

A motion to reconsider was laid on the table.

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

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 493 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 493

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 397) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Madam Speaker, for the purpose of debate only, I yield 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 493 is a closed rule. It provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill, and it provides one motion to recommit.

Madam Speaker, before we open debate on the rule for S. 397, the Protection of Lawful Commerce in Arms Act prohibiting frivolous lawsuits against the firearm industry, I would like to say that our Nation's judicial system is out of control. If a group or a person does not like what someone else does or believes, they try to sue them out of existence. This seems to be the case for the firearms industry.

Our Founding Fathers designed our second amendment rights to be absolute rights that shall not be infringed. However, those who find the second amendment offensive have made a concerted effort to sue out of existence those who lawfully and legally facilitate a constitutionally guaranteed right. America's firearm companies are directly connected to and span our national history, but they are currently threatened by a lawsuit-friendly culture.

Addressing the burden of frivolous lawsuits has become a necessity for free enterprise. It seems that for some individuals lawsuits have become the

latest get-rich scheme. Frivolous lawsuits drive up the cost of goods and services, and they put law-abiding companies out of business.

The passage of this legislation is time-sensitive. Every day without this legislation puts more stress on firearm manufacturers, their customers, and their employees. Indeed, some lawsuits are motivated by ideology and a distaste for the firearm industry and guns in general. They will simply keep suing until either the firearm companies are out of business or the guns are too expensive to purchase.

This form of gun control will not only compromise one of our constitutional rights but, Madam Speaker, it threatens the jobs of many Americans.

So it is important to note that S. 397, the Protection of Lawful Commerce in Arms Act, does allow the following types of lawsuits to be filed: number 1, an action against a person who transfers a firearm or ammunition, knowing that it will be used to commit a crime of violence, or drug trafficking crime or comparable or identical State felony law; secondly, an action brought against the seller for negligent entrustment; third, actions in which a manufacturer or seller of a qualified product violates a State or Federal statute applicable to sales or marketing when such violation was a proximate cause of the harm for which relief is sought.

□ 1445

This exception would specifically allow lawsuits against firearms dealers such as the dealer whose firearm ended up in the hands of the D.C. snipers who failed to maintain a required inventory list necessary to ensure that they are alerted to any firearm thefts.

Fourth, actions for breach of contract or warranty in connection with the purchase of a firearm or ammunition; and fifth, actions for damages resulting directly from a defect in design or manufacture of a firearm or ammunition.

So, under this legislation, manufacturers and sellers must operate entirely within Federal and State law. More than half our States have passed similar legislation, and I encourage passage of this rule and consideration of the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me this time, and I yield myself such time as I may consume.

Madam Speaker, I rise today in strong opposition to this closed rule and the underlying legislation. My friends in the majority are again bringing to the floor a rule that blocks debate in the body before it begins. Under this rule not one Member of the House, Republican or Democrat, is permitted to offer an amendment. Under this rule and under this bill, the gun lobby is rewarded while public safety is thwarted.

A few examples: The gentleman from Maryland (Mr. VAN HOLLEN) and the

gentleman from California (Mr. WAXMAN) offered an amendment last night that prohibits suspected and known terrorists from purchasing firearms. That was not made in order. The gentlewoman from New York (Mrs. MCCARTHY), my good friend who will speak on this issue later, had an amendment that expands existing prohibitions on armor-piercing bullets to include those bullets capable of piercing body armor. And the gentlewoman from California (Ms. LINDA SANCHEZ) offered an amendment that permits courts to hear suits based on the sale of weapons to persons with domestic convictions.

Under this rule, however, not one of these amendments, or any of the five other commonsense amendments offered by Democrats in the Committee on Rules last night, will be given any consideration by the full House.

Madam Speaker, our government was built on the foundation of an open and transparent participatory process. Yet, since 1994, when Republicans regained control of the House; I might add, Republicans that argued against closed rules, participation has been limited to only those who share their beliefs.

The underlying legislation, which dismisses existing lawsuits against gun manufacturers and dealers and prohibits the filing of future suits, is not sound public policy. On the contrary, it is outright political grandstanding.

