

HOUSE OF REPRESENTATIVES—Friday, June 18, 1999

The House met at 9 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

You have given us Your word, gracious God, that You are with us in all the moments of life. Those times when we are filled with exaltation and wonder and joy and those times when we feel the pressures of life that cause anxiety and worry.

We pray, O loving God, that we would be surrounded by Your gracious spirit and strengthened by Your mighty hand. Help us to turn away from only our private interests and see instead how we can help and support others through our friendship, our concerns and our love.

In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY of New York led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 40. Concurrent resolution commending the President and the Armed Forces for the success of Operation Allied Force.

The message also announced that pursuant to Public Law 96-388, as amended by Public Law 97-84, the Chair, on behalf of the President pro tempore, appoints the following Senators to the United States Holocaust Memorial Council—

the Senator from Utah (Mr. HATCH);
the Senator from Alaska (Mr. MURKOWSKI); and
the Senator from Michigan (Mr. ABRAHAM).

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 853

Mr. HOBSON. Mr. Speaker, I ask unanimous consent to have my name removed as cosponsor of H.R. 853.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair today will entertain 1-minute at the end of legislative business.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

The SPEAKER. Pursuant to House Resolution 209 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2122.

□ 0903

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 further consideration of the bill (H.R. 2122) to require background checks at gun shows, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative day of Thursday, June 17, 1999, a request for a recorded vote on amendment number 5 printed in Part B of House Report 106-186 by the gentleman from Florida (Mr. MCCOLLUM) had been postponed.

It is now in order to consider amendment number 6 printed in Part B of House report 106-186.

AMENDMENT NO. 6 OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. DAVIS of Virginia:

At the end of the bill, insert the following:

TITLE —CHILD HANDGUN SAFETY

SEC. 1. SHORT TITLE.

This title may be cited as the "Safe Handgun Storage and Child Handgun Safety Act of 1999".

SEC. 2. PURPOSES.

The purposes of this title are as follows:

(1) To promote the safe storage and use of handguns by consumers.

(2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one of the circumstances provided for in the Youth Handgun Safety Act.

(3) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 3. FIREARMS SAFETY.

(a) UNLAWFUL ACTS.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

“(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under the provisions of this chapter, unless the transferee is provided with a secure gun storage or safety device, as described in section 921(a)(34), for that handgun.

“(2) EXCEPTIONS.—Paragraph (1) does not apply to the—

“(A)(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

“(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

“(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

“(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

“(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): *Provided*, That the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

“(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

“(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court. The term ‘qualified civil liability action’ means a civil action brought by any person against a person

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, where—

“(i) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

“(ii) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device.

A ‘qualified civil liability action’ shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.”

(b) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking “or (f)” and inserting “(f), or (p)”; and

(2) by adding at the end the following:

“(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

“(1) IN GENERAL.—

“(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

“(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

“(ii) subject the licensee to a civil penalty in an amount equal to not more than \$2,500.

“(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

“(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.”

(c) MODIFICATION OF DEFINITION OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 921(a)(34) of title 18, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting “; or”; and

(3) by adding at the end the following:

“(D) a device that is easily removable from a firearm and that, if removed from a firearm, is designed to prevent the discharge of the firearm by any person who does not have access to the device.”

(d) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this title shall be construed to—

(A) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this title shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from

Virginia (Mr. DAVIS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we traverse this very controversial mine field of gun control legislation, I want to make sure we do not lose sight of who this bill is designed to protect. The simple and common-sense focus of my amendment is on preventing children from becoming the intentional or accidental victims of domestic handgun violence.

According to the National Center for Health Statistics, each year nearly 500 children are killed in gun-related accidents. I remember last year going to a joint Eagle Scout ceremony. One of the boys had died and was given posthumously his Eagle Scout award, and he had been killed by a handgun that had gone off while playing with a friend at a friend's house.

Approximately 1,500 children commit suicide with guns, 500 are killed in gun-related accidents and 5,000 are hospitalized with nonfatal gunshot wounds.

Additionally, some 7,000 juveniles use guns found in their homes to commit crimes each year. These crimes are unacceptably high and constitute a significant public health threat that has to be addressed.

The fact is that children are inquisitive and adept at finding those things in the house that are dangerous. These dangers can vary from household products to prescription medicines and even guns. Now, we have put child safety caps on medicine, we have encouraged parents to lock up household chemicals, but gun safety in the home has been lacking.

In a 1995 study, the Archives of Pediatric and Adolescent Medicine found that children as young as 3 are strong enough to fire most commercially available handguns. Having three children of my own, I can testify to the difficulty of telling a 3-year-old not to play with something.

This amendment addresses the issue of minimum handgun safety standards by requiring that every handgun sold has to include safe handgun storage or an individual safety device.

I have the enviable task today of offering an amendment that has received strong support from almost every group that has weighed in on this debate. In a few minutes, this House will be addressed by Republicans and Democrats, liberals and conservatives, and rural and urban Members who all will support this amendment. The mandatory transfer of safety devices has received equally strong support from groups outside the Congress as varied as Handgun Control and a coalition of 35 gun manufacturers. Even the National Rifle Association has said, “We support and encourage the distribu-

tion, development and use of safety locks, gun safes or any voluntary means necessary and appropriate to keep firearms away from or inoperable by those who should not have them.”

This amendment does precisely that by mandating the transfer of a secure gun storage or safety device while not mandating their use.

It is estimated that today in the United States there are nearly 100 million privately owned firearms that are stored unlocked. Of those, approximately 22 million are handguns that are kept loaded and unlocked. Alarmingly, the Centers for Disease Control estimates that 24 percent of children ages 10 to 17 can find and gain access to a firearm in their home. And 1.2 million elementary age schoolchildren return to a home where no adult is present and there is at least one firearm.

I would like to address a concern that a number of gun owners have raised. Some have claimed that using one of these devices will defeat the purpose of keeping a handgun in the house for self-defense by hindering access to the firearm when it is most needed. It is important to keep in mind that this amendment does not mandate use; that is still the choice of the gun owner. Even if the safety device is used, most can be removed from the gun in a matter of seconds which, as Gun Test magazine explains, conveniently preserves access to guns for self-protection.

In addition, always keeping guns loaded for self-defense may be self-defeating. It is estimated that a gun in the home is 43 times more likely to kill a family member than to kill in self-defense.

And finally, Mr. Chairman, the amendment also establishes criteria for the liability of a gun owner should his or her handgun be used in an unlawful act. Over the past several days, my office has been deluged by calls from other Members' offices regarding this issue of liability. Immunity from liability is granted to any individual who lawfully owns a handgun and who uses a secured gun storage or safety device with the handgun. Additionally, the gun owner is not liable if the handgun was accessed by another person without the authorization of the lawful owner.

And finally immunity from liability is also extended if at the time that the gun was accessed it was rendered inoperable by the use of a secure gun storage or safety device.

My intent in this amendment is that the liability provisions are specifically targeted to gun owners who have a reasonable expectation of having a child in their home.

This amendment does not try to limit or address who can purchase a handgun. It does not try to dictate the type or use of a handgun, and it certainly does not try to limit the right of

any legal adult from purchasing a handgun.

In 1968, the Federal Government mandated that every car sold in America had to be equipped with seat belts. Finally, in 1999, we can do the same for handguns. I urge every Member to support this very common-sense amendment.

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

Mrs. MALONEY of New York. Mr. Chairman, I ask unanimous consent to claim the time in opposition for debate purposes, although I support the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. The gentlewoman from New York (Mrs. MALONEY) is recognized for 15 minutes.

Mrs. MALONEY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Virginia (Mr. DAVIS), my good friend and colleague. This amendment is a simple gun safety provision that will save the lives of numerous victims of gun violence each year.

Mr. Chairman, 13 children in this country die every day because of gun violence, far, far more than have died in Bosnia and Kosovo. We require childproof locks on aspirin bottles. It is absurd that we do not require child safety devices on handguns. I applaud my colleague for clarifying the definition of gun safety devices to ensure that it incorporates new devices such as the safety hammer, which is not a lock, but an integral part of a gun that can be removed to prevent unauthorized use.

Mr. Chairman, this amendment may not prevent every incident of gun violence, but it will save lives and it will make the children of America safer.

Child safety locks and other devices can reduce the unauthorized use of handguns by children at play or by teens looking to commit crimes. Many youth look no further than their own homes to get their hands on a gun. It is estimated that a third of all privately owned handguns are loaded and unlocked. Sixteen States have already passed child safety laws. Every year, many children are fatally injured when a child finds a loaded pistol, removes the ammunition magazine, and then mistakenly believing the gun to be empty, fires a bullet at his or her head or the head of a playmate. A magazine disconnect safety, a 50-cent device, could prevent such tragedies.

Just to give some examples: In Florida in 1999, an 11-year-old boy got angry with his 13-year-old sister. He went to a closet at home, took out a gun his parents kept there, and killed

his sister. The gun was in an unlocked box and was next to the ammunition and had no trigger guard.

In Tennessee, in May of 1998, a 5-year-old boy found a loaded gun on his grandfather's dresser and carried it to school threatening to kill his teacher and classmates. In Cleveland in 1996, a 13-year-old boy took his father's unsecured handgun and killed himself while playing Russian roulette. The city prosecutor brought charges against the boy's father for violating the city ordinance that prohibits minors from having access to a gun.

The language that we have before us is similar to that that passed the Senate. It passed the Senate by an overwhelming vote of 78 to 20. This House should do the same thing. I urge a "yes" vote on this amendment.

Mr. Chairman, this amendment may not prevent every incident of gun violence, but it will save lives, and it will make our children safer.

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

Mr. DAVIS of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time. I want to strongly support this amendment. I think all of us understand the dangers of a handgun in the hands of a child; and a child safety lock, which is essentially what this is, a safety lock actually for anybody, being mandated to be produced and sold and given away actually in this case with any gun that is sold by a gun dealer is a really good idea and, in this case, one that I think is extremely beneficial.

This amendment allows firearms owners to decide when it is best to use these devices in light of their own personal circumstances. But the amendment makes it convenient for owners to use the devices by ensuring that every firearm purchased will come with one of them. I note today that 90 percent of dealers voluntarily provide a safety device when a firearm is purchased, and I applaud this sense of responsibility on their part. And the amendment will take care of the remaining 10 percent who do not provide such a device.

Now, I would like to note that there has been some disagreement, argument or whatever, and I have a little disappointment over a misunderstanding regarding safety lock provisions that were in the bill I introduced, H.R. 2037. The bill that I introduced at that time, which is not here on the floor today and has nothing to do directly with the amendment offered by the gentleman from Virginia (Mr. DAVIS), expanded the definition of a gun safety device to include a removable hammer or striker or device which, if removed, would prevent a firearm from working.

I took this language from two Democratic Members of Congress, H.R. 1342

introduced by the gentlewoman from New York (Ms. MCCARTHY) and S. 716, a bill introduced by Senator KOHL in the other body.

Mr. Chairman, I want to make it clear it was never my intention that this provision be interpreted so that the hammer or some other part of an ordinary firearm would qualify as a gun safety device just because it could be removed if somebody worked at it. But the reality is, we now have firearms with devices that have been invented where one can literally remove a pin, for example, from that, carry it around on a key chain and put it back in when one wants.

The way the law reads now, the base law, not anything that the gentleman from Virginia (Mr. DAVIS) is doing, a safety device has to be attached. It is something that is added, because that is the definition in the law, rather than something that can be removed from the gun.

It strikes me that it is going to be an advance for the future and a convenience for everyone and a very safe thing to have guns that have these removable devices. Now, we may need to refine our definition more than some think this language did, that the two Democratic Members of Congress had proposed, that I had suggested earlier. But we do not want in the future to inhibit in any way the creativity of devices that would, indeed, be more convenient to use and, in fact, would be more likely to be used so that children are protected and others are protected from unintentional, dangerous uses of guns and firearms, because that is what we are all about here today.

So, I applaud the gentleman from Virginia for this amendment. I strongly support it. It is the same language that is in the provisions in the other body that he is offering today. But I would hope that in the future we could look to ways that we could amend the current law definition of a safety device for a handgun or gun so that we could be certain that we have the most advanced technology available to protect our children.

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent to manage the time controlled by the gentlewoman from New York (Mrs. MALONEY).

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Chairman, I rise today in strong support of the Davis amendment.

The second amendment of the Constitution guarantees American citizens the right to keep and bear arms, and I believe we in Congress have a duty to protect that right. But I also believe that we have a duty to keep firearms

out of the hands of children and dangerous criminals.

This is not an issue of gun control, it is an issue of gun safety. This amendment simply requires that a secure gun storage or safety device be included with the sale of a handgun. It in no way infringes upon the rights of law-abiding citizens to keep and bear arms. In fact, it does not even require gun owners to use a safety device. If they want to, people can buy a handgun, take it home, stick the trigger lock that came with it in a drawer, and allow it to gather dust.

But if a person wants to have a gun in their home to protect themselves, their families and their property, this simple trigger locking device will allow them to have a gun without fear that a child will find that gun and either accidentally or intentionally hurt themselves or others. This approach will provide parents with another way to keep their children safe, if they choose to use it. And I believe all of us are in favor of greater parental involvement in their children's lives.

This is not an attempt to whittle away at the rights of gun owners. This is an effort to protect gun owners from being blamed for the actions of others who can gain access to their firearms without their knowledge. We have child safety locks on cigarette lighters in this country, yet people still smoke. We have safety caps on aspirin bottles yet people can still take aspirin responsibly. I submit that we can have trigger locks on guns, yet people will still have their constitutional right to keep and bear arms.

Again, this is not gun control, it is gun safety.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Long Beach, California (Mr. HORN).

Mr. HORN. Mr. Chairman, I commend the Davis amendment. It is an excellent suggestion. The Senate adopted it; we should too.

This amendment mandates the transfer of a safe gun storage or safety device with every sale or transfer of a handgun by a licensed dealer. It does not mandate this on private sales.

Thirty-five gun manufacturers have pledged to start packing child safety devices with every firearm they sell. There is no mandate, as I say, to have these done between private purchasers. There are some just abhorrent statistics as to a need for this.

The National Center for Health Statistics reports that each year approximately 1,500 children commit suicide with a firearm. Think of it. On average two children under the age of 17 are killed unintentionally by a handgun every day.

This amendment is not about gun control. What it does is address a very serious public health and public safety issue. It is estimated that 11 percent of

the juveniles who commit violent crimes with a firearm used a gun found in their own home. Think of what the parents will do when that accident happens. They will never forget it from that day to their death. And we need to have these locks because we need to protect the children of America. At least 55 percent of the handguns are stored unlocked; 34 percent are left unlocked and loaded. That is, of course, a very stupid parent, to say the least.

Now, as I mentioned, the other body has adopted this language. We should adopt the Davis amendment. It is long overdue.

Ms. LOFGREN. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the committee.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 10 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from California (Ms. LOFGREN) for yielding me this time. Mr. Chairman, it looks like we just saw each other a few hours ago. But this is an important debate, and I have a great deal of respect for my friend, the gentleman from Virginia (Mr. DAVIS).

I know that we always say when it helps us, we will acknowledge that we went to the same law school, and when it does not, we will not. I thank him for his leadership on this legislation.

Mr. Chairman, I would like to explain how we got to where we are. The early morning news reports, as I came to the floor this morning, announced that the National Rifle Association won. And for me, that was a sad day and a sad commentary, for I know how many of us worked long and hard to be able to announce this morning that the children of America won, the mothers of murdered children won, the fathers of murdered children won, the future children of America won.

But tragically this morning we cannot say that. And in the darkness of night, last night, amendment No. 144 mysteriously slipped away from the floor of the House that prohibits a person who is less than 21 from purchasing a handgun. The proponent of that walked off the floor of the House and would not allow it even to be debated.

Last night I heard that we are preserving the gun shows. I am so glad to be reeducated that a national treasure is America's gun shows, when I thought that life and saving life was what we were here to do. It is very interesting, as I look at the Davis amendment that I will ultimately support, but it saddens me because what happened last night was to implode, to implode on any reasonable support for gun safety and children's safety.

The National Rifle Association and the gun owners of America knew what they were doing. They knew that they would be allowing 17,000 criminals to

get guns in their hands. They knew they were arguing against 400,000 people who were criminally inclined, who did not get guns because of the Brady bill. And they knew that they were trampling on the Constitution and the second amendment, because as I heard my colleague say this morning, this is gun safety, this Davis amendment. This is not violating the second amendment; this is not gun control.

Those same arguments could have been used for the McCarthy amendment.

I went to the Committee on Rules and I had the same amendment that the gentleman from Virginia had. Almost the same amendment, as did others, along with the gentlewoman from Indiana (Ms. CARSON) and the gentlewoman from California (Ms. MILLENDER-MCDONALD). I asked if Democrats and Republicans had similar legislation and initiatives, could we be joined together in a bipartisan manner. Sadly, that was not the response.

So, Mr. Chairman, I come to support the Davis amendment. But, frankly, we will not have gun safety today and we will not have child safety. We will not save lives. We are not concerned about the 13 children that die every day. And we will not have a full debate addressing the type of the tragedies that have happened of the urban centers where children have died from gun violence, where I worked on antigang measures some 10 years ago, where the State of Texas, known for its love of guns, passed a gun safety and responsibility law that was based on my ordinance that I wrote, that saw a 50 percent decrease in things like suicides and unintentional shootings by children. But what we have today is a farce.

Mr. Chairman, I said last night and I will say it again, we have the acknowledgment of the gun lobby as an altar at which we worship. I, for one, Mr. Chairman, will not be part of this frivolity, this farce. And I agree with the President, they may have won last night or in the dark of night, in the early morning hours, but, Mr. Chairman, but I will not stand for this frivolity or this farce and will ultimately vote against this bill.

I have never voted against a gun law in my life that had meaning and sense. And I hope that the National Rifle Association in my community hears that because they have already begun calling.

So for those who say they are under the gun, we all are. They are in every one of our districts. But let me give an open letter to them right now:

Dear National Rifle Association and national gun owners lobby, I respect your right to the second amendment. As we all do, we will fight to the death for your right to the freedom of your views. But I have mine and I would much rather stand alongside of that child who needs protection, and support strong gun safety, a real safety

lock measure that was presented by myself, the gentlewoman from California (Ms. MILLENDER-MCDONALD), as well the gentlewoman from Indiana (Ms. CARSON), that provided standards.

This is not the way to go. We need more responsible handling of this matter. This is a farce. This is sad. It is a sad day for America.

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am disappointed to hear that a bill that could come through could have juvenile possession of an assault weapon, have limitations on that, have a juvenile Brady law, clip bans, trigger locks, close some of the loopholes on gun bills, that it is not good enough, so a Member ends up defeating it and ends up voting with the National Rifle Association who would like to see the bill defeated. That is disappointing to me.

If putting the gentlewoman's name on this amendment would get her vote, I would be honored to have my former law school classmate. She has been a champion on gun measures. But I would hope the gentlewoman would not put this in the partisan realm of stopping Congress from moving ahead, when we could pass this legislation which is better than what is on the books today and send it to a conference committee where maybe it could be improved.

Mr. Chairman, I would ask the gentlewoman to think about that in terms of moving this legislation on, so we could go on, protecting our youth in this country.

Defeating this bill does nothing. We walk away.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as the gentleman from Virginia knows, we have already established our admiration for his work, and I appreciate the offer. That amendment is one that I am going to support, the gentleman's amendment. And I thank him for the offer of my name on it. I know, in spirit, we will work together.

