

54 USC Subtitle I: National Park System

From Title 54—NATIONAL PARK SERVICE AND RELATED PROGRAMS

Subtitle I—National Park System

DIVISION A—ESTABLISHMENT AND GENERAL ADMINISTRATION

CHAPTER 1001—GENERAL PROVISIONS

Sec.

100101. Promotion and regulation.

100102. Definitions.

§100101. Promotion and regulation

(a) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

(b) DECLARATIONS.—

(1) 1970 DECLARATIONS.—Congress declares that—

(A) 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 and its territories and possessions;

(B) these areas, though distinct in character, are united through their interrelated purposes and resources into one National Park System as cumulative expressions of a single national heritage;

(C) 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 System preserved and managed for the benefit and inspiration of all the people of the United States; and

(D) it is the purpose of this division to include all these areas in the System and to clarify the authorities applicable to the System.

(2) 1978 REAFFIRMATION.—Congress reaffirms, declares, and directs that the promotion and regulation of the various System units shall be consistent with and founded in the purpose established by subsection (a), 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 the System units shall be conducted in light of the high public value and integrity of the System and shall not be exercised in derogation of the values and purposes for which the System units have been established, except as directly and specifically provided by Congress.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3096.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100101(a)	16 U.S.C. 1 (last sentence).	Aug. 25, 1916, ch. 408, §1 (last sentence) , 39 Stat. 535.
100101(b)(1)	16 U.S.C. 1a–1 (1st sentence).	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.
100101(b)(2)	16 U.S.C. 1a–1 (2d, last sentences).	

In subsection (a), the words "Secretary, acting through the Director of the National Park Service" are substituted for "service thus established" to reflect the transfer of functions of other officers, employees, and agencies of the Department of the Interior to the Secretary by sections 1 and 2 of Reorganization

Plan No. 3 of 1950 (5 U.S.C. App.) while keeping the responsibility for promoting and regulating the use of the National Park System with the Director of the National Park Service.

In subsection (b)(1)(D), the words "this division" are substituted for "this Act" for clarity. The purpose of the Act of August 18, 1970 (known as the National Park System General Authorities Act) (Public Law 91–383, 84 Stat. 825), was to update and clarify the law with respect to the various units of the National Park System by enlarging the application of existing general statutes so that they apply uniformly to the administration of the various types of parklands within the national park system. See H. Rept. 91–1265 (91st Cong., 2d Sess.). However, section 2(b) of that Act, rather than being enacted as a new provision of law, amended section 2 of the Act of August 8, 1953 (ch. 384, 67 Stat. 496), and would not be included in the reference to "this Act" in section 1 of the Act of August 18, 1970. The revised subsection translates the reference to "this Act" to carry out the intent of the Act of August 18, 1970.

STATUTORY NOTES AND RELATED SUBSIDIARIES

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116–152, [§1, Aug. 4, 2020](#), 134 Stat. 682, provided that: "This Act [enacting chapter 2004 of this title and amending sections 200302, 200303, and 200306 of this title] may be cited as the 'Great American Outdoors Act'."

SHORT TITLE OF 2019 AMENDMENT

Pub. L. 116–94, [div. P, title VII, §701, Dec. 20, 2019](#), 133 Stat. 3195, provided that: "This title [enacting sections 308104 and 308105 of this title and amending section 308103 of this title] may be cited as the 'Preserving America's Battlefields Act'."

SHORT TITLE OF 2018 AMENDMENT

Pub. L. 115–104, [§1, Jan. 8, 2018](#), 131 Stat. 2260, provided that: "This Act [enacting chapter 3084 of this title and provisions set out as a note under section 308401 of this title] may be cited as the 'African American Civil Rights Network Act of 2017'."

SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114–289, [§1\(a\), Dec. 16, 2016](#), 130 Stat. 1482, provided that: "This Act [see Tables for classification] may be cited as the 'National Park Service Centennial Act'."

Pub. L. 114–289, [title II, §201, Dec. 16, 2016](#), 130 Stat. 1485, provided that: "This title [enacting section 101121 of this title] may be cited as the 'National Park Foundation Endowment Act'."

Pub. L. 114–289, [title VIII, §801, Dec. 16, 2016](#), 130 Stat. 1494, provided that: "This title [amending sections 302104 and 303102 of this title] may be cited as the 'National Historic Preservation Amendments Act'."

SHORT TITLE OF 2009 ACT

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 2006 ACT

Pub. L. 109–453, [§1\(a\), Dec. 22, 2006](#), 120 Stat. 3367, provided that: "This Act [see Tables for classification] may be cited as the 'National Historic Preservation Act Amendments Act of 2006'."

Pub. L. 109–338, [§1\(a\), Oct. 12, 2006](#), 120 Stat. 1783, provided that: "This Act [see Tables for classification] may be cited as the 'National Heritage Areas Act of 2006'."

SHORT TITLE OF 2005 ACT

Pub. L. 109–156, [§1, Dec. 30, 2005](#), 119 Stat. 2946, provided that: "This Act [see Tables for classification] may be cited as the 'Delaware Water Gap National Recreation Area Improvement Act'."

SHORT TITLE OF 2000 ACT

Pub. L. 106–355, [§1, Oct. 24, 2000](#), 114 Stat. 1385, provided that: "This Act [see Tables for classification] may be cited as the 'National Historic Lighthouse Preservation Act of 2000'."

Pub. L. 106–291, [title I, §150\(a\), Oct. 11, 2000](#), 114 Stat. 956, provided that: "This section [see Tables for classification] may be cited as the 'National Underground Railroad Freedom Center Act'."

Pub. L. 106–208, [§1, May 26, 2000](#), 114 Stat. 318, provided that: "This Act [see Tables for classification] may be cited as the 'National Historic Preservation Act Amendments 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 ACT

Pub. L. 105–391, [§1\(a\)](#), [Nov. 13, 1998](#), 112 Stat. 3497, provided that: "This Act [see Tables for classification] may be cited as the 'National Parks Omnibus Management Act of 1998'."

Pub. L. 105–391, [title III](#), [§301](#), [Nov. 13, 1998](#), 112 Stat. 3501, provided that: "This title [see Tables for classification] may be cited as the 'National Park System New Areas Studies Act'."

Pub. L. 105–391, [title IV](#), [§401](#), [Nov. 13, 1998](#), 112 Stat. 3503, provided that: "This title [see Tables for classification] may be cited as the 'National Park Service Concessions Management Improvement Act of 1998'."

Pub. L. 105–203, [§1](#), [July 21, 1998](#), 112 Stat. 678, provided that: "This Act [see Tables for classification] may be cited as the 'National Underground Railroad Network to Freedom Act of 1998'."

SHORT TITLE OF 1996 ACT

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 1994 ACT

Pub. L. 103–451, [§1](#), [Nov. 2, 1994](#), 108 Stat. 4769, provided that: "This Act [see Tables for classification] may be cited as the 'National Maritime Heritage Act of 1994'."

SHORT TITLE OF 1992 ACT

Pub. L. 102–575, [title XL](#), [§4001](#), [Oct. 30, 1992](#), 106 Stat. 4753, provided that: "This title [see Tables for classification] may be cited as the 'National Historic Preservation Act Amendments of 1992'."

SHORT TITLE OF 1980 ACT

Pub. L. 96–515, [§1](#), [Dec. 12, 1980](#), 94 Stat. 2987, provided: "That this Act [see Tables for classification] may be cited as the 'National Historic Preservation Act Amendments of 1980'."

SHORT TITLE OF 1978 ACT

Pub. L. 95–625, [§1](#), [Nov. 10, 1978](#), 92 Stat. 3467, provided that: "This Act [see Tables for classification] may be cited as the 'National Parks and Recreation Act of 1978'."

Pub. L. 95–625, [title X](#), [§1001](#), [Nov. 10, 1978](#), 92 Stat. 3538, provided that: "This title [see Tables for classification] may be cited as the 'Urban Park and Recreation Recovery Act of 1978'."

SHORT TITLE OF 1970 ACT

Pub. L. 91–383, [§14](#), as added by Pub. L. 108–352, [§10\(b\)](#), [Oct. 21, 2004](#), 118 Stat. 1397, provided that: "This Act [see Tables for classification] may be cited as the 'National Park System General Authorities Act'."

Pub. L. 91–357, [§5](#), [July 29, 1970](#), 84 Stat. 472, provided that: "This Act [see Tables for classification] may be cited as the 'Volunteers in the Parks Act of 1969'."

SHORT TITLE OF 1966 ACT

Pub. L. 89–665, [§1\(a\)](#), [Oct. 15, 1966](#), 80 Stat. 915; Pub. L. 96–515, [title I](#), [§101\(a\)](#), [Dec. 12, 1980](#), 94 Stat. 2987, provided that: "This Act [see Tables for classification] may be cited as the 'National Historic Preservation Act'."

SHORT TITLE OF 1964 ACT

Pub. L. 88–578, [title I](#), [§1\(a\)](#), [Sept. 3, 1964](#), 78 Stat. 897, provided in part that: "This Act [see Tables for classification] may be cited as the 'Land and Water Conservation Fund Act of 1965'."

SHORT TITLE OF 1916 ACT

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 [see Tables for classification] may be cited as the 'National Park Service Organic Act'."

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."

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 ([former] 16 U.S.C. 1a–6 [see 54 U.S.C. 102701]), for equipment and facilities to be used by such personnel, and for expenses related to such employment, training, equipment, and facilities."

PURPOSES OF PUB. L. 88–578

Pub. L. 88–578, [title I, §1\(b\), Sept. 3, 1964](#), 78 Stat. 897, provided that: "The purposes of this Act [see Tables for classification] are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas."

§100102. Definitions

In this title:

(1) DIRECTOR.—The term "Director" means the Director of the National Park Service.

(2) NATIONAL PARK SYSTEM.—The term "National Park System" means the areas of land and water described in section 100501 of this title.

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

(4) SERVICE.—The term "Service" means the National Park Service.

(5) SYSTEM.—The term "System" means the National Park System.

(6) SYSTEM UNIT.—The term "System unit" means one of the areas described in section 100501 of this title.

(Pub. L. 113–287, [§3, Dec. 19, 2014](#), 128 Stat. 3096.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100102	no source.	

The term "System unit" is added because various laws relating to the National Park Service apply to any area of land or water administered by the Secretary through the Service regardless of the terms used in those laws. See section 100501 of the revised title.

STATUTORY NOTES AND RELATED SUBSIDIARIES

DEFINITIONS

Pub. L. 114–289, §2, Dec. 16, 2016, 130 Stat. 1482, provided that: "In this Act [see Short Title of 2016 Amendment note set out under section 100101 of this title]:

"(1) CHALLENGE FUND.—The term 'Challenge Fund' means the National Park Centennial Challenge Fund established in title I [enacting chapter 1035 of this title and amending section 6804 of Title 16, Conservation].

"(2) DIRECTOR.—The term 'Director' means the Director of the National Park Service.

"(3) ENDOWMENT.—The term 'Endowment' means the Second Century Endowment for the National Park Service established by title II [see Short Title of 2016 Amendment note set out under section 100101 of this title].

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

"(5) SIGNATURE PROJECT OR PROGRAM.—The term 'signature project or program' means any project or program identified by the Secretary as one that will help prepare the national parks for another century of conservation, preservation, and visitor enjoyment."

CHAPTER 1003—ESTABLISHMENT, DIRECTORS, AND OTHER EMPLOYEES

Sec.

100301.	Establishment.
100302.	Directors and other employees.
100303.	Effect on other laws.

§100301. Establishment

There is in the Department of the Interior a service called the National Park Service.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3097.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100301	16 U.S.C. 1 (1st sentence words before 1st comma).	Aug. 25, 1916, ch. 408, §1 (1st sentence words before 1st comma), 39 Stat. 535.

§100302. Directors and other employees

(a) DIRECTOR.—

(1) APPOINTMENT.—The Service shall be under the charge of a director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation.

(3) AUTHORITY.—Under the direction of the Secretary, the Director shall have the supervision, management, and control of System units. In the supervision, management, and control of System units contiguous to national forests the Secretary of Agriculture may cooperate with the Service to such extent as may be requested by the Secretary.

(b) DEPUTY DIRECTORS.—The Director shall select 2 Deputy Directors. One Deputy Director shall have responsibility for Service operations, and the other Deputy Director shall have responsibility for other programs assigned to the Service.

(c) OTHER EMPLOYEES.—The Service shall have such subordinate officers and employees as may be appropriated for by Congress.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3097.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100302(a)(1)	16 U.S.C. 1 (1st sentence words	Aug. 25, 1916, ch. 408, §1 (1st sentence

	after 1st comma).	words after 1st comma, 2d to 4th sentences), 39 Stat. 535; Pub. L. 104–333, div. I, title VIII, §814(e)(1), Nov. 12, 1996, 110 Stat. 4196.
100302(a)(2)	16 U.S.C. 1 (2d sentence).	
100302(a)(3)	16 U.S.C. 2.	Aug. 25, 1916, ch. 408, §2, 39 Stat. 535.
100302(b)	16 U.S.C. 1 (3d, 4th sentences).	
100302(c)	16 U.S.C. 1 (5th sentence).	Aug. 25, 1916, ch. 408, §1 (5th sentence), 39 Stat. 535.

In subsection (a)(3), the words "of the Hot Springs Reservation in the State of Arkansas" [changed to "Hot Springs National Park" because of section 1 of the Act of March 4, 1921 (ch. 161, 41 Stat. 1407)] in section 2 of the Act of August 25, 1916 (known as the National Park Service Organic Act) (ch. 408, 39 Stat. 535) are omitted as unnecessary.

Subsection (c) is substituted for the 5th sentence of section 1 of the Act of August 25, 1916 (known as the National Park Service Organic Act) (ch. 408, 39 Stat. 535), to eliminate unnecessary words and because the pay of employees is fixed pursuant to chapter 51 and subchapter III of chapter 53 of title 5.

§100303. Effect on other laws

This chapter and sections 100101(a), 100751(a), 100752, 100753, and 102101 of this title do not affect or modify section 100902(a) of this title.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3097.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100303	16 U.S.C. 4.	Aug. 25, 1916, ch. 408, §4, 39 Stat. 536.

CHAPTER 1005—AREAS OF NATIONAL PARK SYSTEM

Sec.

100501.	Areas included in System.
100502.	General management plans.
100503.	Five-year strategic plans.
100504.	Study and planning of park, parkway, and recreational-area facilities.
100505.	Periodic review of System.
100506.	Boundary changes to System units.
100507.	Additional areas for System.

§100501. Areas included in System

The System shall include any area of land and water administered by the Secretary, acting through the Director, for park, monument, historic, parkway, recreational, or other purposes.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3098.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100501	16 U.S.C. 1c(a).	Aug. 8, 1953, ch. 384, §2(a), 67 Stat. 496; Pub. L. 91–383, §2(b), Aug. 18, 1970, 84 Stat. 826.

The words "now or hereafter" are omitted as obsolete.

§100502. General management plans

General management plans for the preservation and use of each System unit, including areas within the national capital area, shall be prepared and revised in a timely manner by the Director. On January 1 of each year, the Secretary shall submit to Congress a list indicating the current status of completion or revision of general management plans for each System unit. General management plans for each System unit shall include—

- (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 System unit; and
- (4) indications of potential modifications to the external boundaries of the System unit, and the reasons for the modifications.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3098.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100502	16 U.S.C. 1a–7(b).	Pub. L. 91–383, §12, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; 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.

§100503. Five-year strategic plans

(a) STRATEGIC AND PERFORMANCE PLANS.—Each System unit shall prepare and make available to the public a 5-year strategic plan and an annual performance plan. The plans shall reflect the Service policies, goals, and outcomes represented in the Service-wide strategic plan prepared pursuant to section 306 of title 5.

(b) ANNUAL BUDGET.—

(1) IN GENERAL.—As a part of the annual performance plan for a System unit prepared pursuant to subsection (a), following receipt of the appropriation for the unit from the Operations of the National Park System account (but not later than January 1 of each year), the superintendent of the System unit shall develop and make available to the public the budget for the current fiscal year for that System unit.

(2) CONTENTS.—The budget shall include—

(A) funding allocations for resource preservation (including resource management), visitor services (including maintenance, interpretation, law enforcement, and search and rescue), and administration; and

(B) allocations into each of the categories in subparagraph (A) of all funds retained from fees collected for that year, including special use permits, concession franchise fees, and recreation use and entrance fees.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3098.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100503	16 U.S.C. 5914.	Pub. L. 105–391, title I, §104, Nov. 13, 1998, 112 Stat. 3499.

§100504. Study and planning of park, parkway, and recreational-area facilities

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term "State" means a State, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(2) STUDY.—The Secretary shall cause the Service to make a comprehensive study, other than on land under the jurisdiction of the Secretary of Agriculture, of the public park, parkway, and recreational area programs of the United States, States, and political subdivisions of States and of areas of land throughout the United States that are or may be chiefly valuable as public park, parkway, or recreational areas. A study shall not be made in any State without the consent and approval of the State officials, boards, or departments having jurisdiction over the land. The 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.

(3) COOPERATION AND AGREEMENTS WITH OTHER ENTITIES.—In making the study and to accomplish the purposes of this section, the Secretary, acting through the Director—

(A) shall seek and accept the cooperation and assistance of Federal departments or agencies having jurisdiction of land belonging to the United States; and

(B) may cooperate and make agreements with and seek and accept the assistance of—

(i) other Federal agencies and instrumentalities; and

(ii) States, political subdivisions of States, and agencies and instrumentalities of either of them.

(4) STATE PLANNING.—For the purpose of developing coordinated and adequate public park, parkway, and recreational-area facilities for the people of the United States, the Secretary may aid States and political subdivisions of States in planning public park, parkway, and recreational areas and in cooperating with one another to accomplish these ends. Aid shall be made available through the Service acting in cooperation with such State agencies or agencies of political subdivisions of States as the Secretary considers best.

(b) CONSENT OF CONGRESS TO AGREEMENTS BETWEEN STATES.—The consent of Congress is given to any 2 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 compact or agreement shall be effective until approved by the legislatures of the States that are parties to the compact or agreement and by Congress.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3099.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100504(a)(1)	16 U.S.C. 17n.	June 23, 1936, ch. 735, 49 Stat. 1894; Aug. 1, 1956, ch. 852, §6, 70 Stat. 908.
100504(a)(2), (3)	16 U.S.C. 17k.	
100504(a)(4)	16 U.S.C. 17l.	
100504(b)	16 U.S.C. 17m.	

§100505. Periodic review of System

(a) AUTHORITY OF SECRETARY TO CONDUCT REVIEW.—The Secretary shall conduct a systematic and comprehensive review of certain aspects of the System and on a periodic basis (but not less often than every 3 years) submit to the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate a report on the findings of the review, together with recommendations as the Secretary determines to be necessary.

(b) CONSULTATION.—In conducting and preparing the report, the Secretary shall consult with appropriate officials of affected Federal, State, and local agencies and national, regional, and local organizations. The consultation shall include holding public hearings that the Secretary determines to be appropriate to provide a full opportunity for public comment.

(c) CONTENTS OF REPORT.—The report shall contain the following:

(1) A comprehensive listing of all authorized but unacquired parcels of land within the exterior boundaries of each System unit as of November 28, 1990.

(2) A priority listing of all those unacquired parcels by System unit and for the 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 the land), and the basis for the estimate.

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

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3099.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100505(a)	16 U.S.C. 1a–9.	Pub. L. 101–628, title XII, §§1213–1215, Nov. 28, 1990, 104 Stat. 4507; Pub. L. 103–437, §6(d)(2), Nov. 2, 1994, 108 Stat. 4583.
100505(b)	16 U.S.C. 1a–10.	
100505(c)	16 U.S.C. 1a–11.	

In subsection (a), the text of 16 U.S.C. 1a–9 (last sentence) is omitted as obsolete.

§100506. Boundary changes to System units

(a) **CRITERIA FOR EVALUATION.**—The Secretary shall maintain criteria to evaluate any proposed changes to the boundaries of System units, including—

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

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

(3) an assessment of the impact of potential boundary adjustments taking into consideration the factors in section 100505(c)(3) of this title and the effect of the adjustments on the local communities and surrounding area.

(b) **PROPOSAL OF SECRETARY.**—In proposing a boundary change to a System unit, the Secretary shall—

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

(2) apply the criteria developed pursuant to subsection (a) and accompany the proposal with a statement reflecting the results of the application of the criteria; and

(3) include with the proposal an estimate of the cost for acquiring any parcels proposed for acquisition, 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 parcels for the System unit and for the System.

(c) **MINOR BOUNDARY CHANGES.**—

(1) **IN GENERAL.**—When the Secretary determines that to do so will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of a System unit, the Secretary may, following timely notice in writing to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of the Secretary's intention to do so, and by publication of a revised boundary map or other description in the Federal Register—

(A) make minor changes to the boundary of the System unit, and amounts appropriated from the Fund shall be available for acquisition of any land, water, and interests in land or water added to the System unit by the boundary change subject to such statutory limitations, if any, on methods of acquisition and appropriations thereof as may be specifically applicable to the System unit; and

(B) acquire by donation, purchase with donated funds, transfer from any other Federal agency, or exchange, land, water, or interests in land or water adjacent to the System unit, except that in exercising the Secretary's authority under this subparagraph the Secretary—

(i) shall not alienate property administered as part of the System to acquire land by exchange;

(ii) shall not acquire property without the consent of the owner; and

(iii) may acquire property owned by a State or political subdivision of a State only by donation.

(2) **CONSULTATION.**—Prior to making a determination under this subsection, the Secretary shall consult with the governing body of the county, city, town, or other jurisdiction or jurisdictions having primary taxing authority over the land or interest to be acquired as to the impacts of the proposed action.

(3) **ACTION TO ADVANCE LOCAL PUBLIC AWARENESS.**—The Secretary shall take such steps as the Secretary considers appropriate to advance local public awareness of the proposed action.

(4) **ADMINISTRATION OF ACQUISITIONS.**—Land, water, and interests in land or water acquired in accordance with this subsection shall be administered as part of the System unit to which they are added, subject to the laws and regulations applicable to the System unit.

(5) **WHEN AUTHORITY APPLIES.**—For the purposes of paragraph (1)(A), in all cases except the case of technical boundary changes (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under paragraph (1)(A) shall apply only if each of the following conditions is met:

(A) The sum of the total acreage of the land, water, and interests in land or water to be added to the System unit and the total acreage of the land, water, and interests in land or water to be deleted from the System unit is not more than 5 percent of the total Federal acreage authorized to be included in the System unit and is less than 200 acres.

(B) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

(C) The sum of the total appraised value of the land, water, and interests in land or water to be added to the System unit and the total appraised value of the land, water, and interests in land or water to be deleted from the System unit does not exceed \$750,000.

(D) The proposed boundary change is not an element of a more comprehensive boundary change proposal.

(E) The proposed boundary has been subject to a public review and comment period.

(F) The Director obtains written consent for the boundary change from all property owners whose land, water, or interests in land or water, or a portion of whose land, water, or interests in land or water, will be added to or

deleted from the System unit by the boundary change.

(G) The land abuts other Federal land administered by the Director.

(6) ACT OF CONGRESS REQUIRED.—Minor boundary changes involving only deletions of acreage owned by the Federal Government and administered by the Service may be made only by Act of Congress.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3100.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100506(a)	16 U.S.C. 1a–12.	Pub. L. 101–628, title XII, §§1216, 1217 , Nov. 28, 1990, 104 Stat. 4508.
100506(b)	16 U.S.C. 1a–13.	
100506(c)	16 U.S.C. 460I–9(c).	Pub. L. 88–578, title I, §7(c), formerly §6(c), as added Pub. L. 95–42, §1(5) , June 10, 1977, 91 Stat. 211; Pub. L. 96–203, §2(2) , Mar. 10, 1980, 94 Stat. 81; Pub. L. 103–437, §6(p)(3) , Nov. 2, 1994, 108 Stat. 4586; Pub. L. 104–333, div. I, title VIII, §814(b) , Nov. 12, 1996, 110 Stat. 4194; Pub. L. 106–176, title I, §§120(b), 129 , Mar. 10, 2000, 114 Stat. 28, 30.

In subsection (a), before paragraph (1), the word "maintain" is substituted for "Within one year after November 28, 1990 . . . develop" to eliminate obsolete words. In paragraph (3), the reference to paragraph (c) in 16 U.S.C. 1a–12 is treated as a reference to 16 U.S.C. 1a–11(c) for clarity.

In subsection (b), before paragraph (1), the words "after November 28, 1990" are omitted as obsolete.

§100507. Additional areas for System

(a) MONITORING AREAS FOR INCLUSION IN SYSTEM.—The Secretary shall investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and that may have potential for inclusion in the System.

(b) SUBMISSION OF LIST OF AREAS RECOMMENDED FOR STUDY FOR POTENTIAL INCLUSION.—

(1) WHEN LIST IS TO BE SUBMITTED.—At the beginning of each calendar year, with the annual budget submission, 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 list of areas recommended for study for potential inclusion in the System.

(2) FACTORS TO BE CONSIDERED.—In developing the list to be submitted under this subsection, the Secretary shall consider—

(A) the 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 System; and

(C) public petitions and Congressional resolutions.

(3) ACCOMPANYING SYNOPSIS.—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 submission or initial report submission one year earlier.

(4) CONGRESSIONAL AUTHORIZATION REQUIRED.—No study of the potential of an area for inclusion in the System may be initiated except as provided by specific authorization of an Act of Congress.

(5) AUTHORITY TO CONDUCT CERTAIN ACTIVITIES NOT LIMITED.—This section and sections 100901(b), 101702(b) and (c), and 102102 of this title do not limit the authority of the 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.

(6) STUDY OF RIVERS OR TRAILS NOT AFFECTED.—This section does not apply to or affect or alter the study of—

(A) any river segment for potential addition to the national wild and scenic rivers system; or

(B) any trail for potential addition to the national trails system.

(c) STUDY OF AREAS FOR POTENTIAL INCLUSION.—

(1) STUDY TO BE COMPLETED WITHIN 3 YEARS.—The Secretary shall complete the study for each area for potential inclusion in the System within 3 complete fiscal years following the date on which funds are first made available for that purpose.

(2) OPPORTUNITY FOR PUBLIC INVOLVEMENT REQUIRED.—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.

(3) CONSIDERATIONS.—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.

(4) SCOPE OF STUDY.—Each study—

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

(i) the rarity and integrity of the resources;

(ii) the threats to those resources;

(iii) whether similar resources are already protected in the 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 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 be most effective and efficient in protecting significant resources and providing for public enjoyment; and

(D) may include any other information that the Secretary considers to be relevant.

(5) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—Each study shall be completed in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(6) RECOMMENDATION OF PREFERRED MANAGEMENT OPTION.—The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

(d) LIST OF AREAS PREVIOUSLY STUDIED.—

(1) SUBMISSION OF LIST.—At the beginning of each calendar year, with the annual budget submission, 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, in numerical order of priority for addition to the System—

(A) a list of areas that have been previously studied that contain primarily historical resources; and

(B) a list of areas that have been previously studied that contain primarily natural resources.

(2) CONSIDERATIONS.—In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c).

(3) AREAS ELIGIBLE FOR INCLUSION.—The Secretary should include on the lists only areas for which the supporting data are current and accurate.

(e) LIST OF AREAS THAT EXHIBIT DANGER OR THREATS TO THE INTEGRITY OF THEIR RESOURCES.—At the beginning of each fiscal year, the Secretary shall submit to the Speaker of the House of Representatives and the President of the Senate a complete and current list of all areas listed on the Registry of Natural Landmarks, and areas of national significance listed on the National Register of Historic places, that exhibit known or anticipated damage or threats to the integrity of their resources, with notations as to the nature and severity of the damage or threats.

(f) REPORTS AND LISTINGS PRINTED AS HOUSE DOCUMENTS.—Each report and annual listing described in this section shall be printed as a House document. If adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing on receipt by the Speaker of the House of Representatives of a joint letter from the chairman of the Committee on Natural Resources of the House of Representatives and the chairman of the Committee on Energy and Natural Resources of Senate indicating that to be the case.

(g) DESIGNATION OF OFFICE.—The Secretary shall designate a single office to prepare all new area studies and to implement other functions under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) STUDIES OF POTENTIAL NEW SYSTEM UNITS AND MONITORING THE WELFARE OF SYSTEM UNIT RESOURCES.—To carry out studies for potential new System units and for monitoring the welfare of historical and natural resources referred to in subparagraphs (A) and (B) of subsection (d)(1), there is authorized to be appropriated not more than \$1,000,000 for each fiscal year.

(2) MONITORING WELFARE AND INTEGRITY OF NATIONAL LANDMARKS.—To monitor the welfare and integrity of the national landmarks, there is authorized to be appropriated not more than \$1,500,000 for each fiscal year.

(3) CARRYING OUT SUBSECTIONS (b), (c), and ¹(g).—To carry out subsections (b), (c), and (g), there is authorized to be appropriated \$2,000,000 for each fiscal year.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3102.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100507(a)	16 U.S.C. 1a–5(a) (1st sentence).	Pub. L. 91–383, §8, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1940; 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.
100507(b)(1), (2)	16 U.S.C. 1a–5(b)(1), (2).	
100507(b)(3)	16 U.S.C. 1a–5(a) (2d sentence).	
100507(b)(4) through (6)	16 U.S.C. 1a–5(b)(3) through (5).	
100507(c)	16 U.S.C. 1a–5(c).	
100507(d)	16 U.S.C. 1a–5(e).	
100507(e), (f)	16 U.S.C. 1a–5(a) (3d, last sentences).	
100507(g)	16 U.S.C. 1a–5(d).	
100507(h)	16 U.S.C. 1a–5(f).	

In subsection (b)(3), the words "after November 13, 1998" are omitted as obsolete.

In subsection (b)(5), the cross-reference is limited to the applicable provisions of Public Law 91–383 as restated in the revised title.

EDITORIAL NOTES

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (c)(5), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, 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.

¹ So in original. Probably should be "AND".