During the last 3 years, more than 34 government entities have filed valid lawsuits against gun manufacturers, distributors, and trade associations. At the beginning of 2005, 18 of those suits had won favorable rulings, while only a handful had been dismissed. The remaining cases are still in court, and I gather that this legislation contemplates eliminating those citizens' rights to be in court.

In fact, several State appeals and supreme courts have also ruled that gun manufacturers and dealers can be held liable for the reasonably foreseeable use of firearms for criminal purposes. Settlements from these cases have forced gun manufacturers to make necessary safety modifications that the industry had previously refused to do. How many times do we have to see a baby with a gun in its hand or at its head or killing some member of the family before we get to safety modifications?

The ruling in the D.C. sniper case forced the gun manufacturer Bushmaster to inform its dealers of safer sales practices that will prevent other criminals from obtaining guns, something that Bushmaster had never done before. Other rulings have resulted in major crackdowns on "straw purchases," where legally purchased guns are resold to individuals unable to lawfully purchase a weapon on their own. In each of these instances, it is beyond fair to say that they were not frivolous lawsuits. Yet, if the underlying legislation becomes law, when the cases are heard then none of them would have even been filed.

Perhaps my friends in the majority can help me understand what is so unreasonable in requiring an industry that produces a product with the sole purpose of killing to take the necessary precautions to protect public safety, and is it our belief that the American judicial system is incapable of properly dismissing lawsuits that are both unreasonable and overzealous? They do it all the time.

Let us be honest and call this bill and this debate what they really are: legislative abuse, with closed rules and a political charade. Republicans are using the legislative process in an attempt to penalize attorneys and trial lawyers, historically supporters of Democrats, who hold the gun lobby, a major campaign contributor to my friends in the majority, accountable for its actions.

The majority's reckless disregard for judicial integrity mocks our Constitution's separation of powers doctrine. Dangerously, it does so at the expense of American safety.

I implore my colleagues to reject this rule and the underlying legislation, and I would say to my good friend, the gentleman from Georgia (Mr. GINGREY), that I know of nothing in my makeup that would cause me at any point in time to want to do anything in derogation of the rights of American citizens under the United States Constitution. The second amendment, the right to own a gun, is everybody's right. But manufacturers ought not be manufacturing guns that are not safe and are poorly manufactured, and nobody should be protecting them at all.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, I yield myself such time as I may consume before calling on the gentlewoman from Pennsylvania.

I want to point out, Madam Speaker, to the gentleman from Florida, my good friend, regarding this particular legislation, S. 397, we have in this body, not just in the 109th this year, passed very, very similar, almost identical legislation, and there were some 11 amendments I think offered during the markup in the Committee on the Judiciary. Those were defeated. In fact, at least one member of the committee from the other party, from the minority party, voted against most of those amendments and voted in favor of favorably reporting this bill. This bill also was passed in the 108th Congress, H.R. 1036. I think the vote on that particular bill was 285 to 140.

Madam Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART), a member of the Committee on the Judiciary.

Ms. HART. Madam Speaker, I thank the gentleman from Georgia for yielding me this time.

I rise in support of the rule. This rule gets us to the point of this issue. My area of western Pennsylvania has a strong sportsman heritage, as does this Nation. Hunting has been a tradition,

bringing generations of families together. As such, second amendment rights are crucial. I am a cosponsor and I strongly support Senate bill 397.

Since 1998, dozens of municipalities and cities have filed suits against America's firearms industry, somehow alleging that the manufacturer of a firearm can be responsible for the acts of criminals. These suits, following the model of the tobacco litigation, attempt to push the gun manufacturers into court to force a settlement, a large cash award, or cessation of a business. In Pennsylvania, Philadelphia attempted to claim public nuisance violations of firearm manufacturers, but a reasonable court dismissed the claim, stating that the city's charges were a "theory in search of a case."

Firearm manufacturers have a time-honored tradition of acting responsibly. They therefore should not be subjected to these frivolous suits. Such suits are anti-freedom, they are anti-employer, not to mention that they seek to protect the irresponsible.

