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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. JENKINS of West Virginia).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 6, 2016.

I hereby appoint the Honorable EVAN H. JENKINS to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

CONSENSUS BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. JOLLY) for 5 minutes.

Mr. JOLLY. Mr. Speaker, in the wake of continued terror around the globe and here at home, the American people are rightfully asking what solutions exist within the Halls of Congress, and they are rightfully asking questions about national security and, yes, about the Second Amendment and about firearms.

The numbers don't lie. Eighty-five percent of Americans believe that if you are being investigated for terror,

you should not be able to purchase a firearm; but 88 percent of Americans also believe that this body should follow the Constitution.

The congressional approval rating—not 58 percent, not 88 percent—is somewhere around 10 percent. Why? It is because the American people want to see a Congress that is governing, a Congress that is solving problems. We each run on closely held convictions, and we should honor those every day in the Halls of this body.

The days of reaching consensus seem to be imperiled, seem to be just out of reach. We prioritize the politics of blame over the politics of governing. We prioritize the politics of November over the politics of now.

In the past few weeks, this conflict has played out in very real time on very closely held issues, personal issues right here in this well. My friends on the left want to vote on a bill that will lose. It will lose. We on the right are often chastised for bringing up legislation that will be vetoed, with the question, "Why even go down that road?" The same questions can be asked about why do we demand a vote on a bill that will lose, and it will lose based on constitutional convictions about a lack of due process in the current draft of the no fly, no buy bill.

Eighty-eight percent of Americans support the Constitution, and that includes due process. Current restrictions on firearm purchases are all post-adjudication—if you have been adjudicated mentally incompetent, if you have been adjudicated and convicted of a violent crime, if you have been adjudicated and separated dishonorably from the Armed Forces.

But a no fly, no buy list with no process says there is no adjudication, and that raises constitutional convictions, which is why that bill would go down. My friends on the right are rightfully concerned over a slippery slope about the Second Amendment, a fundamental right to purchase and bear firearms.

We can't let this debate end in inaction, which is the great fear of the next 2 weeks. The truth is we can protect the Second Amendment, we can protect due process, and we can protect communities throughout the country, which is why I have introduced H.R. 5544 as a consensus bill. Is it perfect? Perhaps not, but work with me to make it better.

It says this: If you are being investigated as a terror suspect, you can't buy a firearm. But if your government denies you the right to purchase that firearm, your government has 10 days to notify you they did so because you are being investigated.

You are then entitled to a due process hearing within 30 days at which the government has the burden of proof by a preponderance of the evidence to prove why you shouldn't be able to purchase a firearm. The individual is entitled to see all unclassified evidence, and the hearing remains private to protect the interests of the individual and the interests of government.

My bill would also notify law enforcement if somebody who is the subject of a closed investigation later tries to purchase a firearm. We can probably make it better together. We can add reimbursement of court fees. We can allow a provision in the Collins bill that says law enforcement should be allowed to let a transfer go through if it helps an investigation as opposed to hindering it.

To the left, it provides no fly, no buy with due process. To the right, it protects the Second Amendment. The Second Amendment is not infringed because someone is being investigated. It is infringed because someone is denied the right to purchase a firearm, which is why my bill finally provides due process and puts the burden of proof on the government if that right is denied.

We can do this. We can actually do this. We can reach consensus on both sides of the aisle. The real scandal in

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

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



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