The gentleman from Colorado has the
5414 time.

5415 Mr. Buck. Much less purchasing guns when they come into
5416 the country. Now, if the gentleman would help us secure the
5417 border, maybe we could all sing kumbaya here and make sure
5418 that illegal immigrants don't get guns. But if they are
5419 going to --

5420 Mr. Raskin. Well, that is precisely --

5421 Mr. Buck. No, no, no, I haven't yielded.

5422 Mr. Raskin. Okay.

5423 Mr. Buck. I haven't yielded. If illegal aliens are
5424 going to get guns, then we had better tell ICE that they are
5425 trying to get guns so that ICE can go arrest them and deport
5426 them and make this country safer. You are opposed to us
5427 securing the border, and you are opposed to us taking illegal
5428 immigrants and kicking them out of the country when they try
5429 to buy a gun. Now, how on earth is that consistent?

5430 Mr. Steube. I yield back to my friend from Florida.

5431 Chairman Nadler. I remind the members that we are
5432 discussing a gun bill. We are not discussing the immigration

5433 question, which is being discussed in other forums and
5434 probably will be on the floor in the next day.

5435 Mr. Raskin. Mr. Chairman, I am afraid Mr. Buck has
5436 imputed some views to me that I do not hold, and I would like
5437 those remarks taken down if I could.

5438 Chairman Nadler. No, don't.

5439 Mr. Raskin. Okay. Well, at least withdrawn.

5440 Chairman Nadler. Will the gentleman withdraw the
5441 remarks aimed at Mr. Raskin?

5442 Mr. Buck. I will clarify --

5443 Chairman Nadler. -- considering right now, period.

5444 Mr. Gaetz. I have a point of parliamentary inquiry.

5445 Chairman Nadler. The gentleman's time has expired I am
5446 told.

5447 Mr. Johnson of Georgia. Mr. Chairman

5448 Chairman Nadler. The gentleman from --

5449 Mr. Gaetz. For parliamentary inquiry, Mr. Chairman?

5450 Chairman Nadler. The gentleman from Georgia is
5451 recognized.

5452 Mr. Johnson of Georgia. Thank you, Mr. Chairman. Mr.
5453 Chairman, I am afraid that what we are going through here is
5454 an exercise in --

5455 Chairman Nadler. I cannot hear. The gentleman will
5456 proceed.

5457 Mr. Johnson of Georgia. I believe what we are involved

5458 here in is an exercise in obfuscation and confusion that is
5459 meant to mask the fact that the Republicans are not in favor
5460 of H.R. 8 which would be the universal background check
5461 legislation. You are not in favor of universal background
5462 checks and even if the committee were to vote this amendment,
5463 aye, and to approve it, we would still get no votes from the
5464 members on the other side of the podium. So all of this is
5465 just -- this is a show that the -- my friends on the other
5466 side of the aisle are producing.

5467 They have no intention of voting for this legislation,
5468 and we are just wasting a lot of time here. We are trying to
5469 frustrate the majority. The majority is in favor of
5470 universal background checks. We are going to pass this
5471 legislation. The other side knows it, but they want to hold
5472 us up as long as possible and try to score political points
5473 and try to confuse people and also scare folks.

5474 And so, Mr. Chairman, this bill -- this amendment also
5475 can provide some unintended consequences. How much will it
5476 cost? What would be the process through which all of the
5477 various law enforcement agencies are notified and by whom?
5478 If those questions have not been asked and answered, and I do
5479 not think they have. At least within this committee hearing,
5480 then I am not prepared to vote in favor of this motion, and I
5481 am really ready to get to the heart of this, which is, after
5482 we finish with our amendment, vote on the underlying

5483 legislation.

5484 It is going to happen. You cannot -- we can be here
5485 until midnight, and it will still happen. And so, let us
5486 stop confusing the American people. Let us stop dragging
5487 this out and wasting a lot of peoples' time with a lot of
5488 motions that are not sincere. And with that, I will yield to
5489 anyone that might want to use some time in the interest of
5490 trying to get to this thing.

5491 Yes ma'am. I yield to the gentlelady.

5492 Ms. Dean. I thank you very much. And I want to go back
5493 to where the Chairman began, here. He offered, in good
5494 faith, to very much consider this amendment as it was
5495 offered. Believing, of course, that it was offered
5496 identically to legislation that Mr. Cicilline had introduced
5497 before.

5498 So why do we not offer to the good gentleman, withdraw
5499 it, withdraw Section 4 that we were not aware of that you
5500 added to it and allow this committee, in good faith to
5501 consider the underlying amendment that you have. I think
5502 that would be very important.

5503 I also want to correct the record. Unfortunately, Mr.
5504 Gaetz misstated what I said. I cited the numbers in
5505 Pennsylvania in 2017. 13,500 prohibited purchasers were
5506 blocked as a result of trying to get a back -- go through a
5507 background check. I did not say, 13,500 people who were

5508 gonna go out and slaughter people. So please do not
5509 mischaracterize what I said.

5510 I indicated that the background check system worked to
5511 keep prohibited purchasers from getting guns through the
5512 system. And the other thing I do want to observe, the *ad*
5513 *hominem* attacks from the other side reveal the underlying
5514 problem on the under -- on the other side.

5515 Thank you, Mr. Chairman.

5516 Mr. Johnson of Georgia. And with that I will reclaim my
5517 time. I would like for someone to answer me about how much
5518 will this legislation cost? What will be the cost? And I
5519 would yield to anyone on the other side who can answer that
5520 question. Now cost, ladies and gentlemen, is something that
5521 Republicans seems to always be --

5522 Mr. Collins. Is the offer still open?

5523 Mr. Johnson of Georgia. Yes.

5524 Mr. Collins. I would ask Mr. Cicilline. It is his -
5525 except for Section 4.

5526 Mr. Johnson of Georgia. No, no, no. This is not his
5527 legislation.

5528 Mr. Collins. Well it is when he introduced it last
5529 Congress and we accepted it under FIX NICS.

5530 Mr. Johnson of Georgia. This is the amendment offered
5531 by the gentleman from Florida, and I would like to know
5532 whether or not there is any financial study that is

5533 incorporated with this amendment? Whether or not it is going
5534 to cost and how much? I would ask my friends on the other
5535 side of the aisle for an answer to that question.

5536 Chairman Nadler. The gentleman's time is expired.

5537 Mr. Gaetz. Point of parliamentary inquiry.

5538 Chairman Nadler. Mr. Gaetz, a point of parliamentary
5539 inquiry. The gentleman will state his point of parliamentary
5540 inquiry.

5541 Mr. Gaetz. Thank you, Mr. Chairman. What provision of
5542 the House rules allow the Chairman to repeatedly ignore
5543 parliamentary inquiry when I repeatedly seek recognition?

5544 Chairman Nadler. That is not a parliamentary inquiry.

5545 Mr. Gaetz. For further inquiry, Mr. Chairman?

5546 Chairman Nadler. The gentleman will state his further
5547 inquiry.

5548 Mr. Gaetz. Mr. Chairman, in response to Mr. Buck's
5549 comments, you sought time and said that since this was a --

5550 Chairman Nadler. Sorry, say that again?

5551 Mr. Gaetz. Yeah, Mr. Chairman. The inquiry is this, at
5552 the conclusion of Mr. Buck's time, the Chairman said that
5553 this was a hearing on guns, not immigration, what provision
5554 of House rules prevents us from being able to reference the
5555 gun crimes committed by illegal aliens during a hearing on
5556 gun crime?

5557 Chairman Nadler. That is not a parliamentary inquiry,

5558 but I will say no provision prevents you from referencing it.

5559 You did reference it. I did not stop you from referencing

5560 it. I simply said it is not a good idea, at this point, to

5561 reference it, since there is a bigger debate going on.

5562 Mr. Gaetz. I move to adjourn.

5563 Chairman Nadler. And we have a bill before us.

5564 Mr. Gaetz. I move to adjourn.

5565 Ms. Jackson Lee. I move to table.

5566 Chairman Nadler. The gentleman was not recognized for

5567 the purpose of making a motion.

5568 Mr. Gaetz. Seek recognition.

5569 Chairman Nadler. The gentleman was recognized for

5570 parliamentary inquiry, only.

5571 Mr. Gaetz. I seek recognition to make a motion.

5572 Chairman Nadler. The gentleman -- does anyone else have

5573 a second -- an amendment? Wait a minute, we are on this

5574 amendment.

5575 Voice. Mr. Chairman.

5576 Chairman Nadler. The motion is to adjourn until there

5577 is a privileged motion that has to be dealt with. All in

5578 favor of the motion to adjourn?

5579 All opposed?

5580 Voice. I seek a roll call.

5581 Chairman Nadler. For those having a roll call is asked.

5582 The clerk will call the roll.

5583 Ms. Eligan. Mr. Nadler?
5584 Chairman Nadler. No.
5585 Ms. Eligan. Mr. Nadler votes no.
5586 Ms. Lofgren?
5587 Ms. Lofgren. No.
5588 Ms. Eligan. Ms. Lofgren votes no.
5589 Ms. Jackson Lee?
5590 Ms. Jackson Lee. No.
5591 Ms. Eligan. Ms. Jackson Lee votes no.
5592 Mr. Cohen?
5593 Mr. Johnson of Georgia?
5594 Mr. Johnson of Georgia. No.
5595 Ms. Eligan. Mr. Johnson of Georgia votes no.
5596 Mr. Deutch?
5597 Mr. Deutch. No.
5598 Ms. Eligan. Mr. Deutch votes no.
5599 Ms. Bass?
5600 Ms. Bass. No.
5601 Ms. Eligan. Ms. Bass votes no.
5602 Mr. Richmond?
5603 Mr. Jeffries?
5604 Mr. Cicilline?
5605 Mr. Cicilline. Because the American people demand we
5606 pass universal background checks, I vote no on a motion to
5607 adjourn.

5608 Ms. Eligan. Mr. Cicilline votes no.
5609 Mr. Swalwell?
5610 Mr. Lieu?
5611 Mr. Lieu. No.
5612 Ms. Eligan. Mr. Lieu votes no.
5613 Mr. Raskin?
5614 Ms. Jayapal?
5615 Ms. Jayapal. No.
5616 Ms. Eligan. Ms. Jayapal votes no.
5617 Mrs. Demings?
5618 Mr. Correa?
5619 Mr. Correa. No.
5620 Ms. Eligan. Mr. Correa votes no.
5621 Ms. Scanlon?
5622 Mr. Raskin?
5623 Mr. Raskin. No.
5624 Ms. Eligan. Mr. Raskin votes no.
5625 Mrs. Demings?
5626 Ms. Scanlon?
5627 Ms. Scanlon. No.
5628 Ms. Eligan. Ms. Scanlon votes no.
5629 Mr. Garcia?
5630 Ms. Garcia. I'm Ms. Garcia.
5631 Ms. Garcia?
5632 Ms. Garcia. No.

5633 Ms. Eligan. Ms. Garcia votes no.
5634 Mr. Neguse?
5635 Mr. Neguse. No.
5636 Ms. Eligan. Mr. Neguse votes no.
5637 Mrs. McBath?
5638 Mrs. McBath. No.
5639 Ms. Eligan. Mrs. McBath votes no.
5640 Mr. Stanton?
5641 Mr. Stanton. No.
5642 Ms. Eligan. Mr. Stanton votes no.
5643 Ms. Dean?
5644 Ms. Dean. No.
5645 Ms. Eligan. Ms. Dean votes no.
5646 Ms. Mucarsel-Powell?
5647 Ms. Mucarsel-Powell. Mucarsel-Powell, yes.
5648 Ms. Eligan. Mucarsel-Powell.
5649 Ms. Mucarsel-Powell. I vote no.
5650 Ms. Eligan. Ms. Mucarsel-Powell votes no.
5651 Mr. Collins?
5652 Ms. Escobar. Excuse me.
5653 Ms. Escobar?
5654 Ms. Escobar. No.
5655 Ms. Eligan. Ms. Escobar votes no.
5656 Mr. Collins?
5657 Mr. Collins. Aye.

5658 Ms. Eligan. Mr. Collins votes aye.
5659 Mr. Sensenbrenner?
5660 Mr. Chabot?
5661 Mr. Chabot. Aye.
5662 Ms. Eligan. Mr. Chabot votes aye.
5663 Mr. Gomert?
5664 Mr. Gomert. Aye.
5665 Ms. Eligan. Mr. Gomert votes aye.
5666 Mr. Jordan?
5667 Mr. Jordan. Yes.
5668 Ms. Eligan. Mr. Jordan votes yes.
5669 Mr. Buck?
5670 Mr. Buck. Aye.
5671 Ms. Eligan. Mr. Buck votes aye.
5672 Mr. Ratcliffe?
5673 Ms. Roby?
5674 Mr. Gaetz?
5675 Mr. Gaetz. Aye.
5676 Ms. Eligan. Mr. Gaetz votes aye.
5677 Mr. Johnson of Louisiana?
5678 Mr. Biggs?
5679 Mr. Biggs. Aye.
5680 Ms. Eligan. Mr. Biggs votes aye.
5681 Mr. McClintock?
5682 Mr. McClintock. Aye.

5683 Ms. Eligan. Mr. McClintock votes aye.

5684 Mrs. Lesko?

5685 Mrs. Lesko. Aye.

5686 Ms. Eligan. Mrs. Lesko votes aye.

5687 Mr. Reschenthaler?

5688 Mr. Reschenthaler. Aye.

5689 Ms. Eligan. Mr. Reschenthaler votes aye.

5690 Mr. Cline?

5691 Mr. Cline. Aye.

5692 Ms. Eligan. Mr. Cline votes aye.

5693 Mr. Armstrong?

5694 Mr. Armstrong. Yes.

5695 Ms. Eligan. Mr. Armstrong votes yes.

5696 Mr. Steube?

5697 Mr. Steube. Yes.

5698 Ms. Eligan. Mr. Steube votes yes.

5699 Mrs. Demings. Mr. Chairman, how am I recorded? I vote

5700 no.

5701 Ms. Eligan. Mrs. Demings votes no.

5702 Chairman Nadler. Are there any members who wish to vote

5703 who have not voted?

5704 The clerk will report.

5705 Ms. Eligan. Mr. Chairman, 13 ayes and 20 noes.

5706 Chairman Nadler. The motion to adjourn is defeated.

5707 The question is on the amendment. Those in favor, say aye.

5708 Those in favor, say aye.

5709 Mr. Collins. Mr. Chairman.

5710 Chairman Nadler. We are in the middle of a roll call
5711 vote.

5712 Mr. Collins. There are no votes on it yet.

5713 Chairman Nadler. The vote has started. The question is
5714 on the amendment. I had already started it. Those in favor,
5715 say aye.

5716 Those opposed, no.

5717 The opinion of the Chair, the noes have it. The
5718 amendment is not agreed.

5719 Mr. Collins. Roll call.

5720 Chairman Nadler. Roll call is asked for. The clerk
5721 will call the roll.

5722 Ms. Eligan. Mr. Nadler?

5723 Mr. Nadler. No.

5724 Ms. Lofgren?

5725 Ms. Lofgren. No.

5726 Ms. Eligan. Ms. Lofgren votes no.

5727 Ms. Jackson Lee.

5728 Ms. Jackson Lee. No.

5729 Ms. Eligan. Ms. Jackson Lee votes no.

5730 Mr. Cohen?

5731 Mr. Johnson of Georgia?

5732 Mr. Johnson of Georgia. No.

5733 Ms. Eligan. Mr. Johnson of Georgia votes no.
5734 Mr. Deutch?
5735 Mr. Deutch. No.
5736 Ms. Eligan. Mr. Deutch votes no.
5737 Ms. Bass?
5738 Mr. Richmond?
5739 Mr. Jeffries?
5740 Mr. Cicilline?
5741 Mr. Cicilline. Is this on the amendment? No.
5742 Ms. Eligan. Mr. Cicilline votes no.
5743 Mr. Swalwell?
5744 Mr. Lieu?
5745 Mr. Lieu. No.
5746 Ms. Eligan. Mr. Lieu votes no.
5747 Mr. Raskin?
5748 Mr. Raskin. No.
5749 Ms. Eligan. Mr. Raskin votes no.
5750 Ms. Jayapal?
5751 Ms. Jayapal. No.
5752 Ms. Eligan. Ms. Jayapal votes no.
5753 Mrs. Demings?
5754 Mrs. Demings. No.
5755 Ms. Eligan. Mrs. Demings votes no.
5756 Mr. Correa?
5757 Mr. Correa. No.

5758 Ms. Eligan. Mr. Correa votes no.
5759 Ms. Scanlon?
5760 Ms. Scanlon. No.
5761 Ms. Eligan. Ms. Scanlon votes no.
5762 Ms. Garcia?
5763 Ms. Garcia. No.
5764 Ms. Eligan. Ms. Garcia votes no.
5765 Mr. Neguse?
5766 Mr. Neguse. No.
5767 Ms. Eligan. Mr. Neguse votes no.
5768 Mrs. McBath?
5769 Mrs. McBath. No.
5770 Ms. Eligan. Mrs. McBath votes no.
5771 Mr. Stanton?
5772 Mr. Stanton. No.
5773 Ms. Eligan. Mr. Stanton votes no.
5774 Ms. Dean?
5775 Ms. Dean. No.
5776 Ms. Eligan. Ms. Dean votes no.
5777 Ms. Mucarsel-Powell?
5778 Ms. Mucarsel-Powell. No.
5779 Ms. Eligan. Ms. Mucarsel-Powell votes no.
5780 Ms. Escobar?
5781 Ms. Escobar. No.
5782 Ms. Eligan. Ms. Escobar votes no.

5783 Mr. Collins?

5784 Mr. Collins. Aye.

5785 Ms. Eligan. Mr. Collins votes aye.

5786 Mr. Sensenbrenner?

5787 Mr. Chabot?

5788 Mr. Chabot. Aye.

5789 Ms. Eligan. Mr. Chabot votes aye.

5790 Mr. Gomert?

5791 Mr. Gomert. Aye.

5792 Ms. Eligan. Mr. Gomert votes aye.

5793 Mr. Jordan?

5794 Mr. Jordan. Yes.

5795 Ms. Eligan. Mr. Jordan votes yes.

5796 Mr. Buck?

5797 Mr. Buck. Aye.

5798 Ms. Eligan. Mr. Buck votes aye.

5799 Mr. Ratcliffe?

5800 Ms. Roby?

5801 Mr. Gaetz?

5802 Mr. Gaetz. Aye.

5803 Ms. Eligan. Mr. Gaetz votes aye.

5804 Mr. Johnson of Louisiana?

5805 Mr. Biggs?

5806 Mr. Biggs. Because 3,300 illegal immigrants were denied

5807 firearms in 2017, I vote aye.

5808 Ms. Eligan. Mr. Biggs?
5809 Mr. Biggs. Aye.
5810 Ms. Eligan. Mr. Biggs votes aye.
5811 Mr. McClintock?
5812 Mr. McClintock. Aye.
5813 Ms. Eligan. Mr. McClintock votes aye.
5814 Mrs. Lesko?
5815 Mrs. Lesko. Aye.
5816 Ms. Eligan. Mrs. Lesko votes aye.
5817 Mr. Reschenthaler?
5818 Mr. Reschenthaler. Aye.
5819 Ms. Eligan. Mr. Reschenthaler votes aye.
5820 Mr. Cline?
5821 Mr. Cline. Aye.
5822 Ms. Eligan. Mr. Cline votes aye.
5823 Mr. Armstrong?
5824 Mr. Armstrong. Yes.
5825 Ms. Eligan. Mr. Armstrong votes yes.
5826 Mr. Steube?
5827 Mr. Steube. Yes.
5828 Ms. Eligan. Mr. Steube votes yes.
5829 Chairman Nadler. Is Ms. Bass recording?
5830 Ms. Bass?
5831 Ms. Bass. No.
5832 Ms. Eligan. Ms. Bass votes no.

5833 Chairman Nadler. Are there any members -- Mr. Stanton,
5834 did you vote? Are there any members of the committee who
5835 wish to vote who have not been recorded?

5836 The clerk will report.

5837 Ms. Eligan. Mr. Chairman, 20 noes and 14 ayes.

5838 Chairman Nadler. The amendment is not agreed to.

5839 Mr. Chabot. Parliamentary inquiry.

5840 Chairman Nadler. Are there any further amendment --

5841 Mrs. Lesko. Mr. Chairman, I have an amendment at the
5842 desk.

5843 Chairman Nadler. Who has a parliamentary inquiry? The
5844 gentleman from Ohio is recognized for parliamentary inquiry.

5845 Mr. Chabot. Thank you, Mr. Chairman. Is it the rule to
5846 this committee when we have a vote that members are not to
5847 give speeches during that? And, if so, is the Chair going to
5848 enforce it against Mr. Biggs, for example, but not against
5849 Mr. Cicilline?

5850 Chairman Nadler. It is the rule that you do not speak
5851 during a vote, and it is the intention of the Chair to
5852 enforce it, period.

5853 Mr. Chabot. That would apply to both sides, is that
5854 correct?

5855 Chairman Nadler. Of course.

5856 Mr. Chabot. A further parliamentary -- an observation
5857 is, that is exactly what happened. And Mr. Cicilline gave a

5858 speech. He was allowed to do that. Mr. Biggs did, and he
5859 was immediately gaveled down by the Chair.

5860 Chairman Nadler. Are there -- Mrs. Lesko of Arizona.

5861 Mr. Chabot. Parliamentary inquiry, Mr. Chairman.

5862 Chairman Nadler. The gentleman will state his further
5863 parliamentary inquiry.

5864 Mr. Chabot. Appreciate that. Another observation is
5865 that Mr. --

5866 Chairman Nadler. Observation is not a parliamentary
5867 inquiry.

5868 Mr. Chabot. Is it the practice -- is it the rules of
5869 this committee when the member seeks recognition to speak on
5870 amendment, as Mr. Biggs did before, that the member will have
5871 the opportunity to speak on that, or will the Chairman gavel
5872 him down and call a vote?

5873 Chairman Nadler. It is the prerogative of the Chair to
5874 recognize a member or not to recognize a member at any time
5875 and is the prerogative of the Chair to call a vote. The
5876 Chair will exercise that prerogative in good judgement, and I
5877 would point out we have been here since 10 o'clock. We have
5878 taken up only, I think, eight amendments. There has been
5879 plenty of debate on each amendment.

5880 Mr. Chabot. Parliamentary inquiry, Mr. Chairman.

5881 Chairman Nadler. The gentleman will state his
5882 parliamentary inquiry.

5883 Mr. Chabot. And is it also the rules relative to the
5884 Chairman that he will apply those rules equally to both
5885 sides?

5886 Chairman Nadler. It is.

5887 Mr. Chabot. Thank you, Mr. Chairman.

5888 Chairman Nadler. The gentlelady from Arizona -- Mrs.
5889 Lesko. For what purpose do you seek recognition?

5890 Mrs. Lesko. Thank you, Mr. Chair. I have an amendment
5891 at the desk.

5892 Chairman Nadler. The clerk will report the amendment.

5893 [The amendment of Mrs. Lesko follows:]

5894

5895 Ms. Eligan. Amendment to H.R. 8 followed by -- offered
5896 by Mrs. Lesko. Page 4, line 3 strike "or". Page 4, Line 24,
5897 strike the period and insert.

5898 Chairman Nadler. Without objection, the amendment was
5899 considered as read and the gentlelady is recognized in
5900 support of the amendment.

