

The House will meet at 9 a.m. tomorrow and immediately resume consideration of amendments to H.R. 2122. One minutes will be at the end of the day.

Mr. Speaker, we will probably begin debate tomorrow with the Davis of Virginia amendment with 30 minutes of debate. We will then have a series of three to four votes.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 287, nays 139, not voting 9, as follows:

[Roll No. 233]

YEAS—287

Aderholt	Dicks	Jenkins
Archer	Dooley	John
Army	Doolittle	Johnson (CT)
Bachus	Doyle	Johnson, Sam
Baird	Dreier	Jones (NC)
Baker	Duncan	Kaptur
Ballenger	Dunn	Kasich
Barcia	Ehlers	Kelly
Barr	Ehrlich	Kildee
Barrett (NE)	Emerson	King (NY)
Bartlett	English	Kingston
Barton	Etheridge	Knollenberg
Bass	Evans	Kolbe
Bateman	Everett	Kuykendall
Bentsen	Ewing	LaHood
Bereuter	Fletcher	Lampson
Berkley	Foley	Largent
Berry	Forbes	Larson
Biggert	Fossella	Latham
Bilbray	Fowler	LaTourrette
Bilirakis	Franks (NJ)	Lazio
Bishop	Frelinghuysen	Leach
Bliley	Frost	Lewis (CA)
Blunt	Gallegly	Lewis (KY)
Boehkert	Ganske	Linder
Boehner	Gekas	Lipinski
Bonilla	Gibbons	LoBiondo
Bonior	Gilchrest	Lowe
Bono	Gillmor	Lucas (KY)
Borski	Gilman	Lucas (OK)
Boswell	Goode	Luther
Boyd	Goodlatte	Maloney (CT)
Brady (TX)	Goodling	Manzullo
Bryant	Gordon	Mascara
Burr	Goss	McCarthy (NY)
Burton	Graham	McCollum
Buyer	Granger	McCreey
Callahan	Green (TX)	McHugh
Calvert	Green (WI)	McInnis
Camp	Greenwood	McIntosh
Canady	Gutknecht	McIntyre
Capps	Hall (OH)	McKeon
Castle	Hall (TX)	Mica
Chabot	Hansen	Miller (FL)
Chambliss	Hastert	Miller, Gary
Chenoweth	Hastings (WA)	Moore
Clement	Hayes	Moran (VA)
Coble	Hayworth	Myrick
Collins	Hefley	Nethercutt
Combust	Herger	Ney
Condit	Hill (IN)	Northup
Cook	Hill (MT)	Norwood
Cooksey	Hilleary	Nussle
Cox	Hinojosa	Ortiz
Cramer	Hobson	Ose
Crane	Hoekstra	Oxley
Crowley	Holden	Packard
Cunningham	Hoolley	Pascrell
Davis (FL)	Horn	Peterson (MN)
Davis (VA)	Hulshof	Peterson (PA)
Deal	Hunter	Petri
DeLay	Hutchinson	Phelps
DeMint	Hyde	Pickering
Deutsch	Inslee	Pitts
Diaz-Balart	Isakson	Pombo
Dickey	Istook	Pomeroy

Porter	Sherwood
Portman	Shimkus
Price (NC)	Shows
Pryce (OH)	Shuster
Quinn	Simpson
Radanovich	Sisisky
Ramstad	Skeen
Regula	Skelton
Reyes	Smith (MI)
Reynolds	Smith (NJ)
Riley	Smith (TX)
Roemer	Smith (WA)
Rogan	Snyder
Rogers	Souder
Rohrabacher	Spence
Ros-Lehtinen	Spratt
Rothman	Stabenow
Roukema	Stearns
Royce	Stenholm
Ryan (WI)	Strickland
Ryun (KS)	Stump
Sanchez	Sununu
Sandlin	Sweeney
Scarborough	Talent
Schaffer	Tancredo
Sensenbrenner	Tanner
Sessions	Tauscher
Shadegg	Tauzin
Shaw	Taylor (MS)
Sherman	Taylor (NC)

Terry
Thompson (CA)
Thornberry
Thune
Toomey
Trafficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, earlier today, I was in Connecticut participating in the commencement ceremony at Greenwich High School and, therefore, missed eight recorded votes.

I take my voting responsibility very seriously, having missed only 4 votes in my almost 12 years in Congress.

I would like to say for the RECORD that had I been present I would have voted "yes" on recorded vote number 226, "yes" on recorded vote number 227, "yes" on recorded vote 228, "yes" on recorded vote 229, "yes" on recorded vote 230, "yes" on recorded vote 231, "no" on recorded vote 232, and "yes" on recorded vote 233.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 1658, CIVIL ASSET FORFEITURE REFORM ACT

Mr. DREIER. Mr. Speaker, the Committee on Rules is expected to meet on Tuesday June 22, 1999, to grant a rule for the consideration of the bill H.R. 1658, the Civil Asset Forfeiture Reform Act.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments to be preprinted would need to be signed by the Member and submitted to the Speaker's table no later than the close of business Tuesday, June 22.

Amendments should be drafted to the version of the bill ordered reported by the Committee on the Judiciary, a copy of which may be obtained from the committee.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

MANDATORY GUN SHOW BACKGROUND CHECK ACT

The SPEAKER pro tempore (Mr. LAHOOD). 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 consideration of the bill, H.R. 2122.

□ 2103

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 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. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

NAYS—139

Abercrombie	Gutierrez	Moran (KS)
Ackerman	Hastings (FL)	Morella
Allen	Hilliard	Murtha
Andrews	Hinche	Nadler
Baldacci	Hoefel	Napolitano
Baldwin	Holt	Neal
Barrett (WI)	Hostettler	Oberstar
Becerra	Hoyer	Obey
Berman	Jackson (IL)	Olver
Blagojevich	Jackson-Lee	Owens
Blumenauer	(TX)	Pallone
Boucher	Jefferson	Pastor
Brady (PA)	Johnson, E. B.	Paul
Brown (FL)	Jones (OH)	Payne
Brown (OH)	Kanjorski	Pease
Campbell	Kennedy	Pelosi
Cannon	Kilpatrick	Pickett
Capuano	Kind (WI)	Rahall
Cardin	Klecza	Rangel
Clay	Klink	Rivers
Clayton	Kucinich	Rodriguez
Clyburn	LaFalce	Roybal-Allard
Coburn	Lantos	Rush
Conyers	Lee	Sabo
Costello	Levin	Sanders
Coyne	Lewis (GA)	Sanford
Cummings	Lofgren	Sawyer
Danner	Maloney (NY)	Schakowsky
Davis (IL)	Markey	Scott
DeFazio	Martinez	Serrano
DeGette	Matsui	Slaughter
Delahunt	McCarthy (MO)	Stark
DeLauro	McDermott	Stupak
Dingell	McGovern	Thompson (MS)
Dixon	McKinney	Thurman
Doggett	McNulty	Tiahrt
Edwards	Meehan	Tierney
Engel	Meek (FL)	Towns
Eshoo	Meeks (NY)	Velazquez
Farr	Menendez	Vento
Fattah	Metcaif	Visclosky
Filner	Millender-	Waters
Ford	McDonald	Watt (NC)
Frank (MA)	Miller, George	Waxman
Gejdenson	Mink	Wexler
Gephardt	Moakley	Woolsey
Gonzalez	Mollohan	Wynn

NOT VOTING—9

Brown (CA)	Houghton	Saxton
Carson	Minge	Shays
Cubin	Salmon	Thomas

□ 2102

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CUBIN. Mr. Speaker, on rollcall No. 233, I was unavoidably detained. Had I been present, I would have voted "yes."

The Chair recognizes the gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Chairman, the legislation we are about to consider before us this evening is here because all of us are concerned with the safety of our children in school, at home, on the playground, and on the street. That is the same reason we were considering the bill we just passed a moment ago.

In America, every child should have an opportunity to get a full education, to excel in the workplace to the best of his or her ability, to raise a family and to enjoy the high standard of living that the genius of the Founding Fathers of this great free Nation allowed us to develop. No child should have his or her life cut short in a suicidal massacre such as happened at Columbine High School or by any other violent criminal act.

We cannot address adequately by legislation all of the causes of violent crime in our society, but over the last 2 days we have crafted legislation in H.R. 1501 which, if enacted, will greatly assist our States and local communities in reducing the torrent of violent youth crime afflicting this Nation. The grant program in this legislation will help repair the broken juvenile justice systems in our 50 States and send a message to teenagers that there are consequences for their criminal misbehavior at every level, and that if they continue to engage in a course of criminal conduct there will be ever more severe punishment. I believe the experts that this legislation will make a difference.

Now we must turn our attention to the loopholes in the gun laws of this Nation that have become very apparent in the aftermath of the tragedy at Columbine. Over the last several weeks, there has been much debate over the issue of guns; debate in public, debate in the press, debate in this House. And despite all the differing views of those on all sides, there is one thing that I believe everyone agrees upon. We need to keep guns out of the hands of children, convicted felons and those who use them to harm our families.

Existing law prohibits a convicted felon, a fugitive from justice, a drug addict, an illegal alien, a minor, and several other categories of people from buying a gun. Several years ago an instant check background system was phased in specifically for the purpose of screening out convicted felons and other disqualified persons who attempted to buy guns from a gun dealer. This is a name check system.

The name check system has its weaknesses, one of them being that while the names of persons arrested for felony crimes are computerized in a central bank at the FBI, the conviction or acquittal records are not. Some States have computerized the disposition records showing conviction or acquittal but many have not. So when the name of a gun purchaser is entered in the instant check system and a hit is made, it is frequently only known that

the person has an arrest record for a felony, not whether there was a conviction.

Once there is a hit of someone's name in the instant check system, there has to be contact made by someone working in that system to the county courthouse in the county and the State where the arrest was made to find out if the person was convicted of a felony crime on the charges that show up on the arrest record in the computer, or whether that person was acquitted, or maybe the charges were pled to a lesser offense, or, who knows.

If the sale is made over the weekend, and I think this is very important to note, if the sale was made over the weekend and the instant check turns up an arrest hit on the purchaser's name, the county courthouse is not open for business and the records cannot be checked to find out if there was a felony conviction that would disqualify the purchaser until Monday, when the courthouse opens.

This is the principal reason why current law provides that if an arrest hit occurs on a name in an instant check, law enforcement has up to 3 business days to determine whether there was a felony conviction before the sale can be completed. If it is determined there is a felony conviction, there can be no sale. If it does not make a determination, the sale may proceed at the end of the 3 days.

Now, when somebody buys a gun at a gun show from a dealer, under current law the instant check system works exactly the same as it does if somebody goes to the gun store and buys the gun from the gun dealer. However, if the purchase is made by an individual non-dealer citizen at a gun show, if that is the one who is selling the gun, an individual nondealer citizen, there is no background check to see if the person is a convicted felon who is attempting to make the purchase. This is a big loophole. This is the loophole that the bill before us, H.R. 2122, closes.

Under this bill, an instant background check has to be done on anyone who purchases a gun at a gun show. No matter who the seller is, whether they are a dealer or an unlicensed individual vendor at the gun show, they may not sell any firearm under this bill until the buyer of that firearm has been checked through the instant check system. Under this bill, anyone who knowingly violates the requirement will be subject to criminal prosecution and civil penalties.

Requiring purchasers at a gun show to wait 3 working days might mean that the sale is not completed until well after the gun show is over, and so H.R. 2122 allows the sale to proceed after 72 hours, or 3 calendar days, as opposed to business days. This will be long enough to delay the sale if it is made over a weekend, until the county courthouses are open on Monday, and the arrest name hit can be resolved, but it also allows gun show purchasers to complete their transactions prompt-

ly. There is no need to have a 3-business or -working day wait.

Mr. Chairman, some Members want this period shortened to 24 hours, but the instant check statistics show that only about half the hits are ever cleared up in 24 hours, and on Saturdays this clear rate is even lower. Whenever the check system tells a dealer to delay, it is always because a hit has occurred in the name of the person seeking to buy a firearm. We have to make sure that we delay these sales until we can determine if the person trying to buy the firearm is a felon or a fugitive, and this often cannot happen until the following Monday morning.

The bill also requires persons who organize or conduct shows to register with the Secretary of the Treasury, in accordance with the Department's regulations. It also requires gun show organizers to check the identification of those who desire to be vendors at the gun show and record their names in records the gun show organizer must maintain.

Under present law, only licensed dealers are authorized to conduct background checks on potential firearm purchasers. In order to make sure there will be sufficient number of persons at gun shows who can conduct these checks, the bill allows other citizens to apply to the Secretary of the Treasury to become instant check registrants. These instant check registrants will not be licensed to sell firearms, but they will be licensed to conduct a background check, and they will be subject to the regulations promulgated by the Treasury Department. I am sure a number of persons who are not dealers, but enjoy exhibiting, buying, and selling firearms at gun shows will go through the process to obtain a permit to conduct these background checks.

H.R. 2122 also defines a gun show. For the purposes of the bill, a gun show is an event which is sponsored to foster the collecting or legal use of firearms at which 50 or more firearms are exhibited for sale or exchange, and at which 10 or more vendors are present.

Now, I must say, Mr. Chairman, I was disappointed to read in today's paper, in *The Washington Post*, a piece by Attorney General Janet Reno, which I must sadly say it makes it appear that she is playing more politics than substance, and I am used to hearing from the Attorney General on a lot more substance. She complains about the provisions in this bill in ways that just do not make sense.

Now, I would like to say one thing about this. I believe that the Attorney General's office should be spending more time working to improve the existing instant check system to get more of the records on file in a way that will have the felony convictions there, than trying to fiddle with the details of a piece of legislation where she is totally incorrect about what she is saying in that article.

Miss Reno says in her column something that appears to show concern

that my system in this bill will allow what she calls amateurs to access the instant check system. That is not the case. All instant check registrants that are created under this bill, H.R. 2122, will be licensed by the Secretary of the Treasury. They will follow all regulations promulgated by the Secretary of the Treasury. And, besides, it does not take a rocket scientist to operate the system. It only takes the ability to call in a name and the date of birth to the check system. The new instant check registrants will not undermine the system in any way.

Miss Reno also complains that the requirement in the bill that all background check of records and transactions that go through must immediately be destroyed will undermine her ability to audit the system. The only need to audit the system is to ensure that unauthorized checks are not being run. We do not need to keep the records on everybody who files to buy a gun. That is not the way we do things in America. We should not have that kind of filing that is kept. That is nonsense. While it may be a benefit in certain respects to have these records, it is certainly not worth the risk of allowing the government to keep records of individual law-abiding citizens for months at a time.

Again, I am very disappointed in the Attorney General and her purported criticism of the underlying bill, which, as I said, does not have merit.

I believe H.R. 2122 strikes a fair balance between the need to assure that firearms are kept out of the hands of criminals and the right of law-abiding citizens to keep and bear arms. The bill will close the existing loophole that could allow criminals to buy firearms at gun shows. It will encourage the government to conduct background checks as quickly as they practically can, without risking that a firearm might be sold to a convicted criminal simply because the courthouse where the conviction record was kept was closed on the weekend of the gun show.

We need this legislation. We need to close the loophole. We need to keep the guns out of the hands of convicted felons. It is so important to do so that I am asking my colleagues to set aside all of the differences, all of the bickering that has been going on over the little "i's" and "t's" and so forth out here. Consider the safety of our children and grandchildren and vote in favor of this bill.

It does not need to be amended on the gun show portion. It is a solid piece, well balanced, well thought out to protect both the law-abiding person who wants to buy a gun at a gun show; to protect the organizer of a gun show who should not be subjected to the unnecessary liability hazards that are in the other body's version of this, and may be an amendment offered out here today; and it protects the American public, which is most important, our children and our grandchildren, from those convicted felons who might oth-

erwise, without this legislation, be able to buy a gun at a gun show they cannot buy from an authorized dealer.

□ 2115

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

Mr. CONYERS. Mr. Chairman, I am pleased to begin our general debate on H.R. 2122 by yielding 4 minutes to the gentleman from Missouri (Mr. GEPHARDT) the distinguished minority leader of the House.

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

Mr. GEPHARDT. Mr. Chairman, I rise tonight to urge Members to support the McCarthy amendment that is cosponsored by the gentlewoman from New York (Mrs. MCCARTHY) and the gentlewoman from New Jersey (Ms. ROUKEMA) and the gentlewoman from Maryland (Mrs. MORELLA) the gentleman from Illinois (Mr. BLAGOJEVICH) and others. And I recommend it to Members because I think it is the most reasonable and common-sensical approach to this problem.

Let me begin the debate tonight by submitting some agreements that I think all of us agree to.

I think all of us here believe in the Second Amendment, we believe in the right of American citizens to have, possess, and bear arms.

Let me also submit that all of us believe that doing something about the availability of guns to children is not going to solve alone or nearly alone the problem of school violence that we face.

There are a lot of other things that, hopefully, will be considered here on the floor of the House in the days to come. We need to address all of the problems of the way children are raised, the way children are taught, so that we can raise law-abiding, productive citizens in the case of every child in our country.

But the McCarthy amendment and the amendment presented by the gentleman from Florida (Mr. McCOLLUM), which has many merits about it, are both based on the idea that the Brady bill that we passed in 1993 has been an important change in the law that has brought about an improvement in terms of who is able to buy guns.

The Department of Justice today released information that said that in the last 6 months 17,000 criminals, people who had been convicted of crimes, were refused the ability to buy a gun because of the operation of the Brady law.

Let me just read some of the cases that were affected under the Brady law.

On January 9, 1999, in Texas a convicted murderer was not allowed to buy a weapon. On February 6, 1999, a person under indictment for aggravated assault with a deadly weapon was denied the right to buy a weapon. On February 27 of this year, a person convicted of aggravated kidnapping with intent to

rape a child was denied the right to buy a weapon in my own State of Missouri, February 13 of this year, a person wanted for domestic battery in Illinois. February 27, a person convicted of illegal possession of explosives in New Mexico.

I could go on and on. I could read 17,000 people in the last 6 months who were refused the right to buy a gun.

This law works. We had 70 or so percent of Democrats, 30 percent of Republicans who voted in a bipartisan way for the Brady bill in 1993. It was a good thing to do. It was common sense. And it has worked.

The problem is there was a loophole, as often there is in laws that we write, and a lot of people have been driving through that loophole. The loophole is that we have a thing called gun shows and flea sales, flea markets, where people can go and buy weapons today and not have the Brady check.

And so, what we are on the floor tonight in part to remedy is that loophole. And I believe that the McCarthy amendment does that the best, for two reasons. One, I think it has the definition of a "gun show" that is tight enough to pick up most of the gun shows. And secondly, the time period, and the gentleman from Florida (Mr. McCOLLUM) has talked about this, is longer than in other amendments that will be presented and allows the check to actually take place.

Now, in truth, about 90 percent of the people will be able to buy the gun at the gun show because the instant check is working and it will not stop them from being able to buy the gun at the site within the first hour or so after they make the purchase.

So this is a reasonable piece of legislation.

I had an officer, a police officer, in Chicago the other day come up to me on a plane and he said, "You know, it is really important that you get rid of this gun show exclusion." He said, "I go into high schools all over Chicago and I ask kids, 'Do you have a gun at home?' Everybody raises their hand. I ask, 'How many of you know where the gun is right now?' Everybody raises their hand. I ask them, 'How many have shot the gun?' Everybody raises their hand."

He said, "I grew up in the inner City of Chicago; and I can tell you, when I was a kid," and he was not that old, certainly not as old as I am, he said, "guns were not that available." He said, "When we had a fight in school, maybe it was a fistfight. At worst, it was a knife somebody brandished. But nobody could get to a gun." And he said, "The truth is, and I know this for a fact because I work in this area, the guns that are coming into Chicago now are coming through the gun shows and the flea markets because people that want to sell guns to kids are going there to get out of the Brady law." This is a loophole we need to close, and we can close it tonight.

Now, let me end with this: I think a lot of Americans are tuning in tonight

to hear this debate because I think the American people are looking to us in a bipartisan way to take a small step in the right direction to address a problem that I believe is a national crisis.

When we have Littleton and we have Georgia and we have Arkansas and we have Oregon and we have Kentucky and we have kids killing kids in high schools, not just in inner cities but in suburbs all across this country, we have a national crisis.

We lost more kids yesterday to school violence than we lost in Kosovo and in Bosnia in the last 3 years put together. This is a national crisis. Thirteen kids a day go down to school violence.

The police officer in Chicago said when he was talking to me on the plane, "It is 9:30 at night. There have already been three funerals in the City of Chicago of children who were killed by children tonight." And he said, it is every night, every night, every night, every night.

We know this is not going to solve the problem alone. But it is a step in the right direction.

I went to Littleton on the Sunday they had the memorial service a week after the children were killed. I met with Colin Powell and the Vice President, the parents of the dead children. They came through one at a time. It took an hour and a half. I hugged them. I cried with them. As I held them in my arms, all I could think of was my kids.

One of the mothers had the picture of her child with a frame. She sobbed in my arms for about 2 minutes. I cried with her. When she stepped back, she looked at me and she said, "Congressman, please go back to the Congress and take some step so that my child did not die in vain." That is what we owe the people of this country tonight.

This should not be a political issue, a partisan issue, a Democrat-Republican issue. This is an issue of our children, of saving children's lives, of making guns less available to the children of this country. We can do this. We can make America better tonight.

I urge Members to search their conscience and their heart, let us not let these children die in vain. Vote for a good, common-sense amendment, the McCarthy amendment.

Mr. McCOLLUM. Mr. Chairman, it gives me pleasure to yield 7 minutes to the gentleman from Illinois (Mr. HYDE) the distinguished chairman of the House Committee on the Judiciary.

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

Mr. HYDE. Mr. Chairman, I listened to the Democratic leader's marvelous words and emotional, and rightly so, presentation; and I could not agree with him more. We have a very serious problem. But, oh, my God, it goes so far beyond guns.

Yesterday we talked about the poison that is being fed to our children through videos, through the games,

through the movies, through television. And our response to that? A resolution of the sense of Congress.

