

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
104904	16 U.S.C. 171.	May 26, 1930, ch. 324, §10, 46 Stat. 383.

The word “Secretary” is substituted for “National Park Service” to reflect the transfer of functions of other officers, employees, and agencies of the Department of the Interior to the Secretary by sections 1 and 2 of Reorganization Plan No. 3 of 1950 (5 U.S.C. App.). The reference to section 16 of title 41 is omitted as obsolete because section 3744 of the Revised Statutes, classified to 41 U.S.C. 16, was repealed by the Act of October 21, 1941 (ch. 452, 55 Stat. 743).

§ 104905. Preparation of mats for reproduction of photographs

The Secretary shall prepare mats that may be used for the reproduction in magazines and newspapers of photographs of scenery in a System unit that, in the opinion of the Secretary, would be of interest to the people of the United States and foreign nations. The mats may be furnished, without charge and under regulations the Secretary may prescribe, to the publishers of magazines, newspapers, and any other publications that may carry photographic reproductions.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3168.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
104905	16 U.S.C. 458a.	Aug. 27, 1940, ch. 690, §1, 54 Stat. 861.

§ 104906. Protection of right of individuals to bear arms

(a) FINDINGS.—Congress finds the following:

(1) The 2d amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that “except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net”.

(3) The regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the 2d amendment rights of the individuals while at System units.

(4) The existence of different laws relating to the transportation and possession of firearms at different System units entrapped law-abiding gun owners while at System units.

(5) Although the Bush administration issued new regulations relating to the 2d amendment rights of law-abiding citizens in System units that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the Obama administration; and

(ii) may be altered.

(6) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the 2d amendment rights of law-abiding citizens on 83,600,000 acres of System land.

(7) Federal laws should make it clear that the 2d amendment rights of an individual at a System unit should not be infringed.

(b) PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS IN SYSTEM UNITS.—The Secretary shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, in any System unit if—

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

(2) the possession of the firearm is in compliance with the law of the State in which the System unit is located.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3168.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
104906	16 U.S.C. 1a–7b (relating to National Park System).	Pub. L. 111–24, title V, §512 (relating to National Park System), May 22, 2009, 123 Stat. 1764.

In subsection (a)(5)(B)(i), the words “the Obama administration” are substituted for “the administration” for clarity.

§ 104907. Limitation on extension or establishment of national parks in Wyoming

No extension or establishment of national parks in Wyoming may be undertaken except by express authorization of Congress.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3169.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
104907	16 U.S.C. 451a.	Sept. 14, 1950, ch. 950, §1 (proviso relating to national parks), 64 Stat. 849.

The word “further” is omitted as obsolete.

DIVISION B—SYSTEM UNITS AND RELATED AREAS—RESERVED

Subtitle II—Outdoor Recreation Programs

CHAPTER 2001—COORDINATION OF PROGRAMS

Sec.	
200101.	Findings and declaration of policy.
200102.	Definitions.
200103.	Authority of Secretary to carry out certain functions and activities.
200104.	Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan.

§ 200101. Findings and declaration of policy

Congress finds and declares it is desirable—

(1) that all American people of present and future generations be assured adequate outdoor recreation resources; and

(2) for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize those resources for the benefit and enjoyment of the American people.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3169.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
200101	16 U.S.C. 460l.	Pub. L. 88-29, §1, May 28, 1963, 77 Stat. 49.

A 21ST CENTURY STRATEGY FOR AMERICA'S GREAT OUTDOORS

Memorandum of President of the United States, Apr. 16, 2010, 75 F.R. 20767, provided:

Memorandum for the Secretary of the Interior[,] the Secretary of Agriculture[,] the Administrator of the Environmental Protection Agency[, and] the Chair of the Council on Environmental Quality

Americans are blessed with a vast and varied natural heritage. From mountains to deserts and from sea to shining sea, America's great outdoors have shaped the rugged independence and sense of community that define the American spirit. Our working landscapes, cultural sites, parks, coasts, wild lands, rivers, and streams are gifts that we have inherited from previous generations. They are the places that offer us refuge from daily demands, renew our spirits, and enhance our fondest memories, whether they are fishing with a grandchild in a favorite spot, hiking a trail with a friend, or enjoying a family picnic in a neighborhood park. They also are our farms, ranches, and forests—the working lands that have fed and sustained us for generations. Americans take pride in these places, and share a responsibility to preserve them for our children and grandchildren.