CHAPTER 1007—RESOURCE MANAGEMENT

SUBCHAPTER I—SYSTEM RESOURCE INVENTORY AND MANAGEMENT

Sec.

- 100701. Protection, interpretation, and research in System.
- 100702. Research mandate.
- 100703. Cooperative study units.
- 100704. Inventory and monitoring program.
- 100705. Availability of System units for scientific study.
- 100706. Integration of study results into management decisions.
- 100707. Confidentiality of information.

SUBCHAPTER II—SYSTEM UNIT RESOURCE PROTECTION

- 100721. Definitions.
- 100722. Liability.
- 100723. Actions.
- 100724. Use of recovered amounts.
- 100725. Donations.

SUBCHAPTER III—MINING ACTIVITY WITHIN SYSTEM UNITS

- 100731. Findings and declaration.
- 100732. Preservation and management of System units by Secretary; promulgation of regulations.
- 100733. Recordation of mining claims; publication of notice.
- 100734. Report on finding or notification of potential damage to natural and historical landmarks.
- 100735. Civil actions for just compensation by mining claim holders.
- 100736. Acquisition of land by Secretary.
- 100737. Financial disclosure by officer or employee of Secretary.

SUBCHAPTER IV—ADMINISTRATION

- 100751. Regulations.
- 100752. Destruction of animals and plant life.
- 100753. Disposal of timber.
- 100754. Relinquishment of legislative jurisdiction.
- 100755. Applicability of other laws.

SUBCHAPTER I—SYSTEM RESOURCE INVENTORY AND MANAGEMENT

§100701. Protection, interpretation, and research in System

Recognizing the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the System, the Secretary shall continually improve the ability of the Service to provide state-of-the-art management, protection, and interpretation of, and research on, the resources of the System.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3105.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100701	16 U.S.C. 5911.	Pub. L. 105–391, title I, §101 , Nov. 13, 1998, 112 Stat. 3498.

§100702. Research mandate

The Secretary shall ensure that management of System units is enhanced by the availability and utilization of a broad program of the highest quality science and information.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3105.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100702	16 U.S.C. 5932.	Pub. L. 105–391, title II, §202 , Nov. 13, 1998, 112 Stat. 3499.

§100703. Cooperative study units

The Secretary shall enter into cooperative agreements with colleges and universities, including land grant schools, in partnership with other Federal and State agencies, to establish cooperative study units to conduct multi-disciplinary

research and develop integrated information products on the resources of the System, or the larger region of which System units are a part.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3105.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100703	16 U.S.C. 5933(a).	Pub. L. 105–391, title II, §203(a) , Nov. 13, 1998, 112 Stat. 3500.

§100704. Inventory and monitoring program

The Secretary shall undertake a program of inventory and monitoring of System resources to establish baseline information and to provide information on the long-term trends in the condition of System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3105.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100704	16 U.S.C. 5934.	Pub. L. 105–391, title II, §204 , Nov. 13, 1998, 112 Stat. 3500.

§100705. Availability of System units for scientific study

(a) IN GENERAL.—The Secretary may solicit, receive, and consider requests from Federal or non-Federal public or private agencies, organizations, individuals, or other entities for the use of any System unit for purposes of scientific study.

(b) CRITERIA.—A request for use of a System unit under subsection (a) may be approved only if the Secretary determines that the proposed study—

(1) is consistent with applicable laws and Service management policies; and

(2) will be conducted in a manner that poses no threat to the System unit resources or public enjoyment derived from System unit resources.

(c) FEE WAIVER.—The Secretary may waive any System unit admission or recreational use fee in order to facilitate the conduct of scientific study under this section.

(d) BENEFIT-SHARING ARRANGEMENTS.—The Secretary may negotiate for and enter into equitable, efficient benefit-sharing arrangements with the research community and private industry.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3106.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100705	16 U.S.C. 5935.	Pub. L. 105–391, title II, §205 , Nov. 13, 1998, 112 Stat. 3500.

§100706. Integration of study results into management decisions

The Secretary shall take such measures as are necessary to ensure the full and proper utilization of the results of scientific study for System unit management decisions. In each case in which an action undertaken by the Service may cause a significant adverse effect on a System unit resource, the administrative record shall reflect the manner in which System unit resource studies have been considered. The trend in the condition of resources of the System shall be a significant factor in the annual performance evaluation of each superintendent of a System unit.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3106.)

HISTORICAL AND REVISION NOTES

<i>Revised</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
----------------	---------------------------	-----------------------------------

<i>Section</i>		
100706	16 U.S.C. 5936.	Pub. L. 105–391, title II, §206 , Nov. 13, 1998, 112 Stat. 3500.

§100707. Confidentiality of information

Information concerning the nature and specific location of a System resource that is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within System units, or of objects of cultural patrimony within System units, may be withheld from the public in response to a request under section 552 of title 5 unless the Secretary determines that—

- (1) disclosure of the information would further the purposes of the System unit in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and
- (2) disclosure is consistent with other laws protecting the resource or object.

(Pub. L. 113–287, [§3](#), Dec. 19, 2014, 128 Stat. 3106.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100707	16 U.S.C. 5937.	Pub. L. 105–391, title II, §207 , Nov. 13, 1998, 112 Stat. 3501.

SUBCHAPTER II—SYSTEM UNIT RESOURCE PROTECTION

§100721. Definitions

In this subchapter:

- (1) DAMAGES.—The term "damages" includes—

(A) compensation for—

- (i)(I) the cost of replacing, restoring, or acquiring the equivalent of a System unit resource; and
- (II) the value of any significant loss of use of a System unit resource pending its restoration or replacement or the acquisition of an equivalent resource; or
- (ii) the value of the System unit resource if the System unit resource cannot be replaced or restored; and

(B) the cost of a damage assessment under section 100723(b) of this title.

- (2) RESPONSE COSTS.—The term "response costs" means the costs of actions taken by the Secretary to—

- (A) prevent or minimize destruction or loss of or injury to a System unit resource;
- (B) abate or minimize the imminent risk of the destruction, loss, or injury; or
- (C) monitor ongoing effects of incidents causing the destruction, loss, or injury.

- (3) SYSTEM UNIT RESOURCE.—

(A) IN GENERAL.—The term "System unit resource" means any living or non-living resource that is located within the boundaries of a System unit.

(B) EXCLUSION.—The term "System unit resource" does not include a resource owned by a non-Federal entity.

(Pub. L. 113–287, [§3](#), Dec. 19, 2014, 128 Stat. 3106.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100721	16 U.S.C. 19jj.	Pub. L. 101–337, §1 , July 27, 1990, 104 Stat. 379; Pub. L. 104–333, div. I, title VIII, §814(h)(1), (2) , Nov. 12, 1996, 110 Stat. 4199.

In this section, the text of 16 U.S.C. 19jj(a) is omitted as unnecessary. The text of 16 U.S.C. 19jj(e) is omitted because the term "regimen" is not used in the revised title. The text of 16 U.S.C. 19jj(g) is omitted because a marine or aquatic park system resource is a kind of park system resource.

§100722. Liability

(a) IN GENERAL.—Subject to subsection (c), any person that destroys, causes the loss of, or injures any System unit resource is liable to the United States for response costs and damages resulting from the destruction, loss, or injury.

(b) LIABILITY IN REM.—Any instrumentality, including a vessel, vehicle, aircraft, or other equipment, that destroys, causes the loss of, or injures any System unit resource shall be liable in rem to the United States for response costs and damages resulting from the destruction, loss, or injury to the same extent as a person is liable under subsection (a).

(c) DEFENSES.—A person is not liable under this section if the person establishes that—

(1) the destruction, loss of, or injury to the System unit resource was caused solely by an act of God or an act of war;

(2) the person acted with due care, and the destruction, loss of, or injury to the System unit resource was caused solely by an act or omission of a 3d party, other than an employee or agent of the person; or

(3) the destruction, loss, or injury to the System unit resource was caused by an activity authorized by Federal or State law.

(d) SCOPE.—Liability under this section is in addition to any other liability that may arise under Federal or State law. (Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3107.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100722	16 U.S.C. 19jj–1.	Pub. L. 101–337, §2, July 27, 1990, 104 Stat. 379; Pub. L. 104–333, div. I, title VIII, §814(h)(3), Nov. 12, 1996, 110 Stat. 4199; Pub. L. 106–176, title I, §120(c), Mar. 10, 2000, 114 Stat. 29.

§100723. Actions

(a) CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—The Attorney General, on request of the Secretary after a finding by the Secretary of destruction, loss, or injury to a System unit resource or a finding that absent the undertaking of a response action, destruction, loss, or injury to a System unit resource would have occurred, may bring a civil action in United States district court against any person or instrumentality that may be liable under section 100722 of this title for response costs and damages. The Secretary shall submit a request for the civil action to the Attorney General whenever a person may be liable or an instrumentality may be liable in rem for those costs and damages under section 100722 of this title.

(b) RESPONSE ACTIONS AND ASSESSMENT OF DESTRUCTION, LOSS, OR INJURY.—

(1) ACTIONS TO PREVENT OR MINIMIZE DESTRUCTION, LOSS, OR INJURY.—The Secretary shall undertake all necessary actions to—

(A) prevent or minimize the destruction, loss of, or injury to System unit resources; or

(B) minimize the imminent risk of destruction, loss, or injury to System unit resources.

(2) ASSESSMENT AND MONITORING.—The Secretary shall assess and monitor destruction, loss, or injury to System unit resources.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3107.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100723	16 U.S.C. 19jj–2.	Pub. L. 101–337, §3, July 27, 1990, 104 Stat. 380.

In this section, the words "destruction, loss, or injury" are substituted for "damage" in subsection (a) and for "damages" in subsection (b) for consistency in the new chapter and to distinguish destruction, loss, or injury from damages recovered in a civil action.

In subsection (a), the words "response action" are substituted for "response costs" the 1st time the words appear for clarity and consistency in the new chapter.

§100724. Use of recovered amounts

(a) **LIMITATION ON USE.**—Response costs and damages recovered by the Secretary under this subchapter or amounts recovered by the Federal Government under any Federal, State, or local law or regulation or otherwise as a result of destruction, loss of, or injury to any System unit resource shall be available to the Secretary and without further Congressional action may be used only as follows:

(1) **REIMBURSEMENT.**—To reimburse response costs and damage assessments by the Secretary or other Federal agencies as the Secretary considers appropriate.

(2) **RESTORATION AND REPLACEMENT.**—To restore, replace, or acquire the equivalent of System unit resources that were the subject of the action and to monitor and study those System unit resources. The funds may not be used to acquire any land or water, interest in land or water, or right to land or water unless the acquisition is specifically approved in advance in appropriations Acts. The acquisition shall be subject to any limitations contained in the legislation establishing the System unit.

(b) **EXCESS AMOUNTS.**—Any amounts remaining after expenditures pursuant to paragraphs (1) and (2) of subsection (a) shall be deposited in the Treasury.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3108.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100724	16 U.S.C. 19jj–3.	Pub. L. 101–337, §4, July 27, 1990, 104 Stat. 380; Pub. L. 103–437, §6(d)(3), Nov. 12, 1994, 108 Stat. 4583.

Section 4(d) of the Act of July 27, 1990 (Public Law 101–337, 104 Stat. 380), is omitted as obsolete. See section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (Public Land 104–66, 31 U.S.C. 1113 note) and page 111 of House Document No. 103–7.

In subsection (a), before paragraph (1), the words "destruction, loss, or injury to" are substituted for "damage to" for consistency in the new chapter and to distinguish destruction, loss, or injury from damages recovered in a civil action.

In subsection (b), the words "the General Fund of the United States" are omitted as unnecessary.

§100725. Donations

The Secretary may accept donations of money or services for expenditure or employment to meet expected, immediate, or ongoing response costs. The donations may be expended or employed at any time after their acceptance, without further Congressional action.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3108.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100725	16 U.S.C. 19jj–4.	Pub. L. 101–337, §5, July 27, 1990, 104 Stat. 381.

SUBCHAPTER III—MINING ACTIVITY WITHIN SYSTEM UNITS

§100731. Findings and declaration

Congress finds and declares that—

(1) the level of technology of mineral exploration and development has changed radically, and continued application of the mining laws of the United States to System units to which the mining laws apply conflicts with the purposes for which the System units were established; and

(2) all mining operations in System units should be conducted so as to prevent or minimize damage to the environment and other resource values.

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100731	16 U.S.C. 1901.	Pub. L. 94–429, §1, Sept. 28, 1976, 90 Stat. 1342.

In paragraph (1), the words "in recent years" are omitted as obsolete.

In paragraph (2), the words "in certain areas of the National Park System, surface disturbances from mineral development should be temporarily halted while Congress determines whether or not to acquire any valid mineral rights which may exist in such areas" are omitted as obsolete.

§100732. Preservation and management of System units by Secretary; promulgation of regulations

To preserve for the benefit of present and future generations the pristine beauty of System units, and to further the purposes of section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of this title and the individual organic Acts for the System units, all activities resulting from the exercise of mineral rights on patented or unpatented mining claims within any System unit shall be subject to such regulations prescribed by the Secretary as the Secretary considers necessary or desirable for the preservation and management of the System units.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3109.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100732	16 U.S.C. 1902.	Pub. L. 94–429, §2, Sept. 28, 1976, 90 Stat. 1342.

The word "valid" is omitted for clarity because regulations apply to the exercise of mining claim rights before they are determined to be valid. The word "existing" is omitted as obsolete.

§100733. Recordation of mining claims; publication of notice

All mining claims under the Mining Law of 1872 (30 U.S.C. chapter 2, sections 161 and 162, and chapters 12A and 16) that lie within the boundaries of System units in existence on September 28, 1976, that were not recorded with the Secretary within one year after September 28, 1976, shall be conclusively presumed to be abandoned and shall be void. The recordation does not render valid any claim that was not valid on September 28, 1976, or that becomes invalid after that date.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3109.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100733	16 U.S.C. 1907.	Pub. L. 94–429, §8, Sept. 28, 1976, 90 Stat. 1343.

The section is substituted for the source provision to eliminate obsolete words. The words "in existence on September 28, 1976" are added for clarity to show that the provision applies only to System units that were part of the System on that date.

EDITORIAL NOTES

REFERENCES IN TEXT

The Mining Law of 1872, referred to in text, is act May 10, 1872, ch. 152, 17 Stat. 91, which was incorporated into the Revised Statutes of 1878 as R.S. §§2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of Title 30, Mineral Lands and Mining. For complete classification of such Revised Statutes sections to the Code, see Tables.

§100734. Report on finding or notification of potential damage to natural and historical landmarks

When the Secretary finds on the Secretary's own motion or on being notified in writing by an appropriate scientific, historical, or archeological authority that a district, site, building, structure, or object that has been found to be nationally significant in illustrating natural history or the history of the United States and that has been designated as a natural or historic landmark may be irreparably lost or destroyed in whole or in part by any surface mining activity, including exploration for or removal or production of minerals or materials, the Secretary shall notify the person conducting the activity and submit a report on the findings or notification, including the basis for the Secretary's finding that the activity may cause irreparable loss or destruction of a national landmark, to the Advisory Council on Historic Preservation, with a request for advice of the Council as to alternative measures that may be taken by the United States to mitigate or abate the activity.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3109.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100734	16 U.S.C. 1908(a).	Pub. L. 94–429, §9(a), Sept. 28, 1976, 90 Stat. 1343.

§100735. Civil actions for just compensation by mining claim holders

The holder of any patented or unpatented mining claim subject to this subchapter that believes the holder has suffered a loss by operation of this subchapter, or by orders or regulations issued pursuant to this subchapter, may bring a civil action in United States district court to recover just compensation, which shall be awarded if the court finds that the loss constitutes a taking of property compensable under the Constitution.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3110.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100735	16 U.S.C. 1910.	Pub. L. 94–429, §11, Sept. 28, 1976, 90 Stat. 1344; Pub. L. 98–620, title IV, §402(21), 98 Stat. 3358.

§100736. Acquisition of land by Secretary

Nothing in this subchapter shall be construed to limit the authority of the Secretary to acquire land and interests in land within the boundary of any System unit. The Secretary shall give prompt and careful consideration to any offer made by the owner of any valid right or other property in Glacier Bay National Monument, Death Valley National Monument, Organ Pipe Cactus National Monument, or Mount McKinley National Park to sell the right or other property if the owner notifies the Secretary that the continued ownership of the right or property is causing, or would result in, undue hardship.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3110.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100736	16 U.S.C. 1911.	Pub. L. 94–429, §12, Sept. 28, 1976, 90 Stat. 1344.

§100737. Financial disclosure by officer or employee of Secretary

(a) WRITTEN STATEMENTS.—Each officer or employee of the Secretary who—

(1) performs any function or duty under this subchapter, or any Act amended by the Mining in the Parks Act (Public Law 94–429, 90 Stat. 1342) concerning the regulation of mining in the System; and

(2) has any known financial interest—

(A) in any person subject to this subchapter or any Act amended by the Mining in the Parks Act (Public Law 94–429, 90 Stat. 1342); or

(B) in any person who holds a mining claim within the boundary of any System unit;

shall annually file with the Secretary a written statement concerning all such interests held by the officer or employee during the preceding calendar year. The statement shall be available to the public.

(b) **MONITORING AND ENFORCEMENT PROCEDURES.**—The Secretary shall—

(1) define the term "known financial interest" for purposes of subsection (a);

(2) establish the methods by which the requirement to file written statements specified in subsection (a) will be monitored and enforced, including appropriate provisions for the filing by the officers and employees of the statements and the review by the Secretary of the statements; and

(3) submit to Congress on June 1 of each year a report with respect to the disclosures and the actions taken in regard to the disclosures during the preceding calendar year.

(c) **EXEMPTIONS.**—In the rules prescribed under subsection (b), the Secretary may identify specific positions within the Department of the Interior that are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying those positions shall be exempt from the requirements of this section.

(d) **CRIMINAL PENALTIES.**—Criminal penalties for a violation of this section are provided by section 1865 of title 18. (Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3110.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100737(a) through (c)	16 U.S.C. 1912(a) through (c).	Pub. L. 94–429, §13(a) through (c), Sept. 28, 1976, 90 Stat. 1344.
100737(d)	no source.	

In subsection (a), the words "beginning on February 1, 1977" are omitted as obsolete.

In subsection (b), the words "act within ninety days after September 28, 1976" are omitted as obsolete.

In subsection (c), the words "the Department of the Interior" are substituted for "such agency" for clarity.

Subsection (d) is added for informational purposes.

EDITORIAL NOTES

REFERENCES IN TEXT

The Mining in the Parks Act, referred to in subsec. (a)(1), (2)(A), is Pub. L. 94–429, Sept. 28, 1976, 90 Stat. 1342. For complete classification of this Act to the Code, see Tables.

SUBCHAPTER IV—ADMINISTRATION

§100751. Regulations

(a) **IN GENERAL.**—The Secretary shall prescribe such regulations as the Secretary considers necessary or proper for the use and management of System units.

(b) **BOATING AND OTHER ACTIVITIES ON OR RELATING TO WATER.**—The Secretary, under such terms and conditions as the Secretary considers advisable, may prescribe regulations under subsection (a) concerning boating and other activities on or relating to water located within System units, including water subject to the jurisdiction of the United States. Any regulation under this subsection shall be complementary to, and not in derogation of, the authority of the Coast Guard to regulate the use of water subject to the jurisdiction of the United States.

(c) **CRIMINAL PENALTIES.**—Criminal penalties for a violation of a regulation prescribed under this section are provided by section 1865 of title 18.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3111.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100751(a)	16 U.S.C. 3 (1st sentence words	Aug. 25, 1916, ch. 408, §3 (1st sentence

	before "and any violation").	words before "and any violation"), 39 Stat. 535.
100751(b)	16 U.S.C. 1a–2(a) (matter before (a)). 16 U.S.C. 1a–2(h).	Pub. L. 91–383, §3 (matter before (a)), Aug. 18, 1970, 84 Stat. 826. Pub. L. 91–383, §3(h), as added Pub. L. 94–458, §1(2), Oct. 7, 1976, 90 Stat. 1939; Pub. L. 106–176, title I, §118(2), (3), Mar. 10, 2000, 114 Stat. 28.
100751(c)	no source.	

In subsection (b), the words "In order to facilitate the administration of the national park system" and "and enforce" are omitted as unnecessary. The words "under subsection (a)" are added for clarity to show that a regulation under subsection (b) is a special type of regulation under subsection (a) so that a violation of a regulation under subsection (b) is subject to a criminal penalty under 18 U.S.C. 1865.

Subsection (c) is added for informational purposes.

§100752. Destruction of animals and plant life

The Secretary may provide for the destruction of such animals and plant life as may be detrimental to the use of any System unit.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3111.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100752	16 U.S.C. 3 (3d sentence).	Aug. 25, 1916, ch. 408, §3 (3d sentence), 39 Stat. 535.

§100753. Disposal of timber

The Secretary, on terms and conditions to be fixed by the Secretary, may sell or dispose of timber in cases where, in the judgment of the Secretary, the cutting of timber is required to control attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any System unit.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3111.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100753	16 U.S.C. 3 (2d sentence).	Aug. 25, 1916, ch. 408, §3 (2d sentence), 39 Stat. 535.

§100754. Relinquishment of legislative jurisdiction

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may relinquish to a State or a territory (including a possession) of the United States part of the legislative jurisdiction of the United States over System land or interests in land in that State or territory. Relinquishment may be accomplished—

- (1) by filing with the chief executive official of the State or territory a notice of relinquishment to take effect on acceptance; or
- (2) as the laws of the State or territory may otherwise provide.

(b) SUBMISSION OF AGREEMENT TO CONGRESS.—Prior to consummating a relinquishment under subsection (a), 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. The Secretary shall not finalize the agreement until 60 calendar days after the submission has elapsed.

(c) CONCURRENT LEGISLATIVE JURISDICTION.—The Secretary shall diligently pursue the consummation of arrangements with each State or territory within which a System unit is located so that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within System units.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3111.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100754	16 U.S.C. 1a–3.	Pub. L. 91–383, §6, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1939; Pub. L. 103–437, §6(a)(1), Nov. 2, 1994, 108 Stat. 4583.

In this section, the words "territory (including a possession)" are substituted for "territory, or possession" the 1st time the words appear for clarity, because a possession is a category of territory, that is, one that has very little local autonomy. In subsequent instances, the word "territory" is used in an equivalent sense. The word "Commonwealth" is omitted as being included in "territory (including a possession)".

§100755. Applicability of other laws

(a) IN GENERAL.—This section and sections 100501, 100901(d) to (h), 101302(b)(2), 101901(c), and 102711 of this title, and the various authorities relating to the administration and protection of System units, including the provisions of law listed in subsection (b), shall, to the extent that those provisions are not in conflict with any such specific provision, be applicable to System units, and any reference in any of these provisions to a System unit does not limit those provisions to that System unit.

(b) APPLICABLE PROVISIONS.—The provisions of law referred to in subsection (a) are—

- (1) section 100101(a), chapter 1003, sections 100751(a), 100752, 100753, 101101, 101102, 101511, 102101, 102712, 102901, 104905, and 104906, and chapter 2003 of this title;
- (2) the Act of March 4, 1911 (43 U.S.C. 961); and
- (3) chapter 3201 of this title.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3112.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100755	16 U.S.C. 1c(b).	Aug. 8, 1953, ch. 384, §2(b), 67 Stat. 496; Pub. L. 91–383, §2(b), Aug. 18, 1970, 84 Stat. 826.

In subsection (a), the words "reference in such Act" are interpreted to mean "reference in such Acts" for clarity.

In subsection (b)(1), the words "relating to donation of land and money", "relating to roads and trails", "relating to approach roads to national monuments", "relating to conveyance of roads to States", "relating to acquisitions of inholdings", and "relating to aid to visitors in emergencies" are omitted as unnecessary. The words "the Act of March 3, 1905 (33 Stat. 873; 16 U.S.C. 10), relating to arrests" are omitted because the Act was repealed by section 10(a)(2) of the Act of August 18, 1970 (known as the National Park System General Authorities Act) (Public Law 91–383), as added by section 2 of the Act of October 7, 1976 (Public Law 94–458, 90 Stat. 1941). The words "relating to services or other accommodations for the public, emergency supplies and services to concessioners, acceptability of travelers checks, care and removal of indigents" are omitted as unnecessary. The words "the Act of October 9, 1965 (79 Stat. 696; 16 U.S.C. 20–20g), relating to concessions" are omitted because the Act was repealed by section 415(a) of the National Parks Omnibus Management Act of 1998 (Public Law 105–391, 112 Stat. 3515).

In subsection (b)(2), the words "relating to rights of way" are omitted as unnecessary.

Subsection (b)(3) is added for clarity because many of the laws that established a System unit provided that the Secretary, in addition to administering the unit in accordance with the Act of August 25, 1916 (16 U.S.C. 1, 3, 3, and 4) and with laws generally applicable to System units, administer the unit in accordance with the Act of August 21, 1935 (16 U.S.C. 461 to 467).

CHAPTER 1008—EDUCATION AND INTERPRETATION

Sec.	
100801.	Definitions.
100802.	Interpretation and education authority.
100803.	Interpretation and education evaluation and quality improvement.

§100801. Definitions

As used in this chapter:

(1) INTERPRETATION.—The term "interpretation"—

(A) means providing opportunities for people to form intellectual and emotional connections to gain awareness, appreciation, and understanding of the resources of the System; and

(B) may refer to the professional career field of Service employees, volunteers, and partners who interpret the resources of the System.

(2) EDUCATION.—The term "education" means enhancing public awareness, understanding, and appreciation of the resources of the System through learner-centered, place-based materials, programs, and activities that achieve specific learning objectives as identified in a curriculum.

(3) RELATED AREAS.—The term "related areas" means—

(A) national wild and scenic rivers and national trails;

(B) national heritage areas; and

(C) affiliated areas administered in connection with the System.

(Added Pub. L. 114–289, [title III, §301\(a\)](#), [Dec. 16, 2016](#), 130 Stat. 1486.)

§100802. Interpretation and education authority

The Secretary shall ensure that management of System units and related areas is enhanced by the availability and use of a broad program of the highest quality interpretation and education.

(Added Pub. L. 114–289, [title III, §301\(a\)](#), [Dec. 16, 2016](#), 130 Stat. 1487.)

§100803. Interpretation and education evaluation and quality improvement

The Secretary may undertake a program of regular evaluation of interpretation and education programs to ensure that they—

(1) adjust to how people learn and engage with the natural world and shared heritage as embodied in the System;

(2) reflect different cultural backgrounds, ages, education, gender, abilities, ethnicity, and needs;

(3) demonstrate innovative approaches to management and appropriately incorporate emerging learning and communications technology; and

(4) reflect current scientific and academic research, content, methods, and audience analysis.

(Added Pub. L. 114–289, [title III, §301\(a\)](#), [Dec. 16, 2016](#), 130 Stat. 1487.)

§100804. Improved use of partners and volunteers in interpretation and education

The Secretary may—

(1) coordinate with park partners and volunteers in the delivery of quality programs and services to supplement those provided by the Service as part of a park's Long Range Interpretive Plan;

(2) support interpretive partners by providing opportunities to participate in interpretive training; and

(3) collaborate with other Federal and non-Federal public or private agencies, organizations, or institutions for the purposes of developing, promoting, and making available educational opportunities related to resources of the System and programs.

(Added Pub. L. 114–289, [title III, §301\(a\)](#), [Dec. 16, 2016](#), 130 Stat. 1487.)

CHAPTER 1009—ADMINISTRATION

Sec.

100901. Authority of Secretary to carry out certain activities.

100902. Rights of way for public utilities and power and communication facilities.

100903. Solid waste disposal operations.

100904. Admission and special recreation use fees.

100905. Commercial filming.

100906. Advisory committees.

§100901. Authority of Secretary to carry out certain activities

(a) **IN GENERAL.**—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may carry out the activities described in this section.

(b) **SERVICES, RESOURCES, OR WATER CONTRACTS.**—The Secretary may enter into contracts that provide for the sale or lease to persons, States, or political subdivisions of States, of services, resources, or water available within a System unit, as long as the activity does not jeopardize or unduly interfere with the primary natural or historic resource of the System unit, if the person, State, or political subdivision—

(1) provides public accommodations or services within the immediate vicinity of the System unit to individuals visiting the System unit; and

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

(c) **VEHICULAR AIR CONDITIONING.**—The Secretary may acquire, and have installed, air conditioning units for any Government-owned passenger motor vehicles used by the 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.

(d) **UTILITY FACILITIES.**—The Secretary may erect and maintain fire protection facilities, water lines, telephone lines, electric lines, and other utility facilities adjacent to any System unit, where necessary, to provide service in the System unit.

(e) **SUPPLIES AND RENTAL OF EQUIPMENT.**—The Secretary may furnish, on a reimbursement of appropriation basis, supplies, and rent equipment, to persons and agencies that, in cooperation with and subject to the approval of the Secretary, render services or perform functions that facilitate or supplement the activities of the Department of the Interior in the administration of the System. The reimbursements may be credited to the appropriation current at the time reimbursements are received.

(f) **CONTRACTS FOR UTILITY FACILITIES.**—The Secretary may contract, under terms and conditions that the 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 System, regardless of whether the lines and facilities are located within or outside the System.

(g) **RIGHTS OF WAY NECESSARY TO CONSTRUCT, IMPROVE, AND MAINTAIN ROADS.**—The Secretary may acquire—

(1) rights of way necessary to construct, improve, and maintain roads within the authorized boundaries of any System unit; and

(2) land and interests in land adjacent to the rights of way, when—

(A) considered necessary by the Secretary—

(i) to provide adequate protection of natural features; or

(ii) to avoid traffic and other hazards resulting from private road access connections; or

(B) the acquisition of adjacent residual tracts, which otherwise would remain after acquiring the rights of way, would be in the public interest.

(h) **OPERATION AND MAINTENANCE OF MOTOR AND OTHER EQUIPMENT.**—

(1) **IN GENERAL.**—The Secretary may operate, repair, maintain, and replace motor and other equipment on a reimbursable basis when the equipment is used on Federal projects of the System, chargeable to other appropriations, or on work of other Federal agencies, when requested by the agencies.