So if we really want to get into this problem, let us get into all facets of it.

Now, let us talk about guns. Much as some do not like it, or much as some are very uncomfortable with it, there is a Second Amendment to the Bill of Rights to the Constitution and that Second Amendment says, the right of the people to keep and bear arms shall not be infringed.

Okay. I believe in the Second Amendment and I believe people have the right to keep and bear arms. On the other hand, there are serious problems with the proliferation of weapons. There are, in my judgment, too many guns too easily accessible to kids, and we have to do something about it. It is a shame we cannot do something about it together rather than in a partisan way.

Now, I support H.R. 2122, the Mandatory Gun Show Background Check Act, which will close the loophole in current law that permits dangerous criminals to buy guns at gun shows without mandatory background checks.

There has been a lot of discussion in the Senate and the House about how to deal with gun shows. There are approximately 4,400 gun shows annually in the United States, and many of the people who buy guns at those shows do so without going through a background check.

Only federally licensed firearm dealers are required to run checks on prospective buyers at gun shows. While there are many licensed gun dealers selling their guns at gun shows, there are just as many unlicensed guns and they do not have to run background checks. So H.R. 2122 changes that. Any and all gun transfers at gun shows will have to undergo a background check.

Some believe that gun shows should be completely shut down, and they have used their version of mandatory background checks as a disguise for closing them down. Well, I think that is wrong. If they want to close gun shows down, propose it. If they want mandatory background checks all the time under every circumstance, then propose that. But do it with definitions and realistic regulations, as we have done in H.R. 2122.

This proposal on gun shows is straightforward. It will work in the real world. It achieves everything that is necessary to ensure that mandatory background checks are performed by responsible people at gun shows, and it does so without driving them out of business or interfering with private sales and family transactions.

□ 2130

H.R. 2122 requires a background check for every buyer at a gun show. It also requires gun show organizers, licensed dealers and instant check registrants, those are individuals authorized to conduct instant background checks at gun shows, to keep records

that can be used by Federal law enforcement officials in criminal investigations.

Criticisms of this bill by the administration suggest it does not close the gun show loophole. Those criticisms are entirely unfounded. Let me explain the definition of "gun show." H.R. 2122 would define a gun show as, quote, "an event which is sponsored to foster the collecting, competitive use, sporting use or any other legal use of firearms, and 50 or more guns are offered for sale, and there are not less than 10 vendors selling guns."

This definition of gun shows reflects the real world we live in. The administration opposes the 10 vendor requirement, arguing that gun transactions at smaller gatherings would not be subject to background checks. We are not aware and the administration has not offered any evidence to the contrary that any of the 4,400 gun shows last year had fewer than 10 vendors. To the contrary, we know full well the average gun show has many vendors that often fill the entire exhibition halls and convention centers.

Let me discuss the definition of a "gun show vendor." The administration opposes the requirement in H.R. 2122 that a vendor is someone who sells firearms at a gun show from a fixed location. This fixed location condition is necessary, because gun show organizers are subject to Federal criminal prosecution if they do not register every vendor selling firearms at their gun shows. These organizers cannot know someone is merely attending a gun show and spontaneously offers to sell a firearm to another person. This happens. Some people attend gun shows and bring guns they want to sell if they can find a buyer at the right price. It would be unfair to hold organizers criminally liable for something they cannot control. It will only serve to discourage organizers from conducting gun shows which may be the hidden agenda of some. Every firearm transaction at every gun show, regardless of whether the seller is a licensed dealer, a vendor or just an attendee and regardless of whether the transfer occurs within the building housing the gun show or in the surrounding parking lot requires a background check.

Now, this bill, this amendment, provides a middle way between the Dingell amendment and the Lautenberg or the McCarthy amendment. It is a middle way. It is a balance, to balance the rights of legitimate gun owners and balance the rights of the vulnerable public. And so I hope that Members will consider it in that light as the middle way and as a compromise and acceptable.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

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

Mr. CONYERS. Mr. Chairman, this is the most amazing piece of legislation that has never come out of the Committee on the Judiciary. What we do is

in closing a loophole that has been graphically described by the gentleman from Florida is that we open up one, two, three, four, four new loopholes and reopen a loophole that had been closed previously.

The gunrunner loophole, and I hope somebody on the other side wants to discuss this with me on their time. The gunrunner loophole. That means that nine vendors, there is a 10 vendor requirement here, nine vendors then could sell all the weapons they could bring in in a truck without being required to do background checks.

The let's-step-outside loophole which allows vendors to complete their transactions by merely stepping out of the grounds of the gun show to make the deal.

The roving vendor loophole which allows gun vendors to sell firearms with no background checks if they are simply walking the premises and not at any fixed location.

The convicted felon loophole which weakens all instant background checks, thanks a lot, from 3 business days, to 72 consecutive hours. Get it? Is that hard for anybody to figure out, what that does?

And then we go back and reopen a closed loophole, the Lee Harvey Oswald loophole, that would allow a gun dealer to ship a firearm across State lines directly to the private residence if any part of the transaction took place at a gun show.

Now, what is the remedy? There are two opportunities to correct the problem. One is the McCarthy amendment and one, the second is the Conyers-Campbell bipartisan substitute, word for word are the same.

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

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. CANNON) a member of the committee.

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

Mr. CANNON. Mr. Chairman, this has been a monumental week. We are dealing with two great constitutional issues in the first and second amendments.

I rise now in support of H.R. 2122 introduced by the gentleman from Florida (Mr. MCCOLLUM). He and the staff of the Committee on the Judiciary worked hard. Now we in Congress must meet the two challenges. On the one hand, the Democrats charge that we must immediately address this national crisis of youth violence and on the other we must ensure that prudent steps be taken to protect the liberties guaranteed by the second amendment of the Constitution.

I listened with interest to the charges made by my friends on the other side of the aisle. They decry singling out the entertainment industry's responsibility for an increase in violence in our society. They claim it is unreasonable to think that one indus-

try is at fault. But they claim the gun industry is responsible for violence in our society. This is outrageous hypocrisy.

The debate today is not about blame. It is about the Federal role in the interpretation of the second amendment. I am going to focus my remarks today on section 3 of the gentleman from Florida's bill, the instant check gun tax and gun owner privacy section.

All of us agree that criminals should not be allowed to purchase guns. At the same time, I believe the Federal Government should not keep permanent records and lists of law-abiding gun owners after they have already cleared the hurdles of an instant background check. No law-abiding gun owner has a problem with a background check to purchase a firearm. What he or she resents is the central government unconstitutionally keeping records of gun ownership by innocent, law-abiding citizens.

When the Brady bill was passed, gun shows were excluded from background checks because the checks took several weeks to complete. Today we have an automated database that allows background checks to be completed in a couple of minutes. In fact we had testimony that those checks could be completed in 3 to 5 minutes. So we can easily screen out felons attempting to purchase guns at gun shows.

With a fully operational database of felons and other classes prohibited from buying guns, we can eliminate any Federal record of law-abiding gun owners. This legislation guarantees no records will be kept of legal gun owners while strictly enforcing current laws for criminals who attempt to purchase guns.

I believe the second amendment right to own a gun is inherently tied to the right to not have the government know who owns a gun. This legislation assures that. I urge passage of this amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I am here to ask Members to show some courage for the sake of our children. I am here to ask the 56 Republicans who were brave enough to buck the power of the gun lobby and vote for the Brady law to show that courage again and vote for the McCarthy-Roukema-Blagojevich amendment which closes the last loophole in the Brady law.

Right now a criminal with a rap sheet of violent crimes can go to a flea market and buy an arsenal of weapons and not even be subject to a criminal background check. This is an outrageous and inexcusable state of affairs and the McCarthy-Roukema amendment stops it. The Republican bill, however, falls far short from closing the loophole. Now, the NRA is happy

about that, because it gives the appearance of doing something without doing something. But who are my Republican colleagues answering to, the NRA or our children and our families and the tragedies we have seen across this country?

To those 56 Republicans who voted for the Brady bill, finish the job with us. Stand with us. Vote for the McCarthy-Roukema amendment. Close this loophole that criminals are using to buy guns and show that you are standing for our Nation's children and against a gun lobby that has gotten out of control and out of touch with the priorities of the American people. The life you save with this vote may not only be your own, but more importantly it may be of your child or your grandchild or your neighbor's child. This is a crucial vote. This is a vote that sends a message whether we are serious about entering the next century making our schools and our communities safer for our children and our families.

Vote for the McCarthy amendment.

Mr. CONYERS. Mr. Chairman, I am very pleased to yield 1- $\frac{3}{4}$  minutes to the gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

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

Mr. NADLER. Mr. Chairman, every time an outrage such as that at Columbine where children are killed occurs, we hear from the NRA that guns do not kill people, people kill people. But the truth is, of course, that guns do not kill people. People with guns kill people.

The United States has the loosest gun laws of any industrialized country. That is why we have the following statistics. When you look at other industrialized countries, France, 36 people killed with handguns; in Great Britain, 213; in Germany 200; in the United States 9,390. Three years ago, 5 years ago we passed a Brady law, finally after much effort. That law has kept 400,000 guns out of the hands of felons and mentally incompetent people, people who should not have had guns. Now we are trying to have some modest proposals to close some loopholes.

Unfortunately, the rule did not make in order a proposal to ban gun kits from being sent out, gun kits that made a gun that killed a constituent of mine, Ari Halberstam, for the crime of being in the wrong place at the wrong time and identifiably Jewish.

They did not make in order the one-gun-a-month amendment so that gunrunners could not go to Florida, buy 100 guns, come back and sell them on the black market in New York. But they did make in order the McCarthy amendment. They did make in order the Conyers-Campbell substitute.

We should pass these amendments, we should reject the Dingell amendment which actually put more loopholes into the law, so that we can be

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honest with the American people when we go home and tell them we have done something to give them a little more assurance that their children will not be the next victims of this country's fatal obsession with guns.

Mr. Chairman, when are we going to get serious about limiting access to guns? When are we going to stand up to the NRA and pass legislation to save lives?

Listen to Jesse Bateman, a junior high school student from Louisiana, who wrote, "Five of my friends and I were hanging out at another one of our friend's house. All of a sudden two people who we thought were our friends walked in with guns. They demanded that we give them . . . drugs and money, and when we told them that we didn't have any, they started shooting. Two of my friends died and another one was paralyzed from the waist down. One of the ones that died was my best friend, he got shot in the head and died instantly."

People with guns kill our children every day, and we ought to do everything we can to limit access to these deadly weapons. The gun safety amendments that we will soon consider are extremely modest measures. It is the least we can do.

The NRA-written Dingell amendment is a sham that actually weakens our existing law. Had it been in effect for the last six months, 17,000 people who were denied access to guns would have gotten them. It guts the Brady law by reducing the amount of time that police have to investigate the background checks of individuals with questionable arrest records from 3 business days to 24 hours. What is the rush to get guns into felon's hands? We can't wait three days before allowing individuals with suspect records to obtain deadly weapons? This is outrageous.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member of the Committee on the Judiciary for yielding me this time.

I come tonight to honor and to pay tribute to children that have died. A young boy, Chris Hollowell, age 5, was unintentionally shot and killed by his 10-year-old brother at a relative's house. The boys were handling a semi-automatic handgun they found in their uncle's bedroom, in the closet, when the gun went off and struck Chris in the head. The brother dragged him to the front lawn screaming in pain for help, and Chris was pronounced dead at a hospital 30 minutes later.

Someone sitting in their living room is saying, "Well, I told you, it's that boy that did it." But it is really guns; 260 million of them. That is why I rise to say that we must support the McCarthy amendment, and unfortunately argue against and oppose H.R. 2122. Because H.R. 2122 sidesteps the issue. It pays homage and worships at the throne of the National Rifle Association.

But I am going to pay homage and respect to the dead children and those that may die tomorrow and the day after tomorrow and next month.

It is important that we realize that gun shows around this Nation are unregulated, that people buy guns without checks, that law enforcement officers cannot find them. We need to support the McCarthy amendment that closes the loopholes on gun shows. We need to support the Conyers-Campbell bipartisan bill, and it is too bad we did not have the Jackson-Lee amendment that would ask that children be accompanied into gun shows.

I am going to stand here every day and support the dead children and not pay homage and worship to the throne of the National Rifle Association.

Mr. CONYERS. Mr. Chairman, what is the time situation on both sides?

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 9½ minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 18¾ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LOFGREN), a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Chairman, this spring, like other mothers and fathers across the country, I froze when I heard the news of what was happening in Columbine High School, and I think, like the other mothers across the country, my first reaction was, "Are my kids safe?"

As we sorted through the massacre that happened there, all of us parents realized that something needed to be done.

Finally, the United States Senate acted. They adopted modest gun safety measures for our children. Since then, in this House, what an odd dance we have seen. What could have been simple here in the House of Representatives has become complicated—too complicated. Tonight, however, we have a chance to make it simple again. And what do we need to do?

We need to vote for the McCarthy amendment. We need to vote for the Hyde-Lofgren large clip amendment, and, by supporting these amendments, we will conform our conduct with what the Senate did.

Will this solve everything? No, it will not. There will still be disturbed children. There will still be neglected kids who do wrong. There will still be children whose conduct is skewed towards violence. But we know this.

If those boys in Colorado had not had all of those guns, a lot of other good kids would have been alive to graduate from Columbine High School last week.

So it really is easy tonight. Stand up for what the mothers and fathers of America want us to do tonight: deliver to them the sensible gun safety laws. They expect no less.

Mr. CONYERS. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from New Jersey (Mr. ROTH-

MAN), a member of the Committee on the Judiciary and doing a wonderful job.

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

Mr. ROTHMAN. Mr. Chairman, this week we have addressed the issue of juvenile crime by passing some important measures. We have voted for mentoring programs, after-school programs, juvenile witness assistance programs, toll-free hotlines for anonymous student tipsters, and we have even voted to help local communities install metal detectors for their schools. Only one substantive step and the most important step needs to be taken: taking the guns out of the hands of the children.

Mr. Chairman, I am a Democrat who believes in the second amendment right to bear arms; the right to bear arms by responsible adults.

There were many factors that contributed to the recent school killings: lack of parental involvement, the prevalence of violent, cruel and sadistic video games, television shows, and movies. But when all is said and done, the main culprit was the easy accessibility of guns to the children.

Mr. Chairman, some people think that Americans cannot do two things at once. They think that it is impossible to allow law-abiding adults to own guns while at the same time restricting children's access to guns. They underestimate the intelligence and the ability of the American people to recognize and respond to the need for responsible gun control measures where our children are concerned.

Most Americans and most Democrats support common-sense gun legislation that allows law-abiding adults to have guns, but keeps guns out of the hands of criminals and children. The Senate has already done their job: Passed common sense gun laws. Now it is up to the House to do the same. It is up to us not to fail our children.

I urge my colleagues to support the McCarthy-Roukema and Conyers-Campbell amendments. Let us not let our children down.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

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

It is a sad day when the Speaker of this House is unable to deliver on his promise of a deliberative process on efforts to reduce gun violence. This bill bypassed entirely the substantive committee process, despite the promise of the Republican leadership; a pointless delay, which has only allowed the NRA and other gun violence apologists to politick and fund-raise to their hearts' content, while distorting the effects of this modest Senate provision.

We have an opportunity to support these provisions rather than weakening them further and show that there is a way to give voice to the concerns of

the overwhelming majority of the American public on this issue. If we care about families, we should enact Federal child access laws like 17 States have done. We can close the gun show loophole rather than make it worse. These are modest steps, but they start us in a new direction to make America a little less lethal.

The victims of gun violence are not just the children in schoolyards, classrooms and America's neighborhoods. We are all being held hostage. It is time for a majority of the Members of this Congress to stand up and start in a new direction.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, as a former school nurse, I feel so strongly about the national crisis of gun violence in our schools.

In my district, many law-abiding citizens own guns, and, of course, I strongly support the rights of hunters and sportsmen to keep and use their firearms. But there is no reason why children and teenagers should have such easy access to guns. There is no simple solution to youth violence, but common-sense safety legislation is the place to start.

I have heard it argued that safety locks and real gun show background check provisions will not save many lives. But even if these bills save the life of just one child, is that not enough?

Let us stand up for America's families. Let us keep our children safe from the horrors of gun violence.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, the competing gun safety bills that the House is considering do not appear to differ greatly, but in fact those differences are important to keeping firearms out of the wrong hands and closing the gun show loophole.

The Department of Justice has worked to make the instant check more convenient. Some 73 percent of all background checks now are done instantly; another 22 percent within 2 hours. That means just 5 percent require additional information before the purchase can be completed, but that is an important 5 percent.

The most important difference between these competing bills is the length of time allowed to clear or deny that remaining 5 percent. The Dingell bill gives law enforcement only 24 hours. The Hyde-McCollum proposal, 72 hours. The McCarthy proposal, like the Brady law, gives law enforcement 3 business days.

Let me be clear about who in North Carolina would have been cleared for gun purchases if the present check were only 24 hours, as in the Dingell

bill. A person under indictment for second degree murder would have obtained a gun in North Carolina on January 2, 1999. On April 10, a person under a restraining order for domestic violence would have been cleared, and on May 15, a person convicted of rape in Virginia would have gotten a gun. But because law enforcement had 3 business days to complete the background check of these individuals, the Brady law prevented them from completing a firearm purchase in North Carolina.

If the background check is to do its job, if the gun show loophole is to be closed, law enforcement must have the time it needs. The differences between these proposals are important: Vote for the McCarthy substitute.

Mr. Chairman, firearms legislation tends to focus intense heat in the House. What I want to try to do is shed a little light.

The competing gun safety bills that the House is considering do not appear to differ greatly, but the differences are important to keeping firearms out of the possession of felons, fugitives, and those with a record of domestic violence, drug abuse or mental illness.

The Brady law, despite all of the predictions made in 1994 that it would not work, has stopped over 400,000 gun sales to dangerous persons. It has helped reduce the homicide rate in the United States to the lowest in a generation. And now we have the chance to plug the Brady bill's greatest loophole: unregulated gun shows.

No doubt, the background check required by the Brady law is an inconvenience, but it is a small inconvenience that has saved lives. The Department of Justice is working hard to make the instant check more convenient. Some 73 percent of all background checks are approved instantly. Another 22 percent are approved within two hours. That adds up to 95 percent of all background checks, approved within two hours. The remaining five percent require additional information before a purchase can be completed or denied.

Perhaps the most important difference between the competing bills we vote on today is the length of time allowed to clear or deny that remaining five percent. The Dingell proposal gives law enforcement twenty-four hours or the gun gets transferred. The Hyde-McCollum proposal gives seventy-two hours. The McCarthy proposal, like the Brady law, gives law enforcement three business days to track down the details to make certain that a gun buyer is not a prohibited person before allowing the transfer.

Let's be clear about who in North Carolina would have been cleared for guns if the present check was only twenty-four hours, as in the Dingell bill. A person under indictment for second degree murder would have obtained a gun on January 2, 1999. On April 10, a person under a restraining order for domestic violence would have been cleared to purchase a firearm. And on May 15, a person convicted of rape in Virginia would have gotten his gun. Because law enforcement had three business days to complete the background check of these individuals, the Brady law prevented them from completing a firearm purchase in North Carolina.

It seems a small inconvenience to require that the five percent of questionable purchasers wait up to three business days before

completing a gun purchase. Like the background check itself, it is a small inconvenience that will save lives. I urge the adoption of the McCarthy amendment.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

(Ms. SCHAKOWSKY asked and was given permission to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Chairman, I thank the ranking member for yielding me this time.

I would like to read excerpts from a letter that I received.

My name is Karly Kupferberg, and I live in Evanston, Illinois. I am 14 years old, currently in the 8th grade, attending Haven Middle School.

School is supposed to be a place where kids go to get an education and to start their future. Also, school is supposed to be where kids can go and feel safe, but instead, more and more kids are dying at school.

I know that when I heard about the Columbine shooting, I thought to myself, here we go again. The next day I had to go to school in a similar environment of the Columbine shooting and worry about someone coming in with a gun, opening fire. It was terrifying.

This is too much for kids to deal with, and I don't find it fair. Why should we have to worry about dying at school?

I think it is time as a Nation for us to put our foot down to these school shootings and do something about it. A very good way to start would be Federal gun control laws. Something has to be done, because by the appearance of things right now, it doesn't look like much is getting done on Capitol Hill.

Karly says, we want it stopped, and we need help because we cannot do it by ourselves.

We can help Karly, my granddaughter, Isabel and all of our children by plugging the loopholes and voting for McCarthy, Roukema and Blagojevich amendment.

I would like to read a letter that I received.

May 16, 1999.

DEAR JAN SCHAKOWSKY, My name is Karly Kupferberg and I live in Evanston, Illinois. I am fourteen years old, currently in the eighth grade attending Haven Middle School. Next year I will be entering Evanston Township High School as a freshman. Over the past couple of years, as you know, there have been an extremely high number of school shootings. I noticed that each time these unfortunate shootings happen, the assailants become bolder which culminates in more tragedy. School is supposed to be a place where kids go to get an education and to start to build their future. Also, school is supposed to be where kids can go and feel safe, but instead, more and more kids are dying at school. What is going on here? Schools are no place for violence and crime. This should not be happening to children, the future of America. How are kids supposed to go and get an education when they have to be worried about their safety in school and it being the next place for these school shootings to happen? I know that when I heard about the Columbine shooting I thought to myself, "here we go again."

The next day I had to go to school, in a similar environment of the Columbine shooting, and worry about someone coming in with a gun opening fire. Maybe one of my classmates, maybe not, but either way it was terrifying. How can our nation tolerate these inhuman acts of terror and why is this happening? This is too much for kids to deal with and I don't find it fair. Why should we have to worry about dying at school?

