

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1950

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IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2012

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

To enact title 54, United States Code, “National Park System”, as positive law.

1           *Be it enacted by the Senate and House of Representatives of the United*  
2           *States of America in Congress assembled,*

3           **SECTION 1. TABLE OF CONTENTS.**

4           The table of contents for this Act is as follows:

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Sec. 2. Purpose; conformity with original intent.

- Sec. 3. Enactment of title 54, United States Code.  
 Sec. 4. Conforming amendments.  
 Sec. 5. Conforming cross-references.  
 Sec. 6. Transitional and savings provisions.  
 Sec. 7. Repeals.

1     **SEC. 2. PURPOSE; CONFORMITY WITH ORIGINAL INTENT.**

2         (a) PURPOSE.—The purpose of this Act is to codify certain existing laws  
 3 relating to the National Park System as title 54, United States Code, “Na-  
 4 tional Park Service and Related Programs”.

5         (b) CONFORMITY WITH ORIGINAL INTENT.—In the codification of laws  
 6 by this Act, the intent is to conform to the understood policy, intent, and  
 7 purpose of Congress in the original enactments, with such amendments and  
 8 corrections as will remove ambiguities, contradictions, and other imperfec-  
 9 tions, in accordance with section 205(c)(1) of House Resolution No. 988,  
 10 93d Congress, as enacted into law by Public Law 93–554 (2 U.S.C.  
 11 285b(1)).

12     **SEC. 3. ENACTMENT OF TITLE 54, UNITED STATES CODE.**

13         Title 54, United States Code, “National Park Service and Related Pro-  
 14 grams”, is enacted as follows:

15             **TITLE 54—NATIONAL PARK SERVICE**  
 16             **AND RELATED PROGRAMS**

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1                   **Subtitle I—National Park System**  
2                   **Division A—Establishment and General**  
3                   **Administration**  
4                   **Chapter 1001—General Provisions**

Sec.

100101. Promotion and regulation.

100102. Definitions.

5                   **§ 100101. Promotion and regulation**

6                   (a) IN GENERAL.—The Secretary, acting through the Director of the Na-  
7                   tional Park Service, shall promote and regulate the use of the National  
8                   Park System by means and measures that conform to the fundamental pur-  
9                   pose of the System units, which purpose is to conserve the scenery, natural  
10                  and historic objects, and wild life in the System units and to provide for

1 the enjoyment of the scenery, natural and historic objects, and wild life in  
 2 such manner and by such means as will leave them unimpaired for the en-  
 3 joyment of future generations.

4 (b) DECLARATIONS.—

5 (1) 1970 DECLARATIONS.—Congress declares that—

6 (A) the National Park System, which began with establishment  
 7 of Yellowstone National Park in 1872, has since grown to include  
 8 superlative natural, historic, and recreation areas in every major  
 9 region of the United States and its territories and possessions;

10 (B) these areas, though distinct in character, are united  
 11 through their interrelated purposes and resources into one Na-  
 12 tional Park System as cumulative expressions of a single national  
 13 heritage;

14 (C) individually and collectively, these areas derive increased na-  
 15 tional dignity and recognition of their superb environmental qual-  
 16 ity through their inclusion jointly with each other in one System  
 17 preserved and managed for the benefit and inspiration of all the  
 18 people of the United States; and

19 (D) it is the purpose of this division to include all these areas  
 20 in the System and to clarify the authorities applicable to the Sys-  
 21 tem.

22 (2) 1978 REAFFIRMATION.—Congress reaffirms, declares, and di-  
 23 rects that the promotion and regulation of the various System units  
 24 shall be consistent with and founded in the purpose established by sub-  
 25 section (a), to the common benefit of all the people of the United  
 26 States. The authorization of activities shall be construed and the pro-  
 27 tection, management, and administration of the System units shall be  
 28 conducted in light of the high public value and integrity of the System  
 29 and shall not be exercised in derogation of the values and purposes for  
 30 which the System units have been established, except as directly and  
 31 specifically provided by Congress.

32 **§ 100102. Definitions**

33 In this title:

34 (1) DIRECTOR.—The term “Director” means the Director of the Na-  
 35 tional Park Service.

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

39 (3) SECRETARY.—The term “Secretary” means the Secretary of the  
 40 Interior.

1 (4) SERVICE.—The term “Service” means the National Park Serv-  
2 ice.

3 (5) SYSTEM.—The term “System” means the National Park System.

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

## 6 **Chapter 1003—Establishment, Directors,** 7 **and Other Employees**

Sec.

100301. Establishment.

100302. Directors and other employees.

100303. Effect on other laws.

### 8 **§ 100301. Establishment**

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

### 11 **§ 100302. Directors and other employees**

12 (a) DIRECTOR.—

13 (1) APPOINTMENT.—The Service shall be under the charge of a di-  
14 rector who shall be appointed by the President, by and with the advice  
15 and consent of the Senate.

16 (2) QUALIFICATIONS.—The Director shall have substantial experi-  
17 ence and demonstrated competence in land management and natural or  
18 cultural resource conservation.

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

24 (b) DEPUTY DIRECTORS.—The Director shall select 2 Deputy Directors.  
25 One Deputy Director shall have responsibility for Service operations, and  
26 the other Deputy Director shall have responsibility for other programs as-  
27 signed to the Service.

28 (c) OTHER EMPLOYEES.—The Service shall have such subordinate offi-  
29 cers and employees as may be appropriated for by Congress.

### 30 **§ 100303. Effect on other laws**

31 This chapter and sections 100101(a), 100751(a), 100752, 100753, and  
32 102101 of this title do not affect or modify section 100902(a) of this title.

## 33 **Chapter 1005—Areas of National Park** 34 **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.

1 **§ 100501. Areas included in System**

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

5 **§ 100502. General management plans**

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

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

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

17 (3) identification of and implementation commitments for visitor car-  
18 rying capacities for all areas of the System unit; and

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

21 **§ 100503. Five-year strategic plans**

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

27 (b) ANNUAL BUDGET.—

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

34 (2) CONTENTS.—The budget shall include—

35 (A) funding allocations for resource preservation (including re-  
36 source management), visitor services (including maintenance, in-  
37 terpretation, law enforcement, and search and rescue), and admin-  
38 istration; and

39 (B) allocations into each of the categories in subparagraph (A)  
40 of all funds retained from fees collected for that year, including

1 special use permits, concession franchise fees, and recreation use  
2 and entrance fees.

3 **§ 100504. Study and planning of park, parkway, and rec-**  
4 **reational-area facilities**

5 (a) IN GENERAL.—

6 (1) DEFINITION.—In this subsection, the term “State” means a  
7 State, the District of Columbia, Puerto Rico, Guam, and the Virgin Is-  
8 lands.

9 (2) STUDY.—The Secretary shall cause the Service to make a com-  
10 prehensive study, other than on land under the jurisdiction of the Sec-  
11 retary of Agriculture, of the public park, parkway, and recreational  
12 area programs of the United States, States, and political subdivisions  
13 of States and of areas of land throughout the United States that are  
14 or may be chiefly valuable as public park, parkway, or recreational  
15 areas. A study shall not be made in any State without the consent and  
16 approval of the State officials, boards, or departments having jurisdic-  
17 tion over the land. The study shall be such as, in the judgment of the  
18 Secretary, will provide data helpful in developing a plan for coordinated  
19 and adequate public park, parkway, and recreational-area facilities for  
20 the people of the United States.

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

24 (A) shall seek and accept the cooperation and assistance of Fed-  
25 eral departments or agencies having jurisdiction of land belonging  
26 to the United States; and

27 (B) may cooperate and make agreements with and seek and ac-  
28 cept the assistance of—

29 (i) other Federal agencies and instrumentalities; and

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

32 (4) STATE PLANNING.—For the purpose of developing coordinated  
33 and adequate public park, parkway, and recreational-area facilities for  
34 the people of the United States, the Secretary may aid States and po-  
35 litical subdivisions of States in planning public park, parkway, and rec-  
36 reational areas and in cooperating with one another to accomplish these  
37 ends. Aid shall be made available through the Service acting in co-  
38 operation with such State agencies or agencies of political subdivisions  
39 of States as the Secretary considers best.

40 (b) CONSENT OF CONGRESS TO AGREEMENTS BETWEEN STATES.—The  
41 consent of Congress is given to any 2 or more States to negotiate and enter

1 into compacts or agreements with one another with reference to planning,  
 2 establishing, developing, improving, and maintaining any park, parkway, or  
 3 recreational area. No compact or agreement shall be effective until approved  
 4 by the legislatures of the States that are parties to the compact or agree-  
 5 ment and by Congress.

6 **§ 100505. Periodic review of System**

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

15 (b) CONSULTATION.—In conducting and preparing the report, the Sec-  
 16 retary shall consult with appropriate officials of affected Federal, State, and  
 17 local agencies and national, regional, and local organizations. The consulta-  
 18 tion shall include holding public hearings that the Secretary determines to  
 19 be appropriate to provide a full opportunity for public comment.

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

21 (1) A comprehensive listing of all authorized but unacquired parcels  
 22 of land within the exterior boundaries of each System unit as of No-  
 23 vember 28, 1990.

24 (2) A priority listing of all those unacquired parcels by System unit  
 25 and for the System as a whole. The list shall describe the acreage and  
 26 ownership of each parcel, the estimated cost of acquisition for each par-  
 27 cel (subject to any statutory acquisition limitations for the land), and  
 28 the basis for the estimate.

29 (3) An analysis and evaluation of the current and future needs of  
 30 each System unit for resource management, interpretation, construc-  
 31 tion, operation and maintenance, personnel, and housing, together with  
 32 an estimate of the costs.

33 **§ 100506. Boundary changes to System units**

34 (a) CRITERIA FOR EVALUATION.—The Secretary shall maintain criteria  
 35 to evaluate any proposed changes to the boundaries of System units, includ-  
 36 ing—

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

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



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

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

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

10          (2) apply the criteria developed pursuant to subsection (a) and ac-  
11          company the proposal with a statement reflecting the results of the ap-  
12          plication of the criteria; and

13          (3) include with the proposal an estimate of the cost for acquiring  
14          any parcels proposed for acquisition, the basis for the estimate, and a  
15          statement on the relative priority for the acquisition of each parcel  
16          within the priorities for acquisition of other parcels for the System unit  
17          and for the System.

18          (c) MINOR BOUNDARY CHANGES.—

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

27                  (A) make minor changes to the boundary of the System unit,  
28                  and amounts appropriated from the Fund shall be available for ac-  
29                  quisition of any land, water, and interests in land or water added  
30                  to the System unit by the boundary change subject to such statu-  
31                  tory limitations, if any, on methods of acquisition and appropri-  
32                  ations thereof as may be specifically applicable to the System unit;  
33                  and

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

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

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

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

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

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

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

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

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

28 (B) The acquisition, if any, is not a major Federal action sig-  
29 nificantly affecting the quality of the human environment, as de-  
30 termined by the Secretary.

31 (C) The sum of the total appraised value of the land, water, and  
32 interests in land or water to be added to the System unit and the  
33 total appraised value of the land, water, and interests in land or  
34 water to be deleted from the System unit does not exceed  
35 \$750,000.

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

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

40 (F) The Director obtains written consent for the boundary  
41 change from all property owners whose land, water, or interests

1 in land or water, or a portion of whose land, water, or interests  
 2 in land or water, will be added to or deleted from the System unit  
 3 by the boundary change.

4 (G) The land abuts other Federal land administered by the Di-  
 5 rector.

6 (6) ACT OF CONGRESS REQUIRED.—Minor boundary changes involv-  
 7 ing only deletions of acreage owned by the Federal Government and ad-  
 8 ministered by the Service may be made only by Act of Congress.

9 **§ 100507. Additional areas for System**

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

14 (b) SUBMISSION OF LIST OF AREAS RECOMMENDED FOR STUDY FOR PO-  
 15 TENTIAL INCLUSION.—

16 (1) WHEN LIST IS TO BE SUBMITTED.—At the beginning of each cal-  
 17 endar year, with the annual budget submission, the Secretary shall sub-  
 18 mit to the Committee on Natural Resources of the House of Represent-  
 19 atives and the Committee on Energy and Natural Resources of the  
 20 Senate a list of areas recommended for study for potential inclusion in  
 21 the System.

22 (2) FACTORS TO BE CONSIDERED.—In developing the list to be sub-  
 23 mitted under this subsection, the Secretary shall consider—

24 (A) the areas that have the greatest potential to meet the estab-  
 25 lished criteria of national significance, suitability, and feasibility;

26 (B) themes, sites, and resources not already adequately rep-  
 27 resented in the System; and

28 (C) public petitions and Congressional resolutions.

29 (3) ACCOMPANYING SYNOPSIS.—Accompanying the annual listing of  
 30 areas shall be a synopsis, for each report previously submitted, of the  
 31 current and changed condition of the resource integrity of the area and  
 32 other relevant factors, compiled as a result of continual periodic moni-  
 33 toring and embracing the period since the previous submission or initial  
 34 report submission one year earlier.

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

38 (5) AUTHORITY TO CONDUCT CERTAIN ACTIVITIES NOT LIMITED.—  
 39 This section and sections 100901(b), 101702(b) and (c), and 102102  
 40 of this title do not limit the authority of the Service to conduct prelimi-  
 41 nary resource assessments, gather data on potential study areas, pro-

1       vide technical and planning assistance, prepare or process nominations  
 2       for administrative designations, update previous studies, or complete  
 3       reconnaissance surveys of individual areas requiring a total expenditure  
 4       of less than \$25,000.

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

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

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

10      (e) STUDY OF AREAS FOR POTENTIAL INCLUSION.—

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

15           (2) OPPORTUNITY FOR PUBLIC INVOLVEMENT REQUIRED.—Each  
 16           study under this section shall be prepared with appropriate opportunity  
 17           for public involvement, including at least one public meeting in the vi-  
 18           cinity of the area under study, and after reasonable efforts to notify  
 19           potentially affected landowners and State and local governments.

20           (3) CONSIDERATIONS.—In conducting the study, the Secretary shall  
 21           consider whether the area under study—

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

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

26      (4) SCOPE OF STUDY.—Each study—

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

28               (i) the rarity and integrity of the resources;

29               (ii) the threats to those resources;

30               (iii) whether similar resources are already protected in the  
 31               System or in other public or private ownership;

32               (iv) the public use potential;

33               (v) the interpretive and educational potential;

34               (vi) costs associated with acquisition, development, and op-  
 35               eration;

36               (vii) the socioeconomic impacts of any designation;

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

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

1 (B) shall consider whether direct Service management or alter-  
 2 native protection by other public agencies or the private sector is  
 3 appropriate for the area;

4 (C) shall identify what alternative or combination of alternatives  
 5 would in the professional judgment of the Director be most effec-  
 6 tive and efficient in protecting significant resources and providing  
 7 for public enjoyment; and

8 (D) may include any other information that the Secretary con-  
 9 siders to be relevant.

10 (5) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF  
 11 1969.—Each study shall be completed in compliance with the National  
 12 Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

13 (6) RECOMMENDATION OF PREFERRED MANAGEMENT OPTION.—The  
 14 letter transmitting each completed study to Congress shall contain a  
 15 recommendation regarding the Secretary's preferred management op-  
 16 tion for the area.

17 (d) LIST OF AREAS PREVIOUSLY STUDIED.—

18 (1) SUBMISSION OF LIST.—At the beginning of each calendar year,  
 19 with the annual budget submission, the Secretary shall submit to the  
 20 Committee on Natural Resources of the House of Representatives and  
 21 the Committee on Energy and Natural Resources of the Senate, in nu-  
 22 merical order of priority for addition to the System—

23 (A) a list of areas that have been previously studied that con-  
 24 tain primarily historical resources; and

25 (B) a list of areas that have been previously studied that con-  
 26 tain primarily natural resources.

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

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

33 (e) LIST OF AREAS THAT EXHIBIT DANGER OR THREATS TO THE IN-  
 34 TEGRITY OF THEIR RESOURCES.—At the beginning of each fiscal year, the  
 35 Secretary shall submit to the Speaker of the House of Representatives and  
 36 the President of the Senate a complete and current list of all areas listed  
 37 on the Registry of Natural Landmarks, and areas of national significance  
 38 listed on the National Register of Historic places, that exhibit known or an-  
 39 ticipated damage or threats to the integrity of their resources, with nota-  
 40 tions as to the nature and severity of the damage or threats.

1 (f) REPORTS AND LISTINGS PRINTED AS HOUSE DOCUMENTS.—Each re-  
 2 port and annual listing described in this section shall be printed as a House  
 3 document. If adequate supplies of previously printed identical reports re-  
 4 main available, newly submitted identical reports shall be omitted from  
 5 printing on receipt by the Speaker of the House of Representatives of a  
 6 joint letter from the chairman of the Committee on Natural Resources of  
 7 the House of Representatives and the chairman of the Committee on En-  
 8 ergy and Natural Resources of Senate indicating that to be the case.

9 (g) DESIGNATION OF OFFICE.—The Secretary shall designate a single of-  
 10 fice to prepare all new area studies and to implement other functions under  
 11 this section.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) STUDIES OF POTENTIAL NEW SYSTEM UNITS AND MONITORING  
 14 THE WELFARE OF SYSTEM UNIT RESOURCES.—To carry out studies for  
 15 potential new System units and for monitoring the welfare of historical  
 16 and natural resources referred to in subparagraphs (A) and (B) of sub-  
 17 section (d)(1), there is authorized to be appropriated not more than  
 18 \$1,000,000 for each fiscal year.

19 (2) MONITORING WELFARE AND INTEGRITY OF NATIONAL LAND-  
 20 MARKS.—To monitor the welfare and integrity of the national land-  
 21 marks, there is authorized to be appropriated not more than  
 22 \$1,500,000 for each fiscal year.

23 (3) CARRYING OUT SUBSECTIONS (b), (c), and (g).—To carry out  
 24 subsections (b), (c), and (g), there is authorized to be appropriated  
 25 \$2,000,000 for each fiscal year.

## 26 **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.
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- 100723. Actions.
- 100724. Use of recovered amounts.
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Subchapter III—Mining Activity Within System Units

- 100731. Findings and declaration.
- 100732. Preservation and management of System units by Secretary; promulgation of regula-  
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- 100733. Recordation of mining claims; publication of notice.
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- 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.

## 1     **Subchapter I—System Resource Inventory** 2     **and Management**

### 3     **§ 100701. Protection, interpretation, and research in System**

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

### 9     **§ 100702. Research mandate**

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

### 13    **§ 100703. Cooperative study units**

14    The Secretary shall enter into cooperative agreements with colleges and  
15    universities, including land grant schools, in partnership with other Federal  
16    and State agencies, to establish cooperative study units to conduct multi-  
17    disciplinary research and develop integrated information products on the re-  
18    sources of the System, or the larger region of which System units are a  
19    part.

### 20    **§ 100704. Inventory and monitoring program**

21    The Secretary shall undertake a program of inventory and monitoring of  
22    System resources to establish baseline information and to provide informa-  
23    tion on the long-term trends in the condition of System resources. The mon-  
24    itoring program shall be developed in cooperation with other Federal moni-  
25    toring and information collection efforts to ensure a cost-effective approach.

### 26    **§ 100705. Availability of System units for scientific study**

27    (a) IN GENERAL.—The Secretary may solicit, receive, and consider re-  
28    quests from Federal or non-Federal public or private agencies, organiza-  
29    tions, individuals, or other entities for the use of any System unit for pur-  
30    poses of scientific study.

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

33       (1) is consistent with applicable laws and Service management poli-  
34       cies; and

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

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

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

7 **§ 100706. Integration of study results into management deci-**  
8 **sions**

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

17 **§ 100707. Confidentiality of information**

18 Information concerning the nature and specific location of a System re-  
19 source that is endangered, threatened, rare, or commercially valuable, of  
20 mineral or paleontological objects within System units, or of objects of cul-  
21 tural patrimony within System units, may be withheld from the public in  
22 response to a request under section 552 of title 5 unless the Secretary de-  
23 termines that—

24 (1) disclosure of the information would further the purposes of the  
25 System unit in which the resource or object is located and would not  
26 create an unreasonable risk of harm, theft, or destruction of the re-  
27 source or object, including individual organic or inorganic specimens;  
28 and

29 (2) disclosure is consistent with other laws protecting the resource  
30 or object.

31 **Subchapter II—System Unit Resource**  
32 **Protection**

33 **§ 100721. Definitions**

34 In this subchapter:

35 (1) DAMAGES.—The term “damages” includes—

36 (A) compensation for—

37 (i)(I) the cost of replacing, restoring, or acquiring the  
38 equivalent of a System unit resource; and

39 (ii)(II) the value of any significant loss of use of a System  
40 unit resource pending its restoration or replacement or the  
41 acquisition of an equivalent resource; or



1 (ii) the value of the System unit resource if the System  
2 unit resource cannot be replaced or restored; and

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

5 (2) RESPONSE COSTS.—The term “response costs” means the costs  
6 of actions taken by the Secretary to—

7 (A) prevent or minimize destruction or loss of or injury to a  
8 System unit resource;

9 (B) abate or minimize the imminent risk of the destruction,  
10 loss, or injury; or

11 (C) monitor ongoing effects of incidents causing the destruction,  
12 loss, or injury.

13 (3) SYSTEM UNIT RESOURCE.—

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

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

19 **§ 100722. Liability**

20 (a) IN GENERAL.—Subject to subsection (e), any person that destroys,  
21 causes the loss of, or injures any System unit resource is liable to the  
22 United States for response costs and damages resulting from the destruc-  
23 tion, loss, or injury.

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

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

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

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

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

38 (d) SCOPE.—Liability under this section is in addition to any other liabil-  
39 ity that may arise under Federal or State law.

1 **§ 100723. Actions**

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

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

14 (1) ACTIONS TO PREVENT OR MINIMIZE DESTRUCTION, LOSS, OR IN-  
15 JURY.—The Secretary shall undertake all necessary actions to—

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

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

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

22 **§ 100724. Use of recovered amounts**

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

29 (1) REIMBURSEMENT.—To reimburse response costs and damage as-  
30 sessments by the Secretary or other Federal agencies as the Secretary  
31 considers appropriate.

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

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

4 **§ 100725. Donations**

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

9 **Subchapter III—Mining Activity Within**  
 10 **System Units**

11 **§ 100731. Findings and declaration**

12 Congress finds and declares that—

13 (1) the level of technology of mineral exploration and development  
 14 has changed radically, and continued application of the mining laws of  
 15 the United States to System units to which the mining laws apply con-  
 16 flicts with the purposes for which the System units were established;  
 17 and

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

21 **§ 100732. Preservation and management of System units by**  
 22 **Secretary; promulgation of regulations**

23 To preserve for the benefit of present and future generations the pristine  
 24 beauty of System units, and to further the purposes of section 100101(a),  
 25 chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of this  
 26 title and the individual organic Acts for the System units, all activities re-  
 27 sulting from the exercise of mineral rights on patented or unpatented min-  
 28 ing claims within any System unit shall be subject to such regulations pre-  
 29 scribed by the Secretary as the Secretary considers necessary or desirable  
 30 for the preservation and management of the System units.

31 **§ 100733. Recordation of mining claims; publication of no-**  
 32 **tice**

33 All mining claims under the Mining Law of 1872 (30 U.S.C. chapter 2,  
 34 sections 161 and 162, and chapters 12A and 16) that lie within the bound-  
 35 aries of System units in existence on September 28, 1976, that were not  
 36 recorded with the Secretary within one year after September 28, 1976, shall  
 37 be conclusively presumed to be abandoned and shall be void. The recorda-  
 38 tion does not render valid any claim that was not valid on September 28,  
 39 1976, or that becomes invalid after that date.

1    **§ 100734. Report on finding or notification of potential dam-**  
 2                   **age to natural and historical landmarks**

3           When the Secretary finds on the Secretary's own motion or on being noti-  
 4    fied in writing by an appropriate scientific, historical, or archeological au-  
 5    thority that a district, site, building, structure, or object that has been  
 6    found to be nationally significant in illustrating natural history or the his-  
 7    tory of the United States and that has been designated as a natural or his-  
 8    toric landmark may be irreparably lost or destroyed in whole or in part by  
 9    any surface mining activity, including exploration for or removal or produc-  
 10   tion of minerals or materials, the Secretary shall notify the person con-  
 11   ducting the activity and submit a report on the findings or notification, in-  
 12   cluding the basis for the Secretary's finding that the activity may cause ir-  
 13   reparable loss or destruction of a national landmark, to the Advisory Coun-  
 14   cil on Historic Preservation, with a request for advice of the Council as to  
 15   alternative measures that may be taken by the United States to mitigate  
 16   or abate the activity.

17    **§ 100735. Civil actions for just compensation by mining**  
 18                   **claim holders**

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

25    **§ 100736. Acquisition of land by Secretary**

26           Nothing in this subchapter shall be construed to limit the authority of  
 27   the Secretary to acquire land and interests in land within the boundary of  
 28   any System unit. The Secretary shall give prompt and careful consideration  
 29   to any offer made by the owner of any valid right or other property in Gla-  
 30   cier Bay National Monument, Death Valley National Monument, Organ  
 31   Pipe Cactus National Monument, or Mount McKinley National Park to sell  
 32   the right or other property if the owner notifies the Secretary that the con-  
 33   tinued ownership of the right or property is causing, or would result in,  
 34   undue hardship.

35    **§ 100737. Financial disclosure by officer or employee of Sec-**  
 36                   **retary**

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

- 39           (1) performs any function or duty under this subchapter, or any Act  
 40           amended by the Mining in the Parks Act (Public Law 94-429, 90 Stat.  
 41           1342) concerning the regulation of mining in the System; and

1 (2) has any known financial interest—

2 (A) in any person subject to this subchapter or any Act amend-  
3 ed by the Mining in the Parks Act (Public Law 94–429, 90 Stat.  
4 1342); or

5 (B) in any person who holds a mining claim within the bound-  
6 ary of any System unit;

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

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

12 (1) define the term “known financial interest” for purposes of sub-  
13 section (a);

14 (2) establish the methods by which the requirement to file written  
15 statements specified in subsection (a) will be monitored and enforced,  
16 including appropriate provisions for the filing by the officers and em-  
17 ployees of the statements and the review by the Secretary of the state-  
18 ments; and

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

22 (c) EXEMPTIONS.—In the rules prescribed under subsection (b), the Sec-  
23 retary may identify specific positions within the Department of the Interior  
24 that are of a nonregulatory or nonpolicymaking nature and provide that of-  
25 ficers or employees occupying those positions shall be exempt from the re-  
26 quirements of this section.

27 (d) CRIMINAL PENALTIES.—Criminal penalties for a violation of this sec-  
28 tion are provided by section 1865 of title 18.

## 29 **Subchapter IV—Administration**

### 30 **§ 100751. Regulations**

31 (a) IN GENERAL.—The Secretary shall prescribe such regulations as the  
32 Secretary considers necessary or proper for the use and management of Sys-  
33 tem units.

34 (b) BOATING AND OTHER ACTIVITIES ON OR RELATING TO WATER.—  
35 The Secretary, under such terms and conditions as the Secretary considers  
36 advisable, may prescribe regulations under subsection (a) concerning boat-  
37 ing and other activities on or relating to water located within System units,  
38 including water subject to the jurisdiction of the United States. Any regula-  
39 tion under this subsection shall be complementary to, and not in derogation  
40 of, the authority of the Coast Guard to regulate the use of water subject  
41 to the jurisdiction of the United States.

1 (e) CRIMINAL PENALTIES.—Criminal penalties for a violation of a regula-  
2 tion prescribed under this section are provided by section 1865 of title 18.

3 **§ 100752. Destruction of animals and plant life**

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

6 **§ 100753. Disposal of timber**

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

12 **§ 100754. Relinquishment of legislative jurisdiction**

13 (a) IN GENERAL.—Notwithstanding any other provision of law, the Sec-  
14 retary may relinquish to a State or a territory (including a possession) of  
15 the United States part of the legislative jurisdiction of the United States  
16 over System land or interests in land in that State or territory. Relinquish-  
17 ment may be accomplished—

18 (1) by filing with the chief executive official of the State or territory

19 a notice of relinquishment to take effect on acceptance; or

20 (2) as the laws of the State or territory may otherwise provide.

21 (b) SUBMISSION OF AGREEMENT TO CONGRESS.—Prior to consummating  
22 a relinquishment under subsection (a), the Secretary shall submit the pro-  
23 posed agreement to the Committee on Energy and Natural Resources of the  
24 Senate and the Committee on Natural Resources of the House of Represent-  
25 atives. The Secretary shall not finalize the agreement until 60 calendar days  
26 after the submission has elapsed.

27 (c) CONCURRENT LEGISLATIVE JURISDICTION.—The Secretary shall dili-  
28 gently pursue the consummation of arrangements with each State or terri-  
29 tory within which a System unit is located so that insofar as practicable the  
30 United States shall exercise concurrent legislative jurisdiction within System  
31 units.

32 **§ 100755. Applicability of other laws**

33 (a) IN GENERAL.—This section and sections 100501, 100901(d) to (h),  
34 101302(b)(2), 101901(e), and 102711 of this title, and the various authori-  
35 ties relating to the administration and protection of System units, including  
36 the provisions of law listed in subsection (b), shall, to the extent that those  
37 provisions are not in conflict with any such specific provision, be applicable  
38 to System units, and any reference in any of these provisions to a System  
39 unit does not limit those provisions to that System unit.

40 (b) APPLICABLE PROVISIONS.—The provisions of law referred to in sub-  
41 section (a) are—

1 (1) section 100101(a), chapter 1003, sections 100751(a), 100752,  
2 100753, 101101, 101102, 101511, 102101, 102712, 102901, 104905,  
3 and 104906, and chapter 2003 of this title;

4 (2) the Act of March 4, 1911 (43 U.S.C. 961); and

5 (3) chapter 3201 of this title.

## 6 **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.

### 7 **§ 100901. Authority of Secretary to carry out certain activi-** 8 **ties**

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

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

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

20 (2) demonstrates to the Secretary that there are no reasonable alter-  
21 natives by which to acquire or perform the necessary services, re-  
22 sources, or water.

23 (c) VEHICULAR AIR CONDITIONING.—The Secretary may acquire, and  
24 have installed, air conditioning units for any Government-owned passenger  
25 motor vehicles used by the Service, where assigned duties necessitate long  
26 periods in automobiles or in regions of the United States where high tem-  
27 peratures and humidity are common and prolonged.

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

32 (e) SUPPLIES AND RENTAL OF EQUIPMENT.—The Secretary may furnish,  
33 on a reimbursement of appropriation basis, supplies, and rent equipment,  
34 to persons and agencies that, in cooperation with and subject to the ap-  
35 proval of the Secretary, render services or perform functions that facilitate  
36 or supplement the activities of the Department of the Interior in the admin-

1    istration of the System. The reimbursements may be credited to the appro-  
2    priation current at the time reimbursements are received.

3       (f) CONTRACTS FOR UTILITY FACILITIES.—The Secretary may contract,  
4    under terms and conditions that the Secretary considers to be in the inter-  
5    est of the Federal Government, for the sale, operation, maintenance, repair,  
6    or relocation of Government-owned electric and telephone lines and other  
7    utility facilities used for the administration and protection of the System,  
8    regardless of whether the lines and facilities are located within or outside  
9    the System.

10      (g) RIGHTS OF WAY NECESSARY TO CONSTRUCT, IMPROVE, AND MAIN-  
11    TAIN ROADS.—The Secretary may acquire—

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

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

15              (A) considered necessary by the Secretary—

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

17                  (ii) to avoid traffic and other hazards resulting from pri-  
18                  vate road access connections; or

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

22      (h) OPERATION AND MAINTENANCE OF MOTOR AND OTHER EQUIP-  
23    MENT.—

24          (1) IN GENERAL.—The Secretary may operate, repair, maintain, and  
25          replace motor and other equipment on a reimbursable basis when the  
26          equipment is used on Federal projects of the System, chargeable to  
27          other appropriations, or on work of other Federal agencies, when re-  
28          quested by the agencies.

29          (2) REIMBURSEMENT.—Reimbursement shall be—

30              (A) made from appropriations applicable to the work on which  
31              the equipment is used at rental rates established by the Secretary,  
32              based on actual or estimated cost of operation, repair, mainte-  
33              nance, depreciation, and equipment management control; and

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

36          (3) RENTAL OF EQUIPMENT FOR FIRE CONTROL PURPOSES.—The  
37          Secretary may rent equipment for fire control purposes to State, coun-  
38          ty, private, or other non-Federal agencies that cooperate with the Sec-  
39          retary in the administration of the System and other areas in fire con-  
40          trol. The rental shall be under the terms of written cooperative agree-



1           ments. The amount collected for the rentals shall be credited to appro-  
2           priations currently available at the time payment is received.

3   **§ 100902. Rights of way for public utilities and power and**  
4           **communication facilities**

5           (a) PUBLIC UTILITIES.—

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

10           (A) electrical plants, poles, and lines for the generation and dis-  
11           tribution of electrical power;

12           (B) telephone and telegraph purposes; and

13           (C) canals, ditches, pipes and pipe lines, flumes, tunnels, or  
14           other water conduits and water plants, dams, and reservoirs used  
15           to promote irrigation or mining or quarrying, or the manufact-  
16           uring or cutting of timber or lumber, or the supplying of water  
17           for domestic, public, or any other beneficial uses.

18           (2) EXTENT OF RIGHT OF WAY.—A right of way under this sub-  
19           section shall be for—

20           (A) the ground occupied by the canals, ditches, flumes, tunnels,  
21           reservoirs, or other water conduits or water plants, or electrical or  
22           other works permitted under paragraph (1); and

23           (B) not more than 50 feet—

24           (i) on each side of the marginal limits of the ground; or

25           (ii) on each side of the center line of the pipes and pipe  
26           lines, electrical, telegraph, and telephone lines and poles.

27           (3) APPROVAL.—A right of way under this subsection shall be al-  
28           lowed within or through a System unit only on the approval of the Sec-  
29           retary and on a finding that the right of way is not incompatible with  
30           the public interest.

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

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

36           (b) POWER AND COMMUNICATION FACILITIES.—

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

1 (A) electrical poles and lines for the transmission and distribu-  
2 tion of electrical power;

3 (B) poles and lines for communication purposes; and

4 (C) radio, television, and other forms of communication trans-  
5 mitting, relay, and receiving structures and facilities.

6 (2) EXTENT OF RIGHT OF WAY.—A right of way under this sub-  
7 section—

8 (A) shall be for not more than 50 years from the date the right  
9 of way is granted; and

10 (B) for—

11 (i) lines and poles shall be for 200 feet on each side of the  
12 center line of the lines and poles; and

13 (ii) radio, television, and other forms of communication  
14 transmitting, relay, and receiving structures and facilities  
15 shall be for not more than 400 feet by 400 feet.

16 (3) APPROVAL.—A right of way under this subsection shall be al-  
17 lowed within or through a System unit only on the approval of the Sec-  
18 retary and on a finding that the right of way is not incompatible with  
19 the public interest.

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

22 (A) nonuse for a period of 2 years; or

23 (B) abandonment.

24 **§ 100903. Solid waste disposal operations**

25 (a) IN GENERAL.—To protect the air, land, water, and natural and cul-  
26 tural values of the System and the property of the United States in the Sys-  
27 tem, no solid waste disposal site (including any site for the disposal of do-  
28 mestic or industrial solid waste) may be operated within the boundary of  
29 any System unit, other than—

30 (1) a site that was operating as of September 1, 1984; or

31 (2) a site used only for disposal of waste generated within that Sys-  
32 tem unit so long as the site will not degrade any of the natural or cul-  
33 tural resources of the System unit.

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

38 **§ 100904. Admission and special recreation use fees**

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

1           (1) WITHHOLDING OF AMOUNTS.—Notwithstanding section 107 of  
2 the Department of the Interior and Related Agencies Appropriations  
3 Act, 1998 (Public Law 105–83, 111 Stat. 1561), the Secretary shall  
4 withhold from the special account under section 807(a) of the Federal  
5 Lands Recreation Enhancement Act (16 U.S.C. 6806(a)) 100 percent  
6 of the fees and charges collected in connection with any System unit  
7 at which entrance fees or admission fees cannot be collected by reason  
8 of deed restrictions.

9           (2) USE OF AMOUNTS.—Amounts withheld under paragraph (1) shall  
10 be retained by the Secretary and shall be available, without further ap-  
11 propriation, for expenditure by the Secretary for the System unit with  
12 respect to which the amounts were collected for the purposes of en-  
13 hancing the quality of the visitor experience, protection of resources,  
14 repair and maintenance, interpretation, signage, habitat or facility en-  
15 hancement, resource preservation, annual operation (including fee col-  
16 lection), maintenance, and law enforcement.

17 (b) ALLOCATION OF FUNDS TO SYSTEM UNITS.—

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

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

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

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

36           (C) ALLOCATION BASED ON FEES COLLECTED.—The amount  
37 allocated to each System unit under this paragraph for each fiscal  
38 year based on fees collected shall be a fraction of the total alloca-  
39 tion to all System units under this paragraph. The fraction for  
40 each System unit shall be determined by dividing the user fees and  
41 admission fees collected under this section at that System unit

1           during the prior fiscal year by the total of user fees and admission  
2           fees collected under this section at all System units during the  
3           prior fiscal year.

4           (3) AVAILABILITY OF AMOUNTS.—Amounts allocated under this sub-  
5           section to any System unit for any fiscal year and not expended in that  
6           fiscal year shall remain available for expenditure at that System unit  
7           until expended.

8           (e) SELLING OF PERMITS.—

9           (1) AUTHORITY TO SELL PERMITS.—When authorized by the Sec-  
10          retary, volunteers at System units may sell permits and collect fees au-  
11          thorized or established pursuant to this section. The Secretary shall en-  
12          sure that the volunteers have adequate training regarding—

13                (A) the sale of permits and the collection of fees;

14                (B) the purposes and resources of the System units in which  
15                they are assigned; and

16                (C) the provision of assistance and information to visitors to the  
17                System unit.

18          (2) SURETY BOND REQUIRED.—The Secretary shall require a surety  
19          bond for any such volunteer performing services under this subsection.  
20          Funds available to the Service may be used to cover the cost of the  
21          surety bond. The Secretary may enter into arrangements with qualified  
22          public or private entities pursuant to which the entities may sell (with-  
23          out cost to the United States) annual admission permits (including  
24          Golden Eagle Passports) at any appropriate location. The arrange-  
25          ments shall require each such entity to reimburse the United States for  
26          the full amount to be received from the sale of the permits at or before  
27          the Secretary delivers the permits to the entity for sale.

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

30                (1) CHARGE WHEN TRANSPORTATION PROVIDED.—Where the Serv-  
31                ice provides transportation to view all or a portion of any System unit,  
32                the Director may impose a charge for the service in lieu of an admis-  
33                sion fee under this section.

34                (2) RETENTION OF CHARGE AND USE OF RETAINED AMOUNT.—Not-  
35                withstanding any other provision of law, half of the charges imposed  
36                under paragraph (1) shall be retained by the System unit at which the  
37                service was provided. The remainder shall be deposited in the same  
38                manner as receipts from fees collected pursuant to this section. Fifty  
39                percent of the amount retained shall be expended only for maintenance  
40                of transportation systems at the System unit where the charge was im-  
41                posed. The remaining 50 percent of the retained amount shall be ex-

1           pended only for activities related to resource protection at those System  
2           units.

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

9           (f) **COMMERCIAL TOUR USE FEES.**—

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

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

17           (A) Twenty-five dollars per vehicle with a passenger capacity of  
18 25 individuals or less.

19           (B) Fifty dollars per vehicle with a passenger capacity of more  
20 than 25 individuals.

21           (3) **ADJUSTMENTS.**—The Secretary may periodically make reason-  
22 able adjustments to the commercial tour use fee imposed under this  
23 subsection.

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

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

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

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

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

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

1 **§ 100905. Commercial filming**

2 (a) COMMERCIAL FILMING FEE.—

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

7 (A) The number of days the filming activity or similar project  
8 takes place in the System unit.

9 (B) The size of the film crew present in the System unit.

10 (C) The amount and type of equipment present in the System  
11 unit.

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

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

18 (c) STILL PHOTOGRAPHY.—

19 (1) IN GENERAL.—Except as provided in paragraph (2), the Sec-  
20 retary shall not require a permit or assess a fee for still photography  
21 in a System unit if the photography takes place where members of the  
22 public are generally allowed. The Secretary may require a permit, as-  
23 sess a fee, or both, if the photography takes place at other locations  
24 where members of the public are generally not allowed, or where addi-  
25 tional administrative costs are likely.

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

30 (d) PROTECTION OF RESOURCES.—The Secretary shall not permit any  
31 filming, still photography or other related activity if the Secretary deter-  
32 mines that—

33 (1) there is a likelihood of resource damage;

34 (2) there would be an unreasonable disruption of the public's use  
35 and enjoyment of the site; or

36 (3) the activity poses health or safety risks to the public.

37 (e) USE OF PROCEEDS.—

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

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

5 (f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall estab-  
6 lish a process to ensure that the Secretary responds in a timely manner to  
7 permit applicants for commercial filming, still photography, or other activ-  
8 ity.

### 9 § 100906. Advisory committees

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

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

19 (c) SERVICE OF MEMBERS.—Any member of any advisory commission or  
20 advisory committee established in connection with any System unit may  
21 serve after the expiration of the member's term until a successor is ap-  
22 pointed.

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

## 27 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.

## 1                   **Subchapter I—Authority of Secretary**

### 2   **§ 101101. Authority to accept land, rights-of-way, buildings,** 3                   **other property, and money**

4           The Secretary in the administration of the Service may accept—

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

### 8   **§ 101102. Authority to accept and use funds to consolidate** 9                   **Federal land ownership**

10          (a) IN GENERAL.—The Secretary may—

- 11                   (1) accept and use funds that may be donated in order to consolidate  
12                   Federal land ownership within the existing boundaries of any System  
13                   unit; and  
14                   (2) encourage the donation of funds for that purpose, subject to the  
15                   condition that donated funds are to be expended for purposes of this  
16                   section only if Federal funds in an amount equal to the amount of the  
17                   donated funds are appropriated for the purposes of this section.

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

## 21                   **Subchapter II—National Park Foundation**

### 22   **§ 101111. Purpose and establishment of Foundation**

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

### 30   **§ 101112. Board**

31          (a) MEMBERSHIP.—The National Park Foundation shall consist of a  
32          Board having as members the Secretary, the Director, and no fewer than  
33          6 private citizens of the United States appointed by the Secretary.

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

38          (c) CHAIRMAN AND SECRETARY.—The Secretary shall be the Chairman  
39          of the Board and the Director shall be the Secretary of the Board.



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

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

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

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

10 (h) COMPENSATION AND REIMBURSEMENT.—No compensation shall be  
11 paid to the members of the Board for their services as members, but they  
12 shall be reimbursed for actual and necessary traveling and subsistence ex-  
13 penses incurred by them in the performance of their duties as members out  
14 of National Park Foundation funds available to the Board for those pur-  
15 poses.

16 **§ 101113. Gifts, devises, or bequests**

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

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

23 (2) GIFT, DEVISE, OR BEQUEST THAT IS ENCUMBERED, RE-  
24 STRICTED, OR SUBJECT TO BENEFICIAL INTERESTS.—A gift, devise, or  
25 bequest may be accepted by the National Park Foundation even though  
26 it is encumbered, restricted, or subject to beneficial interests of private  
27 persons if any current or future interest in the gift, devise, or bequest  
28 is for the benefit of the Service, its activities, or its services.

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

32 (c) INTEREST IN REAL PROPERTY.—For purposes of this section, an in-  
33 terest in real property includes easements or other rights for preservation,  
34 conservation, protection, or enhancement by and for the public of natural,  
35 scenic, historic, scientific, educational, inspirational, or recreational re-  
36 sources.

37 **§ 101114. Disposition of property or income**

38 (a) AUTHORITY TO DISPOSE OR DEAL WITH PROPERTY OR INCOME.—  
39 Except as otherwise required by the instrument of transfer, the National  
40 Park Foundation may sell, lease, invest, reinvest, retain, or otherwise dis-

1 pose of or deal with any property or income from the property as the Board  
2 may determine.

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

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

17 **§ 101115. Corporate succession and powers and duties act-**  
18 **ing as trustee; personal liability for malfeasance**

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

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

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

26 **§ 101116. Corporate powers**

27 The National Park Foundation shall have the power to enter into con-  
28 tracts, to execute instruments, and generally to do any and all lawful acts  
29 necessary or appropriate to its purposes.

30 **§ 101117. Authority of Board**

31 In carrying out this chapter, the Board may—

32 (1) adopt bylaws and regulations necessary for the administration of  
33 its functions; and

34 (2) contract for any necessary services.

35 **§ 101118. Tax exemptions; contributions toward costs of**  
36 **local government; contributions, gifts, or transfers**  
37 **to or for use of United States**

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

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

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

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

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

14 **§ 101119. Liability of United States**

15 The United States shall not be liable for any debts, defaults, acts, or  
16 omissions of the National Park Foundation.

17 **§ 101120. Promotion of local fundraising support**

18 (a) PROGRAM.—The National Park Foundation shall design and imple-  
19 ment a comprehensive program to assist and promote philanthropic pro-  
20 grams of support at the individual System unit level.

21 (b) IMPLEMENTATION.—The program under subsection (a) shall be im-  
22 plemented to—

23 (1) assist in the creation of local nonprofit support organizations;  
24 and

25 (2) provide support, national consistency, and management-improv-  
26 ing suggestions for local nonprofit support organizations.

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

28 (1) shall include the greatest number of System units as is prac-  
29 ticable; and

30 (2) at a minimum shall include—

31 (A) a standard adaptable organizational design format to estab-  
32 lish and sustain responsible management of a local nonprofit sup-  
33 port organization for support of a System unit;

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

37 (C) a standard training curriculum to orient and expand the op-  
38 erating expertise of personnel employed by local nonprofit support  
39 organizations.

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

4 (e) AFFILIATIONS.—

5 (1) CHARTER OR CORPORATE BYLAWS.—Nothing in this section re-  
 6 quires—

7 (A) a nonprofit support organization or friends group to modify  
 8 current practices or to affiliate with the National Park Founda-  
 9 tion; or

10 (B) a local nonprofit support organization, established as a re-  
 11 sult of this section, to be bound through its charter or corporate  
 12 bylaws to be permanently affiliated with the National Park Founda-  
 13 tion.

14 (2) ESTABLISHMENT.—An affiliation with the National Park Founda-  
 15 tion shall be established only at the discretion of the governing board  
 16 of a nonprofit organization.

## 17 **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.

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101338. General leasing provisions.

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## 18 **Subchapter I—General Provisions**

### 19 **§ 101301. Maintenance management system**

20 The Service shall implement a maintenance management system in the  
 21 maintenance and operations programs of the System. The system shall in-  
 22 clude the following elements:

23 (1) A workload inventory of assets including detailed information  
 24 that quantifies for all assets (including buildings, roads, utility systems,  
 25 and grounds that must be maintained) the characteristics affecting the  
 26 type of maintenance work performed.

27 (2) A set of maintenance tasks that describe the maintenance work  
 28 in each System unit.

- 1 (3) A description of work standards including—  
 2 (A) frequency of maintenance;  
 3 (B) measurable quality standard to which assets should be  
 4 maintained;  
 5 (C) methods for accomplishing work;  
 6 (D) required labor, equipment, and material resources; and  
 7 (E) expected worker production for each maintenance task.
- 8 (4) A work program and performance budget that develops an an-  
 9 nual work plan identifying maintenance needs and financial resources  
 10 to be devoted to each maintenance task.
- 11 (5) A work schedule that identifies and prioritizes tasks to be done  
 12 in a specific time period and specifies required labor resources.
- 13 (6) Work orders specifying job authorizations and a record of work  
 14 accomplished that can be used to record actual labor and material  
 15 costs.
- 16 (7) Reports and special analyses that compare planned versus actual  
 17 accomplishments and costs and that can be used to evaluate mainte-  
 18 nance operations.

19 **§ 101302. Authority of Secretary to carry out certain activi-**  
 20 **ties**

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

24 (b) TRANSPORTATION.—The Secretary may provide transportation of em-  
 25 ployees located at an isolated area of the System and to members of their  
 26 families, if—

27 (1) the area is not adequately served by commercial transportation;  
 28 and

29 (2) the transportation is incidental to official transportation services.

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

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

37 (e) MEALS AND LODGING.—The Secretary may provide meals and lodg-  
 38 ing, as the Secretary considers appropriate, for members of the United  
 39 States Park Police and other employees of the Service, as the Secretary may  
 40 designate, serving temporarily on extended special duty in System units. For

1 this purpose the Secretary may use funds appropriated for the expenses of  
2 the Department of the Interior.

3 **§ 101303. Medical attention for employees**

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

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

12 (1) moving the employees to hospitals or other places where medical  
13 assistance is available; and

14 (2) in case of death, to remove the bodies of deceased employees to  
15 the nearest place where they can be prepared for shipment or for bur-  
16 ial.

17 **§ 101304. Personal equipment and property**

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

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

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

32 (1) require field employees of the Service to furnish horses, motor  
33 and other vehicles, and miscellaneous equipment necessary for the per-  
34 formance of their official work; and

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

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

1 **§ 101305. Travel expenses of System employees and depend-**  
 2 **ents of deceased employees**

3 In the administration of the System, the Secretary may, under regula-  
 4 tions the Secretary may prescribe, pay the travel expenses (including the  
 5 costs of packing, crating, and transporting (including draying) personal  
 6 property) of—

- 7 (1) employees, on permanent change of station of the employees; and  
 8 (2) dependents of deceased employees—

9 (A) to the nearest housing reasonably available that is of a  
 10 standard not less than that which is vacated, including compensa-  
 11 tion for not to exceed 60 days rental cost, in the case of an em-  
 12 ployee who occupied Federal Government housing and whose death  
 13 requires the housing to be promptly vacated; and

14 (B) to the nearest port of entry in the conterminous 48 States  
 15 in the case of an employee whose last permanent station was out-  
 16 side the conterminous 48 States.

17 **Subchapter II—Service Career**  
 18 **Development, Training, and Management**

19 **§ 101321. Service employee training**

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

25 **§ 101322. Management development and training**

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

32 **Subchapter III—Housing Improvement**

33 **§ 101331. Definitions**

34 In this subchapter:

- 35 (1) FIELD EMPLOYEE.—The term “field employee” means—

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

39 (B) any other individual who is authorized to occupy Federal  
 40 Government quarters under section 5911 of title 5, and for whom

1           there is no feasible alternative to the provision of Federal Govern-  
2           ment housing, and the members of the individual's family.

3           (2) PRIMARY RESOURCE VALUES.—The term “primary resource val-  
4           ues” means resources that are specifically mentioned in the enabling  
5           legislation for that field unit or other resource value recognized under  
6           Federal statute.

7           (3) QUARTERS.—The term “quarters” means quarters owned or  
8           leased by the Federal Government.

9           (4) SEASONAL QUARTERS.—The term “seasonal quarters” means  
10          quarters typically occupied by field employees who are hired on assign-  
11          ments of 6 months or less.

### 12 **§ 101332. General authority of Secretary**

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

16               (1) make available employee housing, on or off land under the ad-  
17               ministrative jurisdiction of the Service; and

18               (2) rent that housing to field employees at rates based on the reason-  
19               able value of the housing in accordance with requirements applicable  
20               under section 5911 of title 5.

21          (b) JOINT DEVELOPMENT AUTHORITY.—The Secretary may use authori-  
22          ties granted by statute in combination with one another in the furtherance  
23          of providing where necessary and justified affordable field employee housing.

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

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

### 32 **§ 101333. Criteria for providing housing**

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

### 39 **§ 101334. Authorization for housing agreements**

40          The Secretary may, pursuant to the authorities contained in this sub-  
41          chapter and subject to the appropriation of necessary funds in advance,



1 enter into housing agreements with housing entities under which the hous-  
2 ing entities may develop, construct, rehabilitate, or manage housing, located  
3 on or off public land, for rent to Service employees who meet the housing  
4 eligibility criteria developed by the Secretary pursuant to this subchapter.

5 **§ 101335. Housing programs**

6 (a) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAM.—

7 (1) LEASE-TO-BUILD PROGRAM.—Subject to the appropriation of  
8 necessary funds in advance, the Secretary may lease—

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

12 (B) developed and undeveloped non-Federal land for providing  
13 field employee quarters.

14 (2) COMPETITIVE LEASING.—Each lease under paragraph (1)(A)  
15 shall be awarded through the use of publicly advertised, competitively  
16 bid, or competitively negotiated contracting procedures.

17 (3) TERMS AND CONDITIONS.—Each lease under paragraph (1)(A)—

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

21 (B) shall require that the construction and rehabilitation of field  
22 employee quarters be done in accordance with the requirements of  
23 the Service and local applicable building codes and industry stand-  
24 ards;

25 (C) shall contain additional terms and conditions as may be ap-  
26 propriate to protect the Federal interest, including limits on rents  
27 that the lessee may charge field employees for the occupancy of  
28 quarters, conditions on maintenance and repairs, and agreements  
29 on the provision of charges for utilities and other infrastructure;  
30 and

31 (D) may be granted at less than fair market value if the Sec-  
32 retary determines that the lease will improve the quality and avail-  
33 ability of field employee quarters.

