



**DEPARTMENT OF THE ARMY**  
**HEADQUARTERS, UNITED STATES ARMY FIELD ARTILLERY CENTER AND FORT SILL**  
**FORT SILL, OKLAHOMA 73503-5000**

REPLY TO  
ATTENTION OF:

**MEMORANDUM OF AGREEMENT**  
**AMONG**  
**UNITED STATES ARMY FIELD ARTILLERY CENTER AND FORT SILL**  
**(USAFACFS)**  
**AND**  
**UNITED STATES ARMY GARRISON (USAG) FORT SILL**  
**AND**  
**CITY OF LAWTON, OKLAHOMA**

**SUBJECT: Reporting Lautenberg Amendment Violations**

**1. References:**

- a. Department of Defense 4000.19-Instruction, Interservice and Intragovernmental Support, 9 August 1995.
- b. The Lautenberg Amendment to the Gun Control Act of 1968, 18 U.S.C. §§ 921-928 (enclosure 1).
- c. Message, HQDA, DAPE-MPE-DR, 172023Z May 02, subject: Reporting of Soldiers Affected by the Lautenberg Amendment (enclosure 2).

**2. Purpose.** To establish written procedures between Fort Sill and the Lawton Municipal Court Clerk regarding reporting requirements under the Lautenberg Amendment.

**3. Background.** Federal law prohibits individuals, including active duty soldiers and reserve soldiers on extended active duty, convicted of a misdemeanor crime involving domestic violence or who are subject to permanent domestic violence restraining orders, from shipping, transporting, possessing, or receiving firearms or ammunition. In May 2002, Headquarters, Department of the Army, mandated that Installation/Agency Commanders and their supporting Judge Advocates establish memorandums of agreement (MOAs) with local law enforcement and civil court agencies to ensure adequate systems are in place for tracking soldiers affected by the Lautenberg Amendment.

**4. Reporting Procedures.** The Lawton Municipal Court Clerk will make reasonable attempts to:

- a. Ascertain whether a person convicted of a misdemeanor crime involving domestic abuse/violence is a soldier.
- b. Report convictions that include, but are not limited to, violations of Section 16-2-1-204 of the Lawton Municipal Code.

SUBJECT: Reporting Lautenberg Amendment Violations

c. Report said convictions monthly to the Fort Sill Directorate of Public Safety & Law Enforcement Command military police liaison assigned to the Lawton Municipal Court.

d. Maintain official records on the subject.

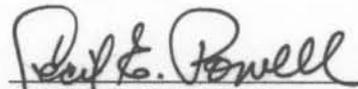
5. Administration.

a. All parties agree to meet, as necessary, to review program issues.

b. The USAFACFS Directorate of Resource Management (DRM) is responsible for coordinating, monitoring, and maintaining this MOA. The USAFACFS DRM will initiate a review of this MOA by all signatories, or their successors, every three years.

c. It is the intent of the parties that this agreement survives the departure or position change of any of the signatories.

d. The parties may modify this agreement at any time by circulating a proposed addition, deletion, or amendment to all signatories for comment.

  
\_\_\_\_\_  
CECILE E. POWELL  
Mayor, City of Lawton

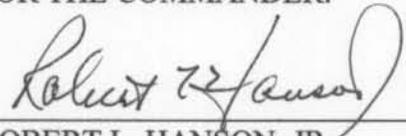
November 10, 2003  
(Date)

Attest:

  
\_\_\_\_\_  
Acting City Clerk

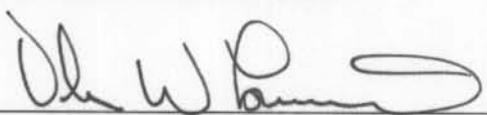
November 10, 2003  
(Date)

FOR THE COMMANDER:

  
\_\_\_\_\_  
ROBERT L. HANSON, JR.  
Director, Resource Management  
USAFACFS

1 December 2003  
(Date)

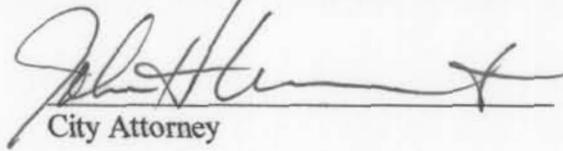
FOR THE COMMANDER:

  
\_\_\_\_\_  
OLEN W. LAWSON  
Deputy Garrison Commander  
USAG Fort Sill

7 Jan 04  
(Date)

SUBJECT: Reporting Lautenberg Amendment Violations

Approved as to form and legality on behalf of the City of Lawton, Oklahoma, this 14<sup>th</sup> day of October, 2003.

