



**Legislative Bulletin.....November 15, 2011**

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**H.R. 822 – The National Right-To-Carry Reciprocity Act of 2011**

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**H.R. 822 – The National Right-To-Carry Reciprocity Act of 2011  
(Stearns, R-FL)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, November 16, 2011, under a structured rule to be considered today ([H.Res. 463](#)). The rule allows for consideration of only those amendments ruled in order by the House Rules Committee and described within this legislative bulletin. It also provides one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on the Judiciary and for one motion to recommit.

**Summary:** H.R. 822 creates a new section under Title 18 of the United States Code to allow citizens who are authorized to carry a concealed firearm in their home state of residence to also carry a firearm in another state—under the same conditions and limitations in that state except as to eligibility to carry a concealed firearm—that issues concealed-carry firearm permits or does not prohibit the carrying of concealed firearms. In other words, all federal, state, and local laws regarding the possession and carrying of a concealed firearm that apply to a resident of a state will also equally apply to a non-resident.

The bill also calls for the Comptroller General of the United States to issue a report to Congress within one year of enactment describing the permitting process of each state that issues concealed carry permits to nonresidents of the state, the number of permits issued and denied to nonresidents (and the basis for the denials), and the effectiveness of these licensing laws in protecting the public safety.

**Additional Information:** Forty states currently provide some form of reciprocity to out-of-state concealed carry permit holders.<sup>1</sup> Nine states do not recognize out-of-state

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<sup>1</sup> According to the Judiciary Committee report #[112-277](#), fourteen states grant outright recognition of all valid concealed-carry permits issued by another state. Ten states recognize permits from other states that also recognize their own concealed-carry permits. Sixteen states will recognize another state’s concealed-carry permit if certain conditions are met.

concealed carry permits in any circumstance.<sup>2</sup> H.R. 822 would extend the ability for all concealed-carry permit holders to carry their firearm in all but one of the fifty states in the Union with the state of Illinois being the only exception that does not provide its citizens the ability to carry a concealed firearm.<sup>3</sup>

The bill is supported with 244 bi-partisan cosponsors.

**Amendments Ruled in Order:** The following ten amendments ruled in order by the Committee on Rules will each be debatable for 10 minutes equally divided by a proponent and opponent of the amendment:

1. **Woodall (R-GA)** – This amendment preserves the ability of the 40 states that have some form of concealed-carry reciprocity agreements already in place to continue to enforce these agreements while applying the reciprocity provision (Section 2) of H.R. 822 to the other nine states who do not allow interstate concealed-carry reciprocity for nonresidents.
2. **McCarthy (D-NY)** – This amendment requires that in order for the concealed-carry reciprocity provision (Section 2) in the bill to take effect, a state’s legislature must pass legislation authorizing the bill to take effect.
3. **Hastings (D-FL)** – This amendment exempts states that do not require concealed-carry applicants to complete and apply for a concealed-carry permit in person at the appropriate state law enforcement location from the concealed-carry reciprocity provision (Section 2) of the bill.
4. **Jackson Lee (D-TX)** – This amendment makes the concealed-carry reciprocity provision of the bill (Section 2) contingent on a state creating and maintaining a database of all concealed-carry handgun permits accessible to law enforcement officers in all of the 50 states at all times. This amendment failed in the Judiciary Committee markup of the bill by a [vote](#) of 3-12.
5. **Conyers (D-MI)** – H.R. 822 does not require out-of-state concealed-carry permit holders to be subject to another state’s concealed-carry eligibility requirements—only the other state’s conditions or limitations to possession or carrying a concealed firearm. This amendment would require an out-of-state concealed-carry permit holder to be subject to the same in-state concealed-carry eligibility requirements in order for the reciprocity provision (Section 2) of the bill to take effect. This amendment failed in the Judiciary Committee markup of the bill by a [vote](#) of 12 to 18.