5901 Mrs. Lesko. Thank you, Mr. Chairman. I think each one
5902 of us year wants to reduce gun violence. I think we just
5903 differ on how to get there. I am the co-chairwoman of the
5904 Women's Bipartisan Women's Caucus in Congress, and I have
5905 talked to my co-chair about ways that we can reduce gun
5906 violence in a bipartisan manner, such as addressing mental
5907 health issues.

5908 Unfortunately, I do not believe H.R. 8 is going to do
5909 the trick. First of all, it would not have prevented any of
5910 the mass shootings that have recently happened. And also,
5911 according to the Department of Justice, it says that in order
5912 to enforce this bill, you would have to have a Federal
5913 registry. And in the bill itself, it says that Federal
5914 registries are prohibited.

5915 Last week, we heard from Savannah Lindquist in her
5916 testimony. She was a college student who was raped on
5917 college campus because under the current law, she was unable
5918 to carry her gun with her to defend herself. And so, that is
5919 why I want to point out that sometimes good intended laws

5920 actually make things worse.

5921 I am a survivor of domestic violence. And as a survivor
5922 of domestic violence, I can speak, firsthand, on how
5923 important it is for victims to be able to defend themselves
5924 when they feel threatened by their perpetrator. Therefore, I
5925 am offering this amendment that allows for the transfer of a
5926 handgun to a victim of domestic violence or sexual assault
5927 who still feels threatened by their perpetrator.

5928 And thank you, Mr. Chairman. I yield back my time.

5929 Mr. Gaetz. Gentlelady yield?

5930 Mrs. Lesko. Yes, I yield my time to Mr. Gaetz.

5931 Mr. Gaetz. I thank the gentlelady for yielding. I have
5932 a similar amendment. And my hope would be that if someone is
5933 under a protective order that we would be able to give them a
5934 firearm in the absence of a background check. And in this
5935 sense, I want to commend the majority. There is a provision
5936 of your bill that says, that if someone is under imminent
5937 risk, that they would be able to get a firearm from a friend,
5938 a neighbor, someone that they trust in their life. But I
5939 think the gentlelady's amendment actually takes the
5940 legislation a good step further and allowing people who have
5941 -- who fear domestic violence to always know that that is a
5942 present threat.

5943 And I think the gentlelady points out a unique feature
5944 of domestic violence. Domestic violence is in sort of a

5945 constant state of volatile risk. You know, at one time there
5946 may be more risk than another. And so, the existing
5947 language, while very well intentioned in the legislation, I
5948 think could be dramatically improved. I am certain that
5949 there is no member, Republican or Democrat on this committee,
5950 that wants the victim of domestic violence to not be able to
5951 have access to every form of protection. And so, I would
5952 implore the majority to accept the gentlelady's good
5953 amendment, and I yield back to the gentlelady from Arizona.

5954 Chairman Nadler. I will recognize myself in opposition
5955 to the amendment.

5956 Mr. Gaetz. The gentlelady controls the time.

5957 Mrs. Lesko. I yield back my time.

5958 Chairman Nadler. I recognize myself in opposition to
5959 the amendment. There are several problems with this
5960 amendment. It says a transfer to a victim of domestic
5961 violence or sexual assault who still feels threatened.

5962 It does not specify with evidentiary standards. Does
5963 this mean that a court has found that the victim -- that the
5964 court has found domestic violence or sexual assault? That it
5965 has found that the perpetrator is guilty of that? Does this
5966 mean simply that she accuses him or someone, and how do you
5967 judge whether she still feels, honestly feels threatened?

5968 We must, obviously, take steps to protect women from
5969 domestic violence, but the transfer of a firearm to someone

5970 who is -- who feels threatened by a perpetrator of domestic
5971 assault should still be subject to a background check. Even
5972 individuals who feel threatened, may themselves, be
5973 prohibited from possessing firearms, because they are a
5974 threat to someone.

5975 Extending background checks with as few exceptions as
5976 possible, actually protects victims of domestic violence by
5977 making it less likely that abusers with domestic violence,
5978 misdemeanor or convictions are subject to protective orders,
5979 will illegally get access to firearms.

5980 A victim of domestic abuse is five times more likely to
5981 be killed if the abuser has a gun. Domestic violence
5982 assaults are 12 times more likely to be fatal if committed
5983 with a firearm, and that is why -- that is one of the reasons
5984 why we are extending background checks to the people who do
5985 not need -- under current law do not require background
5986 checks. Now, to make it less likely that perpetrators of
5987 domestic violence or people who may perpetrate domestic
5988 violence will have guns.

5989 And all we have seen today, in amendment after amendment
5990 after amendment, to cut out exceptions to the domestic -- to
5991 the requirement for background checks, as if the requirement
5992 of background checks is somehow terrible. It is, in fact,
5993 what will save lives of domestic violence victims and of
5994 other people.

5995 Now, there are some exceptions in the bill that would
5996 seem to apply here. For instance, if there is an imminent
5997 danger to life, that would be an exception that would come
5998 into play that is immediately life threatening, and if it is
5999 not immediately life threatening, someone should get a
6000 background check even if that someone claims to have been a
6001 victim of domestic violence. Does not say has been found to
6002 be or has been found to be a victim of domestic violence.

6003 Where all we are talking about here is a background
6004 check, 90 percent of which, remember are completed in 90
6005 seconds. So I am opposed to cutting out a lot of exceptions
6006 to the background check requirement. That will make it more
6007 likely not less likely that domestic -- that -- victims of
6008 domestic violence will be endangered. This amendment is,
6009 besides being wrong, is poorly drafted, because it does not
6010 tell us the standard. So I oppose the amendment. I urge my
6011 colleagues to oppose the amendment.

6012 Mr. Armstrong. Mr. Chairman?

6013 Chairman Nadler. The gentleman from North Dakota.
6014 Voice. North Dakota.

6015 Chairman Nadler. The gentleman from North Dakota. For
6016 what purpose does the gentleman seek recognition?

6017 Mr. Armstrong. Move to strike the last word.

6018 Chairman Nadler. Gentleman is recognized.

6019 Mr. Armstrong. Mr. Chairman, I think this goes to the

6020 underlying problem. We are talking about a poorly drafted
6021 amendment, and we are talking about exceptions in the bill,
6022 and we have 97 percent of people, according to a study that
6023 support background checks. But we forget the second part,
6024 and the part is and then ask them about some of these
6025 specific exceptions.

6026 And the exemption in this law looks to be in order to
6027 protect the people who are in danger, and we have drafted
6028 those exceptions. Except I am going to go back to my
6029 adjective statement again.

6030 While reading it, it seems to be that it is apparent and
6031 there a ways in to do it. But when you use words like,
6032 imminent and great, immediately. Imminent. Great. Those
6033 words have -- are such narrowly tailored in the law, that
6034 there is almost no place where this exception actually
6035 applies. More importantly, when you are going for a transfer
6036 of a gun in these types of situations, the person who is
6037 giving that person the gun is committing a Federal crime.
6038 And so, when you are going to create an exception, then you
6039 should create an exception that does not just look good on a
6040 piece of paper, or does not look good when we are talking
6041 about it in a hearing in Washington, D.C.

6042 It needs to work at 2:30 in the morning in rural North
6043 Dakota or rural Chicago or wherever these things are
6044 occurring, and if you are going to wait for a court hearing

6045 or a finding of fact, or a finding of guilt in a domestic
6046 violence situation, we are going to see a lot of different
6047 situations that occur, and we will not like the results of
6048 any of them.

6049 So when we are going to write exceptions, we should
6050 write exceptions so they are actually used on the ground and
6051 do not -- and not just on a piece of paper that is going to
6052 go into a Federal code.

6053 With that, I yield to Mr. Gaetz.

6054 Mr. Gaetz. I thank the gentleman for yielding, and I
6055 appreciate the gentlelady's sentiment, and I also appreciate
6056 the Chairman's concern about creating some ambiguity about
6057 the standard.

6058 I would represent to the committee that anyone who has
6059 received an order from a court, has received relief that they
6060 have met some evidentiary burden. And so, my hope is that,
6061 in a few minutes, when I get the copies made, that the
6062 gentlelady from Arizona might accept a perfecting amendment
6063 so that we get real clear that if someone has received an
6064 injunction, they have actually gone to a court, produced
6065 evidence, a judge has reviewed that evidence, a judge has
6066 said, "This person is worthy of protection." So only in
6067 those cases, so as to resolve Chairman Nadler's objection,
6068 that that person would not have to go through a background
6069 check before getting a firearm lent to them by a friend, a

6070 neighbor, someone important in their life.

6071 So I, -- it may have taken us to this very moment in
6072 time, but we may have actually reached a point of common
6073 ground. And I thank the gentlelady from Arizona and my hope
6074 is that, in a few minutes, when I am able to have a
6075 conforming amendment, that you would think about it
6076 favorably.

6077 And I will yield back to the gentleman from North
6078 Dakota.

6079 Mr. Armstrong. Thank you for that. And I would just
6080 like to point out that, particularly with this amend -- by
6081 the time you get to the scenario where this exception would
6082 apply, it is already too late.

6083 And with that, I yield back my time.

6084 Ms. Lofgren. [Presiding] Gentleman yields back.
6085 Gentleman from Texas. For what purpose do you seek
6086 recognition?

6087 Mr. Gomert. Mine is in support of the amendment.

6088 Ms. Lofgren. The gentleman is recognized.

6089 Mr. Gomert. Thank you, Madam Chair. We have been told
6090 here now, that we have made ridiculous amendments. And there
6091 are some great amendments that will really help this bill be
6092 better and could really, actually save lives.

6093 I have been told by the Chairman that it was, I guess,
6094 irrelevant in material to bring up about illegal aliens, when

6095 the very amendment being discussed talks about the case of an
6096 alien illegally or unlawfully in the United States.

6097 Of course, it was relevant. It was material. It was
6098 germane. And yet, we have continued to have these, as across
6099 the aisle has mentioned, *Ad Hominem* attacks against us,
6100 trying to take a bill that is not going -- the way it is
6101 right now, it is not going to save lives. It is going to
6102 make some people feel better, but it is not going to save
6103 lives. In fact, it may cost lives, as in the example of the
6104 amendment I made earlier. And yet, I was subjected to an
6105 attack that, I believe it was, the colleague across the aisle
6106 was skeptical of whether the gentleman from Texas is
6107 concerned about those in poverty.

6108 The reason I was a very popular district judge in Texas
6109 was because I was fair across the board. I treated everybody
6110 fairly. That is part of my religious convictions as a
6111 Christian. I have -- this is -- the comments across the
6112 aisle in this hearing are a pile on to my opponent in the
6113 last four general elections, calling me racist and that I did
6114 not care about the poor either. And this just gets really
6115 rich. And I waited to respond several hours so that I could
6116 do so with proper reflection. But just understand, just like
6117 my four-time opponent, it gets really rich.

6118 I was court appointment to represent her brother on
6119 appeal of a capital murder conviction, and I believed then,

6120 and I believe now, everybody, in poverty or not, deserves due
6121 process.

6122 I worked my tail off expecting, you know, it is a court
6123 appointment. It is not going to be helpful, financially, but
6124 he did not get due process. I do not remember how many
6125 hundreds and hundreds of hours, but I got his case reversed,
6126 and his mother, my opponent's mother, constantly said, I
6127 saved her son's life. She constantly came to visit me. We
6128 talked often. I would call her. She came to visit. She
6129 would bring me things. I spoke favorably, wonderfully,
6130 because she was an incredible woman -- at her funeral. And
6131 yet, I get attacked for being racist. And today, I do not
6132 care about people in poverty.

6133 I have always cared about people in poverty, but it
6134 would be good if we take actions that help people. In fact,
6135 I could not find anybody -- I know some went later, but when
6136 we were being begged for somebody to come help those in
6137 Nigeria after Boca Roma attacked, I was the only one that
6138 went, initially. Others came later. I put my -- I was
6139 willing to go out against the will of the State Department
6140 and visit with people in poverty in remote area of Nigeria in
6141 a safe house with the moms and convince them they should come
6142 public so that we could bring more attention.

6143 What did the Administration do in their care about those
6144 in poverty in Nigeria? They did a hashtag,

6145 BringBackOurGirls. Some of us have made a difference. And
6146 some of us care about those in poverty. And I would just
6147 suggest to my friends across the aisle, when you do not know
6148 somebody, you do not know how they have spent their lives,
6149 how they have spent their money, how they have spent their
6150 time. You really ought to watch the *Ad Hominem* attacks.

6151 Mr. Raskin. Would the gentleman yield?

6152 Mr. Gomert. No, I am not yielding. I am not done yet.

6153 There are some good amendments, and mine would have been
6154 a good amendment, because I have known of cases where
6155 somebody needed a gun. They could not afford one. They were
6156 hoping somebody could give them and this bill will make the
6157 victim a criminal.

6158 I yield back.

6159 Mr. Johnson of Georgia. Mr. Chairman.

6160 Chairman Nadler. [Presiding] As we have previously
6161 informed the minority, because of the floor schedule and the
6162 need for members to attend funerals tomorrow and the pending
6163 recess, we need to complete action on both bills on the
6164 agenda before us today.

6165 We have now spent some 8 hours on consideration of the
6166 background check bill. We have considered nearly a dozen
6167 amendments. Of those amendments, several have been non-
6168 germane. We have ruled on innumerable parliamentary inquiries
6169 and voted on several challenges to correct parliamentary

6170 rulings as well as a motion to adjourn.

6171 As we have done in a bipartisan basis in the past, we
6172 have sought to work with the minority to develop a process to
6173 consider as many amendments as possible, without success. We
6174 are open to unanimous consent requests to ensure that their
6175 amendments are considered.

6176 But as of yet, we have not even been able to ascertain
6177 how many amendments the minority intends to offer. It is
6178 therefore my intention to go to final passage on H.R. 8 at
6179 approximately 7:30 p.m. I am open to working with the
6180 minority so that they may offer as many amendments as
6181 possible before that time.

6182 I would encourage them to offer their amendments on an
6183 en block process as we have done in the past to ensure that
6184 every proposal they desire gets an up or down vote. Now, of
6185 course, the minority is welcome to discuss what I just said,
6186 but we will go to a final vote at about 7:30 p.m.

6187 Does anyone --

6188 Mr. Collins. Mr. Chairman --

6189 Chairman Nadler. The gentleman from --

6190 Mr. Collins. So now, we have found what the minority or
6191 what the minority is having to deal with the majority. We
6192 have been overrun on parliamentary inquiries. We have been
6193 held to different standards when it comes to talking on a
6194 vote. We have had our members ignored when an amendment was

6195 being offered. An amendment was wanting -- somebody was
6196 wanting somebody actually to talk on the amendment.

6197 So now we have seen what the Chairman has decided is
6198 more important than parliamentary procedure. We now see that
6199 his funeral schedule, floor schedule, the Speaker breathing
6200 down their neck, doing whatever to get a bill on the floor,
6201 or by the way, the recess is next week.

6202 This is the problem that we are having today. These
6203 amendments have been offered in many, all are in good faith.
6204 They are asking to look at a bill in which we feel,
6205 vehemently, the bill is not ready for prime time. We
6206 understand the majority does. We understand the majority has
6207 the votes to do it.

6208 We have been told by even some of the members that are
6209 here, "We'll go to midnight. We'll go to 1 in the morning."
6210 No, you will not. Because right now, you have determined
6211 that your dinner schedule and the floor schedule is more
6212 important.

6213 This is not the way you do it. You brought the bill to
6214 the floor without the proper way if wanted to call a previous
6215 question. That was not my problem, Mr. Chairman. That was
6216 yours. Now this is the way it works. You may not like the
6217 amendments. You may not want to deal with the amendments.
6218 You may question our motives on our amendments. You may not
6219 like way it goes about, but just simply to shut this down --

6220 we now know the value of being in the majority is, for the
6221 majority.

6222 It is do whatever the hell we want to do at the time we
6223 want to do it, because we do not care. Now if this is the
6224 way it is, and I sat through hearing after hearing for the
6225 freshman members on your committee. I sat here while we did
6226 over 7 hours plus on the rules of the committee in the
6227 previous Congress. Over 7 hours. On the rules of the
6228 committee.

6229 If this is what the Chairman wants to do, he has --
6230 look, you are going to out-vote us. You can get that done.
6231 This is -- we have got a ton of stuff left to do in this
6232 year. There is a ton of stuff that we can actually agree on
6233 that we can pass, the President can sign, and we can move
6234 forward.

6235 It is disturbing to me, though, that with this, and
6236 with, again, laying the debate feature of this committee that
6237 has such a storied history of debate. Whether you agree with
6238 the amendments or not. Whether you think the minority is
6239 stalling or not. That is not the background for this
6240 amendment. This is not the background to stop it at 7:30.

6241 This is an issue that we will continue to look at. I
6242 think it is disturbing. I do not -- you know, understand it.
6243 If this is the way the Chairman wants to begin this session
6244 of Congress. I really wonder where we are going to go from

6245 here. Because at certain points and time, the minority
6246 rights are being ram shackled here. Mr. Sensenbrenner
6247 brought it up this morning, it is still true today. It is
6248 still true at 6:45.

6249 If we are going to continue this, this is a concern. We
6250 are in the middle of a debate on an amendment right here. I
6251 am not sure that was debate on the amendment, but we inserted
6252 it into the record.

6253 So with that, Mr. Chairman -- again, your committee, you
6254 are trampling rights. I yield back.

6255 Chairman Nadler. As I said, we are open to working with
6256 the minority on a list of amendments, an en block or anything
6257 else. But we have been here since 10 in the morning. We are
6258 going to finish this bill. We have another bill to do
6259 tonight. We are not going home for dinner until we finish
6260 the other bill. And I think we have had ample debate on the
6261 amendments that have been offered. We are not finished with
6262 this amendment.

6263 Mr. Gaetz. Mr. Chairman, I have an amendment.

6264 Chairman Nadler. And I want to give the minority fair
6265 warning. Instead of just cutting it off. Who seeks
6266 recognition on the amendment?

6267 Mr. Gaetz. Mr. Chair, I have a perfecting amendment.

6268 Chairman Nadler. Mr. Gaetz is recognized for his
6269 perfecting amendment.

6270 Mr. Gaetz. Mr. Chair, I have a perfecting amendment at
6271 the desk.

6272 Chairman Nadler. The clerk will report the perfecting
6273 amendment.

6274 [The amendment of Ms. Gaetz follows:]

6275

6276 Ms. Eligan. Amendment to Mrs. Lesko amendment to H.R. 8
6277 offered by Mr. Gaetz.

6278 Mr. Cicilline. Reserve a point of order, Mr. Chairman.
6279 Chairman Nadler. The gentleman is reserving a point of
6280 order. The gentleman will, without objection, the amendment
6281 is considered as read. The gentleman is recognized on the
6282 amendment.

6283 Mr. Gaetz. Yeah, thank you Mr. Chairman. Again, I feel
6284 as though the Chairman was fair to point out an evolving
6285 standard potentially on the original amendment. And I hope
6286 that the language of the perfecting amendment encapsulates
6287 the gentlelady's intent. And so, if the majority opposes
6288 this amendment, I just want to be very clear what that means.

6289 What you are saying is, that if someone goes to court,
6290 gets a judge to say that you deserve protection from an
6291 abuser, what this amendment would say, then you would be
6292 eligible to receive a firearm transfer under the exception
6293 that the majority created.

6294 And so, it is my hope that you would not hope to disarm
6295 people who have already gone before a court and been granted
6296 relief. Frankly, I would think that the majority would
6297 accept this amendment. It will shock me if they do not,
6298 because it will certainly send a terrible message to the
6299 victims of domestic violence that if they have already gone
6300 through so much to confront their accuser, to gather

6301 evidence, to go to a court, and to win at that court,
6302 probably we should not have to subject them to a background
6303 check if they need a firearm in order to protect themselves
6304 from their abuser.

6305 Looking -- and I yield to the gentleman from North
6306 Dakota.

6307 Mr. Armstrong. Thank you, and I would also point out
6308 that this protects the person who is transferring the gun as
6309 well, because it would be an actual court order in place. So
6310 there would be no discretion upon a prosecution or criminal
6311 activity at the Federal level.

6312 With that, I yield back to the gentleman from Florida.

6313 Mr. Gaetz. And Mr. Chairman, I yield to the gentlelady
6314 from Arizona.

6315 Mrs. Lesko. Thank you and Mr. Chairman, I agree with
6316 this amendment. I think, as you said, Mr. Chairman, that it
6317 needs to be more specific. This is very specific. This is -
6318 - women or men -- who get an order of protection. They
6319 should be able to protect themselves. So I agree. And I
6320 yield back to Mr. Gaetz.

6321 Mr. Gaetz. Thank you and I will yield to the gentleman
6322 from Arizona.

6323 Mr. Biggs. Thanks, Mr. Gaetz and thank you, Mr.
6324 Chairman. This -- the amendment and Mr. Gaetz's amendment to
6325 the amendment, I think are really important. And the reason

6326 I think they are so important is because when someone is --
6327 has an ongoing fear of a perpetrator and proceeds to find an
6328 injunction or a temporary restraining order of some kind or
6329 an order of protection of some kind. That provides some
6330 additional judicatory impact on behalf of the citizens who we
6331 professing who we be concerned about today. Because the
6332 victim is needing to protect themselves.

6333 And the reason that that is so important is because the
6334 exemption in paragraph 2, 2D on Page 3 of this allows this
6335 only to prevent imminent -- is for someone who has an
6336 imminent death -- a fear of imminent death or great bodily
6337 harm. I do not mean fear but to prevent imminent death or
6338 great bodily harm.

6339 Now what that implies to me is -- and if you read on, it
6340 says, "If the possession by the transferee lasts only as long
6341 as immediately necessary to prevent the imminent death or
6342 great bodily harm." That means they can only have a transfer
6343 while there is an imminent threat. And that imminent threat
6344 is going to be very hard to define, but it sounds like it is
6345 if somebody is actually there with a bat, with a gun,
6346 something, and somebody says, "Here, take this gun." That is
6347 what D seems to say.

6348 And it would preclude the victim of domestic violence
6349 and if Mr. Gaetz's amendment comes on, someone with an order
6350 protection of being protected. They cannot get a gun. They

6351 are going to have to go through the background check. This
6352 -- D is a big problem, because it does nothing. Because the
6353 term, imminent, death or great bodily harm, is so vague as to
6354 render this nugatory.

6355 So what I would tell you is that, you actually need this
6356 amendment. It would make this bill better. It would protect
6357 victims. D is not going to protect anybody. Unless, unless
6358 somebody next to you happens to give you a gun, while someone
6359 else is holding gun on you. And I am not sure how many times
6360 we are going to see that scenario play out. But I would
6361 suggest that this D is not going to help victims of domestic
6362 violence or other crimes.

6363 With that, I yield back to the gentleman from Florida.

6364 Mr. Gaetz. I think the gentleman for yielding. And the
6365 gentleman's comments sort of ripen this question before me.
6366 If a friend of mine was the victim of domestic violence and
6367 had gotten this order, I guess I would wonder what would have
6368 to happen for her to meet the standard of immediacy under the
6369 existing language, and so I think, an objective standard is
6370 right. The Chairman was right to point out the need for an
6371 objective standard, and I hope the majority will accept the
6372 amendment. And I appreciate the indulgence, and I yield
6373 back.

6374 Voice. Mr. Chairman?

6375 Chairman Nadler. The Chair recognizes himself on the

6376 perfecting amendment. The perfecting amendment is well
6377 intentioned. I do think it somewhat improves the underlying
6378 amendment. It may -- there are some questions of drafting --
6379 but it may solve one of the problems. One of the objections
6380 to the underlying amendment, however, there are many other
6381 objections to the underlying amendment which we have stated.
6382 I am not going to state them again.

