

Mr. ROSE. Madam Speaker, as the Biden inflation worsens and Americans are forced to choose between buying groceries or filling their gas tanks, Democrats will hold a prime time, Hollywood-produced sham hearing of their unconstitutional Select Committee to Investigate the January 6th Attack.

Most Americans won't watch. In fact, America's most-watched news source, FOX News, won't even be covering the hearing live. That won't stop Democrats from trying to pull out all the stops to do whatever they can to distract the American people from their inability to effectively govern.

They have even hired a slick ABC News producer to produce the hearing to ensure their spectacle is ready for prime time.

I hope, come November, when folks head to the polls they remember Democrats decided to put politics first instead of focusing on the real-life issues we all face today. It is truly a shame.

□ 0915

FEDERAL EXTREME RISK PROTECTION ORDER ACT OF 2021

Mr. NADLER. Madam Speaker, pursuant to House Resolution 1153, I call up the bill (H.R. 2377) to authorize the issuance of extreme risk protection orders, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1153, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-46, modified by the amendment printed in House Report 117-356, is adopted, and the bill, as amended, is considered read.

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

H.R. 2377

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 "Federal Extreme Risk Protection Order Act of 2022".

SEC. 2. FEDERAL EXTREME RISK PROTECTION ORDERS.

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

“§932. Extreme risk protection orders

“(a) *DEFINITIONS.*—In this section—
“(1) the term ‘court’ means a district court of the United States;

“(2) the term ‘designated law enforcement officer’ means a law enforcement officer, designated by a United States marshal, who agrees to receive firearms, ammunition, and permits, as applicable, surrendered under subsection (f);
“(3) the term ‘Director’ means the Director of the Administrative Office of the United States Courts;

“(4) the term ‘ex parte Federal extreme risk protection order’ or ‘ex parte Federal order’ means a Federal extreme risk protection order issued under subsection (c);
“(5) the term ‘Federal extreme risk protection order’ means an order issued by a Federal court

that enjoins an individual from purchasing, possessing, or receiving, in or affecting interstate and foreign commerce, a firearm or ammunition;

“(6) the term ‘family or household member’, with respect to a Federal order respondent, means any—

“(A) parent, spouse, sibling, or child related by blood, marriage, or adoption to the respondent;

“(B) dating partner of the respondent;

“(C) individual who has a child in common with the respondent, regardless of whether the individual has—

“(i) been married to the respondent; or

“(ii) lived together with the respondent at any time;

“(D) individual who resides or has resided with the respondent during the past year;

“(E) domestic partner of the respondent;

“(F) individual who has a legal parent-child relationship with the respondent, including a stepparent-stepchild and grandparent-grandchild relationship; and

“(G) individual who is acting or has acted as the legal guardian of the respondent;

“(7) the term ‘Federal order petitioner’ means an individual authorized to petition for an ex parte or long-term Federal extreme risk protection order under subsection (b)(1);

“(8) the term ‘Federal order respondent’ means an individual named in the petition for an ex parte or long-term Federal extreme risk protection order or subject to an ex parte or long-term Federal extreme risk protection order;

“(9) the term ‘long-term Federal extreme risk protection order’ or ‘long-term Federal order’ means a Federal extreme risk protection order issued under subsection (d);

“(10) the term ‘mental health agency’ means an agency of a State, Tribal, or local government or its contracted agency that is responsible for mental health services or co-occurring mental health and substance abuse services; and

“(11) the term ‘national instant criminal background check system’ means the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901).

“(b) *PETITION.*—

“(1) *IN GENERAL.*—A family or household member of the applicable individual, or a law enforcement officer, may submit to an appropriate district court of the United States a petition requesting that the court issue an ex parte Federal extreme risk protection order or long-term Federal extreme risk protection order with respect to an individual.

“(2) *NO FEES.*—A court or law enforcement agency may not charge a petitioner or respondent any fee for—

“(A) filing, issuing, serving, or reporting an extreme risk protection order;

“(B) a petition for an extreme risk protection order or any pleading, subpoena, warrant, or motion in connection with an extreme risk protection order; or

“(C) any order or order to show cause necessary to obtain or give effect to this section.

“(3) *CONFIDENTIALITY.*—A Federal order petitioner who is a law enforcement officer may provide the identity of the petitioner’s sources, and any identifying information, to the court under seal.

“(c) *EX PARTE ORDERS.*—

“(1) *TIMING.*—

“(A) *IN GENERAL.*—Except as provided in subparagraph (B), a court that receives a petition for an ex parte Federal order under subsection (b) shall grant or deny the petition on the date on which the petition is submitted.

“(B) *LATE PETITIONS.*—If a court receives a petition for an ex parte Federal order submitted under subsection (b) too late in the day to permit effective review, the court shall grant or deny the petition on the next day of judicial business at a time early enough to permit the court to file an order with the clerk of the court during that day.

“(2) *EVIDENCE REQUIRED.*—Before issuing an ex parte Federal order, a court shall require that the petitioner for such order submit a signed affidavit, sworn to before the court, that—

“(A) explains why such petitioner believes that the Federal order respondent poses a risk of imminent personal injury to self or another individual, by purchasing, possessing, or receiving a firearm or ammunition; and

“(B) describes the interactions and conversations of the petitioner with—

“(i) the respondent; or

“(ii) another individual, if such petitioner believes that information obtained from that individual is credible and reliable.

“(3) *STANDARD FOR ISSUANCE OF ORDER.*—A court may issue an ex parte Federal order only upon a finding of probable cause to believe that—

“(A) the Federal order respondent poses a risk of imminent personal injury to self or another individual, by purchasing, possessing, or receiving a firearm or ammunition; and

“(B) the order is necessary to prevent the injury described in subparagraph (A).

“(4) *DURATION.*—An ex parte Federal order shall expire on the earlier of—

“(A) the date that is 14 days after the date of issuance; or

“(B) the date on which the court determines whether to issue a long-term Federal order with respect to the respondent.

“(d) *LONG-TERM FEDERAL ORDERS.*—

“(1) *HEARING REQUIRED.*—If a court receives a petition for a long-term Federal extreme risk protection order for a respondent under subsection (b), the court shall hold a hearing to determine whether to issue a long-term Federal order with respect to the respondent either—

“(A)(i) if the court issues an ex parte order with respect to the respondent, not later than 72 hours after the ex parte order is served on the respondent; or

“(ii) if the respondent waives the right to a hearing within the 72-hour period under clause (i), or the court does not issue an ex parte order, within 14 days after the date on which the court receives the petition; or

“(B) in no event later than 14 days after the date on which the court receives the petition.

“(2) *NOTICE AND OPPORTUNITY TO BE HEARD.*—

“(A) *IN GENERAL.*—The court shall provide the Federal order respondent with notice and the opportunity to be heard at a hearing under this subsection, sufficient to protect the due process rights of the respondent.

“(B) *RIGHT TO COUNSEL.*—

“(i) *IN GENERAL.*—At a hearing under this subsection, the Federal order respondent may be represented by counsel who is—

“(I) chosen by the respondent; and

“(II) authorized to practice at such a hearing.

“(ii) *COURT-PROVIDED COUNSEL.*—If the Federal order respondent is financially unable to obtain representation by counsel, the court, at the request of the respondent, shall ensure, to the extent practicable, that the respondent is represented by an attorney with respect to the petition.

“(3) *BURDEN OF PROOF; STANDARD.*—At a hearing under this subsection, the Federal order petitioner—

“(A) shall have the burden of proving all material facts; and

“(B) shall be required to demonstrate, by clear and convincing evidence, that—

“(i) the respondent to such order poses a risk of personal injury to self or another individual, during the period to be covered by the proposed Federal extreme risk protection order, by purchasing, possessing, or receiving a firearm or ammunition; and

“(ii) the order is necessary to prevent the injury described in clause (i).

“(4) *ISSUANCE.*—Upon a showing of clear and convincing evidence under paragraph (3), the court shall issue a long-term Federal order with

respect to the respondent that shall be in effect for a period of not more than 180 days.

“(5) DENIAL.—If the court finds that there is not clear and convincing evidence to support the issuance of a long-term Federal order, the court shall dissolve any *ex parte* Federal order then in effect with respect to the respondent.

“(6) RENEWAL.—

“(A) NOTICE OF SCHEDULED EXPIRATION.—Thirty days before the date on which a long-term Federal order is scheduled to expire, the court that issued the order shall—

“(i) notify the petitioner and the respondent to such order that the order is scheduled to expire; and

“(ii) advise the petitioner and the respondent of the procedures for seeking a renewal of the order under this paragraph.

“(B) PETITION.—If a family or household member of the Federal order respondent, or a law enforcement officer, believes that the conditions under paragraph (3)(B) continue to apply with respect to a respondent who is subject to a long-term Federal order, the family or household member or law enforcement officer may submit to the court that issued the order a petition for a renewal of the order.

“(C) HEARING.—A court that receives a petition submitted under subparagraph (B) shall hold a hearing to determine whether to issue a renewed long-term Federal order with respect to the respondent.

“(D) APPLICABLE PROCEDURES.—The requirements under paragraphs (2) through (5) shall apply to the consideration of a petition for a renewed long-term Federal order submitted under subparagraph (B) of this paragraph.

“(E) ISSUANCE.—Upon a showing by clear and convincing evidence that the conditions under paragraph (3)(B) continue to apply with respect to the respondent, the court shall issue a renewed long-term Federal order with respect to the respondent.

“(e) FACTORS TO CONSIDER.—In determining whether to issue a Federal extreme risk protection order, a court—

“(1) shall consider factors including—

“(A) a recent threat or act of violence by the respondent directed toward another individual;

“(B) a recent threat or act of violence by the respondent directed toward self;

“(C) a recent act of cruelty to an animal by the respondent; and

“(D) evidence of ongoing abuse of a controlled substance or alcohol by the respondent that has led to a threat or act of violence directed to self or another individual; and

“(2) may consider other factors, including—

“(A) the reckless use, display, or brandishing of a firearm by the respondent;

“(B) a history of violence or attempted violence by the respondent against another individual; and

“(C) evidence of an explicit or implicit threat made by the person through any medium that demonstrate that the person poses a risk of personal injury to self or another individual.

“(f) RELINQUISHMENT OF FIREARMS AND AMMUNITION.—

“(1) ORDER OF SURRENDER.—Upon issuance of an *ex parte* Federal order or long-term Federal order, the court shall order the respondent to such order to surrender all firearms and ammunition that the respondent possesses or owns, in or affecting interstate commerce, as well as any permit authorizing the respondent to purchase or possess firearms (including a concealed carry permit), to—

“(A) the United States Marshals Service; or

“(B) a designated law enforcement officer.

“(2) SURRENDER AND REMOVAL.—

“(A) MANNER OF SERVICE.—

“(i) PERSONAL SERVICE.—Except as provided in clause (ii), a United States marshal or designated law enforcement officer shall serve a Federal extreme risk protection order on a respondent by handing the order to the respondent to such order.

“(ii) ALTERNATIVE SERVICE.—If the respondent cannot reasonably be located for service as described in clause (i), a Federal extreme risk protection order may be served on the respondent in any manner authorized under the Federal Rules of Civil Procedure.

“(B) REMOVAL.—Except as provided in subparagraph (C), a United States marshal or designated law enforcement officer serving a Federal extreme risk protection order personally on the respondent shall—

“(i) request that all firearms and ammunition, in or affecting interstate commerce, as well as any permit authorizing the respondent to purchase or possess firearms (including a concealed carry permit), that the respondent possesses or owns—

“(I) be immediately surrendered to the United States marshal or designated law enforcement officer; or

“(II) at the option of the respondent, be immediately surrendered and sold to a federally licensed firearms dealer; and

“(ii) take possession of all firearms and ammunition described in clause (i) that are not sold under subclause (II) of that clause, as well as any permit described in that clause, that are—

“(I) surrendered;

“(II) in plain sight; or

“(III) discovered pursuant to a lawful search.

“(C) ALTERNATIVE SURRENDER.—If a United States marshal or designated law enforcement officer is not able to personally serve a Federal extreme risk protection order under subparagraph (A)(i), or is not reasonably able to take custody of the firearms, ammunition, and permits under subparagraph (B), the respondent shall surrender the firearms, ammunition, and permits in a safe manner to the control of a United States marshal or designated law enforcement officer not later than 48 hours after being served with the order.

“(3) RECEIPT.—

“(A) ISSUANCE.—At the time of surrender or removal under paragraph (2), a United States marshal or designated law enforcement officer taking possession of a firearm, ammunition, or a permit pursuant to a Federal extreme risk protection order shall—

“(i) issue a receipt identifying all firearms, ammunition, and permits that have been surrendered or removed; and

“(ii) provide a copy of the receipt issued under clause (i) to the respondent to such order.

“(B) FILING.—Not later than 72 hours after issuance of a receipt under subparagraph (A), the United States marshal who issued the receipt or designated another law enforcement officer to do so shall—

“(i) file the original receipt issued under subparagraph (A) of this paragraph with the court that issued the Federal extreme risk protection order; and

“(ii) ensure that the United States Marshals Service retains a copy of the receipt.

“(C) DESIGNATED LAW ENFORCEMENT OFFICER.—If a designated law enforcement officer issues a receipt under subparagraph (A), the officer shall submit the original receipt and a copy of the receipt to the appropriate United States marshal to enable the United States marshal to comply with subparagraph (B).

“(4) FORFEITURE.—If a respondent knowingly attempts, in violation of a Federal extreme risk protection order, to access a firearm, ammunition, or a permit that was surrendered or removed under this subsection, the firearm, ammunition, or permit shall be subject to seizure and forfeiture under section 924(d).

