

National Park Service  
U.S. Department of the Interior  
Commercial Services Program



# Firearms in the Parks

*Implementation of Section 512, P.L. 111-24*

Concessions Management Advisory Board

March 2010

# What is P.L. 111-24



- The Credit Card Accountability, Responsibility and Disclosure Act of 2009
- Section 512 provides:
  - 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—
    - the individual is not otherwise prohibited by law from possessing the firearm; and
    - 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.

# How does this change practice in the parks?



- Prior regulations (36 CFR § 2.4) generally prohibited the possession and use of firearms
- There were exceptions to the prohibition on the possession of firearms (e.g., persons in charge of pack trains or saddle horses)
- The new law does not affect the prohibition on the use of firearms

# How does this affect Commercial Operators?



## ■ NPS Employees

- Department of the Interior regulation (43 CFR § 20.511) prohibits on-duty DOI employees from possession of firearms on property under the control of DOI
  - Exceptions for those who must possess firearms in the course of their official duties
- Off-duty employees may possess firearms on DOI-controlled lands under the same conditions applicable to members of the general public

# How does this affect Commercial Operators?



- Commercial Use Authorizations, Concession Contracts, and other Agreements and Permits
  - Possession of firearms by on-duty employees will be controlled by provisions in the contracts, agreements or permits
  - The general expectation is that on-duty employees of concessioners, contractors, and permittees will operate under the same policies as those for on-duty NPS employees
  - Superintendents must amend operating plans or issue letters directing commercial providers to operate under the same policies as those for NPS employees on official duty
  - Concessioners and commercial use authorization holders must determine how State and Federal firearms possession laws apply to their customers

# Commercial Provider Responsibilities



- On-duty employees
  - Prohibited from possessing firearms
  - Park superintendent may specifically allow upon the written request of the commercial provider
  
- Off-duty employees
  - Must refer to applicable State law
  - Existing NPS regulation permitted possession in “residential dwellings”
  
- Customers
  - Must refer to applicable State law

# Other Applicable Federal Laws



- No Firearms in Federal Facilities  
(18 U.S.C. 930(g)(1))
  - Generally prohibits possession of a firearm in a “Federal facility”
    - A building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties (e.g., visitor center or regularly scheduled NPS talks/tours)
- Aliens in the United States under nonimmigrant visas  
(18 U.S.C. 922(g)(5))

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