



CONGRESSMAN
JERROLD NADLER

8th Congressional District of New York

TESTIMONY OF U.S. REPRESENTATIVE JERROLD NADLER (D-NY 08)

Before the House Committee on Rules

H.R. 822 – National Right-to-Carry Reciprocity Act of 2011

November 14, 2011

Good evening, Chairman Drier, Ranking Member Slaughter, and distinguished Members of the Rules Committee. Thank you very much for allowing me to testify on the two amendments I filed to H.R. 822.

Because these two amendments would make a terrible bill slightly less terrible, I ask that the Rules Committee make them in order. My first amendment would allow states to continue to enforce their laws against certain sex offenders possessing guns or carrying concealed weapons. My second amendment would restrict the ability of terrorists to carry concealed handguns across state lines.

The Members of the Rules Committee might be surprised to hear me talk about an amendment to protect states' rights. After all, isn't it the Republican House Majority which prides itself on being the defender of the states against an overbearing federal government? It's hard to imagine that Majority would bring to a bill the Floor which would allow the federal government to interfere in the public safety decisions of the states. I'm sorry to say it, but in this *Alice in Wonderland* House, that's exactly what is happening.

H.R. 822, as modified in the Judiciary Committee, would require that any person with a valid concealed carry permit from one state be allowed to enter any state of which they are not a resident with their concealed firearm, regardless of the laws of that nonresident state. This would blow a hole right through any notion of federalism and the hundreds of years of state regulation of firearms.

As our Republican friends have so often felt the need to remind us, ours is a federal system in which the national and state governments each have their own spheres of responsibility. Generally speaking, gun control is a prime example of where states have and should have taken the lead.

With respect to guns, the concerns of more urbanized states, like New York, are different from those of more rural states, like Alaska. Within reason, there are strong reasons to allow each state to tailor its gun laws to its own unique situation. And, that has been our general policy for hundreds of years.

Under this bill, that would change. Anyone with a permit to carry a concealed handgun could bring their gun into any state of which they are not a resident – regardless of whether or not they would even be allowed to possess a firearm if they were a resident of the later state. Rules that that nonresident state might have prohibiting criminals, alcoholics, young people, or anyone else from having a gun would be overridden. And, more specifically, any person with a permit from one state could conceal a handgun in any state of which they are not a resident regardless of whether they have met that state's rules and requirements for concealed carry.

So, I am here today to stand up for the rights of my state of New York and of states across the country. Right now, for example, New York and California prohibit persons convicted of certain misdemeanor sex offenses against minors from even possessing a firearm. Also, some states, like Utah, prohibit persons with such misdemeanor sex convictions from getting a concealed carry permit. My

amendment would enable a state to enforce its own gun laws regarding people convicted of misdemeanor sex offenses against minors. Without my amendment, the underlying bill would force states to accept dangerous people carrying concealed guns in their midst. I don't think the Chairman's home state of California would appreciate that, nor would my state of New York.

The goal of my second amendment is to combat a national security threat – the terror gap. As the Member of Congress who represents Ground Zero, I am keenly aware of the harm that terrorists can and wish to do our country. That is why this hole in our security concerns me so greatly and why I have an amendment to help close it.

The terror gap refers to the loophole in our national gun laws that allows known or suspected terrorists to buy guns in America. The reasoning as to why we have such a policy is beyond me. And, this is a gap that we know is being exploited. According to the Government Accountability Office (GAO), of the 1,453 people found to be on the terrorist watch list when they were trying to buy guns or explosives between February 2004 and December 2010, 1,321 were allowed to proceed with the purchase. That is a success rate of *91 percent*.

The results of this gap in security have been serious and deadly. We all remember the tragedy when Major Nidal Hasan killed 13 people and wounded 30 others at Fort Hood just two years ago. While he had been investigated for suspicious activities by the FBI, he was not stopped from buying a weapon. And, the fact of the purchase was never shared with the FBI.

My colleague from New York, Peter King, has introduced legislation to close the terror gap, and I am proud to be a cosponsor of it. My second amendment is modeled on his proposal, and would empower the Attorney General to deny the ability of a known or suspected terrorist – someone on the Terrorist Watch List, for example – who possesses a firearm from using H.R. 822 to authorize carrying a concealed weapon into another state. I would humbly suggest that preventing terrorists from carrying concealed weapons across state lines is a worthwhile goal.

As I said when I began, I think this bill is a serious mistake. But, if we are to consider it on the House Floor, at the very least I believe Members should have the opportunity to make improvements. My amendments represent such improvements, by protecting states' rights and national security. I ask that they be made in order.

Thank you again for the opportunity to testify. I would be happy to answer any questions you may have.