

116TH CONGRESS
1ST SESSION

S. 3130

To amend titles 10 and 18, to permit members of the Armed Forces to possess firearms on military installations in accordance with applicable State law, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2019

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

A BILL

To amend titles 10 and 18, to permit members of the Armed Forces to possess firearms on military installations in accordance with applicable State law, 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. SHORT TITLE.**

4 This Act may be cited as the “Servicemembers Self-
5 Defense Act of 2019”.

1 **SEC. 2. FIREARMS PERMITTED ON DEPARTMENT OF DE-**
 2 **FENSE PROPERTY.**

3 Section 930(g)(1) of title 18, United States Code, is
 4 amended—

5 (1) by striking “The term ‘Federal facility’
 6 means” and inserting the following: “The term ‘Fed-
 7 eral facility’—

8 “(A) means”;

9 (2) by striking the period at the end and insert-
 10 ing “; and”; and

11 (3) by adding at the end the following:

12 “(B) with respect to a qualified member of
 13 the Armed Forces, as defined in section
 14 926D(a), does not include any land, a building,
 15 or any part thereof owned or leased by the De-
 16 partment of Defense.”.

17 **SEC. 3. LAWFUL POSSESSION OF FIREARMS ON MILITARY**
 18 **INSTALLATIONS BY MEMBERS OF THE**
 19 **ARMED FORCES.**

20 (a) MODIFICATION OF GENERAL ARTICLE.—Section
 21 934 of title 10, United States Code (article 134 of the
 22 Uniform Code of Military Justice), is amended—

23 (1) by inserting “(a) IN GENERAL.—” before
 24 “Though not specifically mentioned”; and

25 (2) by adding at the end the following new sub-
 26 section:

1 “(b) POSSESSION OF A FIREARM.—The possession of
 2 a concealed or open carry firearm by a member of the
 3 Armed Forces subject to this chapter on a military instal-
 4 lation, if lawful under the laws of the State in which the
 5 installation is located, is not an offense under this sec-
 6 tion.”.

7 (b) MODIFICATION OF REGULATIONS.—Not later
 8 than 30 days after the date of the enactment of this Act,
 9 the Secretary of Defense shall amend Department of De-
 10 fense Directive number 5210.56 to provide that members
 11 of the Armed Forces may possess firearms for defensive
 12 purposes on facilities and installations of the Department
 13 of Defense in a manner consistent with the laws of the
 14 State in which the facility or installation concerned is lo-
 15 cated.

16 **SEC. 4. CARRYING OF CONCEALED FIREARMS BY QUALI-**
 17 **FIED MEMBERS OF THE ARMED FORCES.**

18 (a) IN GENERAL.—Chapter 44 of title 18, United
 19 States Code, is amended by inserting after section 926C
 20 the following:

21 **“§ 926D. Carrying of concealed firearms by qualified**
 22 **members of the Armed Forces**

23 “(a) DEFINITIONS.—As used in this section—

24 “(1) the term ‘firearm’—

1 “(A) except as provided in this paragraph,
2 has the same meaning as in section 921;

3 “(B) includes ammunition not expressly
4 prohibited by Federal law or subject to the pro-
5 visions of the National Firearms Act; and

6 “(C) does not include—

7 “(i) any machinegun (as defined in
8 section 5845 of the National Firearms
9 Act);

10 “(ii) any firearm silencer; or

11 “(iii) any destructive device; and

12 “(2) the term ‘qualified member of the Armed
13 Forces’ means an individual who—

14 “(A) is a member of the Armed Forces on
15 active duty status, as defined in section
16 101(d)(1) of title 10;

17 “(B) is not the subject of disciplinary ac-
18 tion under the Uniform Code of Military Jus-
19 tice;

20 “(C) is not under the influence of alcohol
21 or another intoxicating or hallucinatory drug or
22 substance; and

23 “(D) is not prohibited by Federal law from
24 receiving a firearm.

1 “(b) AUTHORIZATION.—Notwithstanding any provi-
 2 sion of the law of any State or any political subdivision
 3 thereof, an individual who is a qualified member of the
 4 Armed Forces and who is carrying identification required
 5 by subsection (d) may carry a concealed firearm that has
 6 been shipped or transported in interstate or foreign com-
 7 merce, subject to subsection (c).

8 “(c) LIMITATIONS.—This section shall not be con-
 9 strued to supersede or limit the laws of any State that—
 10 “(1) permit private persons or entities to pro-
 11 hibit or restrict the possession of concealed firearms
 12 on their property; or

13 “(2) prohibit or restrict the possession of fire-
 14 arms on any State or local government property, in-
 15 stallation, building, base, or park.

16 “(d) IDENTIFICATION.—The identification required
 17 by this subsection is the photographic identification issued
 18 by the Department of Defense for the qualified member
 19 of the Armed Forces.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 21 The table of sections for chapter 44 of title 18, United
 22 States Code, is amended by inserting after the item relat-
 23 ing to section 926C the following:

“926D. Carrying of concealed firearms by qualified members of the Armed
 Forces.”.

