

and later spent without further appropriation. Using data from the U.S. Sentencing Commission for similar offenses, CBO expects that only a small number of people would be subject to penalties or forfeiture under the bill. On that basis, CBO estimates that enacting H.R. 2853 would increase revenues and the consequent direct spending by less than \$500,000 over the 2026–2036 period. The effect on the deficit would be negligible.

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

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

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

Mr. Speaker, in closing, let the word go out to all of the organized retail criminal conspiracies, outfits, operations, and racketeering enterprises across America and the world that we are going to have an Organized Retail and Supply Chain Crime Coordination Center. We are going to be working between the Federal Government and the State and local governments in order to crack down on this very serious threat to our small businesses, some bigger businesses, and to all of the consumers and the people of the country.

Mr. Speaker, I thank the distinguished former prosecutor and Congressman from North Carolina (Mr. KNOTT) for his leadership on this.

We are not powerless. There is definitely something that we can do to stop this. This is a clear and effective bipartisan solution before us.

Mr. Speaker, I urge all of our colleagues to support H.R. 2853, and I am happy to yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. KNOTT) that the House suspend the rules and pass the bill, H.R. 2853, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KNOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1640

NICS DATA REPORTING ACT OF 2026

Mr. MASSIE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2267) to require the Attorney General to submit to the Congress a report that includes the demographic data of persons determined to be ineligible to purchase a firearm based on a background check performed by the National Instant Criminal Background Check System, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2267

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 “NICS Data Reporting Act of 2026”.

SEC. 2. NICS REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing, with respect to the preceding year, the demographic data of persons who were determined to be ineligible to purchase a firearm based on a background check performed by the National Instant Criminal Background Check System, which shall include, disaggregated by the reason for the determination of ineligibility, the following:

(1) The race, ethnicity, national origin, sex, gender, age, disability, average annual income, and English language proficiency, if available.

(2) In the case of each person whose determination of ineligibility was overturned on appeal, the race, ethnicity, national origin, sex, gender, age, disability, average annual income, and English language proficiency, if available.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. MASSIE) and the gentleman from North Carolina (Ms. ROSS) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. MASSIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2267.

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

There was no objection.

Mr. MASSIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are bringing to the floor the NICS Data Reporting Act. It was inspired in the Judiciary Committee by a conversation that I had with the late Sheila Jackson Lee.

I became aware of a problem with the NICS background check system because John Lott, who is an author of many books, an economist, and a statistician, worked at the Department of Justice and has been privy to some of this data and has discovered that the NICS background check system doesn't work like we think it does, or may actually, in fact, have a racial prejudice built into it.

That is a problem because the right to keep and bear arms, like all fundamental rights protected in the Constitution and given to us by God, should not be based on race, sex, or religion.

The NICS system—that stands for National Instant Criminal Background Check System—is a program that was instituted many years ago that you have to go through when you want to purchase a firearm. You fill out a Form

4473 at the gun store, and you record some affirmations on there that you are not a felon, that you don't use drugs, and you also put on there some demographic data.

The DOJ collects this data, but they have never let us see it. I think we could learn some things and improve their system if we could see this data.

As soon as you fill out the form, they send it in to the central database, and they check to see if you are a prohibited person. In other words, have you been convicted of a crime for which you could serve a year or more, or have you been mentally adjudicated as defective according to this system.

What happens when it does this check is the computers will look for phonetically similar names, and if you share a name, unfortunately, with somebody who is a criminal, even if you are not a convicted criminal yourself, you could be denied the purchase of a firearm. In fact, there have been 2 million denials since this system was put into place in the 1980s. In any given year, we have seen over 100,000 denials, but we know these are mostly false denials because there have only been 12 Federal convictions in a year where there were 100,000 denials.

The problem is, you can appeal this, and if it is your first appeal, you don't get it overridden, you have to employ lawyers. When you have to spend a lot of money to exercise a constitutional right, you are effectively being deprived of that right.

Here is what we believe. If you looked at the data, what you will find is that Black Americans are three times more likely to get a false denial in the NICS background check system and that Hispanic Americans are twice as likely to get a false denial from the NICS background check system as a White American might be.

Why is this? Because they share similar names, surnames and first names, within racial and ethnic groups. If you are in one of these groups and share one of these names with somebody who has been convicted, you can be deprived of the ability to purchase a gun.

This is a problem. We want to see the data, and that is the purpose of this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. ROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2267, the NICS Data Reporting Act, which would require the Attorney General to submit an annual report to Congress providing demographic data about the individuals who receive denials from the National Instant Criminal Background Check System, NICS, as part of an attempted firearm purchase in the preceding year.

The NICS background system has processed more than 300 million checks since the FBI launched the system in 1998. NICS checks are critical to enforcing our laws that keep certain disqualified individuals from possessing a firearm.

The overwhelming majority of NICS checks determine that a prospective purchaser may legally purchase a firearm, and these checks are typically completed in just a few minutes. But in some instances, a NICS search determines that a person may not legally purchase a firearm because the person is matched to a serious criminal conviction, a domestic violence restraining order, a dishonorable discharge from the armed services, a wanted person's list, or other disqualifying record.