6383 So we will still oppose the underlying amendment, but I
6384 would ask unanimous consent that the perfecting amendment be
6385 adopted.

6386 Any objections?

6387 Hearing none, the perfecting amendment is adopted. We
6388 are still -- I am still urging opposition to the amendment.

6389 The question occurs on the amendment --

6390 Mr. Cline. Mr. Chairman.

6391 Chairman Nadler. Mr. Cline?

6392 Mr. Cline. Move to strike the last word.

6393 Chairman Nadler. The gentleman is recognized.

6394 Mr. Cline. Mr. Chairman, I just -- I am trying to get
6395 -- wrap my head around what is happening here. We are about
6396 to consider an amendment designed to protect victims of
6397 domestic violence. And as a prosecutor of domestic violence
6398 for many years, there are many ways that you can provide that
6399 protection. But here, giving the victim more control by
6400 having access to a firearm when a protective order is in

6401 place is common sense. And it is the height of irony that
6402 for so many on the other side who talk about red flag laws to
6403 -- who are seeking to take guns out of the hands of potential
6404 perpetrators of domestic violence. To turn around and say we
6405 will not allow a victim of domestic violence to have access
6406 to a firearm to protect herself is -- I, I just cannot wrap
6407 my head around it.

6408 It is mind boggling. So I hope that we would have faith
6409 in these victims of domestic violence, have confidence in
6410 their ability to protect themselves as much as we have
6411 confidence in Government's ability to take away the rights of
6412 potential domestic abusers. So I hope that my colleagues
6413 will agree with this amendment and protect victims of
6414 domestic violence.

6415 Ms. Lofgren. Did the gentleman yield?

6416 Mr. Cline. I yield.

6417 Ms. Lofgren. I realize we have disagreements on the
6418 underlying bill, but there are -- let us say you have someone
6419 who has been a victim of domestic violence, which we all
6420 deplore. But then that victim also has a severe mental
6421 illness. It would be inconsistent with owning a firearm, or
6422 that that person, in addition to being a victim, is recently,
6423 is a felon and has prior record of violence. This is a 90-
6424 second background check. And the fact that you are a victim,
6425 does not mean that you will not also be a victimizer. And

6426 that is the concern.

6427 So I know you probably do not agree with me, but this is
6428 not just an irrational position that we are taking, and I
6429 wanted you to at least understand what my thinking is. I do
6430 not want to speak for others.

6431 I thank the gentleman for yielding.

6432 Chairman Nadler. Does the gentleman yield back?

6433 Mr. Cline. Mr. Chairman, I yield my time to Congressman
6434 Buck.

6435 Mr. Buck. I thank the gentleman, and I just wanted to
6436 thank Mrs. Lesko for the courage of coming forward on this
6437 issue and the -- and I think all of us should recognize that
6438 victims of domestic violence deserve better than what we are
6439 doing here today, and I hope that we -- even if we -- and it
6440 sounds like the majority is not going to allow this
6441 amendment. That we work together. That we go before the
6442 Rules Committee and that we try to find a way to protect
6443 victims of domestic violence in a way -- if the majority's
6444 concern is that some victims of domestic violence may have a
6445 felony record or some victims of domestic violence may not be
6446 mentally stable enough to possess a firearm. That we find
6447 those exceptions and make this amendment possible so that
6448 victims of domestic violence can protect themselves against
6449 the perpetrators.

6450 And I yield back to the gentlemen.

6451 Mr. Cline. And Mr. Chairman, I would yield time to the
6452 gentleman from Florida, Mr. Gaetz.

6453 Mr. Gaetz. I thank the gentleman for yielding, and I
6454 want to address the specific circumstances that the
6455 gentlelady from California raised.

6456 Let us assume we have a circumstance where a woman has
6457 been abused and let us assume she has a drug felony on her
6458 record. This committee took the position that through the
6459 First Step Act, that someone's past felonies do not
6460 necessarily dictate their future conduct. And so, in an
6461 event where someone had something on their record but a court
6462 said they were worthy of protection -- at least I am grateful
6463 that the majority is willing to ripen this question.

6464 So we believe that if a court said you are worthy or
6465 protection, the Federal Government should not stop a neighbor
6466 or a friend from loaning you a gun to protect yourself. The
6467 majority, in opposing this amendment, believes that even if
6468 you are abused, even if you got protection that while there
6469 might be something else in your background. And so as the
6470 abused person, as someone whose wife may have been in danger,
6471 you have just got to fend for yourself. Because maybe, you
6472 know, 5, 10, 15, 20 years ago, you had a non-violent felony
6473 conviction.

6474 Ms. Lofgren. Would the gentleman yield?

6475 Mr. Gaetz. Yeah, sure.

6476 Ms. Lofgren. Because I want to make it clear that I am
6477 not suggesting that an ancient felony is the only
6478 circumstance that could cause concern. You could have
6479 someone who was so volatile and unstable that we would not
6480 want that person.

6481 Mr. Gaetz. I am going to reclaim my time, and I agree
6482 with the gentlelady's assessment but here, you have a
6483 judicial ruling that someone else is so volatile and so
6484 unstable that they might hurt or kill the person who has
6485 abused. And so the far greater risk is leaving that person
6486 unarmed.

6487 And I thank the Chairman's indulgence, and I yield back.

6488 Chairman Nadler. The gentleman's time is expired.

6489 Voice. Mr. Chairman?

6490 Chairman Nadler. Those in favor, say aye.

6491 Opposed, no.

6492 In the opinion of the Chair, the noes have it, and the
6493 amendment is not agreed to.

6494 Voice. Request a roll call.

6495 Chairman Nadler. Roll call is requested. The clerk
6496 will call the roll.

6497 The clerk will call the roll on the Lesko amendment as
6498 amended by the Gaetz amendment.

6499 Ms. Eligan. Mr. Nadler?

6500 Chairman Nadler. No.

6501 Ms. Eligan. Mr. Nadler votes no.
6502 Ms. Lofgren?
6503 Ms. Lofgren. No.
6504 Ms. Eligan. Ms. Lofgren votes no.
6505 Ms. Jackson Lee?
6506 Ms. Jackson Lee. No.
6507 Ms. Eligan. Ms. Jackson Lee votes no.
6508 Mr. Cohen?
6509 Mr. Johnson of Georgia?
6510 Mr. Deutch?
6511 Mr. Deutch. No.
6512 Ms. Eligan. Mr. Deutch votes no.
6513 Ms. Bass?
6514 Mr. Richmond?
6515 Mr. Jeffries?
6516 Mr. Cicilline?
6517 Mr. Swalwell?
6518 Mr. Swalwell. No.
6519 Ms. Eligan. Mr. Swalwell votes no.
6520 Mr. Lieu?
6521 Mr. Lieu. No.
6522 Ms. Eligan. Mr. Lieu votes no.
6523 Mr. Raskin?
6524 Ms. Jayapal?
6525 Ms. Jayapal. No.

6526 Ms. Eligan. Ms. Jayapal votes no.
6527 Mrs. Demings?
6528 Mrs. Demings. No.
6529 Ms. Eligan. Mrs. Demings votes no.
6530 Mr. Correa?
6531 Mr. Correa. No.
6532 Ms. Eligan. Mr. Correa votes no.
6533 Ms. Scanlon?
6534 Ms. Scanlon. No.
6535 Ms. Eligan. Ms. Scanlon votes no.
6536 Ms. Garcia?
6537 Ms. Garcia. No.
6538 Ms. Eligan. Ms. Garcia votes no.
6539 Mr. Neguse?
6540 Mr. Neguse. No.
6541 Ms. Eligan. Mr. Neguse votes no.
6542 Mrs. McBath?
6543 Mrs. McBath. No.
6544 Ms. Eligan. Mrs. McBath votes no.
6545 Mr. Stanton?
6546 Mr. Stanton. No.
6547 Ms. Eligan. Mr. Stanton votes no.
6548 Ms. Dean?
6549 Ms. Dean. No.
6550 Ms. Eligan. Ms. Dean votes no.

6551 Ms. Mucarsel-Powell?
6552 Ms. Mucarsel-Powell. No.
6553 Ms. Eligan. Ms. Mucarsel-Powell votes no.
6554 Ms. Escobar?
6555 Ms. Escobar. No.
6556 Ms. Eligan. Ms. Escobar votes no.
6557 Mr. Collins?
6558 Mr. Collins. Aye.
6559 Ms. Eligan. Mr. Collins votes aye.
6560 Mr. Sensenbrenner?
6561 Mr. Chabot?
6562 Mr. Chabot. Aye.
6563 Ms. Eligan. Mr. Chabot votes aye.
6564 Mr. Gomert?
6565 Mr. Gomert. Aye.
6566 Ms. Eligan. Mr. Gomert votes aye.
6567 Mr. Jordan?
6568 Mr. Jordan. Yes.
6569 Ms. Eligan. Mr. Jordan votes yes.
6570 Mr. Buck?
6571 Mr. Buck. Aye.
6572 Ms. Eligan. Mr. Buck votes aye.
6573 Mr. Ratcliffe?
6574 Ms. Roby?
6575 Ms. Roby. Aye.

6576 Ms. Eligan. Ms. Roby votes aye.
6577 Mr. Gaetz?
6578 Mr. Gaetz. Aye.
6579 Ms. Eligan. Mr. Gaetz votes aye.
6580 Mr. Johnson of Louisiana?
6581 Mr. Johnson of Louisiana. Aye.
6582 Ms. Eligan. Mr. Johnson of Louisiana votes aye.
6583 Mr. Biggs?
6584 Mr. Biggs. Aye.
6585 Ms. Eligan. Mr. Biggs votes aye.
6586 Mr. McClintock?
6587 Mr. McClintock. Aye.
6588 Ms. Eligan. Mr. McClintock votes aye.
6589 Mrs. Lesko?
6590 Mrs. Lesko. Aye.
6591 Ms. Eligan. Mrs. Lesko votes aye.
6592 Mr. Reschenthaler?
6593 Mr. Reschenthaler. Aye.
6594 Ms. Eligan. Mr. Reschenthaler votes aye.
6595 Mr. Cline?
6596 Mr. Cline. Aye.
6597 Ms. Eligan. Mr. Cline votes aye.
6598 Mr. Armstrong?
6599 Mr. Armstrong. Yes.
6600 Ms. Eligan. Mr. Armstrong votes yes.

6601 Mr. Steube?

6602 Mr. Steube. Yes.

6603 Ms. Eligan. Mr. Steube votes yes.

6604 Chairman Nadler. Are there any members who wish to vote
6605 who have not voted?

6606 Ms. Bass. Yes.

6607 Chairman Nadler. Ms. Bass?

6608 Ms. Bass. No.

6609 Ms. Eligan. Ms. Bass votes no.

6610 Chairman Nadler. Are there any other members who wish
6611 to be recorded who have not been?

6612 The clerk will report. Mr. Johnson of Georgia?

6613 Mr. Johnson of Georgia. No.

6614 Ms. Eligan. Mr. Johnson of Georgia votes no.

6615 Chairman Nadler. Clerk will report.

6616 Mr. Reschenthaler. Mr. Chairman, I have an amendment.

6617 Ms. Eligan. Mr. Chairman, 19 noes and 15 ayes.

6618 Chairman Nadler. The amendment is not agreed to. Are
6619 there any further amendments to H.R. 8?

6620 Mr. Reschenthaler. Mr. Chairman, I have an amendment.

6621 Chairman Nadler. The gentleman from Pennsylvania is
6622 recognized. For what purpose does the gentleman seek
6623 recognition?

6624 Mr. Reschenthaler. Mr. Chairman, I have an amendment.
6625 It is at the desk.

6626 Chairman Nadler. The clerk will report the amendment.

6627 [The amendment of Mr. Reschenthaler follows:]

6628

6629 Ms. Eligan. Amendment to H.R. 8 offered by Mr.
6630 Reschenthaler of Pennsylvania.

6631 Chairman Nadler. The gentlelady reserves a point of
6632 order. Without objection, the amendment is considered as
6633 read, and the gentleman is recognized in support of his
6634 amendment.

6635 Mr. Reschenthaler. Thank you, Mr. Chairman. According
6636 to the CDC, the suicide rate in the United States rose 25
6637 percent from 1999 to 2016. Let me repeat that. In the last
6638 17 years, the suicide rate has gone up 25 percent.

6639 In 2016, nearly 45,000 Americans committed suicide,
6640 making it the 10th leading cause of death in the United
6641 States. Republican or Democrat, we can all agree that that
6642 is alarming on its own.

6643 But that same research also found that there is a 10
6644 percent higher risk of suicide among individuals who have
6645 served in the military. As a co-chair of the bipartisan
6646 Military Mental Health Task Force, I am committed to finding
6647 ways we can address the high rates of suicide in the military
6648 community.

6649 As a representative from a state that has seen its own
6650 suicide rate increase at levels higher than the national
6651 average, at over 34 percent. I want to find a real solution
6652 for my constituents. Some of my colleagues across the aisle
6653 say that if H.R. 8 saves only one life it will be worth it.

6654 Well my amendment will give them an opportunity to save
6655 countless lives. My amendment allows for someone who
6656 believes that they may be a danger to themselves or others to
6657 transfer their firearms to an individual who is legally
6658 permitted to possess a firearm.

6659 Let me make this clear, this is an option for the gun
6660 owner. Not a requirement. But if someone is thinking of
6661 taking their own life, we should not make it a crime for them
6662 to have a friend hang on to their firearm while they seek
6663 help.

6664 So I am asking all my colleagues to vote for this common
6665 sense amendment that will help save American lives. I urge
6666 support for my amendment. I yield back the balance of my
6667 time.

6668 Chairman Nadler. The Chair recognizes himself in
6669 opposition to the amendment. This amendment, essentially
6670 says, that you do not need a background check for a transfer
6671 of a gun from an individual who, by his own determination,
6672 thinks he or she is a risk to himself or to himself -- to get
6673 -- you do not need a background check for such a person. For
6674 someone who thinks he is a risk to himself to give it to
6675 anyone who is not prohibited by Federal law from receiving a
6676 firearm.

6677 The problem is, number one, unless you run the
6678 background check on the recipient, you do not know whether or

6679 not he is prohibited by Federal law from receiving a firearm.
6680 The whole purpose of the background checks is to make sure
6681 you are not giving a weapon -- a gun to someone who is
6682 dangerous, who is prohibited by law, et cetera. And what
6683 this amendment says is, depending on the character of the
6684 transferor, you do not care about -- you do not give a
6685 background check to the transferee, which is exactly
6686 backward. The transferee is the person who needs the
6687 background check, because you are giving him the gun.

6688 Now if an individual is so worried about himself that he
6689 may be a risk to himself, he can take the gun to the police
6690 station and turn it in to the police station or to the FBI or
6691 some other law enforcement agency. He does not have to give
6692 it to someone -- to some individual who does not have a
6693 background check. The amendment makes no sense if you
6694 believe that people who receive firearms should have
6695 background checks in order to protect the public.

6696 For that reason, I would oppose the amendment. Who
6697 seeks recognition?

6698 Mr. Reschenthaler. I seek recognition, Mr. Chairman.

6699 Chairman Nadler. The gentleman from -- no, you have
6700 already spoken. Someone has to yield to you. Who else seeks
6701 recognition? The gentleman from Ohio. The gentleman from
6702 Ohio yields to the gentleman from --

6703 Mr. Reschenthaler. Thank you, Mr. Jordan. Mr. Chair,

6704 if this bill passes without this amendment, a scenario where
6705 somebody is about ready to commit suicide or is on the brink
6706 of suicide wants to just get the firearms out of the house
6707 and give it to an individual will be prohibited from doing
6708 that.

6709 So there would be firearms at a house for somebody that
6710 is suicidal. This absolutely makes no sense to object to the
6711 bill. Federal law is very clear who and who cannot have a
6712 firearm. Again, this is common sense, and this bill, unlike
6713 most of H.R. 8 would actually save lives.

6714 I yield my time back to Mr. Jordan.

6715 Mr. Jordan. I yield back to the Chair.

6716 Chairman Nadler. You yield back to the Chair? Then
6717 thank you. I yield to the gentlelady -- the gentlelady from
6718 Pennsylvania, Ms. Dean is recognized.

6719 Ms. Dean. I thank the gentleman for his proposed
6720 amendment, because it does bring to the fore, the issue of
6721 suicide. We know the staggering statistic of 2017. The
6722 numbers in 2016 were that 33,000 people died in this country
6723 of gun violence, two-thirds of those to suicide. Another
6724 80,000 people caught in the crossfire, literally wounded
6725 caught in the crossfire.

6726 It is a 120,000-person problem. It is staggering. But
6727 what happened in 2017, the numbers leapt up, 40,000 people
6728 died of gun violence in 2017 in this country, more than half

6729 to suicide. So I thank you for your focus on suicide.

6730 What I would suggest, however, is that this amendment is
6731 unnecessary, because if you take a look at Page 3, Subsection
6732 D, it is already covered. This is anticipated. A temporary
6733 transfer that is necessary to prevent imminent death or great
6734 bodily harm. If the possession by the transferee lasts only
6735 as long as the immediately necessary to prevent the imminent
6736 death or great bodily harm.

6737 So I would say this is redundant. It is unnecessary,
6738 but I appreciate the good gentleman bringing up the problem
6739 of death by suicide, by gun, and also the increased numbers,
6740 particularly among our veteran population. We have a lot of
6741 work to do. Let us get this bill passed.

6742 I yield the remainder of my time.

6743 Chairman Nadler. Who seeks recognition? The gentleman
6744 from Georgia is recognized.

6745 Mr. Johnson of Georgia. Thank you --

6746 Mr. Collins. Thank you, Mr. Chairman.

6747 Look, I thank the gentelady from Pennsylvania, and I
6748 appreciate bringing up the suicide issue, and I appreciate
6749 the gentelady from Pennsylvania bringing this up.

6750 The question comes here and I think this amendment hits
6751 it, this word of "imminent." And I think the "imminent" part
6752 of this -- and I think all of us could understand this -- the
6753 "imminent," and I think in a standard perfected, is this

6754 imminently going to happen at this moment?

6755 For those suffering from depression or other things,
6756 they may not imminently at that moment. They may actually be
6757 having a good time. But understand that it is going to be --
6758 it is a bad week and some of these other things. They want
6759 to be able to transfer that out. And in the amendment here,
6760 it says actually may be a risk of himself or herself or
6761 others.

6762 You know, there is this, I think, would actually cover a
6763 scenario that I brought up the other day in the hearing that
6764 what I think was glossed over is there is also this "for
6765 others" part, is what if you had people over to the house.
6766 You were keeping -- you know, you had spent the night party
6767 or something. You had kids come over, and you wanted to give
6768 the guns over. That would not be covered then because nobody
6769 would be imminently in danger at this point.

6770 I think the gentlelady brings a great point, and she
6771 discusses it. But I think it very much goes to the very
6772 instance of the problem here is "imminent." And I think that
6773 may or may not -- again, for those of us who have dealt with
6774 suicide, and in my role in the military and others who have
6775 counseled on suicide, there is sometimes the "imminency" is
6776 not something that you can define as being imminent at that
6777 moment. And then it leaves it open to interpretation by a
6778 court or a prosecutor to say what is imminent.

6779 And I think that is a concern, and it should be a
6780 concern to anybody who favors this bill. Imminent is a
6781 concern because if it is left to others to decide, then
6782 someone who legitimately is trying to help themselves or
6783 protect others inside their home is then having to have
6784 themselves at a disadvantage to those who may or may not
6785 believe that that was an imminent transfer for whatever
6786 purpose.

6787 And for that, I would agree that this amendment is
6788 needed, and I agree that the gentlelady brought up a very
6789 valid point. But "imminent" doesn't cover it here, and I
6790 think this is why we do -- this is why it is so concerning to
6791 me that we are going to rush through and finish this because
6792 these are debates that do need to be had here on what does
6793 "imminent" mean and how can it actually be applied?

6794 As we move forward here, these are the things that need
6795 to happen, but we are going to not have that opportunity soon
6796 because it is more important to do other things. And I will
6797 be happy to yield to the gentleman from Pennsylvania at this
6798 point.

6799 Voice. Would the gentleman yield?

6800 Mr. Collins. I yield back then.

6801 Chairman Nadler. The gentleman yielded back. The
6802 gentlelady from Texas, Ms. Jackson Lee?

6803 Ms. Jackson Lee. Mr. Chairman, I think it is important

6804 to assess where we are. Listening to a number of
6805 discussions, let me, first of all, clear the air and indicate
6806 that I have heard none of my colleagues undermine or
6807 underestimate the views of Members who have a different view.
6808 And particularly the gentlelady from Florida and the
6809 gentlelady from Pennsylvania have commended themselves with
6810 dignity on their views and those of the opposition's views.

6811 So it is important to take note of the fact that, first
6812 of all, to protect domestic violence victims, the gentleman
6813 from Florida's amendment was accepted, as it qualified and
6814 indicated that a person under a protective order and an order
6815 of protection issued by a court of law, could have a transfer
6816 of a weapon. That was done by unanimous consent.

6817 The gentleman's amendment, the underlying amendment that
6818 speaks about suicide, none of us would have any disagreement
6819 with the intensity behind suicide or the numbers of
6820 individuals who use guns for suicide. I have a bill
6821 introduced dealing with resources for mental health concerns
6822 and also the submission of these individuals into, with
6823 restrictions and with review, the database.

6824 But I think the underlying point that should be made,
6825 that millions of guns change hands every year through sales
6826 by unlicensed sellers. A recent survey found that nearly a
6827 quarter of Americans, 22 percent, who acquired a firearm
6828 within the previous 2 years did so without a background

6829 check.

6830 This is not the only approach to saving lives.

6831 Recognizing people use guns who then attempt suicide or
6832 attempt to do harm is a given, but if we pass this bill, we
6833 may, in fact, be able to save thousands of lives by cutting
6834 into that quarter or percentage, 25 percent almost, of
6835 Americans who get guns from unlicensed dealers and with no
6836 knowledge as to where those guns wound up. Criminal
6837 activity, in the hands of those who want to do themselves
6838 harm, in the hands of those who need mental health treatment,
6839 in the hands of those who are suffering from post-traumatic
6840 stress disorder.

6841 That is what we are trying to do here. And again, I
6842 think the chair has been fair. I think Members on this side
6843 of the aisle have been fair. To have a provision being
6844 accepted by unanimous consent dealing with protecting those
6845 suffering from or experiencing domestic violence --

6846 Mr. Gaetz. Will the gentlelady yield?

6847 Ms. Jackson Lee. -- as long as they have a protective
6848 order of protection issued by a court of law.

6849 It is -- I am still -- if I have some time, sir, I
6850 certainly will.

6851 So my point is, is that we should not belittle or
6852 diminish what the passage of this bill out of the committee
6853 will represent. And then there is regular order in the

6854 floor. There is also the opportunity for my good friends on
6855 the other side of the aisle to introduce legislation dealing
6856 with gun safety legislation in the context of which their
6857 view is, as our view is, that the Second Amendment is a
6858 constitutional amendment that should be protected and that
6859 none of what we do here today diminishes the right to bear
6860 arms. It is only the right to increase the safety of the
6861 American people and to save lives.

6862 No one should argue against Congress' responsibility to
6863 save lives. And with the number of children that have been
6864 killed or injured, with the testimony of the emergency room
6865 doctor of the enormous cost of individuals wounded by guns,
6866 saving lives is one thing, but the huge number of those
6867 injured and the cost, the medical cost was made clear in our
6868 hearing on this bill.

6869 The presence of two ranked law enforcement officers to
6870 save lives supporting this legislation. The tragedy of those
6871 officers shot in my own congressional district. Thank God,
6872 they lived. But it is important to save lives.

