

114TH CONGRESS
1ST SESSION

S. 1823

To safeguard military personnel on Armed Forces military installations by repealing bans on military personnel carrying firearms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2015

Mr. MORAN introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To safeguard military personnel on Armed Forces military installations by repealing bans on military personnel carrying firearms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REPEAL OF LAWS AND REGULATIONS DIS-**
4 **ARMING FIREARMS-TRAINED MILITARY PER-**
5 **SONNEL AND PROHIBITION ON REIMPOSING**
6 **BANS ON MILITARY PERSONNEL CARRYING**
7 **FIREARMS.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

(1) In the attack on the Armed Forces Recruitment Center in Times Square in 2008, the attack on Fort Hood in 2009, the attack at the United States Military Recruiting Office in Little Rock in 2009, the attack at the Pentagon in 2010, the attack at the Washington Navy Yard in 2013, and the United States Army and Marine Corps Chattanooga shootings in 2015, military personnel were unable to carry firearms and respond with force.

(2) Military personnel are trained in the use of firearms, with live-fire qualification and use-of-force training.

(3) Military personnel are entrusted with firearms and other weapons in the defense of the United States.

(4) Gun-free zones on military installations and Department of Defense sites such as military recruitment centers are vulnerable targets.

(b) REPEAL OF LAWS AND REGULATIONS DISARMING MILITARY PERSONNEL.—

(1) REPEAL.—Effective on the date of the enactment of this Act—

(A) Army Regulation 190–14, issued on March 12, 1993, is repealed;

1 (B) Department of Defense Directive
2 Number 5210.56, issued on February 25, 1992,
3 as modified on April 1, 2011, and by any subse-
4 quent modification, is repealed; and

5 (C) any other prohibition in law, rule, reg-
6 ulation or Executive order that prohibits mili-
7 tary personnel from carrying a firearm on a
8 military installation or Department of Defense
9 site within the United States, including section
10 1585 of title 10, United States Code (relating
11 to carrying of firearms), section 922 of title 18,
12 United States Code (relating to unlawful acts),
13 and part 108.11 of title 14, Code of Federal
14 Regulations (relating to carriage of weapons),
15 shall have no further force or effect and may
16 not be enforced.

17 (2) USE OF FIREARMS.—

18 (A) IN GENERAL.—Except as provided in
19 subparagraph (B), effective as of the date of
20 the enactment of this Act, military personnel
21 shall not be prohibited from carrying firearms
22 on military installations or Department of De-
23 fense sites. Military personnel carrying firearms
24 shall adhere to CJCSI 3121.01B, Standing
25 Rules of Engagement and Standing Rules for

1 the Use of Force for the U.S. Forces (13 June
2 2005) with respect to the use of firearms on
3 military installations and Department of De-
4 fense sites.

5 (B) EXCEPTION.—The commander of a
6 military installation or Department of Defense
7 may prohibit a member of the Armed Forces,
8 on a case-by-case basis, from carrying firearms
9 on the military installation or Department of
10 Defense site if the commander determines that
11 the prohibition with respect to the member is
12 necessary to prevent the member from commit-
13 ting bodily harm to the member or others.

14 (c) PROHIBITION ON MILITARY PERSONNEL GUN
15 BANS.—

16 (1) DEPARTMENT OF DEFENSE.—The Sec-
17 retary of Defense and the Secretaries of the military
18 departments shall not reinstate the firearm bans re-
19 ferred to in subsection (b) or enact similar restric-
20 tions prohibiting or restricting military personnel
21 from carrying firearms.

22 (2) PRESIDENT.—The President shall not take
23 any executive action or promulgate any rule or issue
24 any Executive order or regulation to prohibit mili-
25 tary personnel from carrying firearms.

1 (d) REPORTING REQUIREMENT.—Not later than 90
2 days after the date of the enactment of this Act, the Sec-
3 retary of Defense shall submit to Congress a report de-
4 scribing the actions taken to ensure compliance with this
5 section.

6 (e) DEFINITIONS.—In this section:

7 (1) The term “Department of Defense sites”
8 includes—

9 (A) recruitment centers; and

10 (B) Department of Defense facilities or as-
11 sets that—

12 (i) lack or do not meet existing force
13 protection and physical security standards
14 as described in Department of Defense Di-
15 rective 5200.08–R, April 9, 2007, regard-
16 ing physical protection of Department of
17 Defense personnel, installations, oper-
18 ations, and related resources; and

19 (ii) do not meet Homeland Security
20 Presidential Directive 12, Policy for a
21 Common Identification Standard for Fed-
22 eral Employees and Contractors to en-
23 hance security, increase Government effi-
24 ciency, reduce identity fraud, and protect
25 personal privacy by establishing a manda-

1 tory, Government-wide standard for secure
2 and reliable forms of identification issued
3 by the Federal Government to its employ-
4 ees and contractors (including contractor
5 employees).

6 (2) The term “military personnel” means mem-
7 bers of the Armed Forces, including members of the
8 reserve components, who—

9 (A) are serving at a duty station on a mili-
10 tary installation of the Department of Defense
11 or a Department of Defense site; and

12 (B) are trained by the Armed Forces in
13 the use of firearms.

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