

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

# H. R. 5434

To protect innocent Americans from violent crime in national parks.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2008

Mr. HENSARLING introduced the following bill; which was referred to the  
Committee on Natural Resources

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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. SHORT TITLE.**

4       This Act may be cited as the “Protecting Americans  
5       from Violent Crime Act of 2008”.

6       **SEC. 2. CONGRESSIONAL FINDINGS.**

7       Congress finds the following:

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

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

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

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

18                  (A) the National Park System; and

19                  (B) the National Wildlife Refuge System;

20          (5) The existence of different laws relating to  
21          the transportation and possession of firearms at dif-  
22          ferent units of the National Park System and the  
23          National Wildlife Refuge System entraps law-abiding  
24          gun owners while at units of the National Park Sys-  
25          tem and the National Wildlife Refuge System; and

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

5 **SEC. 3. PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR**  
6                           **ARMS IN UNITS OF THE NATIONAL PARK SYS-**  
7                           **TEM AND THE NATIONAL WILDLIFE REFUGE**  
8                           **SYSTEM.**

9           (a) IN GENERAL.—Except as provided in section 930  
10          of title 18, United States Code, the Secretary of the Inte-  
11          rior shall not promulgate or enforce any regulation that  
12          prohibits an individual from possessing, transporting, or  
13          carrying 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, transporting, or carrying the  
18                 firearm; and

19                 (2) the possession, transportation, or carrying  
20                 of the firearm is in compliance with the law gov-  
21                 erning possession, transportation, or carrying of fire-  
22                 arms in parks of the State in which the unit of the  
23                 National Park System or the National Wildlife Ref-  
24                 uge System is located.

1 (b) RULE OF CONSTRUCTION.—Nothing in this Act  
2 shall be construed to authorize—

3 (1) the taking of wildlife or fish, except as au-  
4 thorized by the Secretary; or

5 (2) the discharge of firearms without legal jus-  
6 tification or excuse, except as authorized by the Sec-  
7 retary.

8 (c) DEFINITION.—For purposes of this Act, the term  
9 “firearm” shall have the meaning given to it in section  
10 921(a)(3) of title 18, United States Code.

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