I think that it is time, as a nation for us to put our foot down to these school shootings and do something about it. A very good way to start would be federal gun control laws. Something has to be done, because by the appearance of things right now, it doesn't look like much is getting done on Capitol Hill. I know that I hate watching these poor, innocent victims and their families as they are torn apart and traumatized for life. My heart goes out to all the families victimized in these school shootings. Then I have to ask you, how can you sit in front of the television at night watching the news and seeing all those horrifying pictures of the school shootings, and not worry about your children or grandchildren at school. You must fight back against all that is wrong and make it right for your kids. This is what I have decided to do by writing this letter. I'm hoping that everyone that reads this letter will finally see that the children of America are crying out for help and shelter from the crime and bloodshed. We want it stopped and we need help because we can not do it by ourselves. By passing stricter gun control laws and requiring the parents who own guns to lock them up, we can help piece this nation back together. Other parents won't have to worry if their kids are safe at school and children won't have to worry about anyone coming into their school causing further tragedy. We need to act quickly to stop school shootings from becoming as culturally accepted unfortunately as gang shootings have become in America. So please help eliminate the crime from schools and make them a safer place for kids of America.

Sincerely,

KARLY KUPFERBERG.

We can help Karly and my granddaughter Isabel and all of our children by closing the loopholes and passing the McCarthy, Roukema, Blagojevich Amendment and the Conyers Campbell Amendment.

Mr. CONYERS. Mr. Chairman, may we get a reading on the time remaining on both sides?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 11½ minutes remaining; the gentleman from Florida (Mr. MCCOLLUM) has 9½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Chairman, law-abiding citizens in the United States have nothing to fear from applying the Brady background checks to gun shows. If one is a member of the NRA and one is law-abiding, the McCarthy gun show bill does nothing to threaten one's rights. However, if one is a criminal and one wants to buy a gun, that is the purpose of the McCarthy amendment.

The focus is on the criminals. There were 5,200 gun shows last year; 54,000 guns came and were confiscated in crimes that came from gun shows. We have a gaping loophole that we are trying to close, and there are three meas-

ures that might achieve that: the Hyde amendment, the Dingell amendment and the McCarthy amendment. Three great Members, one good measure.

Under the Hyde amendment, 9,000 criminals could get guns within 6 months at gun shows. Under the Dingell amendment, 17,000 could get guns at gun shows. This according to the Department of Justice.

If it is about keeping criminals from getting guns, support the McCarthy amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), a member of the committee.

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Subcommittee on Crime for yielding me this time.

Mr. Chairman, later on tonight we will be considering the Dingell amendment, which I strongly support.

I know that to many people, restrictions on the use and sale of weapons seem like common sense. Those who live in urban areas, particularly the inner cities, seldom hear of a gun used for hunting or for sport. Instead, to them, guns are almost always associated with crime and violence.

Others know that guns are used safely for sport, to shoot game and to protect one's home. In fact, more guns are used each day in self-defense and to prevent crime than are actually used to commit crimes. Clearly, there is a difference of perspective based on individual's own life experiences.

The clash of opinions comes when new gun control restrictions are perceived as punishing law-abiding citizens rather than the criminals themselves. To me, the need is not for more gun control legislation on the books, but better enforcement of the laws we already have.

□ 2200

We all know that under this administration there have been very, very few prosecutions of crimes involving guns.

For example, thousands of felons were identified as attempting to illegally buy weapons under the Brady law, yet this administration chose not to prosecute a single person.

We also know that we would not be here today if the Littleton tragedy had not occurred. Yet none of the proposed restrictions we will consider later tonight would have prevented those deaths. What certainly would have prevented the killings would have been the enforcement of the dozen gun laws that were broken during the course of the acquisition, possession, and use of the guns involved.

One more point, Mr. Chairman. The violence and crimes committed with guns are not the root problem, just the manifestation of it. The root problem is the destruction of American values. Our efforts should be directed towards strengthening those values, and not passing restrictive amendments which are going to be considered later tonight and which do not solve the problem.

We should seek reasonable solutions. That is what the Dingell amendment will help us to achieve.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

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

Mr. Chairman, I rise in strong support of the McCarthy amendment. Congress needs to act in three areas to restore sensibility and workability to our gun laws.

First, we need to close the gaping loophole that permits unregulated and undocumented sales of guns at flea markets and gun shows.

Secondly, we need to restore a three-day waiting period that would permit a cooling-off period and also permit law enforcement to do proper background checks.

Third, we need to increase accountability and responsibility, requiring manufacturers to use the latest technology of child safety locks and load indicators that would indicate whether guns are loaded, and we could tell at a glance, and require more accountability from parents to safely store their guns.

The McCarthy amendment would restore the background checks and bring gun show sales into compliance with recordkeeping and background checks.

These improvements will reduce juvenile access to weapons. We should restore sanity, protect kids, and pass McCarthy.

Mr. MCCOLLUM. Mr. Chairman, I understand both sides would be agreeable to extending the time of the general debate, so I ask unanimous consent for an extension of the debate for 5 minutes to each side, or a total of 10 minutes, and not on amendments, on the general debate on this bill.

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

There was no objection.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) shall each be recognized for an additional 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. EVERETT).

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

Mr. EVERETT. Mr. Chairman, we have some 20,000 plus gun laws in this country. Yet, there are those on this floor that would tell us if we pass two or three more, that will solve the whole problem of illegal use of guns.

Does that not strike Members strange, that Members of this floor want to add to 20,000-plus gun laws already on the books, most of which are not enforced by this administration, by the way, but they do not want to pass



any laws to stop peddling of filth and pointless violence to our children?

The Columbine tragedy struck a chord with all Americans, but we should be looking at the core of the issue, which is why young people think it is okay to commit violent crimes.

Could it possibly be that kids grow up seeing thousands of acts of violence without seeing the consequences of these actions?

There are video games where the fun of the game is to kill and maim people. People even get extra points if they kill innocent bystanders. Movies with no artistic merit are out there letting kids see death and destruction at unparalleled rates. We have let our children become numb to these things.

Do not tell me there are those who cannot tell the difference between Saving Private Ryan and Natural Born Killers. That is a disgrace to the millions of Americans who experienced the violence of war in the defense of freedom.

The uncalled-for violence that is provided to our children through television, movies, video games, and music videos should stop. However, under the cloak of the First Amendment, many want to allow these providers of violence and corrupters of our culture to police themselves. How very, very strange.

Liberals claim that conservatives have been bought off by the NRA for their opposition to more gun laws on law-abiding citizens. The focus should be placed on if this administration and the liberal wing of Congress have been bought off by Hollywood types who have been getting filthy rich peddling filth to our young people.

The erosion of America's morality has desensitized our children's ability to discern right from wrong, and even to value human life. This debate should not be about more laws on guns, or adding even more laws at any point. It should be about our culture and values that have gone really, really wrong.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I resent bullies, and I always have. I think that the leaders of the NRA are the bullies of all bullies.

Today I find myself once again fighting against NRA threats, threats against Members of this body who support sensible gun control and plugging the gun show loophole.

Years ago, as a Member of the Petaluma City Council in California, I was threatened by these same individuals, who promised to post my name in their place of business if I voted for local gun control.

Let me tell the Members, I told them I would be proud to have my name posted in their businesses, and I told them how to spell my name. I did not want my name up there unless it was spelled right.

Today I am proud to stand for the McCarthy, et al., amendment, and I am proud to stand for the Conyers-Campbell amendment, amendments that keep our children safe, and any bully who wants to hold that against me needs to spell my name right: W-O-O-L-S-E-Y.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am looking at the clock. It is 10 o'clock at night. We have been debating for 2 days and we have finally gotten to guns. I think about this afternoon, and the fact that we debated the Ten Commandments.

It is not going to be until 3 in the morning when we finally debate 10 bullets in every magazine that can be stuck into a clip and mowed across any Long Island railway to take out some member of a family who is trying to get home in the evening. We are going to debate that at 3 o'clock in the morning? Shame on this House and this process.

I cannot get my head around this loophole thing that the Republicans keep talking about. They want loopholes? Let me understand this correctly. The Brady bill is designed to screen out criminals from getting guns, but no, the Dingell amendment and the Republicans want to create a loophole so that criminals can get guns.

I do not get it. They want criminals to get guns. I cannot figure it out any other way. If they did not want criminals to get guns, they would be for closing the loophole. That is what loopholes are. They are mechanisms to get around the law. Let us close the loophole and pass the McCarthy amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

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

Mr. CHAMBLISS. Mr. Chairman, despite all the rhetoric that is being used by liberals here tonight, the thrust of their effort is one of the most dishonest attempts to disguise legislation that I have ever seen.

To my colleagues and to my constituents in Georgia's Eighth District, they deserve to know what is behind all the smoke and mirrors here tonight.

The majority of the amendments that we are debating are not about saving lives, they are about taking rights away from law-abiding citizens. What we are talking about is gun control. That is the wrong issue.

Just yesterday and today this House approved amendments that were truly aimed at saving lives, preventing tragedies, and solving the cultural problems facing our Nation. That is where we need to direct the debate tonight.

Let us punish those who break the law, let us enforce the laws already on

the books, and let us limit the access of children to violent and sexually explicit material. We do not need to punish law-abiding Americans. We do not need more gun control legislation.

I will oppose all attempts to chip away at America's Bill of Rights, and I urge my colleagues to do the same. The Second Amendment and the 10th Amendment are part of our Constitution. Every single Member of this body took an oath to uphold the Constitution of the United States of America. Uphold the Constitution by defeating any gun control measures on the floor tonight and in the future.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me just say first that the gun show bill we are considering today falls far short of what this Congress should be doing to protect America's children. This bill is really a sham, the NRA has shot so many loopholes in the Senate gun show language.

Let me just list a few of them. First of all, it opens up a gun runner loophole. H.R. 2122 would only apply the definition at events where 10 or more vendors are selling guns and where 50 or more guns are sold, regardless of the amount of guns sold. This means that nine vendors could sell thousands of firearms at a gun show without being required to do any criminal background or age checks.

It also opens up a "Let's step outside" loophole. The bill allows gun vendors to complete transactions of gun sales with no background checks if the seller and purchaser merely step outside of the curtilage of the gun show to make the deal.

It also allows for a roving vendor loophole. This bill allows gun vendors at gun shows to sell firearms with no background checks if they are simply walking the premises.

So please support the McCarthy-Roukema and the Conyers-Campbell amendment. Without these amendments, these loopholes will mean that criminals will get guns.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCARELL).

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

Mr. PASCARELL. Mr. Chairman, I have a question: What do the International Association of Chiefs of Police, the International Brotherhood of Police Officers, the Police Foundation, the National Association of Black Law Enforcement Officers, Black Executives Research Forum, what do they all have in common? They support waiting 3 business days, like we want, like the McCarthy proposal has put forth.

What do we know that they do not know? That is a question Members must ask. I am tired of hearing about liberal organizations. Are these liberal organizations? What is their hidden agenda? They have to deal with this

day in and day out, the police officers of the country. They know what they are talking about. They look at this firsthand.

Let us look at the record. Just this year in the State of Michigan, this year, February 6, 1999, a twice-convicted domestic violence batterer; April 24, 1999, a person convicted of domestic assault and battery, were stopped because of the three-day rule. They would be out on the street today doing their business.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY), one of the indefatigable Members of the House.

Mrs. MCCARTHY of New York. Mr. Chairman, I am sitting here and I am listening to this debate. I know what is in my amendment. My amendment is closing a loophole. That loophole is not taking away anyone's right to buy a gun except a criminal.

My amendment also puts in there that there will be no national gun registry. Has anyone read this amendment? We talk about adding new laws. We are not adding new laws. We are using the existence of the Brady bill that is already there.

Seventy-five percent of the people that go to gun shows can get their guns in a short amount of time. Some might actually have to wait 2 hours. It is the criminals that have to wait. It is the criminals that we want to wait. It is the criminals, that is what we are supposed to be doing.

Where is our debate going? We are supposed to be saving people's lives, our police officers, our children. That is our job, and that is what the American people want.

□ 2215

Mr. MCCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I have found tonight's debate incredible. Just a few moments ago, we were accused of wanting criminals to get guns.

Now, does anyone really believe that any Member of this body, I would not accuse anybody of that, wants criminals to get guns?

Criminals steal guns. Criminals do not buy guns in the marketplace. They buy them in the black market. They steal them.

We also have trivialized the Ten Commandments. I would urge the gentleman to read them. One is, Thou shalt not kill. That is one of the Ten Commandments that was talked about today, and it was trivialized here a few moments ago.

Earlier this evening in this debate, we heard the figure of 13 children. Now, one child is too many, but what is children? I asked several people what they considered children and they said 10 and under; 12 and under. Well, let us take 14 and under. The national statistic is less than 2, but we hear from

the President, we hear from the minority leader, we hear from leaders trying to make this issue 13.

That is a lie. That is not the facts.

Two is too many. We cannot afford to lose any children.

I ask all of my colleagues if we pass every amendment, if we pass every bill that is before us, will Littleton have been prevented? No. No, it would not.

What has happened that very young children can pull a trigger and kill another human being? It used to be people who had been in the war and had scars and had emotional problems that would crack and we would suddenly have a crime wave in one of our cities.

In World War II, I have been told that less than 35 percent of the trained soldiers could pull the trigger when they had the enemy in front of their sights because of the value of life that we have all been taught to treasure.

What has changed us? In the Vietnam War, I am told through video-type simulations, that number went up much higher because we taught them to pull the trigger and pull the trigger at targets that were like people, until they were desensitized, and so they could take a life without giving much thought.

Something has changed in this country. The people do not value life. That is what we need to deal with. It is not guns. Nobody wants criminals to have guns.

What has desensitized young people? Just a few years ago when I was State chairman of health in Pennsylvania, I was at Temple University at the trauma center. I was a member of the trauma board and they told me that 45 to 50 percent of the people at their trauma center was from street crime in Philadelphia.

Now some of that has moved out to rural America where I live, and I am as concerned as the people in Philadelphia and all of our cities. But what has changed? They told me that street crime dominated their trauma centers; a third guns, a third knives, and a third clubs. Are we going to deal with clubs and knives? That was their statistics, unsolicited, for when I was chairman of health and welfare in Pennsylvania.

Mr. Chairman, what has changed in our communities and our schools about drugs? Twenty years ago, there were few drugs in rural schools. They were in urban schools, and the crime was in urban cities. Today there are drugs everywhere in this country, every hamlet, every corner. Drugs are available to 7th and 8th graders. What are we doing about that? We have lost the war on drugs.

We spent \$18 billion, Mr. Chairman. The problem before us is far beyond the gun. That is just part of the problem.

Mr. CONYERS. Mr. Chairman, I yield 20 seconds to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, being that I could not be yielded time by the gentleman from Pennsylvania (Mr. PETERSON), let me

just say that in 72 hours, over the weekend, the criminals are the ones that will walk away with the guns. We know that. We have the statistics for that. If we go back to the 24 hours, I am saying between January and today if it was under 24 hours we would have 17,000 criminals getting guns.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise proudly in strong support of the McCarthy amendment.

Mr. Chairman, I believe I was elected to help make this world a better place for our children and this amendment will simply close a loophole in current law. It will simply make it more difficult for criminals to get guns at gun shows that they could not purchase anyplace else. That is it. This is one small reasonable way to make the world safer for our kids.

As a new parent of a little boy, I care deeply about the safety of his world. So I am casting my vote in favor of this amendment.

I have been inundated with calls from the NRA, like many of my colleagues. A well-financed NRA campaign has flooded my district with distorted information about what this amendment will do, and that is their right and they certainly have money to promote the distortions, but let me say, Mr. Chairman, they are wrong.

So I say to my colleagues, this is an important issue. It is worth casting a yea vote, even if it risks losing your seat. If we cannot come together on a proposal so reasonable, then we have abandoned our communities and turned our backs on our children.

I urge my colleagues to vote yes on the McCarthy amendment.

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

Mr. MORAN of Virginia. Mr. Chairman, we are all entitled to our own opinion on this issue, but we are not entitled to our own facts. The fact is that in 1996, 10,744 people were murdered with firearms in this country. That is more than were murdered with firearms in all 25 industrialized nations combined.

In that same year, 106 people died of firearms in Canada. Now, Canadians love to hunt. They probably hunt more than we hunt, but they understand that handguns are not for the purpose of hunting animals. They are for the purpose of killing people.

The gentleman suggests that that figure of 13 children being killed every day is not accurate. The fact is, 13 young people, under the age of 19 are killed every day in America. We do not read much about them probably because most of them are killed in the inner cities of our nation but they should matter and they should not be killed because we have made handguns too accessible to their killers and we should pass the McCarthy amendment

because it will probably save even a few of those young lives.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I do not know what world some people have grown up in but I grew up in urban America. From the time that I can recall, I have seen people with guns killing people.

It seems as though all of a sudden there is a revolution or an evolution of guns on the streets and we do not want to realize that they are killing people every day.

This amendment, the McCarthy amendment, simply closes a loophole. We could go much further. For example, if we go back in the beginning of the 19th century in the wild, wild West when guns were everywhere, there were times where people had to check their guns in. There was gun control back then. Yet here we are now not sensible to see violence is here, and we must do something to stop it.

Gun control is what stops it, and we are not even talking about that here in this bill. For if we do not pass this bill, let us then ask who the bell tolls for. The bell tolls for thee.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 3½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 6 minutes and 10 seconds remaining.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, tonight we choose between common sense and unreasoned fear. It would be common sense to close loopholes with the McCarthy amendment on gun safety laws. It would be unreasoned fear to think that keeping felons from firearms will somehow keep dads from deer rifles. On this night, we should choose common sense.

I am a Member with a somewhat unique perspective because in 1994 I voted to ban assault weapons and I was defeated. It was bitter and it was painful, but I have not regretted that vote for one second, for a simple reason: Any child's life is more important than any Congressman's seat. No Congressman's seat is more important than any child's life.

The reason I am back here now is that the world has changed since 1994. America is tired of burying its children, and we need to put aside this notion that common sense will do anything else but to restore order.

In January of 2001, I will come to this floor and celebrate with my colleagues. I will celebrate the children who are alive because of the actions we take tonight.

I lost my seat in 1994 on gun issues, but I am going to win my seat in 2000 by voting for common sense for families. This is the right thing to do and, Mr. Chairman, America knows it.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from

Massachusetts (Mr. DELAHUNT), a distinguished member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, no one is accusing anyone of anything. Let me suggest that this is a bill of unintended consequences, but it is a dangerous and irresponsible measure because it would weaken the Brady law and it will put lethal weapons into the hands of criminals. That is because the bill denies the FBI the 3 business days it needs to complete its background check on those very people that are most likely to have a criminal history, like the convicted rapist who traveled from Virginia to North Carolina just last month for the purpose of buying a gun; or the man convicted of armed robbery and burglary in Georgia who drove to Missouri last March for the purpose of buying a gun; or the murderer in Texas, or the arsonist in New Jersey who went all the way to Mississippi last April for the purpose of buying a gun.

Now, these are just a few of the thousands of criminals who have tried to purchase handguns in the last 6 months and were stopped because a 3-day, business day, background check revealed their criminal history before the sale could go through.

If this bill had been the law of the land 6 months ago, the FBI, and that is not a liberal organization, Mr. Chairman, estimates that 9,000 of these people would have been walking the streets with a license to kill. So please, Mr. Chairman, think of that before this vote.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 3½ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 3 minutes 10 seconds remaining.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Washington State (Mr. METCALF).

Mr. METCALF. Mr. Chairman, we are discussing today an issue which harkens back to our earliest times, before the Revolution or even the Declaration of Independence. Those who have visited Lexington and Concord remember the statues commemorating the "minute-men," statues of frontiersmen with flintlock muskets ready to be used at a moment's notice, and in mid-April 1775 that moment arrived. The British marched out of Boston on the road to Lexington and Concord.

I want to raise the question tonight: Why, why were the British marching out of Boston in those pre-dawn hours?

□ 2230

The answer is appropriate to this discussion. The British had heard that the colonists were stockpiling arms and ammunition at Lexington and Concord, and they were intent on capturing and/or destroying the colonists' guns.

When the British marched out to take away their guns, the colonists drew a line in the sand. They would go to war to protect their right to keep and bear arms. Millions of Americans

today believe that that line is still there.

I will vote to protect those who use guns legally and responsibly. The decision to bear arms must be reserved for law-abiding Americans, not by this Congress.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

Mr. Chairman, it is hard for me to understand why it has taken this Congress this long to pay any attention to gun violence. Each of us knows that this is a tragedy in our country, and we come here and we waste the taxpayers' money talking about the NRA, talking about Democrats, talking about Republicans, when the color of our blood is the same regardless of where we are from.

Why is it that it took Littleton for us to face this tragedy? In the district I represent, they are killed every day, children are killed by spraying bullets, yet we pay no attention, yet we come here to try to undercut or degrade amendments that come up to try to protect us.

Now, if we do not protect ourselves, no one else will protect us. We are here in the highest body in this land, yet we cannot face one of the worst tragedies this country has ever faced, and that is the use of guns.

Guns do not create violence alone, but what creates violence is the atmosphere of the people one lets have these guns.

I stand before my colleagues today and plead to them to do the right thing. Stop worrying about how you look back home. Worry about how you look in your heart. It is important.

Mr. CONYERS. Mr. Chairman, I yield the remainder of the time to the gentleman from New York (Mr. WEINER), a member of the Committee on the Judiciary.

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

Mr. WEINER. Mr. Chairman, as much as some of my colleagues would like this to be a debate about the history of the second amendment, about whether or not we should govern clubs and sticks as well as guns, this is a very simple and narrow proposition that we are considering today; and that is, if a person walks into a shop where guns are sold on a Friday before a long weekend, and they want to purchase a gun, almost instantly 75 percent of those people that walk in there can walk out with that gun with no problem at all. But if that same exact person walks into a gun show, they could also walk out instantly, 75 percent of them.

It is what happens to that other 30 percent, the ones where a flag comes up

on that Friday and we are unable to determine why it is that that person has a flag.

