

committee member. She was always trying to lighten the load for others and lend a helping hand.

Rita saw those in need and recognized that if she had the power to give, she would, and even if it wasn't in her power, she would try anyway.

Rita was a longtime Millersville University professor of psychology and African American studies and founded the school's African American studies minor.

I am very happy to celebrate her life today. We will miss her in our community, and we will miss her contributions to our community.

#### ENHANCED BACKGROUND CHECKS ACT OF 2019

##### GENERAL LEAVE

Mr. NADLER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1112, the Enhanced Background Checks Act of 2019.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 145 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1112.

The Chair appoints the gentlewoman from Illinois (Ms. UNDERWOOD) to preside over the Committee of the Whole.

□ 0915

##### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1112) to amend chapter 44 of title 18, United States Code, to strengthen the background check procedures to be followed before a Federal firearms licensee may transfer a firearm to a person who is not such a licensee, with Ms. UNDERWOOD in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from New York (Mr. NADLER) and the gentleman from Georgia (Mr. COLLINS) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I am pleased that today we are considering H.R. 1112, the Enhanced Background Checks Act.

Yesterday, the House passed H.R. 8, the Bipartisan Background Checks Act, an important bill to expand our national firearms background check system to include virtually all gun transfers.

However, there are also steps we can take to make the current background check system more effective at block-

ing the sale of guns to individuals who are ineligible to purchase and possess them.

That is why I support H.R. 1112, a bill that addresses a dangerous shortcoming in the current firearms background check law.

In most cases, a licensed gun dealer receives notification within a few minutes, often 90 seconds, from the National Instant Criminal Background Check System, sometimes called the NICS, that a prospective buyer has passed or failed the background check.

In a small percentage of cases, NICS examiners may require additional time to complete the background check if information is missing or unclear in a prospective buyer's record. For example, there may be on the record a notation that the prospective buyer was arrested but no notation as to whether the buyer was acquitted or convicted. That would have to be looked into further.

However, under current law, a licensed gun dealer conducting a background check on a prospective purchaser is permitted to sell the firearm to the purchaser if there has been no determination from NICS after 3 business days, even though NICS has not indicated that the person has actually passed the background check.

Often, we refer to this as a default proceed transaction.

These are the very cases that ought to be investigated. In 2017 alone, the ATF determined that over 4,000 default proceed firearms transfers went to purchasers who should not lawfully have gotten them because they could not lawfully own a firearm.

If NICS is unable to return an instant determination, and especially if there is no report after 3 days, there is real cause for concern.

One notable example of the tragic consequences of this loophole is the hate crime murder of nine people at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, in 2015.

In that tragedy, the shooter was not legally allowed to possess a firearm as a result of drug charges, but he still was able to purchase his gun from a licensed dealer, who made the decision to transfer after 3 business days had elapsed, despite not having received a definitive response from the background check system.

The bill before us today, H.R. 1112, would strengthen the background check procedures Federal firearms licensees or dealers must follow before selling or transferring a firearm.

Under this bill, the initial period a gun dealer must wait for an answer from the NICS is extended from 3 days to 10 days. If, after 10 days, the NICS system has not returned an answer to the dealer, the prospective purchaser may file a petition with the attorney general, which should help resolve most applications in short order.

If an additional 10 days elapses without a response from NICS, the licensed

firearms dealer then may sell or transfer the firearm to the prospective purchaser without the background check completion, if the dealer has no reason to believe that the purchaser is prohibited from obtaining a firearm under Federal, State, or local law.

The additional time for checks to be completed will help prevent the transfer of guns to individuals who are ineligible to possess them and will make us safer.

I want to remind everyone that, in 90 percent of the cases, the NICS system gives the answer within 90 seconds. So we are talking about a small number of cases, but a number of cases where we know there have been tragic results. We want to stop that.

I commend our colleague Congressman JIM CLYBURN, the distinguished Democratic whip, for introducing this bipartisan bill, which is a sensible and necessary approach to addressing this dangerous shortcoming in current law.

Madam Chair, I ask my colleagues to join me in supporting this bill today, and I reserve the balance of my time.

Mr. COLLINS of Georgia. Madam Chair, I yield myself such time as I may consume.

Madam Chair, here we go again. Just like yesterday, our colleagues on the other side of the aisle voted to criminalize the transfer of a firearm between two law-abiding citizens.

Today, they further reveal this interest by bringing up a bill that would prohibit law-abiding citizens from ever being able to acquire firearms. And that is not hyperbole, Madam Chair; it is fact.

Let me briefly explain how that would happen. Allow me to walk through the mechanics of this legislation.

Let's start at the beginning of the month. Assume I went to a Federal firearms licensee, an FFL, to purchase a firearm on Friday, February 1, of this month. Under H.R. 1112, the FBI's NICS system has 10 business days to respond to the FFL.

The tenth business day is a Friday, February the 15th. If, after those 10 business days, NICS does not okay the transfer, I must file a petition with the Department of Justice certifying that I have no reason to believe that I am prohibited by Federal, State, or local law from purchasing or possessing a firearm.

Once that petition is filed, the NICS system has an additional 10 days to make a determination. That would be Monday, March 5, in our example because February 18 was a Federal holiday and not a business day.

If, at the conclusion of the 20 business days waiting period, NICS does not deny the transfer, I could then acquire the firearm.

But wait, Madam Chair. Under existing law, the NICS background check is only valid for 30 calendar days from the date it is initiated. Under our example, that would be Saturday, March the 2nd, which is 2 days before my petition is required to be acted upon.

At that point, I would be required to start the process over again entirely. There could be no end to this cycle.

Now, I am not sure if H.R. 1112 was written this way out of just messed-up writing or malice. I am not sure. But it does do this, and there is no mistaking what is written.

As I have said many times, we do not vote on aspirational ideas in this Chamber. They are great to debate, but we do not vote on aspirational ideas. We vote on words on paper, and words on paper are just as I have described.

I will let the American people determine what the intent was here. However, as I noted yesterday, in the rush to put this to the floor, they did not bother to fix some several major issues.

We also know, as we go forward in this that this indefinite and perpetual delay of the transfer of firearms to law-abiding citizens is perhaps the intent of this bill.

Keep in mind, under current law, an FFL has the option to transfer the firearm after 3 business days unless the transfer has been denied by NICS.

I would contend that 3 business days is not instant and a month is anything but instant, particularly as technologies continue to advance.

These laws have real-world consequences, and consequences can be deadly.

Carol Bowne was a New Jersey resident with a restraining order against her ex-boyfriend. Her application for a firearm took longer than 40 days to process, and he stabbed her to death while she was waiting to legally protect herself.

Let that sink in.

This bill would empower abusers and violent predators by making their victims more vulnerable.

Madam Chair, we oppose this legislation. It doesn't make sense in its current form. It will do nothing to make our communities safer, but it will make it harder for law-abiding citizens to exercise their Second Amendment rights and to defend themselves and their families.

Madam Chair, I am not often going to be able to say this, but I am joined today by the ACLU, who is opposing this bill and scoring against this bill.

It is not ready for prime time. It is ready to go back to actually have hearings and actually do markups and actually work with this bill.

I appreciate the gentleman, especially, from South Carolina's intent. No one fights stronger for his constituency than the gentleman from South Carolina. This is just not the right piece of legislation at the right time for the reasons that I spoke of, that have nothing to do with the intent. It has everything to do with words on paper. Remember, Madam Chair, that is what we vote on, not aspirational ideas.

With that, I reserve the balance of my time.

Mr. NADLER. Madam Chair, I yield 7 minutes to the gentleman from South

Carolina (Mr. CLYBURN), the distinguished Democratic whip.

(Mr. CLYBURN asked and was given permission to revise and extend his remarks.)

Mr. CLYBURN. Madam Chair, I thank my friend for yielding me the time.

Madam Chair, let me begin my remarks, first of all, by welcoming to our Capitol today Miss Jennifer Pinckney and her two daughters. They are the wife and children of Reverend Clementa Pinckney, who, along with eight of his Bible study parishioners, lost his life to a demented white supremacist who said that he was interested in starting a race war.

He entered their church, participated in the Bible study, into which they welcomed him. And, as they closed their study that evening and prayed for what they had experienced and for their next meeting, this gentleman, while their eyes were closed, opened his and slaughtered them.

I find it interesting that my colleague has talked about the inconvenience of waiting longer than 3 days to purchase a weapon, without mentioning those poor souls of Emanuel AME Church.

He has talked about people who might be inconvenienced; he has talked about something he read in the newspapers; but he has not mentioned them. Well, I am here today to say that the Members of this august body need to think a little bit about the value of those lives.

Are they more valuable than the inconvenience a gun purchaser may have by having to wait 10 rather than 3 days to make a purchase?

What would make one so anxious to purchase a gun in the first place? If you have got to have a gun right now, chances are you have no useful purpose, no redeeming value, in the purchase of that gun.

Maybe we ought to participate here, as Members of this body, in helping this purchaser with a cooling-off period, which is all we are asking to do here.

Charleston, South Carolina, is nicknamed the "Holy City." Churches and steeples dominate the skyline of this historic city, which, until recently, had an ordinance that no building could be constructed higher than 55 feet, wanting nothing to obstruct its steeples.

Faith is fundamental to the Charleston community. However, that faith was rocked in June 2015 when this lone gunman rushed into this Bible study, after having studied the most historic African American churches in the State of South Carolina and developing a list of five churches, one of which was Emanuel AME.

He, by his own admission, selected this church because of its importance to the African American community, being the first organized place of worship in the South for African Americans.

□ 0930

He selected this. This was a hate crime of the first order, and we are saying we should not inconvenience him. And we did not inconvenience him. We allowed him to get that gun after 3 days, when it was around the fifth day that they found the glitch in the system and found him to be ineligible to own a gun.

We just had a gunman go into his workplace in Aurora, Illinois. He was ineligible to have a gun, but he was allowed to purchase the gun. When they found out that he was ineligible to have a gun, they then sent him a letter and said: Please bring us the gun back. You are not eligible to have a gun.

Give me a break. No, he didn't return the gun, because he had no redeeming value in having a gun. And he murdered his coworkers. And you are telling me we should not inconvenience him.

Well, my colleague, the chair of the committee, has laid out for you the procedure in this bill, a procedure that makes it a maximum, irrespective of what my colleague may say, it is a maximum of 20 working days, business days, that one would have in order to purchase a gun.

I would hope, as we move forward here today, we would think about those poor souls of Emanuel AME Church, and we think about those 4,000 people, 4,200 people, who purchased guns in 2016 using this loophole, and the 4,800 people who purchased guns in 2017 using this loophole. Think about their families. Think about their children. And think about what we are about to do here today.

The Acting CHAIR (Ms. JUDY CHU of California). The time of the gentleman has expired.

Mr. NADLER. Madam Chair, I yield the gentleman from South Carolina an additional 1 minute.

Mr. CLYBURN. Let me just take this minute to go back to what I had prepared to say here today.

In troubling times, many of us find solace in the Serenity Prayer: God, grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom—wisdom—to know the difference.

The Charleston loophole is something all Members of Congress should have the courage to change and, by doing so, grant the American people the serenity they deserve in their schools, in their entertainment venues, in their neighborhood streets, and, God forbid, in their places of worship.

Madam Chair, I rise today in support of H.R. 1112, the Enhanced Background Checks Act of 2019.

Charleston, South Carolina, is nicknamed the Holy City. Church spires dominate the skyline of this historic city, which, until recently, had an ordinance that no building could be constructed higher than 55 feet. In this city, faith is foundational. It is a source of strength and community that dates back centuries.

However, that faith was rocked in June 2015 when a lone gunman punctuated his participation in a Bible study at Emanuel AME

Church with gunshots fired upon the parishioners who had welcomed him, killing nine and wounding three others. The shooter targeted this place of worship because of its historic significance to the African-American community. This egregious hate crime shattered the sanctity of the Holy City, and in response Congress observed a moment of silence and all Americans offered thoughts and prayers.

While a moment of silence and our thoughts and prayers are appreciated in times of tragedy, they do nothing to solve the underlying problem. The real tragedy in Charleston is it could have been prevented. The gunman acquired the weapon used in the massacre because of a fault in the law that is now known as the Charleston Loophole. The gun purchase was subject to a background check; however, when a glitch in the system caused the background review to take more than the three-day limit allowed by law, the gunman was able to purchase the weapon, although it was later found that he was ineligible to purchase a gun. The system failed to stop this gun sale to an ineligible purchaser and 4,864 others in 2017.

It has been 25 years since the Brady Bill became law, and there has been no significant legislation enacted since to stem gun violence. Yet in 2017, 100 people were killed each day in this country with a firearm—which touches every district represented in this august body.