Today, however, we are losing touch with too many of the places and proud traditions that have helped to make America special. Farms, ranches, forests, and other valuable natural resources are disappearing at an alarming rate. Families are spending less time together enjoying their natural surroundings. Despite our conservation efforts, too many of our fields are becoming fragmented, too many of our rivers and streams are becoming polluted, and we are losing our connection to the parks, wild places, and open spaces we grew up with and cherish. Children, especially, are spending less time outside running and playing, fishing and hunting, and connecting to the outdoors just down the street or outside of town.

Across America, communities are uniting to protect the places they love, and developing new approaches to saving and enjoying the outdoors. They are bringing together farmers and ranchers, land trusts, recreation and conservation groups, sportsmen, community park groups, governments and industry, and people from all over the country to develop new partnerships and innovative programs to protect and restore our outdoors legacy. However, these efforts are often scattered and sometimes insufficient. The Federal Government, the Nation's largest land manager, has a responsibility to engage with these partners to help develop a conservation agenda worthy of the 21st Century. We must look to the private sector and nonprofit organizations, as well as towns, cities, and States, and the people who live and work in them, to identify the places that mean the most to Americans, and leverage the support of the Federal Government to help these community-driven efforts to succeed. Through these partnerships, we will work to connect these outdoor spaces to each other, and to reconnect Americans to them.

For these reasons, it is hereby ordered as follows:

SECTION 1. *Establishment.*

(a) There is established the America's Great Outdoors Initiative (Initiative), to be led by the Secretaries of the Interior and Agriculture, the Administrator of the Environmental Protection Agency, and the Chair of the Council on Environmental Quality (CEQ) and implemented in coordination with the agencies listed in section 2(b) of this memorandum. The Initiative may include the heads of other executive branch departments, agencies, and offices (agencies) as the President may, from time to time, designate.

(b) The goals of the Initiative shall be to:

(i) Reconnect Americans, especially children, to America's rivers and waterways, landscapes of national significance, ranches, farms and forests, great parks, and coasts and beaches by exploring a variety of efforts, including:

(A) promoting community-based recreation and conservation, including local parks, greenways, beaches, and waterways;

(B) advancing job and volunteer opportunities related to conservation and outdoor recreation; and

(C) supporting existing programs and projects that educate and engage Americans in our history, culture, and natural bounty.

(ii) Build upon State, local, private, and tribal priorities for the conservation of land, water, wildlife, historic, and cultural resources, creating corridors and connectivity across these outdoor spaces, and for enhancing neighborhood parks; and determine how the Federal Government can best advance those priorities through public private partnerships and locally supported conservation strategies.

(iii) Use science-based management practices to restore and protect our lands and waters for future generations.

SEC. 2. *Functions.* The functions of the Initiative shall include:

(a) *Outreach.* The Initiative shall conduct listening and learning sessions around the country where land and waters are being conserved and community parks are being established in innovative ways. These sessions should engage the full range of interested groups, including tribal leaders, farmers and ranchers, sportsmen, community park groups, foresters, youth groups, businesspeople, educators, State and local governments, and recreation and conservation groups. Special attention should be given to bringing young Americans into the conversation. These listening sessions will inform the reports required in subsection (c) of this section.

(b) *Interagency Coordination.* The following agencies shall work with the Initiative to identify existing resources and align policies and programs to achieve its goals:

(i) the Department of Defense;

(ii) the Department of Commerce;

(iii) the Department of Housing and Urban Development;

(iv) the Department of Health and Human Services;

(v) the Department of Labor;

(vi) the Department of Transportation;

(vii) the Department of Education; and

(viii) the Office of Management and Budget (OMB).

(c) *Reports.* The Initiative shall submit, through the Chair of the CEQ, the following reports to the President:

(i) Report on America's Great Outdoors. By November 15, 2010, the Initiative shall submit a report that includes the following:

(A) a review of successful and promising nonfederal conservation approaches;

(B) an analysis of existing Federal resources and programs that could be used to complement those approaches;

(C) proposed strategies and activities to achieve the goals of the Initiative; and

(D) an action plan to meet the goals of the Initiative.

The report should reflect the constraints in resources available in, and be consistent with, the Federal budg-

et. It should recommend efficient and effective use of existing resources, as well as opportunities to leverage nonfederal public and private resources and nontraditional conservation programs.