In addition, the gun industry plays a large role in my State of Pennsylvania in our economy. Pennsylvania is home to 277 gun manufacturers, and the impact of sportsmen-related activity to our economy brings more than \$900 million to our State. It also brings generations of family tradition. That is also good for our economy.

Senate bill 397 prohibits illegitimate lawsuits against licensed and law-abiding manufacturers and dealers. These lawsuits, which attempt to blame the firearms industry for crimes committed by criminals who misuse their products, have already cost this industry more than \$100 million in attorneys' fees and a suit against the industry has yet to win.

This bill seeks to end the abuse of our judicial system by the coordinated strategy of filing endless predatory lawsuits designed to drive law-abiding gun manufacturers into bankruptcy.

Senators SANTORUM and SPECTER have both cosponsored the Senate version of this bill which passed the Senate in July. President Bush has indicated his support for this legislation, and I look forward to this bill coming to the floor so that we can pass it in the House and its being signed and becoming law, so that our American firearms industry will not be subjected to potentially bankrupting lawsuits.

As we know, there is a way to control gun crime and protect the gun industry. We need to enforce the many gun laws that are currently on the books. Not only does this law protect lawful gun owners, but enforcing gun crime works. A study by the ATF in June of 2000 documented 1,700 Federal and State gun law prosecutions and 1,000 verdicts from July 1996 to December of 1999, while there were nearly 500,000 gun crimes committed annually. The way to combat gun crimes is not through ridiculous lawsuits, but through the prosecution of gun crimes.

Forcing the gun industry into court ignores a city's inability to control gun crime.

Mr. HASTINGS of Florida. Madam Speaker, I am pleased and privileged at this time to yield 3½ minutes to the distinguished gentleman from Massachusetts (Mr. MCGOVERN), my colleague on the Committee on Rules.

Mr. MCGOVERN. Madam Speaker, I thank the gentleman from Florida for yielding me this time.

Madam Speaker, I oppose this closed rule and the underlying bill. This bill demonstrates how much of a stranglehold that the NRA and gun industry lobbyists have over the majority party. This bill is not being considered today because it is good policy; it is being considered because the majority leadership is bowing down to special interests.

While the proponents of this bill claim that the intent of this legislation is to protect jobs at mom-and-pop gun stores from reckless lawsuits, the truth is that the bill is all about protecting profits for the gun industry. Ensuring its yearly profits, not protecting jobs nor safeguarding gun sales, is atop the priorities of the gun industry.

This bill protects any gun manufacturer, distributor, or seller from any claim of negligence. Any lawsuit, current or future, would not be considered by the courts if this bill were signed into law.

Madam Speaker, on Christmas Eve in 1999, in my hometown of Worcester, Massachusetts, 26-year-old Danny Guzman was shot and killed. A week later, police recovered the 9 millimeter Kahr Arms handgun used to kill young Danny. Through ballistics, the police determined that the gun was one of several stolen from Kahr Arms by Kahr employees with criminal records. According to the police, one of the employees had been hired by Kahr to work in its Worcester manufacturing facility, despite the fact that he had a long history of drug addiction, theft to support that addiction, alcohol abuse and violence, including several assault and battery charges.

Police determined that the guns were stolen from Kahr before the weapons had serial numbers stamped on them and were then resold to criminals in exchange for money and drugs. In March 2000, police arrested a man who pled guilty to the gun thefts. The investigation also led to the arrest of a Kahr employee, a man with a criminal history who pled guilty to stealing from Kahr a pistol and a slide for another weapon.

Now, Kahr did not conduct any criminal or general background checks on its employees. The company did not even have any metal detectors or x-ray machines or security cameras or other similar devices to monitor the facility or to determine if employees were stealing, nor were there guards to check employees at the end of their shifts.

□ 1500

Mr. Speaker, anybody with half a brain has to understand that this company was negligent. Now, if this bill becomes law, gun manufacturers like Kahr Arms would be shielded from negligence. And the Guzman family's suit would be dismissed.

This is just one of the many stories that illustrate the reckless and irresponsible nature of many, not all, but many in the gun industry. And this bill will only further shield them from accountability.

