



January 1, 2021

The Honorable Nancy Pelosi
Speaker
1236 Longworth House Office Building
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
2468 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Pelosi and Minority Leader McCarthy:

We write today in support of the existing Capitol Police Board regulations that have helped protect Members for more than 50 years and ask that you not include any provisions in the House Rules package that attempt to alter these protections.

Currently, Members of Congress are allowed to carry firearms within the U.S. Capitol Complex as a result of U.S. Capitol Police Board's regulations and 40 U.S.C. § 5104. The current regulations allowing Members of Congress to carry have helped protect these Members and their Second Amendment rights since 1967.

There are substantial precedents for this type of regulation throughout the U.S. According to the National Conference of State Legislatures, more than two dozen states allow guns in capitol buildings. Of those states, "nine permit 'open carry,' 13 allow firearms owners with permits to carry and four allow legislators or legislative staff to carry in the capitol."

Washington, D.C. has a violent crime problem and D.C.'s violent crime rate is 158% higher than the national average. In 2020 alone, there have been more than 180 homicides, more than 1,500 assaults with a deadly weapon, and more than 1,800 robberies.

Furthermore, there is a history of violent attacks on Members of Congress and Capitol Police.

On March 1, 1954, four members of the Puerto Rican Nationalist Party entered the House Chamber and opened fire onto the House floor. Five Congressmen were wounded in the shooting.

On July 24, 1998, a gunman entered through a Member and employee entrance on the Eastside of the Capitol with a six-shot revolver. When the metal detector alarm went off, the gunman shot a Capitol Police Officer in the back of the head and then fled to a corridor filled with several House leadership offices while engaging in a shootout. The gunman was shot and apprehended after entering the office of then Majority Whip Tom DeLay. Tragically, two Capitol Police Officers died in the 1998 shooting.

On June 14, 2017, at a practice session attended by 24 Members of Congress at Eugene Simpson Stadium Park in Alexandria, Virginia, for the annual Congressional Baseball Game for Charity, a gunman opened fire on the Members and engaged in a ten-minute shootout with officers from the Capitol Police.

The three Capitol Police officers present at the practice were assigned to protect Whip Scalise who, due to his House leadership position, had a full-time security detail. Had these heroes not been there, the 24 Members of Congress present at the practice would have been unguarded and it's likely several more would have been critically injured or even killed. Some of those Members are now licensed to carry firearms in DC.

If Members can't carry on Capitol grounds, they can't protect themselves in D.C. while making their way to and from their offices to perform their official duties. The "last-mile" transition of self-protection is critical. The current regulations provide transitional coverage once the Member is physically on campus. Changing the current regulations could create new problems and uncertainty for lawful carrying Members in terms of what to do with a firearm once the Member arrives at the Congressional Complex.

Moreover, and most importantly, Members need to be able to protect themselves once the Member is in the public space/street and out of the protective care of the Capitol Police. If the current regulations are changed, the Member will be at risk of physical assault and real danger, especially after voicing views of his or her constituents that may not be held by others physically present in Washington D.C.

A 1946 law defines the area of the U.S. Capitol grounds. A 1967 law expanded the prohibition on discharging firearms on U.S. Capitol grounds in section 6 of the 1946 law. The 1967 law expanded that prohibition to include the prohibition on carrying or having a readily accessible firearm.

However, the 1967 law has an exemption for regulations promulgated by the Capitol Police Board (CPB). Subsection 2 of the 1967 law includes a provision stating:

"Nothing contained in this section shall forbid any act of any Member of Congress, or any employee of a Member of Congress...which is performed in the lawful discharge of his official duties."


A memorandum by the U.S. House Office of General Counsel addressed what constitutes "lawful carrying" on Capitol grounds as well as "or other lawful purposes." The OGC memo concluded that "lawful carrying" depends on the applicable state prohibitions. The memorandum cited *United States v. De la Cruz-Bancroft*, 2010 WL8752034 (D.N.M. Jan. 4. 2010) (the only case that has interpreted 18 U.S.C. § 930(d)(3)). The court's interpretation of 18 U.S.C. §


930(d)(3) concluded that:

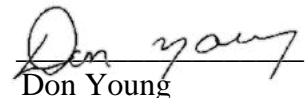
The Court concludes that the plain language of § 930(d)(3) is clear. It provides that carrying a firearm in a Federal facility "incident to" hunting or other lawful purpose is lawful.


Protecting the safety and lives of Members of Congress is of the utmost concern and isn't a partisan issue. We ask that you stand with Members of Congress on both sides of the aisle that support the lawful and current Capitol Police Board regulations that have existed for more than half a century.