“(g) RETURN OF FIREARMS AND AMMUNITION.—

“(1) NOTICE.—If a Federal extreme risk protection order is dissolved, or expires and is not renewed, the court that issued the order shall order the United States Marshals Service to—

“(A) confirm, through the national instant criminal background check system and any

other relevant law enforcement databases, that the respondent to such order may lawfully own and possess firearms and ammunition; and

“(B)(i) if the respondent may lawfully own and possess firearms and ammunition, notify the respondent that the respondent may retrieve each firearm, ammunition, or permit surrendered by or removed from the respondent under subsection (f); or

“(ii) if the respondent may not lawfully own or possess firearms and ammunition, notify the respondent that each firearm, ammunition, or permit surrendered by or removed from the respondent under subsection (f) will be returned only when the respondent demonstrates to the United States Marshals Service that the respondent may lawfully own and possess firearms and ammunition.

“(2) RETURN.—If a Federal extreme risk protection order is dissolved, or expires and is not renewed, and the United States Marshals Service confirms under paragraph (1)(A) that the respondent may lawfully own and possess firearms and ammunition, the court that issued the order shall order the entity that possesses each firearm, ammunition, or permit surrendered by or removed from the respondent under subsection (f) to return those items to the respondent.

“(h) RETURN OF FIREARMS AND AMMUNITION IMPROPERLY RECEIVED.—If a court, in a hearing under subsection (d), determines that a firearm or ammunition surrendered by or removed from a respondent under subsection (f) is owned by an individual other than the respondent, the court may order the United States marshal or designated law enforcement officer in possession of the firearm or ammunition to transfer the firearm or ammunition to that individual if—

“(1) the individual may lawfully own and possess firearms and ammunition; and

“(2) the individual will not provide the respondent with access to the firearm or ammunition.

“(i) PENALTY FOR FALSE REPORTING OR FRIVOLOUS PETITIONS.—An individual who knowingly submits materially false information to the court in a petition for a Federal extreme risk protection order under this section, or who knowingly files such a petition that is frivolous, unreasonable, or without foundation, shall be fined not more than \$5,000, or imprisoned not more than 5 years, or both, except to the extent that a greater sentence is otherwise provided by any other provision of law, as the court deems necessary to deter such abuse of process.

“(j) MODEL POLICY.—

“(1) IN GENERAL.—The Director shall draft a model policy to maximize the accessibility of Federal extreme risk protection orders.

“(2) CONTENTS.—In drafting the model policy under paragraph (1), the Director shall—

“(A) ensure that State, Tribal, and local law enforcement officers and members of the public without legal training are able to easily file petitions for Federal extreme risk protection orders;

“(B) prescribe outreach efforts by employees of the district courts of the United States to familiarize relevant law enforcement officers and the public with the procedures for filing petitions, either—

“(i) through direct outreach; or

“(ii) in coordination with—

“(1) relevant officials in the executive or legislative branch of the Federal Government; or

“(II) with relevant State, Tribal, and local officials;

“(C) prescribe policies for allowing the filing of petitions and prompt adjudication of petitions on weekends and outside of normal court hours;

“(D) prescribe policies for coordinating with law enforcement agencies to ensure the safe, timely, and effective service of Federal extreme risk protection orders and relinquishment of firearms, ammunition, and permits, as applicable; and

“(E) identify governmental and non-governmental resources and partners to help officials

of the district courts of the United States coordinate with civil society organizations to ensure the safe and effective implementation of this section.

“(k) REPORTING.—

“(1) INDIVIDUAL REPORTS.—

“(A) IN GENERAL.—Not later than 2 court days after the date on which a court issues or dissolves a Federal extreme risk protection order under this section or a Federal extreme risk protection order expires without being renewed, the court shall notify—

“(i) the Attorney General;

“(ii) each relevant mental health agency in the State in which the order is issued; and

“(iii) State and local law enforcement officials in the jurisdiction in which the order is issued, including the national instant criminal background check system single point of contact for the State of residence of the respondent, where applicable.

“(B) FORMAT.—A court shall submit a notice under subparagraph (A) in an electronic format, in a manner prescribed by the Attorney General.

“(C) UPDATE OF DATABASES.—As soon as practicable and not later than 5 days after receiving a notice under subparagraph (A), the Attorney General shall update the background check databases of the Attorney General to reflect the prohibitions articulated in the applicable Federal extreme risk protection order.

“(2) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the Federal Extreme Risk Protection Order Act of 2022, and annually thereafter, the Director shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, with respect to the preceding year—

“(A) the number of petitions for ex parte Federal orders filed, as well as the number of such orders issued and the number denied, disaggregated by—

“(i) the jurisdiction;

“(ii) whether the individual authorized under subsection (b) to petition for a Federal extreme risk protection order is a law enforcement officer, or a family or household member, and in the case of a family or household member, which of subparagraphs (A) through (G) of subsection (a)(6) describes the relationship; and

“(iii) the alleged danger posed by the Federal order respondent, including whether the danger involved a risk of suicide, unintentional injury, domestic violence, or other interpersonal violence;

“(B) the number of petitions for long-term Federal orders filed, as well as the number of such orders issued and the number denied, disaggregated by—

“(i) the jurisdiction;

“(ii) whether the individual authorized under subsection (b) to petition for a Federal extreme risk protection order is a law enforcement officer, or a family or household member, and in the case of a family or household member, which of subparagraphs (A) through (G) of subsection (a)(6) describes the relationship; and

“(iii) the alleged danger posed by the Federal order respondent, including whether the danger involved a risk of suicide, unintentional injury, domestic violence, or other interpersonal violence;

“(C) the number of petitions for renewals of long-term Federal orders filed, as well as the number of such orders issued and the number denied;

“(D) the number of cases in which a court has issued a penalty for false reporting or frivolous petitions;

“(E) demographic data of Federal order petitioners, including race, ethnicity, national origin, sex, gender, age, disability, average annual income, and English language proficiency, if available;

“(F) demographic data of Federal order respondents, including race, ethnicity, national origin, sex, gender, age, disability, average an-

nual income, and English language proficiency, if available; and

“(G) the total number of firearms removed pursuant to Federal extreme risk protection orders, and, if available, the number of firearms removed pursuant to each such order.

“(l) TRAINING FOR FEDERAL LAW ENFORCEMENT OFFICERS.—

“(1) TRAINING REQUIREMENTS.—The head of each Federal law enforcement agency shall require each Federal law enforcement officer employed by the agency to complete training in the safe, impartial, effective, and equitable use and administration of Federal extreme risk protection orders, including training to address—

“(A) bias based on race and racism, ethnicity, gender, sexual orientation, gender identity, religion, language proficiency, mental health condition, disability, and classism in the use and administration of Federal extreme risk protection orders;

“(B) the appropriate use of Federal extreme risk protection orders in cases of domestic violence, including the applicability of other policies and protocols to address domestic violence in situations that may also involve Federal extreme risk protection orders and the necessity of safety planning with the victim before law enforcement petitions for and executes a Federal extreme risk protection order, if applicable;

“(C) interacting with persons with mental, behavioral, or physical disabilities, or emotional distress, including de-escalation techniques and crisis intervention;

“(D) techniques for outreach to historically marginalized cultural communities and the development of linguistic proficiencies for law enforcement;

“(E) community relations; and

“(F) best practices for referring persons subject to Federal extreme risk protection orders and associated victims of violence to social service providers that may be available in the jurisdiction and appropriate for those individuals, including health care, mental health, substance abuse, and legal services, employment and vocational services, housing assistance, case management, and veterans and disability benefits.

“(2) TRAINING DEVELOPMENT.—Federal law enforcement agencies developing law enforcement training required under this section shall seek advice from domestic violence service providers (including culturally specific (as defined in section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291)) providers), social service providers, suicide prevention advocates, violence intervention specialists, law enforcement agencies, mental health disability experts, and other community groups working to reduce suicides and violence, including domestic violence, within the State.

“(m) RULE OF CONSTRUCTION.—Nothing in this section or shall be construed to alter the requirements of subsections (d)(8) or (g)(8) of section 922, related to domestic violence protective orders.

“(n) PREEMPTION.—Nothing in this section may be construed to preempt any State law or policy.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“932. Extreme risk protection orders.”

(2) FORTIFITURE.—Section 924(d)(3) of title 18, United States Code, is amended—

(A) in subparagraph (E), by striking “and” at the end;

(B) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(G) any attempt to violate a Federal extreme risk protection order issued under section 932.”

SEC. 3. FEDERAL FIREARMS PROHIBITION.

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

(1) in subsection (d)—

(A) in paragraph (8)(B)(ii), by striking “or” at the end;

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

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

“(10) is subject to a court order—

“(A) issued under section 932; or

“(B) that is an extreme risk protection order (as defined in section 4(a) of the Federal Extreme Risk Protection Order Act of 2022).”; and

(2) in subsection (g)—

(A) in paragraph (8)(C)(ii), by striking “or” at the end;

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

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

“(10) is subject to a court order—

“(A) issued under section 932; or

“(B) that is an extreme risk protection order (as defined in section 4(a) of the Federal Extreme Risk Protection Order Act of 2022).”

SEC. 4. EXTREME RISK PROTECTION ORDER GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State or Indian Tribe—

(i) that enacts legislation described in subsection (c);

(ii) with respect to which the Attorney General determines that the legislation described in clause (i) complies with the requirements under subsection (c)(1); and

(iii) that certifies to the Attorney General that the State or Indian Tribe shall—

(I) use the grant for the purposes described in subsection (b)(2); and

(II) allocate not less than 25 percent and not more than 70 percent of the amount received under a grant under subsection (b) for the development and dissemination of training for law enforcement officers in accordance with subsection (b)(4); or

(B) a unit of local government or other public or private entity that—

(i) is located in a State or in the territory under the jurisdiction of an Indian Tribe that meets the requirements described in clauses (i) and (ii) of subparagraph (A); and

(ii) certifies to the Attorney General that the unit of local government or entity shall—

(I) use the grant for the purposes described in subsection (b)(2); and

(II) allocate not less than 25 percent and not more than 70 percent of the amount received under a grant under this section for the development and dissemination of training for law enforcement officers in accordance with subsection (b)(4).

(2) EXTREME RISK PROTECTION ORDER.—The term “extreme risk protection order” means a written order or warrant, issued by a State or Tribal court or signed by a magistrate (or other comparable judicial officer), the primary purpose of which is to reduce the risk of firearm-related death or injury by doing 1 or more of the following:

(A) Prohibiting a named individual from having under the custody or control of the individual, owning, purchasing, possessing, or receiving a firearm.

(B) Having a firearm removed or requiring the surrender of firearms from a named individual.

(3) FIREARM.—The term “firearm” has the meaning given the term in section 921 of title 18, United States Code.

(4) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term “Indian tribe” in section 1709 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10389).

(5) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” means a public servant authorized by Federal, State, local, or Tribal law or by a Federal, State, local, or Tribal government agency to—

(A) engage in or supervise the prevention, detection, investigation, or prosecution of an offense; or

(B) supervise sentenced criminal offenders.

(6) **PETITIONER.**—The term “petitioner” means an individual authorized under State or Tribal law to petition for an extreme risk protection order.

(7) **RESPONDENT.**—The term “respondent” means an individual named in the petition for an extreme risk protection order or subject to an extreme risk protection order.

(8) **STATE.**—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(9) **UNIT OF LOCAL GOVERNMENT.**—The term “unit of local government” has the meaning given the term in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).

(b) **GRANT PROGRAM ESTABLISHED.**—

(1) **IN GENERAL.**—The Director of the Office of Community Oriented Policing Services of the Department of Justice shall establish a program under which, from amounts made available to carry out this section, the Director may make grants to eligible entities to assist in carrying out the provisions of the legislation described in subsection (c).

(2) **USE OF FUNDS.**—Funds awarded under this subsection may be used by an applicant to—

(A) enhance the capacity of law enforcement agencies and the courts of a State, unit of local government, or Indian Tribe by providing personnel, training, technical assistance, data collection, and other resources to carry out enacted legislation described in subsection (c);

(B) train judges, court personnel, health care and legal professionals, and law enforcement officers to more accurately identify individuals whose access to firearms poses a danger of causing harm to themselves or others by increasing the risk of firearms suicide or interpersonal violence;

(C) develop and implement law enforcement and court protocols, forms, and orders so that law enforcement agencies and the courts may carry out the provisions of the enacted legislation described in subsection (c) in a safe, equitable, and effective manner, including through the removal and storage of firearms pursuant to extreme risk protection orders under the enacted legislation; and

(D) raise public awareness and understanding of the enacted legislation described in subsection (c), including through subgrants to community-based organizations for the training of community members, so that extreme risk protection orders may be issued in appropriate situations to reduce the risk of firearms-related death and injury.

(3) **APPLICATION.**—An eligible entity desiring a grant under this subsection shall submit to the Attorney General an application at such time, in such manner, and containing or accompanied by such information as the Attorney General may reasonably require.

(4) **TRAINING.**—

(A) **IN GENERAL.**—A recipient of a grant under this subsection shall provide training to law enforcement officers, including officers of relevant Federal, State, local, and Tribal law enforcement agencies, in the safe, impartial, effective, and equitable use and administration of extreme risk protection orders, including training to address—

(i) bias based on race and racism, ethnicity, gender, sexual orientation, gender identity, religion, language proficiency, mental health condition, disability, and classism in the use and administration of extreme risk protection orders;

(ii) the appropriate use of extreme risk protection orders in cases of domestic violence, including the applicability of other policies and protocols to address domestic violence in situations that may also involve extreme risk protection orders and the necessity of safety planning with the victim before a law enforcement officer petitions for and executes an extreme risk protection order, if applicable;

(iii) interacting with persons with mental, behavioral, or physical disabilities, or emotional distress, including de-escalation techniques and crisis intervention;

(iv) techniques for outreach to historically marginalized cultural communities and the development of linguistic proficiencies for law enforcement;

(v) community relations; and

(vi) best practices for referring persons subject to extreme risk protection orders and associated victims of violence to social service providers that may be available in the jurisdiction and appropriate for those individuals, including health care, mental health, substance abuse, and legal services, employment and vocational services, housing assistance, case management, and veterans and disability benefits.