Now, do not be fooled. The NRA and the gun industry want this bill not because jobs are threatened. They want this bill because they fear their precious profits will be affected should they be forced to change some of their irresponsible and reckless practices.

To my colleagues who support this bill, tell the Guzman family that they have no right to be angry at the Worcester-based manufacturer. Tell them that the death of their beloved Danny Guzman was just bad luck and could not have been prevented. The fact of the matter is, it could have been prevented by more responsible practices by Kahr Arms.

I have to believe that gun owners all across this country would not object to ensuring that gun manufacturers allow for more responsible practices in terms of protecting what they manufacture. This is not about taking people's guns away. This is about protecting people. Mr. Speaker, I would urge my colleagues to vote "no" on the rule and the underlying legislation.

Mr. GINGREY. Mr. Speaker, in response to the gentleman from Massachusetts (Mr. MCGOVERN) I want to point out that this bill prohibits lawsuits against a manufacturer or seller of a firearm or ammunition or not-for-profit trade association for damages resulting from the criminal or unlawful misuse of a firearm or ammunition.

But it provides, as I said in my opening remarks, Mr. Speaker, five exceptions to this liability protection, including, and I will just mention one in response to my good friend from Massachusetts. An exception would be for an action against a seller for negligent entrustment or negligence, per se, for example supplying a gun or ammunition to a person when the seller knows or reasonably should know that the buyer possesses an unacceptable risk of physical injury to himself or others.

As an example again, the D.C. snipers were successful in court on these grounds.

Mr. MCGOVERN. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, the exception that he just cited would not cover the example that I just gave. The bottom line is that it was an employee who worked for Kahr Arms that stole these weapons and that sold them to criminals for drug money.

As a result, a young man was killed. And it is our understanding, based on

my conversations with members of the Judiciary Committee, that in fact this would not be covered. So having said that, I would urge my colleagues to vote "no" on this bill.

Mr. GINGREY. Reclaiming my time, I would again point out to the gentleman that it also would be an exception if a vendor knowingly did not keep an inventory so that they would have knowledge that dangerous weapons or firearms were actually stolen from their place of business. And that also is one of the exceptions.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I certainly appreciate the debate that we are having today on this issue. I rise in support of the rule.

Mr. Speaker, when drafting the Bill of Rights to our Constitution, our Founding Fathers guaranteed the right of the people to keep and to bear arms in the second amendment, and for 217 years the second amendment has protected our freedom.

But for years we have seen a nonstop onslaught of individuals and groups trying to erode this basic right. Now, unable to accomplish their goals at the ballot box, they are targeting arms makers in the courts for the illegal use of their product.

Their attempt to force U.S. arms producers out of business would have a serious impact not only on our freedoms but on our national security as well. Let us for a moment just look at three of the companies that are targeted by lawsuits by the antigun fanatics.

The Colt Company is a sole provider of the M-16 rifle carried by the men and women of our armed services. Beretta USA supplies the standard sidearm for all branches of the Armed Forces and law enforcement agencies across the country.

The Sig Arms Company manufactures the sidearm carried by the Secret Service and the Navy SEALs. And if these companies are destroyed, where will our military and our law enforcement get the arms that they need to keep our Nation safe? From France, perhaps. Maybe we can buy them from China.

This is why the Pentagon took the extraordinary step in sending a letter to each Member of this House urging the passage of this important legislation. The aim of these lawsuits is to deny law-abiding Americans from exercising their Constitutional rights to keep and to bear arms. This must be stopped.

Instead, we should severely punish criminals, not law-abiding companies or citizens. And if we do not do so, what is next? Are we going to sue the Louisville Slugger Company if a criminal hits somebody with a baseball bat?

Enough is enough. It is time for common sense. It is time to protect the jobs of the workers of American firms. It is time to protect our rights under the second amendment of the Constitu-

tion, and it is time to ensure that the men and women of the armed services and our law enforcement have access to the best possible firearms to protect our Nation.

