

## Calendar No. 1007

110TH CONGRESS  
2D SESSION**S. 3499**

To protect innocent Americans from violent crime in national parks.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2008

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To protect innocent Americans from violent crime in national parks.

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. USE OF FIREARMS IN UNITS OF THE NATIONAL**  
4                       **PARK SYSTEM AND THE NATIONAL WILDLIFE**  
5                       **REFUGE SYSTEM.**

6       (a) CONGRESSIONAL FINDINGS.—Congress finds the  
7       following:

1           (1) The Second Amendment to the Constitution  
2           provides that “the right of the people to keep and  
3           bear Arms, shall not be infringed”;

4           (2) Section 2.4(a)(1) of title 36, Code of Fed-  
5           eral Regulations, provides that “except as otherwise  
6           provided in this section and parts 7 (special regula-  
7           tions) and 13 (Alaska regulations), the following are  
8           prohibited: (i) Possessing a weapon, trap or net (ii)  
9           Carrying a weapon, trap or net (iii) Using a weapon,  
10          trap or net”;

11          (3) Section 27.42 of title 50, Code of Federal  
12          Regulations, provides that, except in special cir-  
13          cumstances, citizens of the United States may not  
14          “possess, use, or transport firearms on national  
15          wildlife refuges” of the United States Fish and  
16          Wildlife Service;

17          (4) The regulations described in paragraphs (2)  
18          and (3) prevent individuals complying with Federal  
19          and State laws from exercising the second amend-  
20          ment rights of the individuals while at units of—

21                  (A) the National Park System; and

22                  (B) the National Wildlife Refuge System;

23          (5) The existence of different laws relating to  
24          the transportation and possession of firearms at dif-  
25          ferent units of the National Park System and the

1 National Wildlife Refuge System entraps law-abiding  
2 gun owners while at units of the National Park Sys-  
3 tem and the National Wildlife Refuge System; and

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

8 (b) PROTECTING THE RIGHT OF INDIVIDUALS TO  
9 BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM  
10 AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The  
11 Secretary of the Interior shall not promulgate or enforce  
12 any regulation that prohibits an individual from pos-  
13 sessing a firearm including an assembled or functional  
14 firearm in any unit of the National Park System or the  
15 National Wildlife Refuge System if—

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

18 (2) the possession of the firearm is in compli-  
19 ance with the law of the State relating to the posses-  
20 sion of a firearm in a State park, State wildlife ref-  
21 uge, or similar unit of State land in the State in  
22 which the unit of the National Park System or the  
23 National Wildlife Refuge System, or that portion  
24 thereof, is located.

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110<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 3499**

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