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agement and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service. There shall also be in said service such subordinate officers, clerks, and employees as may be appropriated for by Congress. The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified, except such as are under the jurisdiction of the Secretary of the Army, as provided by law, by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

(Aug. 25, 1916, ch. 408, § 1, 39 Stat. 535; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; Pub. L. 104-333, div. I, title VIII, § 814(e)(1), Nov. 12, 1996, 110 Stat. 4196.)

CODIFICATION

Provisions relating to the pay of certain employees have been omitted as the pay of the employees is fixed pursuant to chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

AMENDMENTS

1996—Pub. L. 104-333 amended first sentence by substituting “who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service.” for original text which read “who shall be appointed by the Secretary and who shall receive a salary of \$4,500 per annum.”

CHANGE OF NAME

Office of National Parks, Buildings, and Reservations designated National Park Service by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-333, div. I, title VIII, § 814(e)(2), Nov. 12, 1996, 110 Stat. 4197, provided that: “The amendment made by subsection (a) [probably should be “paragraph (1)”, which amended this section] shall take effect on February 1, 1997, and shall apply with respect to the individual (if any) serving as the Director of the National Park Service on that date.”

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111-11, § 1(a), Mar. 30, 2009, 123 Stat. 991, provided that: “This Act [see Tables for classification]

may be cited as the ‘Omnibus Public Land Management Act of 2009.’”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-229, § 1(a), May 8, 2008, 122 Stat. 754, provided that: “This Act [see Tables for classification] may be cited as the ‘Consolidated Natural Resources Act of 2008.’”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-352, § 1, Oct. 21, 2004, 118 Stat. 1395, provided that: “This Act [amending sections 1a-6, 392c, 410ggg, 410ggg-1, 430h-11, 460kkk, 470h-2, 698u-4, 1244, 1249, and 1274 of this title, enacting provisions set out as notes under this section and section 502 of Title 40, Public Buildings, Property, and Works, and amending provisions listed in a table of National Historic Sites and a table of National Heritage Areas set out under section 461 of this title and a table of Commemorative Works set out under section 8903 of Title 40] may be cited as the ‘National Park System Laws Technical Amendments Act of 2004.’”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-236, § 1, Oct. 9, 2002, 116 Stat. 1483, provided that: “This Act [amending section 460kk of this title] may be cited as the ‘Santa Monica Mountains National Recreation Area Boundary Adjustment Act.’”

SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106-510, § 1, Nov. 13, 2000, 114 Stat. 2363, provided that: “This Act [amending sections 391b, 391d, 392c, 396b, 396c, 396d, 397 to 397b, 397d, and 1244 of this title and section 1026 of Title 30, Mineral Lands and Mining, enacting provisions set out as notes under sections 391d, 396b, 396d, and 397 of this title, and amending provisions set out as notes under sections 1a-1 and 391 of this title, section 1005 of Title 30, provisions listed in a table of National Historic Sites set out under section 461 of this title, and provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the ‘Hawaii Volcanoes National Park Adjustment Act of 2000.’”

Pub. L. 106-176, § 1(a), Mar. 10, 2000, 114 Stat. 23, provided that: “This Act [see Tables for classification] may be cited as the ‘Omnibus Parks Technical Corrections Act of 2000.’”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-391, title III, § 301, Nov. 13, 1998, 112 Stat. 3501, provided that: “This title [amending section 1a-5 of this title and enacting provisions set out as a note under section 1a-5 of this title] may be cited as the ‘National Park System New Areas Studies Act.’”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-333, § 1, Nov. 12, 1996, 110 Stat. 4093, provided that: “This Act [see Tables for classification] may be cited as the ‘Omnibus Parks and Public Lands Management Act of 1996.’”

SHORT TITLE OF 1983 AMENDMENT

Pub. L. 98-141, § 1, Oct. 31, 1983, 97 Stat. 909, provided: “That this Act [amending sections 459b-8, 459g-7, and 460x-14 of this title and sections 872, 874, 875, 880, and 885 of former Title 40, Public Buildings, Property, and Works, repealing section 433e of this title, and amending provisions set out as a note under section 433c of this title] may be cited as the ‘Public Lands and National Parks Act of 1983.’”

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-625, § 1, Nov. 10, 1978, 92 Stat. 3467, provided that: “This Act [enacting chapter 45 and sections 45f, 230 to 230i, 241g, 396d, 410y-1a, 441e-1, 459c-6b, 460m-15 to 460m-25, 460kk, 471i, and 1285a of this title, amending sections 1a-5, 1a-7, 273f, 282c, 283e, 397 to 397d, 410y-6, 410z, 410z-1, 430mm, 450mm-1, 450qq-4, 459c-1, 459c-5,

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SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-383, §14, as added by Pub. L. 108-352, §10(b), Oct. 21, 2004, 118 Stat. 1397, provided that: “This Act [enacting sections 1a-1 to 1a-7a of this title, amending sections 1b, 1c, 17j, 460n-5, 463, 470a, and 559 of this title, and repealing sections 10, 10a, 17b-1, and 415 of this title] may be cited as the ‘National Park System General Authorities Act’.”

SHORT TITLE

Act Aug. 25, 1916, ch. 408, §5, as added by Pub. L. 108-352, §10(a), Oct. 21, 2004, 118 Stat. 1397, provided that: “This Act [enacting this section and sections 2, 3, and 4 of this title and amending sections 22 and 43 of this title and section 1457 of Title 43, Public Lands] may be cited as the ‘National Park Service Organic Act’.”

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator, and functions of Commissioner of Public Buildings, and Public Buildings Administration, transferred to Administrator of General Services by act June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380. Federal Works Agency, Office of Federal Works Administrator, Office of Commissioner of Public Buildings, and Public Building Administration abolished by section 103(b) of that act. See Historical and Revision Notes under section 303(b) of Title 40, Public Buildings, Property, and Works. Section 303(b) of Title 40 was amended generally by Pub. L. 109-313, §2(a)(1), Oct. 6, 2006, 120 Stat. 1734, and, as so amended, no longer relates to the Federal Works Agency and Commissioner of Public Buildings. See 2006 Amendment note under section 303 of Title 40.

Branch of Buildings Management of National Park Service in Department of the Interior and its functions and personnel, except those relating to monuments and memorials, and certain functions of National Park Service in connection with public buildings in District of Columbia, together with personnel engaged exclusively in such functions, transferred to Public Buildings Administration, and functions of Secretary of the Interior and Director of National Park Service relating thereto transferred to Federal Works Administrator by Reorg. Plan No. I of 1939, §§301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1427, set out in the Appendix to Title 5.

Mount Rushmore National Memorial Commission and its functions transferred to National Park Service by Reorg. Plan No. II of 1939, §4(i), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1434, set out in the Appendix to Title 5.

Functions of administration of public buildings, reservations, national parks, national monuments, and national cemeteries, including those with respect to enumerated national cemeteries and parks of War Department located within continental limits of United States, consolidated, with certain exceptions, in National Park Service in Department of the Interior by

Ex. Ord. No. 6166, set out as a note under section 901 of Title 5. Cemeteries and parks located outside of continental United States remained under War Department.

NATIONAL PARK POLICE DRUG ENFORCEMENT SUPPLEMENTAL AUTHORITY ACT

Pub. L. 99-570, title V, subtitle B (§§5051, 5052), Oct. 27, 1986, 100 Stat. 3207-156, as amended by Pub. L. 100-690, title VI, §6254(d)(2), Nov. 18, 1988, 102 Stat. 4365, provided that:

“SEC. 5051. SHORT TITLE.

“This subtitle may be cited as the ‘National Park Police Drug Enforcement Supplemental Authority Act’.

“SEC. 5052. NATIONAL PARK AUTHORIZATION.

“In order to improve Federal law enforcement activities relating to the use and production of narcotics and controlled substances in National Park System units, from amounts appropriated there shall be made available to the Secretary of the Interior, in addition to sums made available under other authority of law, \$3,000,000 for fiscal year 1989, and for each fiscal year thereafter, to be used for the employment and training of officers or employees of the Department of the Interior designated pursuant to section 10(b) of the Act of August 18, 1970 (16 U.S.C. 1a-6), for equipment and facilities to be used by such personnel, and for expenses related to such employment, training, equipment, and facilities.”

CODIFICATION OF LAWS RELATING TO UNITED STATES PARK POLICE; FEASIBILITY STUDY AND REPORT BY SECRETARY OF THE INTERIOR

Pub. L. 94-533, §3, Oct. 17, 1976, 90 Stat. 2494, directed Secretary of the Interior to submit to Congress not later than one year after Oct. 17, 1976, a report on feasibility and desirability of enacting as a part of United States Code those provisions concerning powers, duties, functions, salaries, and benefits of officers and members of the United States Park Police force which presently are contained in several statutes and are compiled in District of Columbia Code.

NATIONAL PARK CENTENNIAL COMMISSION

Pub. L. 91-332, July 10, 1970, 84 Stat. 427, provided that 1972 was to be designated by President as “National Parks Centennial Year”, in recognition in 1872 of establishment of world’s first national park at Yellowstone. There was also established a National Park Centennial Commission, composed of four members of Senate, four members of House, Secretary of the Interior, and six persons to be appointed by President. The Commission was empowered to prepare a suitable plan for commemoration of establishment of Yellowstone, to coordinate all activities under such plan, and to provide host services for a world conference on National Parks in 1972. The Commission was to submit a final report of its activities, including an accounting of funds received and expended, to Congress, not later than Dec. 31, 1973, and was to cease to exist upon submission of said report.

§ 1a. Repealed. June 25, 1948, ch. 646, §39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act June 28, 1938, ch. 778, §1, 52 Stat. 1213, related to residence of United States Commissioners [now magistrate judges].

§ 1a-1. National Park System: administration; declaration of findings and purpose

Congress declares that the national park system, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions;

that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system. Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 1c of this title, shall be consistent with and founded in the purpose established by section 1 of this title, to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.

(Pub. L. 91-383, §1, Aug. 18, 1970, 84 Stat. 825; Pub. L. 95-250, title I, §101(b), Mar. 27, 1978, 92 Stat. 166.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 91-383, Aug. 18, 1970, 84 Stat. 825, as amended, known as the "National Park System General Authorities Act". As originally enacted, Pub. L. 91-383 contained sections 1 to 4, the first 3 of which enacted sections 1a-1 and 1a-2 and amended sections 1b and 1c of this title. Pub. L. 94-458 amended Pub. L. 91-383 by adding sections 5 to 12, which enacted sections 1a-3 to 1a-7, amended sections 17j, 460n-5, 463, 470a, and 559, and repealed sections 10, 10a, 17b-1, and 415 of this title. Pub. L. 103-322 amended Pub. L. 91-383 by adding section 13, which enacted section 1a-7a of this title. For complete classification of this Act to the Code, see Short Title of 1970 Amendment note set out under section 1 of this title and Tables.

AMENDMENTS

1978—Pub. L. 95-250 provided that the promotion and regulation of the various areas of the National Park System, as defined in section 1c of this title, be consistent with and founded in the purpose established by section 1 of this title, to the common benefit of all the people of the United States, and that the authorization of activities be construed and the protection, management, and administration of these areas be conducted in light of the high public value and integrity of the National Park System and not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.

SPECIAL EVENTS AT NATIONAL MALL

Pub. L. 108-108, title I, §145, Nov. 10, 2003, 117 Stat. 1280, provided that: "None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of

structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: *Provided*, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term 'special event' shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations."

STUDY OF AIR TRAFFIC OVER GRAND CANYON

Pub. L. 102-581, title I, §134, Oct. 31, 1992, 106 Stat. 4887, provided that:

"(a) STUDY.—The Administrator of the Federal Aviation Administration, in consultation with the Director of the National Park Service, the State of Arizona, the State of Nevada, the Clark County Department of Aviation, affected Indian tribes, and the general public, shall conduct a study on increased air traffic over Grand Canyon National Park.

"(b) REPORT.—The Administrator of the Federal Aviation Administration shall submit to Congress a report on the results of the study conducted under subsection (a). The report shall include the following:

"(1) A report on the increase in air traffic over Grand Canyon National Park since 1987.

"(2) A forecast of the increase in air traffic over Grand Canyon National Park through 2010.

"(3) A report on the carrying capacity of the airspace over Grand Canyon National Park to ensure aviation safety and to meet the requirements established by section 3 of the Act of August 18, 1987 (Public Law 100-91; 101 Stat. 676) [set out below], including the substantial restoration of natural quiet at the Park.

"(4) A plan of action to manage increased air traffic over Grand Canyon National Park to ensure aviation safety and to meet the requirements established by such section 3 of the Act of August 18, 1987, including any measures to encourage or require the use of quiet aircraft technology by commercial air tour operators."

REMOVAL OF FERAL BURROS AND HORSES FROM DEATH VALLEY NATIONAL MONUMENT

Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1384, provided in part: "That in fiscal year 1993 and thereafter, the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses".

STUDY TO DETERMINE APPROPRIATE MINIMUM ALTITUDE FOR AIRCRAFT FLYING OVER NATIONAL PARK SYSTEM UNITS

Pub. L. 100-91, Aug. 18, 1987, 101 Stat. 674, as amended by Pub. L. 106-510, §3(a)(2), (b)(2), Nov. 13, 2000, 114 Stat. 2363, provided that:

"SECTION 1. STUDY OF PARK OVERFLIGHTS.

"(a) STUDY BY PARK SERVICE.—The Secretary of the Interior (hereinafter referred to as the 'Secretary'), acting through the Director of the National Park Service, shall conduct a study to determine the proper minimum altitude which should be maintained by aircraft when flying over units of the National Park System. The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration (hereinafter referred to as the 'Administrator'), shall provide technical assistance to the Secretary in carrying out the study.

"(b) GENERAL REQUIREMENTS OF STUDY.—The study shall identify any problems associated with overflight by aircraft of units of the National Park System and shall provide information regarding the types of over-

flight which may be impacting on park unit resources. The study shall distinguish between the impacts caused by sightseeing aircraft, military aircraft, commercial aviation, general aviation, and other forms of aircraft which affect such units. The study shall identify those park system units, and portions thereof, in which the most serious adverse impacts from aircraft overflights exist.

“(c) SPECIFIC REQUIREMENTS.—The study under this section shall include research at the following units of the National Park System: Cumberland Island National Seashore, Yosemite National Park, Hawai'i Volcanoes National Park, Haleakalā National Park, Glacier National Park, and Mount Rushmore National Memorial, and at no less than four additional units of the National Park System, excluding all National Park System units in the State of Alaska. The research at each such unit shall provide information and an evaluation regarding each of the following:

“(1) the impacts of aircraft noise on the safety of the park system users, including hikers, rock-climbers, and boaters;

“(2) the impairment of visitor enjoyment associated with flights over such units of the National Park System;

“(3) other injurious effects of overflights on the natural, historical, and cultural resources for which such units were established; and

“(4) the values associated with aircraft flights over such units of the National Park System in terms of visitor enjoyment, the protection of persons or property, search and rescue operations and firefighting.

Such research shall evaluate the impact of overflights by both fixed-wing aircraft and helicopters. The research shall include an evaluation of the differences in noise levels within such units of the National Park System which are associated with flight by commonly used aircraft at different altitudes. The research shall apply only to overflights and shall not apply to landing fields within, or adjacent to, such units.

“(d) REPORT TO CONGRESS.—The Secretary shall submit a report to the Congress within 3 years after the enactment of this Act [Aug. 18, 1987] containing the results of the study carried out under this section. Such report shall also contain recommendations for legislative and regulatory action which could be taken regarding the information gathered pursuant to paragraphs (1) through (4) of subsection (c). Before submission to the Congress, the Secretary shall provide a draft of the report and recommendations to the Administrator for review. The Administrator shall review such report and recommendations and notify the Secretary of any adverse effects which the implementation of such recommendations would have on the safety of aircraft operations. The Administrator shall consult with the Secretary to resolve issues relating to such adverse effects. The final report shall include a finding by the Administrator that implementation of the recommendations of the Secretary will not have adverse effects on the safety of aircraft operations, or if the Administrator is unable to make such finding, a statement by the Administrator of the reasons he believes the Secretary's recommendations will have an adverse effect on the safety of aircraft operations.

“(e) FAA REVIEW OF RULES.—The Administrator shall review current rules and regulations pertaining to flights of aircraft over units of the National Park System at which research is conducted under subsection (c) and over any other such units at which such a review is determined necessary by the Administrator or is requested by the Secretary. In the review under this subsection, the Administrator shall determine whether changes are needed in such rules and regulations on the basis of aviation safety. Not later than 180 days after the identification of the units of the National Park System for which research is to be conducted under subsection (c), the Administrator shall submit a report to Congress containing the results of the review along with recommendations for legislative and regulatory action which are needed to implement any such changes.

“(f) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the studies and review under this section.

“SEC. 2. FLIGHTS OVER YOSEMITE AND HALEAKALĀ DURING STUDY AND REVIEW.

“(a) YOSEMITE NATIONAL PARK.—During the study and review periods provided in subsection (c), it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude of less than 2,000 feet over the surface of Yosemite National Park. For purposes of this subsection, the term ‘surface’ refers to the highest terrain within the park which is within 2,000 feet laterally of the route of flight and with respect to Yosemite Valley such term refers to the upper-most rim of the valley.

“(b) HALEAKALĀ NATIONAL PARK.—During the study and review periods provided in subsection (c), it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude below 9,500 feet above mean sea level over the surface of any of the following areas in Haleakalā National Park: Haleakala Crater, Crater Cabins, the Scientific Research Reserve, Halemau Trail, Kaupo Gap Trail, or any designated tourist viewpoint.

“(c) STUDY AND REVIEW PERIODS.—For purposes of subsections (a) and (b), the study period shall be the period of the time after the date of enactment of this Act [Aug. 18, 1987] and prior to the submission of the report under section 1. The review period shall comprise a 2-year period for Congressional review after the submission of the report to Congress.

“(d) EXCEPTIONS.—The prohibitions contained in subsections (a) and (b) shall not apply to any of the following:

“(1) emergency situations involving the protection of persons or property, including aircraft;

“(2) search and rescue operations;

“(3) flights for purposes of firefighting or for required administrative purposes; and

“(4) compliance with instructions of an air traffic controller.

“(e) ENFORCEMENT.—For purposes of enforcement, the prohibitions contained in subsections (a) and (b) shall be treated as requirements established pursuant to section 307 of the Federal Aviation Act of 1958 [see 49 U.S.C. 40103(b)]. To provide information to pilots regarding the restrictions established under this Act, the Administrator shall provide public notice of such restrictions in appropriate Federal Aviation Administration publications as soon as practicable after the enactment of this Act [Aug. 18, 1987].