A vote in support of the Enhanced Background Checks Act of 2019 extends the time allowed for law enforcement to conduct background checks. Under this bill, if the background check isn't concluded within 10 business days, the purchaser can request an expedited background check, which notifies law enforcement of the urgency of the review and starts an additional 10 business day period for the background check to be completed. While more than 96 percent of background checks are completed within three days—and 90 percent of Americans support background checks—this expedited review allows for law enforcement to complete the small percentage that may take longer than three days. If at the end of the expedited review the background check is inconclusive, then the purchase may proceed.

Restricting the Charleston Loophole doesn't prohibit law abiding citizens from purchasing a gun, but it does provide more time, if needed, for law enforcement to ensure weapons are not sold to those with criminal convictions or mental illness. This is an important first step our country should take to protect our citizens and their first amendment rights.

In troubling times many of us find solace in the Serenity prayer—God, grant me the serenity to accept the things I cannot change; courage to change the things I can; and wisdom to know the difference.” The Charleston Loophole is something all Members of Congress should have the courage to change and grant the American people the serenity they deserve in their schools, entertainment venues, neighborhood streets and—God forbid—their places of worship.

Mr. COLLINS of Georgia. Madam Chair, I yield myself such time as I may consume.

Look, I have great sympathy for what the gentleman from South Carolina just spoke of. But, also, I have even greater sympathy for the fact it could have been avoided and had noth-

ing, frankly, to do at the end when the FBI under Mr. Comey actually admitted that there were mistakes made. The FBI could have stopped that instead of letting it happen. They saw problems. They let it go. It could have stopped.

This was already in law, Madam Chair. It could have stopped.

Yes, what I laid out for you is not just simply 20 business days, when you look at the fact that, coupled with other restrictions, it can do what we said.

I have great sympathy and grief for every loss of life, no matter where it comes from. But to simply say that this would have fixed it, when the FBI and others knew they could have fixed it at that moment and could have went later and got the guns, because there was a delay even in the horrific act that happened—again, we are simply talking about what is on the paper.

Madam Chairman, I yield 1½ minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Madam Chairman, we all deplore and mourn the monstrous, despicable, and evil massacre in Charleston. But that terrible crime was committed 67 days after the perpetrator applied to purchase the firearm.

As Mr. COLLINS said, this was preventable if, under current law, it was a failure of the FBI and not of the law.

This bill is not about public safety. Most gun predators already get their firearms illegally. A recent Johns Hopkins study found that California's universal background check had no effect on gun violence.

Their true objective is to make gun ownership by law-abiding people so legally hazardous and so bureaucratically time-consuming that people simply give up. This bill cleverly and, I believe, insidiously sets up a potentially never-ending bureaucratic review process.

As Mr. COLLINS said, a background check is only good for 30 calendar days from the day you apply. But this bill sets up a 20-business-day delay process. Now, what that means is, if a single holiday falls within that window, or the store is closed on weekends, or you slip a single day on that timetable, your background check is no longer valid, and you have to start all over again in a perpetual cycle of Kafkaesque proportions.

Now, would a bureaucracy be so abusive as to play this game? Well, of course it would. Just ask Lois Lerner.

Mr. NADLER. Madam Chair, I yield 2 minutes to the gentlewoman from California (Ms. BASS), the chair of the Crime, Terrorism and Homeland Security Subcommittee.

Ms. BASS. Madam Chair, I support H.R. 1112, the Enhanced Background Checks Act of 2019 as a commonsense measure to improve the current firearms background check system and to save lives.

Twenty-five years ago today, we began implementation of the Brady

Background Checks Act. The system it employs to run background checks on those seeking to purchase firearms from licensed gun dealers has made us safer.

Now it is time to address the circumstances in which the FBI needs additional time to investigate information relating to a prospective purchaser when the records may not be immediately clear as to whether someone is legally allowed to purchase a firearm.

Under current law, after 3 days, a gun dealer has the discretion to sell a gun to a purchaser, if the system has not given a green light to the sale after 3 business days have passed without a denial being issued by the system. In these circumstances, it is the choice of the dealer as to whether to proceed with the sale, which we call a default proceed, or whether to wait for the check to be implemented.

The results of such a choice were tragic in Charleston, South Carolina, in 2015, when a young man filled with hate shot and killed nine worshippers at the Emanuel AME Church. The gun used in this murder had been transferred by a gun dealer to the shooter even though the check had not been completed by the FBI, but would have resulted in a denial had the check been finished.

This is not an isolated incident. Since 1994, gun sellers proceeded with between 3,000 and 4,000 default proceed sales per year. Analyzing data provided by the Department of Justice, one study found that such sales are eight times more likely to involve a prohibited purchaser than other background checks.

In 2017 alone, default proceed sales accounted for more than 4,800 transfers to purchasers who were prohibited from owning firearms. The FBI reported that, in 2007 and 2008, in cases a licensed seller sold a firearm through default proceed transfers—

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. NADLER. Madam Chairman, I yield the gentlewoman from California an additional 30 seconds.

Ms. BASS. The FBI reported that, in 2007 and 2008, in cases where a licensed seller sold a firearm through default proceed transfers, approximately 22 percent of the individuals investigated were legally prohibited from purchasing or possessing a firearm.

The additional time provided by H.R. 1112 is not too much to ask so that we may help prevent tragedies such as the Charleston shooting from happening. This is why I ask my colleagues to join me in supporting this bill today.

Mr. COLLINS of Georgia. Madam Chair, I yield 2 minutes to the gentleman from Virginia (Mr. CLINE).

Mr. CLINE. Madam Chair, I want to thank the gentleman from Georgia for the time.

Madam Chair, I rise in strong opposition to H.R. 1112. This legislation is an attack on the constitutional rights of

Americans. This bill puts incredible roadblocks in the way of law-abiding citizens seeking to exercise their Second Amendment rights that are guaranteed to them in the Constitution.

We should be focused on enforcing the current laws that we have on the books instead of passing Federal mandates that stifle freedom. This bill creates a bureaucratic maze that will allow the Federal Government to sit on its hands and force citizens to submit formal petitions to the Attorney General when they are trying to legally purchase a firearm, to ask permission to exercise their constitutional right.

What other constitutional right would you suggest we put this level of restriction on? The freedom of the press? The freedom of religion? Should we start having the Federal Government review every media outlet's story for 10 days before they can be published? before a church can meet for worship? I don't think so.

It is my hope that we will soon move forward with solutions, solutions that will actually make a difference for hardworking Americans across this great country.

When I was sworn in as a Member of the House earlier this year, I saw great potential for Congress to come together and advance solutions to our Nation's greatest problems. Instead, I find myself standing here on the floor of this Chamber fighting for the basic liberties that our Founding Fathers sought to guarantee for every American.

Madam Chair, I will continue to stand and continue to fight each and every day, and I urge the House to reject this misguided legislation.

Mr. NADLER. Madam Chair, I yield 1 minute to the gentlewoman from Illinois (Ms. UNDERWOOD).

Ms. UNDERWOOD. Madam Chair, everyone deserves to feel safe in their community, whether they are at work, at home, at school, or at church.

Less than 2 weeks ago, five people, four of whom were my constituents, left their homes for work at the Henry Pratt Company in Aurora, Illinois, and never returned. Their lives were taken by a horrific act of gun violence.

I am committed to honoring the lives of the victims of gun violence through action. H.R. 1112 is an important bill that will help address a deficiency in background check laws by allowing law enforcement to conduct a thorough background check. I am proud to co-sponsor an amendment that will help ensure this legislation improves the safety of victims of domestic violence, domestic abuse, dating partner violence, sexual assault, and stalking.

Yesterday was the first time in more than two decades that this U.S. House of Representatives passed a major gun safety bill, and today we have an opportunity to take a further step. H.R. 1112 will help save innocent lives, and I look forward to working on common-sense legislation that balances protecting our gun rights and ensuring the safety of our communities.

Mr. COLLINS of Georgia. Madam Chair, I yield as much time as he may consume to the gentleman from Tennessee (Mr. DAVID P. ROE).

Mr. DAVID P. ROE of Tennessee. Madam Chair, I thank the gentleman for yielding.

Madam Chair, I rise today to fight for the rights of the brave men and women who have risked their lives fighting for our rights.

The bill we are debating, H.R. 1112, would have a significant impact on veterans' Second Amendment rights. A little-known and poorly understood provision of H.R. 1112 would amend the law to make it unlawful for an individual who has been "adjudicated with mental illness, severe developmental disability, or severe emotional instability" to purchase, to possess a firearm. It would make it illegal to sell a firearm to such an individual.

Let's put this in perspective. There are over 1.6 million disabled veterans with service-connected adjudication by VA of mental illness, including 1 million veterans with PTSD. H.R. 1112 has the potential to add all those names of veterans to the FBI NICS list and prevent those veterans from being able to purchase or possess a firearm.

Now, I know that may not have been the intent of the author of this bill, but that is a lot of veterans who will be impacted if this becomes law.

I offered an amendment at the Rules Committee to clarify that veterans with VA PTSD, diagnosed mental illness, and other affected adjudications would be exempted from the bill's standards, but it was ruled out of order.

VA already sends the names of veterans who have a VA fiduciary for inclusion on the NICS list—not because there is a concern that the veteran might be a harm to themselves or others, but because the VA has determined that the veteran needs assistance handling his or her financial benefits.

□ 0945

I am concerned that the expanded definition proposed in H.R. 1112 would infringe on the Second Amendment rights of over 1 million veterans solely because they receive benefits from VA that they have rightly earned through their service to our great country.

The last thing any of us in this room want to do is to discourage veterans from seeking VA benefits and treatment because they are afraid it might cost them a constitutional right. Think about that.

Although there may not have been a finding by a judicial authority that a veteran poses a danger to themselves or society, these veterans will be told that they were good enough to use a firearm to fight for our freedoms, but they are not good enough to have the freedom to bear arms as a civilian.

That is wrong, Madam Chair. Even criminals must be convicted in a court of law before their names are added to the NICS list.

Of all Americans who deserve their constitutional rights, the most deserving are those who fought for our country. Madam Chair, that is why I strongly oppose H.R. 1112, and I urge my colleagues to vote "no" on this bill.

Mr. NADLER. Madam Chair, I yield 3 minutes to the gentlewoman from Georgia (Mrs. MCBATH), a member of the committee.

Mrs. MCBATH. Madam Chair, I thank Chairman NADLER for yielding.

Madam Chair, I rise in support of H.R. 1112, the Enhanced Background Checks Act of 2019.

After losing my son Jordan to gun violence in 2012, I began reaching out to other families who recently lost a loved one to gun violence. I would send them letters. That is how I came to know Reverend Sharon Risher of Charlotte, North Carolina.

On June 17, 2017, Reverend Risher lost her mother, two cousins, and a childhood friend when a young man shot and killed nine people during a prayer service at the Emanuel Church in Charleston, South Carolina. Today, with H.R. 1112, we can close the loophole in background checks for the gun purchase that led to their terrible loss. I support this legislation for Reverend Sharon Risher and the memory of her family and her loved ones.

Tragically, this was not the last time our country witnessed horrific violence in a place of worship. A few months ago, the shooting at the Tree of Life synagogue in Pittsburgh, Pennsylvania, took the lives of 11 human beings.

Our places of worship, whether they are churches, synagogues, mosques, or something else, should be safe places of love, support, and community. H.R. 1112 would allow law enforcement the time that they need to make sure all these community centers are places of peace and safety.

Yesterday, we voted to expand background checks. Today, we vote to make sure those background checks are thorough, even if a few of them take a few more days to process. Those few extra days will save lives.

In the days after the Emanuel shooting, I was there in the community praying with the community and dealing with their pain and loss. America deserves better than this.

Why not make sure that we are doing everything that we can to protect them? A few more days in making sure that the FBI has the ability to really soundly make a conscious and critical decision, America deserves that.

Madam Chair, I ask my colleagues to join me in supporting this bill.

Mr. COLLINS of Georgia. Madam Chair, I reserve the balance of my time.

Mr. NADLER. Madam Chair, I yield myself as much time as I may consume.

Madam Chair, I heard the argument from the other side a moment ago that people adjudged ineligible for the system by the VA, that their names

should not be given into the system so that they may purchase firearms.

I would point out that one of the largest sources of mortality among veterans is suicide. Veterans are, I think, the highest group in our society in terms of suicide rate. So it really makes sense to make it easier for people adjudged not to be proper to have a gun to have a gun if you are worried about suicides. That argument is, frankly, nonsensical. I am very glad the VA helps protect our veterans by participating in the system.

Madam Chair, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE), a member of the committee and the chairman of one of our subcommittees.

Mr. CICILLINE. Madam Chair, I thank the chairman for yielding.