6873 And so I would like us just to assess where we are. We
6874 are about to pass a bill to the floor that still has
6875 opportunity. The chairman was gracious enough to say that he
6876 would look at the amendment by Mr. Steube, I think his name
6877 is. I am sorry if I pronounced it incorrectly. And we are
6878 trying to do the best we can on behalf of the American

6879 people.

6880 I yield back.

6881 Mr. Gaetz. Mr. Chairman?

6882 Chairman Nadler. The time of the gentlelady has

6883 expired.

6884 Mr. Gaetz. Mr. Chairman?

6885 Chairman Nadler. Who seeks recognition?

6886 Mr. Collins. To your right.

6887 Mr. Gaetz. I seek to strike the last word.

6888 Chairman Nadler. You haven't spoken on this amendment

6889 yet?

6890 Mr. Gaetz. I was yielded time.

6891 Chairman Nadler. The gentleman is recognized.

6892 Mr. Gaetz. Thank you, Mr. Chairman. I won't use all my

6893 time.

6894 I was a little confused by the gentlelady from Texas's

6895 remarks. She said twice during her time that the amendment

6896 to allow those who received a firearm who have been benefited

6897 by a court from receiving a domestic violence injunction, the

6898 gentlelady said twice that that had been approved by

6899 unanimous consent. It was only the perfecting amendment to

6900 the underlying amendment that was approved.

6901 But the underlying amendment -- actually, the gentlelady

6902 was correct in being supportive of that provision because,

6903 obviously, we don't want people who are the subject of those

6904 or that receive domestic violence protection to then be
6905 barred from access to their rights. But then the gentlelady
6906 who just now said that those were good provisions, she voted
6907 against it, just a few moments ago.

6908 And I am left just sort of wondering does the gentlelady
6909 from Texas believe that people who get domestic violence
6910 protection by a court, does she believe that they ought to be
6911 able to receive a firearm as a gift, as a loan from a friend
6912 or neighbor, or does she not? Because she said she supported
6913 it, and then she voted against it.

6914 And so just I would yield to the gentlelady if she would
6915 like to clarify her view?

6916 Mr. Swalwell. Would you yield to me? Would the
6917 gentleman yield?

6918 Mr. Gaetz. Certainly.

6919 Ms. Jackson Lee. My answer to the gentleman is that I
6920 agree with the gentleman's perfecting amendment.

6921 Mr. Swalwell. Would the gentleman yield?

6922 Mr. Gaetz. In just a moment. But does the gentlelady
6923 believe that people who get the protective violence
6924 injunction protection, that they should be able to receive a
6925 firearm?

6926 Ms. Jackson Lee. Your language is the language accepted
6927 and the language that I support. And that speaks to what you
6928 just said.

6929 Thank you.

6930 Mr. Gaetz. I appreciate that --

6931 Chairman Nadler. Does the gentleman yield to the
6932 gentleman from California?

6933 Mr. Gaetz. Yes, I intend to, and there is plenty of
6934 time. But it is just so hard to hear the gentlelady say she
6935 supported it right after she voted against it. It is like
6936 the scene from Austin Powers, like there are only two things
6937 I can't stand. People who are intolerant of other people and
6938 the Dutch.

6939 I yield to the gentleman from California.

6940 Mr. Swalwell. I am not going to match you with Austin
6941 Powers quotes, but I do want to tell the gentleman from
6942 Pennsylvania that I appreciate this amendment, I appreciate
6943 you taking on the issue. And I can't speak for the chairman,
6944 but I would pledge to work with you to find a way to make
6945 sure that somebody who has a firearm who is in potential --
6946 who is suffering mental health issues and wants to relinquish
6947 that firearm could do it in a way that they, you know, are
6948 not put in criminal jeopardy and that perhaps there is a way
6949 that it, within 24 hours, has to go to a law enforcement
6950 official.

6951 It is something I would want to work with you on, and I
6952 appreciate you bringing it up, and I will yield back.

6953 Mr. Gaetz. I yield to the gentleman from Colorado,

6954 Mr. Buck.

6955 Mr. Buck. I thank the gentleman from Florida.

6956 And Mr. Chairman, I have a good faith inquiry of your
6957 scenario that you put forth. You say that an individual that
6958 is contemplating suicide can take his firearm or her firearm
6959 and deliver it to a police officer?

6960 Chairman Nadler. Certainly.

6961 Mr. Buck. So my understanding of this statute is that a
6962 transfer without a Federal background check is illegal as to
6963 the transferor and the transferee?

6964 Chairman Nadler. Correct.

6965 Mr. Buck. And if the -- in the case that you suggested,
6966 the transferee, the police officer could not be prosecuted,
6967 but is it the position of the chair that the transferor in
6968 this situation, the individual contemplating suicide could
6969 not be prosecuted also?

6970 Because I think that is important legislative history
6971 for us. You are suggesting that any of the individuals that
6972 could receive a firearm also immunize then the individuals
6973 that are transferring the firearm.

6974 Chairman Nadler. Will the gentleman yield?

6975 Mr. Buck. I would yield, yes.

6976 Chairman Nadler. I said that such a person could take
6977 the firearm to a police station. One presumes that at a
6978 police station, people there have been -- there is at least

6979 one person there, presumably everyone who has passed the
6980 background check for receipt of firearms.

6981 Mr. Buck. So that means that the individual that would
6982 transfer the firearm to the police officer could not be
6983 prosecuted under this statute?

6984 Chairman Nadler. Certainly not. If they believed --
6985 had reason to believe, and I think if you go to a police
6986 station you have reason to believe, that the person they gave
6987 it to had passed the background check, certainly.

6988 Mr. Buck. Okay.

6989 Mr. Swalwell. And Mr. Chairman, just would the
6990 gentleman yield?

6991 Mr. Gaetz. I will yield.

6992 Mr. Swalwell. I understand that law enforcement is
6993 exempted in this bill. So I yield back.

6994 Mr. Gaetz. Yes, yes. I would make that point of
6995 clarity that it wouldn't matter, Mr. Chairman, whether or not
6996 the person perceived the law enforcement to have passed the
6997 background check or not, the majority has already included
6998 that as --

6999 Chairman Nadler. You are quite --

7000 Mr. Gaetz. I yield back.

7001 Chairman Nadler. You are quite correct.

7002 The question is on the amendment.

7003 Those in favor, say aye.

7004 Those opposed, no.

7005 In the opinion of the chair, the noes have it, and the
7006 amendment is not agreed to.

7007 Roll call is requested --

7008 Mr. Collins. Mr. Chairman, could I get --
7009 Chairman Nadler. The clerk will call the roll.

7010 Ms. Eligan. Mr. Nadler?
7011 Chairman Nadler. No.

7012 Ms. Eligan. Mr. Nadler votes no.

7013 Ms. Lofgren?
7014 Ms. Lofgren. No.

7015 Ms. Eligan. Ms. Lofgren votes no.

7016 Ms. Jackson Lee?
7017 Ms. Jackson Lee. No.

7018 Ms. Eligan. Ms. Jackson Lee votes no.

7019 Mr. Cohen?
7020 Mr. Johnson of Georgia?
7021 Mr. Johnson of Georgia. No.

7022 Ms. Eligan. Mr. Johnson of Georgia votes no.

7023 Mr. Deutch?
7024 Mr. Deutch. No.

7025 Ms. Eligan. Mr. Deutch votes no.

7026 Ms. Bass?
7027 Ms. Bass. No.

7028 Ms. Eligan. Ms. Bass votes no.

7029 Mr. Richmond?
7030 Mr. Jeffries?
7031 Mr. Jeffries. No.
7032 Ms. Eligan. Mr. Jeffries votes no.
7033 Mr. Cicilline?
7034 Mr. Swalwell?
7035 Mr. Swalwell. No.
7036 Ms. Eligan. Mr. Swalwell votes no.
7037 Mr. Lieu?
7038 Mr. Lieu. No.
7039 Ms. Eligan. Mr. Lieu votes no.
7040 Mr. Raskin?
7041 Ms. Jayapal?
7042 Ms. Jayapal. No.
7043 Ms. Eligan. Ms. Jayapal votes no.
7044 Mrs. Demings?
7045 Mrs. Demings. No.
7046 Ms. Eligan. Mrs. Demings votes no.
7047 Mr. Correa?
7048 Ms. Scanlon?
7049 Ms. Scanlon. No.
7050 Ms. Eligan. Ms. Scanlon votes no.
7051 Ms. Garcia?
7052 Ms. Garcia. No.
7053 Ms. Eligan. Ms. Garcia votes no.

7054 Mr. Neguse?
7055 Mr. Neguse. No.
7056 Ms. Eligan. Mr. Neguse votes no.
7057 Mrs. McBath?
7058 Mrs. McBath. No.
7059 Ms. Eligan. Mrs. McBath votes no.
7060 Mr. Stanton?
7061 Mr. Stanton. No.
7062 Ms. Eligan. Mr. Stanton votes no.
7063 Ms. Dean?
7064 Ms. Dean. No.
7065 Ms. Eligan. Ms. Dean votes no.
7066 Ms. Mucarsel-Powell?
7067 Ms. Mucarsel-Powell. No.
7068 Ms. Eligan. Ms. Mucarsel-Powell votes no.
7069 Ms. Escobar?
7070 Ms. Escobar. No.
7071 Ms. Eligan. Ms. Escobar votes no.
7072 Mr. Collins?
7073 Mr. Collins. Aye.
7074 Ms. Eligan. Mr. Collins votes aye.
7075 Mr. Sensenbrenner?
7076 Mr. Chabot?
7077 Mr. Chabot. Aye.
7078 Ms. Eligan. Mr. Chabot votes aye.

7079 Mr. Gohmert?

7080 Mr. Gohmert. Aye.

7081 Ms. Eligan. Mr. Gohmert votes aye.

7082 Mr. Jordan?

7083 Mr. Jordan. Yes.

7084 Ms. Eligan. Mr. Jordan votes yes.

7085 Mr. Buck?

7086 Mr. Buck. Aye.

7087 Ms. Eligan. Mr. Buck votes aye.

7088 Mr. Ratcliffe?

7089 Mrs. Roby?

7090 Mrs. Roby. Aye.

7091 Ms. Eligan. Mrs. Roby votes aye.

7092 Mr. Gaetz?

7093 Mr. Gaetz. Aye.

7094 Ms. Eligan. Mr. Gaetz votes aye.

7095 Mr. Johnson of Louisiana?

7096 Mr. Johnson of Louisiana. Aye.

7097 Ms. Eligan. Mr. Johnson of Louisiana votes aye.

7098 Mr. Biggs?

7099 Mr. Biggs. Aye.

7100 Ms. Eligan. Mr. Biggs votes aye.

7101 Mr. McClintock?

7102 Mr. McClintock. Aye.

7103 Ms. Eligan. Mr. McClintock votes aye.

7104 Mrs. Lesko?

7105 Mrs. Lesko. Aye.

7106 Ms. Eligan. Mrs. Lesko votes aye.

7107 Mr. Reschenthaler?

7108 Mr. Reschenthaler. Aye.

7109 Ms. Eligan. Mr. Reschenthaler votes aye.

7110 Mr. Cline?

7111 Mr. Cline. Aye.

7112 Ms. Eligan. Mr. Cline votes aye.

7113 Mr. Armstrong?

7114 Mr. Armstrong. Yes.

7115 Ms. Eligan. Mr. Armstrong votes yes.

7116 Mr. Steube?

7117 Mr. Steube. Yes.

7118 Ms. Eligan. Mr. Steube votes yes.

7119 Chairman Nadler. Are there any Members who haven't

7120 voted? Mr. Correa?

7121 Mr. Correa. Correa, no.

7122 Ms. Eligan. Mr. Correa votes no.

7123 Chairman Nadler. Are there any other Members who

7124 haven't been recorded who wish to be recorded?

7125 [No response.]

7126 Chairman Nadler. The clerk will report.

7127 Ms. Eligan. Mr. Chairman, 20 noes and 15 ayes.

7128 Chairman Nadler. The amendment is not agreed to. Are

7129 there any further amendments to -- are there any further
7130 amendments to H.R. 8?

7131 The gentleman from North Dakota, for what purpose do you
7132 seek recognition?

7133 Mr. Armstrong. Mr. Chairman, I have an amendment at the
7134 desk.

7135 Chairman Nadler. The clerk will report the amendment.

7136 Ms. Eligan. Amendment to H.R. 8, offered by
7137 Mr. Armstrong of North Dakota. Page 4, line 12, insert "or"
7138 after the semi-colon. Page 4 --

7139 Chairman Nadler. Without objection, the amendment is
7140 considered as read.

7141 [The amendment of Mr. Armstrong follows:]

7142

7143 Chairman Nadler. And the gentleman is recognized in
7144 support of his amendment.

7145 Mr. Armstrong. Thank you, Mr. Chairman.

7146 Prior to this, I would just like to point out I think
7147 the last two amendments that have been offered on our side
7148 have actually could be construed as being more narrowly
7149 tailored than the underlying language in the bill. However,
7150 I would argue that they have more of a practical -- they
7151 would have had more of a practical, real-world impact as both
7152 the transferor and the transferee would have had an idea of
7153 what they were dealing with, as opposed to one in case a
7154 court order and in another case taking away some adjectives,
7155 which I will continue on my quest to.

7156 And the reason I bring that up is because this amendment
7157 is actually removing a tremendous amount of language in the
7158 bill, and it is removing definitory language as to what
7159 constitute activities in rural America. So essentially what
7160 this bill does is it takes out all of the qualifying language
7161 that actually precludes the exception actually ever being
7162 used in my part of the country, and it just states, "For the
7163 purposes of hunting, trapping, fishing, ranching, farming, or
7164 target practice."

7165 It is important to note that where we are at in this
7166 bill is not in a sale, it is not in a gift. These are not
7167 permanent transfers of firearms. These are only temporary

7168 transfers of firearms for essentially things that are done in
7169 the most remote places in our country, and they are done on a
7170 daily basis.

7171 And with all due respect to whoever wrote the exemptions
7172 to this bill, I think it is perfectly clear that they have
7173 never spent time in rural America a day in their life. So
7174 this would actually protect -- in my State, hunting, fishing,
7175 ranching, and farming are actually codified in our State
7176 constitution as State constitutionally -- they are protected
7177 constitutional activities.

7178 They also tend to happen in places where we very rarely
7179 have cell phone service, let alone access to an FFL. And I
7180 will give one specific example where this is a problem. And
7181 if you look at the bill as it is currently written under
7182 lines 23 and 24, it says "while in the presence of a
7183 transfer."

7184 Well, if you are hunting or have traveled to my State,
7185 which, by the way, is a fantastic place if you enjoy the
7186 outdoors, and you are going hunting with a friend, an
7187 outfitter, a guide, or something of that nature, you may not
7188 be in the presence of that person when you are actually
7189 afield. And in some areas -- Alaska, for one instance -- you
7190 could be 10 to 50 to 100 miles away from the actual outfitter
7191 with your guide.

7192 So this would simply say for temporary transfers for the

7193 purposes of hunting, trapping, fishing, ranching, farming or
7194 target practice that the background check would not apply.
7195 Now I want to make sure it is clear that your local Federal
7196 law enforcement, your local State law enforcement, your local
7197 U.S. attorney would be the final arbitrator of whether or not
7198 that occurred.

7199 So, I mean, how you would rate this even in a Federal
7200 jurisdiction would be significantly different and dealt with
7201 in a different way than you would in an urban area across the
7202 country. And what I mean by that is we tend to understand
7203 what these activities mean very well in North Dakota. I
7204 fully understand other people do not. But if we are going to
7205 pass a Federal bill that requires these restrictions,
7206 allowing for temporary transfers of over and under shotguns,
7207 bolt action rifles for the purpose of putting down a cow that
7208 has fallen through a gopher hole or hunting a mule deer in
7209 the Badlands of North Dakota, we should allow those things to
7210 occur. This does not affect the underlying provisions of the
7211 bill in which you are trying to protect.

7212 And so, with that --

7213 Ms. Lofgren. Would the gentleman yield?

7214 Mr. Armstrong. I would.

7215 Ms. Lofgren. I am trying to understand how this
7216 amendment would work. Now am I correct that it would
7217 eliminate the reason to believe that the transferee intends

7218 to use the firearm in a place where it is illegal and the
7219 other provision that the reason to believe that the licensing
7220 and permit requirements will be met and in the presence of.
7221 And I think the other thing is it seems to be reasonably
7222 necessary.

7223 And so I am trying to understand how this would work. I
7224 mean, I have -- and part of my district, you know, is remote,
7225 and there is wild boar out there. And you know, they are
7226 dangerous, and people shoot them, as they should. So I am
7227 not hostile to the need to do that.

7228 But I have always thought, you know, the need to have a
7229 firearm while fishing is a different issue. And the
7230 "reasonably necessary," I thought was pretty important
7231 because you don't shoot the fish, but you might need it if
7232 you were in an area that was incredibly remote and there were
7233 wild boar coming after you. If you eliminate the "reasonably
7234 necessary," I am not sure how that would work.

7235 Mr. Armstrong. We are out of time, but I could answer
7236 that.

7237 Ms. Lofgren. I would ask unanimous consent for an
7238 additional minute so the gentleman could answer the question.

7239 Chairman Nadler. Without objection.

7240 Mr. Armstrong. Well, and my argument would be very
7241 simple. All of these activities are purported to be legal
7242 activities. Whether you are hunting, fishing, ranching,

7243 farming, trapping, target practice, those are purported to be
7244 legal activities.

7245 To infer intent as to the "reasonable necessary," I
7246 agree with you. I actually had the same questions on
7247 fishing, and then it was pointed out to me by a colleague of
7248 mine who is more remote than North Dakota that if you are
7249 fishing in bear country, it is not necessarily a terrible
7250 idea to have an 870 shotgun with you.

7251 So I asked that same question. But I would just argue
7252 that these are purported to be legal activities. And if you
7253 -- and I will still contend that this bill, as written with
7254 this amendment, would capture the illegal activities my
7255 friends on the other side of the aisle are trying to
7256 encompass. What you would do is allow for a defense of this
7257 bill under the guise of that activity.

7258 Chairman Nadler. The time of the gentlelady has
7259 expired.

7260 Ms. Lofgren. It is his yield.

7261 Chairman Nadler. I am sorry. The time of the gentleman
7262 has expired.

7263 The chair would now recognize himself for the purpose of
7264 opposing the amendment.

7265 The amendment -- aside from getting rid of the word
7266 "reasonably necessary," I am not sure why you would want to
7267 do that, and frankly, I am not sure what the impact of that

7268 is -- essentially duplicates clause (2) of the underlying
7269 bill, which is on page 4, lines 13 to 15. But then it
7270 eliminates three provisions.

7271 It says -- the underlying bill says that there is an
7272 exception to the background requirement while reasonably
7273 necessary for the purposes of hunting, trapping, or fishing
7274 if the transferor has no reason to believe that the
7275 transferee intends to use the firearm in a place where it is
7276 illegal.

7277 The amendment eliminates that language. So, presumably,
7278 you don't need a background check even if you have a reason
7279 to believe that the transferee intends to use the firearm in
7280 a place where it is illegal. That would seem perverse.

7281 And has reason to believe, that is the transferor has
7282 reason to believe that the transferee will comply with all
7283 licensing and permit requirements for such hunting, trapping,
7284 or fishing. So now with this amendment, you don't have to
7285 have a reason to believe that the transferee will comply with
7286 the legal requirements for licensing and hunting.

7287 And the current language says that you can transfer for
7288 reasonably necessary for hunting, trapping, et cetera, while
7289 in the presence of the transferor, in other words, if someone
7290 is going to go with you hunting, and that is also eliminated.

7291 So you have taken out the safeguards in this exception.
7292 You have expanded the exception to the background

7293 requirement. You have taken out the "reasonably necessary"
7294 for no apparent reason. You have removed the safeguards
7295 about -- so you can transfer it even if you believe that the
7296 person is going to use it for illegal purposes or for
7297 purposes without a license and not in your presence.

7298 So you can give it to the person without a background
7299 check, expecting him to use it for an illegal purpose and
7300 leave the scene, so you are okay. That doesn't make a heck
7301 of a lot of sense. So I would oppose the amendment.

7302 Mr. Lieu. Mr. Chairman?

7303 Chairman Nadler. The gentleman from California?

7304 Mr. Lieu. I would like to move to strike the last word.

7305 Chairman Nadler. The gentleman is recognized.

7306 Mr. Lieu. Thank you, Mr. Chair.

7307 The author of this amendment made a relatively
7308 condescending statement that somehow we don't understand
7309 rural areas. Let me just say the author of this bill,
7310 H.R. 8, is Mike Thompson. He has rural areas. He is a
7311 hunter. And there is this strain I sort of get from NRA
7312 members and even some of my colleagues on the other side that
7313 somehow those of us who want common-sense gun rights -- or I
7314 am sorry, common-sense gun bills don't understand guns. That
7315 is just false.

7316 I have fired guns. I have cleaned guns. I have taken
7317 guns apart. I have two marksmanship awards from the United

7318 States military.

7319 My colleague to my right, Congresswoman Val Demings,
7320 spent her entire career in law enforcement. Do not
7321 condescend towards us. We understand guns. That is why we
7322 support this legislation. We understand how dangerous guns
7323 can be.

7324 And second, I just want to debunk the myth that somehow,
7325 you know, background checks don't stop mass shootings. Well,
7326 let us just do a logic experiment here because if it stopped
7327 a mass shooting, we wouldn't hear about it, right? You don't
7328 know all the shootings background checks have stopped. There
7329 is no way empirically to know that. But we do know that
7330 States that have stronger gun safety laws have lower
7331 incidence of gun violence.

7332 And then let me conclude by saying the Moms Demand
7333 Action members here, as we get later in the evening, they
7334 have grown. More power to you, and that is awesome.

7335 With that, I yield back.

7336 Mr. Chabot. Mr. Chairman?

7337 Voice. Would the gentleman yield? Did you yield?

7338 Mr. Chabot. Point of parliamentary inquiry.

7339 Chairman Nadler. Okay. The gentleman will state his
7340 parliamentary inquiry.

7341 Mr. Chabot. Is it the practice of this committee,

7342 Mr. Chairman, for the chair to go back and forth between

7343 Members on either side?

7344 Chairman Nadler. Yes.

7345 Mr. Chabot. Because you went from the gentleman here to
7346 yourself. Mr. Jordan was trying to --

7347 Chairman Nadler. I apologize then. I didn't realize
7348 that. I apologize.

7349 Who seeks recognition? The gentleman from Ohio?

7350 Mr. Jordan. Thank you, Mr. Chairman.

7351 Chairman Nadler. The other gentleman from Ohio.

7352 Mr. Jordan. Thank you, Mr. Chairman.

7353 Chairman Nadler. For what purpose does the gentleman
7354 seek recognition?

7355 Mr. Jordan. To strike the last word.

7356 Chairman Nadler. The gentleman is recognized.

7357 Mr. Jordan. The last three amendments. First, first
7358 the majority says a victim of domestic violence, a friend
7359 can't give them a firearm to protect themselves even if there
7360 has been a court order in place, put in place. Then the
7361 majority says a person who, by his or her own determination,
7362 may be a risk to himself or herself or others can't turn
7363 their firearm over to a friend so they don't harm anyone.

7364 And now the majority says you can't give a friend who
7365 has come to your place, gun didn't get there, stuck on the
7366 plane or whatever, you want to loan him your shotgun when you
7367 are going hunting. You can't do that either.

7368 Three just basic, simple -- I mean, I support the
7369 gentleman's amendment. I supported the last -- I have
7370 supported every one we have brought because they have all
7371 been common-sense, good amendments, and yet the majority
7372 continues to say they are not going to allow them to be --
7373 continues to oppose them.