“SEC. 3. GRAND CANYON NATIONAL PARK.

“(a) Noise associated with aircraft overflights at the Grand Canyon National Park is causing a significant adverse effect on the natural quiet and experience of the park and current aircraft operations at the Grand Canyon National Park have raised serious concerns regarding public safety, including concerns regarding the safety of park users.

“(b) RECOMMENDATIONS.—

“(1) SUBMISSION.—Within 30 days after the enactment of this Act [Aug. 18, 1987], the Secretary shall submit to the Administrator recommendations regarding actions necessary for the protection of resources in the Grand Canyon from adverse impacts associated with aircraft overflights. The recommendations shall provide for substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight. Except as provided in subsection (c), the recommendations shall contain provisions prohibiting the flight of aircraft below the rim of the Canyon, and shall designate flight free zones. Such zones shall be flight free except for purposes of administration and for emergency operations, including those required for the transportation of persons and supplies to and from Supai Village and the lands of the Havasupai Indian Tribe of Arizona. The Administrator, after consulta-

tion with the Secretary, shall define the rim of the Canyon in a manner consistent with the purposes of this paragraph.

“(2) IMPLEMENTATION.—Not later than 90 days after receipt of the recommendations under paragraph (1) and after notice and opportunity for hearing, the Administrator shall prepare and issue a final plan for the management of air traffic in the air space above the Grand Canyon. The plan shall, by appropriate regulation, implement the recommendations of the Secretary without change unless the Administrator determines that implementing the recommendations would adversely affect aviation safety. If the Administrator determines that implementing the recommendations would adversely affect aviation safety, he shall, not later than 60 days after making such determination, in consultation with the Secretary and after notice and opportunity for hearing, review the recommendations consistent with the requirements of paragraph (1) to eliminate the adverse effects on aviation safety and issue regulations implementing the revised recommendations in the plan. In addition to the Administrator’s authority to implement such regulations under the Federal Aviation Act of 1958 [see 49 U.S.C. 40101 et seq.], the Secretary may enforce the appropriate requirements of the plan under such rules and regulations applicable to the units of the National Park System as he deems appropriate.

“(3) REPORT.—Within 2 years after the effective date of the plan required by subsection (b)(2), the Secretary shall submit to the Congress a report discussing—

“(A) whether the plan has succeeded in substantially restoring the natural quiet in the park; and

“(B) such other matters, including possible revisions in the plan, as may be of interest.

The report shall include comments by the Administrator regarding the effect of the plan’s implementation on aircraft safety.

“(C) HELICOPTER FLIGHTS OF RIVER RUNNERS.—Subsection (b) shall not prohibit the flight of helicopters—

“(1) which fly a direct route between a point on the north rim outside of the Grand Canyon National Park and locations on the Hualapai Indian Reservation (as designated by the Tribe); and

“(2) whose sole purpose is transporting individuals to or from boat trips on the Colorado River and any guide of such a trip.

“SEC. 4. BOUNDARY WATERS CANOE AREA WILDERNESS.

“The Administrator shall conduct surveillance of aircraft flights over the Boundary Waters Canoe Area Wilderness as authorized by the Act of October 21, 1978 (92 Stat. 1649-1659) for a period of not less than 180 days beginning within 60 days of enactment of this Act [Aug. 18, 1987]. In addition to any actions the Administrator may take as a result of such surveillance, he shall provide a report to the Committee on Interior and Insular Affairs and the Committee on Public Works and Transportation of the United States House of Representatives and to the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation of the United States Senate. Such report is to be submitted within 30 days of completion of the surveillance activities. Such report shall include but not necessarily be limited to information on the type and frequency of aircraft using the airspace over the Boundary Waters Canoe Area Wilderness.

“SEC. 5. ASSESSMENT OF NATIONAL FOREST SYSTEM WILDERNESS OVERFLIGHTS.

“(a) ASSESSMENT BY FOREST SERVICE.—The Chief of the Forest Service (hereinafter referred to as the ‘Chief’) shall conduct an assessment to determine what, if any, adverse impacts to wilderness resources are associated with overflights of National Forest System wilderness areas. The Administrator of the Federal Aviation Administration shall provide technical assistance to the Chief in carrying out the assessment. Such assessment shall apply only to overflight of wilderness

areas and shall not apply to aircraft flights or landings adjacent to National Forest System wilderness units. The assessment shall not apply to any National Forest System wilderness units in the State of Alaska.

“(b) REPORT TO CONGRESS.—The Chief shall submit a report to Congress within 2 years after enactment of this Act [Aug. 18, 1987] containing the results of the assessments carried out under this section.

“(c) AUTHORIZATION.—Effective October 1, 1987, there are authorized to be appropriated such sums as may be necessary to carry out the assessment under this section.

“SEC. 6. CONSULTATION WITH FEDERAL AGENCIES.

“In conducting the study and the assessment required by this Act, the Secretary of the Interior and the Chief of the Forest Service shall consult with other Federal agencies that are engaged in an analysis of the impacts of aircraft overflights over federally-owned land.”

§ 1a-2. Secretary of the Interior’s authorization of activities

In order to facilitate the administration of the national park system, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to carry out the following activities:

(a) Transportation

Provide transportation of employees located at isolated areas of the national park system and to members of their families, where (1) such areas are not adequately served by commercial transportation, and (2) such transportation is incidental to official transportation services.

(b) Recreation

Provide recreation facilities, equipment, and services for use by employees and their families located at isolated areas of the national park system.

(c) Advisory committees; compensation and travel expenses

Appoint and establish such advisory committees in regard to the functions of the National Park Service as he may deem advisable, members of which shall receive no compensation for their services as such but who shall be allowed necessary travel expenses as authorized by section 5703 of title 5.

(d) Park equipment purchases

Purchase field and special purpose equipment required by employees for the performance of assigned functions which shall be regarded and listed as park equipment.

(e) Services, resources, or water contracts

Enter into contracts which provide for the sale or lease to persons, States, or their political subdivisions, of services, resources, or water available within an area of the national park system, as long as such activity does not jeopardize or unduly interfere with the primary natural or historic resource of the area involved, if such person, State, or its political subdivision—

(1) provides public accommodations or services within the immediate vicinity of an area of the national park system to persons visiting the area; and

(2) has demonstrated to the Secretary that there are no reasonable alternatives by which to acquire or perform the necessary services, resources, or water.

(f) Vehicular air-conditioning

Acquire, and have installed, air-conditioning units for any Government-owned passenger motor vehicles used by the National Park Service, where assigned duties necessitate long periods in automobiles or in regions of the United States where high temperatures and humidity are common and prolonged.

(g) Exhibits and demonstrations; sale of products and services; contracts and cooperative arrangements; credits to appropriation

Sell at fair market value without regard to the requirements of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41 products and services produced in the conduct of living exhibits and interpretive demonstrations in areas of the national park system, to enter into contracts including cooperative arrangements with respect to such living exhibits and interpretive demonstrations, and to credit the proceeds therefrom to the appropriation bearing the cost of such exhibits and demonstrations. Sixty percent of the fees paid by permittees for the privilege of entering into Glacier Bay for the period beginning on the first full fiscal year following November 12, 1996, shall be deposited into a special account and that such funds shall be available—

(1) to the extent determined necessary, to acquire and preposition necessary and adequate emergency response equipment to prevent harm or the threat of harm to aquatic park resources from permittees; and

(2) to conduct investigations to quantify any effect of permittees' activity on wildlife and other natural resource values of Glacier Bay National Park. The investigations provided for in this subsection shall be designed to provide information of value to the Secretary, in determining any appropriate limitations on permittees' activity in Glacier Bay. The Secretary may not impose any additional permittee operating conditions in the areas of air, water, and oil pollution beyond those determined and enforced by other appropriate agencies. When competitively awarding permits to enter Glacier Bay, the Secretary may take into account the relative impact particular permittees will have on park values and resources, provided that no operating conditions or limitations relating to noise abatement shall be imposed unless the Secretary determines, based on the weight of the evidence from all available studies including verifiable scientific information from the investigations provided for in this subsection, that such limitations or conditions are necessary to protect park values and resources. Fees paid by certain permittees for the privilege of entering into Glacier Bay shall not exceed \$5 per passenger. For the purposes of this subsection, "certain permittee" shall mean a permittee which provides overnight accom-

modations for at least 500 passengers for an itinerary of at least 3 nights, and "permittee" shall mean a concessionaire providing visitor services within Glacier Bay. Nothing in this subsection authorizes the Secretary to require additional categories of permits in, or otherwise increase the number of permits to enter Glacier Bay National Park.

(h) Regulations; promulgation and enforcement

Promulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: *Provided*, That any regulations adopted pursuant to this subsection shall be complementary to, and not in derogation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States.

(i) United States Park Police and other National Park Service employees; meals and lodging

Provide meals and lodging, as the Secretary deems appropriate, for members of the United States Park Police and other employees of the National Park Service, as he may designate, serving temporarily on extended special duty in areas of the National Park System, and for this purpose he is authorized to use funds appropriated for the expenses of the Department of the Interior.

(j) Cooperative research and training programs

Enter into cooperative agreements with public or private educational institutions, States, and their political subdivisions, for the purpose of developing adequate, coordinated, cooperative research and training programs concerning the resources of the National Park System, and, pursuant to any such agreements, to accept from and make available to the cooperator such technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units as the Secretary deems appropriate; except that this paragraph shall not waive any requirements for research projects that are subject to the Federal procurement regulations.

(k) Leases

(1) In general

Except as provided in paragraph (2) and subject to paragraph (3), the Secretary may enter into a lease with any person or governmental entity for the use of buildings and associated property administered by the Secretary as part of the National Park System.

(2) Prohibited activities

The Secretary may not use a lease under paragraph (1) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concessions contract, commercial use authorization, or similar instrument.

(3) Use

Buildings and associated property leased under paragraph (1)—

(A) shall be used for an activity that is consistent with the purposes established by law for the unit in which the building is located;

(B) shall not result in degradation of the purposes and values of the unit; and

(C) shall be compatible with National Park Service programs.

(4) Rental amounts**(A) In general**

With respect to a lease under paragraph (1)—

(i) payment of fair market value rental shall be required; and

(ii) section 1302 of title 40 shall not apply.

(B) Adjustment

The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

(C) Regulation

The Secretary shall promulgate regulations implementing this subsection that includes provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

(5) Special account**(A) Deposits**

Rental payments under a lease under paragraph (1) shall be deposited in a special account in the Treasury of the United States.

(B) Availability

Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at units of the National Park System, including—

(i) facility refurbishment;

(ii) repair and replacement;

(iii) infrastructure projects associated with park resource protection; and

(iv) direct maintenance of the leased buildings and associated properties.

(C) Accountability and results

The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this Act.

(I) Cooperative management agreements**(1) In general**

Where a unit of the National Park System is located adjacent to or near a State or local park area, and cooperative management between the National Park Service and a State or local government agency of a portion of either park will allow for more effective and efficient management of the parks,

the Secretary may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas. The Secretary may not transfer administration responsibilities for any unit of the National Park System under this paragraph.

(2) Provision of goods and services

Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

(3) Assignment

An assignment arranged by the Secretary under section 3372 of title 5 of a Federal, State, or local employee for work in any Federal, State, or local land or an extension of such an assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.

(Pub. L. 91-383, §3, Aug. 18, 1970, 84 Stat. 826; Pub. L. 94-458, §1, Oct. 7, 1976, 90 Stat. 1939; Pub. L. 104-333, div. I, title VII, §703, title VIII, §818, Nov. 12, 1996, 110 Stat. 4185, 4201; Pub. L. 105-391, title VIII, §802(a), Nov. 13, 1998, 112 Stat. 3522; Pub. L. 106-176, title I, §118, Mar. 10, 2000, 114 Stat. 28.)

REFERENCES IN TEXT

This Act, referred to in subsec. (k)(5)(C), means Pub. L. 91-383, Aug. 18, 1970, 84 Stat. 825, as amended, known as the “National Park System General Authorities Act”. As originally enacted, Pub. L. 91-383 contained sections 1 to 4, the first 3 of which enacted sections 1a-1 and 1a-2 and amended sections 1b and 1c of this title. Pub. L. 94-458 amended Pub. L. 91-383 by adding sections 5 to 12, which enacted sections 1a-3 to 1a-7, amended sections 17j, 460n-5, 463, 470a, and 559, and repealed sections 10, 10a, 17b-1, and 415 of this title. Pub. L. 103-322 amended Pub. L. 91-383 by adding section 13, which enacted section 1a-7a of this title. For complete classification of this Act to the Code, see Short Title of 1970 Amendment note set out under section 1 of this title and Tables.

CODIFICATION

In subsec. (c), “section 5703 of title 5” substituted for “section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 5703)” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In subsec. (g), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949, as amended,” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

“Section 1302 of title 40” substituted in subsec. (k)(4)(A)(ii) for “section 321 of the Act of June 30, 1932 (47 Stat. 412, chapter 314; 40 U.S.C. 303b)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2000—Subsecs. (a) to (f). Pub. L. 106-176, §118(2), (3), capitalized the first letter of the first word and substituted a period for the semicolon at end.

Subsec. (g). Pub. L. 106-176, §118(1), (2), in introductory provisions, capitalized the first letter of the first word and substituted a period for the semicolon after “such exhibits and demonstrations”.

Subsec. (h). Pub. L. 106-176, §118(2), (3), capitalized the first letter of the first word and substituted a period for the semicolon at end.

Subsec. (i). Pub. L. 106-176, §118(2), (4), capitalized the first letter of the first word and substituted a period for “; and” at end.

Subsec. (j). Pub. L. 106-176, §118(5), realigned margins. 1998—Subsecs. (k), (l). Pub. L. 105-391 added subsecs. (k) and (l).

1996—Subsec. (g). Pub. L. 104-333, §703, inserted provisions relating to Glacier Bay and substituted “interpretive demonstrations” for “interpretive demonstrations and park programs”.

Subsec. (j). Pub. L. 104-333, §818, added subsec. (j).

1976—Subsec. (e). Pub. L. 94-458, §1(1), inserted provision requiring Secretary to consider impact on primary natural and historic resources of an area before entering into contracts.

Subsecs. (h), (i). Pub. L. 94-458, §1(2), added subsecs. (h) and (i).

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1a-3. Legislative jurisdiction; relinquishment by Secretary; submittal of proposed agreement to Congressional committees; concurrent legislative jurisdiction

Notwithstanding any other provision of law, the Secretary of the Interior may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, part of the legislative jurisdiction of the United States over National Park System lands or interests therein in that State, Commonwealth, territory, or possession: *Provided*, That prior to consummating any such relinquishment, the Secretary shall submit the proposed agreement to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and shall not finalize such agreement until sixty calendar days after such submission shall have elapsed. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise

provide. The Secretary shall diligently pursue the consummation of arrangements with each State, Commonwealth, territory, or possession within which a unit of the National Park System is located to the end that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System.

(Pub. L. 91-383, §6, as added Pub. L. 94-458, §2, Oct. 7, 1976, 90 Stat. 1939; amended Pub. L. 103-437, §6(a)(1), Nov. 2, 1994, 108 Stat. 4583.)

AMENDMENTS

1994—Pub. L. 103-437 substituted “Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives” for “Committees on Interior and Insular Affairs of the United States Congress”.

§ 1a-4. Uniform allowance

Notwithstanding section 5901(a) of title 5, the uniform allowance for uniformed employees of the National Park Service may be up to \$400 annually.

(Pub. L. 91-383, §7, as added Pub. L. 94-458, §2, Oct. 7, 1976, 90 Stat. 1940.)

§ 1a-5. Additional areas for National Park System

(a) General authority

The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. Accompanying the annual listing of areas shall be a synopsis, for each report previously submitted, of the current and changed condition of the resource integrity of the area and other relevant factors, compiled as a result of continual periodic monitoring and embracing the period since the previous such submission or initial report submission one year earlier. The Secretary is also directed to transmit annually to the Speaker of the House of Representatives and to the President of the Senate, at the beginning of each fiscal year, a complete and current list of all areas included on the Registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic places¹ which areas exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats. Each report and annual listing shall be printed as a House document: *Provided*, That should adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing upon the receipt by the Speaker of the United States House of Representatives of a joint letter from the chairman of the Committee on Natural Resources of the United States House of Representatives and the chairman of the Committee on Energy and Natural Resources of the United States Senate indicating such to be the case.

(b) Studies of areas for potential addition

(1) At the beginning of each calendar year, along with the annual budget submission, the

¹ So in original. Probably should be capitalized.

Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

(2) In developing the list to be submitted under this subsection, the Secretary shall consider—

(A) those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

(B) themes, sites, and resources not already adequately represented in the National Park System; and

(C) public petition and Congressional resolutions.

(3) No study of the potential of an area for inclusion in the National Park System may be initiated after November 13, 1998, except as provided by specific authorization of an Act of Congress.

(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than \$25,000.

(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

(c) Report

(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date on which funds are first made available for such purposes. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

(2) In conducting the study, the Secretary shall consider whether the area under study—

(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

(B) is a suitable and feasible addition to the system.

(3) Each study—

(A) shall consider the following factors with regard to the area being studied—

(i) the rarity and integrity of the resources;

(ii) the threats to those resources;

(iii) similar resources are already protected in the National Park System or in other public or private ownership;

(iv) the public use potential;

(v) the interpretive and educational potential;

(vi) costs associated with acquisition, development and operation;

(vii) the socioeconomic impacts of any designation;

(viii) the level of local and general public support; and

(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

(D) may include any other information which the Secretary deems to be relevant.

(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.].

(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

(d) New area study office

The Secretary shall designate a single office to be assigned to prepare all new area studies and to implement other functions of this section.

(e) List of areas

At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.

(f) Authorization of appropriations

For the purposes of carrying out the studies for potential new Park System units and for monitoring the welfare of those resources, there are authorized to be appropriated annually not to exceed \$1,000,000. For the purposes of monitoring the welfare and integrity of the national landmarks, there are authorized to be appropriated annually not to exceed \$1,500,000. For carrying out subsections (b) through (d) of this section there are authorized to be appropriated \$2,000,000 for each fiscal year.