Mr. HASTINGS of Florida. Mr. Speaker, I would urge my colleague that just spoke that the many people that I know, and they are numerous in my State and elsewhere that were killed by guns and are advocates against guns, are not fanatics. They are people who are victims of murder.

Additionally, I thought I made it clear, I wish to make it clear again, that insofar as the second amendment is concerned, everyone that I know in this body is protective of a person's right to own a gun.

The fact of the matter is that manufacturers who act irresponsibly should be sued by persons if they so choose when that harm comes to them.

Mr. Speaker, I yield 6 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY. Mr. Speaker, I thank my colleague for giving me this opportunity to speak out against this rule. I have been here about 8½ years now, and I came here without any political experience.

But history had taught me that we, as Americans, certainly fight for our democracy all of the time. Yet over the years, I have seen democracy, especially in this great House, deteriorate continuously.

I have seen where we go up to the Rules Committee continuously, because I always thought that when you came down to this great House, the whole idea was to have debate. And yet I see debate being challenged constantly.

Important issues that come on to this floor, the minority is not allowed to debate them, nor are we allowed to offer any kind of amendments to hopefully make a bill better. Our voices are being shut constantly. This is not the democracy that I learned about when I was in school or the democracy that I believed in as I became an adult.

Last night in the Rules Committee, the majority voted against protecting police officers and voted to make it easier for felons to get guns. The committee rejected my amendment that would ban all armor-piercing ammunition. Let me tell you about armor-piercing ammunition. That was used in the shooting back in 1993 that killed my husband and wounded my son.

And it is only by the grace of God that my son survived. I can go into how many millions of dollars have been spent to make sure that my son could have a productive life. I can talk about his hand that was operated on, because once the bullet hit it, it shattered.

We were lucky that we had anything to work with. And because he raised his hand, it only took off a little bit of his head. And these are bullets that we want to have on our streets? But that amendment was not allowed.

You cannot even hunt with them. Come on. I am hearing this debate on

the second amendment. I believe in the second amendment. I will protect the second amendment. But that does not mean that we cannot enforce the laws that are already on the books.

You know, I have the bill, that would be the NICS system, that would bring the National Instant Checks System up to where it should. You know, this is the month that we are supposed to be talking about domestic violence.

And yet because of the way the States do not keep records, we have people that are not in the NICS system. So if you want to talk about let us enforce the laws on the books, then let us pass a good NICS system that would enforce the laws that are already on the books.

Too many of our felons are slipping through the cracks of the NICS system. What I want to do is make sure that every State can come to the speed that they should be, when someone is found guilty in court, and they are being adjudicated to prison, that their rights of being able to buy a gun are taken away.

You want to talk about that we have terrorists in this country, and we have a terrorist list, but they are allowed to buy guns. Now, again, we keep hearing the rhetoric that goes back and forth in this Hall all of the time that we are trying to take away the right of people to own guns. That is nonsense.

But we can have gun safety issues put out into place so that we can bring down the number of 30,000 people killed in this country every year, so we can bring down the \$100 billion that is spent every year on health care, loss of productivity, and using our police. Think about what this Hall and what this great House could do with \$100 billion.

Maybe we could protect Social Security. Maybe we could protect our health care system. Maybe we can improve our educational system. You know, again, I am disappointed because I came here as an average citizen, honestly believing that a debate was good, whether people agreed or disagreed, made no difference. You had a debate and hopefully people would then make up their minds.

Let us not think that this bill is going to solve the problems that they are talking about. In a decade we have had over 15 million lawsuits. Fifty-seven of them were against gun manufacturers. Fifty-seven of them. And for this, and every other issue that we are taking away the right of victims to be able to have their day in court.

Our court system is working. Our court system is set up the way the Constitution wanted. And yet this body, with our Republican friends, wants to take away the rights of people to have their day in court.

I ask my colleagues to vote against this rule, to protect the integrity of this House, and not to protect the NRA.

Mr. GINGREY. Mr. Speaker, I want to point out that this bill on the House

side, H.R. 800, which was passed, as I mentioned earlier by the House Judiciary Committee, this bill actually had 257 cosponsors, Mr. Speaker. So this is certainly not a Republican bill.