7374 And the chairman just said a few minutes ago, sometime
7375 around 7:30 p.m., we are going to stop all debate, stop all
7376 debate, even though we are talking about -- even though this
7377 is the Judiciary Committee and we are talking about the Bill
7378 of Rights, we are talking about the Second Amendments, 10
7379 amendments from the minority is all we can take. This is
7380 Congress. We worked too hard today. We can't stay here any
7381 longer and debate.

7382 I think the count I had, there are like 104 amendments,
7383 and we have done, what, 11, 10? And all have been good ones.
7384 Some have been so common sense, and yet the majority says,
7385 nope, we are not going to take those common-sense amendments.
7386 We are not going to let a lady who is the victim of domestic
7387 abuse, even when a court order is in place, we are not going
7388 to let a friend give her a firearm to protect herself.

7389 We are not going to let people who have lived in hunting
7390 and ranching area, nope, we are not going to let them
7391 transfer a firearm there either. And by golly, we are going
7392 to cut off debate, even though this is the Judiciary

7393 Committee, and we are talking about Second Amendment rights
7394 for American citizens. What has it come to?

7395 Oh, because it is 20 until 8:00 p.m. Congress can't --
7396 we can't work too hard. Can't do that. Even if it is the
7397 Judiciary Committee, even if we are talking about the Bill of
7398 Rights.

7399 I would yield to the gentleman from -- yield to the
7400 gentleman first from Florida, and then I will go to North
7401 Dakota.

7402 Mr. Gaetz. I appreciate the gentleman's monologue. I
7403 also am thinking back to just a few hours ago when our
7404 colleague said this is so important, we are going to stay
7405 until 10:00 p.m. We will stay until midnight. I was ready
7406 to do that.

7407 Mr. Jordan. We are all ready to do it.

7408 Mr. Gaetz. One would think that in the Judiciary
7409 Committee discussing constitutional rights like we wouldn't
7410 have to go get our beauty rest. But I guess those offers
7411 from the majority to stay, to roll up our sleeves, to work
7412 through these amendments, they weren't serious.

7413 Voice. I said that. Would the gentleman yield?

7414 Mr. Gaetz. Well, it is the gentleman from Ohio's time,
7415 but I will yield to you.

7416 Mr. Jordan. I am going to yield first to the gentleman
7417 from North Dakota because we are debating his amendment, his

7418 good, commonsense amendment, like the previous nine and the
7419 other 90-some that we would like to get to if we are not
7420 leaving early.

7421 I would yield first to the gentleman from North Dakota.

7422 Mr. Armstrong. There is a lot to unpack here. First of
7423 all, I would start with the chairman's comments, and just to
7424 respond briefly in that when you are talking about game and
7425 fish violations, reasonably allowed to do that, you are
7426 talking about State law. All of these activities that are
7427 mentioned in here under this bill -- and I want to be clear,
7428 again, this is about temporary transfers. This is not about
7429 sales. This is not about gifts. But all of the things that
7430 are mentioned here are already illegal in every State in the
7431 country if you are doing it without a license or in an area
7432 where it is barred.

7433 So you are applying Federal language to State law. And
7434 secondly, I would say I am not -- I am only condescending to
7435 the people -- I am not condescending to any person in
7436 general, but I will say that farming and ranching is not
7437 mentioned once in this bill and also that the language, as it
7438 applies to this amendment and the other restrictions that are
7439 in this or the exceptions in this bill, is so restrictive in
7440 the way that it is worded that I hope the majority, if they
7441 are going -- when they go through the Rules Committee and get
7442 to this, they are at least honest about it and just take them

7443 away because they are not applicable in real-world settings.

7444 They just are not. So we shouldn't have them in there
7445 if they can't actually be used anyway.

7446 So with that, I yield back to the gentleman from Ohio.

7447 Mr. Jordan. I thank the gentleman. I would urge the
7448 adoption of the gentleman's amendment. It is common sense,
7449 as I said. And I would also urge the chairman not to cut off
7450 debate, but to allow the Judiciary Committee to do our job,
7451 particularly when we are talking about something as important
7452 as the Second Amendment.

7453 With that, I would yield back.

7454 Chairman Nadler. The question is on the amendment.

7455 All those in favor, say aye.

7456 Those opposed, no.

7457 In the opinion of the chair, the noes have it, and the
7458 amendment is not agreed to.

7459 Mr. Collins. Roll call.

7460 Chairman Nadler. A roll call is requested. The clerk
7461 will call the roll.

7462 Ms. Eligan. Mr. Nadler?

7463 Chairman Nadler. No.

7464 Ms. Eligan. Mr. Nadler votes no.

7465 Ms. Lofgren?

7466 Ms. Lofgren. No.

7467 Ms. Eligan. Ms. Lofgren votes no.

7468 Ms. Jackson Lee?
7469 Ms. Jackson Lee. No.
7470 Ms. Eligan. Ms. Jackson Lee votes no.
7471 Mr. Cohen?
7472 Mr. Johnson of Georgia?
7473 Mr. Johnson of Georgia. No.
7474 Ms. Eligan. Mr. Johnson of Georgia votes no.
7475 Mr. Deutch?
7476 Mr. Deutch. No.
7477 Ms. Eligan. Mr. Deutch votes no.
7478 Ms. Bass?
7479 Ms. Bass. No.
7480 Ms. Eligan. Ms. Bass votes no.
7481 Mr. Richmond?
7482 Mr. Jeffries?
7483 Mr. Jeffries. No.
7484 Ms. Eligan. Mr. Jeffries votes no.
7485 Mr. Cicilline?
7486 Mr. Cicilline. No.
7487 Ms. Eligan. Mr. Cicilline votes no.
7488 Mr. Swalwell?
7489 Mr. Swalwell. No.
7490 Ms. Eligan. Mr. Swalwell votes no.
7491 Mr. Lieu?
7492 Mr. Lieu. No.

7493 Ms. Eligan. Mr. Lieu votes no.
7494 Mr. Raskin?
7495 Mr. Raskin. No.
7496 Ms. Eligan. Mr. Raskin votes no.
7497 Ms. Jayapal?
7498 Ms. Jayapal. No.
7499 Ms. Eligan. Ms. Jayapal votes no.
7500 Mrs. Demings?
7501 Mrs. Demings. No.
7502 Ms. Eligan. Mrs. Demings votes no.
7503 Mr. Correa?
7504 Mr. Correa. No.
7505 Ms. Eligan. Mr. Correa votes no.
7506 Ms. Scanlon?
7507 Ms. Scanlon. No.
7508 Ms. Eligan. Ms. Scanlon votes no.
7509 Ms. Garcia?
7510 Ms. Garcia. No.
7511 Ms. Eligan. Ms. Garcia votes no.
7512 Mr. Neguse?
7513 Mr. Neguse. No.
7514 Ms. Eligan. Mr. Neguse votes no.
7515 Mrs. McBath?
7516 Mrs. McBath. No.
7517 Ms. Eligan. Mrs. McBath votes no.

7518 Mr. Stanton?

7519 Mr. Stanton. No.

7520 Ms. Eligan. Mr. Stanton votes no.

7521 Ms. Dean?

7522 Ms. Dean. No.

7523 Ms. Eligan. Ms. Dean votes no.

7524 Ms. Mucarsel-Powell?

7525 Ms. Mucarsel-Powell. No.

7526 Ms. Eligan. Ms. Mucarsel-Powell votes no.

7527 Ms. Escobar?

7528 Mr. Collins?

7529 Mr. Collins. Aye.

7530 Ms. Eligan. Mr. Collins votes aye.

7531 Mr. Sensenbrenner?

7532 Mr. Chabot?

7533 Mr. Chabot. Aye.

7534 Ms. Eligan. Mr. Chabot votes aye.

7535 Mr. Gohmert?

7536 Mr. Gohmert. Aye.

7537 Ms. Eligan. Mr. Gohmert votes aye.

7538 Mr. Jordan?

7539 Mr. Jordan. Yes.

7540 Ms. Eligan. Mr. Jordan votes yes.

7541 Mr. Buck?

7542 Mr. Buck. Aye.

7543 Ms. Eligan. Mr. Buck votes aye.
7544 Mr. Ratcliffe?
7545 Mrs. Roby?
7546 Mrs. Roby. Aye.
7547 Ms. Eligan. Mrs. Roby votes aye.
7548 Mr. Gaetz?
7549 Mr. Gaetz. Aye.
7550 Ms. Eligan. Mr. Gaetz votes aye.
7551 Mr. Johnson of Louisiana?
7552 Mr. Johnson of Louisiana. Aye.
7553 Ms. Eligan. Mr. Johnson of Louisiana votes aye.
7554 Mr. Biggs?
7555 Mr. Biggs. Aye.
7556 Ms. Eligan. Mr. Biggs votes aye.
7557 Mr. McClintock?
7558 Mr. McClintock. Aye.
7559 Ms. Eligan. Mr. McClintock votes aye.
7560 Mrs. Lesko?
7561 Mrs. Lesko. Aye.
7562 Ms. Eligan. Mrs. Lesko votes aye.
7563 Mr. Reschenthaler?
7564 Mr. Reschenthaler. Aye.
7565 Ms. Eligan. Mr. Reschenthaler votes aye.
7566 Mr. Cline?
7567 Mr. Cline. Aye.

7568 Ms. Eligan. Mr. Cline votes aye.

7569 Mr. Armstrong?

7570 Mr. Armstrong. Yes.

7571 Ms. Eligan. Mr. Armstrong votes yes.

7572 Mr. Steube?

7573 Mr. Steube. Yes.

7574 Ms. Eligan. Mr. Steube votes yes.

7575 Ms. Escobar. Can I vote? Sorry. Escobar.

7576 Ms. Eligan. Ms. Escobar votes --

7577 Ms. Escobar. No.

7578 Ms. Eligan. -- no.

7579 Mr. Cohen. How am I recorded?

7580 Ms. Eligan. Mr. Cohen is not recorded.

7581 Mr. Cohen. No.

7582 Ms. Eligan. Mr. Cohen votes no.

7583 Chairman Nadler. Is there anyone -- is there any member

7584 of the committee who has not been recorded who wishes to be

7585 recorded?

7586 Mr. Biggs. How am I recorded?

7587 Chairman Nadler. How is Mr. Biggs recorded?

7588 Ms. Eligan. Mr. Biggs is recorded aye.

7589 Chairman Nadler. Is there anyone else?

7590 [No response.]

7591 Chairman Nadler. The clerk will report.

7592 Ms. Eligan. Mr. Chairman, 23 noes and 15 ayes.

7593 Chairman Nadler. The amendment is not agreed to.

7594 Mr. Deutch. Mr. Chairman?

7595 Chairman Nadler. For what purpose does the gentleman
7596 from Florida seek recognition?

7597 Mr. Deutch. I have an amendment in the nature of a
7598 substitute at the desk, Mr. Chairman.

7599 Chairman Nadler. The clerk should report the amendment
7600 in the nature of a substitute.

7601 Mr. Collins. Mr. Chairman, I reserve a point of order.

7602 Chairman Nadler. Point of order is reserved.

7603 Ms. Eligan. Amendment in the nature of a substitute to
7604 H.R. 8, offered by Mr. Deutch.

7605 Chairman Nadler. Without objection, the reading of the
7606 amendment is dispensed with.

7607 [The amendment of Mr. Deutch follows:]

7608

7609 Chairman Nadler. The gentleman from Florida is
7610 recognized in support of his amendment for 5 minutes.

7611 Mr. Deutch. Thank you, Mr. Chairman. I appreciate it.

7612 My amendment makes substitutes to the text of the bill
7613 with the --

7614 Mr. Collins. Mr. Chairman?

7615 Chairman Nadler. The gentleman from Florida has the
7616 time.

7617 Mr. Deutch. My amendment makes substitutes to the text
7618 of the bill with identical text of H.R. 8 with one change.
7619 Section 6 of the bill presently provides that the amendments
7620 made by H.R. 6 take effect 180 days -- H.R. 8 take effect
7621 180 days after the date of the act's enactment. My
7622 substitute amendment changes the effective date from 180 days
7623 to 210 days.

7624 Chairman Nadler. The amendment in the nature of a
7625 substitute is before the committee.

7626 The gentleman from Georgia is recognized. For what
7627 purpose does the gentleman from Georgia seek recognition?

7628 Mr. Collins. To make my point of order.

7629 Chairman Nadler. The gentleman will state his point of
7630 order.

7631 Mr. Collins. Mr. Chairman, I make a point of order that
7632 consideration of the legislation before us violates Rule 2 of
7633 the committee rules, as well as Rule 11, Clause (2). An

7634 amendment in the nature of a substitute, when offered by the
7635 chairman or another majority member at the direction of the
7636 chairman, constitutes the text that the committee intends to
7637 mark up.

7638 Chairman Nadler. The amendment and the -- I am sorry.
7639 Mr. Johnson of Georgia. Mr. Chairman?

7640 Chairman Nadler. The point of order is not well taken
7641 because the text of the amendment in the nature of a
7642 substitute, including the effective date at 210 days, is the
7643 text that the committee will consider.

7644 Mr. Collins. Parliamentary inquiry, Mr. Chairman.

7645 Chairman Nadler. The gentleman will state his
7646 parliamentary inquiry.

7647 Mr. Collins. It is in that requirement of the rules,
7648 but also the question is it the intent of the chair --

7649 Chairman Nadler. You go to fast. I can't hear you.

7650 Mr. Collins. I am used to getting us out on votes. So
7651 is it the intent of the chairman to whenever the debate goes
7652 too long, can the chairman point to me in the rules where it
7653 allows the chairman, for the sole purpose of ending debate,
7654 to offer an amendment in the nature of a substitute?

7655 Chairman Nadler. That is not a proper parliamentary
7656 inquiry. Does anyone wish to be recognized in opposition to
7657 the amendment in the nature of a substitute?

7658 Mr. Johnson of Georgia. Mr. Chairman?

7659 Chairman Nadler. Does any --

7660 Mr. Johnson of Georgia. Move to strike the last word.

7661 Mr. Collins. I need a roll call vote on the point of

7662 order, Mr. Chairman. I appeal the ruling of the chair.

7663 Chairman Nadler. He appeals the ruling of the chair.

7664 Mr. Deutch. Mr. Chairman, I move to table.

7665 Chairman Nadler. Excuse me. The ruling of the chair --

7666 oh, the ruling of the chair is appealed. Motion to table is

7667 made. A motion to table is undebatable.

7668 The clerk will call the roll on the motion to table the

7669 appeal of the ruling of the chair.

7670 Ms. Eligan. Mr. Nadler?

7671 Chairman Nadler. Aye.

7672 Ms. Eligan. Mr. Nadler votes aye.

7673 Ms. Lofgren?

7674 Ms. Lofgren. Yes.

7675 Ms. Eligan. Ms. Lofgren votes yes.

7676 Ms. Jackson Lee?

7677 Mr. Cohen?

7678 [Pause.]

7679 Ms. Eligan. Ms. Jackson Lee?

7680 Ms. Jackson Lee. Aye.

7681 Ms. Eligan. Ms. Jackson Lee votes aye.

7682 Mr. Cohen?

7683 Mr. Johnson of Georgia?

7684 Mr. Johnson of Georgia. Aye.

7685 Ms. Eligan. Mr. Johnson of Georgia votes aye.

7686 Mr. Deutch?

7687 Mr. Deutch. Aye.

7688 Ms. Eligan. Mr. Deutch votes aye.

7689 Ms. Bass?

7690 Ms. Bass. Aye.

7691 Ms. Eligan. Ms. Bass votes aye.

7692 Mr. Richmond?

7693 Mr. Jeffries?

7694 Mr. Jeffries. Aye.

7695 Ms. Eligan. Mr. Jeffries votes aye.

7696 Mr. Cicilline?

7697 Mr. Cicilline. Aye.

7698 Ms. Eligan. Mr. Cicilline votes aye.

7699 Mr. Swalwell?

7700 Mr. Swalwell. Aye.

7701 Ms. Eligan. Mr. Swalwell votes aye.

7702 Mr. Lieu?

7703 Mr. Lieu. Aye.

7704 Ms. Eligan. Mr. Lieu votes aye.

7705 Mr. Raskin?

7706 Mr. Raskin. Aye.

7707 Ms. Eligan. Mr. Raskin votes aye.

7708 Ms. Jayapal?

7709 Ms. Jayapal. Aye.

7710 Ms. Eligan. Ms. Jayapal votes aye.

7711 Mrs. Demings?

7712 Mrs. Demings. Aye.

7713 Ms. Eligan. Mrs. Demings votes aye.

7714 Mr. Correa?

7715 Mr. Correa. Aye.

7716 Ms. Eligan. Mr. Correa votes aye.

7717 Ms. Scanlon?

7718 Ms. Scanlon. Aye.

7719 Ms. Eligan. Ms. Scanlon votes aye.

7720 Ms. Garcia?

7721 Ms. Garcia. Aye.

7722 Ms. Eligan. Ms. Garcia votes aye.

7723 Mr. Neguse?

7724 Mr. Neguse. Aye.

7725 Ms. Eligan. Mr. Neguse votes aye.

7726 Mrs. McBath?

7727 Mrs. McBath. Aye.

7728 Ms. Eligan. Mrs. McBath votes aye.

7729 Mr. Stanton?

7730 Mr. Stanton. Aye.

7731 Ms. Eligan. Mr. Stanton votes aye.

7732 Ms. Dean?

7733 Ms. Dean. Aye.

7734 Ms. Eligan. Ms. Dean votes aye.

7735 Ms. Mucarsel-Powell?

7736 Ms. Mucarsel-Powell. Aye.

7737 Ms. Eligan. Ms. Mucarsel-Powell votes aye.

7738 Ms. Escobar?

7739 Ms. Escobar. Aye.

7740 Ms. Eligan. Ms. Escobar votes aye.

7741 Mr. Collins?

7742 Mr. Collins. No.

7743 Ms. Eligan. Mr. Collins votes no.

7744 Mr. Sensenbrenner?

7745 Mr. Chabot?

7746 Mr. Chabot. No.

7747 Ms. Eligan. Mr. Chabot votes no.

7748 Mr. Gohmert?

7749 Mr. Gohmert. No.

7750 Ms. Eligan. Mr. Gohmert votes no.

7751 Mr. Jordan?

7752 Mr. Jordan. No.

7753 Ms. Eligan. Mr. Jordan votes no.

7754 Mr. Buck?

7755 Mr. Buck. No.

7756 Ms. Eligan. Mr. Buck votes no.

7757 Mr. Ratcliffe?

7758 Mrs. Roby?

7759 Mrs. Roby. No.

7760 Ms. Eligan. Mrs. Roby votes no.

7761 Mr. Gaetz?

7762 Mr. Gaetz. No.

7763 Ms. Eligan. Mr. Gaetz votes no.

7764 Mr. Johnson of Louisiana?

7765 Mr. Johnson of Louisiana. No.

7766 Ms. Eligan. Mr. Johnson of Louisiana votes no.

7767 Mr. Biggs?

7768 Mr. Biggs. No.

7769 Ms. Eligan. Mr. Biggs votes no.

7770 Mr. McClintock?

7771 Mr. McClintock. No.

7772 Ms. Eligan. Mr. McClintock votes no.

7773 Mrs. Lesko?

7774 Mrs. Lesko. No.

7775 Ms. Eligan. Mrs. Lesko votes no.

7776 Mr. Resenthaler?

7777 Mr. Resenthaler. No.

7778 Ms. Eligan. Mr. Resenthaler votes no.

7779 Mr. Cline?

7780 Mr. Cline. No.

7781 Ms. Eligan. Mr. Cline votes no.

7782 Mr. Armstrong?

7783 Mr. Armstrong. No.

7784 Ms. Eligan. Mr. Armstrong votes no.
7785 Mr. Steube?
7786 Mr. Steube. No.
7787 Ms. Eligan. Mr. Steube votes no.
7788 Chairman Nadler. Are there any Members who wish to vote
7789 who haven't voted?
7790 [No response.]
7791 Chairman Nadler. The clerk will report.
7792 Ms. Eligan. Mr. Chairman, 22 ayes and 15 noes.
7793 Mr. Chabot. Mr. Chairman?
7794 Chairman Nadler. The motion to table is adopted.
7795 Voice. Mr. Chairman?
7796 Chairman Nadler. For what purpose does the gentleman
7797 from Ohio seek recognition?
7798 Voice. Mr. Chairman, I have an amendment at the desk.
7799 Chairman Nadler. We are still on the substitute
7800 amendment, and the amendment is not in order yet.
7801 Voice. An amendment in the nature of a substitute.
7802 Mr. Johnson of Georgia. Mr. Chairman?
7803 Chairman Nadler. Does anyone wish to speak on the
7804 amendment in the nature of a substitute? The gentleman from
7805 Ohio -- or from Georgia?
7806 Mr. Johnson of Georgia. Move to strike the last word.
7807 Chairman Nadler. The gentleman is recognized.
7808 Mr. Johnson of Georgia. I yield my time to Mr. Deutch.

7809 Mr. Deutch. I thank my friend from Georgia.

7810 Mr. Chairman, tomorrow, 24 hours from now exactly, I
7811 will be in a park in Parkland. It is the same park that we
7812 gathered in one year ago when 17 people were gunned down at
7813 Stoneman Douglas, and I only ask that as we debate these
7814 issues that we make perfectly clear one thing. This is not
7815 about whether this legislation is going to bring back any of
7816 the 17 beautiful lives that were taken on February 14, 2018.
7817 It won't.

7818 It won't bring back -- it won't bring back the son of
7819 our colleague. It won't bring back a single victim of gun
7820 violence anywhere in America in the history of our country,
7821 not one. But Mr. Chairman, if this legislation prevents one
7822 person who wishes to do harm to others from getting a gun,
7823 and because of that, that person can't use the gun he doesn't
7824 have to kill even one person in our country, then what we are
7825 doing here tonight at 8:00 p.m., 24 hours before tomorrow's
7826 memorial service in Parkland, will be something that we can
7827 be proud of.

7828 I just ask that tomorrow, as everyone keeps these
7829 families in their thoughts, that we not make this legislation
7830 about something that could have prevented what happened. It
7831 happened. It is now our responsibility to do everything we
7832 can to make sure that it never happens again.

7833 And I yield back.

7834 Chairman Nadler. Thank you. I now recognize the
7835 gentleman from California, Mr. Swalwell.

7836 Mr. Swalwell. Mr. Chairman, for the sake of all the gun
7837 violence victims who have waited far too long for this to
7838 happen, I move the previous question on the amendment in the
7839 nature of a substitute and all amendments thereto.

7840 Chairman Nadler. The motion is not debatable or
7841 amendable. The question is on ordering the previous
7842 question.