Just so we understand here, over 300,000 people have walked into shops and tried to buy guns that were not entitled to have them, criminals, people that were going to do wrong with them, people that I am sure our Founding Fathers would have said it is absurd to say that someone who is a batterer, someone who is rapist should be able to get that gun. I think my colleagues on the other side of the aisle understand that. I think they see the value of that.

All that we are saying today with the McCarthy amendment, all we are saying today in rejecting the Hyde amendment and rejecting the Dingell amendment is make it exactly the same for a customer walking into a gun show. Just make the rules consistent. Let us take that 30 percent or so and say, "Do you know what, let us wait and find out why you have a flag." What is the harm in leveling that playing field? That is all we are asking today.

For those of my friends who are avid gun users who represent districts where guns are purchased heavily, I would ask them to ask their gun shop owners why it is they would be dealt with a different playing field than those who are in the gun show.

What is the rationale? The rationale is plain and simple, I would say to the opponents of the McCarthy amendment. The National Rifle Association says they do not want it; therefore, we are not going to do it here. That does not make sense. Over 300,000 criminals have been prevented from getting guns at shops. Let us stop them at gun shows as well.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I think what we are here tonight to debate and what this underlying bill is all about is something that we all ought to be able to agree on. It is not a bill about controlling guns in this country and the broad sense of that debate. It is a fact that I happen to believe in the second amendment and the right to bear arms, self-defense and so forth.

But I am concerned, and that is why this amendment is here, with the fact that we have laws rightfully on the books that everybody in this country agrees with, and that is laws that say that felons, convicted felons, should not be allowed to get guns.

We have a problem with the fact that some kids are getting killed on our streets, all too many of them, with violent youth crime. One of the principal reasons why that is occurring is because there is a loophole in the current instant check laws.

I do not favor waiting periods, and we are not talking about that tonight. We are talking about how can we, at a balanced approach, which this underlying bill, H.R. 2122 does, how can we close a loophole in the existing law that does require when one goes to buy a gun that there is a background check, an

instantaneous background check in the best sense that we can do that, a name check, to find out if one is indeed a criminal with a felony record and, therefore, disqualified to buy that gun. That is all this is about tonight.

I think the underlying bill is very responsible. People have criticized various things about it, and misstated, I think, unintentionally, I am sure, some things about it. The truth is that, yeah, maybe 25 percent of the people who go to buy a gun, when they do go through an instant check, whether it is at a gun show or otherwise, are flagged. But 80 percent of those people who are flagged are not criminals. They wind up getting those guns. A very tiny fraction are screened out. When they are, they should be, though.

The idea is to close a loophole in the gun show, which, up until now, if one is not a registered dealer and one sells a gun to somebody at a gun show, one does not have this instant check.

The underlying bill that I support strongly requires the instant check for everyone who purchases a gun at a gun show, just like everyone who purchases a gun from a gun dealer anywhere else.

It should not be a problem. It should not be a difficult vote. It is one that a lot of people want to offer other amendments to. But, quite frankly, what we do here is a simple balance in truth of this. We give the right amount of time to check on it and not an excessive amount. I urge that the bill be voted on and that frivolous amendments not be voted for.

Mr. COYNE. Mr. Chairman, we as a nation need to act to reduce gun-related violence in this country.

In 1994, Americans owned 192 million firearms, 65 million of which were handguns. That same year, more than 15,000 people were killed with firearms in this country, nearly 13,000 of them with handguns. Those figures are much higher—even on a per capital basis—than in any other developed country.

Several weeks ago, President Clinton proposed legislation which would require background checks for firearm sales at gun shows. I welcome the President's initiative.

Background checks and waiting periods are just simple, practical, and constitutional measures for ensuring that people who should not have guns don't get them. Since 1994, the Brady Law has blocked the sale of handguns to over 250,000 prohibited purchasers. Of this number, over 47,000 were felons. Moreover, after the Brady Law took effect in 1994, the number of murders in this country fell by 9 percent, while the number of murders committed with a firearm fell by 11 percent.

In May, the Senate passed legislation that would require background checks for firearms sales at gun shows. Today, the House has a chance to vote on similar legislation. I urge my colleagues to join me in supporting this important legislation.

Credible evidence indicates that gun shows represent one of the most significant sources of weapons used in crimes. A one-year study by the Illinois State Police, for example, indicated that more than a quarter of the illegally trafficked firearms used in crimes had been sold at gun shows. It seems clear to me that

if we want to reduce criminals' access to firearms we need to close the gun show loophole, and that means we need to have background checks for firearms sales at gun shows.

In short, Mr. Chairman, requiring background checks of firearms sales at gun shows seems like a common-sense measure to keep guns out of the hands of criminals. Obviously, such a measure won't eliminate violent crime, but it might—just might—reduce the number of firearms deaths in this country.

Ms. ROYBAL-ALLARD. Mr. Chairman, guns are not the only cause of youth violence. But the increasing tragedies from gun violence in our schools tell us that our children enjoy easy access to guns, and strong steps should be taken to restrict that access.

We must not lose sight of our goal. Our goal is to keep our kids safe in school.

That's what the tragedies in Littleton and Atlanta and Jonesboro and other suburban communities have pointed out in dramatic fashion—that even kids in our suburban high schools are not safe from gun violence. But instead of addressing this pressing issue, the Republican leadership has failed to act responsibly in a time of crisis. They have allowed months to pass since the tragedy of Littleton, Colorado before taking action to curb the gun violence that threatens our children throughout the country. And now that they have chosen to act, they do so with the ugly face of partisanship and irresponsibility.

Columbine High School was a real tragedy, but it is no more significant than the tragedy that many of us experience in our districts every day. As a representative of an inner-city district, I know that the tragedy of gun violence to our young people and by our young people has had heart-breaking consequences in my district for many years. In just the last few months, there has been a series of violent incidents that involved youth and that I wish I could say were unusual.

But unfortunately, they are all too frequent in my district.

In Huntington Park, for example, two youngsters shot it out in front of city hall, wounding innocent bystanders.

In southgate, Mayor Henry Gonzalez was shot in the head after a city council meeting when two youth attempted to rob him. Fortunately, Mayor Gonzalez survived the attack but he was severely wounded and spent weeks in intensive care.

In southeast Los Angeles near Walnut Park, a series of drive-by shootings have taken place in recent weeks.

The cancer of violence that has impacted major cities for years is now spreading across the country. We cannot ignore this crisis as we have in the past, nor can we effectively address it with diluted gun safety measures and feel-good juvenile crime provisions that do little, as the Republican leadership would have us do.

I voted for the Brady bill and for the assault weapons ban, and the facts support that they have made an enormous difference in preventing easy access to weapons by criminals. The Justice Department tells us that the Brady bill has blocked over 400,000 illegal gun sales to felons, fugitives, stalkers, and other prohibited persons, but no law-abiding citizen has been stopped from buying a gun for sport or self-protection.

In spite of these successful measures, the recent tragedies have made it apparent that even more needs to be done.

In May, the Senate quickly passed some reasonable gun safety provisions to tighten up gun purchases at gun shows, to require safety locks on guns, and to ban large-capacity ammunition clips. The House could have also acted quickly to pass the same provisions and put a bill on the President's desk by Memorial Day. Instead, the Republican leadership ignored the American people, delayed action, and have now chosen to make a mockery of a bipartisan legislative process by allowing consideration of numerous amendments that have never been the subject of committee deliberation.

Some believe that the delays since Memorial Day have been orchestrated to give the National Rifle Association time to mobilize their membership to weaken the safety measures passed by the Senate and ultimately kill them. Our actions today will demonstrate whether that charge has any validity.

I support the McCarthy amendment which will strengthen the provisions in the bill affecting gun show transactions and close the loophole that permits our children to obtain guns in this unregulated manner.

I support the amendment to ban the importation of large capacity ammunition feeding devices.

I also support the amendment that will require secure gun storage or safety devices for handguns.

These are common-sense provisions that add an additional margin of safety for the millions of guns that are in circulation in the United States. Perhaps it is not all we should be doing to cut down on the gun violence that claims so many Americans each year.

But it is a start, and it represents progress on these important issues.

I urge my colleagues to support these reasonable efforts to keep our kids safe in school and to keep guns out of the hands of criminals.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in support of the provisions in this bill proposed by several of my Democratic colleagues dealing with gun safety, especially the McCarthy amendment. These provisions are commonsense solutions that will get guns out of the wrong hands.

Children are too easily able to get guns, either from gun shows or from their own homes. Convicted felons and people with outstanding warrants can walk into any gun show and walk stall to stall until they find a dealer willing to sell them a gun with no questions asked. These problems are too severe to be ignored.

This is not gun control, this is gun safety. We are not trying to control guns, we are trying to control the environment of rising youth violence. I come from Texas, and I can tell you that people in Texas raise a big ruckus whenever they think that we in Washington are trying to take their guns away.

I am not worried about responsible adults who have guns legally and use them wisely. I am worried about their children, who do not have the capacity to make responsible choices about firearms, getting their hands on guns. Selling a trigger lock with every new weapon makes weapons safer for children.

This does not mean that parents can abdicate their responsibility when they purchase guns. But, trigger locks will cut down on acci-

dental shootings and will make it harder for children to use firearms in a fit of rage.

We need to conduct background checks on gun show purchasers and we cannot rest on the watered down language the NRA supports. Gun shows are the easiest way for criminals and children to get guns illegally. Let's stop the practice now.

Legitimate buyers need not worry, so why does the NRA oppose this? Who knows? Stop attacking common sense and support the language taken exactly from the Senate passed Juvenile Justice bill.

Finally, we need to raise the legal age to purchase a handgun from 18 to 21.

These provisions all make sense and are needed now. Stop letting children and criminals get guns. Pass these provisions. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

#### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. While the Chair earlier entertained a unanimous consent request to extend general debate by an additional 10 minutes, the precedents indicate that the Committee of the Whole may not change an order of the House regarding general debate (where the House sets a time not to be exceeded) even by unanimous consent.

Thus, the Chair would not expect the House precedents to be changed in this regard.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2122 is as follows:

H.R. 2122

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Mandatory Gun Show Background Check Act".

#### SEC. 2. MANDATORY BACKGROUND CHECKS AT 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, the vast majority of whom are law-abiding individuals with no desire to participate in criminal transactions;

(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) 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, often without background checks and without records that enable gun tracing;

(5) 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 can obtain guns without background checks and can use such guns that cannot be traced to later commit crimes;

(6) 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

(7) 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 section, 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) The term ‘gun show’ means an event which is sponsored to foster the collecting, competitive use, sporting use, or any other legal use of firearms, and—

“(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 the event otherwise affects, interstate or foreign commerce; and

“(B) at which there are not less than 10 firearm vendors.

“(36) The term ‘gun show organizer’ means any person who organizes or conducts a gun show.

“(37) The term ‘gun show vendor’ means any person who, at a fixed, assigned, or contracted location, exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show.”.

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of such title is amended by adding at the end the following:

#### “§931. Regulation of firearms transfers at gun shows

“(a)(1) A person who is not a licensed importer, licensed manufacturer, or licensed dealer, and who desires to be registered as an instant check registrant shall submit to the Secretary an application which—

“(A) contains a certification by the applicant that the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1); and

“(B) contains a photograph and fingerprints of the applicant; and

“(C) is in such form as the Secretary shall by regulation prescribe.

“(2)(A) The Secretary shall approve an application submitted pursuant to paragraph (1) which meets the requirements of paragraph (1). On approval of the application and payment by the applicant of a fee of \$100 for 3 years, and upon renewal of valid registration a fee of \$50 for 3 years, the Secretary shall issue to the applicant an instant check registration, and advise the Attorney General of the United States of the same, which entitles the registrant to contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act for information about any individual desiring to obtain a firearm at a gun show from any transferor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, and receive information from the system regarding the individual, during the 3-year period that begins with the date the registration is issued.

“(B) The Secretary shall approve or deny an application submitted pursuant to paragraph (1) within 60 days after the Secretary

receives the application. If the Secretary fails to so act within such period, the applicant may bring an action under section 1361 of title 28 to compel the Secretary to so act.

“(3) An instant check registrant shall keep all records or documents which the registrant collects pursuant to this section during a gun show at a premises, or a portion thereof designated by the registrant, that is open for inspection by the Secretary. The Secretary shall establish by regulation the procedure for the inspection, at a premises or a gun show, of the records required to be kept under this section in a manner for a registrant that is identical to the same procedural rights and protections specified for a licensee under subsections (g)(1)(A), (g)(1)(B), and (j) of section 923. An instant check registrant shall remit to the Secretary all records required to be kept by the registrant under this subsection when the registration is no longer valid, has expired, or has been revoked.

“(4)(A) This subsection shall not be construed—

“(i) as creating a cause of action against any instant check registrant or any other person, including the transferor, for any civil liability; or

“(ii) as establishing any standard of care.

“(B) Notwithstanding any other provision of law, except to give effect to subparagraph (C), evidence regarding the use or nonuse by a transferor of the services of an instant check registrant under this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a civil action brought on any theory for harm caused by a product or by negligence.

“(C)(i) Notwithstanding any other provision of law, a person who is—

“(I) an instant check registrant who assists in having a background check performed in accordance with this section;

“(II) a licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of firearms under this chapter; or

“(III) a nonlicensee disposing of a firearm, who utilizes the services of an instant check registrant pursuant to subclause (I) or a licensee pursuant to subclause (II),

shall be entitled to immunity from a civil liability action as described in this subparagraph.

“(ii) 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 clause (i) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party, but shall not include an action—

“(I) brought against a transferor convicted under section 924(h), or a comparable or identical State felony law, by a party directly harmed by the transferee’s criminal conduct, as defined in section 924(h); or

“(II) brought against a transferor for negligent entrustment or negligence per se.

“(4) A registration issued under this subsection may be revoked pursuant to the procedures provided for license revocations under section 923.

“(b) It shall be unlawful for any person to organize or conduct a gun show unless the person—

“(1) registers with the Secretary in accordance with regulations promulgated by the Secretary, which shall not require the payment of any fee for such registration;

“(2) before commencement of the gun show, records and verifies the identity of each individual who is to be a gun show vendor at the gun show by examining, but not retaining a copy of, a valid identification document (as defined in section 1028(d)(1)) of the individual containing a photograph of the individual; and

“(3) maintains a copy of the records described in paragraph (2) at the permanent place of business of the gun show organizer for such period of time and in such form as the Secretary shall require by regulation.

“(c)(1) If, at a gun show or the curtilage area of a gun show, a person who is not licensed under section 923 makes an offer to another person who is not licensed under section 923 to sell, transfer, or exchange a firearm that is accessible to the person at the gun show or in the curtilage area of the gun show, and such other person, at the gun show or the curtilage area of the gun show, indicates a willingness to accept the offer, it shall be unlawful for the person to subsequently transfer the firearm to such other person, unless—

“(A) the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with paragraph (2)(B) and otherwise in accordance with law; or

“(B)(i) before the completion of the transfer, an instant check registrant contacts the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act;

“(ii)(I) the system provides the registrant with a unique identification number; or

“(II) 72 hours have elapsed since the registrant contacted the system, and the system has not notified the registrant that the receipt of a firearm by such other person would violate subsection (g) or (n) of section 922; and

“(iii) the registrant notifies the person that the registrant has complied with clauses (i) and (ii), or of any receipt by the registrant of a notification from the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act that the transfer would violate section 922 or State law; and

“(iv) the transferor and the registrant have verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d)(1) of this title) of the transferee containing a photograph of the transferee.

“(2)(A) The rules of paragraphs (2), (3), and (4) of section 922(t) shall apply to firearms transfers assisted by instant check registrants under this section in the same manner in which such rules apply to firearms transfers made by licensees.

“(B)(i) For purposes of section 922(t)(1)(B)(ii), the time period that shall apply to the transfer of a firearm as described in paragraph (1) of this subsection shall be 72 hours.

“(ii) The licensee or registrant may personally deliver or ship the firearm to the prospective transferee in accordance with clause (iii) if the gun show has terminated, and—

“(I)(aa) 72 consecutive hours has elapsed since the licensee or registrant contacted the system from the gun show and the licensee or registrant has not received notification from the system that receipt of a firearm by the prospective transferee would violate subsection (g) or (n) of section 922 or State law; or

“(bb) the licensee or registrant has received notification from the system that receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 or State law; and

“(II) State and local law would have permitted the licensee or registrant to immediately deliver the firearm to the prospective transferee if the conditions described in item (aa) or (bb) had occurred during the gun show.

“(iii)(I) The licensee may personally deliver the firearm to the prospective transferee at a location other than the business premises of the licensee, without regard to whether the location is in the State specified on the license of the licensee, or may ship the firearm by common carrier to the prospective transferee.

“(II) The registrant may personally deliver the firearm to a prospective transferee who is a resident of the State of which the registrant is a resident, or may ship the firearm by common carrier to such a prospective transferee.

“(3) An instant check registrant who agrees to assist a person who is not licensed under section 923 in complying with subsection (c) with respect to the transfer of a firearm shall—

“(A) enter the name, age, address, and other identifying information on the transferee (or, if the transferee is a corporation or other business entity, the identity and principal and local places of business of the transferee) as the Secretary may require by regulation into a separate bound record;

“(B) record the unique identification number provided by the system on a form specified by the Secretary;

“(C) on completion of the functions required by paragraph (1)(B) to be performed by the registrant with respect to the transfer, notify the transferor that the registrant has performed such functions; and

“(D) on completion of the background check by the system, retain a record of the background check as part of the permanent business records of the registrant.

“(4) This section shall not be construed to permit or authorize the Secretary to impose recordkeeping requirements on any vendor who is not licensed under section 923.

“(d) If, at a gun show or the curtilage area of a gun show, a person who is not licensed under section 923 makes an offer to another person who is not licensed under section 923 to sell, transfer, or exchange a firearm that is accessible to the person at the gun show or in the curtilage area of the gun show, and such other person, at the gun show or the curtilage area of the gun show, indicates a willingness to accept the offer, it shall be unlawful for such other person to receive the firearm from the person if the recipient knows that the firearm has been transferred to the recipient in violation of this section.”.

(2) PENALTIES.—Section 924(a) of such title is amended by adding at the end the following:

“(7)(A) Whoever knowingly violates subsection (b), (c)(1), or (c)(2) of section 931 shall be—

“(i) fined under this title, imprisoned not more than 1 year, or both; or

“(ii) in the case of a second or subsequent conviction of such a violation, fined under this title, imprisoned not more than 5 years, or both.

“(B) Whoever knowingly violates subsection (c)(3) or (d) of section 931 shall be fined under this title, imprisoned not more than 3 years, or both.

“(C) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates subsection (b), (c), or (d) of section 931—

“(i) impose a civil fine in an amount equal to not more than \$2,500; and

“(ii) 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)."

(3) CONFORMING AMENDMENT.—Section 923(j) of such title is amended in the first sentence by striking "or event" and all that follows through "community".

(4) CLERICAL AMENDMENT.—The section analysis for chapter 44 of such title is amended by adding at the end the following: "931. Regulation of firearms transfers at gun shows."

(d) INSPECTION AUTHORITY.—Section 923(g)(1) of such title is amended by adding at the end the following:

"(E) The Secretary may enter during business hours the place of business of any gun show organizer and any place where a gun show is held, without such reasonable cause or warrant, for the purpose of inspecting or examining the records required by section 923 or 931 and the inventory of licensees conducting business at the gun show in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the organizer or licensee or when such examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation."

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of such title 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(a) of such title 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)(A) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 3 years, or both.

"(B) In the case of a second or subsequent conviction under this paragraph, the person 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 such title is amended by striking "and, at the time" and all that follows through "State law".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

### SEC. 3. INSTANT CHECK GUN TAX AND GUN OWNER PRIVACY.

(a) PROHIBITION ON GUN TAX.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

#### "§540B. Ban against fee for background check in connection with firearm transfer

"No officer, employee, or agent of the United States, including a State or local of-

ficer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3) of title 18)."

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The section analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540A the following:

"540B. Ban against fee for background check in connection with firearm transfer."

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

#### "§932. Gun owner privacy and ownership rights

"Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States—

"(1) shall perform any national instant criminal background check on any person through the system established pursuant to section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the "system") if that system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, about such person who is determined, through the use of the system, not to be prohibited by subsection (g) or (h) of section 922 of title 18, United States Code, or by State law, from receiving a firearm, except that this subsection shall not apply to the retention or transfer of information relating to—

"(A) any unique identification number provided by the national instant criminal background check system pursuant to section 922(t)(1)(B)(i) of title 18, United States Code; or

"(B) the date on which that number is provided; or

"(2) shall continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

"(A) the 'NICS Index' complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

"(B) the agency responsible for the system and the system's compliance with Federal law does not invoke the exceptions under subsections (j)(2), (k)(2), and (k)(3) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter."

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The section analysis for chapter 44 of title 18, United States Code, is further amended by adding at the end the following:

"932. Gun owner privacy and ownership rights."

(c) CIVIL REMEDIES.—Any person aggrieved by a violation of section 540B of title 28, or 931 of title 18, United States Code, as added by this section, may bring an action in the district court of the United States for the district in which the person resides. Any person who is successful with respect to any such action shall receive actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, except that the amendments made by subsection (a) shall take effect as of October 1, 1998.

The CHAIRMAN. No amendment is in order except those printed in part B of House Report 106-186. Each amendment may be offered only in the order printed in part B of the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in part B of House Report 106-186.

AMENDMENT NO. 1 OFFERED BY MR. DINGELL

Mr. DINGELL. 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. 1 printed in House Report 106-186 offered by Mr. DINGELL:

In section 931(c)(1) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike "indicates a willingness to accept" and insert "accepts".

In section 931(c)(1)(B)(ii)(II) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike "72" and insert "24".

In section 931(c)(2) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike subparagraph (B) and insert the following:

"(B) For any instant background check conducted at a gun show, the time period stated in section 922(t)(1)(B)(ii) shall be 24 consecutive hours since the licensee contacted the system, and notwithstanding any other provision of this chapter, the system shall, in every instance of a request for an instant background check from a gun show, complete such check over instant checks not originating from a gun show.

