

**AMENDMENT TO H.R. 2647, AS REPORTED
OFFERED BY MR. GINGREY OF GEORGIA**

Add at the end of title X the following new section:

1 **SEC. 10 ____ . SENSE OF CONGRESS REGARDING PRESER-**
2 **VATION 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 United
8 States Constitution provides that the right of the
9 people to keep and bear arms shall not be infringed.

10 (2) Approximately 40,000 servicemen and
11 women across all branches of the Armed Forces ei-
12 ther live in or stationed on active duty within the
13 Washington, DC metropolitan area. Unless these in-
14 dividuals are granted a waiver as serving in a law
15 enforcement role, they are subject to the District of
16 Columbia's onerous and highly restrictive laws on
17 the possession of firearms.

18 (3) Military personnel, despite being extensively
19 trained in the proper and safe use of firearms, are
20 therefore deprived by the laws of the District of Co-

1 lumbia of handguns, rifles, and shotguns that are
2 commonly kept by law-abiding persons throughout
3 the United States for sporting use and for lawful de-
4 fense of their persons, homes, businesses, and fami-
5 lies.

6 (4) The District of Columbia has one of the
7 highest per capita murder rate in the Nation, which
8 may be attributed in part to previous local laws pro-
9 hibiting possession of firearms by law-abiding per-
10 sons who would have otherwise been able to defend
11 themselves and their loved ones in their own homes
12 and businesses.

13 (5) The Federal Gun Control Act of 1968, as
14 amended by the Firearms Owners' Protection Act of
15 1986, and the Brady Handgun Violence Prevention
16 Act of 1993, provide comprehensive Federal regula-
17 tions applicable in the District of Columbia as else-
18 where. In addition, existing District of Columbia
19 criminal laws punish possession and illegal use of
20 firearms by violent criminals and felons. Con-
21 sequently, there is no need for local laws which only
22 affect and disarm law-abiding citizens.

23 (6) On June 26, 2008, the Supreme Court of
24 the United States in the case of *District of Columbia*
25 *v. Heller* held that the Second Amendment protects

1 an individual's right to possess a firearm for tradi-
2 tionally lawful purposes, and thus ruled that the
3 District of Columbia's handgun ban and require-
4 ments that rifles and shotguns in the home be kept
5 unloaded and disassembled or outfitted with a trig-
6 ger lock to be unconstitutional.

7 (7) On July 16, 2008, the District of Columbia
8 enacted the Firearms Control Emergency Amend-
9 ment Act of 2008 (D.C. Act 17-422; 55 DCR 8237)
10 which places onerous restrictions on the ability of
11 law-abiding citizens from possessing firearms, thus
12 violating the spirit by which the Supreme Court of
13 the United States ruled in *District of Columbia v.*
14 *Heller*.

15 (8) On February 26, 2009, the United States
16 Senate adopted an amendment on a bipartisan vote
17 of 62-36 by Senator John Ensign to S. 160, the
18 District of Columbia House Voting Rights Act of
19 2009, which would fully restore Second Amendment
20 rights to the citizens of the District of Columbia.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that active duty military personnel who are stationed
23 or residing in the District of Columbia should be permitted
24 to exercise fully their rights under the Second Amendment
25 to the Constitution of the United States and therefore

- 1 should be exempt from the District of Columbia's restric-
- 2 tions on the possession of firearms.