7843 Mr. Chabot. Mr. Chairman?

7844 Chairman Nadler. All those in favor, say aye.

7845 All those opposed, say no.

7846 Mr. Chabot. Mr. Chairman?

7847 Chairman Nadler. In the opinion of the chair, the ayes
7848 have it --

7849 Mr. Collins. Roll call.

7850 Voice. Parliamentary inquiry.

7851 Chairman Nadler. -- and the previous question reported
7852 on the amendment in the nature of a substitute.

7853 Voice. Parliamentary inquiry.

7854 Chairman Nadler. There is no parliamentary inquiry in
7855 the middle of a vote.

7856 Mr. Collins. Roll call. Roll Call.

7857 Chairman Nadler. Request for a roll call is heard. The
7858 clerk will call the roll.

7859 Ms. Eligan. Mr. Nadler?
7860 Chairman Nadler. Aye.
7861 Ms. Eligan. Mr. Nadler votes aye.
7862 Ms. Lofgren?
7863 Ms. Lofgren. Aye.
7864 Ms. Eligan. Ms. Lofgren votes aye.
7865 Ms. Jackson Lee?
7866 Ms. Jackson Lee. Aye.
7867 Ms. Eligan. Ms. Jackson Lee votes aye.
7868 Mr. Cohen?
7869 Mr. Cohen. Aye.
7870 Ms. Eligan. Mr. Cohen votes aye.
7871 Mr. Johnson from Georgia?
7872 Mr. Johnson of Georgia. Aye.
7873 Ms. Eligan. Mr. Johnson of Georgia votes aye.
7874 Mr. Deutch?
7875 Mr. Deutch. Aye.
7876 Ms. Eligan. Mr. Deutch votes aye.
7877 Ms. Bass?
7878 Ms. Bass. Aye.
7879 Ms. Eligan. Ms. Bass votes aye.
7880 Mr. Richmond?
7881 Mr. Jeffries?
7882 Mr. Jeffries. Aye.
7883 Ms. Eligan. Mr. Jeffries votes aye.

7884 Mr. Cicilline?
7885 Mr. Cicilline. Aye.
7886 Ms. Eligan. Mr. Cicilline votes aye.
7887 Mr. Swalwell?
7888 Mr. Swalwell. Aye.
7889 Ms. Eligan. Mr. Swalwell votes aye.
7890 Mr. Lieu?
7891 Mr. Lieu. Aye.
7892 Ms. Eligan. Mr. Lieu votes aye.
7893 Mr. Raskin?
7894 Mr. Raskin. Aye.
7895 Ms. Eligan. Mr. Raskin votes aye.
7896 Ms. Jayapal?
7897 Ms. Jayapal. Aye.
7898 Ms. Eligan. Ms. Jayapal votes aye.
7899 Mrs. Demings?
7900 Mrs. Demings. Aye.
7901 Ms. Eligan. Mrs. Demings votes aye.
7902 Mr. Correa?
7903 Mr. Correa. Aye.
7904 Ms. Eligan. Mr. Correa votes aye.
7905 Ms. Scanlon?
7906 Ms. Scanlon. Aye.
7907 Ms. Eligan. Ms. Scanlon votes aye.
7908 Ms. Garcia?

7909 Ms. Garcia. Aye.

7910 Ms. Eligan. Ms. Garcia votes aye.

7911 Mr. Neguse?

7912 Mr. Neguse. Aye.

7913 Ms. Eligan. Mr. Neguse votes aye.

7914 Mrs. McBath?

7915 Mrs. McBath. Aye.

7916 Ms. Eligan. Mrs. McBath votes aye.

7917 Mr. Stanton?

7918 Mr. Stanton. Aye.

7919 Ms. Eligan. Mr. Stanton votes aye.

7920 Ms. Dean?

7921 Ms. Dean. Aye.

7922 Ms. Eligan. Ms. Dean votes aye.

7923 Ms. Mucarsel-Powell?

7924 Ms. Mucarsel-Powell. Aye.

7925 Ms. Eligan. Ms. Mucarsel-Powell votes aye.

7926 Ms. Escobar?

7927 Ms. Escobar. Aye.

7928 Ms. Eligan. Ms. Escobar votes aye.

7929 Mr. Collins?

7930 Mr. Collins. No.

7931 Ms. Eligan. Mr. Collins votes no.

7932 Mr. Sensenbrenner?

7933 Mr. Chabot?

7934 Mr. Chabot. No.

7935 Ms. Eligan. Mr. Chabot votes no.

7936 Mr. Gohmert?

7937 Mr. Gohmert. No.

7938 Ms. Eligan. Mr. Gohmert votes no.

7939 Mr. Jordan?

7940 Mr. Jordan. No.

7941 Ms. Eligan. Mr. Jordan votes no.

7942 Mr. Buck?

7943 Mr. Buck. No.

7944 Ms. Eligan. Mr. Buck votes no.

7945 Mr. Ratcliffe? Mr. Ratcliffe?

7946 Mrs. Roby?

7947 Mrs. Roby. No.

7948 Ms. Eligan. Mrs. Roby votes no.

7949 Mr. Gaetz?

7950 Mr. Gaetz. No.

7951 Ms. Eligan. Mr. Gaetz votes no.

7952 Mr. Johnson of Louisiana?

7953 Mr. Johnson of Louisiana. No.

7954 Ms. Eligan. Mr. Johnson of Louisiana votes no.

7955 Mr. Biggs?

7956 Mr. Biggs. No.

7957 Ms. Eligan. Mr. Biggs votes no.

7958 Mr. McClintock?

7959 Mr. McClintock. No.

7960 Ms. Eligan. Mr. McClintock votes no.

7961 Mrs. Lesko?

7962 Mrs. Lesko. No.

7963 Ms. Eligan. Mrs. Lesko votes no.

7964 Mr. Reschenthaler?

7965 Mr. Reschenthaler. No.

7966 Ms. Eligan. Mr. Reschenthaler votes no.

7967 Mr. Cline?

7968 Mr. Cline. No.

7969 Ms. Eligan. Mr. Cline votes no.

7970 Mr. Armstrong?

7971 Mr. Armstrong. No.

7972 Ms. Eligan. Mr. Armstrong votes no.

7973 Mr. Steube?

7974 Mr. Steube. No.

7975 Ms. Eligan. Mr. Steube votes no.

7976 Chairman Nadler. Is there any Member who wishes to be

7977 recorded who has not been recorded?

7978 [No response.]

7979 Chairman Nadler. The clerk will report.

7980 Ms. Eligan. Mr. Chairman, 23 ayes and 15 noes.

7981 Chairman Nadler. The previous question is ordered on

7982 the amendment in the nature of a substitute.

7983 The previous question, having been ordered on the

7984 amendment in the nature of a substitute, the vote now occurs
7985 on agreeing to the amendment in the nature of a substitute.

7986 All those in favor, say aye.

7987 Opposed?

7988 In the opinion of the chair, the ayes have it, and the
7989 amendment is agreed to.

7990 Mr. Collins. Roll call.

7991 Chairman Nadler. A roll call is requested. The clerk
7992 will call the roll.

7993 Ms. Eligan. Mr. Nadler?

7994 Chairman Nadler. Aye.

7995 Ms. Eligan. Mr. Nadler votes aye.

7996 Ms. Lofgren?

7997 Ms. Lofgren. Aye.

7998 Ms. Eligan. Ms. Lofgren votes aye.

7999 Ms. Jackson Lee?

8000 Ms. Jackson Lee. Aye.

8001 Ms. Eligan. Ms. Jackson Lee votes aye.

8002 Mr. Cohen?

8003 Mr. Cohen. Aye.

8004 Ms. Eligan. Mr. Cohen votes aye.

8005 Mr. Johnson of Georgia?

8006 Mr. Johnson of Georgia. Aye.

8007 Ms. Eligan. Mr. Johnson of Georgia votes aye.

8008 Mr. Deutch?

8009 Mr. Deutch. Aye.

8010 Ms. Eligan. Mr. Deutch votes aye.

8011 Ms. Bass?

8012 Ms. Bass. Aye.

8013 Ms. Eligan. Ms. Bass votes aye.

8014 Mr. Richmond?

8015 Mr. Jeffries?

8016 Mr. Jeffries. Aye.

8017 Ms. Eligan. Mr. Jeffries votes aye.

8018 Mr. Cicilline?

8019 Mr. Cicilline. Aye.

8020 Ms. Eligan. Mr. Cicilline votes aye.

8021 Mr. Swalwell?

8022 Mr. Swalwell. Aye.

8023 Ms. Eligan. Mr. Swalwell votes aye.

8024 Mr. Lieu?

8025 Mr. Lieu. Aye.

8026 Ms. Eligan. Mr. Lieu votes aye.

8027 Mr. Raskin?

8028 Mr. Raskin. Aye.

8029 Ms. Eligan. Mr. Raskin votes aye.

8030 Ms. Jayapal?

8031 Ms. Jayapal. Aye.

8032 Ms. Eligan. Ms. Jayapal votes aye.

8033 Mrs. Demings?

8034 Mrs. Demings. Aye.

8035 Ms. Eligan. Mrs. Demings votes aye.

8036 Mr. Correa?

8037 Mr. Correa. Correa, aye.

8038 Ms. Eligan. Mr. Correa votes aye.

8039 Ms. Scanlon?

8040 Ms. Scanlon. Aye.

8041 Ms. Eligan. Ms. Scanlon votes aye.

8042 Ms. Garcia?

8043 Ms. Garcia. Aye.

8044 Ms. Eligan. Ms. Garcia votes aye.

8045 Mr. Neguse?

8046 Mr. Neguse. Aye.

8047 Ms. Eligan. Mr. Neguse votes aye.

8048 Mrs. McBath?

8049 Mrs. McBath. Aye.

8050 Ms. Eligan. Mrs. McBath votes aye.

8051 Mr. Stanton?

8052 Mr. Stanton. Aye.

8053 Ms. Eligan. Mr. Stanton votes aye.

8054 Ms. Dean?

8055 Ms. Dean. Aye.

8056 Ms. Eligan. Ms. Dean votes aye.

8057 Ms. Mucarsel-Powell?

8058 Ms. Mucarsel-Powell. Aye.

8059 Ms. Eligan. Ms. Mucarsel-Powell votes aye.
8060 Ms. Escobar?
8061 Ms. Escobar. Aye.
8062 Ms. Eligan. Ms. Escobar votes aye.
8063 Mr. Collins?
8064 Mr. Collins. No.
8065 Ms. Eligan. Mr. Collins votes no.
8066 Mr. Sensenbrenner?
8067 Mr. Chabot?
8068 Mr. Chabot. No.
8069 Ms. Eligan. Mr. Chabot votes no.
8070 Mr. Gohmert?
8071 Mr. Gohmert. No.
8072 Ms. Eligan. Mr. Gohmert votes no.
8073 Mr. Jordan?
8074 Mr. Jordan. No.
8075 Ms. Eligan. Mr. Jordan votes no.
8076 Mr. Buck?
8077 Mr. Buck. No.
8078 Ms. Eligan. Mr. Buck votes no.
8079 Mr. Ratcliffe?
8080 Mrs. Roby?
8081 Mrs. Roby. No.
8082 Ms. Eligan. Mrs. Roby votes no.
8083 Mr. Gaetz?

8084 Mr. Gaetz. No.

8085 Ms. Eligan. Mr. Gaetz votes no.

8086 Mr. Johnson of Louisiana?

8087 Mr. Johnson of Louisiana. No.

8088 Ms. Eligan. Mr. Johnson of Louisiana votes no.

8089 Mr. Biggs?

8090 Mr. Biggs. No.

8091 Ms. Eligan. Mr. Biggs votes no.

8092 Mr. McClintock?

8093 Mr. McClintock. No.

8094 Ms. Eligan. Mr. McClintock votes no.

8095 Mrs. Lesko?

8096 Mrs. Lesko. No.

8097 Ms. Eligan. Mrs. Lesko votes no.

8098 Mr. Reschenthaler?

8099 Mr. Reschenthaler. No.

8100 Ms. Eligan. Mr. Reschenthaler votes no.

8101 Mr. Cline?

8102 Mr. Cline. No.

8103 Ms. Eligan. Mr. Cline votes no.

8104 Mr. Armstrong?

8105 Mr. Armstrong. No.

8106 Ms. Eligan. Mr. Armstrong votes no.

8107 Mr. Steube?

8108 Mr. Steube. No.

8109 Ms. Eligan. Mr. Steube votes no.

8110 Chairman Nadler. Has everyone who wished to be recorded
8111 been recorded?

8112 [No response.]

8113 Chairman Nadler. The clerk will report.

8114 Ms. Eligan. Mr. Chairman, 23 ayes and 15 noes.

8115 Chairman Nadler. The amendment is agreed to.

8116 The question -- the amendment is agreed to.

8117 The question now occurs on the bill, as amended.

8118 All those in favor, say aye.

8119 All those opposed?

8120 In the opinion of the chair, the ayes have it, and the
8121 amendment is agreed to.

8122 Mr. Collins. Roll call.

8123 Chairman Nadler. The bill is agreed to, I should say.

8124 A roll call is requested. The clerk will call the roll.

8125 Ms. Eligan. Mr. Nadler?

8126 Chairman Nadler. Aye.

8127 Ms. Eligan. Mr. Nadler votes aye.

8128 Ms. Lofgren?

8129 Ms. Lofgren. Aye.

8130 Ms. Eligan. Ms. Lofgren votes aye.

8131 Ms. Jackson Lee?

8132 Ms. Jackson Lee. Aye.

8133 Ms. Eligan. Ms. Jackson Lee votes aye.

8134 Mr. Cohen?

8135 Mr. Cohen. Aye.

8136 Ms. Eligan. Mr. Cohen votes aye.

8137 Mr. Johnson of Georgia?

8138 Mr. Johnson of Georgia. Aye.

8139 Ms. Eligan. Mr. Johnson of Georgia votes aye.

8140 Mr. Deutch?

8141 Mr. Deutch. Aye.

8142 Ms. Eligan. Mr. Deutch votes aye.

8143 Ms. Bass?

8144 Ms. Bass. Aye.

8145 Ms. Eligan. Ms. Bass votes aye.

8146 Mr. Richmond?

8147 Mr. Jeffries?

8148 Mr. Cicilline?

8149 Mr. Cicilline. Aye.

8150 Ms. Eligan. Mr. Cicilline votes aye.

8151 Mr. Swalwell?

8152 Mr. Swalwell. Aye.

8153 Ms. Eligan. Mr. Swalwell votes aye.

8154 Mr. Lieu?

8155 Mr. Lieu. Aye.

8156 Ms. Eligan. Mr. Lieu votes aye.

8157 Mr. Raskin?

8158 Mr. Raskin. Aye.

8159 Ms. Eligan. Mr. Raskin votes aye.

8160 Ms. Jayapal?

8161 Ms. Jayapal. Aye.

8162 Ms. Eligan. Ms. Jayapal votes aye.

8163 Mrs. Demings?

8164 Mrs. Demings. Aye.

8165 Ms. Eligan. Mrs. Demings votes aye.

8166 Mr. Correa?

8167 Mr. Correa. Correa. Aye.

8168 Ms. Eligan. Correa, aye. Mr. Correa votes aye.

8169 Ms. Scanlon?

8170 Ms. Scanlon. Aye.

8171 Ms. Eligan. Ms. Scanlon votes aye.

8172 Ms. Garcia?

8173 Ms. Garcia. Aye.

8174 Ms. Eligan. Ms. Garcia votes aye.

8175 Mr. Neguse?

8176 Mr. Neguse. Aye.

8177 Ms. Eligan. Mr. Neguse votes aye.

8178 Mrs. McBath?

8179 Mrs. McBath. For my son, Jordan Davis, I vote aye.

8180 [Applause.]

8181 Ms. Eligan. Mrs. McBath votes aye.

8182 Mr. Stanton?

8183 Mr. Stanton. Aye.

8184 Ms. Eligan. Mr. Stanton votes aye.

8185 Ms. Dean?

8186 Ms. Dean. Aye.

8187 Ms. Eligan. Ms. Dean votes aye.

8188 Ms. Mucarsel-Powell?

8189 Ms. Mucarsel-Powell. This is the first piece of gun

8190 legislation passed in the past 21 years, and for that, I vote

8191 yes.

8192 Mr. Collins. Mr. Chairman, I mean, your big speech

8193 earlier --

8194 Ms. Eligan. Ms. Mucarsel-Powell votes aye.

8195 Ms. Escobar?

8196 Ms. Escobar. Aye.

8197 Ms. Eligan. Ms. Escobar votes aye.

8198 Mr. Collins?

8199 Mr. Collins. No.

8200 Ms. Eligan. Mr. Collins votes no.

8201 Mr. Sensenbrenner?

8202 Mr. Chabot?

8203 Mr. Chabot. No.

8204 Ms. Eligan. Mr. Gohmert?

8205 Mr. Gohmert. No.

8206 Ms. Eligan. Mr. Gohmert votes no.

8207 Mr. Jordan?

8208 Mr. Jordan. No.

8209 Ms. Eligan. Mr. Jordan votes no.
8210 Mr. Buck?
8211 Mr. Buck. No.
8212 Ms. Eligan. Mr. Buck votes no.
8213 Mr. Ratcliffe?
8214 Mrs. Roby?
8215 Mrs. Roby. No.
8216 Ms. Eligan. Mrs. Roby votes no.
8217 Mr. Gaetz?
8218 Mr. Gaetz. No.
8219 Ms. Eligan. Mr. Gaetz votes no.
8220 Mr. Johnson of Louisiana?
8221 Mr. Johnson of Louisiana. No.
8222 Ms. Eligan. Mr. Johnson of Louisiana votes no.
8223 Mr. Biggs?
8224 Mr. Biggs. No.
8225 Ms. Eligan. Mr. Biggs votes no.
8226 Mr. McClintock?
8227 Mr. McClintock. No.
8228 Ms. Eligan. Mr. McClintock votes no.
8229 Mrs. Lesko?
8230 Mrs. Lesko. No.
8231 Ms. Eligan. Mrs. Lesko votes no.
8232 Mr. Reschenthaler?
8233 Mr. Reschenthaler. No.

8234 Ms. Eligan. Mr. Reschenthaler votes no.

8235 Mr. Cline?

8236 Mr. Cline. No.

8237 Ms. Eligan. Mr. Cline votes no.

8238 Mr. Armstrong?

8239 Mr. Armstrong. No.

8240 Ms. Eligan. Mr. Armstrong votes no.

8241 Mr. Steube?

8242 Mr. Steube. No.

8243 Ms. Eligan. Mr. Steube votes no.

8244 Chairman Nadler. Are there any members of the committee

8245 who wish to be recorded who haven't been recorded?

8246 The gentleman from Ohio? How is the gentleman from Ohio

8247 recorded? Mr. Chabot. How is Mr. Chabot recorded?

8248 Ms. Eligan. Mr. Chabot votes no.

8249 Chairman Nadler. Are there any members of the committee

8250 who haven't voted who wish to be recorded?

8251 [No response.]

8252 Chairman Nadler. The clerk will report.

8253 Mr. Jeffries. How am I recorded?

8254 Chairman Nadler. How is the gentleman from New York,

8255 Mr. Jeffries, recorded?

8256 Ms. Eligan. Mr. Jeffries is not recorded.

8257 Mr. Jeffries. Aye.

8258 Ms. Eligan. Mr. Jeffries votes aye.

8259 Chairman Nadler. The clerk will report.

8260 Ms. Eligan. Mr. Chairman, 23 ayes and 15 noes.

8261 Chairman Nadler. The bill --

8262 [Applause.]

8263 Chairman Nadler. The bill is agreed to. The question

8264 is now on the motion to report the bill favorably to the

8265 House, as amended, with the recommendation that the amendment

8266 be agreed to and the bill to pass.

8267 All those in favor, say aye.

8268 Opposed, say no.

8269 In the opinion of the chair, the ayes have it, and the

8270 amendment is agreed to.

8271 Mr. Collins. Roll call. Roll call.

8272 Chairman Nadler. Roll call is requested. The clerk

8273 will call the roll.

8274 Ms. Eligan. Mr. Nadler?

8275 Chairman Nadler. Aye.

8276 Ms. Eligan. Mr. Nadler votes aye.

8277 Ms. Lofgren?

8278 Ms. Lofgren. Aye.

8279 Ms. Eligan. Ms. Lofgren votes aye.

8280 Ms. Jackson Lee?

8281 Ms. Jackson Lee. Aye.

8282 Ms. Eligan. Ms. Jackson Lee votes aye.

8283 Mr. Cohen?

8284 Mr. Johnson of Georgia?
8285 Mr. Johnson of Georgia. Aye.
8286 Ms. Eligan. Mr. Johnson of Georgia votes aye.
8287 Mr. Deutch?
8288 Mr. Deutch. Aye.
8289 Ms. Eligan. Mr. Deutch votes aye.
8290 Ms. Bass?
8291 Mr. Richmond?
8292 Mr. Jeffries?
8293 Mr. Jeffries. Aye.
8294 Ms. Eligan. Mr. Jeffries votes aye.
8295 Mr. Cicilline?
8296 Mr. Cicilline. Aye.
8297 Ms. Eligan. Mr. Cicilline votes aye.
8298 Mr. Swalwell?
8299 Mr. Swalwell. Aye.
8300 Ms. Eligan. Mr. Swalwell votes aye.
8301 Mr. Lieu?
8302 Mr. Lieu. Aye.
8303 Ms. Eligan. Mr. Lieu votes aye.
8304 Mr. Raskin?
8305 Mr. Raskin. Aye.
8306 Ms. Eligan. Mr. Raskin votes aye.
8307 Ms. Jayapal?
8308 Ms. Jayapal. Aye.

8309 Ms. Eligan. Ms. Jayapal votes aye.
8310 Mrs. Demings?
8311 Mrs. Demings. Aye.
8312 Ms. Eligan. Mrs. Demings votes aye.
8313 Mr. Correa?
8314 Mr. Correa. Aye.
8315 Ms. Eligan. Mr. Correa votes aye.
8316 Ms. Scanlon?
8317 Ms. Scanlon. Aye.
8318 Ms. Eligan. Ms. Scanlon votes aye.
8319 Ms. Garcia?
8320 Ms. Garcia. Aye.
8321 Ms. Eligan. Ms. Garcia votes aye.
8322 Mr. Neguse?
8323 Mr. Neguse. Aye.
8324 Ms. Eligan. Mr. Neguse votes aye.
8325 Mrs. McBath?
8326 Mrs. McBath. Aye.
8327 Ms. Eligan. Mrs. McBath votes aye.
8328 Mr. Stanton?
8329 Mr. Stanton. Aye.
8330 Ms. Eligan. Mr. Stanton votes aye.
8331 Ms. Dean?
8332 Ms. Dean. Aye.
8333 Ms. Eligan. Ms. Dean votes aye.

8334 Ms. Mucarsel-Powell?
8335 Ms. Mucarsel-Powell. Aye.
8336 Ms. Eligan. Ms. Mucarsel-Powell votes aye.
8337 Ms. Escobar?
8338 Ms. Escobar. Aye.
8339 Ms. Eligan. Ms. Escobar votes aye.
8340 Mr. Collins?
8341 Mr. Collins. No.
8342 Ms. Eligan. Mr. Collins votes no.
8343 Mr. Sensenbrenner?
8344 Mr. Chabot?
8345 Mr. Chabot. No.
8346 Ms. Eligan. Mr. Chabot votes no.
8347 Mr. Gohmert?
8348 Mr. Jordan?
8349 Mr. Jordan. No.
8350 Ms. Eligan. Mr. Jordan votes no.
8351 Mr. Buck?
8352 Mr. Ratcliffe?
8353 Mrs. Roby?
8354 Mrs. Roby. No.
8355 Ms. Eligan. Mrs. Roby votes no.
8356 Mr. Gaetz?
8357 Mr. Gaetz. No.
8358 Ms. Eligan. Mr. Gaetz votes no.