(Pub. L. 91-383, §8, as added Pub. L. 94-458, §2, Oct. 7, 1976, 90 Stat. 1940; amended Pub. L. 95-625, title VI, §604(1), Nov. 10, 1978, 92 Stat. 3518; Pub. L. 96-199, title I, §104, Mar. 5, 1980, 94 Stat. 68; Pub. L. 96-344, §8, Sept. 8, 1980, 94 Stat. 1135;

Pub. L. 103-437, §6(b), Nov. 2, 1994, 108 Stat. 4583; Pub. L. 104-333, div. I, title VIII, §814(d)(1)(I), Nov. 12, 1996, 110 Stat. 4196; Pub. L. 105-391, title III, §303, Nov. 13, 1998, 112 Stat. 3501.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(4), means Pub. L. 91-383, Aug. 18, 1970, 84 Stat. 825, as amended, known as the "National Park System General Authorities Act". As originally enacted, Pub. L. 91-383 contained sections 1 to 4, the first 3 of which enacted sections 1a-1 and 1a-2 and amended sections 1b and 1c of this title. Pub. L. 94-458 amended Pub. L. 91-383 by adding sections 5 to 12, which enacted sections 1a-3 to 1a-7, amended sections 17j, 460n-5, 463, 470a, and 559, and repealed sections 10, 10a, 17b-1, and 415 of this title. Pub. L. 103-322 amended Pub. L. 91-383 by adding section 13, which enacted section 1a-7a of this title. For complete classification of this Act to the Code, see Short Title of 1970 Amendment note set out under section 1 of this title and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (c)(4), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-391, §303(1), (2), inserted heading and struck out after first sentence "At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. Each such report shall indicate and elaborate on the theme(s) which the area represents as indicated in the National Park System Plan. On this same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under terms of this section, and which at the time of listing are not included in the National Park System."

Pub. L. 105-391, §303(3), redesignated last two sentences as subsec. (f).

Subsecs. (b) to (e). Pub. L. 105-391, §303(4), added subsecs. (b) to (e).

Subsec. (f). Pub. L. 105-391, §303(3), (5), redesignated last two sentences of subsec. (a) as (f), inserted heading, and inserted at end "For carrying out subsections (b) through (d) of this section there are authorized to be appropriated \$2,000,000 for each fiscal year."

1996—Subsec. (b). Pub. L. 104-333 struck out subsec. (b) which read as follows: "The Secretary shall submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive, 'National Park System Plan', which document shall constitute a professional guide for the identification of natural and historic themes of the United States, and from which candidate areas can be identified and selected to constitute units of the National Park System. Such plan shall be revised and updated annually."

1994—Subsec. (a). Pub. L. 103-437, §6(b)(1), substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

Subsec. (b). Pub. L. 103-437, §6(b)(2), substituted "The Secretary shall submit to the Committee on Natural Resources" for "Within six months of March 5, 1980, the Secretary shall submit to the Committee on Interior and Insular Affairs".

1980—Subsec. (a). Pub. L. 96-344 inserted provisions requiring that each report indicate and elaborate on the theme or themes which the area represents as indicated in the National Park System Plan and the annual priority listing of areas be accomplished by a synopsis, for each report previously submitted, of current and changed conditions of the resource integrity of the area or other relevant factors, to cover the period since the previous such submission or initial report submission one year earlier.

Pub. L. 96-199, §104(a), (b), designated existing provisions as subsec. (a) and inserted provision that should adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing upon the receipt by the Speaker of the United States House of Representatives of a joint letter from the chairman of the Committee on Interior and Insular Affairs of the United States House of Representatives and the chairman of the Committee on Energy and Natural Resources of the United States Senate indicating such to be the case.

Subsec. (b). Pub. L. 96-199, §104(b), added subsec. (b). 1978—Pub. L. 95-625 authorized annual appropriations of \$1,000,000 for studies for potential new Park System units and for monitoring the welfare of those resources and \$1,500,000 for monitoring the welfare and integrity of the national landmarks.

COLD WAR SITES THEME STUDY

Pub. L. 111-11, title VII, §7210, Mar. 30, 2009, 123 Stat. 1210, provided that:

"(a) DEFINITIONS.—

"(1) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Cold War Advisory Committee established under subsection (c).

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(3) THEME STUDY.—The term 'theme study' means the national historic landmark theme study conducted under subsection (b)(1).

"(b) COLD WAR THEME STUDY.—

"(1) IN GENERAL.—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

"(2) RESOURCES.—In conducting the theme study, the Secretary shall consider—

"(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1906); and

"(B) historical studies and research of Cold War sites and resources, including—

"(i) intercontinental ballistic missiles;

"(ii) flight training centers;

"(iii) manufacturing facilities;

"(iv) communications and command centers (such as Cheyenne Mountain, Colorado);

"(v) defensive radar networks (such as the Distant Early Warning Line);

"(vi) nuclear weapons test sites (such as the Nevada test site); and

"(vii) strategic and tactical aircraft.

"(3) CONTENTS.—The theme study shall include—

"(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

"(i) sites for which studies for potential inclusion in the National Park System should be authorized;

"(ii) sites for which new national historic landmarks should be nominated; and

"(iii) other appropriate designations;

"(B) recommendations for cooperative agreements with—

"(i) State and local governments;

"(ii) local historical organizations; and

"(iii) other appropriate entities; and

“(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

“(4) CONSULTATION.—In conducting the theme study, the Secretary shall consult with—

“(A) the Secretary of the Air Force;

“(B) State and local officials;

“(C) State historic preservation offices; and

“(D) other interested organizations and individuals.

“(5) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

“(c) COLD WAR ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out this section, the Secretary shall establish an advisory committee, to be known as the ‘Cold War Advisory Committee’, to assist the Secretary in carrying out this section.

“(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

“(A) 3 shall have expertise in Cold War history;

“(B) 2 shall have expertise in historic preservation;

“(C) 1 shall have expertise in the history of the United States; and

“(D) 3 shall represent the general public.

“(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

“(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

“(5) MEETINGS.—On at least 3 occasions, the Secretary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

“(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary shall—

“(1) prepare and publish an interpretive handbook on the Cold War; and

“(2) disseminate information in the theme study by other appropriate means.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$500,000.”

NATIONAL PARK SERVICE STUDIES

Pub. L. 106-113, div. B, §1000(a)(3) [title III, §326], Nov. 29, 1999, 113 Stat. 1535, 1501A-194, provided that:

“(a) SHORT TITLE.—This section may be cited as the ‘National Park Service Studies Act of 1999’.

“(b) AUTHORIZATION OF STUDIES.—

“(1) IN GENERAL.—The Secretary of the Interior (‘the Secretary’) shall conduct studies of the geographical areas and historic and cultural themes described in subsection (b)(3) to determine the appropriateness of including such areas or themes in the National Park System.

“(2) CRITERIA.—In conducting the studies authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in accordance with section 8 of Public Law 91-383 [16 U.S.C. 1a-5], as amended by section 303 of the National Parks Omnibus Management Act (Public Law 105-391; 112 Stat. 3501) [16 U.S.C. 1a-5].

“(3) STUDY AREAS.—The Secretary shall conduct studies of the following:

“(A) Anderson Cottage, Washington, District of Columbia.

“(B) Bioluminescent Bay, Puerto Rico.

“(C) Civil Rights Sites, multi-State.

“(D) Crossroads of the American Revolution, Central New Jersey.

“(E) Fort Hunter Liggett, California.

“(F) Fort King, Florida.

“(G) Gaviota Coast Seashore, California.

“(H) Kate Mullany House, New York.

“(I) Loess Hills, Iowa.

“(J) Low Country Gullah Culture, multi-State.

“(K) Nan Madol, State of Ponape, Federated States of Micronesia (upon the request of the Government of the Federated States of Micronesia).

“(L) Walden Pond and Woods, Massachusetts.

“(M) World War II Sites, Commonwealth of the Northern Marianas.

“(N) World War II Sites, Republic of Palau (upon the request of the Government of the Republic of Palau).

“(c) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives a report on the findings, conclusions, and recommendations of each study under subsection (b) within three fiscal years following the date on which funds are first made available for each study.”

PURPOSE OF 1998 AMENDMENT

Pub. L. 105-391, title III, §302, Nov. 13, 1998, 112 Stat. 3501, provided that: “It is the purpose of this title [amending this section and enacting provisions set out as a note under section 1 of this title] to reform the process by which areas are considered for addition to the National Park System.”

REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY

Section 603 of title VI of div. I of Pub. L. 104-333, as amended by Pub. L. 106-176, title I, §114, Mar. 10, 2000, 114 Stat. 27, enacted the Revolutionary War and War of 1812 Historic Preservation Study Act of 1996 which made congressional findings as to importance of such preservation study, defined various terms, directed Secretary of the Interior as to preparation of, matters to be included in, consultation with respect to, and report concerning such study, and authorized appropriations.

LOWER MISSISSIPPI DELTA REGION INITIATIVES

Pub. L. 103-433, title XI, Oct. 31, 1994, 108 Stat. 4512, directed Secretary of the Interior, in consultation with Delta Region States, the Lower Mississippi Delta Development Center, the Chairs of the National Endowment for the Arts and the National Endowment for the Humanities, the Director of the Smithsonian Institution, Historically Black Colleges and Universities, State Archaeological Surveys and Regional Archaeological Centers and other appropriate institutions, to prepare and transmit to Congress a series of studies involving Delta Region heritage particularly development of Delta Region Corridors and Heritage and Cultural Centers, preservation of historic and prehistoric sites and structures, Delta antiquities survey, and comprehensive historic and archaeological resources program.

BOSTON HARBOR ISLANDS STUDY

Pub. L. 102-525, title V, §501, Oct. 26, 1992, 106 Stat. 3442, directed Secretary of the Interior to study within one year after Oct. 26, 1992, opportunities for National Park Service to promote conservation and use by the public of Boston Harbor Islands, and in so doing to consult local governmental authorities, to evaluate suitability of establishing Boston Harbor Islands as unit of National Park System, to assess tourism and public education opportunities of management in conjunction with nearby units of National Park System, to evaluate possible transportation links with those units, and

to submit, not later than one year after Oct. 26, 1992, a report of findings, conclusions, and recommendations to Congress.

NATIONAL HISTORIC LANDMARK THEME STUDY ON
AMERICAN LABOR HISTORY

Pub. L. 102-101, Aug. 17, 1991, 105 Stat. 493, directed Secretary of the Interior, in consultation with workers, workers' representatives, scholars, and preservationists, and under cooperative agreements with scholarly and public historic organizations, to prepare and transmit to Congress, within 3 years of date of funding, a theme study to identify key sites in American labor history, to nominate districts, sites, etc., as national historic landmarks, to identify possible new park units, and to prepare a list of the most appropriate sites, and authorized appropriations of \$250,000 to carry out study.

AFRICAN-AMERICAN HISTORY LANDMARK THEME STUDY

Pub. L. 102-98, Aug. 17, 1991, 105 Stat. 485, directed Secretary of the Interior, in consultation with scholars and preservationists, and under cooperative agreements with scholarly and public historic organizations, to prepare and transmit to Congress, within 3 years of date of funding, a theme study to identify key sites in history and experience of African-Americans, to nominate districts, sites, etc. as national historic landmarks, to identify possible new park units, and to prepare a list of most appropriate sites, and authorized appropriations of \$500,000 to carry out study.

NIORRARA-BUFFALO PRAIRIE NATIONAL PARK STUDY

Pub. L. 102-50, § 8, May 24, 1991, 105 Stat. 257, directed Secretary of the Interior to study within 18 months after May 24, 1991, feasibility and suitability of establishing Niobrara-Buffalo Prairie National Park in Nebraska, including assessment of significance of natural, cultural, historic, scenic, and recreational resources and study of feasibility of managing the area by various methods, in consultation with appropriate Federal agencies, Nature Conservancy, and Nebraska Game and Parks Commission, and directed Secretary to submit study to Congress, prior to repeal by Pub. L. 105-362, title IX, § 901(g)(1), Nov. 10, 1998, 112 Stat. 3290.

UNDERGROUND RAILROAD STUDY

Pub. L. 101-628, title VI, Nov. 28, 1990, 104 Stat. 4495, directed Secretary of the Interior to conduct a study of alternatives for commemorating the Underground Railroad in order to preserve and protect this aspect of American history, directed preparation of an interpretive handbook on the Underground Railroad in larger context of American antebellum society, including history of slavery and abolitionism, and authorized establishment of Underground Railroad Advisory Committee to meet and consult with Secretary on matters relating to the study.

CIVIL WAR AND OTHER STUDIES

Pub. L. 101-628, title XII, §§ 1201-1210, Nov. 28, 1990, 104 Stat. 4503-4507, as amended by Pub. L. 102-166, title V, § 501, Nov. 21, 1991, 105 Stat. 1100, provided that title XII of Pub. L. 101-628 could be cited as the "Civil War Sites Study Act of 1990", directed Secretary of the Interior to prepare a study of Shenandoah Valley Civil War sites in order to obtain information on significance of such sites, threats to their integrity, and alternatives for their preservation, authorized establishment of Civil War Sites Advisory Commission, directed such Commission to prepare a study of historically significant sites other than Shenandoah Valley Civil War sites, and directed Secretary to undertake a complete revision of National Park Service "Thematic Framework" to reflect current scholarship on American history and culture, historic and prehistoric archeology, and architecture.

REPORT TO CONGRESS ON CRITERIA FOR INCLUSION AS
AFFILIATED AREA OF NATIONAL PARK SYSTEM

Pub. L. 100-336, § 2, June 17, 1988, 102 Stat. 617, directed Secretary, in consultation with interested con-

servation, professional, and park management organizations and individuals, to prepare and submit to Committee on Interior and Insular Affairs of House of Representatives and Committee on Energy and Natural Resources of Senate a report of criteria for elements of national significance and other factors necessary for a proposed area to be considered appropriate for inclusion as an affiliated area of National Park System including an analysis of applicability to Wildlife Prairie Park, this report to address responsibilities to be required of operators of an affiliated area and responsibilities of National Park Service to any such designated area, with report to be submitted not later than two years from June 17, 1988, and to provide recommendations by Secretary of the Interior including but not limited to how criteria for national significance and other factors should be made applicable to future proposed affiliated areas, when such areas are considered by the Secretary, and any criteria or procedures for such considerations by Congress including recommendations for legislative action.

STUDY OF HISTORICAL CAMDEN, SOUTH CAROLINA, REGARDING ESTABLISHMENT AS UNIT OF NATIONAL PARK SYSTEM; TRANSMITTAL TO PRESIDENT AND CONGRESSIONAL COMMITTEES

Pub. L. 95-629, title IV, § 401, Nov. 10, 1978, 92 Stat. 3640, directed Secretary of the Interior to prepare and transmit to President, Committee on Interior and Insular Affairs of House of Representatives, and Committee on Energy and Natural Resources of Senate a study of Historical Camden, consisting of approximately ninety acres of land in Camden, South Carolina, to determine feasibility and desirability of establishing such area as a unit of the National Park System, with study to be transmitted not later than two years following date on which funds are appropriated for study and to include cost estimates for any necessary acquisition, development, operation and maintenance, as well as any alternatives for administration and protection of area.

CROW CREEK VILLAGE ARCHEOLOGICAL SITE, SOUTH DAKOTA; FEASIBILITY/SUITABILITY STUDY; TRANSMITTAL TO CONGRESSIONAL COMMITTEES; COST ESTIMATES; SITE PRESERVATION

Section 512 of Pub. L. 95-625 directed Secretary to prepare and transmit to Committee on Energy and Natural Resources of Senate and Committee on Interior and Insular Affairs of House of Representatives within two years from Nov. 10, 1978, a feasibility/suitability study of Crow Creek Village archeological site, Buffalo County, South Dakota, as a unit of National Park System, including cost estimates for any necessary acquisition, development, operation and maintenance, as well as any feasible alternatives for administration and protection of area, including, but not limited to, Federal financial and technical assistance to State of South Dakota, Buffalo County or other suitable entity, and directed Secretary of the Army to take such actions as may be necessary to preserve and protect such site from any adverse impact on site and to refrain from any activities which might cause such impact until two years from date of submission of study by Secretary.

RIDGELANDS AREA STUDY; CONSULTATION AND COORDINATION; REPORT TO PRESIDENT AND CONGRESS; AUTHORIZATION OF APPROPRIATIONS

Section 602 of Pub. L. 95-625 directed Secretary to study feasibility and desirability of establishing Ridgeland area east of San Francisco Bay as a unit of National Park System, to consult with other Federal, State, and local agencies in conduct of this study, to coordinate this study with applicable local and State plans and planning activities relating to Ridgeland, and to report findings and recommendations to Presi-

dent and Congress not later than one year after Nov. 10, 1978.

OAK CREEK CANYON, YAVAPAI, SOLDIERS WASH-MORMON CANYON, AND CHIRICAHUA NATIONAL MONUMENT, ARIZONA; STUDIES BY SECRETARIES OF THE INTERIOR AND AGRICULTURE

Section 605 of Pub. L. 95-625 directed Secretary, in cooperation with Secretary of Agriculture where national forest lands are involved, to conduct a study to determine suitable boundaries for Oak Creek Canyon, Yavapai, Soldiers Wash-Mormon Canyon areas in Arizona as a unit or units of National Park System, and to conduct a study of boundary of Chiricahua National Monument, Arizona, to determine appropriate location of a boundary line for additions to monument, with both reports to be submitted by Secretary to Committee on Interior and Insular Affairs of House of Representatives and Committee on Energy and Natural Resources of Senate not later than one year following date on which funds are appropriated for purpose of study.

IRVINE COAST-LAGUNA, CALIFORNIA STUDY

Section 608 of Pub. L. 95-625 directed Secretary to study feasibility and desirability of establishing Irvine Coast-Laguna beach area as a unit of National Park System, to consult with other Federal, State, and local agencies in conduct of this study, and to report findings and recommendations to President and Congress within six months after Nov. 10, 1978.

§ 1a-6. Law enforcement personnel within National Park System

(a) Omitted

(b) Designation authority of Secretary; powers and duties of designees

In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may—

(1) carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing therefrom to avoid arrest;

(2) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

(3) conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.

(c) Supplemental special policemen; designation authority of Secretary; cooperation with State officials in enforcement of State law; reimbursement to State; concurrent jurisdiction; delegation of enforcement responsibilities

The Secretary of the Interior is hereby authorized to—

(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of that agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemental law enforcement personnel may be needed, and to exercise the powers and authority provided by paragraphs (1), (2), and (3) of subsection (b) of this section;

(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement of supervision of the laws or ordinances of that State or subdivision;

(3) mutually waive, in any agreement pursuant to paragraphs (1) and (2) of this subsection or pursuant to subsection (b)(1) of this section with any State or political subdivision thereof where State law requires such waiver and indemnification, any and all civil claims against all the other parties thereto and, subject to available appropriations, indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury, which may arise out of the parties' activities outside their respective jurisdictions under such agreement; and

(4) provide limited reimbursement, to a State or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system which were rendered pursuant to paragraph (1) of this subsection.

The authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.

