

MIKE THOMPSON

5TH DISTRICT, CALIFORNIA

COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE ON HEALTH

SUBCOMMITTEE ON TAX POLICY



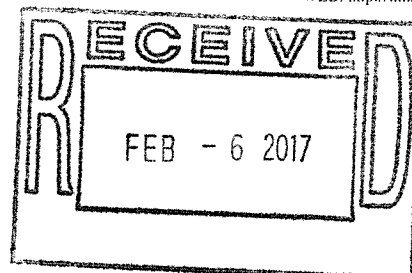
CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES

WASHINGTON, DC 20515

DISTRICT OFFICES:  
 2721 NAPA VALLEY CORPORATE DRIVE  
 NAPA, CA 94558  
 (707) 226-9898  
 985 WALNUT AVENUE  
 VALLEJO, CA 94592  
 (707) 645-1888  
 2300 COUNTY CENTER DRIVE, SUITE A100  
 SANTA ROSA, CA 95403  
 (707) 542-7182  
 CAPITOL OFFICE:  
 231 CANNON HOUSE OFFICE BUILDING  
 WASHINGTON, DC 20515  
 (202) 225-3311  
 WEB: <http://mikethompson.house.gov>

January 30, 2017



Vice-Chairwoman Karen Mitchoff  
 Contra Costa County Board of Supervisors  
 651 Pine Street, Room 107  
 Martinez, CA 94553

Dear Vice-Chairwoman Mitchoff,

I write today to request your input on two pieces of legislation that were recently introduced in the U.S. House of Representatives. The bills in question would amend federal law with respect to concealed carry permits and firearm silencers, and as a leader in our community, I would appreciate any thoughts you might have on the bills and their effects.

The first of the two bills, H.R. 38, is titled the “**Concealed Carry Reciprocity Act of 2017.**” If enacted, this legislation would require any State whose residents may carry concealed weapons to recognize concealed carry permits issued by any other State – even if the states in question have dramatically different requirements for concealed carry permit holders.

The second of the bills, H.R. 367, is the so-called “**Hearing Protection Act of 2017.**” This bill would nullify any state laws that require individuals to pay a tax, sign a document or provide any other recordkeeping or registration information when using, making or transporting a silencer. Generally speaking, H.R. 367 would make it far easier to purchase, use, make, or transport a silencer.

As a lifelong hunter, outdoorsman and gun owner, I firmly support the Second Amendment right of law-abiding Americans to own firearms. But as a responsible gun owner, I also believe we have an obligation to address the ongoing epidemic of gun violence in our country. And I am concerned that both H.R. 38 and H.R. 367 may have negative, deadly consequences for our community and for our nation.

With respect to concealed carry laws, H.R. 38 – the Concealed Carry Reciprocity Act – appears to create a “race to the bottom,” in which the state with the least restrictive concealed carry policies effectively sets a national standard. Further, the bill requires states to allow any individual to carry concealed weapons without a permit at all, if the individual resides in one of the nine states that do not require a permit to carry a concealed weapon.

Problematically, H.R. 38 would also:

- Require states to allow their own residents to carry in the state using an out-of-state permit. This would allow an individual who is not eligible for a carry permit in their home state to circumvent that law entirely by obtaining a carry permit from a state with weaker laws.
- Allow law enforcement to be held civilly liable for actions taken to verify out-of-state permits.
- Weaken the Gun Free School Zones Act by allowing individuals to carry guns on school property with an out-of-state permit.
- Allow individuals to carry concealed guns on certain federally-controlled lands, including national parks.

I find it deeply distressing that under H.R. 38, a resident of Utah, for example, or any other state with concealed carry requirements weaker than those in California, would be legally permitted to carry a concealed weapon at any of our local elementary schools.

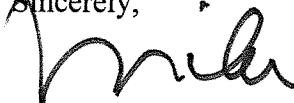
With respect to silencers, I am concerned that H.R. 367 – the Hearing Protection Act – may pose a significant threat to public safety, as easy access to silencers would likely make it easier to commit or conceal acts of crime and violence. I am further concerned that the bill may have harmful consequences for fish and wildlife, as silencers are commonly used by poachers to hide their illegal sport.

Supporters of H.R. 367 claim it is a necessary protection for the ears and hearing of hunters. But gun owners may already use earplugs, headphones or other such devices to protect their hearing, and this legislation would essentially convert silencers to an over-the-counter purchase – something I believe may have deadly consequences.