8359 Mr. Johnson of Louisiana?
8360 Mr. Johnson of Louisiana. No.
8361 Ms. Eligan. Mr. Johnson of Louisiana votes no.
8362 Mr. Biggs?
8363 Mr. McClintock?
8364 Mr. Biggs?
8365 Mr. Biggs. No.
8366 Ms. Eligan. Mr. Biggs votes no.
8367 Mr. McClintock?
8368 Mr. McClintock. No.
8369 Ms. Eligan. Mr. McClintock votes no.
8370 Mrs. Lesko?
8371 Mrs. Lesko. No.
8372 Ms. Eligan. Mrs. Lesko votes no.
8373 Mr. Reschenthaler?
8374 Mr. Reschenthaler. No.
8375 Ms. Eligan. Mr. Reschenthaler votes no.
8376 Mr. Cline?
8377 Mr. Cline. No.
8378 Ms. Eligan. Mr. Cline votes no.
8379 Mr. Armstrong?
8380 Mr. Armstrong. No.
8381 Ms. Eligan. Mr. Armstrong votes no.
8382 Mr. Steube?
8383 Mr. Steube. No.

8384 Ms. Eligan. Mr. Steube votes no.

8385 Chairman Nadler. Mr. Gohmert?

8386 Mr. Buck?

8387 Mr. Gohmert. No.

8388 Ms. Eligan. Mr. Gohmert votes no.

8389 Chairman Nadler. Mr. Buck?

8390 Mr. Buck. I vote no.

8391 Ms. Eligan. Mr. Buck votes no.

8392 Chairman Nadler. Mr. Cohen?

8393 Mr. Cohen. I vote aye.

8394 Ms. Eligan. Mr. Cohen votes aye.

8395 Chairman Nadler. Are there any other -- Ms. Bass?

8396 Ms. Bass. Bass votes aye.

8397 Ms. Eligan. Ms. Bass votes aye.

8398 Chairman Nadler. Are there any other Members who wish

8399 to be recorded who haven't been recorded?

8400 [No response.]

8401 Chairman Nadler. The motion to report is agreed to.

8402 Members will have 2 days to submit views.

8403 Without objection, the bill will be reported as a single

8404 amendment in the nature of a substitute, and staff is

8405 authorized to make technical and conforming changes.

8406 Pursuant to notice, I now call up H.R. 1112, the

8407 Enhanced Background Checks Act of 2019 --

8408 Mr. Biggs. Mr. Chairman, parliamentary inquiry.

8409 Chairman Nadler. -- for purposes of markup, and move
8410 that the committee report the bill favorably to the House.

8411 Mr. Biggs. Mr. Chairman, parliamentary inquiry.

8412 Chairman Nadler. The clerk will report the bill.

8413 Mr. Biggs. A parliamentary inquiry.

8414 Chairman Nadler. The clerk will report the bill.

8415 Mr. Collins. You have a parliamentary inquiry.

8416 Chairman Nadler. Not now. The clerk will report the
8417 bill.

8418 Ms. Eligan. H.R. 1112.

8419 Chairman Nadler. Without objection, the bill is
8420 considered as read and open for amendment at any point.

8421 [The bill follows:]

8422

8423 Chairman Nadler. Who has a parliamentary inquiry?

8424 Mr. Biggs. I do, Mr. Chairman.

8425 Chairman Nadler. Mr. Biggs is recognized for the
8426 parliamentary inquiry.

8427 Mr. Biggs. Thank you very much. I am curious whether
8428 the bill that is being considered is the draft text that was
8429 included with markup materials that were distributed by the
8430 committee and available in the committee docking repository?

8431 Chairman Nadler. Yes. The answer is yes.

8432 Mr. Biggs. I am wondering then why the text for H.R.
8433 1112 was not distributed.

8434 Chairman Nadler. What?

8435 Mr. Biggs. Because the document that I received --

8436 Chairman Nadler. It was distributed --

8437 Mr. Biggs. The document that I received --

8438 Chairman Nadler. -- that we just said was distributed
8439 to you.

8440 Mr. Biggs. No, the document that was distributed to me,
8441 Mr. Chairman, has no number. It has a single sponsor.

8442 Chairman Nadler. I do believe that sponsors can be
8443 added and that the bill can be reported, can be on the agenda
8444 without a number and without the appropriate sponsors.

8445 Mr. Biggs. Well, ultimately --

8446 Chairman Nadler. This bill has a number. 1112. I
8447 don't know what you're talking about.

8448 Mr. Biggs. Well, here's the one that was given to me,
8449 Mr. Chairman. No number, no sponsor.

8450 Chairman Nadler. Maybe your staff gave you the wrong
8451 bill.

8452 Mr. Biggs. And so --

8453 Chairman Nadler. Bill 1112 was distributed.

8454 Mr. Biggs. It was not distributed.

8455 Chairman Nadler. I will begin by recognizing myself for
8456 an opening statement.

8457 Mr. Biggs. Mr. Chairman, I --

8458 Chairman Nadler. H.R. 1112, the Enhanced Background
8459 Checks Act, addresses a dangerous shortcoming in the current
8460 firearms background check law. This loophole enables in
8461 certain cases firearms to be transferred by licensed gun
8462 dealers before the required background checks have been
8463 completed. In most cases, a licensed gun dealer receives
8464 notification within a few minutes from the National Instant
8465 Criminal Background Check System, often called NICS, that a
8466 prospective buyer has passed or failed the background check.

8467 In a small percentage of instances, NICS examiners may
8468 require additional time to complete the background check if
8469 information is missing or unclear in a prospective buyer's
8470 record. However, as we learned in last week's hearing on
8471 preventing gun violence, under current law, a licensed gun
8472 dealer conducting a background check on a prospective

8473 purchaser is permitted to sell the firearm to the purchaser
8474 if there has been no determination from NICS after 3 business
8475 days, even though NICS has not indicated that the person has
8476 actually passed the background check. Often we refer to this
8477 as a default proceed transaction.

8478 These are the very cases that ought to be investigated.
8479 In 2017 alone, the ATF determined that over 4,000 default
8480 proceed firearms transfers went to purchasers who could not
8481 lawfully own a firearm, and they got it only because the
8482 background check was not completed within the 3 days. If
8483 NICS is unable to return an instant determination, and
8484 especially if there is no report after 3 days, there is
8485 additional cause for concern. We should take extra care in
8486 these cases to ensure that there is no reason that the
8487 purchaser is prohibited from buying a gun.

8488 But perversely and dangerously, the default rule today
8489 is that we err on the side of giving a gun to someone who may
8490 not legally be entitled to own it before we know all the
8491 facts. One notable example of the tragic consequences of
8492 this loophole is the hate crime murder of nine people at the
8493 Emanuel African-American Methodist Episcopal Church in
8494 Charleston, South Carolina in 2015.

8495 In that tragedy, the shooter was not legally allowed to
8496 possess a firearm as a result of drug charges, but he still
8497 was able to purchase his gun from a licensed dealer who made

8498 the decision to transfer after 3 business days had elapsed,
8499 despite not having received a definitive response from the
8500 background check system. The bill before us today, H.R. 1112
8501 would strengthen the background check procedures that Federal
8502 firearms licensees or dealers must follow before selling or
8503 transferring a firearm.

8504 Under this measure, the initial period a gun dealer must
8505 wait for an answer from the NICS is extended from 3 days to
8506 10 days. If after 10 days the NICS system has not returned
8507 an answer to the licensed firearms dealer, the prospective
8508 purchaser may file a petition with the attorney general which
8509 would help resolve most applications in short order. If an
8510 additional 10 days elapses without a response from the NICS
8511 system, in other words, a total of 20 days, the licensed
8512 firearms dealer then may sell or transfer the firearm to the
8513 prospective purchaser if the dealer has no reason to believe
8514 that the purchaser is prohibited from obtaining a firearm
8515 under Federal, State, or local law. No reason, that is, to
8516 believe that aside from the fact that after 20 days, NICS
8517 hasn't reported an answer.

8518 H.R. 1112 is a sensible and necessary approach to
8519 address this issue, and I commend our colleague, Congressman
8520 Jim Clyburn, the distinguished Democratic whip, for
8521 introducing this bipartisan bill. There has long been
8522 bipartisan for the requirement in current law that licensed

8523 gun dealers conduct background checks on prospective
8524 purchasers. I would hope that in extending the period for
8525 such default proceed situations to ensure that we not make a
8526 tragic mistake, but also enjoy bipartisan support in the
8527 committee today.

8528 There is a narrow and limited range of cases in which an
8529 extension of time to process NICS applications would be
8530 necessary, but we know that giving the FBI just a little bit
8531 more time to complete checks when additional information must
8532 be obtained and investigated will save lives. Therefore, I
8533 strongly support this bill, and I ask that my colleagues do
8534 the same.

8535 I now recognize the ranking member of the Judiciary
8536 Committee, the gentleman from Georgia, Mr. Collins, for his
8537 opening statement.

8538 Mr. Collins. Thank you, Mr. Chairman. Like H.R. 8, the
8539 Enhanced Background Checks Act will do nothing on this side
8540 to stop gun violence. It was introduced under the premise
8541 that it would close a "Charleston loophole." This bill will
8542 have ultimately failed to stop the horrific attack in
8543 Charleston. It seems to be a familiar refrain, but the
8544 Charleston loophole really isn't a loophole.

8545 Current law gives Federal firearms licensees the option
8546 to proceed with a transfer if a background check isn't
8547 completed within 3 days. No Federal firearms licensee is

8548 required to complete a transfer without a background check.
8549 Eliminating the 3-day proceed-to-sale provision would not
8550 have stopped the Charleston shooter, whose attack occurred
8551 over 2 months after first trying to buy a firearm. Instead,
8552 such a move would render the Second Amendment rights of law-
8553 abiding Americans subject to the arbitrary decisions of FFLs.

8554 Even more, without the 3-day proceed-to-sale provision,
8555 the FBI has no incentive to complete background checks in a
8556 timely manner. With NICS appeals taking upwards of a year, a
8557 system allowing the government arbitrary delay to be
8558 exercised of an enumerated right would be a clear violation
8559 of the right to keep and bear arms.

8560 With that said, there will be a couple of amendments. I
8561 understand the chairman is getting ready to close this down
8562 as well, even on this side, and I applaud the chairman for
8563 passing his bill. We always knew he would. And that is what
8564 happens, you know, when the majority is able to and the
8565 minority raises a question. What concerns me, and it still
8566 concerns me, this evening it was put out on social media by
8567 your committee was that you all forced a shutdown of debate
8568 for 10 hours.

8569 And it is amazing to me that in our first part, and I
8570 wish the, you know, chairman could have been here to listen
8571 to this. It is amazing to me that we were going to pass this
8572 bill one way or the other. We understood that, but yet

8573 things were raised in this committee and even from some of
8574 the discussions with our colleagues across the aisle,
8575 legitimate discussion was made. This issue of eminency is
8576 one that will come back and harm. There are parts of H.R. 8
8577 that needed discussion and amendments that were offered
8578 thoughtfully for domestic violence victims. You know, it is
8579 amazing to me that also again we just blow off the country
8580 and those who live in rural areas all together and not want
8581 to deal with this.

8582 But it also amazing to me that really the complaint of
8583 this takes too long, we have got other things to do, we got
8584 to get this done today. On May 16, 23, and 24 of last year,
8585 this committee met to mark up several bills, including three
8586 controversial immigration bills and a Secret Service bill.
8587 And for those who were not here last year, let me remind you
8588 what happened. The markup on May 23rd began at 10:00 a.m.,
8589 recessed at 3:29 p.m. The committee reconvened the following
8590 day at 10:26 a.m. and adjourned at 8:05 p.m.

8591 During the consideration of the bills, the minority
8592 offered two amendments on May 16th, 10 amendments on May
8593 23rd, and 23 amendments on May 24th and a motion to adjourn.
8594 In total the committee spent more than 16 hours at a markup
8595 of these bills, and the minority was given the opportunity to
8596 offer 35 amendments.

8597 In the rush to do a bill that in the end we have

8598 processed and said that even the intent may or may not be
8599 good, not questioning that, but any actual issues that needed
8600 to be discussed. As my friend earlier said, this is why the
8601 committee exists. And if we are going to be on a time frame
8602 because we have got to get it done, then we run the risk on
8603 this bill or other bills of missing things that need to be
8604 discussed, and actually maybe things that need to be amended.
8605 If that is what we are going to do, then every time we will
8606 just call the previous question. There is no need for
8607 amendments. We know we will get beat at the end.

8608 The problem here is, again, you can have the issue of
8609 the bill, but the amendments that were offered were valid
8610 amendments offered, and amendments whether we agreed with the
8611 end result or not. There are some things that if this bill
8612 goes forward, if this bill somehow is signed into law, there
8613 are things right now that could actually end up costing lives
8614 because of what was in here. It may, as one said, save one,
8615 and I would not deny that because you can never do that, but
8616 it also could cost lives. What do we say to that?

8617 What do we say to those that it could actually hurt
8618 because we didn't spend any time actually debating these
8619 amendments? We didn't spend any time discussing the thoughts
8620 and the facts of eminency of the discussion. We have now put
8621 people, law-abiding citizens, in danger of becoming felons in
8622 this regard. We have just run shot over anything of what

8623 seems to be.

8624 And I know those who have not been before here, and I
8625 understand my freshmen colleagues think that we just should
8626 get it done and go, but that is not the way it works. That
8627 is why we have parliamentary procedure. And if we want to
8628 continue to do this, then, Madam Chair, I am not sure why we
8629 are here. You know, the part that rules have is for the
8630 minority. My minority friends used that for the last 8 years
8631 over and over and over and over and over.

8632 I believe it was 2 times, if I am not mistaken, 2 or 1
8633 in the last Congress that a previous question was used, and
8634 that was after extensive remarks over 8 hours on a resolution
8635 of inquiry, not on a bill. Madam Chair, you know that. You
8636 have been here. Not on a bill. If we continue this, then
8637 the process of this committee is a mockery, and even bills
8638 that you get out will always be viewed and suspect.

8639 With that, I yield back.

8640 Ms. Lofgren. [Presiding.] The gentleman's time has
8641 expired. Before turning to the chairperson of the Crime
8642 Subcommittee, I would just like to note that in the last
8643 Congress, Chairman Goodlatte moved the previous question on
8644 two occasions, and on both occasions without notice to the
8645 minority. We are trying to move through this, to have
8646 everyone be heard, but there comes a point where it is
8647 repetitive and dilatory, and that is something we hope to

8648 avoid in the discussion of this bill. I recall that
8649 sometimes there are deadlines to get bills out. Matter of
8650 fact, my first year on this committee, then Chairman Hyde
8651 advised the same thing and did a previous question motion a
8652 constitutional amendment of great import.

8653 So at this point, I would like to recognize the
8654 chairperson of the Crime Subcommittee, Ms. Bass, for her
8655 opening statement.

8656 Ms. Bass. Thank you, Madam Chair. I support H.R. 1112,
8657 the Enhanced Background Checks Act of 2019, as a commonsense
8658 measure to improve the current firearms background check
8659 system and to save lives. When the Brady Act was enacted 25
8660 years ago, Congress established a mechanism called the
8661 National Instant Criminal Background Check System to
8662 implement the requirement that licensed gun dealers conduct
8663 checks on individuals seeking to purchase firearms.

8664 The FBI established this system, often called the NICS,
8665 to include records relevant to the categories of
8666 circumstances prohibiting individuals from possessing
8667 firearms under Federal law. This includes felons, fugitives,
8668 individuals who have renounced their citizenship, and certain
8669 domestic violence abusers among others.

8670 Over time we have taken steps to try to make the system
8671 more effective. For instance, after the horrific Virginia
8672 Tech mass shooting in 2007, we enacted the NICS Improvements

8673 Act Amendment Act because it was clear that relevant mental
8674 health records were often not being reported to the system.
8675 And largely motivated by the shooting at the church in
8676 Sutherland Springs, Texas in 2017, last year, the committee
8677 developed and Congress enacted the Fix NICS Act, also
8678 designed to ensure the appropriate records are reported to
8679 the system by the States and also Federal agencies.

8680 Now recognize how important it is to submit the records
8681 to the system, it is time to address the circumstances in
8682 which the FBI needs additional time to investigate
8683 information relating to a prospective purchaser when the
8684 records may not be immediately clear as to whether someone is
8685 legally allowed to purchase a firearm. Under current law, a
8686 gun dealer may sell a gun to a purchaser even if the system
8687 has not given a green light to the sale when after 3 business
8688 days have passed without a denial being issued by the system.
8689 In these circumstances, it is the choice of the dealer as to
8690 whether to proceed with the sale, which we call a default
8691 proceed, or whether to wait for the check to be completed.

8692 The results of such a choice were tragic in Charleston,
8693 South Carolina in 2015 when a young man filled with hate shot
8694 and killed nine worshippers at the Mother Emanuel AME Church.
8695 The gun used in this murder had been transferred by a gun
8696 dealer to the shooter, even though the check had not been
8697 completed by the FBI, but which would have resulted in a

8698 denial had the check been finished.

8699 This is not an isolated incident. Since 1994, gun
8700 sellers proceeded with between 3,000 and 4,000 default
8701 proceed sales per year. Analyzing data provided by the
8702 Department of Justice, once study found that such sales are 8
8703 times more likely to involve a prohibited purchaser than
8704 other background checks. In 2017 alone, default proceed
8705 sales accounted for 4,864 transfers to purchasers who were
8706 prohibited from owning firearms.

8707 The FBI reported that in 2007 and 2008, in cases a
8708 licensed seller sold a firearm through default proceed
8709 transfers, approximately 22 percent of the individuals
8710 investigated were legally prohibited from purchasing or
8711 possessing a firearm. The additional time provided by H.R.
8712 1112 is not too much to ask so that we may help prevent
8713 tragedies, such as the Charleston shooting, from happening.

8714 That is why I ask my colleagues to join me in supporting
8715 this bill today. I yield back the balance of my time.

8716 Ms. Lofgren. I thank the gentlelady. I understand that
8717 Mr. Ratcliffe is not here to provide his opening statement.
8718 Should he wish to enter it into the record, we would welcome
8719 that. So we will go directly to inquire if there any
8720 amendments to the bill.

8721 Mr. Collins. Madam Chair?

8722 Ms. Lofgren. The ranking member is recognized for what

8723 purpose?

8724 Mr. Collins. Madam Chair, I have an amendment at the
8725 desk.

8726 Ms. Lofgren. The clerk will read the amendment.

8727 Ms. Jackson Lee. Reserve a point of order.

8728 Mr. Collins. Okay.

8729 Ms. Eligan. Amendment to H.R. 1112, offered by Mr.
8730 Collins of Georgia.

8731 Ms. Lofgren. Without objection, the amendment will be
8732 considered as read.

8733 [The amendment of Mr. Collins follows:]

8734

8735 Ms. Lofgren. Mr. Collins, you are recognized to speak
8736 in behalf of your amendment.

8737 Mr. Collins. Thank you, Madam Chair. Look, we are
8738 still going strong. I think this is interesting. But I am
8739 going to say and, I think, to my friends on the other side,
8740 this is one that I am truly offering as one that we can come
8741 together on. I think it should be accepted because it goes
8742 back to something. We have had personal discussions here
8743 tonight. This is very personal for me, and this is what this
8744 amendment is.

8745 And what we are simply doing is striking the language,
8746 "adjudicated as a mental defective," and inserting
8747 "adjudicated with mental illness." As a father of a special
8748 needs child, the word "mental defective" is abhorrent to me.
8749 To think that anyone in the language of the Code and however
8750 you want to call it is called a defective, then I challenge
8751 them to look at my daughter if she was to roll in here in her
8752 wheelchair and have the issues that she does and call her a
8753 mental defective.

8754 If we continue this process down the road, we need to
8755 clean up the Code. We need to be a part of this. And this
8756 is an amendment that I think should have hopefully bipartisan
8757 support on. I don't think anybody on either side would want
8758 to continue the degradation of those with mental illness by
8759 calling them "defective." As we look at this thing, this is

8760 also another way just to continue to help this process.

8761 I am appreciative of the gentlelady from California, I
8762 believe it was just now, who did recognize the fact that we
8763 did pass the Fix NICS Act last year, and it seemed to have
8764 been forgotten in our debates over the past few weeks, but I
8765 am glad to see that was. But with this, Madam Chair, I would
8766 hope that this would be accepted, that it would be an
8767 amendment that could be put forward. This language is
8768 offensive to anyone who has someone that they know who has
8769 mental illness. And for me, again, just like many of these
8770 things are personal to all of us, this is personal to me, and
8771 I would ask that this amendment be approved.

8772 Ms. Lofgren. Mr. Collins, I yield myself such time as I
8773 may consume. I couldn't agree more that the term, "mental
8774 defective," that has been in the Code, I think, for some time
8775 is offensive and should be changed. However, I am hoping
8776 that we can between now and the floor to find a way to change
8777 it. For example, "adjudicated mentally ill" with a mental
8778 illness would exclude someone who is so profoundly
8779 developmentally disabled that they could not be trusted with
8780 a weapon. That is not your intent, but that would be an
8781 unintended consequence. If the gentleman would be willing to
8782 do this, to temporarily withdraw and to work with us in good
8783 faith to fix this offensive term in a way that actually
8784 works, I would welcome that. And I think we could do that on

8785 a bipartisan basis.

8786 Mr. Collins. I appreciate the chair, and if the chair
8787 would indulge some time.

8788 Ms. Lofgren. I certainly would.

8789 Mr. Collins. I would like to see this, but also as a
8790 former member of the Rules Committee, coming back to that, I
8791 also recognize we could change this in Rules. And what I
8792 would ask tonight is to make a statement here because we have
8793 done this before, and I believe, Madam Chair, we have been a
8794 part of this discussion actually in other bills, and it never
8795 seems to get done.

8796 So what I would ask is that we go ahead, we make the
8797 change here. If we find better language, we can do it in a
8798 Rules Committee print when we get there. But by not doing it
8799 now, we are leaving it to the possibility that it not get
8800 done.

8801 Ms. Lofgren. Well, if Mr. Collins would allow me to
8802 make, I am not the chair of the committee, Mr. Nadler is.
8803 But I will give you my word that this will not be lost in the
8804 shuffle, and that we would indeed pursue it. I am not
8805 prepared to accept the change because of the unintended
8806 consequences that could flow, but I hope that Mr. Collins
8807 would realize that when we give our word to work together,
8808 that that means something.

8809 Mr. Collins. And I understand that, Madam Chair, but I

8810 also understand that this is something that I have seen put
8811 off before in this committee. And at this point in time,
8812 again, we have done lots of other things today, and I think
8813 that this is one that I would like to see go ahead. Let's
8814 make the change now, and we can as a member of Rules, and I
8815 have done it before, these can be changed there. It is not
8816 like this is going straight, you know, to the desk, but there
8817 is not anything.

8818 As you said, we are not asking, we are not trying to
8819 hide the ball here. We are not trying to do anything else.
8820 This is something that needs to be done now. We just made a
8821 statement that many of us believe it is not going to affect,
8822 as it should. Let's make this statement here. I think I
8823 could see both sides saying let's make the statement here. I
8824 appreciate the chairwoman is being cautious here, but let's
8825 be cautious at Rules Committee. We still have another, you
8826 know, complete by. We just want to put a placeholder here to
8827 make sure this is actually discussed, and I would insist on
8828 continuing with this amendment.