Madam Chair, I would just point out in further support of Mr. NADLER's remarks, on average, 20 veterans commit suicide every single day in this country, and two-thirds of those suicides are caused by use of a gun. So Mr. NADLER is quite right.

Madam Chair, I rise in strong support of H.R. 1112 to close the Charleston loophole.

We have heard a lot about what is at stake in terms of constitutional rights as it relates to possession of a firearm. There are other constitutional rights that are at issue here, and that is the right to life, liberty, the right to live free of gun violence and death, the right of a grandmother to sit on her porch and enjoy a summer evening free from the dangers of gun violence, the right of young children to play in a playground and play safely.

So this legislation is very important because it closes a very significant loophole in our law.

Over the last two decades, the Charleston loophole has allowed more than 60,000 purchases of guns by prohibited individuals.

Let that sink in.

Sixty thousand people who are prohibited from having a gun by law were allowed to get those guns because of this loophole.

One of those purchasers was a white supremacist who used the gun that he purchased to kill nine worshippers at the Mother Emanuel Church in South Carolina. Even though he had a felony drug charge on his record, this killer was able to buy a gun because his background check wasn't completed in 3 days.

And he isn't the only one, of course. A 2016 GAO report found that, between 2006 and 2015, guns were transferred to about 6,700 people with domestic violence convictions and more than 500 individuals with prohibiting protective orders.

So there are many, many examples where the American people are less safe because criminals and disqualified people can access a firearm because the background check wasn't completed in 3 days. This is a very simple commonsense solution to that problem.

Our laws will not work if we don't keep guns out of the hands of criminals, dangerous people, other disqualified purchasers, and this bill does that. This is a commonsense proposal.

Madam Chair, I urge my colleagues to support this legislation. I thank Mr. CLYBURN for his leadership, and I thank Mr. NADLER for bringing these bills before the Judiciary Committee so we can finally take some responsible action to reduce gun violence in this country.

Mr. COLLINS of Georgia. Madam Chair, I am actually glad, and one thing I will agree on with my friend just now is I do agree that there is a right to life, and that is why I would love to see this House bring forth the Born-Alive Abortion Survivors Protection Act, which also protects life as well.

Madam Chair, I reserve the balance of my time.

Mr. NADLER. Madam Chair, I yield myself such time as I may consume.

Madam Chair, at this time I would like to address a concern that has been raised by one section of the bill that is unrelated to the changes to current law to address the Charleston loophole.

Section 3 of the bill replaces outdated and offensive terminology in the categories of individuals who are ineligible to purchase or possess firearms under current law. Among those included, there are individuals subject to such prohibitions because, as stated by the current law, they are "adjudicated as a mental defective."

At the Judiciary Committee's markup of the bill, we agreed with our ranking member, Representative COLLINS, to replace this offensive language and to insert different terminology in the bill as a placeholder as we work to develop alternative language that does not alter the scope of who is included in these prohibitions and to work with stakeholders who have an interest in how this would be accomplished.

We have heard from various advocates in the mental health, disability rights, and veterans communities who have expressed their desire to develop an acceptable alternative. We agree.

Yesterday, the Veterans of Foreign Wars brought their concerns related to this issue to our attention. The VFW agrees that the current terminology is archaic but is concerned about a potential unintended consequence of replacing it.

Their concern is that replacing these terms with "mental illness," "severe developmental disability," or "severe emotional instability" could result in some veterans who are not now included being added to the NICS index due to their receipt of VA care or benefits for mental illnesses such as PTSD or traumatic brain injury.

It is not the intent of the changes in this terminology made by section 3 to alter the scope of those currently considered to be "adjudicated as a mental defective." It is the intent simply to replace that offensive language, but not to change the underlying law.

We will work with stakeholders, including the VFW, the mental health community, and the disability rights community to address the concerns related to this outdated terminology in a manner that does not change the scope of present law as this bill proceeds.

Madam Chair, I reserve the balance of my time.

Mr. COLLINS of Georgia. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I do appreciate the gentleman from New York clarifying that, but he just clarified it in the very way—because we had brought this up. It was late in the day, and we brought this up, and this language was offensive. And, frankly, Ms. LOFGREN, who was in the chair at the time, presented this language as an alternative to get us to a place where, as we talked about, we could get to Rules to actually fix this.

This is why I have said so many times that I have not—I understand the majority's willingness to bring the bill forward. What I didn't understand here is the willingness of this majority to put themselves on a time table to bring bills that were not ready. The reason we did it that night was so that we could get to Rules.

I served on the Rules Committee for 4 years. We could have fixed it at Rules.

Dr. ROE actually just brought an amendment to Rules, but it was rejected.

I understand that now we are going to continue forward.

I have a daughter who has spina bifida, and many would say "mental defective." For anyone in that community who believes that those who are born that way would be a mental defective is a problem. It needs to be fixed.

But the problem that we have here was a committee process that broke and a Rules process that broke. There were plenty of opportunities to address this, plenty of opportunities to discuss this. In the rush to do, again, what I said yesterday many times, what makes you feel good does not always heal you, now you have a problem, a valid problem.

But it was not a problem from the perspective of not trying to fix it. It came from the heart on both sides of the aisle to say this language is archaic, this language should not be there. There were plenty of times to fix it.

I appreciate the chairman. I am glad to hear his willingness to continue to work on this. What would another day have taken? What problem would an amendment voted up or down by Dr. ROE have caused on the floor?

I guess when the ACLU and others started scoring against it, we decided we might need to fix it.

Again, this is a process problem. I know nobody likes to talk about process problems because, at the end of the day, I believe the authors' intents behind these bills, I believe their intents

are good. I believe their process may be wrong, and I will speak to that, but this is a problem that we have.

I am glad the chairman is moving forward, I am glad the chairman is looking at this, and I am glad the chairman is willing to address this going forward, but it is just sad that we had to get here today, because this could have been fixed except for an arbitrary timeline put onto my chairman that he really had no control over, I believe, to bring something forward that is not ready for prime time.

I respect my chairman. I am glad that he has addressed this. I hope that they will give him plenty of time in the future to continue to work these problems out.

Madam Chair, I reserve the balance of my time.

Mr. NADLER. Madam Chair, I yield myself such time as I may consume.

Madam Chair, our mistake was in accepting the amendment from the gentleman from Georgia (Mr. COLLINS). The amendment dealt with the underlying language of the underlying law, not with the bill. We should have insisted that an attempt to correct that language be in a separate bill.

The gentleman from Georgia is now telling us that we should kill this bill that will save so many lives because we have not figured out acceptable language to replace existing bad language in the existing law that had nothing to do with this bill.

We should pass this bill.

We will work as we go forward to see if we can come up with acceptable language, but in any event, we should pass this bill and deal with the separate problem of bad language in the underlying law separately.

Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from New York has 6 minutes remaining.

Mr. NADLER. Madam Chair, I yield 1 minute to the gentlewoman from Illinois (Ms. KELLY).

□ 1000

Ms. KELLY of Illinois. Madam Chair, I rise today for Myra Thompson and Susie Jackson, people who were murdered in their church during a Bible study. And I rise for the tens of thousands of Americans who will die if Congress does not close the Charleston loophole.

In 2015, the FBI reported that more than 270,000 guns were sold because the NICS system failed to issue a “do not sale” order within 3 days.

One was sold to a man with a hate-filled heart, as we have heard. He walked into Mother Emanuel church in Charleston, South Carolina, a historically Black church, and murdered nine people who were simply seeking to get closer to their God.

Madam Chair, we have seen this time and time again. Our houses of worship are not safe from gun violence: Mother Emanuel, First Baptist Church in

Sutherland Springs, Tree of Life, Oak Creek’s house of worship, and the list goes on and on.

We talk about PTSD, post-traumatic stress disorder. Just recently, I heard someone in the Chicago area talk about PTSD, but it was “present-traumatic stress disorder” because of all the guns that are in the streets in the hands of people who should not have them.

Madam Chair, today, I challenge my colleagues to do the right thing: Pass this bill and save lives. Pass this bill and prevent dangerous people from getting guns. Pass this law because you never know if it will be your son or mother who could be next, gunned down by doing something as routine as praying.

Today, we need to do the right thing. Today, we need to pass H.R. 1112. Today, we need to honor the Emanuel 9 and close the Charleston loophole.

Mr. COLLINS of Georgia. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I can go back through my opening statement and list the many reasons I oppose this bill that have nothing to do with the amendment that should have been fixed by the time we got to Rules, which was agreed upon. Actually, the language was given by Ms. LOFGREN and staff, and we said that we will take that and move to Rules to fix it.

If you go back and look at my statement, I am opposing this bill for many other reasons that are very valid. I believe when you look for timing, you look for other things.

Again, I believe working the process is proper. Working the process will go through. The majority brought this to the floor, and they should have the votes to pass it. If not, then the Senate can work on this language, and we go forward.

I think the bigger issue is the very fundamental issue of the timing of this bill, the timing that it is not just 20 days, and it is not just 10 days. There is another, when you couple it with the actual 30-day restriction on the application itself. So there are plenty of reasons for me to oppose this bill.

The other part was simply a discussion that should have been fixed and wasn’t. That is a tragedy, that we are coming to the floor and that even be a problem. But at the end of the day, we pointed it out, we tried to, and that is where it is at.

My problem with this bill is the bill itself and much of the language that we have here.

Madam Chair, I reserve the balance of my time.

Mr. NADLER. Madam Chair, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON LEE), a member of the committee.

Ms. JACKSON LEE. Madam Chair, I thank the chairman and Mr. CLYBURN, who, for years, has been working on this issue.

Madam Chair, H.R. 1112, the Enhanced Background Checks Act of 2019,

is long in coming. It responds to many people, but it responds to Dylann Roof.

In 2015, he went to a gun store to get a gun. He was not the normal purchaser, and it did not approve in 90 seconds, as most of them do. But in a day or two, when it had not yet been approved, Dylann Roof was able to get a gun. And Dylann Roof’s whole message was: I am going to start a race war by going into an unlocked church on a prayer night and kill nine worshippers praying to their God and their pastor—whose wife was here today.

The question has to be: When are we going to stop the senseless killings and the eons and eons of mass shootings?

My good friend from Georgia (Mr. COLLINS) is a man of faith. I was in the committee room as a senior member on the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations as we were trying to deliberate his concern, a very vital concern, one that I have, to love people with disabilities, to love them and treat them with dignity.

The language in this legislation does that as best we could at the time, because it puts the language adjudicated, determined by some objective body, that you have a health problem that deals with a mental concern.

The question has to be, if it is not workable, you pass the bill. All of us have made a commitment to work through this process and to give dignity to every person, including veterans.

But at the same time, would you want to have a situation that happened with Dylann Roof, a convicted felon who grabbed a gun in 2 days and killed nine innocent people, or killed people in various other places, from Columbine, to Aurora, to Virginia Tech?

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. NADLER. Madam Chair, I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. Look at the stories of mass shootings, or look at the violence in cities where people are getting guns.

Madam Chair, I would make the argument that, today, we must pass H.R. 1112. The mercy of all of us dealing with issues to give dignity to those who suffer from illnesses that embrace mental illness concerns, it was because Mr. COLLINS, a man of faith, offered that suggestion. Therefore, we are going to move forward with the commitment to work it through and provide the dignity necessary, but to save the lives and to give tribute in death to those who lost their lives at the hands of Dylann Roof. Vote for H.R. 1112.

Madam Chair, I rise in support of H.R. 1112, the “Enhanced Background Checks Act of 2019,” legislation that would strengthen the background check system that is already in place to purchase a firearm.

I thank the Majority Whip, Congressman CLYBURN, for introducing H.R. 1112 in response to the atrocity perpetrated at Mother Emmanuel A.M.E. Church in Charleston,

South Carolina, which killed nine members of one of the most historically significant churches in African American history.

One June 17, 2015, Dylann Roof was responsible for the mass shooting that took the lives of nine individuals at the Emanuel African Methodist Episcopal Church.

The victims were later referred to as “The Charleston Nine” and “The Emanuel Nine”.

Under current law, after a prospective buyer completes the appropriate form, the holder of a Federal Firearms License initiates the background check by phone or computer.

If a determination is not obtained within three business days then the transfer may legally be completed by default proceeding and that is how Dylan Roof obtain the handgun he used to commit the killings, which he purchased from a retail store in West Columbia, SC.

H.R. 1112, the “Enhanced Background Checks Act of 2019,” would strengthen the background check procedures that firearms licensees or dealers follow before selling or transferring a firearm.

As under current law, firearms dealers would be required to run a background check on prospective buyers using the National Instant Criminal Background Check System (“NICS”).

Over 90% of NICS checks are completed within 90 seconds.