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<sup>2</sup> These states include California, Connecticut, Hawaii, Massachusetts, Maryland, New Jersey, New York, Oregon, and Rhode Island.

<sup>3</sup> Additionally, the District of Columbia and the Northern Mariana Islands and the American Samoa U.S. Territories disallow concealed-carry firearm permits for their residents.

6. **Johnson (D-GA)** – This amendment permits any state’s concealed-carry firearm eligibility requirement that includes safety training with live-fire exercise to the bill’s concealed-carry reciprocity provision (Section 2).
7. **Cohen (D-TN)** – This amendment permits any state-law eligibility requirement allowing only persons at least 21 years old to be eligible to carry a concealed handgun to remain in effect.
8. **Jackson Lee (D-TX)** – This amendment requires an out-of-state concealed-carry permit holder to notify the designated law enforcement agency of the state intended by the concealed-carry permit holder to carry a concealed handgun within 24 hours of carrying a concealed handgun.
9. **Cicilline (D-RI)** – This amendment postpones the reciprocity provision of the bill (Section 2) from taking effect until the State Attorney General, head of the State police, and the state’s Secretary of State have jointly certified that the other state’s concealed-carry firearms’ laws are substantially similar to its own concealed-carry firearms’ licensing or permitting laws.
10. **Reichert (R-WA)** – This amendment requires the Comptroller General of the United States to submit to the Committee on the Judiciary in the House of Representatives and the U.S. Senate a written report within one year of enactment analyzing the ability of state and local law enforcement authorities to verify the validity of concealed-carry firearms licenses or permits issued by other states.

**Committee Action:** Representative Cliff Stearns (R-FL) introduced H.R. 822 on February 18, 2011, which was referred to the Committee on Judiciary. The Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on the bill on September 13, 2011. On October 25, 2011, the full Committee marked up the amended bill and reported it out by a [vote](#) of 19-11.

**Administration Position:** As of press time, the Obama Administration has not released a Statement of Administration Policy (SAP) on the bill.

**Outside Group Support:** The Congressional Sportsman Foundation, the National Rifle Association, and the National Shooting Sports Foundation.

**Outside Groups in Opposition:** The Dissenting Views in the House Judiciary Committee report [#112-277](#) explain that the “...bill is opposed by more than 550 mayors, major police organizations, domestic violence abuse victim advocates, prosecutors, and faith-based organizations.” For their complete listing, refer to the bottom footnote of page 20 of the Committee report.

**Cost to Taxpayers:** The CBO released a cost [estimate](#) for the bill on November 4, 2011. It estimates that enacting the bill would have no significant cost to the federal government. The estimate also explains that the bill “could result in the loss of revenue

for some states” totaling “a few million dollars” (with a corresponding savings to state taxpayers) because some states charge fees to nonresidents who apply for nonresident concealed-carry permits, and this bill would negate the need for nonresidents to purchase nonresident concealed-carry permits. Additionally, CBO estimates that law enforcement training costs to comply with the bill and the lost revenue would be “...small and would not exceed the threshold established in UMRA<sup>4</sup> (\$72 million in 2011, adjusted annually for inflation).”

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes.

According to the CBO report, the bill preempts some state concealed-carry licensing and permitting laws that either limit or do not recognize these permits for nonresidents. However, the bill expands individual freedom of concealed-carry holders by reducing the possession and carry limits of some state governments on nonresident, lawful concealed carry holders.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** Yes. The CBO report states that the bill imposes an intergovernmental mandate as defined in the UMRA by “...preempting some state laws that limit the ability of nonresidents to carry concealed weapons.”

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Yes.

**Constitutional Authority:** The Constitutional Authority Statement accompanying introduction of this bill states “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3, Commerce Clause.”

**RSC Staff Contact:** Joe Murray, [joe.murray@mail.house.gov](mailto:joe.murray@mail.house.gov), (202) 226-0678

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<sup>4</sup> Unfunded Mandate Reform Act, Public Law 104-4.