(d) Special policemen not deemed Federal employees; exceptions

(1) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (c) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(2) For purposes of the tort claim provisions of title 28, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c)

of this section, be considered a Federal employee.

(3) For purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section be deemed a civil service employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, and the provisions of that subchapter shall apply.

(e) Federal investigative jurisdiction and State civil and criminal jurisdiction not preempted within National Park System

Nothing contained in this Act shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the National Park Service, and nothing shall be construed or applied to affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction within the National Park System.

(Pub. L. 91-383, §10, as added Pub. L. 94-458, §2, Oct. 7, 1976, 90 Stat. 1941; amended Pub. L. 106-437, §2, Nov. 6, 2000, 114 Stat. 1920; Pub. L. 108-352, §11, Oct. 21, 2004, 118 Stat. 1397.)

REFERENCES IN TEXT

This Act, referred to in subsec. (e), is Pub. L. 91-383, Aug. 18, 1970, 84 Stat. 825, as amended, known as the "National Park System General Authorities Act". As originally enacted, Pub. L. 91-383 contained sections 1 to 4, the first 3 of which enacted sections 1a-1 and 1a-2 and amended sections 1b and 1c of this title. Pub. L. 94-458 amended Pub. L. 91-383 by adding sections 5 to 12, which enacted sections 1a-3 to 1a-7, amended sections 17j, 460n-5, 463, 470a, and 559, and repealed sections 10, 10a, 17b-1, and 415 of this title. Pub. L. 103-322 amended Pub. L. 91-383 by adding section 13, which enacted section 1a-7a of this title. For complete classification of this Act to the Code, see Short Title of 1970 Amendment note set out under section 1 of this title and Tables.

CODIFICATION

Section is comprised of section 10 of Pub. L. 91-383, as added. Subsec. (a) of section 10 of Pub. L. 91-383 amended sections 460n-5 and 559 of this title and repealed sections 10, 10a, and 415 of this title.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-352 made technical amendment to directory language of Pub. L. 106-437, §2. See 2000 Amendment note below.

2000—Subsec. (c). Pub. L. 106-437, §2, as amended by Pub. L. 108-352, struck out "and" at end of par. (2), added par. (3), redesignated former pars. (3) and (4) as (4) and (5), respectively, and in par. (5) substituted "The" for "(5) the" and aligned left margin with introductory provisions.

§ 1a-7. National Park System development program

(a) Omitted

(b) General management plans; preparation and revision by Director of National Park Service; list to Congress; contents

General management plans for the preservation and use of each unit of the National Park System, including areas within the national capital area, shall be prepared and revised in a

timely manner by the Director of the National Park Service. On January 1 of each year, the Secretary shall submit to the Congress a list indicating the current status of completion or revision of general management plans for each unit of the National Park System. General management plans for each unit shall include, but not be limited to:

(1) measures for the preservation of the area's resources;

(2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs;

(3) identification of and implementation commitments for visitor carrying capacities for all areas of the unit; and

(4) indications of potential modifications to the external boundaries of the unit, and the reasons therefor.

(Pub. L. 91-383, §12, as added Pub. L. 94-458, §2, Oct. 7, 1976, 90 Stat. 1942; amended Pub. L. 95-625, title VI, §604(3), (4), Nov. 10, 1978, 92 Stat. 3518, 3519; Pub. L. 103-437, §6(c), Nov. 2, 1994, 108 Stat. 4583; Pub. L. 105-391, title IV, §415(b)(2), Nov. 13, 1998, 112 Stat. 3515.)

CODIFICATION

Subsection (a), which required the Secretary of the Interior to transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a detailed program for the development of facilities, structures, or buildings for each unit of the National Park System consistent with the general management plans required in subsection (b) of this section, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 110 of House Document No. 103-7.

AMENDMENTS

1998—Subsec. (c). Pub. L. 105-391 struck out subsec. (c) which read as follows: "The Secretary of the Interior shall hereafter transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives all proposed awards of concession leases and contracts involving a gross annual business of \$100,000 or more, or of five years or more in duration (including renewals thereof), and all proposed rules and regulations relating thereto, sixty days before such awards are made or such rules and regulations are promulgated."

1994—Subsecs. (a), (c). Pub. L. 103-437 substituted "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives" for "Committees on Interior and Insular Affairs".

1978—Subsec. (b). Pub. L. 95-625, §604(3), in revising text, substituted provisions for preservation and use of units of the National Park Service for prior provision for development of the units and for submission of an annual list to Congress on January 1 for prior provision for transmission of the plans to the Committees on Interior and Insular Affairs, provided for revision of the plans in a timely manner, inserted items (1) to (4) and struck out prior items covering (1) the facilities which the Director found necessary to accommodate the health, safety, and recreation needs of the visiting public, including provision of appropriate facilities under Act Oct. 9, 1965, 79 Stat. 969 [Pub. L. 89-249]; (2) the location and estimated cost of all the facilities; and (3)

the projected need for any additional facilities required for the unit.

Subsec. (c). Pub. L. 95-625, §604(4), substituted “or of five years or more” for “or exceeding five years”.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (b) of this section relating to submitting to Congress, on January 1 each year, a list indicating the current status of general management plans, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 110 of House Document No. 103-7.

§ 1a-7a. National Park System crime prevention assistance

(a) Availability of funds

There are authorized to be appropriated out of the Violent Crime Reduction Trust Fund, not to exceed \$10,000,000, for the Secretary of the Interior to take all necessary actions to seek to reduce the incidence of violent crime in the National Park System.

(b) Recommendations for improvement

The Secretary shall direct the chief official responsible for law enforcement within the National Park Service to—

- (1) compile a list of areas within the National Park System with the highest rates of violent crime;
- (2) make recommendations concerning capital improvements, and other measures, needed within the National Park System to reduce the rates of violent crime, including the rate of sexual assault; and
- (3) publish the information required by paragraphs (1) and (2) in the Federal Register.

(c) Distribution of funds

Based on the recommendations and list issued pursuant to subsection (b) of this section, the Secretary shall distribute the funds authorized by subsection (a) of this section throughout the National Park System. Priority shall be given to those areas with the highest rates of sexual assault.

(d) Use of funds

Funds provided under this section may be used—

- (1) to increase lighting within or adjacent to National Park System units;
- (2) to provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to National Park System units;
- (3) to increase security or law enforcement personnel within or adjacent to National Park System units; or
- (4) for any other project intended to increase the security and safety of National Park System units.

(Pub. L. 91-383, §13, as added Pub. L. 103-322, title IV, §40132, Sept. 13, 1994, 108 Stat. 1917.)

§ 1a-7b. Protecting Americans from violent crime

(a) Congressional findings

Congress finds the following:

- (1) The Second 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) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not “possess, use, or transport firearms on national wildlife refuges” of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

- (A) the National Park System; and
- (B) the National Wildlife Refuge System.

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

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System 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 administration; and
 - (ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

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

(b) Protecting the right of individuals to bear arms in units of the National Park System and the National Wildlife Refuge System

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—

- (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

unit of the National Park System or the National Wildlife Refuge System is located.

(Pub. L. 111-24, title V, §512, May 22, 2009, 123 Stat. 1764.)

EFFECTIVE DATE

Section effective nine months after May 22, 2009, except as otherwise specifically provided, see section 3 of Pub. L. 111-24, set out as an Effective Date of 2009 Amendment note under section 1602 of Title 15, Commerce and Trade.

§ 1a-8. Maintenance management system

(a) Implementation and elements

Beginning in fiscal year 1985, the National Park Service shall implement a maintenance management system into the maintenance and operations programs of the National Park System. For purposes of this section the term “maintenance management system” means a system that contains but is not limited to the following elements:

(1) a work load inventory of assets including detailed information that quantifies for all assets (including but not limited to buildings, roads, utility systems, and grounds that must be maintained) the characteristics affecting the type of maintenance work performed;

(2) a set of maintenance tasks that describe the maintenance work in each unit of the National Park System;

(3) a description of work standards including frequency of maintenance, measurable quality standard to which assets should be maintained, methods for accomplishing work, required labor, equipment and material resources, and expected worker production for each maintenance task;

(4) a work program and performance budget which develops an annual work plan identifying maintenance needs and financial resources to be devoted to each maintenance task;

(5) a work schedule which identifies and prioritizes tasks to be done in a specific time period and specifies required labor resources;

(6) work orders specifying job authorizations and a record of work accomplished which can be used to record actual labor and material costs; and

(7) reports and special analyses which compare planned versus actual accomplishments and costs and can be used to evaluate maintenance operations.

(b) Repealed. Pub. L. 104-333, div. I, title VIII, §814(d)(1)(F), Nov. 12, 1996, 110 Stat. 4196

(Pub. L. 98-540, §4, Oct. 24, 1984, 98 Stat. 2719; Pub. L. 103-437, §6(d)(1), Nov. 2, 1994, 108 Stat. 4583; Pub. L. 104-333, div. I, title VIII, §814(d)(1)(F), Nov. 12, 1996, 110 Stat. 4196.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-333 struck out subsec. (b) which read as follows:

“The National Park Service shall transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, at the end of each fiscal year, a copy of a report summarizing the status of implementation of a maintenance management system until such a system has been implemented.

“The report shall incorporate the following information:

“(1) the number of units in the National Park System that have implemented a maintenance management system during the period;

“(2) contract costs versus management efficiencies achieved;

“(3) the total amount of dollars spent on contracts for services; and

“(4) estimation of the total value of benefits achieved through greater management efficiency.”

1994—Subsec. (b). Pub. L. 103-437 in introductory provisions substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

§ 1a-9. Periodic review of National Park System

The Secretary of the Interior (hereafter in sections 1a-9 to 1a-13 of this title referred to as the “Secretary”) is authorized and directed to conduct a systematic and comprehensive review of certain aspects of the National Park System and to submit on a periodic basis but not later than every 3 years a report to the Committee on Natural Resources and the Committee on Appropriations of the United States House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate on the findings of such review, together with such recommendations as the Secretary determines necessary. The first report shall be submitted no later than 3 years after November 28, 1990.

(Pub. L. 101-628, title XII, §1213, Nov. 28, 1990, 104 Stat. 4507; Pub. L. 103-437, §6(d)(2), Nov. 2, 1994, 108 Stat. 4583.)

REFERENCES IN TEXT

Sections 1a-9 to 1a-13 of this title, referred to in text, was in the original “this title”, meaning title XII of Pub. L. 101-628, Nov. 28, 1990, 104 Stat. 4503, which enacted sections 1a-9 to 1a-13 of this title, amended section 463 of this title, and enacted provisions set out as a note under section 1a-5 of this title. For complete classification of title XII to the Code, see Tables.

AMENDMENTS

1994—Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

§ 1a-10. Consultation with affected agencies and organizations

In conducting and preparing the report referred to in section 1a-9 of this title, the Secretary shall consult with appropriate officials of affected Federal, State and local agencies, together with national, regional, and local organizations, including but not limited to holding such public hearings as the Secretary determines to be appropriate to provide a full opportunity for public comment.

(Pub. L. 101-628, title XII, §1214, Nov. 28, 1990, 104 Stat. 4508.)

REFERENCES IN TEXT

Section 1a-9 of this title, referred to in text, was in the original “section 1”, and was translated as reading “section 1213”, meaning section 1213 of Pub. L. 101-628, title XII, Nov. 28, 1990, 104 Stat. 4507, which enacted section 1a-9 relating to submission of reports, as the probable intent of Congress.

§ 1a-11. Contents of report

The report shall contain—

(a) A comprehensive listing of all authorized but unacquired lands within the exterior boundaries of each unit of the National Park System as of November 28, 1990.

(b) A priority listing of all such unacquired parcels by individual park unit and for the National Park System as a whole. The list shall describe the acreage and ownership of each parcel, the estimated cost of acquisition for each parcel (subject to any statutory acquisition limitations for such lands), and the basis for such estimate.

(c) An analysis and evaluation of the current and future needs of each unit of the National Park System for resource management, interpretation, construction, operation and maintenance, personnel, housing, together with an estimate of the costs thereof.

(Pub. L. 101-628, title XII, § 1215, Nov. 28, 1990, 104 Stat. 4508.)

§ 1a-12. Evaluation of proposed boundary changes

Within one year after November 28, 1990, the Secretary shall develop criteria to evaluate any proposed changes to the existing boundaries of individual park units including—

(a) analysis of whether or not the existing boundary provides for the adequate protection and preservation of the natural, historic, cultural, scenic and recreational resources integral to the unit;

(b) an evaluation of each parcel proposed for addition or deletion to the unit based on the analysis under paragraph (1);¹

(c) an assessment of the impact of potential boundary adjustments taking into consideration the factors in paragraph (c)² as well as the effect of the adjustments on the local communities and surrounding area.

(Pub. L. 101-628, title XII, § 1216, Nov. 28, 1990, 104 Stat. 4508.)

§ 1a-13. Proposals for boundary changes

In proposing any boundary change after November 28, 1990, the Secretary shall—

(a) consult with affected agencies of State and local governments¹ surrounding communities, affected landowners and private national, regional, and local organizations;

(b) apply the criteria developed pursuant to section 1a-12 of this title and accompany this proposal with a statement reflecting the results of the application of such criteria;

(c) include with such proposal an estimate of the cost for acquisition of any parcels proposed for acquisition together with the basis for the estimate and a statement on the relative priority for the acquisition of each parcel within the priorities for acquisition of other lands for such unit and for the National Park System.

(Pub. L. 101-628, title XII, § 1217, Nov. 28, 1990, 104 Stat. 4508.)

¹ So in original. Probably should be paragraph "(a)".

² So in original.

¹ So in original. Probably should be followed by a comma.

§ 1a-14. National Park System advisory committees

(a) Charter

The provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. Appendix; 86 Stat. 776) are hereby waived with respect to any advisory commission or advisory committee established by law in connection with any national park system unit during the period such advisory commission or advisory committee is authorized by law.

(b) Members

In the case of any advisory commission or advisory committee established in connection with any national park system unit, any member of such Commission or Committee may serve after the expiration of his or her term until a successor is appointed.

(Pub. L. 102-525, title III, § 301, Oct. 26, 1992, 106 Stat. 3441.)

REFERENCES IN TEXT

Section 14(b) of the Federal Advisory Committee Act, referred to in subsec. (a), is section 14(b) of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 1b. Secretary of the Interior's authorization of additional activities; administration of National Park System

In order to facilitate the administration of the National Park System, the Secretary of the Interior is authorized to carry out the following activities, and he may use applicable appropriations for the aforesaid system for the following purposes:

(1) Emergency assistance

Rendering of emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire prevention agencies and for related purposes outside of the National Park System.

(2) Utility facilities; erection and maintenance

The erection and maintenance of fire protection facilities, water lines, telephone lines, electric lines, and other utility facilities adjacent to any area of the said National Park System, where necessary, to provide service in such area.

(3) Transportation of employees of Carlsbad Caverns National Park; rates

Transportation to and from work, outside of regular working hours, of employees of Carlsbad Caverns National Park, residing in or near the city of Carlsbad, New Mexico, such transportation to be between the park and the city, or intervening points, at reasonable rates to be determined by the Secretary of the Interior taking into consideration, among other factors, comparable rates charged by transportation companies in the locality for similar services, the amounts collected for such transportation to be credited to the appropriation current at the time payment is received: *Provided*, That if adequate transportation facilities are available, or shall be available by any common carrier, at reasonable rates, then and

in that event the facilities contemplated by this paragraph shall not be offered.

(4) Utility services for concessioners; reimbursement

Furnishing, on a reimbursement of appropriation basis, all types of utility services to concessioners, contractors, permittees, or other users of such services, within the National Park System: *Provided*, That reimbursements for cost of such utility services may be credited to the appropriation current at the time reimbursements are received.

(5) Supplies and rental of equipment; reimbursement

Furnishing, on a reimbursement of appropriation basis, supplies, and the rental of equipment to persons and agencies that in cooperation with, and subject to the approval of, the Secretary of the Interior, render services or perform functions that facilitate or supplement the activities of the Department of the Interior in the administration of the National Park System: *Provided*, That reimbursements hereunder may be credited to the appropriation current at the time reimbursements are received.

(6) Contracts for utility facilities

Contracting, under such terms and conditions as the said Secretary considers to be in the interest of the Federal Government, for the sale, operation, maintenance, repair, or relocation of Government-owned electric and telephone lines and other utility facilities used for the administration and protection of the National Park System, regardless of whether such lines and facilities are located within or outside said system and areas.

(7) Rights-of-way

Acquiring such rights-of-way as may be necessary to construct, improve, and maintain roads within the authorized boundaries of any area of said National Park System and the acquisition also of land and interests in land adjacent to such rights-of-way, when deemed necessary by the Secretary, to provide adequate protection of natural features or to avoid traffic and other hazards resulting from private road access connections, or when the acquisition of adjacent residual tracts, which otherwise would remain after acquiring such rights-of-way, would be in the public interest.

(8) Operation and maintenance of motor and other equipment; rent of equipment; reimbursement

The operation, repair, maintenance, and replacement of motor and other equipment on a reimbursable basis when such equipment is used on Federal projects of the said National Park System, chargeable to other appropriations, or on work of other Federal agencies, when requested by such agencies. Reimbursement shall be made from appropriations applicable to the work on which the equipment is used at rental rates established by the Secretary, based on actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control and credited to appropriations currently available at

the time adjustment is effected, and the Secretary may also rent equipment for fire control purposes to State, county, private, or other non-Federal agencies that cooperate with the Secretary in the administration of the said National Park System and other areas in fire control, such rental to be under the terms of written cooperative agreements, the amount collected for such rentals to be credited to appropriations currently available at the time payment is received.

(Aug. 8, 1953, ch. 384, §1, 67 Stat. 495; Pub. L. 91-383, §2(a), Aug. 18, 1970, 84 Stat. 826.)

AMENDMENTS

1970—Pub. L. 91-383 struck out “and miscellaneous areas administered in connection therewith” after “National Park System” and “and miscellaneous areas” after “aforesaid system” in introductory text and “National Park System” in pars. (1), (2), (4) to (7), and (8) where first appearing.

