

CRS Insights

Can Military Servicemembers Carry Firearms for Personal Protection on Duty?

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On July 16, 2015, an [armed shooter attacked](#) a Marine Corps recruiting center and U.S. Naval Reserve Center in Chattanooga, Tennessee, killing four Marines and wounding at least three other members of the Marine Corps, Navy, and local police before the shooter was killed. This follows other recent active shooter incidents on military installations, including the [2009](#) and [2014](#) shootings at Fort Hood, Texas, and the [2013 Washington Navy Yard shooting](#). While those incidents took place on military installations, the most recent incident, in contrast, took place at a reserve center and a recruiting office. Military installations have armed guards and security gates or checkpoints, while reserve centers and recruiting offices are typically integrated into local communities in locations where they are most likely to be approached by interested recruits. Therefore, recruiting offices, by design, are less likely to have the same level of security as other government facilities where military servicemembers are assigned.

Following the most recent incident, some have questioned whether force protection measures at recruiting stations are adequate, and asked what U.S. statutes and DOD policies say regarding the ability of servicemembers to carry government-issued firearms for personal protection while on duty. Following is a discussion of the applicable law and policy regarding government-issued firearms for personal protection of servicemembers on duty. This does not address law or policies regarding privately-owned firearms.

Statute and DOD Policies

[Section 1585 of Title 10, United States Code](#) authorizes the Secretary of Defense to prescribe policy and regulations regarding the carrying of firearms for DOD employees:

Under regulations to be prescribed by the Secretary of Defense, civilian officers and employees of the Department of Defense may carry firearms or other appropriate weapons while assigned investigative duties or such other duties as the Secretary may prescribe.

[The DOD Directive](#) that implements this statute states that DOD personnel "shall be appropriately armed and have the inherent right to self-defense." However, the same Directive also suggests that military servicemembers should not be armed indiscriminately:

Arming DoD personnel with firearms shall be limited and controlled. Qualified personnel shall be armed when required for assigned duties and there is reasonable expectation that DoD installations, property, or personnel lives or DoD assets will be jeopardized if personnel are not armed. Evaluation of the necessity to arm DoD personnel shall be made with the consideration of the possible consequences of accidental or indiscriminate use of those arms. However, the overriding factors in determining whether or not to arm are the mission and threat. Arming DoD personnel (i.e., administrative, assessment, or inspection, not regularly engaged in or directly supervising security or law enforcement activities) shall be limited to missions or threats and the immediate need to protect DoD assets or persons' lives.

In reference to the DOD Directive, the military departments also have promulgated policies and regulations regarding carrying firearms for personal protection while on duty. (see [Table 1](#).) Across the Services, the carrying of government-issued firearms for personal protection is generally prohibited unless authorized by high-level officials, and in most cases requires an evaluation of threat conditions.

Table 1. Military Department-Level Policies and Regulations Regarding Carrying of Firearms for Personal Protection

Military Department	Relevant Policy/Regulation	Relevant Text
Army	Army Regulation 190-14 , March 12, 1993	<p>The Secretary of the Army may authorize the carrying of firearms for personal protection within the continental United States.</p> <p>[Department of the Army] military and civilian personnel may be authorized to carry firearms for personal protection when the responsible intelligence center identifies a credible and specific threat against DA personnel in that regional area. Firearms will not be issued indiscriminately for that purpose. Before individuals are authorized to carry a firearm for personal protection under this regulation, the authorizing official must evaluate—</p> <ol style="list-style-type: none"> (1) The probability of the threat in a particular location. (2) The adequacy of support by Department of the Army or DOD protective personnel. (3) The adequacy of protection by U.S. or host nation authorities. (4) The effectiveness of other means to avoid personal attacks
Navy	SECNAVINST 5500.29C , August 27, 2003	<p>Military and civilian personnel of the Department of the Navy not involved in full time law enforcement, security or counter-intelligence duties shall not carry government-issued firearms for personal protection within the [Continental United States] or when they have been provided an official protective service detail, unless specifically authorized by the CNO, VCNO, CMC, ACMC, or Dir. NCIS, respectively.</p>
Marine Corps	MCO 5500.6H CH 1 , August 21, 2013	<p>Marines and civilian personnel of the Marine Corps not involved in full time law enforcement or security duties shall not carry government-issued firearms for personal protection within the United States or when they have been provided an official protective service detail, unless specifically authorized by [Deputy Commandant for Plans, Policies and Operations].</p>
Air Force	AFI 31-117 , June 29, 2012	<p>Senior military and civilian officials may not bear government-owned firearms for personal protection within the United States without written approval of either the Secretary or Deputy Secretary of Defense.</p> <p>Considerations. Before issuing authorizations to carry firearms for personal protection, commanders must consider the following:</p> <ul style="list-style-type: none"> The likelihood of the threat in a particular location. The adequacies of DOD protective personnel support.

The adequacy of host-nation protection.

The effectiveness of other means to avoid personal attacks.

The Department of State Threat Criminal levels.

The Defense Intelligence Agency (DIA) Intelligence, Political, and Terrorism threat levels.

DOD Defense Threat Assessments (DTA).

Currently, it appears that the Secretary of Defense could rely on his or her [general authority to prescribe regulations](#) for the DOD to allow servicemembers to carry government-issued firearms for personal protection at his or her discretion. Those considering changes to law or policy might also consider enhancing passive force protection measures (e.g., additional training, security cameras, armed guards) for military posts that are not located on installations.