In section 931(d) of title 18, United States Code, as proposed to be added by section 2(c)(1) of the bill, strike "indicates a willingness to accept" and insert "accepts".

At the end of section 3 of the bill, insert the following:

(c) DELIVERIES TO AVOID THEFT.—Section 922(a)(5) of title 18, United States Code, is amended—

(1) by striking "and (B)" and inserting "(B)"; and

(2) by inserting ", and (C) firearms transfers and business away from their business premises with another licensee without regard to whether the business is conducted in the State specified on the license of either licensee" before the semicolon at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

After section 3 of the bill, insert the following:

### SEC. \_\_\_\_ PENALTIES FOR USING A LARGE CAPACITY AMMUNITION FEEDING DEVICE DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(i), by inserting "large capacity ammunition feeding device," after "short-barreled rifle,"; and

(2) by adding at the end the following:

"(5) For purposes of this subsection, the term 'large capacity ammunition feeding device' means a device as defined in section 921(a)(31) regardless of the date it was manufactured."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentleman from Michigan (Mr. DINGELL) and a Member opposed each will control 20 minutes.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that I be permitted to yield 10 minutes of the 20 minutes I have under the rule to the gentleman from Tennessee (Mr. BRYANT) and that he be permitted to yield time.

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

There was no objection.

The CHAIRMAN. The gentleman from Tennessee (Mr. BRYANT) will control 10 minutes.

Does the gentleman from Michigan (Mr. CONYERS) seek to control the time in opposition to the amendment?

Mr. CONYERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) will be recognized for 20 minutes.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey (Mrs. ROUKEMA) be yielded 10 minutes to yield time en bloc as she may choose.

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

There was no objection.

The CHAIRMAN. The gentlewoman from New Jersey (Mrs. ROUKEMA) will control 10 minutes of time.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would hope that the debate on this will be conducted without rancor, without charges of wrongdoing or misbehavior against any Member of this body or also against citizens who might have different feelings.

I would observe that the amendment does several things. It, first of all, defines what constitutes a sale at a gun show in a manner consistent with existing contract law.

Second of all, it directs the FBI to prioritize background checks at gun shows and to complete them within 24 hours.

Third, it deters the theft of firearms that are shipped through the mail by making it possible for dealers to deal at gun shows face to face.

Last, it increases the penalty for those who use guns with a large-capacity magazine in the commission of crimes.

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

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

Mr. Chairman, I rise with all due respect in opposition to the Dingell amendment. In my opinion, it does absolutely nothing to close the gun show loophole. In fact, it obviously makes it easier for criminals to bypass the law and get a gun.

This issue is about law and order and keeping criminals from getting guns. It is not about keeping law-abiding citizens from buying guns. So let us be clear about that.

But first I must say that the amendment of the gentleman from Michigan (Mr. DINGELL) so loosely defines what a gun show is that it is obvious that thousands of guns will be sold at shows without a single background check.

The 24-hour waiting period will destroy current Federal law that allows law enforcement officials up to 3 business days. The Dingell amendment is a ruse, plain and simple. The FBI itself estimates that under the 24-hour rule, over 17,000 people who were stopped by the current background check system from getting guns in only the last 6 months would have gotten those guns. These people would be those with criminal records, questionable legal residence, or maybe even mental patients.

Let us be honest and straightforward, for checks occurring on a Saturday, the Dingell 24-hour rule would mean that more than half, more than 60 percent of current denials would not have been made. That means a convicted rapist, child molester, or any other felon could have gotten a gun.

Now, I want to stress this for all who will please listen. We would love to talk about law and order. This is about law and order. Let us be perfectly clear. Closing the gun show loophole is about stopping gun selling and gun running by criminals. It is not about the Second Amendment. Every law enforcement person in the world of any reliability will tell us that 24 hours does not do it.

Let us also talk for a minute about whose been hanging out at gun shows. Oklahoma City bombers Timothy McVeigh and Terry Nichols sold well over \$60,000 in stolen weapons at gun shows to finance their killings. Columbine High School, Eric Harris, student, obtained his Tec-9 through a gun show.

I could go on. But I must say that it is perfectly clear, anybody with a degree of common sense or honesty about 24 hours over a weekend, nonbusiness day, clearly makes it a sham and a ruse and we must defeat the Dingell amendment and approve the McCarthy-Roukema amendment that will be debated next.

Mr. Chairman, let's make no mistake about it there is only one amendment that closes the gun show loophole for criminals and that is the McCarthy-Roukema amendment.

The Dingell amendment does nothing to close the gun show loophole and in fact makes it easier for criminals to by-pass the law and get a gun! This is about law and order—and keeping criminals from getting

guns. It is not about keeping the law abiding from buying guns.

First, the Dingell amendment so loosely defines what a gun show is that it will allow thousands of guns to be sold at gun shows without a single background check.

Second, the 24-hour waiting period will destroy the current federal law that allows law enforcement officials up to three-business days to conduct a background check. The Dingell amendment is a ruse . . . a sham . . . how can it be offered with a straight face?

Since 1993, the background checks established by the Brady law have blocked gun sales to 400,000 felons, fugitives, stalkers and mentally ill persons.

The FBI estimates that under a 24-hour rule, over 17,000 people who were stopped by the current background check system from getting guns in the last six months would have gotten guns! These are people with criminal records, or questionable legal residence for maybe a mental patient.

Most gun shows take place on the weekends. Under a 24-hour rule, a criminal who tried to buy a gun on Saturday would have a free pass if court records were required to finish the check, because the 24 hours would expire before the courts re-opened on Monday.

LETS BE HONEST—WE ALL KNOW

For checks occurring on a Saturday, the Dingell 24-hour rule would mean that more than half—60%—of current denials would not have been made. That means a convicted rapist, child molester, or any other felon could get a gun.

THIS IS ABOUT LAW AND ORDER

We need to maintain the current law 3-business days background check. We need to give law enforcement officers the upper-hand not the criminals.

Let's be perfectly clear . . . closing the gun show loophole is about stopping guns selling and gun running to criminals not the Second Amendment!

Criminals have increasingly—we are told—go to gun shows where no background checks are required to purchase a weapon. Look who has been hanging out at gun shows?

Oklahoma City bombers Timothy McVeigh and Terry Nichols sold over \$60,000 in stolen weapons at gun shows to finance the killing of 168 innocent men, women, and children.

Columbine High School attacker Eric Harris obtained his Tec-9 through a gun show.

It is imperative that we simply apply current federal law to gun shows not the sham Dingell amendment that would let criminals walk in and out of gun shows with new weapons without a single background check.

It is in the best interest of public safety and law and order that we vote against the Dingell amendment.

The International Association of Chiefs of Police.

The International Brotherhood of Police Officers.

Police Foundation.

National Association of Black Law Enforcement Officers.

And the Police Executives Research Forum.

All oppose Dingell and support McCarthy-Roukema.

Mr. Chairman, background checks work. The gun show loophole must be closed. The only way to do that is to defeat the Dingell amendment and approve the McCarthy-Roukema amendment that will be debated next.



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

□ 2245

Mr. BRYANT. Mr. Chairman, I yield myself 2 minutes.

I rise in strong support of the Dingell amendment. I believe this amendment is a good example of the two parties working together.

I do want it to be clear, though, that I do not generally support more Federal gun laws. Our country has at this time thousands of gun laws on the books and my concern is they are not being adequately enforced. We need stronger enforcement of existing gun laws.

In order to prevent felons from purchasing firearms, I ask my colleagues to support the Dingell amendment. This amendment will not further burden law-abiding gun owners, but this amendment will maintain the integrity of the gun show while establishing safeguards to protect our communities and gun owners.

Others will talk of the 24-hour instant check period. I want to talk about other protections of this amendment. This amendment will also help prevent the theft of firearms. Under current law, licensed dealers cannot transfer guns among themselves while attending a gun show. As a result, they must ship the guns through a common carrier. Many of the illegal guns used in the commission of crimes are stolen during this process of shipment. The Dingell amendment will allow a licensed dealer to transfer guns to another licensed dealer, thus preventing criminals the opportunity of stealing them from a common carrier. If we want to keep guns off the street, then here is one example where we can support a provision that will.

Another important provision of the Dingell amendment would be that it would increase the penalty for the use of a large capacity ammunition magazine during the commission of a violent crime or drug trafficking. This strong provision provides an additional tool for prosecutors in combating violent crime and drug trafficking.

I applaud the efforts of the gentleman from Michigan (Mr. DINGELL) and his colleagues. This is a balanced approach that all Members who support getting tough on criminals can also support.

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

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

I am not able to answer why the gentleman from Michigan (Mr. DINGELL) is doing this. I have been asked that quite a bit.

This is a weaker amendment on gun shows than the McCollum amendment. And here is the bottom line. If this amendment is passed, then criminals will be able to get guns at gun shows. That is where this all comes out.

Is there anybody that has not read about this amendment? Is there any-

body who does not know that 24 hours is not sufficient? Is there anyone that does not know that gun shows take place frequently on weekends and that a 24-hour rule will get them off? It requires a check only when a gun is offered for sale and the buyer accepts the offer near a gun show. This tells the criminal to window shop at gun shows and then to close the deal somewhere else. Does anyone not really understand what is going on here?

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Chairman, I rise in defense of the hunter-sportsman-working men and women of my district whose voices I want to be heard, voices of responsible firearms owners.

Your constituents at the Iron Range Labor Assembly urge you to oppose restrictions on gun sales and ownership rights as passed by the Senate. Many union families enjoy outdoor sports and the right to possess firearms. We are concerned about the safety in our schools, but the proposed legislation will not solve this problem. Tom Pender, President.

Jim, I'm a hunter and a fisherman all my life. It provides me a connection with my boys, my brother, and my dad. It is one of the few occasions we get together for quality time. But in recent years there is a concerted effort to condemn those of us who hunt and enjoy other legitimate uses of guns. There are those who would make gun use a vice and brand those of us who own guns as crazy or extremists. I want real study and real action to prevent future Littletons, not contrived knee-jerk reaction from Congress. Leo LaLonde, Aurora, Minnesota.

Real action is at Lincoln Park Elementary School in Duluth. Open from 7 a.m. to 9 p.m., where parents, teachers, students, community groups work together at muffin morning homework planning, 'success for all,' first grade preparedness, youth collaborative, family nights for parent and child, family building programs. Juvenile delinquency has been virtually eliminated and school performance elevated.

That is getting real. Let us pass the Dingell amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Our purpose tonight is not to restrict any law-abiding citizen's right to keep and bear arms. Our purpose tonight is to make laws requiring background checks for purchasing firearms to keep firearms out of the hands of criminals and unsupervised young people.

There is absolutely no reason that purchases at gun shows should be treated differently than purchases at a store. There should be a background check. This background check should allow adequate time to ensure that someone with a felony conviction is not permitted to purchase a gun.

As the gentleman from Florida (Mr. MCCOLLUM) pointed out, the National Instant Check System reveals those in-

dividuals who may have a felony arrest. The next step is to check local court records to determine if that person has a criminal conviction. That check may take 2 or 3 days. That is a short time to wait to help ensure that a violent felon does not walk away from a gun show with a lethal weapon.

The Dingell amendment will not accomplish any of those goals. It does not adequately define a gun show. It will not allow adequate background checks at gun shows. It will do little to close the gaping loophole in current laws that give criminals the incentive to purchase guns at gun shows.

We need reasonable and effective background checks to keep guns out of the hands of criminals. The Dingell amendment comes up short. Oppose the Dingell amendment and support the McCarthy-Roukema amendment.

Mr. BRYANT. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this bipartisan amendment to enact reasonable, fair, common-sense background checks that truly fit the definition, within reason, of an instant background check at gun shows.

The McCarthy-Lautenberg amendment is Washington at its best, Mr. Chairman, for only in Washington would an instant background check mean up to 6 days. Only in Washington would an instant background check operate to deny people their constitutional rights and up to 6 days.

For those who might have trouble with the math, and we will not hear it from McCarthy-Lautenberg, let me explain. If we allow an instant or so-called instant background check to consume 3 business days, that is 3 days plus, if, as many gun shows do take place on holiday weekends, that is an additional 3 days. For all intents and purposes, that means that a purchaser, a bona fide purchaser, will not be able to take, very possibly, if the instant background check does not work properly, which in many instances it does not, would not be able to take advantage of exercising their second amendment rights at that gun show.

Only in Washington does an instant background check under the McCarthy-Lautenberg amendment mean up to 6 days.

A vote for this bipartisan Dingell amendment not only brings common-sense, rationality and fairness to this debate, but it also is not a vote for gun control. Let me repeat. A vote for the bipartisan Dingell amendment is not a vote for gun control. It is a vote to preserve gun shows as legitimate business enterprises in this country.

If McCarthy and Lautenberg is adopted, it will put gun shows out of business. It will do this in many different ways, including the expanded so-called instant background check, which would consume so many days that it

would make it unreasonable for anybody to bother purchasing a firearm at a gun show.

It does so because it would, for the first time in American history, even against several Federal laws that provide to the contrary, allow the government to begin maintaining a registry of lawful gun owners. It would put gun shows out of business because it would create very nearly strict civil liability for gun show operators and promoters.

It is overly broad, the McCarthy-Lautenberg amendment. Dingell corrects it and is a vote for reasonable and meaningful instant background checks at gun shows and I urge its adoption.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I live in rural central Texas where guns are a way of life. I am a hunter and a gun owner. But I am also a father and a husband, and tonight I will vote for the safety of my children and family and for my colleagues'. I will vote for the McCarthy amendment and for the bipartisan Conyers-Campbell amendment, which is identical to the Senate-passed language. Why? Because I believe that is the right thing to do for the safety of our children, our homes, and our neighborhoods.

I will vote for effective criminal background checks at gun shows that minimize felon loopholes. I surely believe that a minor inconvenience for a handful is a very small price to pay for saving American lives.

Several years ago, as a new Member of this House from the rural south, I voted in favor of an assault weapon ban and lived to tell the story. But far more important than that, somewhere in America tonight a child is alive, alive because Congress 5 years ago had the courage to pass a common-sense gun safety law.

Tonight, with the Conyers amendment, with the McCarthy amendment, we have another opportunity to save the lives of more children by passing common-sense gun safety legislation.

Now, I know and my colleagues know that some may fear the safety of their political seats for these votes, but I have greater faith in the American families and parents than that. It is time to put the interest of our safe schools and our children's safety above the interest of special interests here in Washington, D.C.

Some suggest punishing gun offenders is the way to reduce some gun violence. But surely if we talk to the parents of crime victims, they would tell us that punishing their offenders is no substitute for effective prevention of their children's murder through common-sense gun safety laws.

Vote for Conyers, vote for McCarthy, vote for our children.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Chairman, I rise in strong support of the Dingell amendment, a common-sense compromise that represents the views of the overwhelming majority of law-abiding gun owners who accept reasonable reforms and who want to keep firearms out of the hands of criminals and who recognize the best way to do this is to conduct background checks and the best way to do that is to use the existing system.

Contrary to what some folks would have us believe, gun shows are not illegal arms bazaars. They are commercial forums where citizens can buy and sell firearms for hunting, to add to a collection of antiques, for self-protection or any of a litany of lawful purposes. This amendment streamlines the instant check process for firearm transfers at gun shows. The speed and ease of the check under the Dingell amendment will encourage folks to make their purchases in a regulated forum.

Some folks who want to ignore the existence of the second amendment seem to think that if we just make it too much of a hassle for citizens to purchase guns that the transactions will not occur. In reality the sale will still take place, but without the benefit of a background check.

I urge my colleagues' support of the Dingell amendment, a workable compromise which achieves the goals of protecting the rights of all citizens while best protecting society as a whole.

Mrs. ROUKEMA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman from New Jersey (Mrs. ROUKEMA) has 5½ minutes remaining; the gentleman from Tennessee (Mr. BRYANT) has 5 minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 7 minutes remaining; and the gentleman from Michigan (Mr. DINGELL) has 7 minutes remaining.

□ 2300

Mrs. ROUKEMA. Mr. Chairman, I yield 1½ minutes to our colleague, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, guns do not kill people. People kill people.

I agree, background checks do work. They are common sense. None of us want criminals to have guns. But I have served under Republican as well as Democratic administrations as a Member of Congress, and there is not yet an attorney general working for a Republican or a Democratic president while I have been here that has told us that they could do this in one day.

They cannot do it in one day. That is why the requirement is for 3 days. Instant checks would be ideal, just like going to the clothing store to get a shirt or a tie. But we do not live in a perfect world. Sadly, we do not.

Legitimate hunters and sports people and collectors have nothing to fear with the defeat of the Dingell amendment. The Second Amendment still prevails. But let us make sure that it is

the legitimate hunters and sports folks of the world that can acquire and buy these firearms, not the crooks, not the criminals. We need to close the loopholes to make sure that the background checks work.

When the President, whether he be Republican or Democrat, or maybe even Independent, tells us that they have the resources so that they can do it in 1 day or 1 hour or 5 minutes, we can change the law. But until then, we cannot.

Mr. BRYANT. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from California (Mr. CUNNINGHAM).

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

Mr. CUNNINGHAM. Mr. Chairman, Members on both sides of this issue are well-meaning. There are 11,000 gun laws on the books. There are just as many about drugs. And yet in both areas, both drugs and weapons, the people that are the problem are the criminals. My colleagues on the other side of this issue want to stop those, as well.

In all due respect to the gentlewoman from Maryland, there are not thugs and criminals but millions of people that attend these gun shows, including myself, that are law-abiding citizens.

I think I am the only Member in this body that has had to take multiple life with a weapon. It bothered me so bad that I had to go to church, and at one time I even left the squadron. But I have flown in an airplane. I have carried bombs in peacetime. I never robbed a bank. I never shot somebody.

I hunt. I fish. I legally have a weapon. And my daughters know how to use those weapons. I have taken them out with a watermelon and a shotgun and a rifle, and they know exactly what that weapon will do. If somebody comes in our house when I am not there, my daughters know how to use it.

But I also have a trigger guard on those weapons because I am afraid that some child will come into the house other than my daughters and not know how to use that or the danger of it. And I think that a responsible parent should have a trigger guard on it and someone who does not maybe should be chastised.

But the people we are talking about are law-abiding citizens, and that is who the gentleman from Michigan (Mr. DINGELL) and I and others want to protect the rights of, law-abiding people that want to bear arms.

I do not think that is unreasonable. I think it is reasonable to have an instant check for a gun show, to have one for a pawn shop, to have one for any sporting goods shop that does that, and we ought to fully fund it. I think that the only way that we can get around this is to do that.

I ask my colleagues, do not ask from emotion but ask from fact.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. McCarthy).

Mrs. MCCARTHY of New York. Mr. Chairman, contrary to what the American people want, Congress is preparing to vote on an amendment that will make it easier for criminals to get guns at gun shows.

Some Members may believe they can vote for the NRA-Dingell amendment and try to fool their constituents into thinking they care about criminals' access to guns. That would be a mistake.

The McCarthy-Roukema-Blagojevich amendment simply asks the same regulations that we are asking our gun stores to do our gun shows to do. That is it. Same rules for everyone. Pretty simple in my eyes.

Over the last 6 months, 17,000 people who were stopped by the current background check systems would have attained guns. Seventeen thousand people.

Take a look at this. These are the people who should have been stopped. These are the people that could have been stopped.

If the Dingell bill goes through, there is going to be a lot more of them out there. That is what we are supposed to do.

I ask my colleagues to vote for the McCarthy amendment, and I ask my colleagues to vote for the Conyers substitute amendment.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Louisiana (Mr. JOHN).

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

Mr. JOHN. Mr. Chairman, Louisiana is indeed the sportsman's paradise. Many of us have grown up there hunting, sports shooting, and have grown up comfortable and have learned to respect firearms.

I rise today in strong support of the perfecting Dingell amendment. I believe that it has a common-sense approach to two very important objectives.

The first objective is to close the loopholes at gun shows. It is an objective that every one of the amendments here tonight go to and shoot at.

The second objective only the Dingell amendment provides, and I think it is most important that it protects and preserves the right for us to bear arms at gun shows. The amendment puts a high priority on instant background checks from participants at a gun show. I repeat, this amendment only applies to gun shows.

I support instant background checks to keep firearms out of the hands of felons. Do we have the technology, does the national instant check system have the technology, the personnel capability to handle this? I say, yes. We appropriated \$200 million to do so. We have that technology.

Mr. Chairman, the Second Amendment to our Constitution is only 27 words. Mr. Chairman, please let us close the loophole and not infringe upon our constitutional right of Americans to bear arms. Vote for the Dingell amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I thank the gentlewoman for yielding me the time and for her strong leadership on this issue.

Mr. Chairman, I want to commend the gentlewoman from New York (Mrs. MCCARTHY) for her tireless dedication in preventing violence against children and protecting all of us from the misuse of firearms.

With high respect for my friend the gentleman from Michigan (Mr. DINGELL) I rise to oppose his amendment and to support McCarthy.

The Dingell amendment, in my judgment, attempts to cloud an issue which is crystal clear. The distinguished gentleman from Michigan claims that his amendment closes the gun show loophole. But, in actuality, it weakens current gun laws.

Under his amendment, the time provided to law enforcement authorities for conducting background checks on firearms purchased at a gun show through a licensed dealer is actually reduced from three business days under current law to 24 hours.

Since many gun shows take place on weekends when most court records are inaccessible, a 24-hour limit effectively renders the background check requirement useless.

Additionally, Mr. Chairman, the amendment would reverse a 31-year-old law prohibiting licensed dealers from conducting out-of-state business.

□ 2310

McCarthy, on the other hand, reasonably extends the background checks to more vendors, gives law enforcement authorities ample time to complete background checks and extends requirements for vendors to keep records of gun show transactions.

