AMENDMENT TO THE RULES COMMITTEE PRINT FOR H.R. 4435

OFFERED BY MR. GINGREY OF GEORGIA

At the end of title V, add the following new section:

1 SEC. 5 . 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:

(1) The Second Amendment to the United 7 8 States Constitution provides that the right of the 9 people to keep and bear arms shall not be infringed. 10 Approximately 40,000 servicemen (2)and 11 women across all branches of the Armed Forces ei-12 ther live in or are stationed on active duty within the Washington, D.C., metropolitan area. Unless these 13 14 individuals 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 extensively19 trained in the proper and safe use of firearms, are

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therefore deprived by the laws of the District of Columbia of handguns, rifles, and shotguns that are
commonly kept by law-abiding persons throughout
the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

7 (4) The District of Columbia has one of the
8 highest per capita murder rates in the Nation, which
9 may be attributed in part to previous local laws pro10 hibiting possession of firearms by law-abiding per11 sons who would have otherwise been able to defend
12 themselves and their loved ones in their own homes
13 and businesses.

14 (5) The Gun Control Act of 1968 (as amended 15 by the Firearms Owners' Protection Act) and the 16 Brady Handgun Violence Prevention Act provide 17 comprehensive Federal regulations applicable in the 18 District of Columbia as elsewhere. In addition, exist-19 ing District of Columbia criminal laws punish pos-20 session and illegal use of firearms by violent crimi-21 nals and felons. Consequently, there is no need for 22 local laws that only affect and disarm law-abiding 23 citizens.

24 (6) On June 26, 2008, the Supreme Court of
25 the United States in the case of *District of Columbia*

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v. Heller held that the Second Amendment protects
an individual's right to possess a firearm for traditionally lawful purposes, and thus ruled that the
District of Columbia's handgun ban and requirements that rifles and shotguns in the home be kept
unloaded and disassembled or outfitted with a trigger lock to be unconstitutional.

8 (7) On July 16, 2008, the District of Columbia 9 enacted the Firearms Control Emergency Amend-10 ment Act of 2008 (D.C. Act 17-422; 55 DCR 8237), 11 which places onerous restrictions on the ability of 12 law-abiding citizens from possessing firearms, thus 13 violating the spirit by which the Supreme Court of 14 the United States ruled in *District of Columbia v*. 15 Heller.

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

(b) SENSE OF CONGRESS.—It is the sense of Congress that active duty military personnel who are stationed
or residing in the District of Columbia should be permitted
to exercise fully their rights under the Second Amendment

1 to the Constitution of the United States and therefore

2 should be exempt from the District of Columbia's restric-

3 tions on the possession of firearms.

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