Under H.R. 1112, if the NICS system has not returned an answer to the licensed firearms dealer within ten days, the prospective firearms purchaser may file a petition with the Attorney General for review.

Then, after another ten-day period has expired, the licensed firearms dealer may sell or transfer the firearm to the prospective purchaser if it has not received a response through the NICS system and the dealer has no reason to believe that the purchaser is prohibited from obtaining a firearm under federal, state, or local law.

Under this measure, licensed firearms dealers could not sell or transfer under the “default proceed” provision until at least 20 days have passed since the initial background check, thus closing the so-called “Charleston loophole.”

An internal assessment by the Federal Bureau of Investigation (FBI) demonstrated that the National Instant Criminal Background Checks System (“NICS”) yields results that are approximately 99.3 percent to 99.8 percent accurate, and in 90 percent of cases, are processed within 90 seconds.

We must be constructive and proactive in our response to the countless mass shootings and gun violence in our country that continue to claim so many innocent lives.

Newly released data from the Centers for Disease Control and Prevention (“CDC”) found firearm-related deaths rose for the second-straight year in 2016, largely due to spikes in gun violence.

In 2016, the new CDC report on preliminary mortality data shows that there were more than 38,000 gun-related deaths in the U.S.—4,000 more than 2015.

An Associated Press analysis of FBI data shows there were about 11,000 gun-related homicides in 2016, up from 9,600 in 2015.

Congress must act to keep our country safe through gun safety and violence deterrence.

There is nearly one mass shooting per day in the United State—355 mass shootings in 2015.

In December 2012, a gunman walked into Sandy Hook Elementary School in Newtown, Connecticut, and killed 20 children, 6 adults, and himself.

Since December 2012, there have been at least 1,518 mass shootings, with at least 1,715 people killed and 6,089 wounded.

On the night of October 1, 2017, a gunman opened fire on a large crowd of concertgoers at the Route 91 Harvest Music Festival on the Las Vegas Strip, leaving 58 people dead and 527 injured.

On November 5, 2017, a mass shooting occurred at the First Baptist Church in Sutherland Springs, Texas, where the gunman, 26-year-old Devin Patrick Kelley, killed 26 and injured 20 others.

Every day, on average, 92 Americans are victims of gun violence, resulting in more than 33,000 deaths annually.

States with higher gun ownership rates have higher gun murder rates—as much as 114 percent higher than other states.

A recent study by the CDC looking at 30 years of homicide data found that for every 1 percent increase in a state’s gun ownership rate, there is a nearly 1 percent increase in its firearm homicide rate.

Gun death rates are generally lower in states with restrictions such as safe storage requirements or assault weapons bans.

Mass shootings stopped by armed civilians in the past 33 years: 0.

This is why legislation put forward to arm teachers is not the solution.

Stronger legislation is needed to prevent guns from getting into the wrong hands because unfortunately, more than 75 percent of the weapons used in mass shootings between 1982 and 2012 were obtained legally.

We must look at gun violence in its totality to determine what are the root causes of these alarming rates of lives cut short.

We are elected by our constituents to lead in resolving the issues that plague our country, and the issue of gun violence is a definite plague across the nation.

My good friend, Houston Police Chief Art Acevedo, gave a statement after four of his officers were shot while on duty.

He rightfully admonished us elected officials who, so far, have accomplished absolutely nothing about the public-health epidemic of gun violence.

Thanks to the new Democratic majority in Congress, we had a long overdue Gun Safety Hearing in the Judiciary Committee.

That hearing is the first step in the legislative process of addressing the epidemic.

Chief Acevedo was a witness at that hearing, testifying that if the proposed legislation on background checks is enacted and saves at least one life, then it is worth it.

Back in my state, despite incident after incident of rampant gun violence, Texas Governor Greg Abbott and Attorney General Ken Paxton, both prominent Republican opponents of gun control, issued the usual statements offering the usual thoughts and prayers.

Chief Acevedo said, “I appreciate your prayers . . . but the question is, what are policymakers willing to do, besides prayers, to address a public-health epidemic?”

I want to answer his question—“what ARE we going to do?”

We are going to overcome the fierce opposition from House minority members.

We are going to overcome a recalcitrant and reluctant Senate.

And finally, we are going to overcome the opposition of the President and the gun lobby.

I am a defender and supporter of the constitution.

I appreciate the Second Amendment and the right that it provides our citizens.

However, I am also a defender of the right to live, the greatest divine right of all.

I want all Americans to enjoy their Second Amendment right, but not at the expense of the lives of our children, students, communities, and law enforcement officials.

Imagine going to grade school in this day and age and having to undergo “active shooter” drills.

Imagine having children in grade school today.

Imagine the anxiety parents feel knowing that any day the precious lives of their children may be interrupted by someone with an AK-47 or AR-15.

Imagine a brighter future for America’s children, one that does not include active shooter drills and funerals for adolescents.

We can help make that future a reality and we can start by voting to pass H.R. 1112, the “Enhanced Background Checks Act of 2019.”

Mr. COLLINS of Georgia. Madam Chair, I yield myself such time as I may consume.

Madam Chair, in closing, we have had an interesting debate this morning. I think we went back on two points.

One, I believe I laid out the problems in a very methodical way on why this bill has serious defects in it that could possibly be fixed, if given long enough to work. I still may disagree with the premise of the bill, but it could have been worked out, when you actually take one part of law and combine it with another part of law. And we have seen a calendaring problem here. That is one part. That is the main part I have.

I think we have also seen how the process has not worked out again. Sometimes in life, getting it first is not best. Getting it quickly may not always be the best result. I think what we are seeing here is something that when we are dealing with the rights of individuals, especially in this area here and especially for the reasons that were given, which was a tragedy in Charleston that could have been stopped by the FBI that already had suspicions on not selling this firearm and could have went and taken that firearm, this is just a problem.

I have laid out as much as I can. I think the speakers have as well. There are many opposed to this. They will continue to be opposed to it, on both sides of the spectrum, our side from the perspective of our rights and those that are being violated, and the ACLU for what their reasons may be and others.

But it is time we had some honest discussion about what can actually deter this mass violence that we are seeing. Unfortunately, Madam Chair, we always speak of mass violence.

Why do we always have to go to the big violence? Why do we have to go to the ones who were killed that are tragedies that we all see? What about the ones that we can actually work on

where we give better enforcement to our law enforcement, better prosecution of gun crimes, better prosecution that affects a single life in a neighborhood today? Is a single life not as important as the ones that we are not affecting now?

I think as we look forward, I would ask that this, of course, be voted down. I think we have laid out a reason why it at least should be considered by all Members before they put their card in that machine to decide why they are supporting a bill that we believe has some obvious flaws to it. It is not the intent of the individual offering it, but the actual words on paper have flaws in them. That is why we oppose this bill.

Madam Chair, I yield back the balance of my time.

Mr. NADLER. Madam Chair, I yield myself such time as I may consume.

Madam Chair, this is an important bill that addresses a significant, and tragically demonstrated, threat to public safety.

Today is the 25th anniversary of the implementation of the Brady Background Check Act. This lifesaving law has served us well, helping to prevent firearms from getting into the hands of those who are legally prohibited from possessing and purchasing them. But we know that some aspects of this law and the system that implements it must be updated and improved.

Let's remember what this bill does. All this bill does is give the FBI additional time—gives the NICS system additional time—to complete a background check in the 8 or 9 percent of cases where it is not done within 90 seconds. If you haven't gotten a background check back in 3 days, under this bill, you can't get it automatically, and you can't get the weapon automatically.

They have 10 days to do it. If after 10 days they still haven't done it, then you can petition the Attorney General. And if they still don't do it, get your firearm within 10 days. That will save a lot of lives.

We hear about mass shootings, but we also should remember that we are not talking about just mass shootings. Thirty-four people a day are killed in this country by guns—34 a day. Every other industrialized country in the world: 90 deaths with guns a year, 120, 170. The United States: 39,000.

How are we different? Are we thousands of times more mentally ill than people in Europe or Japan? No.

Are we more vicious? No.

Are our habits more degraded? No.

The difference is that this country is awash in guns. The difference is that, in this country, people who are dangerous can get guns.

These are modest steps. We should take much more advanced steps. We should ban assault weapons. We should ban large capacity magazine clips. But we are not doing that. We are starting with very moderate steps.

This is a very moderate step to improve the background check system.

With all the rhetoric we hear, that is all it does. It gives a little extra time to make sure that someone who is dangerous, whose possession of a firearm is illegal, cannot get it.

Enacting this bill will save lives. I urge my colleagues to ignore all the nonsense rhetoric about extraneous considerations. Join me in supporting this bill today. Join me in supporting saving lives. Join me in making the United States a little safer to live in.

Madam Chair, I yield back the balance of my time.

Ms. JOHNSON of Texas. I rise today to voice my support for H.R. 1112, The Enhanced Background Checks Act of 2019. This bill will strengthen our federal gun background check procedures by closing the "Charleston" loophole, thus ensuring that guns can no longer be erroneously sold due to incomplete background checks.

This epidemic of gun violence has left its scars on my home state of Texas. A recent study by the Centers for Disease Control and Prevention revealed that there were 3,353 gun-related deaths in Texas in 2017 alone. Hundreds of these victims are children and teenagers under 19 years of age.

Our country has struggled with gun violence for too long, and the multitudes of loopholes in our laws are complicit in our difficulties. This bill will not only eliminate a significant loophole, but it will do so without infringing upon Second Amendment rights. It will ensure that only responsible and able individuals are able to purchase guns in our country.

I share our nation's concerns about the widespread proliferation of guns in our neighborhoods, and I agree that reasonable restrictions on firearms are essential to a comprehensive strategy to reduce crime and violence in our society. We must take sensible steps to ensure that these firearms do not fall into the wrong hands.

Furthermore, it has come to my attention that the mental illness reference in this bill may be outdated and not in line with current medical and legal standards. I will be reviewing this issue as we progress through the 116th Congress.

I urge my colleagues to support this bill.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-6 is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 1112

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Enhanced Background Checks Act of 2019".*

**SEC. 2. STRENGTHENING OF BACKGROUND CHECK PROCEDURES TO BE FOLLOWED BEFORE A FEDERAL FIREARMS LICENSEE MAY TRANSFER A FIREARM TO A PERSON WHO IS NOT SUCH A LICENSEE.**

Section 922(t)(1)(B)(ii) of title 18, United States Code is amended—

(1) in paragraph (1)(B), by striking clause (ii) and inserting the following:

"(ii) in the event the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section—

"(I) not fewer than 10 business days (meaning a day on which State offices are open) has elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section, and the other person has submitted, electronically through a website established by the Attorney General or by first-class mail, a petition for review which—

"(aa) certifies that such other person has no reason to believe that such other person is prohibited by Federal, State, or local law from purchasing or possessing a firearm; and

"(bb) requests that the system respond to the contact referred to in subparagraph (A) within 10 business days after the date the petition was submitted (or, if the petition is submitted by first-class mail, the date the letter containing the petition is postmarked); and

"(II) 10 business days have elapsed since the other person so submitted the petition, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and"; and

(2) by adding at the end the following:

"(7) The Attorney General shall—

"(A) prescribe the form on which a petition shall be submitted pursuant to paragraph (1)(B)(ii);

"(B) make the form available electronically, and provide a copy of the form to all licensees referred to in paragraph (1);

"(C) provide the petitioner and the licensee involved written notice of receipt of the petition, either electronically or by first-class mail; and

"(D) respond on an expedited basis to any such petition received by the Attorney General.".

**SEC. 3. NEW TERMINOLOGY FOR THOSE WITH MENTAL ILLNESS.**

Section 922 of title 18, United States Code, is amended in each of subsections (d)(4) and (g)(4) by striking "adjudicated as a mental defective" and inserting "adjudicated with mental illness, severe developmental disability, or severe emotional instability".

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part B of House Report 116-14. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered 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.

AMENDMENT NO. 1 OFFERED BY MR. RICE OF SOUTH CAROLINA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 116-14.

Mr. RICE of South Carolina. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, after line 23, insert the following:

**SEC. 1. REQUIREMENT THAT THE NICS SYSTEM SEARCH THE NATIONAL DATA EX-CHANGE DATABASE IN CONDUCTING BACKGROUND CHECKS.**

Section 922(t) of title 18, United States Code, as amended by section 2 of this Act, is amended by adding at the end the following:

“(8) The national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act shall search the database of the National Data Exchange in conducting a background check pursuant to this section.”.

The Acting CHAIR. Pursuant to House Resolution 145, the gentleman from South Carolina (Mr. RICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. RICE of South Carolina. Madam Chair, Dylann Roof is a monster. Dylann Roof should never have been able to buy a gun. Dylann Roof walked into a church in my hometown of Charleston, South Carolina, my birthplace of Charleston, South Carolina, and he slaughtered nine people in a Bible study. I can’t imagine a more horrific crime. We all, naturally, look for a response.