34 (4) CONTRIBUTIONS BY FEDERAL GOVERNMENT.—The Secretary  
35 may make payments, subject to appropriations, or contributions in  
36 kind, in advance or on a continuing basis, to reduce the costs of plan-  
37 ning, construction, or rehabilitation of quarters on or off Federal land  
38 under a lease under this subsection.

39 (b) RENTAL GUARANTEE PROGRAM.—

40 (1) GENERAL AUTHORITY.—Subject to the appropriation of nec-  
41 essary funds in advance, the Secretary may enter into a lease-to-build

1 arrangement as set forth in subsection (a) with further agreement to  
 2 guarantee the occupancy of field employee quarters constructed or re-  
 3 habilitated under the lease. A guarantee made under this paragraph  
 4 shall be in writing.

5 (2) LIMITATIONS ON GUARANTEES.—

6 (A) SPECIFIC GUARANTEES.—The Secretary may not guar-  
 7 antee—

8 (i) the occupancy of more than 75 percent of the units con-  
 9 structed or rehabilitated under the lease; and

10 (ii) at a rental rate that exceeds the rate based on the rea-  
 11 sonable value of the housing in accordance with requirements  
 12 applicable under section 5911 of title 5.

13 (B) TOTAL OF OUTSTANDING GUARANTEES.—Outstanding  
 14 guarantees shall not be in excess of \$3,000,000.

15 (3) AGREEMENT TO RENT TO FEDERAL GOVERNMENT EMPLOY-  
 16 EES.—A guarantee may be made under this subsection only if the les-  
 17 see agrees to permit the Secretary to utilize for housing purposes any  
 18 units for which the guarantee is made.

19 (4) OPERATION AND MAINTENANCE.—A lease shall be void if the les-  
 20 see fails to maintain a satisfactory level of operation and maintenance.

21 **§ 101336. Contracts for the management of field employee**  
 22 **quarters**

23 Subject to the appropriation of necessary funds in advance, the Secretary  
 24 may enter into contracts of any duration for the management, repair, and  
 25 maintenance of field employee quarters. The contract shall contain terms  
 26 and conditions that the Secretary considers necessary or appropriate to pro-  
 27 tect the interests of the United States and ensure that necessary quarters  
 28 are available to field employees.

29 **§ 101337. Leasing of seasonal employee quarters**

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

34 (1) the requirement for the seasonal field employee quarters is tem-  
 35 porary; or

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

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

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

4 **§ 101338. General leasing provisions**

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

8 (b) PROCEEDS FROM LEASES.—The proceeds from any lease under sec-  
 9 tion 101335(a)(1) of this title and any lease under section 101337 of this  
 10 title shall be retained by the Service and deposited in the special fund estab-  
 11 lished for maintenance and operation of quarters.

12 **§ 101339. Assessment and priority listing**

13 The Secretary shall—

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

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

21 **§ 101340. Use of funds**

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

27 (b) NONCONSTRUCTION FUNDS IN ANNUAL BUDGET SUBMITTAL.—Each  
 28 fiscal year the President's proposed budget to Congress shall include identi-  
 29 fication of nonconstruction funds to be spent for Service housing mainte-  
 30 nance and operations that are in addition to rental receipts collected.

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

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

5 (A) contributed or otherwise made available to the Secretary for  
6 those purposes; or

7 (B) appropriated or otherwise specifically authorized for that  
8 purpose.

9 (e) JURISDICTION OVER AIRPORTS.—All airports under the jurisdiction  
10 of the Secretary, unless otherwise specifically provided by law, shall be oper-  
11 ated as public airports, available for public use on fair and reasonable terms  
12 and without unjust discrimination.

## 13 **Subchapter II—Roads and Trails**

### 14 **§ 101511. Authority of Secretary**

15 (a) ROADS AND TRAILS IN SYSTEM UNITS.—The Secretary may con-  
16 struct, reconstruct, and improve roads and trails, including bridges, in Sys-  
17 tem units.

18 (b) APPROACH ROADS.—

19 (1) IN GENERAL.—

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

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

28 (i) IN GENERAL.—A designated approach road shall not ex-  
29 ceed—

30 (I) 60 miles in length between a System unit gateway  
31 and a point on or leading to the nearest convenient Na-  
32 tional Highway System road; or

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

35 (ii) COUNTY LIMIT.—Not to exceed 40 miles of any one ap-  
36 proach road shall be designated in any one county.

37 (C) SUPPLEMENTARY PART OF SYSTEM UNIT HIGHWAY SYS-  
38 TEM.—An approach road designated for a System unit shall be  
39 treated as a supplementary part of the highway system of the Sys-  
40 tem unit.

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

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

6 (B) ANNUAL ALLOCATION.—Not more than \$1,500,000 shall be  
 7 allocated annually for the construction, reconstruction, and im-  
 8 provement of System unit approach roads.

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

13 (c) AGREEMENT WITH SECRETARY OF TRANSPORTATION.—Under agree-  
 14 ment with the Secretary, the Secretary of Transportation may carry out any  
 15 provision of this section.

16 **§ 101512. Conveyance to States of roads leading to certain**  
 17 **historical areas**

18 (a) DEFINITION.—In this section, the term “State” means a State, Puer-  
 19 to Rico, Guam, and the Virgin Islands.

20 (b) AUTHORITY OF SECRETARY.—The Secretary may, subject to condi-  
 21 tions as seem proper to the Secretary, convey by proper quitclaim deed to  
 22 any State, county, municipality, or agency of a State, county, or munici-  
 23 pality in which the road is located, all right, title, and interest of the United  
 24 States in and to any Federal Government owned or controlled road leading  
 25 to any national cemetery, national military park, national historical park,  
 26 national battlefield park, or national historic site administered by the Ser-  
 27 vice.

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

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

36 **Subchapter III—Public Transportation**  
 37 **Programs for System Units**

38 **§ 101521. Transportation service and facility programs**

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

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

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

5 (A) contract with public or private agencies or carriers to pro-  
6 vide transportation services, capital equipment, or facilities to im-  
7 prove access to System units;

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

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

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

16 (2) SPECIFIC PROVISIONS RELATED TO PROPERTY ACQUISITION.—

17 (A) ADMINISTRATION.—The acquired property shall be adminis-  
18 tered as part of the System unit.

19 (B) ACQUISITION OF LAND OR INTERESTS IN LAND OWNED BY  
20 STATE OR POLITICAL SUBDIVISION.—Any land or interests in land  
21 owned by a State or any of its political subdivisions may be ac-  
22 quired only by donation.

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

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

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

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

5 **§ 101522. Transportation projects**

6 (a) ASSISTANCE OF HEADS OF OTHER FEDERAL DEPARTMENTS AND  
 7 AGENCIES IN FORMULATION AND IMPLEMENTATION.—To carry out this  
 8 subchapter, the Secretary of Transportation, the Secretary of Housing and  
 9 Urban Development, the Secretary of Health and Human Services, the Sec-  
 10 retary of Commerce, and the heads of other Federal departments or agen-  
 11 cies that the Secretary considers necessary shall assist the Secretary in the  
 12 formulation and implementation of transportation projects.

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

17 **§ 101523. Procedures applicable to transportation plans and**  
 18 **projects**

19 (a) DURING FORMULATION OF PLAN.—The Secretary shall, during the  
 20 formulation of any transportation plan authorized pursuant to section  
 21 101521 of this title—

22 (1) give public notice of intention to formulate the plan by publica-  
 23 tion in the Federal Register and in a newspaper or periodical having  
 24 general circulation in the vicinity of the affected System unit; and

25 (2) following the notice, hold a public meeting at a location conven-  
 26 ient to the affected System unit.

27 (b) PRIOR TO IMPLEMENTATION OF PROJECT.—Prior to the implementa-  
 28 tion of any project developed pursuant to the transportation plan formulated  
 29 pursuant to subsection (a), the Secretary shall—

30 (1) establish procedures, including public meetings, to give State and  
 31 local governments and the public adequate notice and an opportunity  
 32 to comment on the proposed transportation project; and

33 (2) when the proposed project would involve an expenditure in excess  
 34 of \$100,000 in any fiscal year, submit a detailed report to the Com-  
 35 mittee on Energy and Natural Resources of the Senate and the Com-  
 36 mittee on Natural Resources of the House of Representatives.

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



1    **§ 101524. Special rule for service contract to provide trans-**  
 2                    **portation services**

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

8                                   **Subchapter IV—Fees**

9    **§ 101531. Fee for use of transportation services**

10           Notwithstanding any other provision of law, where the Service or an enti-  
 11 ty under a service contract, cooperative agreement, or other contractual  
 12 agreement with the Service provides transportation to all or a portion of any  
 13 System unit, the Secretary may impose a reasonable and appropriate charge  
 14 to the public for the use of the transportation services in addition to any  
 15 admission fee required to be paid. Collection of the transportation and ad-  
 16 mission fees may occur at the transportation staging area or any other rea-  
 17 sonably convenient location determined by the Secretary. The Secretary may  
 18 enter into agreements, with public or private entities that qualify to the Sec-  
 19 retary’s satisfaction, to collect the transportation and admission fee. Trans-  
 20 portation fees collected pursuant to this section shall be retained by the Sys-  
 21 tem unit at which the transportation fee was collected, and the amount re-  
 22 tained shall be expended only for costs associated with the transportation  
 23 systems at the System unit where the charge was imposed.

24                                   **Chapter 1017—Financial Agreements**

Sec.

101701. Challenge cost-share agreement authority.

101702. Cooperative agreements.

101703. Cooperative management agreements.

101704. Reimbursable agreements.

25    **§ 101701. Challenge cost-share agreement authority**

26           (a) DEFINITIONS.—In this section:

27                   (1) CHALLENGE COST-SHARE AGREEMENT.—The term “challenge  
 28 cost-share agreement” means any agreement entered into between the  
 29 Secretary and any cooperator for the purpose of sharing costs or serv-  
 30 ices in carrying out authorized functions and responsibilities of the Sec-  
 31 retary with respect to any System unit or System program, any affili-  
 32 ated area, or any designated national scenic trail or national historic  
 33 trail.

34                   (2) COOPERATOR.—The term “cooperator” means any State or local  
 35 government, public or private agency, organization, institution, corpora-  
 36 tion, individual, or other entity.

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

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

7 **§ 101702. Cooperative agreements**

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

14 (b) COOPERATIVE RESEARCH AND TRAINING PROGRAMS.—

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

18 (A) enter into cooperative agreements with public or private  
 19 educational institutions, States, and political subdivisions of States  
 20 to develop adequate, coordinated, cooperative research and train-  
 21 ing programs concerning the resources of the System; and

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

27 (2) EFFECT OF SUBSECTION.—This subsection does not waive any  
 28 requirements for research projects that are subject to Federal procure-  
 29 ment regulations.

30 (c) SALE OF PRODUCTS AND SERVICES PRODUCED IN THE CONDUCT OF  
 31 LIVING EXHIBITS AND INTERPRETIVE DEMONSTRATIONS.—To facilitate the  
 32 administration of the System, the Secretary, under such terms and condi-  
 33 tions as the Secretary considers advisable, may—

34 (1) sell at fair market value, without regard to the requirements of  
 35 chapters 1 to 11 of title 40 and division C (except sections 3302,  
 36 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title  
 37 41, products and services produced in the conduct of living exhibits and  
 38 interpretive demonstrations in System units;

39 (2) enter into contracts, including cooperative arrangements, with re-  
 40 spect to living exhibits and interpretive demonstrations in System  
 41 units; and

1           (3) credit the proceeds from those sales and contracts to the appro-  
2           piation bearing the cost of the exhibits and demonstrations.

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

5           (1) IN GENERAL.—The Secretary may enter into cooperative agree-  
6           ments with State, local, or tribal governments, other Federal agencies,  
7           other public entities, educational institutions, private nonprofit organi-  
8           zations, or participating private landowners for the purpose of pro-  
9           tecting natural resources of System units through collaborative efforts  
10          on land inside and outside the System units.

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

14           (A) provide for—

15               (i) the preservation, conservation, and restoration of coastal  
16               and riparian systems, watersheds, and wetlands;

17               (ii) preventing, controlling, or eradicating invasive exotic  
18               species that are within a System unit or adjacent to a System  
19               unit; or

20               (iii) restoration of natural resources, including native wild-  
21               life habitat or ecosystems;

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

24               (i) enhance science-based natural resource stewardship at  
25               the System unit; and

26               (ii) benefit the parties to the agreement;

27           (C) specify any staff required and technical assistance to be pro-  
28          vided by the Secretary or other parties to the agreement in sup-  
29          port of activities inside and outside the System unit that will—

30               (i) protect natural resources of the System unit; and

31               (ii) benefit the parties to the agreement;

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

35           (E) describe any financial assistance to be provided by the Sec-  
36          retary or the partners to implement the agreement;

37           (F) ensure that any expenditure by the Secretary pursuant to  
38          the agreement is determined by the Secretary to support the pur-  
39          poses of natural resource stewardship at a System unit; and

40           (G) include such other terms and conditions as are agreed to  
41          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.

**§ 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.

**§ 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.

**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.

## 1           **Subchapter I—Authority of Secretary**

### 2           **§ 101901. Utility services.**

3           To facilitate the administration of the System, the Secretary, under such  
 4 terms and conditions as the Secretary considers advisable, may furnish, on  
 5 a reimbursement of appropriation basis, all types of utility services to con-  
 6 cessioners, contractors, permittees, or other users of the services, within the  
 7 System. The reimbursements for cost of the services may be credited to the  
 8 appropriation current at the time reimbursements are received.

## 9           **Subchapter II—Commercial Visitor** 10           **Services**

### 11           **§ 101911. Definitions**

12           In this subchapter:

13           (1) **ADVISORY BOARD.**—The term “Advisory Board” means the Na-  
 14 tional Park Service Concessions Management Advisory Board estab-  
 15 lished under section 101919 of this title.

16           (2) **PREFERENTIAL RIGHT OF RENEWAL.**—The term “preferential  
 17 right of renewal” means the right of a concessioner, subject to a deter-  
 18 mination by the Secretary that the facilities or services authorized by  
 19 a prior contract continue to be necessary and appropriate within the  
 20 meaning of section 101912 of this title, to match the terms and condi-  
 21 tions of any competing proposal that the Secretary determines to be  
 22 the best proposal for a proposed new concession contract that author-  
 23 izes the continuation of the facilities and services provided by the con-  
 24 cessioner under its prior contract.

### 25           **§ 101912. Findings and declaration of policy**

26           (a) **FINDINGS.**—In furtherance of section 100101(a), Congress finds that  
 27 the preservation and conservation of System unit resources and values re-  
 28 quires that public accommodations, facilities, and services that have to be

1 provided within those System units should be provided only under carefully  
2 controlled safeguards against unregulated and indiscriminate use, so that—

3 (1) visitation will not unduly impair those resources and values; and

4 (2) development of public accommodations, facilities, and services  
5 within System units can best be limited to locations that are consistent  
6 to the highest practicable degree with the preservation and conservation  
7 of the resources and values of the System units.

8 (b) DECLARATION OF POLICY.—It is the policy of Congress that the de-  
9 velopment of public accommodations, facilities, and services in System units  
10 shall be limited to accommodations, facilities, and services that—

11 (1) are necessary and appropriate for public use and enjoyment of  
12 the System unit in which they are located; and

13 (2) are consistent to the highest practicable degree with the preser-  
14 vation and conservation of the resources and values of the System unit.

15 **§ 101913. Award of concession contracts**

16 In furtherance of the findings and policy stated in section 101912 of this  
17 title, and except as provided by this subchapter or otherwise authorized by  
18 law, the Secretary shall utilize concession contracts to authorize a person,  
19 corporation, or other entity to provide accommodations, facilities, and serv-  
20 ices to visitors to System units. Concession contracts shall be awarded as  
21 follows:

22 (1) COMPETITIVE SELECTION PROCESS.—Except as otherwise pro-  
23 vided in this section, all proposed concession contracts shall be awarded  
24 by the Secretary to the person, corporation, or other entity submitting  
25 the best proposal, as determined by the Secretary through a competi-  
26 tive selection process. The competitive process shall include simplified  
27 procedures for small, individually-owned entities seeking award of a  
28 concession contract.

29 (2) SOLICITATION OF PROPOSALS.—Except as otherwise provided in  
30 this section, prior to awarding a new concession contract (including re-  
31 newals or extensions of existing concession contracts) the Secretary—

32 (A) shall publicly solicit proposals for the concession contract;

33 and

34 (B) in connection with the solicitation, shall—

35 (i) prepare a prospectus and publish notice of its avail-  
36 ability at least once in local or national newspapers or trade  
37 publications, by electronic means, or both, as appropriate; and

38 (ii) make the prospectus available on request to all inter-  
39 ested persons.

40 (3) INFORMATION TO BE INCLUDED IN PROSPECTUS.—The pro-  
41 spectus shall include the following information:

1 (A) The minimum requirements for the contract as set forth in  
2 paragraph (4).

3 (B) The terms and conditions of any existing concession con-  
4 tract relating to the services and facilities to be provided, including  
5 all fees and other forms of compensation provided to the United  
6 States by the concessioner.

7 (C) Other authorized facilities or services that may be provided  
8 in a proposal.

9 (D) Facilities and services to be provided by the Secretary to  
10 the concessioner, including public access, utilities, and buildings.

11 (E) An estimate of the amount of compensation due an existing  
12 concessioner from a new concessioner under the terms of a prior  
13 concession contract.

14 (F) A statement as to the weight to be given to each selection  
15 factor identified in the prospectus and the relative importance of  
16 those factors in the selection process.

17 (G) Other information related to the proposed concession oper-  
18 ation that is provided to the Secretary pursuant to a concession  
19 contract or is otherwise available to the Secretary, as the Sec-  
20 retary determines is necessary to allow for the submission of com-  
21 petitive proposals.

22 (H) Where applicable, a description of a preferential right to  
23 the renewal of the proposed concession contract held by an exist-  
24 ing concessioner as set forth in paragraph (7).

25 (4) CONSIDERATION OF PROPOSALS.—

26 (A) MINIMUM REQUIREMENTS.—No proposal shall be consid-  
27 ered that fails to meet the minimum requirements as determined  
28 by the Secretary. The minimum requirements shall include the fol-  
29 lowing:

30 (i) The minimum acceptable franchise fee or other forms  
31 of consideration to the Federal Government.

32 (ii) Any facilities, services, or capital investment required  
33 to be provided by the concessioner.

34 (iii) Measures necessary to ensure the protection, conserva-  
35 tion, and preservation of resources of the System unit.

36 (B) REJECTION OF PROPOSAL.—The Secretary shall reject any  
37 proposal, regardless of the franchise fee offered, if the Secretary  
38 determines that—

39 (i) the person, corporation, or entity is not qualified or is  
40 not likely to provide satisfactory service; or

1           (ii) the proposal is not responsive to the objectives of pro-  
2           tecting and preserving resources of the System unit and of  
3           providing necessary and appropriate facilities and services to  
4           the public at reasonable rates.

5           (C) ALL PROPOSALS FAIL TO MEET MIMIMUM REQUIREMENTS  
6           OR ARE REJECTED.—If all proposals submitted to the Secretary  
7           fail to meet the minimum requirements or are rejected by the Sec-  
8           retary, the Secretary shall establish new minimum contract re-  
9           quirements and re-initiate the competitive selection process pursu-  
10          ant to this section.

11          (D) TERMS AND CONDITIONS MATERIALLY AMENDED OR NOT  
12          INCORPORATED IN CONTRACT.—The Secretary may not execute a  
13          concession contract that materially amends or does not incorporate  
14          the proposed terms and conditions of the concession contract as  
15          set forth in the applicable prospectus. If proposed material amend-  
16          ments or changes are considered appropriate by the Secretary, the  
17          Secretary shall resolicit offers for the concession contract incor-  
18          porating the material amendments or changes.

19          (5) SELECTION OF THE BEST PROPOSAL.—

20          (A) FACTORS IN SELECTION.—In selecting the best proposal,  
21          the Secretary shall consider the following principal factors:

22               (i) The responsiveness of the proposal to the objectives of  
23               protecting, conserving, and preserving resources of the Sys-  
24               tem unit and of providing necessary and appropriate facilities  
25               and services to the public at reasonable rates.

26               (ii) The experience and related background of the person,  
27               corporation, or entity submitting the proposal, including the  
28               past performance and expertise of the person, corporation or  
29               entity in providing the same or similar facilities or services.

30               (iii) The financial capability of the person, corporation, or  
31               entity submitting the proposal.

32               (iv) The proposed franchise fee, except that consideration  
33               of revenue to the United States shall be subordinate to the  
34               objectives of protecting, conserving, and preserving resources  
35               of the System unit and of providing necessary and appro-  
36               priate facilities to the public at reasonable rates.

37          (B) SECONDARY FACTORS.—The Secretary may also consider  
38          such secondary factors as the Secretary considers appropriate.

39          (C) DEVELOPMENT OF REGULATIONS.—In developing regula-  
40          tions to implement this subchapter, the Secretary shall consider  
41          the extent to which plans for employment of Indians (including



1 Native Alaskans) and involvement of businesses owned by Indians,  
2 Indian tribes, or Native Alaskans in the operation of a concession  
3 contract should be identified as a factor in the selection of a best  
4 proposal under this section.

5 (6) CONGRESSIONAL NOTIFICATION.—

6 (A) IN GENERAL.—The Secretary shall submit any proposed  
7 concession contract with anticipated annual gross receipts in ex-  
8 cess of \$5,000,000 or a duration of more than 10 years to the  
9 Committee on Natural Resources of the House of Representatives  
10 and the Committee on Energy and Natural Resources of the Sen-  
11 ate.

12 (B) WAITING PERIOD.—The Secretary shall not award any pro-  
13 posed concession contract to which subparagraph (A) applies until  
14 at least 60 days subsequent to the notification of both Commit-  
15 tees.

16 (7) PREFERENTIAL RIGHT OF RENEWAL.—

17 (A) IN GENERAL.—Except as provided in subparagraph (B), the  
18 Secretary shall not grant a concessioner a preferential right to  
19 renew a concession contract, or any other form of preference to  
20 a concession contract.

21 (B) EXCEPTION.—The Secretary shall grant a preferential right  
22 of renewal to an existing concessioner with respect to proposed re-  
23 newals of the categories of concession contracts described by para-  
24 graph (8), subject to the requirements of that paragraph.

25 (C) ENTITLEMENT TO AWARD OF NEW CONTRACT.—A conces-  
26 sioner that successfully exercises a preferential right of renewal in  
27 accordance with the requirements of this subchapter shall be enti-  
28 tled to award of the proposed new concession contract to which  
29 the preference applies.

30 (8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—

31 (A) APPLICATION.—Paragraph (7) shall apply only to the fol-  
32 lowing:

33 (i) Subject to subparagraph (B), concession contracts that  
34 solely authorize the provision of specialized backcountry out-  
35 door recreation guide services that require the employment of  
36 specially trained and experienced guides to accompany System  
37 unit visitors in the backcountry so as to provide a safe and  
38 enjoyable experience for visitors who otherwise may not have  
39 the skills and equipment to engage in that activity.

40 (ii) Subject to subparagraph (C), concession contracts with  
41 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 shall not grant a preferential right to a concessioner to provide new or additional services in a System unit.

1           (10) AUTHORITY OF SECRETARY NOT LIMITED.—Nothing in this  
2 subchapter shall be construed as limiting the authority of the Secretary  
3 to determine whether to issue a concession contract or to establish its  
4 terms and conditions in furtherance of the policies expressed in this  
5 subchapter.

6           (11) EXCEPTIONS.—Notwithstanding this section, the Secretary may  
7 award, without public solicitation, the following:

8           (A) TEMPORARY CONTRACT.—To avoid interruption of services  
9 to the public at a System unit, the Secretary may award a tem-  
10 porary concession contract or an extension of an existing conces-  
11 sions contract for a term not to exceed 3 years, except that prior  
12 to making the award, the Secretary shall take all reasonable and  
13 appropriate steps to consider alternatives to avoid the interruption.

14           (B) CONTRACT IN EXTRAORDINARY CIRCUMSTANCES.—The Sec-  
15 retary may award a concession contract in extraordinary cir-  
16 cumstances where compelling and equitable considerations require  
17 the award of a concession contract to a particular party in the  
18 public interest. Award of a concession contract under this subpara-  
19 graph shall not be made by the Secretary until at least 30 days  
20 after—

21           (i) publication in the Federal Register of notice of the Sec-  
22 retary's intention to award the contract and the reasons for  
23 the action; and

24           (ii) submission of notice to the Committee on Energy and  
25 Natural Resources of the Senate and the Committee on Nat-  
26 ural Resources of the House of Representatives.

27 **§ 101914. Term of concession contracts**

28           A concession contract entered into pursuant to this subchapter shall gen-  
29 erally be awarded for a term of 10 years or less. The Secretary may award  
30 a contract for a term of up to 20 years if the Secretary determines that  
31 the contract terms and conditions, including the required construction of  
32 capital improvements, warrant a longer term.

33 **§ 101915. Protection of concessioner investment**

34           (a) DEFINITIONS.—In this section:

35           (1) CAPITAL IMPROVEMENT.—The term “capital improvement”  
36 means a structure, a fixture, or nonremovable equipment provided by  
37 a concessioner pursuant to the terms of a concession contract and lo-  
38 cated on land of the United States within a System unit.

39           (2) CONSUMER PRICE INDEX.—The term “Consumer Price Index”  
40 means—

1 (A) the “Consumer Price Index—All Urban Consumers” pub-  
 2 lished by the Bureau of Labor Statistics of the Department of  
 3 Labor; or

4 (B) if the Index is not published, another regularly published  
 5 cost-of-living index approximating the Consumer Price Index.

6 (b) LEASEHOLD SURRENDER INTEREST IN CAPITAL IMPROVEMENTS.—  
 7 A concessioner that constructs a capital improvement on land owned by the  
 8 United States within a System unit pursuant to a concession contract shall  
 9 have a leasehold surrender interest in the capital improvement subject to  
 10 the following terms and conditions:

11 (1) IN GENERAL.—A concessioner shall have a leasehold surrender  
 12 interest in each capital improvement constructed by a concessioner  
 13 under a concession contract, consisting solely of a right to compensa-  
 14 tion for the capital improvement to the extent of the value of the con-  
 15 cessioner’s leasehold surrender interest in the capital improvement.

16 (2) PLEDGE AS SECURITY.—A leasehold surrender interest may be  
 17 pledged as security for financing of a capital improvement or the acqui-  
 18 sition of a concession contract when approved by the Secretary pursu-  
 19 ant to this subchapter.

20 (3) TRANSFER AND RELINQUISHMENT OR WAIVER OF INTEREST.—  
 21 A leasehold surrender interest shall be transferred by the concessioner  
 22 in connection with any transfer of the concession contract and may be  
 23 relinquished or waived by the concessioner.

24 (4) LIMIT ON EXTINGUISHING OR TAKING INTEREST.—A leasehold  
 25 surrender interest shall not be extinguished by the expiration or other  
 26 termination of a concession contract and may not be taken for public  
 27 use except on payment of just compensation.

28 (5) VALUE OF INTEREST.—The value of a leasehold surrender inter-  
 29 est in a capital improvement shall be an amount equal to the initial  
 30 value (construction cost of the capital improvement), increased (or de-  
 31 creased) by the same percentage increase (or decrease) as the percent-  
 32 age increase (or decrease) in the Consumer Price Index, from the date  
 33 of making the investment in the capital improvement by the conces-  
 34 sioner to the date of payment of the value of the leasehold surrender  
 35 interest, less depreciation of the capital improvement as evidenced by  
 36 the condition and prospective serviceability in comparison with a new  
 37 unit of like kind.

38 (6) VALUE OF INTEREST IN CERTAIN NEW CONCESSION CON-  
 39 TRACTS.—

40 (A) HOW VALUE IS DETERMINED.—The Secretary may provide,  
 41 in any new concession contract that the Secretary estimates will

1 have a leasehold surrender interest of more than \$10,000,000,  
2 that the value of any leasehold surrender interest in a capital im-  
3 provement shall be based on—

4 (i) a reduction on an annual basis, in equal portions, over  
5 the same number of years as the time period associated with  
6 the straight line depreciation of the initial value (construction  
7 cost of the capital improvement), as provided by applicable  
8 Federal income tax laws and regulations in effect on Novem-  
9 ber 12, 1998; or

10 (ii) an alternative formula that is consistent with the objec-  
11 tives of this subchapter.

12 (B) WHEN ALTERNATIVE FORMULA MAY BE USED.—The Sec-  
13 retary may use an alternative formula under subparagraph (A)(ii)  
14 only if the Secretary determines, after scrutiny of the financial  
15 and other circumstances involved in the particular concession con-  
16 tract (including providing notice in the Federal Register and op-  
17 portunity for comment), that the alternative formula is, compared  
18 to the standard method of determining value provided for in para-  
19 graph (5), necessary to provide a fair return to the Federal Gov-  
20 ernment and to foster competition for the new contract by pro-  
21 viding a reasonable opportunity to make a profit under the new  
22 contract. If no responsive offers are received in response to a solie-  
23 itation that includes the alternative formula, the concession oppor-  
24 tunity shall be resolicited with the leasehold surrender interest  
25 value as described in paragraph (5).

26 (7) INCREASE IN VALUE OF INTEREST.—Where a concessioner, pur-  
27 suant to the terms of a concession contract, makes a capital improve-  
28 ment to an existing capital improvement in which the concessioner has  
29 a leasehold surrender interest, the cost of the additional capital im-  
30 provement shall be added to the then-current value of the conces-  
31 sioner’s leasehold surrender interest.

32 (c) SPECIAL RULE FOR POSSESSORY INTEREST EXISTING BEFORE NO-  
33 VEMBER 13, 1998.—

34 (1) IN GENERAL.—A concessioner that has obtained a possessory in-  
35 terest (as defined pursuant to the Act of October 9, 1965 (known as  
36 the National Park Service Concessions Policy Act; Public Law 89-249,  
37 79 Stat. 969), as in effect on November 12, 1998) under the terms  
38 of a concession contract entered into before November 13, 1998, shall,  
39 on the expiration or termination of the concession contract, be entitled  
40 to receive compensation for the possessory interest improvements in the  
41 amount and manner as described by the concession contract. Where

1 that possessory interest is not described in the existing concession con-  
2 tract, compensation of possessory interest shall be determined in ac-  
3 cordance with the laws in effect on November 12, 1998.

4 (2) EXISTING CONCESSIONER AWARDED A NEW CONTRACT.—A con-  
5 cessioner awarded a new concession contract to replace an existing con-  
6 cession contract after November 13, 1998, instead of directly receiving  
7 the possessory interest compensation, shall have a leasehold surrender  
8 interest in its existing possessory interest improvements under the  
9 terms of the new concession contract and shall carry over as the initial  
10 value of the leasehold surrender interest (instead of construction cost)  
11 an amount equal to the value of the existing possessory interest as of  
12 the termination date of the previous concession contract. In the event  
13 of a dispute between the concessioner and the Secretary as to the value  
14 of the possessory interest, the matter shall be resolved through binding  
15 arbitration.

16 (3) NEW CONCESSIONER AWARDED A CONTRACT.—A new conces-  
17 sioner awarded a concession contract and required to pay a prior con-  
18 cessioner for possessory interest in prior improvements shall have a  
19 leasehold surrender interest in the prior improvements. The initial  
20 value in the leasehold surrender interest (instead of construction cost)  
21 shall be an amount equal to the value of the existing possessory inter-  
22 est as of the termination date of the previous concession contract.

23 (4) DE NOVO REVIEW OF VALUE DETERMINATION.—If the Secretary,  
24 or either party to a value determination proceeding conducted under a  
25 Service concession contract issued before November 13, 1998, considers  
26 that the value determination decision issued pursuant to the proceeding  
27 misinterprets or misapplies relevant contractual requirements or their  
28 underlying legal authority, the Secretary or either party may seek,  
29 within 180 days after the date of the decision, de novo review of the  
30 value determination decision by the United States Court of Federal  
31 Claims. The Court of Federal Claims may make an order affirming,  
32 vacating, modifying or correcting the determination decision.

33 (d) TRANSITION TO SUCCESSOR CONCESSIONER.—On expiration or ter-  
34 mination of a concession contract entered into after November 13, 1998, a  
35 concessioner shall be entitled under the terms of the concession contract to  
36 receive from the United States or a successor concessioner the value of any  
37 leasehold surrender interest in a capital improvement as of the date of the  
38 expiration or termination. A successor concessioner shall have a leasehold  
39 surrender interest in the capital improvement under the terms of a new con-  
40 cession contract and the initial value of the leasehold surrender interest in  
41 the capital improvement (instead of construction cost) shall be the amount

1 of money the new concessioner is required to pay the prior concessioner for  
2 its leasehold surrender interest under the terms of the prior concession con-  
3 tract.

4 (e) TITLE TO IMPROVEMENTS.—Title to any capital improvement con-  
5 structed by a concessioner on land owned by the United States in a System  
6 unit shall be vested in the United States.

7 **§ 101916. Reasonableness of rates and charges**

8 (a) IN GENERAL.—A concession contract shall permit the concessioner to  
9 set reasonable and appropriate rates and charges for facilities, goods, and  
10 services provided to the public, subject to approval under subsection (b).

11 (b) APPROVAL BY SECRETARY REQUIRED.—

12 (1) FACTORS TO CONSIDER.—A concessioner's rates and charges to  
13 the public shall be subject to approval by the Secretary. The approval  
14 process utilized by the Secretary shall be as prompt and as  
15 unburdensome to the concessioner as possible and shall rely on market  
16 forces to establish reasonableness of rates and charges to the maximum  
17 extent practicable. The Secretary shall approve rates and charges that  
18 the Secretary determines to be reasonable and appropriate. Unless oth-  
19 erwise provided in the concession contract, the reasonableness and ap-  
20 propriateness of rates and charges shall be determined primarily by  
21 comparison with those rates and charges for facilities, goods, and serv-  
22 ices of comparable character under similar conditions, with due consid-  
23 eration to the following factors and other factors deemed relevant by  
24 the Secretary:

25 (A) Length of season.

26 (B) Peakloads.

27 (C) Average percentage of occupancy.

28 (D) Accessibility.

29 (E) Availability and costs of labor and materials.

30 (F) Type of patronage.

31 (2) RATES AND CHARGES NOT TO EXCEED MARKET RATES AND  
32 CHARGES.—Rates and charges may not exceed the market rates and  
33 charges for comparable facilities, goods, and services, after taking into  
34 account the factors referred to in paragraph (1).

35 (c) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 6 months  
36 after receiving recommendations from the Advisory Board regarding conces-  
37 sioner rates and charges to the public, the Secretary shall implement the  
38 recommendations or report to Congress the reasons for not implementing  
39 the recommendations.

1    **§ 101917. Franchise fees**

2       (a) IN GENERAL.—A concession contract shall provide for payment to the  
3    Federal Government of a franchise fee or other monetary consideration as  
4    determined by the Secretary, on consideration of the probable value to the  
5    concessioner of the privileges granted by the particular contract involved.  
6    Probable value shall be based on a reasonable opportunity for net profit in  
7    relation to capital invested and the obligations of the concession contract.  
8    Consideration of revenue to the United States shall be subordinate to the  
9    objectives of protecting and preserving System units and of providing nec-  
10   essary and appropriate services for visitors at reasonable rates.

11      (b) PROVISIONS TO BE SPECIFIED IN CONTRACT.—The amount of the  
12   franchise fee or other monetary consideration paid to the United States for  
13   the term of the concession contract shall be specified in the concession con-  
14   tract and may be modified only to reflect extraordinary unanticipated  
15   changes from the conditions anticipated as of the effective date of the con-  
16   cession contract. The Secretary shall include in concession contracts with a  
17   term of more than 5 years a provision that allows reconsideration of the  
18   franchise fee at the request of the Secretary or the concessioner in the event  
19   of extraordinary unanticipated changes. The provision shall provide for  
20   binding arbitration in the event that the Secretary and the concessioner are  
21   unable to agree on an adjustment to the franchise fee in those cir-  
22   cumstances.

23      (c) SPECIAL ACCOUNT IN TREASURY.—

24          (1) DEPOSIT AND AVAILABILITY.—All franchise fees (and other mon-  
25   etary consideration) paid to the United States pursuant to concession  
26   contracts shall be deposited in a special account established in the  
27   Treasury. Twenty percent of the funds deposited in the special account  
28   shall be available for expenditure by the Secretary, without further ap-  
29   propriation, to support activities throughout the System regardless of  
30   the System unit in which the funds were collected. The funds deposited  
31   in the special account shall remain available until expended.

32          (2) SUBACCOUNT FOR EACH SYSTEM UNIT.—There shall be estab-  
33   lished within the special account a subaccount for each System unit.  
34   Each subaccount shall be credited with 80 percent of the franchise fees  
35   (and other monetary consideration) collected at a single System unit  
36   under concession contracts. The funds credited to the subaccount for  
37   a System unit shall be available for expenditure by the Secretary, with-  
38   out further appropriation, for use at the System unit for visitor services  
39   and for purposes of funding high-priority and urgently necessary re-  
40   source management programs and operations. The funds credited to a  
41   subaccount shall remain available until expended.



1    **§ 101918. Transfer or conveyance of concession contracts or**  
 2                   **leasehold surrender interests**

3           (a) APPROVAL OF SECRETARY.—No concession contract or leasehold sur-  
 4    render interest may be transferred, assigned, sold, or otherwise conveyed or  
 5    pledged by a concessioner without prior written notification to, and approval  
 6    by, the Secretary.

7           (b) CONDITIONS.—The Secretary shall approve a transfer or conveyance  
 8    described in subsection (a) unless the Secretary finds that—

9               (1) the individual, corporation, or other entity seeking to acquire a  
 10           concession contract is not qualified or able to satisfy the terms and  
 11           conditions of the concession contract;

12              (2) the transfer or conveyance would have an adverse impact on—

13                   (A) the protection, conservation, or preservation of the resources  
 14                   of the System unit; or

15                   (B) the provision of necessary and appropriate facilities and  
 16                   services to visitors at reasonable rates and charges; and

17              (3) the terms of the transfer or conveyance are likely, directly or in-  
 18           directly, to—

19                   (A) reduce the concessioner's opportunity for a reasonable profit  
 20                   over the remaining term of the concession contract;

21                   (B) adversely affect the quality of facilities and services pro-  
 22                   vided by the concessioner; or

23                   (C) result in a need for increased rates and charges to the pub-  
 24                   lic to maintain the quality of the facilities and services.

25           (c) MODIFICATION OR RENEGOTIATION OF TERMS.—The terms and con-  
 26    ditions of any concession contract under this section shall not be subject to  
 27    modification or open to renegotiation by the Secretary because of a transfer  
 28    or conveyance described in subsection (a) unless the transfer or conveyance  
 29    would have an adverse impact as described in subsection (b)(2).

30    **§ 101919. National Park Service Concessions Management**  
 31                   **Advisory Board**

32           (a) ESTABLISHMENT AND PURPOSE.—There is a National Park Service  
 33    Concessions Management Advisory Board whose purpose shall be to advise  
 34    the Secretary and Service on matters relating to management of concessions  
 35    in the System.

36           (b) DUTIES.—

37              (1) ADVICE.—The Advisory Board shall advise on each of the fol-  
 38           lowing:

39                   (A) Policies and procedures intended to ensure that services and  
 40                   facilities provided by concessioners—

41                       (i) are necessary and appropriate;

- 1 (ii) meet acceptable standards at reasonable rates with a  
 2 minimum of impact on System unit resources and values; and  
 3 (iii) provide the concessioners with a reasonable oppor-  
 4 tunity to make a profit.

5 (B) Ways to make Service concession programs and procedures  
 6 more cost effective, more process efficient, less burdensome, and  
 7 timelier.

8 (2) RECOMMENDATIONS.—The Advisory Board shall make rec-  
 9 ommendations to the Secretary regarding each of the following:

10 (A) The Service contracting with the private sector to conduct  
 11 appropriate elements of concession management.

12 (B) Ways to make the review or approval of concessioner rates  
 13 and charges to the public more efficient, less burdensome, and  
 14 timelier.

15 (C) The nature and scope of products that qualify as Indian,  
 16 Alaska Native, and Native Hawaiian handicrafts within the mean-  
 17 ing of this subchapter.

18 (D) The allocation of concession fees.

19 (3) ANNUAL REPORT.—The Advisory Board shall provide an annual  
 20 report on its activities to the Committee on Natural Resources of the  
 21 House of Representatives and the Committee on Energy and Natural  
 22 Resources of the Senate.

23 (c) ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board  
 24 shall be appointed on a staggered basis by the Secretary for a term not to  
 25 exceed 4 years and shall serve at the pleasure of the Secretary. The Advi-  
 26 sory Board shall be comprised of not more than 7 individuals appointed  
 27 from among citizens of the United States not in the employment of the Fed-  
 28 eral Government and not in the employment of or having an interest in a  
 29 Service concession. Of the 7 members of the Advisory Board—

30 (1) one member shall be privately employed in the hospitality indus-  
 31 try and have both broad knowledge of hotel or food service manage-  
 32 ment and experience in the parks and recreation concession business;

33 (2) one member shall be privately employed in the tourism industry;

34 (3) one member shall be privately employed in the accounting indus-  
 35 try;

36 (4) one member shall be privately employed in the outfitting and  
 37 guide industry;

38 (5) one member shall be a State government employee with expertise  
 39 in park concession management;

40 (6) one member shall be active in promotion of traditional arts and  
 41 crafts; and

1 (7) one member shall be active in a nonprofit conservation organiza-  
2 tion involved in parks and recreation programs.

3 (d) SERVICE ON ADVISORY BOARD.—Service of an individual as a mem-  
4 ber of the Advisory Board shall not be deemed to be service or employment  
5 bringing the individual within the provisions of any Federal law relating to  
6 conflicts of interest or otherwise imposing restrictions, requirements, or pen-  
7 alties in relation to the employment of individuals, the performance of serv-  
8 ices, or the payment or receipt of compensation in connection with claims,  
9 proceedings, or matters involving the United States. Service as a member  
10 of the Advisory Board shall not be deemed service in an appointive or elec-  
11 tive position in the Federal Government for purposes of section 8344 of title  
12 5 or other comparable provisions of Federal law.

13 (e) TERMINATION.—The Advisory Board shall continue to exist until De-  
14 cember 31, 2009. In all other respects, it shall be subject to the Federal  
15 Advisory Committee Act (5 U.S.C. App.).

16 **§ 101920. Contracting for services**

17 (a) CONTRACTING AUTHORIZED.—

18 (1) MANAGEMENT ELEMENTS FOR WHICH CONTRACT REQUIRED TO  
19 MAXIMUM EXTENT PRACTICABLE.—To the maximum extent prac-  
20 ticable, the Secretary shall contract with private entities to conduct or  
21 assist in elements of the management of the Service concession pro-  
22 gram considered by the Secretary to be suitable for non-Federal per-  
23 formance. Those management elements shall include each of the fol-  
24 lowing:

- 25 (A) Health and safety inspections.
- 26 (B) Quality control of concession operations and facilities.
- 27 (C) Strategic capital planning for concession facilities.
- 28 (D) Analysis of rates and charges to the public.

29 (2) MANAGEMENT ELEMENTS FOR WHICH CONTRACT ALLOWED.—  
30 The Secretary may also contract with private entities to assist the Sec-  
31 retary with each of the following:

- 32 (A) Preparation of the financial aspects of prospectuses for  
33 Service concession contracts.
- 34 (B) Development of guidelines for a System capital improve-  
35 ment and maintenance program for all concession occupied facili-  
36 ties.
- 37 (C) Making recommendations to the Director regarding the con-  
38 duct of annual audits of concession fee expenditures.

39 (b) OTHER MANAGEMENT ELEMENTS.—The Secretary shall consider,  
40 taking into account the recommendations of the Advisory Board, contracting  
41 out other elements of the concessions management program, as appropriate.

1 (c) AUTHORITY OF SECRETARY NOT DIMINISHED.—Nothing in this sec-  
 2 tion shall diminish the governmental responsibilities and authority of the  
 3 Secretary to administer concession contracts and activities pursuant to this  
 4 subchapter and section 100101(a), chapter 1003, and sections 100751(a),  
 5 100752, 100753, and 102101 of this title. The Secretary reserves the right  
 6 to make the final decision or contract approval on contracting services deal-  
 7 ing with the management of the Service concessions program under this sec-  
 8 tion.

9 **§ 101921. Multiple contracts within a System unit**

10 If multiple concession contracts are awarded to authorize concessioners  
 11 to provide the same or similar outfitting, guiding, river running, or other  
 12 similar services at the same approximate location or resource within a Sys-  
 13 tem unit, the Secretary shall establish a comparable franchise fee structure  
 14 for those contracts or similar contracts, except that the terms and condi-  
 15 tions of any existing concession contract shall not be subject to modification  
 16 or open to renegotiation by the Secretary because of an award of a new con-  
 17 tract at the same approximate location or resource.

18 **§ 101922. Use of nonmonetary consideration in concession**  
 19 **contracts**

20 Section 1302 of title 40 shall not apply to concession contracts awarded  
 21 by the Secretary pursuant to this subchapter.

22 **§ 101923. Recordkeeping requirements**

23 (a) IN GENERAL.—A concessioner and any subconcessioner shall keep  
 24 such records as the Secretary may prescribe to enable the Secretary to de-  
 25 termine that all terms of a concession contract have been and are being  
 26 faithfully performed. The Secretary and any authorized representative of the  
 27 Secretary shall, for the purpose of audit and examination, have access to  
 28 those records and to other records of the concessioner or subconcessioner  
 29 pertinent to the concession contract and all terms and conditions of the con-  
 30 cession contract.

31 (b) ACCESS TO RECORDS BY COMPTROLLER GENERAL.—The Comptroller  
 32 General and any authorized representative of the Comptroller General shall,  
 33 until the expiration of 5 calendar years after the close of the business year  
 34 of each concessioner or subconcessioner, have access to and the right to ex-  
 35 amine any pertinent records described in subsection (a) of the concessioner  
 36 or subconcessioner related to the contract involved.

37 **§ 101924. Promotion of sale of Indian, Alaska Native, Native**  
 38 **Samoan, and Native Hawaiian handicrafts**

39 (a) IN GENERAL.—Promoting the sale of authentic United States Indian,  
 40 Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating  
 41 to the cultural, historical, and geographic characteristics of System units is

1 encouraged, and the Secretary shall ensure that there is a continuing effort  
2 to enhance the handicraft trade where it exists and establish the trade in  
3 appropriate areas where the trade does not exist.

4 (b) EXEMPTION FROM FRANCHISE FEE.—In furtherance of the purposes  
5 of subsection (a), the revenue derived from the sale of United States Indian,  
6 Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be  
7 exempt from any franchise fee payments under this subchapter.

8 **§ 101925. Commercial use authorizations**

9 (a) IN GENERAL.—To the extent specified in this section, the Secretary,  
10 on request, may authorize a private person, corporation, or other entity to  
11 provide services to visitors to System units through a commercial use au-  
12 thorization. A commercial use authorization shall not be considered to be  
13 a concession contract under this subchapter and no other section of this  
14 subchapter shall be applicable to a commercial use authorization except  
15 where expressly stated.

16 (b) CRITERIA FOR ISSUANCE OF COMMERCIAL USE AUTHORIZATIONS.—

17 (1) REQUIRED DETERMINATIONS.—The authority of this section may  
18 be used only to authorize provision of services that the Secretary deter-  
19 mines—

20 (A) will have minimal impact on resources and values of a Sys-  
21 tem unit; and

22 (B) are consistent with the purpose for which the System unit  
23 was established and with all applicable management plans and  
24 Service policies and regulations.

25 (2) ELEMENTS OF COMMERCIAL USE AUTHORIZATION.—The Sec-  
26 retary shall—

27 (A) require payment of a reasonable fee for issuance of a com-  
28 mercial use authorization, the fees to remain available without fur-  
29 ther appropriation to be used, at a minimum, to recover associated  
30 management and administrative costs;

31 (B) require that the provision of services under a commercial  
32 use authorization be accomplished in a manner consistent to the  
33 highest practicable degree with the preservation and conservation  
34 of System unit resources and values;

35 (C) take appropriate steps to limit the liability of the United  
36 States arising from the provision of services under a commercial  
37 use authorization;

38 (D) have no authority under this section to issue more commer-  
39 cial use authorizations than are consistent with the preservation  
40 and proper management of System unit resources and values; and

1           (E) shall establish other conditions for issuance of a commercial  
2           use authorization that the Secretary determines to be appropriate  
3           for the protection of visitors, provision of adequate and appro-  
4           priate visitor services, and protection and proper management of  
5           System unit resources and values.

6           (c) LIMITATIONS.—Any commercial use authorization shall be limited  
7           to—

8           (1) commercial operations with annual gross receipts of not more  
9           than \$25,000 resulting from services originating and provided solely  
10          within a System unit pursuant to the commercial use authorization;

11          (2) the incidental use of resources of the System unit by commercial  
12          operations that provide services originating and terminating outside the  
13          boundaries of the System unit; or

14          (3)(A) uses by organized children’s camps, outdoor clubs, and non-  
15          profit institutions (including back country use); and

16          (B) other uses, as the Secretary determines to be appropriate.

17          (d) NONPROFIT INSTITUTIONS.—Nonprofit institutions are not required  
18          to obtain commercial use authorizations unless taxable income is derived by  
19          the institution from the authorized use.

20          (e) PROHIBITION ON CONSTRUCTION.—A commercial use authorization  
21          shall not provide for the construction of any structure, fixture, or improve-  
22          ment on federally-owned land within the boundaries of a System unit.

23          (f) DURATION.—The term of any commercial use authorization shall not  
24          exceed 2 years. No preferential right of renewal or similar provisions for re-  
25          newal shall be granted by the Secretary.

26          (g) OTHER CONTRACTS.—A person, corporation, or other entity seeking  
27          or obtaining a commercial use authorization shall not be precluded from  
28          submitting a proposal for concession contracts.

## 29       **§ 101926. Regulations**

30          (a) IN GENERAL.—The Secretary shall prescribe regulations appropriate  
31          for the implementation of this subchapter.

32          (b) CONTENTS.—The regulations—

33               (1) shall include appropriate provisions to ensure that concession  
34               services and facilities to be provided in a System unit are not seg-  
35               mented or otherwise split into separate concession contracts for the  
36               purposes of seeking to reduce anticipated annual gross receipts of a  
37               concession contract below \$500,000; and

38               (2) shall further define the term “United States Indian, Alaskan Na-  
39               tive, and Native Hawaiian handicrafts” for the purposes of this sub-  
40               chapter.

## 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.

### § 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

- 1 (3) shall be compatible with Service programs.
- 2 (d) RENTAL AMOUNTS.—
- 3 (1) IN GENERAL.—With respect to a lease under subsection (a)—
- 4 (A) payment of fair market value rental shall be required; and
- 5 (B) section 1302 of title 40 shall not apply.
- 6 (2) ADJUSTMENT.—The Secretary may adjust the rental amount as
- 7 appropriate to take into account any amounts to be expended by the
- 8 lessee for preservation, maintenance, restoration, improvement, or re-
- 9 pair and related expenses.
- 10 (e) SPECIAL ACCOUNT.—
- 11 (1) DEPOSITS.—Rental payments under a lease under subsection (a)
- 12 shall be deposited in a special account in the Treasury.
- 13 (2) AVAILABILITY.—Amounts in the special account shall be avail-
- 14 able until expended, without further appropriation, for infrastructure
- 15 needs at System units, including—
- 16 (A) facility refurbishment;
- 17 (B) repair and replacement;
- 18 (C) infrastructure projects associated with System unit resource
- 19 protection; and
- 20 (D) direct maintenance of the leased buildings and associated
- 21 property.
- 22 (3) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop
- 23 procedures for the use of the special account that ensure accountability
- 24 and demonstrated results consistent with this section and sections
- 25 100101(b), 100502, 100507, 100751(b), 100754, 100901(b) and (c),
- 26 100906(a) and (d), 101302(b)(1) and (c) to (e), 101306, 101702(b)
- 27 and (c), 101901, 102701, and 102702 of this title.
- 28 (f) REGULATIONS.—The Secretary shall prescribe regulations imple-
- 29 menting this section that include provisions to encourage and facilitate com-
- 30 petition in the leasing process and provide for timely and adequate public
- 31 comment.

## 32 Chapter 1023—Programs and

## 33 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.

### 34 § 102301. Volunteers in parks program

- 35 (a) ESTABLISHMENT.—The Secretary may recruit, train, and accept,
- 36 without regard to chapter 51 and subchapter III of chapter 53 of title 5
- 37 or regulations prescribed under that chapter or subchapter, the services of
- 38 individuals without compensation as volunteers for or in aid of interpretive



1 functions or other visitor services or activities in and related to System units  
2 and related areas. In accepting those services, the Secretary shall not permit  
3 the use of volunteers in hazardous duty or law enforcement work or in pol-  
4 icy-making processes, or to displace any employee. The services of individuals  
5 whom the Secretary determines are skilled in performing hazardous activi-  
6 ties may be accepted.

7 (b) INCIDENTAL EXPENSES.—The Secretary may provide for incidental  
8 expenses of volunteers, such as transportation, uniforms, lodging, and sub-  
9 sistence.