§ 1c. General administration provisions; system defined; particular areas

(a) “National park system” defined

The “national park system” shall include any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

(b) Specific provisions applicable to area; uniform application of sections 1b to 1d and other provisions of this title to all areas when not in conflict with specific provisions; references in other provisions to national parks, monuments, recreation areas, historic monuments, or parkways not a limitation of such other provisions to those areas

Each area within the national park system shall be administered in accordance with the provisions of any statute made specifically applicable to that area. In addition, the provisions of sections 1b to 1d of this title, and the various authorities relating to the administration and protection of areas under the administration of the Secretary of the Interior through the National Park Service, including but not limited to the Act of August 25, 1916 (39 Stat. 535), as amended [16 U.S.C. 1, 2, 3, and 4], the Act of March 4, 1911 (36 Stat. 1253), as amended (16 U.S.C. 5) relating to rights-of-way, the Act of June 5, 1920 (41 Stat. 917), as amended (16 U.S.C. 6), relating to donation of land and money, sections 1, 4, 5, and 6 of the Act of April 9, 1924 (43 Stat. 90), as amended (16 U.S.C. 8 and 8a-8c), relating to roads and trails, the Act of March 4, 1931 (46 Stat. 1570; 16 U.S.C. 8d), relating to approach roads to national monuments, the Act of June 3, 1948 (62 Stat. 334), as amended (16 U.S.C. 8e-8f), relating to conveyance of roads to States, the Act of August 31, 1954 (68 Stat. 1037), as amended (16 U.S.C. 452a), relating to acquisitions of inholdings, section 1 of the Act of July 3, 1926 (44 Stat. 900), as amended (16 U.S.C. 12), relating to aid to visitors in emergencies, the Act of March 3, 1905 (33 Stat. 873; 16 U.S.C. 10), relating to arrests, sections 3, 4, 5, and 6 of the Act of May 26, 1930 (46 Stat. 381), as amended (16 U.S.C. 17b, 17c, 17d, and 17e), relating to services

or other accommodations for the public, emergency supplies and services to concessioners, acceptability of travelers checks, care and removal of indigents, the Act of October 9, 1965 (79 Stat. 696; 16 U.S.C. 20–20g),¹ relating to concessions, the Land and Water Conservation Fund Act of 1965, as amended [16 U.S.C. 460l–4 et seq.], and the Act of July 15, 1968 (82 Stat. 355), shall to the extent such provisions are not in conflict with any such specific provision, be applicable to all areas within the national park system and any reference in such Act to national parks, monuments, recreation areas, historic monuments, or parkways shall hereinafter not be construed as limiting such Acts to those areas.

(Aug. 8, 1953, ch. 384, § 2, 67 Stat. 496; Pub. L. 91–383, § 2(b), Aug. 18, 1970, 84 Stat. 826.)

REFERENCES IN TEXT

Act of October 9, 1965, referred to in subsec. (b), is Pub. L. 89–249, Oct. 9, 1965, 79 Stat. 969, known as the National Park System Concessions Policy Act, which was classified generally to subchapter IV (§ 20 et seq.) of this chapter, prior to repeal by Pub. L. 105–391, title IV, § 415(a), Nov. 13, 1998, 112 Stat. 3515.

Act of March 3, 1905 (33 Stat. 873; 16 U.S.C. 10), referred to in subsec. (b), related to arrests by National Park Service personnel in the national forests and national parks. Provisions of that Act that related to arrests by Forest Service personnel in the national forest and national parks are classified to section 559 of this title. Section 10(a)(2) of Pub. L. 91–383, as added by Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1941, amended the 1905 Act by striking out references to the National Park Service and the national parks, and had the effect of repealing those provisions of the 1905 Act that were classified to section 10 of this title. Provisions relating to law and order within areas of the National Park System are covered by section 1a–6 of this title.

Section 17d of this title, referred to in subsec. (b), was omitted from the Code as obsolete.

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (b), is Pub. L. 89–578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§ 460l–4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460l–4 of this title and Tables.

Act of July 15, 1968 (82 Stat. 355), referred to in subsec. (b), is Pub. L. 90–401, which enacted sections 460l–10a to 460l–10c and 460l–22 of this title, amended section 460l–5, 460l–7, and 460l–9 of this title, and enacted provisions set out as notes under section 460l–5 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91–383, in redefining the national park system, substituted provision for inclusion of any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes for prior provision defining such system to mean all federally owned or controlled lands administered under direction of Secretary of the Interior under sections 1, 2, 3, and 4 of this title and grouped in the following descriptive categories: (1) National parks, (2) national monuments, (3) national historic parks, (4) national memorials, (5) national parkways, and (6) national capital parks.

Subsec. (b). Pub. L. 91–383 substituted provisions making specific provisions applicable to an area of the national park system, for uniform application of au-

thorities, and prohibiting construction of references in other provisions to national parks, monuments, recreation areas, historic monuments or parkways as limitation of such other provisions to those areas, for prior definition of “miscellaneous areas” as including lands under administrative jurisdiction of another Federal agency, or privately owned lands, and over which National Park Service, under direction of Secretary of the Interior, exercises supervision for recreational, historical, or other related purposes, and lands under care and custody of such Service other than those herein described.

§ 1d. Appropriations

On and after August 8, 1953, applicable appropriations of the National Park Service shall be available for the objects and purposes specified in section 17j–2 of this title.

(Aug. 8, 1953, ch. 384, § 3, 67 Stat. 496.)

§ 1e. National Capital region arts and cultural affairs; grant program

There is hereby established under the direction of the National Park Service a program to support and enhance artistic and cultural activities in the National Capital region. Eligibility for grants shall be limited to organizations of demonstrated national significance which meet at least two of the additional following criteria:

- (1) an annual operating budget in excess of \$1,000,000;
- (2) an annual audience or visitation of at least 200,000 people;
- (3) a paid staff of at least one hundred persons; or
- (4) eligibility under the Historic Sites Act of 1935 (16 U.S.C. 462(e)).

Public or private colleges and universities are not eligible for grants under this program.

Grants awarded under this section may be used to support general operations and maintenance, security, or special projects. No organization may receive a grant in excess of \$500,000 in a single year.

The Director of the National Park Service shall establish an application process, appoint a review panel of five qualified persons, at least a majority of whom reside in the National Capital region, and develop other program guidelines and definitions as required.

The contractual amounts required for the support of Ford’s Theater and Wolf Trap National Park for the Performing Arts shall be available within the amount herein provided without regard to any other provisions of this section.

(Pub. L. 98–473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1844; Pub. L. 89–671, § 14(c), as added Pub. L. 107–219, § 1(a)(3), Aug. 21, 2002, 116 Stat. 1330.)

REFERENCES IN TEXT

The Historic Sites Act of 1935, referred to in text, which is also known as the Historic Sites, Buildings, and Antiquities Act, is act Aug. 21, 1935, ch. 593, 49 Stat. 666, as amended, which is classified to sections 461 to 467 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

AMENDMENTS

2002—Pub. L. 89–671, § 14(c), as added by Pub. L. 107–219, which provided that any reference to “Wolf

¹ So in original. Statutes at Large citation probably should be “79 Stat. 969”. See References in Text note below.

Trap Farm Park” shall be considered to be a reference to “Wolf Trap National Park for the Performing Arts”, was executed by substituting “Wolf Trap National Park for the Performing Arts” for “Wolf Trap Farm Park for the Performing Arts” in concluding provisions to reflect the probable intent of Congress.

§ 1f. Challenge cost-share agreement authority

(1) Definitions

For purposes of this subsection:

(A) The term “challenge cost-share agreement” means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary of the Interior with respect to any unit or program of the National Park System (as defined in section 1c(a) of this title), any affiliated area, or any designated National Scenic or Historic Trail.

(B) The term “cooperator” means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(2) Challenge cost-share agreements

The Secretary of the Interior is authorized to negotiate and enter into challenge cost-share agreements with cooperators.

(3) Use of Federal funds

In carrying out challenge cost-share agreements, the Secretary of the Interior is authorized to provide the Federal funding share from any funds available to the National Park Service.

(4) Available funds

Out of any amounts in the Treasury not otherwise appropriated, \$20,000,000 shall be made available to the Secretary of the Interior for fiscal year 2018, and \$30,000,000 shall be made available to the Secretary of the Interior for fiscal year 2019, without further appropriation and to remain available until expended, to pay the Federal funding share of challenge cost-share agreements for deferred maintenance projects and to correct deficiencies in National Park Service infrastructure.

(5) Cost-share requirement

Not less than 50 percent of the total cost of project¹ for funds made available under paragraph (4) to pay the Federal funding share shall be derived from non-Federal sources, including in-kind contribution of goods and services fairly valued.

(Pub. L. 104-333, div. I, title VIII, §814(g), Nov. 12, 1996, 110 Stat. 4199; Pub. L. 113-40, §10(c), Oct. 2, 2013, 127 Stat. 546.)

AMENDMENTS

2013—Pars. (4), (5). Pub. L. 113-40 added pars. (4) and (5).

§ 1g. Cooperative agreements

The National Park Service may in fiscal year 1997 and thereafter enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local

and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs pursuant to section 6305 of title 31 to carry out public purposes of National Park Service programs.

(Pub. L. 104-208, div. A, title I, §101(d) [title I], Sept. 30, 1996, 110 Stat. 3009-181, 3009-189.)

§ 1h. Sums provided by private entities for utility services

Notwithstanding any other provision of law, in fiscal year 2003 and thereafter, sums provided to the National Park Service by private entities for utility services shall be credited to the appropriate account and remain available until expended.

(Pub. L. 108-7, div. F, title I, Feb. 20, 2003, 117 Stat. 227.)

§ 1i. Reimbursable agreements

Heretofore and hereafter, in carrying out the work under reimbursable agreements with any State, local or tribal government, the National Park Service may, without regard to section 1341 of title 31 or any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to the appropriate account, such credit to occur within 90 days of the date of the original request by the National Park Service for payment.

(Pub. L. 108-7, div. F, title I, Feb. 20, 2003, 117 Stat. 227.)

§ 1j. Cooperative agreements for national park natural resource protection

(a) In general

The Secretary of the Interior (referred to in this section as the “Secretary”) may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating private landowners for the purpose of protecting natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) Terms and conditions

A cooperative agreement entered into under subsection (a) shall provide clear and direct benefits to park natural resources and—

(1) provide for—

(A) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(B) preventing, controlling, or eradicating invasive exotic species that are within a unit of the National Park System or adjacent to a unit of the National Park System; or

(C) restoration of natural resources, including native wildlife habitat or ecosystems;

(2) include a statement of purpose demonstrating how the agreement will—

(A) enhance science-based natural resource stewardship at the unit of the National Park System; and

¹ So in original.

(B) benefit the parties to the agreement;

(3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—

(A) protect natural resources of the unit of the National Park System; and

(B) benefit the parties to the agreement;

(4) identify any materials, supplies, or equipment and any other resources that will be contributed by the parties to the agreement or by other Federal agencies;

(5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and

(7) include such other terms and conditions as are agreed to by the Secretary and the other parties to the agreement.

(c) Limitations

The Secretary shall not use any funds associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

(d) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 110-229, title III, §301, May 8, 2008, 122 Stat. 768.)

§2. National parks, reservations, and monuments; supervision

The director shall, under the direction of the Secretary of the Interior, have the supervision, management, and control of the several national parks and national monuments which on August 25, 1916, were under the jurisdiction of the Department of the Interior, and of the Hot Springs National Park in the State of Arkansas, and of such other national parks and reservations of like character as may be created by Congress. In the supervision, management, and control of national monuments contiguous to national forests the Secretary of Agriculture may cooperate with said National Park Service to such extent as may be requested by the Secretary of the Interior.

(Aug. 25, 1916, ch. 408, §2, 39 Stat. 535; Mar. 4, 1921, ch. 161, §1, 41 Stat. 1407.)

CHANGE OF NAME

Hot Springs Reservation was changed to Hot Springs National Park by section 1 of act Mar. 4, 1921.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with

power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§3. Rules and regulations of national parks, reservations, and monuments; timber; leases

The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violation of any of the rules and regulations authorized by this section and sections 1, 2, and 4 of this title shall be punished by a fine of not more than \$500 or imprisonment for not exceeding six months, or both, and be adjudged to pay all cost of the proceedings. He may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. No natural,¹ curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: *Provided, however*, That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze livestock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park: *And provided further*, That the Secretary of the Interior may grant said privileges, leases, and permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids: *And provided further*, That no contract, lease, permit, or privilege granted shall be assigned or transferred by such grantees, permittees, or licensees without the approval of the Secretary of the Interior first obtained in writing.

(Aug. 25, 1916, ch. 408, §3, 39 Stat. 535; June 2, 1920, ch. 218, §5, 41 Stat. 732; Mar. 7, 1928, ch. 137, §1, 45 Stat. 235; Pub. L. 85-434, May 29, 1958, 72 Stat. 152; Pub. L. 105-391, title IV, §415(b)(1), Nov. 13, 1998, 112 Stat. 3515.)

REFERENCES IN TEXT

Herein, referred to in text, means act Aug. 25, 1916, known as the "National Park Service Organic Act", which is classified to this section and sections 1, 2, and 4 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1 of this title and Tables.

AMENDMENTS

1998—Pub. L. 105-391, §415(b)(1)(A), in fourth sentence, substituted "No natural," for "He may also grant privi-

¹ So in original. The comma probably should not appear.

leges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding thirty years; and no natural”.

Pub. L. 105-391, §415(b)(1)(B), in fourth sentence, struck out last proviso which read as follows “: *And provided further*, That the Secretary may, in his discretion, authorize such grantees, permittees, or licensees to execute mortgages and issue bonds, shares of stock, and other evidences of interest in or indebtedness upon their rights, properties, and franchises, for the purposes of installing, enlarging, or improving plant and equipment and extending facilities for the accommodation of the public within such national parks and monuments”.

1958—Pub. L. 85-434 substituted “thirty years” for “twenty years”.

1928—Act Mar. 7, 1928, inserted last three provisos.

1920—Act June 2, 1920, substituted “and any violation of any of the rules and regulations authorized by this section and sections 1, 2, and 4 of this title shall be punished by a fine of not more than \$500 or imprisonment for not exceeding six months, or both, and be adjudged to pay all cost of the proceedings” for “and any violations of any of the rules and regulations authorized by this section and sections 1, 2, and 4 of this title shall be punished as provided for in section 50 of the Act entitled ‘An Act to codify and amend the Penal Laws of the United States,’ approved March 4, 1909, as amended by section 6 of the Act of June 25, 1910 (Thirty-sixth United States Statutes at Large, page 857,”.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 3a. Recovery of costs associated with special use permits

Notwithstanding any other provision of law, the National Park Service may on and after November 11, 1993, recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time.

(Pub. L. 103-138, title I, Nov. 11, 1993, 107 Stat. 1387.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1384.

Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 999.

Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1923.

Pub. L. 101-121, title I, Oct. 23, 1989, 103 Stat. 709.

Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1788.

Pub. L. 100-202, §101(g) [title I], Dec. 22, 1987, 101 Stat. 1329-213, 1329-223.

Pub. L. 99-500, §101(h) [title I], Oct. 18, 1986, 100 Stat. 1783-242, 1783-251, and Pub. L. 99-591, §101(h) [title I], Oct. 30, 1986, 100 Stat. 3341-242, 3341-251.

§ 3b. Maintenance and repair of Government improvements under concession contracts

Privileges, leases, and permits granted by the Secretary of the Interior for the use of land for the accommodation of park visitors, pursuant to section 3 of this title, may provide for the maintenance and repair of Government improvements by the grantee notwithstanding the provisions of section 1302 of title 40, or any other provision of law.

(Pub. L. 87-608, Aug. 24, 1962, 76 Stat. 405.)

CODIFICATION

“Section 1302 of title 40” substituted in text for “section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

Section was classified to section 303c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 4. Rights-of-way through public lands

The provisions of sections 1, 2, and 3 of this title shall not affect or modify the provisions of section 79 of this title.

(Aug. 25, 1916, ch. 408, §4, 39 Stat. 536.)

REFERENCES IN TEXT

Section 79 of this title, referred to in text, was in the original a reference to act Feb. 15, 1901, ch. 372, 31 Stat. 790. For further details, see Codification note set out under section 79 of this title.

§ 5. Rights-of-way through parks or reservations for power and communications facilities

The head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to the extent of two hundred feet on each side of the center line of such lines and poles and not to exceed four hundred feet by four hundred feet for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: *Provided*, That such right-of-way shall be allowed within or through any national park or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has been issued a permit, prior to March 4, 1911, for any of the purposes specified herein under any law existing at that date, may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations making application under the provisions of this section subsequent to said date.

(Mar. 4, 1911, ch. 238, 36 Stat. 1253; May 27, 1952, ch. 338, 66 Stat. 95.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section, insofar as it relates also to rights-of-way in military and other reservations and national forests, is also set out as sections 420 and 523 of this title, and, in so far as it relates to rights-of-way on public lands generally, and Indian reservations, is set out as section 961 of Title 43, Public Lands.

AMENDMENTS

1952—Act May 27, 1952, inserted reference to rights-of-way for radio, television, and other forms of communication, and increased from 40 feet to 400 feet the maximum width of rights-of-way for lines and poles.

SAVINGS PROVISION

Repeal by Pub. L. 94-579, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

§ 6. Donations of lands within national parks and monuments and moneys

The Secretary of the Interior in his administration of the National Park Service is authorized, in his discretion, to accept patented lands, rights-of-way over patented lands or other lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purposes of the national park and monument system.

(June 5, 1920, ch. 235, § 1, 41 Stat. 917.)

§ 6a. Repealed. Pub. L. 90-209, § 2, Dec. 18, 1967, 81 Stat. 656

Section, act July 10, 1935, ch. 375, § 4, 49 Stat. 478, related to acceptance of gifts or bequests of money. See section 19g of this title.

§ 7. Repealed. Oct. 31, 1951, ch. 654, § 1(35), 65 Stat. 702

Section, act Jan. 24, 1923, ch. 42, 42 Stat. 1215, related to purchase of supplies or services for National Park Service.

§ 7a. Airports in national parks, monuments and recreation areas; construction, etc.

The Secretary of the Interior (hereinafter called the "Secretary") is authorized to plan, acquire, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports in the continental United States in, or in close proximity to, national parks, national monuments, and national recreation areas, when such airports are determined by him to be necessary to the proper performance of the functions of the Department of the Interior: *Provided*, That no such airport shall be acquired, established, or constructed by the Secretary un-

less such airport is included in the then current revision of the national airport plan formulated by the Secretary of Transportation pursuant to the provisions of the Federal Airport Act: *Provided further*, That the operation and maintenance of such airports shall be in accordance with the standards, rules, or regulations prescribed by the Secretary of Transportation.

(Mar. 18, 1950, ch. 72, § 1, 64 Stat. 27; Pub. L. 85-726, title XIV, § 1402(e), Aug. 23, 1958, 72 Stat. 807; Pub. L. 91-258, title I, § 52(b)(1), May 21, 1970, 84 Stat. 235.)