8829 Ms. Lofgren. All right. Well, with that, before I turn
8830 to the gentlelady from Texas, I would ask that we oppose this
8831 amendment at this time, understanding that even though that
8832 Mr. Collins is insisting that we proceed, the majority would
8833 intend to amend this in a proper way between now and the
8834 floor. And I would yield --

8835 Mr. Collins. Just before the gentlelady --

8836 Ms. Lofgren. Yes.

8837 Mr. Collins. Would the gentlelady just, again, I
8838 implore you. This is one that I am not doing anything except
8839 here because I have seen this happen, and for freshmen who
8840 are here, you will understand this. If you don't, you are
8841 going to learn to understand it. This doesn't happen
8842 sometimes, and this is simply putting a placeholder in a
8843 bill. And to oppose is simply --

8844 Now, for anyone not now watching who had a mental
8845 illness, they are going to see that this committee is getting
8846 ready to vote down a bill that says they are still defective.
8847 That needs to be said. This is just a placeholder, Madam
8848 Chair. I understand your concern --

8849 Ms. Lofgren. We are going back to regular order. And
8850 the gentlelady from Texas is recognized for what purpose?

8851 Ms. Jackson Lee. First, I want to indicate that I do --

8852 Ms. Lofgren. Strike the last word?

8853 Ms. Jackson Lee. Strike the last word.

8854 Ms. Lofgren. The gentlelady is recognized for 5
8855 minutes.

8856 Ms. Jackson Lee. I do not insist on my point of order
8857 at this time. I want to say to the gentleman if we were poll
8858 every member of this committee, we would all abhor the
8859 language that you are speaking to, which is "mental

8860 defective." I would only say to you with that in mind, with
8861 so many of us who have submitted legislation dealing with
8862 individuals suffering from issues dealing with mental health,
8863 that I would offer to say if a chorus of say that this will
8864 not be forgotten, it will not be forgotten.

8865 The underlying bill, if I could speak to that, is a
8866 powerful reminder of what happens when you do not have the
8867 kinds of checks and balances on the background checks.
8868 Having gone to the funeral of the Emanuel 9 with entire
8869 Charleston coming out for such a violent killing, when people
8870 of faith were kneeling on their knees and praying, the loss
8871 of the shepherd of the church, the pastor of the church,
8872 children or young people seeing their grandmothers or aunt
8873 shot in their very sight. It was a violent killing, and it
8874 was done because a gun was given to someone where the
8875 background check was not completed.

8876 This provision of 20 days, astutely presented by Mr.
8877 Clyburn, the majority whip, is a bipartisan bill that I would
8878 welcome our colleagues supporting. But, again, I know the
8879 empathy and sympathy and the kind of person that Jim Clyburn
8880 is, and I can assure Mr. Collins that his knowledge of your
8881 concern would also lead him to advocate for your position.
8882 And so I would hope that our commitment, I want to put myself
8883 on the record of not forgetting that this needs to be fixed
8884 either on its way to Rules, or certainly it should be fixed

8885 by the floor.

8886 I know having served a little longer than you have, I
8887 have heard those responses myself, and you wonder whether or
8888 not in the mix of legislation it ever gets fixed. I
8889 understand that. But, again, I believe if you polled all of
8890 us, we would all raise our hand, Ranking Member Collins, and
8891 say we will not forget to change this in the Code, and maybe
8892 to look collectively over the Code to try to in this Congress
8893 address this ill-spoken terminology of "defective."

8894 All are children of God. They have their own value and
8895 beauty. And for any of us who have experienced mental health
8896 issues in our own respective families, tragic some, resulting
8897 in tragedy some, but others who live, we know that that is a
8898 term that should not be used. And so I know you may persist,
8899 but I for one am going to --

8900 Mr. Collins. Would the gentlelady yield?

8901 Ms. Jackson Lee. -- figuratively raise my hand and
8902 indicate that I am not going to forget this particular
8903 language that needs to be corrected.

8904 Mr. Collins. Would the gentlelady yield for just a
8905 moment?

8906 Ms. Jackson Lee. I would happy to yield to the
8907 gentleman.

8908 Mr. Collins. And I appreciate the gentlelady's
8909 discussion, and I get it, and you have been here before. And

8910 this was actually discussed last year about doing even a
8911 suspension bill. This has been had in this committee.

8912 Ms. Jackson Lee. Let's do it together.

8913 Mr. Collins. We have done it before. But, again, also
8914 I know that when this gets to Rules, it is going to be a
8915 closed rule, okay? This will be a closed rule along with
8916 H.R. 8, and I get that. I mean, I have been on the Rules
8917 committee, so it is going to be a closed rule, so there will
8918 be no chance to do this as we go forward. And that is the
8919 problem that we just have that we continue to kick this can
8920 down the road. Both sides. I thought it was wrong when we
8921 didn't do it last time. This is something that needs to be
8922 done now, and I would like to see that happen.

8923 Ms. Lofgren. Mr. Collins?

8924 Ms. Jackson Lee. I would be happy to yield if I can get
8925 extra time. Do you want --

8926 Ms. Lofgren. Go ahead. Finish and I will --

8927 Ms. Jackson Lee. Let me yield to the gentlelady, Ms.
8928 Scanlon.

8929 Ms. Scanlon. I just wanted to note that the Federal
8930 legal definition of a mental defective, which I agree is not
8931 good language, is actually broader than "mental illness," so
8932 this amendment would not fix that problem. It would not keep
8933 the breadth of the Federal law. So I agree we should try to
8934 amend the law to remove the "defective term," but since that

8935 term encompasses a broader range of categories than simply
8936 mental illness, this amendment does not work. Thank you.

8937 Ms. Jackson Lee. Reclaiming my time and thanking the
8938 gentlelady, it looks as if we might be engaged in some
8939 discussion. And as I close, let me say if we can work it out
8940 here, fine, but my point was that we would work it out before
8941 we get to the Rules Committee. So if we can work it out
8942 here, I support the gentleman's efforts and I support the
8943 underlying legislation. With that, I yield back.

8944 Ms. Lofgren. I would ask unanimous consent to waive the
8945 requirement that amendments be in writing and suggest that on
8946 line 6, that we add the word "severe developmental disability
8947 or severe emotional disorder, period," and understanding that
8948 we may have further refinements between now and the floor.

8949 Mr. Collins. Madam Chair, this is exactly the way this
8950 committee is supposed to operate when things are brought up
8951 and then we come together. The marker is put in. I
8952 appreciate the chairwoman doing that. Now there is a marker,
8953 we can move forward with this, and I do appreciate that.
8954 That is exactly how this committee is supposed to work, and I
8955 do appreciate it. I do accept the friendly amendment.

8956 Ms. Lofgren. So the motion is on the amendment.

8957 All those in favor will say aye.

8958 All those opposed will say no.

8959 So now we will move to the amendment, as amended.

8960 All those in favor will say aye.

8961 All those opposed will say no.

8962 And in the opinion of the chair, the ayes have it.

8963 And Mr. Nadler has returned.

8964 Chairman Nadler. [Presiding.] Are there any further
8965 amendments on the bill?

8966 Mr. Cline. Mr. Chairman?

8967 Chairman Nadler. The gentleman from Virginia, Mr.
8968 Cline.

8969 Mr. Cline. Virginia. I have an amendment at the desk.

8970 Chairman Nadler. For what purpose does the gentleman
8971 seek recognition?

8972 Mr. Cline. Mr. Chairman, I have an amendment at the
8973 desk.

8974 Chairman Nadler. The clerk will report the amendment.

8975 Ms. Lofgren. Reserve a point of order.

8976 Chairman Nadler. The gentlelady reserves a point of
8977 order. The clerk will report the amendment.

8978 Ms. Eligan. Amendment to H.R. 1112, offered by Mr.
8979 Cline. At the end of the bill, add the following.

8980 Chairman Nadler. Without objection, the amendment will
8981 be considered read.

8982 [The amendment of Mr. Cline follows:]

8983

8984 Chairman Nadler. And the gentleman is recognized on the
8985 amendment.

8986 Mr. Cline. Thank you, Mr. Chairman. This amendment
8987 would clarify that individuals who are in this country
8988 illegally and who have violated Subsection (g) of Section
8989 922, Title 18, which is the section being amended in this
8990 bill, for purchasing a firearm illegally, such a notification
8991 failure on the background check, notification would be made
8992 Immigration and Customs Enforcement.

8993 We are a welcoming Nation, but for those who are in this
8994 country illegally, we must enforce the laws of this country,
8995 and especially when we have individuals who are in this
8996 country illegally and violating the laws of this country
8997 repeatedly. You don't have to open the paper many times to
8998 see instances of gun crimes committed by individuals who are
8999 here illegally. And to notify ICE will assist in
9000 deportations and removal of these individuals who are
9001 committing these crimes from the United States, and help to
9002 achieve the ends of this bill, which are to keep the American
9003 people safer. I yield back.

9004 Chairman Nadler. Does the gentlelady insist on her
9005 point of order?

9006 Ms. Lofgren. I do insist on my point of order. Without
9007 regard to the merits of the proposal, it is far beyond the
9008 scope of the underlying bill, which relates only to the time

9009 of notification, not to the various agencies that
9010 notification will be made. As such, the amendment is not
9011 germane, and it may not be considered.

9012 Chairman Nadler. Does the gentleman desire to be heard
9013 on the point of order?

9014 Mr. Cline. Only, Mr. Chairman, in that the amendment
9015 amends the section of the bill to which the bill is written.

9016 Chairman Nadler. The amendment is what?

9017 Mr. Cline. And so I would argue that it is germane.

9018 Chairman Nadler. Could the gentleman repeat himself?
9019 The amendment amends, I am sorry?

9020 Mr. Cline. Mr. Chairman, I would argue that because the
9021 bill in question amends the section of Title 18 dealing with
9022 notification and the amendment would clarify that those
9023 violations of the background check of the Code,
9024 922(t)(1)(B)(ii), violation of Subsection (g), it goes
9025 directly to the point of this bill, that notification of such
9026 a violation shall be sent to ICE. So I would argue that it
9027 is, in fact, germane.

9028 Chairman Nadler. The chair is prepared to rule on the
9029 point of order. The chair rules that the point of order is
9030 well taken. The amendment is outside the scope of the bill,
9031 and, therefore, ungermane. The bill simply deals with the
9032 length of time during which the background check can be
9033 completed before a transferee may receive the firearm. It

9034 has nothing to do with anything else.

9035 The amendment establishes a requirement that the
9036 attorney general transmit to Immigration and Customs
9037 Enforcement agency various information, which has nothing to
9038 do with the bill. It is well beyond the scope of the bill.
9039 The fact that it may amend the same section is irrelevant.
9040 It is still beyond the scope of the bill for the reasons
9041 stated. Therefore, the amendment is out of order.

9042 Is there any discussion on the amendment?

9043 [No response.]

9044 Chairman Nadler. Hearing none, the --

9045 Mr. Gohmert. Mr. Chairman, I have an amendment.

9046 Chairman Nadler. Are there any further amendments on
9047 the bill?

9048 Mr. Gohmert. I have an amendment.

9049 Chairman Nadler. For what purpose does the gentleman
9050 seek recognition?

9051 Mr. Gohmert. Yeah, to amend the motion.

9052 Chairman Nadler. The clerk will report the amendment.

9053 Mr. Gohmert. The bill.

9054 Ms. Eligan. Amendment to H.R. 1112, offered by Mr.
9055 Gohmert of Texas.

9056 Ms. Lofgren. I reserve a point of order.

9057 Chairman Nadler. The gentlelady reserves a point of
9058 order. Without objection, the amendment is considered as

9059 read.

9060 [The amendment of Mr. Gohmert follows:]

9061

9062 Chairman Nadler. The gentleman is recognized for the
9063 purpose of supporting his amendment.

9064 Mr. Gohmert. Right. I am a little surprised with
9065 reserving a point of order because this is attempting to fix
9066 a problem in the bill. We had heard about the numbers from
9067 Pennsylvania earlier a couple of times. 2016, there were
9068 around 16,000 initial denials. We were told 13,000 was how
9069 many people that shouldn't have guns that didn't get them,
9070 but actually there were only 356 convictions for violating
9071 the law and trying to get a gun.

9072 There were 3,000 or so people that appealed, but there
9073 were thousands and thousands of people that couldn't afford
9074 the money to appeal. We don't know how many of those didn't
9075 get a gun that they should have been allowed to have so they
9076 could protect themselves, who got raped, who got harmed
9077 because they didn't have the means of self-defense because
9078 the law improperly kept them from, as a law-abiding citizen,
9079 getting a means of self-defense.

9080 The reason for this is they use sometimes phonetic
9081 spelling. Sometimes it is not the actual information
9082 regarding the person who is applying for the gun. So if
9083 somebody is applying for a gun, why don't we use all of the
9084 descriptors we have about that? Everything we have about
9085 that, put that in the application to find out whether or not
9086 this person is entitled to have a gun?

9087 We have heard over and over and over for hours and hours
9088 and hours how these things only take about 90 seconds. And
9089 then we heard for the last couple hours about how terrible it
9090 was that it often takes over 3 days. So much for the 90-
9091 second argument that we heard for hours and hours. Now
9092 apparently there is too much that takes over 3 days. But
9093 this is a commonsense thing. Put the descriptors in there
9094 for the person that is applying. Don't generalize and use
9095 other things. Let's look up the guy, the person that is
9096 applying for the gun.

9097 And one of the things that really breaks my heart here
9098 today, we have some absolutely wonderful people that truly
9099 want to make a difference. They truly want to make sure
9100 there is not another Parkland that happens, and they have
9101 been assured and they have been so helpful in trying to push
9102 something through. And just so that we correct the record,
9103 it hasn't been 21 years since anything was done on gun
9104 control. It happened in the last Congress, the Fix NICS
9105 bill. It passed. It was signed by President Trump. It
9106 became law. That wasn't 21 years ago. That was in the last
9107 Congress.

9108 But my big concern is people that have worked so hard,
9109 they have shown up for hearings. They have been there. They
9110 have cheered. They have wanted to see something good. Since
9111 we haven't addressed root causes, and it is clear that what

9112 has been done today, even if it all becomes law, it would not
9113 have prevented Parkland. And the next Parkland that occurs,
9114 there are people that worked so hard to make this stuff
9115 happen, and they will go, what was all of that about? All
9116 our pain and money out of pocket, all the things we did and
9117 these things still keep happening? What was all that we did
9118 for?

9119 And I hope they will not become too jaded because we do
9120 need people participating. They just have to be careful to
9121 read and think through, figure out who you can trust to do
9122 things that will make a difference, that will save people for
9123 the future, not just pass something for the sake of passing
9124 something so we can say we really did something, even though
9125 it won't stop the very thing that people were hoping to stop
9126 with the legislation.

9127 So this is really, it should've been in the law. It
9128 should be part of the law already. It is not. Let's look up
9129 all of the descriptors, all of the person's name as it
9130 actually is, all of that information that we have, use that,
9131 look it up. Let's see if it is this person or somebody else
9132 that is not supposed to have a gun, and let's don't miss
9133 somebody because we make it so generic we miss the actual
9134 person we are supposed to be looking up.

9135 So I think it is a good amendment. I think it could
9136 help make a difference, that it could help people be

9137 prevented from getting a gun who shouldn't. And that is why
9138 I urge my colleagues to support this amendment. I yield
9139 back.

9140 Chairman Nadler. The gentleman yields back. Does the
9141 gentlelady insist on her point of order?

9142 Ms. Lofgren. I do insist on the point of order.
9143 Whether or not this amendment is a good idea, it is far
9144 beyond the scope of the underlying bill, which deals only
9145 with the timing of the reports, not with the underlying
9146 system. So, you know, perhaps as we move forward in our
9147 campaign, in our efforts to fight gun violence we can further
9148 work with Mr. Gohmert and others on this idea, but this is
9149 not the time. It is not germane, and so, therefore, this
9150 amendment may not be considered. Thank you, Mr. Chairman.

9151 Mr. Gohmert. Mr. Chairman, could I respond?

9152 Chairman Nadler. Does the gentleman wish to respond on
9153 the point of order?

9154 Mr. Gohmert. I do indeed, Mr. Chairman.

9155 Chairman Nadler. The gentleman is recognized.

9156 Mr. Gohmert. This amendment does not introduce a new
9157 subject. It accomplishes the same result by substantially
9158 related means. As such, it is germane under the rules of the
9159 precedents of the House as cited in Deschler-Brown Chapter
9160 28, Section 6.8. This is absolutely relevant, germane. It
9161 is rather ridiculous to say this is not substantially on all

9162 fours with what is being attempted here. So I would urge the
9163 chairman to overrule the point of order.

9164 Chairman Nadler. The chair is prepared to rule on the
9165 point of order. The chair rules that the point of order is
9166 well taken. The amendment is not germane in that the bill
9167 deals only with the time period under certain circumstances
9168 for the background check. The bill -- the amendment rather
9169 -- deals with other questions, including descriptors and so
9170 forth. I haven't studied it. It may be a very good
9171 amendment. It may be that it should be a good amendment to
9172 the underlying law. But it is not germane to this bill in
9173 that it is different on the scope. So I rule the amendment
9174 not germane, and the point of order well taken.

9175 Are there any other amendments to H.R. 8?

9176 [No response.]

9177 Chairman Nadler. Hearing none, a reporting quorum being
9178 present, the question is on the motion to report the bill, as
9179 amended, H.R. 1112 favorably to the House.

9180 Oh, I am sorry. Mrs. McBath sought recognition.

9181 Mrs. McBath. Thank you so much, Mr. Chairman. I move
9182 to strike the last word. I am just kind of confused as to
9183 what encompasses the descriptors outside of a name, or we
9184 have here including the person's exact name. I just want to
9185 know what we are considering the descriptors.

9186 Chairman Nadler. We are not considering that anymore.

9187 Ms. Lofgren. Will the gentlelady yield? That is not
9188 germane, but we can deal with that another day.

9189 Chairman Nadler. A reporting quorum being present, the
9190 question is on the motion to report the bill, H.R. 1112, as
9191 amended, to the House.

9192 Those in favor, say aye.

9193 Opposed, no?

9194 The ayes have it, and the bill is ordered reported
9195 favorably to the House.

9196 Mr. Collins. Roll call.

9197 Chairman Nadler. A recorded vote has been requested.
9198 The clerk will call the roll. The gentleman requests a
9199 recorded vote, and the clerk will call the roll.

9200 Ms. Eligan. Mr. Nadler?

9201 Chairman Nadler. Aye.

9202 Ms. Eligan. Mr. Nadler votes aye.

9203 Ms. Lofgren?

9204 Ms. Lofgren. Aye.

9205 Ms. Eligan. Ms. Lofgren votes aye.

9206 Ms. Jackson Lee?

9207 Ms. Jackson Lee. Aye.

9208 Ms. Eligan. Ms. Jackson Lee votes aye.

9209 Mr. Cohen?

9210 Mr. Johnson of Georgia?

9211 Mr. Johnson of Georgia. Aye.

9212 Ms. Eligan. Mr. Johnson of Georgia votes aye.
9213 Mr. Deutch?
9214 Mr. Deutch. Aye.
9215 Ms. Eligan. Mr. Deutch votes aye.
9216 Ms. Bass?
9217 Ms. Bass. Aye.
9218 Ms. Eligan. Ms. Bass votes aye.
9219 Mr. Richmond?
9220 Mr. Jeffries?
9221 Mr. Jeffries. Aye.
9222 Ms. Eligan. Mr. Jeffries votes aye.
9223 Mr. Cicilline?
9224 Mr. Swalwell?
9225 Mr. Lieu?
9226 Mr. Raskin?
9227 Ms. Jayapal?
9228 Mrs. Demings?
9229 Mrs. Demings. Aye.
9230 Ms. Eligan. Mrs. Demings votes aye.
9231 Mr. Correa?
9232 Mr. Correa. Aye.
9233 Ms. Eligan. Mr. Correa votes aye.
9234 Ms. Scanlon?
9235 Ms. Scanlon. Aye.
9236 Ms. Eligan. Ms. Scanlon votes aye.

9237 Ms. Garcia?

9238 Ms. Garcia. Aye.

9239 Ms. Eligan. Ms. Garcia votes aye.

9240 Mr. Neguse?

9241 Mr. Neguse. Aye.

9242 Ms. Eligan. Mr. Neguse votes aye.

9243 Mrs. McBath?

9244 Mrs. McBath. Aye.

9245 Ms. Eligan. Mrs. McBath votes aye.

9246 Mr. Stanton?

9247 Mr. Stanton. Aye.

9248 Ms. Eligan. Mr. Stanton votes aye.

9249 Ms. Dean?

9250 Ms. Dean. Aye.

9251 Ms. Eligan. Ms. Dean votes aye.

9252 Ms. Mucarsel-Powell?

9253 Ms. Mucarsel-Powell. Aye.

9254 Ms. Eligan. Ms. Mucarsel-Powell votes aye.

9255 Ms. Escobar?

9256 Ms. Escobar. Aye.

9257 Ms. Eligan. Ms. Escobar votes aye.

9258 Mr. Collins?

9259 Mr. Collins. No.

9260 Ms. Eligan. Mr. Collins votes no.

9261 Mr. Sensenbrenner?

9262 Mr. Chabot?

9263 Mr. Chabot. No.

9264 Ms. Eligan. Mr. Chabot votes no.

9265 Mr. Gohmert?

9266 Mr. Gohmert. No.

9267 Ms. Eligan. Mr. Gohmert votes no.

9268 Mr. Jordan?

9269 Mr. Jordan. No.

9270 Ms. Eligan. Mr. Jordan votes no.

9271 Mr. Buck?

9272 Mr. Buck. No.

9273 Ms. Eligan. Mr. Buck votes no.

9274 Mr. Ratcliffe?

9275 Mrs. Roby?

9276 Mrs. Roby. No.

9277 Ms. Eligan. Mrs. Roby votes no.

9278 Mr. Gaetz?

9279 Mr. Gaetz. No.

9280 Ms. Eligan. Mr. Gaetz votes no.

9281 Mr. Johnson of Louisiana?

9282 Mr. Johnson of Louisiana. No.

9283 Ms. Eligan. Mr. Johnson of Louisiana votes no.

9284 Mr. Biggs?

9285 Mr. McClintock?

9286 Mr. McClintock. No.

9287 Ms. Eligan. Mr. McClintock votes no.
9288 Mrs. Lesko?
9289 Mrs. Lesko. No.
9290 Ms. Eligan. Mrs. Lesko votes no.
9291 Mr. Reschenthaler?
9292 Mr. Reschenthaler. No.
9293 Ms. Eligan. Mr. Reschenthaler votes no.
9294 Mr. Cline?
9295 Mr. Cline. No.
9296 Ms. Eligan. Mr. Cline votes no.
9297 Mr. Armstrong?
9298 Mr. Armstrong. No.
9299 Ms. Eligan. Mr. Armstrong votes no.
9300 Mr. Steube?
9301 Mr. Steube. No.
9302 Ms. Eligan. Mr. Steube votes no.
9303 Mr. Raskin. Aye.
9304 Ms. Eligan. Mr. Raskin votes aye.
9305 Chairman Nadler. Mr. Cohen?
9306 Mr. Cohen. Aye.
9307 Ms. Eligan. Mr. Cohen votes aye.
9308 Chairman Nadler. Mr. Lieu?
9309 Mr. Lieu. Aye.
9310 Ms. Eligan. Mr. Lieu votes aye.
9311 Chairman Nadler. Mr. Cicilline?

9312 Mr. Cicilline. Aye.

9313 Ms. Eligan. Mr. Cicilline votes aye.

9314 Chairman Nadler. Are there any members of the committee
9315 wishing to be recorded who have not yet voted?

9316 [No response.]

9317 Ms. Eligan. Mr. Chairman, 21 ayes and 14 noes.

9318 Chairman Nadler. The ayes have it, and the bill, as
9319 amended, is ordered reported favorably to the House.

9320 Members will have 2 days to submit views.

9321 Without objection, the bill will be reported as a single
9322 amendment in the nature of a substitute incorporating all
9323 adopted amendments, and staff is authorized to make technical
9324 and conforming changes.

9325 This concludes our business for today. I thank all of
9326 our members for attending. The markup is adjourned.

9327 [Applause.]

9328 [Whereupon, at 9:02 p.m., the committee was adjourned.]