10 (c) FEDERAL EMPLOYEE STATUS FOR VOLUNTEERS.—

11 (1) EMPLOYMENT STATUS OF VOLUNTEERS.—Except as otherwise  
12 provided in this section, a volunteer shall not be deemed a Federal em-  
13 ployee and shall not be subject to the provisions of law relating to Fed-  
14 eral employment, including those relating to hours of work, rates of  
15 compensation, leave, unemployment compensation, and Federal em-  
16 ployee benefits.

17 (2) TORT CLAIMS.—For the purpose of sections 1346(b) and  
18 2401(b) and chapter 171 of title 28, a volunteer under this chapter  
19 shall be deemed a Federal employee.

20 (3) VOLUNTEERS DEEMED CIVIL EMPLOYEES.—For the purposes of  
21 subchapter I of chapter 81 of title 5, volunteers under this chapter  
22 shall be deemed civil employees of the United States within the mean-  
23 ing of the term “employee” as defined in section 8101 of title 5, and  
24 subchapter I of chapter 81 of title 5 shall apply.

25 (4) COMPENSATION FOR LOSSES AND DAMAGES.—For the purpose of  
26 claims relating to damage to, or loss of, personal property of a volun-  
27 teer incident to volunteer service, a volunteer under this chapter shall  
28 be deemed a Federal employee, and section 3721 of title 31 shall apply.

29 (d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-  
30 propriated to carry out this section not more than \$3,500,000 for each fis-  
31 cal year.

### 32 **§ 102302. National Capital region arts and cultural affairs**

33 (a) ESTABLISHMENT.—There is under the direction of the Service a pro-  
34 gram to support and enhance artistic and cultural activities in the National  
35 Capital region.

36 (b) GRANT ELIGIBILITY.—

37 (1) ELIGIBLE ORGANIZATIONS.—Eligibility for grants shall be lim-  
38 ited to organizations—

39 (A) that are of demonstrated national significance; and

40 (B) that meet at least 2 of the criteria stated in paragraph (2).

1 (2) CRITERIA.—The criteria referred to in paragraph (1) are the fol-  
2 lowing:

3 (A) The organization has an annual operating budget in excess  
4 of \$1,000,000.

5 (B) The organization has an annual audience or visitation of at  
6 least 200,000 people.

7 (C) The organization has a paid staff of at least 100 individ-  
8 uals.

9 (D) The organization is eligible under section 320102(f) of this  
10 title.

11 (3) ORGANIZATIONS NOT ELIGIBLE.—Public or private colleges and  
12 universities are not eligible for grants under the program under this  
13 section.

14 (e) USE OF GRANTS.—Grants awarded under this section may be used  
15 to support general operations and maintenance, security, or special projects.  
16 No organization may receive a grant in excess of \$500,000 in a single year.

17 (d) RESPONSIBILITIES OF DIRECTOR.—The Director shall—

18 (1) establish an application process;

19 (2) appoint a review panel of 5 qualified individuals, at least a ma-  
20 jority of whom reside in the National Capital region; and

21 (3) develop other program guidelines and definitions as required.

22 (e) FORD'S THEATER AND WOLF TRAP NATIONAL PARK FOR THE PER-  
23 FORMING ARTS.—The contractual amounts required for the support of  
24 Ford's Theater and Wolf Trap National Park for the Performing Arts shall  
25 be available within the amount provided in this section without regard to  
26 any other provision of this section.

27 **§ 102303. National Park System Advisory Board**

28 (a) DEFINITION.—In this section, the term “Board” means the National  
29 Park System Advisory Board established under subsection (b).

30 (b) ESTABLISHMENT AND PURPOSE.—There is established a National  
31 Park System Advisory Board, whose purpose is to advise the Director on  
32 matters relating to the Service, the System, and programs administered by  
33 the Service. The Board shall advise the Director on matters submitted to  
34 the Board by the Director as well as any other issues identified by the  
35 Board.

36 (c) MEMBERSHIP.—

37 (1) APPOINTMENT AND TERM OF OFFICE.—Members of the Board  
38 shall be appointed on a staggered term basis by the Secretary for a  
39 term not to exceed 4 years and shall serve at the pleasure of the Sec-  
40 retary.

1           (2) COMPOSITION.—The Board shall be composed of no more than  
2 12 persons, appointed from among citizens of the United States having  
3 a demonstrated commitment to the mission of the Service. Board mem-  
4 bers shall be selected to represent various geographic regions, including  
5 each of the administrative regions of the Service. At least 6 of the  
6 members shall have outstanding expertise in one or more of the fol-  
7 lowing fields: history, archeology, anthropology, historical or landscape  
8 architecture, biology, ecology, geology, marine science, or social science.  
9 At least 4 of the members shall have outstanding expertise and prior  
10 experience in the management of national or State parks or protected  
11 areas, or natural or cultural resources management. The remaining  
12 members shall have outstanding expertise in one or more of the areas  
13 described above or in another professional or scientific discipline, such  
14 as financial management, recreation use management, land use plan-  
15 ning, or business management, important to the mission of the Service.  
16 At least one individual shall be a locally elected official from an area  
17 adjacent to a park.

18           (3) FIRST MEETING.—The Board shall hold its 1st meeting no later  
19 than 60 days after the date on which all members of the Board who  
20 are to be appointed have been appointed.

21           (4) VACANCY.—Any vacancy in the Board shall not affect its powers,  
22 but shall be filled in the same manner in which the original appoint-  
23 ment was made.

24           (5) COMPENSATION.—All members of the Board shall be reimbursed  
25 for travel and per diem in lieu of subsistence expenses during the per-  
26 formance of duties of the Board while away from home or their regular  
27 place of business, in accordance with subchapter I of chapter 57 of title  
28 5. With the exception of travel and per diem, a member of the Board  
29 who otherwise is an officer or employee of the United States Govern-  
30 ment shall serve on the Board without additional compensation.

31 (d) DUTIES AND POWERS OF BOARD.—

32           (1) ADOPT RULES.—The Board may adopt such rules as may be nec-  
33 essary to establish its procedures and to govern the manner of its oper-  
34 ations, organization, and personnel.

35           (2) ADVICE AND RECOMMENDATIONS.—The Board shall advise the  
36 Secretary on matters relating to the System, to other related areas,  
37 and to the administration of chapter 3201 of this title, including mat-  
38 ters submitted to it for consideration by the Secretary, but it shall not  
39 be required to provide recommendations as to the suitability or desir-  
40 ability of surplus real and related personal property for use as a his-  
41 toric monument. The Board shall also provide recommendations on the

1 designation of national historic landmarks and national natural land-  
2 marks. The Board is strongly encouraged to consult with the major  
3 scholarly and professional organizations in the appropriate disciplines  
4 in making the recommendations.

5 (3) ACTIONS ON REQUEST OF DIRECTOR.—On request of the Direc-  
6 tor, the Board is authorized to—

7 (A) hold such hearings and sit and act at such times;

8 (B) take such testimony;

9 (C) have such printing and binding done;

10 (D) enter into such contracts and other arrangements;

11 (E) make such expenditures; and

12 (F) take such other actions

13 as the Board may consider advisable.

14 (4) OATHS OR AFFIRMATIONS.—Any member of the Board may ad-  
15 minister oaths or affirmations to witnesses appearing before the Board.

16 (5) COMMITTEES AND SUBCOMMITTEES.—The Board may establish  
17 committees or subcommittees. The subcommittees or committees shall  
18 be chaired by a voting member of the Board.

19 (6) USE OF MAILS.—The Board may use the United States mails in  
20 the same manner and under the same conditions as other departments  
21 and agencies in the United States.

22 (e) STAFF.—The Secretary may hire 2 full-time staffers to meet the  
23 needs of the Board.

24 (f) FEDERAL LAW NOT APPLICABLE TO SERVICE.—Service as a member  
25 of the Board shall not be deemed service or employment bringing the indi-  
26 vidual within the provisions of any Federal law relating to conflicts of inter-  
27 est or otherwise imposing restrictions, requirements, or penalties relating to  
28 the employment of individuals, the performance of services, or the payment  
29 or receipt of compensation in connection with claims, proceedings, or mat-  
30 ters involving the United States. Service as a member or an employee of  
31 the Board shall not be deemed service in an appointive or elective position  
32 in the Federal Government for purposes of section 8344 of title 5 or com-  
33 parable provisions of Federal law.

34 (g) COOPERATION OF FEDERAL AGENCIES.—

35 (1) INFORMATION.—The Board may secure directly from any office,  
36 department, agency, establishment, or instrumentality of the Federal  
37 Government such information as the Board may require for the pur-  
38 pose of this section, and each office, department, agency, establish-  
39 ment, or instrumentality shall furnish, to the extent permitted by law,  
40 the information, suggestions, estimates, and statistics directly to the  
41 Board, on request made by a member of the Board.

1 (2) FACILITIES AND SERVICES.—On request of the Board, the head  
2 of any Federal department, agency, or instrumentality may make any  
3 of the facilities and services of the department, agency, or instrumen-  
4 tality available to the Board, on a nonreimbursable basis, to assist the  
5 Board in carrying out its duties under this section.

6 (h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Com-  
7 mittee Act (5 U.S.C. App.), with the exception of section 14(b), applies to  
8 the Board.

9 (i) TERMINATION.—The Board continues to exist until January 1, 2010.

## 10 § 102304. National Park Service Advisory Council

11 (a) DEFINITIONS.—In this section:

12 (1) BOARD.—The term “Board” means the National Park System  
13 Advisory Board established under section 102303 of this title.

14 (2) COUNCIL.—The term “Council” means the National Park Serv-  
15 ice Advisory Council established under subsection (b).

16 (b) ESTABLISHMENT AND PURPOSE.—There is established a National  
17 Park Service Advisory Council that shall provide advice and counsel to the  
18 Board.

19 (c) MEMBERSHIP.—

20 (1) ELIGIBILITY.—Membership on the Council shall be limited to in-  
21 dividuals whose term on the Board has expired. Those individuals may  
22 serve as long as they remain active except that not more than 12 mem-  
23 bers may serve on the Council at any one time.

24 (2) COMPENSATION.—Members of the Council shall receive no salary  
25 but may be paid expenses incidental to travel when engaged in dis-  
26 charging their duties as members.

27 (d) VOTING RESTRICTION.—Members of the Council shall not have a vote  
28 on the Board.

## 29 Chapter 1025—Museums

Sec.

102501. Purpose.

102502. Definition of museum object.

102503. Authority of Secretary.

102504. Review and approval.

### 30 § 102501. Purpose

31 The purpose of this chapter is to increase the public benefits from muse-  
32 ums established within System units as a means of informing the public  
33 concerning the areas and preserving valuable objects and relics relating to  
34 the areas.

### 35 § 102502. Definition of museum object

36 In this chapter:

37 (1) IN GENERAL.—The term “museum object” means an object  
38 that—

1 (A) typically is movable; and  
2 (B) is eligible to be, or is made part of, a museum, library, or  
3 archive collection through a formal procedure, such as  
4 accessioning.

5 (2) INCLUSIONS.—The term “museum object” includes a prehistoric  
6 or historic artifact, work of art, book, document, photograph, or nat-  
7 ural history specimen.

### 8 **§ 102503. Authority of Secretary**

9 (a) IN GENERAL.—Notwithstanding other provisions or limitations of law,  
10 the Secretary may perform the functions described in this section in the  
11 manner that the Secretary considers to be in the public interest.

12 (b) DONATIONS AND BEQUESTS.—The Secretary may accept donations  
13 and bequests of money or other personal property, and hold, use, expend,  
14 and administer the money or other personal property for purposes of this  
15 chapter.

16 (c) PURCHASES.—The Secretary may purchase museum objects and other  
17 personal property at prices that the Secretary considers to be reasonable.

18 (d) EXCHANGES.—The Secretary may make exchanges by accepting mu-  
19 seum objects and other personal property and by granting in exchange for  
20 the museum objects or other personal property museum property under the  
21 administrative jurisdiction of the Secretary that no longer is needed or that  
22 may be held in duplicate among the museum properties administered by the  
23 Secretary. Exchanges shall be consummated on a basis that the Secretary  
24 considers to be equitable and in the public interest.

25 (e) ACCEPTANCE OF LOANS OF PROPERTY.—The Secretary may accept  
26 the loan of museum objects and other personal property and pay transpor-  
27 tation costs incidental to the museum objects or other personal property.  
28 Loans shall be accepted on terms and conditions that the Secretary con-  
29 siders necessary.

30 (f) LOANS OF PROPERTY.—The Secretary may loan to responsible public  
31 or private organizations, institutions, or agencies, without cost to the United  
32 States, such museum objects and other personal property as the Secretary  
33 shall consider advisable. Loans shall be made on terms and conditions that  
34 the Secretary considers necessary to protect the public interest in those  
35 properties.

36 (g) TRANSFER OF MUSEUM OBJECTS.—The Secretary may transfer mu-  
37 seum objects that the Secretary determines are no longer needed for mu-  
38 seum purposes to qualified Federal agencies, including the Smithsonian In-  
39 stitution, that have programs to preserve and interpret cultural or natural  
40 heritage, and accept the transfer of museum objects for the purposes of this  
41 chapter from any other Federal agency, without reimbursement. The head

1 of any other Federal agency may transfer, without reimbursement, museum  
 2 objects directly to the administrative jurisdiction of the Secretary for the  
 3 purpose of this chapter.

4 (h) CONVEYANCE OF MUSEUM OBJECTS.—The Secretary may convey mu-  
 5 seum objects that the Secretary determines are no longer needed for mu-  
 6 seum purposes, without monetary consideration but subject to such terms  
 7 and conditions as the Secretary considers necessary, to private institutions  
 8 exempt from Federal taxation under section 501(c)(3) of the Internal Rev-  
 9 enue Code of 1986 (26 U.S.C. 501(c)(3)) and to non-Federal governmental  
 10 entities if the Secretary determines that the recipient is dedicated to the  
 11 preservation and interpretation of natural or cultural heritage and is quali-  
 12 fied to manage the property, prior to any conveyance under this subsection  
 13 and subsection (g).

14 (i) DESTRUCTION OF MUSEUM OBJECTS.—The Secretary may destroy or  
 15 cause to be destroyed museum objects that the Secretary determines to have  
 16 no scientific, cultural, historic, educational, esthetic, or monetary value.

#### 17 **§ 102504. Review and approval**

18 The Secretary shall ensure that museum objects are treated in a careful  
 19 and deliberate manner that protects the public interest. Prior to taking any  
 20 action under subsection (g), (h), or (i) of section 102503 of this title, the  
 21 Secretary shall establish a systematic review and approval process, including  
 22 consultation with appropriate experts, that meets the highest standards of  
 23 the museum profession for all actions taken under those subsections.

## 24 **Chapter 1027—Law Enforcement and** 25 **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 as-  
 sistance 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.

### 26 **Subchapter I—Law Enforcement**

#### 27 **§ 102701. Law enforcement personnel within System**

28 (a) OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF THE INTE-  
 29 RIOR.—

30 (1) DESIGNATION AUTHORITY OF SECRETARY.—The Secretary, pur-  
 31 suant to standards prescribed in regulations by the Secretary, may des-  
 32 ignate certain officers or employees of the Department of the Interior  
 33 who shall maintain law and order and protect individuals and property  
 34 within System units.

1           (2) POWERS AND DUTIES OF DESIGNEES.—In the performance of  
2 the duties described in paragraph (1), the designated officers or em-  
3 ployees may—

4           (A) carry firearms;

5           (B) make arrests without warrant for any offense against the  
6 United States committed in the presence of the officer or em-  
7 ployee, or for any felony cognizable under the laws of the United  
8 States if the officer or employee has reasonable grounds to believe  
9 that the individual to be arrested has committed or is committing  
10 the felony, provided the arrests occur within the System or the in-  
11 dividual to be arrested is fleeing from the System to avoid arrest;

12           (C) execute any warrant or other process issued by a court or  
13 officer of competent jurisdiction for the enforcement of the provi-  
14 sions of any Federal law or regulation issued pursuant to law aris-  
15 ing out of an offense committed in the System or, where the indi-  
16 vidual subject to the warrant or process is in the System, in con-  
17 nection with any Federal offense; and

18           (D) conduct investigations of offenses against the United States  
19 committed in the System in the absence of investigation of the of-  
20 fenses by any other Federal law enforcement agency having inves-  
21 tigative jurisdiction over the offense committed or with the concu-  
22 rrence of the other agency.

23 (b) SPECIAL POLICE OFFICERS.—

24           (1) IN GENERAL.—The Secretary may designate officers and employ-  
25 ees of any other Federal agency, or law enforcement personnel of a  
26 State or political subdivision of a State, when determined to be eco-  
27 nomical and in the public interest and with the concurrence of that  
28 agency, State, or subdivision, to—

29           (A) act as special police officers in System units when supple-  
30 mental law enforcement personnel may be needed; and

31           (B) exercise the powers and authority provided by subpara-  
32 graphs (A) to (D) of subsection (a)(2).

33           (2) COOPERATION WITH STATES AND POLITICAL SUBDIVISIONS.—  
34 The Secretary may—

35           (A) cooperate, within the System, with any State or political  
36 subdivision of a State in the enforcement of supervision of the  
37 laws or ordinances of that State or subdivision;

38           (B) mutually waive, in any agreement pursuant to subpara-  
39 graph (A) and paragraph (1) or pursuant to subparagraphs (A)  
40 and (B) of subsection (a)(2) with any State or political subdivision  
41 of a State where State law requires the waiver and indemnifica-



1           tion, all civil claims against all the other parties to the agreement  
 2           and, subject to available appropriations, indemnify and save harm-  
 3           less the other parties to the agreement from all claims by third  
 4           parties for property damage or personal injury, that may arise out  
 5           of the parties' activities outside their respective jurisdictions under  
 6           the agreement; and

7           (C) provide limited reimbursement, to a State or political sub-  
 8           divisions of a State, in accordance with such regulations as the  
 9           Secretary may prescribe, where the State has ceded concurrent  
 10          legislative jurisdiction over the affected area of the System, for ex-  
 11          penditures incurred in connection with its activities within the Sys-  
 12          tem that were rendered pursuant to paragraph (1).

13          (3) SUPPLEMENTAL AUTHORITY; DELEGATION OF SERVICE LAW EN-  
 14          FORCEMENT RESPONSIBILITIES NOT AUTHORIZED.—Paragraphs (1)  
 15          and (2) supplement the law enforcement responsibilities of the Service  
 16          and do not authorize the delegation of law enforcement responsibilities  
 17          of the Service to State or local governments.

18          (4) SPECIAL POLICE OFFICERS NOT DEEMED FEDERAL EMPLOY-  
 19          EES.—

20           (A) IN GENERAL.—Except as otherwise provided in this sub-  
 21           section, a law enforcement officer of a State or political subdivi-  
 22           sion of a State designated to act as a special police officer under  
 23           paragraph (1) shall not be deemed a Federal employee and shall  
 24           not be subject to the provisions of law relating to Federal employ-  
 25           ment, including those relating to hours of work, rates of com-  
 26           pensation, leave, unemployment compensation, and Federal bene-  
 27           fits.

28           (B) EXCEPTIONS.—A law enforcement officer of a State or po-  
 29           litical subdivision of a State, when acting as a special police officer  
 30           under paragraph (1), is deemed to be—

31           (i) a Federal employee for purposes of sections 1346(b)  
 32           and 2401(b) and chapter 171 of title 28; and

33           (ii) a civil service employee of the United States within the  
 34           meaning of the term “employee” as defined in section 8101  
 35           of title 5, for purposes of subchapter I of chapter 81 of title  
 36           5, relating to compensation to Federal employees for work in-  
 37           juries, and the provisions of subchapter I of chapter 81 of  
 38           title 5 shall apply.

39          (c) FEDERAL INVESTIGATIVE JURISDICTION AND STATE CIVIL AND  
 40          CRIMINAL JURISDICTION NOT PREEMPTED.—This section and sections  
 41          100101(b), 100502, 100507, 100751(b), 100754, 100901(b) and (c),

1 100906(a) and (d), 101302(b)(1) and (c) to (e), 101306, 101702(b) and  
 2 (c), 101901, 102102, and 102702 of this title shall not be construed or ap-  
 3 plied to limit or restrict the investigative jurisdiction of any Federal law en-  
 4 forcement agency other than the Service, and nothing shall be construed or  
 5 applied to affect any right of a State or political subdivision of a State to  
 6 exercise civil and criminal jurisdiction within the System.

7 **§ 102702. Crime prevention assistance**

8 (a) RECOMMENDATIONS FOR IMPROVEMENT.—The Secretary shall direct  
 9 the chief official responsible for law enforcement within the Service to—

10 (1) compile a list of System units with the highest rates of violent  
 11 crime;

12 (2) make recommendations concerning capital improvements, and  
 13 other measures, needed within the System to reduce the rates of violent  
 14 crime, including the rate of sexual assault; and

15 (3) publish the information required by paragraphs (1) and (2) in  
 16 the Federal Register.

17 (b) DISTRIBUTION OF FUNDS.—Based on the recommendations and list  
 18 issued pursuant to subsection (a), the Secretary shall distribute the funds  
 19 authorized by subsection (d) throughout the System. Priority shall be given  
 20 to areas with the highest rates of sexual assault.

21 (c) USE OF FUNDS.—Funds provided under this section may be used—

22 (1) to increase lighting within or adjacent to System units;

23 (2) to provide emergency phone lines to contact law enforcement or  
 24 security personnel in areas within or adjacent to System units;

25 (3) to increase security or law enforcement personnel within or adja-  
 26 cent to System units; or

27 (4) for any other project intended to increase the security and safety  
 28 of System units.

29 (d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-  
 30 propriated out of the Violent Crime Reduction Trust Fund not more than  
 31 \$10,000,000 for the Secretary to take all necessary actions to seek to re-  
 32 duce the incidence of violent crime in the System.

33 **Subchapter II—Emergency Assistance**

34 **§ 102711. Authority of Secretary to use applicable appro-**  
 35 **riations for the System to render assistance to**  
 36 **nearby law enforcement and fire prevention agen-**  
 37 **cies and for related activities outside the System**

38 To facilitate the administration of the System, the Secretary may use ap-  
 39 plicable appropriations for the System to render emergency rescue, fire-  
 40 fighting, and cooperative assistance to nearby law enforcement and fire pre-  
 41 ventation agencies and for related purposes outside the System.

1    **§ 102712. Aid to visitors, grantees, permittees, or licensees**  
 2                   **in emergencies**

3           (a) VISITORS.—The Secretary may aid visitors within a System unit in  
 4 an emergency, when no other source is available for the procurement of food  
 5 or supplies, by the sale, at cost, of food or supplies in quantities sufficient  
 6 to enable the visitors to reach safely a point where food or supplies can be  
 7 purchased. Receipts from the sales shall be deposited as a refund to the ap-  
 8 propriation current at the date of the deposit and shall be available for the  
 9 purchase of similar food or supplies.

10          (b) GRANTEES, PERMITTEES, AND LICENSEES.—The Secretary may in  
 11 an emergency, when no other source is available for the immediate procure-  
 12 ment of supplies, materials, or special services, aid grantees, permittees, or  
 13 licensees conducting operations for the benefit of the public in a System unit  
 14 by the sale, at cost, including transportation and handling, of supplies, ma-  
 15 terials, or special services as may be necessary to relieve the emergency and  
 16 ensure uninterrupted service to the public. Receipts from the sales shall be  
 17 deposited as a refund to the appropriation current at the date of the deposit  
 18 and shall be available for expenditure for System unit purposes.

19                   **Chapter 1029—Land Transfers**

Sec.

102901. Conveyance of property and interests in property in System units or related areas.

20    **§ 102901. Conveyance of property and interests in property**  
 21                   **in System units or related areas**

22          (a) FREEHOLD AND LEASEHOLD INTERESTS.—With respect to any prop-  
 23 erty acquired by the Secretary within a System unit or related area, except  
 24 property within national parks or within national monuments of scientific  
 25 significance, the Secretary may convey a freehold or leasehold interest in the  
 26 property, subject to such terms and conditions as will ensure the use of the  
 27 property in a manner that is, in the judgment of the Secretary, consistent  
 28 with the purpose for which the System unit or related area was authorized  
 29 by Congress. The Secretary shall convey the interest to the highest bidder,  
 30 in accordance with such regulations as the Secretary may prescribe. The  
 31 conveyance shall be at not less than the fair market value of the interest,  
 32 as determined by the Secretary, except that if the conveyance is proposed  
 33 within 2 years after the property to be conveyed is acquired by the Sec-  
 34 retary, the Secretary shall allow the last owner of record of the property  
 35 30 days following the date on which the owner is notified by the Secretary  
 36 in writing that the property is to be conveyed within which to notify the  
 37 Secretary that the owner wishes to acquire the interest. On receiving the  
 38 timely request, the Secretary shall convey the interest to the person, in ac-  
 39 cordance with such regulations as the Secretary may prescribe, on payment  
 40 or agreement to pay an amount equal to the highest bid price.

1 (b) EXCHANGE OF LAND.—

2 (1) IN GENERAL.—The Secretary may accept title to any non-Fed-  
3 eral property or interest in property within a System unit or related  
4 area under the Secretary's administration in exchange for any Feder-  
5 ally-owned property or interest under the Secretary's jurisdiction that  
6 the Secretary determines is suitable for exchange or other disposal and  
7 that is located in the same State as the non-Federal property to be ac-  
8 quired.

9 (2) EXCEPTION.—Timberland subject to harvest under a sustained  
10 yield program shall not be exchanged under paragraph (1).

11 (3) PUBLIC HEARING.—On request of a State or a political subdivi-  
12 sion thereof, or of a party in interest, prior to an exchange under this  
13 subsection the Secretary shall hold a public hearing in the area where  
14 the properties to be exchanged are located.

15 (4) VALUES OF PROPERTIES EXCHANGED.—The values of the prop-  
16 erties exchanged—

17 (A) shall be approximately equal; or

18 (B) if they are not approximately equal, shall be equalized by  
19 the payment of cash to the grantor from funds appropriated for  
20 the acquisition of land for the area, or to the Secretary, as the  
21 circumstances require.

22 (c) PROCEEDS CREDITED TO LAND AND WATER CONSERVATION  
23 FUND.—The proceeds received from any conveyance under this section shall  
24 be credited to the Land and Water Conservation Fund.

25 **Chapter 1031—Appropriations and**  
26 **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.

27 **§ 103101. Availability and use of appropriations**

28 (a) CREDITS OF RECEIPTS FOR MEALS AND QUARTERS FURNISHED  
29 FEDERAL GOVERNMENT EMPLOYEES IN THE FIELD.—Cash collections and  
30 payroll deductions made for meals and quarters furnished by the Service to  
31 employees of the Federal Government in the field and to cooperating agen-  
32 cies may be credited as a reimbursement to the current appropriation for  
33 the administration of the System unit in which the accommodations are fur-  
34 nished.

35 (b) AVAILABILITY FOR EXPENSE OF RECORDING DONATED LAND.—Ap-  
36 propriations made for the Service shall be available for any expenses inci-  
37 dent to the preparation and recording of title evidence covering land to be  
38 donated to the United States for administration by the Service.

1 (c) USE OF FUNDS FOR LAW ENFORCEMENT AND EMERGENCIES.—

2 (1) IN GENERAL.—Funds, not to exceed \$250,000 per incident,  
3 available to the Service may be used, with the approval of the Sec-  
4 retary, to—

5 (A) maintain law and order in emergency and other unforeseen  
6 law enforcement situations; and

7 (B) conduct emergency search and rescue operations in the Sys-  
8 tem.

9 (2) REPLENISHMENT OF FUNDS.—If the Secretary expends funds  
10 under paragraph (1), the funds shall be replenished by a supplemental  
11 appropriation for which the Secretary shall make a request as promptly  
12 as possible.

13 (d) CONTRIBUTION FOR ANNUITY BENEFITS.—

14 (1) IN GENERAL.—Necessary amounts are appropriated for reim-  
15 bursement, pursuant to the Policemen and Firemen's Retirement and  
16 Disability Act amendments of 1957 (Public Law 85-157, 71 Stat.  
17 391), to the District of Columbia on a monthly basis for benefit pay-  
18 ments by the District of Columbia to United States Park Police annu-  
19 itants under section 12 of the Policemen and Firemen's Retirement  
20 and Disability Act (ch. 433, 39 Stat. 718), to the extent that those  
21 payments exceed contributions made by active Park Police members  
22 covered under the Policemen and Firemen's Retirement and Disability  
23 Act.

24 (2) NONAVAILABILITY OF APPROPRIATIONS TO THE SERVICE.—Ap-  
25 propriations made to the Service are not available for the purpose of  
26 making reimbursements under paragraph (1).

27 (e) WATERPROOF FOOTWEAR.—Appropriations for the Service that are  
28 available for the purchase of equipment may be used for purchase of water-  
29 proof footwear, which shall be regarded and listed as System equipment.

30 **§ 103102. Appropriations authorized and available for cer-**  
31 **tain purposes**

32 Appropriations for the Service are authorized and are available for—

33 (1) administration, protection, improvement, and maintenance of  
34 areas, under the jurisdiction of other Federal agencies, that are devoted  
35 to recreational use pursuant to cooperative agreements;

36 (2) necessary local transportation and subsistence in kind of individ-  
37 uals selected for employment or as cooperators, serving without other  
38 compensation, while attending fire protection training camps;

39 (3) administration, protection, maintenance, and improvement of the  
40 Chesapeake and Ohio Canal;

1 (4) educational lectures in or in the vicinity of and with respect to  
 2 System units, and services of field employees in cooperation with such  
 3 nonprofit scientific and historical societies engaged in educational work  
 4 in System units as the Secretary may designate;

5 (5) travel expenses of employees attending—

6 (A) Federal Government camps for training in forest fire pre-  
 7 vention and suppression;

8 (B) the Federal Bureau of Investigation National Police Acad-  
 9 emy; and

10 (C) Federal, State, or municipal schools for training in building  
 11 fire prevention and suppression;

12 (6) investigation and establishment of water rights in accordance  
 13 with local custom, laws, and decisions of courts, including the acqui-  
 14 sition of water rights or of land or interests in land or rights-of-way for  
 15 use and protection of water rights necessary or beneficial in the admin-  
 16 istration and public use of System units;

17 (7) official telephone service in the field in the case of official tele-  
 18 phones installed in private houses when authorized under regulations  
 19 established by the Secretary; and

20 (8) provision of transportation for children in nearby communities to  
 21 and from any System unit used in connection with organized recreation  
 22 and interpretive programs of the Service.

23 **§ 103103. Amounts provided by private entities for utility**  
 24 **services**

25 Notwithstanding any other provision of law, amounts provided to the  
 26 Service by private entities for utility services shall be credited to the appro-  
 27 priate account and remain available until expended.

28 **§ 103104. Recovery of costs associated with special use per-**  
 29 **mits**

30 Notwithstanding any other provision of law, the Service may recover all  
 31 costs of providing necessary services associated with special use permits.  
 32 The reimbursements shall be credited to the appropriation current at that  
 33 time.

34 **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.

35 **§ 103301. Military maneuvers**

36 To obtain practical benefits of great value to the country from the es-  
 37 tablishment of national military parks, the parks and their approaches are

1 declared to be national fields for military maneuvers for the Regular Army  
 2 or Regular Air Force and the National Guard or militia of the States. Na-  
 3 tional military parks shall be opened for those purposes only in the discre-  
 4 tion of the Secretary, and under such regulations as the Secretary may pre-  
 5 scribe.

6 **§ 103302. Camps for military instruction**

7 (a) ASSEMBLING OF FORCES AND DETAILING OF INSTRUCTORS.—The  
 8 Secretary of the Army or Secretary of the Air Force, within the limits of  
 9 appropriations that may be available for that purpose, may assemble in  
 10 camp at such season of the year and for such period as the Secretary of  
 11 the Army or Secretary of the Air Force may designate, at the field of mili-  
 12 tary maneuvers, such portions of the military forces of the United States  
 13 as the Secretary of the Army or Secretary of the Air Force may think best,  
 14 to receive military instruction there. The Secretary of the Army or Secretary  
 15 of the Air Force may detail instructors from the Regular Army or Regular  
 16 Air Force, respectively, for those forces during their exercises.

17 (b) REGULATIONS.—The Secretary of the Army or Secretary of the Air  
 18 Force may prescribe regulations governing the assembling of the National  
 19 Guard or militia of the States on the maneuvering grounds.

20 **§ 103303. Performance of duties of commissions**

21 The duties of commissions in charge of national military parks shall be  
 22 performed under the direction of the Secretary.

23 **§ 103304. Recovery of land withheld**

24 (a) CIVIL ACTION.—The United States may bring a civil action in the  
 25 courts of the United States against a person to whom land lying within a  
 26 national military park has been leased that refuses to give up possession of  
 27 the land to the United States after the termination of the lease, and after  
 28 possession has been demanded for the United States by the park super-  
 29 intendent, or against a person retaining possession of land lying within the  
 30 boundary of a national military park that the person has sold to the United  
 31 States for park purposes and received payment therefor, after possession of  
 32 the land has been demanded for the United States by the park super-  
 33 intendent, to recover possession of the land withheld. The civil action shall  
 34 be brought according to the statutes of the State in which the national mili-  
 35 tary park is situated.

36 (b) TRESPASS.—A person described in subsection (a) shall be guilty of  
 37 trespass.

38 **§ 103305. Travel expenses incident to study of battlefields**

39 Mileage of officers of the Army and actual expenses of civilian employees  
 40 traveling on duty in connection with the studies, surveys, and field investiga-

1 tions of battlefields shall be paid from the appropriations made to meet ex-  
2 penses for those purposes.

3 **§ 103306. Studies**

4 (a) STUDY OF BATTLEFIELDS FOR COMMEMORATIVE PURPOSES.—The  
5 Secretary of the Army may make studies and investigations and, where nec-  
6 essary, surveys of all battlefields within the continental limits of the United  
7 States on which troops of the United States or of the original 13 colonies  
8 have been engaged against a common enemy, with a view to preparing a  
9 general plan and such detailed projects as may be required for properly  
10 commemorating such battlefields or other adjacent points of historic and  
11 military interest.

12 (b) INCLUSION OF ESTIMATE OF COST OF PROJECTED SURVEYS IN AP-  
13 PROPRIATION ESTIMATES.—The Secretary of the Army shall include annu-  
14 ally in the Department of the Interior appropriation estimates a list of the  
15 battlefields for which surveys or other field investigations are planned for  
16 the fiscal year in question, with the estimated cost of making each survey  
17 or other field investigation.

18 (c) PURCHASE OF REAL ESTATE FOR NATIONAL MILITARY PARK PUR-  
19 POSSES.—No real estate shall be purchased for national military park pur-  
20 poses by the Federal Government unless a report on the real estate has been  
21 made by the Secretary of the Army through the President to Congress  
22 under subsection (d).

23 (d) REPORT TO CONGRESS.—The Secretary of the Army, through the  
24 President, shall annually submit to Congress a detailed report of progress  
25 made under this subchapter, with recommendations for further operations.

26 **Chapters 1035 through 1047—Reserved**  
27 **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.

28 **§ 104901. Central warehouses at System units**

29 (a) AUTHORITY OF SECRETARY.—The Secretary, in the administration of  
30 the System, may maintain central warehouses at System units.

31 (b) APPROPRIATIONS.—

32 (1) AVAILABILITY.—Appropriations made for the administration,  
33 protection, maintenance, and improvement of System units shall be  
34 available for the purchase of supplies and materials to be kept in cen-  
35 tral warehouses for distribution at cost, including transportation and  
36 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.

**§ 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.

**§ 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.

**§ 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.

1    **§ 104905. Preparation of mats for reproduction of photo-**  
 2                                   **graphs**

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

10    **§ 104906. Protection of right of individuals to bear arms**

11           (a) FINDINGS.—Congress finds the following:

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

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

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

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

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

28                           (A) on March 19, 2009, the United States District Court for  
 29 the District of Columbia granted a preliminary injunction with re-  
 30 spect to the implementation and enforcement of the new regula-  
 31 tions; and

32                           (B) the new regulations—

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

34                                   (ii) may be altered.

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

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

40           (b) PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS IN SYSTEM  
 41 UNITS.—The Secretary shall not promulgate or enforce any regulation that

1 prohibits an individual from possessing a firearm, including an assembled  
2 or functional firearm, in any System unit if—

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

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

7 **§ 104907. Limitation on extension or establishment of na-**  
8 **tional parks in Wyoming**

9 No extension or establishment of national parks in Wyoming may be un-  
10 dertaken except by express authorization of Congress.

11 **Division B—System Units and Related**  
12 **Areas—Reserved**  
13 **Subtitle II—Outdoor Recreation Programs**  
14 **Chapter 2001—Coordination of Programs**

Sec.

200101. Findings and declaration of policy.

200102. Definitions.

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

200104. Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan.

15 **§ 200101. Findings and declaration of policy**

16 Congress finds and declares it is desirable—

17 (1) that all American people of present and future generations be as-  
18 sured adequate outdoor recreation resources; and

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

24 **§ 200102. Definitions**

25 As used in this chapter:

26 (1) STATE.—The term “State”, to the extent practicable, as deter-  
27 mined by the Secretary, includes Puerto Rico, Guam, American Samoa,  
28 the Virgin Islands, and the Northern Mariana Islands.

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

30 (A) includes the District of Columbia; and

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

34 **§ 200103. Authority of Secretary to carry out certain func-**  
35 **tions and activities**

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

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

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

7 (d) RECREATION PLAN.—The Secretary may formulate and maintain a  
8 comprehensive nationwide outdoor recreation plan, taking into consideration  
9 the plans of the various Federal agencies, States, and their political subdivi-  
10 sions. The plan shall set forth the needs and demands of the public for out-  
11 door recreation and the current and foreseeable availability in the future of  
12 outdoor recreation resources to meet those needs. The plan shall identify  
13 critical outdoor recreation problems, recommend solutions, and recommend  
14 desirable actions to be taken at each level of government and by private in-  
15 terests. The Secretary shall submit the plan to the President for transmittal  
16 to Congress. Revisions of the plan shall be similarly transmitted at suc-  
17 ceeding 5-year intervals. When a plan or revision is transmitted to the Con-  
18 gress, the Secretary shall transmit copies to the chief executive officials of  
19 the States.

20 (e) TECHNICAL ASSISTANCE AND ADVICE.—The Secretary may provide  
21 technical assistance and advice to and cooperate with States, political sub-  
22 divisions, and private interests, including nonprofit organizations, with re-  
23 spect to outdoor recreation.

24 (f) INTERSTATE AND REGIONAL COOPERATION.—The Secretary may en-  
25 courage interstate and regional cooperation in the planning, acquisition, and  
26 development of outdoor recreation resources.

27 (g) RESEARCH, INFORMATION, AND EDUCATION PROGRAMS AND ACTIVI-  
28 TIES.—The Secretary may—

29 (1) sponsor, engage in, and assist in research relating to outdoor  
30 recreation, directly or by contract or cooperative agreements, and make  
31 payments for such purposes without regard to the limitations of section  
32 3324(a) and (b) of title 31 concerning advances of funds when the Sec-  
33 retary considers such action to be in the public interest;

34 (2) undertake studies and assemble information concerning outdoor  
35 recreation, directly or by contract or cooperative agreement, and dis-  
36 seminate the information without regard to section 3204 of title 39;  
37 and

38 (3) cooperate with educational institutions and others to assist in es-  
39 tablishing education programs and activities and to encourage public  
40 use and benefits from outdoor recreation.

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

1 (1) IN GENERAL.—The Secretary may—

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

6 (B) promote coordination of Federal plans and activities gen-  
7 erally relating to outdoor recreation.

8 (2) FUNDING.—An agency furnishing advice or assistance under this  
9 paragraph may expend its own funds for those purposes, with or with-  
10 out reimbursement, as may be agreed to by that agency.

11 (i) DONATIONS.—The Secretary may accept and use donations of money,  
12 property, personal services, or facilities for the purposes of this chapter.

13 **§ 200104. Consultations of Secretary with administrative of-**  
14 **ficers; execution of administrative responsibilities**  
15 **in conformity with nationwide plan**

16 To carry out the policy declared in section 200101 of this title, the heads  
17 of Federal agencies having administrative responsibility over activities or re-  
18 sources the conduct or use of which is pertinent to fulfillment of that policy  
19 shall, individually or as a group—

20 (1) consult with and be consulted by the Secretary from time to time  
21 both with respect to their conduct of those activities and their use of  
22 those resources and with respect to the activities that the Secretary  
23 carries on under authority of this chapter that are pertinent to their  
24 work; and

25 (2) carry out that responsibility in general conformance with the na-  
26 tionwide plan authorized under section 200103(d) of this title.

27 **Chapter 2003—Land and Water**  
28 **Conservation Fund**

Sec.

- 200301. Definitions.
- 200302. Establishment of Land and Water Conservation Fund.
- 200303. Appropriations for expenditure of Fund amounts.
- 200304. Statement of estimated requirements.
- 200305. Financial assistance to States.
- 200306. Allocation of Fund amounts for Federal purposes.
- 200307. Availability of Fund amounts for publicity purposes.
- 200308. Contracts for acquisition of land and water.
- 200309. Contracts for options to acquire land and water in System.
- 200310. Transfers to and from Fund.

29 **§ 200301. Definitions**

30 In this chapter:

31 (1) FUND.—The term “Fund” means the Land and Water Con-  
32 servation Fund established under section 200302 of this title.

1           (2) STATE.—The term “State” means a State, the District of Co-  
2           lumbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and  
3           the Northern Mariana Islands.

4   **§ 200302. Establishment of Land and Water Conservation**  
5           **Fund**

6           (a) ESTABLISHMENT.—There is established in the Treasury the Land  
7           and Water Conservation Fund.

8           (b) DEPOSITS.—During the period ending September 30, 2015, there  
9           shall be deposited in the Fund the following revenues and collections:

10           (1) All proceeds (except so much thereof as may be otherwise obli-  
11           gated, credited, or paid under authority of the provisions of law set  
12           forth in section 572(a) or 574(a) to (c) of title 40 or under authority  
13           of any appropriation Act that appropriates an amount, to be derived  
14           from proceeds from the transfer of excess property and the disposal of  
15           surplus property, for necessary expenses, not otherwise provided for, in-  
16           cident to the utilization and disposal of excess and surplus property)  
17           received from any disposal of surplus real property and related personal  
18           property under chapter 5 of title 40, notwithstanding any provision of  
19           law that such proceeds shall be credited to miscellaneous receipts of the  
20           Treasury. Nothing in this chapter shall affect existing laws or regula-  
21           tions concerning disposal of real or personal surplus property to  
22           schools, hospitals, and States and their political subdivisions.

23           (2) The amounts provided for in section 200310 of this title.

24           (c) AUTHORIZATION OF APPROPRIATIONS.—

25           (1) IN GENERAL.—In addition to the sum of the revenues and collec-  
26           tions estimated by the Secretary to be deposited in the Fund pursuant  
27           to this section, there are authorized to be appropriated annually to the  
28           Fund out of any money in the Treasury not otherwise appropriated  
29           such amounts as are necessary to make the income of the Fund not  
30           less than \$900,000,000 for each fiscal year through September 30,  
31           2015.

32           (2) RECEIPTS UNDER OUTER CONTINENTAL SHELF LANDS ACT.—To  
33           the extent that amounts appropriated under paragraph (1) are not suf-  
34           ficient to make the total annual income of the Fund equivalent to the  
35           amounts provided in paragraph (1), an amount sufficient to cover the  
36           remainder shall be credited to the Fund from revenues due and payable  
37           to the United States for deposit in the Treasury as miscellaneous re-  
38           ceipts under the Outer Continental Shelf Lands Act (43 U.S.C. 1331  
39           et seq.).

40           (3) AVAILABILITY OF DEPOSITS.—Notwithstanding section 200303  
41           of this title, money deposited in the Fund under this subsection shall

1           remain in the Fund until appropriated by Congress to carry out this  
2           chapter.

3   **§ 200303. Appropriations for expenditure of Fund amounts**

4           Amounts deposited in the Fund shall be available for expenditure for the  
5           purposes of this chapter only when appropriated for those purposes. The ap-  
6           propriations may be made without fiscal-year limitation. Amounts made  
7           available for obligation or expenditure from the Fund may be obligated or  
8           expended only as provided in this chapter.

9   **§ 200304. Statement of estimated requirements**

10          There shall be submitted with the annual budget of the United States a  
11          comprehensive statement of estimated requirements during the ensuing fis-  
12          cal year for appropriations from the Fund. Not less than 40 percent of such  
13          appropriations shall be available for Federal purposes.

14   **§ 200305. Financial assistance to States**

15          (a) AUTHORITY OF SECRETARY TO MAKE PAYMENTS.—The Secretary  
16          may provide financial assistance to the States from amounts available for  
17          State purposes. Payments may be made to the States by the Secretary as  
18          provided in this section, subject to such terms and conditions as the Sec-  
19          retary considers appropriate and in the public interest to carry out the pur-  
20          poses of this chapter, for outdoor recreation:

- 21               (1) Planning.
- 22               (2) Acquisition of land, water, or interests in land or water.
- 23               (3) Development.

24          (b) APPORTIONMENT AMONG STATES.—Amounts appropriated and avail-  
25          able for State purposes for each fiscal year shall be apportioned among the  
26          States by the Secretary, whose determination shall be final, in accordance  
27          with the following formula:

28               (1) Forty percent of the 1st \$225,000,000; 30 percent of the next  
29               \$275,000,000; and 20 percent of all additional appropriations shall be  
30               apportioned equally among the States.

31               (2) At any time, the remaining appropriation shall be apportioned  
32               on the basis of need to individual States by the Secretary in such  
33               amounts as in the Secretary's judgment will best accomplish the pur-  
34               poses of this chapter. The determination of need shall include consider-  
35               ation of—

- 36                       (A) the proportion that the population of each State bears to  
37                       the total population of the United States;
- 38                       (B) the use of outdoor recreation resources of each State by  
39                       persons from outside the State; and
- 40                       (C) the Federal resources and programs in each State.

1           (3) The total allocation to a State under paragraphs (1) and (2)  
2 shall not exceed 10 percent of the total amount allocated to all of the  
3 States in any one year.

4           (4) The Secretary shall notify each State of its apportionments. The  
5 amounts shall be available for payment to the State for planning, ac-  
6 quisition, or development projects as prescribed. Any amount of any  
7 apportionment that has not been paid or obligated by the Secretary  
8 during the fiscal year in which the notification is given and for 2 fiscal  
9 years thereafter shall be reapportioned by the Secretary in accordance  
10 with paragraph (2) without regard to the 10 percent limitation to an  
11 individual State specified in this subsection.

12           (5) For the purposes of paragraph (1), the District of Columbia,  
13 Puerto Rico, Guam, American Samoa, the Virgin Islands, and the  
14 Northern Mariana Islands shall be deemed to be one State, and shall  
15 receive shares of the apportionment in proportion to their populations.

16           (e) MATCHING REQUIREMENTS.—Payments to any State shall cover not  
17 more than 50 percent of the cost of planning, acquisition, or development  
18 projects that are undertaken by the State. The remaining share of the cost  
19 shall be borne by the State in a manner and with funds or services as shall  
20 be satisfactory to the Secretary.

21           (d) COMPREHENSIVE STATE PLAN.—

22           (1) REQUIRED FOR CONSIDERATION OF FINANCIAL ASSISTANCE.—A  
23 comprehensive statewide outdoor recreation plan shall be required prior  
24 to the consideration by the Secretary of financial assistance for acqui-  
25 sition or development projects. The plan shall be adequate if, in the judg-  
26 ment of the Secretary, it encompasses and will promote the purposes  
27 of this chapter. No plan shall be approved unless the chief executive  
28 official of the State certifies that ample opportunity for public partici-  
29 pation in plan development and revision has been accorded. The Sec-  
30 retary shall develop, in consultation with others, criteria for public par-  
31 ticipation, which criteria shall constitute the basis for the certification  
32 by the chief executive official. The plan shall contain—

33           (A) the name of the State agency that will have authority to  
34 represent and act for the State in dealing with the Secretary for  
35 purposes of this chapter;

36           (B) an evaluation of the demand for and supply of outdoor  
37 recreation resources and facilities in the State;

38           (C) a program for the implementation of the plan; and

39           (D) other necessary information, as determined by the Sec-  
40 retary.



1           (2) FACTORS TO BE CONSIDERED.—The plan shall take into account  
2 relevant Federal resources and programs and shall be correlated so far  
3 as practicable with other State, regional, and local plans. Where there  
4 exists or is in preparation for any particular State a comprehensive  
5 plan financed in part with funds supplied by the Secretary of Housing  
6 and Urban Development, any statewide outdoor recreation plan pre-  
7 pared for purposes of this part shall be based on the same population,  
8 growth, and other pertinent factors as are used in formulating plans  
9 financed by the Secretary of Housing and Urban Development.

10           (3) PROVISION OF ASSISTANCE WHEN PLAN NOT OTHERWISE AVAIL-  
11 ABLE OR TO MAINTAIN PLAN.—The Secretary may provide financial as-  
12 sistance to any State for projects for the preparation of a compre-  
13 hensive statewide outdoor recreation plan when the plan is not otherwise  
14 available or for the maintenance of the plan.

15           (4) WETLANDS.—A comprehensive statewide outdoor recreation plan  
16 shall specifically address wetlands within the State as an important  
17 outdoor recreation resource as a prerequisite to approval, except that  
18 a revised comprehensive statewide outdoor recreation plan shall not be  
19 required by the Secretary, if a State submits, and the Secretary, acting  
20 through the Director, approves, as a part of and as an addendum to  
21 the existing comprehensive statewide outdoor recreation plan, a wet-  
22 lands priority plan developed in consultation with the State agency with  
23 responsibility for fish and wildlife resources and consistent with the na-  
24 tional wetlands priority conservation plan developed under section 301  
25 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3921)  
26 or, if the national plan has not been completed, consistent with the pro-  
27 visions of that section.

28           (e) PROJECTS FOR LAND AND WATER ACQUISITION AND DEVELOPMENT  
29 OF BASIC OUTDOOR RECREATION FACILITIES.—

30           (1) IN GENERAL.—In addition to assistance for planning projects,  
31 the Secretary may provide financial assistance to any State for the  
32 types of projects described in paragraphs (2) and (3), or combinations  
33 of those projects, if the projects are in accordance with the State com-  
34 prehensive plan.

35           (2) ACQUISITION OF LAND OR WATER.—

36           (A) IN GENERAL.—Under paragraph (1), the Secretary may  
37 provide financial assistance for a project for the acquisition of  
38 land, water, or an interest in land or water, or a wetland area or  
39 an interest in a wetland area, as identified in the wetlands provi-  
40 sions of the comprehensive plan (other than land, water, or an in-  
41 terest in land or water acquired from the United States for less

1 than fair market value), but not including incidental costs relating  
2 to acquisition.

3 (B) RETENTION OF RIGHT OF USE AND OCCUPANCY.—When a  
4 State provides that the owner of a single-family residence may, at  
5 the owner’s option, elect to retain a right of use and occupancy  
6 for not less than 6 months after the date of acquisition of the resi-  
7 dence and the owner elects to retain such a right—

8 (i) the owner shall be deemed to have waived any benefits  
9 under sections 203 to 206 of the Uniform Relocation Assist-  
10 ance and Real Property Acquisition Policies Act of 1970 (42  
11 U.S.C. 4623 to 4626); and

12 (ii) for the purposes of those sections the owner shall not  
13 be deemed to be a displaced person as defined in section 101  
14 of that Act (42 U.S.C. 4601).

15 (3) DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.—  
16 Under paragraph (1), the Secretary may provide financial assistance  
17 for a project for development of basic outdoor recreation facilities to  
18 serve the general public, including the development of Federal land  
19 under lease to States for terms of 25 years or more. No assistance  
20 shall be available under this chapter to enclose or shelter a facility nor-  
21 mally used for an outdoor recreation activity, but the Secretary may  
22 permit local funding, not to exceed 10 percent of the total amount allo-  
23 cated to a State in any one year, to be used for construction of a shel-  
24 tered facility for a swimming pool or ice skating rink in an area where  
25 the Secretary determines that the construction is justified by the sever-  
26 ity of climatic conditions and the increased public use made possible  
27 by the construction.

28 (f) PAYMENTS.—

29 (1) CRITERIA FOR MAKING PAYMENTS.—The Secretary may make a  
30 payment to a State only for a planning, acquisition, or development  
31 project that is approved by the Secretary. The Secretary shall not make  
32 a payment for or on account of any project with respect to which finan-  
33 cial assistance has been given or promised under any other Federal  
34 program or activity, and no financial assistance shall be given under  
35 any other Federal program or activity for or on account of any project  
36 with respect to which the assistance has been given or promised under  
37 this chapter. The Secretary may make payments from time to time in  
38 keeping with the rate of progress toward the satisfactory completion of  
39 a project. The approval of all projects and all payments, or any com-  
40 mitments relating thereto, shall be withheld until the Secretary receives  
41 appropriate written assurance from the State that the State has the

1 ability and intention to finance its share of the cost of all of the  
2 projects, and to operate and maintain by acceptable standards, at State  
3 expense, the properties or facilities acquired or developed for public  
4 outdoor recreation use.

