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:

SEC. 5. SENSE OF CONGRESS REGARDING PRESERVATION OF SECOND AMENDMENT RIGHTS OF ACTIVE DUTY MILITARY PERSONNEL STATIONED OR RESIDING IN THE DISTRICT OF COLUMBIA.

(a) FINDINGS.—Congress finds the following:

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

(2) Approximately 40,000 servicemen and women across all branches of the Armed Forces either live in or are stationed on active duty within the Washington, D.C., metropolitan area. Unless these individuals are granted a waiver as serving in a law enforcement role, they are subject to the District of Columbia’s onerous and highly restrictive laws on the possession of firearms.

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

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

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

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

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


(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
to the Constitution of the United States and therefore should be exempt from the District of Columbia’s restrictions on the possession of firearms.