I have enclosed with this letter the full text of both H.R. 38 and H.R. 367, for your review. I am greatly interested in your perspective on these bills and the concerns I raised, and would appreciate any thoughts you might have.

I appreciate your time, and look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike", with a stylized flourish at the end.

**MIKE THOMPSON**  
Member of Congress

## **H.R. 38 – The Concealed Carry Reciprocity Act of 2017**

Bill Text:

115th CONGRESS

1st Session

**H. R. 38**

To amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State.

### **IN THE HOUSE OF REPRESENTATIVES**

**January 3, 2017**

Mr. HUDSON (for himself, Mr. SMITH of Missouri, Mr. ABRAHAM, Mr. CUELLAR, Mr. GAETZ, Mr. HOLDING, Mr. KING of Iowa, Mr. LAMALFA, Mr. PALMER, Mrs. WAGNER, Mr. KINZINGER, Mr. THOMAS J. ROONEY of Florida, Mr. WALKER, Mr. PITTENGER, Mr. ADERHOLT, Mr. CARTER of Georgia, Mr. GRAVES of Georgia, Mr. ROGERS of Alabama, Mr. HENSARLING, Mr. LAMBORN, Mr. CRAMER, Mr. COOK, Mr. WESTERMAN, Mr. CHABOT, Mrs. WALORSKI, Mr. MULLIN, Mr. PALAZZO, Mr. FRANKS of Arizona, Mr. JODY B. HICE of Georgia, Mr. MEADOWS, Mr. WENSTRUP, Mr. WILLIAMS, Mr. SMITH of Texas, Mr. HUIZENGA, Mr. AMODEI, Mr. HUNTER, Mr. FARENTHOLD, Mr. JENKINS of West Virginia, Mr. EMMER, Mr. ROE of Tennessee, Mr. TIPTON, Mr. JOHNSON of Ohio, Mr. DESJARLAIS, Mrs. HARTZLER, Mr. DUNCAN of South Carolina, Mr. ZELDIN, Mr. YOHO, Mr. SANFORD, Mr. BRAT, Mr. PETERSON, Mr. DUFFY, Mr. YODER, Mr. BUCHANAN, Mr. COLE, Mr. NEWHOUSE, Mr. TURNER, Mr. BROOKS of Alabama, Mr. KATKO, Mr. RATCLIFFE, Mr. HILL, Mr. OLSON, Mr. HARPER, Mr. BUCK, and Mr. DIAZ-BALART) introduced the following bill; which was referred to the Committee on the Judiciary

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### **A BILL**

To amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State.

*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 'Concealed Carry Reciprocity Act of 2017'.

## SEC. 2. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) In General- Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

### ***Sec. 926D. Reciprocity for the carrying of certain concealed firearms***

`(a) Notwithstanding any provision of the law of any State or political subdivision thereof (except as provided in subsection (b)) and subject only to the requirements of this section, a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, who is carrying a valid identification document containing a photograph of the person, and who is carrying a valid license or permit which is issued pursuant to the law of a State and which permits the person to carry a concealed firearm or is entitled to carry a concealed firearm in the State in which the person resides, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce, in any State that--

`(1) has a statute under which residents of the State may apply for a license or permit to carry a concealed firearm; or

`(2) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

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

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

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

`(c)(1) A person who carries or possesses a concealed handgun in accordance with subsections (a) and (b) may not be arrested or otherwise detained for violation of any law or any rule or regulation of a State or any political subdivision thereof related to the possession, transportation, or carrying of firearms unless there is probable cause to believe that the person is doing so in a manner not provided for by this section. Presentation of facially valid documents as specified in subsection (a) is prima facie evidence that the individual has a license or permit as required by this section.

`(2) When a person asserts this section as a defense in a criminal proceeding, the prosecution shall bear the burden of proving, beyond a reasonable doubt, that the conduct of the person did not satisfy the conditions set forth in subsections (a) and (b).

`(3) When a person successfully asserts this section as a defense in a criminal proceeding, the court shall award the prevailing defendant a reasonable attorney's fee.

`(d)(1) A person who is deprived of any right, privilege, or immunity secured by this section, under color of any statute, ordinance, regulation, custom, or usage of any State or any political subdivision thereof, may bring an action in any appropriate court against any other person, including a State or political subdivision thereof, who causes the person to be subject to the deprivation, for damages or other appropriate relief.