5 (2) PAYMENT RECIPIENTS.—Payments for all projects shall be made  
6 by the Secretary to the chief executive official of the State or to a State  
7 official or agency designated by the chief executive official or by State  
8 law having authority and responsibility to accept and to administer  
9 funds paid under this section for approved projects. If consistent with  
10 an approved project, funds may be transferred by the State to a polit-  
11 ical subdivision or other appropriate public agency.

12 (3) CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION  
13 USE.—No property acquired or developed with assistance under this  
14 section shall, without the approval of the Secretary, be converted to  
15 other than public outdoor recreation use. The Secretary shall approve  
16 a conversion only if the Secretary finds it to be in accordance with the  
17 then-existing comprehensive statewide outdoor recreation plan and only  
18 on such conditions as the Secretary considers necessary to ensure the  
19 substitution of other recreation properties of at least equal fair market  
20 value and of reasonably equivalent usefulness and location. Wetland  
21 areas and interests therein as identified in the wetlands provisions of  
22 the comprehensive plan and proposed to be acquired as suitable re-  
23 placement property within the same State that is otherwise acceptable  
24 to the Secretary, acting through the Director, shall be deemed to be  
25 of reasonably equivalent usefulness with the property proposed for con-  
26 version.

27 (4) REPORTS AND ACCOUNTING PROCEDURES.—No payment shall be  
28 made to any State until the State has agreed to—

29 (A) provide such reports to the Secretary in such form and con-  
30 taining such information as may be reasonably necessary to enable  
31 the Secretary to perform the Secretary's duties under this chapter;  
32 and

33 (B) provide such fiscal control and fund accounting procedures  
34 as may be necessary to ensure proper disbursement and account-  
35 ing for Federal funds paid to the State under this chapter.

36 (g) RECORDS.—A recipient of assistance under this chapter shall keep  
37 such records as the Secretary shall prescribe, including records that fully  
38 disclose—

39 (1) the amount and the disposition by the recipient of the proceeds  
40 of the assistance;

1           (2) the total cost of the project or undertaking in connection with  
2           which the assistance is given or used; and

3           (3) the amount and nature of that portion of the cost of the project  
4           or undertaking supplied by other sources, and such other records as  
5           will facilitate an effective audit.

6           (h) ACCESS TO RECORDS.—The Secretary, and the Comptroller General,  
7           or any of their duly authorized representatives, shall have access for the  
8           purpose of audit and examination to any records of the recipient that are  
9           pertinent to assistance received under this chapter.

10          (i) PROHIBITION OF DISCRIMINATION.—With respect to property ac-  
11          quired or developed with assistance from the Fund, discrimination on the  
12          basis of residence, including preferential reservation or membership systems,  
13          is prohibited except to the extent that reasonable differences in admission  
14          and other fees may be maintained on the basis of residence.

15          (j) COORDINATION WITH FEDERAL AGENCIES.—To ensure consistency in  
16          policies and actions under this chapter with other related Federal programs  
17          and activities and to ensure coordination of the planning, acquisition, and  
18          development assistance to States under this section with other related Fed-  
19          eral programs and activities—

20                (1) the President may issue such regulations with respect thereto as  
21                the President considers desirable; and

22                (2) the assistance may be provided only in accordance with the regu-  
23                lations.

24          (k) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE  
25          CRIME.—

26                (1) AVAILABILITY AND PURPOSE OF FUNDS.—In addition to assist-  
27                ance for planning projects, and in addition to the projects identified in  
28                subsection (e), and from amounts appropriated out of the Violent  
29                Crime Reduction Trust Fund, the Secretary may provide financial as-  
30                sistance to the States, not to exceed \$15,000,000, for projects or com-  
31                binations thereof for the purpose of making capital improvements and  
32                other measures to increase safety in urban parks and recreation areas,  
33                including funds to—

34                    (A) increase lighting within or adjacent to public parks and  
35                    recreation areas;

36                    (B) provide emergency telephone lines to contact law enforce-  
37                    ment or security personnel in areas within or adjacent to public  
38                    parks and recreation areas;

39                    (C) increase security personnel within or adjacent to public  
40                    parks and recreation areas; and

1 (D) fund any other project intended to increase the security and  
2 safety of public parks and recreation areas.

3 (2) ELIGIBILITY.—In addition to the requirements for project ap-  
4 proval imposed by this section, eligibility for assistance under this sub-  
5 section shall depend on a showing of need. In providing funds under  
6 this subsection, the Secretary shall give priority to projects proposed  
7 for urban parks and recreation areas with the highest rates of crime  
8 and, in particular, to urban parks and recreation areas with the highest  
9 rates of sexual assault.

10 (3) FEDERAL SHARE.—Notwithstanding subsection (c), the Sec-  
11 retary may provide 70 percent improvement grants for projects under-  
12 taken by a State for the purposes described in this subsection.

13 **§ 200306. Allocation of Fund amounts for Federal purposes**

14 (a) ALLOWABLE PURPOSES AND SUBPURPOSES.—

15 (1) IN GENERAL.—Amounts appropriated from the Fund for Federal  
16 purposes shall, unless otherwise allotted in the appropriation Act mak-  
17 ing them available, be allotted by the President for the purposes and  
18 subpurposes stated in this subsection.

19 (2) ACQUISITION OF LAND, WATER, OR AN INTEREST IN LAND OR  
20 WATER.—

21 (A) SYSTEM UNITS AND RECREATION AREAS ADMINISTERED  
22 FOR RECREATION PURPOSES.—Amounts shall be allotted for the  
23 acquisition of land, water, or an interest in land or water within  
24 the exterior boundary of—

- 25 (i) a System unit authorized or established; and  
26 (ii) an area authorized to be administered by the Secretary  
27 for outdoor recreation purposes.

28 (B) NATIONAL FOREST SYSTEM.—

29 (i) IN GENERAL.—Amounts shall be allotted for the acqui-  
30 sition of land, water, or an interest in land or water within  
31 inholdings within—

32 (I) wilderness areas of the National Forest System;  
33 and

34 (II) other areas of national forests as the boundaries  
35 of those forests existed on January 1, 1965, or purchase  
36 units approved by the National Forest Reservation Com-  
37 mission subsequent to January 1, 1965, all of which  
38 other areas are primarily of value for outdoor recreation  
39 purposes.

40 (ii) ADJACENT LAND.—Land outside but adjacent to an ex-  
41 isting national forest boundary, not to exceed 3,000 acres in

1 the case of any one forest, that would comprise an integral  
 2 part of a forest recreational management area may also be  
 3 acquired with amounts appropriated from the Fund.

4 (iii) LIMITATION.—Except for areas specifically authorized  
 5 by Act of Congress, not more than 15 percent of the acreage  
 6 added to the National Forest System pursuant to this section  
 7 shall be west of the 100th meridian.

8 (C) ENDANGERED SPECIES AND THREATENED SPECIES; FISH  
 9 AND WILDLIFE REFUGE AREAS; NATIONAL WILDLIFE REFUGE SYS-  
 10 TEM.—Amounts shall be allotted for the acquisition of land, water,  
 11 or an interest in land or water for—

12 (i) endangered species and threatened species authorized  
 13 under section 5(a) of the Endangered Species Act of 1973  
 14 (16 U.S.C. 1534(a));

15 (ii) areas authorized by section 2 of the Refuge Recreation  
 16 Act (16 U.S.C. 460k–1);

17 (iii) national wildlife refuge areas under section 7(a)(4) of  
 18 the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and  
 19 wetlands acquired under section 304 of the Emergency Wet-  
 20 lands Resources Act of 1986 (16 U.S.C. 3922); and

21 (iv) any area authorized for the National Wildlife Refuge  
 22 System by specific Acts.

23 (3) PAYMENT AS OFFSET OF CAPITAL COSTS.—Amounts shall be al-  
 24 lotted for payment into miscellaneous receipts of the Treasury as a par-  
 25 tial offset for capital costs, if any, of Federal water development  
 26 projects authorized to be constructed by or pursuant to an Act of Con-  
 27 gress that are allocated to public recreation and the enhancement of  
 28 fish and wildlife values and financed through appropriations to water  
 29 resource agencies.

30 (4) AVAILABILITY OF APPROPRIATIONS.—Appropriations allotted for  
 31 the acquisition of land, water, or an interest in land or water as set  
 32 forth under subparagraphs (A) and (B) of paragraph (2) shall be avail-  
 33 able for those acquisitions notwithstanding any statutory ceiling on the  
 34 appropriations contained in any other provision of law enacted prior to  
 35 January 4, 1977, or, in the case of national recreation areas, prior to  
 36 January 15, 1979, except that for any such area expenditures shall not  
 37 exceed a statutory ceiling during any one fiscal year by 10 percent of  
 38 the ceiling or \$1,000,000, whichever is greater.

39 (b) ACQUISITION RESTRICTIONS.—Appropriations from the Fund pursu-  
 40 ant to this section shall not be used for acquisition unless the acquisition  
 41 is otherwise authorized by law. Appropriations from the Fund may be used

1 for preacquisition work where authorization is imminent and where substan-  
2 tial monetary savings could be realized.

3 **§ 200307. Availability of Fund amounts for publicity pur-**  
4 **poses**

5 (a) IN GENERAL.—Amounts derived from the sources listed in section  
6 200302 of this title shall not be available for publicity purposes.

7 (b) EXCEPTION FOR TEMPORARY SIGNING.—In a case where significant  
8 acquisition or development is initiated, appropriate standardized temporary  
9 signing shall be located on or near the affected site, to the extent feasible,  
10 so as to indicate the action taken is a product of funding made available  
11 through the Fund. The signing may indicate the percentage amounts and  
12 dollar amounts financed by Federal and non-Federal funds, and that the  
13 source of the funding includes amounts derived from Outer Continental  
14 Shelf receipts. The Secretary shall prescribe standards and guidelines for  
15 the usage of the signing to ensure consistency of design and application.

16 **§ 200308. Contracts for acquisition of land and water**

17 Not more than \$30,000,000 of the amount authorized to be appropriated  
18 from the Fund by section 200303 of this title may be obligated by contract  
19 during each fiscal year for the acquisition of land, water, or interest in land  
20 or water within areas specified in section 200306(a)(2) of this title. The  
21 contract may be executed by the head of the department concerned, within  
22 limitations prescribed by the Secretary. The contract shall be a contractual  
23 obligation of the United States and shall be liquidated with money appro-  
24 priated from the Fund specifically for liquidation of that contract obligation.  
25 No contract may be entered into for the acquisition of property pursuant  
26 to this section unless the acquisition is otherwise authorized by Federal law.

27 **§ 200309. Contracts for options to acquire land and water in**  
28 **System**

29 The Secretary may enter into contracts for options to acquire land, water,  
30 or interests in land or water within the exterior boundaries of any area the  
31 acquisition of which is authorized by law for inclusion in the System. The  
32 minimum period of any such option shall be 2 years, and any sums ex-  
33 pended for the purchase of an option shall be credited to the purchase price  
34 of the area. Not more than \$500,000 of the sum authorized to be appro-  
35 priated from the Fund by section 200303 of this title may be expended by  
36 the Secretary in any one fiscal year for the options.

37 **§ 200310. Transfers to and from Fund**

38 (a) MOTORBOAT FUEL TAXES.—There shall be set aside in the Fund the  
39 amounts specified in section 9503(c)(3)(B) of the Internal Revenue Code of  
40 1986 (26 U.S.C. 9503(c)(3)(B)).

1 (b) REFUNDS OF TAXES.—There shall be paid from time to time from  
 2 the Fund into the general fund of the Treasury amounts estimated by the  
 3 Secretary of the Treasury as equivalent to—

4 (1) the amounts paid before April 1, 2013, under section 6421 of  
 5 the Internal Revenue Code of 1986 (26 U.S.C. 6421) with respect to  
 6 gasoline used after December 31, 1964, in motorboats, on the basis of  
 7 claims filed for periods ending before April 1, 2012; and

8 (2) 80 percent of the floor stocks refunds made before April 1, 2013,  
 9 under section 6412(a)(1) of the Internal Revenue Code of 1986 (26  
 10 U.S.C. 6412(a)(1)) with respect to gasoline to be used in motorboats.

## 11 **Chapter 2005—Urban Park and Recreation** 12 **Recovery Program**

Sec.

- 200501. Definitions.
- 200502. Federal assistance.
- 200503. Rehabilitation grants and innovation grants.
- 200504. Recovery action programs.
- 200505. State action.
- 200506. Non-Federal share of project costs.
- 200507. Conversion of recreation property.
- 200508. Coordination of program.
- 200509. Recordkeeping.
- 200510. Inapplicability of matching provisions.
- 200511. Funding limitations.

### 13 **§ 200501. Definitions**

14 In this chapter:

15 (1) AT-RISK YOUTH RECREATION GRANT.—

16 (A) IN GENERAL.—The term “at-risk youth recreation grant”  
 17 means a grant in a neighborhood or community with a high preva-  
 18 lence of crime, particularly violent crime or crime committed by  
 19 youthful offenders.

20 (B) INCLUSIONS.—The term “at-risk youth recreation grant”  
 21 includes—

22 (i) a rehabilitation grant;

23 (ii) an innovation grant; and

24 (iii) a matching grant for continuing program support for  
 25 a program of demonstrated value or success in providing con-  
 26 structive alternatives to youth at risk for engaging in criminal  
 27 behavior, including a grant for operating, or coordinating, a  
 28 recreation program or service.

29 (C) ADDITIONAL USES OF REHABILITATION GRANT.—In addi-  
 30 tion to the purposes specified in paragraph (8), a rehabilitation  
 31 grant that serves as an at-risk youth recreation grant may be used  
 32 for the provision of lighting, emergency phones, or any other cap-  
 33 ital improvement that will improve the security of an urban park.



1 (2) GENERAL PURPOSE LOCAL GOVERNMENT.—The term “general  
2 purpose local government” means—

3 (A) a city, county, town, township, village, or other general pur-  
4 pose political subdivision of a State; and

5 (B) the District of Columbia.

6 (3) INNOVATION GRANT.—The term “innovation grant” means a  
7 matching grant to a local government to cover costs of personnel, facili-  
8 ties, equipment, supplies, or services designed to demonstrate innova-  
9 tive and cost-effective ways to augment park and recreation opportuni-  
10 ties at the neighborhood level and to address common problems related  
11 to facility operations and improved delivery of recreation service, not  
12 including routine operation and maintenance activities.

13 (4) MAINTENANCE.—The term “maintenance” means all commonly  
14 accepted practices necessary to keep recreation areas and facilities op-  
15 erating in a state of good repair and to protect them from deterioration  
16 resulting from normal wear and tear.

17 (5) PRIVATE, NONPROFIT AGENCY.—The term “private, nonprofit  
18 agency” means a community-based, nonprofit organization, corpora-  
19 tion, or association organized for purposes of providing recreational,  
20 conservation, and educational services directly to urban residents on a  
21 neighborhood or communitywide basis through voluntary donations, vol-  
22 untary labor, or public or private grants.

23 (6) RECOVERY ACTION PROGRAM GRANT.—

24 (A) IN GENERAL.—The term “recovery action program grant”  
25 means a matching grant to a local government for development of  
26 local park and recreation recovery action programs to meet the re-  
27 quirements of this chapter.

28 (B) USE.—A recovery action program grant shall be used for  
29 resource and needs assessment, coordination, citizen involvement  
30 and planning, and program development activities to—

31 (i) encourage public definition of goals; and

32 (ii) develop priorities and strategies for overall recreation  
33 system recovery.

34 (7) RECREATION AREA OR FACILITY.—The term “recreation area or  
35 facility” means an indoor or outdoor park, building, site, or other facil-  
36 ity that is dedicated to recreation purposes and administered by a pub-  
37 lic or private nonprofit agency to serve the recreation needs of commu-  
38 nity residents. Emphasis shall be on public facilities readily accessible  
39 to residential neighborhoods, including multiple-use community centers  
40 that have recreation as one of their primary purposes, but excluding

1 major sports arenas, exhibition areas, and conference halls used pri-  
2 marily for commercial sports, spectator, or display activities.

3 (8) REHABILITATION GRANT.—The term “rehabilitation grant”  
4 means a matching capital grant to a local government for rebuilding,  
5 remodeling, expanding, or developing an existing outdoor or indoor  
6 recreation area or facility, including improvements in park landscapes,  
7 buildings, and support facilities, but excluding routine maintenance and  
8 upkeep activities.

9 (9) SPECIAL PURPOSE LOCAL GOVERNMENT.—

10 (A) IN GENERAL.—The term “special purpose local govern-  
11 ment” means a local or regional special district, public-purpose  
12 corporation, or other limited political subdivision of a State.

13 (B) INCLUSIONS.—The term “special purpose local government”  
14 includes—

15 (i) a park authority;

16 (ii) a park, conservation, water, or sanitary district; and

17 (iii) a school district.

18 (10) STATE.—The term “State” means a State, an instrumentality  
19 of a State approved by the Governor of the State, Puerto Rico, Guam,  
20 American Samoa, the Virgin Islands, and the Northern Mariana Is-  
21 lands.

22 **§ 200502. Federal assistance**

23 (a) ELIGIBILITY DETERMINED BY SECRETARY.—Eligibility of general  
24 purpose local governments for assistance under this chapter shall be based  
25 on need as determined by the Secretary. The Secretary shall publish in the  
26 Federal Register a list of local governments eligible to participate in this  
27 program, to be accompanied by a discussion of criteria used in determining  
28 eligibility. Criteria shall be based on factors that the Secretary determines  
29 are related to deteriorated recreational facilities or systems and physical and  
30 economic distress.

31 (b) ADDITIONAL ELIGIBLE GENERAL PURPOSE LOCAL GOVERNMENTS.—  
32 In addition to eligible local governments established in accordance with sub-  
33 section (a), the Secretary may establish eligibility, in accord with the find-  
34 ings and purpose of the Urban Park and Recreation Recovery Act of 1978  
35 (Public Law 95–625, 92 Stat. 3538), of other general purpose local govern-  
36 ments in metropolitan statistical areas as defined by the Director of the Of-  
37 fice of Management and Budget.

38 (c) PRIORITY CRITERIA FOR PROJECT SELECTION AND APPROVAL.—

39 (1) IN GENERAL.—The Secretary shall establish priority criteria for  
40 project selection and approval that consider such factors as—

41 (A) population;

- 1 (B) condition of existing recreation areas and facilities;
- 2 (C) demonstrated deficiencies in access to neighborhood recre-
- 3 ation opportunities, particularly for minority and low- and mod-
- 4 erate-income residents;
- 5 (D) public participation in determining rehabilitation or develop-
- 6 ment needs;
- 7 (E) the extent to which a project supports or complements tar-
- 8 get activities undertaken as part of a local government's overall
- 9 community development and urban revitalization program;
- 10 (F) the extent to which a proposed project would provide—
- 11 (i) employment opportunities for minorities, youth, and
- 12 low- and moderate-income residents in the project neighbor-
- 13 hood;
- 14 (ii) for participation of neighborhood, nonprofit, or tenant
- 15 organizations in the proposed rehabilitation activity or in sub-
- 16 sequent maintenance, staffing, or supervision of recreation
- 17 areas and facilities; or
- 18 (iii) both; and
- 19 (G) the amount of State and private support for a project as
- 20 evidenced by commitments of non-Federal resources to project
- 21 construction or operation.
- 22 (2) AT-RISK YOUTH RECREATION GRANTS.—For at-risk youth recre-
- 23 ation grants, the Secretary shall give a priority to each of the following
- 24 criteria:
- 25 (A) Programs that are targeted to youth who are at the greatest
- 26 risk of becoming involved in violence and crime.
- 27 (B) Programs that teach important values and life skills, includ-
- 28 ing teamwork, respect, leadership, and self-esteem.
- 29 (C) Programs that offer tutoring, remedial education, men-
- 30 toring, and counseling in addition to recreation opportunities.
- 31 (D) Programs that offer services during late night or other non-
- 32 school hours.
- 33 (E) Programs that demonstrate collaboration between local park
- 34 and recreation, juvenile justice, law enforcement, and youth social
- 35 service agencies and nongovernmental entities, including the pri-
- 36 vate sector and community and nonprofit organizations.
- 37 (F) Programs that leverage public or private recreation invest-
- 38 ments in the form of services, materials, or cash.
- 39 (G) Programs that show the greatest potential of being contin-
- 40 ued with non-Federal funds or that can serve as models for other
- 41 communities.

1 (d) LIMITATION OF FUNDS.—Grants to discretionary applicants under  
 2 subsection (b) may not be more than 15 percent of the total amount of  
 3 funds appropriated under this chapter for rehabilitation grants, innovation  
 4 grants, and recovery action program grants.

5 **§ 200503. Rehabilitation grants and innovation grants**

6 (a) MATCHING GRANTS.—The Secretary may provide 70 percent match-  
 7 ing rehabilitation grants and innovation grants directly to eligible general  
 8 purpose local governments on the Secretary’s approval of applications for  
 9 the grants by the chief executive officials of those governments.

10 (b) SPECIAL CONSIDERATIONS.—An innovation grant should be closely  
 11 tied to goals, priorities, and implementation strategies expressed in local  
 12 park and recreation recovery action programs, with particular regard to the  
 13 special considerations listed in section 200504(c)(2) of this title.

14 (c) TRANSFER.—If consistent with an approved application, a grant re-  
 15 cipient may transfer a rehabilitation grant or innovation grant in whole or  
 16 in part to an independent special purpose local government, private non-  
 17 profit agency, or county or regional park authority if the assisted recreation  
 18 area or facility owned or managed by the transferee offers recreation op-  
 19 portunities to the general population within the jurisdictional boundaries of  
 20 the grant recipient.

21 (d) PAYMENTS.—Payments may be made only for a rehabilitation project  
 22 or innovation project that has been approved by the Secretary. Payments  
 23 may be made from time to time in keeping with the rate of progress toward  
 24 the satisfactory completion of the project, except that the Secretary, when  
 25 appropriate, may make advance payments on an approved rehabilitation  
 26 project or innovation project in an amount not to exceed 20 percent of the  
 27 total project cost.

28 (e) MODIFICATION OF PROJECT.—The Secretary may authorize modifica-  
 29 tion of an approved project only when a grant recipient adequately dem-  
 30 onstrates that the modification is necessary because of circumstances not  
 31 foreseeable at the time at which the project was proposed.

32 **§ 200504. Recovery action programs**

33 (a) EVIDENCE OF LOCAL COMMITMENT TO ONGOING PROGRAMS.—As a  
 34 requirement for project approval, local governments applying for assistance  
 35 under this chapter shall submit to the Secretary evidence of their commit-  
 36 ments to ongoing planning, rehabilitation, service, operation, and mainte-  
 37 nance programs for their park and recreation systems. These commitments  
 38 will be expressed in local park and recreation recovery action programs that  
 39 maximize coordination of all community resources, including other federally  
 40 supported urban development and recreation programs. During an initial in-  
 41 terim period to be established by regulations under this chapter, this re-

1 requirement may be satisfied by local government submissions of preliminary  
2 action programs that briefly define objectives, priorities, and implementation  
3 strategies for overall system recovery and maintenance and commit the ap-  
4 plicant to a scheduled program development process. Following this interim  
5 period, all local applicants shall submit to the Secretary, as a condition of  
6 eligibility, a 5-year action program for park and recreation recovery that  
7 satisfactorily demonstrates—

8 (1) systematic identification of recovery objectives, priorities, and im-  
9 plementation strategies;

10 (2) adequate planning for rehabilitation of specific recreation areas  
11 and facilities, including projections of the cost of proposed projects;

12 (3) the capacity and commitment to ensure that facilities provided  
13 or improved under this chapter shall continue to be adequately main-  
14 tained, protected, staffed, and supervised;

15 (4) the intention to maintain total local public outlays for park and  
16 recreation purposes at levels at least equal to those in the year pre-  
17 ceeding that in which grant assistance is sought except in any case  
18 where a reduction in park and recreation outlays is proportionate to  
19 a reduction in overall spending by the applicant; and

20 (5) the relationship of the park and recreation recovery program to  
21 overall community development and urban revitalization efforts.

22 (b) CONTINUING PLANNING PROCESS.—Where appropriate, the Secretary  
23 may encourage local governments to meet action program requirements  
24 through a continuing planning process that includes periodic improvements  
25 and updates in action program submissions to eliminate identified gaps in  
26 program information and policy development.

27 (c) SPECIAL CONSIDERATIONS.—Action programs shall address, but are  
28 not limited to—

29 (1) rehabilitation of existing recreational areas and facilities, includ-  
30 ing—

31 (A) general systemwide renovation;

32 (B) special rehabilitation requirements for recreational areas  
33 and facilities in areas of high population concentration and eco-  
34 nomic distress; and

35 (C) restoration of outstanding or unique structures, land-  
36 scaping, or similar features in parks of historical or architectural  
37 significance; and

38 (2) local commitments to innovative and cost-effective programs and  
39 projects at the neighborhood level to augment recovery of park and  
40 recreation systems, including—

1 (A) recycling of abandoned schools and other public buildings  
2 for recreational purposes;

3 (B) multiple use of operating educational and other public  
4 buildings, purchase of recreation services on a contractual basis;

5 (C) use of mobile facilities and recreational, cultural, and edu-  
6 cational programs or other innovative approaches to improving ac-  
7 cess for neighborhood residents;

8 (D) integration of recovery program with federally assisted  
9 projects to maximize recreational opportunities through conversion  
10 of abandoned railroad and highway rights of way, waterfront, and  
11 other redevelopment efforts and such other federally assisted  
12 projects as may be appropriate;

13 (E) conversion of recreation use of street space, derelict land,  
14 and other public land not now designated for neighborhood rec-  
15 reational use; and

16 (F) use of various forms of compensated and uncompensated  
17 land regulation, tax inducements, or other means to encourage the  
18 private sector to provide neighborhood park and recreation facili-  
19 ties and programs.

20 (d) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall establish  
21 and publish in the Federal Register requirements for preparation, submis-  
22 sion, and updating of local park and recreation recovery action programs.

23 (e) ELIGIBILITY FOR AT-RISK YOUTH RECREATION GRANTS.—To be eli-  
24 gible to receive at-risk youth recreation grants a local government shall  
25 amend its 5-year action program to incorporate the goal of reducing crime  
26 and juvenile delinquency and to provide a description of the implementation  
27 strategies to achieve this goal. The plan shall also address how the local  
28 government is coordinating its recreation programs with crime prevention  
29 efforts of law enforcement, juvenile corrections, and youth social service  
30 agencies.

31 (f) MATCHING RECOVERY ACTION PROGRAM GRANTS.—The Secretary  
32 may provide up to 50 percent matching recovery action program grants to  
33 eligible local governments for program development and planning specifically  
34 to meet the objectives of this chapter.

35 **§ 200505. State action**

36 (a) ADDITIONAL MATCH.—The Secretary may increase rehabilitation  
37 grants or innovation grants authorized in section 200503 of this title by  
38 providing an additional match equal to the total match provided by a State  
39 of up to 15 percent of total project costs. The Federal matching amount  
40 shall not exceed 85 percent of total project cost.

1 (b) ADEQUATE IMPLEMENTATION OF LOCAL RECOVERY PLANS.—The  
2 Secretary shall encourage States to assist the Secretary in ensuring—

3 (1) that local recovery plans and programs are adequately imple-  
4 mented by cooperating with the Secretary in monitoring local park and  
5 recreation recovery plans and programs; and

6 (2) consistency of the plans and programs, where appropriate, with  
7 State recreation policies as set forth in statewide comprehensive out-  
8 door recreation plans.

9 **§ 200506. Non-Federal share of project costs**

10 (a) SOURCES.—

11 (1) ALLOWABLE SOURCES.—The non-Federal share of project costs  
12 assisted under this chapter may be derived from general or special pur-  
13 pose State or local revenues, State categorical grants, special appro-  
14 priations by State legislatures, donations of land, buildings, or building  
15 materials, and in-kind construction, technical, and planning services.  
16 Reasonable local costs of recovery action program development to meet  
17 the requirements of section 200504(a) of this title may be used as part  
18 of the local match only when the local government has not received a  
19 recovery action program grant.

20 (2) NON-ALLOWABLE SOURCES.—No amount from the Land and  
21 Water Conservation Fund or from any other Federal grant program  
22 other than the community development block grant programs shall be  
23 used to match Federal grants under this program.

24 (b) ENCOURAGEMENT OF STATES AND PRIVATE INTERESTS.—The Sec-  
25 retary shall encourage States and private interests to contribute, to the  
26 maximum extent possible, to the non-Federal share of project costs.

27 **§ 200507. Conversion of recreation property**

28 No property improved or developed with assistance under this chapter  
29 shall, without the approval of the Secretary, be converted to other than pub-  
30 lic recreation uses. The Secretary shall approve such a conversion only if  
31 the Secretary finds it to be in accord with the then-current local park and  
32 recreation recovery action program and only on such conditions as the Sec-  
33 retary considers necessary to ensure the provision of adequate recreation  
34 properties and opportunities of reasonably equivalent location and useful-  
35 ness.

36 **§ 200508. Coordination of program**

37 The Secretary shall—

38 (1) coordinate the urban park and recreation recovery program with  
39 the total urban recovery effort and cooperate to the fullest extent pos-  
40 sible with other Federal agencies and with State agencies that admin-  
41 ister programs and policies affecting urban areas, including programs

1 in housing, urban development, natural resources management, employ-  
2 ment, transportation, community services, and voluntary action;

3 (2) encourage maximum coordination of the program between State  
4 agencies and local applicants; and

5 (3) require that local applicants include provisions for participation  
6 of community and neighborhood residents and for public-private coordi-  
7 nation in recovery planning and project selection.

8 **§ 200509. Recordkeeping**

9 (a) IN GENERAL.—A recipient of assistance under this chapter shall keep  
10 such records as the Secretary shall prescribe, including—

11 (1) records that disclose—

12 (A) the amount and disposition of project undertakings in con-  
13 nection with which assistance under this chapter is given or used;  
14 and

15 (B) the amount and nature of the portion of the cost of the  
16 project or undertaking that is supplied by other sources; and

17 (2) such other records as will facilitate an effective audit.

18 (b) ACCESS.—The Secretary and the Comptroller General shall have ac-  
19 cess for the purpose of audit and examination to any records of the recipient  
20 that are pertinent to assistance received under this chapter.

21 **§ 200510. Inapplicability of matching provisions**

22 Amounts authorized for Guam, American Samoa, the Virgin Islands, and  
23 the Northern Mariana Islands are not subject to the matching provisions  
24 of this chapter, and may be subject only to such conditions, reports, plans,  
25 and agreements, if any, as the Secretary may determine.

26 **§ 200511. Funding limitations**

27 (a) LIMITATION OF FUNDS.—The amount of grants made under this  
28 chapter for projects in any one State for any fiscal year shall not be more  
29 than 15 percent of the amount made available for grants to all of the States  
30 for that fiscal year.

31 (b) RECOVERY ACTION PROGRAM GRANTS.—Not more than 3 percent of  
32 the amount made available for grants under this chapter for a fiscal year  
33 shall be used for recovery action program grants.

34 (c) INNOVATION GRANTS.—Not more than 10 percent of the amount  
35 made available for grants under this chapter for a fiscal year shall be used  
36 for innovation grants.

37 (d) PROGRAM SUPPORT.—Not more than 25 percent of the amount made  
38 available under this chapter to any local government shall be used for pro-  
39 gram support.

40 (e) NO LAND ACQUISITION.—No funds made available under this chapter  
41 shall be used for the acquisition of land or an interest in land.



1                   **Subtitle III—National Preservation**  
 2                                   **Programs**  
 3                   **Division A—Historic Preservation**  
 4                   **Subdivision 1—General Provisions**  
 5                   **Chapter 3001—Policy**

Sec.

300101. Policy.

6           **§ 300101. Policy**

7           It is the policy of the Federal Government, in cooperation with other na-  
 8           tions and in partnership with States, local governments, Indian tribes, Na-  
 9           tive Hawaiian organizations, and private organizations and individuals, to—

10           (1) use measures, including financial and technical assistance, to fos-  
 11           ter conditions under which our modern society and our historic prop-  
 12           erty can exist in productive harmony and fulfill the social, economic,  
 13           and other requirements of present and future generations;

14           (2) provide leadership in the preservation of the historic property of  
 15           the United States and of the international community of nations and  
 16           in the administration of the national preservation program;

17           (3) administer federally owned, administered, or controlled historic  
 18           property in a spirit of stewardship for the inspiration and benefit of  
 19           present and future generations;

20           (4) contribute to the preservation of nonfederally owned historic  
 21           property and give maximum encouragement to organizations and indi-  
 22           viduals undertaking preservation by private means;

23           (5) encourage the public and private preservation and utilization of  
 24           all usable elements of the Nation's historic built environment; and

25           (6) assist State and local governments, Indian tribes and Native Ha-  
 26           waiian organizations, and the National Trust to expand and accelerate  
 27           their historic preservation programs and activities.

28                                   **Chapter 3003—Definitions**

Sec.

300301. Agency.

300302. Certified local government.

300303. Council.

300304. Cultural park.

300305. Historic conservation district.

300306. Historic Preservation Fund.

300307. Historic preservation review commission.

300308. Historic property.

300309. Indian tribe.

300310. Local government.

300311. National Register.

300312. National Trust.

300313. Native Hawaiian.

300314. Native Hawaiian organization.

300315. Preservation or historic preservation.

300316. Secretary.

300317. State.

300318. State historic preservation review board.  
 300319. Tribal land.  
 300320. Undertaking.  
 300321. World Heritage Convention.

1    **§ 300301. Agency**

2       In this division, the term “agency” has the meaning given the term in  
 3    section 551 of title 5.

4    **§ 300302. Certified local government**

5       In this division, the term “certified local government” means a local gov-  
 6    ernment whose local historic preservation program is certified pursuant to  
 7    chapter 3025 of this title.

8    **§ 300303. Council**

9       In this division, the term “Council” means the Advisory Council on His-  
 10   toric Preservation established by section 304101 of this title.

11   **§ 300304. Cultural park**

12       In this division, the term “cultural park” means a definable area that—

13           (A) is distinguished by historic property, prehistoric property, and  
 14           land related to that property; and

15           (B) constitutes an interpretive, educational, and recreational re-  
 16           source for the public at large.

17   **§ 300305. Historic conservation district**

18       In this division, the term “historic conservation district” means an area  
 19   that contains—

20           (1) historic property;

21           (2) buildings having similar or related architectural characteristics;

22           (3) cultural cohesiveness; or

23           (4) any combination of features described in paragraphs (1) to (3).

24   **§ 300306. Historic Preservation Fund**

25       In this division, the term “Historic Preservation Fund” means the His-  
 26   toric Preservation Fund established under section 303101 of this title.

27   **§ 300307. Historic preservation review commission**

28       In this division, the term “historic preservation review commission”  
 29   means a board, council, commission, or other similar collegial body—

30           (1) that is established by State or local legislation as provided in sec-  
 31           tion 302503(a)(2) of this title; and

32           (2) the members of which are appointed by the chief elected official  
 33           of a jurisdiction (unless State or local law provides for appointment by  
 34           another official) from among—

35                   (A) professionals in the disciplines of architecture, history, ar-  
 36                   chitectural history, planning, prehistoric and historic archeology,  
 37                   folklore, cultural anthropology, curation, conservation, and land-  
 38                   scape architecture, or related disciplines, to the extent that those  
 39                   professionals are available in the community; and

1 (B) other individuals who have demonstrated special interest,  
 2 experience, or knowledge in history, architecture, or related dis-  
 3 ciplines and will provide for an adequate and qualified commission.

4 **§ 300308. Historic property**

5 In this division, the term “historic property” means any prehistoric or  
 6 historic dustruct, site, building, structure, or object included on, or eligible  
 7 for inclusion on, the National Register, including artifacts, records, and ma-  
 8 terial remains relating to the district, site, building, structure, or object.

9 **§ 300309. Indian tribe**

10 In this division, the term “Indian tribe” means an Indian tribe, band, na-  
 11 tion, or other organized group or community, including a Native village, Re-  
 12 gional Corporation or Village Corporation (as those terms are defined in  
 13 section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)),  
 14 that is recognized as eligible for the special programs and services provided  
 15 by the United States to Indians because of their status as Indians.

16 **§ 300310. Local government**

17 In this division, the term “local government” means a city, county, town-  
 18 ship, municipality, or borough, or any other general purpose political sub-  
 19 division of any State.

20 **§ 300311. National Register**

21 In this division, the term “National Register” means the National Reg-  
 22 ister of Historic Places maintained under chapter 3021 of this title.

23 **§ 300312. National Trust**

24 In this division, the term “National Trust” means the National Trust for  
 25 Historic Preservation in the United States established under section 312102  
 26 of this title.

27 **§ 300313. Native Hawaiian**

28 In this division, the term “Native Hawaiian” means any individual who  
 29 is a descendant of the aboriginal people who, prior to 1778, occupied and  
 30 exercised sovereignty in the area that now constitutes Hawaii.

31 **§ 300314. Native Hawaiian organization**

32 (a) IN GENERAL.—In this division, the term “Native Hawaiian organiza-  
 33 tion” means any organization that—

- 34 (1) serves and represents the interests of Native Hawaiians;  
 35 (2) has as a primary and stated purpose the provision of services to  
 36 Native Hawaiians; and  
 37 (3) has demonstrated expertise in aspects of historic preservation  
 38 that are culturally significant to Native Hawaiians.

39 (b) INCLUSIONS.—In this division, the term “Native Hawaiian organiza-  
 40 tion” includes the Office of Hawaiian Affairs of Hawaii and Hui Malama

1 I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws  
2 of the State of Hawaii.

3 **§ 300315. Preservation or historic preservation**

4 In this division, the term “preservation” or “historic preservation” in-  
5 cludes—

- 6 (1) identification, evaluation, recordation, documentation, curation,  
7 acquisition, protection, management, rehabilitation, restoration, sta-  
8 bilization, maintenance, research, interpretation, and conservation;  
9 (2) education and training regarding the foregoing activities; or  
10 (3) any combination of the foregoing activities.

11 **§ 300316. Secretary**

12 In this division, the term “Secretary” means the Secretary acting through  
13 the Director.

14 **§ 300317. State**

15 In this division, the term “State” means—

- 16 (1) a State, the District of Columbia, Puerto Rico, Guam, American  
17 Samoa, the Virgin Islands, and the Northern Mariana Islands; and  
18 (2) the Republic of the Marshall Islands, the Federated States of Mi-  
19 cronesia, and the Republic of Palau.

20 **§ 300318. State historic preservation review board**

21 In this division, the term “State historic preservation review board”  
22 means a board, council, commission, or other similar collegial body estab-  
23 lished as provided in section 302301(2) of this title—

- 24 (1) the members of which are appointed by the State Historic Pres-  
25 ervation Officer (unless otherwise provided for by State law);  
26 (2) a majority of the members of which are professionals qualified  
27 in history, prehistoric and historic archeology, architectural history, ar-  
28 chitecture, folklore, cultural anthropology, curation, conservation, land-  
29 scape architecture, and related disciplines; and  
30 (3) that has the authority to—  
31 (A) review National Register nominations and appeals from  
32 nominations;  
33 (B) review appropriate documentation submitted in conjunction  
34 with the Historic Preservation Fund;  
35 (C) provide general advice and guidance to the State Historic  
36 Preservation Officer; and  
37 (D) perform such other duties as may be appropriate.

38 **§ 300319. Tribal land**

39 In this division, the term “tribal land” means—

- 40 (1) all land within the exterior boundaries of any Indian reservation;  
41 and

(2) all dependent Indian communities.

**§ 300320. Undertaking**

In this division, the term “undertaking” means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including—

(1) those carried out by or on behalf of the Federal agency;

(2) those carried out with Federal financial assistance;

(3) those requiring a Federal permit, license, or approval; and

(4) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

**§ 300321. World Heritage Convention**

In this division, the term “World Heritage Convention” means the Convention concerning the Protection of the World Cultural and Natural Heritage, done at Paris November 23, 1972 (27 UST 37).

**Subdivision 2—Historic Preservation  
Program  
Chapter 3021—National Register of  
Historic Places**

Sec.

302101. Maintenance by Secretary.

302102. Inclusion of properties on National Register.

302103. Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List.

302104. Nominations for inclusion on National Register.

302105. Owner participation in nomination process.

302106. Retention of name.

302107. Regulations.

302108. Review of threats to historic property.

**§ 302101. Maintenance by Secretary**

The Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

**§ 302102. Inclusion of properties on National Register**

(a) IN GENERAL.—A property that meets the criteria for National Historic Landmarks established pursuant to section 302103 of this title shall be designated as a National Historic Landmark and included on the National Register, subject to the requirements of section 302107 of this title.

(b) HISTORIC PROPERTY ON NATIONAL REGISTER ON DECEMBER 12, 1980.—All historic property included on the National Register on December 12, 1980, shall be deemed to be included on the National Register as of their initial listing for purposes of this division.

(c) HISTORIC PROPERTY LISTED IN FEDERAL REGISTER OF FEBRUARY 6, 1979, OR PRIOR TO DECEMBER 12, 1980, AS NATIONAL HISTORIC LANDMARKS.—All historic property listed in the Federal Register of February 6, 1979, or prior to December 12, 1980, as National Historic Land-

1 marks are declared by Congress to be National Historic Landmarks of na-  
 2 tional historic significance as of their initial listing in the Federal Register  
 3 for purposes of this division and chapter 3201 of this title, except that in  
 4 the case of a National Historic Landmark district for which no boundaries  
 5 had been established as of December 12, 1980, boundaries shall first be  
 6 published in the Federal Register.

7 **§ 302103. Criteria and regulations relating to National Reg-**  
 8 **ister, National Historic Landmarks, and World**  
 9 **Heritage List**

10 The Secretary, in consultation with national historical and archeological  
 11 associations, shall—

12 (1) establish criteria for properties to be included on the National  
 13 Register and criteria for National Historic Landmarks; and

14 (2) promulgate regulations for—

15 (A) nominating properties for inclusion on, and removal from,  
 16 the National Register and the recommendation of properties by  
 17 certified local governments;

18 (B) designating properties as National Historic Landmarks and  
 19 removing that designation;

20 (C) considering appeals from recommendations, nominations, re-  
 21 movals, and designations (or any failure or refusal by a nomi-  
 22 nating authority to nominate or designate);

23 (D) nominating historic property for inclusion in the World  
 24 Heritage List in accordance with the World Heritage Convention;

25 (E) making determinations of eligibility of properties for inclu-  
 26 sion on the National Register; and

27 (F) notifying the owner of a property, any appropriate local gov-  
 28 ernments, and the general public, when the property is being con-  
 29 sidered for inclusion on the National Register, for designation as  
 30 a National Historic Landmark, or for nomination to the World  
 31 Heritage List.

32 **§ 302104. Nominations for inclusion on National Register**

33 (a) NOMINATION BY STATE.—Subject to the requirements of section  
 34 302107 of this title, any State that is carrying out a program approved  
 35 under chapter 3023 shall nominate to the Secretary property that meets the  
 36 criteria promulgated under section 302103 of this title for inclusion on the  
 37 National Register. Subject to section 302107 of this title, any property  
 38 nominated under this subsection or under section 306102 of this title shall  
 39 be included on the National Register on the date that is 45 days after re-  
 40 ceipt by the Secretary of the nomination and the necessary documentation,

1 unless the Secretary disapproves the nomination within the 45-day period  
2 or unless an appeal is filed under subsection (c).

3 (b) NOMINATION BY PERSON OR LOCAL GOVERNMENT.—Subject to the  
4 requirements of section 302107 of this title, the Secretary may accept a  
5 nomination directly from any person or local government for inclusion of a  
6 property on the National Register only if the property is located in a State  
7 where there is no program approved under chapter 3023 of this title. The  
8 Secretary may include on the National Register any property for which such  
9 a nomination is made if the Secretary determines that the property is eligi-  
10 ble in accordance with the regulations promulgated under section 302103  
11 of this title. The determination shall be made within 90 days from the date  
12 of the nomination unless the nomination is appealed under subsection (c).

13 (c) APPEAL.—Any person or local government may appeal to the Sec-  
14 retary—

15 (1) a nomination of any property for inclusion on the National Reg-  
16 ister; and

17 (2) the failure of a nominating authority to nominate a property in  
18 accordance with this chapter.

19 **§ 302105. Owner participation in nomination process**

20 (a) REGULATIONS.—The Secretary shall promulgate regulations requiring  
21 that before any property may be included on the National Register or des-  
22 ignated as a National Historic Landmark, the owner of the property, or a  
23 majority of the owners of the individual properties within a district in the  
24 case of a historic district, shall be given the opportunity (including a reason-  
25 able period of time) to concur in, or object to, the nomination of the prop-  
26 erty for inclusion or designation. The regulations shall include provisions to  
27 carry out this section in the case of multiple ownership of a single property.

28 (b) WHEN PROPERTY SHALL NOT BE INCLUDED ON NATIONAL REG-  
29 ISTER OR DESIGNATED AS NATIONAL HISTORIC LANDMARK.—If the owner  
30 of any privately owned property, or a majority of the owners of privately  
31 owned properties within the district in the case of a historic district, object  
32 to inclusion or designation, the property shall not be included on the Na-  
33 tional Register or designated as a National Historic Landmark until the ob-  
34 jection is withdrawn.

35 (c) REVIEW BY SECRETARY.—The Secretary shall review the nomination  
36 of the property when an objection has been made and shall determine  
37 whether or not the property is eligible for inclusion or designation. If the  
38 Secretary determines that the property is eligible for inclusion or designa-  
39 tion, the Secretary shall inform the Advisory Council on Historic Preserva-  
40 tion, the appropriate State Historic Preservation Officer, the appropriate

1 chief elected local official, and the owner or owners of the property of the  
2 Secretary's determination.

3 **§ 302106. Retention of name**

4 Notwithstanding section 43(c) of the Act of July 5, 1946 (known as the  
5 Trademark Act of 1946) (15 U.S.C. 1125(c)), buildings and structures on  
6 or eligible for inclusion on the National Register (either individually or as  
7 part of a historic district), or designated as an individual landmark or as  
8 a contributing building in a historic district by a unit of State or local gov-  
9 ernment, may retain the name historically associated with the building or  
10 structure.

11 **§ 302107. Regulations**

12 The Secretary shall promulgate regulations—

13 (1) ensuring that significant prehistoric and historic artifacts, and  
14 associated records, subject to subchapter I of chapter 3061, chapter  
15 3125, or the Archaeological Resources Protection Act of 1979 (16  
16 U.S.C. 470aa et seq.) are deposited in an institution with adequate  
17 long-term curatorial capabilities;

18 (2) establishing a uniform process and standards for documenting  
19 historic property by public agencies and private parties for purposes of  
20 incorporation into, or complementing, the national historical architec-  
21 tural and engineering records in the Library of Congress; and

22 (3) certifying local governments, in accordance with sections 302502  
23 and 302503 of this title, and for the transfer of funds pursuant to sec-  
24 tion 302902(c)(4) of this title.

25 **§ 302108. Review of threats to historic property**

26 At least once every 4 years, the Secretary, in consultation with the Coun-  
27 cil and with State Historic Preservation Officers, shall review significant  
28 threats to historic property to—

29 (1) determine the kinds of historic property that may be threatened;

30 (2) ascertain the causes of the threats; and

31 (3) develop and submit to the President and Congress recommenda-  
32 tions for appropriate action.

33 **Chapter 3023—State Historic Preservation**  
34 **Programs**

Sec.

302301. Regulations.

302302. Program evaluation.

302303. Responsibilities of State Historic Preservation Officer.

302304. Contracts and cooperative agreements.

35 **§ 302301. Regulations**

36 The Secretary, in consultation with the National Conference of State His-  
37 toric Preservation Officers and the National Trust, shall promulgate regula-  
38 tions for State Historic Preservation Programs. The regulations shall pro-



1 vide that a State program submitted to the Secretary under this chapter  
 2 shall be approved by the Secretary if the Secretary determines that the pro-  
 3 gram provides for—

4 (1) the designation and appointment by the chief elected official of  
 5 the State of a State Historic Preservation Officer to administer the  
 6 program in accordance with section 302303 of this title and for the em-  
 7 ployment or appointment by the officer of such professionally qualified  
 8 staff as may be necessary for those purposes;

9 (2) an adequate and qualified State historic preservation review  
 10 board designated by the State Historic Preservation Officer unless oth-  
 11 erwise provided for by State law; and

12 (3) adequate public participation in the State Historic Preservation  
 13 Program, including the process of recommending properties for nomi-  
 14 nation to the National Register.

15 **§ 302302. Program evaluation**

16 (a) WHEN EVALUATION SHOULD OCCUR.—Periodically, but not less  
 17 than every 4 years after the approval of any State program under section  
 18 302301 of this title, the Secretary, in consultation with the Council on the  
 19 appropriate provisions of this division, and in cooperation with the State  
 20 Historic Preservation Officer, shall evaluate the program to determine  
 21 whether it is consistent with this division.

22 (b) DISAPPROVAL OF PROGRAM.—If, at any time, the Secretary deter-  
 23 mines that a major aspect of a State program is not consistent with this  
 24 division, the Secretary shall disapprove the program and suspend in whole  
 25 or in part any contracts or cooperative agreements with the State and the  
 26 State Historic Preservation Officer under this division, until the program  
 27 is consistent with this division, unless the Secretary determines that the  
 28 program will be made consistent with this division within a reasonable pe-  
 29 riod of time.

30 (c) OVERSIGHT.—The Secretary, in consultation with State Historic Pres-  
 31 ervation Officers, shall establish oversight methods to ensure State program  
 32 consistency and quality without imposing undue review burdens on State  
 33 Historic Preservation Officers.

34 (d) STATE FISCAL AUDIT AND MANAGEMENT SYSTEM.—

35 (1) SUBSTITUTION FOR COMPARABLE FEDERAL SYSTEMS.—At the  
 36 discretion of the Secretary, a State system of fiscal audit and manage-  
 37 ment may be substituted for comparable Federal systems so long as the  
 38 State system—

39 (A) establishes and maintains substantially similar account-  
 40 ability standards; and

41 (B) provides for independent professional peer review.

1 (2) FISCAL AUDITS AND REVIEW BY SECRETARY.—The Secretary—

2 (A) may conduct periodic fiscal audits of State programs ap-  
3 proved under this subdivision as needed; and

4 (B) shall ensure that the programs meet applicable account-  
5 ability standards.

6 **§ 302303. Responsibilities of State Historic Preservation Of-**  
7 **ficer**

8 (a) IN GENERAL.—It shall be the responsibility of the State Historic  
9 Preservation Officer to administer the State Historic Preservation Program.

10 (b) PARTICULAR RESPONSIBILITIES.—It shall be the responsibility of the  
11 State Historic Preservation Officer to—

12 (1) in cooperation with Federal and State agencies, local govern-  
13 ments, and private organizations and individuals, direct and conduct a  
14 comprehensive statewide survey of historic property and maintain in-  
15 ventories of the property;

16 (2) identify and nominate eligible property to the National Register  
17 and otherwise administer applications for listing historic property on  
18 the National Register;

19 (3) prepare and implement a comprehensive statewide historic pres-  
20 ervation plan;

21 (4) administer the State program of Federal assistance for historic  
22 preservation within the State;

23 (5) advise and assist, as appropriate, Federal and State agencies and  
24 local governments in carrying out their historic preservation respon-  
25 sibilities;

26 (6) cooperate with the Secretary, the Council, other Federal and  
27 State agencies, local governments, and private organizations and indi-  
28 viduals to ensure that historic property is taken into consideration at  
29 all levels of planning and development;

30 (7) provide public information, education, and training and technical  
31 assistance in historic preservation;

32 (8) cooperate with local governments in the development of local his-  
33 toric preservation programs and assist local governments in becoming  
34 certified pursuant to chapter 3025;

35 (9) consult with appropriate Federal agencies in accordance with this  
36 division on—

37 (A) Federal undertakings that may affect historic property; and

38 (B) the content and sufficiency of any plans developed to pro-  
39 tect, manage, or reduce or mitigate harm to that property; and

40 (10) advise and assist in the evaluation of proposals for rehabilitation  
41 projects that may qualify for Federal assistance.

1 **§ 302304. Contracts and cooperative agreements**

2 (a) STATE.—A State may carry out all or any part of its responsibilities  
3 under this chapter by contract or cooperative agreement with a qualified  
4 nonprofit organization or educational institution.

5 (b) SECRETARY.—

6 (1) IN GENERAL.—

7 (A) AUTHORITY TO ASSIST SECRETARY.—Subject to paragraphs  
8 (3) and (4), the Secretary may enter into contracts or cooperative  
9 agreements with a State Historic Preservation Officer for any  
10 State authorizing the Officer to assist the Secretary in carrying  
11 out one or more of the following responsibilities within that State:

12 (i) Identification and preservation of historic property.

13 (ii) Determination of the eligibility of property for listing  
14 on the National Register.

15 (iii) Preparation of nominations for inclusion on the Na-  
16 tional Register.

17 (iv) Maintenance of historical and archeological data bases.

18 (v) Evaluation of eligibility for Federal preservation incen-  
19 tives.

20 (B) AUTHORITY TO MAINTAIN NATIONAL REGISTER.—Nothing  
21 in subparagraph (A) shall be construed to provide that any State  
22 Historic Preservation Officer or any other person other than the  
23 Secretary shall have the authority to maintain the National Reg-  
24 ister for properties in any State.