  
City Attorney

2 Enclosures  
as

“(vi) by a law enforcement officer acting in his or her official capacity; or

“(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

“(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

“(B) Subparagraph (A) does not apply to the discharge of a firearm—

“(i) on private property not part of school grounds;

“(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

“(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

“(iv) by a law enforcement officer acting in his or her official capacity.

“(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.”

**SEC. 658. GUN BAN FOR INDIVIDUALS CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.**

(a) **DEFINITION.**—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(33)(A) Except as provided in subparagraph (C), the term ‘misdemeanor crime of domestic violence’ means an offense that—

“(i) is a misdemeanor under Federal or State law; and

“(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

“(B)(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

“(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

“(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either

(aa) the case was tried by a jury, or

(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

“(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.”.

(b) PROHIBITIONS.—

(1) Section 922(d) of such title is amended—

(A) by striking “or” at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting “; or”; and

(C) by inserting after paragraph (8) the following:

“(9) has been convicted in any court of a misdemeanor crime of domestic violence.”.

(2) Section 922(g) of such title is amended—

(A) by striking “or” at the end of paragraph (7);

(B) by striking the comma at the end of paragraph (8) and inserting “; or”; and

(C) by inserting after paragraph (8) the following:

“(9) who has been convicted in any court of a misdemeanor crime of domestic violence.”.

(3) Section 922(s)(3)(B)(i) of such title is amended by inserting “, and has not been convicted in any court of a misdemeanor crime of domestic violence” before this semicolon.

(c) GOVERNMENT ENTITIES NOT EXCEPTED.—Section 925(a)(1) of such title is amended by inserting “sections 922(d)(9) and 922(g)(9) and” after “except for”.

SEC. 659. THRIFT SAVINGS PLAN.

TITLE I—ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN

Thrift Savings  
Investment  
Funds Act of  
1996.  
5 USC 8401 note.

SEC. 101. SHORT TITLE

This title may be cited as the “Thrift Savings Investment Funds Act of 1996”.

SEC. 102. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

“(5) the term ‘International Stock Index Investment Fund’ means the International Stock Index Investment Fund established under subsection (b)(1)(E);”;

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out “and” at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

## **LAUTENBERG ALARACT MESSAGE (MAY02)**

**SUBJECT: REPORTING OF SOLDIERS AFFECTED BY THE LAUTENBERG AMENDMENT**

**A. HQDA (DAPE-MPE) MESSAGE 151100Z JAN 98, SUBJECT: HQDA MESSAGE ON INTERIM IMPLEMENTATION OF THE LAUTENBERG AMENDMENT.**

**B. HQDA (DAPE-MPE) MESSAGE 211105Z MAY 99, SUBJECT: HQDA GUIDANCE ON DEPLOYMENT ELIGIBILITY, ASSIGNMENT, AND REPORTING OF SOLDIERS AFFECTED BY THE LAUTENBERG AMENDMENT.**

**1. THE PURPOSE OF THIS MESSAGE IS TO REITERATE THE REPORTING REQUIREMENT AND PROCEDURES IN REFERENCES A AND B FOR SOLDIERS AFFECTED BY THE LAUTENBERG AMENDMENT.**

**2. FEDERAL LAW PROHIBITS INDIVIDUALS CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR, A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE, OR WHO ARE SUBJECT TO CERTAIN DOMESTIC VIOLENCE RESTRAINING ORDERS FROM SHIPPING, TRANSPORTING, POSSESSING, OR RECEIVING FIREARMS OR AMMUNITION. THE TRANSFER, ISSUANCE OR SALE OF FIREARMS TO A PERSON WITH SUCH A CONVICTION OR UNDER SUCH AN ORDER IS ALSO A FELONY. CONVICTION DOES NOT INCLUDE A SUMMARY COURT-MARTIAL CONVICTION OR THE IMPOSITION OF NONJUDICIAL PUNISHMENT UNDER ARTICLE 15, UCMJ.**