Mr. Chairman, there is so much in this bill that argues against serious response to gun safety legislation that I would rather start all over again and begin this process, so that we can truly pass gun safety for our children. But I thank the gentleman very much.

□ 0930

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, the problem is you do not start the process over again. It has taken up the better part of a week here, and we have appropriations bills here. For Members who walk away from this at this point means walking away, not moving it to conference with the Senate and defeating every aspect

of this, including trigger locks. I hope that my colleagues on the other side will reconsider.

Mr. Chairman, I yield one minute to the gentlewoman from Maryland (Mrs. MORELLA), who has been outspoken in her support of trigger locks and other child safety measures.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I have very high regard for the work that my colleague from across the river in Virginia has offered, so I rise in strong support of the Davis amendment. Again, it is just common sense. It will protect children from causing unintended harm should they find a gun in their home.

In 1995, 440 children died in unintentional shootings. Every day in this country at least one child is killed accidentally, and the numbers are increasing. Firearms are the fourth leading cause of accidental deaths among children 5 to 14 years of age.

This Davis amendment will require that new handguns sold must also include a secure gun storage or safety device. That is common sense. Similar laws exist in 16 States, including my State of Maryland. We can put an end to heartrending stories of young children dying when they find an unsecured gun in the house.

Incidentally, this amendment is supported by people on all sides of the issue, the Children's Defense Fund, Handgun Control, even the Senate. We have safety devices on cigarette lighters, medicine and other products. We should do the same for guns.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) has 5 minutes remaining, the gentleman from Virginia (Mr. DAVIS) has 2½ minutes remaining, and the gentleman from Virginia has the right to close.

Ms. LOFGREN. Mr. Chairman, do we not have the right to close as defending the committee's position?

The CHAIRMAN. The gentleman from Virginia would have the right to close. The time in opposition was first claimed by the gentlewoman from New York (Mrs. MALONEY), who was not a member of the committee.

Ms. LOFGREN. Did I not then ask unanimous consent to control the time and was that not agreed to?

The CHAIRMAN. The unanimous consent request that the gentlewoman from California control the time of the gentlewoman from New York did not include the right to close as a member of the committee. Therefore, the gentleman from Virginia currently has the right to close.

Ms. LOFGREN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentlewoman for yielding me time.

Mr. Chairman, I would like to just refer the gentleman from Virginia to a

few comments, if I may, and also say to him that I will be supporting this amendment because it is a modification of the Kohl amendment in the Senate and has a provision that adds a removable hammer safety device to it; and, obviously, having dealt with these issues for a number of years, realizing the tragedies that occur with children who have found guns unsecured, 4-year-olds, 6-year-olds, 15-year-olds, I realize the importance of a safety device.

At the same time, we offered an amendment, part of legislation that the gentlewoman from Indiana (Ms. CARSON) filed and the gentlewoman from California (Ms. MILLENDER-MCDONALD), that would in fact determine the standards of the various safety devices and provide an educational proponent that would allow the Attorney General to educate people about the problems lacking in gun storage and gun safety or gun safety locks.

Might I make of the gentleman from Virginia (Mr. DAVIS) an inquiry: Does this amendment, as I am looking through it, I do not see it, does this amendment provide standards for the device that we are suggesting that they utilize? Are there standards? For example, where the Secretary of the Treasury, similar to the Consumer Products Safety Commission, would develop regulations in the amendment that I offered in rules of child safety for firearms, that such regulations at a minimum set forth a minimum safety standard that such product meet in order to be manufactured, sold, transferred or delivered, consistent with the amendment?

This is similar to child car seats. It is similar to aspirin bottles. It is similar to many products that we have, playground equipment. Do we have some standards in this amendment? As I review it, I do not see any standards at all.

Mr. DAVIS of Virginia. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Chairman, we do have standards in the current law that make definition.

It was not exactly the standards that the gentlewoman and the gentlewoman from California (Ms. MILLENDER-MCDONALD) put together. We went with the current law standards.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I think the reason why the amendment, and if you can point me to the current law standard, they are obviously not sufficient inasmuch as we had an exhibition, if you will, of the various safety locks that are now on the market, and the results of our exhibition was that a simple hammer that a child could access themselves to could easily split plastic safety locks.

This amendment, of course, is a minimal response to the safety lock issue,

but it will not deal with the fact that the products on the market are, at best, unsatisfactory and can be easily broken by a child.

Mr. DAVIS of Virginia. Mr. Chairman, if the gentlewoman would yield further, title 18, section 921, section 34, defines the standards. Those are defined. This language parallels the Senate language. At this point we are trying to find some congruity with our colleagues in the Senate.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I will finish with this: That is the point, and that is the problem. Obviously, the Senate moved forward on a particular device. We offered that package here as a singular stand-alone amendment, but, at the same time, we recognize that the Senate went with the minimal provisions, that that provision does not, in fact, protect our children because those devices are without standards, and they are easily broken, accessed and rendered useless by any child who can get a hammer and break the plastic.

In essence, what we are presenting, we could have offered a more extensive amendment that would have given us standards similar to the Consumer Products Safety Commission and as well we could have provided language, if you will, to provide education to the American public about gun safety and responsibility.

I say that to the gentleman because he has questioned whether or not it would be more valuable to just stand and support gun safety that does not have any substance. I would argue and beg to differ with him.

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I differ on this particular issue. I think a congruity between the Senate and House is very important, and I do not think we ought to let someone's definition of "perfect" be the enemy of the "pretty good." This is a pretty good advancement from where we sit today.

Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, at this time I would like to engage in a colloquy on behalf of the gentleman from Arizona (Mr. SHADEGG) with the gentleman from Virginia (Mr. DAVIS).

Mr. Chairman, it is my understanding that the gentleman's amendment includes language to alter the current definition of safety device. Specifically, the amendment modifies the definition by adding a new subparagraph which states, "A device that is easily removable from a firearm and that, if removed from a firearm, is designed to prevent the discharge of the firearm by any person who does not have access to the device."

Saf-T-Hammer and other companies across the country are currently devel-

oping cutting-edge technology that provides gun owners added safety through a more easy-to-use device. This device renders the gun inoperable when the top of the hammer is removed.

Is it the gentleman's understanding that the changes to the definition of safety device included in this amendment will provide greater clarification to include devices such as Saf-T-Hammer as "safety devices" under Federal law?

Mr. DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HOSTETTLER. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Chairman, I thank the gentleman for requesting this colloquy. I am happy to tell the gentleman that is exactly our intent, that safety devices such as the Saf-T-Hammer and other developing handgun safety technologies be included under the definition of a safety device in this amendment.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the truth is this amendment is about public safety, not gun control. It is about protecting children, not about the second amendment. It is important to remember that nothing in this amendment changes the standards of who can own a gun or any type of gun they can own, it only limits the access that children have to their parents' guns.

Despite the divisiveness of this bill and H.R. 1501 yesterday, this amendment enjoys both strong bipartisan and leadership support on both sides. I urge all Members concerned about the safety and the well-being of America's youth to vote "yes" on this commonsense amendment.

Mr. MORAN of Virginia. Mr. Chairman, I rise today in strong support of the child safety lock amendment. This is truly a bipartisan amendment and as an original co-sponsor of child safety lock legislation in the 106th Congress, I would like to thank my friend and colleague from Virginia, TOM DAVIS, for introducing and supporting this amendment.

This amendment mirrors language already passed in the Senate.

The National Center for Health Statistics reports that each year more than 500 children under the age of 17 are killed unintentionally by a handgun.

This amendment would allow gun owners to choose whether they use safety locks; The amendment simply requires that they buy one. Many of these locks can be used on loaded guns and can be disengaged in a matter of seconds which as Gun Tests magazine explains "conveniently preserv[es] access to guns used in self-protection."

How can reasonable people be opposed to making these safety mechanisms available to gun owners when a gun in the home is 43 times more likely to kill a family member or friend than to kill in self-defense?

Many young violent criminals rely on guns found in their home to commit crimes. In fact,

nearly 7,000 violent crimes each year are committed by juveniles with guns found in their home. The use of safety locks will restrict their access to these guns, and could also discourage the theft of guns that are locked up.

Nobody pretends that child safety locks are a cure-all to the violence that afflicts our kids. But this amendment is an excellent step in the right direction to increase safety significantly. Child safety locks could prevent more than one-third of the deaths from gun-related accidents, not to mention countless suicides and violent crimes.

Automobiles are required to have seat belts. Aspirin bottles are required to have child-resistant packaging. Lighters are required to have child safety devices. It is time for the guns in American children's homes to have child safety locks. I urge you to support this amendment that will literally save children's lives.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. DAVIS).

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

Mr. DAVIS of Virginia. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Virginia (Mr. DAVIS) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider Amendment No. 7 printed in part B of House Report 106-186.

AMENDMENT NO. 7 OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. CUNNINGHAM:

At the end of the bill, insert the following:

TITLE —COMMUNITY PROTECTION ACT

SEC. 1. SHORT TITLE.

This title may be cited as the "Community Protection Act of 1999".

SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

"§926B. Carrying of concealed firearms by qualified law enforcement officers

"(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

"(b) This section shall not be construed to supersede or limit the laws of any State that—

"(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(c) As used in this section, the term 'qualified law enforcement officer' means an employee of a governmental agency who—

"(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

"(2) is authorized by the agency to carry a firearm;

"(3) is not the subject of any disciplinary action by the agency; and

"(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm.

"(d) The identification required by this subsection is the official badge and photographic identification issued by the governmental agency for which the individual is, or was, employed as a law enforcement officer."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

"926B. Carrying of concealed firearms by qualified law enforcement officers."

SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

"§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers

"(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

"(b) This section shall not be construed to supersede or limit the laws of any State that—

"(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(c) As used in this section, the term 'qualified retired law enforcement officer' means an individual who—

"(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

"(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

"(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 5 years or more; or

"(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

"(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

"(5) during the most recent 12-month period or, if the agency requires active duty officers to do so with lesser frequency than every 12 months, during such most recent period as the agency requires with respect to active duty officers, has completed, at the expense of the individual, a program approved by the State for training or qualification in the use of firearms; and

"(6) is not prohibited by Federal law from receiving a firearm.

"(d) The identification required by this subsection is photographic identification issued by the State in which the agency for which the individual was employed as a law enforcement officer is located."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

"926C. Carrying of concealed firearms by qualified retired law enforcement officers."

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. CUNNINGHAM) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio (Mr. TRAFICANT) and ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, yesterday, I called the Fraternal Order of Police and the Capitol Hill Police, and they are excited about this amendment. This amendment is opposed by no police organization. As a matter of fact, it is strongly supported by most every police organization in the United States.

This amendment will allow thousands of equipped, trained and certified officers to continually serve and protect our communities, regardless of jurisdiction, at no cost to taxpayers.

This amendment is endorsed by more than 75 law enforcement organizations, including the Law Enforcement Alliance of America, Fraternal Order of Police, National Troopers Coalition, National Association of Police Organizations, Fraternal Brotherhood of Police Officers and our Capitol Hill Police.

This is an amendment where you can say, "this is something I stand for." It allows policemen, once they retire, to protect themselves and their families. Too often our police have to arrest some of these people that we talk about that commit crimes with weapons. This amendment allows them to protect their family from those criminals.

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

Mr. SCOTT. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) will control 10 minutes.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we had a bill very similar to this that went through committee that had these provisions. It also had other provisions that, frankly, we focused on and objected to. This bill does not contain the more objectionable provisions that, frankly, would have allowed mandatory reciprocity of concealed weapons laws, so if you have a concealed weapon in one State, you can take it to any other State, notwithstanding their laws.

We focused on that provision because it really blew a hole in the ability of States to maintain their own concealed weapons laws and did not focus as much on this provision that had not been as controversial.

I would have preferred that this bill had gone through the regular legislative process. It is probably okay. You will probably find that the police officers that would take advantage of this are not the ones committing crimes, and there would be no problem. But we have a situation here where we are essentially overriding State laws. The State will have to accept concealed weapons from out-of-State, and I am not sure that is a good idea, and we have not had an opportunity this year to focus on it.

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

Mr. TRAFICANT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I voted for the Brady Bill. I voted for the ban on semiautomatic weapons. Like many Members, I have tried, and we tried, to do the right thing.

Quite frankly, enough is enough. Guns are a two-edged sword. Dangerous, indeed. But let me say to the House today, the number one preventer of crime in America is that gun. Educated, qualified, knowledgeable safety procedures. The gun, a foe, yes, but the gun, a great friend.

At 2 o'clock in the morning, with an intruder with a weapon holding it on your family, you can call 911, you can call every police department in the world, and you are at their mercy.

So, be careful, Congress. This amendment makes sense. Police officers are trained, they are qualified, they are schooled, and it does not cost America one penny to increase the ranks of this safety force.

Mr. SCOTT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I will vote to support this amendment. I think, as my colleague from Virginia has pointed out, this would have been

better had we had an opportunity to go through the legislative process, to hear from the States, and to really thoroughly hash this out. However, I do think that this is worthy of bipartisan support and plan to vote for it.

However, I must observe that, as my colleague from Ohio mentioned 2 o'clock in the morning, intruders and the need for protection, I think back to 2 o'clock this morning, when, in the dark of night, this House really failed the mothers and fathers of America, in my judgment, failed to enact common-sense gun safety measures that the country demands.

While I support this measure, I must note that it is not the answer that America seeks to the tragedy of children and gun violence.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime.

Mr. MCCOLLUM. Mr. Chairman, I very strongly support this amendment. Law enforcement officers all over this country, active duty and retired, put their lives at risk every day defending us, corrections officers, police officers, sheriff's deputies everywhere. In doing so, they are obviously going to incur the wrath of a lot of folks. There are people who want to get them because they have done that, people who would harm them or their families, whether they are on active duty or have retired.

This measure allows a police officer on active duty, fully qualified, as long as he has no disciplinary action pending and meets the standards of qualification of his agency, to carry a concealed weapon into any other State, wherever he travels, to protect himself or his family.

It also allows the retired police officer, as long as that police officer is qualified, has served more than at least 5 years or more as an active police officer, and during the most recent 12-month period of time has gone through compliance with the firearms qualifications standard of the active officers of his agency of the government, it allows the retired officer under those circumstances in good standing to also carry concealed weapons across State lines to protect themselves and their family.

This is extremely important to the police. I can guarantee you every police organization I have talked to as chairman of this subcommittee for several years has advocated this, every corrections group, every Sheriff's group. The reason for it is very obvious, because of the need to protect themselves and their families after they have retired, as well as during active duty.

So I think we owe it to our Nation's law enforcement community to pass this provision. It is long overdue. We have struggled to get it out here on the floor.

The gentleman from California (Mr. CUNNINGHAM) is to be congratulated for all of his efforts, and so are the other Members who have sponsored this, as a number of us have worked for a long time to make this happen. Let us pass it today and do everything we can to make sure it goes to the President for his signature.

Mr. SCOTT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentleman for yielding me time, and I thank the combined proponents of this legislation.

I would like to associate myself with the words of the gentleman from Virginia (Mr. SCOTT), that we had hearings on this and we would have, I think, preferred to have at least the responses from the 50 States on this issue.

But I do want to note that this does, in particular for those who may be concerned, serve to help public safety officers or security personnel, particularly those officers, of course, who do not have a history of criminal activity or suffer from a mental disability or are under a disciplinary action who will not qualify.

I think it is important to note that, although the example was used about what police officers may do in the dark of night, I think it is important that these officers are on call 24 hours a day, even though they are not at the time full-time duty or retired, and many times are called into service. So I think it is important that we allow this to occur.

I would also add tragically that we have compounded the lack of safety that they will be facing inasmuch as this House again passed a measure last evening that just opens the floodgates of guns into the streets of America by the Dingell amendment and by not voting for the McCarthy gun-show-closing loophole amendment.

So, hopefully, we will not have gun battles in the street, where people are having to draw at every moment because of the fact that officers would now be in more jeopardy because of the rampage of guns on the street.

Let me simply close with an example that evidences what I am speaking of.

First of all, the gun show loophole that we did not close will allow individuals in 24 hours to get guns, which will not allow law enforcement officers to be able to have a sufficient time to check their criminal records.

An ATF officer spent nearly 2 hours with me explaining about their undercover work. They indicated to me they were able to buy a gun on the street of a western State out of the back of a station wagon where the seller said, "What are you going to do with this?" The buyer said, "I am going to the East Coast to an East Coast State and kill a law enforcement officer." The

seller then said, "Let me give you a silencer and, when you get caught, do not mention my name."

That is the gun show that will not be protected by the Dingell amendment. So maybe we do need to pass this amendment without the fact of a full hearing and markup because our officers are going to be placed in more jeopardy wherever they go and will be called upon to provide security for their communities, whether they are full-time officers or retired.

It is a shame on America, it is a shame on us as we allow children to go into gun shows without supervision. It is a shame on us, it is a shame on this House. I would imagine that they are saying pox on all of us.

Mr. Chairman, I thank the gentlemen for their very good amendment.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, our national security depends, as everyone knows, almost 100 percent on our Armed Forces. Our Armed Forces depend to a great measure on reserves. Everyone knows that in each conflict in which we were personally involved as Members of Congress, the reserve components of our armed services played a key role in the military action ordered by the President of the United States.

So it is with this piece of legislation. It creates a body of reserves in our domestic security apparatus with retired and off-duty policemen that augment the safety measures that the normal law enforcement agencies carry on every single day.

If we look upon it as that extra measure of citizenry involved in our public safety, then we should have no difficulty in receiving an overwhelming vote in favor of our reserve component in domestic security.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this amendment will increase public safety by adding qualified law enforcement personnel to our street and to our neighborhoods. It will also enhance the safety of law enforcement officers and their families while increasing the number of officers we stand ready to protect the public.

This amendment has broad support from the law enforcement community, including the National Association of Police Organizations. NAPO represents 22,000 sworn law enforcement officers and has been a long-time advocate of pursuing the ability for police to carry their guns across State lines.

Mr. Chairman, as we seek innovative ways to make our community safer, this amendment offers an added measure of protection for all of us, without spending tax dollars. I thank the gentleman from California for his leadership on this.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee.

Mr. CONYERS. Mr. Chairman, I am appalled this morning that we would be making more guns available in the wake of Columbine which brought us here to restrict gun availability.

I think that this is a not-well-thought-out provision. I can see all kind of shootouts between officers who are from another State being shot by officers who have no idea who these people are that have tried to use a weapon. So for us to think that this provides any added security to a policeman or to the community is, I think, sheer nonsense. I am totally disappointed that this conversation could be moving in this kind of direction.

The fact of the matter is that this would create more problems, far more problems, than it would ever resolve. We have not had hearings on it. It overrides all the State laws. Besides, any officer from another State need only contact the police jurisdiction to get permission to bring his weapon into the State. That is not too hard for him to do.

So much for all of these imaginative hypotheticals about what happens at 2 a.m. and how much more secure you will be from some unknown person carrying a gun. Carrying a gun into a community from out of State I think really begs the question. I hope we will think carefully about the dangers that are being introduced as we violate the gun laws of every single State in the union by trying to bring this poorly-thought-out amendment to the floor at this time.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I disagree with the ranking member, and I have great respect for him. I think to mischaracterize my remarks about 2 o'clock in the morning is not appropriate with this bill and this amendment.

