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Safeguarding Service Members' Second Amendment Rights Act

PURPOSE

Authored by U.S. Senator Jerry Moran (R-Kan.), the *Safeguarding Service Members' Second Amendment Rights Act* would safeguard military personnel on Armed Forces military installations by repealing bans on military personnel carrying firearms.

BACKGROUND

In the cases of the 2015 U.S. Army and Marine Corps Chattanooga shooting, the 2013 attack at the Washington Navy Yard, the 2010 attack at the Pentagon, the 2009 attack at the U.S. Military Recruiting Office in Little Rock, the 2009 attack on Fort Hood, and the 2008 attack on the Armed Forces Recruiting Center in Times Square, military personnel were unable to carry firearms and respond with force.

U.S. military personnel are trained in the use of firearms, with live-fire qualification and use-of-force training. They are entrusted with firearms and other weapons in the defense of the United States, yet are banned from carrying their firearms in "Gun-Free Zones" on military installations and DoD sites such as military recruitment centers, making these sites vulnerable targets.

The Second Amendment of the U.S. Constitution guarantees the "right of the people to keep and bear arms shall not be infringed," yet our men and women in uniform are being prevented from exercising this constitutional right when fulfilling their duties on American soil. Our brave service members must be empowered to defend themselves and others from violence and acts of domestic terrorism.

THE LEGISLATION

The *Safeguarding Service Members' Second Amendment Rights Act* restores the constitutional rights of our men and women in uniform by repealing laws and regulations disarming military personnel. Once enacted, the legislation would:

- Repeal [Army Regulation 190-14](#), issued on March 12, 1993;
- Repeal [Department of Defense Directive Number 5210.56](#), issued on February 25, 1992, as well as the [directive modification issued on April 1, 2011](#), and any subsequent modification;

- Deem unenforceable any other law, rule, regulation or executive order that prohibits military personnel from carrying a firearm on a military installation or Department of Defense site within the United States, including: [section 1585 of title 10](#), United States Code (relating to carrying firearms); [section 922 of title 18](#), United States Code (relating to unlawful acts); and part [108.11 of title 14](#), Code of Federal Regulations;

Regarding the Use of Firearms:

- Formally state that military personnel shall not be prohibited from carrying firearms on military installations or Department of Defense sites, and call on military personnel carrying firearms to adhere to [CJCSI 3121.01B](#), Standing Rules of Engagement and Standing Rules for the Use of Force for the U.S. Forces – issued June 13, 2005;
- Allow commanders on military installations or DoD sites to assess military personnel on a case-by-case basis and whether an individual might cause harm to themselves or others.

Prohibition on Gun Bans:

- Prohibit the Secretary of Defense and the secretaries of the military departments from reinstating the firearm bans repealed by the Act and prohibit them from enacting similar restrictions or prohibitions;
- Prohibit the president from taking any executive action or putting forth any rule, executive order or regulation that restricts or prohibits military personnel from carrying firearms;

Report to Congress

- Require the Secretary of Defense to submit a report to Congress within 90 days of enactment outlining the actions taken to ensure compliance with the law.

Definitions

- Military Personnel: Defines “military personnel” as members of the Armed Forces, including members of the reserve components who are serving at a duty stations on military installations of the Department of Defense and are trained by the Armed Forces in the use of firearms.
- Department of Defense Sites: Defines “Department of Defense sites” as including recruitment centers as well as DoD facilities or assets that:
 1. Lack or do not meet existing force protection and physical security standards as described in DoD [Directive 5200.08-R](#) regarding physical protection of DoD personnel, installations, operations and related resources; and
 2. Do not meet [Homeland Security Presidential Directive 12](#) regarding identification standards for federal employees and contractors to enhance security.

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