(ii) Annual reports. By September 30, 2011, and September 30, 2012, the Initiative shall submit reports on its progress in implementing the action plan developed pursuant to subsection (c)(i)(D) of this section.

SEC. 3. General Provisions.

(a) This memorandum shall be implemented consistent with applicable law and subject to the availability of any necessary appropriations.

(b) This memorandum does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(c) The heads of executive departments and agencies shall assist and provide information to the Initiative, consistent with applicable law, as may be necessary to carry out the functions of the Initiative. Each executive department and agency shall bear its own expenses of participating in the Initiative.

(d) Nothing in this memorandum shall be construed to impair or otherwise affect the functions of the Director of the OMB relating to budgetary, administrative, or legislative proposals.

(e) The Chair of the CEQ is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 200102. Definitions

As used in this chapter:

(1) **STATE.**—The term “State”, to the extent practicable, as determined by the Secretary, includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(2) **UNITED STATES.**—The term “United States”—

(A) includes the District of Columbia; and

(B) to the extent practicable, as determined by the Secretary, includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3169.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
200102	16 U.S.C. 460l–3.	Pub. L. 88–29, § 4, May 28, 1963, 77 Stat. 50; Pub. L. 96–205, title VI, § 608(c), Mar. 12, 1980, 94 Stat. 92.

The words “the Trust Territory of the Pacific Islands” are omitted as obsolete. See note at 48 U.S.C. prec. 1681. For continued application of certain laws of the United States in certain cases, see the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1801 note), the Compact of Free Association between the Government of the United States of America and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1901 note), and the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note). The words “as determined by the Secretary” are added to make it clear that it is the Secretary who determines if it is practicable to include the stated entities.

§ 200103. Authority of Secretary to carry out certain functions and activities

(a) **IN GENERAL.**—To carry out this chapter, the Secretary may perform the functions and activities described in this section.

(b) **INVENTORY AND EVALUATION.**—The Secretary may prepare and maintain a continuing inventory and evaluation of outdoor recreation needs and resources of the United States.

(c) **CLASSIFICATION SYSTEM.**—The Secretary may prepare a system for classification of outdoor recreation resources to assist in the effective and beneficial use and management of such resources.

(d) **RECREATION PLAN.**—The Secretary may formulate and maintain a comprehensive nationwide outdoor recreation plan, taking into consideration the plans of the various Federal agencies, States, and their political subdivisions. The plan shall set forth the needs and demands of the public for outdoor recreation and the current and foreseeable availability in the future of outdoor recreation resources to meet those needs. The plan shall identify critical outdoor recreation problems, recommend solutions, and recommend desirable actions to be taken at each level of government and by private interests. The Secretary shall submit the plan to the President for transmittal to Congress. Revisions of the plan shall be similarly transmitted at succeeding 5-year intervals. When a plan or revision is transmitted to the Congress, the Secretary shall transmit copies to the chief executive officials of the States.

(e) **TECHNICAL ASSISTANCE AND ADVICE.**—The Secretary may provide technical assistance and advice to and cooperate with States, political subdivisions, and private interests, including nonprofit organizations, with respect to outdoor recreation.

(f) **INTERSTATE AND REGIONAL COOPERATION.**—The Secretary may encourage interstate and regional cooperation in the planning, acquisition, and development of outdoor recreation resources.

(g) **RESEARCH, INFORMATION, AND EDUCATION PROGRAMS AND ACTIVITIES.**—The Secretary may—

(1) sponsor, engage in, and assist in research relating to outdoor recreation, directly or by contract or cooperative agreements, and make payments for such purposes without regard to the limitations of section 3324(a) and (b) of title 31 concerning advances of funds when the Secretary considers such action to be in the public interest;

(2) undertake studies and assemble information concerning outdoor recreation, directly or by contract or cooperative agreement, and disseminate the information without regard to section 3204 of title 39; and

(3) cooperate with educational institutions and others to assist in establishing education programs and activities and to encourage public use and benefits from outdoor recreation.

(h) **COOPERATION AND COORDINATION WITH FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—The Secretary may—

(A) cooperate with and provide technical assistance to Federal agencies and obtain from them information, data, reports, advice, and assistance that are needed and can reasonably be furnished in carrying out the purposes of this chapter; and

(B) promote coordination of Federal plans and activities generally relating to outdoor recreation.