I have been targeted by the NRA. I am not here carrying any banner for anybody. But I am a former sheriff, and all the policemen in the world will not help you if they are not there and someone is there with a gun pointing it at you.

Now it is time to talk about some reality. I voted for the Dingell amendment for the following reason, and I want it stated across the record: With a longer waiting period covering a weekend, there would not be a sale at a gun show, and it would be an encouragement for unscrupulous gun dealers to illegally sell their guns to make a sale, yes, maybe to Charles Manson.

□ 1000

The Dingell amendment, 24 hours, will force this technology age to give

us an answer. And the sale by unscrupulous dealers will be limited.

Now, let us talk some reality. When someone is holding a gun on you, you could call 911 and you could have every police on their way, you are in trouble. The bottom line is you would be lucky to be armed. Armed. These retired officers, able to carry a gun, trained to carry a gun, schooled to handle guns, understanding violence, understanding our communities, without one dime, are additional fighters to prevent crime. The only crime acceptable to me, a former sheriff, is the crime that is not committed.

Congress has done a few things this past week.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Ohio has 1½ minutes remaining on his own time.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Congress has made some preventive measures in order this past week. Not all the guns in the world, not all the policemen in the world are going to stop crime. The mentality of crime is much bigger than a gun bill. But I would submit to Congress that guns are more a symptom of this society than the root cause problems of this society, and be careful, Congress.

Having said that, I believe without one dime we will increase crime fighters on the street, schooled and trained. They understand the issue. But more importantly, the word will be out in the streets of America that Congress passed a law authorizing retired police officers and others trained to also have weapons to join in that fight.

Here is what I am saying. They are not only equipped, they are not only schooled, they are not only trained, this is a word you may not want to hear, they are armed, and they are prepared to support and protect us. This is the right thing to do. The distinguished ranking member has a valid point but the subcommittee ranking member, I think, understands the issue quite well. Ladies and gentlemen, it does not cost us a penny. It is not going to be the entire answer, but it is a step in the right direction. I compliment the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Pennsylvania (Mr. GEKAS) for involving me in this issue, and I urge an "aye" vote.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I rise in support of this amendment, and I do so because it is almost identical to my bill, H.R. 492, which would not only grant reciprocity for current retired law enforcement officers but also to law-abiding citizens who possess a valid right to carry a permit in their home State.

My home State of Florida recognized that fact and in fact in 1987 Florida reformed its gun laws to allow gun-abiding citizens familiar with firearms to carry a concealed weapon. The results as far as homicide rate dropped from 37 percent above the national average to 3 percent below. Florida is not alone. Other States with concealed carrying laws have also seen a dramatic decrease in crime.

I am a strong supporter of my colleague from California's and legislation, I am pleased to cosponsor this amendment. It has my full support. I hope my colleagues will pass this amendment.

Mr. Speaker, I rise in support of this amendment. I do so because it is almost identical to my bill H.R. 492 which would not only grant reciprocity for current and retired law enforcement officers, but also to law-abiding citizens who possess a valid "right to carry" permit in their home state.

The right of self defense should not be limited to state boundaries. America is blessed with a professional and committed law enforcement community, but the reality is that we are largely on our own in protecting ourselves and our families. I don't believe that Americans should forfeit their safety because they happen to be on vacation or on a business trip.

My home state of Florida recognized the fact that many citizens have no recourse but to deal immediately and directly with a criminal. In 1987, Florida reformed its gun laws to allow law-abiding citizens familiar with firearms to carry a concealed weapon. The results? Florida's homicide rate dropped from 37 percent above the national average to 3 percent below the national average. Florida is not alone; other states with concealed carry laws have also seen a dramatic decrease in crime.

The legislation before us today has the end goal of protecting American citizens, and this amendment contributes to that goal. I would have been pleased to cosponsor this amendment, but was unaware of its introduction until earlier today. Nonetheless, the gentleman from California has my full support and I urge adoption of this amendment.

Mr. SCOTT. Mr. Chairman, I reserve the balance of my time.

Mr. CUNNINGHAM. Mr. Chairman, I would ask the gentleman to proceed since I have the right to close since there was not time received in opposition. I am the last speaker.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. Who has the right to close?

The CHAIRMAN. The gentleman from Virginia secured control of the time otherwise reserved for opposition by unanimous consent. Under those circumstances, the proponent is entitled to close.

Mr. SCOTT. Does the gentleman just have one speaker left?

Mr. CUNNINGHAM. I am going to close.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have had no deliberation on this. We have not had an opportunity to improve it or amend it. We have not had an opportunity to see what the States think about it. But that is how we have been legislating. We legislated on numerous issues where if we had had time to deliberate, we might have made different decisions, like last night.

We passed legislation that had been subject to 2 years of deliberation, the Individuals With Disabilities Act. We passed legislation which that deliberation would have led us to the conclusion that what we did yesterday would have increased crime, but because of good speeches and because it sounded like a good idea, we went along with it.

We ought to be more serious about legislation. This might be a good idea, it might not. We have not had an opportunity to seriously consider it. Here we have an amendment on the floor and it is just not the way we ought to respond to the situation in Littleton, Colorado and Conyers, Georgia. We ought to be serious about reducing juvenile crime.

Mr. Chairman, I yield back the balance of my time.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we lost two police officers here on the Hill last year defending us. This amendment would not help those officers. This amendment will help other officers in the future. The same thing at Columbine. This amendment would not help those children.

We talk about law-abiding citizens' rights. The children at Columbine and other schools have rights. This amendment in the future will help those individuals. I did write this amendment with the help of the Law Enforcement Alliance of America, which represents millions of police officers. Governors support this. Mayors support this. For those that support the Brady bill, Sarah Brady and handgun control does not oppose this amendment. Why? Because it is good.

My colleague says, "Well, it puts more guns." Who does this allow to have a weapon? It allows trained police officers. This does not mean some security guard or fly-by-night guy that sits there for 1 year in a position. These are trained individuals, who cannot have any disciplinary problems before.

The day that I submitted this bill, the original bill, H.R. 218, in San Diego an off-duty policeman had a carry permit. Guess what? A bank was being robbed. This young lady, this officer, who was off-duty saw the bank robber coming out and said, sorry, Charlie. Because she had a weapon, she stopped that bank robbery. This is the kind of legislation that I think all of us are looking for. I ask my colleagues in a bipartisan way to support this amendment. It is a good amendment.

Mr. MEEKS of New York. Mr. Chairman, I reluctantly voted against this amendment because of the current climate in this nation due to the police brutality issues in our districts. My rationale was that there have been too many police brutality incidences, as in the Anthony Baez and Amadou Diallo cases in New York City. This has led me to believe that there is a lack of proper training of police officers.

I have been a cosponsor of two police brutality bills in the 106th Congress: the Hyde/Serano bill and the Conyers bill. Both of these bills will implement provisions to carefully evaluate police training and police departments.

I find it difficult to give broad sweeping licenses to all police officers regardless of their jurisdiction—until a serious evaluation is done of the current situations throughout our country; and legislation is adopted to address the misuse of weapons by police departments.

Guns used properly by trained police officers is acceptable. In fact, New York State allows retired police officers to keep their guns. I support this measure. However, I can't support allowing a retired police officer from another part of the country carrying a concealed weapon—and not knowing the standards of his or her training or their record as a police officer in their jurisdiction. Until there are national standards for police training and police departments, I felt compelled to vote against this amendment.

Mr. SCOTT. The question is on the amendment offered by the gentleman from California (Mr. CUNNINGHAM).

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

Mr. CUNNINGHAM. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from California (Mr. CUNNINGHAM) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 6 offered by the gentleman from Virginia (Mr. DAVIS); amendment No. 7 offered by the gentleman from California (Mr. CUNNINGHAM); and amendment No. 5 offered by the gentleman from Florida (Mr. MCCOLLUM).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. DAVIS OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. DAVIS) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 311, noes 115, not voting 8, as follows:

[Roll No. 236]

AYES—311

Abercrombie	English	LaTourette
Ackerman	Eshoo	Lazio
Allen	Etheridge	Leach
Andrews	Evans	Lee
Archer	Ewing	Levin
Baird	Farr	Lewis (GA)
Baker	Fattah	Lipinski
Baldacci	Filner	LoBiondo
Baldwin	Fletcher	Lofgren
Barcia	Foley	Lowey
Barrett (NE)	Forbes	Luther
Barrett (WI)	Ford	Maloney (CT)
Bartlett	Fossella	Maloney (NY)
Bass	Fowler	Markey
Bateman	Frank (MA)	Martinez
Becerra	Franks (NJ)	Mascara
Bereuter	Frelinghuysen	Matsui
Berkley	Gallegly	McCarthy (MO)
Berman	Gejdenson	McCarthy (NY)
Berry	Gekas	McCollum
Biggert	Gephardt	McDermott
Bilbray	Gilchrest	McGovern
Billirakis	Gillmor	McHugh
Bishop	Gilman	McInnis
Blagojevich	Gonzalez	McIntosh
Bliley	Goodling	McKeon
Blumenauer	Gordon	McKinney
Boehlert	Goss	McNulty
Bonior	Graham	Meehan
Bono	Granger	Meek (FL)
Borski	Green (WI)	Meeks (NY)
Boswell	Greenwood	Menendez
Boyd	Gutierrez	Millender
Brady (PA)	Hall (OH)	McDonald
Brady (TX)	Hall (TX)	Miller (FL)
Brown (FL)	Hastings (FL)	Miller, Gary
Brown (OH)	Hefley	Miller, George
Calvert	Hill (IN)	Mink
Camp	Hinchev	Moakley
Campbell	Hinojosa	Mollohan
Canady	Hobson	Moore
Capps	Hoeffel	Moran (VA)
Capuano	Hoekstra	Morella
Cardin	Holden	Murtha
Carson	Holt	Myrick
Castle	Hooley	Nadler
Clay	Horn	Napolitano
Clayton	Hoyer	Neal
Clement	Hutchinson	Northup
Clyburn	Hyde	Nussle
Conyers	Inslee	Oberstar
Cook	Isakson	Obey
Costello	Jackson (IL)	Olver
Cox	Jackson-Lee	Ortiz
Coyne	(TX)	Ose
Crowley	Jefferson	Owens
Cummings	John	Oxley
Cunningham	Johnson (CT)	Pallone
Davis (FL)	Johnson, E.B.	Pascarell
Davis (IL)	Jones (OH)	Pastor
Davis (VA)	Kanjorski	Payne
DeFazio	Kasich	Pelosi
DeGette	Kelly	Petri
Delahunt	Kennedy	Phelps
DeLauro	Kildee	Pickett
Deutsch	Kilpatrick	Pombo
Diaz-Balart	Kind (WI)	Pomeroy
Dickey	King (NY)	Porter
Dicks	Kleczka	Portman
Dingell	Klink	Price (NC)
Dixon	Knollenberg	Pryce (OH)
Doggett	Kolbe	Quinn
Dooley	Kucinich	Rahall
Doyle	Kuykendall	Ramstad
Dreier	LaFalce	Rangel
Dunn	LaHood	Regula
Edwards	Lampson	Reyes
Ehlers	Lantos	Reynolds
Ehrlich	Larson	Rivers
Engel	Latham	Rodriguez

Roemer	Smith (NJ)	Udall (NM)
Rogan	Smith (WA)	Upton
Rohrabacher	Snyder	Velazquez
Ros-Lehtinen	Spence	Vento
Rothman	Spratt	Visclosky
Roukema	Stabenow	Walden
Roybal-Allard	Stark	Walsh
Royce	Stearns	Waters
Rush	Strickland	Watt (NC)
Ryan (WI)	Stupak	Waxman
Sabo	Sununu	Weiner
Sanchez	Sweeney	Weldon (FL)
Sanders	Talent	Weldon (PA)
Sawyer	Tancredo	Weller
Saxton	Tanner	Wexler
Schakowsky	Tauscher	Weygand
Scott	Tauzin	Wilson
Serrano	Taylor (MS)	Wise
Shaw	Thompson (MS)	Wolf
Shays	Thurman	Woolsey
Sherman	Tierney	Wu
Simpson	Toomey	Wynn
Sisisky	Towns	Young (FL)
Slaughter	Trafficant	
Smith (MI)	Udall (CO)	

NOES—115

Aderholt	Goode	Pickering
Army	Goodlatte	Pitts
Bachus	Green (TX)	Radanovich
Ballenger	Gutknecht	Riley
Barr	Hansen	Rogers
Barton	Hastings (WA)	Ryun (KS)
Bentsen	Hayes	Sandlin
Blunt	Hayworth	Sanford
Boehner	Herger	Scarborough
Bonilla	Hill (MT)	Schaffer
Boucher	Hilleary	Sensenbrenner
Bryant	Hilliard	Sessions
Burr	Hostettler	Shadegg
Burton	Hulshof	Sherwood
Buyer	Hunter	Shimkus
Callahan	Istook	Shows
Cannon	Jenkins	Shuster
Chabot	Johnson, Sam	Skeen
Chambliss	Jones (NC)	Skelton
Chenoweth	Kingston	Smith (TX)
Coble	Largent	Souder
Coburn	Lewis (KY)	Stenholm
Collins	Linder	Stump
Combest	Lucas (KY)	Taylor (NC)
Condit	Lucas (OK)	Terry
Cooksey	Manzullo	Thompson (CA)
Cramer	McCrery	Thornberry
Crane	McIntyre	Thune
Cubin	Metcalf	Mica
Danner	Moran (KS)	Tiahrt
Deal	Nethercutt	Turner
DeLay	Ney	Vitter
DeMint	Norwood	Wamp
Doolittle	Packard	Watkins
Duncan	Paul	Watts (OK)
Emerson	Pease	Whitfield
Everett	Peterson (MN)	Wicker
Ganske	Peterson (PA)	Young (AK)
Gibbons		

NOT VOTING—8

Brown (CA)	Kaptur	Salmon
Frost	Lewis (CA)	Thomas
Houghton	Minge	

□ 1032

Messrs. STUMP, LUCAS of Oklahoma, PACKARD, YOUNG of Alaska, SHIMKUS, WICKER, and LUCAS of Kentucky changed their vote from "aye" to "no."

Mr. MOAKLEY, Mr. PETRI, Mrs. LOWEY, and Messrs. GARY MILLER of California, MOLLOHAN, and MCKEON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, on rollcall No. 236, had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE CHAIRMAN
The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 7 OFFERED BY MR. CUNNINGHAM

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CUNNINGHAM) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 372, noes 53, not voting 9, as follows:

[Roll No. 237]

AYES—372

Abercrombie	Camp	Emerson
Ackerman	Canady	English
Aderholt	Cannon	Etheridge
Andrews	Capps	Evans
Archer	Cardin	Everett
Army	Carson	Ewing
Bachus	Castle	Farr
Baird	Chabot	Filner
Baker	Chambliss	Fletcher
Baldacci	Clement	Foley
Baldwin	Clyburn	Forbes
Ballenger	Coble	Ford
Barcia	Coburn	Fossella
Barr	Collins	Fowler
Barrett (NE)	Combest	Frank (MA)
Barrett (WI)	Condit	Franks (NJ)
Bartlett	Cook	Frelinghuysen
Barton	Cooksey	Gallely
Bass	Costello	Ganske
Bateman	Cox	Gejdenson
Becerra	Coyne	Gekas
Bentsen	Cramer	Gephardt
Bereuter	Crane	Gibbons
Berkley	Crowley	Gilchrest
Berman	Cubin	Gillmor
Berry	Cummings	Gilman
Biggert	Cunningham	Gonzalez
Bilbray	Danner	Goode
Bilirakis	Davis (FL)	Goodlatte
Bishop	Davis (VA)	Goodling
Blagojevich	Deal	Gordon
Bliley	DeFazio	Goss
Blumenauer	DeGette	Graham
Blunt	Delahunt	Granger
Boehler	DeLauro	Green (TX)
Boehner	DeLay	Green (WI)
Bonilla	DeMint	Greenwood
Bonior	Deutsch	Gutierrez
Bono	Diaz-Balart	Gutknecht
Borski	Dickey	Hall (OH)
Boswell	Dicks	Hall (TX)
Boucher	Dingell	Hansen
Boyd	Dixon	Hastings (FL)
Brady (PA)	Doggett	Hastings (WA)
Brown (FL)	Dooley	Hayes
Brown (OH)	Doolittle	Hayworth
Bryant	Doyle	Hefley
Burr	Dreier	Herger
Burton	Duncan	Hill (IN)
Buyer	Edwards	Hill (MT)
Callahan	Ehlers	Hilleary
Calvert	Ehrlich	Hilliard

Hinchey	McIntyre	Sawyer
Hinojosa	McKeon	Saxton
Hobson	McNulty	Scarborough
Hoefel	Meehan	Sessions
Hoekstra	Menendez	Shadegg
Holden	Metcalf	Shaw
Holt	Mica	Shays
Hooley	Millender-McDonald	Sherman
Horn	Miller, Gary	Sherwood
Hostettler	Moakley	Shimkus
Hoyer	Mollohan	Shows
Hulshof	Moore	Shuster
Hunter	Moran (KS)	Simpson
Hutchinson	Moran (VA)	Sisisky
Hyde	Morella	Skeen
Inslee	Murtha	Skelton
Isakson	Myrick	Slaughter
Istook	Nadler	Smith (NJ)
Jackson-Lee (TX)	Neal	Smith (TX)
Jefferson	Nethercutt	Smith (WA)
Jenkins	Ney	Snyder
John	Northup	Souder
Johnson (CT)	Norwood	Spence
Johnson, Sam	Nussle	Spratt
Jones (NC)	Oberstar	Stabenow
Jones (OH)	Obey	Stearns
Kanjorski	Olver	Stenholm
Kasich	Ortiz	Strickland
Kelly	Ose	Stump
Kennedy	Packard	Tauzin
Kildee	Pallone	Tanner
Kind (WI)	Pascarell	Tauzin
King (NY)	Pastor	Taylor (MS)
Kingston	Pease	Taylor (NC)
Kleczka	Peterson (MN)	Terry
Klink	Peterson (PA)	Thompson (CA)
Knollenberg	Petri	Thompson (MS)
Kucinich	Phelps	Thornberry
Kuykendall	Pickering	Thune
LaHood	Pickett	Tiahrt
Lampson	Pitts	Thurman
Lantos	Pombo	Tiahrt
Largent	Pomeroy	Toomey
Larson	Porter	Trafficant
Latham	Portman	Turner
LaTourette	Price (NC)	Udall (CO)
Lazio	Pryce (OH)	Udall (NM)
Leach	Quinn	Upton
Levin	Radanovich	Vento
Lewis (KY)	Rahall	Vitter
Linder	Ramstad	Walden
Lipinski	Rangel	Walsh
LoBiondo	Regula	Wamp
Lofgren	Reyes	Watkins
Lowey	Reynolds	Watts (OK)
Lucas (KY)	Riley	Weiner
Lucas (OK)	Rivers	Weldon (FL)
Luther	Rodriguez	Weldon (PA)
Maloney (CT)	Roemer	Weller
Maloney (NY)	Rogan	Weygand
Manzullo	Rogers	Whitfield
Markey	Ros-Lehtinen	Wicker
Martinez	Roukema	Wilson
Mascara	Roybal-Allard	Wise
Matsui	Royce	Wolf
McCarthy (MO)	Ryan (WI)	Wu
McCarthy (NY)	Ryun (KS)	Wynn
McColum	Sabo	Young (AK)
McGovern	Sanchez	Young (FL)
McHugh	Sanders	
McInnis	Sandlin	
McIntosh	Sanford	

NOES—53

Allen	Lewis (GA)	Schaffer
Brady (TX)	McCrery	Schakowsky
Campbell	McDermott	Scott
Capuano	McKinney	Sensenbrenner
Chenoweth	Meek (FL)	Serrano
Clay	Meeks (NY)	Smith (MI)
Clayton	Miller (FL)	Stark
Conyers	Miller, George	Tauscher
Davis (IL)	Mink	Tierney
Engel	Napolitano	Towns
Eshoo	Oxley	Velazquez
Fattah	Paul	Visclosky
Jackson (IL)	Payne	Waters
Johnson, E.B.	Pelosi	Watt (NC)
Kilpatrick	Rohrabacher	Waxman
Kolbe	Rothman	Wexler
LaFalce	Rush	Woolsey
Lee		

NOT VOTING—9

Brown (CA)	Houghton	Minge
Dunn	Kaptur	Salmon
Frost	Lewis (CA)	Thomas

□ 1041

Mr. SERRANO and Mrs. CLAYTON changed their vote from "aye" to "no".

