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CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS

RANKING MEMBER OF THE SUBCOMMITTEE ON CRIME AND FEDERAL GOVERNMENT SURVEILLANCE

MARKUP OF H.R. 6824, THE NICS DATA REPORTING ACT

OPENING STATEMENT

BEFORE THE COMMITTEE ON THE JUDICIARY

FEBRUARY 15, 2024

- Thank you, Mr. Chairman.
- I would like to echo the words of the Ranking Member and express my deep sadness for the people of Kansas City. We must take action to prevent gun violence and end the senseless tragedies our communities continue to face.

- It is too early to know whether a background check, safe storage, a ban on assault weapons, or some other solution might have prevented this tragedy, but we do know that gun violence is preventable. We know there are actions that we can and should take to make our communities safer, and I implore our colleagues to join us in that work.
- I also agree with the Ranking Member's remarks on this legislation. We must make sure that the National Instant Criminal Background Check System is both effective **and** equitable.
- NICS is a critical law enforcement tool that brings together millions of records from a wide variety of sources. This system allows for state and federal NICS staff to quickly determine if an individual may lawfully purchase a firearm or not.

- The need for accuracy in this system is obvious. An erroneous denial can result in a person having to take extra steps, causing a delay in their ability to purchase a firearm. On the other hand, an erroneous approval can result in a gun being sold to someone who cannot legally have one and might cause harm to themselves or others. When erroneous sales are discovered, law enforcement must follow up to retrieve the firearm, creating a potentially dangerous interaction.
- Thankfully, both types of errors are rare; yet we must continue to monitor the effectiveness of NICS and seek continual improvement. NICS depends on collaboration across local, state, and federal partners, and Congress must continue to support that collaboration so that all entities are entering accurate records into the system.
- When Congressman Massie raised this reporting requirement as an amendment to the Protecting Our Kids Act last Congress, he spoke about the harms of overcriminalization. He expressed his concern that Black and Hispanic men might face an increased rate of false denials since they may be more likely to share a name with a person who is incarcerated.

- I appreciate his concern about the burdens overcriminalization places on Black and Hispanic people, often requiring law-abiding citizens to go above and beyond to prove they are not a threat. This is an unfortunate reality and one that we don't always hear acknowledged by all of our colleagues.
- While this bill might help us learn more about NICS, it will unfortunately not address the daily harms that law-abiding people of color experience in their interactions with our criminal justice system.
- But my door is always open to any of my colleagues who are willing to work on addressing these challenging problems.
- And while this legislation may not address this particular issue, it could still improve our understanding of NICS and ensure that it is an effective and equitable tool to make our communities safer.
- For that reason, I support this legislation and I urge my colleagues to support it as well.
- I thank the Chairman and I yield back.