

## **Guns in National Parks**

*Prepared by  
Law Enforcement Services, LLC*



### **December 2008**

The Bush administration finalized a rule to allow loaded, concealed firearms in all national parks except those located in two states: Wisconsin and Illinois, which do not permit concealed weapons. The former rule, put in place by the Reagan administration, required that firearms transported through national parks be safely stowed and unloaded. The new rule requires national parks to adopt the state law where they are located. Therefore, if a law-abiding citizen is legal to carry a concealed firearm in the state where the national park is located – they are legal to carry in the national park.

### **December 30, 2008**

The Brady Campaign filed suit to block the Bush administration rule.

### **January 9, 2009**

The Bush administration rule change takes effect before President Obama is sworn in.

### **March 19, 2009**

Federal Judge Colleen Kollar-Kotelly of the U.S. District Court for the District of Columbia granted an injunction March 19, 2009, finding that the Bush Administration's last-minute guns in parks rule was a product of an "astoundingly flawed process," and that the Brady Campaign was "highly likely to prevail" in showing that the rule was illegal. The suit charged that the Interior Department violated numerous federal laws in its rush to implement the rule before President Bush left office, including failing to conduct any environmental review of the harm that the rule will cause, as is required by the National Environmental Policy Act.

### **April 30, 2009**

**H.R. 627: Credit Card Accountability Responsibility and Disclosure Act of 2009** passed in the House of Representatives by roll call vote. The totals were 357 Ayes, 70 Nays, 7 Present/Not Voting.

### **May 12, 2009**

**H.R. 627: Credit Card Accountability Responsibility and Disclosure Act of 2009** was amended by Oklahoma Senator Tom Coburn (Republican), to allow legal citizens the right to carry loaded firearms at National Parks. Permission to carry a firearm into a park and the actual restrictions on such possession will vary by state, since the new federal law is governed by each state's firearms laws, exactly the same as the Bush administration rule did.

*Senator Coburn's amendment reads as follows:*

#### **SEC. 512. PROTECTING AMERICANS FROM VIOLENT CRIME.**

(a) Congressional findings.—

Congress finds the following:

- (1) The Second Amendment to the Constitution provides that "the right of the people to keep and bear Arms, shall not be infringed".
- (2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that "except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net".
- (3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not "possess, use, or transport firearms on national wildlife refuges" of the United States Fish and Wildlife Service.
- (4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—
  - (A) the National Park System; and
  - (B) the National Wildlife Refuge System.
- (5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.
- (6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) *The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.*

(b) *Protecting the right of individuals To bear arms in units of the National Park System and the National Wildlife Refuge System.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—*

*(1) the individual is not otherwise prohibited by law from possessing the firearm; and*

*(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.* *(Italic added by Law Enforcement Services, LLC)*



### **May 19, 2009**

**H.R. 627: Credit Card Accountability Responsibility and Disclosure Act of 2009**, passed in the Senate by roll call vote which included **Section 512, Protecting Americans From Violent Crime**. The totals were 90 Ayes, 5 Nays, 4 Present/Not Voting.

### **May 20, 2009**

**H.R. 627: Credit Card Accountability Responsibility and Disclosure Act of 2009**, passed in the House by roll call vote which included **Section 512, Protecting Americans From Violent Crime**. A total of 105 Democrats joined 174 Republicans in supporting the gun measure. The final vote was 279-147.

### **May 22, 2009**

President Obama signed the **Credit Card Accountability Responsibility and Disclosure Act of 2009, (Public Law No: 111-24)**. Also know as the **Credit CARD Act of 2009**, this new federal law has an effective date nine months from the date of the President's signature – **February 22, 2010**.

### **July 31, 2009**

Federal Judge Kollar-Kotelly permanently vacated her March 19, 2009 ruling, allowing the new federal law passed by Congress May 22, 2009, to take effect on February 22, 2010.

### **October 25, 2009**

The Financial Services Committee unanimously passed **H.R. 3639, the Expedited CARD Reform for Consumers Act of 2009**, which would move up the effective date for credit card reforms from February 22, 2010 to December 1, 2009. The bill, sponsored by Rep. Carolyn Maloney (D-NY) and Financial Services Committee Chairman Barney Frank (D-MA), changes the date by which banks and credit card issuers would have to comply with the **Credit Card Accountability Responsibility and Disclosure Act of 2009, (Public Law No: 111-24)**.

### **November 4, 2009**

**H.R. 3639, the Expedited CARD Reform for Consumers Act of 2009**, passed in the House of Representatives by roll call vote. The totals were 331 Ayes, 92 Nays, 9 Present/Not Voting.

### **December 23, 2009**

**H.R. 3639, the Expedited CARD Reform for Consumers Act of 2009**, was read twice in the Senate and then referred to the Committee on Banking, Housing, and Urban Affairs where it has remained – stuck in committee.

### **February 22, 2010**

Beginning February 22, 2010, legal conceal carry permit holders may exercise Second Amendment rights to keep and bear arms in national parks and wildlife refuges.