25 (2) REQUIREMENTS.—The Secretary may enter into a contract or  
26 cooperative agreement under paragraph (1) only if—

27 (A) the State Historic Preservation Officer has requested the  
28 additional responsibility;

29 (B) the Secretary has approved the State historic preservation  
30 program pursuant to sections 302301 and 302302 of this title;

31 (C) the State Historic Preservation Officer agrees to carry out  
32 the additional responsibility in a timely and efficient manner ac-  
33 ceptable to the Secretary and the Secretary determines that the  
34 Officer is fully capable of carrying out the responsibility in that  
35 manner;

36 (D) the State Historic Preservation Officer agrees to permit the  
37 Secretary to review and revise, as appropriate in the discretion of  
38 the Secretary, decisions made by the Officer pursuant to the con-  
39 tract or cooperative agreement; and

40 (E) the Secretary and the State Historic Preservation Officer  
41 agree on the terms of additional financial assistance to the State,

1 if there is to be any, for the costs of carrying out that responsi-  
2 bility.

3 (3) ESTABLISH CONDITIONS AND CRITERIA.—For each significant  
4 program area under the Secretary’s authority, the Secretary shall es-  
5 tablish specific conditions and criteria essential for the assumption by  
6 a State Historic Preservation Officer of the Secretary’s duties in each  
7 of those programs.

8 (4) PRESERVATION PROGRAMS AND ACTIVITIES NOT DIMINISHED.—  
9 Nothing in this chapter shall have the effect of diminishing the preser-  
10 vation programs and activities of the Service.

## 11 **Chapter 3025—Certification of Local** 12 **Governments**

Sec.

302501. Definitions.

302502. Certification as part of State program.

302503. Requirements for certification.

302504. Participation of certified local governments in National Register nominations.

302505. Eligibility and responsibility of certified local government.

### 13 **§ 302501. Definitions**

14 In this chapter:

15 (1) DESIGNATION.—The term “designation” means the identification  
16 and registration of property for protection that meets criteria estab-  
17 lished by a State or locality for significant historic property within the  
18 jurisdiction of a local government.

19 (2) PROTECTION.—The term “protection” means protection by  
20 means of a local review process under State or local law for proposed  
21 demolition of, changes to, or other action that may affect historic prop-  
22 erty designated pursuant to this chapter.

### 23 **§ 302502. Certification as part of State program**

24 Any State program approved under this subdivision shall provide a mech-  
25 anism for the certification by the State Historic Preservation Officer of local  
26 governments to carry out the purposes of this division and provide for the  
27 transfer, in accordance with section 302902(c)(4) of this title, of a portion  
28 of the grants received by the States under this division, to those local gov-  
29 ernments.

### 30 **§ 302503. Requirements for certification**

31 (a) APPROVED STATE PROGRAM.—Any local government shall be certified  
32 to participate under this section if the applicable State Historic Preservation  
33 Officer, and the Secretary, certify that the local government—

34 (1) enforces appropriate State or local legislation for the designation  
35 and protection of historic property;

36 (2) has established an adequate and qualified historic preservation  
37 review commission by State or local legislation;

1 (3) maintains a system for the survey and inventory of historic prop-  
2 erty that furthers the purposes of chapter 3023;

3 (4) provides for adequate public participation in the local historic  
4 preservation program, including the process of recommending prop-  
5 erties for nomination to the National Register; and

6 (5) satisfactorily performs the responsibilities delegated to it under  
7 this division.

8 (b) NO APPROVED STATE PROGRAM.—Where there is no State program  
9 approved under sections 302301 and 302302 of this title, a local govern-  
10 ment may be certified by the Secretary if the Secretary determines that the  
11 local government meets the requirements of subsection (a). The Secretary  
12 may make grants to the local government certified under this subsection for  
13 purposes of this subdivision.

14 **§ 302504. Participation of certified local governments in Na-**  
15 **tional Register nominations**

16 (a) NOTICE.—Before a property within the jurisdiction of a certified local  
17 government may be considered by a State to be nominated to the Secretary  
18 for inclusion on the National Register, the State Historic Preservation Offi-  
19 cer shall notify the owner, the applicable chief local elected official, and the  
20 local historic preservation commission.

21 (b) REPORT.—The local historic preservation commission, after reason-  
22 able opportunity for public comment, shall prepare a report as to whether  
23 the property, in the Commission's opinion, meets the criteria of the National  
24 Register. Within 60 days of notice from the State Historic Preservation Of-  
25 ficer, the chief local elected official shall transmit the report of the commis-  
26 sion and the recommendation of the local official to the State Historic Pres-  
27 ervation Officer.

28 (c) RECOMMENDATION.—

29 (1) PROPERTY NOMINATED TO NATIONAL REGISTER.—Except as  
30 provided in paragraph (2), after receipt of the report and recommenda-  
31 tion, or if no report and recommendation are received within 60 days,  
32 the State shall make the nomination pursuant to section 302104 of this  
33 title. The State may expedite the process with the concurrence of the  
34 certified local government.

35 (2) PROPERTY NOT NOMINATED TO NATIONAL REGISTER.—If both  
36 the commission and the chief local elected official recommend that a  
37 property not be nominated to the National Register, the State Historic  
38 Preservation Officer shall take no further action, unless, within 30 days  
39 of the receipt of the recommendation by the State Historic Preserva-  
40 tion Officer, an appeal is filed with the State. If an appeal is filed, the  
41 State shall follow the procedures for making a nomination pursuant to

1 section 302104 of this title. Any report and recommendations made  
 2 under this section shall be included with any nomination submitted by  
 3 the State to the Secretary.

4 **§ 302505. Eligibility and responsibility of certified local gov-**  
 5 **ernment**

6 Any local government—

7 (1) that is certified under this chapter shall be eligible for funds  
 8 under section 302902(e)(4) of this title; and

9 (2) that is certified, or making efforts to become certified, under this  
 10 chapter shall carry out any responsibilities delegated to it in accordance  
 11 with such terms and conditions as the Secretary considers necessary or  
 12 advisable.

13 **Chapter 3027—Historic Preservation Pro-**  
 14 **grams and Authorities for Indian Tribes**  
 15 **and Native Hawaiian Organizations**

Sec.

302701. Program to assist Indian tribes in preserving historic property.

302702. Indian tribe to assume functions of State Historic Preservation Officer.

302703. Apportionment of grant funds.

302704. Contracts and cooperative agreements.

302705. Agreement for review under tribal historic preservation regulations.

302706. Eligibility for inclusion on National Register.

16 **§ 302701. Program to assist Indian tribes in preserving his-**  
 17 **toric property**

18 (a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a pro-  
 19 gram and promulgate regulations to assist Indian tribes in preserving their  
 20 historic property.

21 (b) COMMUNICATION AND COOPERATION.—The Secretary shall foster  
 22 communication and cooperation between Indian tribes and State Historic  
 23 Preservation Officers in the administration of the national historic preserva-  
 24 tion program to—

25 (1) ensure that all types of historic property and all public interests  
 26 in historic property are given due consideration; and

27 (2) encourage coordination among Indian tribes, State Historic Pres-  
 28 ervation Officers, and Federal agencies in historic preservation plan-  
 29 ning and in the identification, evaluation, protection, and interpretation  
 30 of historic property.

31 (c) TRIBAL VALUES.—The program under subsection (a) shall be devel-  
 32 oped in a manner to ensure that tribal values are taken into account to the  
 33 extent feasible. The Secretary may waive or modify requirements of this  
 34 subdivision to conform to the cultural setting of tribal heritage preservation  
 35 goals and objectives.

1 (d) SCOPE OF TRIBAL PROGRAMS.—The tribal programs implemented by  
2 specific tribal organizations may vary in scope, as determined by each In-  
3 dian tribe’s chief governing authority.

4 (e) CONSULTATION.—The Secretary shall consult with Indian tribes,  
5 other Federal agencies, State Historic Preservations Officers, and other in-  
6 terested parties concerning the program under subsection (a).

7 **§ 302702. Indian tribe to assume functions of State Historic**  
8 **Preservation Officer**

9 An Indian tribe may assume all or any part of the functions of a State  
10 Historic Preservation Officer in accordance with sections 302302 and  
11 302303 of this title, with respect to tribal land, as those responsibilities may  
12 be modified for tribal programs through regulations issued by the Secretary,  
13 if—

14 (1) the Indian tribe’s chief governing authority so requests;

15 (2) the Indian tribe designates a tribal preservation official to admin-  
16 ister the tribal historic preservation program, through appointment by  
17 the Indian tribe’s chief governing authority or as a tribal ordinance  
18 may otherwise provide;

19 (3) the tribal preservation official provides the Secretary with a plan  
20 describing how the functions the tribal preservation official proposes to  
21 assume will be carried out;

22 (4) the Secretary determines, after consulting with the Indian tribe,  
23 the appropriate State Historic Preservation Officer, the Council (if the  
24 Indian tribe proposes to assume the functions of the State Historic  
25 Preservation Officer with respect to review of undertakings under sec-  
26 tion 306108 of this title), and other Indian tribes, if any, whose tribal  
27 or aboriginal land may be affected by conduct of the tribal preservation  
28 program, that—

29 (A) the tribal preservation program is fully capable of carrying  
30 out the functions specified in the plan provided under paragraph  
31 (3);

32 (B) the plan defines the remaining responsibilities of the Sec-  
33 retary and the State Historic Preservation Officer; and

34 (C) the plan provides, with respect to properties neither owned  
35 by a member of the Indian tribe nor held in trust by the Secretary  
36 for the benefit of the Indian tribe, at the request of the owner of  
37 the properties, that the State Historic Preservation Officer, in ad-  
38 dition to the tribal preservation official, may exercise the historic  
39 preservation responsibilities in accordance with sections 302302  
40 and 302303 of this title; and

1           (5) based on satisfaction of the conditions stated in paragraphs (1),  
2           (2), (3), and (4), the Secretary approves the plan.

3     **§ 302703. Apportionment of grant funds**

4           In consultation with interested Indian tribes, other Native American orga-  
5           nizations, and affected State Historic Preservation Officers, the Secretary  
6           shall establish and implement procedures for carrying out section  
7           302902(c)(1)(A) of this title with respect to tribal programs that assume  
8           responsibilities under section 302702 of this title.

9     **§ 302704. Contracts and cooperative agreements**

10          At the request of an Indian tribe whose preservation program has been  
11          approved to assume functions and responsibilities pursuant to section  
12          302702 of this title, the Secretary shall enter into a contract or cooperative  
13          agreement with the Indian tribe permitting the assumption by the Indian  
14          tribe of any part of the responsibilities described in section 302304(b) of  
15          this title on tribal land, if—

16                 (1) the Secretary and the Indian tribe agree on additional financial  
17                 assistance, if any, to the Indian tribe for the costs of carrying out those  
18                 authorities;

19                 (2) the Secretary finds that the tribal historic preservation program  
20                 has been demonstrated to be sufficient to carry out the contract or co-  
21                 operative agreement and this division; and

22                 (3) the contract or cooperative agreement specifies the continuing re-  
23                 sponsibilities of the Secretary or of the appropriate State Historic Pres-  
24                 ervation Officers and provides for appropriate participation by—

25                         (A) the Indian tribe's traditional cultural authorities;

26                         (B) representatives of other Indian tribes whose traditional land  
27                         is under the jurisdiction of the Indian tribe assuming responsibil-  
28                         ities; and

29                         (C) the interested public.

30     **§ 302705. Agreement for review under tribal historic preser-  
31                                 vation regulations**

32          The Council may enter into an agreement with an Indian tribe to permit  
33          undertakings on tribal land to be reviewed under tribal historic preservation  
34          regulations in place of review under regulations promulgated by the Council  
35          to govern compliance with section 306108 of this title, if the Council, after  
36          consultation with the Indian tribe and appropriate State Historic Preserva-  
37          tion Officers, determines that the tribal preservation regulations will afford  
38          historic property consideration equivalent to that afforded by the Council's  
39          regulations.



1 **§ 302706. Eligibility for inclusion on National Register**

2 (a) IN GENERAL.—Property of traditional religious and cultural impor-  
3 tance to an Indian tribe or Native Hawaiian organization may be deter-  
4 mined to be eligible for inclusion on the National Register.

5 (b) CONSULTATION.—In carrying out its responsibilities under section  
6 306108 of this title, a Federal agency shall consult with any Indian tribe  
7 or Native Hawaiian organization that attaches religious and cultural signifi-  
8 cance to property described in subsection (a).

9 (c) HAWAII.—In carrying out responsibilities under section 302303 of  
10 this title, the State Historic Preservation Officer for Hawaii shall—

11 (1) consult with Native Hawaiian organizations in assessing the cul-  
12 tural significance of any property in determining whether to nominate  
13 the property to the National Register;

14 (2) consult with Native Hawaiian organizations in developing the  
15 cultural component of a preservation program or plan for the property;  
16 and

17 (3) enter into a memorandum of understanding or agreement with  
18 Native Hawaiian organizations for the assessment of the cultural sig-  
19 nificance of a property in determining whether to nominate the prop-  
20 erty to the National Register and to carry out the cultural component  
21 of the preservation program or plan.

22 **Chapter 3029—Grants**

Sec.

302901. Awarding of grants and availability of grant funds.

302902. Grants to States.

302903. Grants to National Trust.

302904. Direct grants for the preservation of properties included on National Register.

302905. Religious property.

302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic  
or minority groups.

302907. Grants to Indian tribes and Native Hawaiian organizations.

302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands,  
and the Republic of Palau.

302909. Prohibited use of grant amounts.

302910. Recordkeeping.

23 **§ 302901. Awarding of grants and availability of grant funds**

24 (a) IN GENERAL.—No grant may be made under this division unless ap-  
25 plication for the grant is submitted to the Secretary in accordance with reg-  
26 ulations and procedures prescribed by the Secretary.

27 (b) GRANT NOT TREATED AS TAXABLE INCOME.—No grant made pursu-  
28 ant to this division shall be treated as taxable income for purposes of the  
29 Internal Revenue Code of 1986 (26 U.S.C. 1 et seq).

30 (c) AVAILABILITY.—The Secretary shall make funding available to indi-  
31 vidual States and the National Trust as soon as practicable after execution  
32 of a grant agreement. For purposes of administration, grants to individual

1 States and the National Trust each shall be deemed to be one grant and  
2 shall be administered by the Service as one grant.

3 **§ 302902. Grants to States**

4 (a) IN GENERAL.—The Secretary shall administer a program of matching  
5 grants to the States for the purposes of carrying out this division.

6 (b) CONDITIONS.—

7 (1) In general.—No grant may be made under this division—

8 (A) unless the application is in accordance with the comprehen-  
9 sive statewide historic preservation plan that has been approved by  
10 the Secretary after considering its relationship to the comprehen-  
11 sive statewide outdoor recreation plan prepared pursuant to chap-  
12 ter 2003 of this title;

13 (B) unless the grantee has agreed to make reports, in such form  
14 and containing such information, as the Secretary may from time  
15 to time require;

16 (C) unless the grantee has agreed to assume, after completion  
17 of the project, the total cost of the continued maintenance, repair,  
18 and administration of the property in a manner satisfactory to the  
19 Secretary; or

20 (D) until the grantee has complied with such further terms and  
21 conditions as the Secretary may consider necessary or advisable.

22 (2) WAIVER.—The Secretary may waive the requirements of sub-  
23 paragraphs (A) and (C) of paragraph (1) for any grant under this divi-  
24 sion to the National Trust.

25 (3) AMOUNT LIMITATION.—

26 (A) IN GENERAL.—No grant may be made under this division  
27 for more than 60 percent of the aggregate costs of carrying out  
28 projects and programs under the administrative control of the  
29 State Historic Preservation Officer as specified in section 302303  
30 of this title in any one fiscal year.

31 (B) SOURCE OF STATE SHARE OF COSTS.—Except as permitted  
32 by other law, the State share of the costs referred to in subpara-  
33 graph (A) shall be contributed by non-Federal sources.

34 (4) RESTRICTION ON USE OF REAL PROPERTY TO MEET NON-FED-  
35 ERAL SHARE OF COST OF PROJECT.—No State shall be permitted to  
36 utilize the value of real property obtained before October 15, 1966, in  
37 meeting the non-Federal share of the cost of a project for which a  
38 grant is made under this division.

39 (c) APPORTIONMENT OF GRANT AMOUNTS

40 (1) BASES FOR APPORTIONMENT.—The amounts appropriated and  
41 made available for grants to the States—

1 (A) for the purposes of this division shall be apportioned among  
2 the States by the Secretary on the basis of needs as determined  
3 by the Secretary; and

4 (B) for projects and programs under this division for each fiscal  
5 year shall be apportioned among the States as the Secretary deter-  
6 mines to be appropriate.

7 (2) NOTIFICATION.—The Secretary shall notify each State of its ap-  
8 portionment under paragraph (1)(B) within 30 days after the date of  
9 enactment of legislation appropriating funds under this division.

10 (3) REAPPORTIONMENT.—Any amount of any apportionment that  
11 has not been paid or obligated by the Secretary during the fiscal year  
12 in which the notification is given or during the 2 fiscal years after that  
13 fiscal year shall be reapportioned by the Secretary in accordance with  
14 paragraph (1)(B). The Secretary shall analyze and revise as necessary  
15 the method of apportionment. The method and any revision shall be  
16 published by the Secretary in the Federal Register.

17 (4) TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—  
18 Not less than 10 percent of the annual apportionment distributed by  
19 the Secretary to each State for the purposes of carrying out this divi-  
20 sion shall be transferred by the State, pursuant to the requirements of  
21 this division, to certified local governments for historic preservation  
22 projects or programs of the certified local governments. In any year in  
23 which the total annual apportionment to the States exceeds  
24 \$65,000,000, 50 percent of the excess shall also be transferred by the  
25 States to certified local governments.

26 (5) GUIDELINES FOR USE AND DISTRIBUTION OF FUNDS TO CER-  
27 TIFIED LOCAL GOVERNMENTS.—The Secretary shall establish guide-  
28 lines for the use and distribution of funds under paragraph (4) to en-  
29 sure that no certified local government receives a disproportionate  
30 share of the funds available, and may include a maximum or minimum  
31 limitation on the amount of funds distributed to any single certified  
32 local government. The guidelines shall not limit the ability of any State  
33 to distribute more than 10 percent of its annual apportionment under  
34 paragraph (4), nor shall the Secretary require any State to exceed the  
35 10 percent minimum distribution to certified local governments.

36 (d) ADMINISTRATIVE COSTS.—The total direct and indirect administra-  
37 tive costs charged for carrying out State projects and programs shall not  
38 exceed 25 percent of the aggregate costs (except in the case of a grant to  
39 the Federated States of Micronesia, the Republic of the Marshall Islands, or  
40 the Republic of Palau).

1 **§ 302903. Grants to National Trust**

2 (a) SECRETARY OF THE INTERIOR.—The Secretary may administer  
3 grants to the National Trust consistent with the purposes of its charter and  
4 this division.

5 (b) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The Sec-  
6 retary of Housing and Urban Development may make grants to the Na-  
7 tional Trust, on terms and conditions and in amounts (not exceeding  
8 \$90,000 with respect to any one structure) as the Secretary of Housing and  
9 Urban Development considers appropriate, to cover the costs incurred by  
10 the National Trust in renovating or restoring structures that the National  
11 Trust considers to be of historic or architectural value and that the National  
12 Trust has accepted and will maintain (after the renovation or restoration)  
13 for historic purposes.

14 **§ 302904. Direct grants for the preservation of properties in-**  
15 **cluded on National Register**

16 (a) ADMINISTRATION OF PROGRAM.—The Secretary shall administer a  
17 program of direct grants for the preservation of properties included on the  
18 National Register.

19 (b) AVAILABLE AMOUNT.—Funds to support the program annually shall  
20 not exceed 10 percent of the amount appropriated annually for the Historic  
21 Preservation Fund.

22 (c) USES OF GRANTS.—

23 (1) IN GENERAL.—Grants under this section may be made by the  
24 Secretary, in consultation with the appropriate State Historic Preserva-  
25 tion Officer—

26 (A) for the preservation of—

27 (i) National Historic Landmarks that are threatened with  
28 demolition or impairment; and

29 (ii) historic property of World Heritage significance;

30 (B) for demonstration projects that will provide information  
31 concerning professional methods and techniques having application  
32 to historic property;

33 (C) for the training and development of skilled labor in trades  
34 and crafts, and in analysis and curation, relating to historic pres-  
35 ervation; and

36 (D) to assist individuals or small businesses within any historic  
37 district included on the National Register to remain within the  
38 district.

39 (2) LIMIT ON CERTAIN GRANTS.—A grant may be made under sub-  
40 paragraph (A) or (D) of paragraph (1) only to the extent that the

1 project cannot be carried out in as effective a manner through the use  
2 of an insured loan under section 303901 of this title.

3 **§ 302905. Religious property**

4 (a) IN GENERAL.—Grants may be made under this chapter for the pres-  
5 ervation, stabilization, restoration, or rehabilitation of religious property list-  
6 ed on the National Register if the purpose of the grant—

7 (1) is secular;

8 (2) does not promote religion; and

9 (3) seeks to protect qualities that are historically significant.

10 (b) EFFECT OF SECTION.—Nothing in this section shall be construed to  
11 authorize the use of any funds made available under this subdivision for the  
12 acquisition of any religious property listed on the National Register.

13 **§ 302906. Grants and loans to Indian tribes and nonprofit**  
14 **organizations representing ethnic or minority**  
15 **groups**

16 The Secretary may, in consultation with the appropriate State Historic  
17 Preservation Officer, make grants or loans or both under this subdivision  
18 to Indian tribes and to nonprofit organizations representing ethnic or mi-  
19 nority groups for the preservation of their cultural heritage.

20 **§ 302907. Grants to Indian tribes and Native Hawaiian orga-**  
21 **nizations**

22 The Secretary shall administer a program of direct grants to Indian  
23 tribes and Native Hawaiian organizations for the purpose of carrying out  
24 this division as it pertains to Indian tribes and Native Hawaiian organiza-  
25 tions. Matching fund requirements may be modified. Federal funds available  
26 to an Indian tribe or Native Hawaiian organization may be used as match-  
27 ing funds for the purposes of the Indian tribe's or Native Hawaiian organi-  
28 zation's conducting its responsibilities pursuant to this subdivision.

29 **§ 302908. Grants to the Federated States of Micronesia, the**  
30 **Republic of the Marshall Islands, and the Republic**  
31 **of Palau**

32 (a) IN GENERAL.—As part of the program of matching grant assistance  
33 from the Historic Preservation Fund to States, the Secretary shall admin-  
34 ister a program of direct grants to the Federated States of Micronesia, the  
35 Republic of the Marshall Islands, and the Republic of Palau in furtherance  
36 of the Compact of Free Association between the United States and the Fed-  
37 erated States of Micronesia and the Marshall Islands, approved by the Com-  
38 pact of Free Association Act of 1985 (48 U.S.C. 1901 et seq., 2001 et seq.),  
39 and the Compact of Free Association between the United States and Palau,  
40 approved by the Joint Resolution entitled “Joint Resolution to approve the  
41 ‘Compact of Free Association’ between the United States and Government

1 of Palau, and for other purposes” (48 U.S.C. 1931 et seq.) or any successor  
2 enactment.

3 (b) GOAL OF PROGRAM.—The goal of the program shall be to establish  
4 historic and cultural preservation programs that meet the unique needs of  
5 each of those nations so that at the termination of the compacts the pro-  
6 grams shall be firmly established.

7 (c) BASIS OF ALLOCATING AMOUNTS.—The amounts to be made avail-  
8 able under this subsection shall be allocated by the Secretary on the basis  
9 of needs as determined by the Secretary.

10 (d) WAIVERS AND MODIFICATIONS.—The Secretary may waive or modify  
11 the requirements of this subdivision to conform to the cultural setting of  
12 those nations. Matching funds may be waived or modified.

13 **§ 302909. Prohibited use of grant amounts**

14 No part of any grant made under this subdivision shall be used to com-  
15 pensate any person intervening in any proceeding under this division.

16 **§ 302910. Recordkeeping**

17 A recipient of assistance under this division shall keep—

18 (1) such records as the Secretary shall prescribe, including records  
19 that fully disclose—

20 (A) the disposition by the recipient of the proceeds of the assist-  
21 ance;

22 (B) the total cost of the project or undertaking in connection  
23 with which the assistance is given or used; and

24 (C) the amount and nature of that portion of the cost of the  
25 project or undertaking supplied by other sources; and

26 (2) such other records as will facilitate an effective audit.

27 **Chapter 3031—Historic Preservation Fund**

Sec.

303101. Establishment.

303102. Content.

303103. Use and availability.

28 **§ 303101. Establishment**

29 To carry out this division (except chapter 3041) and chapter 3121, there  
30 is established in the Treasury the Historic Preservation Fund.

31 **§ 303102. Contents**

32 For each of fiscal years 2012 to 2015, \$150,000,000 shall be deposited  
33 in the Historic Preservation Fund from revenues due and payable to the  
34 United States under section 9 of the Outer Continental Shelf Lands Act (43  
35 U.S.C. 1338), section 7433(b) of title 10, or both, notwithstanding any pro-  
36 vision of law that those proceeds shall be credited to miscellaneous receipts  
37 of the Treasury.

1 **§ 303103. Use and availability**

2 Amounts in the Historic Preservation Fund shall be used only to carry  
3 out this division and shall be available for expenditure only when appro-  
4 priated by Congress. Any amount not appropriated shall remain available  
5 in the Historic Preservation Fund until appropriated for those purposes.  
6 Appropriations made pursuant to this section may be made without fiscal  
7 year limitation.

8 **Chapters 3033 Through 3037—Reserved**  
9 **Chapter 3039—Miscellaneous**

Sec.

303901. Loan insurance program for preservation of property included on National Register.

303902. Training in, and dissemination of information concerning, professional methods and  
techniques for preservation of historic property.

303903. Preservation education and training program.

10 **§ 303901. Loan insurance program for preservation of prop-**  
11 **erty included on National Register**

12 (a) ESTABLISHMENT.—The Secretary shall establish and maintain a pro-  
13 gram by which the Secretary may, on application of a private lender, insure  
14 loans (including loans made in accordance with a mortgage) made by the  
15 lender to finance any project for the preservation of a property included on  
16 the National Register.

17 (b) LOAN QUALIFICATIONS.—A loan may be insured under this section  
18 if—

19 (1) the loan is made by a private lender approved by the Secretary  
20 as financially sound and able to service the loan properly;

21 (2) the amount of the loan, and interest rate charged with respect  
22 to the loan, do not exceed the amount and rate established by the Sec-  
23 retary by regulation;

24 (3) the Secretary has consulted the appropriate State Historic Pres-  
25 ervation Officer concerning the preservation of the historic property;

26 (4) the Secretary has determined that the loan is adequately secured  
27 and there is reasonable assurance of repayment;

28 (5) the repayment period of the loan does not exceed the lesser of  
29 40 years or the expected life of the asset financed;

30 (6) the amount insured with respect to the loan does not exceed 90  
31 percent of the loss sustained by the lender with respect to the loan;  
32 and

33 (7) the loan, the borrower, and the historic property to be preserved  
34 meet such other terms and conditions as may be prescribed by the Sec-  
35 retary by regulation, especially terms and conditions relating to the na-  
36 ture and quality of the preservation work.

37 (c) CONSULTATION.—The Secretary shall consult with the Secretary of  
38 the Treasury regarding the interest rate of loans insured under this section.

1 (d) LIMITATION ON AMOUNT OF UNPAID PRINCIPAL BALANCE OF  
2 LOANS.—The aggregate unpaid principal balance of loans insured under  
3 this section may not exceed the amount that has been deposited in the His-  
4 toric Preservation Fund but which has not been appropriated for any pur-  
5 pose.

6 (e) INSURANCE CONTRACTS.—Any contract of insurance executed by the  
7 Secretary under this section may be assignable, shall be an obligation sup-  
8 ported by the full faith and credit of the United States, and shall be incon-  
9 testable except for fraud or misrepresentation of which the holder had ac-  
10 tual knowledge at the time it became a holder.

11 (f) CONDITIONS AND METHODS OF PAYMENT AS RESULT OF LOSS.—The  
12 Secretary shall specify, by regulation and in each contract entered into  
13 under this section, the conditions and method of payment to a private lender  
14 as a result of losses incurred by the lender on any loan insured under this  
15 section.

16 (g) PROTECTION OF FINANCIAL INTERESTS OF FEDERAL GOVERN-  
17 MENT.—In entering into any contract to insure a loan under this section,  
18 the Secretary shall take steps to ensure adequate protection of the financial  
19 interests of the Federal Government. The Secretary may—

20 (1) in connection with any foreclosure proceeding, obtain, on behalf  
21 of the Federal Government, the historic property securing a loan ins-  
22 ured under this section; and

23 (2) operate or lease the historic property for such period as may be  
24 necessary to protect the interest of the Federal Government and to  
25 carry out subsection (h).

26 (h) CONVEYANCE TO GOVERNMENTAL OR NONGOVERNMENTAL ENTITY  
27 OF PROPERTY ACQUIRED BY FORECLOSURE.—

28 (1) ATTEMPT TO CONVEY TO ENSURE PROPERTY'S PRESERVATION  
29 AND USE.—In any case in which historic property is obtained pursuant  
30 to subsection (g), the Secretary shall attempt to convey the property  
31 to any governmental or nongovernmental entity under conditions that  
32 will ensure the property's continued preservation and use. If, after a  
33 reasonable time, the Secretary, in consultation with the Council, deter-  
34 mines that there is no feasible and prudent means to convey the prop-  
35 erty and to ensure its continued preservation and use, the Secretary  
36 may convey the property at the fair market value of its interest in the  
37 property to any entity without restriction.

38 (2) DISPOSITION OF FUNDS.—Any funds obtained by the Secretary  
39 in connection with the conveyance of any historic property pursuant to  
40 paragraph (1) shall be deposited in the Historic Preservation Fund and



1 shall remain available in the Historic Preservation Fund until appro-  
2 priated by Congress to carry out this division.

3 (i) ASSESSMENT OF FEES IN CONNECTION WITH INSURING LOANS.—  
4 The Secretary may assess appropriate and reasonable fees in connection  
5 with insuring loans under this section. The fees shall be deposited in the  
6 Historic Preservation Fund and shall remain available in the Historic Pres-  
7 ervation Fund until appropriated by Congress to carry out this division.

8 (j) TREATMENT OF LOANS AS NON-FEDERAL FUNDS.—Notwithstanding  
9 any other provision of law, any loan insured under this section shall be  
10 treated as non-Federal funds for the purposes of satisfying any requirement  
11 of any other provision of law under which Federal funds to be used for any  
12 project or activity are conditioned on the use of non-Federal funds by the  
13 recipient for payment of any portion of the costs of the project or activity.

14 (k) INELIGIBILITY OF DEBT OBLIGATION FOR PURCHASE OR COMMIT-  
15 MENT TO PURCHASE BY, OR SALE OR ISSUANCE TO, FEDERAL FINANCING  
16 BANK.—No debt obligation that is made or committed to be made, or that  
17 is insured or committed to be insured, by the Secretary under this section  
18 shall be eligible for purchase by, or commitment to purchase by, or sale or  
19 issuance to, the Federal Financing Bank.

20 **§ 303902. Training in, and dissemination of information con-**  
21 **cerning, professional methods and techniques for**  
22 **preservation of historic property**

23 The Secretary shall develop and make available to Federal agencies, State  
24 and local governments, private organizations and individuals, and other na-  
25 tions and international organizations pursuant to the World Heritage Con-  
26 vention, training in, and information concerning, professional methods and  
27 techniques for the preservation of historic property and for the administra-  
28 tion of the historic preservation program at the Federal, State, and local  
29 level. The Secretary shall also develop mechanisms to provide information  
30 concerning historic preservation to the general public including students.

31 **§ 303903. Preservation education and training program**

32 The Secretary, in consultation with the Council and other appropriate  
33 Federal, tribal, Native Hawaiian, and non-Federal organizations, shall de-  
34 velop and implement a comprehensive preservation education and training  
35 program. The program shall include—

- 36 (1) standards and increased preservation training opportunities for  
37 Federal workers involved in preservation-related functions;  
38 (2) preservation training opportunities for other Federal, State, trib-  
39 al and local government workers, and students;  
40 (3) technical or financial assistance, or both, to historically black col-  
41 leges and universities, to tribal colleges, and to colleges with a high en-

rollment of Native Americans or Native Hawaiians, to establish preservation training and degree programs; and

(4) where appropriate, coordination with the National Center for Preservation Technology and Training of—

(A) distribution of information on preservation technologies;

(B) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and

(C) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

**Subdivision 3—Advisory Council on  
Historic Preservation  
Chapter 3041—Advisory Council on  
Historic Preservation**

Sec.

304101. Establishment; vacancies.

304102. Duties of Council.

304103. Cooperation between Council and instrumentalities of executive branch of Federal Government.

304104. Compensation of members of Council.

304105. Administration.

304106. International Centre for the Study of the Preservation and Restoration of Cultural Property.

304107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress.

304108. Regulations, procedures, and guidelines.

304109. Budget submission.

304110. Report by Secretary to Council.

304111. Reimbursements from State and local agencies.

304112. Effectiveness of Federal grant and assistance programs.

**§ 304101. Establishment; vacancies**

(a) ESTABLISHMENT.—There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation, which shall be composed of the following members:

(1) A Chairman appointed by the President selected from the general public.

(2) The Secretary.

(3) The Architect of the Capitol.

(4) The Secretary of Agriculture and the heads of 7 other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, designated by the President.

(5) One Governor appointed by the President.

(6) One mayor appointed by the President.

(7) The President of the National Conference of State Historic Preservation Officers.

(8) The Chairman of the National Trust.

1 (9) Four experts in the field of historic preservation appointed by  
 2 the President from architecture, history, archeology, and other appro-  
 3 priate disciplines.

4 (10) Three members from the general public, appointed by the Presi-  
 5 dent.

6 (11) One member of an Indian tribe or Native Hawaiian organiza-  
 7 tion who represents the interests of the Indian tribe or Native Hawai-  
 8 ian organization of which he or she is a member, appointed by the  
 9 President.

10 (b) DESIGNATION OF SUBSTITUTES.—Each member of the Council speci-  
 11 fied in paragraphs (2) to (5), (7), and (8) of subsection (a) may designate  
 12 another officer of the department, agency, or organization to serve on the  
 13 Council instead of the member, except that, in the case of paragraphs (2)  
 14 and (4), no officer other than an Assistant Secretary or an officer having  
 15 major department-wide or agency-wide responsibilities may be designated.

16 (c) TERM OF OFFICE.—Each member of the Council appointed under  
 17 paragraphs (1) and (9) to (11) of subsection (a) shall serve for a term of  
 18 4 years from the expiration of the term of the member's predecessor. The  
 19 members appointed under paragraphs (5) and (6) shall serve for the term  
 20 of their elected office but not in excess of 4 years. An appointed member  
 21 may not serve more than 2 terms. An appointed member whose term has  
 22 expired shall serve until that member's successor has been appointed.

23 (d) VACANCIES.—A vacancy in the Council shall not affect its powers, but  
 24 shall be filled, not later than 60 days after the vacancy commences, in the  
 25 same manner as the original appointment (and for the balance of the unex-  
 26 pired term).

27 (e) DESIGNATION OF VICE CHAIRMAN.—The President shall designate a  
 28 Vice Chairman from the members appointed under paragraph (5), (6), (9),  
 29 or (10) of subsection (a). The Vice Chairman may act in place of the Chair-  
 30 man during the absence or disability of the Chairman or when the office  
 31 is vacant.

32 (f) QUORUM.—Twelve members of the Council shall constitute a quorum.

### 33 § 304102. Duties of Council

34 (a) DUTIES.—The Council shall—

35 (1) advise the President and Congress on matters relating to historic  
 36 preservation, recommend measures to coordinate activities of Federal,  
 37 State, and local agencies and private institutions and individuals relat-  
 38 ing to historic preservation, and advise on the dissemination of infor-  
 39 mation pertaining to those activities;

1 (2) encourage, in cooperation with the National Trust and appro-  
 2 priate private agencies, public interest and participation in historic  
 3 preservation;

4 (3) recommend the conduct of studies in such areas as—

5 (A) the adequacy of legislative and administrative statutes and  
 6 regulations pertaining to historic preservation activities of State  
 7 and local governments; and

8 (B) the effects of tax policies at all levels of government on his-  
 9 toric preservation;

10 (4) advise as to guidelines for the assistance of State and local gov-  
 11 ernments in drafting legislation relating to historic preservation;

12 (5) encourage, in cooperation with appropriate public and private  
 13 agencies and institutions, training and education in the field of historic  
 14 preservation;

15 (6) review the policies and programs of Federal agencies and rec-  
 16 ommend to Federal agencies methods to improve the effectiveness, co-  
 17 ordination, and consistency of those policies and programs with the  
 18 policies and programs carried out under this division; and

19 (7) inform and educate Federal agencies, State and local govern-  
 20 ments, Indian tribes, other nations and international organizations and  
 21 private groups and individuals as to the Council's authorized activities.

22 (b) ANNUAL REPORT.—The Council annually shall submit to the Presi-  
 23 dent a comprehensive report of its activities and the results of its studies  
 24 and shall from time to time submit additional and special reports as it  
 25 deems advisable. Each report shall propose legislative enactments and other  
 26 actions as, in the judgment of the Council, are necessary and appropriate  
 27 to carry out its recommendations and shall provide the Council's assessment  
 28 of current and emerging problems in the field of historic preservation and  
 29 an evaluation of the effectiveness of the programs of Federal agencies, State  
 30 and local governments, and the private sector in carrying out this division.

31 **§ 304103. Cooperation between Council and instrumental-**  
 32 **ities of executive branch of Federal Government**

33 The Council may secure directly from any Federal agency information,  
 34 suggestions, estimates, and statistics for the purpose of this chapter. Each  
 35 Federal agency may furnish information, suggestions, estimates, and statis-  
 36 tics to the extent permitted by law and within available funds.

37 **§ 304104. Compensation of members of Council**

38 The members of the Council specified in paragraphs (2), (3), and (4) of  
 39 section 304101(a) of this title shall serve without additional compensation.  
 40 The other members of the Council shall receive \$100 per diem when en-  
 41 gaged in the performance of the duties of the Council. All members of the

1 Council shall receive reimbursement for necessary traveling and subsistence  
2 expenses incurred by them in the performance of the duties of the Council.

3 **§ 304105. Administration**

4 (a) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the  
5 Council who shall be appointed by the Chairman with the concurrence of  
6 the Council in the competitive service at a rate within the General Schedule,  
7 in the competitive service at a rate that may exceed the rate prescribed for  
8 the highest rate established for grade 15 of the General Schedule under sec-  
9 tion 5332 of title 5, or in the Senior Executive Service under section 3393  
10 of title 5. The Executive Director shall report directly to the Council and  
11 perform such functions and duties as the Council may prescribe.

12 (b) GENERAL COUNSEL AND APPOINTMENT OF OTHER ATTORNEYS.—

13 (1) GENERAL COUNSEL.—The Council shall have a General Counsel,  
14 who shall be appointed by the Executive Director. The General Counsel  
15 shall report directly to the Executive Director and serve as the Coun-  
16 cil's legal advisor.

17 (2) APPOINTMENT OF OTHER ATTORNEYS.—The Executive Director  
18 shall appoint other attorneys as may be necessary to—

19 (A) assist the General Counsel;

20 (B) represent the Council in court when appropriate, including  
21 enforcement of agreements with Federal agencies to which the  
22 Council is a party;

23 (C) assist the Department of Justice in handling litigation con-  
24 cerning the Council in court; and

25 (D) perform such other legal duties and functions as the Execu-  
26 tive Director and the Council may direct.

27 (c) APPOINTMENT AND COMPENSATION OF OFFICERS AND EMPLOY-  
28 EES.—The Executive Director of the Council may appoint and fix the com-  
29 pensation of officers and employees in the competitive service who are nec-  
30 essary to perform the functions of the Council at rates not to exceed that  
31 prescribed for the highest rate for grade 15 of the General Schedule under  
32 section 5332 of title 5. The Executive Director, with the concurrence of the  
33 Chairman, may appoint and fix the compensation of not to exceed 5 employ-  
34 ees in the competitive service at rates that exceed that prescribed for the  
35 highest rate established for grade 15 of the General Schedule under section  
36 5332 of title 5 or in the Senior Executive Service under section 3393 of  
37 title 5.

38 (d) APPOINTMENT AND COMPENSATION OF ADDITIONAL PERSONNEL.—  
39 The Executive Director may appoint and fix the compensation of such addi-  
40 tional personnel as may be necessary to carry out the Council's duties, with-

1 out regard to the civil service laws and chapter 51 and subchapter III of  
2 chapter 53 of title 5.

3 (e) EXPERT AND CONSULTANT SERVICES.—The Executive Director may  
4 procure expert and consultant services in accordance with section 3109 of  
5 title 5.

6 (f) FINANCIAL AND ADMINISTRATIVE SERVICES.—

7 (1) SERVICES TO BE PROVIDED BY SECRETARY, AGENCY, OR PRI-  
8 VATE ENTITY.—Financial and administrative services (including those  
9 related to budgeting, accounting, financial reporting, personnel and  
10 procurement) shall be provided the Council by the Secretary or, at the  
11 discretion of the Council, another agency or private entity that reaches  
12 an agreement with the Council, for which payments shall be made in  
13 advance, or by reimbursement, from funds of the Council in such  
14 amounts as may be agreed on by the Chairman of the Council and the  
15 head of the agency or the authorized representative of the private enti-  
16 ty that will provide the services.

17 (2) FEDERAL AGENCY REGULATIONS RELATING TO COLLECTION  
18 APPLY.—When a Federal agency affords those services, the regulations  
19 of that agency under section 5514(b) of title 5 for the collection of in-  
20 debtedness of personnel resulting from erroneous payments shall apply  
21 to the collection of erroneous payments made to or on behalf of a  
22 Council employee, and regulations of that agency under sections  
23 1513(d) and 1514 of title 31 for the administrative control of funds  
24 shall apply to appropriations of the Council. The Council shall not be  
25 required to prescribe those regulations.

26 (g) FUNDS, PERSONNEL, FACILITIES, AND SERVICES.—

27 (1) PROVIDED BY FEDERAL AGENCY.—Any Federal agency may pro-  
28 vide the Council, with or without reimbursement as may be agreed on  
29 by the Chairman and the agency, with such funds, personnel, facilities,  
30 and services under its jurisdiction and control as may be needed by the  
31 Council to carry out its duties, to the extent that the funds, personnel,  
32 facilities, and services are requested by the Council and are otherwise  
33 available for that purpose. Any funds provided to the Council pursuant  
34 to this subsection shall be obligated by the end of the fiscal year fol-  
35 lowing the fiscal year in which the funds are received by the Council.

36 (2) OBTAINING ADDITIONAL PROPERTY, FACILITIES, AND SERVICES  
37 AND RECEIVING DONATIONS OF MONEY.—To the extent of available ap-  
38 propriations, the Council may obtain by purchase, rental, donation, or  
39 otherwise additional property, facilities, and services as may be needed  
40 to carry out its duties and may receive donations of money for that  
41 purpose. The Executive Director may accept, hold, use, expend, and ad-

1 minister the property, facilities, services, and money for the purposes  
2 of this division.

3 (h) RIGHTS, BENEFITS, AND PRIVILEGES OF TRANSFERRED EMPLOY-  
4 EES.—Any employee in the competitive service of the United States trans-  
5 ferred to the Council under section 207 of the National Historic Preserva-  
6 tion Act (Public Law 89–665) retains all the rights, benefits, and privileges  
7 pertaining to the competitive service held prior to the transfer.

8 (i) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The  
9 Council is exempt from the Federal Advisory Committee Act (5 U.S.C.  
10 App.).

11 (j) PROVISIONS THAT GOVERN OPERATIONS OF COUNCIL.—Subchapter  
12 II of chapter 5 and chapter 7 of title 5 shall govern the operations of the  
13 Council.

14 **§ 304106. International Centre for the Study of the Preserva-**  
15 **tion and Restoration of Cultural Property**

16 (a) AUTHORIZATION OF PARTICIPATION.—The participation of the United  
17 States as a member in the International Centre for the Study of the Preser-  
18 vation and Restoration of Cultural Property is authorized.

19 (b) OFFICIAL DELEGATION.—The Council shall recommend to the Sec-  
20 retary of State, after consultation with the Smithsonian Institution and  
21 other public and private organizations concerned with the technical problems  
22 of preservation, the members of the official delegation that will participate  
23 in the activities of the International Centre for the Study of the Preserva-  
24 tion and Restoration of Cultural Property on behalf of the United States.  
25 The Secretary of State shall appoint the members of the official delegation  
26 from the persons recommended to the Secretary of State by the Council.

27 **§ 304107. Transmittal of legislative recommendations, testi-**  
28 **mony, or comments to any officer or agency of the**  
29 **United States prior to submission to Congress**

30 No officer or agency of the United States shall have any authority to re-  
31 quire the Council to submit its legislative recommendations, or testimony,  
32 or comments on legislation to any officer or agency of the United States  
33 for approval, comments, or review, prior to the submission of the rec-  
34 ommendations, testimony, or comments to Congress. When the Council vol-  
35 untarily seeks to obtain the comments or review of any officer or agency  
36 of the United States, the Council shall include a description of the actions  
37 in its legislative recommendations, testimony, or comments on legislation  
38 that it transmits to Congress.

1 **§ 304108. Regulations, procedures, and guidelines**

2 (a) IN GENERAL.—The Council may promulgate regulations as it con-  
3 siders necessary to govern the implementation of section 306108 of this title  
4 in its entirety.

5 (b) PARTICIPATION BY LOCAL GOVERNMENTS.—The Council shall by reg-  
6 ulation establish such procedures as may be necessary to provide for partici-  
7 pation by local governments in proceedings and other actions taken by the  
8 Council with respect to undertakings referred to in section 306108 of this  
9 title that affect the local governments.

10 (c) EXEMPTION FOR FEDERAL PROGRAMS OR UNDERTAKINGS.—The  
11 Council, with the concurrence of the Secretary, shall promulgate regulations  
12 or guidelines, as appropriate, under which Federal programs or under-  
13 takings may be exempted from any or all of the requirements of this divi-  
14 sion when the exemption is determined to be consistent with the purposes  
15 of this division, taking into consideration the magnitude of the exempted un-  
16 dertaking or program and the likelihood of impairment of historic property.

17 **§ 304109. Budget submission**

18 (a) TIME AND MANNER OF SUBMISSION.—The Council shall submit its  
19 budget annually as a related agency of the Department of the Interior.

20 (b) TRANSMITTAL OF COPIES TO CONGRESSIONAL COMMITTEES.—When-  
21 ever the Council submits any budget estimate or request to the President  
22 or the Office of Management and Budget, it shall concurrently transmit  
23 copies of that estimate or request to the Committee on Natural Resources  
24 and Committee on Appropriations of the House of Representatives and the  
25 Committee on Energy and Natural Resources and Committee on Appropria-  
26 tions of the Senate.

27 **§ 304110. Report by Secretary to Council**

28 To assist the Council in discharging its responsibilities under this divi-  
29 sion, the Secretary at the request of the Chairman shall provide a report  
30 to the Council detailing the significance of any historic property, describing  
31 the effects of any proposed undertaking on the affected property, and rec-  
32 ommending measures to avoid, minimize, or mitigate adverse effects.

33 **§ 304111. Reimbursements from State and local agencies**

34 Subject to applicable conflict of interest laws, the Council may receive re-  
35 imbursements from State and local agencies and others pursuant to agree-  
36 ments executed in furtherance of this division.

37 **§ 304112. Effectiveness of Federal grant and assistance pro-**  
38 **grams**

39 (a) COOPERATIVE AGREEMENTS.—The Council may enter into a coopera-  
40 tive agreement with any Federal agency that administers a grant or assist-  
41 ance program for the purpose of improving the effectiveness of the adminis-



1 tration of the program in meeting the purposes and policies of this division.  
 2 The cooperative agreement may include provisions that modify the selection  
 3 criteria for a grant or assistance program to further the purposes of this  
 4 division or that allow the Council to participate in the selection of recipients,  
 5 if those provisions are not inconsistent with the grant or assistance pro-  
 6 gram's statutory authorization and purpose.

7 (b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council  
 8 may—

9 (1) review the operation of any Federal grant or assistance program  
 10 to evaluate the effectiveness of the program in meeting the purposes  
 11 and policies of this division;

12 (2) make recommendations to the head of any Federal agency that  
 13 administers the program to further the consistency of the program with  
 14 the purposes and policies of this division and to improve its effective-  
 15 ness in carrying out those purposes and policies; and

16 (3) make recommendations to the President and Congress regarding  
 17 the effectiveness of Federal grant and assistance programs in meeting  
 18 the purposes and policies of this division, including recommendations  
 19 with regard to appropriate funding levels.

20 **Subdivision 4—Other Organizations and**  
 21 **Programs**  
 22 **Chapter 3051—Historic Light Station**  
 23 **Preservation**

Sec.

305101. Definitions.

305102. Duties of Secretary in providing a national historic light station program.

305103. Selection of eligible entity and conveyance of historic light stations.

305104. Terms of conveyance.

305105. Description of property.

305106. Historic light station sales.

24 **§ 305101. Definitions**

25 In this chapter:

26 (1) ADMINISTRATOR.—The term “Administrator” means the Admin-  
 27 istrator of General Services.

28 (2) ELIGIBLE ENTITY.—The term “eligible entity” means—

29 (A) any department or agency of the Federal Government; or

30 (B) any department or agency of the State in which a historic  
 31 light station is located, the local government of the community in  
 32 which a historic light station is located, a nonprofit corporation,  
 33 an educational agency, or a community development organization  
 34 that—

35 (i) has agreed to comply with the conditions set forth in  
 36 section 305104 of this title and to have the conditions re-  
 37 corded with the deed of title to the historic light station; and

1 (ii) is financially able to maintain the historic light station  
 2 in accordance with the conditions set forth in section 305104  
 3 of this title.

4 (3) FEDERAL AID TO NAVIGATION.—

5 (A) IN GENERAL.—The term “Federal aid to navigation” means  
 6 any device, operated and maintained by the United States, exter-  
 7 nal to a vessel or aircraft, intended to assist a navigator to deter-  
 8 mine position or safe course, or to warn of dangers or obstructions  
 9 to navigation.

10 (B) INCLUSIONS.—The term “Federal aid to navigation” in-  
 11 cludes a light, lens, lantern, antenna, sound signal, camera, sen-  
 12 sor, piece of electronic navigation equipment, power source, or  
 13 other piece of equipment associated with a device described in sub-  
 14 paragraph (A).

15 (4) HISTORIC LIGHT STATION.—The term “historic light station” in-  
 16 cludes the light tower, lighthouse, keeper’s dwelling, garages, storage  
 17 sheds, oil house, fog signal building, boat house, barn, pumphouse,  
 18 tramhouse support structures, piers, walkways, underlying and appur-  
 19 tenant land and related real property and improvements associated  
 20 with a historic light station that is a historic property.

21 **§ 305102. Duties of Secretary in providing a national his-**  
 22 **toric light station program**

23 To provide a national historic light station program, the Secretary shall—

- 24 (1) collect and disseminate information concerning historic light sta-  
 25 tions;
- 26 (2) foster educational programs relating to the history, practice, and  
 27 contribution to society of historic light stations;
- 28 (3) sponsor or conduct research and study into the history of light  
 29 stations;
- 30 (4) maintain a listing of historic light stations; and
- 31 (5) assess the effectiveness of the program established by this chap-  
 32 ter regarding the conveyance of historic light stations.

33 **§ 305103. Selection of eligible entity and conveyance of his-**  
 34 **toric light stations**

35 (a) PROCESS AND POLICIES.—The Secretary and the Administrator shall  
 36 maintain a process and policies for identifying, and selecting, an eligible en-  
 37 tity to which a historic light station could be conveyed for education, park,  
 38 recreation, cultural, or historic preservation purposes, and to monitor the  
 39 use of the light station by the eligible entity.

40 (b) APPLICATION REVIEW.—

41 (1) IN GENERAL.—The Secretary shall—

1 (A) review all applications for the conveyance of a historic light  
 2 station, when the agency with administrative jurisdiction over the  
 3 historic light station has determined the property to be excess  
 4 property (as that term is defined in section 102 of title 40); and

5 (B) forward to the Administrator a single approved application  
 6 for the conveyance of the historic light station.

7 (2) CONSULTATION.—When selecting an eligible entity, the Secretary  
 8 shall consult with the State Historic Preservation Officer of the State  
 9 in which the historic light station is located.

10 (e) CONVEYANCE OR SALE OF HISTORIC LIGHT STATIONS.—

11 (1) CONVEYANCE BY ADMINISTRATOR.—Except as provided in para-  
 12 graph (2), after the Secretary's selection of an eligible entity, the Ad-  
 13 ministrator shall convey, by quitclaim deed, without consideration, all  
 14 right, title, and interest of the United States in and to a historic light  
 15 station, subject to the conditions set forth in section 305104 of this  
 16 title. The conveyance of a historic light station under this chapter shall  
 17 not be subject to the McKinney-Vento Homeless Assistance Act (42  
 18 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authoriza-  
 19 tion Act of 1998 (Public Law 105–383, 14 U.S.C. 93 note).