You can do the math. My colleagues certainly can do the math on the other side of the aisle. But clearly, this bill had strong, strong bipartisan support.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS), a member of the Energy and Commerce and Veterans' Affairs Committees.

Mr. STEARNS. Mr. Speaker, I rise today in support of the rule and in support of the underlying bill. It was my bill, H.R. 800. I authored the House version. Then the Senate passed S. 397, and I am pleased that we are taking action on this important piece of legislation today.

This is a bill, frankly, my colleagues, that promotes legal responsibility. It respects, in my opinion, the legislative process, saves taxpayers dollars, protects legitimate law-abiding businesses, and strengthens our commitment to the second amendment.

□ 1515

This is an effort that has taken several years and at least three sessions of Congress to get where we are today. It has not been easy, but it has been heartening to see how much bipartisan support this bill has slowly garnered over the years.

When I first introduced this bill in 2001, it had 231 co-sponsors, but never received a vote. The next session we had 250 co-sponsors and an overwhelming 285 to 140 vote on the floor, but then the bill just died in the other body. Now we have 257 co-sponsors on my bill. The Senate overwhelmingly passed their version, and we are poised to pass this historic piece of legislation today.

But when we started debating this issue, there were only a handful of States that had their own laws prohibiting these junk lawsuits. Today there are 33 States that have laws prohibiting these frivolous lawsuits. So not only is this bill bipartisan in the House and in the Senate; it is bipartisan in this Nation with 33 States, both Democrats and Republicans in the State legislatures and Governors signing on to the bills that ultimately became laws.

And just a few years ago polls showed anywhere from 61 to 70 percent of the American people believed that the gun industry should not be held liable for damages caused by violent criminals. Today, that already solid majority has risen even more, to an astounding 79 percent of the American people, according to a March 2005 survey.

Mr. Speaker, this is a bill and an issue whose time has obviously come. I urge my colleagues to support the rule and, obviously, to support the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in case people think that it is only those of us who

believe in our legal system that are opposed to this particular measure, I have in hand a letter from law enforcement's opposition to H.R. 800, and here is what it says:

"Dear Representative: As active and retired law enforcement officers, we are writing to urge your strong opposition to any legislation granting the gun industry special legal immunity. The bill would strip away the legal rights of gun violence victims, including law enforcement officers and their families, to seek redress against irresponsible gun dealers and manufacturers. The impact of this bill on the law enforcement community is well illustrated by the lawsuit brought by former Orange New Jersey police officers Ken McGuire and David Lemongello."

I gather that their lawsuit would be dismissed as frivolous.

"On January 12, 2001, Officers McGuire and Lemongello were shot in the line of duty with a trafficked gun negligently sold by a West Virginia dealer. The dealer had sold the gun, along with 11 other guns, in a cash sale to a straw buyer for a gun trafficker. In June of 2004, the officers obtained a \$1 million settlement from the dealer. The dealer, as well as two other area pawn shops also, have implemented safer practices to prevent sales to traffickers, including a new policy of ending large volume sales of handguns. These reforms go beyond the requirement of current law and are not imposed by any manufacturers or distributors.

"If immunity," this is what the law enforcement community, some of them say, "if immunity for the gun industry had been enacted, the officers' case would have been thrown out of court and justice would have been denied. Police officers like Officers McGuire and Lemongello put their lives on the line every day to protect the public. Instead of honoring them for their service, legislation granting immunity to the gun industry would deprive them of their basic rights as American citizens to prove their case in a court of law. We stand with Officers McGuire and Lemongello in urging you to oppose this legislation."

It is signed by the International Brotherhood of Police Officers, the Major Cities Chiefs Association, the Hispanic American Police Command Officers Association, The Police Foundation, the Michigan Association of Chiefs of Police, chiefs of police from New Jersey, Ohio, Massachusetts, Nevada, California, New York, North Carolina, Maine, Oklahoma, Texas, Missouri, Rhode Island, and Kansas and Virginia and countless others that time will not permit me to add.