(B) **CONSULTATION WITH EXPERTS.**—A recipient of a grant under this subsection, in developing law enforcement training required under subparagraph (A), shall seek advice from domestic violence service providers (including culturally specific (as defined in section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291)) providers), social service providers, suicide prevention advocates, violence intervention specialists, law enforcement agencies, mental health disability experts, and other community groups working to reduce suicides and violence, including domestic violence, within the State or the territory under the jurisdiction of the Indian Tribe, as applicable, that enacted the legislation described in subsection (c) that enabled the grant recipient to be an eligible entity.

(5) **INCENTIVES.**—For each of fiscal years 2023 through 2027, the Attorney General shall give affirmative preference in awarding any discretionary grant awarded by the Office of Community Oriented Policing Services to a State or Indian Tribe that has enacted legislation described in subsection (c) or to a unit of local government or other public or private entity located in such a State or in the territory under the jurisdiction of such an Indian Tribe.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

(c) **ELIGIBILITY FOR EXTREME RISK PROTECTION ORDER GRANT PROGRAM.**—

(1) **REQUIREMENTS.**—Legislation described in this subsection is legislation that establishes requirements that are substantially similar to the following:

(A) **APPLICATION FOR EXTREME RISK PROTECTION ORDER.**—A petitioner, including a law enforcement officer, may submit an application to a State or Tribal court, on a form designed by the court or a State or Tribal agency, that—

(i) describes the facts and circumstances justifying that an extreme risk protection order be issued against the named individual; and

(ii) is signed by the applicant, under oath.

(B) **NOTICE AND DUE PROCESS.**—The individual named in an application for an ex-

treme risk protection order as described in subparagraph (A) shall be given written notice of the application and an opportunity to be heard on the matter in accordance with this paragraph.

(C) **ISSUANCE OF EXTREME RISK PROTECTION ORDERS.**—

(i) **HEARING.**—

(I) **IN GENERAL.**—Upon receipt of an application described in subparagraph (A) or request of an individual named in such an application, the court shall order a hearing to be held within a reasonable time, and not later than 30 days after the date of the application or request.

(II) **DETERMINATION.**—If the court finds at the hearing ordered under subclause (I), by a preponderance of the evidence or according to a higher evidentiary standard established by the State or Indian Tribe, that the respondent poses a danger of causing harm to self or others by having access to a firearm, the court may issue an extreme risk protection order.

(ii) **DURATION OF EXTREME RISK PROTECTION ORDER.**—An extreme risk protection order shall be in effect—

(I) until an order terminating or superseding the extreme risk protection order is issued; or

(II) for a set period of time.

(D) **EX PARTE EXTREME RISK PROTECTION ORDERS.**—

(i) **IN GENERAL.**—Upon receipt of an application described in subparagraph (A), the court may issue an ex parte extreme risk protection order, if—

(I) the application for an extreme risk protection order alleges that the respondent poses a danger of causing harm to self or others by having access to a firearm; and

(II) the court finds there is reasonable cause to believe, or makes a finding according to a higher evidentiary standard established by the State or Indian Tribe, that the respondent poses a danger of causing harm to self or others by having access to a firearm.

(ii) **DURATION OF EX PARTE EXTREME RISK PROTECTION ORDER.**—An ex parte extreme risk protection order shall remain in effect only until the hearing required under subparagraph (C)(i).

(E) **STORAGE OF REMOVED FIREARMS.**—

(i) **AVAILABILITY FOR RETURN.**—All firearms removed or surrendered pursuant to an extreme risk protection order shall only be available for return to the named individual when the individual has regained eligibility under Federal and State law, and, where applicable, Tribal law to possess firearms.

(ii) **CONSENT REQUIRED FOR DISPOSAL OR DESTRUCTION.**—Firearms owned by a named individual may not be disposed of or destroyed during the period of the extreme risk protection order without the consent of the named individual.

(F) **NOTIFICATION.**—

(i) **IN GENERAL.**—

(I) **REQUIREMENT.**—A State or Tribal court that issues an extreme risk protection order shall notify the Attorney General or the comparable State or Tribal agency, as applicable, of the order as soon as practicable or within a designated period of time.

(II) **FORM AND MANNER.**—A State or Tribal court shall submit a notification under subclause (I) in an electronic format, in a manner prescribed by the Attorney General or the comparable State or Tribal agency.

(ii) **UPDATE OF DATABASES.**—As soon as practicable or within the time period designated by State or Tribal law after receiving a notification under clause (i), the Attorney General or the comparable State or Tribal agency shall ensure that the extreme risk protection order is reflected in the National Instant Criminal Background Check System.

(2) ADDITIONAL PROVISIONS.—Legislation described in this subsection may—

(A) provide procedures for the termination of an extreme risk protection order;

(B) provide procedures for the renewal of an extreme risk protection order;

(C) establish burdens and standards of proof for issuance of orders described in paragraph (1) that are substantially similar to or higher than the burdens and standards of proof set forth in that paragraph;

(D) limit the individuals who may submit an application described in paragraph (1), provided that, at a minimum, law enforcement officers are authorized to do so; and

(E) include any other authorizations or requirements that the State or Tribal authorities determine appropriate.

(3) ANNUAL REPORT.—Not later than 1 year after the date on which an eligible entity receives a grant under subsection (b), and annually thereafter for the duration of the grant period, the entity shall submit to the Attorney General a report that includes, with respect to the preceding year—

(A) the number of petitions for ex parte extreme risk protection orders filed, as well as the number of such orders issued and the number denied, disaggregated by—

(i) the jurisdiction;

(ii) the individual authorized under State or Tribal law to petition for an extreme risk protection order, including the relationship of the individual to the respondent; and

(iii) the alleged danger posed by the respondent, including whether the danger involved a risk of suicide, unintentional injury, domestic violence, or other interpersonal violence;

(B) the number of petitions for extreme risk protection orders filed, as well as the number of such orders issued and the number denied, disaggregated by—

(i) the jurisdiction;

(ii) the individual authorized under State or Tribal law to petition for an extreme risk protection order, including the relationship of the individual to the respondent; and

(iii) the alleged danger posed by the respondent, including whether the danger involved a risk of suicide, unintentional injury, domestic violence, or other interpersonal violence;

(C) the number of petitions for renewals of extreme risk protection orders filed, as well as the number of such orders issued and the number denied;

(D) the number of cases in which a court imposed a penalty for false reporting or frivolous petitions;

(E) demographic data of petitioners, including race, ethnicity, national origin, sex, gender, age, disability, average annual income, and English language proficiency, if available;

(F) demographic data of respondents, including race, ethnicity, national origin, sex, gender, age, disability, average annual income, and English language proficiency, if available; and

(G) the total number of firearms removed pursuant to extreme risk protection orders, and, if available, the number of firearms removed pursuant to each such order.

SEC. 5. IDENTIFICATION RECORDS.

Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “and” at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

“(4)(A) subject to subparagraph (B), acquire, collect, classify, and preserve records from Federal, Tribal, and State courts and

other agencies identifying individuals subject to extreme risk protection orders, as defined in section 4(a) of the Federal Extreme Risk Protection Order Act of 2022; and

“(B) destroy each record acquired or collected under subparagraph (A) when the applicable extreme risk protection order expires or is terminated or dissolved; and”;

(2) in subsection (b), by striking “(a)(4)” and inserting “(a)(5)”; and

(3) by adding at the end the following:

“(g) EXTREME RISK PROTECTION ORDERS IN NATIONAL CRIME INFORMATION DATABASES.—A Federal, Tribal, or State criminal justice agency or criminal or civil court may—

“(1) include extreme risk protection orders, as defined in section 4 of the Federal Extreme Risk Protection Order Act of 2022, and Federal extreme risk protection orders, as defined in section 932 of title 18, in national crime information databases, as that term is defined in subsection (f)(3) of this section; and

“(2) have access to information regarding extreme risk protection orders and Federal extreme risk protection orders through the national crime information databases.”.

SEC. 6. FULL FAITH AND CREDIT.

(a) DEFINITIONS.—In this section, the terms “extreme risk protection order”, “Indian Tribe”, and “State” have the meanings given those terms in section 4(a).

(b) FULL FAITH AND CREDIT REQUIRED.—Any extreme risk protection order issued under a State or Tribal law enacted in accordance with this Act shall be accorded the same full faith and credit by the court of another State or Indian Tribe (referred to in this subsection as the “enforcing State or Indian Tribe”) and enforced by the court and law enforcement personnel of the other State or Tribal government as if it were the order of the enforcing State or Indian Tribe.

(c) APPLICABILITY TO PROTECTION ORDERS.—

(1) IN GENERAL.—Subsection (b) shall apply to a protection order issued by a State or Tribal court if—

(A) the court has jurisdiction over the parties and matter under the law of the State or Indian Tribe; and

(B) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person’s right to due process.

(2) EX PARTE PROTECTION ORDERS.—For purposes of paragraph (1)(B), in the case of an ex parte protection order, notice and opportunity to be heard shall be provided within the time required by State or Tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the due process rights of the respondent.

(d) TRIBAL COURT JURISDICTION.—For purposes of this section, a court of an Indian Tribe shall have full civil jurisdiction to issue and enforce a protection order involving any person, including the authority to enforce any order through civil contempt proceedings, to exclude violators from Indian land, and to use other appropriate mechanisms, in matters arising anywhere in the Indian country (as defined in section 1151 of title 18, United States Code) of the Indian Tribe or otherwise within the authority of the Indian Tribe.

SEC. 7. CONFORMING AMENDMENT.

Section 3(1) of the NICS Improvement Amendments Act of 2007 (34 U.S.C. 40903(1)) is amended by striking “section 922(g)(8)” and inserting “paragraph (8) or (10) of section 922(g)”.

SEC. 8. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or an amendment made by

this Act, or the application of such provision to other persons or circumstances, shall not be affected.

SEC. 9. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 180 days after the date of enactment of this Act.

The SPEAKER pro tempore (Mrs. HAYES). The bill, as amended, shall be debatable for one hour equally divided and controlled by the Chair and ranking minority member of the Committee on the Judiciary or their respective designees.

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

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2377.

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

There was no objection.

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

Madam Speaker, over the past several weeks, we have watched in horror as gun violence has touched communities across the country and dozens of people, young and old, have lost their lives. The details of each case may differ, each tragic in its own way, but there is one theme that comes up most often; someone deeply troubled, experiencing some sort of crisis, had easy access to firearms. And all too often, the warning signs were clear, but nothing was done to keep guns out of their hands before it was too late.

H.R. 2377, the Federal Extreme Risk Protection Order Act, provides a sensible means by which someone who is exhibiting dangerous behavior can be prevented from possessing or purchasing firearms before tragedy strikes.

This legislation, introduced by Representative LUCY MCBATH, authorizes Federal courts to issue an extreme risk protection order, or ERPO, temporarily removing firearms from a person in crisis and preventing them from purchasing firearms. This only occurs after the court determines that there is evidence demonstrating that the person poses an imminent danger of injuring himself, herself, or others.

The bill also includes legislation by Representative SALUD CARBAJAL, which provides funding to States to enact ERPO statutes of their own.

We know that extreme risk laws save lives. We have witnessed their effectiveness in State after State, beginning in 2016, when California passed the first such law. Since then, 18 other States and the District of Columbia have enacted similar laws.

An analysis of the first 3 years of California’s extreme risk law found

that these orders were used for 58 mass shooting threats, including six in which a minor threatened to target a school.

These orders were also used in response to 82 threats of suicide, and they worked. No suicides occurred among individuals who were subject to the orders.

Federal courts have long been bastions of due process and, accordingly, this legislation includes strong due process provisions that strike the appropriate balance between protecting the rights of the gun owner and ensuring community safety. Every court that has reviewed laws similar to this bill has found that the procedural safeguards are sufficient.

And as then-Seventh Circuit Judge Amy Coney Barrett wrote, “History is consistent with common sense: It demonstrates that legislatures have the power to prohibit dangerous people from possessing guns.”

Madam Speaker, the Constitution does not require us to wait until lives are lost.

As we address the scourge of gun violence, a blight that killed 45,000 Americans in 2020 alone, let us remember that there are no perfect solutions. We are painfully aware that we cannot do enough to save every life, and there is no one answer that will solve this problem.

But we do know that taking guns out of the hands of people who pose a danger to themselves or others would save countless lives. This legislation would take meaningful steps to prevent gun violence tragedies in our communities while, at the same time, protecting the due process of rights of those individuals in crisis.

I thank Representatives MCBATH and CARBAJAL for their leadership on this issue. I urge all Members to support the bill, and I reserve the balance of my time.

Mr. JORDAN. Madam Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. JOHNSON).

Mr. JOHNSON of Louisiana. Madam Speaker, I thank Mr. JORDAN for yielding.

You know, we have heard some revealing things this week. It was just a few moments ago our colleague from Tennessee, Mr. COHEN, lectured us that the Old Testament doesn't mention the word “guns” and so we shouldn't claim that this is a fundamental freedom. You know, as usual, he misunderstands the point of Scripture and the Constitution.

Here is the thing: As Americans, we respect and we protect the unalienable, God-given right to self-protection and to the protection of innocent lives around us.

President Biden said—among other outrageous things this week we have heard, President Biden said that he wanted to ban 9-millimeter handguns. That is one of the most widely owned handguns by law-abiding citizens in this country.

Mr. CICILLINE of Rhode Island, now infamously in our committee hearing, exclaimed, “Spare me the” B.S.—that is not what he said—“Spare me the” B.S. “about constitutional rights.” That is pretty revealing.

Mr. JONES, in the same hearing, just a few moments later, he said that if Democrats don't get their way on their gun control wish list, that they will abolish the filibuster and pack the Supreme Court. They are saying the quiet parts out loud.

See, that wish list that they have includes taking away guns from Americans without the constitutionally required due process of law, which is exactly what this bill would do. It would allow the courts to take guns away from people without notice and without even the right to appear in the hearing to defend themselves in court.

Now, the other side is going to tell you, and you will hear in the argument here, hey, there is due process. Don't worry about it, they will say, because people subjected to this process, they can just go to court and they can petition to get their firearms back.