REFERENCES IN TEXT

The Federal Airport Act, referred to in text, is act May 13, 1946, ch. 251, 60 Stat. 170, as amended, which was classified to chapter 14 (§1101 et seq.) of former Title 49, Transportation. The Act was repealed by section 52(a) of the Airport and Airway Development Act of 1970 (Pub. L. 91-258, title I, May 21, 1970, 84 Stat. 235). See chapter 471 of Title 49, Transportation.

AMENDMENTS

1970—Pub. L. 91-258 substituted "Secretary of Transportation" for "Administrator of the Federal Aviation Agency" in two places.

1958—Pub. L. 85-726 substituted "Administrator of the Federal Aviation Agency" for "Administrator of Civil Aeronautics" in two places.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 1505(2) of Pub. L. 85-726 provided that the amendment made by Pub. L. 85-726 is effective on 60th day following date on which the Administrator of the Federal Aviation Agency first appointed under Pub. L. 85-726 qualifies and takes office. The Administrator was appointed, qualified and took office on Oct. 31, 1958.

§ 7b. Acquisition of lands for airport use; contracts for operation and maintenance

In order to carry out the purposes of sections 7a to 7e of this title, the Secretary is authorized to acquire necessary lands and interests in or over lands; to contract for the construction, improvement, operation, and maintenance of airports and incidental facilities; to enter into agreements with other public agencies providing for the construction, operation, or maintenance of airports by such other public agencies or jointly by the Secretary and such other public agencies upon mutually satisfactory terms; and to enter into such other agreements and take such other action with respect to such airports as may be necessary to carry out the purposes of said sections: *Provided*, That nothing in said sections shall be held to authorize the Secretary to acquire any land, or interest in or over land, by purchase, condemnation, grant, or lease without first obtaining the consent of the Governor of the State, and the consent of the State political subdivision in which such land is located: *And provided further*, That the authorization herein granted shall not exceed \$3,500,000.

(Mar. 18, 1950, ch. 72, § 2, 64 Stat. 28; Pub. L. 89-763, Nov. 5, 1966, 80 Stat. 1313.)

AMENDMENTS

1966—Pub. L. 89-763 substituted "\$3,500,000" for "\$2,000,000".

§ 7c. Authorization to sponsor airport projects; use of funds

In order to carry out the purposes of sections 7a to 7e of this title, the Secretary is authorized

to sponsor projects under the Federal Airport Act either independently or jointly with other public agencies, and to use, for payment of the sponsor's share of the project costs of such projects, any funds that may be contributed or otherwise made available to him for such purpose (receipt of which funds and their use for such purposes is authorized) or may be appropriated or otherwise specifically authorized therefor.

(Mar. 18, 1950, ch. 72, § 3, 64 Stat. 28.)

REFERENCES IN TEXT

The Federal Airport Act, referred to in text, is act May 13, 1946, ch. 251, 60 Stat. 170, as amended, which was classified to chapter 14 (§1101 et seq.) of former Title 49, Transportation. The Act was repealed by section 52(a) of the Airport and Airway Development Act of 1970 (Pub. L. 91-258, title I, May 21, 1970, 84 Stat. 235). See chapter 471 of Title 49, Transportation.

§ 7d. Jurisdiction over airports; public operation

All airports under the jurisdiction of the Secretary, unless otherwise specifically provided by law, shall be operated as public airports, available for public use on fair and reasonable terms and without unjust discrimination.

(Mar. 18, 1950, ch. 72, § 4, 64 Stat. 28.)

§ 7e. Definitions

The terms "airport", "project", "project costs", "public agency", and "sponsor", as used in sections 7a to 7e of this title, shall have the respective meanings prescribed in the Federal Airport Act.

(Mar. 18, 1950, ch. 72, § 5, 64 Stat. 28.)

REFERENCES IN TEXT

The Federal Airport Act, referred to in text, is act May 13, 1946, ch. 251, 60 Stat. 170, as amended, which was classified to chapter 14 (§1101 et seq.) of former Title 49, Transportation. The Act was repealed by section 52(a) of the Airport and Airway Development Act of 1970 (Pub. L. 91-258, title I, May 21, 1970, 84 Stat. 235). See chapter 471 of Title 49, Transportation.

§ 8. Roads and trails in national parks and monuments; construction, etc.

The Secretary of the Interior, in his administration of the National Park Service, is authorized to construct, reconstruct, and improve roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior.

(Apr. 9, 1924, ch. 86, § 1, 43 Stat. 90.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 8-1. Repealed. Pub. L. 85-767, § 2[33], Aug. 27, 1958, 72 Stat. 919

Section, act Sept. 7, 1950, ch. 912, § 4(a), 64 Stat. 787, related to administration of appropriations for construction, reconstruction, and improvement of roads

and trails in national parks, monuments, and other areas administered by National Park Service.

Act Sept. 5, 1940, ch. 715, § 8, 54 Stat. 870, which was formerly classified to this section, was repealed by Pub. L. 85-767, § 2[23], Aug. 27, 1958, 72 Stat. 919.

§ 8a. National-park approach roads; designation

Whenever the Secretary of the Interior shall determine it to be in the public interest he may designate as national-park approach roads and as supplementary parts of the highway systems of any of the national parks roads whose primary value is to carry national-park travel and which lead across lands wholly or to the extent of 90 per centum owned by the Government of the United States and which will connect the highways within a national park with a convenient point on or leading to the Federal 7 per centum highway system: *Provided*, That such approach roads so designated shall be limited to not to exceed sixty miles in length between a park gateway and such point on or leading to the nearest convenient 7 per centum system road; or, if such approach road is on the 7 per centum system, it shall be limited to not to exceed thirty miles: *Provided further*, That not to exceed forty miles of any one approach road shall be designated in any one county.

(Apr. 9, 1924, ch. 86, § 4, as added Jan. 31, 1931, ch. 79, 46 Stat. 1053.)

§ 8b. National-park approach roads and roads and trails within national parks and national monuments; construction, improvement, and maintenance; appropriation

The Secretary of the Interior is authorized during the fiscal years 1950 and 1951 to construct, reconstruct, and improve national-park approach roads designated under section 8a of this title, inclusive of necessary bridges, and to enter into agreements for the maintenance thereof by State or county authorities, or to maintain them when otherwise necessary, as well as hereafter to construct, reconstruct, and improve roads and trails within the national parks and national monuments; and for all such purposes there is authorized to be appropriated out of any money in the Treasury not otherwise appropriated, the following sums: \$10,000,000 for the fiscal year ending June 30, 1950; the sum of \$10,000,000 for the fiscal year ending June 30, 1951: *Provided*, That under agreement with the Secretary of the Interior the Secretary of Commerce may carry out any or all of the provisions of this section: *Provided further*, That not to exceed \$1,500,000 shall be allocated annually for the construction, reconstruction, and improvement of such national-park approach roads: *And provided further*, That nothing in this section or sections 8, 8a, and 8c of this title shall be construed to limit the authority of the Secretary of the Interior to hereafter construct, reconstruct, improve, and maintain roads and trails within the national parks and national monuments.

(Apr. 9, 1924, ch. 86, § 5, as added Jan. 31, 1931, ch. 79, 46 Stat. 1053; amended 1939 Reorg. Plan No. I, §§ 301, 302, eff. July 1, 1939, 4 F.R. 2727, 53 Stat. 1426; June 29, 1948, ch. 732, § 4(a), 62 Stat. 1107; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380; 1949 Reorg. Plan No. 7, § 2, eff. Aug. 10, 1949, 14 F.R. 5228, 63 Stat. 1070.)

AMENDMENTS

1948—Act June 29, 1948, appropriated \$10,000,000 for fiscal years 1950 and 1951, respectively.

TRANSFER OF FUNCTIONS

Functions of Administrator of General Services with respect to Bureau of Public Roads transferred to Secretary of Commerce by Reorg. Plan No. 7 of 1949, set out in the Appendix to Title 5, Government Organization and Employees.

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949. Both Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of that act. See Historical and Revision Notes under section 303(b) of Title 40, Public Buildings, Property, and Works. Section 303(b) of Title 40 was amended generally by Pub. L. 109-313, §2(a)(1), Oct. 6, 2006, 120 Stat. 1734, and, as so amended, no longer relates to the Federal Works Agency and Commissioner of Public Buildings. See 2006 Amendment note under section 303 of Title 40.

Functions of Secretary of Agriculture with respect to Public Roads Administration transferred to Federal Works Administrator by Reorg. Plan No. 1 of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see section 605, formerly §505, of act June 30, 1949, ch. 288, 63 Stat. 403; renumbered by act Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583.

§ 8c. National-park approach roads across or within national forests; approval of Secretary of Agriculture

Whenever any approach road is proposed under the terms of this section and sections 8, 8a, and 8b of this title across or within any national forest the Secretary of the Interior shall secure the approval of the Secretary of Agriculture before construction shall begin.

(Apr. 9, 1924, ch. 86, §6, as added Jan. 31, 1931, ch. 79, 46 Stat. 1054.)

§ 8d. National-monument approach roads

Approach roads to national monuments shall be included within the provisions of sections 8 and 8a to 8c of this title under the same conditions as approach roads to national parks, and the limitation therein on the amount of annual allocation of funds to national park approach roads shall be inclusive of such national monument approaches.

(Mar. 4, 1931, ch. 522, title I, 46 Stat. 1570.)

§ 8e. Conveyance to States of roads leading to certain historical areas; conditions; jurisdiction

The Secretary of the Interior is authorized in his discretion, subject to such conditions as may seem to him proper, to convey by proper quitclaim deed to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled road leading to any national cemetery, national military park, national historical park, national battlefield park, or national historic site administered by the National Park

Service. Prior to the delivery of any conveyance under this section and section 8f of this title, the State, county, or municipality to which the conveyance authorized in this section is to be made shall notify the Secretary of the Interior in writing of its willingness to accept and maintain the road or roads included in such conveyance. Upon the execution and delivery of any conveyance authorized in this section, any jurisdiction heretofore ceded to the United States by a State over the roads conveyed shall thereby cease and determine and shall thereafter vest and be in the particular State in which such roads are located.

(June 3, 1948, ch. 401, §1, 62 Stat. 334.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 8f. Roads leading to certain historical areas; "State" defined

The word "State" as used in section 8e of this title includes Hawaii, Alaska, Puerto Rico, Guam, and the Virgin Islands.

(June 3, 1948, ch. 401, §2, 62 Stat. 334; Aug. 1, 1956, ch. 852, §5, 70 Stat. 908.)

AMENDMENTS

1956—Act Aug. 1, 1956, inserted "Guam" after "Puerto Rico".

ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of Title 48.

§ 9. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(12), 63 Stat. 400, eff. July 1, 1949; renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583

Section, act Jan. 24, 1923, ch. 42, 42 Stat. 1215, related to exchange of motor vehicles and equipment as part consideration in purchase of new equipment.

§ 9a. Government of parks, etc.; violation of regulations as misdemeanor

The Secretary of the Army is authorized to prescribe and publish such regulations as he deems necessary for the proper government and protection of, and maintenance of good order in, national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials as are now or hereafter may be under the control of the Department of the Army; and any person who knowingly and willfully violates any such regulation shall be deemed guilty of a misdemeanor and punishable by a fine of not more than \$100 or by imprison-

ment for not more than three months, or by both such fine and imprisonment.

(Mar. 2, 1933, ch. 180, §1, 47 Stat. 1420; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

CONSOLIDATION OF FUNCTIONS

Functions of administration of national parks, national monuments, etc., including national cemeteries and parks of Department of the Army located within continental limits of United States, consolidated in an Office of National Parks, Buildings and Reservations, see Ex. Ord. No. 6166, §2, June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, §2, June 10, 1933, by act Mar. 2, 1934, ch. 38, §1, 48 Stat. 389.

CEMETERIES AND PARKS TRANSFERRED

Cemeteries and parks transferred, and postponement of transfer of national cemeteries other than those named by Ex. Ord. No. 6166, §2, as amended by Ex. Ord. No. 6228, §§1, 2, July 28, 1933, set out as notes under section 901 of Title 5, Government Organization and Employees.

§§ 10, 10a. Repealed. Pub. L. 91-383, § 10(a)(2), (3), as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1941

Section 10, act Mar. 3, 1905, ch. 1405, 33 Stat. 873, authorized National Park Service employees to arrest and prosecute persons violating the laws and regulations relating to the national forests and national parks. Act Mar. 3, 1905, insofar as it relates to the Forest Service, is classified to section 559 of this title. Pub. L. 91-383, §10(a), as amended, amended act Mar. 3, 1905, to delete references to the National Park Service and the national parks. Authority to maintain law and order within areas of the National Park System is now covered by section 1a-6 of this title.

Section 10a, act Mar. 2, 1933, ch. 180, §2, 47 Stat. 1420, related to the authorization of commissioners, superintendents, caretakers, officers, or guards of national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials, to arrest and prosecute persons for violations of any of the regulations prescribed pursuant to section 9a of this title.

§ 11. Medical attention for employees

The Secretary of the Interior in his administration of the National Park Service is authorized to contract for medical attention and service for employees and to make necessary payroll deductions agreed to by the employees therefor.

(May 10, 1926, ch. 277, §1, 44 Stat. 491.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with

power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 12. Aid to visitors in emergencies

The Secretary of the Interior is authorized to aid and assist visitors within the national parks or national monuments in emergencies, and when no other source is available for the procurement of food or supplies, by the sale, at cost, of food or supplies in quantities sufficient to enable them to reach safely a point where such food or supplies can be purchased: *Provided*, That the receipts from such sales shall be deposited as a refund to the appropriation or appropriations current at the date of covering in of such deposit and shall be available for the purchase of similar food or supplies.

(July 3, 1926, ch. 792, §1, 44 Stat. 900.)

§ 13. Medical attention to employees at isolated places; removal of bodies for burial

The Secretary of the Interior, in his discretion, is authorized to provide, out of moneys appropriated for the general expense of the several national parks and national monuments, medical attention for employees of the National Park Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial.

(July 3, 1926, ch. 792, §2, 44 Stat. 900.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 14. Repealed. Pub. L. 88-578, § 2(a), Sept. 3, 1964, 78 Stat. 899

Section, acts Mar. 7, 1928, ch. 137, §1, 45 Stat. 238; Mar. 4, 1929, ch. 705, §1, 45 Stat. 1602, prohibited expenditure of appropriations for National Park Service where campground privileges are charged for by the Park Service.

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1965, see section 1(a) of Pub. L. 88-578, set out as an Effective Date note under section 4601-4 of this title.

§ 14a. Appropriations; availability for printing information and signs

Appropriations made for the National Park Service shall be available for the printing of information and directional signs made of cloth and required in the administration of areas under its jurisdiction.

(May 10, 1939, ch. 119, §1, 53 Stat. 729.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with cer-

tain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 14b. Credits of receipts for meals and quarters furnished Government employees in the field

Cash collections and pay-roll deductions made for meals and quarters furnished by the National Park Service to employees of the Government in the field and to cooperating agencies may be credited as a reimbursement to the current appropriation for the administration of the park or monument in which the accommodations are furnished.

(May 9, 1935, ch. 101, §1, 49 Stat. 209.)

CODIFICATION

Section is also set out as section 456a of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 14c. Availability for expense of recording donated lands

Appropriations made for the National Park Service shall be available for any expenses incident to the preparation and recording of title evidence covering lands to be donated to the United States for administration by the National Park Service.

(June 28, 1941, ch. 259, §1, 55 Stat. 350.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 14d. Use of funds for law enforcement and emergencies

On and after October 5, 1992, any funds, not to exceed \$250,000 per incident, available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further*, That any exercise of this authority must be replenished by a supplemental appropriation which must be requested as promptly as possible.

(Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1384; Pub. L. 103-332, title I, Sept. 30, 1994, 108 Stat. 2507.)

AMENDMENTS

1994—Pub. L. 103-332 inserted “, not to exceed \$250,000 per incident,” after “funds” and “: *Provided further*, That any exercise of this authority must be replenished by a supplemental appropriation which must be requested as promptly as possible” after “System”.

§ 14e. Contribution for annuity benefits

For reimbursement (not heretofore made), pursuant to provisions of Public Law 85-157, to the District of Columbia on a monthly basis for benefit payments by the District of Columbia to United States Park Police annuitants under the provisions of the Policeman and Fireman's Retirement and Disability Act (Act), to the extent those payments exceed contributions made by active Park Police members covered under the Act, such amounts as hereafter may be necessary: *Provided*, That hereafter the appropriations made to the National Park Service shall not be available for this purpose.

(Pub. L. 107-63, title I, Nov. 5, 2001, 115 Stat. 424.)

REFERENCES IN TEXT

Public Law 85-157, referred to in text, is Pub. L. 85-157, Aug. 21, 1957, 71 Stat. 391, as amended, known as the Policemen and Firemen's Retirement and Disability Act amendments of 1957, which is not classified to the Code.

The Policeman and Fireman's Retirement and Disability Act, referred to in text, probably means the Policemen and Firemen's Retirement and Disability Act, act Sept. 1, 1916, ch. 433, §12, 39 Stat. 718, as amended, which is not classified to the Code.

§ 15. Appropriations for purchase of equipment; waterproof footwear

Appropriations whenever made for the National Park Service, which are available for the purchase of equipment may be used for purchase of waterproof footwear which shall be regarded and listed as park equipment.

(Mar. 7, 1928, ch. 137, §1, 45 Stat. 238.)

§ 16. Central warehouses at parks and monuments; maintenance; purchase of supplies and materials; distribution

The Secretary of the Interior, in his administration of the national parks and national monuments, is authorized to maintain central warehouses at said parks and monuments, and appropriations made for the administration, protection, maintenance, and improvement of the said parks and monuments shall be available for the purchase of supplies and materials to be kept in said central warehouses for distribution at cost, including transportation and handling, to projects under specific appropriations, and transfers between the various appropriations made for the national parks and national monuments are authorized for the purpose of charging the cost of supplies and materials, including transportation and handling, drawn from central warehouses maintained under this authority to the particular appropriation benefited; and such supplies and materials as remain therein at the end of any fiscal year shall be continuously available for issuance during subsequent fiscal years and to be charged for by such transfers of funds between appropriations made for the administration, protection, maintenance, and improvement of said parks and monuments for the fiscal year then current without decreasing in any way the appropriations made for that fiscal year: *Provided*, That supplies and materials shall not be purchased solely for the purpose of increasing the value of storehouse stock beyond

reasonable requirements for any current fiscal year.

(Apr. 18, 1930, ch. 187, 46 Stat. 219.)