If police officers who are out there protecting us cannot find the protection in this House of Representatives from bullets or armor-piercing bullets, and we are going to protect people who manufacture that stuff from having legal suits brought against them, some

that may be dismissed, some that may be won, some that may be lost but it is an American right, just like that second amendment is an American right that I will go to my grave believing in, but I will go with these police officers in believing that it is wrong to deny people an opportunity to take their matter to court and have it decided appropriately by a court of law and juries of their peers who are all 435 of our constituents.

In addition to what is wrong is this system is wrong. When you close out amendments that would allow people to have an opportunity to come down here on the floor of the House of Representatives and represent their constituents, this is a closed rule; and I urge my colleagues to vote against this closed rule.

Mr. GINGREY. Mr. Speaker, I yield 2½ minutes to the gentleman from New Hampshire (Mr. BASS), a member of the Committee on Energy and Commerce.

Mr. BASS. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me time.

Mr. Speaker, I would only point out that this bill, with the exception of one and maybe two changes, has already been debated by this House. I appreciate the fact that my friend from Florida would be concerned about it being a closed rule, but this is certainly not the first time that we have considered this bill. I think I have voted on it a number of times in the past.

The fact of the matter is all this bill does is the same thing the last version did that we voted on before and the one we voted on before that: it protects licensed and law abiding firearms and ammunition manufacturers and sellers from lawsuits that seek to hold them responsible for the crimes that third-party criminals commit. It does not hold harmless unlawful, non-law-abiding arms manufacturers and sellers; but it simply allows for some immunity from the frivolous lawsuits that gun manufacturers have faced now for many years. Thirty-three States, including my home State of New Hampshire, have passed similar legislation at the State level.

Indeed, the argument is brought up that this does set a precedent of providing special protection to a segment of the industry; and I say, you are right. You are absolutely right about that. And sad to say, I wish this bill was not necessary. I wish that there were not adventurous trial lawyers that see deep pockets as a new way to line theirs. I wish we had not reached the day that we have to protect, as we may later on this week, restaurants and public schools from frivolous lawsuits related to obesity claims; but the fact of the matter is we need to do that. We need to do that because there is no direct connection now between gun manufacturers and crimes that are committed with guns unless there is negligence of one sort or another.

I urge my colleagues to support this bill because it is a sad reality that le-

gitimate industries in this country need special protection against entities that are looking to make money, to provide new sources of revenue outside of the tax base, and other ways of looking for people that can afford to settle on cases that they would never ever settle on under any other circumstance.

This bill has been debated. This is a good bill, and I urge the Congress to adopt it when it comes up on the floor.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, despite their best arguments against free enterprise, personal responsibility and the protection of lawful commerce, critics fail to provide an alternative solution to the problem without compromising our liberties and second amendment rights.

Just as a car is a tool for transportation, an ax is a tool for cutting trees and shrubs, prescription drugs are tools for better health, a firearm is a tool for hunting and self-defense and protection of our citizens. Any of these tools used in an irresponsible manner and used contrary to their attending purpose can hurt and, yes, even kill others. But a gun by itself, Mr. Speaker, cannot commit a crime. It takes an individual to use the product illegally and irresponsibly.

The protection of Lawful Commerce in Arms Act is a bill to curb our lawsuit-friendly and, yes, sometimes abusive society and to protect law-abiding citizens from individuals who avoid responsibility and undermine the good faith of our legal system.

Frivolous lawsuits against gun manufacturers threaten the survival of the gun industry, the jobs it creates, and our constitutional right to purchase, keep and bear arms. While many cases are dismissed, it only takes one bad ruling to sink a company and to send ripple effects across an entire industry. Although America's first gun manufacturer, Springfield Armory, went out of business in 1968, we still have to protect America's remaining law-abiding companies who conduct business in a responsible and in a lawful manner.

It would be a tragedy for a Nation with such a rich and innovative history in manufacturing to have our police and military carry over foreign-engineered firearms. We need to protect the American firearm industry. We need to restore responsibility and end these frivolous lawsuits.

Mr. Speaker, I encourage passage of this rule and passage of the Protection of Lawful Commerce in Arms Act.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 554, PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 494 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 494

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

□ 1530

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.