My friend, Mr. CLYBURN, and the majority have noted that thousands of people have wrongfully acquired guns because of the failure of our background check system under what has become known as the Charleston loophole.

The stated purpose of this underlying legislation, Mr. CLYBURN’s legislation, is certainly noble: to close the Charleston loophole. The only problem is that it does not carry out that purpose.

Too often here, we take up noble causes; we create legislation with noble names; we pass this legislation to feel better; but the legislation fails to solve the problem in the title.

After these horrific murders, the families of the victims sued the Federal Government for allowing this monster to buy a gun.

□ 1015

Charleston Federal District Court Judge Gergen wrote a lengthy opinion in which he laid bare the Federal background check process and its failures in this case, the case of Dylann Roof. His opinion is available for anybody to read.

And in his 22-page opinion, he lays out the various structural flaws in the background check system. Most notably, that the FBI maintains four criminal databases. And under the background check system, the background checker is allowed to check only three of those.

Why? I assume because those are the three that existed in the nineties when the background check came into place.

There is a fourth one. It is more extensive and it is more detailed. It is called N-DEX. In this file was all the information that Dylann Roof’s background checker needed to know to deny

him the right to buy the gun. This N-DEX system contained that information, and it is maintained by the FBI. All they had to do was allow this background checker to look at that. The FBI has admitted had they been able to do that, this man—this monster—would never have been able to buy a gun.

My amendment would actually fix the Charleston loophole. The problem is that I cannot support the underlying legislation. Why? Because it creates an undue amount of time to be able to buy a gun.

And number two, the thing that bothers me the most, is that it shifts a part of the burden to the American citizen trying to exercise his Second Amendment rights. It requires him, in the event that you don’t hear back from the government, to file a petition with the Federal court. I think this is an undue interference with his Second Amendment right; therefore, I cannot accept this underlying legislation.

The Senate has indicated it will not be taken up in the Senate; and the President has indicated that, if it passed, he would veto it. Therefore, I plan to withdraw my amendment.

I plan to offer it separately as a new piece of legislation, which will, in fact, close the Charleston loophole. It will allow the FBI background checkers to search the most current N-DEX file that has all this detailed information that was created after 9/11, well after the background check law came into effect.

The FBI has admitted, it would have prevented Dylann Roof from buying a gun and, I suspect, many of the other people who have carried out these horrific shootings in recent years.

It will hopefully garner the bipartisan support necessary to actually become law and fix the underlying problem.

Madam Chair, I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

**AMENDMENT NO. 2 OFFERED BY MR. SCHNEIDER**

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 116-14.

Mr. SCHNEIDER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, after line 16, insert the following:

**SEC. 3. REPORTS ON PETITIONS SUPPORTING FIREARM TRANSFERS NOT IMMEDIATELY APPROVED BY NICS SYSTEM, THAT WERE NOT RESPONDED TO IN A TIMELY MANNER.**

The Director of the Federal Bureau of Investigation shall make an annual report to the public on the number of petitions received by the national instant criminal background check system established under section 103 of the Brady Handgun Violence

Prevention Act that were submitted pursuant to subclause (I) of section 922(t)(1)(B)(ii) of title 18, United States Code, with respect to which a determination was not made within the 10-day period referred to in subclause (II) of such section.

The Acting CHAIR. Pursuant to House Resolution 145, the gentleman from Illinois (Mr. SCHNEIDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHNEIDER. Madam Chair, I rise in support of my amendment to H.R. 1112, the Enhanced Background Checks Act of 2019, and I applaud the gentleman from South Carolina (Mr. CLYBURN), my good friend, for his leadership and enduring commitment to reducing gun violence and making our communities safer. I also appreciate my friend from Texas, SHEILA JACKSON LEE, for her leadership on this issue as well.

Madam Chair, it is unconscionable to think that convicted felons, domestic abusers, and others who are prohibited by law from purchasing a firearm could end up with these weapons anyway. Sadly, this is the reality we currently live in due to the default proceed sales, also known as the Charleston loophole.

I have introduced legislation on this problem in the past because we must do everything we can to ensure firearms do not end up in the hands of those who should not have them. This is why I am also a cosponsor of Mr. CLYBURN’s Enhanced Background Checks Act.

The FBI should and, in fact, needs to know if a default proceeds sale has taken place. Currently, this is not the case unless the FBI eventually completes a background check, determines the purchaser should be prohibited from owning a firearm, and subsequently contacts the dealer.

We need more information throughout this process, and my amendment would do just that: require the FBI to report on the number of background checks that they are not able to complete within the designated time period.

This information will help keep track of the FBI’s ability to clear background checks in a timely manner as well as give better understanding of where there is still room for improvement. It will also provide much-needed transparency to the default proceed process.

All who support commonsense solutions to reduce the gun violence epidemic in this country should support this amendment and the underlying legislation. I encourage my colleagues to vote “yes.”

Madam Chair, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), my dear friend and a tireless champion and leader on the efforts to reduce gun violence.

Ms. JACKSON LEE. Madam Chair, I thank the gentleman very much, and I thank him for his leadership on a very

important enhancement to the Enhanced Background Checks Act of 2019, which requires the FBI to report on the number of petitions it was not able to make a determination on within the 10-day period.

I think Mr. SCHNEIDER knows that why we are here on the floor is to save lives, to be able to protect innocent people from being subjected to what the Emanuel Nine were: worshippers in a church with their pastor, praying, as this country allows one to do.

It is my belief that the Schneider-Jackson Lee amendment should be passed, because with this critical data and compliance reporting we can learn more about legislative injustices like the one that enabled Dylan Roof to process a handgun used to murder the nine innocent persons at Mother Emanuel A.M.E. Church in Charleston, South Carolina, and to remind everybody he had not been approved by the NICS reporting system, and he was able to come back. This system allows us to know how many have not been approved, to be able to address the question, to have better policies dealing with protecting gun violence.

It is my privilege to join my colleague in supporting the Schneider-Jackson Lee amendment.

Madam Chair, I close by saying that this tracks the Accidental Firearms Transfer Reporting Act that I introduced in previous Congresses in H.R. 3125 and H.R. 57.

I look forward to working with my colleague as we expand reasonable gun safety legislation to protect our children, our families, and Americans.

Madam Chair, I rise in strong support of this amendment which I am proud to cosponsor with the gentleman from Illinois, Congressman BRAD SCHNEIDER.

I thank the Rules Committee for making the Schneider-Jackson Lee Amendment in order and thank the Majority Whip for introducing the underlying legislation, H.R. 1112, the “Enhanced Background Checks Act of 2019.”

H.R. 1112, the “Enhanced Background Checks Act of 2019,” would strengthen the background check procedures that firearms licensees or dealers follow before selling or transferring a firearm.

As under current law, firearms dealers would be required to run a background check on prospective buyers using the National Instant Criminal Background Check System (“NICS”).

Over 90% of NICS checks are completed within 90 seconds.

If the NICS system has not returned an answer to the licensed firearms dealer within ten days, the prospective firearms purchaser may file a petition with the Attorney General for review.

Then, after another ten-day period has expired, the licensed firearms dealer may sell or transfer the firearm to the prospective purchaser if it has not received a response through the NICS system and the dealer has no reason to believe that the purchaser is prohibited from obtaining a firearm under federal, state, or local law.

Under this measure, licensed firearms dealers could not sell or transfer under the “default

proceed” provision until at least 20 days have passed since the initial background check.

The Schneider/Jackson Lee Amendment strengthens the bill by requiring the FBI to report on the number of petitions on which it was not able to make a determination regarding the eligibility of the transferee to possess a firearm within the 10-day period allotted by H.R. 1112.

I urge my colleagues to support the Schneider/Jackson Lee Amendment because, with this critical data and compliance reporting, we can learn more about legislative injustices like the one that enabled Dylan Roof to possess the handgun used to murder 9 innocent persons at Mother Emanuel A.M.E. Church in Charleston, South Carolina, as well as the numerous other cases where a firearm was handed over to an unintended and potentially dangerous recipient.

Making sure that policy makers have the most accurate, reliable, and current data regarding background checks is one of the main reasons I introduced the Accidental Firearms Transfers Reporting Act in the 114th and 115th Congress (H.R. 3125 and H.R. 57 respectively).

Madam Chair, if anything, it is gun violence that is a national emergency, and reducing gun violence should be one of Congress’s highest priorities.

The Schneider/Jackson Lee Amendment will help to do that.

I ask my colleagues to support the Schneider/Jackson Lee Amendment in order.

Again, I thank Majority Whip CLYBURN for introducing the underlying legislation and Congressman SCHNEIDER for his work on this salutary amendment.

I urge all Members to support the Schneider/Jackson Lee Amendment.

[Feb. 20, 2018]

#### LIST OF MASS SHOOTINGS SINCE COLUMBINE MASSACRE

(By Zayed Abdalla)

Below is a list of all mass shootings in the United States which occurred after the Columbine High School Massacre. Dates and death tolls (excluding the shooter) are included. Although many other mass shootings have occurred, for the sake of time and physical space, only shootings involving the death of five or more people have been included in this article.

1. Columbine High School Shooting, Littleton, Colorado—April 1999: 13 Dead
2. Atlanta Shootings, Atlanta, Georgia—July 1999: 12 Dead
3. Wedgewood Baptist Church shooting, Fort Worth, Texas—September 1999: 7 Dead
4. Xerox Killings, Honolulu, Hawaii—November 1999: 7 Dead
5. Tampa Hotel Shootings, Tampa, Florida—December 1999: 5 Dead
6. Wakefield Massacre, Wakefield, Massachusetts—December 2000: 7 Dead
7. Lockheed Martin Shooting, Median, Mississippi—July 2003: 6 Dead
8. Living Church of God Shooting, Brookfield, Wisconsin—March 2005: 7 Dead
9. Red Lake High School, Red Lake Indian Reservation, Minnesota—March 2005: 9 Dead
10. Goleta Postal Shootings, Goleta, California—January 2006: 7 Dead
11. Capitol Hill Massacre, Seattle Washington—March 2006: 6 Dead
12. West Nickel Mines Amish School, Nickel Mines, Pennsylvania—October 2006: 5 Dead
13. Tolley Square Shooting, Salt Lake City, Utah—February 2007: 5 Dead
14. Virginia Tech University, Blacksburg, Virginia—April 2007: 32 Dead

15. Crandon Shooting, Crandon Wisconsin—October 2007: 6 Dead

16. Westroads Mall Shooting, Omaha Nebraska—December 2007: 8 Dead

17. Kirkwood City Council Shooting, Kirkwood, Missouri—February 2008: 6 Dead

18. Northern Illinois University, Dekalb, Illinois—February 2008: 5 Dead

19. Atlantis Plastics Shooting, Henderson Kentucky—June 2008: 5 Dead

20. Carthage Nursing Home Shooting—Carthage, North Carolina—March 2009: 8 Dead

21. Geneva County Massacre, Geneva and Samson, Alabama—March 2009: 10 Dead

22. Binghampton Shootings, Binghampton—April 2009: 13 Dead

23. Fort Hood Shooting, Fort Hood, Texas—November 2009: 13 Dead

24. Hartford Beer Distributor Shooting, Manchester, Connecticut—August 2010: 8 Dead

25. Tucson Shooting, Tucson, Arizona—January 2011: 6 Dead

26. Seal Beach Shooting, Seal Beach, California—October 2011: 8 Dead

27. Oikos University, Oakland, California—April 2012: 7 Dead

28. Seattle Café Shooting, Seattle, Washington—May 2012: 5 Dead

29. Aurora Shooting, Aurora, Colorado—July 2012: 12 Dead

30. Sikh Temple Shooting, Oak Creek, Wisconsin—August 2012: 6 Dead

31. Accent Signage Systems Shooting, Minneapolis, Minnesota—September 2012: 6 Dead

32. Sandy Hook Elementary School, Newtown, Connecticut—December 2012: 27 Dead

33. Santa Monica College, Santa Monica, California—June 2013: 5 Dead

34. Hialeah Shooting, Hialeah, Florida—July 2013: 6 Dead

35. Washington Navy Yard Shooting, Washington D.C.—September 2013: 12 Dead

36. University of California Santa Barbara, Isla Vista, California—May 2014: 6 Dead

37. Marysville Pilchuck High School, Marysville, Washington—October 2014: 4 Dead

38. Charleston Church Shooting, Charleston, South Carolina—June 2015: 9 Dead

39. Chattanooga Military Recruitment Center, Chattanooga Tennessee—July 2015: 5 Dead

40. Umpqua Community College, Roseburg, Oregon—October 2015: 9 Dead

41. San Bernardino Attack, San Bernardino, California—December 2015: 14 Dead

42. Kalamazoo Shooting Spree, Kalamazoo County, Michigan—February 2016: 6 Dead

43. Orlando Night-club Shooting, Orlando, Florida—June 2016: 49 Dead

44. Dallas Police Shooting, Dallas Texas—July 2016: 5 Dead

45. Cascade Mall Shooting, Burlington, Washington—September 2016: 5 Dead

46. Fort Lauderdale Airport Shooting, Fort Lauderdale, Florida—January 2017: 5 Dead

47. Las Vegas Shooting, Las Vegas, Nevada—October 2017: 58 Dead

48. Sutherland Springs Church, Sutherland Springs, Texas—November 2017: 26 Dead

49. Rancho Tehama Shooting, Rancho Tehama, California—November 2017: 5 Dead

50. Marjory Stoneman Douglas High School, Parkland, Florida—February 2018: 17 Dead

Mr. SCHNEIDER. Madam Chair, I yield 1 minute to the gentleman from New York (Mr. NADLER), chairman of the committee.