(2) **REIMBURSEMENT.**—Reimbursement shall be—

(A) 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

(B) credited to appropriations currently available at the time adjustment is effected.

(3) **RENTAL OF EQUIPMENT FOR FIRE CONTROL PURPOSES.**—The Secretary may 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 System and other areas in fire control. The rental shall be under the terms of written cooperative agreements. The amount collected for the rentals shall be credited to appropriations currently available at the time payment is received.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3112.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100901(a)	16 U.S.C. 1a–2 (matter before (a)).	Pub. L. 91–383, §3 (matter before (a)), Aug.

	16 U.S.C. 1b (matter before (1)).	18, 1970, 84 Stat. 826. Aug. 8, 1953, ch. 384, §1 (matter before (1)), (2), (5) through (8), 67 Stat. 495, 496; Pub. L. 91–383, §2(a), Aug. 18, 1970, 84 Stat. 826.
100901(b)	16 U.S.C. 1a–2(e).	Pub. L. 91–383, §3(e), Aug. 18, 1970, 84 Stat. 827; Pub. L. 94–458, §1(1), Oct. 7, 1976, 90 Stat. 1939; Pub. L. 106–176, title I, §118(2), (3), Mar. 10, 2000, 114 Stat. 28.
100901(c)	16 U.S.C. 1a–2(f).	Pub. L. 91–383, §3(f), Aug. 18, 1970, 84 Stat. 827; Pub. L. 106–176, title I, §118(2), (3), Mar. 10, 2000, 114 Stat. 28.
100901(d)	16 U.S.C. 1b(2).	
100901(e) through (h)	16 U.S.C. 1b(5) through (8).	

In subsection (a), the words "and he may use applicable appropriations for the aforesaid system for the following purposes" in 16 U.S.C. 1b (matter before (1)) are omitted as unnecessary.

§100902. Rights of way for public utilities and power and communication facilities

(a) PUBLIC UTILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

- (A) electrical plants, poles, and lines for the generation and distribution of electrical power;
- (B) telephone and telegraph purposes; and
- (C) canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits and water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection shall be for—

- (A) the ground occupied by the canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted under paragraph (1); and
- (B) not more than 50 feet—
 - (i) on each side of the marginal limits of the ground; or
 - (ii) on each side of the center line of the pipes and pipe lines, electrical, telegraph, and telephone lines and poles.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) REVOCATION.—The Secretary may revoke a right of way under this subsection.

(5) RIGHT, EASEMENT, OR INTEREST NOT CONFERRED.—A right of way under this subsection does not confer any right, easement, or interest in, to, or over a System unit.

(b) POWER AND COMMUNICATION FACILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way over, across, and on through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

- (A) electrical poles and lines for the transmission and distribution of electrical power;
- (B) poles and lines for communication purposes; and
- (C) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection—

- (A) shall be for not more than 50 years from the date the right of way is granted; and
- (B) for—
 - (i) lines and poles shall be for 200 feet on each side of the center line of the lines and poles; and
 - (ii) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities shall be for not more than 400 feet by 400 feet.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) FORFEITURE AND ANNULMENT.—The Secretary may forfeit and annul any part of a right of way under this subsection for—

- (A) nonuse for a period of 2 years; or
- (B) abandonment.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3113.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100902(a)	16 U.S.C. 79.	Feb. 15, 1901, ch.372 (relating to System units), 31 Stat. 790.
100902(b)	16 U.S.C. 5.	Mar. 4, 1911, ch. 238 (4th and last paragraphs (relating to System units) under heading "IMPROVEMENT OF THE NATIONAL FOREST" under heading "FOREST SERVICE"), 36 Stat. 1253; May 27, 1952, ch. 338, 66 Stat. 95.

In subsection (a), the text of 16 U.S.C. 79 (2d proviso) is omitted as obsolete because title 65 of the Revised States of the United States was repealed by section 1 of the Act of July 16, 1947 (ch. 256, 61 Stat. 327).

In subsection (a)(1), the words "and the Yosemite, Sequoia, and General Grant national parks, California" are omitted as unnecessary because "other reservations" encompasses all System units.

The inclusion of paragraphs (4) and (5) of subsection (a) do not have any effect on rights of way under subsection (b).

In subsection (a)(4), the words "or his successor in his discretion" are omitted as unnecessary.

In subsection (b), the text of 16 U.S.C. 5 (last paragraph) is omitted as obsolete. The word "Secretary" is substituted for "the head of the department having jurisdiction over the lands" and "chief officer of the department under whose supervision or control such reservation falls" because the portion of the Act of March 4, 1911 (ch. 238, 36 Stat. 1253) classified to 16 U.S.C. 5 relates only to System units.

§100903. Solid waste disposal operations

(a) IN GENERAL ¹—To protect the air, land, water, and natural and cultural values of the System and the property of the United States in the System, no solid waste disposal site (including any site for the disposal of domestic or industrial solid waste) may be operated within the boundary of any System unit, other than—

- (1) a site that was operating as of September 1, 1984; or
- (2) a site used only for disposal of waste generated within that System unit so long as the site will not degrade any of the natural or cultural resources of the System unit.

(b) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, including reasonable regulations to mitigate the adverse effects of solid waste disposal sites in operation as of September 1, 1984, on property of the United States.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3115.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100903	16 U.S.C. 460I–22(c).	Pub. L. 90–401, §5(c), as added Pub. L. 98–506, §2, Oct. 19, 1984, 98 Stat. 2338.

¹ So in original. A period probably should appear.

§100904. Admission and special recreation use fees

(a) SYSTEM UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

(1) WITHHOLDING OF AMOUNTS.—Notwithstanding section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105–83, 111 Stat. 1561), the Secretary shall withhold from the special account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a)) 100

percent of the fees and charges collected in connection with any System unit at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

(2) USE OF AMOUNTS.—Amounts withheld under paragraph (1) shall be retained by the Secretary and shall be available, without further appropriation, for expenditure by the Secretary for the System unit with respect to which the amounts were collected for the purposes of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.

(b) ALLOCATION OF FUNDS TO SYSTEM UNITS.—

(1) ALLOCATION OF FUNDS ON BASIS OF NEED.—Ten percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units on the basis of need in a manner to be determined by the Director.

(2) ALLOCATION OF FUNDS BASED ON EXPENSES AND BASED ON FEES COLLECTED.—

(A) IN GENERAL.—Forty percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units in accordance with subparagraph (B) of this subsection and 50 percent shall be allocated in accordance with subparagraph (C).

(B) ALLOCATION BASED ON EXPENSES.—The amount allocated to each System unit under this paragraph for each fiscal year based on expenses shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the operating expenses at that System unit during the prior fiscal year by the total operating expenses at all System units during the prior fiscal year.

(C) ALLOCATION BASED ON FEES COLLECTED.—The amount allocated to each System unit under this paragraph for each fiscal year based on fees collected shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the user fees and admission fees collected under this section at that System unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all System units during the prior fiscal year.

(3) AVAILABILITY OF AMOUNTS.—Amounts allocated under this subsection to any System unit for any fiscal year and not expended in that fiscal year shall remain available for expenditure at that System unit until expended.

(c) SELLING OF PERMITS.—

(1) AUTHORITY TO SELL PERMITS.—When authorized by the Secretary, volunteers at System units may sell permits and collect fees authorized or established pursuant to this section. The Secretary shall ensure that the volunteers have adequate training regarding—

- (A) the sale of permits and the collection of fees;
- (B) the purposes and resources of the System units in which they are assigned; and
- (C) the provision of assistance and information to visitors to the System unit.

(2) SURETY BOND REQUIRED.—The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the Service may be used to cover the cost of the surety bond. The Secretary may enter into arrangements with qualified public or private entities pursuant to which the entities may sell (without cost to the United States) annual admission permits (including Golden Eagle Passports) at any appropriate location. The arrangements shall require each such entity to reimburse the United States for the full amount to be received from the sale of the permits at or before the Secretary delivers the permits to the entity for sale.

(d) CHARGE FOR TRANSPORTATION PROVIDED BY SERVICE FOR VIEWING SYSTEM UNITS.—

(1) CHARGE WHEN TRANSPORTATION PROVIDED.—Where the Service provides transportation to view all or a portion of any System unit, the Director may impose a charge for the service in lieu of an admission fee under this section.

(2) RETENTION OF CHARGE AND USE OF RETAINED AMOUNT.—Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the System unit at which the service was provided. The remainder shall be deposited in the same manner as receipts from fees collected pursuant to this section. Fifty percent of the amount retained shall be expended only for maintenance of transportation systems at the System unit where the charge was imposed. The remaining 50 percent of the retained amount shall be expended only for activities related to resource protection at those System units.

(e) ADMISSION FEES.—Where the primary public access to a System unit is provided by a concessioner, the Secretary may charge an admission fee at the System unit only to the extent that the total of the fee charged by the concessioner for access to the System unit and the admission fee does not exceed the maximum amount of the admission fee that could otherwise be imposed.

(f) COMMERCIAL TOUR USE FEES.—

(1) ESTABLISHMENT.—In the case of each System unit for which an admission fee is charged under this section, the Secretary shall establish a commercial tour use fee to be imposed on each vehicle entering the System unit for the purpose of providing commercial tour services within the System unit.

(2) AMOUNT.—The Secretary shall establish the amount of fee per entry as follows:

- (A) Twenty-five dollars per vehicle with a passenger capacity of 25 individuals or less.
- (B) Fifty dollars per vehicle with a passenger capacity of more than 25 individuals.

(3) **ADJUSTMENTS.**—The Secretary may periodically make reasonable adjustments to the commercial tour use fee imposed under this subsection.

(4) **NONAPPLICABILITY.**—The commercial tour use fee imposed under this subsection shall not apply to the following:

(A) Any vehicle transporting organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

(B) Any vehicle entering a System unit pursuant to a contract issued under subchapter II of chapter 1019 of this title.

(5) **APPLICABILITY.**—This subsection shall apply to aircraft entering the airspace of—

(A) Haleakalā Crater, Crater Cabins, the Scientific Research Reserve, Halemau Trail, Kaupo Gap Trail, or any designated tourist viewpoint in Haleakalā National Park or of Grand Canyon National Park; or

(B) any other System unit for the specific purpose of providing commercial tour services if the Secretary determines that the level of the services is equal to or greater than the level at the System units specified in subparagraph (A).

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3115.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100904(a)	16 U.S.C. 460I–6a(i)(1)(C).	Pub. L. 88–578, title I, §4(i)(1)(C), as added Pub. L. 105–327, §1, Oct. 30, 1998, 112 Stat. 3055; Pub. L. 108–447, div. J, title VIII, §813(a), Dec. 8, 2004, 118 Stat. 3390, as amended Pub. L. 109–54, title I, §132, Aug. 2, 2005, 119 Stat. 526.
100904(b) through (e)	16 U.S.C. 460I–6a(j) through (m).	Pub. L. 88–578, title I, §4(j) through (m), as added Pub. L. 100–203, title V, §5201(c), Dec. 22, 1987, 101 Stat. 1330–265.
100904(f)	16 U.S.C. 460I–6a(n).	Pub. L. 88–578, title I, §4(n), as added Pub. L. 103–66, title X, §10002(c), Aug. 10, 1993, 107 Stat. 404.

In subsection (c), the word "Secretary" is substituted for "head of the collecting agency", "head of the agency", "collecting agency", and "agency", and the words "System units" are substituted for "designated areas" and "areas", because the source provisions apply only to the National Park Service.

In subsection (d)(2), the words "into the special account referred to in subsection (i) of this section" are omitted as obsolete.

In subsection (e), the words "under subsection (a) of this section" are omitted as obsolete.

In subsection (f)(1), the words "by October 1, 1993" are omitted as obsolete.

In subsection (f)(4)(B), the words "subchapter II of chapter 1019 of this title" are substituted for "the Act of October 9, 1965 (16 U.S.C. 20–20g) entitled 'An Act relating to the establishment of concession policies in the areas administered by the National Park Service and for other purposes' " because section 415 of the National Park Service Concessions Management Improvement Act of 1998 (Public Law 105–391, 112 Stat. 3515) repealed the Act of October 9, 1965, which was classified as 16 U.S.C. 20 to 20g, and enacted similar provisions, which are restated as subchapter II of chapter 1019 of the new title.

EDITORIAL NOTES

REFERENCES IN TEXT

Section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998, referred to in subsec. (a)(1), is section 107 of Pub. L. 105–83, title I, Nov. 14, 1997, 111 Stat. 1561, which was set out as a note under former section 460I–6a of Title 16, Conservation.

STATUTORY NOTES AND RELATED SUBSIDIARIES

CONSTRUCTION

Pub. L. 109–54, [title I, §132\(c\), Aug. 2, 2005](#), 119 Stat. 526, provided that: "Except as provided in this section [amending former section 460I–6a and section 6812 of Title 16, Conservation, and enacting provisions set out as a note under section 6812 of Title 16], section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 ([former] 16 U.S.C. 460I–6a(i)(1)(C)) [see 54 U.S.C. 100904(a)] shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section [Pub. L. 108–447, amending former section 460I–6a of Title 16]) had not been enacted."

§100905. Commercial filming

(a) COMMERCIAL FILMING FEE.—

(1) **IN GENERAL.**—The Secretary shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects in a System unit. The fee shall provide a fair return to the United States and shall be based on the following criteria:

- (A) The number of days the filming activity or similar project takes place in the System unit.
- (B) The size of the film crew present in the System unit.
- (C) The amount and type of equipment present in the System unit.

(2) **OTHER FACTORS.**—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

(b) **RECOVERY OF COSTS.**—The Secretary shall collect any costs incurred as a result of filming activities or similar projects, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) STILL PHOTOGRAPHY.—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for still photography in a System unit if the photography takes place where members of the public are generally allowed. The Secretary may require a permit, assess a fee, or both, if the photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) **EXCEPTION.**—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props that are not a part of the site's natural or cultural resources or administrative facilities.

(d) **PROTECTION OF RESOURCES.**—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

- (1) there is a likelihood of resource damage;
- (2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or
- (3) the activity poses health or safety risks to the public.

(e) USE OF PROCEEDS.—

(1) **FEES.**—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

(2) **COSTS.**—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

(f) **PROCESSING OF PERMIT APPLICATIONS.**—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.

(Pub. L. 113–287, [§3, Dec. 19, 2014](#), 128 Stat. 3117.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100905	16 U.S.C. 460I–6d (relating to the National Park Service).	Pub. L. 106–206, §1 (relating to the National Park Service) , May 26, 2000, 114 Stat. 314.

In subsection (e)(1), the words "in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104–134)" are omitted as obsolete because the Program was repealed by section 813(b) of the Federal Lands Recreation Enhancement Act (Public Law 108–447, 118 Stat. 3390).

§100906. Advisory committees

(a) **ESTABLISHMENT.**—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may appoint and establish advisory committees in regard to the functions of the Service as the Secretary considers advisable.

(b) **CHARTER EXCEPTION ON RENEWAL.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is waived with respect to any advisory commission or advisory committee established by law in connection with any System unit during the period for which the commission or committee is authorized by law.

(c) **SERVICE OF MEMBERS.**—Any member of any advisory commission or advisory committee established in connection with any System unit may serve after the expiration of the member's term until a successor is appointed.

(d) **COMPENSATION AND TRAVEL EXPENSES.**—Members of an advisory committee established under subsection (a) shall receive no compensation for their services as such but shall be allowed necessary travel expenses as authorized by section 5703 of title 5.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3118.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100906(a)	16 U.S.C. 1a–2 (matter before (a), (c) (words before comma).	Pub. L. 91–383, §3 (matter before (a)), (c), Aug. 18, 1970, 84 Stat. 826; Pub. L. 106–176, title I, §118(2), (3), Mar. 10, 2000, 114 Stat. 28.
100906(b), (c)	16 U.S.C. 1a–14.	Pub. L. 102–525, title III, §301, Oct. 26, 1992, 106 Stat. 3441.
100906(d)	16 U.S.C. 1a–2(c) (words after comma).	

EDITORIAL NOTES

REFERENCES IN TEXT

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

CHAPTER 1011—DONATIONS

SUBCHAPTER I—AUTHORITY OF SECRETARY

Sec.

101101. Authority to accept land, rights-of-way, buildings, other property, and money.
101102. Authority to accept and use funds to consolidate Federal land ownership.

SUBCHAPTER II—NATIONAL PARK FOUNDATION

101111. Purpose and establishment of Foundation.
101112. Board.
101113. Gifts, devises, or bequests.
101114. Disposition of property or income.
101115. Corporate succession and powers and duties acting as trustee; personal liability for malfeasance.
101116. Corporate powers.
101117. Authority of Board.
101118. Tax exemptions; contributions toward costs of local government; contributions, gifts, or transfers to or for use of United States.
101119. Liability of United States.
101120. Promotion of local fundraising support.
101121. Second Century Endowment for the National Park Service.
101122. Authorization of appropriations; use of funds.

EDITORIAL NOTES

AMENDMENTS

2016—Pub. L. 114–289, [title II, §202\(b\)](#), [title IV, §402\(b\)](#), [Dec. 16, 2016](#), 130 Stat. 1486, [1488](#), added items 101121 and 101122.

SUBCHAPTER I—AUTHORITY OF SECRETARY

§101101. Authority to accept land, rights-of-way, buildings, other property, and money

The Secretary in the administration of the Service may accept—

- (1) patented land, rights-of-way over patented land or other land, buildings, or other property within a System unit; and
- (2) money that may be donated for the purposes of the System.

(Pub. L. 113–287, [§3](#), [Dec. 19, 2014](#), 128 Stat. 3119.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101101	16 U.S.C. 6.	June 5, 1920, ch. 235, §1 (2d undesignated par. under heading "NATIONAL PARKS"), 41 Stat. 917.

STATUTORY NOTES AND RELATED SUBSIDIARIES

NATIONAL PARK SYSTEM DONOR ACKNOWLEDGMENT

Pub. L. 113–291, [div. B, title XXX, §3054](#), [Dec. 19, 2014](#), 128 Stat. 3806, provided that:

"(a) DEFINITIONS.—In this section:

"(1) DONOR ACKNOWLEDGMENT.—The term 'donor acknowledgment' means an appropriate statement or credit acknowledging a donation.

"(2) NATIONAL PARK SYSTEM.—The term 'National Park System' includes each program and individual unit of the National Park System.

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

"(b) DONOR ACKNOWLEDGMENTS IN UNITS OF NATIONAL PARK SYSTEM.—

"(1) IN GENERAL.—The Secretary may authorize a donor acknowledgment to recognize a donation to—

"(A) the National Park Service; or

"(B) the National Park System.

"(2) RESTRICTIONS.—A donor acknowledgment shall not be used to state or imply—

"(A) recognition of the donor or any product or service of the donor as an official sponsor, or any similar form of recognition, of the National Park Service or the National Park System;

"(B) a National Park Service endorsement of the donor or any product or service of the donor; or

"(C) naming rights to any unit of the National Park System or a National Park System facility, including a visitor center.

"(3) REQUIREMENTS.—

"(A) DISPLAY.—A donor acknowledgment shall be displayed—

"(i) in a manner that is approved by the Secretary; and

"(ii) for a period of time, as determined by the Secretary, that is commensurate with the amount of the contribution and the life of the structure.

"(B) GUIDELINES.—The Secretary shall establish donor acknowledgment guidelines that take into account the unique requirements of individual units and programs of the National Park System.

"(C) USE OF SLOGANS PROHIBITED.—A donor acknowledgment shall not permit the use of—

"(i) an advertising slogan; or

"(ii) a statement or credit promoting or opposing a political candidate or issue.

"(4) PLACEMENT.—

"(A) VISITOR AND ADMINISTRATIVE FACILITIES.—A donor acknowledgment may be located on or inside a visitor center or administrative facility of the National Park System (including in a specific room or section) or any other appropriate location, such as on a donor recognition wall or plaque.

"(B) OUTSIDE.—A donor acknowledgment may be located in an area outside of a visitor or administrative facility described in subparagraph (A), including a bench, brick, pathway, area of landscaping, or plaza.

"(C) PROJECTS.—A donor acknowledgment may be located near a park construction or restoration project, if the donation directly relates to the project.

"(D) VEHICLES.—A donor acknowledgment may be placed on a National Park Service vehicle, if the donation directly relates to the vehicle.

"(E) LIMITATION.—Any donor acknowledgment associated with a historic structure or placed outside a park restoration project—

"(i) shall be freestanding; and

"(ii) shall not obstruct a natural or historical site or view.

"(5) PRINTED, DIGITAL, AND MEDIA PLATFORMS.—The Secretary may authorize the use of donor acknowledgments under this subsection to include donor acknowledgments on printed, digital, and media platforms, including brochures or Internet websites relating to a specific unit of the National Park System.

"(C) COMMEMORATIVE WORKS ACT AMENDMENTS.—[Amended section 8905 of Title 40, Public Buildings, Property, And Works.]

"(d) EFFECT OF SECTION.—Nothing in this section or an amendment made by this section—

"(1) requires the Secretary to accept a donation; or

"(2) modifies section 145 of Public Law 108–108 ([former] 16 U.S.C. 1a–1 note [see 54 U.S.C. 100101 note]; 117 Stat. 1280)."

§101102. Authority to accept and use funds to consolidate Federal land ownership

(a) IN GENERAL.—The Secretary may—

(1) accept and use funds that may be donated in order to consolidate Federal land ownership within the existing boundaries of any System unit; and

(2) encourage the donation of funds for that purpose, subject to the condition that donated funds are to be expended for purposes of this section only if Federal funds in an amount equal to the amount of the donated funds are appropriated for the purposes of this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year not more than \$500,000 to match funds that are donated for those purposes.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3119.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101102	16 U.S.C. 452a.	Aug. 31, 1954, ch. 1163, 68 Stat. 1037.

In subsection (b), the words "not more than \$500,000" are substituted for "such funds as may be necessary" and the text of 16 U.S.C. 45a (proviso) to eliminate unnecessary words.

SUBCHAPTER II—NATIONAL PARK FOUNDATION

§101111. Purpose and establishment of Foundation

To encourage private gifts of real and personal property, or any income from, or other interest in, the property, for the benefit of, or in connection with, the Service, its activities, or its services, and thereby to further the conservation of natural, scenic, historic, scientific, educational, inspirational, or recreational resources for future generations of Americans, there is established a charitable and nonprofit corporation to be known as the National Park Foundation to accept and administer those gifts.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3120.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101111	16 U.S.C. 19e.	Pub. L. 90–209, §1, Dec. 18, 1967, 81 Stat. 656.

§101112. Board

(a) **MEMBERSHIP.**—The National Park Foundation shall consist of a Board having as members no fewer than six private citizens of the United States appointed by the Secretary. The Secretary and the Director shall be non-voting members of the Board, ex officio.

(b) **TERM OF OFFICE AND VACANCIES.**—The term of the private citizen members of the Board is 6 years. If a successor is chosen to fill a vacancy occurring prior to the expiration of a term, the successor shall be chosen only for the remainder of that term.

(c) **CHAIRMAN.**—The Chairman shall be elected by the Board from its members for a 2-year term.

(d) **BOARD MEMBERSHIP NOT AN OFFICE.**—Membership on the Board shall not be an office within the meaning of the statutes of the United States.

(e) **QUORUM.**—A majority of the members of the Board serving at any time shall constitute a quorum for the transaction of business.

(f) **SEAL.**—The National Park Foundation shall have an official seal, which shall be judicially noticed.

(g) **MEETINGS.**—The Board shall meet at the call of the Chairman and there shall be at least one meeting each year.

(h) **COMPENSATION AND REIMBURSEMENT.**—No compensation shall be paid to the members of the Board for their services as members, but they shall be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as members out of National Park Foundation funds available to the Board for those purposes.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3120; Pub. L. 114–289, title IV, §401(1), Dec. 16, 2016, 130 Stat. 1488.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101112	16 U.S.C. 19f.	Pub. L. 90–209, §2, Dec. 18, 1967, 81 Stat. 656.

In this section, the text of 16 U.S.C. 19f (2d and last sentences in last sentences) is omitted as obsolete.

In subsection (a), the words "ex officio" are omitted as unnecessary.

In subsection (b), the words "whose initial terms shall be staggered to assure continuity of administration. Thereafter" are omitted as obsolete.

EDITORIAL NOTES

AMENDMENTS

2016—Subsec. (a). Pub. L. 114–289, §401(1)(A), amended subsec. (a) generally. Prior to amendment, text read as follows: "The National Park Foundation shall consist of a Board having as members the Secretary, the Director, and no fewer than 6 private citizens of the United States appointed by the Secretary."

Subsec. (c). Pub. L. 114–289, §401(1)(B), amended subsec. (c) generally. Prior to amendment, text read as follows: "The Secretary shall be the Chairman of the Board and the Director shall be the Secretary of the Board."

§101113. Gifts, devises, or bequests

(a) **AUTHORITY TO ACCEPT GIFTS, DEVISES, OR BEQUESTS.**—

(1) **IN GENERAL.**—The National Park Foundation may accept, receive, solicit, hold, administer, and use any gifts, devises, or bequests, either absolutely or in trust of real or personal property, or any income from, or other interest in, the gift, devise, or bequest, for the benefit of, or in connection with, the Service, its activities, or its services.

(2) **COORDINATION WITH SERVICE.**—Activities of the National Park Foundation under paragraph (1) shall be undertaken after consultation with the Director to ensure that those activities are consistent with the programs and policies of the Service.

(3) **GIFT, DEVISE, OR BEQUEST THAT IS ENCUMBERED, RESTRICTED, OR SUBJECT TO BENEFICIAL INTERESTS.**—A gift, devise, or bequest may be accepted by the National Park Foundation even though it is encumbered, restricted, or

subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Service, its activities, or its services.

(b) WHEN GIFT, DEVISE, OR BEQUEST MAY NOT BE ACCEPTED.—The National Park Foundation may not accept any gift, devise, or bequest that entails any expenditure other than from the resources of the Foundation.

(c) INTEREST IN REAL PROPERTY.—For purposes of this section, an interest in real property includes easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3120; Pub. L. 114–289, title IV, §401(2), Dec. 16, 2016, 130 Stat. 1488.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101113(a)(1)	16 U.S.C. 19g (1st sentence words before proviso).	Pub. L. 90–209, §3, Dec. 18, 1967, 81 Stat. 656.
101113(a)(2)	16 U.S.C. 19g (last sentence).	
101113(b)	16 U.S.C. 19g (1st sentence proviso).	
101113(c)	16 U.S.C. 19g (2d sentence).	

In subsection (c), the words "among other things" are omitted as unnecessary.

EDITORIAL NOTES

AMENDMENTS

2016—Subsec. (a)(2), (3). Pub. L. 114–289 added par. (2) and redesignated former par. (2) as (3).

§101114. Disposition of property or income

(a) AUTHORITY TO DISPOSE OR DEAL WITH PROPERTY OR INCOME.—Except as otherwise required by the instrument of transfer, the National Park Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income from the property as the Board may determine.

(b) RESTRICTION.—The National Park Foundation shall not engage in any business or make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer, and may retain any property accepted by the Foundation.

(c) USE OF SERVICES AND FACILITIES OF THE DEPARTMENTS OF THE INTERIOR AND JUSTICE.—The National Park Foundation may utilize the services and facilities of the Department of the Interior and the Department of Justice, and the services and facilities may be made available on request to the extent practicable with or without reimbursement. Amounts reimbursed to either Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which the account is authorized.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3121.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101114	16 U.S.C. 19h.	Pub. L. 90–209, §4, Dec. 18, 1967, 81 Stat. 656; Pub. L. 106–176, title III, §305, Mar. 10, 2000, 114 Stat. 33.

§101115. Corporate succession and powers and duties acting as trustee; personal liability for malfeasance

(a) PERPETUAL SUCCESSION.—The National Park Foundation shall have perpetual succession.

(b) POWERS AND DUTIES OF TRUSTEE.—The National Park Foundation shall have all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name.

(c) PERSONAL LIABILITY OF BOARD MEMBERS.—The members of the Board shall not be personally liable, except for malfeasance.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3121.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101115	16 U.S.C. 19i.	Pub. L. 90–209, §5, Dec. 18, 1967, 81 Stat. 657.

§101116. Corporate powers

The National Park Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3121.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101116	16 U.S.C. 19j.	Pub. L. 90–209, §6, Dec. 18, 1967, 81 Stat. 657.

§101117. Authority of Board

In carrying out this chapter, the Board may—

- (1) adopt bylaws and regulations necessary for the administration of its functions; and
- (2) contract for any necessary services.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3121.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101117	16 U.S.C. 19k.	Pub. L. 90–209, §7, Dec. 18, 1967, 81 Stat. 657.

§101118. Tax exemptions; contributions toward costs of local government; contributions, gifts, or transfers to or for use of United States

(a) TAX EXEMPTION.—The National Park Foundation and any income or property received or owned by it, and all transactions relating to that income or property, shall be exempt from all Federal, State, and local taxation.

(b) CONTRIBUTIONS IN LIEU OF TAXES.—The National Park Foundation may—

(1) contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay that government if it were not exempt from taxation by virtue of subsection (a) or by virtue of its being a charitable and nonprofit corporation; and

(2) agree to contribute with respect to property transferred to it and the income derived from the property if the agreement is a condition of the transfer.

(c) TRANSFERS DEEMED TO BE TO OR FOR THE USE OF UNITED STATES.—Contributions, gifts, and other transfers made to or for the use of the Foundation shall be deemed to be contributions, gifts, or transfers to or for the use of the United States.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3122.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101118	16 U.S.C. 19l.	Pub. L. 90–209, §8, Dec. 18, 1967, 81 Stat. 657.

In subsection (b), the words "in the discretion of its directors" are omitted as unnecessary.

§101119. Liability of United States

The United States shall not be liable for any debts, defaults, acts, or omissions of the National Park Foundation.
(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3122.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101119	16 U.S.C. 19m.	Pub. L. 90–209, §9, Dec. 18, 1967, 81 Stat. 657.

§101120. Promotion of local fundraising support

(a) PROGRAM.—The National Park Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual System unit level.