TRANSFER OF FUNCTIONS

Functions of procurement of supplies, services, stores, etc., exercised by any other agency transferred to Procurement Division in Department of the Treasury by Ex. Ord. No. 6166, §1, June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees. Procurement Division changed to Bureau of Federal Supply by Department of the Treasury Order 73 dated Nov. 19, 1946. Bureau transferred on July 1, 1949, to General Services Administration, where it functions as Federal Supply Service [now Federal Acquisition Service], pursuant to act June 30, 1949, ch. 288, title I, §102, 63 Stat. 380, which was repealed and reenacted as section 303(a) of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. Section 303(a) of Title 40 was amended generally by Pub. L. 109-313, §2(a)(1), Oct. 6, 2006, 120 Stat. 1734, and, as so amended, no longer relates to the Bureau of Federal Supply. See Historical and Revision Notes and 2006 Amendment note under section 303 of Title 40.

§ 17. Personal equipment and supplies for employees; purchase by Secretary of the Interior; deductions from moneys due employees

The Secretary of the Interior is authorized to purchase personal equipment and supplies for employees of the National Park Service, and to make deductions therefor from moneys appropriated for salary payments or otherwise due such employees.

(May 26, 1930, ch. 324, § 1, 46 Stat. 381.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17a. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 647

Section, act May 26, 1930, ch. 324, § 2, 46 Stat. 382, provided for travel allowances and mileage for administration of National Park Service.

§ 17b. Services or other accommodations for public; contracts; rates

The Secretary of the Interior is authorized to contract for services or other accommodations provided in the national parks and national monuments for the public under contract with the Department of the Interior, as may be required in the administration of the National Park Service, at rates approved by him for the furnishing of such services or accommodations to the Government and without compliance with the provisions of section 6101 of title 41.

(May 26, 1930, ch. 324, § 3, 46 Stat. 382.)

CODIFICATION

In text, “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes of the United States” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17b-1. Repealed. Pub. L. 105-391, title IV, § 415(b)(3), Nov. 13, 1998, 112 Stat. 3516

Section, acts July 31, 1953, ch. 298, title I, §1, 67 Stat. 271; July 14, 1956, ch. 598, 70 Stat. 543; Pub. L. 91-383, §12(c), as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1943, related to transmittal of reports of proposed contract and lease awards to Congressional officers by Secretary.

§ 17c. Procurement of supplies, materials, and special services to aid permittees and licensees in emergencies; authority of Secretary of the Interior

The Secretary of the Interior is authorized in emergencies, when no other source is available for the immediate procurement of supplies, materials, or special services, to aid and assist grantees, permittees, or licensees conducting operations for the benefit of the public in the national parks and national monuments by the sale at cost, including transportation and handling of such supplies, materials, or special services as may be necessary to relieve the emergency and insure uninterrupted service to the public: *Provided*, That the receipts from such sales shall be deposited as a refund to the appropriation or appropriations current at the date of covering in of such deposit, and shall be available for expenditure for national-park and national-monument purposes.

(May 26, 1930, ch. 324, § 4, 46 Stat. 382.)

§ 17d. Omitted

CODIFICATION

Section, act May 26, 1930, ch. 324, § 5, 46 Stat. 382, which provided that section 543 of former title 31 should not be construed to prohibit the acceptance of traveler's checks and other forms of money equivalent in payment of automobile license fees, etc. charged at national parks, was omitted as obsolete in view of the repeal of section 543 of former title 31 by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068.

§ 17e. Care and removal of indigents; disposition of dead persons

The Secretary of the Interior is authorized, in his discretion, to provide, out of moneys appropriated for the general expenses of the several national parks, for the temporary care and removal from the park of indigents, and in case of death to provide for their burial in those national parks not under local jurisdiction for these purposes, this section in no case to authorize transportation of such indigent or dead for a distance of more than fifty miles from the national park.

(May 26, 1930, ch. 324, § 6, 46 Stat. 382.)

§ 17f. Property of employee lost, damaged, or destroyed while in use on official business; reimbursement of employee

The Secretary of the Interior in his administration of the National Park Service is author-

ized to reimburse employees and other owners of horses, vehicles, and other equipment lost, damaged, or destroyed while in the custody of such employee or the Department of the Interior, under authorization, contract, or loan, for necessary fire fighting, trail, or other official business, such reimbursement to be made from any available funds in the appropriation to which the hire of such equipment would be properly chargeable.

(May 26, 1930, ch. 324, § 7, 46 Stat. 382.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17g. Equipment required by field employees; by whom furnished and maintained

The Secretary of the Interior may require field employees of the National Park Service to furnish horses, motor and other vehicles, and miscellaneous equipment necessary for the performance of their official work; and he may provide, at Government expense, forage, care, and housing for animals, and housing or storage and fuel for vehicles and other equipment so required to be furnished.

(May 26, 1930, ch. 324, § 8, 46 Stat. 383.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17h. Hire, rental, and purchase of property of employees; when authorized

The Secretary of the Interior may, under such regulations as he may prescribe, authorize the hire, rental, or purchase of property from employees of the National Park Service whenever the public interest will be promoted thereby.

(May 26, 1930, ch. 324, § 9, 46 Stat. 383.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17i. Hire of work animals, vehicles and equipment with or without personal services; rates

The National Park Service may hire, with or without personal services, work animals and animal-drawn and motor-propelled vehicles and equipment at rates to be approved by the Secretary of the Interior and without compliance with the provisions of sections 3709¹ and 3744¹ of the Revised Statutes.

¹ See References in Text note below.

(May 26, 1930, ch. 324, § 10, 46 Stat. 383.)

REFERENCES IN TEXT

Sections 3709 and 3744 of the Revised Statutes, referred to in text, were classified to sections 5 and 16, respectively, of former Title 41, Public Contracts. Section 3709 was repealed and restated in section 6101 of Title 41, Public Contracts, by Pub. L. 111-350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. Section 3744 was repealed by act Oct. 21, 1941, ch. 452, 55 Stat. 743.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17j. Traveling expenses of National Park System employees and dependents of deceased employees

In the administration of the National Park System, the Secretary of the Interior is authorized, under regulations prescribed by him, to pay (a) the traveling expenses of employees, including the costs of packing, crating, and transporting (including draying) their personal property, upon permanent change of station of such employees and (b) the traveling expenses as aforesaid of dependents of deceased employees (i) to the nearest housing reasonably available and of a standard not less than that which is vacated, and to include compensation for not to exceed sixty days rental cost thereof, in the case of an employee who occupied Government housing and the death of such employee requires that housing to be promptly vacated, and (ii) to the nearest port of entry in the conterminous forty-eight States in the case of an employee whose last permanent station was outside the conterminous forty-eight States.

(May 26, 1930, ch. 324, § 11, 46 Stat. 383; Pub. L. 91-383, § 5, Aug. 18, 1970, as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1939.)

AMENDMENTS

1976—Pub. L. 91-383, § 5, as added by Pub. L. 94-458, included travel expenses for dependents of a deceased National Park System employee.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17j-1. Omitted

CODIFICATION

Section, act June 18, 1940, ch. 395, § 1, 54 Stat. 445, which related to travel expenses for attendance of National Park Service field employees at authorized meetings, was enacted as part of the Interior Department Appropriations Act, 1941, and was not repeated in the Interior Department Appropriations Act, 1942 (approved June 28, 1941, ch. 259, 55 Stat. 303), or subsequent appropriation acts. Similar provisions were contained in prior appropriation acts.

§ 17j-2. Authorization of appropriations for road maintenance and repair; administrative expenses; lectures, investigations, telephone service, etc.

Appropriations for the National Park Service are authorized for—

(a) Necessary protection of the area of federally owned land in the custody of the National Park Service known as the Ocean Strip and Queets Corridor, adjacent to Olympic National Park, Washington; necessary repairs to the roads from Glacier Park Station through the Blackfeet Indian Reservation to the various points in the boundary line of Glacier National Park, Montana, and the international boundary; repair and maintenance of approximately two and seventy-seven one-hundredths miles of road leading from United States Highway 187 to the north entrance of Grand Teton National Park, Wyoming; maintenance of approach roads through the Lassen National Forest leading to Lassen Volcanic National Park, California; maintenance and repair of the Generals Highway between the boundaries of Sequoia National Park, California, and the Grant Grove section of Kings Canyon National Park, California; maintenance of approximately two and one-fourth miles of roads comprising those portions of the Fresno-Kings Canyon approach road, Park Ridge Lookout Road, and Ash Mountain-Advance truck trail, necessary to the administration and protection of the Sequoia and Kings Canyon National Parks; maintenance of the roads in the national forests leading out of Yellowstone National Park, Wyoming, Idaho, and Montana; maintenance of the road in the Stanislaus National Forest connecting the Tioga Road with the Hetch Hetchy Road near Mather Station, Yosemite National Park, California; and maintenance and repair of the approach road to the Little Bighorn Battlefield National Monument and the road connecting the said monument with the Reno Monument site, Montana; repair and maintenance of the class "C" road lying between the terminus of F.A. 383 at the east boundary of Coronado National Forest and the point where said class "C" road enters Coronado National Memorial in the vicinity of Montezuma Pass, approximately 5.3 miles.

(b) Administration, protection, improvement, and maintenance of areas, under the jurisdiction of other agencies of the Government, devoted to recreational use pursuant to cooperative agreements.

(c) Necessary local transportation and subsistence in kind of persons selected for employment or as cooperators, serving without other compensation, while attending fire-protection training camps.

(d) Administration, protection, maintenance, and improvement of the Chesapeake and Ohio Canal.

(e) Educational lectures in or in the vicinity of and with respect to the national parks, national monuments, and other reservations under the jurisdiction of the National Park Service; and services of field employees in cooperation with such nonprofit scientific and historical societies engaged in educational work in the various parks and monuments as the Secretary of the Interior may designate.

(f) Travel expenses of employees attending Government camps for training in forest-fire prevention and suppression and the Federal Bureau of Investigation National Police Academy, and attending Federal, State, or municipal schools for training in building fire prevention and suppression.

(g) Investigation and establishment of water rights in accordance with local custom, laws, and decisions of courts, including the acquisition of water rights or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in the administration and public use of the national parks and monuments.

(h) Acquisition of rights-of-way and construction and maintenance of a water supply line partly outside the boundaries of Mesa Verde National Park.

(i) Official telephone service in the field in the case of official telephones installed in private houses when authorized under regulations established by the Secretary.

(j) Provide transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.

(Aug. 7, 1946, ch. 788, 60 Stat. 885; Pub. L. 86-689, § 3, Sept. 2, 1960, 74 Stat. 737; Pub. L. 102-201, title I, § 101, Dec. 10, 1991, 105 Stat. 1631; Pub. L. 104-333, div. I, title VIII, § 802, Nov. 12, 1996, 110 Stat. 4186.)

AMENDMENTS

1996—Subsec. (j). Pub. L. 104-333 added subsec. (j).

1960—Subsec. (a). Pub. L. 86-689 authorized appropriations for the repair and maintenance of the class "C" road lying between the terminus of F.A. 383 at the east boundary of Coronado National Forest and the point where said class "C" road enters Coronado National Memorial in the vicinity of Montezuma Pass.

CHANGE OF NAME

"Little Bighorn Battlefield National Monument" substituted in text for "Custer Battlefield National Monument" pursuant to Pub. L. 102-201.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17k. Park, parkway and recreational-area programs; study by National Park Service; consent of States; purpose; cooperation of government agencies

The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to cause the National Park Service to make a comprehensive study, other than on lands under the jurisdiction of the Department of Agriculture, of the public park, parkway, and recreational-area programs of the United States, and of the several States and political subdivisions thereof, and of the lands throughout the United States which are or may be chiefly valuable as such areas, but no such study shall be

made in any State without the consent and approval of the State officials, boards, or departments having jurisdiction over such lands and park areas. The said study shall be such as, in the judgment of the Secretary, will provide data helpful in developing a plan for coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States. In making the said study and in accomplishing any of the purposes of this section and sections 17l to 17n of this title, the Secretary is authorized and directed, through the National Park Service, to seek and accept the cooperation and assistance of Federal departments or agencies having jurisdiction of lands belonging to the United States, and may cooperate and make agreements with and seek and accept the assistance of other Federal agencies and instrumentalities, and of States and political subdivisions thereof and the agencies and instrumentalities of either of them.

(June 23, 1936, ch. 735, § 1, 49 Stat. 1894.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

NATIONAL OUTDOOR RECREATION RESOURCES REVIEW COMMISSION

Pub. L. 85-470, June 28, 1958, 72 Stat. 238, as amended by Pub. L. 86-6, Mar. 25, 1959, 73 Stat. 14; Pub. L. 87-12, Mar. 29, 1961, 75 Stat. 19, created a bipartisan Outdoor Recreation Resources Review Commission.

The Commission was directed to proceed as soon as practicable to set in motion a nationwide inventory and evaluation of outdoor recreation resources and opportunities, directly and through the Federal agencies, the States, and private organizations and groups, utilizing to the fullest extent possible such studies, data, and reports previously prepared or concurrently in process by Federal agencies, States, private organizations, groups, and others, and to compile such data and in the light of the data so compiled and of information available concerning trends in population, leisure, transportation, and other factors shall determine the amount, kind, quality, and location of such outdoor recreation resources and opportunities as will be required by the year 1976 and the year 2000, and shall recommend what policies should best be adopted and what programs be initiated, at each level of government and by private organizations and other citizen groups and interests, to meet such future requirements.

The Commission was required to present not later than January 31, 1962, a report of its review, a compilation of its data, and its recommendations on a State by State, region by region, and national basis to the President and to the Congress, and ceased to exist not later than September 1, 1962.

OUTDOOR RECREATION PROGRAMS

Coordination and development of programs relating to outdoor recreation, see sections 460l to 460l-3 of this title.

§ 17l. Coordination; planning by States with aid of National Park Service

For the purpose of developing coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States, the Secretary is authorized to aid

the several States and political subdivisions thereof in planning such areas therein, and in cooperating with one another to accomplish these ends. Such aid shall be made available through the National Park Service acting in cooperation with such State agencies or agencies of political subdivisions of States as the Secretary deems best.

(June 23, 1936, ch. 735, § 2, 49 Stat. 1894.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 17m. Consent of Congress to agreements between States; when agreements effective

The consent of Congress is given to any two or more States to negotiate and enter into compacts or agreements with one another with reference to planning, establishing, developing, improving, and maintaining any park, parkway, or recreational area. No such compact or agreement shall be effective until approved by the legislatures of the several States which are parties thereto and by the Congress of the United States.

(June 23, 1936, ch. 735, § 3, 49 Stat. 1895.)

§ 17n. "State" defined

As used in sections 17k and 17l of this title the term "State" shall be deemed to include Hawaii, Alaska, Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

(June 23, 1936, ch. 735, § 4, 49 Stat. 1895; Aug. 1, 1956, ch. 852, § 6, 70 Stat. 908.)

AMENDMENTS

1956—Act Aug. 1, 1956, inserted "Guam" after "Puerto Rico".

ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of Title 48.

§ 17o. National Park Service housing improvement

(1) Purposes

The purposes of this section are—

(A) to develop where necessary an adequate supply of quality housing units for field employees of the National Park Service within a reasonable time frame;

(B) to expand the alternatives available for construction and repair of essential Government housing;

(C) to rely on the private sector to finance or supply housing in carrying out this section,

to the maximum extent possible, in order to reduce the need for Federal appropriations;

(D) to ensure that adequate funds are available to provide for long-term maintenance needs of field employee housing; and

(E) to eliminate unnecessary Government housing and locate such housing as is required in a manner such that primary resource values are not impaired.

(2) General authority

To enhance the ability of the Secretary of the Interior (hereafter in this section referred to as “the Secretary”), acting through the Director of the National Park Service, to effectively manage units of the National Park System, the Secretary is authorized where necessary and justified to make available employee housing, on or off the lands under the administrative jurisdiction of the National Park Service, and to rent or lease such housing to field employees of the National Park Service at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

(3) Review and revision of housing criteria

On November 12, 1996, the Secretary shall review and revise the existing criteria under which housing is provided to employees of the National Park Service. Specifically, the Secretary shall examine the existing criteria with respect to what circumstances the National Park Service requires an employee to occupy Government quarters to provide necessary services, protect Government property, or because of a lack of availability of non-Federal housing in the geographic area.

(4) Submission of report

A report detailing the results of the revisions required by paragraph (3) shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after November 12, 1996. The report shall include justifications for keeping, or for changing, each of the criteria or factors used by the Department of the Interior with regard to the provision of housing to employees of the National Park Service.

(5) Review of condition of and costs relating to housing

Using the revised criteria developed under paragraph (3), the Secretary shall undertake a review, for each unit of the National Park System, of existing government-owned¹ housing provided to employees of the National Park Service. The review shall include an assessment of the physical condition of such housing and the suitability of such housing to effectively carry out the missions of the Department of the Interior and the National Park Service. For each unit of such housing, the Secretary shall determine whether the unit is needed and justified. The review shall include estimates of the cost of bringing each unit that is needed and justified into usable condition that meets all applicable legal housing requirements or, if the

unit is determined to be obsolete but is still warranted to carry out the missions of the Department of the Interior and the National Park Service, the cost of replacing the unit.

(6) Authorization for housing agreements

For those units of the National Park System for which the review required by paragraphs (3) and (5) has been completed, the Secretary is authorized, pursuant to the authorities contained in this section and subject to the appropriation of necessary funds in advance, to enter into housing agreements with housing entities under which such housing entities may develop, construct, rehabilitate, or manage housing, located on or off public lands, for rent or lease to National Park Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this section.

(7) Joint public-private sector housing programs

(A) Lease to build program

Subject to the appropriation of necessary funds in advance, the Secretary may—

(i) lease Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and

(ii) lease developed and undeveloped non-Federal land for providing field employee quarters.

(B) Competitive leasing

Each lease under subparagraph (A)(i) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures.

(C) Terms and conditions

Each lease under subparagraph (A)(i)—

(i) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees or the Federal Government;

(ii) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the National Park Service and local applicable building codes and industry standards;

(iii) shall contain such additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(iv) may be granted at less than fair market value if the Secretary determines that such lease will improve the quality and availability of field employee quarters available.

(D) Contributions by United States

The Secretary may make payments, subject to appropriations, or contributions in kind either in advance of or on a continuing basis to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal lands under a lease under this paragraph.

(8) Rental guarantee program

(A) General authority

Subject to the appropriation of necessary funds in advance, the Secretary may enter

¹ So in original. Probably should be capitalized.

into a lease to build arrangement as set forth in paragraph (7) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under such lease. A guarantee made under this paragraph shall be in writing.

(B) Limitations

The Secretary may not guarantee—

- (i) the occupancy of more than 75 percent of the units constructed or rehabilitated under such lease; and
- (ii) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

In no event shall outstanding guarantees be in excess of \$3,000,000,²

(C) Rental to Government employees

A guarantee may be made under this section only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made³

(D) Failure to maintain a satisfactory level of operation and maintenance

The lease shall be null and void if the lessee fails to maintain a satisfactory level of operation and maintenance.