Mr. NADLER. Madam Chair, I thank the gentleman for yielding.

I support this amendment, which requires the FBI to report on the number

of petitions it was not able to resolve with a determination within 10 days.

We know that providing more time for checks to be completed in the instances that more time is needed will help prevent guns from getting into the hands of those who are ineligible under current law from purchasing and possessing the guns.

The goal of this bill is to do just that, and to allow individuals whose checks take longer than 10 days to complete the opportunity to petition for their case to be reviewed within another 10-day period.

Madam Chair, the report required by this amendment will help us oversee the implementation of this new process and the changes instituted by this law. I urge my colleagues to support this salutary amendment.

Mr. COLLINS of Georgia. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. COLLINS of Georgia. Madam Chair, I reserve the balance of my time.

Mr. SCHNEIDER. Madam Chair, does the gentleman from Georgia have any speakers on this issue?

Mr. COLLINS of Georgia. To the good gentleman, I do not.

Mr. SCHNEIDER. Madam Chair, I yield back the balance of my time.

Mr. COLLINS of Georgia. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHNEIDER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. NADLER. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. LEVIN OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 116-14.

Mr. LEVIN of Michigan. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, after line 16, insert the following:

**SEC. 3. GAO REPORTS.**

Within 90 days after the end of each of the 1-year, 3-year, and 5-year periods that begin with the effective date of this Act, the Comptroller General of the United States shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report analyzing the extent to which, during the respective period, paragraphs (1)(B)(ii) and (7) of section 922(t) of title 18, United States Code, have prevented firearms from being transferred to prohibited persons, which report shall include but not be limited to the following—

(1) an assessment of the overall implementation of such subsections, including a description of the challenges faced in implementing such paragraphs; and

(2) an aggregate description of firearm purchase delays and denials, and an aggregate analysis of the petitions submitted pursuant to such paragraph (1)(B)(ii).

The Acting CHAIR. Pursuant to House Resolution 145, the gentleman from Michigan (Mr. LEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. LEVIN of Michigan. Madam Chairwoman, I am proud to cosponsor the Enhanced Background Checks Act, H.R. 1112, and I am also proud today to present an amendment that will make sure we can track and learn from the good that this bill will accomplish once it becomes law.

In 2017, 39,773 Americans died from gun violence. This is a public health epidemic.

Under current law, if a background check is not completed within 3 business days, a federally licensed firearm dealer may move forward with a firearms transfer or sale.

The devastating reality is that many horrific acts of gun violence, including the massacre of the Emanuel Methodist Church in Charleston, South Carolina, which ended nine lives and left several people wounded, could have been avoided.

Today, we will vote to close the loophole that allowed for that tragedy by closing what has become known as the Charleston loophole. The Enhanced Background Checks Act will provide the background check system with additional time to make a final determination on a potential firearm purchaser before a licensed dealer can transfer a gun.

We have an obligation to the American people and to the victims of the shooter at the AME church to pass the bill before us today, and I am proud to be part of this effort to protect our communities from gun violence.

My amendment to H.R. 1112 will require the Government Accountability Office to submit a report to Congress 1 year, 3 years, and 5 years following the implementation of this law. These reports will analyze the extent to which the changes made by this law will prevent firearms from being transferred to prohibited persons.

I am proud that this amendment has broad support from all stakeholders that have been involved in making this bill a reality.

We must strive for effective, evidence-based policies that promote public health and protect our communities. My amendment will cost us nothing, but it will help build the evidence base around the effectiveness of good gun violence prevention policies like this one.

This amendment is all the more important, given the regrettable lack of Federal funding for gun violence research. My amendment will finally

help us demonstrate with data that gun violence prevention measures like the one before us today will prevent firearms from ending up in the hands of people who should not have them.

I came to Washington because the people of southern Macomb and southeastern Oakland Counties sent me here on a mission, and that mission includes protecting our communities from senseless gun violence.

I stand today in solidarity with the courageous people of Michigan's Ninth Congressional District's Moms Demand Action and Students Demand Action.

We have a responsibility as Members of Congress and as human beings not just to talk about the horrors of gun violence, but to do everything in our powers to end it. Today, we will take the critically necessary step to do just that.

I would like to thank Congressman JIM CLYBURN, PETER KING, and JOE CUNNINGHAM for their leadership to ensure that we close the Charleston loophole. I urge my colleagues to support H.R. 1112 and support this amendment.

Madam Chair, I yield 1 minute to the gentleman from New York (Mr. NADLER), the chairman of the House Judiciary Committee.

□ 1030

Mr. NADLER. Madam Chair, I thank the gentleman for yielding.

I support this amendment to require the GAO to submit a report to the relevant congressional committees analyzing the extent to which the additions required by this bill prevent firearms from being transferred to prohibited persons.

It will be important for us to get information about the implementation of the law and its impact on so-called default proceed transactions. The amendment also requires that the GAO report its findings after 90 days and again after 1 year, 3 years, and 5 years.

I think it is always a good idea to actually track the effect of new legislation and see how effective it is.

Madam Chair, I urge my colleagues to join me in supporting this amendment, and I commend the sponsor for doing so.

Mr. COLLINS of Georgia. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. COLLINS of Georgia. Madam Chair, I reserve the balance of my time.

Mr. LEVIN of Michigan. Madam Chair, I yield back the balance of my time.

Mr. COLLINS of Georgia. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. LEVIN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. PORTER

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 116-14.

Ms. PORTER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, after line 23, insert the following:

**SEC. 1. REPORT TO THE CONGRESS.**

Within 150 days after the date of the enactment of this Act, the Attorney General, in consultation with the National Resource Center on Domestic Violence and Firearms, shall submit to the Congress a report analyzing the effect, if any, of this Act on the safety of victims of domestic violence, domestic abuse, dating partner violence, sexual assault, and stalking, and whether any further amendments to the background check process, including amendments to the conditions that must be met under this Act for a firearm to be transferred when the system has not notified the licensee that such transfer would not violate subsection (g) or (n) of section 922 of title 18, United States Code, would likely result in a reduction in the risk of death or great bodily harm to victims of domestic violence, domestic abuse, dating partner violence, sexual assault, and stalking.

The Acting CHAIR. Pursuant to House Resolution 145, the gentlewoman from California (Ms. PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. PORTER. Madam Chair, I yield myself 3 minutes.

Madam Chair, when we discuss the epidemic of gun violence in our country, we must confront the issues of domestic violence, domestic abuse, dating partner violence, sexual assault, and stalking.

According to the National Task Force to End Sexual and Domestic Violence, firearms pose a significant danger to victims of domestic violence, and this is true no matter who owns the firearm. Research shows that a male abuser's access to a firearm increases the risk of intimate partner femicide fivefold and does not support the contention that firearm possession is a protective factor for the victim.

The fact is, prohibited buyers who obtain a firearm through the Charleston loophole are disproportionately likely to be prohibited because of domestic violence. Indeed, in 2017, 23 percent of cases where a gun was transferred to a prohibited purchaser through a default proceed sale involved a person prohibited due to a conviction for domestic violence, or prohibited due to a domestic violence restraining order.

Denials related to domestic violence often require more investigation than denials based on other factors.

I am offering this amendment so that this bill's background check process, before it goes into effect, Congress can hear from experts in the Justice Department and at the National Resource Center on Domestic Violence and Firearms on whether any changes could be made to better protect victims of domestic violence.

This amendment requires the study on domestic violence to be completed

within 150 days. If the Van Drew amendment passes, this bill will have an effective date of 210 days after enactment.

If the study finds that further changes would be advisable to better protect domestic violence victims, Congress will have enough time to make those changes.

Madam Chair, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE. Madam Chair, let me thank the gentlewoman for offering this amendment, along with our other colleagues, to H.R. 1112 that would simply require the Department of Justice to release a report analyzing the effect of this bill's provisions on the safety of the victims of domestic violence, domestic abuse, dating partner violence, sexual assault, and stalking.

Madam Chairwoman, I am here on the floor today with the hopes that my colleagues will listen to the 10 million men, women, and children who experience domestic violence each year. Domestic violence is a horrible scourge, and the presence or possession of a gun only worsens these tragedies.

You heard my colleague, Representative PORTER, say that women are five times more likely to die or be killed in a domestic violence situation if a gun is owned, which is one of the reasons, Madam Chair, I have introduced legislation to help incentivize States to adopt laws that ensure that we do everything to take guns from those with a court restraining order or other protective order.

I hope, Madam Chair, that my colleagues will listen to the one in three women and one in four men who have been victims of intimate partner violence. I sure hope that my colleagues will listen to me as one of the 4.5 million women who have experienced gun violence firsthand.

There is much discussion in these Chambers about a national emergency. Gun violence and domestic violence are a national emergency, and that is why we have offered this amendment so that our laws actually reflect the realities.

The data collected will be critical to inform Congress about ways to prevent needless tragedies in our country, and to help us evolve in a way that will more accurately protect our constituents.

Mr. COLLINS of Georgia. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. COLLINS of Georgia. Madam Chair, I reserve the balance of my time.

Ms. PORTER. Madam Chair, I yield back the balance of my time.

Mr. COLLINS of Georgia. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. PORTER).

The amendment was agreed to.

**AMENDMENT NO. 5 OFFERED BY MR. VAN DREW**

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 116-14.

Mr. VAN DREW. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 16, strike the close quotation marks and the following period.

Page 3, after line 16, insert the following: “(8)(A) If, after 3 business days have elapsed since the licensee initially contacted the system about a firearm transaction, the system notifies the licensee that the receipt of a firearm by such other person would not violate subsection (g) or (n), the licensee may continue to rely on that notification for the longer of—

“(i) an additional 25 calendar days after the licensee receives the notification; or

“(ii) 30 calendar days after the date of the initial contact.

“(B) If such other person has met the requirements of paragraph (1)(B)(ii) before the system destroys the records related to the firearm transaction, the licensee may continue to rely on such other person having met the requirements for an additional 25 calendar days after the date such other person first met the requirements.”

Page 3, after line 23, insert the following:

**SEC. 1. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect 210 days after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 145, the gentleman from New Jersey (Mr. VAN DREW) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. VAN DREW. Madam Chair, I yield myself such time as I may consume.

My amendment will ensure that from the date a firearm purchase is legally authorized under the bill, the firearm purchaser has 25 calendar days to pick up their gun, regardless of how much time has elapsed since the background check was first initiated.

This would prevent a situation under the bill as it is written that, although rare, would still be possible, where the maximum allowable number of business days, 20 business days, that a purchaser would have to wait for an approval could actually run longer, hypothetically, than the 30 days.

That would be problematic because under a current ATF, Bureau of Alcohol, Tobacco, Firearms and Explosives regulation, a gun cannot be transferred after 30 days once a background check begins.

Where more than 30 calendar days have passed since the licensee first contacted NICS, the National Instant Criminal Background Check System, the licensee must initiate a new NICS check prior to transferring the firearm. My amendment would prevent an unnecessary background check do-over.

For those who get approved by the FBI after 3 business days, my amendment would essentially nullify the 30

days ATF regulation, allowing prospective firearm owners the peace of mind that they do deserve.

After this bill went through the Judiciary Committee, the point was raised that an existing ATF regulation, if left unchanged, could result in a situation where even after a background check was approved or a petition process was followed, the lawful gun buyer would still not be able to get the gun without doing a second background check because too much time had elapsed since the first background check began.

This is clearly not the intent of the bill, and while I believe that ATF would amend the regulation if this bill is passed, this amendment removes all doubt. Anyone who is legally authorized to obtain a firearm under the new process will have ample time, 25 days, to return to the dealer and retrieve the gun.

