

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 822) TO AMEND TITLE 18, UNITED STATES CODE, TO PROVIDE A NATIONAL STANDARD IN ACCORDANCE WITH WHICH NONRESIDENTS OF A STATE MAY CARRY CONCEALED FIREARMS IN THE STATE

NOVEMBER 14, 2011.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 463]

The Committee on Rules, having had under consideration House Resolution 463, by a nonrecord 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 consideration of H.R. 822, the National Right-to-Carry Reciprocity Act of 2011. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as original text for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the committee amendment in the nature of a substitute. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendments printed in this report. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 822, the Committee is not aware of any points of order. The waiver of all points of order is prophylactic in nature.

The waiver of all points of order against the committee amendment in the nature of a substitute includes a waiver of clause 7 of rule XVI, prohibiting the consideration of non-germane amendments, because the Committee on the Judiciary adopted an amendment not germane to the introduced bill during the Judiciary Committee mark-up on October 25, 2011.

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

COMMITTEE VOTES

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

Rules Committee record vote No. 149

Motion by Mr. McGovern to report an open rule. Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Mr. McGovern	Yea
Ms. Foxx	Nay	Mr. Hastings of Florida	Yea
Mr. Bishop of Utah	Nay	Mr. Polis	Yea
Mr. Woodall	Nay		
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 150

Motion by Mr. Hastings of Florida to make in order and provide the necessary waivers for amendment #12, offered by Rep. Nadler (NY), which would prohibit a person known or suspected to be a terrorist from possessing or carrying a concealed firearm under the bill; and amendment #8, offered by Rep. Bishop (NY), which would direct the GAO to study the number of jobs created by enacting the bill. Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Mr. McGovern	Yea
Ms. Foxx	Nay	Mr. Hastings of Florida	Yea
Mr. Bishop of Utah	Nay	Mr. Polis	Yea
Mr. Woodall	Nay		
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Woodall (GA): Would protect the rights of states that already have reciprocal agreements in place for the concealed carry of firearms to continue enforcing those preexisting agreements. (10 minutes)

2. McCarthy, Carolyn (NY): Would specify that the legislation can only go into effect in states that have passed legislation enacting the bill. (10 minutes)

3. Hastings, Alcee (FL): Would exempt states from issuing a carry permit on the basis of state reciprocity which do not require individuals to apply for and complete a carry permit application at their local law enforcement station. (10 minutes)

4. Jackson Lee (TX): Would require a state to create a comprehensive database that would contain all permits and licenses issued by the State for carrying a concealed weapon and would make this comprehensive database available to law enforcement officers from all states 24 hours a day. (10 minutes)

5. Conyers (MI): Would preserve state laws with respect to eligibility for concealed-carry. (10 minutes)

6. Johnson, Hank (GA): Would require the possession or carrying of a concealed handgun in a state to be subject to that state's law regarding concealed carry in regards to firearm safety training that includes live-fire exercise. (10 minutes)

7. Cohen (TN): Would exempt from the bill any State law requiring a person to be at least 21 years of age to possess or carry a concealed handgun. (10 minutes)

8. Jackson Lee (TX): Would require a person provide at least 24 hours notice to a law enforcement officer of the State of the intention to possess or carry a concealed handgun in the State (10 minutes)

9. Cicilline (RI): Would limit the bill from taking effect in a state until the State Attorney General, head of the State police, and the Secretary of State have jointly certified that the other state's carry laws are substantially similar to its own licensing or permitting requirements. (10 minutes)

10. Reichert (WA): Would require a GAO study on the ability of state and local law enforcement authorities to verify the validity of out-of-state concealed firearms permits. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WOODALL OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, line 25, strike "that—" and insert "that does not have in effect an agreement with the State that issued the license or permit providing for reciprocal treatment of such licenses or permits issued by the 2 States, and that—".

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCARTHY OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, line 25, strike "that—" and insert "that has in effect a law providing that the provisions of this section shall apply with respect to the State, and—".

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

Page 6, line 1, insert "(A)" after "(1)".
Page 6, line 4, strike "(2)" and insert "(B)".

Page 6, line 5, strike the period and insert “; and”.

Page 6, after line 5, insert the following:

“(2) provides for the issuance of such a license or permit, and requires the applicant for such a license or permit to complete and submit the application to the State in person.”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, line 1, insert “(A)” after “(1)”.

Page 6, line 4, strike “(2)” and insert “(B)”.

Page 6, line 5, strike the period and insert “; and”.

“(2) maintains a complete database of all permits and licenses issued by the State for the carrying of a concealed handgun, and makes that database available to law enforcement officers from all States 24 hours a day.”.

Page 6, after line 5, insert the following:

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS, JR. OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, beginning on line 8, strike “, except as to eligibility to possess or carry,”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, line 14, after the period insert the following: “Notwithstanding the preceding sentence, the possession or carrying of a concealed handgun in a State shall be subject to any law of the State that limits the eligibility to possess or carry a concealed handgun to persons who have received firearm safety training that includes a live-fire exercise.”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, line 14, after the period insert the following: “Notwithstanding the preceding sentence, the possession or carrying of a concealed handgun in a State under this section shall be subject to any State law limiting the eligibility to possess or carry a concealed handgun to individuals who have attained 21 years of age.”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, line 21, strike the close quotation marks and the following period.

Page 6, after line 21, insert the following:

“(d) A person may not, under this section, carry or possess a concealed handgun in a State, unless the person provided at least 24 hours notice to the designated law enforcement agency of the State

of the intention of the person to carry or possess a concealed handgun in the State.”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CICILLINE OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, line 21, strike the close quotation marks and the following period.

Page 6, after line 21, insert the following:

“(d) Subsection (a) shall not apply with respect to the possession or carrying of a concealed handgun in a State on the basis of a license or permit issued in another State, unless the Attorney General of the State, the head of the State police, and the Secretary of State of the State have jointly issued a certification that the laws of both States which provide for the issuance of such a license or permit are substantially similar.”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REICHERT OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

SEC. ____ . GAO STUDY OF THE ABILITY OF STATE AND LOCAL LAW ENFORCEMENT TO VERIFY THE VALIDITY OF OUT-OF-STATE CONCEALED FIREARMS PERMITS.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the ability of State and local law enforcement authorities to verify the validity of licenses or permits, issued by other States, to carry a concealed firearm.

(b) **REPORT TO THE CONGRESS.**—Within 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report which contains the results of the study required by subsection (a).