But I will let my colleagues in on something that every first-year law student learns: Due process after the fact is no due process at all.

Now, the other side is also going to argue here—get ready for it—they are going to claim that they have come up with a reasonable compromise by just making these gun confiscation orders temporary. They will say it is only going to last 14 days. They won't tell you that these orders can be renewed indefinitely.

My Democrat colleagues are going to tell you that this bill will save lives. But if you look at the objective studies, the comprehensive studies on this, you will find that the red flag laws in all these States have had no significant effect on the rates of murder, suicide, or the number of people killed in mass public shootings.

If this bill passes, people may have their information added to the national crime databases, even though they committed no crime. In what version of America do we think that is okay?

The Democrats claim Republicans don't care about gun violence. But while they may repeat this over and over and over, it doesn't make it any more true. If you look at the record, House Republicans have worked tirelessly to combat gun violence by enacting meaningful laws to put more resources into mental health, to provide training for guidance counselors, and fund grants for law enforcement.

The other side, meanwhile, is actively trying to defund police. And just last week, they voted against giving money to schools to enhance security. Democrats refused to work with us on legislation that would actually do something; that would actually reduce the rate of gun violence in this country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JORDAN. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. JOHNSON of Louisiana. And instead, they are taking advantage of tragedies. That is what they are doing. They are taking advantage of tragedies to promote their agenda to destroy our constitutional rights, and it is shameful.

I will tell you this: When Republicans take back the majority next year, we will work to begin to address the root causes of the violence and the mayhem in our country. That day cannot come soon enough.

Mr. NADLER. Madam Speaker, I yield 5 minutes to the gentlewoman from Georgia (Mrs. MCBATH), the sponsor of the bill.

Mrs. MCBATH. Madam Speaker, I rise today in support of my bill, the Federal Extremist Protection Order Act, a bill that would empower loved ones and law enforcement to help prevent mass shootings before they happen.

Every family in every community in our Nation deserves access to these lifesaving measures. No child, no parent deserves to live in fear of gun violence.

And we are paying for it. We are paying for this gun violence every single day. Day after day, hour after hour, we are paying for the weapons of war on our streets with the blood of our children in our schools.

We are paying for the unfettered access with mothers and fathers waiting in line for a DNA test, forced to find out if it is their child that is riddled with bullets and maimed beyond recognition; if it is their child whose blood now blankets the floor of the classroom where they should be learning math and science and English.

We are paying for this deadly gun culture with the lives of American people; with the lives of those that we in this body took an oath to protect.

The American people are absolutely exhausted. We cannot continue to be the only country in the world where we let gun violence happen again and again and again. An entire generation is growing up learning that the adults that they look up to cannot, or rather, choose not to protect them.

Now, we all agree that this status quo is unacceptable. We all understand that the murder of our children cannot continue. We need policies that will give our law enforcement the tools that they need, the tools they have asked for to help keep guns out of the hands of those who are a danger to themselves or to others.

How many more victims are we going to memorialize?

What rights do our children have as they grow in our lives and in our hearts?

Parents across the country, in every State, in every community, know the fear that accompanies the love that we have for our children. It is a primal fear, a helpless fear, a love so deep that

we worry and wonder every day where is my child? Are they safe? Are they going to make it home today?

Don't our parents have the right to send their kids off to school without the fear of them not coming home?

Don't our children have the right to live free from the trauma that only stepping over a friend covered in blood could ever bring?

How many more parents must receive the phone call that I did when I was told that my son was murdered; the phone call that confirms that fear that my child is dead and that I was unable to protect him; the phone call that leads you to cry out to God in your grief?

Was my child afraid? Did he feel pain as the bullets ripped through his skin? Did he know he was loved more than he could ever imagine?

We can do better than that. We must be better than this. We cannot be the only nation in the world where our children are torn apart on Tuesday and their deaths are gone from the news cycle by Wednesday.

And that is why, in the decade since my son was taken from me by a man with a gun, simply for playing loud music in his car, that I made a promise to Jordan and to my community, and to the American people, a promise that I would continue to fight this battle for the rest of my life, the fight to make sure that not one more parent is forced to join this ever-growing club, the club that no mother or no father ever wants to be a part of.

I promised that I would take all of the devotion as a mother that I have for my child, all the love that I poured out of my soul into my child, that I would do everything in my power to keep Jordan's community safe; yes, you, my community; that the time would come where we would be able to make a difference in the lives of our children and our children's children, and this is that time. This is that moment.

We are facing a challenge of our lifetime on the issue of our era.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. Madam Speaker, I yield the gentlewoman an extra 30 seconds.

Mrs. MCBATH. This is that time. This is that moment. We are facing the challenge of our lifetime. This is the issue of our era, and today, we must vote with the majority of American people that agree with us.

We vote to provide law enforcement and family members the tools that they need to prevent these mass shootings. We vote to save lives. We vote to do what is right. We vote to stop the uniquely American horror that is ripping our families apart.

God bless us. And I ask God to cover us in doing the right thing.

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentlewoman from Arizona (Mrs. LESKO).

□ 0930

Mrs. LESKO. Madam Speaker, I thank Representative JORDAN for yielding time.

I rise in opposition to H.R. 2377. I have five grandchildren. I would do anything—anything—to protect my five grandchildren, including, as a last resort, shooting someone if I had to, to protect the lives of my grandchildren.

Democrat bills that we have heard this week want to take away my right—my right—to protect my grandchildren. They want to take away the rights of law-abiding citizens to protect their own children and grandchildren and wives and brothers and sisters. This bill takes away due process from law-abiding citizens.

Can you imagine if you had a disgruntled ex or somebody who hates you because of your political views, and they go to a judge and say, "Oh, this person is dangerous"? That judge would take away their guns, lean on the side of conservatism and take away their guns, without that person even having knowledge that there was a court hearing that would take away their guns. This is wrong.

When Republicans were in the majority, we actually passed legislation that was signed into law that would have prevented mass shootings. These bills will not. We need to join together, Republicans and Democrats. I hope they can do it in the Senate and get something done that actually saves children's lives.

Mr. NADLER. Madam Speaker, I include in the RECORD a June 7, 2022, Washington Post article titled "No, red-flag gun laws don't violate due process rights."

[From the Washington Post]

NO, RED-FLAG GUN LAWS DON'T VIOLATE DUE PROCESS RIGHTS

SUCH LAWS, ALSO KNOWN AS 'EXTREME-RISK PROTECTION ORDERS,' ARE POPULAR AND ARE EMBRACED BY SOME REPUBLICAN POLITICIANS. BUT SOME GUN-RIGHTS ACTIVISTS SAY THEY VIOLATE THE FIFTH AND FOURTEENTH AMENDMENTS.

(Perspective by Joseph Blocher and Jake Charles, June 7, 2022)

"Red flag" laws, which allow guns to be temporarily taken from people who pose a risk of harm to themselves or others, are one of the few gun-safety regulations that currently have bipartisan support. "I'm generally inclined to think some kind of red-flag law is a good idea," Sen. ROY BLUNT (R-Mo.) said last week, after the school shooting in Uvalde, Texas. Key senators have told reporters it's possible an agreement could be reached this week on legislation that would include a provision incentivizing more states to pass such laws.

There is strong popular support for red-flag laws—also known as extreme-risk laws—in both parties, and more than a dozen states have adopted them in the past few years alone (bringing the total to 19 plus the District of Columbia). Social science research suggests that they work, most strikingly in preventing gun suicides.

So what prevents their wider adoption, including at the federal level? Some gun-rights advocates and their allies in Congress say they violate the due process clauses of the

Fifth and Fourteenth Amendments. "Depriving citizens of Life, Liberty, or Property, without Due Process, is a clear violation of our Constitution," Rep. THOMAS MASSIE (R-Ky.) tweeted last week. "Every member of Congress swears an oath to 'support and defend' the Constitution. Voting for, or introducing, Red Flag Laws is a blatant violation of that oath."

But such criticisms are off base. Politicians considering red-flag laws, whether in Congress or state legislatures, should do so based on an accurate understanding of what the Constitution requires. It indeed guarantees "due process of law" whenever the government seeks to deprive a person of "life, liberty, or property." But the basic design of existing extreme-risk laws is fully consistent with constitutional commands, as we showed in a recent law review article.

In the states where they exist, here's how red-flag laws work: A limited set of people—law enforcement officers, family or household members, and sometimes others—can petition a judge to issue an "extreme-risk protection order" (ERPO) requiring a person to temporarily surrender his or her firearms and refrain from acquiring new ones. Depending on the state, the burden of proof the petitioner must meet (to establish that the gun owner indeed presents a risk) varies from "probable cause" to "clear and convincing" evidence. If the petition is successful, the court can enter a short-term emergency ERPO, usually lasting two weeks or less. In many cases, that's all that is needed—the crisis can be averted. A longer-term ERPO can only be entered after a full hearing at which the petitioner again bears the burden of proof, usually at a higher threshold, and at which the gun owner can contest the order.

If there is a constitutional flaw in this basic structure, it has apparently escaped notice of the entire United States judiciary: Courts have unanimously rejected Second Amendment and due process challenges to ERPO laws, and for good reason.

Perhaps surprisingly, the Second Amendment has not been the focus of the constitutional complaints. That's because even ardent Second Amendment defenders like Justice Amy Coney Barrett recognize that "legislatures have the power to prohibit dangerous people from possessing guns"—as Barrett wrote in 2019 case, when she was a judge on the U.S. Court of Appeals for the Seventh Circuit. Courts reviewing extreme-risk laws have upheld them on that very basis. In 2016, for example, a Connecticut appellate court relied on U.S. Supreme Court precedent in holding that Connecticut's statute "does not implicate the second amendment, as it does not restrict the right of law-abiding, responsible citizens to use arms in defense of their homes."

The crux of the political debate has therefore focused on due process—although due-process challenges to red-flag laws have fared no better. Nor should they have. A prime complaint about red-flag laws is that they allow an order to issue before the gun owner has an opportunity to contest the evidence, but the Supreme Court has long recognized that there are "extraordinary situations where some valid governmental interest is at stake that justifies postponing the hearing until after the event," as Justice John Marshall Harlan II wrote in a 1971 case. Examples include restraining orders filed by one domestic partner against another, civil commitments for mental illness and the temporary removal of children from parental custody in emergency situations (for instance, when there are credible allegations of abuse). In situations like these, delaying urgent action until after a full hearing can lead to catastrophic outcomes.

Given that the Constitution allows emergency action to temporarily remove a person's child before a full hearing, it's hard to argue that it prohibits emergency action to temporarily remove a person's guns. Quite simply, the Constitution does not require society to wait until the trigger is pulled.

Though they vary in their particulars, existing extreme-risk laws contain several important procedural safeguards that the Supreme Court has recognized help to forestall abuse and ensure due process. They impose the burden on the petitioner to convince an independent third party; they guarantee active judicial oversight and provide a prompt hearing focusing on the degree of risk; and many states provide specific criminal penalties for filing false or harassing extreme-risk petitions (in addition to existing punishments for perjury).

Understanding constitutional requirements is important not only for lawyers and judges, but for those debating gun regulation in public discourse. Time and again, arguments based on misunderstandings of the Constitution have been used to derail reasonable gun regulation. After Sandy Hook, for example, an overwhelming majority of Americans wanted to expand the existing system of background checks for gun sales. Of the minority opposed—some strongly so—the most common reason was that doing so would violate the Second Amendment, yet that position has no support in legal doctrine.

We should not once again make the mistake of blaming the Constitution for inaction on gun laws. The structure of extreme-risk laws is entirely consistent with not only the Second Amendment but also the constitutional guarantee of due process.

Mr. NADLER. Madam Speaker, I want to excoriate as absolute nonsense, pernicious nonsense, what we just heard from Mr. JOHNSON, from Mrs. LESKO, and what I presume we will hear for the rest of the debate on this bill.

Red flag laws are in effect in 19 States and the District of Columbia. Every court that has considered them has found them constitutional. Every court has said that they meet the requirements of procedural due process—every single court.

Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding, and I thank him for bringing his superior knowledge of our Constitution and the law of the land to bear in this important debate for the children.

Yesterday, as we had the debate on so many other pieces of legislation which passed with bipartisan support, we said it was of the children, by the children, and for the children. "Of them" because they are suffering. "By them" because they are testifying in the Congress of the United States, apparently to no avail to some in the Congress, but making an emotional appeal of the facts of their case to the American people, and again, all of it for the children.

The Protecting Our Kids Act, I thank the chairman for bringing that to the floor. The legislation passed yesterday. It has strong steps to save lives, whether it is raising the age to purchase weapons of war, outlawing bump stocks

and high-capacity magazines designed for mass murder, cracking down on gun trafficking and ghost guns, and strengthening safe storage requirements, to name just a few.

Today, the House builds on this progress by passing our Federal Extreme Risk Protection Order Act, another lifesaving measure aimed at preventing the next tragic shooting before it is too late.

Too often, what we know is that those who pose a risk of gun violence show early warning signs: a menacing message online, a troubled message to a loved one. Yet, in too many communities across the country, concerned family members, friends, and law enforcement have no legal pathway to get deadly weapons out of the hands of these troubled individuals.

Under the leadership of Congresswoman LUCY MCBATH, the House will pass a bill empowering family members and law enforcement to seek a Federal court order to temporarily remove access to a gun from individuals who pose a threat to themselves and to others.

Thanks to the leadership of Congressman SALUD CARBAJAL, this legislation will include incentives to encourage more States to adopt extreme risk protection order laws of their own. The incentives exist in many States, but not all.

Doing so will not only protect from mass shootings but also from the quiet daily massacre by suicide and gun crimes. These so-called red flag laws by some are saving lives in the 19 States and, as was mentioned, the District of Columbia, where they have been enacted. The statistics show that.

The American people are overwhelmingly for this lifesaving measure. Recent polling shows 8 in 10 Americans support it.

