

111TH CONGRESS  
1ST SESSION

# S. 1638

To permit Amtrak passengers to safely transport firearms and ammunition  
in their checked baggage.

---

## IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2009

Mr. WICKER (for himself, Mr. BROWNBACK, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## A BILL

To permit Amtrak passengers to safely transport firearms  
and ammunition in their checked baggage.

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 “Amtrak Secure Trans-  
5 portation of Firearms Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Second Amendment to the Constitution  
9 of the United States provides that “the right of the

1 people to keep and bear Arms, shall not be in-  
2 fringed”.

3 (2) The Supreme Court of the United States  
4 ruled, in *District of Columbia v. Heller*, that “the  
5 Second Amendment protects an individual right to  
6 possess a firearm . . . and to use that arm for tradi-  
7 tionally lawful purposes”.

8 (3) At one time, Amtrak accepted firearms in  
9 secure checked baggage.

10 (4) While airline passengers may transport fire-  
11 arms and ammunition in secure checked baggage  
12 when declared during the check-in process, Amtrak  
13 passengers are not permitted to transport firearms  
14 and ammunition in secure checked baggage.

15 (5) Law-abiding gun owners should not be pe-  
16 nalized for seeking alternative means of travel, par-  
17 ticularly on a federally subsidized rail line.

18 (6) Congress needs to ensure that Amtrak does  
19 not override the Second Amendment rights of law-  
20 abiding citizens.

21 **SEC. 3. SECURE TRANSPORTATION OF FIREARMS ON PAS-**  
22 **SENGER TRAINS.**

23 Section 24305 of title 49, United States Code, is  
24 amended by adding at the end the following:

1       “(g) SECURE TRANSPORTATION OF FIREARMS.—If  
2 an Amtrak station accepts checked baggage for a specific  
3 Amtrak route, an Amtrak passenger holding a ticket for  
4 such route shall be allowed to place an unloaded firearm  
5 or starter pistol in a checked bag on such route if—

6               “(1) before checking the bag or boarding the  
7 train, the passenger declares to Amtrak, either oral-  
8 ly or in writing, that the firearm is in his or her bag  
9 and is unloaded;

10              “(2) the firearm is carried in a hard-sided con-  
11 tainer;

12              “(3) such container is locked; and

13              “(4) only the passenger has the key or combina-  
14 tion for such container.

15       “(h) SMALL ARMS AMMUNITION.—An Amtrak pas-  
16 senger shall be allowed to place small arms ammunition  
17 for personal use in a checked bag on an Amtrak route  
18 if the ammunition is securely packed—

19              “(1) in fiber, wood, or metal boxes; or

20              “(2) in other packaging specifically designed to  
21 carry small amounts of ammunition.

22       “(i) APPLICABILITY.—Subsections (g) and (h) shall  
23 not apply in any fiscal year in which Amtrak does not re-  
24 ceive Federal financial assistance.”.

○