(b) IMPLEMENTATION.—The program under subsection (a) shall be implemented to—

- (1) assist in the creation of local nonprofit support organizations; and
- (2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

(c) PROGRAM.—The program under subsection (a)—

- (1) shall include the greatest number of System units as is practicable; and
- (2) at a minimum shall include—

(A) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a System unit;

(B) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual System units; and

(C) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

(d) ANNUAL REPORT.—The National Park Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

(e) AFFILIATIONS.—

(1) CHARTER OR CORPORATE BYLAWS.—Nothing in this section requires—

(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the National Park Foundation; or

(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the National Park Foundation.

(2) ESTABLISHMENT.—An affiliation with the National Park Foundation shall be established only at the discretion of the governing board of a nonprofit organization.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3122.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101120	16 U.S.C. 19o.	Pub. L. 90–209, §11, as added Pub. L. 105–391, title VII, §701, Nov. 13, 1998, 112 Stat. 3520.

§101121. Second Century Endowment for the National Park Service

(a) SECOND CENTURY ENDOWMENT.—To further the mission of the Service, the National Park Foundation shall establish a special account to be known as the "Second Century Endowment for the National Park Service".

(1) FUNDS FOR THE ENDOWMENT.—The following shall apply to the Endowment:

(A) From amounts received by the United States each fiscal year from sales by the National Park Service of Federal Recreational Lands Passes under section 805(b)(1) of the Federal Lands Recreational Enhancement Act,¹ \$10,000,000 shall be deposited into the Endowment.

(B) In addition to deposits otherwise authorized, the Endowment shall consist of any gifts, devises, or bequests that are provided to the National Park Foundation for such purpose.

(C) The National Park Foundation shall deposit any funds received for the Endowment in a federally insured interest-bearing account or may invest funds in appropriate security obligations, as directed by the Board of Directors.

(D) Any accrued interest or dividends earned on funds received for the Endowment shall be added to the principal and form a part of the Endowment.

(2) USE OF FUNDS.—

(A) Except as provided in subparagraph (B), funds in the Endowment shall be available to the National Park Foundation as offsetting collections for projects and activities approved by the Secretary that further the mission and purposes of the Service.

(B) Gifts, devises, or bequests in the endowment under paragraph (1)(A), and any accrued interest or dividends earned thereon, shall be available to the National Park Foundation for projects and activities approved by the Secretary that further the mission and purposes of the Service.

(C) In administering the Endowment each fiscal year, the National Park Foundation shall be guided by the District of Columbia Uniform Prudent Management of Institutional Funds Act of 2007 (D.C. Code §44–1631 et seq.), including section 44–1633 on expenditures.

(D) No Federal funds received for the Endowment may be used by the National Park Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

(b) SUMMARY.—Beginning 2 years after the date of the enactment of this section, the National Park Foundation shall include with its annual report a summary of the status of the Endowment. The summary shall include—

(1) a statement of the amounts deposited in the Endowment during the fiscal year;

(2) the amount of the balance remaining in the Endowment at the end of the fiscal year; and

(3) a description of the sums and purposes of the expenditures made from the Endowment for the fiscal year.

(Added Pub. L. 114–289, [title II, §202\(a\)](#), Dec. 16, 2016, 130 Stat. 1485.)

EDITORIAL NOTES

REFERENCES IN TEXT

Section 805(b)(1) of the Federal Lands Recreational Enhancement Act, referred to in subsec. (a)(1)(A), probably means section 805(b)(1) of the Federal Lands Recreation Enhancement Act, which is section 805(b)(1) of Pub. L. 108–447, [div. J, title VIII, Dec. 8, 2004](#), 118 Stat. 3385, and is classified to section 6804(b)(1) of Title 16, Conservation.

The District of Columbia Uniform Prudent Management of Institutional Funds Act of 2007, referred to in subsec. (a)(2)(C), is the Act of Jan. 23, 2008, D.C. Law 17–69, 54 DCR 11650, which is not classified to the Code.

The date of the enactment of this section, referred to in subsec. (b), is the date of enactment of Pub. L. 114–289, which was approved Dec. 16, 2016.

¹ See References in Text note below.

§101122. Authorization of appropriations; use of funds

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subchapter \$5,000,000 for each of fiscal years 2017 through 2023.

(b) USE OF FUNDS.—Funds made available under subsection (a)—

(1) may be advanced each fiscal year to the National Park Foundation in a lump sum without regard to when expenses are incurred;

(2) shall be provided to the National Park Foundation for use to match contributions (whether in currency, services, or property) made to the Foundation;

(3) may not be used by the National Park Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses; and

(4) may not be deposited by the National Park Foundation into any fund that will be invested or earn interest in any way.

(Added Pub. L. 114–289, [title IV, §402\(a\)](#), Dec. 16, 2016, 130 Stat. 1488.)

CHAPTER 1013—EMPLOYEES

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

- 101301. Maintenance management system.
- 101302. Authority of Secretary to carry out certain activities.
- 101303. Medical attention for employees.
- 101304. Personal equipment and property.
- 101305. Travel expenses of System employees and dependents of deceased employees.

SUBCHAPTER II—SERVICE CAREER DEVELOPMENT, TRAINING, AND MANAGEMENT

- 101321. Service employee training.
- 101322. Management development and training.

SUBCHAPTER III—HOUSING IMPROVEMENT

- 101331. Definitions.
- 101332. General authority of Secretary.
- 101333. Criteria for providing housing.
- 101334. Authorization for housing agreements.
- 101335. Housing programs.
- 101336. Contracts for the management of field employee quarters.
- 101337. Leasing of seasonal employee quarters.
- 101338. General leasing provisions.
- 101339. Assessment and priority listing.
- 101340. Use of funds.

SUBCHAPTER I—GENERAL PROVISIONS

§101301. Maintenance management system

The Service shall implement a maintenance management system in the maintenance and operations programs of the System. The system shall include the following elements:

(1) A workload inventory of assets including detailed information that quantifies for all assets (including 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 System unit.

(3) A description of work standards including—

(A) frequency of maintenance;

(B) measurable quality standard to which assets should be maintained;

(C) methods for accomplishing work;

(D) required labor, equipment, and material resources; and

(E) expected worker production for each maintenance task.

(4) A work program and performance budget that develops an annual work plan identifying maintenance needs and financial resources to be devoted to each maintenance task.

(5) A work schedule that 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 that can be used to record actual labor and material costs.

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

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3123.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101301	16 U.S.C. 1a–8(a).	Pub. L. 98–540, §4(a), Oct. 24, 1984, 98 Stat. 2719; Pub. L. 103–437, §6(d)(1), Nov.

§101302. Authority of Secretary to carry out certain activities

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may carry out the activities described in this section.

(b) TRANSPORTATION.—The Secretary may provide transportation of employees located at an isolated area of the System and to members of their families, if—

- (1) the area is not adequately served by commercial transportation; and
- (2) the transportation is incidental to official transportation services.

(c) RECREATION FACILITIES, EQUIPMENT, AND SERVICES.—The Secretary may provide recreation facilities, equipment, and services for use by employees and their families located at an isolated area of the System.

(d) FIELD AND SPECIAL PURPOSE EQUIPMENT.—The Secretary may purchase field and special purpose equipment required by employees for the performance of assigned functions. The purchased equipment shall be regarded and listed as System equipment.

(e) MEALS AND LODGING.—The Secretary may provide meals and lodging, as the Secretary considers appropriate, for members of the United States Park Police and other employees of the Service, as the Secretary may designate, serving temporarily on extended special duty in System units. For this purpose the Secretary may use funds appropriated for the expenses of the Department of the Interior.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3124.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101302(a)	16 U.S.C. 1a–2 (matter before (a)).	Pub. L. 91–383, §3 (matter before (a)), Aug. 18, 1970, 84 Stat. 826.
101302(b)	16 U.S.C. 1a–2(a).	Pub. L. 91–383, §3(a), (b), (d), Aug. 18, 1970, 84 Stat. 826, 827; Pub. L. 106–176, title I, §118(2), (3), Mar. 10, 2000, 114 Stat. 28.
101302(c)	16 U.S.C. 1a–2(b).	
101302(d)	16 U.S.C. 1a–2(d).	
101302(e)	16 U.S.C. 1a–2(i).	Pub. L. 91–383, §3(i), as added Pub. L. 94–458, §1(2), Oct. 7, 1976, 90 Stat. 1939; Pub. L. 106–176, title I, §118(2), (4), Mar. 10, 2000, 114 Stat. 28.

§101303. Medical attention for employees

(a) IN GENERAL.—In the administration of the Service, the Secretary may contract for medical attention and service for employees and to make necessary payroll deductions agreed to by the employees for that medical attention and service.

(b) EMPLOYEES LOCATED AT ISOLATED SITUATIONS.—The Secretary may provide, out of amounts appropriated for the general expense of the System units, medical attention for employees of the Service located at isolated situations, including—

- (1) moving the employees to hospitals or other places where medical assistance is available; and
- (2) 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.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3124.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101303(a)	16 U.S.C. 11.	May 10, 1926, ch. 277, §1 (last undesignated par. under heading "NATIONAL PARKS"), 44 Stat. 491.
101303(b)	16 U.S.C. 13.	July 3, 1926, ch. 792, §2, 44 Stat. 900.

§101304. Personal equipment and property

(a) PURCHASE OF PERSONAL EQUIPMENT AND SUPPLIES.—The Secretary may purchase personal equipment and supplies for employees of the Service and make deductions for the equipment and supplies from amounts appropriated for salary payments or otherwise due the employees.

(b) LOST, DAMAGED, OR DESTROYED PROPERTY.—The Secretary, in the administration of the Service, may reimburse employees and other owners of horses, vehicles, and other equipment lost, damaged, or destroyed while in the custody of the employee or the Department of the Interior, under authorization, contract, or loan, for necessary firefighting, trail, or other official business. Reimbursement shall be made from any available funds in the appropriation to which the hire of the equipment would be properly chargeable.

(c) EQUIPMENT REQUIRED TO BE FURNISHED BY FIELD EMPLOYEES.—The Secretary may—

(1) require field employees of the Service to furnish horses, motor and other vehicles, and miscellaneous equipment necessary for the performance of their official work; and

(2) provide, at Federal Government expense, forage, care, and housing for animals, and housing or storage and fuel for vehicles and other equipment required to be furnished.

(d) HIRE, RENTAL, AND PURCHASE OF PROPERTY.—The Secretary, under regulations the Secretary may prescribe, may authorize the hire, rental, or purchase of property from employees of the Service whenever it would promote the public interest to do so.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3124.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101304(a)	16 U.S.C. 17.	May 26, 1930, ch. 324, §§1, 7 to 9, 46 Stat. 381, 382.
101304(b)	16 U.S.C. 17f.	
101304(c)	16 U.S.C. 17g.	
101304(d)	16 U.S.C. 17h.	

§101305. Travel expenses of System employees and dependents of deceased employees

In the administration of the System, the Secretary may, under regulations the Secretary may prescribe, pay the travel expenses (including the costs of packing, crating, and transporting (including draying) personal property) of—

(1) employees, on permanent change of station of the employees; and

(2) dependents of deceased employees—

(A) to the nearest housing reasonably available that is of a standard not less than that which is vacated, including compensation for not to exceed 60 days rental cost, in the case of an employee who occupied Federal Government housing and whose death requires the housing to be promptly vacated; and

(B) to the nearest port of entry in the conterminous 48 States in the case of an employee whose last permanent station was outside the conterminous 48 States.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3125.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101305	16 U.S.C. 17j.	May 26, 1930, ch. 324, §11, 46 Stat. 383; Pub. L. 91–383, §5, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1939.

SUBCHAPTER II—SERVICE CAREER DEVELOPMENT, TRAINING, AND MANAGEMENT

§101321. Service employee training

The Secretary shall develop a comprehensive training program for employees in all professional careers in the workforce of the Service for the purpose of ensuring that the workforce has available the best up-to-date knowledge, skills, and abilities with which to manage, interpret, and protect the resources of the System.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3125.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101321	16 U.S.C. 5912.	Pub. L. 105–391, title I, §102, Nov. 13, 1998, 112 Stat. 3498.

§101322. Management development and training

The Secretary shall maintain a clear plan for management training and development under which career professional Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into System unit management positions, including the position of superintendent of a System unit.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3126.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101322	16 U.S.C. 5913.	Pub. L. 105–391, title I, §103, Nov. 13, 1998, 112 Stat. 3498.

The word "maintain" is substituted for "Within 2 years after November 13, 1998 . . . develop" to eliminate obsolete words.

SUBCHAPTER III—HOUSING IMPROVEMENT

§101331. Definitions

In this subchapter:

(1) **FIELD EMPLOYEE.**—The term "field employee" means—

(A) an employee of the Service who is exclusively assigned by the Service to perform duties at a field unit, and the members of the employee's family; and

(B) any other individual who is authorized to occupy Federal Government quarters under section 5911 of title 5, and for whom there is no feasible alternative to the provision of Federal Government housing, and the members of the individual's family.

(2) **PRIMARY RESOURCE VALUES.**—The term "primary resource values" means resources that are specifically mentioned in the enabling legislation for that field unit or other resource value recognized under Federal statute.

(3) **QUARTERS.**—The term "quarters" means quarters owned or leased by the Federal Government.

(4) **SEASONAL QUARTERS.**—The term "seasonal quarters" means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3126.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101331	16 U.S.C. 17o(19).	Pub. L. 104–333, div. I, title VIII, §814(a)(19), Nov. 12, 1996, 110 Stat. 4194.

The text of 16 U.S.C. 17o(19)(B) is omitted because the term "land management agency" is not used.

§101332. General authority of Secretary

(a) **RENTAL HOUSING.**—To enhance the ability of the Secretary, acting through the Director, to effectively manage System units, the Secretary may where necessary and justified—

- (1) make available employee housing, on or off land under the administrative jurisdiction of the Service; and
- (2) rent that housing to field employees at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5.

(b) **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.

(c) **CONSTRUCTION LIMITATIONS ON FEDERAL LAND.**—The Secretary may not utilize any land for the purposes of providing field employee housing under this subchapter that will affect a primary resource value of the area or adversely affect the mission of the Service.

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

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3126.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101332(a)	16 U.S.C. 17o(2).	Pub. L. 104–333, div. I, title VIII, §814(a)(2), (17)(A), (B), Nov. 12, 1996, 110 Stat. 4190, 4193.
101332(b)	16 U.S.C. 17o(9).	Pub. L. 104–333, div. I, title VIII, §814(a)(9), Nov. 12, 1996, 110 Stat. 4191; Pub. L. 106–176, title I, §120(a)(1)(C), Mar. 10, 2000, 114 Stat. 28.
101332(c)	16 U.S.C. 17o(17)(A).	
101332(d)	16 U.S.C. 17o(17)(B).	

In subsection (a)(2), the words "or lease" are omitted to distinguish between leasing property and renting employee housing.

§101333. Criteria for providing housing

The Secretary shall maintain criteria under which housing is provided to employees of the Service. The Secretary shall examine the criteria with respect to the circumstances under which the Service requires an employee to occupy Federal Government quarters, so as to provide necessary services or protect Federal Government property or because of a lack of availability of non-Federal housing in a geographic area.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3127.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101333	16 U.S.C. 17o(3).	Pub. L. 104–333, div. I, title VIII, §814(a)(3), Nov. 12, 1996, 110 Stat. 4190.

The words "The Secretary shall maintain" are substituted for "On November 12, 1996, the Secretary shall review and revise the existing", and the word "existing" is omitted, to eliminate obsolete words.

§101334. Authorization for housing agreements

The Secretary may, pursuant to the authorities contained in this subchapter and subject to the appropriation of necessary funds in advance, enter into housing agreements with housing entities under which the housing entities may develop, construct, rehabilitate, or manage housing, located on or off public land, for rent to Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this subchapter.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3127.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>

101334	16 U.S.C. 17o(6).	Pub. L. 104–333, div. I, title VIII, §814(a)(6), Nov. 12, 1996, 110 Stat. 4191; Pub. L. 106–176, title I, §120(a)(1)(A), Mar. 10, 2000, 114 Stat. 28.
--------	-------------------	---

The words "For those units of the National Park System for which the review required by paragraphs (3) and (5) has been completed" are omitted as obsolete. The words "or lease" are omitted to distinguish between leasing property and renting employee housing.

§101335. Housing programs

- (a) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAM.—
- (1) LEASE-TO-BUILD PROGRAM.—Subject to the appropriation of necessary funds in advance, the Secretary may lease—
- (A) 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
- (B) developed and undeveloped non-Federal land for providing field employee quarters.
- (2) COMPETITIVE LEASING.—Each lease under paragraph (1)(A) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures.
- (3) TERMS AND CONDITIONS.—Each lease under paragraph (1)(A)—
- (A) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees, or the Federal Government;
- (B) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the Service and local applicable building codes and industry standards;
- (C) shall contain additional terms and conditions as may be appropriate to protect the Federal interest, including limits on rents that 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
- (D) may be granted at less than fair market value if the Secretary determines that the lease will improve the quality and availability of field employee quarters.
- (4) CONTRIBUTIONS BY FEDERAL GOVERNMENT.—The Secretary may make payments, subject to appropriations, or contributions in kind, in advance or on a continuing basis, to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal land under a lease under this subsection.
- (b) RENTAL GUARANTEE PROGRAM.—
- (1) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease-to-build arrangement as set forth in subsection (a) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under the lease. A guarantee made under this paragraph shall be in writing.
- (2) LIMITATIONS ON GUARANTEES.—
- (A) SPECIFIC GUARANTEES.—The Secretary may not guarantee—
- (i) the occupancy of more than 75 percent of the units constructed or rehabilitated under the 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.
- (B) TOTAL OF OUTSTANDING GUARANTEES.—Outstanding guarantees shall not be in excess of \$3,000,000.
- (3) AGREEMENT TO RENT TO FEDERAL GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made.
- (4) OPERATION AND MAINTENANCE.—A lease shall be void if the lessee fails to maintain a satisfactory level of operation and maintenance.
- (Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3127.)

HISTORICAL AND REVISION NOTES		
<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101335(a)	16 U.S.C. 17o(7).	Pub. L. 104–333, div. I, title VIII, §814(a)(7), Nov. 12, 1996, 110 Stat. 4190; Pub. L. 106–176, title I, §120(a)(1)(B), Mar. 10, 2000, 114 Stat. 28.

§101336. Contracts for the management of field employee quarters

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. The contract shall contain terms and conditions that the Secretary considers necessary or appropriate to protect the interests of the United States and ensure that necessary quarters are available to field employees.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3128.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101336	16 U.S.C. 17o(10).	Pub. L. 104–333, div. I, title VIII, §814(a)(10), Nov. 12, 1996, 110 Stat. 4192.

§101337. Leasing of seasonal employee quarters

(a) GENERAL AUTHORITY.—The Secretary may lease quarters at or near a System unit for use as seasonal quarters for field employees if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near the System unit and that—

- (1) the requirement for the seasonal field employee quarters is temporary; or
- (2) leasing would be more cost-effective than construction of new seasonal field employee quarters.

(b) RENT.—The rent charged to field employees under the lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5.

(c) UNRECOVERED COSTS.—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this section from annual appropriations for the year in which the lease is made.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3128.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101337	16 U.S.C. 17o(11).	Pub. L. 104–333, div. I, title VIII, §814(a)(11), Nov. 12, 1996, 110 Stat. 4192; Pub. L. 106–176, title I, §120(a)(1)(D), Mar. 10, 2000, 114 Stat. 28.

§101338. General leasing provisions

(a) EXEMPTION FROM LEASING REQUIREMENTS.—Section 102901 of this title and section 1302 of title 40 shall not apply to leases issued by the Secretary under this section.

(b) PROCEEDS FROM LEASES.—The proceeds from any lease under section 101335(a)(1) of this title and any lease under section 101337 of this title shall be retained by the Service and deposited in the special fund established for maintenance and operation of quarters.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3128.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101338(a)	16 U.S.C. 17o(17)(C).	Pub. L. 104–333, div. I, title VIII, §814(a)(17) (C), Nov. 12, 1996, 110 Stat. 4194.
101338(b)	16 U.S.C. 17o(18).	Pub. L. 104–333, div. I, title VIII, §814(a)(18), Nov. 12, 1996, 110 Stat. 4191; Pub. L. 106–176, title I, §120(a)(1)(F), Mar. 10, 2000, 114 Stat. 28.

§101339. Assessment and priority listing

The Secretary shall—

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

(2) develop a Service-wide priority listing, by structure, identifying the units in greatest need for repair, rehabilitation, replacement, or initial construction.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3129.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101339	16 U.S.C. 17o(12).	Pub. L. 104–333, div. I, title VIII, §814(a)(12), Nov. 12, 1996, 110 Stat. 4193.

In paragraph (1), the words "mission of the Service" are substituted for "agency mission" because the provision applies only to the Service.

In paragraph (2), the word "Service-wide" is substituted for "agency-wide" because the provision applies only to the Service.

§101340. Use of funds

(a) EXPENDITURE SHALL FOLLOW PRIORITY LISTING.—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this chapter shall follow the housing priority listing established by the Secretary under section 101339 of this title, in sequential order, to the maximum extent practicable.

(b) NONCONSTRUCTION FUNDS IN ANNUAL BUDGET SUBMITTAL.—Each fiscal year the President's proposed budget to Congress shall include identification of nonconstruction funds to be spent for Service housing maintenance and operations that are in addition to rental receipts collected.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3129.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101340(a)	16 U.S.C. 17o(13).	Pub. L. 104–333, div. I, title VIII, §814(a)(13), Nov. 12, 1996, 110 Stat. 4193; Pub. L. 106–176, title I, §120(a)(1)(E), Mar. 10, 2000, 114 Stat. 28.
101340(b)	16 U.S.C. 17o(14).	Pub. L. 104–333, div. I, title VIII, §814(a)(14), Nov. 12, 1996, 110 Stat. 4193.

In subsection (a), the word "Secretary" is substituted for "agency" to correct an error in the source provision because the provision only applies to the Service and the Secretary develops the priority listing.

In subsection (b), the words "for the first fiscal year after November 12, 1996, and . . . subsequent" are omitted as obsolete.

CHAPTER 1015—TRANSPORTATION

SUBCHAPTER I—AIRPORTS

Sec.

101501. Airports in or near System units.

SUBCHAPTER II—ROADS AND TRAILS

101511. Authority of Secretary.

101512. Conveyance to States of roads leading to certain historical areas.

SUBCHAPTER III—PUBLIC TRANSPORTATION PROGRAMS FOR SYSTEM UNITS

- 101521. Transportation service and facility programs.
- 101522. Transportation projects.
- 101523. Procedures applicable to transportation plans and projects.
- 101524. Special rule for service contract to provide transportation services.

SUBCHAPTER IV—FEES

- 101531. Fee for use of transportation services.

SUBCHAPTER I—AIRPORTS

§101501. Airports in or near System units

(a) **DEFINITIONS.**—In this section, the terms "airport", "project", "project costs", "public agency", and "sponsor" have the meanings given the terms in section 47102 of title 49.

(b) **ACQUISITION, OPERATION, AND MAINTENANCE OF AIRPORTS.**—

(1) **AUTHORIZATION.**—The Secretary may plan, acquire, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports in the continental United States in, or in close proximity to, System units, when the Secretary determines that the airports are necessary to the proper performance of the functions of the Department of the Interior.

(2) **INCLUSION IN NATIONAL PLAN.**—The Secretary shall not acquire, establish, or construct an airport under this section unless the airport is included in the national plan of integrated airport systems formulated by the Secretary of Transportation pursuant to section 47103 of title 49.

(3) **OPERATION AND MAINTENANCE MUST ACCORD WITH STANDARDS AND REGULATIONS OF SECRETARY OF TRANSPORTATION.**—The operation and maintenance of airports under this section shall be in accordance with the standards and regulations prescribed by the Secretary of Transportation.

(c) **AUTHORITY OF SECRETARY.**—

(1) **IN GENERAL.**—To carry out this section, the Secretary may—

- (A) acquire necessary land and interests in or over land;
- (B) contract for the construction, improvement, operation, and maintenance of airports and incidental facilities;
- (C) enter into agreements with other public agencies providing for the construction, operation, or maintenance of airports by those agencies or jointly by the Secretary and those agencies on mutually satisfactory terms; and
- (D) enter into other agreements and take other action with respect to the airports as may be necessary to carry out this section.

(2) **CONSENT REQUIRED.**—This section does not 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 chief executive official of the State political subdivision, in which the land is located.

(d) **AUTHORIZATION TO SPONSOR AIRPORT PROJECTS.**—To carry out this section, the Secretary may—

(1) sponsor projects under subchapter I of chapter 471 of title 49 independently or jointly with other public agencies; and

(2) use, for payment of the sponsor's share of the project costs of those projects, any funds that may be—

- (A) contributed or otherwise made available to the Secretary for those purposes; or
- (B) appropriated or otherwise specifically authorized for that purpose.

(e) **JURISDICTION OVER AIRPORTS.**—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.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3129.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101501(a)	16 U.S.C. 7e.	Mar. 18, 1950, ch. 72, §§1 through 5, 64 Stat. 27; Pub. L. 85–726, title XIV, §1402(e), Aug. 23, 1958, 72 Stat. 807; Pub. L. 89–763, Nov. 5, 1966, 80 Stat. 1313; Pub. L.

		91–258, title I, §52(b)(1), May 21, 1970, 84 Stat. 235.
101501(b)	16 U.S.C. 7a.	
101501(c)	16 U.S.C. 7b.	
101501(d)	16 U.S.C. 7c.	
101501(e)	16 U.S.C. 7d.	

In subsections (a) and (d)(1), the words "subchapter I of chapter 471 of title 49" are substituted for "the Federal Airport Act". The Federal Airport Act was repealed by section 52(a) of the Airport and Airway Development Act of 1970 (Public Law 91–258, 84 Stat. 235), and the Airport and Airway Development Act of 1970 replaced the Federal Airport Act. The Airport and Airway Development Act of 1970 was repealed by section 523(a) of the Airport and Airway Improvement Act of 1982 (Public Law 97–248, 96 Stat. 695). The Airport and Airway Improvement Act of 1982, which replaced the Airport and Airway Development Act of 1970, was enacted as subchapter I of chapter 471 of title 49 by section 1(e) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1245).

In subsection (b)(2), the words "section 47103 of title 49" are substituted for "the Federal Airport Act". The Federal Airport Act was repealed by section 52(a) of the Airport and Airway Development Act of 1970 (Public Law 91–258, 84 Stat. 235). Section 12 of the Airport and Airway Development Act of 1970, which provided for a national airport system plan, was replaced by section 504 of the Airport and Airway Improvement Act of 1982 (Public Law 97–248, 96 Stat. 675). Section 504 was enacted as section 47103 of title 49 by section 1(e) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1251).

In subsection (c), the text of 16 U.S.C. 7b (last proviso) is omitted as obsolete.

In subsection (c)(2), the words "chief executive official of the" are added for clarity and for consistency in the new title.

In subsection (d)(2)(A), the words "(receipt of which funds and their use for such purposes is authorized)" are omitted as unnecessary.

SUBCHAPTER II—ROADS AND TRAILS

§101511. Authority of Secretary

(a) **ROADS AND TRAILS IN SYSTEM UNITS.**—The Secretary may construct, reconstruct, and improve roads and trails, including bridges, in System units.

(b) **APPROACH ROADS.**—

(1) **IN GENERAL.**—

(A) **DESIGNATION.**—When the Secretary determines it to be in the public interest, the Secretary may designate, as System unit approach roads, roads whose primary value is to carry System unit travel and that lead across land at least 90 percent owned by the Federal Government and that will connect the highways within a System unit with a convenient point on or leading to the National Highway System.

(B) **LIMIT ON LENGTH OF APPROACH ROADS.**—

(i) **IN GENERAL.**—A designated approach road shall not exceed—

(I) 60 miles in length between a System unit gateway and a point on or leading to the nearest convenient National Highway System road; or

(II) 30 miles in length if the approach road is on the National Highway System.

(ii) **COUNTY LIMIT.**—Not to exceed 40 miles of any one approach road shall be designated in any one county.

(C) **SUPPLEMENTARY PART OF SYSTEM UNIT HIGHWAY SYSTEM.**—An approach road designated for a System unit shall be treated as a supplementary part of the highway system of the System unit.

(2) **CONSTRUCTION, RECONSTRUCTION, AND IMPROVEMENT.**—

(A) **IN GENERAL.**—The Secretary may construct, reconstruct, and improve approach roads designated under paragraph (1) (including bridges) and enter into agreements for the maintenance of the approach roads by State or county authorities or to maintain the approach roads when otherwise necessary.

(B) **ANNUAL ALLOCATION.**—Not more than \$1,500,000 shall be allocated annually for the construction, reconstruction, and improvement of System unit approach roads.

(3) **APPROVAL OF SECRETARY OF AGRICULTURE REQUIRED.**—When an approach road is proposed under this section across or within any national forest, the Secretary shall secure the approval of the Secretary of Agriculture

before construction begins.

(c) AGREEMENT WITH SECRETARY OF TRANSPORTATION.—Under agreement with the Secretary, the Secretary of Transportation may carry out any provision of this section.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3130.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101511(a)	16 U.S.C. 8. 16 U.S.C. 8b (words after 6th comma and before semicolon, last proviso).	Apr. 9, 1924, ch. 86, §1, 43 Stat. 90. Apr. 9, 1924, ch. 86, §5, as added Jan. 31, 1931, ch. 79, 46 Stat. 1053.
101511(b)(1)	16 U.S.C. 8a.	Apr. 9, 1924, ch. 86, §§4, 6, as added Jan. 31, 1931, ch. 79, 46 Stat. 1053, 1054.
101511(b) (2)(A)	16 U.S.C. 8b (words before 6th comma, words after semicolon and before 1st proviso).	
101511(b) (2)(B)	16 U.S.C. 8b (2d proviso).	
101511(b)(3)	16 U.S.C. 8c.	
101511(c)	16 U.S.C. 8b (1st proviso).	