Clearly, gun laws are not a panacea for the ills of our society reflected in the violence of child against child that we have seen in Littleton and Paducah and Conyers. But, Mr. Chairman, it would be a travesty if out of these horrors came from this House more opportunity for the misuse of firearms, not less. It is not too much to ask legitimate gun owners and vendors some measure of inconvenience to help protect our children. With rights come responsibilities. Oppose Dingell. Support McCarthy.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, we make it difficult for criminals to get jobs. It should be that way. We make it difficult for criminals to be able to vote. It should be that way. For rapists, for molesters, for murderers, for those who mug folks.

Here we are this evening confronted with the proposition from one of the great Members of this body who would have us believe that there is something unreasonable about making it more

difficult for criminals to buy guns at gun shows. I come from the State of Tennessee as my good friend the gentleman from Tennessee (Mr. BRYANT) does. I know why we have gun shows. It makes it easier for folks who live in areas, urban or rural areas to buy guns to go out and hunt and be sportsmen. I support hunters, support the NRA and support sportsmen.

But do not continue scaring everyday, hardworking, taxpaying, law-abiding Americans that somehow or another making them wait 48 more hours just to ensure that they had not beaten their wives, they had not molested their neighbor's children, that they have not robbed a convenience store at the corner, that something is unreasonable about that.

I say to my friends and particularly my friend on my side of the aisle, let us stop scaring everyday Americans. There is nothing unreasonable about what the gentlewoman from New York (Mrs. MCCARTHY) wants to do. She is the most courageous person in this House and she deserves our vote tonight, she deserves our vote tomorrow and the children in this Nation deserve our vote this evening.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague from Michigan for yielding me this time. I rise in support of the Dingell amendment that hopefully will bring some reasonableness to the debate on gun restrictions. I do not think any of us support criminals having access to guns and the Dingell amendment will not encourage this. It would make background checks more effective and still protect the second amendment to our Constitution.

I would feel more comfortable about this debate tonight if the opponents of the Dingell amendment were not also reported in the press favoring national registration maybe like we have here in Washington, D.C., which is probably the most gun restricted jurisdiction in our country, yet I do not know if the criminals in D.C. are any more effective than they are anywhere else in our country. I know they get guns elsewhere.

But are you saying we need to restrict every American from being able to own a firearm? Because that is what happens here. The waiting periods have stopped convicted felons from receiving guns. I know, that has worked. But are you telling me that that person who is refused because of that background check did not also go out and find a gun on the illegal market?

Let us just make it reasonable for the millions of Americans who are not afraid of guns, who have them for protection, and also for sporting.

Mr. CONYERS. Mr. Chairman, I yield 15 seconds to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I just want to make a clarification, that my amendment actually

has in it that there will be no national registration for guns. It is in the amendment. It would make it a law.

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

I thank the gentlewoman from New York (Mrs. MCCARTHY) for that last statement because I was going to make that point, too. Let us get back to the facts and not the rhetoric, the loose rhetoric here.

This Dingell amendment, as far as I am concerned, is a business deal for criminals and gunrunners. It gives them a special advantage.

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentlewoman has not yielded to the gentleman for a parliamentary inquiry. The gentlewoman from New Jersey controls the time.

Mr. CUNNINGHAM. She does, but is it the rules of the House that someone is to question the motives of the gentleman?

Mrs. ROUKEMA. I am not questioning his motives. I reclaim my time.

The CHAIRMAN. The gentlewoman from New Jersey controls the time. The gentlewoman may proceed.

Mrs. ROUKEMA. Mr. Chairman, what it actually does is it gives gun shows a business advantage over all the law-abiding federally licensed gun dealers and gun shows. I believe we need the same rules for everyone.

I also must say, we have got to get back to the facts. There are accurate reports that since 1993, the background checks established by the Brady law have blocked gun sales to over 400,000 felons, fugitives, stalkers and mentally ill persons.

We have said, and I think it bears repeating, that the FBI estimates that a 24-hour rule such as the Dingell amendment would mean that over 17,000 people who are stopped by current background checks in the current system, it would have not gotten those 17,000 people who were stopped by the background checks.

Finally, I must repeat again that the checks occurring on a Saturday under the Dingell 24-hour rule would mean that more than 60 percent of current denials would not have been made. That means literally a convicted rapist, child molester or any other felon could have gotten the gun and that would be part of the 60 percent.

In summary, I think we have to say, let us give law enforcement the upper hand, because this is about law and order. It is not about taking guns away from law-abiding citizens.

Mr. BRYANT. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. I appreciate the gentleman yielding me this time.

Mr. Chairman, for the first time, if McCarthy-Lautenberg is adopted in lieu of the Dingell amendment, the Federal Government through extensive powers granted under the McCarthy-

Lautenberg amendment will have the power to amass information regarding gun owners in America that the government does not now have the power to collect and maintain.

The one phrase that appears more than any other in the McCarthy-Lautenberg amendment relates to powers to promulgate rules and regulations for the retention of information to the ATF.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, there is not time to read a statement or anything else but to simply say, with all of these reasonable people sitting here, we are trying to do one thing with the McCarthy amendment, protect our children and keep the guns out of the criminals' hands. It is so simple. I do not know what the NRA does to make so many people so fearful. But please protect the children tonight.

Mr. Chairman, I rise tonight in opposition to the Dingell Amendment. This amendment does not address the problem we are trying to solve. Too many people who should not have access to guns can walk into a gun show and buy a gun, no questions asked.

While we are trying to restrict the easy access, criminals and juveniles have had access to guns at gun shows. The Dingell amendment would make it easier on criminals and juveniles.

The amendment too narrowly restricts the definition of a gun show. If you sell your guns at a gun show from a rolling cart, the Dingell amendment says you don't need to perform a background check on your customers. Slap some wheels on your booth and you don't have to follow the law.

Further, if you decide not to "sponsor" the gun show under the reasons in the Dingell amendment, you don't have to do a background check either. Nor do you have to do background checks if there are less than ten vendors at the show, no matter the number of weapons sold.

The amendment changes the Brady Law to give law enforcement agencies a mere 24 hours to do a background check. So, if you buy a gun at a gun show at 5:00 p.m. and the background check cannot be completed until Monday, you get the gun.

Even with 72 hours to complete background checks, as it stands in the underlying legislation, the Justice Department says that 28% of felons, fugitives and other prohibited people would have gotten guns. The Dingell Amendment only increases that percentage.

The Dingell Amendment would allow gun show dealers to complete the sale after the show with no background check required. This would give gun show sellers incentive to give out their home address and say "Stop by on your way home from the show and I can get you a gun with none of that background check hassle."

These are only a few of the problems with the amendment, but I think they are enough.

We cannot allow the NRA to ghost-write this legislation. This amendment is simply the last gasps of the NRA to hold on to anything they have. The NRA is fighting in the face of common sense.

This amendment is worse than the law that currently exists. The American people have asked us to pass common sense gun safety laws. This is not it. Oppose the Dingell Amendment.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Who has the right to close?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has the right to close.

Mr. DINGELL. I believe I am the offeror of the amendment.

The CHAIRMAN. As the manager from the Committee on the Judiciary controlling time in opposition, the gentleman from Michigan (Mr. CONYERS) has the right to close.

Mr. DINGELL. Very well.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. CLEMENT).

□ 2320

Mr. CLEMENT. Mr. Chairman, I strongly support the second amendment. I defend an individual's right to bear arms. I know very well that we have to close the loopholes, and so does the gentleman from Michigan (Mr. DINGELL) know that as well.

That is why he has proposed this amendment, saying that we have to close these loopholes at the gun shows, because 6 percent of the guns sold in this country are at the gun shows today, and some of them are to individuals that are not gun dealers. And therefore, it is in our best interests to bring about fairness and equity, and knowing that we have improved the system from the past, maybe the Dingell amendment would not have made any sense years ago. But we now have a national instant background check that we did not have before; therefore, we are in a position to check on the guns that are sold within a 24-hour period.

Mr. Chairman, I encourage everyone to support the Dingell amendment. Let us close the loopholes.

Mr. BRYANT. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I would like to reserve that time at this moment.

The CHAIRMAN. Without objection, 1½ minutes of the gentleman from Tennessee's time shall be controlled by the gentleman from Michigan (Mr. DINGELL).

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise in solid opposition to the Dingell amendment. We can fool some of the people some of the time, but we cannot fool all of the people all of the time, and the American people are not fooled by this amendment.

I can tell my colleagues that this is an example of this Congress not being serious about closing the gun show loopholes. If we are serious, we will vote tonight to close the gun show loopholes.

Let me tell my colleagues, the American people are watching us tonight.

Mr. DINGELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I ask my colleagues to know that those of us who sponsor this amendment are not interested in increasing crime, we are interested in bringing it to a halt. This is a form, 4473. In it, the individual who files it has to prove through his statements that he is eligible in all particulars and has not disqualified himself from the purchase of a firearm. That is filed, and if one files it falsely, that is a felony. And if one picks up a gun after having filed this falsely, that is a second felony.

Now, the instant check system is working, and it is instant, not a long check. It is instant. It is supposed to be instant.

Mr. Chairman, we are talking here about a precious right. We have been talking about the first amendment, and now we are talking about the second amendment. I do not divide the Bill of Rights. But I call on my colleagues to understand that in 24 hours, there should be sufficient time, because by the time this legislation is in effect, the Attorney General will have merged the State and the Federal system so that she can get full information immediately. Mr. Chairman, 24 hours is quite enough.

Now, gun shows are not Saturnalias of criminals who are bent on destroying the lives and the well-being of innocent citizens. They are a group of innocent citizens who are doing something that goes back as far as Plymouth Rock. They are getting together to sell and trade and engage in commerce, and they are strictly regulated.

We are closing the gun show loophole by making everybody who participates in those sales subject to the law. They must file the document, and they must be submitted to the instant check. I do not know how much more we can ask for in terms of seeing to it that we have effectively dealt with the problems of crime. To go beyond this is simply to harass innocent, law-abiding citizens and to hurt people who love to go to gun shows to see their fellow citizens, to talk about guns, to look at firearms, to perhaps purchase a firearm, or more likely to purchase some other kind of sporting accoutrements.

Mr. Chairman, I urge my colleagues to support the amendment.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, an angry, paranoid schizophrenic goes to a gun show at 10 o'clock on a Saturday

morning, attempts to buy a gun. The police discover on Monday morning that he has a criminal background record of beating his wife and a long criminal rap sheet. Under the Dingell amendment, he gets to buy the gun. Under the McCarthy amendment, he does not.

Support the McCarthy amendment. It is the real loophole closer. It is the one that we ought to support tonight.

The CHAIRMAN. The gentleman from Tennessee (Mr. BRYANT) has 1 minute remaining; the gentlewoman from New Jersey has extinguished her time. The gentleman from Michigan (Mr. CONYERS) has 3/4 minutes remaining; the gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining.

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

Mr. Chairman, I want to thank the gentleman from Michigan (Mr. DINGELL) for sponsoring this, I believe, very good amendment, a good solution to the problem at hand. Lest we all forget, ultimately we are talking about a constitutional amendment, a right here, and as we all know, when we begin to legislate, to impair or restrict that constitutional right as we would in the first amendment or second amendment or any other amendment, we need to do it in a minimum way, in the least burdensome way.

I have reviewed these amendments, and I believe that the Dingell amendment fits that description and best suits the issue as we need it now. I have chosen to support it. I think it provides the best balance between the right of law-abiding citizens to purchase guns and to prevent law-breaking citizens from not purchasing guns.

So I urge my colleagues to support the Dingell amendment to this bill.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, the McCarthy-Conyers-Campbell amendment plugs the loopholes in the gun bill. The opponents need an amendment to make it look like they would have gun control, but it is not effective. They did not want to provide anything effective, so they chose the Dingell amendment. We have to do better than that. We have to vote for McCarthy-Conyers-Campbell. It plugs the loopholes. We need to plug these loopholes. Let us not give the Republicans a relief act through the Dingell amendment. Let us kill the Dingell amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 2/4 minutes remaining; the gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in support of the McCarthy-Conyers-Campbell amendment to plug the loopholes.

The realities, I say to my colleagues, are, that in communities throughout

this country, State criminal justice systems are not automated. Many criminal records are kept on card files. In 24 hours, that is an insufficient amount of time for law enforcement to do an adequate or thorough check. To say that we can do an instant check in 24 hours is to assume that everyone has computers. Go to the criminal justice office in your community and see if they are not kept on cards. If they are, then you know that instant check will not work. I rise in support of McCarthy-Conyers-Campbell.

□ 2330

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to my distinguished friend, the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, the other day I spoke at a Memorial Day service in Lilly, Pennsylvania. In Lilly during World War I they had lost 14 or 15 people. In World War II they had lost a little less. But one family sent 10 boys to World War II. That mother was honored as the Mother of the Year in 1945.

I said, would you like to say something? And the one boy, 74 years old now, got up and he said, I went to the Navy and I came back and I worked in that coal mine, and he sat down. Another young man, 85 years old, got the Silver Star, the Bronze Star, two Purple Hearts, and a combat infantryman badge from World War II. And I said, would you like to say something? He said, I said my say in World War II.

We get up here and we talk and we talk and we talk. We act like we are going to solve these problems. After I went out and mingled with the crowd, the whole town was there, only 2,000 people in the town, these folks came to me and said, you folks keep abridging our rights. You keep taking away our rights. You keep passing laws that the ordinary citizen lose their ability to do their business.

I have one of the lowest crime rates in the country. Our folks go about their business. Our big business is the industrial revolution. We produced all the steel and coal for the country. They do not listen to Washington a lot. There is nobody listening to what I am saying tonight. They are in bed, because they have to get up the next morning and go to work.

Mr. Chairman, let me say this. If Members think what we are trying to do here today is going to solve these problems, it is much more complicated than that. All we are trying to do with the Dingell amendment is reduce some of the burden on the law-abiding citizens. I ask Members to support the Dingell amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds to remind my friend that if it had not been for the Committee on Rules, we would be in bed, too, tonight.

Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Illinois (Mr. BLAGOJEVICH).

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

Let me just clarify, this is about closing a loophole so criminals cannot get guns. With all due respect to the gentleman from Michigan (Chairman DINGELL), under his bill nine unlicensed gun dealers can call themselves a gun show and sell thousands of guns, literally, and no requirement to fill out the form the gentleman from Michigan (Chairman DINGELL) referenced moments ago.

To the hunters of America and NRA members across the land, let me firmly assert, they have nothing to fear but fear itself. This is about criminals not getting guns, not themselves. They are law-biding citizens. They are great patriots. They love their country and their guns.

The criminals will get less guns, there are more guns for NRA members and hunters.

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

Mr. Chairman, we are talking about closing loopholes. Let us address it. The person who buys a gun at a gun show or anywhere else has to fill out this form. Failure to fill it out truthfully constitutes a felony. Purchase of a gun with a falsified 4473 form constitutes a felony. We are covering all sales at gun shows with the penalties of this.

Mrs. Reno has said, NIC has been a tremendous success. Simply stated, denials and arrests translate into lives saved and less crime. The hard fact of the matter is it is working now. It will work better. By the time the effective date of this act is present, we will find that gun shows will be able to do all the things that are necessary.

There is no reason to burden a law-abiding citizen with more than 24 hours delay. To go further is simply to assure that people will go around gun shows and will achieve gun purchases and ownership in other ways.

I urge my colleagues to make the responsible vote. Let us close the loophole. Let us see to it that we cover all sales at gun shows, and let us pass a decent bill that the people can support.

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

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the McCarthy amendment and in support of America's children and the victims of gun violence in America.

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

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Chairman, I rise in opposition to the Dingell amend-

ment and in support of the McCarthy amendment that will protect the children of America.

Mr. Chairman, the Dingell amendment does one thing. It would make sure it's easy for criminals to get guns shows and flea markets. Do hunters need that? Do sportsmen? No.

With the instant check proposed, most purchasers will be approved quickly. But the criminals won't. The gun lobby wants to try to scare normal sportsmen into believing that keeping felons from buying guns means duck hunting season is canceled this year.

I hope that the honest sportsmen and women of this county won't buy it and I hope that the House will not either.

Vote "no" on this deceptive amendment.

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

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the amendment of my good friend the gentlewoman from New York (Mrs. MCCARTHY).

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

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, on behalf of the American people, I rise in opposition to the Dingell amendment and in support of the Conyers amendment, to keep guns out of the hands of criminals.

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

(Ms. LEE asked and was given permission to revise and extend her remarks.)

Ms. LEE. Mr. Chairman, I rise in opposition to the Dingell amendment, and to allowing criminals to buy guns at gun shows, and to guns being sold to children who end up dying each and every day from gun violence.

Mr. Chairman, the American people were promised commonsense gun control. The American people expect us to take commonsense measures to prevent the sale of guns to the wrong people. However, Mr. DINGELL's amendment will allow criminals to get guns.

Of course we know that these guns end up in the hands of children. And then, what do we have—children in urban and now, suburban communities killing each other. And then, to add insult to injury, this Congress's response is to enhance sentences and try young people in the courts as adults rather than provide for measures to prevent juveniles from becoming violent in the first place through crime prevention measures as the Conyers Campbell substitute would have addressed.

The emergency rooms in our hospitals and our mortuaries are filled with young people. For those of us who have witnessed the ambulances and heard the sirens around the clock, for those who feel the pain from the

loss of their child to gun violence, please vote for the McCarthy-Roukema amendment and close this loophole which has caused the death of too many of our children. The Dingell amendment ensures that criminals will be able to buy guns.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

(Ms. SCHAKOWSKY asked and was given permission to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the Conyers-Campbell amendment and the McCarthy-Roukema-Blagojevich amendment.

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

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, I rise on behalf of American children, and in opposition to the Dingell amendment allowing criminals to buy guns at gun shows, and in support of the McCarthy-Conyers amendment.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY).

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the McCarthy and the Campbell-Conyers amendment. Extension of the 3-day background check to guns purchased at gun shows is fair and sensible and will close a glaring loophole in our gun laws.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Ms. DELAURO).

(Ms. DELAURO asked and was given permission to revise and extend her remarks.)

Ms. DELAURO. Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the McCarthy amendment. On behalf of of American parents and their children.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to close debate on our portion of this very important proposal to the gentleman from Georgia (Mr. LEWIS).

The CHAIRMAN. The gentleman from Georgia (Mr. LEWIS) is recognized for 1½ minutes.

Mr. LEWIS of Georgia. Mr. Chairman, 34,000 lives lost, not in the Far East, not in Eastern Europe, not in Africa, but right here in America on our streets, in our neighborhoods, on our playgrounds; 34,000 lives lost, lost to gun violence last year.

What would it take before we act, another Littleton, another Paducah, another Conyers, another Jonesboro? Thirteen children a day lost, lost to

gun violence. We need courage, nothing but raw courage, to protect the lives of our children.

I am sick and tired of going to funerals of young children. How many more times must I hold a weeping mother in my arms? How long, how long before we act to stop this senseless violence?

During another period in our history we have sung, where have all the children gone, in some graveyard one by one?

□ 2340

Thirty-four thousand lives gone; lost; dead; buried because of gun violence.

Joshua of old says, "Choose you this day whom you will serve."

Will we serve the NRA or will we serve our people, our Nation, our children? As for me and my house, I will cast my lot and my vote with the children. Close the gun show loophole. Defeat the Dingell amendment. Vote for the McCarthy amendment.

Mr. TOWNS. Mr. Chairman, this amendment is another attempt by the NRA and its allies to block meaningful gun control legislation.

Observe for a moment the ramifications of this measure. It reduces the maximum time for background checks to 24 hours, rather than 3 business days under the current Brady law. If the background check is not completed within the allotted time, then the sale would be permitted.

Certain statistics from the Department of Justice cite that 40% of denied requests would go through if this amendment passed. The reason people have been denied a gun is that they have a history of violence and could potentially harm some innocent person, or they are too young to possess firearms.

Now the law will force states that do not keep very good records, or are slow at retrieving the necessary information, to permit a gun sale that should be denied. What is the urgency? Why would a person need a gun within one day instead of a couple of days later? Could it be to threaten or exact revenue? Well, this would be quite possible if this amendment passes and a weapon ends up in the hands of someone who should not have it.

We should be taking additional precautions to make sure that we keep guns out of the hands of convicted felons, not dismantling them and purposely creating loopholes. And if that means taking another 48 hours, by all means I think that public safety should have preference. If a person needs a gun on Friday, then he or she should buy it three business days in advance.

The NRA does not care who gets guns. Their philosophy is simply to oppose any regulation of guns, period, no matter what the consequences are. The current Brady law makes this country safer by keeping guns out of the hands of criminals, and therefore I urge the House to oppose this amendment.

Ms. BROWN of Florida. Mr. Chairman, I rise in solid opposition to the Dingell amendment. While supporters of this amendment claim to close the gun show loophole by requiring background checks, this amendment reduces to just 24 hours the amount of time that law enforcement officers have to conduct background checks at gun shows.

Moreover, if the check cannot be completed within the 24 hours, the sale would be allowed

to proceed, thus allowing criminals to buy weapons at large gun shows at the beginning of a holiday weekend, while, after 24 hours, the gun is theirs.

This amendment is misguided, misleading, and even dangerous! In fact, this is an example of the lack of seriousness in this Congress in trying to keep guns out of the hands of criminals. You know, you can fool some of the people some of the time, but not all of the people all of the time, and let me say that the American people are not fooled by the rhetoric of this group! The dilution of the Senate bill is appalling! If the Congress is really serious about keeping guns out of the hands of criminals, this amendment will be defeated, and the gun-show loopholes closed!

