

**AMENDMENT TO H.R. 5136, AS REPORTED
OFFERED BY MR. GINGREY OF GEORGIA**

Page 452, after line 10, insert the following:

1 **SEC. 1065. SENSE OF CONGRESS REGARDING PRESERVA-**
2 **TION OF SECOND AMENDMENT RIGHTS OF**
3 **ACTIVE DUTY MILITARY PERSONNEL STA-**
4 **TIONED OR RESIDING IN THE DISTRICT OF**
5 **COLUMBIA.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) The Second Amendment to the Constitution
8 of the United States provides that the right of the
9 people to keep and bear arms shall not be infringed.

10 (2) The Supreme Court of the United States
11 has reaffirmed that the Second Amendment is an in-
12 dividual right in its ruling on June 26, 2008 in the
13 case of *District of Columbia v. Heller* by ruling that
14 a blanket restriction of handgun possession is uncon-
15 stitutional.

16 (3) The District of Columbia continues to have
17 one of the strictest firearm registration and posses-
18 sion requirements for handguns, rifles, and shotguns
19 in the United States, thereby using local laws to pre-
20 vent law-abiding citizens from exercising their Sec-

1 ond Amendment rights as they would in other
2 States.

3 (4) Approximately 40,000 servicemen and
4 women across all branches of the Armed Forces ei-
5 ther live or are stationed on active duty within the
6 Washington, DC metropolitan area. Unless these in-
7 dividuals are granted a waiver as serving in a law-
8 enforcement role, they are subject to the District of
9 Columbia's requirements that handguns, rifles, and
10 shotguns in home be kept unloaded and disassem-
11 bled or outfitted with a trigger lock.

12 (5) Military personnel, despite being extensively
13 trained in the proper and safe use of firearms, are
14 therefore deprived by the laws of the District of Co-
15 lumbia for handguns, rifles, and shotguns that are
16 commonly kept by law-abiding persons throughout
17 the United States for sporting use and for lawful de-
18 fense of their persons, homes, businesses, and fami-
19 lies.

20 (6) Based on 2008 statistics from the Federal
21 Bureau of Investigation, the District of Columbia
22 has the fifth highest per capita murder rate of any
23 city in the Nation, which may be attributed, in part,
24 to local laws restricting possession of firearms by
25 law-abiding persons who would otherwise be able to

1 defend themselves and their loved ones in their own
2 homes and businesses.

3 (7) The Federal Gun Control Act of 1968, as
4 amended by the Firearms Owners' Protection Act of
5 1986, and the Brady Handgun Violence Prevention
6 Act of 1993, provide comprehensive Federal regula-
7 tions applicable in the District of Columbia as else-
8 where. In addition, existing District of Columbia
9 criminal laws punish possession and illegal use of
10 firearms by violent criminals and felons. Con-
11 sequently, there is no need for local laws to restrict
12 active duty military personnel from possessing or
13 carrying a firearm.

14 (8) In the One Hundred Tenth Congress, Rep-
15 resentatives Mike Ross of Arkansas and Mark
16 Souder of Indiana introduced H.R. 1399, the Dis-
17 trict of Columbia Personal Protection Act, to restore
18 Second Amendment rights within the District of Co-
19 lumbia before the Supreme Court's ruling in *District*
20 *of Columbia v. Heller*. That legislation received bi-
21 partisan support and was cosponsored by 248 Mem-
22 bers of the House.

23 (9) In the One Hundred Tenth Congress, Rep-
24 resentative Travis Childers of Mississippi introduced
25 H.R. 6691, the Second Amendment Enforcement

1 Act, to restore Second Amendment rights within the
2 District of Columbia after the Supreme Court's rul-
3 ing in *District of Columbia v. Heller*. This legislation
4 received bipartisan support and was cosponsored by
5 135 Members of the House.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that active duty military personnel who are stationed
8 or residing in the District of Columbia should be permitted
9 to exercise fully their rights under the Second Amendment
10 to the Constitution of the United States and therefore
11 should be exempt from the District of Columbia's ban on
12 the possession of handguns and from the requirement that
13 rifles and shotguns in the home be kept unloaded and dis-
14 assembled or outfitted with a trigger lock.