Madam Speaker, as you know, and you have experienced it in your State, gun violence in our Nation has reached a fever pitch in recent weeks. People keep saying again and again and again that we have gun violence. I would say it is not again and again and again; it is always. It is not one after another; it is ongoing, whether it is mass murders that are high profile or every night in cities and places across our country.

Sadly, too many Members think, in the wake of gun violence, a moment of silence is sufficient—a moment of silence. As Mr. HIGGINS said following the Buffalo massacre, we have a moment of silence, and then we must have action—and then we must have action.

Today, all Members have a chance to take action, to vote for another strong step, giving our communities a chance to prevent the next massacre. The next massacre could be a family tragedy, so it is personal as well as community protection.

Indeed, if you knew where and when the next gun incident would be, how could you oppose having the tools to possibly stop it? If you knew that children could possibly be exposed because of the action of someone practically a

child themselves, still a teenager, having access to a weapon of war, why wouldn't you want to take action to stop it?

I urge all of my colleagues on both sides of the aisle to join us in a strong bipartisan "aye" vote for this legislation. In States across the country, this is not partisan at all. Let's hope that it will not be in the House of Representatives.

At the same time, we remain very prayerful and hopeful that the Senate will soon reach bipartisan agreement so that we will move a step closer to freeing our children from the horrors of gun violence, once and for all—our children, whether it is violence to them or violence to their parents and family members.

For the children, of the children, by the children, that is our mission. I urge an "aye" vote.

Mr. JORDAN. Madam Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Madam Speaker, one of the most fundamental, God-given rights that we possess, which is uniquely protected in our American Constitution, is the right to keep and bear arms for self-defense and to ensure that we remain a free people.

We have seen under this administration, supported by the Democrat majority in this Congress, an unprecedented trampling on the basic rights of American citizens over the past 2 years. Our most precious freedoms to assemble together, to go where you want, to worship as you choose, to earn a living or operate your business, to keep your job or your employees, what you have to wear on your face, and whether or not you are required to receive a vaccine that you may not want or may not need all trampled upon by Democrats in power.

Democrats simply do not believe in the inalienable rights of American citizens to life, liberty, and the pursuit of happiness. They believe that your rights come from government, and they, therefore, have the right to take them away.

The guarantee provided by our Founders to ensure we remain free from foreign invasion and, yes, as our Founders clearly warned us, from an oppressive government like we see in Canada, Australia, and the Democrats' beloved Communist China is the constitutional right of law-abiding citizens to be armed as they choose.

Over and over, the Founders affirmed and reiterated that Congress has no power—no power—to limit the right of lawful citizens to arm themselves. H.R. 2377 would create a nationwide system of red flag laws, undermining the constitutional guarantee of due process, which is required before depriving any American of their Second Amendment right.

Mrs. MCBATH. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. CARBAJAL).

Mr. CARBAJAL. Madam Speaker, I thank Representative MCBATH for yielding time.

Madam Speaker, 8 years ago, my own community of Isla Vista near UC Santa Barbara saw firsthand the horror and the trauma that a mass shooting brings. In 8 years since that attack, we have stood in solidarity with other communities reeling from the hundreds of mass shootings in our schools, our shopping malls, our houses of worship, and our Main Streets.

Madam Speaker, I share the outrage and frustration of the majority of Americans and many of my colleagues here in Congress that there are some in Congress who have kept us from doing our job to protect children by blocking commonsense gun safety measures.

I stand before you today as the author of a gun safety measure that has enjoyed bipartisan support, that has been implemented in Republican- and Democratic-led States alike, and that has been proven to reduce gun deaths and stop mass shootings before they happen. I am speaking about extreme risk protection orders or, as they are more commonly known, red flag laws.

These laws are simple. If an individual is showing signs that they may be a danger to themselves or others, a police officer or a family member can, through due process, go to a judge and request an extreme risk protection order, which temporarily bars that person from owning or purchasing a firearm. These laws are already on the books in 19 States and the District of Columbia, and in those places, they have saved lives.

Part of the reason these laws work is because warning signs of mass shootings are not as rare as you might think. In fact, a U.S. study of school violence found that the majority of incidents come with clear warning signs, which we have seen before in some of our most infamous school shootings: Columbine, Sandy Hook, Parkland, and even Uvalde.

That is why, in the wake of these tragedies, Republican- and Democratic-led States have approved red flag laws that have gone on to intervene in thousands of potentially violent attacks before they happen.

Florida residents, for example, have used ERPOs more than 8,000 times since they implemented their red flag law after the Parkland shooting. California implemented their red flag law after the UCSB Isla Vista attack in my community.

Police officers have used it to prevent numerous workplace attacks and other violent incidents. These red flag laws are also critical to reducing the largest form of gun deaths in our country, suicide by firearm.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. MCBATH. Madam Speaker, I yield the gentleman an additional 30 seconds.

□ 0945

Mr. CARBAJAL. Madam Speaker, as someone who lost one of my own siblings to suicide by a gun, I personally

am proud to stand in this Chamber today in her memory, Carmen, to see my bill come to a vote.

This measure is popular, bipartisan, and common sense. That may be why Republican Senators have introduced similar legislation in the past, to incentivize States to expand red flag laws and support States that already have them.

There is no bill that we can pass that would be the panacea to solve our violence overnight, but with this measure and those that we passed yesterday, we can make a major difference. We need to do this now.

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Madam Speaker, Alexis de Tocqueville said that the defining trait of socialism is "a profound opposition to personal liberty and scorn for individual reason, a complete contempt for the individual."

Socialists are hostile to our Bill of Rights specifically because it protects the individual against the State by guaranteeing our most fundamental rights and the means to defend them, and the guarantee that we can't be deprived of them except through due process of law.

You have the right to have your day in court, to face your accuser, to present evidence on your behalf, to contest the charges brought against you.

Now, if someone is adjudged to be dangerously mentally ill, of course they should not have access to firearms or to any other weapons. They shouldn't be on the street where they can do harm at all. They should be confined, during the course of their illness, so they can be treated and not endanger themselves or others.

We already have commitment procedures that address this in concert with our Constitution. In that process, you appear before a judge, you can know the charges, you can face your accuser, you can plead your case, and you can present evidence on your own behalf in open court.

But not under this bill. Under this bill, an anonymous accuser, including a jilted date or an ex-roommate, can trigger a secret proceeding that you don't even know is happening until the police show up at your door to strip you of your Second Amendment right to self-defense, and the burden then falls on you to try and restore it.

And it won't stop here. The left has already branded speech they disagree with as dangerous.

But they are right about one thing. This is an extreme risk bill. It is an extreme risk to our most fundamental individual rights as Americans.

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

Republican speakers obviously have more regard for their politics and for the National Rifle Association than they do for the lives of our children.

We see that every moment here, when they keep repeating the words that this is unconstitutional, when courts in 18 States and the District of Columbia have found them constitutional, and Supreme Court Justice Amy Coney Barrett, on the 7th Circuit, said: History is consistent with common sense. It demonstrates that legislatures have the power to prohibit dangerous people from possessing guns.

So I don't think we should hear lectures on Democrats don't care about due process. We do. We also care about children's lives.

Madam Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE), a member of the Judiciary Committee.

Mr. CICILLINE. Madam Speaker, I rise today in strong support of the Federal Extreme Risk Protection Order Act. Before the Emanuel church shooting, before the Uvalde, El Paso, and Parkland shootings and so many others, shooters showed warning signs or even flat out said what they were going to do.

Before many die by suicide by gun, they show warning signs that they may be a danger to themselves.

In these situations, there is often evidence that something terrible is going to happen. We know it, we can even articulate it, but we are often powerless to stop it.

This bill remedies this situation. This bill would help prevent individuals who pose an imminent threat to themselves or others from accessing firearms, by allowing law enforcement and family members to file a court petition in Federal court to temporarily—temporarily—block dangerous individuals' access to guns.

Despite the claim that this bill invades due process, this is absolutely false. It is a thinly veiled attempt to prevent any and all regulations of firearms in this country. As the chairman has said, it has been found constitutional. There is a hearing before the seizure with a judge, with witnesses, testimony under oath, affidavits. The judge makes a finding. It happens all the time in domestic violence cases.

These guns can only be taken away for a temporary period after a hearing with a judge, who determines on balance that it is necessary to do so for the safety of the gun owner or the community.

This bill is so common sense. It has historically been bipartisan. The last Republican President supported it, introduced by Senator LINDSEY GRAHAM in the Senate.

I thank Congresswoman MCBATH. Our Republican colleagues this morning have been talking about their passion for the Second Amendment, their devotion to the right to bear arms. If only for a moment they showed the same devotion, the same commitment to preserving the life of young people, the right to live a life free from gun violence, to go to a movie theater or church or synagogue and not worry

about their life and their liberty because they are gunned down by someone who shouldn't have a firearm.

This is absolutely the most common-sense proposal that will come before Congress on guns. Keep them out of the hands of people who are dangerous to themselves and others. For God's sake, vote for this bill.

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GAETZ).

Mr. GAETZ. Madam Speaker, if House Democrats were so worried about violence, they wouldn't open the borders, open the prisons, and then disarm law-abiding Americans who want to protect themselves and protect their families.

Chairman NADLER says that Republicans shouldn't lecture about constitutional rights, but it was the last Democrat speaker, Mr. CICILLINE, who in the House Judiciary Committee said, Spare me the bullshit about constitutional rights. So pardon us for standing up for the Constitution and the very due process that ensures that we are able to have a civil, functioning society in this country.

Speaker PELOSI asks the question: Well, if you knew when the next act of violence would be, why wouldn't you want to stop it? What is this, the United States Congress, or the plot for the movie "Minority Report"?

The best you could ever hope to have in terms of warning is what we had in the Parkland case, where a neighbor saw Nikolas Cruz preparing for a school shooting, called the FBI, and because they were so focused on the bureaucracy, they didn't take action.

That is why I am against federalizing the regular police and it is why I am against federalizing the school police, because the more the FBI was involved, the more they botched the case, and maybe there are people dead who didn't need to be.

These red flag laws violate our Second Amendment rights, our Fifth Amendment rights, and when they are done at the national level, they violate our Tenth Amendment rights. It is crazy that we are considering legislation to bribe the States to take rights away from our fellow Americans, and it is nuts that Republicans in the Senate, the very Republicans who say they are the classic, liberty-minded conservatives, they are now working with Democrats on this very endeavor to Federalize the school police and to engage in this bribery for the sake of deprivation of rights.

Let me give you this warning, my friends: It is no victory, as Mr. CARBAJAL said, that in my beloved Florida we have used red flag laws 8,000 times. There weren't 8,000 school shooters we stopped, probably not even 8,000 criminals.

What we do see is that these red flag laws are used in divorce proceedings, they are used in every type of dispute and shouldn't be a cudgel that way. We will stand up for their rights. That is no bullshit; we will.

The SPEAKER pro tempore. Members are reminded not to use profanity on the floor of the House of Representatives.

Mr. NADLER. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. COHEN), a member of the Judiciary Committee.

Mr. COHEN. Madam Speaker, since the massacre in Newtown, Connecticut, about 10 years ago, we have not enacted any substantive firearm restrictions to prevent children from being slaughtered in our schools.

In fact, not since the massacre of first graders and their educators at Sandy Hook, but in the 20 years since the shooting at Columbine, we have not enacted any new meaningful restrictions on firearms.

We have an obligation to protect our constituents, and we have a responsibility to keep the American people safe.

After each of these instances, we hear from our friends across the aisle that we must address mental health. I agree. But we must prevent those who are intent on harming themselves or others from having access to dangerous weapons and carrying out their intent.

That is why I support this thoughtful proposal balancing public safety and the individual's right to due process.

Let's just take the massacre in Uvalde. Should there have been a law in place in Texas, a red flag law, perhaps the gunman could have been stopped. There were plenty of warning signs, including the gunman with pictures of a cat he had killed and his frequent online threats to teen girls.

As chairman of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, I take the due process clause seriously. In this legislation, a court would need to make an individualized determination, looking at specific facts before issuing an order. A full hearing is required in 72 hours, where the party can have personal attendance and object.

This legislation is absolutely necessary, and I urge all my colleagues to support it. We have a moral obligation to act.

Yesterday, this body, with a bipartisan vote, adopted the Protecting Our Kids Act, which would make meaningful updates to our Nation's gun laws. We must go further, I believe, and reenact the assault weapons bans.

These bills would make a meaningful difference in gun violence in the United States and save American lives. God would not look kindly upon the use of weapons to kill his children, as happened in Uvalde, Texas.

Our votes are not political calculations; they are obligations. We have a duty to protect God's children.

Mr. JORDAN. Madam Speaker, I yield 1½ minutes to the gentlewoman from Michigan (Mrs. MCCLAIN).

Mrs. MCCLAIN. Madam Speaker, I think what we need, again, is a little truth, transparency, and consistency.

I will share, as a mother of four, I resent the fact that you tell me that I don't care about children. In fact, when you have soft-on-crime policies, I need my Second Amendment right to protect my own children because the soft-on-crime policies don't help.

During these debates, on these unconstitutional—you know the thing we all took an oath to uphold—gun bills, the Democrats have been making the claim, well, if you can't buy alcohol or cigarettes, you shouldn't be able to buy an AR-15.

All right. Let's stick with that concept. Here is a concept: Apply it throughout every form. But let's talk about a couple of things that the Democrats feel you are mature enough to do under the age of 18. Because, once again, their standards clearly aren't consistent. What a concept, to be consistent.

Democrats believe that under the age of 18, you should be able to get an abortion. While you are at it, don't even talk to your parents about it.

Under the age of 18, Democrats think you should be able to change your sex without notifying parents.

At 18, you can vote.

At 18, you can join the military and lay your life on the line for this country.

And I bet they think that the 18-year-old Buffalo shooter is actually mature enough to be charged as an adult, right?

So, again, let's have some consistency in our standards.

Mr. NADLER. Madam Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. DEAN), a member of the Judiciary Committee.

Ms. DEAN. Madam Speaker, do we not hear the cries of the fourth grader in Uvalde who said, "All of my friends are dead"?

