

110TH CONGRESS
2D SESSION

H. R. 5646

To protect the second amendment rights of individuals to carry firearms and ammunition in units of the National Park System and the National Wildlife Refuge System and to require that hunting activities be a land use in all management plans for Federal land to the extent that such use is not clearly incompatible with the purposes for which the Federal land is managed.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2008

Mr. BROUN of Georgia (for himself, Mr. ENGLISH of Pennsylvania, Mr. HENSARLING, Mr. BILBRAY, Mr. BURTON of Indiana, Mr. KING of Iowa, Ms. FALLIN, Mr. MILLER of Florida, Mr. DAVID DAVIS of Tennessee, Mrs. MUSGRAVE, Mr. GINGREY, Mr. GOODE, and Mr. GARRETT of New Jersey) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To protect the second amendment rights of individuals to carry firearms and ammunition in units of the National Park System and the National Wildlife Refuge System and to require that hunting activities be a land use in all management plans for Federal land to the extent that such use is not clearly incompatible with the purposes for which the Federal land is managed.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting the Second
3 Amendment and Hunting Rights on Federal Lands Act
4 of 2008”.

5 **SEC. 2. POSSESSING OR CARRYING FIREARMS AND AMMU-**
6 **NITION IN UNITS OF THE NATIONAL PARK**
7 **SYSTEM AND THE NATIONAL WILDLIFE REF-**
8 **UGE SYSTEM.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) The second amendment to the Constitution
11 of the United States provides that “the right of the
12 people to keep and bear Arms, shall not be in-
13 fringed”.

14 (2) People in the United States use firearms
15 over 2,000,000 times a year for self-defense.

16 (3) States that have enacted legislation expand-
17 ing the rights of residents to use firearms for self-
18 defense have witnessed a decrease in firearm-related
19 crime.

20 (4) As of the date of enactment of this Act,
21 Federal regulations generally prohibit persons from
22 possessing firearms in units of the National Park
23 System and the National Wildlife Refuge System.

24 (5) The regulations described in paragraph (4)
25 often prevent an individual complying with Federal
26 and State laws from exercising such individual’s sec-

1 ond amendment rights while in units of the National
2 Park System or the National Wildlife Refuge Sys-
3 tem.

4 (6) Laws relating to the transportation and
5 possession of firearms in units of the National Park
6 System and the National Wildlife Refuge System are
7 often different than the laws of the State such units
8 of the National Park System or the National Wild-
9 life Refuge System are located in, entrapping other-
10 wise law-abiding gun owners while in units of the
11 National Park System and the National Wildlife
12 Refuge System.

13 (7) Federal law should clarify that the second
14 amendment rights of an individual in a unit of the
15 National Park System or the National Wildlife Ref-
16 uge System will not be infringed.

17 (b) PROTECTING THE RIGHT OF AN INDIVIDUAL TO
18 KEEP AND BEAR FIREARMS AND AMMUNITION IN UNITS
19 OF THE NATIONAL PARK SYSTEM AND THE NATIONAL
20 WILDLIFE REFUGE SYSTEM.—No Federal regulation
21 shall restrict any individual from possessing or carrying
22 a firearm or ammunition if that restriction is based in
23 whole or in part upon the fact that the individual is in
24 a unit of the National Park System or the National Wild-
25 life Refuge System.

1 **SEC. 3. HUNTING ON FEDERAL LAND.**

2 (a) PURPOSE.—The purpose of this section is to re-
3 quire that hunting activities be a land use in all manage-
4 ment plans for Federal land to the extent that such use
5 is not clearly incompatible with the purposes for which the
6 Federal land is managed.

7 (b) HUNTING ALLOWED UNLESS INCOMPATIBLE.—
8 When developing or considering approval of a manage-
9 ment plan (or any amendment to such a management
10 plan) for any Federal land, the head of the agency with
11 jurisdiction over such Federal land shall ensure that hunt-
12 ing activities are allowed as a use of such land to the ex-
13 tent that such use is not clearly incompatible with the pur-
14 poses for which the Federal land is managed.

15 (c) PUBLICATION OF REASONS FOR NOT ALLOWING
16 HUNTING.—If hunting activities are not allowed or are re-
17 stricted on Federal land, the head of the agency with juris-
18 diction over such Federal land shall include in the man-
19 agement plan for that Federal land the specific reason
20 that hunting activities are not allowed or are restricted.
21 Allowing contract or quota thinning of wildlife shall not
22 constitute allowing unrestricted hunting. For the purposes
23 of this subsection, a fee charged by any entity related to
24 hunting activities on Federal land under the jurisdiction
25 of the Secretary that is in excess of that needed to recoup

1 costs of management of the Federal land shall be deemed
2 to be a restriction on hunting.

3 (d) FEES.—Fees charged related to hunting activities
4 on Federal land shall be—

5 (1) retained by the head of the agency with ju-
6 risdiction over such Federal land to offset costs di-
7 rectly related to management of hunting on the Fed-
8 eral land upon which hunting activities related to the
9 fee are conducted; and

10 (2) limited to what the Secretary reasonably es-
11 timates to be necessary to offset costs directly re-
12 lated to management of hunting on the Federal land
13 upon which hunting activities related to the fee are
14 conducted.

15 (e) DEFINITIONS.—In this Act:

16 (1) HUNTING.—The term “hunting” includes
17 hunting, trapping, netting, and fishing.

18 (2) MANAGEMENT PLAN.—The term “manage-
19 ment plan” shall include a management plan, man-
20 agement contract, or other comprehensive plan for
21 the management or use of Federal land.

22 (f) APPLICABILITY.—This section shall apply to all
23 management plans developed, approved, or amended after
24 the date of the enactment of this section.

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