In subsection (a), the text of 16 U.S.C. 8b (last proviso) and the words "in the administration of the National Park Service" in 16 U.S.C. 8 are omitted as unnecessary.

In subsection (b)(1)(A), the words "at least 90 percent" are substituted for "wholly or to the extent of 90 per centum" to eliminate unnecessary words. The words "National Highway System" are substituted for "Federal 7 per centum highway system" to reflect the current name of the system. See 23:101(a)(16).

In subsection (b)(2)(A), the words "during the fiscal years 1950 and 1951" and the text of 16 U.S.C. 8b (words after semicolon and before 1st proviso) are omitted as obsolete.

In subsection (c), the words "Secretary of Transportation" are substituted for "Secretary of Commerce" because the functions of the Secretary of Agriculture relating to Public Roads Administration were transferred to the Federal Works Administrator by Reorganization Plan No. 1 of 1939 (5 App. U.S.C.) and subsequently to the Administrator of General Services by section 103 of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380) and the Secretary of Commerce and Secretary of Transportation by Reorganization Plan No. 7 of 1949 (5 App. U.S.C.), as amended by section 2(b) of Public Law 97–449 (96 Stat. 2439).

§101512. Conveyance to States of roads leading to certain historical areas

(a) DEFINITION.—In this section, the term "State" means a State, Puerto Rico, Guam, and the Virgin Islands.

(b) AUTHORITY OF SECRETARY.—The Secretary may, subject to conditions as seem proper to the Secretary, convey by proper quitclaim deed to any State, county, municipality, or agency of a State, county, or municipality in which the road is located, all right, title, and interest of the United States in and to any Federal 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 Service.

(c) NOTIFICATION BY STATE, AGENCY, OR MUNICIPALITY.—Prior to the delivery of any conveyance of a road under this section, the State, county, or municipality to which the conveyance is to be made shall notify the Secretary in writing of its willingness to accept and maintain the road.

(d) TRANSFER OF JURISDICTION.—On the execution and delivery of the conveyance of a road under this section, any jurisdiction previously ceded to the United States by a State over the road is retroceded and shall vest in the State in which the road is located.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3131.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101512(a)	16 U.S.C. 8f.	June 3, 1948, ch. 401, §2, 62 Stat. 334; Aug. 1, 1956, ch. 852, §5, 70 Stat. 908.
101512(b) through (d)	16 U.S.C. 8e.	June 3, 1948, ch. 401, §1, 62 Stat. 334.

In subsection (a), the words "Hawaii, Alaska" are omitted as obsolete.
In subsection (d), the words "is retroceded" are substituted for "shall thereby cease and determine" for clarity. The word "thereafter" is omitted as unnecessary.

SUBCHAPTER III—PUBLIC TRANSPORTATION PROGRAMS FOR SYSTEM UNITS

§101521. Transportation service and facility programs

(a) FORMULATION OF PLANS AND IMPLEMENTATION OF PROJECTS.—The Secretary may formulate transportation plans and implement transportation projects where feasible pursuant to those plans for System units.

(b) CONTRACTS, OPERATIONS, AND ACQUISITIONS FOR IMPROVEMENT OF ACCESS TO SYSTEM UNITS.—

(1) AUTHORITY OF SECRETARY.—To carry out subsection (a), the Secretary may—

(A) contract with public or private agencies or carriers to provide transportation services, capital equipment, or facilities to improve access to System units;

(B) operate those services directly in the absence of suitable and adequate agencies or carriers;

(C) acquire, by purchase, lease, or agreement, capital equipment for those services; and

(D) where necessary to carry out this subchapter, acquire, by lease, purchase, donation, exchange, or transfer, land, water, or an interest in land or water that is situated outside the boundary of a System unit.

(2) SPECIFIC PROVISIONS RELATED TO PROPERTY ACQUISITION.—

(A) ADMINISTRATION.—The acquired property shall be administered as part of the System unit.

(B) ACQUISITION ¹ OF LAND OR INTERESTS IN LAND OWNED BY STATE OR POLITICAL SUBDIVISION.—Any land or interests in land owned by a State or any of its political subdivisions may be acquired only by donation.

(C) ACQUISITION SUBJECT TO STATUTORY LIMITATIONS.—Any land acquisition shall be subject to any statutory limitations on methods of acquisition and appropriations as may be specifically applicable to the area.

(c) ESTABLISHMENT OF INFORMATION PROGRAMS.—The Secretary shall establish information programs to inform the public of available System unit access opportunities and to promote the use of transportation modes other than personal motor vehicles for access to and travel within the System units.

(d) UNDERTAKING TRANSPORTATION FACILITIES AND SERVICES.—Transportation facilities and services provided pursuant to this subchapter may be undertaken by the Secretary directly or by contract without regard to any requirement of Federal, State, or local law respecting determinations of public convenience and necessity or other similar matters. The Secretary or contractor shall consult with the appropriate State or local public service commission or other body having authority to issue certificates of convenience and necessity. A contractor shall be subject to applicable requirements of that body unless the Secretary determines that the requirements would not be consistent with the purposes and provisions of this subchapter.

(e) CONSTRUCTION OF GRANT OF AUTHORITY RESPECTING OPERATION OF MOTOR VEHICLES EXCEPTED FROM STATUTORY COVERAGE.—No grant of authority in this subchapter shall be deemed to expand the exemption of section 13506(a)(9) of title 49.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3132.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101521	16 U.S.C. 2302.	Pub. L. 95–344, title III, §302, Aug. 15, 1978, 92 Stat. 478; Pub. L. 103–437, §6(d)(18), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104–333, div. I, title VIII, §814(d)(1)(A), Nov. 12, 1996, 110 Stat. 4195.

The text of 16 U.S.C. 2302(d) is omitted as superseded by 16 U.S.C. 5981, restated as section 101531 of the new title.

In subsection (d), the words "shall not be considered as concession facilities or services within the meaning of the Act of October 9, 1965 (79 Stat. 969)" are omitted as obsolete because that Act was repealed by section 415(a) of the National Parks Omnibus Management Act of 1998 (Public Law 105–391, 112 Stat. 3515).

In subsection (e), the words "section 13506(a)(9)" are substituted for "section 10526(a)(9)" because of the general amendment of subtitle IV of title 49 by the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 802), in which provisions comparable to section 10526(a)(9) were enacted as section 13506(a)(9)

(109 Stat. 862). The words "section 10526(a)(9)" previously had been substituted for "section 203(b)(4) of the Interstate Commerce Act (49 U.S.C. 303(b)(4))" because of section 3(b) of the Act of October 17, 1978 (Public Law 95–473, 92 Stat. 1466), the 1st section of which enacted subtitle IV of title 49.

STATUTORY NOTES AND RELATED SUBSIDIARIES

CONGRESSIONAL STATEMENT OF PURPOSE

Pub. L. 95–344, [title III, §301\(b\)](#), [Aug. 15, 1978](#), 92 Stat. 478, provided that "The purpose of this title [see Tables for classification] is to make the National Park System more accessible in a manner consistent with the preservation of parks and the conservation of energy by encouraging the use of transportation modes other than personal motor vehicles for access to and within units of the National Park System with minimum disruption to nearby communities through authorization of a pilot transportation program."

¹ So in original. Probably should be "ACQUISITION".

§101522. Transportation projects

(a) ASSISTANCE OF HEADS OF OTHER FEDERAL DEPARTMENTS AND AGENCIES IN FORMULATION AND IMPLEMENTATION.—To carry out this subchapter, the Secretary of Transportation, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of Commerce, and the heads of other Federal departments or agencies that the Secretary considers necessary shall assist the Secretary in the formulation and implementation of transportation projects.

(b) COMPILATION OF STATUTES AND PROGRAMS.—The Secretary shall maintain a compilation of Federal statutes and programs providing authority for the planning, funding, or operation of transportation projects that might be utilized by the Secretary to carry out this subchapter.

(Pub. L. 113–287, [§3](#), [Dec. 19, 2014](#), 128 Stat. 3133.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101522	16 U.S.C. 2303.	Pub. L. 95–344, title III, §303 , Aug. 15, 1978 , 92 Stat. 479; Pub. L. 96–88, title V, §509(b) , Oct. 17, 1979 , 93 Stat. 695; Pub. L. 103–437, §6(d)(18) , Nov. 2, 1994 , 108 Stat. 4584.

Subsection (b) is substituted for 16 U.S.C. 2303(b) to eliminate obsolete words.

§101523. Procedures applicable to transportation plans and projects

(a) DURING FORMULATION OF PLAN.—The Secretary shall, during the formulation of any transportation plan authorized pursuant to section 101521 of this title—

- (1) give public notice of intention to formulate the plan by publication in the Federal Register and in a newspaper or periodical having general circulation in the vicinity of the affected System unit; and
- (2) following the notice, hold a public meeting at a location convenient to the affected System unit.

(b) PRIOR TO IMPLEMENTATION OF PROJECT.—Prior to the implementation of any project developed pursuant to the transportation plan formulated pursuant to subsection (a), the Secretary shall—

- (1) establish procedures, including public meetings, to give State and local governments and the public adequate notice and an opportunity to comment on the proposed transportation project; and
- (2) when the proposed project would involve an expenditure in excess of \$100,000 in any fiscal year, submit a detailed report to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(c) WAITING PERIOD.—When a report on a project is required under subsection (b)(2), the Secretary may proceed with the implementation of the project only after 60 days (not counting days on which the Senate or House of Representatives has adjourned for more than 3 consecutive days) have elapsed following submission of the report.

(Pub. L. 113–287, [§3](#), [Dec. 19, 2014](#), 128 Stat. 3133.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101523	16 U.S.C. 2304.	Pub. L. 95–344, title III, §304 , Aug. 15, 1978 , 92 Stat. 479; Pub. L. 103–437, §6(d)(18) , Nov. 2, 1994 , 108 Stat. 4584.

In subsection (c), the words "When a report on a project is required under subsection (b)(2)" are added for clarity. The words "implementation of the project" are substituted for "implementation of such plan", and the words "submission of the report" are substituted for "submission of the plan", for consistency.

§101524. Special rule for service contract to provide transportation services

Notwithstanding any other provision of law, a service contract entered into by the Secretary for the provision solely of transportation services in a System unit shall be not more than 10 years in length, including a base period of 5 years and annual extensions for up to an additional 5 years based on satisfactory performance and approval by the Secretary.

(Pub. L. 113–287, [§3](#), [Dec. 19, 2014](#), 128 Stat. 3134.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101524	16 U.S.C. 5961(a).	Pub. L. 105–391, title IV, §412(a) , Nov. 13, 1998 , 112 Stat. 3514; Pub. L. 106–113, div. B, §1000(a)(3) [title I, §143(1)] , Nov. 29, 1999 , 113 Stat. 1535, 1501A-171.

SUBCHAPTER IV—FEES

§101531. Fee for use of transportation services

Notwithstanding any other provision of law, where the Service or an entity under a service contract, cooperative agreement, or other contractual agreement with the Service provides transportation to all or a portion of any System unit, the Secretary may impose a reasonable and appropriate charge to the public for the use of the transportation services in addition to any admission fee required to be paid. Collection of the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements, with public or private entities that qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Transportation fees collected pursuant to this section shall be retained by the System unit at which the transportation fee was collected, and the amount retained shall be expended only for costs associated with the transportation systems at the System unit where the charge was imposed.

(Pub. L. 113–287, [§3](#), [Dec. 19, 2014](#), 128 Stat. 3134.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101531	16 U.S.C. 5981.	Pub. L. 105–391, title IV, §501 , Nov. 13, 1998 , 112 Stat. 3518; Pub. L. 109–131, title I, §102(b) , Dec. 20, 2005 , 119 Stat. 2568.

CHAPTER 1017—FINANCIAL AGREEMENTS

Sec.	
101701.	Challenge cost-share agreement authority.
101702.	Cooperative agreements.
101703.	Cooperative management agreements.

§101701. Challenge cost-share agreement authority

(a) DEFINITIONS.—In this section:

(1) CHALLENGE COST-SHARE AGREEMENT.—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 with respect to any System unit or System program, any affiliated area, or any designated national scenic trail or national historic trail.

(2) COOPERATOR.—The term "cooperator" means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) AUTHORITY TO ENTER INTO CHALLENGE COST-SHARE AGREEMENTS.—The Secretary may negotiate and enter into challenge cost-share agreements with cooperators.

(c) SOURCE OF FEDERAL SHARE.—In carrying out challenge cost-share agreements, the Secretary may provide the Federal funding share from any funds available to the Service.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3134; Pub. L. 113–40, §10(c), Oct. 2, 2013, 127 Stat. 546.)

AMENDMENT NOT SHOWN IN TEXT

This section was derived from section 1f of Title 16, Conservation, which was amended by Pub. L. 113–40, §10(c), Oct. 2, 2013, 127 Stat. 546. For applicability of that amendment to this section, see section 6(b) of Pub. L. 113–287, set out as a Transitional and Savings Provisions note preceding section 100101 of this title. Former section 1f of Title 16, which consisted of pars. (1) to (3) [restated in this section as subsecs. (a) to (c)], was amended by Pub. L. 113–40 by adding at the end the following new paragraphs:

"(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 project 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."

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101701	16 U.S.C. 1f.	Pub. L. 104–333, div. I, title VIII, §814(g), Nov. 12, 1996, 110 Stat. 4199.

§101702. Cooperative agreements

(a) TRANSFER OF SERVICE APPROPRIATED FUNDS.—A cooperative agreement entered into by the Secretary that involves the transfer of Service appropriated funds to a State, local, or tribal government or other public entity, an educational institution, or a private nonprofit organization to carry out public purposes of a Service program is a cooperative agreement properly entered into under section 6305 of title 31.

(b) COOPERATIVE RESEARCH AND TRAINING PROGRAMS.—

(1) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may—

(A) enter into cooperative agreements with public or private educational institutions, States, and political subdivisions of States to develop adequate, coordinated, cooperative research and training programs concerning the resources of the System; and

(B) pursuant to an agreement, accept from and make available to the cooperator technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units that the Secretary considers appropriate.

(2) EFFECT OF SUBSECTION.—This subsection does not waive any requirements for research projects that are subject to Federal procurement regulations.

(c) SALE OF PRODUCTS AND SERVICES PRODUCED IN THE CONDUCT OF LIVING EXHIBITS AND INTERPRETIVE DEMONSTRATIONS.—To facilitate the administration of the System, the Secretary, under such terms and conditions as

the Secretary considers advisable, may—

- (1) 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 System units;
- (2) enter into contracts, including cooperative arrangements, with respect to living exhibits and interpretive demonstrations in System units; and
- (3) credit the proceeds from those sales and contracts to the appropriation bearing the cost of the exhibits and demonstrations.

(d) COOPERATIVE AGREEMENTS FOR SYSTEM UNIT NATURAL RESOURCE PROTECTION.—

(1) IN GENERAL.—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 System units through collaborative efforts on land inside and outside the System units.

(2) TERMS AND CONDITIONS.—A cooperative agreement entered into under paragraph (1) shall provide clear and direct benefits to System unit natural resources and—

(A) provide for—

- (i) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;
- (ii) preventing, controlling, or eradicating invasive exotic species that are within a System unit or adjacent to a System unit; or
- (iii) restoration of natural resources, including native wildlife habitat or ecosystems;

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

- (i) enhance science-based natural resource stewardship at the System unit; and
- (ii) benefit the parties to the agreement;

(C) 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 System unit that will—

- (i) protect natural resources of the System unit; and
- (ii) benefit the parties to the agreement;

(D) 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;

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

(F) 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 System unit; and

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

(3) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under paragraph (1) 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.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3135.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101702(a)	16 U.S.C. 1g.	Pub. L. 104–208, div. A, title I, §101(d) [title I (3d undesignated par. under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE")], Sept. 30, 1996, 110 Stat. 3009–189.
101702(b)	16 U.S.C. 1a–2 (matter before (a)).	Pub. L. 91–383, §3 (matter before (a)), Aug. 18, 1970, 84 Stat. 826.
	16 U.S.C. 1a–2(j).	Pub. L. 91–383, §3(j), as added Pub. L. 104–333, div. I, title VIII, §818, Nov. 12, 1996, 110 Stat. 4201; Pub. L. 106–176, title I, §118(5), Mar. 10, 2000, 114 Stat. 28.
101702(c)	16 U.S.C. 1a–2 (matter before (a)).	Pub. L. 91–383, §3(g), Aug. 18, 1970, 84
	16 U.S.C. 1a–2(g).	

101702(d)	16 U.S.C. 1j(a) through (c).	Stat. 827; Pub. L. 104–333, div. I, title VII, §703, Nov. 12, 1996 , 110 Stat. 4185; Pub. L. 106–176, title I, §118(1), (2), Mar. 10, 2000 , 114 Stat. 28. Pub. L. 110–229, title III, subtitle A, §301(a) through (c), May 8, 2008 , 122 Stat. 768.
-----------	------------------------------	---

In subsection (a), the word "Secretary" is substituted for "National Park Service" to reflect the transfer of functions of other officers, employees, and agencies of the Department of the Interior to the Secretary by sections 1 and 2 of Reorganization Plan No. 3 of 1950 (5 U.S.C. App.). The words "in fiscal year 1997 and thereafter" are omitted as obsolete. The words "for the public purpose of carrying out National Park Service programs" are omitted as unnecessary. The words "is a cooperative agreement properly entered into under section 6305 of title 31" are substituted for "pursuant to section 6305 of title 31" for clarity.

§101703. Cooperative management agreements

(a) **IN GENERAL.**—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, 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 where a System unit is located adjacent to or near a State or local park area, and cooperative management between the Service and a State or local government agency of a portion of either the System unit or State or local park will allow for more effective and efficient management of the System unit and State or local park. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.

(b) **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.

(c) **ASSIGNMENT OF EMPLOYEE.**—An assignment arranged by the Secretary under section 3372 of title 5 of a Federal, State, or local employee for work on any Federal, State, or local land or an extension of the assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.

(Pub. L. 113–287, [§3, Dec. 19, 2014](#), 128 Stat. 3136.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101703	16 U.S.C. 1a–2 (matter before (a)).	Pub. L. 91–383, §3 (matter before (a)), Aug. 18, 1970 , 84 Stat. 826.
	16 U.S.C. 1a–2(<i>l</i>).	Pub. L. 91–383, §3(<i>l</i>) , as added Pub. L. 105–391, title VIII, §802(a), Nov. 13, 1998 , 112 Stat. 3523.

STATUTORY NOTES AND RELATED SUBSIDIARIES

AUTHORIZING COOPERATIVE MANAGEMENT AGREEMENTS BETWEEN THE DISTRICT OF COLUMBIA AND THE SECRETARY OF THE INTERIOR

Pub. L. 116–9, [title II, §2403, Mar. 12, 2019](#), 133 Stat. 747, provided that: "The Secretary [of the Interior] may enter into a cooperative management agreement with the District of Columbia in accordance with section 101703 of title 54, United States Code."

§101704. Reimbursable agreements

(a) **IN GENERAL.**—In carrying out work under reimbursable agreements with any State, local, or tribal government, the Secretary, without regard to any provision of law or a regulation—

- (1) may record obligations against accounts receivable from those governments; and
- (2) shall credit amounts received from those governments to the appropriate account.

(b) **WHEN AMOUNTS SHALL BE CREDITED.**—Amounts shall be credited within 90 days of the date of the original request by the Service for payment.

(Pub. L. 113–287, [§3, Dec. 19, 2014](#), 128 Stat. 3137.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101704	16 U.S.C. 1i.	Pub. L. 108–7, div. F, title I (proviso in last undesignated par. under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE"), Feb. 20, 2003, 117 Stat. 227.

The words "Heretofore and hereafter" and "section 1341 of title 31 or" are omitted as unnecessary

CHAPTER 1019—CONCESSIONS AND COMMERCIAL USE AUTHORIZATIONS

SUBCHAPTER I—AUTHORITY OF SECRETARY

Sec.
101901. Utility services.

SUBCHAPTER II—COMMERCIAL VISITOR SERVICES

101911. Definitions.
 101912. Findings and declaration of policy.
 101913. Award of concession contracts.
 101914. Term of concession contracts.
 101915. Protection of concessioner investment.
 101916. Reasonableness of rates and charges.
 101917. Franchise fees.
 101918. Transfer or conveyance of concession contracts or leasehold surrender interests.
 101919. National Park Service Concessions Management Advisory Board.
 101920. Contracting for services.
 101921. Multiple contracts within a System unit.
 101922. Use of nonmonetary consideration in concession contracts.
 101923. Recordkeeping requirements.
 101924. Promotion of sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts.
 101925. Commercial use authorizations.
 101926. Regulations.

EDITORIAL NOTES

CODIFICATION

Pub. L. 114–289, title VII, §701, Dec. 16, 2016, 130 Stat. 1492, added subchapter III of this chapter without corresponding amendment of chapter analysis. For analysis of subchapter III, see table of sections set out preceding section 101931 of this title.

SUBCHAPTER I—AUTHORITY OF SECRETARY

§101901. Utility services

To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may furnish, on a reimbursement of appropriation basis, all types of utility services to concessioners, contractors, permittees, or other users of the services, within the System. The reimbursements for cost of the services may be credited to the appropriation current at the time reimbursements are received.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3137.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101901	16 U.S.C. 1b (matter before (1)).	Aug. 8, 1953, ch. 384, §1 (matter before (1)),

The words "and he may use applicable appropriations for the aforesaid system for the following purposes" are omitted as unnecessary.

SUBCHAPTER II—COMMERCIAL VISITOR SERVICES

§101911. Definitions

In this subchapter:

(1) **ADVISORY BOARD.**—The term "Advisory Board" means the National Park Service Concessions Management Advisory Board established under section 101919 of this title.

(2) **PREFERENTIAL RIGHT OF RENEWAL.**—The term "preferential right of renewal" means the right of a concessioner, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 101912 of this title, to match the terms and conditions of any competing proposal that the Secretary determines to be the best proposal for a proposed new concession contract that authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3138.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101911(1)	no source.	
101911(2)	16 U.S.C. 5952(7)(C).	Pub. L. 105–391, title IV, §403(7)(C), Nov. 13, 1998, 112 Stat. 3506.

STATUTORY NOTES AND RELATED SUBSIDIARIES

SAVINGS PROVISION

Pub. L. 105–391, title IV, §419, Nov. 13, 1998, 112 Stat. 3517, provided that:

"(a) **TREATMENT OF GLACIER BAY CONCESSION PERMITS PROSPECTUS.**—Nothing contained in this title [enacting former sections 5951 to 5966 of Title 16, Conservation, which were repealed and restated in sections 101911 et seq. and 101524 of this title, amending former sections 1a–7 and 3 of Title 16, repealing section 17b–1 and subchapter IV of chapter 1 of Title 16, and enacting provisions set out as notes under this section and sections 100101 and 101912 of this title] shall authorize or require the Secretary to withdraw, revise, amend, modify, or reissue the February 19, 1998, Prospectus Under Which Concession Permits Will be Open for Competition for the Operation of Cruise Ship Services Within Glacier Bay National Park and Preserve (in this section referred to as the '1998 Glacier Bay Prospectus'). The award of concession permits pursuant to the 1998 Glacier Bay Prospectus shall be under provisions of existing law at the time the 1998 Glacier Bay Prospectus was issued.

"(b) **PREFERENTIAL RIGHT OF RENEWAL.**—Notwithstanding any provision of this title, the Secretary, in awarding future Glacier Bay cruise ship concession permits covering cruise ship entries for which a preferential right of renewal existed prior to the effective date of this title [probably means the date of enactment of title IV of Pub. L. 105–391, which was approved Nov. 13, 1998], shall provide for such cruise ship entries a preferential right of renewal, as described in subparagraphs (C) and (D) of section 403(7) [see 54 U.S.C. 101911(2), 101913(7)(C)]. Any Glacier Bay concession permit awarded under the authority contained in this subsection shall expire by December 31, 2009."

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

Pub. L. 105–391, title IV, §415(c), Nov. 13, 1998, 112 Stat. 3516, provided that: "Nothing in this title [enacting former sections 5951 to 5966 of Title 16, Conservation, which were repealed and restated in sections 101911 et seq. and 101524 of this title, amending former sections 1a–7 and 3 of Title 16, repealing section 17b–1 and subchapter IV of chapter 1 of Title 16, and enacting provisions set out as notes under this section and sections 100101 and 101912 of this title] amends, supersedes, or otherwise affects any

provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) relating to revenue-producing visitor services."

§101912. Findings and declaration of policy

(a) FINDINGS.—In furtherance of section 100101(a), Congress finds that the preservation and conservation of System unit resources and values requires that public accommodations, facilities, and services that have to be provided within those System units should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that—

- (1) visitation will not unduly impair those resources and values; and
- (2) development of public accommodations, facilities, and services within System units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the System units.

(b) DECLARATION OF POLICY.—It is the policy of Congress that the development of public accommodations, facilities, and services in System units shall be limited to accommodations, facilities, and services that—

- (1) are necessary and appropriate for public use and enjoyment of the System unit in which they are located; and
- (2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the System unit.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3138.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101912	16 U.S.C. 5951.	Pub. L. 105–391, title IV, §402, Nov. 13, 1998 , 112 Stat. 3503.

In subsection (a), the words "section 100101(a)" are substituted for "sections 1, 2, 3, and 4 of this title, which directs the Secretary to administer units of the National Park System in accordance with the fundamental purpose of conserving their scenery, wildlife, and natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations" to give a more precise cross reference because section 100101(a) of the new title is where that direction to the Secretary is restated.

STATUTORY NOTES AND RELATED SUBSIDIARIES

REPEAL OF NATIONAL PARK SERVICE CONCESSIONS POLICY ACT; SAVINGS PROVISION

Pub. L. 105–391, [title IV, §415\(a\), Nov. 13, 1998](#), 112 Stat. 3515, provided that: "Public Law 89–249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.) is repealed. The repeal of such Act shall not affect the validity of any concessions contract or permit entered into under such Act, but the provisions of this title [enacting former sections 5951 to 5966 of Title 16, Conservation, which were repealed and restated in sections 101911 et seq. and 101524 of this title, amending former sections 1a–7 and 3 of Title 16, repealing section 17b–1 and subchapter IV of chapter 1 of Title 16, and enacting provisions set out as notes under this section and sections 100101 and 101911 of this title] shall apply to any such contract or permit except to the extent such provisions are inconsistent with the terms and conditions of any such contract or permit. References in this title to concessions contracts awarded under authority of such Act also apply to concessions permits awarded under such authority."

§101913. Award of concession contracts

In furtherance of the findings and policy stated in section 101912 of this title, and except as provided by this subchapter or otherwise authorized by law, the Secretary shall utilize concession contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to System units. Concession contracts shall be awarded as follows:

- (1) COMPETITIVE SELECTION PROCESS.—Except as otherwise provided in this section, all proposed concession contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. The competitive process shall include simplified procedures for small, individually-owned entities seeking award of a concession contract.
- (2) SOLICITATION OF PROPOSALS.—Except as otherwise provided in this section, prior to awarding a new concession contract (including renewals or extensions of existing concession contracts) the Secretary—

- (A) shall publicly solicit proposals for the concession contract; and
 - (B) in connection with the solicitation, shall—
 - (i) prepare a prospectus and publish notice of its availability at least once in local or national newspapers or trade publications, by electronic means, or both, as appropriate; and
 - (ii) make the prospectus available on request to all interested persons.
- (3) INFORMATION TO BE INCLUDED IN PROSPECTUS.—The prospectus shall include the following information:
- (A) The minimum requirements for the contract as set forth in paragraph (4).
 - (B) The terms and conditions of any existing concession contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner.
 - (C) Other authorized facilities or services that may be provided in a proposal.
 - (D) Facilities and services to be provided by the Secretary to the concessioner, including public access, utilities, and buildings.
 - (E) An estimate of the amount of compensation due an existing concessioner from a new concessioner under the terms of a prior concession contract.
 - (F) A statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of those factors in the selection process.
 - (G) Other information related to the proposed concession operation that is provided to the Secretary pursuant to a concession contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.
 - (H) Where applicable, a description of a preferential right to the renewal of the proposed concession contract held by an existing concessioner as set forth in paragraph (7).
- (4) CONSIDERATION OF PROPOSALS.—
- (A) MINIMUM REQUIREMENTS.—No proposal shall be considered that fails to meet the minimum requirements as determined by the Secretary. The minimum requirements shall include the following:
- (i) The minimum acceptable franchise fee or other forms of consideration to the Federal Government.
 - (ii) Any facilities, services, or capital investment required to be provided by the concessioner.
 - (iii) Measures necessary to ensure the protection, conservation, and preservation of resources of the System unit.
- (B) REJECTION OF PROPOSAL.—The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that—
- (i) the person, corporation, or entity is not qualified or is not likely to provide satisfactory service; or
 - (ii) the proposal is not responsive to the objectives of protecting and preserving resources of the System unit and of providing necessary and appropriate facilities and services to the public at reasonable rates.
- (C) ALL PROPOSALS FAIL TO MEET MINIMUM ¹ REQUIREMENTS OR ARE REJECTED.—If all proposals submitted to the Secretary fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.
- (D) TERMS AND CONDITIONS MATERIALLY AMENDED OR NOT INCORPORATED IN CONTRACT.—The Secretary may not execute a concession contract that materially amends or does not incorporate the proposed terms and conditions of the concession contract as set forth in the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concession contract incorporating the material amendments or changes.
- (5) SELECTION OF THE BEST PROPOSAL.—
- (A) FACTORS IN SELECTION.—In selecting the best proposal, the Secretary shall consider the following principal factors:
- (i) The responsiveness of the proposal to the objectives of protecting, conserving, and preserving resources of the System unit and of providing necessary and appropriate facilities and services to the public at reasonable rates.
 - (ii) The experience and related background of the person, corporation, or entity submitting the proposal, including the past performance and expertise of the person, corporation or entity in providing the same or similar facilities or services.
 - (iii) The financial capability of the person, corporation, or entity submitting the proposal.
 - (iv) The proposed franchise fee, except that consideration of revenue to the United States shall be subordinate to the objectives of protecting, conserving, and preserving resources of the System unit and of providing necessary and appropriate facilities to the public at reasonable rates.
- (B) SECONDARY FACTORS.—The Secretary may also consider such secondary factors as the Secretary considers appropriate.

