

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 4310  
OFFERED BY MR. GINGREY OF GEORGIA**

At the end of subtitle H of title X of division A, add 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 are stationed on active duty within the  
13 Washington, D.C. metropolitan area. Unless these  
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.

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

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

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

1           (6) On June 26, 2008, the Supreme Court of  
2           the United States in the case of *District of Columbia*  
3           *v. Heller* held that the Second Amendment protects  
4           an individual's right to possess a firearm for tradi-  
5           tionally lawful purposes, and thus ruled that the  
6           District of Columbia's handgun ban and require-  
7           ments that rifles and shotguns in the home be kept  
8           unloaded and disassembled or outfitted with a trig-  
9           ger lock to be unconstitutional.

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

18           (8) On February 26, 2009, the United States  
19           Senate adopted an amendment on a bipartisan vote  
20           of 62-36 by Senator John Ensign to S. 160, the  
21           District of Columbia House Voting Rights Act of  
22           2009, which would fully restore Second Amendment  
23           rights to the citizens of the District of Columbia.

24           (b) SENSE OF CONGRESS.—It is the sense of Con-  
25           gress that active duty military personnel who are stationed

1 or residing in the District of Columbia should be permitted  
2 to exercise fully their rights under the Second Amendment  
3 to the Constitution of the United States and therefore  
4 should be exempt from the District of Columbia's restric-  
5 tions on the possession of firearms.