20 (2) HISTORIC LIGHT STATION LOCATED WITHIN A SYSTEM UNIT OR  
 21 A REFUGE WITHIN NATIONAL WILDLIFE REFUGE SYSTEM.—

22 (A) APPROVAL OF SECRETARY REQUIRED.—A historic light sta-  
 23 tion located within the exterior boundaries of a System unit or a  
 24 refuge within the National Wildlife Refuge System shall be con-  
 25 veyed or sold only with the approval of the Secretary.

26 (B) CONDITIONS OF CONVEYANCE.—If the Secretary approves  
 27 the conveyance of a historic light station described in subpara-  
 28 graph (A), the conveyance shall be subject to the conditions set  
 29 forth in section 305104 of this title and any other terms or condi-  
 30 tions that the Secretary considers necessary to protect the re-  
 31 sources of the System unit or wildlife refuge.

32 (C) CONDITIONS OF SALE.—If the Secretary approves the sale  
 33 of a historic light station described in subparagraph (A), the sale  
 34 shall be subject to the conditions set forth in paragraphs (1) to  
 35 (4) and (8) of subsection (a), and subsection (b), of section  
 36 305104 of this title and any other terms or conditions that the  
 37 Secretary considers necessary to protect the resources of the Sys-  
 38 tem unit or wildlife refuge.

39 (D) COOPERATIVE AGREEMENTS.—The Secretary is encouraged  
 40 to enter into cooperative agreements with appropriate eligible enti-  
 41 ties with respect to historic light stations described in subpara-

1 graph (A), as provided in this division, to the extent that the coop-  
2 erative agreements are consistent with the Secretary's responsibil-  
3 ities to manage and administer the System unit or wildlife refuge.

4 **§ 305104. Terms of conveyance**

5 (a) IN GENERAL.—The conveyance of a historic light station shall be  
6 made subject to any conditions, including the reservation of easements and  
7 other rights on behalf of the United States, that the Administrator con-  
8 siders necessary to ensure that—

9 (1) the Federal aids to navigation located at the historic light station  
10 in operation on the date of conveyance remain the personal property  
11 of the United States and continue to be operated and maintained by  
12 the United States for as long as needed for navigational purposes;

13 (2) there is reserved to the United States the right to remove, re-  
14 place, or install any Federal aid to navigation located at the historic  
15 light station as may be necessary for navigational purposes;

16 (3) the eligible entity to which the historic light station is conveyed  
17 shall not interfere or allow interference in any manner with any Fed-  
18 eral aid to navigation or hinder activities required for the operation and  
19 maintenance of any Federal aid to navigation without the express writ-  
20 ten permission of the head of the agency responsible for maintaining  
21 the Federal aid to navigation;

22 (4)(A) the eligible entity to which the historic light station is con-  
23 veyed shall, at its own cost and expense, use and maintain the historic  
24 light station in accordance with this division, the Secretary of the Inte-  
25 rior's Standards for the Treatment of Historic Properties contained in  
26 part 68 of title 36, Code of Federal Regulations, and other applicable  
27 laws; and

28 (B) any proposed changes to the historic light station shall be re-  
29 viewed and approved by the Secretary in consultation with the State  
30 Historic Preservation Officer of the State in which the historic light  
31 station is located, for consistency with section 800.5(a)(2)(vii) of title  
32 36, Code of Federal Regulations and the Secretary's Standards for Re-  
33 habilitation contained in section 67.7 of title 36, Code of Federal Regu-  
34 lations;

35 (5) the eligible entity to which the historic light station is conveyed  
36 shall make the historic light station available for education, park, recre-  
37 ation, cultural, or historic preservation purposes for the general public  
38 at reasonable times and under reasonable conditions;

39 (6) the eligible entity to which the historic light station is conveyed  
40 shall not sell, convey, assign, exchange, or encumber the historic light  
41 station, any part of the historic light station, or any associated historic

1 artifact conveyed to the eligible entity in conjunction with the historic  
2 light station conveyance, including any lens or lantern, unless the sale,  
3 conveyance, assignment, exchange, or encumbrance is approved by the  
4 Secretary;

5 (7) the eligible entity to which the historic light station is conveyed  
6 shall not conduct any commercial activity at the historic light station,  
7 at any part of the historic light station, or in connection with any asso-  
8 ciated historic artifact conveyed to the eligible entity in conjunction  
9 with the historic light station conveyance, in any manner, unless the  
10 commercial activity is approved by the Secretary; and

11 (8) the United States shall have the right, at any time, to enter the  
12 historic light station without notice, for purposes of operating, main-  
13 taining, and inspecting any aid to navigation and for the purpose of  
14 ensuring compliance with this section, to the extent that it is not pos-  
15 sible to provide advance notice.

16 (b) MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which  
17 a historic light station is conveyed shall not be required to maintain any  
18 Federal aid to navigation associated with a historic light station, except any  
19 private aid to navigation permitted to the eligible entity under section 83  
20 of title 14.

21 (c) REVERSION.—In addition to any term or condition established pursu-  
22 ant to this section, the conveyance of a historic light station shall include  
23 a condition that the historic light station, or any associated historic artifact  
24 conveyed to the eligible entity in conjunction with the historic light station  
25 conveyance, including any lens or lantern, at the option of the Adminis-  
26 trator, shall revert to the United States and be placed under the administra-  
27 tive control of the Administrator, if—

28 (1) the historic light station, any part of the historic light station,  
29 or any associated historic artifact ceases to be available for education,  
30 park, recreation, cultural, or historic preservation purposes for the gen-  
31 eral public at reasonable times and under reasonable conditions that  
32 shall be set forth in the eligible entity's application;

33 (2) the historic light station or any part of the historic light station  
34 ceases to be maintained in a manner that ensures its present or future  
35 use as a site for a Federal aid to navigation;

36 (3) the historic light station, any part of the historic light station,  
37 or any associated historic artifact ceases to be maintained in compli-  
38 ance with this division, the Secretary of the Interior's Standards for  
39 the Treatment of Historic Properties contained in part 68 of title 36,  
40 Code of Federal Regulations, and other applicable laws;

1 (4) the eligible entity to which the historic light station is conveyed  
2 sells, conveys, assigns, exchanges, or encumbers the historic light sta-  
3 tion, any part of the historic light fixture, or any associated historic  
4 artifact, without approval of the Secretary;

5 (5) the eligible entity to which the historic light station is conveyed  
6 conducts any commercial activity at the historic light station, at any  
7 part of the historic light station, or in conjunction with any associated  
8 historic artifact, without approval of the Secretary; or

9 (6) at least 30 days before the reversion, the Administrator provides  
10 written notice to the owner that the historic light station or any part  
11 of the historic light station is needed for national security purposes.

12 (d) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHOR-  
13 ITY.—On receiving notice of an executed or intended conveyance by an  
14 owner that received from the Federal Government under authority other  
15 than this division a historic light station in which the United States retains  
16 a reversionary or other interest and that is conveying it to another person  
17 by sale, gift, or any other manner, the Secretary shall review the terms of  
18 the executed or proposed conveyance to ensure that any new owner is capa-  
19 ble of or is complying with any and all conditions of the original conveyance.  
20 The Secretary may require the parties to the conveyance and relevant Fed-  
21 eral agencies to provide information as is necessary to complete the review.  
22 If the Secretary determines that the new owner has not complied or is un-  
23 able to comply with those conditions, the Secretary shall immediately advise  
24 the Administrator, who shall invoke any reversionary interest or take other  
25 action as may be necessary to protect the interests of the United States.

26 **§ 305105. Description of property**

27 (a) IN GENERAL.—The Administrator shall prepare the legal description  
28 of any historic light station conveyed under this chapter. The Administrator,  
29 in consultation with the Secretary of Homeland Security and the Secretary,  
30 may retain all right, title, and interest of the United States in and to any  
31 historical artifact, including any lens or lantern, that is associated with the  
32 historic light station and located at the historic light station at the time of  
33 conveyance. Wherever possible, the historical artifacts should be used in in-  
34 terpreting the historic light station. In cases where there is no method for  
35 preserving lenses and other artifacts and equipment in situ, priority should  
36 be given to preservation or museum entities most closely associated with the  
37 historic light station, if they meet loan requirements.

38 (b) ARTIFACTS.—Artifacts associated with, but not located at, a historic  
39 light station at the time of conveyance shall remain the property of the  
40 United States under the administrative control of the Secretary of Home-  
41 land Security.

1 (e) COVENANTS.—All conditions placed with the quitclaim deed of title to  
2 the historic light station shall be construed as covenants running with the  
3 land.

4 (d) SUBMERGED LAND.—No submerged land shall be conveyed under this  
5 chapter.

6 **§ 305106. Historic light station sales**

7 (a) IN GENERAL.—

8 (1) WHEN SALE MAY OCCUR.—If no applicant is approved for the  
9 conveyance of a historic light station pursuant to sections 305101  
10 through 305105 of this title, the historic light station shall be offered  
11 for sale.

12 (2) TERMS OF SALE.—Terms of the sales—

13 (A) shall be developed by the Administrator; and

14 (B) shall be consistent with the requirements of paragraphs (1)  
15 to (4) and (8) of subsection (a), and subsection (b), of section  
16 305104 of this title.

17 (3) COVENANTS TO BE INCLUDED IN CONVEYANCE DOCUMENTS.—  
18 Conveyance documents shall include all necessary covenants to protect  
19 the historical integrity of the historic light station and ensure that any  
20 Federal aid to navigation located at the historic light station is oper-  
21 ated and maintained by the United States for as long as needed for  
22 that purpose.

23 (b) NET SALE PROCEEDS.—

24 (1) DISPOSITION AND USE OF FUNDS.—Net sale proceeds from the  
25 disposal of a historic light station—

26 (A) located on public domain land shall be transferred to the  
27 National Maritime Heritage Grants Program established under  
28 chapter 3087 in the Department of the Interior; and

29 (B) under the administrative control of the Secretary of Home-  
30 land Security—

31 (i) shall be credited to the Coast Guard's Operating Ex-  
32 penses appropriation account; and

33 (ii) shall be available for obligation and expenditure for the  
34 maintenance of light stations remaining under the adminis-  
35 trative control of the Secretary of Homeland Security.

36 (2) AVAILABILITY OF FUNDS.—The funds referred to in paragraph  
37 (1)(B) shall remain available until expended and shall be available in  
38 addition to funds available in the Coast Guard's Operating Expense ap-  
39 propriation for that purpose.

1                   **Chapter 3053—National Center for**  
 2                   **Preservation Technology and Training**

Sec.

305301. Definitions.  
 305302. National Center for Preservation Technology and Training.  
 305303. Preservation Technology and Training Board.  
 305304. Preservation grants.  
 305305. General provisions.  
 305306. Service preservation centers and offices.

3                   **§ 305301. Definitions**

4                   In this chapter:

5                   (1) BOARD.—The term “Board” means the Preservation Technology  
 6                   and Training Board established pursuant to section 305303 of this  
 7                   title.

8                   (2) CENTER.—The term “Center” means the National Center for  
 9                   Preservation Technology and Training established pursuant to section  
 10                   305302 of this title.

11                   **§ 305302. National Center for Preservation Technology and**  
 12                   **Training**

13                   (a) ESTABLISHMENT.—There is established within the Department of the  
 14                   Interior a National Center for Preservation Technology and Training. The  
 15                   Center shall be located at Northwestern State University of Louisiana in  
 16                   Natchitoches, Louisiana.

17                   (b) PURPOSES.—The purposes of the Center shall be to—

18                   (1) develop and distribute preservation and conservation skills and  
 19                   technologies for the identification, evaluation, conservation, and inter-  
 20                   pretation of historic property;

21                   (2) develop and facilitate training for Federal, State, and local re-  
 22                   source preservation professionals, cultural resource managers, mainte-  
 23                   nance personnel, and others working in the preservation field;

24                   (3) take steps to apply preservation technology benefits from ongoing  
 25                   research by other agencies and institutions;

26                   (4) facilitate the transfer of preservation technology among Federal  
 27                   agencies, State and local governments, universities, international orga-  
 28                   nizations, and the private sector; and

29                   (5) cooperate with related international organizations including the  
 30                   International Council on Monuments and Sites, the International Cen-  
 31                   ter for the Study of Preservation and Restoration of Cultural Property,  
 32                   and the International Council on Museums.

33                   (c) PROGRAMS.—The purposes shall be carried out through research, pro-  
 34                   fessional training, technical assistance, and programs for public awareness,  
 35                   and through a program of grants established under section 305304 of this  
 36                   title.



1 (d) EXECUTIVE DIRECTOR.—The Center shall be headed by an Executive  
2 Director with demonstrated expertise in historic preservation appointed by  
3 the Secretary with advice of the Board.

4 (e) ASSISTANCE FROM SECRETARY.—The Secretary shall provide the  
5 Center assistance in obtaining such personnel, equipment, and facilities as  
6 may be needed by the Center to carry out its activities.

7 **§ 305303. Preservation Technology and Training Board**

8 (a) ESTABLISHMENT.—There is established a Preservation Technology  
9 and Training Board.

10 (b) DUTIES.—The Board shall—

11 (1) provide leadership, policy advice, and professional oversight to  
12 the Center;

13 (2) advise the Secretary on priorities and the allocation of grants  
14 among the activities of the Center; and

15 (3) submit an annual report to the President and Congress.

16 (c) MEMBERSHIP.—The Board shall be comprised of—

17 (1) the Secretary;

18 (2) 6 members appointed by the Secretary, who shall represent ap-  
19 propriate Federal, State, and local agencies, State and local historic  
20 preservation commissions, and other public and international organiza-  
21 tions; and

22 (3) 6 members appointed by the Secretary on the basis of out-  
23 standing professional qualifications, who represent major organizations  
24 in the fields of archeology, architecture, conservation, curation, engi-  
25 neering, history, historic preservation, landscape architecture, planning,  
26 or preservation education.

27 **§ 305304. Preservation grants**

28 (a) IN GENERAL.—The Secretary, in consultation with the Board, shall  
29 provide preservation technology and training grants to eligible applicants  
30 with a demonstrated institutional capability and commitment to the pur-  
31 poses of the Center, in order to ensure an effective and efficient system of  
32 research, information distribution, and skills training in all the related his-  
33 toric preservation fields.

34 (b) GRANT REQUIREMENTS.—

35 (1) ALLOCATION.—Grants provided under this section shall be allo-  
36 cated in such a fashion as to reflect the diversity of the historic preser-  
37 vation fields and shall be geographically distributed.

38 (2) LIMIT ON AMOUNT A RECIPIENT MAY RECEIVE.—No grant recipi-  
39 ent may receive more than 10 percent of the grants allocated under  
40 this section within any year.

1 (3) LIMIT ON ADMINISTRATIVE COSTS.—The total administrative  
2 costs, direct and indirect, charged for carrying out grants under this  
3 section may not exceed 25 percent of the aggregate costs.

4 (c) ELIGIBLE APPLICANTS.—Eligible applicants may include—

- 5 (1) Federal and non-Federal laboratories;
- 6 (2) accredited museums;
- 7 (3) universities;
- 8 (4) nonprofit organizations;
- 9 (5) System units and offices and Cooperative Park Study Units of  
10 the System;
- 11 (6) State Historic Preservation Offices;
- 12 (7) tribal preservation offices; and
- 13 (8) Native Hawaiian organizations.

14 (d) STANDARDS AND METHODS.—Grants shall be awarded in accordance  
15 with accepted professional standards and methods, including peer review of  
16 projects.

17 **§ 305305. General provisions**

18 (a) ACCEPTANCE OF GRANTS AND TRANSFERS.—The Center may ac-  
19 cept—

- 20 (1) grants and donations from private individuals, groups, organiza-  
21 tions, corporations, foundations, and other entities; and
- 22 (2) transfers of funds from other Federal agencies.

23 (b) CONTRACTS AND COOPERATIVE AGREEMENTS.—Subject to appropria-  
24 tions, the Center may enter into contracts and cooperative agreements with  
25 Federal, State, local, and tribal governments, Native Hawaiian organiza-  
26 tions, educational institutions, and other public entities to carry out the  
27 Center's responsibilities under this chapter.

28 (c) ADDITIONAL FUNDS.—Funds appropriated for the Center shall be in  
29 addition to funds appropriated for Service programs, centers, and offices in  
30 existence on October 30, 1992.

31 **§ 305306. Service preservation centers and offices**

32 To improve the use of existing Service resources, the Secretary shall fully  
33 utilize and further develop the Service preservation (including conservation)  
34 centers and regional offices. The Secretary shall improve the coordination  
35 of the centers and offices within the Service, and shall, where appropriate,  
36 coordinate their activities with the Center and with other appropriate par-  
37 ties.

38 **Chapter 3055—National Building Museum**

Sec.

305501. Definitions.

305502. Cooperative agreement to operate museum.

305503. Activities and functions.

305504. Matching grants to Committee.

305505. Annual report.

1     **§ 305501. Definitions**

2         In this chapter:

3             (1) BUILDING ARTS.—The term “building arts” includes all practical  
4             and scholarly aspects of prehistoric, historic, and contemporary archi-  
5             tecture, archeology, construction, building technology and skills, land-  
6             scape architecture, preservation and conservation, building and con-  
7             struction, engineering, urban and community design and renewal, city  
8             and regional planning, and related professions, skills, trades, and  
9             crafts.

10            (2) COMMITTEE.—The term “Committee” means the Committee for  
11            a National Museum of the Building Arts, Incorporated, a nonprofit cor-  
12            poration organized and existing under the laws of the District of Co-  
13            lumbia, or its successor.

14     **§ 305502. Cooperative agreement to operate museum**

15         To provide a national center to commemorate and encourage the building  
16         arts and to preserve and maintain a nationally significant building that ex-  
17         emplifies the great achievements of the building arts in the United States,  
18         the Secretary and the Administrator of General Services shall enter into a  
19         cooperative agreement with the Committee for the operation of a National  
20         Building Museum in the Federal building located in the block bounded by  
21         Fourth Street, Fifth Street, F Street, and G Street, Northwest in Wash-  
22         ington, District of Columbia. The cooperative agreement shall include provi-  
23         sions that—

24             (1) make the site available to the Committee without charge;

25             (2) provide, subject to available appropriations, such maintenance,  
26             security, information, janitorial, and other services as may be necessary  
27             to ensure the preservation and operation of the site; and

28             (3) prescribe reasonable terms and conditions by which the Com-  
29             mittee can fulfill its responsibilities under this division.

30     **§ 305503. Activities and functions**

31         The National Building Museum shall—

32             (1) collect and disseminate information concerning the building arts,  
33             including the establishment of a national reference center for current  
34             and historic documents, publications, and research relating to the  
35             building arts;

36             (2) foster educational programs relating to the history, practice, and  
37             contribution to society of the building arts, including promotion of  
38             imaginative educational approaches to enhance understanding and ap-  
39             preciation of all facets of the building arts;

- 1 (3) publicly display temporary and permanent exhibits illustrating,  
 2 interpreting and demonstrating the building arts;  
 3 (4) sponsor or conduct research and study into the history of the  
 4 building arts and their role in shaping our civilization; and  
 5 (5) encourage contributions to the building arts.

6 **§ 305504. Matching grants to Committee**

7 The Secretary shall provide matching grants to the Committee for its pro-  
 8 grams related to historic preservation. The Committee shall match the  
 9 grants in such a manner and with such funds and services as shall be satis-  
 10 factory to the Secretary, except that not more than \$500,000 may be pro-  
 11 vided to the Committee in any one fiscal year.

12 **§ 305505. Annual report**

13 The Committee shall submit an annual report to the Secretary and the  
 14 Administrator of General Services concerning its activities under this chap-  
 15 ter and shall provide the Secretary and the Administrator of General Serv-  
 16 ices with such other information as the Secretary may consider necessary  
 17 or advisable.

18 **Subdivision 5—Federal Agency Historic**  
 19 **Preservation Responsibilities**  
 20 **Chapter 3061—Program Responsibilities**  
 21 **and Authorities**

Subchapter I—In General

Sec.

306101. Assumption of responsibility for preservation of historic property.  
 306102. Preservation program.  
 306103. Recordation of historic property prior to alteration or demolition.  
 306104. Agency Preservation Officer.  
 306105. Agency programs and projects.  
 306106. Review of plans of transferees of surplus federally owned historic property.  
 306107. Planning and actions to minimize harm to National Historic Landmarks.  
 306108. Effect of undertaking on historic property.  
 306109. Costs of preservation as eligible project costs.  
 306110. Annual preservation awards program.  
 306111. Environmental impact statement.  
 306112. Waiver of provisions in event of natural disaster or imminent threat to national secu-  
 rity.  
 306113. Anticipatory demolition.  
 306114. Documentation of decisions respecting undertakings.
- Subchapter II—Lease, Exchange, or Management of Historic Property
306121. Lease or exchange.  
 306122. Contracts for management of historic property.
- Subchapter III—Protection and Preservation of Resources
306131. Standards and guidelines.

22 **Subchapter I—In General**

23 **§ 306101. Assumption of responsibility for preservation of**  
 24 **historic property**

25 (a) IN GENERAL.—

1 (1) AGENCY HEAD RESPONSIBILITY.—The head of each Federal  
2 agency shall assume responsibility for the preservation of historic prop-  
3 erty that is owned or controlled by the agency.

4 (2) USE OF AVAILABLE HISTORIC PROPERTY.—Prior to acquiring,  
5 constructing, or leasing a building for purposes of carrying out agency  
6 responsibilities, a Federal agency shall use, to the maximum extent fea-  
7 sible, historic property available to the agency, in accordance with Ex-  
8 ecutive Order No. 13006 (40 U.S.C. 3306 note).

9 (3) NECESSARY PRESERVATION.—Each Federal agency shall under-  
10 take, consistent with the preservation of historic property, the mission  
11 of the agency, and the professional standards established pursuant to  
12 subsection (c), any preservation as may be necessary to carry out this  
13 chapter.

14 (b) GUIDELINES FOR FEDERAL AGENCY RESPONSIBILITY FOR AGENCY-  
15 OWNED HISTORIC PROPERTY.—In consultation with the Council, the Sec-  
16 retary shall promulgate guidelines for Federal agency responsibilities under  
17 this subchapter (except section 306108).

18 (c) PROFESSIONAL STANDARDS FOR PRESERVATION OF FEDERALLY  
19 OWNED OR CONTROLLED HISTORIC PROPERTY.—The Secretary shall estab-  
20 lish, in consultation with the Secretary of Agriculture, the Secretary of De-  
21 fense, the Smithsonian Institution, and the Administrator of General Serv-  
22 ices, professional standards for the preservation of historic property in Fed-  
23 eral ownership or control.

24 **§ 306102. Preservation program**

25 (a) ESTABLISHMENT.—Each Federal agency shall establish (except for  
26 programs or undertakings exempted pursuant to section 304108(c) of this  
27 title), in consultation with the Secretary, a preservation program for the  
28 identification, evaluation, and nomination to the National Register, and pro-  
29 tection, of historic property.

30 (b) REQUIREMENTS.—The program shall ensure that—

31 (1) historic property under the jurisdiction or control of the agency  
32 is identified, evaluated, and nominated to the National Register;

33 (2) historic property under the jurisdiction or control of the agency  
34 is managed and maintained in a way that considers the preservation  
35 of their historic, archeological, architectural, and cultural values in  
36 compliance with section 306108 of this title and gives special consider-  
37 ation to the preservation of those values in the case of property des-  
38 igned as having national significance;

39 (3) the preservation of property not under the jurisdiction or control  
40 of the agency but potentially affected by agency actions is given full  
41 consideration in planning;

1 (4) the agency's preservation-related activities are carried out in con-  
 2 sultation with other Federal, State, and local agencies, Indian tribes,  
 3 Native Hawaiian organizations carrying out historic preservation plan-  
 4 ning activities, and the private sector; and

5 (5) the agency's procedures for compliance with section 306108 of  
 6 this title—

7 (A) are consistent with regulations promulgated by the Council  
 8 pursuant to section 304108(a) and (b) of this title;

9 (B) provide a process for the identification and evaluation of  
 10 historic property for listing on the National Register and the de-  
 11 velopment and implementation of agreements, in consultation with  
 12 State Historic Preservation Officers, local governments, Indian  
 13 tribes, Native Hawaiian organizations, and the interested public,  
 14 as appropriate, regarding the means by which adverse effects on  
 15 historic property will be considered; and

16 (C) provide for the disposition of Native American cultural  
 17 items from Federal or tribal land in a manner consistent with sec-  
 18 tion 3(c) of the Native American Graves Protection and Repatri-  
 19 ation Act (25 U.S.C. 3002(c)).

20 **§ 306103. Recordation of historic property prior to alter-**  
 21 **ation or demolition**

22 Each Federal agency shall initiate measures to ensure that where, as a  
 23 result of Federal action or assistance carried out by the agency, a historic  
 24 property is to be substantially altered or demolished—

25 (1) timely steps are taken to make or have made appropriate  
 26 records; and

27 (2) the records are deposited, in accordance with section 302107 of  
 28 this title, in the Library of Congress or with such other appropriate  
 29 agency as the Secretary may designate, for future use and reference.

30 **§ 306104. Agency Preservation Officer**

31 The head of each Federal agency (except an agency that is exempted  
 32 under section 304108(e) of this title) shall designate a qualified official as  
 33 the agency's Preservation Officer who shall be responsible for coordinating  
 34 the agency's activities under this division. Each Preservation Officer may,  
 35 to be considered qualified, satisfactorily complete an appropriate training  
 36 program established by the Secretary under section 306101(c) of this title.

37 **§ 306105. Agency programs and projects**

38 Consistent with the agency's missions and mandates, each Federal agency  
 39 shall carry out agency programs and projects (including those under which  
 40 any Federal assistance is provided or any Federal license, permit, or other  
 41 approval is required) in accordance with the purposes of this division and

1 give consideration to programs and projects that will further the purposes  
2 of this division.

3 **§ 306106. Review of plans of transferees of surplus federally**  
4 **owned historic property**

5 The Secretary shall review and approve the plans of transferees of surplus  
6 federally owned historic property not later than 90 days after receipt of the  
7 plans to ensure that the prehistorical, historical, architectural, or culturally  
8 significant values will be preserved or enhanced.

9 **§ 306107. Planning and actions to minimize harm to Na-**  
10 **tional Historic Landmarks**

11 Prior to the approval of any Federal undertaking that may directly and  
12 adversely affect any National Historic Landmark, the head of the respon-  
13 sible Federal agency shall to the maximum extent possible undertake such  
14 planning and actions as may be necessary to minimize harm to the land-  
15 mark. The head of the Federal agency shall afford the Council a reasonable  
16 opportunity to comment with regard to the undertaking.

17 **§ 306108. Effect of undertaking on historic property**

18 The head of any Federal agency having direct or indirect jurisdiction over  
19 a proposed Federal or federally assisted undertaking in any State and the  
20 head of any Federal department or independent agency having authority to  
21 license any undertaking, prior to the approval of the expenditure of any  
22 Federal funds on the undertaking or prior to the issuance of any license,  
23 shall take into account the effect of the undertaking on any historic prop-  
24 erty. The head of the Federal agency shall afford the Council a reasonable  
25 opportunity to comment with regard to the undertaking.

26 **§ 306109. Costs of preservation as eligible project costs**

27 A Federal agency may include the costs of preservation activities of the  
28 agency under this division as eligible project costs in all undertakings of the  
29 agency or assisted by the agency. The eligible project costs may include  
30 amounts paid by a Federal agency to a State to be used in carrying out  
31 the preservation responsibilities of the Federal agency under this division,  
32 and reasonable costs may be charged to Federal licensees and permittees  
33 as a condition to the issuance of the license or permit.

34 **§ 306110. Annual preservation awards program**

35 The Secretary shall establish an annual preservation awards program  
36 under which the Secretary may make monetary awards in amounts of not  
37 to exceed \$1,000 and provide citations for special achievement to officers  
38 and employees of Federal, State, and certified local governments in recogni-  
39 tion of their outstanding contributions to the preservation of historic prop-  
40 erty. The program may include the issuance of annual awards by the Presi-

1 dent to any citizen of the United States recommended for the award by the  
2 Secretary.

3 **§ 306111. Environmental impact statement**

4 Nothing in this division shall be construed to—

- 5 (1) require the preparation of an environmental impact statement  
6 where the statement would not otherwise be required under the Na-  
7 tional Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or  
8 (2) provide any exemption from any requirement respecting the prep-  
9 aration of an environmental impact statement under that Act.

10 **§ 306112. Waiver of provisions in event of natural disaster  
11 or imminent threat to national security**

12 The Secretary shall promulgate regulations under which the requirements  
13 of this subchapter (except section 306108) may be waived in whole or in  
14 part in the event of a major natural disaster or an imminent threat to na-  
15 tional security.

16 **§ 306113. Anticipatory demolition**

17 Each Federal agency shall ensure that the agency will not grant a loan,  
18 loan guarantee, permit, license, or other assistance to an applicant that,  
19 with intent to avoid the requirements of section 306108 of this title, has  
20 intentionally significantly adversely affected a historic property to which the  
21 grant would relate, or having legal power to prevent it, has allowed the sig-  
22 nificant adverse effect to occur, unless the agency, after consultation with  
23 the Council, determines that circumstances justify granting the assistance  
24 despite the adverse effect created or permitted by the applicant.

25 **§ 306114. Documentation of decisions respecting under-  
26 takings**

27 With respect to any undertaking subject to section 306108 of this title  
28 that adversely affects any historic property for which a Federal agency has  
29 not entered into an agreement pursuant to regulations issued by the Coun-  
30 cil, the head of the agency shall document any decision made pursuant to  
31 section 306108 of this title. The head of the agency may not delegate the  
32 responsibility to document a decision pursuant to this section. Where an  
33 agreement pursuant to regulations issued by the Council has been executed  
34 with respect to an undertaking, the agreement shall govern the undertaking  
35 and all of its parts.

36 **Subchapter II—Lease, Exchange, or  
37 Management of Historic Property**

38 **§ 306121. Lease or exchange**

39 (a) AUTHORITY TO LEASE OR EXCHANGE.—Notwithstanding any other  
40 provision of law, each Federal agency, after consultation with the Council—



1 (1) shall, to the extent practicable, establish and implement alter-  
 2 natives (including adaptive use) for historic property that is not needed  
 3 for current or projected agency purposes; and

4 (2) may lease historic property owned by the agency to any person  
 5 or organization, or exchange any property owned by the agency with  
 6 comparable historic property, if the agency head determines that the  
 7 lease or exchange will adequately ensure the preservation of the historic  
 8 property.

9 (b) PROCEEDS OF LEASE.—Notwithstanding any other provision of law,  
 10 the proceeds of a lease under subsection (a) may be retained by the agency  
 11 entering into the lease and used to defray the costs of administration, main-  
 12 tenance, repair, and related expenses incurred by the agency with respect  
 13 to that property or other property that is on the National Register that is  
 14 owned by, or are under the jurisdiction or control of, the agency. Any sur-  
 15 plus proceeds from the leases shall be deposited in the Treasury at the end  
 16 of the 2d fiscal year following the fiscal year in which the proceeds are re-  
 17 ceived.

18 **§ 306122. Contracts for management of historic property**

19 The head of any Federal agency having responsibility for the management  
 20 of any historic property may, after consultation with the Council, enter into  
 21 a contract for the management of the property. The contract shall contain  
 22 terms and conditions that the head of the agency considers necessary or ap-  
 23 propriate to protect the interests of the United States and ensure adequate  
 24 preservation of the historic property.

25 **Subchapter III—Protection and**  
 26 **Preservation of Resources**

27 **§ 306131. Standards and guidelines**

28 (a) STANDARDS.—

29 (1) IN GENERAL.—Each Federal agency that is responsible for the  
 30 protection of historic property (including archeological property) pursu-  
 31 ant to this division or any other law shall ensure that—

32 (A) all actions taken by employees or contractors of the agency  
 33 meet professional standards under regulations developed by the  
 34 Secretary in consultation with the Council, other affected agencies,  
 35 and the appropriate professional societies of archeology, architec-  
 36 ture, conservation, history, landscape architecture, and planning;

37 (B) agency personnel or contractors responsible for historic  
 38 property meet qualification standards established by the Office of  
 39 Personnel Management in consultation with the Secretary and ap-  
 40 propriate professional societies of archeology, architecture, con-

1            servation, curation, history, landscape architecture, and planning;  
2            and

3            (C) records and other data, including data produced by histor-  
4            ical research and archeological surveys and excavations, are per-  
5            manently maintained in appropriate databases and made available  
6            to potential users pursuant to such regulations as the Secretary  
7            shall promulgate.

8            (2) CONSIDERATIONS.—The standards referred to in paragraph  
9            (1)(B) shall consider the particular skills and expertise needed for the  
10           preservation of historic property and shall be equivalent requirements  
11           for the disciplines involved.

12           (3) REVISION.—The Office of Management and Budget shall revise  
13           qualification standards for the disciplines involved.

14           (b) GUIDELINES.—To promote the preservation of historic property eligi-  
15           ble for listing on the National Register, the Secretary shall, in consultation  
16           with the Council, promulgate guidelines to ensure that Federal, State, and  
17           tribal historic preservation programs subject to this division include plans  
18           to—

19           (1) provide information to the owners of historic property (including  
20           architectural, curatorial, and archeological property) with demonstrated  
21           or likely research significance, about the need for protection of the his-  
22           toric property, and the available means of protection;

23           (2) encourage owners to preserve historic property intact and in  
24           place and offer the owners of historic property information on the tax  
25           and grant assistance available for the donation of the historic property  
26           or of a preservation easement of the historic property;

27           (3) encourage the protection of Native American cultural items  
28           (within the meaning of section 2 of the Native American Graves Pro-  
29           tection and Repatriation Act (25 U.S.C. 3001)) and of property of reli-  
30           gious or cultural importance to Indian tribes, Native Hawaiian organi-  
31           zations, or other Native American groups; and

32           (4) encourage owners that are undertaking archeological excavations  
33           to—

34           (A) conduct excavations and analyses that meet standards for  
35           federally-sponsored excavations established by the Secretary;

36           (B) donate or lend artifacts of research significance to an ap-  
37           propriate research institution;

38           (C) allow access to artifacts for research purposes; and

39           (D) prior to excavating or disposing of a Native American cul-  
40           tural item in which an Indian tribe or Native Hawaiian organiza-  
41           tion may have an interest under subparagraph (B) or (C) of sec-

tion 3(a)(2) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(a)(2)(B), (C)), give notice to and consult with the Indian tribe or Native Hawaiian organization.

## **Subdivision 6—Miscellaneous**

### **Chapter 3071—Miscellaneous**

Sec.

- 307101. World Heritage Convention.
- 307102. Effective date of regulations.
- 307103. Access to information.
- 307104. Inapplicability of division to White House, Supreme Court building, or United States Capitol.
- 307105. Attorney's fees and costs to prevailing parties in civil actions.
- 307106. Authorization for expenditure of appropriated funds.
- 307107. Donations and bequests of money, personal property, and less than fee interests in historic property.
- 307108. Privately donated funds.

#### **6 § 307101. World Heritage Convention**

7 (a) **AUTHORITY OF SECRETARY.**—In carrying out this section, the Secretary of the Interior may act directly or through an appropriate officer in  
8 the Department of the Interior.

10 (b) **PARTICIPATION BY UNITED STATES.**—The Secretary shall direct and coordinate participation by the United States in the World Heritage Convention in cooperation with the Secretary of State, the Smithsonian Institution, and the Council. Whenever possible, expenditures incurred in carrying  
11 out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where  
12 the expense is incurred as may be available to the United States.

17 (c) **NOMINATION OF PROPERTY TO WORLD HERITAGE COMMITTEE.**—The Secretary shall periodically nominate property that the Secretary determines  
18 is of international significance to the World Heritage Committee on behalf of the United States. No property may be nominated unless it has previously  
19 been determined to be of national significance. Each nomination shall include evidence of such legal protections as may be necessary to ensure  
20 preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any  
21 nomination, the Secretary shall notify the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural  
22 Resources of the Senate.

28 (d) **NOMINATION OF NON-FEDERAL PROPERTY TO WORLD HERITAGE COMMITTEE REQUIRES WRITTEN CONCURRENCE OF OWNER.**—No non-  
29 Federal property may be nominated by the Secretary to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the  
30 property concurs in the nomination in writing.

33 (e) **CONSIDERATION OF UNDERTAKING ON PROPERTY.**—Prior to the approval of any undertaking outside the United States that may directly and  
34

1 adversely affect a property that is on the World Heritage List or on the  
 2 applicable country's equivalent of the National Register, the head of a Fed-  
 3 eral agency having direct or indirect jurisdiction over the undertaking shall  
 4 take into account the effect of the undertaking on the property for purposes  
 5 of avoiding or mitigating any adverse effect.

6 **§ 307102. Effective date of regulations**

7 (a) PUBLICATION IN FEDERAL REGISTER.—No final regulation of the  
 8 Secretary shall become effective prior to the expiration of 30 calendar days  
 9 after it is published in the Federal Register during which either or both  
 10 Houses of Congress are in session.

11 (b) DISAPPROVAL OF REGULATION BY RESOLUTION OF CONGRESS.—The  
 12 regulation shall not become effective if, within 90 calendar days of contin-  
 13 uous session of Congress after the date of promulgation, both Houses of  
 14 Congress adopt a concurrent resolution, the matter after the resolving  
 15 clause of which is as follows: “That Congress disapproves the regulation  
 16 promulgated by the Secretary dealing with the matter of \_\_\_\_\_, which  
 17 regulation was transmitted to Congress on \_\_\_\_\_, ” the blank spaces  
 18 in the resolution being appropriately filled.

19 (c) FAILURE OF CONGRESS TO ADOPT RESOLUTION OF DISAPPROVAL OF  
 20 REGULATION.—If at the end of 60 calendar days of continuous session of  
 21 Congress after the date of promulgation of a regulation, no committee of  
 22 either House of Congress has reported or been discharged from further con-  
 23 sideration of a concurrent resolution disapproving the regulation, and nei-  
 24 ther House has adopted such a resolution, the regulation may go into effect  
 25 immediately. If, within the 60 calendar days, a committee has reported or  
 26 been discharged from further consideration of such a resolution, the regula-  
 27 tion may go into effect not sooner than 90 calendar days of continuous ses-  
 28 sion of Congress after its promulgation unless disapproved as provided for.

29 (d) SESSIONS OF CONGRESS.—For purposes of this section—

30 (1) continuity of session is broken only by an adjournment sine die;  
 31 and

32 (2) the days on which either House is not in session because of an  
 33 adjournment of more than 3 days to a day certain are excluded in the  
 34 computation of 60 and 90 calendar days of continuous session of Con-  
 35 gress.

36 (e) CONGRESSIONAL INACTION OR REJECTION OF RESOLUTION OF DIS-  
 37 APPROVAL NOT DEEMED APPROVAL OF REGULATION.—Congressional inae-  
 38 ction on or rejection of a resolution of disapproval shall not be deemed an  
 39 expression of approval of the regulation.

1 **§ 307103. Access to information**

2 (a) AUTHORITY TO WITHHOLD FROM DISCLOSURE.—The head of a Fed-  
 3 eral agency, or other public official receiving grant assistance pursuant to  
 4 this division, after consultation with the Secretary, shall withhold from dis-  
 5 closure to the public information about the location, character, or ownership  
 6 of a historic property if the Secretary and the agency determine that disclo-  
 7 sure may—

8 (1) cause a significant invasion of privacy;

9 (2) risk harm to the historic property; or

10 (3) impede the use of a traditional religious site by practitioners.

11 (b) ACCESS DETERMINATION.—When the head of a Federal agency or  
 12 other public official determines that information should be withheld from  
 13 the public pursuant to subsection (a), the Secretary, in consultation with  
 14 the Federal agency head or official, shall determine who may have access  
 15 to the information for the purpose of carrying out this division.

16 (c) CONSULTATION WITH COUNCIL.—When information described in sub-  
 17 section (a) has been developed in the course of an agency’s compliance with  
 18 section 306107 or 306108 of this title, the Secretary shall consult with the  
 19 Council in reaching determinations under subsections (a) and (b).

20 **§ 307104. Inapplicability of division to White House, Su-  
 21 preme Court building, or United States Capitol**

22 Nothing in this division applies to the White House and its grounds, the  
 23 Supreme Court building and its grounds, or the United States Capitol and  
 24 its related buildings and grounds.

25 **§ 307105. Attorney’s fees and costs to prevailing parties in  
 26 civil actions**

27 In any civil action brought in any United States district court by any in-  
 28 terested person to enforce this division, if the person substantially prevails  
 29 in the action, the court may award attorney’s fees, expert witness fees, and  
 30 other costs of participating in the civil action, as the court considers reason-  
 31 able.

32 **§ 307106. Authorization for expenditure of appropriated  
 33 funds**

34 Where appropriate, each Federal agency may expend funds appropriated  
 35 for its authorized programs for the purposes of activities carried out pursu-  
 36 ant to this division, except to the extent that appropriations legislation ex-  
 37 pressly provides otherwise.

1    **§ 307107. Donations and bequests of money, personal prop-**  
 2                   **erty, and less than fee interests in historic prop-**  
 3                   **erty**

4           (a) MONEY AND PERSONAL PROPERTY.—The Secretary may accept dona-  
 5           tions and bequests of money and personal property for the purposes of this  
 6           division and shall hold, use, expend, and administer the money and personal  
 7           property for those purposes.

8           (b) LESS THAN FEE INTEREST IN HISTORIC PROPERTY.—The Secretary  
 9           may accept gifts or donations of less than fee interests in any historic prop-  
 10          erty where the acceptance of an interest will facilitate the conservation or  
 11          preservation of the historic property. Nothing in this section or in any provi-  
 12          sion of this division shall be construed to affect or impair any other author-  
 13          ity of the Secretary under other provision of law to accept or acquire any  
 14          property for conservation or preservation or for any other purpose.

15    **§ 307108. Privately donated funds**

16          (a) PROJECTS FOR WHICH FUNDS MAY BE USED.—In furtherance of the  
 17          purposes of this division, the Secretary may accept the donation of funds  
 18          that may be expended by the Secretary for projects to acquire, restore, pre-  
 19          serve, or recover data from any property included on the National Register,  
 20          as long as the project is owned by a State, any unit of local government,  
 21          or any nonprofit entity.

22          (b) CONSIDERATION OF FACTORS RESPECTING EXPENDITURE OF  
 23          FUNDS.—

24               (1) IN GENERAL.—In expending the funds, the Secretary shall give  
 25               due consideration to—

- 26                   (A) the national significance of the project;
- 27                   (B) its historical value to the community;
- 28                   (C) the imminence of its destruction or loss; and
- 29                   (D) the expressed intentions of the donor.

30               (2) FUNDS AVAILABLE WITHOUT REGARD TO MATCHING REQUIRE-  
 31               MENTS.—Funds expended under this subsection shall be made available  
 32               without regard to the matching requirements established by sections  
 33               302901 and 302902(b) of this title, but the recipient of the funds shall  
 34               be permitted to utilize them to match any grants from the Historic  
 35               Preservation Fund.

36          (c) TRANSFER OF UNOBLIGATED FUNDS.—The Secretary may transfer  
 37          unobligated funds previously donated to the Secretary for the purposes of  
 38          the Service, with the consent of the donor, and any funds so transferred  
 39          shall be used or expended in accordance with this division.

1       **Division B—Organizations and Programs**  
 2       **Subdivision 1—Administered by National**  
 3               **Park Service**  
 4               **Chapter 3081—American Battlefield**  
 5               **Protection Program**

Sec.

308101. Definition.

308102. Preservation assistance.

308103. Battlefield acquisition grant program.

6       **§ 308101. Definition**

7       In this chapter, the term “Secretary” means the Secretary, acting  
 8       through the American Battlefield Protection Program.

9       **§ 308102. Preservation assistance**

10       (a) IN GENERAL.—Using the established national historic preservation  
 11       program to the extent practicable, the Secretary shall encourage, support,  
 12       assist, recognize, and work in partnership with citizens, Federal, State,  
 13       local, and tribal governments, other public entities, educational institutions,  
 14       and private nonprofit organizations in identifying, researching, evaluating,  
 15       interpreting, and protecting historic battlefields and associated sites on a  
 16       national, State, and local level.

17       (b) FINANCIAL ASSISTANCE.—To carry out subsection (a), the Secretary  
 18       may use a cooperative agreement, grant, contract, or other generally adopt-  
 19       ed means of providing financial assistance.

20       (c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-  
 21       propriated to carry out this section \$3,000,000 for each fiscal year, to re-  
 22       main available until expended.

23       **§ 308103. Battlefield acquisition grant program**

24       (a) DEFINITION.—In this section, the term “eligible site” means a site—

25               (1) that is not within the exterior boundaries of a System unit; and

26               (2) that is identified in the document entitled “Report on the Na-  
 27               tion’s Civil War Battlefields”, prepared by the Civil War Sites Advisory  
 28               Commission, and dated July 1993.

29       (b) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisi-  
 30       tion grant program under which the Secretary may provide grants to State  
 31       and local governments to pay the Federal share of the cost of acquiring in-  
 32       terests in eligible sites for the preservation and protection of those eligible  
 33       sites.

34       (c) NONPROFIT PARTNERS.—A State or local government may acquire an  
 35       interest in an eligible site using a grant under this section in partnership  
 36       with a nonprofit organization.

1 (d) NON-FEDERAL SHARE.—The non-Federal share of the total cost of  
2 acquiring an interest in an eligible site under this section shall be not less  
3 than 50 percent.

4 (e) LIMITATION ON LAND USE.—An interest in an eligible site acquired  
5 under this section shall be subject to section 200305(f)(3) of this title.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-  
7 propriated to the Secretary to provide grants under this section  
8 \$10,000,000 for each of fiscal years 2012 and 2013.

## 9 **Chapter 3083—National Underground** 10 **Railroad Network to Freedom**

Sec.

308301. Definition.

308302. Program.

308303. Preservation and interpretation of Underground Railroad history, historic sites, and  
structures.

308304. Authorization of appropriations.

### 11 **§ 308301. Definition**

12 In this chapter, the term “national network” means the National Under-  
13 ground Railroad Network to Freedom established under section 308302 of  
14 this title.

### 15 **§ 308302. Program**

16 (a) ESTABLISHMENT; RESPONSIBILITIES OF SECRETARY.—The Secretary  
17 shall establish in the Service the National Underground Railroad Network  
18 to Freedom. Under the national network, the Secretary shall—

19 (1) produce and disseminate appropriate educational materials, such  
20 as handbooks, maps, interpretive guides, or electronic information;

21 (2) enter into appropriate cooperative agreements and memoranda of  
22 understanding to provide technical assistance under subsection (c); and

23 (3) create and adopt an official, uniform symbol or device for the  
24 national network and issue regulations for its use.

25 (b) ELEMENTS.—The national network shall encompass the following ele-  
26 ments:

27 (1) All System units and programs of the Service determined by the  
28 Secretary to pertain to the Underground Railroad.

29 (2) Other Federal, State, local, and privately owned properties per-  
30 taining to the Underground Railroad that have a verifiable connection  
31 to the Underground Railroad and that are included on, or determined  
32 by the Secretary to be eligible for inclusion on, the National Register  
33 of Historic Places.

34 (3) Other governmental and nongovernmental facilities and programs  
35 of an educational, research, or interpretive nature that are directly re-  
36 lated to the Underground Railroad.



1 (c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDER-  
 2 STANDING.—To achieve the purposes of this chapter and to ensure effective  
 3 coordination of the Federal and non-Federal elements of the national net-  
 4 work with System units and programs of the Service, the Secretary may  
 5 enter into cooperative agreements and memoranda of understanding with,  
 6 and provide technical assistance—

7 (1) to the heads of other Federal agencies, States, localities, regional  
 8 governmental bodies, and private entities; and

9 (2) in cooperation with the Secretary of State, to the governments  
 10 of Canada, Mexico, and any appropriate country in the Caribbean.

11 **§ 308303. Preservation and interpretation of Underground**  
 12 **Railroad history, historic sites, and structures**

13 (a) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants in  
 14 accordance with this section for the preservation and restoration of historic  
 15 buildings or structures associated with the Underground Railroad, and for  
 16 related research and documentation to sites, programs, or facilities that  
 17 have been included in the national network.

18 (b) GRANT CONDITIONS.—Any grant made under this section shall pro-  
 19 vide that—

20 (1) no change or alteration may be made in property for which the  
 21 grant is used except with the agreement of the property owner and the  
 22 Secretary;

23 (2) the Secretary shall have the right of access at reasonable times  
 24 to the public portions of the property for interpretive and other pur-  
 25 poses; and

26 (3) conversion, use, or disposal of the property for purposes contrary  
 27 to the purposes of this chapter, as determined by the Secretary, shall  
 28 result in a right of the United States to compensation equal to all Fed-  
 29 eral funds made available to the grantee under this chapter.

30 (c) MATCHING REQUIREMENT.—The Secretary may obligate funds made  
 31 available for a grant under this section only if the grantee agrees to match,  
 32 from funds derived from non-Federal sources, the amount of the grant with  
 33 an amount that is equal to or greater than the grant. The Secretary may  
 34 waive the requirement if the Secretary determines that an extreme emer-  
 35 gency exists or that a waiver is in the public interest to ensure the preserva-  
 36 tion of historically significant resources.

37 **§ 308304. Authorization of appropriations**

38 (a) AMOUNTS.—There is authorized to be appropriated to carry out this  
 39 chapter \$2,500,000 for each fiscal year, of which—

40 (1) \$2,000,000 shall be used to carry out section 308302 of this  
 41 title; and

1 (2) \$500,000 shall be used to carry out section 308303 of this title.

2 (b) LIMITATION.—No amount may be appropriated for the purposes of  
3 this chapter except to the Secretary for carrying out the responsibilities of  
4 the Secretary as set forth in this chapter.

## 5 **Chapter 3085—National Women’s Rights** 6 **History Project**

Sec.

308501. National women’s rights history project national registry.

308502. National women’s rights history project partnerships network.

### 7 **§ 308501. National women’s rights history project national** 8 **registry**

9 (a) IN GENERAL.—The Secretary may make annual grants to State his-  
10 toric preservation offices for not more than 5 years to assist the State his-  
11 toric preservation offices in surveying, evaluating, and nominating to the  
12 National Register of Historic Places women’s rights history properties.

13 (b) ELIGIBILITY.—In making grants under subsection (a), the Secretary  
14 shall give priority to grants relating to properties associated with the mul-  
15 tiple facets of the women’s rights movement, such as politics, economics,  
16 education, religion, and social and family rights.

17 (c) UPDATES.—The Secretary shall ensure that the National Register  
18 travel itinerary website entitled “Places Where Women Made History” is  
19 updated to contain—

20 (1) the results of the inventory conducted under subsection (a); and

21 (2) any links to websites related to places on the inventory.

22 (d) COST-SHARING REQUIREMENT.—The Federal share of the cost of any  
23 activity carried out using any assistance made available under this section  
24 shall be 50 percent.

25 (e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-  
26 propriated to the Secretary to carry out this section \$1,000,000 for each  
27 of fiscal years 2012 and 2013.

### 28 **§ 308502. National women’s rights history project partner-** 29 **ships network**

30 (a) GRANTS.—The Secretary may make matching grants and give tech-  
31 nical assistance for development of a network of governmental and non-  
32 governmental entities (referred to in this section as the “network”), the pur-  
33 pose of which is to provide interpretive and educational program develop-  
34 ment of national women’s rights history, including historic preservation.

35 (b) MANAGEMENT OF NETWORK.—

36 (1) IN GENERAL.—Through a competitive process, the Secretary  
37 shall designate a nongovernmental managing entity to manage the net-  
38 work.

1           (2) COORDINATION.—The nongovernmental managing entity des-  
2           ignated under paragraph (1) shall work in partnership with the Direc-  
3           tor and State historic preservation offices to coordinate operation of the  
4           network.

5           (c) COST-SHARING REQUIREMENT.—

6           (1) IN GENERAL.—The Federal share of the cost of any activity car-  
7           ried out using any assistance made available under this section shall  
8           be 50 percent.

9           (2) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for  
10          historic preservation specific to the network may be made available  
11          through State historic preservation offices.

12          (d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-  
13          propriated to the Secretary to carry out this section \$1,000,000 for each  
14          of fiscal years 2012 and 2013.

## 15       **Chapter 3087—National Maritime Heritage**

Sec.

308701. Policy.

308702. Definitions.

308703. National Maritime Heritage Grants Program.

308704. Funding.

308705. Designation of America’s National Maritime Museum.

308706. Regulations.

308707. Applicability of other authorities.

### 16       **§ 308701. Policy**

17          It shall be the policy of the Federal Government, in partnership with the  
18          States and local governments and private organizations and individuals,  
19          to—

20          (1) use measures, including financial and technical assistance, to fos-  
21          ter conditions under which our modern society and our historic mari-  
22          time resources can exist in productive harmony;

23          (2) provide leadership in the preservation of the historic maritime re-  
24          sources of the United States;

25          (3) contribute to the preservation of historic maritime resources and  
26          give maximum encouragement to organizations and individuals under-  
27          taking preservation by private means; and

28          (4) assist State and local governments to expand their maritime his-  
29          toric preservation programs and activities.