Sincerely,

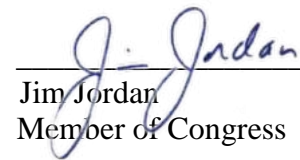

Lauren Boebert
Member-Elect of Congress

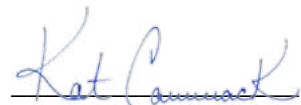

Dan Crenshaw
Member of Congress



Don Young
Member of Congress



Burgess Owens
Member-Elect of Congress



Chip Roy
Member of Congress

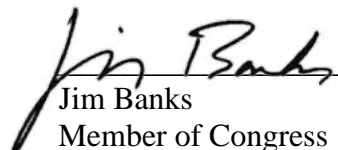

Jim Jordan
Member of Congress

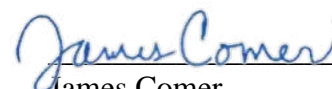

Kat Cammack
Member-Elect of Congress

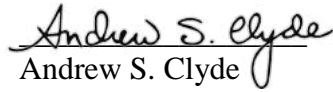

Andy Biggs
Member of Congress



Thomas Massie
Member of Congress



August Pfluger
Member-Elect of Congress



Jim Banks
Member of Congress


James Comer
Member of Congress

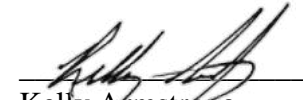

Andrew S. Clyde
Member-Elect of Congress

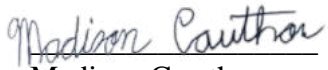

Paul A. Gosar, D.D.S.
Member of Congress



Dan Newhouse
Member of Congress



Cliff Bentz
Member-Elect of Congress

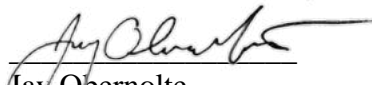

Mo Brooks
Member of Congress



Kelly Armstrong
Member of Congress



Madison Cawthorn
Member-Elect of Congress



Ken Buck
Member of Congress

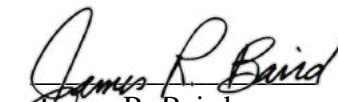

Brian Babin
Member of Congress



Jay Obernolte
Member-Elect of Congress

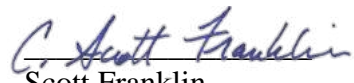

Michael C. Burgess, M.D.
Member of Congress



Ralph Abraham, MD
Member of Congress



Tedd Budd
Member-Elect of Congress



James R. Baird
Member of Congress



Ben Cline
Member of Congress



Scott Franklin
Member-Elect of Congress



Michael Cloud
Member of Congress



Matt Gaetz
Member of Congress

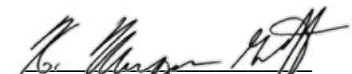

Pat Fallon
Member-Elect of Congress



Jeff Duncan
Member of Congress



Lody Hice
Member of Congress


Byron Donalds
Member-Elect of Congress



Mark E. Green, M.D.
Member of Congress

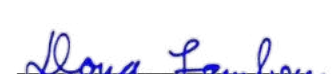

H. Morgan Griffith
Member of Congress



Michelle Fischbach
Member-Elect of Congress

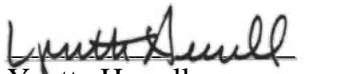

Dusty Johnson
Member of Congress

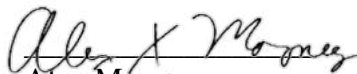

Doug LaMalfa
Member of Congress



Ronny Jackson
Member-Elect of Congress



Doug Lamborn
Member of Congress



Neal P. Dunn, M.D.
Member of Congress


Yvette Harrell
Member-Elect of Congress

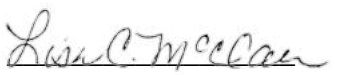

Alex Mooney
Member of Congress



Markwayne Mullin
Member of Congress

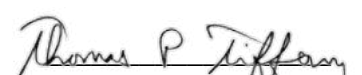

Mary El Miller
Member-Elect of Congress



Ralph Norman
Member of Congress

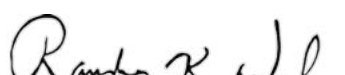

Austin Scott
Member of Congress

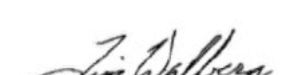

Lisa C. McClain
Member-Elect of Congress


Jason Smith
Member of Congress


Thomas P. Tiffany
Member of Congress


Matt Rosendale
Member-Elect of Congress


Randy Weber
Member of Congress


Tim Walberg
Member of Congress



Nancy Mace
Member-Elect of Congress



Adrian Smith
Member of Congress



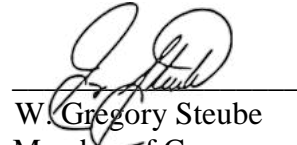
Billy Long
Member of Congress



Barry Moore
Member-Elect of Congress



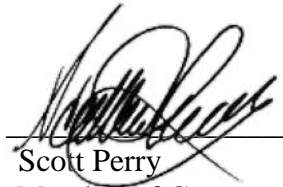
Robert E. Latta
Member of Congress



W. Gregory Steube
Member of Congress



Bob Good
Member-Elect of Congress



Scott Perry
Member of Congress



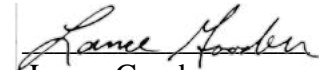
Bill Posey
Member of Congress



Victoria Spartz
Member-Elect of Congress



Louie Gohmert
Member of Congress



Lance Gooden
Member of Congress



Randy Feenstra
Member-Elect of Congress



Scott DesJarlais
Member of Congress



Earl L. "Buddy" Carter
Member of Congress



Diana Harshbarger
Member-Elect of Congress



Jack Bergman
Member of Congress



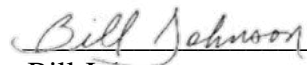
Andy Harris, M.D.
Member of Congress



Gay Reschenthaler
Member-Elect of Congress



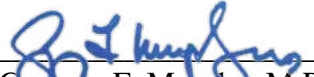
Richard Hudson
Member of Congress



Bill Johnson
Member of Congress



Fred Keller
Member of Congress



Gregory F. Murphy, M.D.
Member of Congress



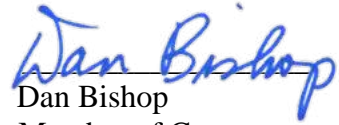
John H. Rutherford
Member of Congress



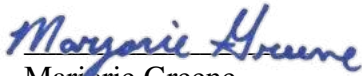
Brian Mast
Member of Congress



Tim Burchett
Member of Congress



Dan Bishop
Member of Congress



Marjorie Greene
Member-Elect of Congress



Steve King
Member of Congress

Cc: United States Capitol Police Board