Madam Chair, I reserve the balance of my time.

Mr. COLLINS of Georgia. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. COLLINS of Georgia. Madam Chair, I appreciate the gentleman here on this. It is good to fix this. But the only problem is, it doesn't fix it—I think that is the problem that we are looking at—as written. As we discussed earlier, your amendment claims to prevent this endless loop, but it fails to do so.

Per ATF regulation, a NICS check is only valid for 30 calendar days from when the NICS is initially contacted. This language does not extend the timeframe in the event of a delayed response, nor does it direct the attorney general to do so.

So if the purchaser completes the three-step process under H.R. 1112, then attempts to take possession of the firearm on calendar day 31, ATF regulations would suggest it is too late. The NICS check has expired, and as a result, the federally licensed firearms dealer would need to conduct a new NICS check while restarting the process.

Madam Chair, I did offer an amendment to extend the validity of the NICS check to 60 days to cure this deficiency, however, the Democrats refused to make my amendment in order. For that reason, I am glad that the gentleman is trying to fix this, which is where it should be, but it just doesn't fix it.

So we are again searching for an amendment and solution to a problem that could have been fixed, but this amendment does not fix it. I am glad the gentleman brought the amendment and in the plain reading of the statute and the plain reading of this amendment, this is a great attempt. It just falls short.

For that reason, I would urge my colleagues to vote against this amendment because it does not actually fix the problem we outlined earlier.

Madam Chair, I reserve the balance of my time.

Mr. VAN DREW. Madam Chairwoman, I would just again emphasize that this is 25 days after the approval, and also that law supersedes regulation. There is no question that that 25 days would be in place and that would give more than a sufficient amount of time, in fact, a lenient amount of time, just to ensure that there aren't any problems here.

Madam Chair, I yield 1 minute to the gentleman from New York (Mr. NADLER), the chairman, to speak in favor of this amendment.

Mr. NADLER. Madam Chair, I thank the gentleman for yielding.

I rise in support of this amendment, and this completely takes care of Mr. COLLINS' concern, whether he realizes it or not. Because this says that the transfer can take place for 25 days after the transfer becomes legally permissible.

In other words, under the longest timeframe, the background check doesn't come back within 10 days. The purchaser waits a few days, and then petitions the attorney general. It takes another 10 days. Then it becomes legally permissible.

This says the transfer can take place for 25 days after that. So there is no way that this doesn't take care of the problem that Mr. COLLINS raised, and then some.

The current procedures in place do not take into account the longer waiting period in the petition process that H.R. 1112 requires. This amendment more than takes care of that. It is a salutary amendment. It makes the system work, and I can't understand anybody, whether they support the bill or not, who wouldn't want to support this, so I support the amendment.

Mr. VAN DREW. Madam Chair, I thank the chairman, and just as a couple of other points, on a personal level, I have always been a supporter of Second Amendment rights and continue to be. The purpose of this amendment is to, obviously, do so, support Second Amendment rights.

□ 1045

Secondly, I know that there is language in another part of the bill that many people have asked me about which is not something that I am amending or had to do with, but I know that there is a commitment from leadership that that language is going to be completely redone and that language will be totally appropriate and actually will be a major improvement.

Madam Chair, I yield back the balance of my time.

Mr. COLLINS of Georgia. Madam Chair, I appreciate my chairman, but I disagree, because there is still the 30-day limitation. The 30-day limitation is not done here, and so there is and could be a problem if it was done. I still have my time, and there is no time remaining.

The issue here is that if it is approved after the 30 days, then this bill does not fix it. The easy fix here was an

amendment we offered that simply extended it for 60 days. That is your fix. Instead, we go through this where there can be, as all good things lawyerly, we can have lawyerly disagreements. I think in the end, when you actually go back and look at this, you will see that there is an interpretation problem here. The 30 days still exists.

Why could we have not just simply extended the NICS date for 60 days instead of 30 days instead of going through this exercise of legal interpretation?

Madam Chair, I yield back the balance of my time.

Mr. VAN DREW. Madam Chair, I ask unanimous consent to reclaim my time.

Mr. COLLINS of Georgia. Objection.

The Acting CHAIR. Objection is heard.

The question is on the amendment offered by the gentleman from New Jersey (Mr. VAN DREW).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. COLLINS of Georgia. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings now will resume on those amendments printed in part B of House Report 116-14 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. SCHNEIDER of Illinois.

Amendment No. 5 by Mr. VAN DREW of New Jersey.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 2 OFFERED BY MR. SCHNEIDER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. SCHNEIDER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 144, not voting 11, as follows:

[Roll No. 100]  
AYES—282

Adams	Barragán	Blumenauer
Aguilar	Bass	Blunt Rochester
Allred	Beatty	Bonamici
Arrington	Bera	Bost
Axne	Beyer	Boyle, Brendan
Bacon	Bishop (GA)	F.

NOES—144

Aderholt	Balderson	Brady
Allen	Banks	Brooks (AL)
Amash	Barr	Buchanan
Amodei	Bergman	Buck
Armstrong	Biggs	Bucushon
Babin	Bilirakis	Burchett
Baird	Bishop (UT)	Burgess

Calvert	Hill (AR)	Ratcliffe	Bass	Green (TX)	Omar
Carter (GA)	Holding	Reed	Beatty	Grijalva	Pallone
Carter (TX)	Hunter	Reschenthaler	Bera	Haaland	Panetta
Chabot	Hurd (TX)	Riggleman	Beyer	Harder (CA)	Pappas
Cheney	Johnson (LA)	Roby	Bishop (GA)	Hastings	Pascarella
Cline	Johnson (OH)	Rodgers (WA)	Blumenauer	Hayes	Payne
Cloud	Johnson (SD)	Roe, David P.	Blunt Rochester	Heck	Perlmutter
Cole	Jordan	Rogers (AL)	Bonamici	Higgins (NY)	Peters
Comer	Joyce (PA)	Rogers (KY)	Boyle, Brendan	Hill (CA)	Phillips
Conaway	Kelly (MS)	Rose, John W.	F.	Himes	Pingree
Cook	Kelly (PA)	Rouzer	Brindisi	Horn, Kendra S.	Pocan
Crawford	King (IA)	Roy	Brown (MD)	Horsford	Porter
Crenshaw	Kustoff (TN)	Rutherford	Brownley (CA)	Houlihan	Pressley
Davidson (OH)	LaHood	Scalise	Bustos	Hoyer	Price (NC)
DesJarlais	LaMalfa	Schweikert	Butterfield	Huffman	Quigley
Duffy	Lamborn	Scott, Austin	Carbajal	Jackson Lee	Raskin
Duncan	Latta	Sensenbrenner	Cárdenas	Jayapal	Rice (NY)
Dunn	Lesko	Simpson	Carson (IN)	Jeffries	Richmond
Emmer	Long	Smith (MO)	Cartwright	Johnson (GA)	Rose (NY)
Estes	Loudermilk	Smith (NE)	Case	Johnson (TX)	Rouda
Ferguson	Lucas	Smucker	Casten (IL)	Kaptur	Royal-Allard
Fleischmann	Luetkemeyer	Spano	Castor (FL)	Keating	Ruiz
Fulcher	Marshall	Steube	Castro (TX)	Kelly (IL)	Ruppersberger
Gaetz	Massie	Stewart	Chu, Judy	Kennedy	Rush
Gianforте	McCarthy	Thompson (PA)	Cicilline	Khanna	Ryan
Gibbs	McCaul	Thornberry	Cisneros	Kildee	Sablan
Gooden	McKinley	Timmons	Clark (MA)	Kilmer	Sánchez
Gosar	Meadows	Tipton	Clarke (NY)	Kim	Sarbanes
Granger	Meuser	Walberg	Clay	Kind	Scanlon
Graves (GA)	Miller	Walker	Cleaver	Kirkpatrick	Schakowsky
Graves (MO)	Mitchell	Watkins	Clyburn	Krishnamoorthi	Schiff
Green (TN)	Moolenaar	Weber (TX)	Cohen	Kuster (NH)	Schneider
Griffith	Mooney (WV)	Webster (FL)	Connolly	Lamb	Schrader
Grothman	Mullin	Westerman	Cooper	Langevin	Schrier
Guest	Norman	Williams	Correa	Larsen (WA)	Scott (VA)
Hagedorn	Nunes	Wilson (SC)	Costa	Larson (CT)	Scott, David
Harris	Olson	Wittman	Courtney	Lawrence	Serrano
Hartzler	Palazzo	Womack	Cox (CA)	Lawson (FL)	Sewell (AL)
Hern, Kevin	Palmer	Wright	Craig	Lee (CA)	Shalala
Hice (GA)	Pence	Young	Crist	Lee (NV)	Sherman
Higgins (LA)	Perry	Zeldin	Crow	Levin (CA)	Sherill

NOT VOTING—11

Abraham	González-Colón	Plaskett	Cunningham	DeLoach	Slotkin
Byrne	(PR)	Radewagen	Davids (KS)	Lipinski	Smith (NJ)
Frankel	Katko	San Nicolas	Davis (CA)	Loebssack	Smith (WA)
Garamendi	Marchant	Soto	Davis, Danny K.	Lofgren	Spanberger
			Dean	Lowenthal	Speier
			DeFazio	Lowey	Stanton
			DeGette	Luján	Stevens
			DeLauro	Luria	Suozzi
			DelBene	Lynch	Swalwell (CA)
			Delgado	Malinowski	Takano
			Demings	Maloney,	Thompson (CA)
			DeSaulnier	Carolyn B.	Thompson (MS)
			Deutch	Maloney, Sean	Titus
			Dingell	Metzen	Taiab

Mr. POSEY, Mrs. WALORSKI, Messrs. WOODALL, SHIMKUS, COLLINS of New York, McHENRY, and YOHO changed their vote from "no" to "aye."

So the amendment was agreed to.  
The result of the vote was announced  
as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. VAN DREW.

AMENDMENT NO. 5 OFFERED BY MR. VAN DREW  
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. VAN DREW) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 193, not voting 10, as follows:

[Roll No. 101]

AYES—234

Allred

Bass	Green (TX)	Omar
Beatty	Grijalva	Pallone
Bera	Haaland	Panetta
Beyer	Harder (CA)	Pappas
Bishop (GA)	Hastings	Pascrrell
Blumenauer	Hayes	Payne
Blunt Rochester	Heck	Perlmutter
Bonamici	Higgins (NY)	Peters
Boyle, Brendan	Hill (CA)	Phillips
F.	Himes	Pingree
Brindisi	Horn, Kendra S.	Pocan
Brown (MD)	Horsford	Porter
Brownley (CA)	Houlahan	Pressley
Bustos	Hoyer	Price (NC)
Butterfield	Huffman	Quigley
Carbajal	Jackson Lee	Raskin
Cárdenas	Jayapal	Rice (NY)
Carson (IN)	Jeffries	Richmond
Cartwright	Johnson (GA)	Rose (NY)
Case	Johnson (TX)	Rouda
Casten (IL)	Kaptur	Royal-Allard
Castor (FL)	Keating	Ruiz
Castro (TX)	Kelly (IL)	Ruppersberger
Chu, Judy	Kennedy	Rush
Cicilline	Khanna	Ryan
Cisneros	Kildee	Sablan
Clark (MA)	Kilmer	Sánchez
Clarke (NY)	Kim	Barbanes
Clay	Kind	Scanlon
Cleaver	Kirkpatrick	Schakowsky
Clyburn	Krishnamoorthi	Schiff
Cohen	Kuster (NH)	Schneider
Connolly	Lamb	Schrader
Cooper	Langevin	Schrier
Correa	Larsen (WA)	Scott (VA)
Costa	Larson (CT)	Scott, David
Courtney	Lawrence	Serrano
Cox (CA)	Lawson (FL)	Sewell (AL)
Craig	Lee (CA)	Shalala
Crist	Lee (NV)	Sherman
Crow	Levin (CA)	Sherrill
Cuellar	Levin (MI)	Sires
Cummings	Lewis	Slotkin
Cunningham	Lieu, Ted	Smith (NJ)
Davids (KS)	Lipinski	Smith (WA)
Davis (CA)	Loebback	Spanberger
Davis, Danny K.	Lofgren	Speier
Dean	Lowenthal	Stanton
DeFazio	Lowey	Stevens
DeGette	Luján	Tsuozzi
DeLauro	Luria	Swalwell (CA)
DelBene	Lynch	Takano
Delgado	Malinowski	Thompson (CA)
Demings	Maloney,	Thompson (MS)
DeSaulnier	Carolyn B.	Titus
Deutch	Maloney, Sean	Tlaib
Dingell	Matsui	Tonko
Doggett	McAdams	Torres (CA)
Doyle, Michael	McBath	Torres Small
F.	McCollum	(NM)
Engel	McEachin	Trahan
Escobar	McGovern	Trone
Eshoo	McNerney	Underwood
Espaillat	Meeks	Van Drew
Evans	Meng	Vargas
Finkenauer	Moore	Veasey
Fitzpatrick	Morelle	Vela
Fletcher	Moulton	Mucarsel-Powell
Foster	Murphy	Velázquez
Fudge	Nadler	Visclosky
Gabbard	Napolitano	Wasserman
Gallego	Neal	Schultz
Garcia (IL)	Neguse	Waters
Garcia (TX)	Norcross	Watson Coleman
Golden	Norton	Welch
Gomez	O'Halleran	Wexton
Gonzalez (TX)		Wild