Mr. BLAGOJEVICH changed his vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, on rollcall No. 237, had I been present, I would have voted "yes."

AMENDMENT NO. 5 OFFERED BY MR. MCCOLLUM

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

The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. MCCOLLUM:

At the end of the bill, insert the following:

SEC. ____ PROHIBITING JUVENILES FROM POSSESSING SEMIAUTOMATIC ASSAULT WEAPONS.

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.";

(2) in paragraph (2)—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(C) by inserting at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device."; and

(3) by striking paragraph (3) and inserting the following:

"(3) This subsection shall not apply to—

"(A) a temporary transfer of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile or to the temporary possession or use of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon by a juvenile—

"(i) if the handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon are possessed and used by the juvenile—

"(I) in the course of employment,

"(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

"(III) for target practice,

"(IV) for hunting, or

"(V) for a course of instruction in the safe and lawful use of a firearm;

"(ii) clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

"(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(II)(aa) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

"(bb) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon to a juvenile; or

"(D) the possession of a handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun, ammunition, a large capacity ammunition feeding device, or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device, or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the

presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

"(7) For purposes of this subsection only, the term 'large capacity ammunition feeding device' has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994."

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 354, noes 69, not voting 11, as follows:

[Roll No. 238]

AYES—354

Abercrombie	Cramer	Gutknecht
Ackerman	Crowley	Hall (OH)
Allen	Cummings	Hall (TX)
Andrews	Cunningham	Hastings (FL)
Archer	Danner	Hayes
Armey	Davis (FL)	Hefley
Bachus	Davis (IL)	Hill (IN)
Baird	Davis (VA)	Hilleary
Baker	Deal	Hilliard
Baldacci	DeFazio	Hinchee
Baldwin	DeGette	Hinojosa
Ballenger	DeLauro	Hobson
Barrett (NE)	DeLauro	Hoefel
Barrett (WI)	DeMint	Hoekstra
Bartlett	Deutsch	Holden
Bass	Diaz-Balart	Holt
Bateman	Dickey	Hooley
Becerra	Dicks	Horn
Bentsen	Dixon	Hoyer
Bereuter	Doggett	Hulshof
Berkley	Dooley	Hutchinson
Berman	Doyle	Hyde
Berry	Dreier	Insee
Biggert	Duncan	Isakson
Bilbray	Dunn	Jackson (IL)
Billirakis	Edwards	Jackson-Lee
Bishop	Ehlers	(TX)
Blagojevich	Ehrlich	Jefferson
Bliley	Engel	Jenkins
Blumenauer	English	John
Boehlert	Eshoo	Johnson (CT)
Boehner	Etheridge	Johnson, E.B.
Bonior	Evans	Jones (OH)
Bono	Ewing	Kanjorski
Borski	Farr	Kasich
Boswell	Fattah	Kelly
Boucher	Filner	Kennedy
Boyd	Fletcher	Kildee
Brady (PA)	Foley	Kilpatrick
Brady (TX)	Forbes	Kind (WI)
Brown (FL)	Ford	King (NY)
Brown (OH)	Fossella	Kingston
Bryant	Fowler	Klecza
Buyer	Frank (MA)	Klink
Calvert	Franks (NJ)	Knollenberg
Camp	Frelinghuysen	Kolbe
Canady	Galleghy	Kucinich
Capps	Ganske	Kuykendall
Capuano	Gejdenson	LaFalce
Cardin	Gekas	LaHood
Carson	Gephardt	Lampson
Castle	Gilchrest	Lantos
Chabot	Gillmor	Larson
Chambliss	Gilman	Latham
Clayton	Gonzalez	LaTourette
Clement	Goodlatte	Lazio
Clyburn	Goodling	Leach
Collins	Gordon	Lee
Condit	Goss	Levin
Conyers	Graham	Lewis (GA)
Cook	Granger	Linder
Cooksey	Green (TX)	Lipinski
Costello	Green (WI)	LoBiondo
Cox	Greenwood	Lowe
Coyne	Gutierrez	Luther

Maloney (CT)	Pease	Smith (WA)
Maloney (NY)	Pelosi	Snyder
Manzullo	Petri	Souder
Markey	Phelps	Spratt
Martinez	Pickett	Stabenow
Mascara	Pitts	Stark
Matsui	Porter	Stearns
McCarthy (MO)	Portman	Stenholm
McCarthy (NY)	Price (NC)	Strickland
McCollum	Pryce (OH)	Stupak
McDermott	Quinn	Sununu
McGovern	Rahall	Sweeney
McHugh	Ramstad	Talent
McInnis	Rangel	Tancredo
McIntosh	Regula	Tanner
McIntyre	Reyes	Tauscher
McKeon	Reynolds	Tauzin
McKinney	Rivers	Taylor (MS)
McNulty	Rodriguez	Terry
Meehan	Roemer	Thompson (CA)
Meek (FL)	Rogan	Thompson (MS)
Meeks (NY)	Rogers	Thune
Menendez	Rohrabacher	Thurman
Mica	Ros-Lehtinen	Tierney
Millender-	Rothman	Toomey
McDonald	Roukema	Towns
Miller (FL)	Roybal-Allard	Traficant
Miller, Gary	Royce	Turner
Miller, George	Rush	Udall (CO)
Mink	Ryan (WI)	Udall (NM)
Moakley	Ryun (KS)	Upton
Moore	Sabo	Velazquez
Moran (KS)	Sanchez	Vento
Moran (VA)	Sanders	Visclosky
Morella	Sawyer	Walden
Murtha	Saxton	Walsh
Myrick	Schakowsky	Waters
Nadler	Scott	Watt (NC)
Napolitano	Sensenbrenner	Waxman
Neal	Serrano	Weiner
Northup	Shaw	Weldon (FL)
Norwood	Shays	Weldon (PA)
Nussle	Sherman	Weller
Oberstar	Sherwood	Wexler
Obey	Shimkus	Weygand
Oliver	Shows	Whitfield
Ortiz	Shuster	Wilson
Ose	Simpson	Wise
Owens	Sisisky	Wolf
Oxley	Skelton	Woolsey
Pallone	Slaughter	Wu
Pascarell	Smith (MI)	Wynn
Pastor	Smith (NJ)	Young (FL)
Payne	Smith (TX)	

NOES—69

Aderholt	Goode	Peterson (MN)
Barcia	Hansen	Peterson (PA)
Barr	Hastings (WA)	Pickering
Barton	Hayworth	Pombo
Bonilla	Herger	Riley
Burr	Hill (MT)	Sandlin
Burton	Hostettler	Sanford
Callahan	Hunter	Scarborough
Campbell	Istook	Schaffer
Cannon	Johnson, Sam	Sessions
Chenoweth	Jones (NC)	Shadegg
Clay	Largent	Skeen
Coble	Lewis (KY)	Spence
Coburn	Lofgren	Stump
Combust	Lucas (KY)	Taylor (NC)
Crane	Lucas (OK)	Thornberry
Cubin	McCrery	Tiaht
DeLay	Metcalfe	Vitter
Dingell	Mollohan	Wamp
Doolittle	Nethercutt	Watkins
Emerson	Ney	Watts (OK)
Everett	Packard	Wicker
Gibbons	Paul	Young (AK)

NOT VOTING—11

Blunt	Kaptur	Radanovich
Brown (CA)	Lewis (CA)	Salmon
Frost	Fringe	Thomas
Houghton	Pomeroy	

□ 1050

Mr. HANSEN changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MINGE. Mr. Chairman, on rollcall No. 238, had I been present, I would have voted "yes."

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in Part B of House Report 106-186.

AMENDMENT NO. 8 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Mr. SESSIONS:

At the end of the bill, insert the following:

SEC. ____ GUNS PAWNED FOR MORE THAN 1 YEAR REQUIRE BACKGROUND CHECK.

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

"(7) Paragraph (1) shall not apply in connection with the redemption from a licensee of a firearm that, during the preceding 365 days, was delivered to the licensee as collateral for a loan."

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I am speaking on today would require a background check on a person whose gun is returned to him by a pawnshop if that gun has been stored at the pawnshop for more than 1 year.

Pawnshops are small businesses contributing to communities all across America. They provide access to credit for people who may have difficulty obtaining a loan from a standard financial institution. These loans are secured by the physical delivery of collateral against the loan.

One of the preferred forms of collateral for these loans is a firearm. Guns, unlike electronic appliances or furniture, are easily stored, have value that is easy to establish, and do not depreciate or become outdated.

This amendment deals only with returning a gun to its owner. These guns have not transferred ownership. Rather, they have merely been stored in the pawnbroker's vault until the owner has repaid the money that was loaned against the firearm.

Currently, all pawnbrokers who pawn guns are already required to have Federal firearms licenses. Most of them buy and sell guns, as well as taking them as collateral in pawn loans. This amendment does not affect sales. Sales at pawnshops follow the same procedure as sales at any other gun store.

Over the course of a year, some 10 million guns are stored in pawnbrokers' vaults, almost as many guns as are sold in America. Guns stored in

pawnshops are locked securely in vaults. They are safe from theft and unauthorized access.

States and municipalities already require pawnbrokers to report the identity of anyone who pawns a gun. Additionally, pawnbrokers are also required to report the type and serial number of each pawned gun. This provides more information for law enforcement than the NICS system, allowing the police to check on the person, as well as checking that the firearm has not been reported as lost or stolen.

Most of these reporting systems are computerized, allowing this data to be transmitted instantly to local authorities. In most major metropolitan areas, the local reporting process to law enforcement has been in place for over 20 years. We want to encourage people to legally utilize licensed, regulated pawn stores if they choose to pawn their guns.

If we discourage people from utilizing licensed, regulated pawn stores, these guns will be out of the tracking ability of local law enforcement.

I urge my colleagues to support the Sessions-Frost amendment to provide commonsense background checks on guns pawned for more than 1 year.

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

Ms. LOFGREN. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Under current law, persons who sell their firearms from pawnshops and later seek to claim their firearms are subject to background checks. This amendment would create an exception to the Brady background check requirement for persons redeeming a firearm during the year after it's been pawned.

While the description for this amendment says it ensures that guns pawned for more than a year are not returned until the owner passes a background check, I think that this description may confuse Members, because this amendment does in fact instead create a new loophole in current law.

Under this amendment, people who leave their guns at a pawnbroker for less than a year will no longer be subject to a background check. Similar proposals were offered by Senators CRAIG and LOTT in the other body, the U.S. Senate, and were explicitly nullified in the Senate by Senator LAUTENBERG's amendment. The explanation is simple, this amendment is a dangerous one.

Felons try to redeem firearms at pawnshops four times more frequently than felons try to buy guns from gun dealers. In fact, according to the ATF, 1.4 percent of the purchasers seeking to

purchase firearms from licensed dealers are felons or had some other reason why they were ineligible to purchase a gun. In sharp contrast, 5.4 percent of persons seeking to redeem their firearms from pawnbrokers were felons or had some other reason to be there. We require as much vigilance at pawnships, as we require when dealing with licensee dealers. This amendment does not meet that standard. That's why I rise in opposition.

□ 1100

My good friends from Texas are concerned that the amendment helps ameliorate discrimination against poor people, but we must point out that poor people, just like rich people, cannot be charged a user fee for background checks. Congress explicitly prohibited such fees in the Omnibus Appropriations Act for 1999, so this is not about money.

Crime, gun-tracing information shows that criminals are regular pawnshop customers. While 13 percent of federally licensed gun dealers had one or more crime guns traced back to them during 1996 and 1997, 35 percent of federally licensed pawnbrokers had one or more crime guns traced back to them.

This amendment would allow felons to raise cash with guns that they possess illegally. This amendment will make pawnshops safe harbors for criminals with guns, and I urge my colleagues to vote no.

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

Mr. SESSIONS. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, America is facing an ever-increasing problem with violent juvenile crime. It seems like yesterday that our most pressing problems were kids skipping school and drag racing down Main Street on Saturday night. Today's youth, and I don't mean to imply all, are committing murder, rape, dealing drugs and countless other heinous crimes that were unfathomable 20 years ago. This callous altitude toward life and societal norms could well be our gravest national problem.

While I appreciate the President and some of my colleagues' belief that it is the Congress who must fix these problems, I must disagree. We presently have hundreds of Federal, State and local laws addressing these issues, many of which are redundant and to absolutely no avail.

Did these laws serve any use at all in preventing the recent violence in Colorado, Arkansas or Oregon? For example, it was a violation of Federal law to have a loaded firearm within 1,000 feet of a school when these acts took place. This alone should have prevented these acts. The important question is why did these laws not prevent these senseless acts of violence?

When a person commits a violent crime, such as murder, they must be punished quickly and to the maximum extent of the law . . . , does it really make a difference what the tool was when the result was death?

When the President and Congress seek to expand laws and do away with individual liberty they are taking the easy way out and a dangerous approach to problems by addressing the result of society's failure . . . , not the cause.

Simply put . . . , we have strayed from the ideals which have made this country the greatest on earth. And now it is time to return to those basic principles.

As Thomas Jefferson so eloquently argued, "laws that forbid the carrying of arms . . . disarm only those who are neither inclined nor determined to commit crimes . . . Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."

Mr. Chairman, parents have to take responsibility for their actions and the actions of their children.

Schools should teach history, reading, writing and arithmetic, and stop educating our children on how to best abdicate personal responsibility.

Communities must be accountable to themselves and hold their elected officials at all levels accountable in return.

It is not the schools', the Federal Government's, or the entertainment industry's responsibility to raise and discipline our children. The responsibility rests solely with the family.

The bottom line is that all the laws in the world are useless without effective enforcement and the prompt return to a system of swift justice.

Most importantly, we must return to individual and familial responsibility and accountability, for all laws are pointless without the proper moral foundation of the home.

Mr. Chairman, it was my responsibility to raise my kids and hold them accountable for their deeds and it is their responsibility to do the same with their children, not the government's.

Mr. Chairman, I must tell you that it doesn't take a village to raise our children, it takes a loving, caring and actively involved family.

Finally, it is far past the time for Uncle Sam to let mom and dad take care of the kids; the last thirty years have made it painfully obvious that Uncle Sam's expanded role as parent and educator has completely failed.

Mr. Chairman, I hope that my colleagues will yield the responsibility back to the parents.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Ms. JACKSON-LEE), a member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman for yielding me time, and I thank the chairman very much.

I had wanted to be able to support this amendment for my good friend from Texas, but I think it is important to make clear that what this does is for anyone who pawns their gun and comes back within a 2- to 3-month period,

maybe in that interim may have become a felon, a convicted felon, may be out on probation for some gun possession or some issue that deals with a criminal activity, and that individual, although it may be their gun, would not be subject to an instant check.

It is well-known, as evidenced by the ATF, that 1.4 percent of the purchasers seeking to purchase firearms from federally licensed dealers were prohibited persons; 3.3 percent of the purchasers seeking to purchase firearms from federally licensed pawnbrokers were prohibited persons.

I would ask the gentleman if he would just give me a yes or no, whether he would be willing to accept a friendly amendment on his amendment, and to indicate that at any time that you seek to reclaim your gun in a pawnshop, you be subject to an instant check. Will the gentleman accept that as a friendly amendment?

Mr. SESSIONS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I will not.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman very much.

Let me simply say as we sunned any sense of gun responsibility early this morning in the dark of night, let me cite the gun owners of America that sent brief talking points to everyone. Their final comment is, "Vote no on final passage of H.R. 2122."

They knew what they were doing. They knew that what they wanted to do was to make sure we had no gun laws whatsoever.

Just as last night I tried to bring up the handgun provision dealing with a private individual not transferring a gun to someone under 21, that walked off the floor of the House. The Gun Owners of America oppose banning juvenile possession of certain semiautomatic rifles; they oppose the multiple ammunition, suggesting that the Korean merchants were able to shoot it out in the streets because they had multiple ammunition; and as well they oppose mandatory safety locks.

This is another amendment that will not work. There is no gun safety on this floor. Vote it down.

Mr. SESSIONS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Texas is recognized for 30 seconds.

Mr. SESSIONS. Mr. Chairman, unfortunately, what is occurring today is what typically occurs in Washington. My opponents are talking about studies, facts and figures which they claim they have. I wrote the Director of the ATF December 21, 1998, and February 2, 1999, asking for the results of the study. I was denied this. This is obviously an unfair argument, because the administration simply wants to have

gun control and more guns to be available for people on the streets, rather than doing the right thing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

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

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from Texas (Mr. SESSIONS) will be postponed.

It is now in order to consider Amendment No. 9 printed in part B of House Report 106-186.

AMENDMENT NO. 9 OFFERED BY MR. GOODE

Mr. GOODE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 offered by Mr. GOODE:

At the end of the bill, insert the following:
SEC. . REPEAL OF LAW BANNING FIREARMS IN THE DISTRICT OF COLUMBIA.

D.C. Law 1-85, enacted September 24, 1976, is hereby repealed, and any provisions of law amended or repealed by such Act are restored and revived as if such Act had not been enacted.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Virginia (Mr. GOODE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a modest amendment to lift the outright ban in the District of Columbia by repealing the 1976 gun ban law in the District. It does not affect the gun restrictions in place prior to 1976, where someone seeking to have a firearm for their self-protection or for the protection of their business would still have to go and get fingerprinted, would have to go down to the D.C. police office and have a background check, and would have to be registered and have the gun registered.

The focus of this amendment is the gun ban. If you believe in gun bans, then you should vote against this amendment, but if you believe that the second amendment gives you the right to protect yourself and to protect your business, then you should vote "yes" on this amendment.

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

Ms. LOFGREN. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, it is bad enough that the Goode amendment shows disrespect for the people I represent, for democratic self-government and for me. But hear me. The Goode amendment threatens the majestic Federal presence as well as our citizens.

Why? Because the Goode amendment makes it legal to sell bomb-making materials in the Nation's Capital by killing off the District's strict explosive regulation. The Goode amendment brings domestic terrorism purveyors here, increasing the risk to tourists and to the city's landmarks, including this very Capitol.

How? The Goode amendment shoots the entire explosives and firearms scheme in the back. The Goode amendment demeans the very idea of a dignified capital. The Goode amendment makes the Nation's Capital the most lenient gun jurisdiction in the country. The Goode amendment encourages tourists to bring weapons to D.C., only to have them confiscated in this capital.