(C) DEVELOPMENT OF REGULATIONS.—In developing regulations to implement this subchapter, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession contract should be identified as a factor in the selection of a best proposal under this section.

(6) CONGRESSIONAL NOTIFICATION.—

(A) IN GENERAL.—The Secretary shall submit any proposed concession contract with anticipated annual gross receipts in excess of \$5,000,000 or a duration of more than 10 years to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) WAITING PERIOD.—The Secretary shall not award any proposed concession contract to which subparagraph (A) applies until at least 60 days subsequent to the notification of both Committees.

(7) PREFERENTIAL RIGHT OF RENEWAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concession contract, or any other form of preference to a concession contract.

(B) EXCEPTION.—The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concession contracts described by paragraph (8), subject to the requirements of that paragraph.

(C) ENTITLEMENT TO AWARD OF NEW CONTRACT.—A concessioner that successfully exercises a preferential right of renewal in accordance with the requirements of this subchapter shall be entitled to award of the proposed new concession contract to which the preference applies.

(8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—

(A) APPLICATION.—Paragraph (7) shall apply only to the following:

(i) Subject to subparagraph (B), concession contracts that solely authorize the provision of specialized backcountry outdoor recreation guide services that require the employment of specially trained and experienced guides to accompany System unit visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in that activity.

(ii) Subject to subparagraph (C), concession contracts with anticipated annual gross receipts under \$500,000.

(B) OUTFITTING AND GUIDE CONCESSIONERS.—

(i) DESCRIPTION.—Outfitting and guide concessioners, where otherwise qualified, include concessioners that provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences.

(ii) WHEN ENTITLED TO PREFERENTIAL RIGHT.—An outfitting and guide concessioner is entitled to a preferential right of renewal under this subchapter only if—

(I) the contract with the outfitting and guide concessioner does not grant the concessioner any interest, including any leasehold surrender interest or possessory interest, in capital improvements on land owned by the United States within a System unit, other than a capital improvement constructed by a concessioner pursuant to the terms of a concession contract prior to November 13, 1998, or constructed or owned by a concessioner or the concessioner's predecessor before the subject land was incorporated into the System;

(II) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension); and

(III) the concessioner has submitted a responsive proposal for a proposed new concession contract that satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(C) CONTRACT WITH ESTIMATED GROSS RECEIPTS OF LESS THAN \$500,000.—A concessioner that holds a concession contract that the Secretary estimates will result in gross annual receipts of less than \$500,000 if renewed shall be entitled to a preferential right of renewal under this subchapter if—

(i) the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extension); and

(ii) the concessioner has submitted a responsive proposal for a proposed new concession contract that satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(9) NEW OR ADDITIONAL SERVICES.—The Secretary may propose to amend the applicable terms of an existing concessions contract to provide new and additional services where the Secretary determines the services are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located and are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit. Such new and additional services shall not represent a material change to the required and authorized services as set forth in the applicable prospectus or contract.

(10) AUTHORITY OF SECRETARY NOT LIMITED.—Nothing in this subchapter shall be construed as limiting the authority of the Secretary to determine whether to issue a concession contract or to establish its terms and conditions in furtherance of the policies expressed in this subchapter.

(11) EXCEPTIONS.—Notwithstanding this section, the Secretary may award, without public solicitation, the following:

(A) TEMPORARY CONTRACT.—To avoid interruption of services to the public at a System unit, the Secretary may award a temporary concession contract or an extension of an existing concessions contract for a term not to exceed 3 years, except that prior to making the award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid the interruption.

(B) CONTRACT IN EXTRAORDINARY CIRCUMSTANCES.—The Secretary may award a concession contract in extraordinary circumstances where compelling and equitable considerations require the award of a concession contract to a particular party in the public interest. Award of a concession contract under this subparagraph shall not be made by the Secretary until at least 30 days after—

(i) publication in the Federal Register of notice of the Secretary's intention to award the contract and the reasons for the action; and

(ii) submission of notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3138; Pub. L. 114–289, title V, §502, Dec. 16, 2016, 130 Stat. 1490.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101913	16 U.S.C. 5952 (less (7)(C)).	Pub. L. 105–391, title IV, §403 (less (7)(C)), Nov. 13, 1998, 112 Stat. 3504.

In paragraph (1), the words "entities seeking award of a concession contract" are substituted for "concessions contracts" for clarity.

In paragraph (2)(B)(i), the words "by electronic means" are substituted for "the Commerce Business Daily" to eliminate obsolete words. Federal Business Opportunities is the designated single point of universal electronic public access for publication of all procurement information and notices previously published in the Commerce Business Daily. See 66 Fed. Reg. 27407, May 16, 2001, 68 Fed. Reg. 56678, October 1, 2003, 48 CFR ch. 1, subch. B, part 5, and the special notice posted in CBDNet on December 28, 2001, and printed on January 2, 2002.

In paragraph (5)(C), the words "concession contract" are substituted for "concession, contracts" to correct an error in the source provision.

In paragraph (8)(B)(ii)(III), the word "concession" is added for consistency in this subchapter.

EDITORIAL NOTES

AMENDMENTS

2016—Par. (9). Pub. L. 114–289 amended par. (9) generally. Prior to amendment, text read as follows: "The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a System unit."

¹ So in original. Probably should be "MINIMUM".

§101914. Term of concession contracts

A concession contract entered into pursuant to this subchapter shall generally be awarded for a term of 10 years or less. The Secretary may award a contract for a term of up to 20 years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3142.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101914	16 U.S.C. 5953.	Pub. L. 105–391, title IV, §404, Nov. 13, 1998, 112 Stat. 3508; Pub. L. 106–176, title III, §311, Mar. 10, 2000, 114 Stat. 34.

§101915. Protection of concessioner investment

(a) DEFINITIONS.—In this section:

(1) CAPITAL IMPROVEMENT.—The term "capital improvement" means a structure, a fixture, or nonremovable equipment provided by a concessioner pursuant to the terms of a concession contract and located on land of the United States within a System unit.

(2) CONSUMER PRICE INDEX.—The term "Consumer Price Index" means—

(A) the "Consumer Price Index—All Urban Consumers" published by the Bureau of Labor Statistics of the Department of Labor; or

(B) if the Index is not published, another regularly published cost-of-living index approximating the Consumer Price Index.

(b) LEASEHOLD SURRENDER INTEREST IN CAPITAL IMPROVEMENTS.—A concessioner that constructs a capital improvement on land owned by the United States within a System unit pursuant to a concession contract shall have a leasehold surrender interest in the capital improvement subject to the following terms and conditions:

(1) IN GENERAL.—A concessioner shall have a leasehold surrender interest in each capital improvement constructed by a concessioner under a concession contract, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest in the capital improvement.

(2) PLEDGE AS SECURITY.—A leasehold surrender interest may be pledged as security for financing of a capital improvement or the acquisition of a concession contract when approved by the Secretary pursuant to this subchapter.

(3) TRANSFER AND RELINQUISHMENT OR WAIVER OF INTEREST.—A leasehold surrender interest shall be transferred by the concessioner in connection with any transfer of the concession contract and may be relinquished or waived by the concessioner.

(4) LIMIT ON EXTINGUISHING OR TAKING INTEREST.—A leasehold surrender interest shall not be extinguished by the expiration or other termination of a concession contract and may not be taken for public use except on payment of just compensation.

(5) VALUE OF INTEREST.—The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) by the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(6) VALUE OF INTEREST IN CERTAIN NEW CONCESSION CONTRACTS.—

(A) HOW VALUE IS DETERMINED.—The Secretary may provide, in any new concession contract that the Secretary estimates will have a leasehold surrender interest of more than \$10,000,000, that the value of any leasehold surrender interest in a capital improvement shall be based on—

(i) a reduction on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the initial value (construction cost of the capital improvement), as provided by applicable Federal income tax laws and regulations in effect on November 12, 1998; or

(ii) an alternative formula that is consistent with the objectives of this subchapter.

(B) WHEN ALTERNATIVE FORMULA MAY BE USED.—The Secretary may use an alternative formula under subparagraph (A)(ii) only if the Secretary determines, after scrutiny of the financial and other circumstances involved in the particular concession contract (including providing notice in the Federal Register and opportunity for comment), that the alternative formula is, compared to the standard method of determining value provided for in paragraph (5), necessary to provide a fair return to the Federal Government and to foster competition for the new contract by providing a reasonable opportunity to make a profit under the new contract. If no responsive offers are received in response to a solicitation that includes the alternative formula, the concession opportunity shall be resolicited with the leasehold surrender interest value as described in paragraph (5).

(7) INCREASE IN VALUE OF INTEREST.—Where a concessioner, pursuant to the terms of a concession contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of the additional capital improvement shall be added to the then-current value of the concessioner's leasehold surrender interest.

(c) SPECIAL RULE FOR POSSESSORY INTEREST EXISTING BEFORE NOVEMBER 13, 1998.—

(1) IN GENERAL.—A concessioner that has obtained a possessory interest (as defined pursuant to the Act of October 9, 1965 (known as the National Park Service Concessions Policy Act; Public Law 89-249, 79 Stat. 969), as in effect on November 12, 1998) under the terms of a concession contract entered into before November 13, 1998, shall, on the expiration or termination of the concession contract, be entitled to receive compensation for the possessory interest improvements in the amount and manner as described by the concession contract. Where that possessory interest is not described in the existing concession contract, compensation of possessory interest shall be determined in accordance with the laws in effect on November 12, 1998.

(2) EXISTING CONCESSIONER AWARDED A NEW CONTRACT.—A concessioner awarded a new concession contract to replace an existing concession contract after November 13, 1998, instead of directly receiving the possessory

interest compensation, shall have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new concession contract and shall carry over as the initial value of the leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous concession contract. In the event of a dispute between the concessioner and the Secretary as to the value of the possessory interest, the matter shall be resolved through binding arbitration.

(3) **NEW CONCESSIONER AWARDED A CONTRACT.**—A new concessioner awarded a concession contract and required to pay a prior concessioner for possessory interest in prior improvements shall have a leasehold surrender interest in the prior improvements. The initial value in the leasehold surrender interest (instead of construction cost) shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous concession contract.

(4) **DE NOVO REVIEW OF VALUE DETERMINATION.**—If the Secretary, or either party to a value determination proceeding conducted under a Service concession contract issued before November 13, 1998, considers that the value determination decision issued pursuant to the proceeding misinterprets or misapplies relevant contractual requirements or their underlying legal authority, the Secretary or either party may seek, within 180 days after the date of the decision, de novo review of the value determination decision by the United States Court of Federal Claims. The Court of Federal Claims may make an order affirming, vacating, modifying or correcting the determination decision.

(d) **TRANSITION TO SUCCESSOR CONCESSIONER.**—On expiration or termination of a concession contract entered into after November 13, 1998, a concessioner shall be entitled under the terms of the concession contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of the expiration or termination. A successor concessioner shall have a leasehold surrender interest in the capital improvement under the terms of a new concession contract and the initial value of the leasehold surrender interest in the capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concession contract.

(e) **TITLE TO IMPROVEMENTS.**—Title to any capital improvement constructed by a concessioner on land owned by the United States in a System unit shall be vested in the United States.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3143.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101915(a)	16 U.S.C. 5954(e).	Pub. L. 105–391, title IV, §405(a) through (e) , Nov. 13, 1998 , 112 Stat. 3508.
101915(b)	16 U.S.C. 5954(a).	
101915(c)(1) through (3)	16 U.S.C. 5954(b).	
101915(c)(4)	16 U.S.C. 5954 note.	Pub. L. 110–161, div. F, title I (1st paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE") , Dec. 26, 2007 , 121 Stat. 2107.
101915(d), (e)	16 U.S.C. 5954(c), (d).	

In subsection (b), before paragraph (1), the words "On and after November 13, 1998" are omitted as obsolete. In paragraph (6)(A), the words "Effective 9 years after November 13, 1998" are omitted as obsolete.

In subsection (c)(4), the words "For fiscal years 2008 and hereafter" are omitted as obsolete.

EDITORIAL NOTES

REFERENCES IN TEXT

The Act of October 9, 1965, known as the National Park Service Concessions Policy Act, referred to in subsec. (c)(1), is Pub. L. 89–249, [Oct. 9, 1965](#), 79 Stat. 969, which enacted subchapter IV (§20 et seq.) of chapter 1 of Title 16, Conservation, and amended section 462 of Title 16, prior to being repealed by Pub. L. 105–391, [title IV, §415\(a\)](#), [Nov. 13, 1998](#), 112 Stat. 3515.

§101916. Reasonableness of rates and charges

(a) IN GENERAL.—A concession contract shall permit the concessioner to set reasonable and appropriate rates and charges for facilities, goods, and services provided to the public, subject to approval under subsection (b).

(b) APPROVAL BY SECRETARY REQUIRED.—

(1) FACTORS TO CONSIDER.—A concessioner's rates and charges to the public shall be subject to approval by the Secretary. The approval process utilized by the Secretary shall be as prompt and as unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. The Secretary shall approve rates and charges that the Secretary determines to be reasonable and appropriate. Unless otherwise provided in the concession contract, the reasonableness and appropriateness of rates and charges shall be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due consideration to the following factors and other factors deemed relevant by the Secretary:

- (A) Length of season.
- (B) Peakloads.
- (C) Average percentage of occupancy.
- (D) Accessibility.
- (E) Availability and costs of labor and materials.
- (F) Type of patronage.

(2) RATES AND CHARGES NOT TO EXCEED MARKET RATES AND CHARGES.—Rates and charges may not exceed the market rates and charges for comparable facilities, goods, and services, after taking into account the factors referred to in paragraph (1).

(c) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 6 months after receiving recommendations from the Advisory Board regarding concessioner rates and charges to the public, the Secretary shall implement the recommendations or report to Congress the reasons for not implementing the recommendations.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3145.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101916	16 U.S.C. 5955.	Pub. L. 105–391, title IV, §406, Nov. 13, 1998, 112 Stat. 3510.

§101917. Franchise fees

(a) IN GENERAL.—A concession contract shall provide for payment to the Federal Government of a franchise fee or other monetary consideration as determined by the Secretary, on consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Probable value shall be based on a reasonable opportunity for net profit in relation to capital invested and the obligations of the concession contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving System units and of providing necessary and appropriate services for visitors at reasonable rates.

(b) PROVISIONS TO BE SPECIFIED IN CONTRACT.—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concession contract shall be specified in the concession contract and may be modified only to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the concession contract. The Secretary shall include in concession contracts with a term of more than 5 years a provision that allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of extraordinary unanticipated changes. The provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree on an adjustment to the franchise fee in those circumstances.

(c) SPECIAL ACCOUNT IN TREASURY.—

(1) DEPOSIT AND AVAILABILITY.—All franchise fees (and other monetary consideration) paid to the United States pursuant to concession contracts shall be deposited in a special account established in the Treasury. Twenty percent of the funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities throughout the System regardless of the System unit in which the funds were collected. The funds deposited in the special account shall remain available until expended.

(2) SUBACCOUNT FOR EACH SYSTEM UNIT.—There shall be established within the special account a subaccount for each System unit. Each subaccount shall be credited with 80 percent of the franchise fees (and other monetary consideration) collected at a single System unit under concession contracts. The funds credited to the subaccount for a System unit shall be available for expenditure by the Secretary, without further appropriation, for use at the System unit for visitor services and for purposes of funding high-priority and urgently necessary resource management programs and operations. The funds credited to a subaccount shall remain available until expended.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3146.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101917	16 U.S.C. 5956.	Pub. L. 105–391, title IV, §407 , Nov. 13, 1998, 112 Stat. 3511.

§101918. Transfer or conveyance of concession contracts or leasehold surrender interests

(a) **APPROVAL OF SECRETARY.**—No concession contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval by, the Secretary.

(b) **CONDITIONS.**—The Secretary shall approve a transfer or conveyance described in subsection (a) unless the Secretary finds that—

- (1) the individual, corporation, or other entity seeking to acquire a concession contract is not qualified or able to satisfy the terms and conditions of the concession contract;
- (2) the transfer or conveyance would have an adverse impact on—
 - (A) the protection, conservation, or preservation of the resources of the System unit; or
 - (B) the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; and
- (3) the terms of the transfer or conveyance are likely, directly or indirectly, to—
 - (A) reduce the concessioner's opportunity for a reasonable profit over the remaining term of the concession contract;
 - (B) adversely affect the quality of facilities and services provided by the concessioner; or
 - (C) result in a need for increased rates and charges to the public to maintain the quality of the facilities and services.

(c) **MODIFICATION OR RENEGOTIATION OF TERMS.**—The terms and conditions of any concession contract under this section shall not be subject to modification or open to renegotiation by the Secretary because of a transfer or conveyance described in subsection (a) unless the transfer or conveyance would have an adverse impact as described in subsection (b)(2).

(Pub. L. 113–287, [§3](#), Dec. 19, 2014, 128 Stat. 3147.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101918	16 U.S.C. 5957.	Pub. L. 105–391, title IV, §408 , Nov. 13, 1998, 112 Stat. 3512.

In subsection (b)(1), the word "other" is added for consistency in the subchapter. See section 101926 of the revised title.

§101919. National Park Service Concessions Management Advisory Board

(a) **ESTABLISHMENT AND PURPOSE.**—There is a National Park Service Concessions Management Advisory Board whose purpose shall be to advise the Secretary and Service on matters relating to management of concessions in the System.

(b) **DUTIES.**—

(1) **ADVICE.**—The Advisory Board shall advise on each of the following:

- (A) Policies and procedures intended to ensure that services and facilities provided by concessioners—
 - (i) are necessary and appropriate;
 - (ii) meet acceptable standards at reasonable rates with a minimum of impact on System unit resources and values; and
 - (iii) provide the concessioners with a reasonable opportunity to make a profit.

(B) Ways to make Service concession programs and procedures more cost effective, more process efficient, less burdensome, and timelier.

(2) **RECOMMENDATIONS.**—The Advisory Board shall make recommendations to the Secretary regarding each of the following:

- (A) The Service contracting with the private sector to conduct appropriate elements of concession management.
- (B) Ways to make the review or approval of concessioner rates and charges to the public more efficient, less burdensome, and timelier.
- (C) The nature and scope of products that qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within the meaning of this subchapter.
- (D) The allocation of concession fees.

(3) **ANNUAL REPORT.**—The Advisory Board shall provide an annual report on its activities to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) **ADVISORY BOARD MEMBERSHIP.**—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than 7 individuals appointed from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a Service concession. Of the 7 members of the Advisory Board—

- (1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concession business;
- (2) one member shall be privately employed in the tourism industry;
- (3) one member shall be privately employed in the accounting industry;
- (4) one member shall be privately employed in the outfitting and guide industry;
- (5) one member shall be a State government employee with expertise in park concession management;
- (6) one member shall be active in promotion of traditional arts and crafts; and
- (7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

(d) **SERVICE ON ADVISORY BOARD.**—Service of an individual as a member of the Advisory Board shall not be deemed to be service or employment bringing the individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be deemed service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5 or other comparable provisions of Federal law.

(e) **TERMINATION.**—The Advisory Board shall continue to exist until December 31, 2009. In all other respects, it shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3147.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101919(a) through (c)	16 U.S.C. 5958(a) through (c).	Pub. L. 105–391, title IV, §409, Nov. 13, 1998, 112 Stat. 3512; Pub. L. 111–11, subtitle VII, subtitle E, §7403, 123 Stat. 1219.
101919(d)	16 U.S.C. 5958(e).	
101919(e)	16 U.S.C. 5958(d).	

In subsection (b)(2), the text of 16 U.S.C. 5958(b)(2) (last sentence) is omitted as obsolete.

In subsection (b)(3), the words "commencing with the first anniversary of its initial meeting" are omitted as obsolete.

In subsection (d), the word "deemed" is substituted for "considered as" for consistency in this title and with other titles of the United States Code.

EDITORIAL NOTES

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

§101920. Contracting for services

(a) CONTRACTING AUTHORIZED.—

(1) MANAGEMENT ELEMENTS FOR WHICH CONTRACT REQUIRED TO MAXIMUM EXTENT PRACTICABLE.—To the maximum extent practicable, the Secretary shall contract with private entities to conduct or assist in elements of the management of the Service concession program considered by the Secretary to be suitable for non-Federal performance. Those management elements shall include each of the following:

- (A) Health and safety inspections.
- (B) Quality control of concession operations and facilities.
- (C) Strategic capital planning for concession facilities.
- (D) Analysis of rates and charges to the public.

(2) MANAGEMENT ELEMENTS FOR WHICH CONTRACT ALLOWED.—The Secretary may also contract with private entities to assist the Secretary with each of the following:

- (A) Preparation of the financial aspects of prospectuses for Service concession contracts.
- (B) Development of guidelines for a System capital improvement and maintenance program for all concession occupied facilities.
- (C) Making recommendations to the Director regarding the conduct of annual audits of concession fee expenditures.

(b) OTHER MANAGEMENT ELEMENTS.—The Secretary shall consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) AUTHORITY OF SECRETARY NOT DIMINISHED.—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concession contracts and activities pursuant to this subchapter and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of this title. The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the Service concessions program under this section.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3149.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101920	16 U.S.C. 5959.	Pub. L. 105–391, title IV, §410, Nov. 13, 1998, 112 Stat. 3514.

§101921. Multiple contracts within a System unit

If multiple concession contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a System unit, the Secretary shall establish a comparable franchise fee structure for those contracts or similar contracts, except that the terms and conditions of any existing concession contract shall not be subject to modification or open to renegotiation by the Secretary because of an award of a new contract at the same approximate location or resource.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3149.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101921	16 U.S.C. 5960.	Pub. L. 105–391, title IV, §411, Nov. 13, 1998, 112 Stat. 3514.

§101922. Use of nonmonetary consideration in concession contracts

Section 1302 of title 40 shall not apply to concession contracts awarded by the Secretary pursuant to this subchapter.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3150.)

HISTORICAL AND REVISION NOTES

<i>Revised</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
----------------	---------------------------	-----------------------------------

<i>Section</i>		
101922	16 U.S.C. 5962.	Pub. L. 105–391, title IV, §413, Nov. 13, 1998 , 112 Stat. 3515.

The words relating to the leasing of buildings and properties of the United States" are omitted as unnecessary.

§101923. Recordkeeping requirements

(a) IN GENERAL.—A concessioner and any subconcessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of a concession contract have been and are being faithfully performed. The Secretary and any authorized representative of the Secretary shall, for the purpose of audit and examination, have access to those records and to other records of the concessioner or subconcessioner pertinent to the concession contract and all terms and conditions of the concession contract.

(b) ACCESS TO RECORDS BY COMPTROLLER GENERAL.—The Comptroller General and any authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent records described in subsection (a) of the concessioner or subconcessioner related to the contract involved.

(Pub. L. 113–287, [§3, Dec. 19, 2014](#), 128 Stat. 3150.)

HISTORICAL AND REVISION NOTES		
<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101923	16 U.S.C. 5963.	Pub. L. 105–391, title IV, §414, Nov. 13, 1998 , 112 Stat. 3515.

In this section, the word "duly" is omitted as unnecessary.

In subsection (a), the words "and any subconcessioner" and "or subconcessioner" are added for clarity. See 36 CFR 51.98. The word "records" is substituted for "books, documents, and papers" for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words "books, papers, documents" are omitted as included in "records". The words "described in subsection (a)" are added for clarity.

§101924. Promotion of sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts

(a) IN GENERAL.—Promoting the sale of authentic United States Indian, Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of System units is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it exists and establish the trade in appropriate areas where the trade does not exist.

(b) EXEMPTION FROM FRANCHISE FEE.—In furtherance of the purposes of subsection (a), the revenue derived from the sale of United States Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this subchapter.

(Pub. L. 113–287, [§3, Dec. 19, 2014](#), 128 Stat. 3150.)

HISTORICAL AND REVISION NOTES		
<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101924	16 U.S.C. 5964.	Pub. L. 105–391, title IV, §416, Nov. 13, 1998 , 112 Stat. 3516.

§101925. Commercial use authorizations

(a) IN GENERAL.—To the extent specified in this section, the Secretary, on request, may authorize a private person, corporation, or other entity to provide services to visitors to System units through a commercial use authorization. A commercial use authorization shall not be considered to be a concession contract under this subchapter and no other section of this subchapter shall be applicable to a commercial use authorization except where expressly stated.

(b) CRITERIA FOR ISSUANCE OF COMMERCIAL USE AUTHORIZATIONS.—

(1) REQUIRED DETERMINATIONS.—The authority of this section may be used only to authorize provision of services that the Secretary determines—

(A) will have minimal impact on resources and values of a System unit; and

(B) are consistent with the purpose for which the System unit was established and with all applicable management plans and Service policies and regulations.

(2) ELEMENTS OF COMMERCIAL USE AUTHORIZATION.—The Secretary shall—

(A) require payment of a reasonable fee for issuance of a commercial use authorization, the fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

(B) require that the provision of services under a commercial use authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of System unit resources and values;

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under a commercial use authorization;

(D) have no authority under this section to issue more commercial use authorizations than are consistent with the preservation and proper management of System unit resources and values; and

(E) shall establish other conditions for issuance of a commercial use authorization that the Secretary determines to be appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of System unit resources and values.

(c) LIMITATIONS.—Any commercial use authorization shall be limited to—

(1) commercial operations with annual gross receipts of not more than \$25,000 resulting from services originating and provided solely within a System unit pursuant to the commercial use authorization;

(2) the incidental use of resources of the System unit by commercial operations that provide services originating and terminating outside the boundaries of the System unit; or

(3)(A) uses by organized children's camps, outdoor clubs, and nonprofit institutions (including back country use); and

(B) other uses, as the Secretary determines to be appropriate.

(d) NONPROFIT INSTITUTIONS.—Nonprofit institutions are not required to obtain commercial use authorizations unless taxable income is derived by the institution from the authorized use.

(e) PROHIBITION ON CONSTRUCTION.—A commercial use authorization shall not provide for the construction of any structure, fixture, or improvement on federally-owned land within the boundaries of a System unit.

(f) DURATION.—The term of any commercial use authorization shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(g) OTHER CONTRACTS.—A person, corporation, or other entity seeking or obtaining a commercial use authorization shall not be precluded from submitting a proposal for concession contracts.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3150.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101925	16 U.S.C. 5966.	Pub. L. 105–391, title IV, §418 , Nov. 13, 1998, 112 Stat. 3516.

§101926. Regulations

(a) IN GENERAL.—The Secretary shall prescribe regulations appropriate for the implementation of this subchapter.

(b) CONTENTS.—The regulations—

(1) shall include appropriate provisions to ensure that concession services and facilities to be provided in a System unit are not segmented or otherwise split into separate concession contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concession contract below \$500,000; and

(2) shall further define the term "United States Indian, Alaskan Native, and Native Hawaiian handicrafts" for the purposes of this subchapter.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3151.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101926	16 U.S.C. 5965.	Pub. L. 105–391, title IV, §417 , Nov. 13,

The words "As soon as practicable after the effective date of this subchapter" are omitted as obsolete.

SUBCHAPTER III—COMMERCIAL SERVICES AUTHORIZATION

Sec.¹

101931.	Contract authority.
101932.	Award of commercial services contracts.
101933.	Term of commercial services contracts.
101934.	Capital improvements.
101935.	Financial management.
101936.	Regulations.
101937.	Savings provision.
101938.	Sunset.

EDITORIAL NOTES

CODIFICATION

The table of sections for subchapter III is set out preceding section 101931 as enacted by Pub. L. 114–289, and not as part of the chapter analysis preceding section 101901.

¹ Editorially supplied.

§101931. Contract authority

(a) GENERAL AUTHORITY.—Notwithstanding subchapter II, the Secretary may award and administer commercial services contracts (and related professional services contracts) for the operation and expansion of commercial visitor facilities and visitor services programs in System units. The commercial services contracts that may be awarded shall be limited to those that are necessary and appropriate for public use and enjoyment of the unit of the System in which they are located, and, that are consistent with the preservation and conservation of the resources and values of the unit.

(b) ADDITIONAL AUTHORITY.—Contracts may be awarded under subsection (a) without regard to Federal laws and regulations governing procurement by Federal agencies, with the exception of laws and regulations related to Federal government contracts governing working conditions and wage rates, including the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.), sections 3141–3144, 3146, and 3147 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), and any civil rights provisions otherwise applicable thereto.

(c) USE OF COMMERCIAL SERVICES CONTRACTS.—

(1) IN GENERAL.—The Secretary may issue a commercial services contract under this subchapter when the Secretary determines that the contract meets the objectives of expanding, modernizing, and improving the condition of commercial visitor facilities and the services provided to visitors.

(2) EXCEPTIONS.—No contracts may be awarded under this subchapter—

(A) for the provision of outfitter and guide services described in section 101913(8); or

(B) to authorize the provision of facilities or services for which the Secretary has granted to an existing concessioner a preferential right of renewal as defined in sections 101911 and 101913.

(Added Pub. L. 114–289, title VII, §701, Dec. 16, 2016, 130 Stat. 1492.)

EDITORIAL NOTES

REFERENCES IN TEXT

The Alaska National Interest Lands Conservation Act, referred to in subsec. (b), is Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2371. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

§101932. Award of commercial services contracts

(a) COMPETITIVE SELECTION PROCESS.—Except as provided in subsection (c), commercial services contracts shall be awarded by the Secretary through a competitive selection process.

(b) SOLICITATION OF PROPOSALS.—Before awarding a new commercial services contract, the Secretary shall publicly solicit proposals for the contract, except as provided in subsection (c). In connection with such solicitation, the Secretary shall prepare a request for proposals and shall publish notice of its availability.

(Added Pub. L. 114–289, [title VII, §701, Dec. 16, 2016](#), 130 Stat. 1493.)

§101933. Term of commercial services contracts

A commercial services contract entered into pursuant to this title shall be awarded for a term not to exceed 10 years.