NOES—193

NOES—195		
Aderholt	Buchanan	Cook
Allen	Buck	Crawford
Amodei	Bucshon	Crenshaw
Armstrong	Budd	Curtis
Arrington	Burchett	Davidson (OH)
Babin	Burgess	Davis, Rodney
Bacon	Byrne	DesJarlais
Baird	Calvert	Diaz-Balart
Balderson	Carter (GA)	Duffy
Banks	Carter (TX)	Duncan
Barr	Chabot	Dunn
Bergman	Cheney	Emmer
Biggs	Cline	Estes
Bilirakis	Cloud	Ferguson
Bishop (UT)	Cole	Fleischmann
Bost	Collins (GA)	Flores
Brady	Collins (NY)	Fortenberry
Brooks (AL)	Comer	Foxx (NC)
Brooks (IN)	Conaway	Fulcher

Gaetz	Latta	Rutherford
Gallagher	Lesko	Scalise
Gianforte	Long	Schweikert
Gibbs	Loudermilk	Scott, Austin
Gohmert	Lucas	Sensenbrenner
Gonzalez (OH)	Luetkemeyer	Shimkus
Gooden	Marchant	Simpson
Gosar	Marshall	Smith (MO)
Granger	Massie	Smith (NE)
Graves (GA)	Mast	Smucker
Graves (LA)	McCarthy	Spano
Graves (MO)	McCaull	Stauber
Green (TN)	McClintock	Stefanik
Griffith	McHenry	Steil
Grothman	McKinley	Steube
Guest	Meadows	Stewart
Guthrie	Meuser	Stivers
Hagedorn	Miller	Taylor
Harris	Mitchell	Thompson (PA)
Hartzler	Moolenaar	Thornberry
Hern, Kevin	Mooney (WV)	Timmons
Herrera Beutler	Mullin	Tipton
Hice (GA)	Newhouse	Turner
Higgins (LA)	Norman	Upton
Hill (AR)	Nunes	Olson
Holding	Palazzo	Wagner
Hollingsworth	Palmer	Walberg
Hudson	Pence	Walden
Huizenga	Perry	Walker
Hunter	Peterson	Walorski
Hurd (TX)	Posey	Waltz
Johnson (LA)	Ratcliffe	Watkins
Johnson (OH)	Reed	Weber (TX)
Johnson (SD)	Reschenthaler	Webster (FL)
Jordan	Rice (SC)	Wenstrup
Joyce (OH)	Riggleman	Westerman
Joyce (PA)	Roby	Williams
Kelly (MS)	Rodgers (WA)	Wilson (SC)
Kelly (PA)	Roe, David P.	Wittman
King (IA)	Rogers (AL)	Womack
King (NY)	Rogers (KY)	Woodall
Kinzinger	Rooney (FL)	Wright
Kustoff (TN)	Rose, John W.	Yoho
LaHood	Rouzer	Young
LaMalfa	Roy	Zeldin

## NOT VOTING—10

Abraham	González-Colón	Radewagen
Frankel	(PR)	San Nicolas
Garamendi	Katko	Soto
	Plaskett	Wilson (FL)

□ 1126

Mr. RICE of South Carolina changed his vote from “aye” to “no.”

Ms. LEE of California changed her vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. CLARK of Massachusetts) having assumed the chair, Ms. JUDY CHU of California, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1112) to amend chapter 44 of title 18, United States Code, to strengthen the background check procedures to be followed before a Federal firearms licensee may transfer a firearm to a person who is not such a licensee, and, pursuant to House Resolution 145, she reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mrs. LESKO. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. LESKO. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Lesko moves to recommit the bill H.R. 1112 to the Committee on the Judiciary with instructions to report the same to the House forthwith with the following amendment:

Page 1, line 13, insert “(I)” after “(ii)”;

Page 1, line 17, strike “(I)” and insert “(aa)”.

Page 2, line 9, strike “(aa)” and insert “(AA)”.

Page 2, line 14, strike “(bb)” and insert “(BB)”.

Page 2, line 21, strike “(II)” and insert “(bb)”.

Page 3, line 1, insert “or” after the semi-colon.

Page 3, strike line 2 and insert the following:

“(II) in the case that the transferee is a victim of a crime of domestic violence, 3 business days (meaning days on which State offices are open) have elapsed since the licensee contacted the system. In this sub-clause, the term ‘crime of domestic violence’ means an offense that has, as an element, the use, attempted use, or threatened use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim; and”; and

The SPEAKER pro tempore. The gentlewoman from Arizona is recognized for 5 minutes.

Mrs. LESKO. Madam Speaker, this motion to recommit will not kill the bill or send it back to committee, to be clear. If adopted, the bill will immediately proceed to final passage as amended.

My Democratic colleagues are set to pass this bill despite the fact that the ACLU opposes it.

Let me repeat that. The ACLU opposes H.R. 1112 because it is so sweeping and improperly perpetrates unfounded assumptions that people with mental disabilities should be considered dangerous and are prone to violence without any meaningful due process.

As most of you know, I am a survivor of domestic violence, and that is why this motion to recommit is so personally important to me. This motion to recommit, in contrast, is narrowly tailored. It would simply allow victims of domestic violence who go through a NICS check to receive their firearms in 3 days, which is the status quo, if NICS

has not responded with a denial or approval in 3 business days—again, the status quo.

Do we really want to tell victims of domestic violence they have to wait up to 20 business days, which is under this bill, before they are allowed to adequately defend themselves?

Do we really want to tell them: Sorry. I know you are purchasing a firearm to protect yourself, but you have to wait 20 business days?

Should we tell them: Hopefully you can hide from your abuser for the next month?

The Judiciary Committee recently heard testimony from a young woman who was raped on her college campus. She did not have a gun on campus because the State did not allow her to carry a gun in order to defend herself. This is a clear example of how law-abiding citizens, not criminals, follow the law and how this law-abiding young woman was harmed by gun control laws.

Another specific example related to this bill of a well-intentioned law gone wrong is Carol Bowne, a New Jersey woman stabbed to death while waiting to be approved for her firearm application. She already had an order of protection from the courts, but that wasn’t enough for her. She needed more than just that piece of paper. She needed to protect herself, so she went and tried to get a gun to defend herself, but because of the waiting period, she was killed.

Let me repeat that. Carol Bowne had an order of protection. She attempted to purchase a firearm, and she was tragically murdered by her abuser while waiting to be approved.

H.R. 1112 will make the realities of Carol’s story happen across the country, putting millions of women and law-abiding citizens in danger. Women who seek avenues of protection will be forced to wait almost a month, like Carol.

How many women will potentially suffer like Carol? And what will the Democrats say: Sorry; we hope you can hide from your abuser for a month?

Madam Speaker, that would be foolish as well as heartless. It would be an infringement of Second Amendment rights for someone who needs them the most.

Given the insidious flaws in this bill, do we really want to burden law-abiding victims by placing them in a never-ending cycle of background checks? Of course not.

This motion to recommit is a commonsense measure. It would ensure that domestic violence victims, many of whom live in fear, can receive the protection they need and deserve.

Vote for this motion to recommit and you vote to protect domestic violence victims. Vote against the motion to recommit and you are telling victims who live in fear: Sorry; we won’t help you.

Madam Speaker, I urge my colleagues to support this motion to recommit, and I yield back the balance of my time.

Mrs. DINGELL. Madam Chair, I rise in opposition to this motion to recommit.

The SPEAKER pro tempore. The gentlewoman from Michigan is recognized for 5 minutes.

Mrs. DINGELL. Madam Speaker, the underlying bill, H.R. 1112, is a critical and carefully crafted bill to address the Charleston loophole.

We have discussed it here today, but I will repeat, the very name “Charleston loophole” is a grim reminder of the deficiency in current law that allows killers to get guns even if a firearms background check has not been completed. This is a dangerous flaw that we can address with a minor change to the system.

When a background check cannot be completed within a 3-day period, it is important that the FBI work to resolve the unanswered questions presented, because these are the very cases that present the most danger.

Unfortunately, we have seen many default proceeds go forward in domestic violence cases, allowing an abuser to obtain a firearm even when he or she is prohibited from owning one. The statistics back that up.

In 2013 and 2014, a plurality of default proceed transfers to prohibit a person were related to domestic violence. In that same period, 30 percent of denials due to convictions for misdemeanor domestic violence were issued after the abuser took possession of the gun.

My heart goes out to my colleague, Mrs. LESKO, because she should never have suffered from domestic violence. Unfortunately, we are colleagues that both know it.

I have spent more time thinking about how you keep guns out of the hands of abusers, probably, than anybody in this Chamber. I know better than most the dangers they pose.

It is not easy for me to talk about it this week, but more than once—and I think of the abuser. I will be honest on this floor. My father was mentally ill. I had to hide in that closet with my siblings wondering if we would live or die. One night, I kept my father from killing my mother. He shouldn't have had a gun.

This is what I remember as a child. My mother went out and bought a gun, and then all of us were scared to death about her gun and my father's gun. We had two guns to worry about.

No child, no woman, no man should ever have to go through that.

The additional time provided by H.R. 1112 will help us stop more massacres such as the one in Charleston, and may it prevent another child or family going through what I did as a child.

These amendments made by this motion would undermine the lifesaving improvements to current law that this bill will initiate. I oppose this motion with every bit of my heart and soul and urge my colleagues to do the same.

Madam Speaker, I yield my remaining time to the gentleman from South Carolina (Mr. CLYBURN), the distinguished whip.

Mr. CLYBURN. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentlewoman from Michigan has 1 minute remaining.

Mr. CLYBURN. Madam Speaker, I thank the gentlewoman so much for yielding the time.

Madam Speaker, let me just take this 1 minute to welcome to this Capitol Ms. Jennifer, Ms. Malana, and Ms. Eliana Pinckney, the widow and two surviving daughters of Reverend Clementa Pinckney.

They hid under his desk in the basement of Emanuel AME Church while a demented gentleman who wanted to start a race war, was welcomed into their Bible study—at the end of that hour, Reverend Clementa asked all of the worshippers to bow their heads and close their eyes as he prayed for what had occurred that evening. While their heads were bowed and their eyes closed, Dylann Roof opened his, after having been welcomed into their midst, and he slaughtered Reverend Pinckney and his eight worshippers.

Why? Because he was allowed to get this gun when he was not eligible to get one. They found out on the fifth day that he was ineligible but, by that point, it was too late. As a result, those poor souls lost their lives.

Let's give the FBI, let's give the authorities, enough time to do their jobs. We will save lives and we will be better off for it.

Mrs. DINGELL. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. LESKO. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by 5-minute votes on:

Passage of the bill, if ordered; and Agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 194, nays 232, not voting 5, as follows:

[Roll No. 102]

YEAS—194

Aderholt	Bost	Cheney	Clark (MA)	Golden	Lieu, Ted
Allen	Brady	Cline	Clarke (NY)	Gomez	lipinski
Amodei	Brooks (AL)	Cloud	Clay	Gonzalez (TX)	Loebssack
Armstrong	Brooks (IN)	Cole	Cleaver	Gottheimer	Lofgren
Arrington	Buchanan	Collins (GA)	Clyburn	Green (TX)	Lowenthal
Babin	Buck	Collins (NY)	Cohen	Grijalva	Lowey
Bacon	Bucshon	Comer	Connolly	Haaland	Lujan
Baird	Budd	Conaway	Cooper	Harder (CA)	Luria
Balderson	Burchett	Cook	Correa	Hastings	Lynch
Banks	Burgess	Crawford	Costa	Hayes	Malinowski
Barr	Byrne	Crenshaw	Courtney	Heck	Maloney, Carolyn B.
Bergman	Calvert	Curtis	Cox (CA)	Higgins (NY)	Maloney, Sean
Biggs	Carter (GA)	Davidson (OH)	Craig	Hill (CA)	Massie
Bilirakis	Carter (TX)	Davis, Rodney	Crist	Himes	
Bishop (UT)	Chabot	DesJarlais	Crow	Horn, Kendra S.	Matsui