Would you like to do something about gun slaughter in this country? Then join us.

One commonsense way we can do this is by passing my friend and colleague, Congresswoman MCBATH's, Federal Extreme Risk Protection Order Act, red flag laws.

We know that in 46 percent of shootings, the attacker expressed interest in harming others. There was a cry for help, a warning. Someone knew that violence could erupt. Someone had the ability to intervene. We have a responsibility to intervene.

Representative MCBATH's bill would do just that, intervene when someone is a risk to themselves or others. We do not have to live this way. Fearful for our children at school, at movies, the grocery store, or the TLA on South Street in Philadelphia.

We do not have to live this way, and we don't want to: 79 percent of Americans support red flag laws and 67 percent of gun owners.

Stop sentencing our children to having to lament that all of their friends are dead.

□ 1000

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WENSTRUP).

Mr. WENSTRUP. Madam Speaker, next week will mark 5 years since the fateful morning on the baseball field where 136 rounds were fired in an attack on Republicans. Only by the grace of God were 20 or more of my Republican colleagues and staff not killed by a crazed terrorist wielding guns on that baseball field. So this is not a theoretical exercise for many of us on this side of the aisle.

I say this not to take away from the tragedies that any one of us has experienced, but to highlight the good people on both sides of this issue can bring our personal experiences to the debate and may see things differently, while both condemning violence and wanting to act.

When I reflect on that day, it is not about the weapon. It is about the person, the evil person that is on the other side of that weapon. It was guns that stopped that killer—two undercover Capitol police officers. They were only there because STEVE SCALISE was there. And he got hit. Otherwise, that terrorist could have easily assassinated 20 to 30 Members of Congress and staff.

Clearly, there are people I don't want to have a gun in their hands but we can't ignore the hate, the evil that is gripping too many in our country today. We have laws against murder. Yet, we see murder.

If my little daughter hits her big brother, I want to know why. I don't blame the stick in her hand. As a physician, common sense tells me that if we don't look at the events in someone's life that lead to the thoughts and the feelings that then lead to this horrific murderous behavior, then we are doing our society a grave injustice. And that is what is happening. We have seen this movie before.

Did these laws change the disturbing trends that we are seeing? Previous bans have made no difference. It has been proven. Many of our communities have gun laws and have even more homicides than ever.

We as Americans need to do some serious soul-searching about ourselves because something serious has changed in our society over the last several decades.

Is it the absence of God?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JORDAN. Madam Speaker, I yield an additional 30 seconds to the gentleman.

Mr. WENSTRUP. Madam Speaker, we had a public school in my district that was forced by the left and the courts to take down "thou shalt not kill" from in front of the schools.

Is it the breakdown of the family, the disruption of the community, the implosion of the village? Or is it the destruction of our mental health system, which, unfortunately, turned everyone onto the streets instead of reforming our institutions?

It could be all these things and many more, but until America is willing to take a long, hard look at ourselves and heal what truly ails us, I fear we are simply doomed to repeat what we have done in the past and we are doing here today.

Mr. NADLER. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. THOMPSON), chairman of the Gun Violence Prevention Task Force.

Mr. THOMPSON of California. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of this legislation and thank Congresswoman MCBATH and Congressman CARBAJAL for the great work they have done to put this together.

Red flag laws are supported by a majority of Americans and nearly 70 percent of gun owners. Red flag laws provide an opportunity for an intervention if someone demonstrates that they are a danger to themselves or to others. California's red flag laws have been used 21 times to prevent mass shootings.

The bill we are considering today was originally authored by Senator LINDSEY GRAHAM, a Republican, and is very similar to the Florida red flag bill that was signed by then-Governor RICK SCOTT, also a Republican, and today a U.S. Senator. Neither of those two have ever been accused of being antigun or anti-Constitution.

We know red flag laws save lives and we know the issues raised by the other side of the aisle are a stretch at best. If someone files a false complaint, they are subject to a \$5,000 fine and 5 years in jail. This bill will save lives, and I urge you to vote "yes."

The only real question is how much more bloodshed is needed to spur us to do the right thing and help us keep our kids and our communities safe.

Please vote "yes" on this bill.

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. DAVIDSON).

Mr. DAVIDSON. Madam Speaker, from the debate and from the whole premise of this red flag law proposal, you would think that there was no such way to deal with this problem in America. It has been pointed out that 19 States have red flag laws already, but there are 50 States that already have a way to have someone adjudicated minimally dangerous.

Every single State, the premise that we can identify somebody who might pose a risk to themselves or others is the whole premise why red flag laws might work. But that is the same premise that allows Baker Acts to work in every single State and Washington, D.C.

The difference is that the person charged, the person accused of being this mentally incompetent, mentally dangerous person, has the right to confront their accuser. And that is what they are trying to undo. It already exists in law. Everyone knows that we

cannot accept our children being murdered. We can't accept our communities being destroyed and gutted, not just by violence, by increasing violence, by increasing acts of despair; not just shootings, but suicides—and the number one cause of death for 18- to 45-year-olds—fatal overdoses.

There is something going on wrong. It is not the guns, it is the culture and the evildoer. When do we stop blaming the evildoer, the doer of evil deeds? And if you could identify who that doer of evil deeds might be, wouldn't you want to take them away from the weapons instead of taking the weapons away from them?

If you don't take the person away, they can get other guns. They might even get a car and drive through a parade.

Let's keep our communities safe. Let's keep our kids safe. Let's focus on the real problem and not just run the same play over and over again. The Democrats have a preconceived solution to every emergency, and it is shameful to watch this exploitation of violence to achieve a Democrat-longstanding objective to undermine our Second Amendment.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. BEYER).

Mr. BEYER. Madam Speaker, I thank the chairman for yielding.

Madam Speaker, I rise today to express my strong support for H.R. 2377, the Federal Extreme Risk Protection Order Act, included in this legislation, is the Extreme Risk Protection Order Act, which I have been proud to co-lead for many years with my friend and colleague, Congressman CARBAJAL.

Madam Speaker, April 16, 2007, 15 years ago, 32 Virginia Tech students, in my home and Commonwealth, were killed by a young man who was well-known to the community to have paranoid schizophrenia. He had been hospitalized. He had been picked up by the police. He had been banned from classes. There was every reason in the world for him to be on the background checklist. Yet, he was able to buy the weapons legally that killed those 32 kids.

In 2014, I had a long conversation with a friend who was deeply depressed. He was having trouble getting out of bed, trouble finding a psychiatrist who would treat him. I made some calls to try to find somebody, and then didn't do anything but worry, and was stunned when he got out of bed to go buy a gun and kill himself.

To this day, I so regret that I did not call his wife, and we went together to the court to get him on the background checklist. We have all lost too many friends. We all are grief-struck by the massacre of children.

Red flag laws may not protect everyone, but it will save many lives and it is a start.

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. BIGGS).

Mr. BIGGS. Madam Speaker, do you ever wonder how many of our colleagues in the Democrat aisle receive

Bloomberg money to advocate for taking away Americans' Second Amendment rights? I do.

You hear about the NRA. You sure don't want to confess the Bloomberg donations that you receive as you emasculate America's rights. Yet, we hear about your polling. But you know what, 6 in 10 Americans, including almost half of Democrats, support armed officers and leaders at schools to protect their children. Democrats oppose that.

We hear about due process. Due process doesn't mean you have an ex-parte hearing by an undisclosed informant who comes in and says, Look, we think this person is a danger to themselves or others, when the undisclosed informant has a grudge or an axe to grind. That is why you have 8,000 of those in Florida.

Due process doesn't mean we take away your rights and then you get to petition to have those rights reinstated. No, this bill is designed specifically to get around the laws that are present in 50 States that do address due process and do address people who are a danger to themselves and society. This bill is ripe for abuse.

Some States have enacted similar laws. In Connecticut, for example, nearly a third of all ex-parte orders are overturned once a judge hears both sides of the story.

And why is that? You have already taken away their rights. But almost a third of them are overturned.

In a markup last week, there was some confusion as to what due process means. It does not mean that you can deprive an individual of their rights first and then later let them have a hearing to reinstate those rights. But that is what this bill does. Deprivation first, a hearing later.

Madam Speaker, I urge my colleagues to vote "no."

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Speaker, and still I rise. I rise today to address the indication that what we Democrats are doing is meaningless.

Meaningless to ban bump stocks. Well, tell that to the 60 people who were murdered at the Mandalay hotel where a gunman fired more than a thousand rounds in short order.

Meaningless to raise the age to 21 to purchase an assault weapon. Explain that the ghosts of the 10 people who were killed at Tops grocery store. Make it clear to those 19 babies who were murdered at an elementary school in Texas.

Meaningless? Tell that to the lives of those that have been lost. No, it is not meaningless.

Madam Speaker, I tell my dear friends that what we are doing right now is more than common sense. It is just good sense to prevent people from killing other people.

Mr. JORDAN. Madam Speaker, I yield 1 minute to the gentlewoman from Georgia (Mrs. GREENE).

Mrs. GREENE of Georgia. Madam Speaker, well, we don't agree on much these days here in Congress but I know there is one thing we all agree on. We all agree that we really like guns. See, we are the special privileged elites. We are the ones in this Chamber being protected by guns while the American people don't have men and women with guns outside their homes. Of course, not at any gun-free school zone they are not protected, nor at work.

But here at Congress, the same Congress that is voting to send just millions and millions of dollars worth of guns to Ukraine so that they can defend themselves is the same Congress working as hard as possible to take away the Second Amendment rights from Americans. You see, our job here is to protect rights like due process and the Second Amendment rights of Americans, not strip them away.

Red flag gun laws violate Americans' due process rights and this is the type of thing that we shouldn't be passing in this Congress, especially while we enjoy the very privileged elite special protection of guns.

Mr. NADLER. Madam Speaker, may I inquire how much time remains on each side?

The SPEAKER pro tempore. The gentleman from New York has 6½ minutes. The gentleman from Ohio has 11 minutes.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from Michigan (Mrs. LAWRENCE).

Mrs. LAWRENCE. Madam Speaker, I rise today to make an urgent plea for action.

How can we listen to an 11-year-old girl talk about smearing herself with her own dead friend's blood so she doesn't get killed and think that the appropriate response is thoughts and prayers. It is unacceptable.

We have the power to make real change and end gun violence. Right now, the American people are calling on us to protect their kids, their family, and their community. I am not going to sit on the sidelines and neither should this legislative body. If not now, when? Every Member should support commonsense gun safety legislation. Not taking away your right to own a gun or your constitutional right, but use common sense, that, as my grandmother used to say, is not very common today.

Madam Speaker, the people of America are counting on us. Act now.

Mr. JORDAN. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, we have heard time and time again that the Democrats say this is not a violation of due process; not a violation of our constitutional rights. It most certainly is.

Remember the basics here. Someone doesn't like you. They file a complaint. There is a hearing within 24 hours, a hearing that you are not allowed to attend, you are not allowed to be there to face your accusers. The government

takes your gun or guns. Several days later there is a real hearing—well, a real hearing with a lower standard. The burden of proof for the government is not beyond a reasonable doubt to deny you your constitutional right. It is a clear and convincing standard. So a lower standard to take away your fundamental liberty when you didn't commit any crime. If that is not a violation of due process, I do not know what is.

□ 1015

Title I of this bill, it will all be administered by the Biden administration Department of Justice, the same Department of Justice that got a letter from a leftwing political organization and, 5 days later, sent a memorandum to every single U.S. attorney in this country saying this: Set up a dedicated line of threat communication on parents; use counterterrorism measures against moms and dads who had the nerve to show up at a school board meeting and speak up for their kid.

Then, 16 days after that memorandum went out, the FBI sends an email out and says: Put a threat tag, a designation, a label, on moms and dads who did show up at school board meetings who someone filed a complaint about on that snitch line, and investigate them. That same Biden administration Justice Department will be administering this law.

That is why we are so against this measure and why it is so darn dangerous. They can say all day long it doesn't violate due process; it most certainly does, and it is going to be administered by a Justice Department that has already proven they are willing to go after parents who speak up for their kids.

That is why this bill is so terrible, why Republican Senators are pushing this and, as Mr. GAETZ from Florida said, trying to bribe States to implement this when we have the history of the Biden Justice Department and know what this thing is going to look like and how it is going to violate due process. That is what is wrong with this legislation and why Republicans are so darn against this thing.

I hope they will come to their senses, stand up for the law-abiding American citizens and their fundamental liberties, and vote this thing down.

Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON LEE), a member of the Judiciary Committee.

Ms. JACKSON LEE. Madam Speaker, I thank the chairman for yielding, and let me personally on this floor—I have said it many times—offer my sympathy to LUCY MCBATH for the pain that she continues to live with for the loss of her son.

Let me say to my friends, your arguments could not be more absurd. Over these last 2 days, I have heard welfare

state; I am a person of faith as all who profess such, challenging whether or not we have faith; speaking about the absurdity of not understanding the Constitution; disrespecting the democratic system that we have; that there will be an outrageous attack on individuals with the red flag laws.

You are just simply wrong. My plea is to the American people because you can force people who masquerade as believing that it is a shame for children to die, but yet do nothing. This is the side of doing absolutely nothing but casting aspersions and challenging what is right.

Red flag laws are right. Why? Indiana passed it in 2005, and in years since, the State's firearms suicide rate has gone down 7.5 percent. They work. A little boy, 16 years old, in New York was getting ready to shoot up his students, had shotguns at home. An order was put forward, and he admitted that not having the guns in the home was helpful and the order helped him.

Is there no desire to do something in the name of those who died wrongly in Buffalo? Is there no desire?

Are you not in any way aware of Zaire, a mother's child trying to work in a job and was severely injured?

Are you not aware of Amerie, 10 years old, who died and bled out as she called 911?

Madam Speaker, I include in the RECORD two lists of victims from the Uvalde school shooting and the Buffalo supermarket shooting.