(Added Pub. L. 114–289, [title VII, §701, Dec. 16, 2016](#), 130 Stat. 1493.)

§101934. Capital improvements

A person or entity awarded a contract under this subchapter shall receive no leasehold surrender interest, as defined in section 101915, in capital improvements constructed under the terms of the contract.

(Added Pub. L. 114–289, [title VII, §701, Dec. 16, 2016](#), 130 Stat. 1493.)

§101935. Financial management

(a) REVOLVING FUND.—There is established a revolving fund that shall be available to the Secretary without fiscal year limitation for—

- (1) expenses necessary for the management, improvement, enhancement, operation, construction, and maintenance of commercial visitor services and facilities; and
- (2) payment of possessory interest and leasehold surrender interest.

(b) COLLECTION OF FUNDS.—

(1) Funds collected by the Secretary pursuant to the contracts awarded under this subchapter shall be credited to the revolving fund.

(2) The Secretary is authorized to transfer to the revolving fund, without reimbursement, any additional funds or revenue in connection with the functions to be carried out under this subchapter.

(c) USE OF FUNDS.—Amounts in the revolving fund shall be used by the Secretary in furtherance of the purposes of this title. No funds from this account may be used to decrease the availability of services and programs to the public.

(Added Pub. L. 114–289, [title VII, §701, Dec. 16, 2016](#), 130 Stat. 1493.)

§101936. Regulations

As soon as practicable after the effective date of this subchapter, the Secretary shall promulgate regulations appropriate for its implementation.

(Added Pub. L. 114–289, [title VII, §701, Dec. 16, 2016](#), 130 Stat. 1493.)

EDITORIAL NOTES

REFERENCES IN TEXT

The effective date of this subchapter, referred to in text, probably means the date of enactment of Pub. L. 114–289, which enacted this subchapter and was approved Dec. 16, 2016.

§101937. Savings provision

Nothing in this subchapter shall modify the terms or conditions of any concessions contracts awarded under subchapter II or the ability of the National Park Service to enter into concessions contracts under the National Park Service Concessions Management Improvement Act of 1998 (title IV of Public Law 105–391) including the use of leaseholder surrender interest.

(Added Pub. L. 114–289, [title VII, §701, Dec. 16, 2016](#), 130 Stat. 1493.)

EDITORIAL NOTES

REFERENCES IN TEXT

The National Park Service Concessions Management Improvement Act of 1998, referred to in text, is title IV of Pub. L. 105–391, [Nov. 13, 1998](#), 112 Stat. 3503. For complete classification of this Act to the Code, see Short Title of 1998 Act note set out under section 100101 of this title and Tables.

§101938. Sunset

The authority given to the Secretary under this subchapter shall expire 7 years after the date of the enactment of this subchapter.

(Added Pub. L. 114–289, [title VII, §701, Dec. 16, 2016](#), 130 Stat. 1494.)

EDITORIAL NOTES

REFERENCES IN TEXT

The date of the enactment of this subchapter, referred to in text, is the date of enactment of Pub. L. 114–289, which was approved Dec. 16, 2016.

CHAPTER 1021—PRIVILEGES AND LEASES

Sec.

102101. General provisions.

102102. Authority of Secretary to enter into lease for buildings and associated property.

§102101. General provisions

(a) LIMITATION.—

(1) NO LEASE OR GRANT OF A PRIVILEGE THAT INTERFERES WITH FREE ACCESS.—No natural curiosity, wonder, or object of interest shall be leased or granted to anyone on such terms as to interfere with free access by the public to any System unit.

(2) EXCEPTION FOR GRAZING LIVESTOCK.—The Secretary, under such regulations and on such terms as the Secretary may prescribe, may grant the privilege to graze livestock within a System unit when, in the Secretary's judgment, the use is not detrimental to the primary purpose for which the System unit was created. This paragraph does not apply to Yellowstone National Park.

(b) ADVERTISING AND COMPETITIVE BIDS NOT REQUIRED.—The Secretary may grant privileges and enter into leases described in subsection (a), and enter into related contracts with responsible persons, firms, or corporations, without advertising and without securing competitive bids.

(c) ASSIGNMENT OR TRANSFER.—No contract, lease, or privilege described in subsection (a) or (b) that is entered into or granted shall be assigned or transferred by the grantee, lessee, or licensee without the prior written approval of the Secretary.

(Pub. L. 113–287, [§3, Dec. 19, 2014](#), 128 Stat. 3152.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102101	16 U.S.C. 3 (last sentence).	Aug. 25, 1916, ch. 408, §3 (last sentence) , 39 Stat. 535; Mar. 7, 1928, ch. 137, §1 (matter relating to section 3 of the Act of August 25, 1916, in 12th undesignated par. under heading "NATIONAL PARK SERVICE") , 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.

In subsection (a)(1), the word "rented" is omitted as included in "leases".

In subsections (b) and (c), the word "permit" is omitted for consistency because a permit is not mentioned earlier in the source provision.

In subsection (c), the word "lessee" is substituted for "permittees" for consistency in the section.

§102102. Authority of Secretary to enter into lease for buildings and associated property

(a) **IN GENERAL.**—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, and except as provided in subsection (b) and subject to subsection (c), may enter into a lease with any person or government entity for the use of buildings and associated property administered by the Secretary as part of the System.

(b) **PROHIBITED ACTIVITIES.**—The Secretary may not use a lease under subsection (a) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concession contract, commercial use authorization, or similar instrument.

(c) **USE.**—Buildings and associated property leased under subsection (a)—

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

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

(3) shall be compatible with Service programs.

(d) **RENTAL AMOUNTS.**—

(1) **IN GENERAL.**—With respect to a lease under subsection (a)—

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

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

(2) **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.

(e) **SPECIAL ACCOUNT.**—

(1) **DEPOSITS.**—Rental payments under a lease under subsection (a) shall be deposited in a special account in the Treasury.

(2) **AVAILABILITY.**—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at System units, including—

(A) facility refurbishment;

(B) repair and replacement;

(C) infrastructure projects associated with System unit resource protection; and

(D) direct maintenance of the leased buildings and associated property.

(3) **ACCOUNTABILITY AND RESULTS.**—The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this section and sections 100101(b), 100502, 100507, 100751(b), 100754, 100901(b) and (c), 100906(a) and (d), 101302(b)(1) and (c) to (e), 101306, 101702(b) and (c), 101901, 102701, and 102702 of this title.

(f) **REGULATIONS.**—The Secretary shall prescribe regulations implementing this section that include provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3152.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102102(a)	16 U.S.C. 1a–2 (matter before (a)).	Pub. L. 91–383, §3 (matter before (a)), Aug. 18, 1970, 84 Stat. 826.
	16 U.S.C. 1a–2(k)(1).	Pub. L. 91–383, §3(k), as added Pub. L. 105–391, title VIII, §802(a), Nov. 13, 1998, 112 Stat. 3522.
102102(b) through (d)	16 U.S.C. 1a–2(k)(2) through (4)(B).	
102102(e)	16 U.S.C. 1a–2(k)(5).	
102102(f)	16 U.S.C. 1a–2(k)(4)(C).	

CHAPTER 1023—PROGRAMS AND ORGANIZATIONS

Sec.

- 102301. Volunteers in parks program.
- 102302. National Capital region arts and cultural affairs.
- 102303. National Park System Advisory Board.
- 102304. National Park Service Advisory Council.

§102301. Volunteers in parks program

(a) **ESTABLISHMENT.**—The Secretary may recruit, train, and accept, without regard to chapter 51 and subchapter III of chapter 53 of title 5 or regulations prescribed under that chapter or subchapter, the services of individuals without compensation as volunteers for or in aid of interpretive functions or other visitor services or activities in and related to System units and related areas. In accepting those services, 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. The services of individuals whom the Secretary determines are skilled in performing hazardous activities may be accepted.

(b) **INCIDENTAL EXPENSES.**—The Secretary may provide for incidental expenses of volunteers, such as transportation, uniforms, lodging, and subsistence.

(c) **FEDERAL EMPLOYEE STATUS FOR VOLUNTEERS.**—

(1) **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.

(2) **TORT CLAIMS.**—For the purpose of sections 1346(b) and 2401(b) and chapter 171 of title 28, a volunteer under this chapter shall be deemed a Federal employee.

(3) **VOLUNTEERS DEEMED CIVIL EMPLOYEES.**—For the purposes of subchapter I of chapter 81 of title 5, volunteers under this chapter 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 subchapter I of chapter 81 of title 5 shall apply.

(4) **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 chapter shall be deemed a Federal employee, and section 3721 of title 31 shall apply.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section not more than \$9,000,000 for each fiscal year.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3153; Pub. L. 113–235, div. F, title I, §118, Dec. 16, 2014, 128 Stat. 2421; Pub. L. 114–113, div. G, title I, §114, Dec. 18, 2015, 129 Stat. 2550; Pub. L. 114–289, title III, §303, Dec. 16, 2016, 130 Stat. 1487.)

AMENDMENT NOT SHOWN IN TEXT

Subsection (d) of this section was derived from section 18j of Title 16, Conservation, which was amended by Pub. L. 113–235, div. F, title I, §118, Dec. 16, 2014, 128 Stat. 2421. For applicability of that amendment to this section, see section 6(b) of Pub. L. 113–287, set out as a Transitional and Savings Provisions note preceding section 100101 of this title. Former section 18j of Title 16 was amended by striking "\$3,500,000" and inserting "\$5,000,000".

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
102301(a)	16 U.S.C. 18g.	Pub. L. 91–357, §1, July 29, 1970, 84 Stat. 472; Pub. L. 98–540, §1(b), Oct. 24, 1984, 98 Stat. 2718.
102301(b)	16 U.S.C. 18h.	Pub. L. 91–357, §2, July 29, 1970, 84 Stat. 472.
102301(c)	16 U.S.C. 18i.	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.
102301(d)	16 U.S.C. 18j.	Pub. L. 91–357, §4, July 29, 1970, 84 Stat. 472; Pub. L. 94–128, Nov. 13, 1975, 89 Stat. 682; Pub. L. 98–540, §1(a), Oct. 24, 1984, 98 Stat. 2718; Pub. L. 104–333, div. I, title VIII, §805, Nov. 12, 1996, 110 Stat. 4188.

In subsection (a), the words "chapter 51 and subchapter III of title 5" are substituted for "the civil service classification laws" for clarity and for consistency with other titles of the United States Code. The words "System units and related areas" are substituted for "areas administered by the Secretary through the National Park Service" for clarity and for consistency in the new title.

In subsection (b), the words "of volunteers" are added for clarity.

In subsection (c)(3), the words "relating to compensation to Federal employees for work injuries" are omitted as unnecessary.

In subsection (d), the words "such sums as may be necessary" are omitted as unnecessary.

EDITORIAL NOTES

AMENDMENTS

2016—Subsec. (d). Pub. L. 114–289 substituted "not more than \$9,000,000" for "not more than \$7,000,000". See Amendment Subject to Availability of Appropriations note below.

2015—Subsec. (d). Pub. L. 114–113 substituted "\$7,000,000" for "\$3,500,000".

STATUTORY NOTES AND RELATED SUBSIDIARIES

AMENDMENT SUBJECT TO AVAILABILITY OF APPROPRIATIONS

Pub. L. 114–289, [title III, §303](#), [Dec. 16, 2016](#), 130 Stat. 1487, provided that the amendment of this section by section 303 is subject to the availability of appropriations.

§102302. National Capital region arts and cultural affairs

(a) **ESTABLISHMENT.**—There is under the direction of the Service a program to support and enhance artistic and cultural activities in the National Capital region.

(b) **GRANT ELIGIBILITY.**—

(1) **ELIGIBLE ORGANIZATIONS.**—Eligibility for grants shall be limited to organizations—

(A) that are of demonstrated national significance; and

(B) that meet at least 2 of the criteria stated in paragraph (2).

(2) **CRITERIA.**—The criteria referred to in paragraph (1) are the following:

(A) The organization has an annual operating budget in excess of \$1,000,000.

(B) The organization has an annual audience or visitation of at least 200,000 people.

(C) The organization has a paid staff of at least 100 individuals.

(D) The organization is eligible under section 320102(f) of this title.

(3) **ORGANIZATIONS NOT ELIGIBLE.**—Public or private colleges and universities are not eligible for grants under the program under this section.

(c) **USE OF GRANTS.**—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.

(d) **RESPONSIBILITIES** ¹ of Director.—The Director shall—

(1) establish an application process;

(2) appoint a review panel of 5 qualified individuals, at least a majority of whom reside in the National Capital region; and

(3) develop other program guidelines and definitions as required.

(e) **FORD'S THEATER AND WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS.**—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 provided in this section without regard to any other provision of this section.

(Pub. L. 113–287, [§3](#), [Dec. 19, 2014](#), 128 Stat. 3154.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102302	16 U.S.C. 1e.	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–

¹ So in original. Probably should be "RESPONSIBILITIES".

§102303. National Park System Advisory Board

(a) DEFINITION.—In this section, the term "Board" means the National Park System Advisory Board established under subsection (b).

(b) ESTABLISHMENT AND PURPOSE.—There is established a National Park System Advisory Board, whose purpose is to advise the Director on matters relating to the Service, the System, and programs administered by the Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board.

(c) MEMBERSHIP.—

(1) APPOINTMENT AND TERM OF OFFICE.—Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary.

(2) COMPOSITION.—The Board shall be composed of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the Service. At least 6 of the members shall have outstanding expertise in one or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or natural or cultural resources management. The remaining members shall have outstanding expertise in one or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning, or business management, important to the mission of the Service. At least one individual shall be a locally elected official from an area adjacent to a park.

(3) FIRST MEETING.—The Board shall hold its 1st meeting no later than 60 days after the date on which all members of the Board who are to be appointed have been appointed.

(4) VACANCY.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) COMPENSATION.—All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5. With the exception of travel and per diem, a member of the Board who otherwise is an officer or employee of the United States Government shall serve on the Board without additional compensation.

(d) DUTIES AND POWERS OF BOARD.—

(1) ADOPT RULES.—The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(2) ADVICE AND RECOMMENDATIONS.—The Board shall advise the Secretary on matters relating to the System, to other related areas, and to the administration of chapter 3201 of this title, including matters submitted to it for consideration by the Secretary, but it shall not be required to provide recommendations as to the suitability or desirability of surplus real and related personal property for use as a historic monument. The Board shall also provide recommendations on the designation of national historic landmarks and national natural landmarks. The Board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making the recommendations.

(3) ACTIONS ON REQUEST OF DIRECTOR.—On request of the Director, the Board is authorized to—

- (A) hold such hearings and sit and act at such times;
- (B) take such testimony;
- (C) have such printing and binding done;
- (D) enter into such contracts and other arrangements;
- (E) make such expenditures; and
- (F) take such other actions

as the Board may consider advisable.

(4) OATHS OR AFFIRMATIONS.—Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(5) COMMITTEES AND SUBCOMMITTEES.—The Board may establish committees or subcommittees. The subcommittees or committees shall be chaired by a voting member of the Board.

(6) USE OF MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.

(e) STAFF.—The Secretary may hire 2 full-time staffers to meet the needs of the Board.

(f) **FEDERAL LAW NOT APPLICABLE TO SERVICE.**—Service as a member of the Board shall not be deemed service or employment bringing the individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties relating to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member or an employee of the Board shall not be deemed service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5 or comparable provisions of Federal law.

(g) **COOPERATION OF FEDERAL AGENCIES.**—

(1) **INFORMATION.**—The Board may secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each office, department, agency, establishment, or instrumentality shall furnish, to the extent permitted by law, the information, suggestions, estimates, and statistics directly to the Board, on request made by a member of the Board.

(2) **FACILITIES AND SERVICES.**—On request of the Board, the head of any Federal department, agency, or instrumentality may make any of the facilities and services of the department, agency, or instrumentality available to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

(h) **FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.), with the exception of section 14(b), applies to the Board.

(i) **TERMINATION.**—The Board continues to exist until January 1, 2010.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3155.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102303(a)	no source.	
102303(b)	16 U.S.C. 463(a) (1st, 2d sentences).	Aug. 21, 1935, ch. 593, §3(a) through (f), 49 Stat. 667; Pub. L. 91–383, §9, Aug. 18, 1970, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1940; amended Pub. L. 95–625, title VI, §604(2), Nov. 10, 1978, 92 Stat. 3518; Pub. L. 101–628, title XII, §1211, Nov. 28, 1990, 104 Stat. 4507; Pub. L. 104–333, div. I, title VIII, §814(f)(1), Nov. 12, 1996, 110 Stat. 4197; Pub. L. 109–156, §5, Dec. 30, 2005, 119 Stat. 2948; Pub. L. 110–161, div. F, title I, Dec. 26, 2007, 121 Stat. 2107; Pub. L. 111–8, div. E, title I, (last par. under heading "ADMINISTRATIVE PROVISIONS"), Mar. 11, 2009, 123 Stat. 710.
102303(c)(1), (2)	16 U.S.C. 463(a) (3d through 9th sentences).	
102303(c)(3)	16 U.S.C. 463(a) (10th sentence).	
102303(c)(4)	16 U.S.C. 463(a) (11th sentence).	
102303(c)(5)	16 U.S.C. 463(a) (13th, 14th sentences).	
102303(d)(1)	16 U.S.C. 463(a) (12th sentence).	
102303(d)(2)	16 U.S.C. 463(a) (15th through last sentences).	
102303(d)(3) through (5)	16 U.S.C. 463(c).	
102303(d)(6)	16 U.S.C. 463(e)(3).	
102303(e)	16 U.S.C. 463(b)(1).	
102303(f)	16 U.S.C. 463(b)(2).	
102303(g)	16 U.S.C. 463(e)(1), (2).	
102303(h)	16 U.S.C. 463(d), (f) (last sentence).	
102303(i)	16 U.S.C. 463(f) (1st sentence).	

In subsection (c)(2), the words "natural or cultural" are substituted for "national or cultural" to correct an error in the source provision.

EDITORIAL NOTES

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (h), is Pub. L. 92–463, [Oct. 6, 1972](#), 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

STATUTORY NOTES AND RELATED SUBSIDIARIES

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 104–333, [div. I, title VIII, §814\(f\)\(2\), Nov. 12, 1996](#), 110 Stat. 4199, provided that: "There are authorized to be appropriated to the National Park System Advisory Board \$200,000 per year to carry out the provisions of section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463) [see 54 U.S.C. 102303, 102304]."

[Pub. L. 104–333, [div. I, title VIII, §814\(f\)\(3\), Nov. 12, 1996](#), 110 Stat. 4199, provided that: "This subsection [amending former section 463 of Title 16, Conservation, and enacting provisions set out as a note above] shall take effect on December 7, 1997."]

NEW YORK CITY NATIONAL SHRINES ADVISORY BOARD

Act [Aug. 11, 1955, ch. 779, §§1, 2](#), 69 Stat. 632, as amended by Pub. L. 85–658, [Aug. 14, 1958](#), 72 Stat. 613, provided for the appointment of an advisory board, to be known as the New York City National Shrines Advisory Board, to render advice to the Secretary of the Interior and to further public participation in the rehabilitation, development and the preservation of those historic properties in the New York City area that are of great national significance, identified as the Federal Hall National Memorial, Castle Clinton National Monument, and the Statue of Liberty National Monument, to conduct a study of these historic properties, and to submit recommendations concerning their preservation and administration to the Secretary of the Interior, such report and recommendations of the Board to be transmitted to the Congress by the Secretary of the Interior, together with his recommendations thereon, within one year following the date of the establishment of the Board, and with the Board to cease to exist when the Secretary of the Interior found that its purposes had been accomplished. The Secretary of the Interior was authorized to accept donations of funds for rehabilitation, development and preservation of the historic properties including any made upon condition that such funds are to be expended only if Federal funds in an amount equal to the donated funds are appropriated for such purposes.

§102304. National Park Service Advisory Council

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the National Park System Advisory Board established under section 102303 of this title.

(2) COUNCIL.—The term "Council" means the National Park Service Advisory Council established under subsection (b).

(b) ESTABLISHMENT AND PURPOSE.—There is established a National Park Service Advisory Council that shall provide advice and counsel to the Board.

(c) MEMBERSHIP.—

(1) ELIGIBILITY.—Membership on the Council shall be limited to individuals whose term on the Board has expired. Those individuals may serve as long as they remain active except that not more than 12 members may serve on the Council at any one time.

(2) COMPENSATION.—Members of the Council shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members.

(d) VOTING RESTRICTION.—Members of the Council shall not have a vote on the Board.

(Pub. L. 113–287, [§3, Dec. 19, 2014](#), 128 Stat. 3157.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102304(a)(1)	no source.	
102304(a)(2), (b)	16 U.S.C. 463(g) (1st sentence).	Aug. 21, 1935, ch. 593, §3(g), as added Pub. L. 101–628, title XII, §1212, Nov. 28, 1990 ,

		104 Stat. 4507; Pub. L. 104–333, div. I, title VIII, §814(f)(1)(B) , Nov. 12, 1996, 110 Stat. 4198.
102304(c)(1)	16 U.S.C. 463(g) (2d, 3d, 6th, last sentences).	
102304(c)(2)	16 U.S.C. 463(g) (5th sentence).	
102304(d)	16 U.S.C. 463(g) (4th sentence).	

In subsection (c)(1), the text of 16 U.S.C. 463(g) (6th and last sentences) is omitted as obsolete.

CHAPTER 1025—MUSEUMS

Sec.	
102501.	Purpose.
102502.	Definition of museum object.
102503.	Authority of Secretary.
102504.	Review and approval.

§102501. Purpose

The purpose of this chapter is to increase the public benefits from museums established within System units as a means of informing the public concerning the areas and preserving valuable objects and relics relating to the areas. (Pub. L. 113–287, [§3](#), [Dec. 19, 2014](#), 128 Stat. 3157.)

HISTORICAL AND REVISION NOTES		
<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102501	16 U.S.C. 18f (1st sentence).	July 1, 1955, ch. 259, §1 (1st sentence) , 69 Stat. 242.

STATUTORY NOTES AND RELATED SUBSIDIARIES

DISPOSAL OF UNNECESSARY OR DUPLICATE MUSEUM OBJECTS; USE OF PROCEEDS

Pub. L. 101–512, [title I, §116](#), Nov. 5, 1990, 104 Stat. 1937, provided that: "In fiscal year 1991 and thereafter, the Secretary may exercise the authorities granted in the Act of July 1, 1955 (16 U.S.C. 18f) [see 54 U.S.C. 102501, 102503(a)–(f)] 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."

§102502. Definition of museum object

In this chapter:

- (1) **IN GENERAL.**—The term "museum object" means an object that—
 - (A) typically is movable; and
 - (B) is eligible to be, or is made part of, a museum, library, or archive collection through a formal procedure, such as accessioning.

- (2) **INCLUSIONS.**—The term "museum object" includes a prehistoric or historic artifact, work of art, book, document, photograph, or natural history specimen.

(Pub. L. 113–287, [§3](#), [Dec. 19, 2014](#), 128 Stat. 3157.)

HISTORICAL AND REVISION NOTES		
<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102502	16 U.S.C. 18f–3(b).	July 1, 1955, ch. 259, §3(b) , as added Pub.

The words "museum collections" are omitted as unnecessary.

§102503. Authority of Secretary

(a) IN GENERAL.—Notwithstanding other provisions or limitations of law, the Secretary may perform the functions described in this section in the manner that the Secretary considers to be in the public interest.

(b) DONATIONS AND BEQUESTS.—The Secretary may accept donations and bequests of money or other personal property, and hold, use, expend, and administer the money or other personal property for purposes of this chapter.

(c) PURCHASES.—The Secretary may purchase museum objects and other personal property at prices that the Secretary considers to be reasonable.

(d) EXCHANGES.—The Secretary may make exchanges by accepting museum objects and other personal property and by granting in exchange for the museum objects or other personal property museum property under the administrative jurisdiction of the Secretary that no longer is needed or that may be held in duplicate among the museum properties administered by the Secretary. Exchanges shall be consummated on a basis that the Secretary considers to be equitable and in the public interest.

(e) ACCEPTANCE OF LOANS OF PROPERTY.—The Secretary may accept the loan of museum objects and other personal property and pay transportation costs incidental to the museum objects or other personal property. Loans shall be accepted on terms and conditions that the Secretary considers necessary.

(f) LOANS OF PROPERTY.—The Secretary may loan to responsible public or private organizations, institutions, or agencies, without cost to the United States, such museum objects and other personal property as the Secretary shall consider advisable. Loans shall be made on terms and conditions that the Secretary considers necessary to protect the public interest in those properties.

(g) TRANSFER OF MUSEUM OBJECTS.—The Secretary may transfer museum objects 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 for the purposes of this chapter from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects directly to the administrative jurisdiction of the Secretary for the purpose of this chapter.

(h) CONVEYANCE OF MUSEUM OBJECTS.—The Secretary may convey museum objects that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary considers necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) 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 and subsection (g).

(i) DESTRUCTION OF MUSEUM OBJECTS.—The Secretary may destroy or cause to be destroyed museum objects that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3158.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102503(a) through (f)	16 U.S.C. 18f (less 1st sentence).	July 1, 1955, ch. 259, §1 (less 1st sentence), 69 Stat. 242; Pub. L. 104–333, div. I, title VIII, §804(a)(1), Nov. 12, 1996, 110 Stat. 4187.
102503(g) through (i)	16 U.S.C. 18f–2(a).	July 1, 1955, ch. 259, §2(a), as added Pub. L. 104–333, div. I, title VIII, §804(a)(2), Nov. 12, 1996, 110 Stat. 4187.

§102504. Review and approval

The Secretary shall ensure that museum objects are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (g), (h), or (i) of section 102503 of this title, 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 those subsections.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3159.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102504	16 U.S.C. 18f–2(b).	July 1, 1955, ch. 259, §(2)(b), as added Pub. L. 104–333, div. I, title VIII, §804(a)(2), Nov. 12, 1996, 110 Stat. 4188.

CHAPTER 1027—LAW ENFORCEMENT AND EMERGENCY ASSISTANCE

SUBCHAPTER I—LAW ENFORCEMENT

- Sec.
102701. Law enforcement personnel within System.
102702. Crime prevention assistance.

SUBCHAPTER II—EMERGENCY ASSISTANCE

102711. Authority of Secretary to use applicable appropriations for the System to render assistance to nearby law enforcement and fire prevention agencies and for related activities outside the System.
102712. Aid to visitors, grantees, permittees, or licensees in emergencies.

SUBCHAPTER I—LAW ENFORCEMENT

§102701. Law enforcement personnel within System

(a) OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF THE INTERIOR.—

(1) DESIGNATION AUTHORITY OF SECRETARY.—The Secretary, pursuant to standards prescribed in regulations by the Secretary, may designate certain officers or employees of the Department of the Interior who shall maintain law and order and protect individuals and property within System units.

(2) POWERS AND DUTIES OF DESIGNEES.—In the performance of the duties described in paragraph (1), the designated officers or employees may—

- (A) carry firearms;
- (B) make arrests without warrant for any offense against the United States committed in the presence of the officer or employee, or for any felony cognizable under the laws of the United States if the officer or employee has reasonable grounds to believe that the individual to be arrested has committed or is committing the felony, provided the arrests occur within the System or the individual to be arrested is fleeing from the System to avoid arrest;
- (C) 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 the System or, where the individual subject to the warrant or process is in the System, in connection with any Federal offense; and
- (D) conduct investigations of offenses against the United States committed in the System in the absence of investigation of the offenses by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of the other agency.

(b) SPECIAL POLICE OFFICERS.—

(1) IN GENERAL.—The Secretary may designate officers and employees of any other Federal agency, or law enforcement personnel of a State or political subdivision of a State, when determined to be economical and in the public interest and with the concurrence of that agency, State, or subdivision, to—

- (A) act as special police officers in System units when supplemental law enforcement personnel may be needed; and
- (B) exercise the powers and authority provided by subparagraphs (A) to (D) of subsection (a)(2).

(2) COOPERATION WITH STATES AND POLITICAL SUBDIVISIONS.—The Secretary may—

- (A) cooperate, within the System, with any State or political subdivision of a State in the enforcement of supervision of the laws or ordinances of that State or subdivision;
- (B) mutually waive, in any agreement pursuant to subparagraph (A) and paragraph (1) or pursuant to subparagraphs (A) and (B) of subsection (a)(2) with any State or political subdivision of a State where State law requires the waiver and indemnification, all civil claims against all the other parties to the agreement and, subject

to available appropriations, indemnify and save harmless the other parties to the agreement from all claims by third parties for property damage or personal injury, that may arise out of the parties' activities outside their respective jurisdictions under the agreement; and

(C) provide limited reimbursement, to a State or political subdivisions of a State, in accordance with such regulations as the Secretary 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 the System that were rendered pursuant to paragraph (1).

(3) SUPPLEMENTAL AUTHORITY; DELEGATION OF SERVICE LAW ENFORCEMENT RESPONSIBILITIES NOT AUTHORIZED.—Paragraphs (1) and (2) supplement the law enforcement responsibilities of the Service and do not authorize the delegation of law enforcement responsibilities of the Service to State or local governments.

(4) SPECIAL POLICE OFFICERS NOT DEEMED FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, a law enforcement officer of a State or political subdivision of a State designated to act as a special police officer under paragraph (1) 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 benefits.

(B) EXCEPTIONS.—A law enforcement officer of a State or political subdivision of a State, when acting as a special police officer under paragraph (1), is deemed to be—

(i) a Federal employee for purposes of sections 1346(b) and 2401(b) and chapter 171 of title 28; and

(ii) a civil service employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, for purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, and the provisions of subchapter I of chapter 81 of title 5 shall apply.

(C) FEDERAL INVESTIGATIVE JURISDICTION AND STATE CIVIL AND CRIMINAL JURISDICTION NOT PREEMPTED.—This section and sections 100101(b), 100502, 100507, 100751(b), 100754, 100901(b) and (c), 100906(a) and (d), 101302(b)(1) and (c) to (e), 101306, 101702(b) and (c), 101901, 102102, and 102702 of this title shall not be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the Service, and nothing shall be construed or applied to affect any right of a State or political subdivision of a State to exercise civil and criminal jurisdiction within the System.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3159.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102701	16 U.S.C. 1a–6.	Pub. L. 91–383, §10, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1941; Pub. L. 106–437, §2, Nov. 6, 2000, 114 Stat. 1920; Pub. L. 108–352, §11, Oct. 21, 2004, 118 Stat. 1397.