Since its inception, NICS has denied sales to more than 1.5 million transactions, keeping firearms out of the hands of dangerous people who should not have them.

The sponsor of this legislation, Congressman MASSIE, has cited evidence suggesting that Black and Hispanic men may be more likely to experience false denials since, due to over-incarceration, they are disproportionately likely to share a name with other Black or Hispanic men who are incarcerated.

Mr. MASSIE has also expressed concern that erroneous NICS denials may disproportionately affect people based not just on race, ethnicity, and national origin, but also on sex, gender, age, disability, income, and English language proficiency.

This is why his legislation asks for the demographic data of individuals denied firearms through NICS for each of the categories I just listed. There is absolutely no harm in seeking this information. We need data and facts to understand our complex world, to craft responsive legislation, and to determine how to allocate government funding.

In fact, when I was in North Carolina representing people who had been wrongly stopped by law enforcement officials, we instituted a data collection system that looks into whether or not people have been detained based on their race or their gender, and it has been very effective.

NICS is an essential tool that keeps guns out of dangerous people's hands. We should seek to learn more about how NICS is working and make improvements, if any are necessary. We need a universal violent criminal background check to close loopholes in current laws, like the internet loophole and the gun show loophole.

I support this legislation, and I urge my Republican colleagues to stand with us in supporting public access to all information, including demographic data, so that we can be certain that our laws and our government are working for every American.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. MASSIE. Mr. Speaker, I want to be clear about the purpose of the bill. It is not to collect more information on prospective gun buyers. It is to know the information we have, what has been collected, what can we infer from those things.

For instance, on the form, we already collect race and ethnicity. The purpose of this bill is not to tell us individual details about the people who purchase the guns. We want to know these numbers in the aggregate so that nobody's particular traits or names will be disclosed as gun owners. We just need to know what it looks like statistically.

□ 1650

There has been a question from some of my conservative colleagues as to why the bill asks for both gender and sex. The reason for that is, before 2016, the form 4473 used to ask what your gender was. After 2016, it asks what your sex is.

The language of the law doesn't suggest that those two things are different things. It just acknowledges that the data that has been collected over the years has been collected under two different terms, and we want to know all the data.

Mr. Speaker, banks also do background checks on prospective tellers and employees of the banks. Imagine if a bank had an error in their system that caused Black tellers or Hispanic tellers to fail the background check more than White tellers or other bank employees. The bank would be sued out of existence. Yet, we have a government system that we believe probably does this, so that is why we need to know the data.

My goal with this is that we improve the system and that we make it not sloppy. What will the improvement yield? It will take out the racial bias in the system that exists right now. It will also mean that all races, whether you are White, Black, Hispanic, or Asian, and whether you are male or female, there will be no bias because we will check for your actual name and your actual birthday and clean this system up.

Mr. Speaker, I reserve the balance of my time.

Ms. ROSS. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, this bill would require the Attorney General to provide demographic information about NICS denials. I support collecting data to better understand and evaluate the effectiveness of NICS and determine whether it needs to be strengthened in any way.

Mr. Speaker, in memory of Sheila Jackson Lee, I urge my colleagues to join me in supporting this legislation, and I yield back the balance of my time.

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

Mr. Speaker, I thank the gentleman from Georgia (Mr. JOHNSON), who is also a member of the Judiciary Committee and who, in fact, improved this bill before it came to the floor. We marked it up in the Committee on the Judiciary. He had a suggestion. In order not to delay the bill or the passage of it through committee, I assured the gentleman that I would work with him before it came to the floor.

A lot of times, that is a euphemism, and it never happens, but we did, in fact, insert the language from HANK JOHNSON's office directly into this bill. It was not because I wanted to cut a deal but because it actually made the bill better. We will find out not just the demographics of the denials but also the demographics of the people who overturned their denials. This is important, too, for improving the system.

Mr. Speaker, I urge passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. MASSIE) that the House suspend the rules and pass the bill, H.R. 2267, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CRIMINAL HISTORY ACCESS ACT OF 2026

Mr. SCHMIDT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8352) to authorize peace officer standards and training agencies to access criminal history records, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8352

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 "Criminal History Access Act of 2026".

SEC. 2. FEDERAL BUREAU OF INVESTIGATION.

(a) **ATTORNEY GENERAL DUTIES.**—Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)(4), by amending to read as follows:

"(4) exchange such records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission, the States, including State sentencing commissions and peace officer standards and training agencies, Indian tribes, cities, and penal and other institutions; and"

(2) in subsection (e)—

(A) by striking "section, the term" and inserting the following: "section—

"(1) the term";

(B) by striking "(1) railroad" and inserting the following:

"(A) railroad";

(C) by striking "(2) police" and inserting the following:

"(B) police";

(D) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(2) the term 'peace officer standards and training agency' means an agency of a State with the statutory authority under State law to set standards for the hiring, training, ethical conduct, and retention of the law enforcement officers of the State through certification, licensing, or other similar qualification process; and

"(3) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the