### 30       **§ 308702. Definitions**

31          In this chapter:

32          (1) NATIONAL TRUST.—The term “National Trust” means the Na-  
33          tional Trust for Historic Preservation in the United States established  
34          under section 312102 of this title.

35          (2) PRIVATE NONPROFIT ORGANIZATION.—The term “private non-  
36          profit organization” means any person that is exempt from taxation

1 under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C.  
2 501(a)) and described in section 501(c)(3) of the Internal Revenue  
3 Code of 1986 (26 U.S.C. 501(c)(3)).

4 (3) PROGRAM.—The term “Program” means the National Maritime  
5 Heritage Grants Program established under section 308703(a) of this  
6 title.

7 (4) STATE HISTORIC PRESERVATION OFFICER.—The term “State  
8 Historic Preservation Officer” means a State Historic Preservation Of-  
9 ficer appointed pursuant to section 302301(1) of this title by the chief  
10 executive official of a State having a State Historic Preservation Pro-  
11 gram approved by the Secretary under that section.

12 **§ 308703. National Maritime Heritage Grants Program**

13 (a) ESTABLISHMENT.—There is established in the Department of the In-  
14 terior the National Maritime Heritage Grants Program, to foster in the  
15 American public a greater awareness and appreciation of the role of mari-  
16 time endeavors in our Nation’s history and culture. The Program shall con-  
17 sist of—

18 (1) annual grants to the National Trust for subgrants administered  
19 by the National Trust for maritime heritage education projects under  
20 subsection (b); and

21 (2) grants to State Historic Preservation Officers for maritime herit-  
22 age preservation projects carried out or administered by those Officers  
23 under subsection (c).

24 (b) GRANTS FOR MARITIME HERITAGE EDUCATION PROJECTS.—

25 (1) GRANTS TO NATIONAL TRUST.—The Secretary, subject to para-  
26 graph (2), and the availability of amounts for that purpose under sec-  
27 tion 308704(b)(1)(A) of this title, shall make an annual grant to the  
28 National Trust for maritime heritage education projects.

29 (2) USE OF GRANTS.—Amounts received by the National Trust as  
30 an annual grant under this subsection shall be used to make subgrants  
31 to State and local governments and private nonprofit organizations to  
32 carry out education projects that have been approved by the Secretary  
33 under subsection (f) and that consist of—

34 (A) assistance to any maritime museum or historical society  
35 for—

36 (i) existing and new educational programs, exhibits, edu-  
37 cational activities, conservation, and interpretation of arti-  
38 facts and collections;

39 (ii) minor improvements to educational and museum facili-  
40 ties; and

41 (iii) other similar activities;

- 1 (B) activities designed to encourage the preservation of tradi-  
 2 tional maritime skills, including—  
 3 (i) building and operation of vessels of all sizes and types  
 4 for educational purposes;  
 5 (ii) special skills such as wood carving, sail making, and  
 6 rigging;  
 7 (iii) traditional maritime art forms; and  
 8 (iv) sail training;
- 9 (C) other educational activities relating to historic maritime re-  
 10 sources, including—  
 11 (i) maritime educational waterborne-experience programs  
 12 in historic vessels or vessel reproductions;  
 13 (ii) maritime archeological field schools; and  
 14 (iii) educational programs on other aspects of maritime his-  
 15 tory;
- 16 (D) heritage programs focusing on maritime historic resources,  
 17 including maritime heritage trails and corridors; or
- 18 (E) the construction and use of reproductions of historic mari-  
 19 time resources for educational purposes, if a historic maritime re-  
 20 source no longer exists or would be damaged or consumed through  
 21 direct use.

22 (e) GRANTS FOR MARITIME HERITAGE PRESERVATION PROJECTS.—

23 (1) GRANTS TO STATE HISTORIC PRESERVATION OFFICERS.—The  
 24 Secretary, acting through the National Maritime Initiative of the Serv-  
 25 ice and subject to paragraph (2), and the availability of amounts for  
 26 that purpose under section 308704(b)(1)(B) of this title, shall make  
 27 grants to State Historic Preservation Officers for maritime heritage  
 28 preservation projects.

29 (2) USE OF GRANTS.—Amounts received by a State Historic Preser-  
 30 vation Officer as a grant under this subsection shall be used by the  
 31 Officer to carry out, or to make subgrants to local governments and  
 32 private nonprofit organizations to carry out, projects that have been  
 33 approved by the Secretary under subsection (f) for the preservation of  
 34 historic maritime resources through—

- 35 (A) identification of historic maritime resources, including un-  
 36 derwater archeological sites;
- 37 (B) acquisition of historic maritime resources for the purposes  
 38 of preservation;
- 39 (C) repair, restoration, stabilization, maintenance, or other cap-  
 40 ital improvements to historic maritime resources, in accordance  
 41 with standards prescribed by the Secretary; and

1 (D) research, recording (through drawings, photographs, or oth-  
 2 erwise), planning (through feasibility studies, architectural and en-  
 3 gineering services, or otherwise), and other services carried out as  
 4 part of a preservation program for historic maritime resources.

5 (d) CRITERIA FOR DIRECT GRANT AND SUBGRANT ELIGIBILITY.—To  
 6 qualify for a subgrant from the National Trust under subsection (b), or a  
 7 direct grant to or a subgrant from a State Historic Preservation Officer  
 8 under subsection (c), a person shall—

9 (1) demonstrate that the project for which the direct grant or  
 10 subgrant will be used has the potential for reaching a broad audience  
 11 with an effective educational program based on American maritime his-  
 12 tory, technology, or the role of maritime endeavors in American culture;

13 (2) match the amount of the direct grant or subgrant, on a 1-to-  
 14 1 basis, with non-Federal assets from non-Federal sources, which may  
 15 include cash or donated services fairly valued as determined by the Sec-  
 16 retary;

17 (3) maintain records as may be reasonably necessary to fully dis-  
 18 close—

19 (A) the amount and the disposition of the proceeds of the direct  
 20 grant or subgrant;

21 (B) the total cost of the project for which the direct grant or  
 22 subgrant is made; and

23 (C) other records as may be required by the Secretary, including  
 24 such records as will facilitate an effective accounting for project  
 25 funds;

26 (4) provide access to the Secretary for the purposes of any required  
 27 audit and examination of any records of the person; and

28 (5) be a unit of State or local government, or a private nonprofit  
 29 organization.

30 (e) PROCEDURES, TERMS, AND CONDITIONS.—

31 (1) APPLICATION PROCEDURES.—An application for a subgrant  
 32 under subsection (b), or a direct grant or subgrant under subsection  
 33 (c), shall be submitted under procedures prescribed by the Secretary.

34 (2) TERMS AND CONDITIONS.—A person may not receive a subgrant  
 35 under subsection (b), or a direct grant or subgrant under subsection  
 36 (c), unless the person agrees to assume, after completion of the project  
 37 for which the direct grant or subgrant is awarded, the total cost of the  
 38 continued maintenance, repair, and administration of any property for  
 39 which the subgrant will be used in a manner satisfactory to the Sec-  
 40 retary.

41 (f) ALLOCATION OF, AND LIMITATION ON, GRANT FUNDING.—

1 (1) ALLOCATION.—To the extent feasible, the Secretary shall ensure  
 2 that the amount made available under subsection (b) for maritime her-  
 3 itage education projects is equal to the amount made available under  
 4 subsection (c) for maritime heritage preservation projects.

5 (2) LIMITATION.—The amount provided by the Secretary in a fiscal  
 6 year as grants under this section for projects relating to historic mari-  
 7 time resources owned or operated by the Federal Government shall not  
 8 exceed 40 percent of the total amount available for the fiscal year for  
 9 grants under this section.

10 (g) PUBLICATION OF DIRECT GRANT AND SUBGRANT INFORMATION.—  
 11 The Secretary shall publish annually in the Federal Register and otherwise  
 12 as the Secretary considers appropriate—

13 (1) a solicitation of applications for direct grants and subgrants  
 14 under this section;

15 (2) a list of priorities for the making of those direct grants and sub-  
 16 grants;

17 (3) a single deadline for the submission of applications for those di-  
 18 rect grants and subgrants; and

19 (4) other relevant information.

20 (h) DIRECT GRANT AND SUBGRANT ADMINISTRATION.—

21 (1) RESPONSIBILITY.—

22 (A) NATIONAL TRUST.—The National Trust is responsible for  
 23 administering subgrants for maritime heritage education projects  
 24 under subsection (b).

25 (B) SECRETARY.—The Secretary is responsible for admin-  
 26 istering direct grants for maritime heritage preservation projects  
 27 under subsection (c).

28 (C) STATE HISTORIC PRESERVATION OFFICERS.—State Historic  
 29 Preservation Officers are responsible for administering subgrants  
 30 for maritime heritage preservation projects under subsection (c).

31 (2) ACTIONS.—The appropriate responsible party under paragraph  
 32 (1) shall administer direct grants or subgrants by—

33 (A) publicizing the Program to prospective grantees, sub-  
 34 grantees, and the public at large, in cooperation with the Service,  
 35 the Maritime Administration, and other appropriate government  
 36 agencies and private institutions;

37 (B) answering inquiries from the public, including providing in-  
 38 formation on the Program as requested;

39 (C) distributing direct grant and subgrant applications;

40 (D) receiving direct grant and subgrant applications and ensur-  
 41 ing their completeness;

1 (E) keeping records of all direct grant and subgrant awards and  
2 expenditures of funds;

3 (F) monitoring progress of projects carried out with direct  
4 grants and subgrants; and

5 (G) providing to the Secretary such progress reports as may be  
6 required by the Secretary.

7 (i) ASSISTANCE OF MARITIME PRESERVATION ORGANIZATIONS.—The  
8 Secretary, the National Trust, and the State Historic Preservation Officers  
9 may, individually or jointly, enter into cooperative agreements with any pri-  
10 vate nonprofit organization with appropriate expertise in maritime preserva-  
11 tion issues, or other qualified maritime preservation organizations, to assist  
12 in the administration of the Program.

13 (j) REPORT TO CONGRESS.—The Secretary shall submit to Congress an  
14 annual report on the Program, including—

15 (1) a description of each project funded under the Program in the  
16 period covered by the report;

17 (2) the results or accomplishments of each such project; and

18 (3) recommended priorities for achieving the policy set forth in sec-  
19 tion 308701 of this title.

20 **§ 308704. Funding**

21 (a) AVAILABILITY OF FUNDS FROM SALE AND SCRAPPING OF OBSOLETE  
22 VESSELS.—

23 (1) IN GENERAL.—Notwithstanding any other provision of law, the  
24 amount of funds credited in a fiscal year to the Vessel Operations Re-  
25 volving Fund established by section 50301(a) of title 46 that is attrib-  
26 utable to the sale of obsolete vessels in the National Defense Reserve  
27 Fleet that are scrapped or sold under section 57102, 57103, or 57104  
28 of title 46 shall be available until expended as follows:

29 (A) Fifty percent shall be available to the Administrator of the  
30 Maritime Administration for such acquisition, maintenance, repair,  
31 reconditioning, or improvement of vessels in the National Defense  
32 Reserve Fleet as is authorized under other Federal law.

33 (B) Twenty five percent shall be available to the Administrator  
34 of the Maritime Administration for the payment or reimbursement  
35 of expenses incurred by or on behalf of State maritime academies  
36 or the United States Merchant Marine Academy for facility and  
37 training ship maintenance, repair, and modernization, and for the  
38 purchase of simulators and fuel.

39 (C) The remainder shall be available—

40 (i) to the Secretary to carry out the Program, as provided  
41 in subsection (b); or



1 (ii) if otherwise determined by the Administrator of the  
2 Maritime Administration, for use in the preservation and  
3 presentation to the public of maritime heritage property of  
4 the Maritime Administration.

5 (2) APPLICABILITY.—Paragraph (1) does not apply to amounts cred-  
6 ited to the Vessel Operations Revolving Fund before July 1, 1994.

7 (b) USE OF AMOUNTS FOR PROGRAM.—

8 (1) IN GENERAL.—Except as provided in paragraph (2), of amounts  
9 available each fiscal year for the Program under subsection (a)(1)(C)—

10 (A) one half shall be used for grants under section 308703(b)  
11 of this title; and

12 (B) one half shall be used for grants under section 308703(c)  
13 of this title.

14 (2) ADMINISTRATIVE EXPENSES.—

15 (A) IN GENERAL.—Not more than 15 percent or \$500,000,  
16 whichever is less, of the amount available for the Program under  
17 subsection (a)(1)(C) for a fiscal year may be used for expenses of  
18 administering the Program.

19 (B) ALLOCATION.—Of the amount available under subpara-  
20 graph (A) for a fiscal year—

21 (i) one half shall be allocated to the National Trust for ex-  
22 penses incurred in administering grants under section  
23 308703(b) of this title; and

24 (ii) one half shall be allocated as appropriate by the Sec-  
25 retary to the Service and participating State Historic Preser-  
26 vation Officers.

27 (c) DISPOSAL OF VESSELS.—

28 (1) REQUIREMENT.—The Secretary of Transportation shall dispose  
29 (by sale or by purchase of disposal services) of all vessels described in  
30 paragraph (2)—

31 (A) in accordance with a priority system for disposing of vessels,  
32 as determined by the Secretary, that shall include provisions re-  
33 quiring the Maritime Administration to—

34 (i) dispose of all deteriorated high priority ships that are  
35 available for disposal within 12 months of their designation  
36 as available for disposal; and

37 (ii) give priority to the disposition of those vessels that pose  
38 the most significant danger to the environment or cost the  
39 most to maintain;

40 (B) in the manner that provides the best value to the Federal  
41 Government, except in any case in which obtaining the best value

1 would require towing a vessel and the towing poses a serious  
2 threat to the environment; and

3 (C) in accordance with the plan of the Department of Transpor-  
4 tation for disposal of those vessels and requirements under sec-  
5 tions 57102 to 57104 of title 46.

6 (2) DESCRIPTION OF VESSELS.—The vessels referred to in para-  
7 graph (1) are the vessels in the National Defense Reserve Fleet after  
8 July 1, 1994, that—

9 (A) are not assigned to the Ready Reserve Force component of  
10 the National Defense Reserve Fleet; and

11 (B) are not specifically authorized or required by statute to be  
12 used for a particular purpose.

13 (d) TREATMENT OF AVAILABLE AMOUNTS.—Amounts available under  
14 this section shall not be considered in any determination of the amounts  
15 available to the Department of the Interior.

16 **§ 308705. Designation of America's National Maritime Mu-**  
17 **seum**

18 (a) IN GENERAL.—America's National Maritime Museum shall be com-  
19 posed of the museums designated by law to be museums of America's Na-  
20 tional Maritime Museum on the basis that the museums—

21 (1) house a collection of maritime artifacts clearly representing the  
22 Nation's maritime heritage; and

23 (2) provide outreach programs to educate the public about the Na-  
24 tion's maritime heritage.

25 (b) INITIAL DESIGNATION.—The following museums (meeting the criteria  
26 specified in subsection (a)) are designated as museums of America's Na-  
27 tional Maritime Museum:

28 (1) The Mariners' Museum, located at 100 Museum Drive, Newport  
29 News, Virginia.

30 (2) The South Street Seaport Museum, located at 207 Front Street,  
31 New York, New York.

32 (c) FUTURE DESIGNATION OF OTHER MUSEUMS NOT PRECLUDED.—The  
33 designation of the museums referred to in subsection (b) as museums of  
34 America's National Maritime Museum does not preclude the designation by  
35 law of any other museum that meets the criteria specified in subsection (a)  
36 as a museum of America's National Maritime Museum.

37 (d) REFERENCE TO MUSEUMS.—Any reference in any law, map, regula-  
38 tion, document, paper, or other record of the United States to a museum  
39 designated by law to be a museum of America's National Maritime Museum  
40 shall be deemed to be a reference to that museum as a museum of Amer-  
41 ica's National Maritime Museum.

1    **§ 308706. Regulations**

2       The Secretary, after consultation with the National Trust, the National  
3    Conference of State Historic Preservation Officers, and appropriate mem-  
4    bers of the maritime heritage community, shall prescribe appropriate guide-  
5    lines, procedures, and regulations to carry out the chapter, including direct  
6    grant and subgrant priorities, the method of solicitation and review of direct  
7    grant and subgrant proposals, criteria for review of direct grant and  
8    subgrant proposals, administrative requirements, reporting and record-  
9    keeping requirements, and any other requirements the Secretary considers  
10   appropriate.

11   **§ 308707. Applicability of other authorities**

12       The authorities contained in this chapter shall be in addition to, and shall  
13   not be construed to supersede or modify those contained in division A of  
14   this subtitle.

15       **Chapter 3089—Save America’s Treasures**  
16       **Program**

Sec.

- 308901. Definitions.
- 308902. Establishment.
- 308903. Grants.
- 308904. Guidelines and regulations.
- 308905. Authorization of appropriations.

17   **§ 308901. Definitions**

18       In this chapter:

19           (1) **COLLECTION.**—The term “collection” means a collection of intel-  
20       lectual and cultural artifacts, including documents, sculpture, and  
21       works of art.

22           (2) **ELIGIBLE ENTITY.**—The term “eligible entity” means a Federal  
23       entity, State, local, or tribal government, educational institution, or  
24       nonprofit organization.

25           (3) **HISTORIC PROPERTY.**—The term “historic property” has the  
26       meaning given the term in section 300308 of this title.

27           (4) **NATIONALLY SIGNIFICANT.**—The term “nationally significant”,  
28       in reference to a collection or historic property, means a collection or  
29       historic property that meets the applicable criteria for national signifi-  
30       cance, in accordance with regulations promulgated by the Secretary  
31       pursuant to section 302103 of this title.

32           (5) **PROGRAM.**—The term “program” means the Save America’s  
33       Treasures Program established under section 308902(a) of this title.

34           (6) **SECRETARY.**—The term “Secretary” means the Secretary, acting  
35       through the Director.

1 **§ 308902. Establishment**

2 (a) IN GENERAL.—There is established in the Department of the Interior  
3 the Save America’s Treasures Program.

4 (b) PARTICIPANTS.—In consultation and partnership with the National  
5 Endowment for the Arts, the National Endowment for the Humanities, the  
6 Institute of Museum and Library Services, the National Trust for Historic  
7 Preservation in the United States, the National Conference of State Historic  
8 Preservation Officers, the National Association of Tribal Historic Preserva-  
9 tion Officers, and the President’s Committee on the Arts and the Human-  
10 ities, the Secretary shall use the amounts made available under section  
11 308905 of this title to provide grants to eligible entities for projects to pre-  
12 serve nationally significant collections and historic property.

13 **§ 308903. Grants**

14 (a) DETERMINATION OF GRANTS.—Of the amounts made available for  
15 grants under section 308905 of this title, not less than 50 percent shall be  
16 made available for grants for projects to preserve collections and historic  
17 property, to be distributed through a competitive grant process administered  
18 by the Secretary, subject to the selection criteria established under sub-  
19 section (d).

20 (b) APPLICATION FOR GRANTS.—To be considered for a grant under the  
21 program an eligible entity shall submit to the Secretary an application con-  
22 taining such information as the Secretary may require.

23 (c) COLLECTIONS AND HISTORIC PROPERTY ELIGIBLE FOR GRANTS.—

24 (1) IN GENERAL.—A collection or historic property shall be provided  
25 a grant under the program only if the Secretary determines that the  
26 collection or historic property is—

27 (A) nationally significant; and

28 (B) threatened or endangered.

29 (2) ELIGIBLE COLLECTIONS.—A determination by the Secretary re-  
30 garding the national significance of a collection under paragraph (1)(A)  
31 shall be made in consultation with the organizations described in sec-  
32 tion 308902(b) of this title, as appropriate.

33 (3) ELIGIBLE HISTORIC PROPERTY.—To be eligible for a grant under  
34 the program, a historic property shall, as of the date of the grant appli-  
35 cation—

36 (A) be listed on the National Register of Historic Places at the  
37 national level of significance; or

38 (B) be designated as a National Historic Landmark.

39 (d) SELECTION CRITERIA.—

1 (1) IN GENERAL.—The Secretary shall not provide a grant under  
2 this chapter to a project for a collection or historic property unless the  
3 project—

4 (A) eliminates or substantially mitigates the threat of destruc-  
5 tion or deterioration of the collection or historic property;

6 (B) has a clear public benefit; and

7 (C) is able to be completed on schedule and within the budget  
8 described in the grant application.

9 (2) PREFERENCE.—In providing grants under this chapter, the Sec-  
10 retary may give preference to projects that carry out the purposes of  
11 both the program and the Preserve America Program.

12 (3) LIMITATION.—In providing grants under this chapter, the Sec-  
13 retary shall provide only one grant to each project selected for a grant.

14 (e) CONSULTATION AND NOTIFICATION BY SECRETARY.—

15 (1) CONSULTATION.—

16 (A) IN GENERAL.—Subject to subparagraph (B), the Secretary  
17 shall consult with the organizations described in section 308902(b)  
18 of this title in preparing the list of projects to be provided grants  
19 for a fiscal year under the program.

20 (B) LIMITATION.—If an organization described in section  
21 308902(b) of this title has submitted an application for a grant  
22 under the program, the organization shall be recused by the Sec-  
23 retary from the consultation requirements under subparagraph (A)  
24 and section 308902(b) of this title.

25 (2) NOTIFICATION.—Not later than 30 days before the date on  
26 which the Secretary provides grants for a fiscal year under the pro-  
27 gram, the Secretary shall submit to the Committee on Energy and Nat-  
28 ural Resources and Committee on Appropriations of the Senate and the  
29 Committee on Natural Resources and Committee on Appropriations of  
30 the House of Representatives a list of any eligible projects that are to  
31 be provided grants under the program for the fiscal year.

32 (f) COST-SHARING REQUIREMENT.—

33 (1) IN GENERAL.—The non-Federal share of the cost of carrying out  
34 a project provided a grant under this chapter shall be not less than  
35 50 percent of the total cost of the project.

36 (2) FORM OF NON-FEDERAL SHARE.—The non-Federal share re-  
37 quired under paragraph (1) shall be in the form of—

38 (A) cash; or

39 (B) donated supplies or related services, the value of which shall  
40 be determined by the Secretary.

1           (3) REQUIREMENT.—The Secretary shall ensure that each applicant  
2           for a grant has the capacity and a feasible plan for securing the non-  
3           Federal share for an eligible project required under paragraph (1) be-  
4           fore a grant is provided to the eligible project under the program.

5       **§ 308904. Guidelines and regulations**

6           The Secretary shall develop any guidelines and prescribe any regulations  
7           that the Secretary determines to be necessary to carry out this chapter.

8       **§ 308905. Authorization of appropriations**

9           There is authorized to be appropriated to carry out this chapter  
10          \$50,000,000 for each fiscal year, to remain available until expended.

11       **Chapter 3091—Commemoration of Former**  
12       **Presidents**

Sec.

309101. Sites and structures that commemorate former Presidents.

13       **§ 309101. Sites and structures that commemorate former**  
14       **Presidents**

15          (a) SURVEY.—The Secretary may conduct a survey of sites that the Sec-  
16          retary considers exhibit qualities most appropriate for the commemoration  
17          of each former President. The survey may—

18               (1) include sites associated with the deeds, leadership, or lifework of  
19               a former President; and

20               (2) identify sites or structures historically unrelated to a former  
21          President but that may be suitable as a memorial to honor that Presi-  
22          dent.

23          (b) REPORTS.—The Secretary shall, from time to time, prepare and  
24          transmit to the Committee on Natural Resources of the House of Rep-  
25          resentatives and the Committee on Energy and Natural Resources of the  
26          Senate reports on individual sites and structures identified in a survey  
27          under subsection (a), together with the Secretary's recommendation as to  
28          whether the site or structure is suitable for establishment as a national his-  
29          toric site or national memorial to commemorate a former President. Each  
30          report shall include pertinent information with respect to the need for acqui-  
31          sition of land and interests in land, the development of facilities, and the  
32          operation and maintenance of the site or structure and the estimated cost  
33          of the operation and maintenance.

34          (c) ESTABLISHMENT AS NATIONAL HISTORIC SITE.—If during the 6-  
35          month period following the transmittal of a report pursuant to subsection  
36          (b) neither Committee has by vote of a majority of its members disapproved  
37          a recommendation of the Secretary that a site or structure is suitable for  
38          establishment as a national historic site, the Secretary may by appropriate  
39          order establish the site or structure as a national historic site, including the

1 land and interests in land identified in the report accompanying the rec-  
2 ommendation of the Secretary.

3 (d) ACQUISITION OF LAND AND INTERESTS IN LAND.—The Secretary  
4 may acquire the land and interests in land by donation, purchase with do-  
5 nated or appropriated funds, transfer from any other Federal agency, or ex-  
6 change.

7 (e) EFFECT OF SECTION.—Nothing in this section shall be construed as  
8 diminishing the authority of the Secretary under chapter 3201 of this title  
9 or as authorizing the Secretary to establish any national memorial, creation  
10 of which is expressly reserved to Congress.

11 **Subdivision 2—Administered Jointly With**  
12 **National Park Service**  
13 **Chapter 3111—Preserve America Program**

Sec.

311101. Definitions.

311102. Establishment.

311103. Designation of Preserve America Communities.

311104. Regulations.

311105. Authorization of appropriations.

14 **§ 311101. Definitions**

15 In this chapter:

16 (1) COUNCIL.—The term “Council” means the Advisory Council on  
17 Historic Preservation.

18 (2) HERITAGE TOURISM.—The term “heritage tourism” means the  
19 conduct of activities to attract and accommodate visitors to a site or  
20 area based on the unique or special aspects of the history, landscape  
21 (including trail systems), and culture of the site or area.

22 (3) PROGRAM.—The term “program” means the Preserve America  
23 Program established under section 311102(a).

24 **§ 311102. Establishment**

25 (a) IN GENERAL.—There is established in the Department of the Interior  
26 the Preserve America Program, under which the Secretary, in partnership  
27 with the Council, may provide competitive grants to States, local govern-  
28 ments (including local governments in the process of applying for designa-  
29 tion as Preserve America Communities under section 311103 of this title,  
30 Indian tribes, communities designated as Preserve America Communities  
31 under section 311103 of this title, State historic preservation offices, and  
32 tribal historic preservation offices to support preservation efforts through  
33 heritage tourism, education, and historic preservation planning activities.

34 (b) ELIGIBLE PROJECTS.—

35 (1) IN GENERAL.—The following projects shall be eligible for a grant  
36 under this chapter:

37 (A) A project for the conduct of—

1 (i) research on, and documentation of, the history of a  
2 community; and

3 (ii) surveys of the historic resources of a community.

4 (B) An education and interpretation project that conveys the  
5 history of a community or site.

6 (C) A planning project (other than building rehabilitation) that  
7 advances economic development using heritage tourism and his-  
8 toric preservation.

9 (D) A training project that provides opportunities for profes-  
10 sional development in areas that would aid a community in using  
11 and promoting its historic resources.

12 (E) A project to support heritage tourism in a Preserve America  
13 Community designated under section 311103 of this title.

14 (F) Other nonconstruction projects that identify or promote his-  
15 toric properties or provide for the education of the public about  
16 historic properties that are consistent with the purposes of this  
17 chapter.

18 (2) LIMITATION.—In providing grants under this chapter, the Sec-  
19 retary shall provide only one grant to each eligible project selected for  
20 a grant.

21 (c) PREFERENCE.—In providing grants under this chapter, the Secretary  
22 may give preference to projects that carry out the purposes of both the pro-  
23 gram and the Save America's Treasures Program.

24 (d) CONSULTATION AND NOTIFICATION.—

25 (1) CONSULTATION.—The Secretary shall consult with the Council in  
26 preparing the list of projects to be provided grants for a fiscal year  
27 under the program.

28 (2) NOTIFICATION.—Not later than 30 days before the date on  
29 which the Secretary provides grants for a fiscal year under the pro-  
30 gram, the Secretary shall submit to the Committee on Energy and Nat-  
31 ural Resources and Committee on Appropriations of the Senate and the  
32 Committee on Natural Resources and Committee on Appropriations of  
33 the House of Representatives a list of any eligible projects that are to  
34 be provided grants under the program for the fiscal year.

35 (e) COST-SHARING REQUIREMENT.—

36 (1) IN GENERAL.—The non-Federal share of the cost of carrying out  
37 a project provided a grant under this chapter shall be not less than  
38 50 percent of the total cost of the project.

39 (2) FORM OF NON-FEDERAL SHARE.—The non-Federal share re-  
40 quired under paragraph (1) shall be in the form of—

41 (A) cash; or



1 (B) donated supplies and related services, the value of which  
2 shall be determined by the Secretary.

3 (3) REQUIREMENT.—The Secretary shall ensure that each applicant  
4 for a grant has the capacity to secure, and a feasible plan for securing,  
5 the non-Federal share for an eligible project required under paragraph  
6 (1) before a grant is provided to the eligible project under the program.

7 **§ 311103. Designation of Preserve America Communities**

8 (a) APPLICATION.—To be considered for designation as a Preserve Amer-  
9 ica Community, a community, tribal area, or neighborhood shall submit to  
10 the Council an application containing such information as the Council may  
11 require.

12 (b) CRITERIA.—To be designated as a Preserve America Community  
13 under the program, a community, tribal area, or neighborhood that submits  
14 an application under subsection (a) shall, as determined by the Council, in  
15 consultation with the Secretary, meet criteria required by the Council and,  
16 in addition, consider—

17 (1) protection and celebration of the heritage of the community, trib-  
18 al area, or neighborhood;

19 (2) use of the historic assets of the community, tribal area, or neigh-  
20 borhood for economic development and community revitalization; and

21 (3) encouragement of people to experience and appreciate local his-  
22 toric resources through education and heritage tourism programs.

23 (c) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRES-  
24 ERVATION ACTIVITIES.—The Council shall establish an expedited process  
25 for Preserve America Community designation for local governments pre-  
26 viously certified for historic preservation activities under section 302502 of  
27 this title.

28 (d) GUIDELINES.—The Council, in consultation with the Secretary, shall  
29 establish any guidelines that are necessary to carry out this section.

30 **§ 311104. Regulations**

31 The Secretary shall develop any guidelines and issue any regulations that  
32 the Secretary determines to be necessary to carry out this chapter.

33 **§ 311105. Authorization of appropriations**

34 There is authorized to be appropriated to carry out this chapter  
35 \$25,000,000 for each fiscal year, to remain available until expended.

36 **Subdivision 3—Administered by Other**  
37 **Than National Park Service**  
38 **Chapter 3121—National Trust for Historic**  
39 **Preservation in the United States**

Sec.

312101. Definitions.

312102. Establishment and purposes.

312103. Principal office.  
 312104. Board of trustees.  
 312105. Powers.  
 312106. Consultation with National Park System Advisory Board.

1     **§ 312101. Definitions**

2         In this chapter:

3             (1) BOARD.—The term “Board” means the board of trustees of the  
 4             National Trust.

5             (2) NATIONAL TRUST.—The term “National Trust” means the Na-  
 6             tional Trust for Historic Preservation in the United States established  
 7             under section 312102 of this title.

8     **§ 312102. Establishment and purposes**

9         (a) ESTABLISHMENT.—To further the policy enunciated in chapter 3201  
 10         of this title, and to facilitate public participation in the preservation of sites,  
 11         buildings, and objects of national significance or interest, there is estab-  
 12         lished a charitable, educational, and nonprofit corporation to be known as  
 13         the National Trust for Historic Preservation in the United States.

14         (b) PURPOSES.—The purposes of the National Trust shall be to—

15             (1) receive donations of sites, buildings, and objects significant in  
 16             American history and culture;

17             (2) preserve and administer the sites, buildings, and objects for pub-  
 18             lic benefit;

19             (3) accept, hold, and administer gifts of money, securities, or other  
 20             property of any character for the purpose of carrying out the preserva-  
 21             tion program; and

22             (4) execute other functions vested in the National Trust by this  
 23             chapter.

24     **§ 312103. Principal office**

25         The National Trust shall have its principal office in the District of Co-  
 26         lumbia and shall be deemed, for purposes of venue in civil actions, to be  
 27         a resident of the District of Columbia. The National Trust may establish  
 28         offices in other places as it may consider necessary or appropriate in the  
 29         conduct of its business.

30     **§ 312104. Board of trustees**

31         (a) MEMBERSHIP.—The affairs of the National Trust shall be under the  
 32         general direction of a board of trustees composed as follows:

33             (1) The Attorney General, the Secretary, and the Director of the Na-  
 34             tional Gallery of Art, *ex officio*.

35             (2) Not fewer than 6 general trustees who shall be citizens of the  
 36             United States.

37         (b) DESIGNATION OF ANOTHER OFFICER.—The Attorney General and  
 38         the Secretary, when it appears desirable in the interest of the conduct of  
 39         the business of the Board and to such extent as they consider it advisable,

1 may, by written notice to the National Trust, designate any officer of their  
 2 respective departments to act for them in the discharge of their duties as  
 3 a member of the Board.

4 (c) GENERAL TRUSTEES.—

5 (1) NUMBER AND SELECTION.—The number of general trustees shall  
 6 be fixed by the Board and shall be chosen by the members of the Na-  
 7 tional Trust from its members at any regular meeting of the National  
 8 Trust.

9 (2) TERM OF OFFICE.—The respective terms of office of the general  
 10 trustees shall be as prescribed by the Board but in no case shall exceed  
 11 a period of 5 years from the date of election.

12 (3) SUCCESSOR.—A successor to a general trustee shall be chosen  
 13 in the same manner and shall have a term expiring 5 years from the  
 14 date of the expiration of the term for which the predecessor was cho-  
 15 sen, except that a successor chosen to fill a vacancy occurring prior to  
 16 the expiration of a term shall be chosen only for the remainder of that  
 17 term.

18 (d) CHAIRMAN.—The chairman of the Board shall be elected by a major-  
 19 ity vote of the members of the Board.

20 (e) COMPENSATION AND REIMBURSEMENT.—No compensation shall be  
 21 paid to the members of the Board for their services as such members, but  
 22 they shall be reimbursed for travel and actual expenses necessarily incurred  
 23 by them in attending board meetings and performing other official duties  
 24 on behalf of the National Trust at the direction of the Board.

25 **§ 312105. Powers**

26 (a) IN GENERAL.—To the extent necessary to enable it to carry out the  
 27 functions vested in it by this chapter, the National Trust has the general  
 28 powers described in this section.

29 (b) SUCCESSION.—The National Trust has succession until dissolved by  
 30 Act of Congress, in which event title to the property of the National Trust,  
 31 both real and personal, shall, insofar as consistent with existing contractual  
 32 obligations and subject to all other legally enforceable claims or demands  
 33 by or against the National Trust, pass to and become vested in the United  
 34 States.

35 (c) SUE AND BE SUED.—The National Trust may sue and be sued in  
 36 its corporate name.

37 (d) CORPORATE SEAL.—The National Trust may adopt, alter, and use  
 38 a corporate seal that shall be judicially noticed.

39 (e) CONSTITUTION, BYLAWS, AND REGULATIONS.—The National Trust  
 40 may adopt a constitution and prescribe such bylaws and regulations, not in-  
 41 consistent with the laws of the United States or of any State, as it considers

1 necessary for the administration of its functions under this chapter, includ-  
2 ing among other matters, bylaws and regulations governing visitation to his-  
3 toric properties, administration of corporate funds, and the organization and  
4 procedure of the Board.

5 (f) PERSONAL PROPERTY.—The National Trust may accept, hold, and ad-  
6 minister gifts and bequests of money, securities, or other personal property  
7 of any character, absolutely or in trust, for the purposes for which the Na-  
8 tional Trust is created. Unless otherwise restricted by the terms of a gift  
9 or bequest, the National Trust may sell, exchange, or otherwise dispose of,  
10 and invest or reinvest in investments as it may determine from time to time,  
11 the moneys, securities, or other property given or bequeathed to it. The  
12 principal of corporate funds and the income from those funds and all other  
13 revenues received by the National Trust from any source shall be placed in  
14 such depositories as the National Trust shall determine and shall be subject  
15 to expenditure by the National Trust for its corporate purposes.

16 (g) REAL PROPERTY.—The National Trust may acquire by gift, devise,  
17 purchase, or otherwise, absolutely or in trust, and hold and, unless other-  
18 wise restricted by the terms of the gift or devise, encumber, convey, or oth-  
19 erwise dispose of, any real property, or any estate or interest in real prop-  
20 erty (except property within the exterior boundaries of a System unit), as  
21 may be necessary and proper in carrying into effect the purposes of the Na-  
22 tional Trust.

23 (h) CONTRACTS AND COOPERATIVE AGREEMENTS RESPECTING PROTEC-  
24 TION, PRESERVATION, MAINTENANCE, OR OPERATION.—The National  
25 Trust may contract and make cooperative agreements with Federal, State,  
26 or local agencies, corporations, associations, or individuals, under terms and  
27 conditions that the National Trust considers advisable, respecting the pro-  
28 tection, preservation, maintenance, or operation of any historic site, build-  
29 ing, object, or property used in connection with the site, building, object,  
30 or property for public use, regardless of whether the National Trust has ac-  
31 quired title to the property, or any interest in the property.

32 (i) ENTER INTO CONTRACTS AND EXECUTE INSTRUMENTS.—The Na-  
33 tional Trust may enter into contracts generally and execute all instruments  
34 necessary or appropriate to carry out its corporate purposes, including con-  
35 cession contracts, leases, or permits for the use of land, buildings, or other  
36 property considered desirable either to accommodate the public or to facili-  
37 tate administration.

38 (j) OFFICERS, AGENTS, AND EMPLOYEES.—The National Trust may ap-  
39 point and prescribe the duties of officers, agents, and employees as may be  
40 necessary to carry out its functions, and fix and pay compensation to them  
41 for their services as the National Trust may determine.

1 (k) **LAWFUL ACTS.**—The National Trust may generally do any and all  
 2 lawful acts necessary or appropriate to carry out the purposes for which the  
 3 National Trust is created.

4 **§ 312106. Consultation with National Park System Advisory**  
 5 **Board**

6 In carrying out its functions under this chapter, the National Trust may  
 7 consult with the National Park System Advisory Board on matters relating  
 8 to the selection of sites, buildings, and objects to be preserved and protected  
 9 pursuant to this chapter.

10 **Chapter 3123—Commission for the**  
 11 **Preservation of America’s Heritage Abroad**

Sec.

312301. Definition.

312302. Declaration of national interest.

312303. Establishment.

312304. Duties and powers; administrative support.

312305. Reports.

12 **§ 312301. Definition**

13 In this chapter, the term “Commission” means the Commission for the  
 14 Preservation of America’s Heritage Abroad established under section  
 15 312303 of this title.

16 **§ 312302. Declaration of national interest**

17 Because the fabric of a society is strengthened by visible reminders of the  
 18 historical roots of the society, it is in the national interest to encourage the  
 19 preservation and protection of the cemeteries, monuments, and historic  
 20 buildings associated with the foreign heritage of United States citizens.

21 **§ 312303. Establishment**

22 (a) **ESTABLISHMENT.**—There is established a commission to be known as  
 23 the Commission for the Preservation of America’s Heritage Abroad.

24 (b) **MEMBERSHIP.**—The Commission shall consist of 21 members ap-  
 25 pointed by the President, 7 of whom shall be appointed after consultation  
 26 with the Speaker of the House of Representatives and 7 of whom shall be  
 27 appointed after consultation with the President pro tempore of the Senate.

28 (c) **TERM.**—

29 (1) **IN GENERAL.**—Except as provided in paragraph (2), a member  
 30 of the Commission shall be appointed for a term of 3 years.

31 (2) **VACANCY.**—A member appointed to fill a vacancy on the Com-  
 32 mission shall serve for the remainder of the term for which the mem-  
 33 ber’s predecessor was appointed.

34 (3) **MEMBER UNTIL SUCCESSOR APPOINTED.**—A member may retain  
 35 membership on the Commission until the member’s successor has been  
 36 appointed.

1 (d) CHAIRMAN.—The President shall designate the Chairman of the Com-  
2 mission from among its members.

3 (e) MEETINGS.—The Commission shall meet at least once every 6  
4 months.

5 (f) COMPENSATION AND EXPENSES.—

6 (1) COMPENSATION.—Members of the Commission shall receive no  
7 pay on account of their service on the Commission.

8 (2) EXPENSES.—While away from their homes or regular places of  
9 business in the performance of services for the Commission, members  
10 of the Commission shall be allowed travel expenses, including per diem  
11 in lieu of subsistence, in the same manner as individuals employed  
12 intermittently in the Government service are allowed expenses under  
13 section 5703 of title 5.

14 **§ 312304. Duties and powers; administrative support**

15 (a) DUTIES.—The Commission shall—

16 (1) identify and publish a list of cemeteries, monuments, and historic  
17 buildings located abroad that are associated with the foreign heritage  
18 of United States citizens from eastern and central Europe, particularly  
19 cemeteries, monuments, and buildings that are in danger of deteriora-  
20 tion or destruction;

21 (2) encourage the preservation and protection of those cemeteries,  
22 monuments, and historic buildings by obtaining, in cooperation with the  
23 Secretary of State, assurances from foreign governments that the ceme-  
24 teries, monuments, and buildings will be preserved and protected; and

25 (3) prepare and disseminate reports on the condition of, and the  
26 progress toward preserving and protecting, those cemeteries, monu-  
27 ments, and historic buildings.

28 (b) POWERS.—

29 (1) HOLD HEARINGS, REQUEST ATTENDANCE, TAKE TESTIMONY,  
30 AND RECEIVE EVIDENCE.—The Commission or any member it author-  
31 izes may, for the purposes of carrying out this chapter, hold such hear-  
32 ings, sit and act at such times and places, request such attendance,  
33 take such testimony, and receive such evidence, as the Commission con-  
34 siders appropriate.

35 (2) APPOINT PERSONNEL AND FIX PAY.—The Commission may ap-  
36 point such personnel (subject to the provisions of title 5 governing ap-  
37 pointments in the competitive service) and may fix the pay of such per-  
38 sonnel (subject to the provisions of chapter 51 and subchapter III of  
39 chapter 53 of title 5), as the Commission considers desirable.

40 (3) PROCURE TEMPORARY AND INTERMITTENT SERVICES.—The  
41 Commission may procure temporary and intermittent services to the

1 same extent as is authorized by section 3109(b) of title 5, but at rates  
 2 for individuals not to exceed the daily equivalent of the maximum an-  
 3 nual rate of basic pay then in effect under section 5376 of title 5.

4 (4) **DETAIL PERSONNEL TO COMMISSISON.**—On request of the Com-  
 5 mission, the head of any Federal department or agency, including the  
 6 Secretary of State, may detail, on a reimbursable basis, any of the per-  
 7 sonnel of that department or agency to the Commission to assist it in  
 8 carrying out its duties under this chapter.

9 (5) **SECURE INFORMATION.**—The Commission may secure directly  
 10 from any department or agency of the United States, including the De-  
 11 partment of State, any information necessary to enable it to carry out  
 12 this chapter. On the request of the Chairman of the Commission, the  
 13 head of the department or agency shall furnish the information to the  
 14 Commission.

15 (6) **GIFTS OR DONATIONS.**—The Commission may accept, use, and  
 16 dispose of gifts or donations of money or property.

17 (7) **USE OF MAILS.**—The Commission may use the United States  
 18 mails in the same manner and on the same conditions as other depart-  
 19 ments and agencies of the United States.

20 (e) **ADMINISTRATIVE SUPPORT.**—The Administrator of General Services  
 21 shall provide to the Commission on a reimbursable basis administrative sup-  
 22 port services as the Commission may request.

### 23 **§ 312305. Reports**

24 As soon as practicable after the end of each fiscal year, the Commission  
 25 shall transmit to the President a report that includes—

26 (1) a detailed statement of the activities and accomplishments of the  
 27 Commission during the fiscal year; and

28 (2) any recommendations of the Commission for legislation and ad-  
 29 ministrative actions.

## 30 **Chapter 3125—Preservation of Historical** 31 **and Archeological Data**

Sec.

312501. Definition.

312502. Threat of irreparable loss or destruction of significant scientific, prehistorical, histor-  
 ical, or archeological data by Federal construction projects.

312503. Survey and recovery by Secretary.

312504. Progress reports by Secretary on surveys and work undertaken as result of surveys.

312505. Notice of dam construction.

312506. Administration.

312507. Assistance to Secretary by Federal agencies responsible for construction projects.

312508. Costs for identification, surveys, evaluation, and data recovery with respect to his-  
 toric property.

1 **§ 312501. Definition**

2 In this chapter, the term “State” includes a State, the District of Colum-  
3 bia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the  
4 Northern Mariana Islands.

5 **§ 312502. Threat of irreparable loss or destruction of signifi-**  
6 **cant scientific, prehistorical, historical, or archeo-**  
7 **logical data by Federal construction projects**

8 (a) ACTIVITY OF FEDERAL AGENCY.—

9 (1) NOTIFICATION OF SECRETARY.—When any Federal agency finds,  
10 or is notified, in writing, by an appropriate historical or archeological  
11 authority, that its activities in connection with any Federal construc-  
12 tion project or federally licensed project, activity, or program may  
13 cause irreparable loss or destruction of significant scientific, pre-  
14 historical, historical, or archeological data, the agency shall notify the  
15 Secretary, in writing, and shall provide the Secretary with appropriate  
16 information concerning the project, program, or activity.

17 (2) RECOVERY, PROTECTION, AND PRESERVATION OF DATA.—The  
18 agency—

19 (A) may request the Secretary to undertake the recovery, pro-  
20 tection, and preservation of the data (including preliminary survey,  
21 or other investigation as needed, and analysis and publication of  
22 the reports resulting from the investigation); or

23 (B) may, with funds appropriated for the project, program, or  
24 activity, undertake those activities.

25 (3) AVAILABILITY OF REPORTS.—Copies of reports of any investiga-  
26 tions made pursuant to this section shall be submitted to the Secretary,  
27 who shall make them available to the public for inspection and review.

28 (b) ACTIVITY OF PRIVATE PERSON, ASSOCIATION, OR PUBLIC ENTITY.—

29 (1) RECOVERY BY SECRETARY.—When any Federal agency provides  
30 financial assistance by loan, grant, or otherwise to any private person,  
31 association, or public entity, the Secretary, if the Secretary determines  
32 that significant scientific, prehistorical, historical, or archeological data  
33 might be irrevocably lost or destroyed, may, with funds appropriated  
34 expressly for this purpose—

35 (A) conduct, with the consent of all persons, associations, or  
36 public entities having a legal interest in the property, a survey of  
37 the affected site; and

38 (B) undertake the recovery, protection, and preservation of the  
39 data (including analysis and publication).

40 (2) COMPENSATION.—The Secretary shall, unless otherwise agreed  
41 to in writing, compensate any person, association, or public entity dam-



1           aged as a result of delays in construction or as a result of the tem-  
2           porary loss of the use of private or any nonfederally owned land.

3   **§ 312503. Survey and recovery by Secretary**

4           (a) IN GENERAL.—The Secretary, on notification, in writing, by any Fed-  
5           eral or State agency or appropriate historical or archeological authority that  
6           scientific, prehistorical, historical, or archeological data are being or may be  
7           irrevocably lost or destroyed by any Federal or federally assisted or licensed  
8           project, activity, or program, shall, if the Secretary determines that the data  
9           are significant and are being or may be irrevocably lost or destroyed and  
10          after reasonable notice to the agency responsible for funding or licensing the  
11          project, activity, or program—

12           (1) conduct or cause to be conducted a survey and other investiga-  
13           tion of the areas that are or may be affected; and

14           (2) recover and preserve the data (including analysis and publica-  
15           tion) that, in the opinion of the Secretary, are not being, but should  
16           be, recovered and preserved in the public interest.

17          (b) WHEN SURVEY OR RECOVERY NOT REQUIRED.—No survey or recov-  
18          ery work shall be required pursuant to this section that, in the determina-  
19          tion of the head of the responsible agency, would impede Federal or feder-  
20          ally assisted or licensed projects or activities undertaken in connection with  
21          any emergency, including projects or activities undertaken in anticipation of,  
22          or as a result of, a natural disaster.

23          (c) INITIATION OF SURVEY.—The Secretary shall initiate the survey or  
24          recovery effort within—

25           (1) 60 days after notification pursuant to subsection (a); or

26           (2) such time as may be agreed on with the head of the agency re-  
27           sponsible for funding or licensing the project, activity, or program in  
28           all other cases.

29          (d) COMPENSATION BY SECRETARY.—The Secretary shall, unless other-  
30          wise agreed to in writing, compensate any person, association, or public en-  
31          tity damaged as a result of delays in construction or as a result of the tem-  
32          porary loss of the use of private or nonfederally owned land.

33   **§ 312504. Progress reports by Secretary on surveys and**  
34   **work undertaken as result of surveys**

35          (a) PROGRESS REPORTS TO FUNDING OR LICENSING AGENCY.—The Sec-  
36          retary shall keep the agency responsible for funding or licensing the project  
37          notified at all times of the progress of any survey made under this chapter  
38          or of any work undertaken as a result of a survey, in order that there will  
39          be as little disruption or delay as possible in the carrying out of the func-  
40          tions of the agency. The survey and recovery programs shall terminate at

1 a time agreed on by the Secretary and the head of the agency unless ex-  
2 tended by agreement.

3 (b) DISPOSITION OF RELICS AND SPECIMENS.—The Secretary shall con-  
4 sult with any interested Federal and State agencies, educational and sci-  
5 entific organizations, private institutions, and qualified individuals, with a  
6 view to determining the ownership of, and the most appropriate repository  
7 for, any relics and specimens recovered as a result of any work performed  
8 as provided for in this section.

9 (c) COORDINATION OF ACTIVITIES.—The Secretary shall coordinate all  
10 Federal survey and recovery activities authorized under this chapter.

### 11 **§ 312505. Notice of dam construction**

12 (a) IN GENERAL.—Before any Federal agency undertakes the construc-  
13 tion of a dam, or issues a license to any private individual or corporation  
14 for the construction of a dam, it shall give written notice to the Secretary  
15 setting forth the site of the proposed dam and the approximate area to be  
16 flooded and otherwise changed if construction is undertaken.

17 (b) DAMS WITH CERTAIN DETENTION CAPACITY OR RESERVOIR.—With  
18 respect to any flood water retarding dam that provides fewer than 5,000  
19 acre-feet of detention capacity, and with respect to any other type of dam  
20 that creates a reservoir of fewer than 40 surface acres, this section shall  
21 apply only when the constructing agency, in its preliminary surveys, finds  
22 or is presented with evidence that historical or archeological materials exist  
23 or may be present in the proposed reservoir area.

### 24 **§ 312506. Administration**

25 In the administration of this chapter, the Secretary may—

26 (1) enter into contracts or make cooperative agreements with any  
27 Federal or State agency, educational or scientific organization, or insti-  
28 tution, corporation, association, or qualified individual;

29 (2) obtain the services of experts and consultants or organizations  
30 of experts and consultants in accordance with section 3109 of title 5;  
31 and

32 (3) accept and utilize funds made available for salvage archeological  
33 purposes by any private person or corporation or transferred to the  
34 Secretary by any Federal agency.

### 35 **§ 312507. Assistance to Secretary by Federal agencies re-** 36 **sponsible for construction projects**

37 (a) ASSISTANCE OF FEDERAL AGENCIES.—To carry out this chapter, any  
38 Federal agency responsible for a construction project may assist the Sec-  
39 retary or may transfer to the Secretary funds as may be agreed on, but not  
40 more than 1 percent of the total amount authorized to be appropriated for  
41 the project, except that the 1 percent limitation under this section shall not

1 apply if the cost of the project is \$50,000 or less. The costs of the survey,  
2 recovery, analysis, and publication shall be deemed nonreimbursable project  
3 costs.

4 (b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated for pur-  
5 poses of this section shall remain available until expended.

6 **§ 312508. Costs for identification, surveys, evaluation, and**  
7 **data recovery with respect to historic property**

8 Notwithstanding section 312507(a) of this title or any other provision of  
9 law—

10 (1) identification, surveys, and evaluation carried out with respect to  
11 historic property within project areas may be treated for purposes of  
12 any law or rule of law as planning costs of the project and not as costs  
13 of mitigation;

14 (2) reasonable costs for identification, surveys, evaluation, and data  
15 recovery carried out with respect to historic property within project  
16 areas may be charged to Federal licensees and permittees as a condi-  
17 tion to the issuance of the license or permit; and

18 (3) Federal agencies, with the concurrence of the Secretary and after  
19 notification of the Committee on Natural Resources of the House of  
20 Representatives and the Committee on Energy and Natural Resources  
21 of the Senate, may waive, in appropriate cases, the 1 percent limitation  
22 under section 312507(a) of this title.

23 **Division C—American Antiquities**  
24 **Chapter 3201—Policy and Administrative**  
25 **Provisions**

Sec.

320101. Declaration of national policy.

320102. Powers and duties of Secretary.

320103. Cooperation with governmental and private agencies and individuals.

320104. Jurisdiction of States in acquired land.

320105. Criminal penalties.

320106. Limitation on obligation or expenditure of appropriated amounts.

26 **§ 320101. Declaration of national policy**

27 It is declared that it is a national policy to preserve for public use historic  
28 sites, buildings, and objects of national significance for the inspiration and  
29 benefit of the people of the United States.