(9) Joint development authority

The Secretary may use authorities granted by statute in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

(10) Contracts for the management of field employee quarters

(A) General authority

Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters.

(B) Terms and conditions

Any such contract shall contain such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and assure that necessary quarters are available to field employees.

(11) Leasing of seasonal employee quarters

(A) General authority

Subject to subparagraph (B), the Secretary may lease quarters at or near a unit of the national park system for use as seasonal quarters for field employees. The rent charged to field employees under such a lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

(B) Limitation

The Secretary may only issue a lease under subparagraph (A) if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near such unit and that—

(i) the requirement for such seasonal field employee quarters is temporary; or

(ii) leasing would be more cost-effective than construction of new seasonal field employee quarters.

(C) Unrecovered costs

The Secretary may pay the unrecovered costs of leasing seasonal quarters under this paragraph from annual appropriations for the year in which such lease is made.

(12) Survey of existing facilities

The Secretary shall—

(A) complete a condition assessment for all field employee housing, including the physical condition of such housing and the necessity and suitability of such housing for carrying out the agency mission, using existing information; and

(B) develop an agency-wide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement, or initial construction.

(13) Use of housing-related funds

Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this section shall follow the housing priority listing established by the agency under paragraph (12), in sequential order, to the maximum extent practicable.

(14) Annual budget submittal

The President's proposed budget to Congress for the first fiscal year beginning after November 12, 1996, and for each subsequent fiscal year, shall include identification of nonconstruction funds to be spent for National Park Service housing maintenance and operations which are in addition to rental receipts collected.

(15) Study of housing allowances

Within 12 months after November 12, 1996, the Secretary shall conduct a study to determine the feasibility of providing eligible employees of the National Park Service with housing allowances rather than Government housing. The study shall specifically examine the feasibility of providing rental allowances to temporary and lower paid permanent employees. Whenever the Secretary submits a copy of such study to the Office of Management and Budget, he shall concurrently transmit copies of the report to the Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(16) Study of sale of employee housing

Within 18 months of November 12, 1996, the Secretary shall complete a study of the sale of Government quarters to a cooperative consisting of field employees. The Secretary shall examine the potential benefits to the Government as well as the employees and any risks associated with such a program.

(17) General provisions

(A) Construction limitations on Federal lands

The Secretary may not utilize any lands for the purposes of providing field employee housing under this section which will impact pri-

² So in original. The comma probably should be a period.

³ So in original. Probably should be followed by a period.

mary resource values of the area or adversely affect the mission of the agency.

(B) Rental rates

To the extent practicable, the Secretary shall establish rental rates for all quarters occupied by field employees of the National Park Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

(C) Exemption from leasing requirements

The provisions of section 4607-22 of this title and section 1302 of title 40 shall not apply to leases issued by the Secretary under this section.

(18) Proceeds

The proceeds from any lease under paragraph (7)(A) and any lease under paragraph (11) shall be retained by the National Park Service. Such proceeds shall be deposited into the special fund established for maintenance and operation of quarters.

(19) Definitions

For purposes of this section:

(A) The term “field employee” means—

(i) an employee of the National Park Service who is exclusively assigned by the National Park Service to perform duties at a field unit, and the members of their family; and

(ii) other individuals who are authorized to occupy Government quarters under section 5911 of title 5, and for whom there is no feasible alternative to the provision of Government housing, and the members of their family.

(B) The term “land management agency” means the National Park Service, Department of the Interior.

(C) The term “primary resource values” means resources which are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.

(D) The term “quarters” means quarters owned or leased by the Government.

(E) The term “seasonal quarters” means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

(Pub. L. 104-333, div. I, title VIII, §814(a), Nov. 12, 1996, 110 Stat. 4190; Pub. L. 106-176, title I, §120(a)(1), Mar. 10, 2000, 114 Stat. 28.)

REFERENCES IN TEXT

This section, referred to in pars. (1), (6), (13), and (17)(A), (C), means section 814 of title VIII of div. I of Pub. L. 104-333 which enacted this section and sections 1f and 346e of this title and made numerous amendments to this title. The reference probably should have been “this subsection” meaning subsec. (a) of section 814 which enacted this section.

CODIFICATION

“Section 1302 of title 40” substituted in par. (17)(C) for “section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2000—Par. (6). Pub. L. 106-176, §120(a)(1)(A), substituted “this section” for “this Act” before period at end.

Par. (7)(B). Pub. L. 106-176, §120(a)(1)(B), substituted “Competitive leasing” for “Comptetitive leasing” in subpar. heading.

Par. (9). Pub. L. 106-176, §120(a)(1)(C), substituted “granted by statute” for “granted by statue”.

Par. (11)(B)(ii). Pub. L. 106-176, §120(a)(1)(D), substituted “more cost-effective” for “more cost effective”.

Par. (13). Pub. L. 106-176, §120(a)(1)(E), substituted “paragraph (12),” for “paragraph (13),”.

Par. (18). Pub. L. 106-176, §120(a)(1)(F), substituted “under paragraph (7)(A) and any lease under paragraph (11)” for “under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (I),”.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 18. Promotion of tourist travel

The Secretary of Commerce shall encourage, promote, and develop travel within the United States, including any Commonwealth, territory, and possession thereof, through activities which are in the public interest and which do not compete with activities of any State, city, or private agency.

(July 19, 1940, ch. 642, §1, 54 Stat. 773; Pub. L. 93-193, §2, Dec. 19, 1973, 87 Stat. 765; Pub. L. 94-55, §2(b), July 9, 1975, 89 Stat. 262.)

AMENDMENTS

1975—Pub. L. 94-55 substituted “shall encourage, promote, and develop travel within the United States, including any Commonwealth, territory, and possession thereof, through activities which are in the public interest and which do not compete with activities of any State, city, or private agency” for “is authorized and directed to encourage, promote, and develop travel within the United States, its Territories and possessions, providing such activities do not compete with the activities of private agencies; and to administer all existing travel promotion functions of the Department of Commerce”.

TRANSFER OF FUNCTIONS

Pub. L. 93-193, §2, Dec. 19, 1973, 87 Stat. 765, provided that:

“(a) There are hereby transferred to and vested in the Secretary of Commerce all functions, powers, and duties of the Secretary of the Interior and other offices and officers of the Department of the Interior under the Act of July 19, 1940 (54 Stat. 773; 16 U.S.C. 18-18d).

“(b) The assets, liabilities, contracts, property, records, authorizations, and allocations, employed, held, used, rising from, available or to be made available in connection with the functions, powers, and duties transferred by subsection (a) of this section are hereby transferred to the Secretary of Commerce.”

§ 18a. Cooperation with travel agencies; publication of information

In carrying out the purposes of sections 18 to 18d of this title, the Secretary is authorized to cooperate with public and private tourist, travel, and other agencies in the display of exhibits, and in the collection, publication, and dissemination of information with respect to places of

interest, routes, transportation facilities, accommodations, and such other matters as he deems advisable and advantageous for the purpose of encouraging, promoting, or developing such travel. Nothing in said sections shall prohibit the preparation of graphic materials in foreign languages, designed to call attention to the attractions and places of interest in the United States and to encourage the use of American registered ships and planes. The existing facilities of the United States Government in foreign countries are authorized to assist in the distribution of this material. The Secretary may enter into contracts with private publishers for such printing and binding as he may deem advisable in carrying out the purposes of said sections. The Secretary is also authorized to make charges for any publications made available to the public pursuant to said sections; and any proceeds from the sale of publications produced by the expenditure of contributed funds shall continue to be available for printing and binding as aforesaid.

(July 19, 1940, ch. 642, §2, 54 Stat. 773.)

TRANSFER OF FUNCTIONS

For transfer of functions of Secretary of the Interior to Secretary of Commerce, see Transfer of Functions note set out under section 18 of this title.

§ 18b. Advisory committee for promotion of tourist travel; expenses

The Secretary of Commerce is authorized to create an advisory committee to consist of a representative from each of the Departments of State, Agriculture, and Commerce, the Interstate Commerce Commission, and the Department of Transportation, as may be designated by such Departments or agencies, respectively, and such additional members, representatives of the various sections of the Nation, including transportation and accommodations agencies, not to exceed six members, to be appointed by the Secretary of Commerce to serve at his pleasure. Meetings of the committee shall be held at the request of the Secretary for the purpose of making recommendations concerning the promotion of tourist travel under the provisions of sections 18 to 18d of this title. The members of the committee shall receive no compensation for their services as members, but shall be entitled to reimbursement for such necessary travel and other expenses in connection with their attendance at committee meetings as may be authorized or approved by the Secretary.

(July 19, 1940, ch. 642, §3, 54 Stat. 773; Pub. L. 93-193, §2, Dec. 19, 1973, 87 Stat. 765; Pub. L. 97-31, §12(10), Aug. 6, 1981, 95 Stat. 154; Pub. L. 98-443, §9(o), Oct. 4, 1984, 98 Stat. 1708.)

AMENDMENTS

1984—Pub. L. 98-443 struck out “the Civil Aeronautics Authority,” after “the Interstate Commerce Commission.”

1981—Pub. L. 97-31 substituted “Department of Transportation” for “United States Maritime Commission”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

Secretary of Commerce substituted for Secretary of the Interior in view of transfer of functions to Secretary of Commerce from Secretary of the Interior by section 2 of Pub. L. 93-193. See Transfer of Functions note set out under section 18 of this title.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of Title 49, Transportation, and section 101 of Pub. L. 104-88, set out as a note under section 701 of Title 49. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 701 of Title 49.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 18c. Rules and regulations; employees

In the performance of his functions and duties under the provisions of sections 18 to 18d of this title, the Secretary of Commerce is authorized—

(a) To prescribe, amend, and repeal such rules and regulations as he may deem necessary, and to accept contributions for carrying out the purposes of said sections; and

(b) To employ, subject to chapter 51 and subchapter III of chapter 53 of title 5, one special assistant and not to exceed five artists and illustrators.

(July 19, 1940, ch. 642, §4, 54 Stat. 774; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972; Pub. L. 93-193, §2, Dec. 19, 1973, 87 Stat. 765.)

CODIFICATION

Provisions of par. (b) authorizing the Secretary of the Interior to employ “without regard to the civil-service laws” were omitted as such employment is subject to the civil service laws unless specifically excepted by those laws or by laws enacted subsequent to Executive Order 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, §1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5, Government Organization and Employees.

“Chapter 51 and subchapter III of chapter 53 of title 5” substituted in par. (b) for “the Classification Act of 1949, as amended” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5.

AMENDMENTS

1949—Par. (b). Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923”.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, §8, 80 Stat. 632, 655.

TRANSFER OF FUNCTIONS

Secretary of Commerce substituted for Secretary of the Interior in view of transfer of functions to Secretary of Commerce from Secretary of the Interior by section 2 of Pub. L. 93-193. See Transfer of Functions note set out under section 18 of this title.

§ 18d. Authorization of appropriations

For the purpose of carrying out the provisions of sections 18 to 18d of this title, there are authorized to be appropriated not to exceed \$2,500,000 for the fiscal year ending June 30, 1976; \$625,000 for the transition period of July 1, 1976, through September 30, 1976; \$2,500,000 for the fiscal year ending September 30, 1977, and \$2,500,000 for the fiscal year ending September 30, 1978.

(July 19, 1940, ch. 642, § 5, 54 Stat. 774; Pub. L. 91-549, Dec. 14, 1970, 84 Stat. 1437; Pub. L. 94-55, § 2(a), July 9, 1975, 89 Stat. 262.)

AMENDMENTS

1975—Pub. L. 94-55 substituted provisions authorizing appropriations not to exceed \$2,500,000 for fiscal year ending June 30, 1976, \$625,000 for the transition period of July 1, 1976 through Sept. 30, 1976, \$2,500,000 for fiscal year ending Sept. 30, 1977, and \$2,500,000 for fiscal year ending Sept. 30, 1978, for provisions authorizing appropriations not to exceed \$250,000 for fiscal year 1971 and \$750,000 for fiscal year 1972.

1970—Pub. L. 91-549 substituted provisions authorizing appropriations of not more than \$250,000 for fiscal year 1971 and not more than \$750,000 for fiscal year 1972, for provisions which authorized appropriations of not more than \$100,000 annually.

§ 18e. Repealed. Sept. 20, 1941, ch. 412, title V, § 541(c), 55 Stat. 710

Section, act June 28, 1941, ch. 259, § 1, 55 Stat. 350, exempted national park, etc., admission fees from all Federal tax on admissions. Act Sept. 20, 1941, was made effective on, and applicable only with respect to the period beginning with Oct. 1, 1941, by section 550(a) thereof.

§ 18f. Management of museum properties

The purpose of this section and sections 18f-2 and 18f-3 of this title shall be to increase the public benefits from museums established within the individual areas administered by the Secretary of the Interior through the National Park Service as a means of informing the public concerning the areas and preserving valuable objects and relics relating thereto. The Secretary of the Interior, notwithstanding other provisions or limitations of law, may perform the following functions in such manner as he shall consider to be in the public interest:

(a) Donations and bequests

Accept donations and bequests of money or other personal property, and hold, use, expend, and administer the same for purposes of this section and sections 18f-2 and 18f-3 of this title;

(b) Purchases

Purchase museum objects, museum collections, and other personal properties at prices he considers to be reasonable;

(c) Exchanges

Make exchanges by accepting museum objects, museum collections, and other personal properties, and by granting in exchange therefor mu-

seum property under the administrative jurisdiction of the Secretary which is no longer needed or which may be held in duplicate among the museum properties administered by the Secretary, such exchanges to be consummated on a basis which the Secretary considers to be equitable and in the public interest;

(d) Accepting loans of museum objects

Accept the loan of museum objects, museum collections, and other personal properties and pay transportation costs incidental thereto, such loans to be accepted upon terms and conditions which he shall consider necessary; and

(e) Making loans of museum objects

Loan to responsible public or private organizations, institutions, or agencies, without cost to the United States, such museum objects, museum collections, and other personal property as he shall consider advisable, such loans to be made upon terms and conditions which he shall consider necessary to protect the public interest in such properties.

(July 1, 1955, ch. 259, § 1, 69 Stat. 242; Pub. L. 104-333, div. I, title VIII, § 804(a)(1), Nov. 12, 1996, 110 Stat. 4187.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-333 struck out “from such donations and bequests of money” before “museum objects”.

§ 18f-1. Disposal of unnecessary or duplicate museum objects; use of proceeds

In fiscal year 1991 and thereafter, the Secretary may exercise the authorities granted in section 18f of this title in administration of the Department of the Interior Museum, and may dispose of objects no longer needed for the Museum or held in duplicate among museum properties and apply the proceeds to the purchase of museum objects, museum collections, and other personal properties at reasonable prices.

(Pub. L. 101-512, title I, § 116, Nov. 5, 1990, 104 Stat. 1937.)

§ 18f-2. Additional functions**(a) Museum objects and collections**

In addition to the functions specified in section 18f of this title, the Secretary of the Interior may perform the following functions in such manner as he shall consider to be in the public interest:

(1) Transfer museum objects and museum collections that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies, including the Smithsonian Institution, that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects and museum collections for the purposes of this section and sections 18f and 18f-3 of this title from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects and museum collections directly to the administrative jurisdiction of the Secretary of the Interior for the purpose of this section and sections 18f and 18f-3 of this title.

(2) Convey museum objects and museum collections that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary deems necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of title 26 and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection.

(3) Destroy or cause to be destroyed museum objects and museum collections that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

(b) Review and approval

The Secretary shall ensure that museum collections are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a) of this section, the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession for all actions taken under this section.

(July 1, 1955, ch. 259, §2, as added Pub. L. 104-333, div. I, title VIII, §804(a)(2), Nov. 12, 1996, 110 Stat. 4187.)

§ 18f-3. Application and definitions

(a) Application

Authorities in this section and sections 18f and 18f-2 of this title shall be available to the Secretary of the Interior with regard to museum objects and museum collections that were under the administrative jurisdiction of the Secretary for the purposes of the National Park System before November 12, 1996, as well as those museum objects and museum collections that may be acquired on or after November 12, 1996.

(b) Definitions

For the purposes of this section and sections 18f and 18f-2 of this title, the terms “museum objects” and “museum collections” mean objects that are eligible to be or are made part of a museum, library, or archive collection through a formal procedure, such as accessioning. Such objects are usually movable and include but are not limited to prehistoric and historic artifacts, works of art, books, documents, photographs, and natural history specimens.

(July 1, 1955, ch. 259, §3, as added Pub. L. 104-333, div. I, title VIII, §804(b), Nov. 12, 1996, 110 Stat. 4188.)

SUBCHAPTER II—VOLUNTEERS IN PARKS PROGRAM

§ 18g. Creation of program

The Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to recruit, train, and accept without regard to the civil service classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpre-

tive functions, or other visitor services or activities in and related to areas administered by the Secretary through the National Park Service. In accepting such services of individuals or volunteers, the Secretary shall not permit the use of volunteers in hazardous duty or law enforcement work or in policymaking processes, or to displace any employee: *Provided*, That the services of individuals whom the Secretary determines are skilled in performing hazardous activities may be accepted.

(Pub. L. 91-357, §1, July 29, 1970, 84 Stat. 472; Pub. L. 98-540, §1(b), Oct. 24, 1984, 98 Stat. 2718.)

AMENDMENTS

1984—Pub. L. 98-540 restricted the activities of volunteers except in the case of skilled individuals.

SHORT TITLE

Pub. L. 91-357, §5, July 29, 1970, 84 Stat. 472, provided that: “This Act [enacting this subchapter] may be cited as the ‘Volunteers in the Parks Act of 1969’.”

§ 18h. Incidental expenses

The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

(Pub. L. 91-357, §2, July 29, 1970, 84 Stat. 472.)

§ 18i. Federal employee status for volunteers

(a) Employment status of volunteers

Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) Tort claims

For the purpose of the tort claim provisions of title 28, a volunteer under this subchapter shall be considered a Federal employee.

(c) Civil employees

For the purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, volunteers under this subchapter shall be deemed civil employees of the United States within the meaning of the term “employee” as defined in section 8101 of title 5, and the provisions of that subchapter shall apply.

(d) Compensation for losses and damages

For the purpose of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this subchapter shall be considered a Federal employee, and the provisions of section 3721 of title 31 shall apply.

(Pub. L. 91-357, §3, July 29, 1970, 84 Stat. 472; Pub. L. 101-286, title II, §204(b), May 9, 1990, 104 Stat. 175.)

AMENDMENTS

1990—Subsec. (d). Pub. L. 101-286 added subsec. (d).

§ 18j. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the pro-