**3. IT IS IMPERATIVE THAT SOLDIERS WITH QUALIFYING CONVICTIONS BE IDENTIFIED AND REPORTED TO ENSURE COMPLIANCE WITH LAW. COMMANDERS SHOULD TAKE ALL REASONABLE ACTION TO INVESTIGATE THOSE SOLDIERS THEY HAVE REASONABLE CAUSE TO BELIEVE HAVE QUALIFYING CONVICTIONS. SOLDIERS WITH QUALIFYING CONVICTIONS OR SUBJECT TO DOMESTIC VIOLENCE RESTRAINING ORDERS SHALL INFORM THEIR COMMANDERS AS SOON AS PRACTICABLE.**

**4. INSTALLATION/AGENCY COMMANDERS AND THEIR SUPPORTING JUDGE ADVOCATES WILL ESTABLISH MEMORANDUMS OF AGREEMENT WITH LOCAL LAW ENFORCEMENT AND CIVIL COURT AGENCIES TO ENSURE ADEQUATE SYSTEMS ARE IN PLACE FOR TRACKING ARRESTS AND CONVICTIONS OFF POST, TO INCLUDE EMERGENCY PROTECTION ORDERS AND DOMESTIC VIOLENCE ORDERS.**

**5. EDUCATION REQUIREMENTS. COMMANDERS WILL ENSURE**

SOLDIERS ARE INSTRUCTED ON WHAT THE LAW STATES AND THEIR REQUIREMENT TO INFORM THEIR COMMANDER OF ANY QUALIFYING CONVICTIONS.

A. ALL PRE-COMMAND COURSES WILL HAVE THIS REQUIREMENT INCLUDED IN THEIR PLAN OF INSTRUCTION (POI).

B. A COPY OF THIS MESSAGE WILL BE PROMINENTLY DISPLAYED OUTSIDE UNIT ARMS ROOMS.

6. REPORTING REQUIREMENTS:

A. ACTIVE ARMY. ALL SOLDIERS IDENTIFIED AS BEING AFFECTED BY THIS POLICY WILL BE REPORTED TO HQDA BY USING THE ASSIGNMENT CONSIDERATION CODE (ASCO) L9 (LAUTENBERG AMENDMENT). REFER TO MILPER MESSAGE BEING RELEASED UNDER SEPARATE COVER FOR FURTHER GUIDANCE.

B. RESERVE COMPONENTS. THE ARMY NATIONAL GUARD DIRECTORATE (NG-ARZ-HRP) AND HEADQUARTERS OCAR (DAAR-PE) WILL SUBMIT E-MAIL REPORTS OF THE NUMBER OF SOLDIERS CONVICTED OF MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE AND NUMBER OF SOLDIERS WHO THEY HAVE REASON TO BELIEVE HAVE SUCH CONVICTIONS BEGINNING 1 JULY 2002, TO HQDA, OFFICE OF THE DEPUTY CHIEF OF STAFF, G-1, AT: DAPE-MPE@HQDA.ARMY.MIL.

C. UNIT STATUS REPORTING. COMMANDERS WILL CONTINUE TO ADD SOLDIERS IDENTIFIED AS NON DEPLOYABLE UNDER THIS POLICY TO USR REPORTING. PERSONNEL IDENTIFIED WILL BE ADDED TO NON DEPLOYABLE TOTAL UNDER THE CODE LA IAW AR 220-1, CHAPTER 4, PARAGRAPH 10, SUB PARAGRAPH E (PSPER NON-AVAILABLE REPORT).

7. NO ACTION OTHER THAN THAT SPECIFIED IN THIS MESSAGE IS REQUIRED PENDING FURTHER GUIDANCE FROM HQDA. POINTS OF CONTACT FOR HQDA ARE MAJ CARR AT DSN 224-7251, COMMERCIAL (703) 614-7251 OR EMAIL (DOUGLAS.CARR@HQDA.ARMY.MIL) OR COL MANSKE AT DSN 224-7299, COMMERCIAL (703) 614-7299 OR EMAIL (ELTON.MANSKE@HQDA.ARMY.MIL)