30 **§ 320102. Powers and duties of Secretary**

31 (a) IN GENERAL.—The Secretary, acting through the Director, for the  
32 purpose of effectuating the policy expressed in section 320101 of this title,  
33 has the powers and shall perform the duties set out in this section.

34 (b) PRESERVATION OF DATA.—The Secretary shall secure, collate, and  
35 preserve drawings, plans, photographs, and other data of historic and  
36 archeologic sites, buildings, and objects.

1 (c) SURVEY.—The Secretary shall make a survey of historic and  
2 archeologic sites, buildings, and objects for the purpose of determining  
3 which possess exceptional value as commemorating or illustrating the his-  
4 tory of the United States.

5 (d) INVESTIGATIONS AND RESEARCHES.—The Secretary shall make nec-  
6 essary investigations and researches in the United States relating to par-  
7 ticular sites, buildings, and objects to obtain accurate historical and archeo-  
8 logical facts and information concerning the sites, buildings, and objects.

9 (e) ACQUISITION OF PROPERTY.—The Secretary may, for the purpose of  
10 this chapter, acquire in the name of the United States by gift, purchase,  
11 or otherwise any property, personal or real, or any interest or estate in  
12 property, title to any real property to be satisfactory to the Secretary. Prop-  
13 erty that is owned by any religious or educational institution or that is  
14 owned or administered for the benefit of the public shall not be acquired  
15 without the consent of the owner. No property shall be acquired or contract  
16 or agreement for the acquisition of the property made that will obligate the  
17 general fund of the Treasury for the payment of the property, unless Con-  
18 gress has appropriated money that is available for that purpose.

19 (f) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may  
20 contract and make cooperative agreements with States, municipal subdivi-  
21 sions, corporations, associations, or individuals, with proper bond where con-  
22 sidered advisable, to protect, preserve, maintain, or operate any historic or  
23 archeologic building, site, or object, or property used in connection with the  
24 building, site, or object, for public use, regardless whether the title to the  
25 building, site, object, or property is in the United States. No contract or  
26 cooperative agreement shall be made or entered into that will obligate the  
27 general fund of the Treasury unless or until Congress has appropriated  
28 money for that purpose.

29 (g) PROTECTION OF SITES, BUILDINGS, OBJECTS, AND PROPERTY.—The  
30 Secretary shall restore, reconstruct, rehabilitate, preserve, and maintain his-  
31 toric or prehistoric sites, buildings, objects, and property of national histor-  
32 ical or archeological significance and where considered desirable establish  
33 and maintain museums in connection with the sites, buildings, objects, and  
34 property.

35 (h) TABLETS TO MARK OR COMMEMORATE PLACES AND EVENTS.—The  
36 Secretary shall erect and maintain tablets to mark or commemorate historic  
37 or prehistoric places and events of national historical or archeological sig-  
38 nificance.

39 (i) OPERATION FOR BENEFIT OF PUBLIC.—The Secretary may operate  
40 and manage historic and archeologic sites, buildings, and property acquired  
41 under this chapter together with land and subordinate buildings for the ben-

1    efit of the public and may charge reasonable visitation fees and grant con-  
 2    cessions, leases, or permits for the use of land, building space, roads, or  
 3    trails when necessary or desirable either to accommodate the public or to  
 4    facilitate administration. The Secretary may grant those concessions, leases,  
 5    or permits and enter into contracts relating to the contracts, leases, or per-  
 6    mits with responsible persons, firms, or corporations without advertising  
 7    and without securing competitive bids.

8       (j) CORPORATION TO CARRY OUT DUTIES.—When the Secretary deter-  
 9    mines that it would be administratively burdensome to restore, reconstruct,  
 10   operate, or maintain any particular historic or archeologic site, building, or  
 11   property donated to the United States through the Service, the Secretary  
 12   may cause the restoration, reconstruction, operation, or maintenance to be  
 13   done by organizing a corporation for that purpose under the laws of the  
 14   District of Columbia or any State.

15       (k) EDUCATIONAL PROGRAM AND SERVICE.—The Secretary shall develop  
 16   an educational program and service for the purpose of making available to  
 17   the public information pertaining to American historic and archeologic sites,  
 18   buildings, and properties of national significance. Reasonable charges may  
 19   be made for the dissemination of any such information.

20       (l) ACTIONS AND REGULATIONS NECESSARY TO CARRY OUT CHAPTER.—  
 21   The Secretary shall perform any and all acts and make regulations not in-  
 22   consistent with this chapter that may be necessary and proper to carry out  
 23   this chapter.

24    **§ 320103. Cooperation with governmental and private agen-**  
 25    **cies and individuals**

26       (a) AUTHORIZATION OF SECRETARY.—The Secretary may cooperate with  
 27   and may seek and accept the assistance of any Federal, State, or local agen-  
 28   cy, educational or scientific institution, patriotic association, or individual.

29       (b) TECHNICAL ADVISORY COMMITTEES.—When the Secretary considers  
 30   it necessary, the Secretary may establish technical advisory committees to  
 31   act in an advisory capacity in connection with the restoration or reconstruc-  
 32   tion of any historic or prehistoric building or other structure.

33       (c) EMPLOYMENT OF ASSISTANCE.—The Secretary may employ profes-  
 34   sional and technical assistance and establish service as may be required to  
 35   accomplish the purposes of this chapter and for which money may be appro-  
 36   priated by Congress or made available by gifts for those purposes.

37    **§ 320104. Jurisdiction of States in acquired land**

38    Nothing in this chapter shall be held to deprive any State, or political  
 39   subdivision of a State, of its civil and criminal jurisdiction in and over land  
 40   acquired by the United States under this chapter.

1 **§ 320105. Criminal penalties**

2 Criminal penalties for a violation of a regulation authorized by this chap-  
3 ter are provided by section 1866 of title 18.

4 **§ 320106. Limitation on obligation or expenditure of appro-**  
5 **riated amounts**

6 Notwithstanding any other provision of law, no funds appropriated or  
7 otherwise made available to the Secretary to carry out subsection (f) or (g)  
8 of section 320102 of this title may be obligated or expended—

9 (1) unless the appropriation of the funds has been specifically au-  
10 thorized by law enacted on or after October 30, 1992; or

11 (2) in excess of the amount prescribed by law enacted on or after  
12 October 30, 1992.

13 **Chaper 3203—Monuments, Ruins, Sites,**  
14 **and Objects of Antiquity**

Sec.

320301. National monuments.

320302. Permits.

320303. Regulations.

15 **§ 320301. National monuments**

16 (a) **PRESIDENTIAL DECLARATION.**—The President may, in the Presi-  
17 dent's discretion, declare by public proclamation historic landmarks, historic  
18 and prehistoric structures, and other objects of historic or scientific interest  
19 that are situated on land owned or controlled by the Federal Government  
20 to be national monuments.

21 (b) **RESERVATION OF LAND.**—The President may reserve parcels of land  
22 as a part of the national monuments. The limits of the parcels shall be con-  
23 fined to the smallest area compatible with the proper care and management  
24 of the objects to be protected.

25 (c) **RELINQUISHMENT TO FEDERAL GOVERNMENT.**—When an object is  
26 situated on a parcel covered by a bona fide unperfected claim or held in  
27 private ownership, the parcel, or so much of the parcel as may be necessary  
28 for the proper care and management of the object, may be relinquished to  
29 the Federal Government and the Secretary may accept the relinquishment  
30 of the parcel on behalf of the Federal Government.

31 (d) **LIMITATION ON EXTENSION OR ESTABLISHMENT OF NATIONAL**  
32 **MONUMENTS IN WYOMING.**—No extension or establishment of national  
33 monuments in Wyoming may be undertaken except by express authorization  
34 of Congress.

35 **§ 320302. Permits**

36 (a) **AUTHORITY TO GRANT PERMIT.**—The Secretary, the Secretary of  
37 Agriculture, or the Secretary of the Army may grant a permit for the exam-  
38 ination of ruins, the excavation of archeological sites, and the gathering of

1 objects of antiquity on land under their respective jurisdictions to an institu-  
 2 tion that the Secretary concerned considers properly qualified to conduct the  
 3 examination, excavation, or gathering, subject to such regulations as the  
 4 Secretary concerned may prescribe.

5 (b) PURPOSE OF EXAMINATION, EXCAVATION, OR GATHERING.—A per-  
 6 mit may be granted only if—

7 (1) the examination, excavation, or gathering is undertaken for the  
 8 benefit of a reputable museum, university, college, or other recognized  
 9 scientific or educational institution, with a view to increasing the  
 10 knowledge of the objects; and

11 (2) the gathering shall be made for permanent preservation in a pub-  
 12 lic museum.

### 13 **§ 320303. Regulations**

14 The Secretary, the Secretary of Agriculture, and the Secretary of the  
 15 Army shall make and publish uniform regulations for the purpose of car-  
 16 rying out this chapter.

### 17 **SEC. 4. CONFORMING AMENDMENTS.**

18 (a) TITLE 18.—

19 (1) IN GENERAL.—Chapter 91 of title 18, United States Code, is  
 20 amended by adding at the end the following:

#### 21 **“§ 1865. National Park Service**

22 “(a) VIOLATION OF REGULATIONS RELATING TO USE AND MANAGEMENT  
 23 OF NATIONAL PARK SYSTEM UNITS.—A person that violates any regulation  
 24 authorized by section 100751(a) of title 54 shall be imprisoned not more  
 25 than 6 months, fined under this title, or both, and be adjudged to pay all  
 26 cost of the proceedings.

27 “(b) FINANCIAL DISCLOSURE BY OFFICERS OR EMPLOYEES PER-  
 28 FORMING FUNCTIONS OR DUTIES UNDER SUBCHAPTER III OF CHAPTER  
 29 1007 OF TITLE 54.—An officer or employee of the Department of the Inter-  
 30 rior who is subject to, and knowingly violates, section 100737 of title 54  
 31 or any regulation prescribed under that section shall be imprisoned not  
 32 more than one year, fined under this title, or both.

33 “(c) OFFENSES RELATING TO STRUCTURES AND VEGETATION.—A per-  
 34 son that willfully destroys, mutilates, defaces, injures, or removes any monu-  
 35 ment, statue, marker, guidepost, or other structure, or that willfully de-  
 36 stroys, cuts, breaks, injures, or removes any tree, shrub, or plant within a  
 37 national military park shall be imprisoned not less than 15 days nor more  
 38 than one year, fined under this title but not less than \$10 for each monu-  
 39 ment, statue, marker, guidepost, or other structure, tree, shrub, or plant  
 40 that is destroyed, defaced, injured, cut, or removed, or both.

1 “(d) TRESPASSING IN A NATIONAL MILITARY PARK TO HUNT OR  
2 SHOOT.—An individual who trespasses in a national military park to hunt  
3 or shoot, or hunts game of any kind in a national military park with a gun  
4 or dog, or sets a trap or net or other device in a national military park  
5 to hunt or catch game of any kind, shall be imprisoned not less than 5 nor  
6 more than 30 days, fined under this title, or both.

7 **“§ 1866. Historic, archeologic, or prehistoric items and an-**  
8 **tiquities**

9 “(a) VIOLATION OF REGULATIONS AUTHORIZED BY CHAPTER 3201 OF  
10 TITLE 54.—A person that violates any of the regulations authorized by  
11 chapter 3201 of title 54 shall be fined under this title and be adjudged to  
12 pay all cost of the proceedings.

13 “(b) APPROPRIATION OF, INJURY TO, OR DESTRUCTION OF HISTORIC OR  
14 PREHISTORIC RUIN OR MONUMENT OR OBJECT OF ANTIQUITY.—A person  
15 that appropriates, excavates, injures, or destroys any historic or prehistoric  
16 ruin or monument or any other object of antiquity that is situated on land  
17 owned or controlled by the Federal Government without the permission of  
18 the head of the Federal agency having jurisdiction over the land on which  
19 the object is situated, shall be imprisoned not more than 90 days, fined  
20 under this title, or both.”.

21 (2) TABLE OF CONTENTS.—The table of contents of chapter 91 of  
22 title 18, United States Code, is amended by adding at the end the fol-  
23 lowing:

“1865. National Park Service.

“1866. Historic, archeologic, or prehistoric items and antiquities.”.

24 (b) TITLE 28.—

25 (1) IN GENERAL.—Part VI of title 28, United States Code, is  
26 amended by adding at the end the following:

27 **“CHAPTER 190—MISCELLANEOUS**

“Sec.

“5001. Civil action for death or personal injury in a place subject to exclusive jurisdiction  
of United States.

28 **“§ 5001. Civil action for death or personal injury in a place**  
29 **subject to exclusive jurisdiction of United States**

30 “(a) DEATH.—In the case of the death of an individual by the neglect  
31 or wrongful act of another in a place subject to the exclusive jurisdiction  
32 of the United States within a State, a right of action shall exist as though  
33 the place were under the jurisdiction of the State in which the place is lo-  
34 cated.

35 “(b) PERSONAL INJURY.—In a civil action brought to recover on account  
36 of an injury sustained in a place described in subsection (a), the rights of



1 the parties shall be governed by the law of the State in which the place is  
2 located.”.

3 (2) TABLE OF CONTENTS.—The table of contents of part VI of title  
4 28, United States Code, is amended by adding at the end the following:

**“190. Miscellaneous ..... 5001”.**

5 (c) ACT OF MAY 26, 2000.—Section 1 of Public Law 106–206 (114 Stat.  
6 314) is amended to read as follows:

7 **“SECTION 1. COMMERCIAL FILMING.**

8 **“(a) COMMERCIAL FILMING FEE.—**

9 **“(1) IN GENERAL.—**The Secretary of the Interior or the Secretary  
10 of Agriculture (hereafter individually referred to as the ‘Secretary’ with  
11 respect to land (except land in a System unit as defined in section  
12 100102 of title 54, United States Code) under their respective jurisdic-  
13 tions) shall require a permit and shall establish a reasonable fee for  
14 commercial filming activities or similar projects on Federal land admin-  
15 istered by the Secretary. The fee shall provide a fair return to the  
16 United States and shall be based on the following criteria:

17 **“(A)** The number of days the filming activity or similar project  
18 takes place on Federal land under the Secretary’s jurisdiction.

19 **“(B)** The size of the film crew present on Federal land under  
20 the Secretary’s jurisdiction.

21 **“(C)** The amount and type of equipment present.

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

24 **“(b) RECOVERY OF COSTS.—**The Secretary shall collect any costs in-  
25 curred as a result of filming activities or similar project, including adminis-  
26 trative and personnel costs. All costs recovered shall be in addition to the  
27 fee assessed in subsection (a).

28 **“(c) STILL PHOTOGRAPHY.—**

29 **“(1) IN GENERAL.—**Except as provided in paragraph (2), the Sec-  
30 retary shall not require a permit nor assess a fee for still photography  
31 on land administered by the Secretary if such photography takes place  
32 where members of the public are generally allowed. The Secretary may  
33 require a permit, fee, or both, if such photography takes place at other  
34 locations where members of the public are generally not allowed, or  
35 where additional administrative costs are likely.

36 **“(2) EXCEPTION.—**The Secretary shall require and shall establish a  
37 reasonable fee for still photography that uses models or props which  
38 are not a part of the site’s natural or cultural resources or administra-  
39 tive facilities.

1 “(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any  
2 filming, still photography or other related activity if the Secretary deter-  
3 mines that—

4 “(1) there is a likelihood of resource damage;

5 “(2) there would be an unreasonable disruption of the public’s use  
6 and enjoyment of the site; or

7 “(3) the activity poses health or safety risks to the public.

8 “(e) USE OF PROCEEDS.—

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

12 “(2) COSTS.—All costs recovered under this section shall be available  
13 for expenditure by the Secretary, without further appropriation, at the  
14 site where the costs are collected and shall remain available until ex-  
15 pended.

16 “(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall estab-  
17 lish a process to ensure that the Secretary responds in a timely manner to  
18 permit applicants for commercial filming, still photography, or other activ-  
19 ity.”.

20 (d) PUBLIC LAW 111–24.—Section 512 of Public Law 111–24 (123 Stat.  
21 1764) is amended to read as follows:

22 **“SEC. 512. PROTECTION OF RIGHT OF INDIVIDUALS TO**  
23 **BEAR ARMS**

24 “(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

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

27 “(2) Section 27.42 of title 50, Code of Federal Regulations, provides  
28 that, except in special circumstances, citizens of the United States may  
29 not ‘possess, use, or transport firearms on national wildlife refuges’ of  
30 the United States Fish and Wildlife Service.

31 “(3) The regulations described in paragraph (2) prevent individuals  
32 complying with Federal and State laws from exercising the 2d amend-  
33 ment rights of the individuals while at units of the National Wildlife  
34 Refuge System.

35 “(4) The existence of different laws relating to the transportation  
36 and possession of firearms at different units of the National Wildlife  
37 Refuge System entrapped law-abiding gun owners while at units of the  
38 National Wildlife Refuge System.

39 “(5) Although the Bush administration issued new regulations relat-  
40 ing to the 2d amendment rights of law-abiding citizens in units of the

1 National Wildlife Refuge System that went into effect on January 9,  
2 2009—

3 “(A) on March 19, 2009, the United States District Court for  
4 the District of Columbia granted a preliminary injunction with re-  
5 spect to the implementation and enforcement of the new regula-  
6 tions; and

7 “(B) the new regulations—

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

9 “(ii) may be altered.

10 “(6) Congress needs to weigh in on the new regulations to ensure  
11 that unelected bureaucrats and judges cannot again override the 2d  
12 amendment rights of law-abiding citizens on 90,790,000 acres of land  
13 under the jurisdiction of the United States Fish and Wildlife Service.

14 “(7) Federal laws should make it clear that the 2d amendment  
15 rights of an individual at a unit of the National Wildlife Refuge System  
16 should not be infringed.

17 “(b) PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS  
18 OF THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary shall not  
19 promulgate or enforce any regulation that prohibits an individual from pos-  
20 sessing a firearm, including an assembled or functional firearm, in any unit  
21 of the National Wildlife Refuge System if—

22 “(1) the individual is not otherwise prohibited by law from pos-  
23 sessing the firearm; and

24 “(2) the possession of the firearm is in compliance with the law of  
25 the State in which the unit of the National Wildlife Refuge System is  
26 located.”.

27 **SEC. 5. CONFORMING CROSS-REFERENCES.**

28 (a) TITLE 7, UNITED STATES CODE.—Section 32(e) of the Bankhead-  
29 Jones Farm Tenant Act (7 U.S.C. 1011(e)) is amended by striking “the  
30 Land and Water Conservation Fund Act of 1965 (78 Stat. 897)” and sub-  
31 stituting “chapter 2003 of title 54, United States Code”.

32 (b) TITLE 10, UNITED STATES CODE.—Section 2684(e)(1) of title 10,  
33 United States Code, is amended by striking “section 101(a) of the National  
34 Historic Preservation Act (16 U.S.C. 470a(a))” and substituting “section  
35 2023.01 of title 54”.

36 (c) TITLE 15, UNITED STATES CODE.—Section 1072(a)(3)(D) of the  
37 Alaska Natural Gas Pipeline Act (15 U.S.C. 720(a)(3)(D)) is amended by  
38 striking “the National Historic Preservation Act (16 U.S.C. 470 et seq.)”  
39 and substituting “chapter 2003 of title 54, United States Code”.

40 (d) TITLE 16, UNITED STATES CODE.—

1 (1) Section 6 of Public Law 89-72 (16 U.S.C. 460l-17) is amend-  
2 ed—

3 (A) in subsection (a), by striking “subsection 5(d) of the Land  
4 and Water Conservation Fund Act of 1965 (78 Stat. 897)” and  
5 substituting “section 200305(d) of title 54, United States Code”;  
6 and

7 (B) in subsection (g), by striking “Subsection 6(a)(2) of the  
8 Land and Water Development Fund Act of 1965 (78 Stat. 897)”  
9 and substituting “section 200306(a)(3) of title 54, United States  
10 Code,”.

11 (2) Section 8 of Public Law 90-540 (16 U.S.C. 460v-7) is amended  
12 by striking “section 6 of the Act of September 3, 1964 (78 Stat. 897,  
13 903)” and substituting “section 200306 of title 54, United States  
14 Code”.

15 (3) Section 7(c) of the Springs Mountain National Recreation Area  
16 Act (16 U.S.C. 460hhh-5(e)) is amended by striking “section 7 of the  
17 Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9)”  
18 and substituting “section 100506 of title 54, United States Code”.

19 (4) Section 5(b) of Public Law 103-64 (16 U.S.C. 460iii-4(b)) is  
20 amended by striking “section 7(a) of the Land and Water Conservation  
21 Fund Act of 1964 (16 U.S.C. 460l-9(a))” and substituting “section  
22 200306(a) of title 54, United States Code”.

23 (5) Section 702(a) of the Steens Mountain Cooperative Management  
24 and Protection Act of 2000 (16 U.S.C. 460nnn-122(a)) is amended by  
25 striking “section 2 of the Land and Water Conservation Fund Act of  
26 1965 (16 U.S.C. 460l-5)” and substituting “section 200302 of title 54,  
27 United States Code,”.

28 (6) Section 4 of the Archaeological Resources Protection Act of 1979  
29 (16 U.S.C. 470cc) is amended—

30 (A) in subsection (h)—

31 (i) in paragraph (1), by striking “the Act of June 8, 1906  
32 (16 U.S.C. 431-433)” and substituting “chapter 3203 of title  
33 54, United States Code”; and

34 (ii) in paragraph (2), by striking “the Act of June 8,  
35 1906” each place it appears and substituting “chapter 3203  
36 of title 54, United States Code”; and

37 (B) in subsection (i), by striking “section 106 of the Act of Oc-  
38 tober 15, 1966 (80 Stat. 917, 16 U.S.C. 470f)” and substituting  
39 “section 306108 of title 54, United States Code”.

40 (7) Section 5 of the Archaeological Resources Protection Act of 1979  
41 (16 U.S.C. 470dd) is amended by striking “the Act of June 27, 1960

1 (16 U.S.C. 469–469e) or the Act of June 8, 1906 (16 U.S.C. 431–  
2 433)” and substituting “chapter 3125 or chapter 3203 of title 54,  
3 United States Code”.

4 (8) Section 9(a)(2) of the Archaeological Resources Protection Act  
5 of 1979 (16 U.S.C. 470hh(a)(2)) is amended by striking “the Act of  
6 June 27, 1960 (16 U.S.C. 469–469e)” and substituting “chapter 3125  
7 of title 54, United States Code”.

8 (9) Section 6311(1) of the Omnibus Public Land Management Act  
9 of 2009 (16 U.S.C. 470aaa–10(1)) is amended by striking “Public Law  
10 94–429 (commonly known as the ‘Mining in the Parks Act’ (16 U.S.C.  
11 1901 et seq.)” and substituting “subchapter 3 of chapter 1007 of title  
12 54, United States Code”.

13 (10) Section 502(h)(1)(B) of the National Parks and Recreation Act  
14 of 1998 (16 U.S.C. 471i(h)(1)(B)) is amended by striking “the Land  
15 and Water Conservation Fund Act” and substituting “chapter 2003 of  
16 title 54, United States Code”.

17 (11) Section 339(f)(4)(H) of the Department of the Interior and Re-  
18 lated Agencies Appropriations Act, 2000 (Public Law 106–113, div. B,  
19 § 1000(a)(3), title III, 16 U.S.C. 528 note), is amended by striking  
20 “Section 4 of the Land and Water Conservation Fund Act of 1965 (16  
21 U.S.C. 460l–6a)” and substituting “Section 100904 of title 54, United  
22 States Code”.

23 (12) Section 6(d) of the Alaska Land Status Technical Corrections  
24 Act of 1992 (Public Law 102–415, 16 U.S.C. 539 note) is amended  
25 by striking “section 7 of the Land and Water Conservation Fund Act  
26 of 1965 (16 U.S.C. 460l–9)” and substituting “section 100506 of title  
27 54, United States Code”.

28 (13) Section 2(b) of the Greer Spring Acquisition and Protection Act  
29 of 1991 (Public Law 102–220, 16 U.S.C. 539h note) is amended by  
30 striking “section 7 of the Land and Water Conservation Fund Act of  
31 1965 (16 U.S.C. 460l–9)” and substituting “section 100506 of title 54,  
32 United States Code”.

33 (14) Section 606 of the Interstate 90 Land Exchange Act of 1998  
34 (Public Law 105–277, div. A, § 101(e), title VI, 16 U.S.C. 539k note)  
35 is amended—

36 (A) in subsection (a)(3), by striking “section 7 of the Land and  
37 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)” and  
38 substituting “section 100506 of title 54, United States Code.”;

39 (B) in subsection (b)(2), by striking “the National Historic  
40 Preservation Act” and substituting “division A of subtitle III of  
41 title 54, United States Code”; and

1 (C) in subsection (g)(1), by striking “the National Historic  
2 Preservation Act” and substituting “division A of subtitle III of  
3 title 54, United States Code,”.

4 (15) Section 6 of Public Law 93–535 (16 U.S.C. 541e) is amended  
5 by striking “clause 7(a)(1) of the Act of September 3, 1964 (78 Stat.  
6 903), as amended” and substituting “section 200306(a)(2) of title 54,  
7 United States Code”.

8 (16) Section 14(e)(3)(D)(iii) of the Columbia River Gorge National  
9 Scenic Area Act (16 U.S.C. 544l(e)(3)(D)(iii)) is amended by striking  
10 “the Land and Water Conservation Fund Act of 1965 (16 U.S.C.  
11 460l–4 through 11)” and substituting “chapter 2003 of title 54,  
12 United States Code,”.

13 (17) Section 16(a)(1) of the Columbia River Gorge National Scenic  
14 Area Act (16 U.S.C. 544n(a)(1)) is amended by striking “the Land and  
15 Water Conservation Fund (16 U.S.C. 460l–4 and following)” and sub-  
16 stituting “chapter 2003 of title 54, United States Code,”.

17 (18) Section 3(b) of the Saint Helena Island National Scenic Area  
18 Act (16 U.S.C. 546a(b)) is amended by striking “section 8 of the Land  
19 and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)” and  
20 substituting “section 100506 of title 54, United States Code”.

21 (19) Section 6(a) of the Act of June 22, 1948 (known as the Thye-  
22 Blatnik Act) (16 U.S.C. 577h(a)) is amended by striking “the Land  
23 and Water Conservation Fund Act (78 Stat. 897), as amended” and  
24 substituting “chapter 2003 of title 54, United States Code”.

25 (20) Section 104(f) of the Valles Caldera Preservation Act (16  
26 U.S.C. 688v–2(f)) is amended by striking “section 7 of the Land and  
27 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)” and sub-  
28 stituting “section 100506 of title 54, United States Code”.

29 (21) Section 4(a)(3) of the Wilderness Act (16 U.S.C. 1133(a)(3))  
30 is amended—

31 (A) by striking “the Act of August 25, 1916” and substituting  
32 “section 100101(b)(1), chapter 1003, and sections 100751(a),  
33 100752, 100753, and 102101 of title 54, United States Code”;  
34 and

35 (B) by striking “the Act of June 8, 1906 (34 Stat. 225; 16  
36 U.S.C. 432 et seq); section 3(2) of the Federal Power Act (16  
37 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666;  
38 16 U.S.C. 461 et seq.)” and substituting “section 3(2) of the Fed-  
39 eral Power Act (16 U.S.C. 796(2)); and chapters 3201 and 3203  
40 of title 54, United States Code”.

1 (22) Section 5 of Public Law 90–454 (16 U.S.C. 1225) is amended  
2 by striking “the Land and Water Conservation Fund Act of 1965 (78  
3 Stat. 897)” and substituting “chapter 2003 of title 54, United States  
4 Code”.

5 (23) Section 7(h)(1) of the National Trails System Act (16 U.S.C.  
6 1246(h)(1) is amended by striking “the Volunteers in the Parks Act  
7 of 1969” and substituting “section 102301 of title 54, United States  
8 Code,”.

9 (24) Section 8(a) of the National Trails System Act (16 U.S.C.  
10 1247(a)) is amended—

11 (A) by striking “the Land and Water Conservation Fund Act”  
12 and substituting “chapter 2003 of title 54, United States Code”;

13 (B) by striking “the Act of October 15, 1966 (80 Stat. 915),  
14 as amended” and substituting “division A of subtitle III of title  
15 54, United States Code”; and

16 (C) by striking “the Act of May 28, 1963 (77 Stat. 49” and  
17 substituting “chapter 2003 of title 54, United States Code”.

18 (25) Section 9(e)(3) of the National Trails System Act (16 U.S.C.  
19 1248 (e)(3)) is amended by striking “section 2 of the Land and Water  
20 Conservation Fund Act of 1965” and substituting “section 200302 of  
21 title 54, United States Code”.

22 (26) Section 10(a)(1) of the National Trails System Act (16 U.S.C.  
23 1249(a)(1)) is amended by striking “the Land and Water Conservation  
24 Fund Act (78 Stat. 897), as amended” and substituting “chapter 2003  
25 of title 54, United States Code”.

26 (27) Section 11(a)(2) of the National Trails System Act (16 U.S.C.  
27 1250(a)(2)) is amended—

28 (A) by striking “the Volunteers in the Parks Act of 1969” and  
29 substituting “section 102301 of title 54, United States Code”; and

30 (B) by striking “section 6 of the Land and Water Conservation  
31 Fund Act of 1965” and substituting “200305 of title 54, United  
32 States Code”.

33 (28) Section 12(4) of the National Trails System Act (16 U.S.C.  
34 1251(4)) is amended by striking “the Land and Water Conservation  
35 Fund Act of 1965” and substituting “chapter 2003 of title 54, United  
36 States Code,”.

37 (29) Section 2(a) of the Wild and Scenic Rivers Act (16 U.S.C.  
38 1273(a)) is amended by striking “the Land and Water Conservation  
39 Act of 1965” and substituting “chapter 2003 of title 54, United States  
40 Code,”.

1           (30) Section 7(d) of the Wild and Scenic Rivers Act (16 U.S.C.  
2           1278(d)) is amended by striking “the Land and Water Conservation  
3           Fund Act of 1965” and substituting “chapter 2003 of title 54, United  
4           States Code”.

5           (31) Section 11 of the Wild and Scenic Rivers Act (16 U.S.C. 1282)  
6           is amended—

7                   (A) in subsection (a), by striking “the Land and Water Con-  
8                   servation Fund Act of 1965 (78 Stat. 897” and substituting  
9                   “chapter 2003 of title 54, United States Code”; and

10                   (B) in subsection (b)(2)—

11                           (i) in subparagraph (A), by striking “the Volunteers in the  
12                           Parks Act of 1969” and substituting “section 102301 of title  
13                           54, United States Code,”; and

14                           (ii) in subparagraph (B), by striking “the Land and Water  
15                           Conservation Fund Act of 1965” and substituting “chapter  
16                           2003 of title 54, United States Code”.

17           (32) Section 5(b) of the Endangered Species Act of 1973 (16 U.S.C.  
18           1534(b)) is amended by striking “the Land and Water Conservation  
19           Fund Act of 1965, as amended” and substituting “chapter 2003 of  
20           title 54, United States Code”.

21           (33) Section 815(4) of the Alaska National Interest Lands Conserva-  
22           tion Act (16 U.S.C. 3125(4)) is amended—

23                   (A) by striking “the National Park Service Organic Act (39  
24                   Stat. 535, 16 U.S.C. 1, 2, 3, 4)” and substituting “section  
25                   100101(b)(1), chapter 1003, and sections 100751(a), 100752,  
26                   100753, and 102101 of title 54, United States Code”; and

27                   (B) by adding “or such title” after “such Acts”.

28           (34) Section 6(a)(6)(C) of the Coastal Barrier Act of 1968 (16  
29           U.S.C. 3505(a)(6)(C)) is amended by striking “the Land and Water  
30           Conservation Fund Act of 1965 (16 U.S.C. 4601–4 through 11)” and  
31           substituting “chapter 2003 of title 54, United States Code,”.

32           (35) Section 11 of the National Fish and Wildlife Foundation Estab-  
33           lishment Act (16 U.S.C. 3710) is amended by striking “Public Law  
34           90–209 (16 U.S.C. 19e et seq.)” and substituting “subchapter II of  
35           chapter 1011 of title 54, United States Code”.

36           (36) Section 805(f)(1) of the Federal Lands Recreation Enhance-  
37           ment Act (16 U.S.C. 6804(f)(1)) is amended—

38                   (A) by striking “(16 U.S.C. 4601–6a)”;

39                   (B) by striking “; 16 U.S.C. 5991–5995”.

40           (37) Section 813 of the Federal Lands Recreation Enhancement Act  
41           (16 U.S.C. 6812) is amended—



1 (A) in subsection (A), by striking “(16 U.S.C. 460l–6a et  
2 seq.)”;

3 (B) in subsection (b), by striking “; 16 U.S.C. 460l–6a”;

4 (C) in subsection (c)—

5 (i) in paragraph (1), by striking “; 16 U.S.C. 5982”; and

6 (ii) in paragraph (2), by striking “; 16 U.S.C. 5991–  
7 5995”; and

8 (D) in subsection (e)—

9 (i) in paragraph (1), by striking “(16 U.S.C. 460l–  
10 6a(i)(1))”;

11 (ii) in paragraph (2), by striking “; 16 U.S.C. 5991–  
12 5995”; and

13 (iii) in paragraph (3), by striking “; 16 U.S.C. 460l–6a”.

14 (e) TITLE 20, UNITED STATES CODE.—

15 (1) Section 2 of the Act of August 15, 1949 (20 U.S.C. 78a) is  
16 amended by striking “the Act of June 8, 1906 (16 U.S.C. 432, 433)”  
17 and substituting “section 1866(b) of title 18, United States Code, and  
18 sections 320302 and 320303 of title 54, United States Code”.

19 (2) Section 1517(a)(3) of the American Indian, Alaska Native, and  
20 Native Hawaiian Culture and Art Development Act (20 U.S.C.  
21 4424(a)(3)) is amended by striking “the National Historic Preservation  
22 Act (16 U.S.C. 470 et seq.)” and substituting “division A of subtitle  
23 III of title 54, United States Code”.

24 (3) Section 7202(13)(E) of the Native Hawaiian Education Act (20  
25 U.S.C. 7512(13)(D)) is amended by striking “ the National Historic  
26 Preservation Act (16 U.S.C. 470 et seq.)” and substituting “division  
27 A of subtitle III of title 54, United States Code”.

28 (f) TITLE 23, UNITED STATES CODE.—

29 (1) Section 103(c)(5) of title 23, United States Code, is amended—

30 (A) in subparagraph (B), by striking “section 106 of the Na-  
31 tional Historic Preservation Act (16 U.S.C. 470f)” and sub-  
32 stituting “section 306108 of title 54”; and

33 (B) in subparagraph (C), by striking “section 106 of the Na-  
34 tional Historic Preservation Act (16 U.S.C. 470f)” and sub-  
35 stituting “section 306108 of title 54”.

36 (2) Section 133(e)(5)(B) of title 23, United States Code, is amend-  
37 ed—

38 (A) by striking “title II of the National Historic Preservation  
39 Act (16 U.S.C. 470i et seq.)” and substituting “section 304101  
40 of title 54”; and

1 (B) by striking “section 106 of such Act (16 U.S.C. 470f)” and  
2 substituting “section 306108 of title 54”.

3 (3) Section 138(b)(2)(A) of title 23, United States Code, is amended  
4 by striking “section 106 of the National Historic Preservation Act (16  
5 U.S.C. 470f)” and substituting “section 306108 of title 54”.

6 (4) Section 206 of title 23, United States Code, is amended—

7 (A) in subsection (d)(1)(B), by striking “the Land and Water  
8 Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)” and  
9 substituting “chapter 2003 of title 54”;

10 (B) in subsection (d)(2)(D)(ii), by striking “the Land and  
11 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et  
12 seq.)” and substituting “chapter 2003 of title 54”; and

13 (C) in subsection (h)(3), by striking “section 6(f)(3) of the  
14 Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–  
15 8(f)(3))” and substituting “section 200305(f)(3) of title 54”.

16 (g) TITLE 25, UNITED STATES CODE.—Section 509(a) of the Indian  
17 Self-Determination and Education Assistance Act (25 U.S.C. 458aaa–8(a))  
18 is amended by striking “the National Historic Preservation Act (16 U.S.C.  
19 470et seq.)” and substituting “division A of subtitle III of title 54, United  
20 States Code”.

21 (h) TITLE 26, UNITED STATES CODE.—Section 9503(c)(3)(A)(i) of the  
22 Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(3)(A)(i)) is amended by  
23 striking “title I of the Land and Water Conservation Fund Act of 1965”  
24 and substituting “chapter 2003 of title 54”.

25 (i) TITLE 36, UNITED STATES CODE.—Section 153513(a)(1) of title 36,  
26 United States Code, is amended by striking “the Act of August 25, 1916  
27 (16 U.S.C. 1 et seq.) (known as the National Park Service Organic Act)”  
28 and substituting “section 100101(a), chapter 1003, and sections 100751(a),  
29 100752, 100753, and 102101 of title 54, United States Code”.

30 (j) TITLE 40, UNITED STATES CODE.—

31 (1) Section 549(c)(3)(B)(ix) of title 40, United States code, is  
32 amended—

33 (A) by striking “section 308(e)(2) of the National Historic  
34 Preservation Act (16 U.S.C. 470w–7(e)(2))” and substituting  
35 “section 305101(4) of title 54”; and

36 (B) by striking “subsection (b) of that section” and substituting  
37 “section 305103 of title 54”.

38 (2) Section 550(h)(1)(B) of title 40, United States Code, is amended  
39 by striking “section 3 of the Act of August 21, 1935 (16 U.S.C. 463)  
40 (known as the Historic Sites, Buildings, and Antiquities Act)” and sub-  
41 stituting “section 102303 of title 54”.

1 (3) Section 1303(c) of title 40, United States Code, is amended by  
 2 striking “the Act of August 21, 1935 (16 U.S.C. 461 et seq.) (known  
 3 as the Historic Sites, Buildings, and Antiquities Act)” and substituting  
 4 “chapter 3201 of title 54”.

5 (4) Section 1314(a)(2)(A)(ii) of title 40, United States Code, is  
 6 amended by striking “the Act of August 25, 1916 (16 U.S.C. 1, 2, 3,  
 7 4) (known as the National Park Service Organic Act)” and substituting  
 8 “section 100101(a), chapter 1003, and sections 100751(a), 100752,  
 9 100753, and 102101 of title 54”.

10 (5) Section 3303(c) of title 40, United States Code, is amended by  
 11 striking “title II of the National Historic Preservation Act (16 U.S.C.  
 12 470i et seq.)” and substituting “section 304101 of title 54”.

13 (6) Section 3306(a)(4) of title 40, United States Code, is amended  
 14 by striking “section 101 of the National Historic Preservation Act (16  
 15 U.S.C. 470a)” and substituting “chapter 3021 of title 54”.

16 (7) Section 14507(a)(1)(A)(ii) of title 40, United States Code, is  
 17 amended by striking “the Land and Water Conservation Fund Act of  
 18 1965 (16 U.S.C. 460l–4 et seq.)” and substituting “chapter 2003 of  
 19 title 54”.

20 (k) TITLE 42, UNITED STATES CODE.—

21 (1) Section 303(2) of the Water Resources Planning Act (42 U.S.C.  
 22 1962e–2(2)) is amended by striking “the Land and Water Conserva-  
 23 tion Fund Act of 1965” and substituting “chapter 2003 of title 54,  
 24 United States Code”.

25 (2) Section 208(2) of the Demonstration Cities and Metropolitan De-  
 26 velopment Act of 1966 (42 U.S.C. 3338(2)) is amended by striking  
 27 “section 5(e) of the Land And Water Conservation Fund Act of 1965”  
 28 and substituting “section 200305(e) of title 54, United States Code”.

29 (3) Section 5(e) of the Department of Housing and Urban Develop-  
 30 ment Act (42 U.S.C. 3534(e)) is amended by striking “the Land and  
 31 Water Conservation Fund Act of 1965 (78 Stat. 897)” and sub-  
 32 stituting “chapter 2003 of title 54, United States Code,”.

33 (4) Section 121 of the Housing and Community Development Act of  
 34 1974 (42 U.S.C. 5320) is amended—

35 (A) by amending subsection (a) to read as follows:

36 “(a) With respect to applications for assistance under section 5318 of this  
 37 title, the Secretary of the Interior, after consulting with the Secretary, shall  
 38 prescribe and implement regulations concerning projects funded under sec-  
 39 tion 5318 of this title and their relationship with division A of subtitle III  
 40 and chapter 3125 of title 54, United States Code.”;

41 and

1 (B) in subsection (e), by striking “section 106 of the Act re-  
 2 ferred to in subsection (a)(1)” and substituting “section 306108  
 3 of title 54, United States Code,”.

4 (5) Section 504(c)(2) of the Americans with Disabilities Act of 1990  
 5 (42 U.S.C. 12204(c)(2)) is amended by striking “the National Historic  
 6 Preservation Act (16 U.S.C. 470 et seq.)” and substituting “division  
 7 A of subtitle III of title 54, United States Code”.

8 (6) Section 999H(c)(2) of the Energy Policy Act of 2005 Energy Re-  
 9 search, Development, Demonstration, and Commercial Application Act  
 10 of 2005 (42 U.S.C. 16378(e)(2)) is amended—

11 (A) in subparagraph (B), by striking “section 2(c) of the Land  
 12 and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-5(c))”  
 13 and substituting “section 200302(c) of title 54, United States  
 14 Code”; and

15 (B) in subparagraph (C), by striking “section 108 of the Na-  
 16 tional Historic Preservation Act (16 U.S.C. 470h)” and sub-  
 17 stituting “chapter 3031 of title 54, United States Code”.

18 (l) TITLE 43, UNITED STATES CODE.—

19 (1) The second paragraph under the heading “ADMINISTRATIVE PRO-  
 20 VISIONS” under the heading “BUREAU OF RECLAMATION” (43 U.S.C.  
 21 377b) is amended by striking “the Acts of August 21, 1935 (16 U.S.C.  
 22 461-467) and June 27 1960 (16 U.S.C. 469)” and substituting “chap-  
 23 ters 3125 and 3201 of title 54, United States Code”.

24 (2) Section 105 of the Gulf of Mexico Energy Security Act of 2006  
 25 (Public Law 109-432, div. C, title I, 43 U.S.C. 1331 note) is amend-  
 26 ed—

27 (A) in subsection (a)(2)(B)—

28 (i) by striking “section 6 of the Land And Water Conserva-  
 29 tion Fund Act of 1965 (16 U.S.C. 460l-8)” and substituting  
 30 “section 200305 of title 54, United States Code”; and

31 (ii) by striking “section 2 of that Act (16 U.S.C. 460l-5)”  
 32 and substituting “section 200302 of that title”; and

33 (B) in subsection (e)(3)(B), by striking “the Land and Water  
 34 Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.)” and  
 35 substituting “chapter 2003 of title 54, United States Code”.

36 (3) Section 1401(b) of the Omnibus Budget Reconciliation Act of  
 37 1981 (43 U.S.C. 1457a(b)) is amended—

38 (A) by striking “the Land and Water Conservation Fund Act  
 39 of 1965 (78 Stat; 897; 16 U.S.C. 460z)” and substituting “chap-  
 40 ter 2003 of title 54, United States Code”;

1 (B) by striking “the National Historic Preservation Act of 1966  
2 (80 Stat. 915; 16 U.S.C. 470)” and substituting “division A of  
3 subtitle III of title 54, United States Code”; and

4 (C) by striking “the Urban Park and Recreation Recovery Act  
5 of 1978 (92 Stat. 3538; 16 U.S.C. 2501, et seq.)” and sub-  
6 stituting “chapter 2005 of title 54, United States Code”.

7 (4) The paragraph under the heading “NATURAL RESOURCE DAMAGE  
8 ASSESSMENT AND RESTORATION FUND” under the heading “UNITED  
9 STATES FISH AND WILDLIFE SERVICE” in Public Law 103–138 (43  
10 U.S.C. 1474b–1) is omitted by striking “the Act of July 27, 1990  
11 (Public Law 101–337)” and substituting “subchapter II of chapter  
12 1007 of title 54, United States Code,”.

13 (5) Section 7(e)(3) of the Colorado River Floodway Protection Act  
14 (43 U.S.C. 1600e(e)(3)) is amended by striking “the Land and Water  
15 Conservation Fund Act of 1965 (16 U.S.C. 460l–4 through 11)” and  
16 substituting “chapter 2003 of title 54, United States Code”.

17 (6) Section 202(c)(9) of the Federal Land Policy and Management  
18 Act of 1976 (43 U.S.C. 1712(c)(9)) is amended by striking “the Act  
19 of September 3, 1964 (78 Stat. 897), as amended” and substituting  
20 “chapter 2003 of title 54, United States Code”.

21 (7) Section 204(j) of the Federal Land Policy and Management Act  
22 of 1976 (43 U.S.C. 1714(j)) is amended by striking “the Act of June  
23 8, 1906 (34 Stat. 225; 16 U.S.C. 431–433)” and substituting “chapter  
24 3203 of title 54, United States Code”.

25 (8) Section 201(d)(3)(E) of the Consolidated Natural Resources Act  
26 of 2008 (43 U.S.C. 1786(d)(3)(E)) is amended by striking “the Na-  
27 tional Historic Preservation Act (16 U.S.C. 470 et seq.)” and sub-  
28 stituting “division A of subtitle III of title 54, United States Code,”.

29 (9) Section 206 of the Federal Land Transaction Facilitation Act  
30 (43 U.S.C. 2305) is amended—

31 (A) in subsection (e), by striking “the Land and Water Con-  
32 servation Fund Act (16 U.S.C. 460l–4 et seq.)” and substituting  
33 “chapter 2003 of title 54, United States Code”; and

34 (B) in subsection (f)(2), by striking “section 3 of the Land and  
35 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6)” and  
36 substituting “section 200303 of title 54, United States Code”.

37 (m) TITLE 45, UNITED STATES CODE.—

38 (1) Section 1168(a) of the Omnibus Budget Reconciliation Act of  
39 1981 (45 U.S.C. 1111(a)) is amended by striking “the National His-  
40 toric Preservation Act” and substituting “division A of subtitle III of  
41 title 54, United States Code”.

1           (2) Section 613(a) of the Alaska Railroad Transfer Act of 1982 (45  
2           U.S.C. 1212(a)) is amended by striking “the National Historic Preser-  
3           vation Act (16 U.S.C. 470 et seq.)” and substituting “division A of  
4           subtitle III of title 54, United States Code”.

5           (n) TITLE 46, UNITED STATES CODE.—Section 13102(b)(2) of title 46,  
6           United States Code, is amended by striking “the Land and Water Conserva-  
7           tion Fund Act of 1965 (16 U.S.C. 4601–4—460–11)” and substituting  
8           “chapter 2003 of title 54, United States Code,”.

9           (o) TITLE 48, UNITED STATES CODE.—

10           (1) Section 105(l) of Public Law 99–239 (known as the Compact of  
11           Free Association Amendments Act of 2003) (48 U.S.C. 1905(l)) is  
12           amended by striking “the National Historic Preservation Act (80 Stat.  
13           915; 16 U.S.C. 470–470t)” and substituting “division A of subtitle III  
14           of title 54, United States Code”.

15           (2) Section 105(j) of Public Law 108–188 (known as the Compact  
16           of Free Association Act of 1985) (48 U.S.C. 1921(d)) is amended by  
17           striking “the National Historic Preservation Act (80 Stat. 915; 16  
18           U.S.C. 470–470t)” and substituting “division A of subtitle III of title  
19           54, United States Code”.

20           (p) TITLE 49, UNITED STATES CODE.—Section 303(d)(2) of title 49,  
21           United States Code, is amended by striking “section 106 of the National  
22           Historic Preservation Act (16 U.S.C. 470f)” and substituting “section  
23           306108 of title 54, United States Code”.

24           **SEC. 6. TRANSITIONAL AND SAVINGS PROVISIONS.**

25           (a) DEFINITIONS.—In this section:

26           (1) SOURCE PROVISION.—The term “source provision” means a pro-  
27           vision of law that is replaced by a title 54 provision.

28           (2) TITLE 54 PROVISION.—The term “title 54 provision” means a  
29           provision of title 54, United States Code, that is enacted by section 3.

30           (b) CUTOFF DATE.—The title 54 provisions replace certain provisions of  
31           law enacted on or before January 3, 2012. If a law enacted after that date  
32           amends or repeals a source provision, that law is deemed to amend or re-  
33           peal, as the case may be, the corresponding title 54 provision. If a law en-  
34           acted after that date is otherwise inconsistent with a title 54 provision or  
35           a provision of this Act, that law supersedes the title 54 provision or provi-  
36           sion of this Act to the extent of the inconsistency.

37           (c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of de-  
38           termining whether one provision of law supersedes another based on enact-  
39           ment later in time, a title 54 provision is deemed to have been enacted on  
40           the date of enactment of the source provision that the title 54 provision re-  
41           places.

1 (d) REFERENCES TO TITLE 54 PROVISIONS.—A reference to a title 54  
2 provision is deemed to refer to the corresponding source provision.

3 (e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source pro-  
4 vision, including a reference in a regulation, order, or other law, is deemed  
5 to refer to the corresponding title 54 provision.

6 (f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A  
7 regulation, order, or other administrative action in effect under a source  
8 provision continues in effect under the corresponding title 54 provision.

9 (g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or  
10 an offense committed under a source provision is deemed to have been taken  
11 or committed under the corresponding title 54 provision.

12 **SEC. 7. REPEALS.**

13 The following provisions of law are repealed, except with respect to rights  
14 and duties that matured, penalties that were incurred, or proceedings that  
15 were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Act	Section	United States Code Former Classification
Act of February 15, 1901 (ch. 372 relating to System units) .....	.....	16 U.S.C. 79.
Act of June 8, 1906 (ch. 3060) .....	1 .....	16 U.S.C. 433.
	2 .....	16 U.S.C. 431.
	3 .....	16 U.S.C. 432.
	4 .....	16 U.S.C. 432.
Act of March 4, 1911 (ch. 238 (4th and last paragraphs (relating to System units) under heading "IMPROVEMENT OF THE NATIONAL FOREST" under heading "FOREST SERVICE") .....	.....	16 U.S.C. 5.
Act of August 25, 1916 (ch. 408) .....	1 .....	16 U.S.C. 1.
	2 .....	16 U.S.C. 2.
	3 .....	16 U.S.C. 3.
	4 .....	16 U.S.C. 4.
Act of June 12, 1917 (ch. 27) .....	1 (21st undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 452.
Act of June 5, 1920 (ch. 235) .....	1 (2d undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 6.
Act of May 24, 1922 (ch. 199) .....	(1st sentence in 9th undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 452.
Act of April 9, 1924 (ch. 86) .....	1 .....	16 U.S.C. 8.
	4 .....	16 U.S.C. 8a.
	5 .....	16 U.S.C. 8b.
	6 .....	16 U.S.C. 8c.
Act of May 10, 1926 (ch. 277) .....	1 (28th undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 456.
	1 (last undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 11.

## Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
Act of June 11, 1926 (ch. 555) .....	1 .....	16 U.S.C. 455.
	2 .....	16 U.S.C. 455a.
	3 .....	16 U.S.C. 455b.
	4 .....	16 U.S.C. 455e.
Act of July 3, 1926 (ch. 792) .....	1 .....	16 U.S.C. 12.
	2 .....	16 U.S.C. 13.
Act of February 1, 1928 (ch. 15) .....	.....	16 U.S.C. 457.
Act of March 7, 1928 (ch. 137) .....	1 (28th undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 15.
Act of March 8, 1928 (ch. 152) .....	.....	16 U.S.C. 458.
Act of April 18, 1930 (ch. 187) .....	.....	16 U.S.C. 16.
Act of May 26, 1930 (ch. 324) .....	1 .....	16 U.S.C. 17.
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	Act of March 4, 1931 (ch. 522) .....	title I (proviso in last undesignated paragraph under heading "NATIONAL PARK SERVICE").
Act of March 2, 1933 (ch. 180) .....	1 .....	16 U.S.C. 9a.
Act of May 9, 1935 (ch. 101) .....	1 (34th undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14b, 456a.
Act of August 21, 1935 (ch. 593) .....	1 .....	16 U.S.C. 461.
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Act of May 10, 1939 (ch. 119) .....	1 (41st undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14a.
Act of June 18, 1940 (ch. 395) .....	1 (proviso in 3d undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 17j-1.
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Act of October 26, 1949 (ch. 755) .....	1 .....	16 U.S.C. 468.
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	1 (last sentence proviso relating to national parks).	16 U.S.C. 451a.
Act of August 8, 1953 (ch. 384) .....	1 (less (3)) .....	16 U.S.C. 1b (less (3)).
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Department of the Interior and Related Agencies Appropriations Act, 1993 (Pub. L. 102-381) .....	title I (1st proviso in paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14d.
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Credit Card Accountability Responsibility and Disclosure Act of 2009 (Pub. L. 111–24) .....	title V, § 512 (relating to National Park System).	16 U.S.C. 1a–7b (relating to National Park System).

Passed the House of Representatives August 1,  
2012.

Attest:

KAREN L. HAAS,

*Clerk.*