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 211, not voting 6, as follows:

[Roll No. 234]

AYES—218

Aderholt	Emerson	Lewis (CA)
Archer	English	Lewis (KY)
Arney	Everett	Linder
Bachus	Ewing	LoBiondo
Baker	Fletcher	Lucas (KY)
Ballenger	Foley	Lucas (OK)
Barcia	Fowler	Manzullo
Barr	Gallegly	Martinez
Barrett (NE)	Gekas	Mascara
Bartlett	Gibbons	McCrery
Barton	Gillmor	McHugh
Bass	Gilman	McInnis
Biggert	Goode	McIntosh
Bilirakis	Goodlatte	McIntyre
Bishop	Goodling	McKeon
Bliley	Gordon	Metcalf
Blunt	Goss	Mica
Boehner	Graham	Miller, Gary
Bonilla	Granger	Mollohan
Boswell	Green (TX)	Moran (KS)
Boucher	Green (WI)	Murtha
Boyd	Gutknecht	Myrick
Brady (TX)	Hall (TX)	Nethercutt
Bryant	Hansen	Ney
Burr	Hastert	Norwood
Burton	Hastings (WA)	Nussle
Buyer	Hayes	Oberstar
Callahan	Hayworth	Obey
Calvert	Hefley	Ortiz
Camp	Herger	Oxley
Canady	Hill (IN)	Packard
Cannon	Hill (MT)	Paul
Chabot	Hilleary	Pease
Chambliss	Hilliard	Peterson (PA)
Chenoweth	Hobson	Petri
Clement	Hoekstra	Phelps
Coble	Holden	Pickering
Coburn	Hostettler	Pickett
Collins	Hulshof	Pitts
Combest	Hunter	Pombo
Cook	Hutchinson	Portman
Cooksey	Isakson	Radanovich
Costello	Istook	Rahall
Cox	Jenkins	Reyes
Cramer	John	Reynolds
Crane	Johnson, Sam	Riley
Cubin	Jones (NC)	Rodriguez
Cunningham	Kanjorski	Rogers
Danner	Kasich	Rohrabacher
Deal	Kingston	Royce
DeLay	Knollenberg	Ryan (WI)
DeMint	Kolbe	Ryun (KS)
Dickey	LaHood	Sandlin
Dingell	Lampson	Sanford
Dreier	Largent	Saxton
Duncan	Latham	Schaffer
Ehrlich	LaTourette	Sensenbrenner

Sessions  
Shadegg  
Sherwood  
Shimkus  
Shows  
Shuster  
Simpson  
Sisisky  
Skeen  
Skelton  
Smith (MI)  
Smith (TX)  
Souder  
Spence  
Stearns  
Stenholm

Strickland  
Stump  
Sununu  
Sweeney  
Talent  
Tancredo  
Tanner  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thornberry  
Thune  
Tiahrt  
Toomey  
Trafigant

Turner  
Vitter  
Walden  
Walsh  
Wamp  
Watkins  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson  
Wise  
Young (AK)

NOES—211

Abercrombie  
Ackerman  
Allen  
Andrews  
Baird  
Baldacci  
Baldwin  
Barrett (WI)  
Bateman  
Becerra  
Bentsen  
Bereuter  
Berkley  
Berman  
Berry  
Bilbray  
Blagojevich  
Blumenauer  
Boehlert  
Bonior  
Bono  
Borski  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Campbell  
Capps  
Capuano  
Cardin  
Caste  
Clay  
Clayton  
Clyburn  
Condit  
Conyers  
Coyne  
Crowley  
Cummings  
Davis (FL)  
Davis (IL)  
Davis (VA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutsch  
Diaz-Balart  
Dicks  
Dixon  
Doggett  
Dooley  
Doolittle  
Doyle  
Dunn  
Edwards  
Ehlers  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Forbes  
Ford  
Fossella  
Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Frost  
Ganske

Gejdenson  
Gephardt  
Gilchrest  
Gonzalez  
Greenwood  
Gutierrez  
Hall (OH)  
Hastings (FL)  
Hinchev  
Hinojosa  
Hoeffel  
Holt  
Hooley  
Horn  
Hoyer  
Hyde  
Insee  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (CT)  
Johnson, E. B.  
Jones (OH)  
Kaptur  
Kelly  
Kennedy  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Klecza  
Klink  
Kucinich  
Kuykendall  
LaFalce  
Lantos  
Larson  
Lazio  
Leach  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Lowey  
Luther  
Maloney (CT)  
Maloney (NY)  
Markey  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Millender  
McDonald  
Miller (FL)  
Miller, George  
Mink  
Moakley  
Moore  
Moran (VA)  
Morella

Nadler  
Napolitano  
Neal  
Northup  
Olver  
Ose  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Porter  
Price (NC)  
Pryce (OH)  
Quinn  
Ramstad  
Rangel  
Regula  
Rivers  
Roemer  
Rogan  
Ros-Lehtinen  
Rothman  
Roukema  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sawyer  
Scarborough  
Schakowsky  
Scott  
Serrano  
Shaw  
Shays  
Sherman  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Spratt  
Stabenow  
Stark  
Stupak  
Tauscher  
Thompson (CA)  
Thompson (MS)  
Thurman  
Tierney  
Townes  
Udall (CO)  
Udall (NM)  
Upton  
Velazquez  
Vento  
Visclosky  
Waters  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Weygand  
Wolf  
Woolsey  
Wu  
Wynn  
Young (FL)

NOT VOTING—6

Brown (CA)  
Carson

Houghton  
Minge

Salmon  
Thomas

□ 0002

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. 234, had I been present, I would have voted "no."

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in Part B of House Report 106-186.

Mrs. MCCARTHY of New York. Mr. Chairman, I ask unanimous consent that the debate time on the McCarthy-Roukema amendment be extended 10 minutes, 5 minutes on each side.

Mr. BARTON of Texas. Mr. Chairman, reserving the right to object, and I would not object if the leadership on both sides would agree that we could roll the vote until 10 a.m. tomorrow morning.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York (Mrs. MCCARTHY)?

Mr. BARTON of Texas. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

AMENDMENT NO. 2 OFFERED BY MRS. MCCARTHY OF NEW YORK

Mrs. MCCARTHY of New York. 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. 2 offered by Mrs. MCCARTHY of New York:

Strike section 2(b) and all that follows through the end of the bill and insert the following:

(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 there are 2 or more gun show vendors.

"(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 admitting a gun show vendor, 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 admitting a gun show vendor, requires such 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 applicable requirements of this section, 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 transferee), 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"; and

(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 which the licensee first contacts the system with respect to the transfer. In no event shall such records be used for the creation of a national firearms registry".

(h) INTERSTATE SHIPMENT OF LICENSEES.—Nothing in this section shall affect the right of a licensed importer, licensed manufacturer or licensed dealer to receive or ship firearms in interstate commerce in accordance with the provisions of this chapter.

(i) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 209, the gentlewoman from New York (Mrs. MCCARTHY) and a Member opposed will each control 15 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself 30 seconds.

Dear colleagues, this is an amendment that is commonsense. It is commonsense for the American people. I ask the Members to listen to the speakers and, hopefully, be open-minded when they vote.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I am really more than a little perplexed, my colleagues, at this point in time, after what we have just been through. We have just been debating for almost an hour, well, almost 2 hours, literally what the issues are here, and the McCarthy-Roukema amendment should be clearly understood at this point. But I am afraid, in looking at the last amendment and the way that happened, perhaps there are still some unknowns.

I had been fully prepared to talk about the deficiencies of the Hyde proposal and how we were closing that loophole, but now we have a more extreme position here that we are discussing and we just went through almost an hour of debate on it.

Those of my colleagues who were listening earlier know how strongly I feel

about the Dingell proposal, and I guess now that it has been passed, I think we have to explain in fundamental terms exactly why, now more than ever, we need the McCarthy amendment.

□ 0010

Now, I want my colleagues to understand that what the McCarthy-Roukema amendment does in the first place is simply closes that Dingell loophole or any loopholes in the gun show.

It is the Senate bill. And it is not about taking guns away from law-abiding citizens. It is plain and simply about keeping guns out of the hands of criminals.

I can give my colleagues the statistics. FBI statistics are very clear that this loophole is going to increase immeasurably gun sales and make gun runners out of criminals and gun shows will be legal gun running operations.

Mr. Chairman, as the cosponsor of this amendment I rise in strong support of the amendment offered by my colleague from New York (Mrs. MCCARTHY).

Mr. Chairman, this debate is not about taking guns away from sportsmen and hunters or law-abiding citizens who own guns to protect their families or their property. This debate is about law and order. It's about giving law enforcement the tools they need to keep firearms away from criminals, people with mental illness—and yes—kids.

Mr. Chairman, for the last 2 days we have been debating how best to protect our children. We've discussed drug trafficking, pornography, movies, television shows, video games, etc. And well we should. We have a culture of violence that is killing children and destroying our communities and it needs our attention now!

Tonight, we turn to guns.

Every day in America, 13 young people under the age of 19 are killed in gun homicides, suicides and unintentional shootings. That is one classroom of kids every day.

That is what this debate is about—not taking guns away from law-abiding citizens. But about law-and-order and protecting our kids.

Granted, these kids get their guns from a variety of sources. But increasingly, gun shows have become a significant source of guns for illegal users, including children.

Why is this trend developing?

Because criminals, mental defectives and—yes—kids know they can't pass the background check that they will have to undergo if they attempt to purchase a weapon at a sporting goods store, gun shop or from a licensed gun dealer. But they also know that gun sellers at gun shows do not have to run a background check.

Yes, criminals have found that they can obtain unlimited numbers of firearms at gun shows with ease. And because no sales records are kept at gun shows these firearms can be resold on the street and used in crimes without being traced.

Under the Hyde language, you could have nine dealers present selling thousands of weapons—a virtual arsenal—without a single background check.

It shreds the fine common sense provision of the Senate bill. Now with the Dingell amendment, the McCarthy-Roukema amendment is needed more than ever to bring law

and order back to gun dealing and the sale of guns.

The McCarthy/Roukema amendment repeals the Dingell loophole. It would define a gun show as any event where 50 or more weapons are exhibited for sale, transfer, or exchange and where two or more gun show vendors are present. Using the number of weapons and vendors present in determining what constitutes a gun show is the best way to close the loophole. Any event meeting the standard would require the vendor to perform a background check on the purchaser before the sale or transfer is complete.

My colleagues, the choice is clear. Support the McCarthy amendment or vote to maintain a dangerous status quo where hundreds of thousands of weapons are sold to thousands of buyers without a single background check for criminal record or mental illness.

Mr. Chairman, the vast majority of people who purchase guns at gun shows are responsible, law abiding citizens. But increasingly, many are not.

Columbine student Eric Harris illegally obtained the TEC-9 assault weapon used in the Littleton tragedy through a gun show. Oklahoma City bombers Timothy McVeigh and Terry Nichols sold over \$60,000 in stolen weapons at gun shows to finance the killing of 168 innocent men, women, and children.

The time is now to close the gun show loophole and make private dealers follow the same law as federally licensed firearms dealers.

This is about law and order—it is not about taking away the rights of the law abiding to own guns.

Support the McCarthy/Roukema amendment.

And I again must commend Mrs. McCarthy who has used her tragedy to dedicate herself to doing what she can to protect others from suffering the personal trauma and grief that she has had to hear when her husband's life was taken and her son permanently physically disabled by a man who criminally obtained the guns. I respectfully thank God for her commitment to making America a better place.

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

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, I must reluctantly disagree with my good friend from New Jersey (Mrs. ROUKEMA) on her amendment with the gentlewoman from New York (Mrs. MCCARTHY) tonight.

This amendment is similar to the Lautenberg amendment, which was an amendment to a bill in the other body. It is vague. It is overbroad. And it may very well put gun shows out of business if it is passed or adopted.

The amendment to H.R. 2122 would amend it to define a "gun show" as any event at which 50 or more firearms are offered or exhibited and at which two or more persons exhibiting a firearm are present.

Unlike the underlying bill, H.R. 2122, it does not specify what types of events fall within the definition. So a community yard sale where one person is selling his firearm collection, which could

easily be more than 50 guns, and another neighbor who puts one of his firearms on the table to exhibit it, without even selling it, would consist a gun show under this amendment.

Unlike H.R. 2122, this amendment only requires that there be two people exhibiting firearms for it to be a gun show. Thus, the amendment turns on a gathering of three friends who bring their collections to show one another. Where one friend trades one of his firearms with a friend at no cost, with no money exchanging hands, it turns that into a gun show.

Under the McCarthy-Roukema amendment, before these friends could trade guns with one another, they would have to have a licensed dealer run a background check on themselves and transfer them the firearm or firearms for them.

The McCarthy-Roukema amendment only allows licensed dealers to conduct background checks at gun shows. Since gun shows are places where non-dealers go to exhibit their collections, this requirement will so burden gun shows sales that I doubt that many gun shows would ever be held.

We are not here today to put gun shows out of business. We are here today to stop people who are violent felons, criminals, from being able to buy guns at gun shows.

The McCarthy amendment is so overbroad that it would require gun show promoters to keep records on every patron at the gun show who lawfully brings a firearm with them and shows it to some other person even if they are not a vendor with a table or booth at a show.

Why? Because under this amendment, gun show promoters must register anyone who merely exhibits a firearm to another person even if they are not a vendor with a table or a booth at a show or be subject to criminal punishment. It is unfair to subject gun show promoters to a risk they simply cannot control.

The McCarthy-Roukema amendment is so overbroad that it requires gun show promoters to give notice to each person who attends a gun show of the requirements of her amendment or face criminal punishment.

The McCarthy-Roukema will have the effect of ending most gun shows. The risk of criminal punishment for failure to comply with all of the new requirements will simply be too great for anybody to take the risk of running a gun show.

It is wrong to put gun shows, in my judgment, at an end. Although the intentions may be perfectly good, it is wrong to put them at an end by regulating them to death.

H.R. 2122, the underlying bill, even as amended, strikes, in my judgment, the right balance between protecting our communities from felons who try to buy firearms at gun shows and protecting the rights of law-abiding citizens to keep and bear arms.

So I urge all of my colleagues to defeat this amendment. I urge them to

adopt the bill that we have before us tonight, a bill that would close the loophole in gun show sales to felons. It is well-written, well-crafted.

There may be a dispute that I had with some of my friends over the length of time to check on the background of somebody who turns up as a hit. But it is basically a fundamentally sound way to close this loophole. And the McCarthy amendment, on the other hand, does not just close the loophole. It closes the gun show.

That is not what we are here tonight about. We are here to protect kids. We are clear to close the loophole in the law. And we are here to make it certain that felons do not buy guns.

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

Mrs. MCCARTHY. Mr. Chairman, I yield 15 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I say to the gentleman from Florida (Mr. MCCOLLUM), page one of the McCarthy amendment: "Gun show" is a term at which 50 or more firearms are offered or exhibited for sale and which there are two or more gun show vendors."

How could that be a yard sale?

Mrs. MCCARTHY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY) my long-time friend.

Mrs. LOWEY. Mr. Chairman, we have an opportunity tonight to save lives.

December 7, 1993. The gentlewoman from New York (Mrs. MCCARTHY) will not forget that day. The families of the six dead, the 19 wounded will not forget that day. Eight weeks ago, 12 students and a teacher were killed at Columbine High School.

Tonight we are finally considering legislation to protect our families and our children from guns. The American people have turned to us for leadership. And tonight, my colleagues, we are going to see if this House has the courage to answer that call and turn its back on the NRA.

Everywhere I go in my district, at the supermarket, at neighborhood events, mothers come up to me, children in hand, and ask me, "What are we going to do to stop this violence?" "What are we doing to stop the guns flowing in our schools and onto our streets?"

I challenge anyone in this House to look one of those mothers in the eye that came to us just yesterday talking to us about their children, their husband, there was a young girl there who was wounded 13 times, let us look her in the eye and tell her that this is more important to avoid inconveniencing a handful of gun buyers than it is to protect her child.

I would like to remind my colleagues that, in the first 15 minutes of the instant check, 75 percent of the people are cleared. In the next couple of hours, it goes up to 90 percent.

So we are talking about inconveniencing a couple of people to check their record to be sure that we save lives.

We know that this is not going to solve all our problems. We have to address the whole culture of violence in this country. But tonight we have to begin, we have to respond, we have to act. We have to pass the McCarthy amendment.

Closing this loophole will make a critical difference in protecting our children.

□ 0020

Mr. MCCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. BARR), a member of the committee.

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman from Florida for yielding me this time. For those who voted for the prior amendment offered by the gentleman from Michigan (Mr. DINGELL), the choice on the current amendment before this body, and that is the McCarthy-Lautenberg amendment, could not be clearer. There is no way that you could support the Dingell amendment and support the McCarthy-Lautenberg amendment. They are like night and day.

Let us look at some of the differences. The McCarthy-Lautenberg amendment is typical Washington, because only in Washington could the taxpayers of this country submit over \$200 million of their money for the development of an instant background check, tell their legislators, that is this body and the Senate, that we are in support of and want you to institute an instant background check, and wind up with a background check that is called instant but can take up to 6 days. Only in Washington does \$200 million get you an instant background check that can take up to 6 days. That date of 3 working days, which can balloon on a holiday weekend, which is very popular for gun shows, into 6 days was not chosen at random. Three days was chosen because it would put gun shows out of business, yet it appears to be benign. Therein lies much of the danger of the McCarthy-Lautenberg amendment. It appears to be benign but it is a wolf in sheep's clothing. The paperwork which the gentleman from Florida has already alluded to would literally cripple gun show promoters, gun show organizers and gun show owners. They would subject themselves to criminal liability for an inadvertent failure to comply with the massive paperwork burdens which will be laid upon them by none other than the Secretary of the Treasury.

One of the most common terms, one of the most common references, some of the most common language which permeates the McCarthy-Lautenberg amendment before this body refers to powers to regulate given to the Secretary of the Treasury and, by delegation, ATF.

The gentleman from Florida also alluded to the fact that under the very broad definitions of the McCarthy-Lautenberg amendment, a gun show could be a yard sale or an estate sale, an es-

tate sale, for example, at which as few as 50 firearms, which is not that many for some collectors of historical firearms and at which two or more show up, not one gun has to be sold. There can be a discussion of a sale, a discussion of a transfer, and all of a sudden, bingo, in Washington magic, you have an estate auction with two people discussing the transfer of as few as one of 50 firearms becoming subject to the whole range of paperwork burden, criminal liability, civil liability, gun information registry and gun tax that is provided in the McCarthy-Lautenberg amendment. Only in Washington could people with a straight face say that that is an improvement over Dingell. The same people only in Washington that would tell us with a straight face that an instant background check can take up to 6 days. The same people that only in Washington can tell us with a straight face that \$200 million to buy an instant background check system gets us a system that takes up to 6 days and yet the other side says, "Oh, that's just a slight inconvenience." The McCarthy-Lautenberg amendment is not Lautenberg Lite, it is Lautenberg Heavy, and for those who supported the Dingell amendment, you have to vote against the McCarthy-Lautenberg amendment. I urge its strong defeat.

#### PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. LANTOS. Who is Mr. Lautenberg?

The CHAIRMAN. The gentleman has alluded to sponsorship of a similar provision in the Senate, which is permissible under the rules.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, this House has invested millions of dollars in establishing a national background check system, and it works. We have seen it work. It keeps guns out of the hands of criminals, of rapists, of abusers. That is a good thing. The only thing we are talking about here tonight is whether we should use that check system not only when guns are sold by dealers but when guns are sold at gun fairs. The only issue is whether it should cover all gun fair transactions or some gun fair transactions.

I would say to my friend from Georgia, only in this House could "all" be defined as "some." I just wanted to define "all" as "all." It should cover all transactions at gun fairs. Where 10 vendors get together, clearly that is a gun fair. Why when nine get together, when thousands of guns are sold, is it not a gun fair? Why when eight get together is it not a gun fair? Why when seven, when six, when five, when four? Surely when two vendors get together, they ought to have background checks. It is

all. It is everyone. It is children's lives at stake.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I thank the courageous gentlewoman from New York for yielding me this time. I listened to a colleague of ours on television this morning say that we should not close the gun show loophole because it would create too much paperwork, it would be an inconvenience. An inconvenience? Tell that to the parents of a murdered child. Talk to them about the inconvenience of paperwork. Tell them about the annoyance of waiting 3 days for a gun, and one gun that would be kept out of the hands of a criminal.

Wake up, Congress. Thirteen children a day are killed by guns in this country. And we do not want people to be inconvenienced? I ask you tonight to vote with your heart. Compare the hardship. I ask you to vote for the McCarthy amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL).

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

Mr. CAMPBELL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support the McCarthy-Roukema substitute. The 3-day delay is essential to deter the purchase of a weapon in haste—the purchase of a weapon to settle an argument, or in the heat of passion.

I understand many disagree on the wisdom of possessing a firearm. Many point to statistics showing a much greater risk of an accidental misuse of a firearm in a home than that firearm ever being used to defend against an intruder. Others say it is their choice to make, and I understand that. The right to make that choice, however, is not the right to make the choice precipitously. Think carefully about your choice to possess a firearm. Think it out in advance. Don't make this kind of judgment in the midst of anger, or to settle a domestic dispute. The 3-day delay helps accomplish this much more than would an instantaneous check.

Some of those who oppose the 3-day delay also support a delay to be imposed on a woman who chooses to have an abortion—as was upheld by the U.S. Supreme Court in *Planned Parenthood versus Casey*. Just as the Supreme Court recognized that a delay on exercising what they held to be a constitutional right was permissible in that context, so also, in my view, would a 3-day delay on exercising a right to purchase a firearm be held constitutional. A 3-day delay on the purchase of a firearm is wise, and it is constitutional.

Today, this view failed in the vote on the Dingell substitute. With one change in vote, however, and the six Members who had to be absent tonight, voting tomorrow, we can reverse this result. Tomorrow, we will vote on the substitute by Congressman CONYERS and myself. It will enact in our House what has already passed the Senate. We have one more chance to do what is right, what is constitutional, what is safe.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

□ 0030

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for yielding me this time, and for all she has done.

Let me just try to run through this, what I have tried to glean from this discussion. Ninety percent or so of the people that go in to buy a gun will go through the instant background check, and they will be cleared right away. That is probably everybody in this room. That probably leaves 10 percent.

What do we know about those 10 percent? Those 10 percent probably have some kind of an arrest on their record. That is what shows up at that instant check.

