

Congress of the United States

Washington, DC 20515

[[DATE]]

The Honorable Daniel P. Driscoll
Secretary of the Army
U.S. Department of the Army
1500 Army Pentagon
Washington, DC 20310-1500

Dear Secretary Driscoll,

We are writing to ask that you instruct the United States Army Corps of Engineers (“USACE”) to immediately finalize and implement a long-proposed revision to USACE regulations governing the possession, transportation, and carrying of firearms and other weapons on USACE land.

Public lands in the United States form a complex, web-like environment, often spanning multiple agencies and jurisdictions, and without clear boundaries. Hikers on trails like the Appalachian Trail, boaters on shared waterways, or campers near federal borders frequently cross multiple times from one agency's domain to another, unbeknownst to them. And while most federal agencies respect the lawful exercise of Second Amendment rights on their managed lands, it is a different story for USACE-managed lands.

In 2009, an amendment was added to the *Credit Card Act of 2009*, that successfully repealed federal regulations restricting the possession of firearms on National Park Service lands.¹ This bipartisan measure transformed national parks into areas where law-abiding citizens could again exercise their Second Amendment rights free from arbitrary federal infringements. The Obama Administration refused to extend these protections to USACE-managed lands.

In 2011, another amendment modeled after the *Recreational Lands Self-Defense Act* (H.R. 1865) was included to the *Energy and Water Development and Related Agencies Appropriations Act*, aimed to repeal the USACE gun ban with respect to over 11.7 million acres of USACE-managed property, including 400 lake and river projects, 90,000 campsites, and 4,000 miles of trails.² This change would have left the carry of firearms to be governed by the laws of the state in which the USACE-managed property was located. The measure passed the House, but it failed in the Senate.

During the first Trump administration, the USACE proposed a rulemaking (**Docket No. COE-2018-0008**) to remove firearm restrictions on its managed lands.³ Although the public comment period concluded in June 2020, the extensive review process extended into the presidential transition. Upon taking office, the Biden Administration implemented a regulatory freeze, ultimately shifting policy priorities. Now, millions of public lands remain subject to outdated restrictions that other agencies abandoned long ago.

¹ National Parks Gun Ban: Coburn Amendment Passes Overwhelmingly (September 1, 2009) [National Parks Gun Ban: Coburn Amendment Passes Overwhelmingly \(September 1, 2009\) https://www.gunowners.org/a051309/](https://www.gunowners.org/a051309/)

² Gun Owners of America, Legislation Will Protect Gun Rights on Army Corps of Engineers Land (July 13, 2011), <https://www.gunowners.org/a07132011/>

³ Gun Owners of America, Trump Moving to Eliminate Gun Restrictions on Army Corps of Engineers Lands (June 11, 2020), <https://www.gunowners.org/na06112020/>

Finalizing this rule now would rectify this inconsistency and uphold the Second Amendment rights of Americans on USACE lands. Many constituents in our districts enjoy recreational activities on Corps-managed land and have reached out to express concerns over this restriction. These individuals' fish on Corps-managed waterways but are unable to lawfully carry a firearm for self-defense purposes. These are often remote, rural areas with no law-enforcement presence to deter or prosecute crime. Additionally, threats from wildlife are very real in these areas. An individual who is lawfully carrying a firearm should not be forced to disarm simply because they crossed an invisible federal line.

Given your background in both Army leadership and federal law enforcement oversight, you are uniquely positioned to resolve the regulatory inconsistency that has left USACE-managed lands as an outlier among federal agencies. We respectfully request responses to the following questions within 30 calendar days.

1. What is the current status of the proposed rule **COE-2018-0008**? Has the Department of the Army officially withdrawn this rulemaking, or does it remain on the unified regulatory agenda for future finalization?
2. Given that the USACE is the only major federal land management agency that still maintains a general prohibition on the lawful carry of firearms, does the Department consider regulatory alignment with the National Park Service and the Bureau of Land Management to be a priority?

Finalizing the proposed USACE rule would promote clarity and uniformity by standardizing federal policy for the lawful possession of firearms, consistent with applicable state law. We respectfully request the Corps finalize the promulgation and implementation of this proposed rule. This action would safeguard Second Amendment rights for millions and ensure federal lands remain accessible and safe for all law-abiding Americans who carry firearms for self-defense. Thank you for your attention to this critical matter. We look forward to your response.

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