I ask, after the killings of Officers Jacob Chestnut and John Gibson in this building last summer, which of us would want to send the message that D.C. is a city with no handgun laws?

Perhaps the strongest opponent of changes in the District's gun laws is D.C. Police Chief Charles Ramsey. Chief Ramsey reminds us that we lost three local police officers in 3 months' time in 1997. He says that his officers would be the first to face the consequences of increases in guns in homes when they make stops on the streets.

We are dramatically bringing down gun killings in the District. Do not drive murders of citizens and cops up by killing off local gun laws here.

Mr. GOODE. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I would ask the gentlewoman from Washington, D.C., what are you talking about? I do not understand. Let me read what the Goode amendment does. Repeals D.C. law I-185, which prohibits D.C. residents from possessing a firearm to allow D.C. residents the right to protect and defend themselves. Your speech does not reflect the substance of the amendment.

This is a fundamental constitutional right. I appeal to all my colleagues. Why should we ignore the rights of individuals to have the opportunity to defend themselves? In fact, if you go back in the evolutionary cycle, it is a natural drive for all human beings for self-preservation. It is the most fundamental right of our human species that we should be able to defend ourselves against unwarranted harm. So the simple amendment of the gentleman from Virginia (Mr. GOODE) is restoring the ability to say we can have a firearm in Washington, D.C., to defend ourselves.

A study by Gary Kleck of Florida State University showed that in approximately 2 million incidents each year, citizens use a firearm for self-defense, usually a handgun.

Mr. Chairman, it is a good idea, and the statistics are there. Please support the Goode amendment.

Mr. Chairman, under the Constitution of this Nation, we have the right to be armed. However, if you choose to ignore the rights recognized under the Constitution, I appeal to you at another level.

Any creature, from insect to human, has the natural drive for self-preservation. Self-defense is one of the most fundamental rights we have as human beings, and no individual should ever be denied the ability to defend his or herself against unwarranted harm.

According to a study by Gary Kleck of Florida State University, in approximately 2 million instances each year, citizens use a firearm for self-defense, usually a handgun.

Criminals need have no such fear in Washington, DC. The law-abiding, decent citizens of the Nation's Capital should have the right and the means to defend themselves, and that is what this amendment will do. Let's give the people of Washington the option to defend themselves and their families; support the Goode amendment.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, we have worked very long and hard in the District of Columbia to try to bring this Nation's Capital back. If you take a look at the crime rates over the last couple of years, they have gone down dramatically. We have done that by taking the police force away from politics. Putting in a new chief, a professional cadre of officers and trained officers, and controlling the flow of guns into our city is one way that we do that.

I have the highest respect for the author of this amendment and recognize the area that he comes from and the philosophy he represents, but, in this particular case, I have to reluctantly oppose him. The reason is because the Nation's Capital, they have to have the same rights of self-determination on these kinds of issues that States and other cities and counties do across this country.

The District of Columbia, the D.C. Council in 1976 approved this enactment, and it not only has been confirmed through the years by D.C. elected officials, but your police chief; and around the metropolitan area I think you will find representatives of police officers feel stopping the flow of guns into this city is very critical. This amendment would defeat that purpose, so I oppose the amendment.

Mr. Chairman, I regretfully return to the floor today to oppose the amendment offered by my friend and colleague, Representative

GOODE. In doing so, I want to first convey the unalterable opposition of the Washington, D.C. Mayor Anthony Williams and Chief of Police Charles Ramsey. This amendment is an abrogation of the very core principles of home rule here in the Nation's Capital, and of the right of States and localities to determine the needs of their communities.

In 1976, the D.C. City Council approved one of its first enactments under home rule. Mr. GOODE's amendment would repeal Title 6, Chapter 23 of D.C. Code, Section 6-2301 thru 6-2379, which includes the entire subchapter on firearms and destructive devices. The enactment of these provisions were a very important step for the District during its fledgling steps towards self-government and was affirmed by a U.S. District Court in 1978.

My good friend from Virginia's amendment unfortunately strikes at the very heart of home rule, and does so without any prior consultation from the elected officials of the District or the House Subcommittee on the District of Columbia. It shows no respect for the principle of permitting local citizens and elected leaders to make local decisions.

In 1995, Ms. NORTON and I introduced and passed the D.C. Financial Control Board Act which took numerous financial decisions away from the Mayor and City Council. Unlike Mr. GOODE's amendment the Control Board Act underwent hearings and a mark-up through the Committee process before passage by Congress. The Act creating the Control Board also enjoyed the input and support of the D.C. Mayor and Chairman of the City Council.

I urge every Member to oppose Mr. GOODE's amendment, not on Constitutional grounds but on procedural ones. While the Congress certainly has the authority to take this action, I call on every Member to consider carefully what the reaction of their constituent would be should the House decide to target them and them alone, for a law they have not expressly supported.

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just point out one thing: The person that came in the Capitol and shot the two officers under my amendment would have violated the law when he crossed the line. He was illegal unless he had gone down to the police department, got fingerprinted, got a background check, got his gun registered and got himself registered.

Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, Article I Section 8 of the Constitution says the Congress has the power to exercise exclusive Legislation in all Cases whatsoever, over such District, as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States.

□ 1115

This section of the Constitution is not hard to understand. The words "ex-

clusive" and "all" are hardly vague and ambiguous. The fundamental right guaranteed in the Second Amendment is a right of all United States citizens, including those who find themselves in the district.

How can anyone rationally argue that the District of Columbia ban has rid this city of guns? The gentleman from Virginia (Mr. GOODE) correctly argues that, as the crime rate goes down nationally, Washington, D.C. continues to be a bastion of violence.

Criminals know where the largest population of helpless victims reside. Let us make sure that they do not think it is in Washington, D.C.

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent that 4 additional minutes be provided for debate on this amendment due to requests of Members on both sides of the issue for debate.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) requests for 4 minutes be added to each side of the debate.

Ms. LOFGREN. Mr. Chairman, total; 2 on each side.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Virginia (Mr. GOODE) and the gentlewoman from California (Ms. LOFGREN) each have 2 additional minutes.

Mr. HUNTER. Reserving the right to object, Mr. Chairman, I am informed that we have a number of Members who are on very, very tight schedules. I myself have an amendment I would like to talk on longer, but I am not going to ask for extra time. Regretfully, I object.

The CHAIRMAN. Objection is heard. The gentlewoman from California (Ms. LOFGREN) has 2 minutes remaining. The gentleman from Virginia (Mr. GOODE) has 1½ minutes remaining.

Ms. LOFGREN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the Goode amendment. We have no right to micromanage what happens in the District of Columbia.

Mr. Chairman, I rise in strong opposition to the Goode amendment that would overturn the law which prohibits citizens of the District of Columbia from possessing a firearm.

This amendment attempts to micromanage the District of Columbia, without consultation with locally elected officials. We have no business doing that.

I believe that the Goode amendment shows a lack of respect for allowing the citizens of Washington, D.C. to make local decisions. I wonder how Mr. GOODE would react if Mayor Williams or Congresswoman NORTON would work to prohibit the citizens of Albemarle County in Virginia from possessing a firearm?

Congress passed the Home Rule Act in 1973 because citizens fought for the right to participate in government. The Goode amendment would repeal one of the first D.C. enactments under Home Rule. This law was passed

in 1976 by the D.C. Council and even survived a 1978 court test.

As the Representative from the neighboring jurisdiction of Montgomery County, Maryland, and as the Vice-Chair of the Subcommittee on the District of Columbia, I am proud of the progress that has been made in the revitalization of D.C. Public safety has been one of the top concerns of people who live in the District and among people who live in the surrounding jurisdictions. Over the past three years, the crime rate has dropped; homicide and robbery rates have plummeted to a 25-year low. But they are still high compared with other cities, and this amendment would jeopardize the District's progress.

The Mayor, the D.C. City Council, and the D.C. Subcommittee all have worked hard to improve the prospects for home rule to succeed. It is essential that we take into consideration the views of the District's local officials. They are the advocates for a better quality of life for the 500,000 citizens who reside in the District of Columbia. They are the ones who must decide whether or not to allow the citizens of the District to own firearms, not the U.S. Congress.

I urge a "no" vote on the Goode amendment!

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, this is a bad amendment. It is the wrong thing to do. The gentleman from Virginia (Mr. GOODE), I know that he appreciates democracy, and I hope that he realizes that the people of the District of Columbia have exercised that democracy in a legal manner.

They reacted to the fact that 84 percent of the homicides in this District come from firearms. Well, now, in the last 10 years the District's homicide rate has gone down to the lowest it has been. It has fallen 41 percent from 1994 to 1998.

Now, what this law would do is to allow gun shops to be set up again, to allow people to bring more handguns in. It is going to allow explosives.

This is the Nation's capital. With all the terrorism, threats that we have, to allow explosives to come back into the city. The people of the District of Columbia knew what they were doing when they passed that law. Now to say that we know best, coming from a rural area that has a very different economy and society and situation than the District, to impose the gentleman's opinion on the District is wrong.

This amendment should be defeated, defeated soundly.

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point this out, Virginia for years regulated gun shows, had an instant check. Today in the United States capital, every State is going by Federal rule. What is good for the goose is good for the gander.

They talked about bringing bomb material into the United States capital. The person would have to go down

and be registered with the D.C. police chief to be able to do that, and I do not think the D.C. police chief is going to do that.

Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I commend the gentleman. I thank the gentleman from Virginia (Mr. GOODE) for doing what is right. No government has the right, for heaven's sakes, to take away one's God given right to defend himself and his family. Why should we think the District of Columbia Council have that right. It is wrong for them to do that. It is right for people to be able to protect themselves.

The District of Columbia is the only jurisdiction from the U.S. that prohibits keeping firearms in an operable condition at home for defense against criminal attack. The right for people to be secure in their homes is an ages old right, affirmed in law and court decisions, but rejected in D.C.

This jurisdiction is a disaster. It still has one of the highest crime rates in the country. Crime generally has dropped over the entire country due to demographic trends. We should vote for the gentleman's amendment and reaffirm even in the District of Columbia people's God given rights to defend themselves and their families with a firearm.

Ms. LOFGREN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in strong opposition to the amendment.

The Goode amendment repeals D.C. law 1-85, which prohibits D.C. residents from possessing a firearm.

The Goode Amendment is paternalistic and is a slap in the face to the District of Columbia's right to self-governance. It strips away the District's comprehensive firearms and explosives regulation, adopted in 1976, by permitting the registration of firearms that are now prohibited.

Violent crime in the District of Columbia is at a historic low, thanks to a combination of strong community policing, tough gun laws, and aggressive law enforcement and prosecution of those who violate the laws.

D.C.'s homicide rate is the lowest it has been in over 10 years.

Through aggressive gun prosecutions, assaults with a firearm in D.C. fell 41% from 1994-1998.

The Goode amendment will seriously threaten public safety and undermine effective law enforcement in the District.

The Goode amendment will make it legal to buy and sell all kinds of bomb-making materials in the District.

The Goode amendment will make it much easier to obtain handguns in the District by allowing gun shops to open their doors for business.

The only individuals who will benefit from this amendment are criminals in the District of Columbia.

This is especially troubling when the D.C. Police Department reports that 84% of all homicides this year resulted from guns.

There is no justification for this amendment. It will only put the lives of District residents—and especially children—at risk by tearing down the District's firearms and explosives laws and depriving District citizens of their ability to decide what kinds of firearms laws they want to have.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I rise in strong opposition to this usurpation of local control. We have 183 local firearm laws in California.

Ms. LOFGREN. Mr. Chairman, I yield the balance of the time to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, there is nothing unique about the District's handgun ban law. Dozens of cities have the exact same law across this United States. What the gentleman proposes is dangerous. He cannot even describe what would remain in place if his amendment were passed.

For example, today one has to register annually under the existing regulations. Under pre 1976 rules, one can register once. Then if one became a criminal after registering once, so be it for the people in the District of Columbia.

As to the gentleman's views about constitutionality, this law has been found constitutional. To quote the courts, "the Act is a valid exercise of the City Council's legislative authority, and it offends no constitutional protection of appellees."

Do my colleagues want to know about the Second Amendment? From the (Supreme Court) Miller case: "The obvious purpose of the Second Amendment is to assure continuation and to render possible the effectiveness of State militia. It must be interpreted and applied with that view in mind."

This is not a gun vote. This is a vote to stay out of somebody else's business. This is a vote to respect me, to respect the people I represent, to respect the laws that have been made in our local jurisdiction.

This gentleman has some nerve. Most of the guns that are killing people in the District of Columbia come from the State of the gentleman from Virginia (Mr. GOODE). They come from his State. Get off of my back. Get out of my business.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. GOODE).

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

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on

the amendment offered by the gentleman from Virginia (Mr. GOODE) will be postponed.

It is now in order to consider amendment No. 10 printed in Part B of House Report 106-186.

AMENDMENT NO. 10 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. HUNTER:

Add at the end the following:

SEC. ____ . RIGHT OF LAW-ABIDING RESIDENTS OF THE DISTRICT OF COLUMBIA TO KEEP A HANDGUN IN THE HOME.

(a) DEFENSE.—Notwithstanding any provision of law, a person may not be held criminally responsible for the possession of a handgun, or ammunition appropriate to the handgun, if each of the following elements are established:

(1) The person is a law-abiding individual not less than 18 years of age.

(2) The person is the sole owner of the handgun and is in compliance with all applicable Federal and State registration laws and regulations with respect to the handgun.

(3) The possession occurred in the District of Columbia—

(A) in a place of residence of the person; or

(B) if the handgun is unloaded, while the person was traveling to or from a place of residence of the person solely for the purpose of transporting the handgun in connection with an otherwise lawful transaction or activity relating to the handgun.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "handgun" has the meaning given such term in section 921 of title 18, United States Code.

(2) The term "law-abiding individual" means an individual who has never been convicted of a criminal offense for which the person actually served time in jail or prison, and has never been convicted of battery, assault, or any other violent criminal offense.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1933, a young lady named Melba Loman was being robbed at gunpoint next to a high-rise building. During the robbery, a young man leaned out the window with a gun and shouted to the robber, drop that gun or I will shoot, at which point the robber ran off.

The young man's name was Ronald Reagan, and he knew something then intuitively that we have learned now; and that is that law-abiding citizens who are allowed to defend themselves will deter crime.

I want to talk in this amendment about something that we have not talked much about during this gun debate; and that is simply this, 2 million times each year, American citizens across this country successfully defend

their lives and the lives of their family members and their property with guns.

In most cases, this does not involve a shoot-out, because FBI studies now show that when law-abiding citizens simply have guns in these confrontations, in 98 percent of the cases that alone deters crime. So American citizens throughout this country in almost every place, 2 million times a year, protect their families, protect their children, protect their wives, and protect their property with guns. There is one place where that does not happen, and that is here in Washington, D.C.

Mr. Chairman, I offer this amendment because I was talked to by residents of Washington, D.C. I just want to quote a couple times.

"If someone is breaking into your home, and you are being put on hold by 911, what should you do to protect your wife and children? Or how does my wife protect herself if caught in the same situation when I am out of town?" D.C. resident.

"As a District resident for 10 years, I have been a victim of violent crime. It is a tragedy that the reality in the Nation's Capital is not if you will be a victim of crime, but when you will be preyed upon by the vicious criminal element that roams our streets and neighborhoods." D.C. resident.

"The memory of holding a sobbing hysterical woman after she, by the grace of God, warded off a rapist who managed to rip steel bars off her window and break into her home still sends chills in my mind." D.C. resident.

All these letters came in, Mr. Chairman, when it became known that I was going to offer this amendment. In my view, all law-abiding citizens should therefore have the option of being able to protect their homes with deadly force if they see fit. As it stands now, and we all know this, in D.C. only the crooks have guns.

Now, Mr. Chairman, that is the case. The D.C. government has successfully disarmed every law-abiding citizen in Washington, D.C. I have never seen the case made that there are crooks who want guns in Washington, D.C. who cannot get them.

So the only people that have guns in this community are the bad people, the people that want to rob, rape, and kill. The point was made in the FBI analysis that was done by the University of Chicago that guns in America are used five times as often to prevent crime, to keep somebody from robbing, raping, or killing than they are to commit crime.

We want to give to D.C. residents, whom we do have a constitutional responsibility to have oversight over, we do want to give those people the same rights that millions of other Americans have. So this amendment simply offers the right of law-abiding D.C. residents to have a registered handgun in their

home for home protection. I think it is a very modest amendment. I think it is very basic.

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

Ms. LOFGREN. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes.

Ms. LOFGREN. Mr. Chairman, I yield 2¼ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, the gentleman from California (Mr. HUNTER) may have been "talked to," as he said, by residents from the District of Columbia. Ninety percent of them voted for me, and I think that I am entitled to speak for them on the floor this afternoon.

I respect the differences among us on gun issues. I ask only that my colleagues respect me and the people I represent by allowing us to tailor our gun laws to local demographic circumstances, just as my colleagues tailor their laws to their districts.

Here, the Hunter amendment would inflame an already violence-prone atmosphere. It invites citizens to arm themselves. But they will never keep up with the criminals, thugs, and thieves in this town, according to our local police chief. At least now we put thugs to considerable inconvenience by making them find guns illegally.

Although teen gun violence has brought us to our senses on the need for new gun laws, the Hunter amendment would allow teens, as young as 18, the troubled teens, the first to get ahold of guns in this city, to keep a gun in the Nation's capital. Violent youths could own guns at 18 legally because they were delinquent, not convicted as criminals.

The Hunter amendment is so poorly and loosely drafted that individuals carrying concealed guns might convince a jury that they believe they were transporting them for a purpose allowed by the Hunter amendment. Many other unintended consequences overwhelm any legitimate purpose for allowing residents to arm themselves in their homes here.

I do not know about my colleagues' towns, but in this town, guns in homes would lure criminals for break-ins and thefts, putting more guns on the streets. In this town, troubled teens, who most eagerly search out guns here, might find them at home instead of in the streets. In this town, kids would more likely find and use guns than adults thwarting criminals. In this town, with one of the highest domestic violence rates in the country, the last thing we need are guns to inject into family arguments.

The Hunter amendment adds to these catastrophic results a new D.C. immunity from Federal laws enforced every-

where else in the U.S. The Hunter amendment nullifies "any other provisions of law." Therefore, the Hunter amendment also wipes out Federal provisions, including the only provisions that deny handguns to fugitives, drug addicts, people under indictment and some felons, among others.

A vote for the Hunter amendment is no vote for law-abiding citizens. The Hunter amendment is a vote to ease guns into the hands of troubled teens in this troubled city. The Hunter amendment is a vote the criminals in D.C. have been waiting for for 23 years.

□ 1130

Mr. HUNTER. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I thank my friend for yielding me this time. This is actually an inquiry. I do not know how I intend to vote on this. I would just like to be informed.

If I am correct that this bill will restore or will recognize the right to private possession of a handgun, I think that is protected under the second amendment, what is our duty as a Federal Congress if we believe the District of Columbia has not adequately protected the Constitution, given that the Supreme Court has in 62 years not taken a second amendment case?

It is a question on which I would sincerely seek advice.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, the answer to the gentleman's question is that this is an excellent vehicle to give law-abiding citizens the right to have a gun for home protection and to solve that problem.

Ms. LOFGREN. Mr. Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) has 2¼ minutes remaining.

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent for 1 additional minute for each side.