`(2) The court shall award a plaintiff prevailing in an action brought under paragraph (1) damages and such other relief as the court deems appropriate, including a reasonable attorney's fee.

`(e) In subsection (a):

`(1) The term 'identification document' means a document made or issued by or under the authority of the United States Government, a State, or a political subdivision of a State which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

`(2) The term 'handgun' includes any magazine for use in a handgun and any ammunition loaded into the handgun or its magazine.

`(f)(1) A person who possesses or carries a concealed handgun under subsection (a) shall not be subject to the prohibitions of section 922(q) with respect to that handgun.

`(2) A person possessing or carrying a concealed handgun in a State under subsection (a) may do so in any of the following areas in the State that are open to the public:

`(A) A unit of the National Park System.

`(B) A unit of the National Wildlife Refuge System.

`(C) Public land under the jurisdiction of the Bureau of Land Management.

`(D) Land administered and managed by the Army Corps of Engineers.

`(E) Land administered and managed by the Bureau of Reclamation.'

(b) Clerical Amendment- The table of sections for such chapter is amended by inserting after the item relating to section 926C the following:

'926D. Reciprocity for the carrying of certain concealed firearms.'

(c) Severability- Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(d) Effective Date- The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

## **H.R. 367 – The Hearing Protection Act of 2017**

Bill Text:

115th CONGRESS  
1st Session  
**H. R. 367**

To provide that silencers be treated the same as long guns.

### **IN THE HOUSE OF REPRESENTATIVES**

**January 9, 2017**

Mr. DUNCAN of South Carolina (for himself, Mr. CARTER of Texas, Mr. GENE GREEN of Texas, Mr. AUSTIN SCOTT of Georgia, Mr. BIGGS, Mr. GOSAR, Mr. HUDSON, Mr. LAMALFA, Mr. HARRIS, Mr. WESTERMAN, Mr. OLSON, Mr. CHAFFETZ, Mr. HENSARLING, Mr. CARTER of Georgia, Mr. LABRADOR, Mr. BROOKS of Alabama, Mr. SMITH of Texas, Mr. BISHOP of Utah, Mr. BRAT, Mr. ABRAHAM, Mr. PALMER, Mrs. LOVE, Mr. BRIDENSTINE, Mr. STEWART, Mr. MARSHALL, Mr. EMMER, Mr. RATCLIFFE, Mr. JODY B. HICE of Georgia, Mr. BUCK, Mr. WEBER of Texas, Mr. MESSER, Mr. MOONEY of West Virginia, Mr. DESANTIS, Mr. NEWHOUSE, Mr. SMITH of Missouri, Mr. GRAVES of Georgia, Mr. LAMBORN, Mr. WENSTRUP, Mr. ROGERS of Alabama, Mr. DESJARLAIS, Mr. MASSIE, Mr. KING of Iowa, Mr. GOHMERT, and Mr. YODER) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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### **A BILL**

To provide that silencers be treated the same as long guns.

*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 'Hearing Protection Act of 2017'.

#### **SEC. 2. EQUAL TREATMENT OF SILENCERS AND FIREARMS.**

(a) In General- Section 5845(a) of the Internal Revenue Code of 1986 is amended by striking '(7) any silencer' and all that follows through '; and (8)' and inserting '; and (7)'.

(b) Effective Date-

(1) IN GENERAL- Except as otherwise provided in this subsection, the amendment made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSFERS- In the case of the tax imposed by section 5811 of such Code, the amendment made by this section shall apply with respect to transfers after October 22, 2015.

**SEC. 3. TREATMENT OF CERTAIN SILENCERS.**

Section 5841 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

‘(f) Firearm Silencers- A person acquiring or possessing a firearm silencer in accordance with Chapter 44 of title 18, United States Code, shall be treated as meeting any registration and licensing requirements of the National Firearms Act (as in effect on the day before the date of the enactment of this subsection) with respect to such silencer.’.

**SEC. 4. PREEMPTION OF CERTAIN STATE LAWS IN RELATION TO FIREARM SILENCERS.**

Section 927 of title 18, United States Code, is amended by adding at the end the following: ‘Notwithstanding the preceding sentence, a law of a State or a political subdivision of a State that, as a condition of lawfully making, transferring, using, possessing, or transporting a firearm silencer in or affecting interstate or foreign commerce, imposes a tax on any such conduct, or a marking, recordkeeping or registration requirement with respect to the firearm silencer, shall have no force or effect.’.