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109TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { 109–248

PROVIDING FOR CONSIDERATION OF S. 397, PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

OCTOBER 17, 2005.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 493]

The Committee on Rules, having had under consideration House Resolution 493, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for the consideration of S. 397, the Protection of Lawful Commerce in Arms Act, under a closed rule. The rule provides one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. Finally, the rule provides one motion to recommit.

EXPLANATION OF WAIVERS PROVIDED BY THE RESOLUTION

The Committee is not aware of any points of order against consideration of the resolution. The waiver of all points of order against consideration of the resolution is prophylactic in nature.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 129

Date: October 17, 2005.
Measure: S. 397, Protection of Lawful Commerce in Arms Act.
Motion by: Mrs. Slaughter.

Summary of motion: To amend the rule to make in order and provide the appropriate waivers for the amendment by Representative McCarthy which permits lawsuits until the states have provided to the Attorney General at least 90% of records needed to conduct a criminal background check that determines if a prospective buyer is qualified to possess a firearm under current law.

Results: Defeated 3 to 8.

Vote by Members: Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee record vote No. 130

Date: October 17, 2005.

Measure: S. 397, Protection of Lawful Commerce in Arms Act.

Motion by: Mrs. Slaughter.

Summary of motion: To amend the rule to make in order and provide the appropriate waivers for the amendment by Representative McCarthy which expands the definition of armor piercing ammunition that is capable of penetrating body armor.

Results: Defeated 3 to 8.

Vote by Members: Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee record vote No. 131

Date: October 17, 2005.

Measure: S. 397, Protection of Lawful Commerce in Arms Act.

Motion by: Mr. Hastings of Florida.

Summary of motion: To amend the rule to make in order and provide the appropriate waivers for the amendment by Representative Lofgren which allows law enforcement officers to bring civil lawsuits in case of gun violence, by excluding suits by law enforcement officers from the definition of qualified civil liability action in section 4(5)(A).

Results: Defeated 3 to 8.

Vote by Members: Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee record vote No. 132

Date: October 17, 2005.

Measure: S. 397, Protection of Lawful Commerce in Arms Act.

Motion by: Mr. Hastings of Florida.

Summary of motion: To amend the rule to make in order and provide the appropriate waivers for the amendment by Representative Van Hollen which updates the NICS system so that suspected or known terrorists would be prohibited from purchasing or possessing a firearm. In order to safeguard potential due process concerns, establishes a process whereby any individual incorrectly included on the list may arrange to have his or her name removed.

Results: Defeated 3 to 8.

Vote by Members: Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

Rules Committe record vote No. 133

Date: October 17, 2005.

Measure: S. 397, Protection of Lawful Commerce in Arms Act.

Motion by: Mrs. Matsui.

Summary of motion: To amend the rule to make in order and provide the appropriate waivers for the amendment by Representative Linda Sánchez of California which allows the victims of domestic violence to sue gun dealers for illegal firearm sales to persons with domestic violence convictions.

Results: Defeated 3 to 8.

Vote by Members: Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

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