Mr. HUNTER. Reserving the right to object, Mr. Chairman, I regretfully am going to have to object, because I have been advised there are a lot of Members with planes going out. I have lots more materials and lots more speakers, but I am not going to ask for more time.

So I regretfully am going to object not only on this amendment, but on others.

The CHAIRMAN. Objection is heard. The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I yield 45 seconds to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I will talk quickly and say I am in very strong opposition to the Hunter amendment. It is going to implement a

new law in the District of Columbia that would allow law-abiding citizens to possess a loaded handgun in their home in order to protect themselves and their families, and my understanding is that this amendment may include drug dealers who have not been convicted in the definition of law-abiding citizens who would be permitted to carry firearms.

I am opposed to this amendment just as I was to the Goode amendment. It attempts to micromanage the government of the District of Columbia without consulting the locally elected officials. We deserve to respect those people who are residents of the District of Columbia. Congress should not override local efforts to reduce gun violence in their community.

I hope this body will vote against the Hunter amendment.

Congress should not override local efforts to reduce gun violence in their community.

The crime rate is down in the District, and homicides have also declined. But while the crime rate in the District has declined, so too has the age of our criminals. Arrests of juveniles under 18 for violent offenses increased by more than 57 percent between 1983 and 1992. It is imperative that juveniles in the District should get one unified message from their local officials. We should not be interfering with local policies and confusing young people in the District with a different message.

It has been more than two decades since Congress granted residents of the District of Columbia the right to elect their own leaders. A generation later, Congress snatched back power from the mayor and the D.C. Council, putting it in the hands of an appointed financial control board. This year, with a new Mayor and a new D.C. City Council, many of the privileges of local self-rule have been returned to local officials. We should allow this process to continue without micromanaging the affairs of the District.

I urge a "no" on the Hunter amendment.

Mr. HUNTER. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from California (Mr. HUNTER) has 30 seconds remaining, and the gentlewoman from California (Ms. LOFGREN) has 1½ minutes remaining.

Mr. HUNTER. Mr. Chairman, if I have the right to close, I will defer to the other side.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN), as a member of the committee, has the right to close.

Mr. HUNTER. Mr. Chairman, I yield myself the balance of my time.

Let me just take the last 30 seconds simply to say this. This is the most basic and simple and, I think, moderate of amendments. And if drug dealers in this town are not given any time, then I think the D.C. Council should be taken to task by the gentlewoman who just talked. But this gives law-abiding citizens the right to have a registered handgun complying with all registration laws in their home for the protection of their loved ones.

All our statistics show that armed citizens do deter crimes. They do it 2 million times a year throughout this Nation. Let us give D.C. residents that right.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the committee.

Mr. CONYERS. Mr. Chairman, I rise in strong objection to this amendment, an intrusion into local decision-making.

Ms. LOFGREN. Mr. Chairman, I yield 45 seconds to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise to take strong exception to this amendment.

I represent the neighboring jurisdiction, the State of Maryland, and ironically enough, in concept, I agree with the gentleman. In our State we have those rights, and there is nothing wrong with it. But this amendment is wrong, because fundamentally it infringes on the rights of local government to make their own decisions.

If the District of Columbia were a State, any other State, the gentleman would never consider imposing the will of this body on a State. They would argue States rights. In this cases it should be local jurisdictions' rights.

The District of Columbia Council, in their wisdom, have made the decision that they want to ban handgun possession. I think we should respect that. We should not continue to treat the District of Columbia as a colony and treat it at our whim. We should honor and respect the local officials and local jurisdictions.

Ms. LOFGREN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to the Hunter amendment.

Mr. Chairman, as a member of the DC subcommittee, I join my colleagues in strong opposition to this amendment.

I cannot understand why, in the wake of the tragedies in Littleton, Colorado, and Conyers, Georgia, this Congress would even consider a measure that would roll back gun laws in our nation's capital.

But even more importantly, I cannot understand why some members of this body, who pride themselves on their commitment of honoring power to states and local governments, would deliberately thwart the will of the people of the District of Columbia.

My home city of New York has enacted its own tough gun-control laws, and I am proud to support them. But even if I didn't, I would defend the rights of New York to pass laws that are binding on its own citizens.

This Congress should accord the same respect to the residents of our nation's capital.

This amendment is about more than gun control. It is about local control, and the right

of the people of the District of Columbia to enact their own laws.

I applaud my colleague from the District of Columbia, and my colleague from Virginia [Mr. DAVIS] for their leadership on this issue, and I urge my colleagues to vote against this amendment.

Ms. LOFGREN. Mr. Chairman, I yield the balance of my time to the gentlewoman from the District of Columbia (Ms. NORTON) for the purpose of closing the debate.

Ms. NORTON. Mr. Chairman, this loosely-worded law, for example, defines a law-abiding individual, who would carry a gun in the streets, as one who has not been convicted and served time. That leaves lots of felons who have not served time as an example of unintended consequences from the gentleman's bill. Domestic violence felons often do not serve time.

But one of the main reasons one would want to vote against this amendment is who would indeed profit? First, criminals; secondly, troubled teens; third, accidental shootings by kids; fourth, increased shootings of D.C. cops; gun violence during family arguments; break-ins and theft of guns. That is what happens in big cities when guns are freely available. That is what would happen.

I ask the Member to remember that the demographics of my district are as personal to me as his are to him.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

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

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from California (Mr. HUNTER) will be postponed.

It is now in order to consider Amendment No. 11 printed in Part B of House Report 106-186.

AMENDMENT NO. 11 OFFERED BY MR. ROGAN

Mr. ROGAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 11 offered by Mr. ROGAN:

At the end of the bill, insert the following:
SEC. ____ PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting "(A)" after "(20)";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

"(B) For purposes of subsections (d) and (g) of section 922, the term 'adjudicated to have

committed an act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony (as defined in section 3559(c)(2)(F)(i)) had Federal jurisdiction existed and been exercised." and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking "What constitutes" and all that follows through "this chapter," and inserting the following:

"(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter."

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) has been adjudicated to have committed an act of violent juvenile delinquency." and

(2) in subsection (g)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the comma at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) who has been adjudicated to have committed an act of violent juvenile delinquency."

(c) EFFECTIVE DATE.—The amendments made by this section shall only apply to an act of violent juvenile delinquency that occurs 180 days or more after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from California (Mr. ROGAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Chairman, should the gentleman from Illinois (Mr. BLAGOJEVICH) arrive during the debate, I ask unanimous consent that I be able to divide my time with the distinguished gentleman from Illinois and that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the hands of a felon, a firearm is a ticking time bomb. That is why it is illegal for a convicted felon to purchase one. Yet shockingly, in many States, violent criminals are

legally allowed to purchase guns. Today, it is perfectly legal for a violent juvenile who has committed a felony to walk into a gun store on his 18th birthday and legally walk out armed to kill.

In many States, juveniles convicted of violent crime frequently get their criminal records erased when they turn 18. This is wrong. Today we have an opportunity to act. I am proud to join with my good friend, the distinguished gentleman from Illinois (Mr. BLAGOJEVICH) to introduce the violent youth offender accountability amendment, which will ban the most violent and dangerous juvenile offenders from ever possessing a gun. We must put violent juvenile crime on par with violent adult crime.

The violent youth offender accountability amendment will keep firearms out of the hands of dangerous violent felons. Under Federal law, these felonies include murder, manslaughter, assault, rape, sexual abuse, kidnapping, carjacking, air piracy, robbery, extortion and arson. Simply put, juveniles who commit these adult crimes must face adult consequences.

Mr. Chairman, every year approximately 116,000 violent or serious juvenile arrests are processed by the juvenile courts. Very few are processed as adult crimes. Most are repeat criminals. This dangerous loophole in the Brady law rewards the most violent of these offenders with the right to possess a gun when they reach their 18th birthday. It is time to close this loophole and keep our schools and communities safe by keeping firearms out of the hands of these violent felons.

Mr. Chairman, I urge my colleagues to join the broad coalition who support this bill and keep guns out of the hands of violent juveniles.

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

Ms. LOFGREN. Mr. Chairman, although I am not opposed to the amendment, I rise to claim the time in opposition.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) is recognized for 10 minutes.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

This amendment is supported by the administration, and it would ban juveniles found delinquent of certain serious violent crimes from buying guns. That is to the good. The amendment extends the lifetime ban on firearms possessions to any juvenile who is found delinquent of a crime that would be a serious violent felony as defined by 18 U.S. Code 3559(c)(2)(F)(i). These offenses include murder, sexual abuse, carjacking, and extortion, among other offenses punishable by more than 10 years in prison.

However, I think it is worth pointing out that some serious violent felonies are excluded from the amendment. The amendment would not extend the life-

time ban to the State law offenses punishable by 10 years or more that have as an element the use, attempted use, or threatened use of physical force, including assault with a deadly weapon, vehicular manslaughter and mayhem.

Nevertheless, the amendment does represent progress. The administration believes all crimes committed by juveniles of serious violent felonies would be preferable. I believe as well that that is the case, but I intend to vote for the amendment.

I would note, however, that even though this amendment improves the situation on Brady checks for juveniles, it is ironic that because of what we did in the dark of night, the extension of the check to juveniles is merely appended to a weakening of our current gun laws. As we sort through what this body did last night, the retreat we made from sensible gun safety measures, it seems to me that licensed gun dealers will now go to the flea markets, the pawn shops, the parking lot, and they will sell unchecked, due to the Dingell loophole, guns to people who would not otherwise be eligible, and that will include the juveniles who would have been covered by this amendment that is before us.

So while I support the amendment, recognizing it is weaker than it should be, I would note that it is not going to be sufficient to save this very flawed effort that we are engaged in here. We have failed the mothers and fathers of America who look to us to stand up to the special interests and to stand up for the children of America.

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

The CHAIRMAN. The gentleman from Illinois (Mr. BLAGOJEVICH) controls 5 minutes, and the gentleman is recognized.

Mr. BLAGOJEVICH. Mr. Chairman, I yield myself such time as I may consume, and I thank the gentleman from California (Mr. ROGAN) for providing me with this time.

Mr. Chairman, let me say I am honored to join my colleague, the gentleman from California (Mr. ROGAN). He and I are cosponsoring perhaps one of the few pieces of legislation under consideration today that can tout endorsements from both handgun control and the NRA. As a Member of Congress who has been rated an F minus from the NRA, I do not know if I should celebrate or cry by that combination. But the fact remains that the handgun control advocates and NRA support this because it is very sensible, and it really has to do with what many of us have been trying to do over the last several weeks here in the Congress, and that is pass legislation that prevents those with criminal backgrounds from getting guns.

This legislation is simple and straightforward. It bans the most violent juvenile offenders in our society

from possessing firearms for life. As a matter of fact, it is a common-sense issue that is hard to believe was not law already. The fact remains a juvenile that has been convicted of murder, a juvenile that has been convicted of aggravated assault, aggravated criminal sexual assault, can still buy guns. Under our legislation, we will apply the same rules to juvenile offenders as we apply to adult offenders. If a juvenile is convicted of the more serious felonies, murder, rape, aggravated assault, armed robbery, that juvenile will be prevented from legally owning firearms as adults.

□ 1145

Young people convicted in juvenile courts of serious violent crimes such as murder, rape, assault with attempt to commit murder still can, under present law, possess the right to own firearms on their 18th birthday even though, as I said moments ago, adults are barred from doing so.

Since an average of 116,000 juvenile arrests for violent crimes are referred to the juvenile court system every year, this loophole leaves the door wide open for the most violent offenders to obtain firearms and gives them the opportunity only to use them to commit more crimes.

History has proven that criminals are ready, willing, and able to walk through that door time and time again. Case studies recently compiled by the Violence Prevention and Research Institute at the University of California have cited dramatic instances of violent juvenile offenders, who had no business purchasing firearms, legally obtaining them and using them to commit serious crimes.

In one particular case, a 17-year-old California youth who served time in juvenile detention in the juvenile detention center for assault with a deadly weapon wasted no time in exercising his legal right to purchase a handgun as soon as he turned 21. Over the next 10 years, he was arrested 14 times for crimes, including burglary, theft, and murder.

In a second case, an 18-year-old who was processed through the juvenile court system in California on two occasions for assault with a deadly weapon and assault with intent to kill was also able to legally purchase a handgun when he turned 18. In fact, he was 27 at the time. At that point, he was later arrested and convicted of felony robbery with a gun.

In short and in summation, our amendment would treat the most serious class of violent juveniles as adults for their adult crimes and stop them from getting weapons to hurt others in our society.

I urge my colleagues to join us in supporting what I think in this case really is truly a bipartisan effort.

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

Ms. LOFGREN. Mr. Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentleman from California (Mr. ROGAN) has 3 minutes remaining. The gentlewoman from California (Ms. LOFGREN) has 7 minutes remaining. The gentleman from Illinois (Mr. BLAGOJEVICH) has 1 minute remaining.

Ms. LOFGREN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) a member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from California (Ms. LOFGREN) for yielding me the time.

Mr. Chairman, I have in my hand seven pages listing the names of dead children. This amendment is an important one. It deals with a different perspective, the juvenile Brady bill, which says that those juveniles who themselves committed violent crimes during their status as a juvenile cannot, in fact, secure a gun as an adult.

This is a good bill. In fact, as I wear this blue ribbon in commemoration and sadness for the tragedy in Columbine, if the two perpetrators had lived, obviously they may not have ever been out of jail, but they would then be under this particular bill. It is a tragedy that we even have to speak to the idea of juveniles perpetrating such violent crimes. It does, however, prevent or provide a sensitive aspect to the extent that if the juvenile has been pardoned or that their civil rights restored, it does not apply.

But what it does not do, Mr. Chairman, although this is a very excellent bill, and I congratulate my colleague from Illinois, I rise to support it, and my colleague from California, it does not answer the question of the seven pages of dead children, because what it does not answer is how do we stop those juveniles in the first instance from getting guns from flea markets and gun shows and the back of a station wagon of a seller who comes into their neighborhood or community or garage sale and opens up 25 Saturday night specials. It does not answer the question of whether or not we can even prevent the transfer of a handgun to someone under 21.

So I would simply say to my colleagues that we have at least a first step, but we still have seven pages of murdered children. Amanda Cindy Garza, 15, died from a gunshot wound to the head after unintentionally shooting herself with a .357 revolver. No one knows where the gun came from. The owner was unknown. Or Shawn Harvey, 16, was shot and killed mistakenly when they thought the boy was stealing a neighborhood car. He was shot in the head. The shooter had similar prior offenses and was using an unlicensed gun. Or when Jesse Duane Rogers, 10, and Amanda Rogers, 6, were playing Nintendo when their cousin un-

intentionally shot and killed them. The 17-year-old cousin, who had completed an NRA hunter's safety course, was baby-sitting them when he discovered the 9 millimeter semiautomatic pistol in the closet.

I hope this amendment passes, Mr. Chairman. But I simply say, we have not done enough. We need to do more.

Mr. ROGAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM) the distinguished chairman of the Subcommittee on Crime of the House Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Chairman, this is an excellent amendment. I certainly hope that we adopt it today and trust that most of my colleagues will vote for it.

It is closing a major loophole in the current law with regard to those who commit very bad, violent crimes. In this case, they happen to be under 18, they happen to be teenagers, juveniles, but they are not tried in an adult court, for whatever reason. And then, as opposed to somebody who commits a crime as an adult or tried as an adult, they are not disqualified from owning a gun later.

Anybody who commits the crimes that are under this particular amendment as an adult or being tried as an adult, even under 18, would never be able to own a gun in their life again. But that is not true unless this amendment is adopted with regard to those juveniles who are tried as delinquents or tried in juvenile courts as opposed to being tried as adults.

Let me make clear what these crimes are that need to have this prohibition: Murder, manslaughter, rape, assault with intent to commit murder, assault with intent to commit rape, sexual molestation, kidnapping, carjacking, robbery, and arson.

If they commit a crime of this gravity and they are convicted of that, adjudicated of that in a juvenile proceeding, they should never be allowed to own a gun again in the future. If they are an adult, they never would be. Why should there be a difference with these serious crimes if they are a juvenile and adjudicated in a juvenile court? They committed these crimes. They should be disqualified, as the Rogan amendment does, from ever being able to own a gun again.

This is a very important provision. It definitely deals with youth violence, and it is by far and away one of the hearts of this legislation. I again commend him.

The CHAIRMAN. The gentlewoman from California (Ms. LOFGREN) has 4 minutes remaining. The gentleman from Illinois (Mr. BLAGOJEVICH) has 1 minute remaining. The gentleman from California (Mr. ROGAN) has 1 minute remaining.

Ms. LOFGREN. Mr. Chairman, I reserve the balance of my time.

Mr. BLAGOJEVICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, all I want to say is, it is good to see that today, with the help of the gentleman from California (Mr. ROGAN) and former prosecutor, we are able to pass in a bipartisan fashion legislation that closes the loophole. And I regret to say that we failed to do that last night and passed legislation that did not really close the loophole that is gaping and wide, and that we need to readdress it at some point in the future, and I would hope that my friend the gentleman from California (Mr. ROGAN) and I and others on that side of the aisle can join us to do that down the road because I do not think that we have done what we really need to do on the gun show loophole.

Having said that again, I commend the sponsor of this legislation.

Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. LOFGREN).

Mr. ROGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply want to thank my colleague and my good friend for his leadership on this issue. It has been a pleasure working with him. I want to thank him again and his dedicated staff for all the hard work that they have put into this.

Mr. Chairman, I yield back the balance of my time.

Ms. LOFGREN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, it takes me back to California days, and I am very, very happy to stand here in support of this amendment with my colleague from California.

Understand that, in California, we have taken very, very many steps to try to control the proliferation of guns amongst our children, and we have not been able to successfully deal with the young people who are able to acquire these guns and be able to use them indiscriminately, whether they are on drugs or whether they are doing the drive-bys in the areas where we have the least control.

Now, under this law, any person who is an adjudicated juvenile delinquent may possess firearms when they become adults. This will prevent those juveniles from being able to legally obtain and be licensed to carry a gun. This is a very necessary item to the Brady bill, and we may want to call it the juvenile Brady. And I believe that all of us should support this bill to be able to allow our law enforcement officers to have one more tool to keep guns away from violent individuals, whether they be juveniles or adults.

Ms. LOFGREN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentlewoman for yielding me the time and for her leadership on this issue.

I, too, support this amendment, but I rise to really express my disgust and disappointment that this body reversed gun safety in this country last night. Only in a Republican-controlled Congress, in the wake of tragedies like Littleton, Colorado, would they come to the floor and pass an amendment which makes it easier, makes it easier, for criminals to get their hands on guns.

Under current law, licensed dealers must wait 3 business days for a Brady background check before giving a gun to a purchaser. But last night, last night, the majority voted to reduce this time to 24 hours.

Well, guess who would have gotten a gun last year if this had been the law? I have a list here from the Department of Justice, and it talks about people who were stopped because of the Brady bill because of the background check. But if they had just the 24 hours, they would have gotten a gun.

On February 6, 1999, a twice-convicted domestic violence batterer; on April 24, 1999, a person convicted of domestic assault and battery. It goes down. A person convicted of second degree murder, rape, crack cocaine.

This is outrageous that when this country is experiencing youth violence in our schools, in our neighborhoods, children killing children, this body voted to turn back the clock and make it easier for people to get their hands on guns, felons.

I urge my colleagues to vote for the Conyers substitute and to vote for this bill that turns back the clock and makes it easier for felons to get their hands on guns. It is outrageous and it is wrong.