Now, what do we know after that? We do not know anything after that if we assume the Dingell amendment which has just passed, which is a 24-hour period, but they may be convicted felons is what we know. But we will not know that for sure under this particular legislation, because most gun shows take place on the weekend, and the people who want to buy the guns are going to go in there, if they are convicted felons, on a Friday night or a Saturday. We have, in a way, sort of concocted a felon holiday, if you will; a period of time where, for a little bit in the beginning of the weekend, so they can get the gun and get out before the 24 hours is over, and they can go in and purchase a gun.

Why can they do that? Because the courts are not open. The courts are certainly not open in Georgetown, Dover, or New Castle County, Delaware. That is the problem.

I think we need to pass the McCarthy bill, really close the loopholes so that the felons will not have guns. Vote for the McCarthy-Roukema amendment.

The CHAIRMAN. The gentleman from Florida (Mr. MCCOLLUM) has 6½ minutes remaining. The gentlewoman from New York (Mrs. MCCARTHY) has 7½ remaining.

Mr. MCCOLLUM. Mr. Chairman, I yield 3½ minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL. Mr. Chairman, I thank the gentleman for the time.

Mr. Chairman, about 3 weeks ago a young Senate staffer was coming home at night and decided to cross one of the Capitol Hill parks, and partway through that park, she was confronted by three young men, and she started to run away. But one of the men brandished a handgun, so she stopped. They wanted money. She felt sorry for them, but she did not have any money. In fact, she said to me, I wish I had some money to give them.

One of the men started to search her, but he did not want to stop with just a search, but for some reason or another he did, and she got away. Our Capitol Police rescued her, and they eventually apprehended them that night, these three young men. They were all minors; two of them had rap sheets.

We talked about how she felt about those events, and she told me that she is angry, that they took away her freedom, and that she is frightened when she walks by that park. And I said, what should we do? And she said, it does not make any sense to pass another law that is just going to be broken.

I asked her about guns. What did it make her feel about guns? She said she was not afraid about being shot, she was afraid that they were going to rape her, and that the gun gave them power over her. She could outrun those kids, she thought, but she could not outrun a bullet.

Then, when she went to the arraignment, one of the boy's parents showed up, and he was the one without a record. The other two boys' parents did not even bother to show up at the arraignment, and she felt sorry for them, but she did not want them to be able to assault someone else.

Again, I asked her, how did this make you feel about guns? She said, well, my dad has a gun, and I agree with the bumper sticker that says, when they take away our guns, only the criminals are going to have guns. But, she said, you will not solve this problem with more laws. She said, you have the power to make a law, but it will be broken every day, and I will not feel any more safe, she said, because I am not going to be any more safe. She said, you cannot make a law that will make those parents care enough to show up at an arraignment to do something about their kids.

This extraordinary young lady happens to be my niece, and I am really proud of her. She is brave and compassionate, and she is wise, and we ought to listen to her words. She understands more than most of us in this room understand that while we have the power to pass laws, it takes families to solve this problem, families that care. Just as more gun laws would not have saved a single child in Littleton, more gun laws would not have prevented these thugs from confronting my niece.

But I say to my colleagues, enforcing the existing laws would have, because I learned tonight from the arresting officer that one of these young thugs was already on probation for brandishing a gun.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK), a very courageous police officer.

Mr. STUPAK. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time.

Mr. Chairman, as my colleagues know, I am a former police officer, I am a member of the NRA, and I am a lifelong gun owner. My wife and my two sons own guns. We, Mr. Chairman, are responsible gun owners who have taken guns safety courses and educated our children about how to operate and respect firearms.

The McCarthy amendment is not gun control. It does not take away any

guns, and it does not prohibit law-abiding individuals from purchasing guns. The McCarthy amendment is a gun safety provision which continues the instant check system before one purchases a gun. McCarthy says that if one wants to purchase a gun, we all follow the same rules. We are all subject to the same instant background check.

The McCarthy amendment says, whether I purchase my gun at K-Mart or at the weekend gun show, I must be treated the same. I must follow the same instant check system. No exceptions, no excuses, no special treatment for people who purchase guns at gun shows.

The McCarthy amendment does not take away any rights. It does not prevent the sale of any guns. It only requires that we all play by the same rules.

Earlier tonight I offered an amendment in the motion to recommit on the juvenile justice bill that did not contain any gun provisions. I am not interested in, and I will not vote to take away your guns. I will not try to control your guns. I want to make sure that every gun purchaser is treated the same, and that is why I am going to vote for the McCarthy amendment. I will vote to make sure that all prospective gun purchasers must follow the same instant check system. No exceptions, no excuses, no special treatment.

With so many gun owners and hunters in my district, the last vote and this vote are very tough votes for me politically. But I say to my colleagues, this is the right vote. I urge my colleagues to do the right thing. Vote for the McCarthy amendment.

The CHAIRMAN. The gentleman from Florida has 4 minutes remaining; the gentlewoman from New York has 5½ minutes remaining.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, we passed the Brady Bill 5 years ago, and it has worked. What we have tonight is a loophole that we must close in the Brady Bill, and the McCarthy-Roukema amendment will do that.

I have a quote from a gun dealer, a gun dealer who said, and he was quoted in the newspaper, a criminal could come here to a gun show and go booth to booth until he finds an individual to sell him a gun with no questions asked, unquote.

Mr. Chairman, it just makes no sense that any person can today walk into a gun show, make a purchase without any precautions whatsoever. Moreover, illegal purchasers know, they know that they can go to a gun show without worrying about being denied a purchase. We have some statistics.

An Illinois State Police study demonstrated that 25 percent of illegally trafficked firearms used in crimes

originate at gun shows. Ironically, in Florida, an inmate escaping from detention stopped at a gun show to make a purchase while fleeing law enforcement authorities. No background check, no waiting period. Let us close that loophole to make our country safer for all citizenry.

Mr. MCCOLLUM. Mr. Chairman, I yield 2½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, on August 2 in 1876, Jack McCall walked into saloon number 10 in Deadwood, South Dakota, and brutally murdered Wild Bill Hickok. Now, if there had been background checks at the time, they probably would have discovered that Jack McCall was a pretty unsavory character. But I do not think it would have prevented him from getting the gun with which he committed the murder, because he had criminal intent.

Well, that was the wild, wild West. This is the 1990s. Times have changed. We have background checks, but some things have not changed.

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Bad people do bad things. Criminals will get guns. That is fact number one.

Fact number two is accidents happen.

Fact number three is Congress cannot change fact number one or fact number two.

I grew up in a culture in my State of South Dakota where at the age of 12 I started hunting and learned the responsible use of firearms. I, too, have young children, 12 and 9 years old. I am profoundly and personally committed to see that the things that happened in Littleton, Colorado, do not happen in my home State of South Dakota or anywhere else in America.

But I have to tell the Members, I think for people here this evening, gun shows are getting a bad name. I don't know how many have ever been to a gun show. I would like to see a show of hands. They are normal people. They are not villains. They are people like the Members and me. They go there because they are collectors, they are law-abiding citizens.

What we are trying to do here tonight is to make sure we protect the rights of law-abiding citizens and crack down on criminals. We had an opportunity to vote on legislation earlier today that would do that.

We are addressing the cultural influences that are impacting this issue, but we should not go so far as to prevent law-abiding citizens from having access to firearms. We cannot take every gun, every knife, every nail, every propane tank, and every potential weapon away from every person in America because we are afraid that somewhere, somehow, someone is going to get hurt.

This is not the answer. More laws are not the answer. The answers are found in the human heart. They are found in the American home. They are found in the pews of our churches and around dinner tables at night. They are found

in the choices that we make and the priorities we set and the value that we place on our children.

Until we realize that, we are going to pass a lot of legislative chaff designed to stuff the void that must be filled with love, values, and personal responsibility.

I urge Members to vote no on this amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I thank my good friend for yielding time to me.

I stand with the major police organizations of the United States of America for America's children. That is where I stand. That is where I stand.

How many children are still alive because of safety caps on medicine bottles? How many children are still alive because of childproof cigarette lighters? Is this government intervention? No, it saves lives. That is what it is all about.

I urge my colleagues to see through the myths, put aside the partisan rhetoric, and do what is right: Vote for the McCarthy amendment. That is what we should be doing.

Mrs. McCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Boston, Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentlewoman from New York for yielding time to me.

Mr. Chairman, all of the materials we are looking at this evening, the underlying bill, H.R. 2122, the Dingell amendment, the McCarthy amendment, all collectively apparently have some sort of broad support for the prospect that we need a background check and a waiting period. What we are arguing about here is time, the amount of time for that.

We all apparently agree on the purpose of that, is to keep guns out of the hands of the wrong people, because 17,000 of those wrong people presumably would have gotten their hands on guns if we in fact had the Dingell resolution as law, because that is what the statistics and the facts tell us, that that many people, with the Dingell provision in effect, still would have been felons, the wrong kind of people, who would have gotten guns.

We can presume that if they went in under the Dingell provision and bought that gun on a Saturday or Friday night, the background check of 24 hours would not have been effective, and they would have been out there with their gun causing damage.

In 1996, 4,643 young people were injured and 2,866 were murdered. We can presume that some of them might have been in that circumstance, and we ought to not worry about a little inconvenience, we ought to worry about the comments this brave women and the other people in America are saying, protect our children.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. McDERMOTT).

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

Mr. McDERMOTT. Mr. Chairman, I rise in support of the McCarthy amendment that might have saved the lives of Officers Gibson and Chestnut.

Mrs. McCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Chicago, Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Chairman, the gentleman from South Dakota just moments ago said two things that I agree with regarding gun shows. Number one, most people involved in gun shows are law-abiding citizens. I think that is true. Number two, he said that criminals can always get guns. He is right about that, they can go to gun shows to get guns.

In fact, 54,000 guns were confiscated last year in crimes that came from gun shows, in the 5,200 gun shows we had across the country. The reason is very simple, the Brady law that simply asks whether or not you are a convicted felon or that you are a proscribed person under the law, they want to find out whether you have violated the law, we do a background check. The Brady law has worked. Four hundred thousand criminals have not gotten guns. We want to apply that to gun shows and ask the same questions.

It is not against hunters, it is not against law-abiding citizens, it is not against NRA members, unless you are a criminal. That is what this is all about.

Let us close this loophole. Under the previous amendment, nine vendors can get together and sell thousands of guns, literally, with no questions asked.

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the pending amendment because I simply cannot understand how a House of people who are willing to wait 4 days for dry cleaning cannot wait for a gun.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would request all Members not to embellish simple unanimous consent requests.

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

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Chairman, I rise in favor of the McCarthy-Roukema amendment to save America's children.

Mr. Chairman, it is time for this House to come together on a bipartisan basis and do

what the parents of America expect us to do, what they have hoped we would do since the moment a high school in Colorado became a killing field.

We are charged by the friends and neighbors and parents who elected us to this chamber to protect this nation's children.

Some people in America, and in this Chamber, would have us enact stronger measures than those embodied in this amendment.

But these are the gun child safety measures the Senate was able to approve. Let us at least do this much, pass what the Senate agreed upon.

If we do this much, we will not only take a step toward meeting our obligation to the parents of this nation. By making these protections the law of the land, we will also be making history.

We will make history when we listen to the parents of America and prefer the safety of children over the special interests, teeming in the Capitol and fighting against sensible gun safety measures.

Can't we do this much for the mothers and fathers of our country?

As a mother of two school-aged children, I understand the depth of feeling of other parents. When my kids, or yours, go off to school, we don't want to think, even for a moment, that we might never see them again, because some boy brought a semi-automatic to class and opened fire. We know all too well, because of what happened in schools from Colorado, to Kentucky, to Oregon, that this is no exaggeration.

I'm the first to concede that these common sense gun measures are not the whole answer. But they can and will make a difference.

We know that if the boys who murdered those students in Colorado had not been able to obtain the weapons they did, the slaughter would not have happened.

For every law there will be violators. No system is perfect. But we know that the existing Brady bill has kept thousands and thousands of ineligible persons from purchasing weapons—it stopped felons from purchasing or possessing such instruments of destruction.

If we can decrease the number of guns available to troubled kids, it can only help.

For those who say it's not worth it, unless it's 100%, ask yourself, would you feel that way if it was your teenager who came face to face with a disturbed man with a gun bought at a gun show and loaded up with a high capacity clip? If you could prevent that, wouldn't you do it?

Next Sunday is Father's Day. I can't help but think tonight about the teacher, a father, who escorted students to safety at the cost of his life in the Columbine Massacre. I can't help but think of the mothers and fathers who learned later that day that the son or daughter they loved more than life itself had been killed that day.

While some of us may celebrate Father's Day this weekend, others will most certainly not celebrate, because they hurt so badly.

Before we leave these chambers this Father's Day weekend, let us give our friends and neighbors who sent us here something that says this tragic loss of life, of young and old, was not in vain.

Let us make these moderate, common-sense gun safety measures the law of the land.

Then let us return to our districts with pride that we have made a good start on a difficult problem.

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

(Ms. McCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. McCARTHY of Missouri. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York (4th District). This amendment will require individuals who wish to purchase a firearm at a gun show to submit to a background check before they are able to complete their gun purchase, thus extending additional oversight to Public Law Number 103-159, the Brady Act.

Mr. Chairman, when I was a teacher, we never had to worry about kids bringing guns into schools, and it shouldn't be happening today. We must keep guns out of the hands of our children. A background check provides one more means to protect our children from the irresponsible use of firearms. Our youth must be taught that guns are dangerous and that inappropriate or unsafe use of them has consequences. We must ensure that it is not possible for our youth to buy a gun illegally, nor use a gun without the supervision of their parents.

Most law-abiding gun buyers are not inconvenienced by the current 3-day approval period at gun stores or at gun shows. The FBI's Brady Instant Check System is up and running 7 days a week, and about 73% of background checks on potential gun buyers result in an immediate response by the FBI that the sale may proceed. For every 100 requests for background checks on potential gun purchases, 95 are answered within 2 hours. This amendment does not seek to prevent responsible adults from purchasing guns for sports, or for personal protection. This amendment would guarantee no sale to those who should not be approved. It will reduce the incidence of youngsters obtaining firearms. It will help ensure that guns do not get into the hands of criminals or into the hands of unsupervised youth. The American people support these provisions to require background checks for gun purchases made at gun shows, pawn shops, or flea markets by an overwhelming 77%. This support is solid in rural, suburban, and metropolitan areas across our nation.

Mr. Chairman, I believe safe schools are too important. I support this amendment and also the Democratic substitute offered by the gentleman from Michigan, Ranking Member of the Judiciary Committee. I urge my colleagues will join me in supporting these amendments to protect our children and reduce gun violence in America. Thank you.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the McCarthy amendment and supporting the Conyers, taking the guns out of the hands of criminals.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may

consume to the gentlewoman from California (Ms. PELOSI).

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I rise in strong support of the McCarthy amendment, and commend the gentlewoman for her extraordinary leadership.

Mr. Chairman, I rise today in strong support of the McCarthy amendment that will prevent gun violence, save the lives of our children, and protect the safety of our families and communities. The tragic shootings in Littleton, Colorado have provided Congress with a renewed opportunity to achieve these goals. In response, the other chamber approved gun control legislation that would require gun safety locks, ban importation of high-capacity ammunition clips, and require gun show background checks. While Congress should go farther, these changes represent real progress. At the very least, House action should match this progress and pass these measures to strengthen our gun control laws.

Unfortunately, we debated some amendments that undermine progress and some that would inexcusably weaken existing gun control laws. The Dingell gun show amendment weakens current law by reducing the maximum time allocated for background checks by licensed dealers operating at gun shows from three business days to 24 hours. If this shorter waiting period becomes law, the Justice Department reports that of those now denied guns, 40 percent would obtain a gun. For Saturday background checks, this 24 hour rule would preclude 60 percent of current denials. Let's not pass laws that encourage convicted felons to purchase guns on Saturdays and which reduce Saturday background check denial rates 60 percent.

The impact of easy access to guns is devastating. According to the Children's Defense Fund, each and every day gunfire in America takes the lives of nearly 13 children. In 1996, gunfire killed 4,643 infants, children, and teens. Between 1979 and 1996, firearms wounded 375,000 children and teens and killed more than 75,000. We must take action to protect our children.

When adults have easy access to guns, access by children often follows. This access to firearms, heightens the real problems of our adolescents and youth violence. It is important to note that guns remain the most common method of suicide for children. Guns bring finality to violence and increase its deadly toll.

The NRA claims America has too many gun laws and existing laws are not enforced. They are wrong. Gun control laws are enforced. Today's USA Today reports that enforcement of the Brady gun control law has blocked the sale of more than 400,000 illegal gun sales.

Mr. Chairman, I urge my colleagues to support the McCarthy amendment. Gun control laws are not problem. The problem is gun control loopholes. Let's close the loopholes.

In closing, I wish to thank Congresswoman McCARTHY for her extraordinary leadership to save the lives of America's children.

Mrs. McCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Mrs. KILPATRICK. Mr. Chairman, I rise to save America's children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Hawaii (Mrs. MINK).

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, on behalf of the women who love their children, I rise in support of the McCarthy amendment.

I rise, Mr. Chairman, to express my support to the passage of the McCarthy-Roukema-Blagojevich Amendment to H.R. 2122, the Mandatory Gun Show Background Check Act.

The McCarthy-Roukema-Blagojevich Amendment ensures complete and accurate background checks at gun shows. The gun show loophole which currently exists makes firearms immediately accessible to children, convicted felons, and others who are not legally able to purchase firearms under The Gun Control Act of 1968. This loophole is unacceptable if we intend to protect the personal safety of our children and loves ones.

The McCarthy-Roukema-Blagojevich Amendment requires a three business day period, rather than 72 hours, to complete Brady Law instant background checks. Three business days enable thorough background checks with minimum inconvenience to the purchaser. Because most gun shows take place during the weekend, when state and local courts are closed, 72 hours is not a sufficient amount of time to check records for convictions. However, even with the three day waiting period, 73% of all background checks are completed instantly and 95% of purchasers are accepted or rejected within 2 hours. Only 5% of cases are delayed for more than two hours.

This amendment does not target or disadvantage law-abiding gun owners. Rather, it simply imposes the same requirements on guns shows as gun stores. Sales records from guns shows would be maintained in the same way they are at gun stores. These records would not function to monitor gun owners already protected by their 2nd amendment rights, but would instead help police trace guns used in crimes.

Gun owners and law-abiding purchasers are further protected by the amendment's requirement that all records of approved transfers be destroyed within 90 days, except those retained for audit purposes. The McCarthy-Roukema-Blagojevich Amendment forbids the FBI from using the instant check system records to create a registry of gun owners. Even the tightened gun show definition, where 50 or more guns are being sold by 2 or more sellers, provides an individual the freedom to sell guns at a yard sale without being considered a gun show.

I strongly urge my colleagues to support the McCarthy-Roukema-Blagojevich Amendment to H.R. 2122. Legislation which fails to seal the gun show loophole is useless. This important amendment will prevent many small and large scale tragedies while simultaneously preserving our 2nd Amendment rights.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Chairman, I also rise in support of the McCarthy amendment to save the lives of children and take the guns out of the hands of criminals.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-McDONALD).

(Ms. MILLENDER-McDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment, in support of real gun safety for our children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

(Ms. SCHAKOWSKY asked and was given permission to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of the McCarthy-Roukema-Blagojevich amendment and the Conyers-Campbell amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LEE).

(Ms. LEE asked and was given permission to revise and extend her remarks.)

Ms. LEE. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment, the Conyers-Campbell amendment, and to stop the killing of our children.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon (Ms. HOOLEY).

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in favor of the McCarthy-Roukema amendment to save our children.

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Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I rise in support of the McCarthy amendment to protect our children and to plug the gun show loophole.

Mr. Chairman, I rise in strong support of the McCarthy-Roukema-Blagojevich Amendment.

I am outraged that the Republican leadership has the nerve to offer the NRA's water-downed version of the Senate gun safety legislation.

We should not have to wait until there is blood on our hands to pass real legislation to make it harder for kids to get guns.

Our children should be worrying about hitting their books—not about getting hit by a bullet.

Our children should know that "Gunsmoke" is an old TV rerun, and not a reality for many of them.

and our children should be safe in their school, their neighborhoods and homes.

Increased gun safety measures could save the lives of thousands of young people every year, and I believe that regardless of political agendas, we have to put our children first. Unfortunately, the Republican gun control or the Dingle legislation will not close the gaping loopholes in our gun laws and will not make our children any safer.

We have heard all the statistics. We know that the American people overwhelmingly support these reforms. We know how many people have died from gun violence in this country. However, sometimes I think that opponents of gun safety are no longer affected by these statistics, because they have heard them over and over again—but Mr. Speaker, this is not about statistics.

This is about lives—the lives of the people who were killed because there were no safety locks or background checks, and the lives of all the people who are going to be killed if we don't pass real gun safety laws.

Mr. Speaker, I am especially outraged at the tactics being used to try and derail enactment of sensible gun safety and gun control measures.

That is because I resent bullies—I always have and I always will!

And I think that the NRA leaders are the bully's of all bullies!

Today, I find myself fighting once again their threats against members of this body who support sensible gun control and plugging the gun show loophole.

Years ago, as a member of the Petaluma, CA city council I was threatened by these same individuals who promised to post my name in their place of business if I voted for local gun control.

Well, let me tell you I let them know I would be proud to be on their list, so I told them how to spell my name W-O-O-L-S-E-Y.

Today, I am proud to stand for the McCarthy gun legislation to keep our children safe. Any bully who wants to hold that against me needs to spell my name right. W-O-O-L-S-E-Y!

Mr. Chairman I ask unanimous consent to revise and extend my remarks in support of the McCarthy amendment to plug gun show loopholes and protect our children!

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the McCarthy amendment on behalf of all of the mothers and grandmothers of this Nation.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. NAPOLITANO).

(Mrs. NAPOLITANO asked and was given permission to revise and extend her remarks.)

Mrs. NAPOLITANO. Mr. Chairman, I rise in support of the McCarthy-Roukema amendment to plug gun show sales.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as she may