In subsection (a)(1), the words "In addition to any other authority conferred by law" are omitted as unnecessary.

§102702. Crime prevention assistance

(a) RECOMMENDATIONS FOR IMPROVEMENT.—The Secretary shall direct the chief official responsible for law enforcement within the Service to—

(1) compile a list of System units with the highest rates of violent crime;

(2) make recommendations concerning capital improvements, and other measures, needed within the 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.

(b) DISTRIBUTION OF FUNDS.—Based on the recommendations and list issued pursuant to subsection (a), the Secretary shall distribute the funds authorized by subsection (d) throughout the System. Priority shall be given to areas with the highest rates of sexual assault.

(c) USE OF FUNDS.—Funds provided under this section may be used—

(1) to increase lighting within or adjacent to System units;

(2) to provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to System units;

(3) to increase security or law enforcement personnel within or adjacent to System units; or

(4) for any other project intended to increase the security and safety of System units.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Violent Crime Reduction Trust Fund not more than \$10,000,000 for the Secretary to take all necessary actions to seek to reduce the incidence of violent crime in the System.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3161.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102702	16 U.S.C. 1a–7a.	Pub. L. 91–383, §13, as added Pub. L. 103–322, title IV, §40132, Sept. 13, 1994, 108 Stat. 1917.

SUBCHAPTER II—EMERGENCY ASSISTANCE

§102711. Authority of Secretary to use applicable appropriations for the System to render assistance to nearby law enforcement and fire prevention agencies and for related activities outside the System

To facilitate the administration of the System, the Secretary may use applicable appropriations for the System to render emergency rescue, firefighting, and cooperative assistance to nearby law enforcement and fire prevention agencies and for related purposes outside the System.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3162.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102711	16 U.S.C. 1b (matter before (1)), (1).	Aug. 8, 1953, ch. 384, §1 (matter before (1)), (1), 67 Stat. 495; Pub. L. 91–383, §2(a), Aug. 18, 1970, 84 Stat. 826.

The words "and he may use applicable appropriations for the aforesaid system for the following purposes" are retained because the appropriation is to be used for something outside the System.

§102712. Aid to visitors, grantees, permittees, or licensees in emergencies

(a) VISITORS.—The Secretary may aid visitors within a System unit in an emergency, 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 the visitors to reach safely a point where food or supplies can be purchased. Receipts from the sales shall be deposited as a refund to the appropriation current at the date of the deposit and shall be available for the purchase of similar food or supplies.

(b) GRANTEES, PERMITTEES, AND LICENSEES.—The Secretary may in an emergency, when no other source is available for the immediate procurement of supplies, materials, or special services, aid grantees, permittees, or licensees conducting operations for the benefit of the public in a System unit by the sale, at cost, including transportation and handling, of supplies, materials, or special services as may be necessary to relieve the emergency and ensure uninterrupted service to the public. Receipts from the sales shall be deposited as a refund to the appropriation current at the date of the deposit and shall be available for expenditure for System unit purposes.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3162.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102712(a)	16 U.S.C. 12.	July 3, 1926, ch. 792, §1, 44 Stat. 900.
102712(b)	16 U.S.C. 17c.	May 26, 1930, ch. 324, §4, 46 Stat. 382.

FEES FOR MEDICAL SERVICES

Pub. L. 116–260, div. G, title I, §118, Dec. 27, 2020, 134 Stat. 1506, provided that: "Beginning in fiscal year 2022 and for each fiscal year thereafter, fees collected pursuant to section 2404 of Public Law 116–9 [see note below] shall be deposited into the National Park Medical Services Fund established pursuant to such section of such Act as discretionary offsetting receipts."

Pub. L. 116–9, title II, §2404, Mar. 12, 2019, 133 Stat. 747, provided that:

"(a) FEES AUTHORIZED.—The Secretary [of the Interior] may establish and collect fees for medical services provided to persons in units of the National Park System or for medical services provided by National Park Service personnel outside units of the National Park System.

"(b) NATIONAL PARK MEDICAL SERVICES FUND.—There is established in the Treasury a fund, to be known as the 'National Park Medical Services Fund' (referred to in this section as the 'Fund'). The Fund shall consist of—

"(1) donations to the Fund; and

"(2) fees collected under subsection (a).

"(c) AVAILABILITY OF AMOUNTS.—All amounts deposited into the Fund shall be available to the Secretary, to the extent provided in advance by Acts of appropriation, for the following in units of the National Park System:

"(1) Services listed in subsection (a).

"(2) Preparing needs assessments or other programmatic analyses for medical facilities, equipment, vehicles, and other needs and costs of providing services listed in subsection (a).

"(3) Developing management plans for medical facilities, equipment, vehicles, and other needs and costs of services listed in subsection (a).

"(4) Training related to providing services listed in subsection (a).

"(5) Obtaining or improving medical facilities, equipment, vehicles, and other needs and costs of providing services listed in subsection (a)."

CHAPTER 1029—LAND TRANSFERS

Sec.

102901. Conveyance of property and interests in property in System units or related areas.

§102901. Conveyance of property and interests in property in System units or related areas

(a) FREEHOLD AND LEASEHOLD INTERESTS.—With respect to any property acquired by the Secretary within a System unit or related area, except property within national parks or within national monuments of scientific significance, the Secretary may convey a freehold or leasehold interest in the property, subject to such terms and conditions as will ensure the use of the property in a manner that is, in the judgment of the Secretary, consistent with the purpose for which the System unit or related area was authorized by Congress. The Secretary shall convey the interest to the highest bidder, in accordance with such regulations as the Secretary may prescribe. The conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary, except that if the conveyance is proposed within 2 years after the property to be conveyed is acquired by the Secretary, the Secretary shall allow the last owner of record of the property 30 days following the date on which the owner is notified by the Secretary in writing that the property is to be conveyed within which to notify the Secretary that the owner wishes to acquire the interest. On receiving the timely request, the Secretary shall convey the interest to the person, in accordance with such regulations as the Secretary may prescribe, on payment or agreement to pay an amount equal to the highest bid price.

(b) EXCHANGE OF LAND.—

(1) IN GENERAL.—The Secretary may accept title to any non-Federal property or interest in property within a System unit or related area under the Secretary's administration in exchange for any Federally-owned property or interest under the Secretary's jurisdiction that the Secretary determines is suitable for exchange or other disposal and that is located in the same State as the non-Federal property to be acquired.

(2) EXCEPTION.—Timberland subject to harvest under a sustained yield program shall not be exchanged under paragraph (1).

(3) PUBLIC HEARING.—On request of a State or a political subdivision thereof, or of a party in interest, prior to an exchange under this subsection the Secretary shall hold a public hearing in the area where the properties to be exchanged are located.

(4) VALUES OF PROPERTIES EXCHANGED.—The values of the properties exchanged—

- (A) shall be approximately equal; or
- (B) if they are not approximately equal, shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary, as the circumstances require.

(c) PROCEEDS CREDITED TO LAND AND WATER CONSERVATION FUND.—The proceeds received from any conveyance under this section shall be credited to the Land and Water Conservation Fund.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3162.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102901(a), (b)	16 U.S.C. 460I–22(a), (b).	Pub. L. 90–401, §5(a), (b), July 15, 1968, 82 Stat. 356.
102901(c)	16 U.S.C. 460I–22(d).	Pub. L. 90–401, §5(d), July 15, 1968, 82 Stat. 356; Pub. L. 98–506, §2, Oct. 19, 1984, 98 Stat. 2338.

CHAPTER 1031—APPROPRIATIONS AND ACCOUNTING

Sec.

- 103101. Availability and use of appropriations.
- 103102. Appropriations authorized and available for certain purposes.
- 103103. Amounts provided by private entities for utility services.
- 103104. Recovery of costs associated with special use permits.

§103101. Availability and use of appropriations

(a) CREDITS OF RECEIPTS FOR MEALS AND QUARTERS FURNISHED FEDERAL GOVERNMENT EMPLOYEES IN THE FIELD.—Cash collections and payroll deductions made for meals and quarters furnished by the Service to employees of the Federal Government in the field and to cooperating agencies may be credited as a reimbursement to the current appropriation for the administration of the System unit in which the accommodations are furnished.

(b) AVAILABILITY FOR EXPENSE OF RECORDING DONATED LAND.—Appropriations made for the Service shall be available for any expenses incident to the preparation and recording of title evidence covering land to be donated to the United States for administration by the Service.

(c) USE OF FUNDS FOR LAW ENFORCEMENT AND EMERGENCIES.—

(1) IN GENERAL.—Funds, not to exceed \$250,000 per incident, available to the Service may be used, with the approval of the Secretary, to—

- (A) maintain law and order in emergency and other unforeseen law enforcement situations; and
- (B) conduct emergency search and rescue operations in the System.

(2) REPLENISHMENT OF FUNDS.—If the Secretary expends funds under paragraph (1), the funds shall be replenished by a supplemental appropriation for which the Secretary shall make a request as promptly as possible.

(d) CONTRIBUTION FOR ANNUITY BENEFITS.—

(1) IN GENERAL.—Necessary amounts are appropriated for reimbursement, pursuant to the Policemen and Firemen's Retirement and Disability Act amendments of 1957 (Public Law 85–157, 71 Stat. 391), to the District of Columbia on a monthly basis for benefit payments by the District of Columbia to United States Park Police annuitants under section 12 of the Policemen and Firemen's Retirement and Disability Act (ch. 433, 39 Stat. 718), to the extent that those payments exceed contributions made by active Park Police members covered under the Policemen and Firemen's Retirement and Disability Act.

(2) NONAVAILABILITY OF APPROPRIATIONS TO THE SERVICE.—Appropriations made to the Service are not available for the purpose of making reimbursements under paragraph (1).

(e) WATERPROOF FOOTWEAR.—Appropriations for the Service that are available for the purchase of equipment may be used for purchase of waterproof footwear, which shall be regarded and listed as System equipment.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3163.)

HISTORICAL AND REVISION NOTES

<i>Revised</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
----------------	---------------------------	-----------------------------------

<i>Section</i>		
103101(a)	16 U.S.C. 14b.	May 9, 1935, ch. 101, §1 (34th undesignated paragraph under heading "NATIONAL PARK SERVICE"), 49 Stat. 209.
103101(b)	16 U.S.C. 456a. 16 U.S.C. 14c.	June 28, 1941, ch. 259, §1 (41st undesignated paragraph under heading "NATIONAL PARK SERVICE"), 55 Stat. 350.
103101(c)	16 U.S.C. 14d.	Pub. L. 102–381, title I, (1st proviso in paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE"), Oct. 5, 1992, 106 Stat. 1384; Pub. L. 103–332, title I, (3d proviso in paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE"), Sept. 30, 1994, 108 Stat. 2507.
103101(d)	16 U.S.C. 14e.	Pub. L. 107–63, title I, (paragraph under heading "CONTRIBUTION FOR ANNUITY BENEFITS" under heading "NATIONAL PARK SERVICE"), Nov. 5, 2001, 115 Stat. 424.
103101(e)	16 U.S.C. 15.	Mar. 7, 1928, ch. 137, §1 (28th undesignated paragraph under heading "NATIONAL PARK SERVICE"), 45 Stat. 238.

In subsection (a), the word "Hereafter" in section 1 (last paragraph on p. 209) of the Act of May 9, 1935 (ch. 101, 49 Stat. 209) is omitted as obsolete.

In subsection (b), the word "Hereafter" in section 1 (6th complete paragraph on p. 350) of the Act of June 28, 1941 (ch. 259, 55 Stat. 350) is omitted as obsolete.

In subsection (c), the words "On and after October 5, 1992" are omitted as obsolete.

In subsection (d), the words "the Policemen and Firemen's Retirement and Disability Act amendments of 1957 (Public Law 85–157, 71 Stat. 391)" are substituted for "Public Law 85–157" for clarity. The words "Policemen and Firemen's Retirement and Disability Act (ch. 433, §12, 39 Stat. 718)" are substituted for "Policeman and Fireman's Retirement and Disability Act (Act)" because of section 12(r) of the Policemen and Firemen's Retirement and Disability Act, as amended by section 3 of the Policemen and Firemen's Retirement and Disability Act amendments of 1957 (Public Law 85–157, 71 Stat. 399). The words "(not heretofore made)" and "hereafter" are omitted as obsolete.

In subsection (e), the words "whenever made" are omitted as obsolete.

EDITORIAL NOTES

REFERENCES IN TEXT

The Policemen and Firemen's Retirement and Disability Act amendments of 1957, referred to in subsec. (d)(1), is Pub. L. 85–157, [Aug. 21, 1957](#), 71 Stat. 391, which is not classified to the Code.

The Policemen and Firemen's Retirement and Disability Act, referred to in subsec. (d)(1), is act Sept. 1, 1916, ch. 433, §12, as added Pub. L. 85–157, [§3, Aug. 21, 1957](#), 71 Stat. 391, which is not classified to the Code.

§103102. Appropriations authorized and available for certain purposes

Appropriations for the Service are authorized and are available for—

(1) administration, protection, improvement, and maintenance of areas, under the jurisdiction of other Federal agencies, that are devoted to recreational use pursuant to cooperative agreements;

(2) necessary local transportation and subsistence in kind of individuals selected for employment or as cooperators, serving without other compensation, while attending fire protection training camps;

(3) administration, protection, maintenance, and improvement of the Chesapeake and Ohio Canal;

(4) educational lectures in or in the vicinity of and with respect to System units, and services of field employees in cooperation with such nonprofit scientific and historical societies engaged in educational work in System units as the Secretary may designate;

(5) travel expenses of employees attending—

- (A) Federal Government camps for training in forest fire prevention and suppression;
- (B) the Federal Bureau of Investigation National Police Academy; and
- (C) Federal, State, or municipal schools for training in building fire prevention and suppression;

(6) investigation and establishment of water rights in accordance with local custom, laws, and decisions of courts, including the acquisition of water rights or of land or interests in land or rights-of-way for use and protection of water rights necessary or beneficial in the administration and public use of System units;

(7) official telephone service in the field in the case of official telephones installed in private houses when authorized under regulations established by the Secretary; and

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

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3164.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
103102	16 U.S.C. 1d. 16 U.S.C. 17j–2(b) through (g), (i), (j).	Aug. 8, 1953, ch. 384, §3, 67 Stat. 496. Aug. 7, 1946, ch. 788, (b) through (g), (i), (j), 60 Stat. 885, 886; Pub. L. 104–333, div. I, title VIII, §802, Nov. 12, 1996, 110 Stat. 4186.

Before paragraph (1), the words "On and after August 8, 1953" in 16 U.S.C. 1d are omitted as obsolete.

§103103. Amounts provided by private entities for utility services

Notwithstanding any other provision of law, amounts provided to the Service by private entities for utility services shall be credited to the appropriate account and remain available until expended.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3165.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
103103	16 U.S.C. 1h.	Pub. L. 108–7, div. F, title I (words before proviso in last undesignated paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE"), Feb. 20, 2003, 117 Stat. 227.

The words "in fiscal year 2003 and thereafter" are omitted as obsolete.

§103104. Recovery of costs associated with special use permits

Notwithstanding any other provision of law, the Service may recover all costs of providing necessary services associated with special use permits. The reimbursements shall be credited to the appropriation current at that time.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3165.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
103104	16 U.S.C. 3a.	Pub. L. 103–138, title I (2d proviso in paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE"), Nov. 11, 1993, 107 Stat. 1387.

The words "on and after November 11, 1993" are omitted as obsolete.

CHAPTER 1033—NATIONAL MILITARY PARKS

Sec.	
103301.	Military maneuvers.
103302.	Camps for military instruction.
103303.	Performance of duties of commissions.
103304.	Recovery of land withheld.
103305.	Travel expenses incident to study of battlefields.
103306.	Studies.

§103301. Military maneuvers

To obtain practical benefits of great value to the country from the establishment of national military parks, the parks and their approaches are declared to be national fields for military maneuvers for the Regular Army or Regular Air Force and the National Guard or militia of the States. National military parks shall be opened for those purposes only in the discretion of the Secretary, and under such regulations as the Secretary may prescribe.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3165.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
103301	16 U.S.C. 411.	May 15, 1896, ch. 182, §1, 29 Stat. 120; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.

The words "or Regular Air Force" are added for consistency with section 103302 of the new title.

§103302. Camps for military instruction

(a) ASSEMBLING OF FORCES AND DETAILING OF INSTRUCTORS.—The Secretary of the Army or Secretary of the Air Force, within the limits of appropriations that may be available for that purpose, may assemble in camp at such season of the year and for such period as the Secretary of the Army or Secretary of the Air Force may designate, at the field of military maneuvers, such portions of the military forces of the United States as the Secretary of the Army or Secretary of the Air Force may think best, to receive military instruction there. The Secretary of the Army or Secretary of the Air Force may detail instructors from the Regular Army or Regular Air Force, respectively, for those forces during their exercises.

(b) REGULATIONS.—The Secretary of the Army or Secretary of the Air Force may prescribe regulations governing the assembling of the National Guard or militia of the States on the maneuvering grounds.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3165.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
103302	16 U.S.C. 412.	May 15, 1896, ch. 182, §2, 29 Stat. 121; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.

In this section, the words "or Secretary of the Air Force" and "or Regular Air Force" are added because certain functions, personnel, and property, insofar as they pertain to the Air Force, were transferred from the Secretary of the Army and Department of the Army to the Secretary of the Air Force and Department of the Air Force by Secretary of Defense Transfer Order Nos. 1, September 26, 1947; 10, April 27, 1948; and 40 [App. B(65)], July 22, 1949.

In subsection (b), the words "and publish" are omitted because of 44 U.S.C. 1505.

§103303. Performance of duties of commissions

The duties of commissions in charge of national military parks shall be performed under the direction of the Secretary.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3166.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
103303	16 U.S.C. 421.	Aug. 24, 1912, ch. 355, §1 (last undesignated paragraph under heading "NATIONAL MILITARY PARKS" under heading "UNDER THE WAR DEPARTMENT"), 37 Stat. 442; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.

Section 103303 is substituted for 16 U.S.C. 421 to eliminate obsolete words because there no longer are park commissioners for the national military parks. The references to the Secretary of the Army are changed to the Secretary the Interior because the administrative functions of certain national military parks were transferred to the Department of the Interior by section 2 of Executive Order No. 6166, June 10, 1933, and section 1 of Executive Order No. 6228, July 28, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees. References to the National Park Service were substituted for references to the Office of National Parks, Buildings, and Reservations in section 2 of Executive Order No. 6166 because of the last paragraph under the heading "OFFICE OF NATIONAL PARKS, BUILDINGS, AND RESERVATIONS" in section 1 of the Act of March 2, 1934 (ch. 38, 48 Stat. 389).

§103304. Recovery of land withheld

(a) **CIVIL ACTION.**—The United States may bring a civil action in the courts of the United States against a person to whom land lying within a national military park has been leased that refuses to give up possession of the land to the United States after the termination of the lease, and after possession has been demanded for the United States by the park superintendent, or against a person retaining possession of land lying within the boundary of a national military park that the person has sold to the United States for park purposes and received payment therefor, after possession of the land has been demanded for the United States by the park superintendent, to recover possession of the land withheld. The civil action shall be brought according to the statutes of the State in which the national military park is situated.

(b) **TRESPASS.**—A person described in subsection (a) shall be guilty of trespass.
(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3166.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
103304	16 U.S.C. 416.	Mar. 3, 1897, ch. 372, §§4, 5, 29 Stat. 622.

In subsection (a) the words "any park commissioner" are omitted as obsolete. See section 103303 of the new title. The words "or code of practice" are omitted as obsolete because of the Federal Rules of Civil Procedure (28 U.S.C. App.).

§103305. Travel expenses incident to study of battlefields

Mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, surveys, and field investigations of battlefields shall be paid from the appropriations made to meet expenses for those purposes.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3166.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
103305	16 U.S.C. 458.	Mar. 8, 1928, ch. 152, 45 Stat. 249.

§103306. Studies

(a) **STUDY OF BATTLEFIELDS FOR COMMEMORATIVE PURPOSES.**—The Secretary of the Army may make studies and investigations and, where necessary, surveys of all battlefields within the continental limits of the United States on which troops of the United States or of the original 13 colonies have been engaged against a common enemy, with a

view to preparing a general plan and such detailed projects as may be required for properly commemorating such battlefields or other adjacent points of historic and military interest.

(b) **INCLUSION OF ESTIMATE OF COST OF PROJECTED SURVEYS IN APPROPRIATION ESTIMATES.**—The Secretary of the Army shall include annually in the Department of the Interior appropriation estimates a list of the battlefields for which surveys or other field investigations are planned for the fiscal year in question, with the estimated cost of making each survey or other field investigation.

(c) **PURCHASE OF REAL ESTATE FOR NATIONAL MILITARY PARK PURPOSES.**—No real estate shall be purchased for national military park purposes by the Federal Government unless a report on the real estate has been made by the Secretary of the Army through the President to Congress under subsection (d).

(d) **REPORT TO CONGRESS.**—The Secretary of the Army, through the President, shall annually submit to Congress a detailed report of progress made under this subchapter, with recommendations for further operations.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3166.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
103306(a)	16 U.S.C. 455.	June 11, 1926, ch. 555, 44 Stat. 726; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.
103306(b)	16 U.S.C. 455b.	
103306(c)	16 U.S.C. 455c.	
103306(d)	16 U.S.C. 455a.	

In subsection (d), the words "after December 1, 1926" are omitted as obsolete.

CHAPTER 1035—NATIONAL PARK CENTENNIAL CHALLENGE FUND

Sec.¹

- 103501. Establishment.
- 103502. Signature projects and programs.
- 103503. Summary to Congress.

¹ Editorially supplied.

§103501. Establishment

(a) **IN GENERAL.**—There is established in the Treasury an account to be known as the National Park Centennial Challenge Fund.

(b) **DEPOSITS.**—All amounts received by the United States each fiscal year from sales by the National Park Service of National Parks and Federal Recreational Lands Passes under section 805(b)(1) of the Federal Lands Recreation Enhancement Act that are in excess of \$10,000,000 shall be deposited into the National Park Centennial Challenge Fund as offsetting collections and shall remain available to the Secretary until expended.

(c) **USE OF FUNDS.**—Funds collected and deposited into the National Park Centennial Challenge Fund—

(1) shall be used for projects or programs approved by the Secretary to further the mission of the Service and to enhance the visitor experience in System units;

(2) may not be used to acquire lands or interest in lands; and

(3) may only be used if matched, on at least a 1-to-1 basis, by non-Federal donations (including funds and fairly valued durable goods and materials) to the Service for signature projects or programs.

(d) **LIMITATION ON SOURCE OF FUNDS FOR MATCHING.**—Amounts derived from the Second Century Endowment for the National Park Service shall not be treated as non-Federal donations for purposes of subsection (c)(3).

(Added Pub. L. 114–289, title I, §101(a), Dec. 16, 2016, 130 Stat. 1483.)

EDITORIAL NOTES

REFERENCES IN TEXT

Section 805(b)(1) of the Federal Lands Recreation Enhancement Act, referred to in subsec. (b), is classified to section 6804(b)(1) of Title 16, Conservation.

§103502. Signature projects and programs

(a) LIST.—The Secretary shall—

(1) develop a list of signature projects and programs eligible for funding from the National Park Centennial Challenge Fund;

(2) submit the list developed pursuant to paragraph (1) to the Committees on Appropriations and Energy and Natural Resources in the United States Senate, and to the Committees on Appropriations and Natural Resources in the House of Representatives; and

(3) prioritize deferred maintenance projects, physical improvements to visitor services facilities and trail maintenance.

(b) UPDATES.—The Secretary may, from time to time, as the Secretary finds appropriate, add any signature project or program to the list and provide notice of such addition as required by subsection (a).

(Added Pub. L. 114–289, [title I, §101\(a\)](#), [Dec. 16, 2016](#), 130 Stat. 1484.)

§103503. Summary to Congress

The Secretary shall provide with the submission of the President's annual budget a summary of the status and funding of signature projects and programs.

(Added Pub. L. 114–289, [title I, §101\(a\)](#), [Dec. 16, 2016](#), 130 Stat. 1484.)

CHAPTERS 1035 ¹ THROUGH 1047—RESERVED

¹ So in original. Chapter 1035 added by Pub. L. 114–289 without corresponding amendment of heading for reserved chapters.

CHAPTER 1049—MISCELLANEOUS

Sec.

- | | |
|---------|--|
| 104901. | Central warehouses at System units. |
| 104902. | Services or other accommodations for public. |
| 104903. | Care, removal, and burial of indigents. |
| 104904. | Hire of work animals, vehicles, and equipment with or without personal services. |
| 104905. | Preparation of mats for reproduction of photographs. |
| 104906. | Protection of right of individuals to bear arms. |
| 104907. | Limitation on extension or establishment of national parks in Wyoming. |
| 104908. | Bows in parks. |
| 104909. | Wildlife management in parks. |

EDITORIAL NOTES

AMENDMENTS

2019—Pub. L. 116–9, [title II, §§2409\(b\), 2410\(b\)](#), [Mar. 12, 2019](#), 133 Stat. 752, added items 104908 and 104909.

§104901. Central warehouses at System units

(a) AUTHORITY OF SECRETARY.—The Secretary, in the administration of the System, may maintain central warehouses at System units.

(b) APPROPRIATIONS.—

(1) AVAILABILITY.—Appropriations made for the administration, protection, maintenance, and improvement of System units shall be available for the purchase of supplies and materials to be kept in central warehouses for distribution at cost, including transportation and handling, to projects under specific appropriations.

(2) TRANSFERS BETWEEN APPROPRIATIONS.—

(A) AUTHORIZATION.—Transfers between the various appropriations made for System units 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.

(B) AVAILABILITY OF SUPPLIES AND MATERIALS AND TRANSFERS IN SUBSEQUENT YEARS.—Supplies and materials that remain at the end of any fiscal year shall be continuously available for issuance during subsequent fiscal years and shall be charged for by transfers of funds between appropriations made for the administration, protection, maintenance, and improvement of System units for the fiscal year then current without decreasing the appropriations made for that fiscal year.

(c) LIMITATION ON PURCHASE OF SUPPLIES AND MATERIALS.—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. (Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3167.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
104901	16 U.S.C. 16.	Apr. 18, 1930, ch. 187 , 46 Stat. 219.

§104902. Services or other accommodations for public

The Secretary may contract for services or other accommodations provided in System units for the public under contract with the Department of the Interior, as may be required in the administration of the Service, at rates approved by the Secretary for the furnishing of those services or accommodations to the Federal Government and without compliance with section 6101 of title 41.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3167.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
104902	16 U.S.C. 17b.	May 26, 1930, ch. 324, §3 , 46 Stat. 382.

§104903. Care, removal, and burial of indigents

The Secretary may provide, out of amounts appropriated for the general expenses of System units, for the temporary care and removal from a System unit of indigents, and in case of death to provide for their burial in System units not under local jurisdiction for these purposes. This section does not authorize transportation of indigents or deceased for a distance of more than 50 miles from the System unit.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
104903	16 U.S.C. 17e.	May 26, 1930, ch. 324, §6 , 46 Stat. 382.

§104904. Hire of work animals, vehicles, and equipment with or without personal services

The Secretary 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 and without compliance with section 6101 of title 41.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
104904	16 U.S.C. 17i.	May 26, 1930, ch. 324, §10 , 46 Stat. 383.

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

§104905. Preparation of mats for reproduction of photographs

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

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

HISTORICAL AND REVISION NOTES

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

§104906. Protection of right of individuals to bear arms

(a) FINDINGS.—Congress finds the following:

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

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

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

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

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

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

(B) the new regulations—

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

(ii) may be altered.

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

The word "further" is omitted as obsolete.

§104908. Bows in parks

(a) DEFINITION OF NOT READY FOR IMMEDIATE USE.—The term "not ready for immediate use" means—

- (1) a bow or crossbow, the arrows of which are secured or stowed in a quiver or other arrow transport case; and
- (2) with respect to a crossbow, uncocked.

(b) VEHICULAR TRANSPORTATION AUTHORIZED.—The Director shall not promulgate or enforce any regulation that prohibits an individual from transporting bows and crossbows that are not ready for immediate use across any System unit in the vehicle of the individual if—

- (1) the individual is not otherwise prohibited by law from possessing the bows and crossbows;
- (2) the bows or crossbows that are not ready for immediate use remain inside the vehicle of the individual throughout the period during which the bows or crossbows are transported across System land; and
- (3) the possession of the bows and crossbows is in compliance with the law of the State in which the System unit is located.

(Added Pub. L. 116–9, [title II, §2409\(a\)](#), [Mar. 12, 2019](#), 133 Stat. 751.)

§104909. Wildlife management in parks

(a) USE OF QUALIFIED VOLUNTEERS.—If the Secretary determines it is necessary to reduce the size of a wildlife population on System land in accordance with applicable law (including regulations), the Secretary may use qualified volunteers to assist in carrying out wildlife management on System land.

(b) REQUIREMENTS FOR QUALIFIED VOLUNTEERS.—Qualified volunteers providing assistance under subsection (a) shall be subject to—

- (1) any training requirements or qualifications established by the Secretary; and
- (2) any other terms and conditions that the Secretary may require.

(c) DONATIONS.—The Secretary may authorize the donation and distribution of meat from wildlife management activities carried out under this section, including the donation and distribution to Indian Tribes, qualified volunteers, food banks, and other organizations that work to address hunger, in accordance with applicable health guidelines and such terms and conditions as the Secretary may require.

(Added Pub. L. 116–9, [title II, §2410\(a\)](#), [Mar. 12, 2019](#), 133 Stat. 752.)

DIVISION B—SYSTEM UNITS AND RELATED AREAS—RESERVED