Ms. LOFGREN. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN. The gentlewoman has 30 seconds remaining.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would close by saying that it is fine to vote for the Rogan amendment, but let us not fool ourselves. We are voting to extend the Brady background check to juveniles. That is fine. But, in the dead of night, when they thought no one was watching, we weakened the Brady law so that criminals, and I would add juvenile criminals, are going to be able to buy these guns in the parking lots, in the flea markets, in the gun shows.

I do not think the American people have been fooled one bit. This is not what the mothers and fathers of America expected us to do in the wake of the massacre at Columbine High.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. ROGAN).

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

Mr. ROGAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 209, further proceedings on the amendment offered by the gentleman from California (Mr. ROGAN) will be postponed.

□ 1200

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 209, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 8 offered by the gentleman from Texas (Mr. SESSIONS); amendment No. 9 offered by the gentleman from Virginia (Mr. GOODE); amendment No. 10 offered by the gentleman from California (Mr. HUNTER); and amendment No. 11 offered by the gentleman from California (Mr. ROGAN).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 8 OFFERED BY MR. SESSIONS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 181, not voting 6, as follows:

[Roll No. 239]

AYES—247

Aderholt	Burton	Deal
Archer	Buyer	DeLay
Armey	Callahan	DeMint
Bachus	Calvert	Diaz-Balart
Baker	Camp	Dickey
Ballenger	Canady	Dingell
Barcia	Cannon	Doggett
Barr	Capps	Doolittle
Barrett (NE)	Carson	Doyle
Bartlett	Chabot	Dreier
Barton	Chambliss	Duncan
Bass	Chenoweth	Edwards
Bateman	Coble	Ehlers
Bentsen	Collins	Ehrlich
Bereuter	Combest	Emerson
Berry	Condit	English
Billirakis	Cook	Everett
Bishop	Cooksey	Ewing
Bliley	Costello	Fletcher
Blunt	Cox	Foley
Boehner	Cramer	Ford
Bonilla	Crane	Fowler
Bono	Cubin	Frost
Boswell	Cunningham	Gallegly
Bryant	Danner	Gekas
Burr	Davis (VA)	Gibbons

Gillmor Lucas (KY) Sanford McCarthy (NY) Payne Smith (WA)
 Gonzalez Manzullo Schaffer McDermott Pelosi Snyder
 Goode Mascara Sensenbrenner McGovern Pomeroy Stabenow
 Goodlatte McCollum Sessions McKinney Porter Stark
 Goodling McCreery Shaw McNulty Price (NC) Tauscher
 Gordon McHugh Sherwood Meehan Ramstad Thompson (MS)
 Goss McInnis Shimkus Meek (FL) Rangel Thurman
 Graham McIntosh Shimkus Meeks (NY) Rivers Tiahrt
 Granger McIntyre Shows Metcalf Roemer Tierney
 Green (TX) McKeon Shuster Mica Rogan Towns
 Green (WI) Menendez Simpson Millender Rothman Udall (CO)
 Gutierrez Miller (FL) Skeen McDonald Roukema Upton
 Gutknecht Miller, Gary Skelton Miller, George Roybal-Allard Velazquez
 Hall (OH) Mollohan Mink Sabo Sanders Vento
 Hall (TX) Moore Smith (MI) Moakley Visclosky
 Hansen Murtha Smith (NJ) Moran (KS) Sawyer Walsh
 Hastings (WA) Myrick Smith (TX) Moran (VA) Saxton Waters
 Hayes Nethercutt Souder Morella Scarborough Watt (NC)
 Hayworth Ney Spence Nadler Schakowsky Waxman Weiner
 Hefley Northup Spratt Napolitano Scott Weller
 Herger Norwood Stearns Neal Serrano Wexler
 Hill (IN) Nussle Stenholm Oliver Shadegg Weygand
 Hill (MT) Oberstar Strickland Owens Shays Sherman Woolsey
 Hilleary Obey Stump Pallone Sherman Woolsey
 Hilliard Ortiz Stupak Pastor Slaughter Wynn
 Hinojosa Ose Sununu
 Hobson Oxley Sweeney
 Hoekstra Packard Talent Brown (CA) Minge Salmon
 Holden Paul Tancredo Lewis (CA) Pascrell Thomas
 Hostettler Pease Tanner
 Houghton Peterson (MN) Tauzin
 Hulshof Peterson (PA) Taylor (MS)
 Hunter Petri Taylor (NC)
 Hutchinson Phelps Terry
 Hyde Pickering Thompson (CA)
 Isakson Pickett Thornberry
 Istook Pitts Thune
 Jackson (IL) Pombo Toomey
 Jenkins Portman Traficant
 John Pryce (OH) Turner
 Johnson, Sam Quinn Udall (NM)
 Jones (NC) Radanovich Vitter
 Kanjorski Rahall Walden
 Kasich Regula Wamp
 Kind (WI) Reyes Watkins
 Kingston Reynolds Watts (OK)
 Klink Riley Weldon (FL)
 Knollenberg Rodriguez Weldon (PA)
 Kuykendall Rogers Whitfield
 LaHood Rohrabacher Wicker
 Lampson Ros-Lehtinen Wilson
 Largent Royce Wise
 Latham Rush Wolf
 LaTourette Ryan (WI) Wu
 Lazio Ryun (KS) Young (AK)
 Lewis (KY) Sanchez Young (FL)
 Linder Sandlin

answered "present" 2, not voting 7, as follows:
 [Roll No. 240]
 AYES—175
 Aderholt Goodlatte Radanovich
 Archer Gordon Rahall
 Army Goss Ramstad
 Bachus Graham Reyes
 Baker Granger Reynolds
 Ballenger Green (TX) Riley
 Barcia Gutknecht Rogan
 Barr Hall (TX) Rogers
 Bartlett Hansen Rohrabacher
 Barton Hastings (WA) Roukema
 Bass Hayes Royce
 Bateman Hayworth Ryun (KS)
 Berry Hefley Sandlin
 Bilbray Herger Sanford
 Bishop Hill (MT) Scarborough
 Bliley Hilleary Scarborough
 Blunt Hinchey Schaffer
 Boucher Hostettler Sensenbrenner
 Bryant Hulshof Sessions
 Hunter Hunter Shadegg
 Burton Isakson Shimkus
 Buyer Istook Shows
 Callahan Jenkins Shuster
 Calvert John Simpson
 Camp Johnson, Sam Skeen
 Canady Jones (NC) Skelton
 Cannon Kingston Smith (NJ)
 Chabot Knollenberg Smith (TX)
 Chambliss Lampson Souder
 Chenoweth Largent Spence
 Coble Lazio Stearns
 Coburn Lewis (KY) Stenholm
 Collins Lucas (KY) Sununu
 Combest Lucas (OK) Sweeney
 Cook Manzullo Talent
 Cox McCreery Tancredo
 Cramer McHugh Tanner
 Crane McInnis Tauzin
 Cubin McIntosh Taylor (MS)
 Cunningham McIntyre Taylor (NC)
 Danner Deal Terry
 Deal Metcalf Thornberry
 DeLay Mica Thune
 DeMint Miller, Gary Thue
 Diaz-Balart Myrick Tiahrt
 Dickey Nethercutt Toomey
 Dingell Ney Turner
 Doolittle Norwood Upton
 Dreier Ortiz Vitter
 Duncan Packard Walsh
 Dunn Paul Wamp
 Edwards Pease Watkins
 Ehrlich Peterson (MN) Watts (OK)
 Emerson Peterson (PA) Weldon (FL)
 Everett Phelps Whitfield
 Fletcher Pickering Wicker
 Gekas Pickett Wilson
 Gibbons Pitts Young (AK)
 Goode Pombo

NOT VOTING—6
 Brown (CA) Minge Salmon
 Lewis (CA) Pascrell Thomas
 □ 1226
 Mr. INSLEE, Mr. ANDREWS, Ms. VELÁZQUEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DEGETTE, Mr. HINCHEY, Mrs. ROUKEMA, Messrs. DELAHUNT, RAMSTAD, LOBIONDO, Mrs. MINK of Hawaii, Messrs. DOOLEY of California, CASTLE, FOSSELLA, WALSH, SCARBOROUGH, CARDIN, GILMAN, GILCHREST, WELLER, MORAN of Kansas, ROEMER and LIPINSKI changed their vote from "aye" to "no."
 Messrs. HINOJOSA, DINGELL, SKEEN, Ms. CARSON, Messrs. MOORE, KLINK, HEFLEY, KIND, Mrs. CUBIN, and Messrs. JONES of North Carolina, STRICKLAND and MOLLOHAN changed their vote from "no" to "aye."
 So the amendment was agreed to.
 The result of the vote was announced as above recorded.
 ANNOUNCEMENT BY THE CHAIRMAN
 The CHAIRMAN. Pursuant to House Resolution 209, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.
 AMENDMENT NO. 9 OFFERED BY MR. GOODE
 The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODE) 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 CHAIRMAN. A recorded vote has been demanded.
 A recorded vote was ordered.
 The CHAIRMAN. This will be a 5-minute vote.
 The vote was taken by electronic device, and there were—ayes 175, noes 250,

NOES—181
 Abercrombie Cummings Hoyer
 Ackerman Davis (FL) Inslee
 Allen Davis (IL) Jackson-Lee
 Andrews DeFazio (TX)
 Baird DeGette Jefferson
 Baldacci Delahunt Johnson (CT)
 Baldwin DeLauro Johnson, E.B.
 Barrett (WI) Deutsch Jones (OH)
 Becerra Dicks Kaptur
 Berkley Dixon Kelly
 Berman Dooley Kennedy
 Biggert Dunn Kildee
 Bilbray Engel Kilpatrick
 Blagojevich Eshoo King (NY)
 Blumenauer Etheridge Kleczka
 Boehlert Evans Kolbe
 Bonior Farr Kucinich
 Borski Fattah LaFalce
 Boucher Filner Lantos
 Boyd Forbes Larson
 Brady (PA) Fossella Leach
 Brady (TX) Frank (MA) Lee
 Brown (FL) Franks (NJ) Levin
 Brown (OH) Frelinghuysen Lewis (GA)
 Campbell Ganske Lipinski
 Capuano Gejdenson LoBiondo
 Cardin Gephardt Lofgren
 Castle Gilchrest Lowey
 Clay Gilman Lucas (OK)
 Clayton Greenwood Luther
 Clement Hastings (FL) Maloney (CT)
 Clyburn Hinchey Maloney (NY)
 Coburn Hoefel Markey
 Conyers Holt Martinez
 Coyne Hooley Matsui
 Crowley Horn McCarthy (MO)

NOES—250
 Abercrombie Campbell Doyle
 Ackerman Capps Ehlers
 Allen Capuano Engel
 Andrews Cardin English
 Baird Carson Eshoo
 Baldacci Castle Etheridge
 Baldwin Clay Evans
 Barrett (NE) Clayton Ewing
 Barrett (WI) Clement Farr
 Becerra Clyburn Fattah
 Bentsen Condit Filner
 Bereuter Conyers Foley
 Berkley Cooksey Forbes
 Berman Costello Ford
 Biggert Coyne Fossella
 Bilirakis Crowley Fowler
 Blagojevich Cummings Frank (MA)
 Blumenauer Davis (FL) Franks (NJ)
 Boehlert Davis (IL) Frelinghuysen
 Boehner Davis (VA) Frost
 Bonior DeFazio Gallegly
 Bono DeGette Ganske
 Borski Delahunt Gejdenson
 Boswell DeLauro Gephardt
 Boyd Deutsch Gilchrest
 Brady (PA) Dicks Gillmor
 Brady (TX) Dixon Gilman
 Brown (FL) Doggett Gonzalez
 Brown (OH) Dooley Goodling

Green (WI) Lowey Rodriguez
 Greenwood Luther Roemer
 Gutierrez Maloney (CT) Ros-Lehtinen
 Hall (OH) Maloney (NY) Rothman
 Hastings (FL) Markey Roybal-Allard
 Hill (IN) Martinez Rush
 Hilliard Mascara Ryan (WI)
 Hinojosa Matsui Sabo
 Hobson McCarthy (MO) Sanchez
 Hoeffel McCarthy (NY) Sanders
 Hoekstra McCollum Sawyer
 Holden McDermott Saxton
 Holt McGovern Schakowsky
 Hooley McKinney Scott
 Horn McNulty Serrano
 Houghton Meehan Shaw
 Hoyer Meek (FL) Shays
 Hutchinson Meeks (NY) Sherman
 Hyde Menendez Sherwood
 Inslee Millender-Sisisky
 Jackson (IL) McDonald Slaughter
 Jackson-Lee Miller (FL) Smith (MI)
 (TX) Miller, George Smith (WA)
 Jefferson Mink Snyder
 Johnson (CT) Moakley Spratt
 Johnson, E.B. Mollohan Stabenow
 Jones (OH) Moore Stark
 Kanjorski Moran (KS) Stupak
 Kaptur Moran (VA) Tauscher
 Kasich Morella Thompson (CA)
 Kelly Murtha Thompson (MS)
 Kennedy Nadler Thurman
 Kildee Napolitano Tierney
 Kilpatrick Neal Towns
 Kind (WI) Northrup Traficant
 King (NY) Nussle Udall (CO)
 Kleczka Oberstar Udall (NM)
 Klink Oliver Velazquez
 Kolbe Ose Vento
 Kucinich Owens Visclosky
 Kuykendall Oxley Walden
 LaFalce Pallone Waters
 LaHood Pastor Watt (NC)
 Lantos Payne Waxman
 Larson Pelosi Weiner
 Latham Petri Weldon (PA)
 LaTourette Pomeroy Weller
 Leach Porter Wexler
 Lee Portman Weygand
 Levin Price (NC) Wise
 Lewis (GA) Pryce (OH) Wolf
 Linder Quinn Woolsey
 Lipinski Rangel Wu
 LoBiondo Regula Wynn
 Lofgren Rivers Young (FL)

A recorded vote was ordered.
 The vote was taken by electronic device, and there were—ayes 213, noes 208, answered “present” 3, not voting 10, as follows:

[Roll No. 241]
 AYES—213

Aderholt Goodlatte Pitts
 Arney Gordon Pombo
 Bachus Goss Pomeroy
 Baker Graham Portman
 Ballenger Granger Pryce (OH)
 Barcia Green (TX) Radanovich
 Barr Gutknecht Rahall
 Barrett (NE) Hall (TX) Ramstad
 Bartlett Hansen Regula
 Barton Hastings (WA) Reyes
 Bass Hayes Reynolds
 Bateman Hayworth Riley
 Bereuter Hefley Rogan
 Berry Herger Rogers
 Bilbray Hill (MT) Rohrabacher
 Bilirakis Hilleary Ros-Lehtinen
 Bishop Hinchey Roukema
 Bilely Hobson Royce
 Blunt Holden Ryan (WI)
 Boehner Hostettler Ryan (KS)
 Bono Hulshof Sandlin
 Boswell Hunter Sanford
 Boucher Hutchinson Scarborough
 Bryant Hyde Schaffer
 Burr Isakson Sensenbrenner
 Burton Istook Sessions
 Buyer Jenkins Shadegg
 Callahan John Sherwood
 Calvert Johnson, Sam Shimkus
 Camp Jones (NC) Shows
 Campbell Kasich Shuster
 Canady Kingston Simpson
 Cannon Knollenberg Skeen
 Chabot Kuykendall Skelton
 Chambliss Lampson Smith (NJ)
 Chenoweth Largent Smith (TX)
 Coble Latham Souder
 Coburn Lewis (KY) Spence
 Collins Linder Stearns
 Combust Lucas (KY) Stenholm
 Condit Lucas (OK) Stump
 Cook Manzullo Stupak
 Cramer Martinez Sununu
 Crane McCollum Sweeney
 Cubin McCrery Talent
 Cunningham McHugh Tancredo
 Danner McInnis Tanner
 Deal McIntosh Tauzin
 DeLay McIntyre Taylor (MS)
 DeMint McKeon Taylor (NC)
 Diaz-Balart Metcalf Terry
 Dickey Mica Thompson (CA)
 Dingell Miller, Gary Thornberry
 Doolittle Moran (KS) Thune
 Dreier Murtha Tiahrt
 Duncan Myrick Toomey
 Dunn Nethercutt Trafficant
 Edwards Ney Turner
 Ehrlich Northrup Upton
 Emerson Norwood Vitter
 English Nussle Walden
 Everrett Ortiz Walsh
 Fletcher Ose Wamp
 Fossella Packard Watkins
 Franks (NJ) Paul Watts (OK)
 Gallegly Pease Weldon (FL)
 Gekas Peterson (MN) Whitfield
 Gibbons Peterson (PA) Wicker
 Gilchrest Phelps Wilson
 Gillmor Pickering Young (AK)
 Goode Pickett Young (FL)

Davis (IL) Kelly Pallone
 Davis (VA) Kennedy Pastor
 DeFazio Kildee Payne
 DeGette Kilpatrick Pelosi
 Delahunt Kind (WI) Petri
 DeLauro King (NY) Porter
 Deutsch Kleczka Price (NC)
 Dicks Klink Quinn
 Dixon Kolbe Rangel
 Doggett Kucinich Rivers
 Dooley LaFalce Rodriguez
 Doyle LaHood Roemer
 Ehlers Lantos Rothman
 Engel Larson Roybal-Allard
 Eshoo LaTourette Rush
 Etheridge Lazio Sabo
 Evans Leach Sanchez
 Ewing Lee Sanders
 Fattah Levin Sawyer
 Filner Lewis (GA) Saxton
 Foley Lipinski Schakowsky
 Forbes LoBiondo Scott
 Ford Lofgren Serrano
 Fowler Lowey Shaw
 Frank (MA) Luther Shays
 Frelinghuysen Maloney (CT) Sherman
 Frost Maloney (NY) Sisisky
 Ganske Markey Slaughter
 Gejdenson Mascara Smith (MI)
 Gephardt Matsui Smith (WA)
 Gilman McCarthy (MO) Snyder
 Gonzalez McCarthy (NY) Spratt
 Goodling McDermott Stabenow
 Greenwood McGovern Stark
 Gutierrez McKinney Tauscher
 Hall (OH) McNulty Thompson (MS)
 Hastings (FL) Meehan Thurman
 Hill (IN) Meek (FL) Tierney
 Hilliard Meeks (NY) Towns
 Hinojosa Menendez Udall (CO)
 Hoefel Millender-Udall (NM)
 Hoekstra McDonald Velazquez
 Holt Miller (FL) Weller
 Hooley Miller, George Visclosky
 Horn Mink Waters
 Houghton Moakley Watt (NC)
 Hoyer Mollohan Waxman
 Inslee Moore Weiner
 Jackson (IL) Moran (VA) Weldon (PA)
 Jackson-Lee Morella Weller
 (TX) Nadler Wexler
 Jefferson Napolitano Weygand
 Johnson (CT) Neal Wise
 Johnson, E.B. Oberstar Wolf
 Jones (OH) Oliver Woolsey
 Kanjorski Owens Wu
 Kaptur Oxley Wynn

ANSWERED “PRESENT”—2

Obey Strickland
 NOT VOTING—7
 Bonilla Minge Thomas
 Brown (CA) Pascrell
 Lewis (CA) Salmon

□ 1236

Mr. KASICH and Mr. FOSSELLA changed their vote from “aye” to “no.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MINGE. Mr. Chairman, on rollcall No. 240, had I been present, I would have voted “no.”