THE 21 VICTIMS OF THE UVALDE SCHOOL SHOOTING

Makenna Lee Elrod, 10;
Layla Salazar, 11;
Maranda Mathis, 11;
Nevaeh Bravo, 10;
Jose Manuel Flores Jr., 10;
Xavier Lopez, 10;
Tess Marie Mata, 10;
Rojelio Torres, 10;
Eliahna "Ellie" Amyah Garcia, 9;
Eliahna A. Torres, 10;
Annabell Guadalupe Rodriguez, 10;
Jackie Cazares, 9;
Uziyah Garcia, 9;
Jayce Carmelo Luevanos, 10;
Maite Yuleana Rodriguez, 10;
Jailah Nicole Silguero, 10;
Irma Garcia, 48;
Eva Mireles, 44;
Amerie Jo Garza, 10;
Alexandria "Lexi" Aniyah Rubio, 10; and
Alithia Ramirez, 10.

THE 10 PEOPLE KILLED IN BUFFALO, NY

Roberta A. Drury of Buffalo, N.Y., age 32;
Margus D. Morrison of Buffalo, N.Y., age 52;
Andre Mackneil of Auburn, N.Y., age 53;
Aaron Salter of Lockport, N.Y., age 55;
Geraldine Talley of Buffalo, N.Y., age 62;
Celestine Chaney of Buffalo, N.Y., age 65;
Heyward Patterson of Buffalo, N.Y., age 67;
Katherine Massey of Buffalo, N.Y., age 72;
Pearl Young of Buffalo, N.Y., age 77; and
Ruth Whitfield of Buffalo, N.Y., age 86.

Ms. JACKSON LEE. Are you not aware that 80 percent of people considering suicide give some sign of their plans, and nearly 80 percent of perpetrators of mass violence in public places make explicit threats?

Red flag laws are crucial to saving lives.

Yes, the FBI didn't act in Parkland, but a red flag law that was implemented by a Republican Governor could have been effective. There would have been another tool.

The Constitution, for some people, they can't seem to read it clearly. The Second Amendment says to create a militia, but Justice Scalia, who is idolized by the right, made it very clear that the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. Madam Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE. Madam Speaker, let me say this: Do you want guns in the hands of dangerous people?

I don't want Republicans shot. That was a dangerous person.

Do you want guns in the hands of gang members? Do you want us to continue like all of these school shootings in the State of Texas?

Let us realize where your heart is and ensure that the mentally ill are not the persons that are the ones that are most dangerous, but it is dangerous people who need red flag laws.

Maybe we need to sit down in the name of John Lewis, who said: Where is your heart, and where is your soul?

We need to pass this red flag law and all of our gun safety laws, and the Senate should pass it as well.

Madam Speaker, I rise in support of H.R. 2377, the "Federal Extreme Risk Protection Order Act of 2021," of which I am a cosponsor.

In recent weeks, we have mourned the loss of life resulting from an ever-increasing number of mass shootings that have shocked the conscience of our nation.

We have a duty to do all we can to prevent gun violence and end the bloodshed. Expanding the availability of extreme risk protection orders is one step we must take because access to firearms can be the difference between life or death—for one person or many.

These laws have proven to be effective, particularly in reducing suicides, which involve firearms more than 50 percent of the time.

We know that suicides are often times an impulsive action. Extreme risk protection orders can generate time and space between the impulse and someone's access to firearms.

Recognizing that up to 80 percent of people considering suicide give some sign of their plans and nearly 80 percent of perpetrators of mass violence in public places make explicit threats or behave in a manner indicative of their intent to carry out an attack, it is clear these orders can help save lives.

Yet under federal law, a person suffering from mental illness is generally not prohibited from purchasing or possessing a firearm unless certain statutory circumstances occur.

Similarly, a person who has committed a violent act towards others is generally not prohibited from accessing firearms under federal law unless they are the subject of a domestic violence restraining order, have been convicted of a felony, or have been convicted of a domestic violence misdemeanor.

In many instances of gun violence, family and friends noticed warning signs that their

loved ones were a significant risk of harm or injury to themselves or others.

For example, more than a month before the Parkland shooting, someone close to the shooter provided information to the FBI's tip line about his gun ownership, desire to kill people, erratic behavior, and disturbing social media posts, as well as the possibility he might commit a school shooting. But there was nothing to prohibit him from possessing firearms.

Extreme risk protection laws empower those close to people at risk of committing irreversible, hateful acts upon themselves or others to intervene before tragedy strikes.

Instead of focusing primarily on those who suffer from mental illness—the majority of whom are not violent—these laws focus on preventing access to firearms by people who exhibit dangerous behaviors.

While some states have enacted these laws, including Florida following the Parkland shooting, many have not. That is why we need H.R. 2377. Everyone deserves to be safe from gun violence.

This bill would provide nationwide access to extreme risk protection orders through federal courts, improve implementation of existing state extreme risk laws, and through grant funding, encourage more states to adopt such laws.

It would also ensure law enforcement is trained in the use of extreme risk protection orders, including crisis intervention and making referrals to social service providers.

When a concerned loved one can demonstrate that an individual presents a serious threat of injury to themselves or others, they should have an opportunity to request an order, allowing a judge to weigh the evidence and issue an order when appropriate.

This bill would also provide important due process protections including notice, an opportunity to be heard at a hearing within 72 hours after an order is issued if there is a request for a long-term extreme risk protection order, and a right to counsel.

If an order is dissolved or expires any firearms would have to be returned.

And the bill would establish a penalty for anyone who files a false or frivolous petition. I recently read that 44 percent of Republicans believe mass shootings are "something we have to accept as part of a free society," and I simply cannot and will not accept that.

We must never concede defeat to the epidemic of gun violence. Instead, we must continue to encourage and support the implementation of evidence-based solutions like extreme risk protection orders.

I would like to thank Representative LUCY MCBATH and SALUD CARBAJAL for their dedication to this issue and this bill.

I urge my colleagues to support this critical legislation that will make our communities safer, whether in our homes or on our streets.

The SPEAKER pro tempore. Members are reminded to direct their comments to the Chair.

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BISHOP).

Mr. BISHOP of North Carolina. Madam Speaker, the Fifth Amendment states: "Nor be deprived of life, liberty, or property, without due process of law."

It is the paradox of the American experience that so many who swear to

preserve, protect, and defend the Constitution, the supreme law enshrining our fundamental rights, are so often predisposed to strip those rights, always with noble motive.

Weeks ago, the Biden Department of Homeland Security formed a Disinformation Governance Board to become the arbiter of right think, even since disbanded. Bad idea.

In 2020, State Governors ordered the healthy to stay out of their churches for fear of the virus. Do you remember?

In 1971, the Department of Justice obtained a TRO, a prior restraint, to abridge freedom of the press by forbidding The New York Times to continue publishing the Pentagon Papers. Lower courts approved that, too.

In February 1942, another progressive Democrat, FDR, issued an executive order to intern U.S. citizens and residents of Japanese descent. It was greatly popular; 60 percent of Americans polled supported sending their fellow American citizens to concentration camps. It was approved not just by lower courts but by the United States Supreme Court in *Korematsu*, 1944. It took until 2018 for it to be repudiated. Look again at what you justified.

The long-existing Baker Act provides due process. New York had a red flag law and did not detect the Buffalo shooter.

The fierce urgency of now meets the protections of fundamental rights in the United States Constitution, and they must be vindicated.

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

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ROY).

Mr. ROY. Madam Speaker, I thank the gentleman from Ohio for yielding.

The gentlewoman from Texas asked: Do we want guns in the hand of dangerous people? The answer to that question is, of course not. But the question, the only question that matters, is, who constitutes a dangerous person? Who gets to decide, and why? That is the important part here. That is what we are talking about when we talk about due process.

We have laws on the books in, I believe, every State in the Union, so-called Baker Act provisions to civilly commit persons who are a danger to themselves and others.

We have such a law in Texas, but we didn't use it. We didn't use it against a young man who wasn't in school, was harming defenseless animals, was talking about raping women, was clearly not well. We didn't use it.

There are more people killed in the United States by hands and knives than rifles. I don't want a crazy guy in my school with or without the ability to have a weapon.

We should actually be serious about committing people who have mental health problems. That would actually solve the problem.

Everything we are doing here today is a pretext. It is a pretext for tar-

geting, confiscating, and eliminating our ability to have weapons.

When people say things, it is a good idea to believe them.

President Biden: “. . . whether it is a 9-millimeter pistol or whether it is a rifle is ridiculous. I am continuing to push to eliminate the sale of those things.”

Representative MONDAIRE JONES: “If the filibuster obstructs us, we will abolish it. If the Supreme Court objects, we will expand it. . . . We will do whatever it takes.”

Representative OCASIO-CORTEZ: Ban semiautomatics.

House Democrats just yesterday tweeted: “Semiautomatic rifles are weapons of war.”

Future Justice Ketanji Brown Jackson was applauding the New Zealand Prime Minister's commencement speech about New Zealand's banning semiautomatic rifles.

Representative Beto O'Rourke: “Hell, yes, we are going to take your AR-15.”

Even Representative SHEILA JACKSON LEE, the gentlewoman from Texas: “I have held an AR-15 in my hand. I wish I hadn't.” She talks about a .50-caliber bullet, which isn't even true.

This is a pretext, and we should oppose this.

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

Mr. JORDAN. Madam Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. MASSIE).

Mr. MASSIE. Madam Speaker, I thank the gentleman for yielding.

Everyone wants to stop mass public shooters, but we haven't previously punished people merely on the basis of a hunch, and we shouldn't start now.

Stopping future crimes doesn't work in the movies, and it doesn't work in real life. What can work is providing mental healthcare and counseling to those who need it.

If people truly pose a clear danger to themselves or others, they should be confined to a mental health facility. Simply denying them the legal right to buy a gun isn't a serious remedy.

Actually, it is already possible to take a dangerous person's guns away, but Democrats are completely ignoring involuntary commitment laws that are on the books in all 50 States, presently known as the Baker Act in Florida or the 5150 code in California. These laws are different than the ones that are proposed today in one very important aspect: They involve due process.

What is the difference? In the existing involuntary commitment laws, known as the Baker Act, there is a mental healthcare expert involved; there is no such thing in the red flag laws. There is the ability to challenge your accuser to have a day in court before your rights are deprived; there is no such opportunity in the red flag laws. You get an attorney appointed to you if you can't afford it; no such thing in the red flag laws in many of the States. There are predawn raids that endanger the lives, not just of the per-

son we are worried about but of the officers who are tasked with carrying out the raid.

Red flag laws could actually increase the rate of homicide and suicide. Simply talking to other people about your healthcare issues and your mental health could help you overcome it, but people will be reluctant to do that if red flag laws are in place.

Red flag laws have already created thousands of second-class citizens who no longer have the ability to purchase a firearm for defense in the States that have red flag laws. If this passes today, there will be millions of second-class citizens created in this country who have been deprived of due process and the Second Amendment.

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

Mr. JORDAN. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. PFLUGER).

Mr. PFLUGER. Madam Speaker, I rise today as a Texan, a father of three young girls who go to school, and a defender of constitutional rights. This is not just about doing something; this is about doing something that matters.

The horror of the school shootings is an unforgivable tragedy due to the evil we see in people.

There is room for bipartisan solutions. Unfortunately, Democrats don't want to make law; they want to make politics.

Republicans offered an alternative, a bill that would fund school resource officers and mental health counselors, close gaps in security, and strengthen active shooter preparations, with all the costs being offset by the unused COVID funds. Unfortunately, this has been blocked by House Democrats.

There is nothing more important than ensuring our children are safe. I know this because I take my children to school and drop them off and pick them up. But in no way are the recent tragedies justification for an infringement upon the rights of law-abiding Americans.

I won't support legislation that infringes upon those rights being stripped without due process. This is an emotional issue, but it is our job to step back and have an adult conversation.

□ 1030

Mr. JORDAN. Madam Speaker, I am prepared to close.

Mr. NADLER. Madam Speaker, I am prepared to close, and I reserve the balance of my time.

Mr. JORDAN. Madam Speaker, I yield 1½ minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Madam Speaker, to say I yield myself such time as I may consume is too short to recap these 2 days of the assault on the Second Amendment.

I will only say, in closing, that it might seem reasonable in this bill—these five or six or seven different bills cobbled together—it might seem reasonable that each of them makes sense.

I ask you, when we changed the Constitution to give an 18-year-old the right to vote, if we simply said today that we have changed our mind, we want to make it 21, don't worry about the Constitution. Wouldn't there be people saying that is ridiculous? Of course, they would.

If we said the First Amendment gives you a right that should not be abridged, and suddenly we say, but we are going to have prior restraint because you might do or say something wrong, we would say that is ridiculous.

Madam Speaker, today this affront on the Second Amendment is, in fact, ridiculous. Each piece may seem reasonable, but not in light of the significance of something enshrined in our Constitution, which is being systematically attacked by the other side.

Today, we are defending the Second Amendment in a way we have not had to in a generation. We stand here not because there aren't some elements that seem reasonable in this legislation, but because at the end of the day, our friends on the other side of the aisle who are not willing to support laws that are on the books being enforced and are not willing to stand behind the law enforcement community that would like to enforce those, they are affronting and trying to undo the Second Amendment without a constitutional change.

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

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

Madam Speaker, extreme risk laws save lives, it is that simple. Ultimately, that is what this debate should be about—saving lives. This legislation strikes a proper balance between protecting the due process rights of people in crisis and preventing tragedy by ensuring that those who pose an imminent danger to themselves or others do not have access to firearms.

Madam Speaker, this debate has been surreal. Every court that has considered the question has concluded that red flag laws afford proper due process and are constitutional. We already know that extreme risk laws work, but less than half the States have those laws in effect.

Madam Speaker, let us pass this legislation today, so we can bring access to this life-savings tool nationwide. We know it is not enough. We know we need all the provisions of the bill we passed yesterday, and we should bring back the assault weapons ban. But what we cannot do should not block us from doing what we can do. We can save thousands of lives annually, so let us begin.