AMENDMENT NO. 10 OFFERED BY MR. HUNTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. HUNTER) 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 CHAIRMAN. A recorded vote has been demanded.

NOES—208

Abercrombie Blagojevich Carson
 Ackerman Blumenauer Castle
 Allen Boehler Clay
 Andrews Bonior Clayton
 Baird Borski Clement
 Baldacci Boyd Clyburn
 Baldwin Brady (PA) Conyers
 Barrett (WI) Brady (TX) Cooksey
 Becerra Brown (FL) Costello
 Bentsen Brown (OH) Coyne
 Berkley Capps Crowley
 Berman Capuano Cummings
 Biggert Cardin Davis (FL)

ANSWERED “PRESENT”—3

Green (WI) Obey Strickland

NOT VOTING—10

Archer Farr Salmon
 Bonilla Lewis (CA) Thomas
 Brown (CA) Minge
 Cox Pascrell

□ 1244

Mr. HOLDEN changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. MINGE. Mr. Chairman, on rollcall No. 241, had I been present, I would have voted “no.”

AMENDMENT NO. 11 OFFERED BY MR. ROGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROGAN), 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 395, noes 27, not voting 12, as follows:

[Roll No. 242]

AYES—395

Abercrombie DeGette
Ackerman Delahunt
Allen DeLauro
Andrews DeMint
Army Deutsch
Bachus Diaz-Balart
Baird Dicks
Baker Dingell
Baldacci Dixon
Baldwin Doggett
Ballenger Dooley
Barcia Doyle
Barr Dreier
Barrett (NE) Duncan
Barrett (WI) Dunn
Bartlett Edwards
Bass Ehlers
Bateman Ehrlich
Becerra Emerson
Bentsen Engel
Bereuter English
Berkley Eshoo
Berman Etheridge
Berry Evans
Biggert Ewing
Bilbray Farr
Bilirakis Fattah
Bishop Filner
Blagojevich Fletcher
Bliley Foley
Blumenauer Ford
Boehrlert Fossella
Boehner Fowler
Bonior Frank (MA)
Bono Franks (NJ)
Borski Frelinghuysen
Boswell Frost
Boucher Gallegly
Boyd Ganske
Brady (PA) Gejdenson
Brady (TX) Gekas
Brown (FL) Gephardt
Brown (OH) Gibbons
Bryant Gilchrest
Burr Gillmor
Buyer Gilman
Callahan Gonzales
Calvert Goode
Camp Goodlatte
Campbell Goodling
Canady Gordon
Cannon Goss
Capps Granger
Capuano Green (TX)
Cardin Green (WI)
Carson Greenwood
Castle Gutierrez
Chabot Gutknecht
Chenoweth Hall (OH)
Clay Hall (TX)
Clayton Hastings (FL)
Clement Hastings (WA)
Clyburn Hayes
Coburn Hayworth
Collins Hefley
Combest Herger
Condit Hill (IN)
Conyers Hilleary
Cook Hilliard
Costello Hinojosa
Cox Hobson
Coyne Hoeffel
Cramer Hoekstra
Crane Holden
Crowley Holt
Cummings Hoolley
Cunningham Horn
Danner Houghton
Davis (FL) Hoyer
Davis (IL) Hulshof
Davis (VA) Hunter
Deal Hutchinson
DeFazio Hyde

Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northrup
Norwood
Nussle
Oberstar
Oliver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez

NOES—27

Aderholt
Archer
Barton
Blunt
Burton
Chambliss
Coble
Cubin
DeLay

NOT VOTING—12

Bonilla
Brown (CA)
Cooksey
Everett

Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu

NOES—27

Paul
Riley
Scarborough
Sessions
Shadegg
Stump
Taylor (NC)
Tiahrt
Wamp

NOES—27

Pascarell
Rogan
Salmon
Thomas

□ 1252

Mr. KLINK and Mr. INSLEE changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded

Stated for:

Mr. MINGE. Mr. Chairman, on rollcall No. 242, had I been present, I would have voted “yes.”

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee of the Whole now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I voted in the end against passage of the so-called juvenile justice bill yesterday, and I will oppose this bill on final passage today. I do not disagree with much of the content. I voted for the Dingell amendment last night.

I will vote against this bill today because the process by which Congress considered both of these bills is a national disgrace. It has resulted in Congress making crucial decisions on matters ranging from legal liabilities of families, local school governance, judicial sentencing, and religious liberty and other issues without any clear understanding of the legal impact and the real-world effect of our actions.

That happened because neither of these bills was produced through the normal committee hearing and deliberation process, which is the main tool Congress has to protect liberty and protect justice for the people we represent.

There is a reason why Congress normally has a hearing process to allow the general public and experts alike to think aloud about what it is that Congress is planning to do, to make sure that they and Congress have a full understanding of the results of the contemplated actions.

But these bills were brought to the floor in a process that short-circuits what Congress is able to do best as an institution: Namely, to carefully sort out in committee the nuances of critical issues, aided by the expertise that committee members develop in their specialty areas of jurisdiction.

The process by which these bills were considered has contributed to a continuing erosion of this body as a respected legislative institution. More and more, the Congress is not passing real legislation, it is passing institutional press releases aimed far more at sending political messages than they are at solving problems.

This chaos must stop or this institution will lose the confidence of the public, which has the right to believe that we will consider each and every matter in a manner that is designed to protect their real-life interests, rather than our partisan interests.

I deeply believe in the need to take strong, meaningful action and thoughtful action to deal with the problems of juvenile violence, public safety, and the protection of basic American values. But this process virtually guarantees that this Congress will produce nothing of the kind. So my vote will be a protest against the way Congress has politicized a critical national problem.

I also want to note that I voted present on two of the previous four issues that we just voted on, the two relating to the District of Columbia, because in my view I was not elected to

be a city councilman for the District of Columbia. I believe the city's issues should be left to themselves, so I voted present as an effort to protest the way that this House routinely interposes its judgment on matters that are strictly local affairs.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Those in favor of a recorded vote will rise and remain standing. The Chair will count all Members standing.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to withdraw my request for a recorded vote.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

So the motion was rejected.

It is now in order to consider the amendment deemed as the last amendment printed in Part B of House Report 106-186.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
NO. 12 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Part B amendment in the nature of a substitute No. 12 deemed printed in House Report 106-186 offered by Mr. CONYERS:

Strike all after the enacting clause and insert the following:

TITLE I—GENERAL FIREARM PROVISIONS
SECTION. 101. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and

sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(35) GUN SHOW.—The term ‘gun show’ means any event—

“(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

“(B) at which—

“(i) not less than 20 percent of the exhibitors are firearm exhibitors;

“(ii) there are not less than 10 firearm exhibitors; or

“(iii) 50 or more firearms are offered for sale, transfer, or exchange.

“(36) GUN SHOW PROMOTER.—The term ‘gun show promoter’ means any person who organizes, plans, promotes, or operates a gun show.

“(37) GUN SHOW VENDOR.—The term ‘gun show vendor’ means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.”

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“§931. Regulation of firearms transfers at gun shows

“(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

“(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

“(2) pays a registration fee, in an amount determined by the Secretary.

“(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

“(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

“(2) before commencement of the gun show, requires each gun show vendor to sign—

“(A) a ledger with identifying information concerning the vendor; and

“(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

“(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

“(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

“(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

“(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

“(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

“(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

“(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

“(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

“(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

“(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or

licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

“(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

“(2) record the transfer on a form specified by the Secretary;

“(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

“(A) of such compliance; and

“(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

“(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

“(A) shall be on a form specified by the Secretary by regulation; and

“(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

“(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

“(A) prepared on a form specified by the Secretary; and

“(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

“(i) the office specified on the form described in subparagraph (A); and

“(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

“(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

“(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

“(1) shall be in a form specified by the Secretary by regulation;

“(2) shall not include the name of or other identifying information relating to the transferee; and

“(3) shall not duplicate information provided in any report required under subsection (e)(4).

“(g) FIREARM TRANSACTION DEFINED.—In this section, the term ‘firearm transaction’—

“(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

“(2) does not include the mere exhibition of a firearm.”

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

“(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

“(i) fined under this title, imprisoned not more than 2 years, or both; and

“(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

“(C) Whoever willfully violates section 931(d), shall be—

“(i) fined under this title, imprisoned not more than 2 years, or both; and

“(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

“(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

“(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

“(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

“(ii) impose a civil fine in an amount equal to not more than \$10,000.”

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

“931. Regulation of firearms transfers at gun shows.”;

and

(B) in the first sentence of section 923(j), by striking “a gun show or event” and inserting “an event”;

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

“(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.”

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

“(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

“(B) If the violation described in subparagraph (A) is in relation to an offense—

“(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

“(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.”

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking “subsection (s) or (t) of section 922” and inserting “section 922(s)”; and

(B) by adding at the end the following:

“(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.”

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking “and, at the time” and all that follows through “State law”.

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: “, as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer”.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

TITLE II—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SEC. 201. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting “(A)” after “(20)”;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

“(B) For purposes of subsections (d) and (g) of section 922, the term ‘act of violent juvenile delinquency’ means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3)(A) shall not apply to this subparagraph).”; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking “What constitutes” and all that follows through “this chapter.” and inserting the following:

“(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall

not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter.”

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking “or” at the end;

(B) in paragraph (9), by striking the period at the end and inserting “; or”; and

(C) by inserting after paragraph (9) the following:

“(10) has committed an act of violent juvenile delinquency.”; and

(2) in subsection (g)—

(A) in paragraph (8), by striking “or” at the end;

(B) in paragraph (9), by striking the comma at the end and inserting “; or”; and

(C) by inserting after paragraph (9) the following:

“(10) who has committed an act of violent juvenile delinquency.”

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

SEC. 202. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking “Whoever” at the beginning of the first sentence, and inserting in lieu thereof, “Except as provided in paragraph (6) of this subsection, whoever”; and

(2) in paragraph (6), by amending it to read as follows:

“(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

“(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

“(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

“(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

“(ii) a juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

“(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

“(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semi-

automatic assault weapon in the commission of a violent felony.

“(B) A person other than a juvenile who knowingly violates section 922(x)—

“(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

“(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

“(C) For purposes of this paragraph a ‘violent felony’ means conduct as described in section 924(e)(2)(B) of this title.

“(D) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under clause (ii) of paragraph (A), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile reaches the age of 18 years.”

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922(x) of title 18, United States Code, is amended to read as follows:

“(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

“(A) a handgun;

“(B) ammunition that is suitable for use only in a handgun;

“(C) a semiautomatic assault weapon; or

“(D) a large capacity ammunition feeding device.

“(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

“(A) a handgun;

“(B) ammunition that is suitable for use only in a handgun;

“(C) a semiautomatic assault weapon; or

“(D) a large capacity ammunition feeding device.

“(3) This subsection does not apply to—

“(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile—

“(i) if the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and used by the juvenile—

“(I) in the course of employment,

“(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

“(III) for target practice,

“(IV) for hunting, or

“(V) for a course of instruction in the safe and lawful use of a firearm;

“(ii) clause (i) shall apply only if the juvenile’s possession and use of a handgun, ammunition, large capacity ammunition feed-

ing device or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

“(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile’s possession at all times when a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile’s parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

“(II) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

“(III) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault rifle with the prior written approval of the juvenile’s parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile;

“(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the line of duty;

“(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

“(D) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

“(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

“(5) For purposes of this subsection, the term ‘juvenile’ means a person who is less than 18 years of age.

“(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant’s parent or legal guardian at all proceedings.

“(B) The court may use the contempt power to enforce subparagraph (A).

“(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

"(7) For purposes of this subsection only, the term 'large capacity ammunition feeding device' has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994."

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

TITLE III—ASSAULT WEAPONS

SEC. 301. SHORT TITLE.

This title may be cited as the "Juvenile Assault Weapon Loophole Closure Act of 1999".

SEC. 302. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following new paragraph (2):

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

SEC. 303. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

TITLE IV—CHILD HANDGUN SAFETY

SEC. 401. SHORT TITLE.

This title may be cited as the "Safe Handgun Storage and Child Handgun Safety Act of 1999".

SEC. 402. PURPOSES.

The purposes of this title are as follows:

(1) To promote the safe storage and use of handguns by consumers.

(2) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one of the circumstances provided for in the Safe Handgun Storage and Child Handgun Safety Act of 1999.

(3) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 403. FIREARMS SAFETY.

(a) UNLAWFUL ACTS.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person who is not licensed under section 923, unless the licensee provides the transferee with a secure gun storage or safety device for the handgun.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to the—

"(A)(i) manufacture for, transfer to, or possession by, the United States or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

"(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

"(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

"(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

"(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): *Provided*, That the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

"(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

"(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the unlawful misuse of the handgun by a third party, if—

"(i) the handgun was accessed by another person without authorization of the person so described; and

"(ii) when the handgun was so accessed, the handgun had been made inoperable by use of a secure gun storage or safety device. A 'qualified civil liability action' shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se."

(b) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by inserting "; or (p)" before "this section"; and

(2) by adding at the end the following:

"(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

"(1) IN GENERAL.—

"(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

"(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than \$2,500.

"(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary."

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this chapter shall be construed to—

(A) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this chapter shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

SEC. 404. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 15 minutes.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the distinguished gentleman from California (Mr. CAMPBELL) so that he may yield blocks of time at his own discretion.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) will control 5 minutes and the gentleman from Michigan (Mr. CONYERS) will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

MODIFICATION TO AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 12 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute approved by the Committee on Rules be modified in the manner which I have caused to be placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. CONYERS to amendment in the nature of a substitute No. 12:

At page 22, line 8, insert after "person" the following: ", in or affecting interstate commerce,".

At page 22, line 17, insert after "person" the following: ", in or affecting interstate commerce where the proof of such is an element of the offense,".

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the modification to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Is there objection to the modification of the amendment?

There was no objection.

The amendment in the nature of a substitute is modified.

□ 1300

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent to allocate an additional 5 minutes per each side for this debate.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MCCOLLUM. Mr. Chairman, reserving the right to object, I reluctantly am going to object because we have Members who plan to catch their planes. It is very late now. It is 1:00 in the afternoon. I would say to the gentleman from California that we, unfortunately, need to get on with it. I hate to do that. I will cancel my reservation and make an objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

The gentleman from Michigan (Mr. CONYERS) is recognized for 10 minutes on his amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this has been a trying event with this legislation, but this substitute may be able to provide some solace for those of us who want something to take to the American people.

This substitute is the Senate-passed gun safety provisions word for word, which many of us were led to believe at one time that the Speaker and the Chair of the House Committee on the Judiciary supported.

I had hoped that in the wake of Littleton that this body could pass modest gun safety measures, but leave it to the Republicans to tarnish the memory of those children by putting forth a bill that creates scores of new loopholes.

If the bill that is before this body is passed, not only will we have gutted the bill, the gun show provision, and given criminals a virtual license to buy a gun, but we will have actually weakened current law in several important respects, and here is how: Right now, it is illegal to ship weapons across State lines into someone's home. This has been the law ever since Lee Harvey Oswald assassinated President Kennedy. The bill before us repeals that law.

Right now the District of Columbia restricts possession of firearms. This bill allows residents to not only own guns, but carry concealed weapons.

Mr. Chairman, we have one last chance to turn this sorry situation around and restore some sanity to the process. A yes vote on the bill offered by myself and my dear friend, the gentleman from California (Mr. CAMPBELL), on this substitute will eliminate all of the loopholes and return us word for word to the Senate-passed gun safety provisions.

The Conyers/Campbell amendment will shut down the gun show loopholes once and for all.

Mr. Chairman, if this amendment fails, I will be forced to vote against final passage of this legislation. The gentlewoman from New York (Mrs. MCCARTHY) deserves more than this sorry bill, and the parents of 13 school children killed by guns every day deserve far more from this House.

I urge a yes on the substitute, a no on final passage.

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

Mr. MCCOLLUM. Mr. Chairman, I rise in opposition to this substitute.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) will control 15 minutes.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the substitute that the gentleman from Michigan (Mr. CONYERS) offers is flawed for two principal reasons. Number one, it is a revote of the McCarthy amendment from last night that we defeated on the floor, and for anyone who voted against that, I do not wish to completely re-debate that, but it is indeed a good reason, and, in fact, a necessary reason, in my judgment, to vote against this substitute.

In case somebody needs to be reminded, this substitute, as would the McCarthy amendment last night, would essentially not specify what type of events fall within the definition of a gun show, so at a community yard sale if one person is selling his firearms collection, which could easily be more than 50 guns, and another neighbor puts one of his firearms on the table, it is a gun show.

Private yard sales, private home sales would be covered. There are all kinds of illustrations that we went over last night where they are talking about two or more persons simply exhibiting firearms. A gun show is designed by nature to be exactly that, where there are a number of vendors, we have in the bill right now 10 or more, who get together to sell firearms at some organization's show or event, not a private sale among two or three individuals. That is really the biggest flaw in the McCarthy and now in the Conyers substitute.

So I want Members to fully understand that we are revoting, by this substitute, the McCarthy proposal.

Secondly, another reason why the Conyers substitute should be voted down, in my judgment, is that the gentleman from Michigan (Mr. CONYERS), in his proposal, would amend several sections of the criminal code that would put it in direct conflict with what we passed yesterday in H.R. 1501, the juvenile justice bill.

We all want child safety out here. We also all want to deter violent juvenile

behavior and crimes, not just with guns, but in a number of other respects, but because these provisions that the gentleman from Michigan (Mr. CONYERS) is altering would directly conflict with yesterday's amendments that were adopted in the bill on 1501, I think that this should be defeated.

For example, the Conyers substitute does not contain these punishments passed yesterday: Increased penalties on juveniles who illegally possess a gun with intent to take it to a school or to give it to somebody who will take it to a school; the increased penalty on adults who illegally give a gun to a juvenile; the mandatory minimum sentence imposed on adults who give illegal firearms to juveniles intending that they take them to a school; and the mandatory minimum penalty imposed on adults who illegally give a gun to a juvenile, knowing that a juvenile will use it to commit a serious felony.

The House, again, has already decided these issues, and the best case scenario, the adoption of this substitute is going to confuse the issue because the provisions would be directly in conflict, albeit in two separate bills.

Lastly, I would like to comment on where we are as we move to final passage. We are about to do that after this substitute, and I would certainly encourage the vote for the final passage of this legislation. It is a piece of legislation which will close loopholes. It is a piece of legislation that without any dispute does four of the five provisions from the Senate legislation, the other body's legislation, that a lot of people have been discussing out here.

The question of banning juvenile possession of assault weapons was adopted and is part of this bill, as it is a part of the other body's. The juvenile Brady provisions with respect to now saying that if someone commits certain violent crimes as a juvenile and are adjudicated in a juvenile court, they are no longer able to own a gun later as an adult, or purchase one, that is part of this bill as it is part of the other body's.

The ban on large magazine clips that were manufactured, or for guns manufactured, before 1994 is a part of this bill, as it is the other body's. The safety lock language that all of us, at least most of us, feel is important with respect to safety of children is also a part of this.

The only debate, again, comes back to the question of the gun shows, and that comes back to the debate last night, again, that is in this substitute over the McCarthy, or in the other body, the Lautenberg proposal.

I would say shame on anybody who does not vote for this, because as we said last night, everybody wants to close the gun show loophole. The legislation we have before us does that, and it does all four of the other things that I mentioned.