Madam Speaker, I urge all Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The previous question is ordered on the bill, as amended.

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

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

The SPEAKER pro tempore. The question is on passage of the bill.

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

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

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 202, not voting 2, as follows:

[Roll No. 255]

YEAS—224

Adams	Gomez	O'Halleran
Aguiar	Gonzalez (OH)	Ocasio-Cortez
Allred	Gonzalez,	Omar
Auchincloss	Vicente	Pallone
Axne	Gottheimer	Panetta
Barragán	Green, Al (TX)	Pappas
Bass	Grijalva	Pascrell
Beatty	Harder (CA)	Payne
Bera	Hayes	Pelosi
Beyer	Higgins (NY)	Perlmutter
Bishop (GA)	Himes	Peters
Blumenauer	Horsford	Phillips
Blunt Rochester	Houlahan	Pingree
Bonamici	Hoyer	Pocan
Bourdeaux	Huffman	Porter
Bowman	Jackson Lee	Pressley
Boyle, Brendan	Jacobs (CA)	Price (NC)
F.	Jacobs (NY)	Quigley
Brown (MD)	Jayapal	Raskin
Brown (OH)	Jeffries	Rice (NY)
Brownley	Johnson (GA)	Ross
Bush	Johnson (TX)	Roybal-Allard
Bustos	Jones	Ruiz
Butterfield	Kahele	Ruppersberger
Carbajal	Kaptur	Rush
Cárdenas	Keating	Ryan
Carson	Kelly (IL)	Sánchez
Carter (LA)	Khanna	Sarbanes
Cartwright	Kildee	Scanlon
Case	Kilmer	Schakowsky
Casten	Kim (NJ)	Schiff
Castor (FL)	Kind	Schneider
Castro (TX)	Kinzinger	Schrader
Cherfilus-	Kirkpatrick	Schrier
McCormick	Krishnamoorthi	Scott (VA)
Chu	Kuster	Scott, David
Cicilline	Lamb	Sewell
Clark (MA)	Langevin	Sherman
Clarke (NY)	Larsen (WA)	Sherrill
Cleaver	Larson (CT)	Sires
Clyburn	Lawrence	Slotkin
Cohen	Lawson (FL)	Smith (WA)
Connolly	Lee (CA)	Soto
Cooper	Lee (NV)	Spanberger
Correa	Leger Fernandez	Speier
Costa	Levin (CA)	Stansbury
Courtney	Levin (MI)	Stanton
Craig	Lieu	Stevens
Crist	Lofgren	Strickland
Crow	Lowenthal	Suozzi
Cuellar	Luria	Swalwell
Davids (KS)	Lynch	Takano
Davis, Danny K.	Malinowski	Thompson (CA)
Dean	Maloney,	Thompson (MS)
DeFazio	Carolyn B.	Titus
DeGette	Maloney, Sean	Tlaib
DeLauro	Manning	Tonko
DelBene	Matsui	Torres (CA)
Demings	McBath	Torres (NY)
DeSaulnier	McCollum	Trahan
Deutch	McEachin	Trone
Dingell	McGovern	Underwood
Doggett	McNerney	Upton
Doyle, Michael	Meeks	Vargas
F.	Meng	Veasey
Escobar	Mfume	Velázquez
Eshoo	Moore (WI)	Wasserman
Espallat	Morelle	Schultz
Evans	Moulton	Walters
Fitzpatrick	Mrvan	Watson Coleman
Fletcher	Murphy (FL)	Welch
Foster	Nadler	Wexton
Frankel, Lois	Napolitano	Wild
Gallego	Neal	Williams (GA)
Garamendi	Neguse	Wilson (FL)
García (IL)	Newman	Yarmuth
García (TX)	Norcross	

NAYS—202

Aderholt	Gimenez	Miller-Meeks
Allen	Gohmert	Moolenaar
Amodei	Golden	Mooney
Armstrong	Gonzales, Tony	Moore (AL)
Arrington	Good (VA)	Moore (UT)
Babin	Gooden (TX)	Mullin
Bacon	Gosar	Murphy (NC)
Baird	Granger	Nehls
Balderson	Graves (LA)	Newhouse
Banks	Graves (MO)	Norman
Barr	Green (TN)	Oberholte
Bentz	Greene (GA)	Owens
Bergman	Griffith	Palazzo
Bice (OK)	Grothman	Palmer
Biggs	Guest	Pence
Billirakis	Guthrie	Perry
Bishop (NC)	Harris	Pfluger
Boebert	Harshbarger	Posey
Bost	Hartzler	Reschenthaler
Brady	Hern	Rice (SC)
Brooks	Herrell	Rodgers (WA)
Buchanan	Herrera Beutler	Rogers (AL)
Buck	Hice (GA)	Rogers (KY)
Bucshon	Higgins (LA)	Rose
Budd	Hill	Rosendale
Burchett	Hinson	Rouzer
Burgess	Hudson	Roy
Calvert	Huizenga	Rutherford
Cammack	Issa	Salazar
Carey	Jackson	Scalise
Carl	Johnson (LA)	Schweikert
Carter (GA)	Johnson (OH)	Scott, Austin
Carter (TX)	Johnson (SD)	Sessions
Cawthorn	Jordan	Simpson
Chabot	Joyce (OH)	Smith (MO)
Cheney	Joyce (PA)	Smith (NE)
Cline	Katko	Smith (NJ)
Cloud	Keller	Smucker
Clyde	Kelly (MS)	Spartz
Cole	Kelly (PA)	Stauber
Comer	Kim (CA)	Steel
Crawford	Kustoff	Stefanik
Crenshaw	LaHood	Steil
Curtis	LaMalfa	Steube
Davidson	Lamborn	Stewart
Davis, Rodney	Latta	Taylor
DesJarlais	LaTurner	Tenney
Diaz-Balart	Lesko	Thompson (PA)
Donalds	Letlow	Tiffany
Duncan	Long	Timmons
Dunn	Loudermilk	Turner
Ellzey	Lucas	Valadao
Emmer	Luetkemeyer	Van Drew
Estes	Mace	Van Dyne
Fallon	Malliotakis	Wagner
Feenstra	Mann	Walberg
Ferguson	Massie	Walorski
Fischbach	Mast	Waltz
Fleischmann	McCarthy	Weber (TX)
Fox	McCaul	Webster (FL)
Franklin, C.	McClain	Wenstrup
Scott	McClintock	Westerman
Fulcher	McHenry	Williams (TX)
Gaetz	McKinley	Wilson (SC)
Gallagher	Meijer	Wittman
Garbarino	Meuser	Womack
García (CA)	Miller (IL)	Zeldin
Gibbs	Miller (WV)	

NOT VOTING—2

Hollingsworth

□ 1111

Messrs. MURPHY of North Carolina and BAIRD changed their vote from "yea" to "nay."

Mr. CICILLINE changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Barragán (Beyer)	Cárdenas	Frankel, Lois
Bass (Blunt)	(Correa)	(Wasserman
Rochester)	Cooper (Correa)	Schultz)
Brooks	Crist	Garamendi
(Fleischmann)	(Wasserman	(Beyer)
Brown (OH)	Schultz)	Gimenez (Waltz)
(Beatty)	Evans (Beyer)	Gomez (García
		(TX))

Grijalva (Garcia (IL))	McEachin (Beyer)	Strickland (Takano)
Guest (Fleischmann)	Moore (WI) (Beyer)	Suozzi (Beyer)
Johnson (SD) (LaHood)	Moulton (Neguse)	Swalwell (Correa)
Johnson (TX) (Jeffries)	Payne (Pallone)	Taylor (Fallon)
Khanna (Spanberger)	Price (NC) (Manning)	Torres (NY) (Blunt)
Kirkpatrick (Pallone)	Ruiz (Correa)	Rochester (Van Drew)
Lamb (Blunt) (Rochester)	Rush (Jeffries)	(Reschenthaler)
Leger Fernandez (Neguse)	Ryan (Beyer)	Vargas (Takano)
Loudermilk (Fleischmann)	Sánchez (Garcia (TX))	Walorski (Banks)
	Sewell (Beatty)	Waters (Garcia (TX))
	Sires (Pallone)	Wilson (FL) (Neguse)
	Spartz (Banks)	

LEGISLATIVE PROGRAM

(Mr. SCALISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCALISE. Madam Speaker, I rise to inquire of the House majority leader the schedule for next week.

Madam Speaker, I yield to the gentleman from Maryland (Mr. HOYER), my friend and the majority leader of the House.

Mr. HOYER. Madam Speaker, I thank the gentleman from Louisiana, the Republican whip, for yielding.

Madam Speaker, on Monday, the House will meet at 12 p.m. for morning hour and 2 p.m. for legislative business, with votes postponed, as usual, until 6:30 p.m.

On Tuesday and Wednesday, the House will meet at 10 a.m. for morning hour and 12 p.m. for legislative business.

On Thursday, the House will meet at 9 a.m. for legislative business.

Next week, the House will consider legislation to address inflation and help bring down costs for Americans. The House will consider the Lower Food and Fuel Costs Act from the Committee on Agriculture and the Committee on Energy and Commerce to address food prices and help bring down the cost of fertilizer for farmers while providing more affordable options at the gas pump for Americans.

The House will also consider S. 3580, the Senate-passed companion to JOHN GARAMENDI's Ocean Shipping Reform Act, under suspension. We passed it previously, and it is in the Senate. However, this is a compromise with which Mr. GARAMENDI agrees. This legislation will address continued supply chain problems and ensure the fair and expeditious flow of goods in and out of our ports, helping lower costs for American consumers and bolstering our domestic agriculture products.

Additionally, Madam Speaker, the House will consider H.R. 2543, the Racial Equity, Inclusion, and Economic Justice Act, from Chairwoman MAXINE WATERS and the Financial Services Committee to promote racial equity and fair access to economic opportunity for those who are facing discrimination or bias. This will help families who are challenged in accessing financial services and housing at a time when every dollar is critical.

Finally, Madam Speaker, the House will also consider H.R. 2773, Representative DEBBIE DINGELL's bipartisan Re-covering America's Wildlife Act.

The House will consider other bills, Madam Speaker, under suspension of the rules. A complete list of suspension bills will be announced by the close of business tomorrow. Additional legislative items, of course, are possible.

I thank the gentleman for yielding.

Mr. SCALISE. Madam Speaker, I wanted to ask, specifically, there was some talk that we may today take up the Senate bill, the bill that passed over a month ago in the Senate, to give stronger protections to Supreme Court Justices and their families.

Of course, yesterday, something that angers a lot of us—Justice Kavanaugh, there was an arrest of a man that was at his house, attempting to murder Supreme Court Justice Kavanaugh. This is something we have expressed concern about for weeks, especially some of the language directed at Supreme Court Justices, people encouraging people to go to their houses.

There was a bill that had bipartisan support that passed the Senate over a month ago to give them stronger protections. We thought that may come up today. I don't hear it on the schedule. Can we get a vote on that bill when we come back early next week on the suspension calendar to get that bill sent to the President's desk to get that in motion quickly?

Madam Speaker, I yield to the gentleman.

Mr. HOYER. Madam Speaker, I thank the gentleman for his question. I think it is a very relevant question. I am hopeful that we can move that as early as possible.

I want to tell the gentleman the reason he thought that it might be moved this morning was because last night, I thought I had, after discussions with Senator CORNYN, a way forward that both the Senate and the House could agree on. Unfortunately, this morning, that appeared not to be the case.

We are trying to pursue that because we believe that it is a critical piece of legislation, as are the pieces of legislation we are considering.

I will tell the gentleman that the incident that occurred last night, of course, was covered, as the gentleman, I am sure knows, by the present security arrangements for Supreme Court Justices. The gentleman was taken into custody and apparently didn't get close to the house because of the security.

Nevertheless, we share the gentleman's concerns about the security for our Supreme Court Justices and, frankly, their families, their residences, as we are for the officers and clerks of the Supreme Court and their families and their employees.

So, the answer to your question is that is a priority item that I hope we can get done very early next week.

Mr. SCALISE. Madam Speaker, I hope that we can get that early in the

week put on the suspension calendar, in the form the Senate sent over where there is broad agreement on both sides of the aisle, and get that to the President's desk to get those stronger protections in place.

Finally, I would like to ask the gentleman, we have talked about this bill a number of times, H.R. 6858, which is a bill dealing with American energy independence, to open up more areas of our country to American energy production so that we don't have to be reliant on foreign countries, whether it is Russia, Venezuela, Iran or, now, the President is going to go to plead with Saudi to produce more energy when America has more energy that we could be producing that we can't because of current policies by President Biden.

This would open those up. It would allow us to lower gas prices. It would allow relief to families who are struggling because of these energy policies that are hurting our ability to produce in America and making us more dependent on countries that are cartels or monopolies, whether it is OPEC or other countries where they want they want a higher price. They want to limit production.

We want to open up American energy, and that is what that package of legislation would do.

Can we get that bill added to the calendar quickly, hopefully next week, so that we can help get relief to families who are trying to plan a family vacation and can't afford to pay \$4.50, \$5 a gallon or more for gasoline?

I yield to the gentleman.

Mr. HOYER. Madam Speaker, I thank the gentleman for his question. He has mentioned this before. I am talking to the committee whose jurisdiction this bill is in to consider what they want to do with it, and I am waiting to hear back from them.

Mr. SCALISE. Madam Speaker, hopefully, we can get that addressed as well so that we can tackle some of these other problems: inflation, high gas prices, border issues that we are trying to bring legislation on.

If the gentleman has nothing else, Madam Speaker, I yield back the balance of my time.

HONORING THE LEGACY OF MANUELITA GARCIA

(Mr. GARCÍA of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCÍA of Illinois. Madam Speaker, I rise today to honor the life of Manuelita Garcia.

Manuelita was a force to be reckoned with, a fierce advocate for justice, a true fighter for the community, and a longtime Little Village resident.

On Mother's Day, 2001, Manuelita launched Madres de la Villita to demand the construction of a promised high school in our neighborhood. I joined her and others as they initiated