

House Calendar No. \_\_\_\_\_

112TH CONGRESS  
2D SESSION

**H. R. 1950**

[Report No. 112- —]

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

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IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2011

Mr. SMITH OF TEXAS (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary

\_\_\_\_\_, 2012

Reported with an amendment, referred to the House Calendar, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italie]

[For text of introduced bill, see copy of bill introduced on May 23, 2011]

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**A BILL**

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,*

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

2 *The table of contents for this Act is as follows:*

- 3 *Sec. 1. Table of contents.*
- 4 *Sec. 2. Purpose; conformity with original intent.*
- 5 *Sec. 3. Enactment of title 54, United States Code.*
- 6 *Sec. 4. Conforming amendments.*
- 7 *Sec. 5. Conforming cross-references.*
- 8 *Sec. 6. Transitional and savings provisions.*
- 9 *Sec. 7. Repeals.*

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

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

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

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

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

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

**Subtitle I—National Park System**

**Division A—Establishment and General Administration**

<i>Chap.</i>	<i>Sec.</i>
1001. <i>General Provisions .....</i>	100101
1003. <i>Establishment, Directors, and Other Employees .....</i>	100301
1005. <i>Areas of National Park System .....</i>	100501
1007. <i>Resource Management .....</i>	100701
1009. <i>Administration .....</i>	100901
1011. <i>Donations .....</i>	101101
1013. <i>Employees .....</i>	101301
1015. <i>Transportation .....</i>	101501
1017. <i>Financial Agreements .....</i>	101701
1019. <i>Concessions and Commercial Use Authorizations .....</i>	101901
1021. <i>Privileges and Leases .....</i>	102101
1023. <i>Programs and Organizations .....</i>	102301
1025. <i>Museums .....</i>	102501
1027. <i>Law Enforcement and Emergency Assistance .....</i>	102701
1029. <i>Land Transfers .....</i>	102901
1031. <i>Appropriations and Accounting .....</i>	103101
1033. <i>National Military Parks .....</i>	103301
1035 through 1047 .....	<i>Reserved</i>
1049. <i>Miscellaneous .....</i>	104901

**Division B—System Units and Related Areas—Reserved**

**Subtitle II—Outdoor Recreation Programs**

2001. <i>Coordination of Programs .....</i>	200101
2003. <i>Land and Water Conservation Fund .....</i>	200301
2005. <i>Urban Park and Recreation Recovery Program .....</i>	200501

**Subtitle III—National Preservation Programs****Division A—Historic Preservation****Subdivision 1—General Provisions**

3001.	<i>Policy</i> .....	300101
3003.	<i>Definitions</i> .....	300301

**Subdivision 2—Historic Preservation Program**

3021.	<i>National Register of Historic Places</i> .....	302101
3023.	<i>State Historic Preservation Programs</i> .....	302301
3025.	<i>Certification of Local Governments</i> .....	302501
3027.	<i>Historic Preservation Programs and Authorities for Indian Tribes and Native Hawaiian Organizations.</i> .....	302701
3029.	<i>Grants</i> .....	302901
3031.	<i>Historic Preservation Fund</i> .....	303101
3033.	<i>Through 3037</i> .....	Reserved
3039.	<i>Miscellaneous</i> .....	303901

**Subdivision 3—Advisory Council on Historic Preservation**

3041.	<i>Advisory Council on Historic Preservation</i> .....	304101
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**Subdivision 4—Other Organizations and Programs**

3051.	<i>Historic Light Station Preservation</i> .....	305101
3053.	<i>National Center for Preservation Technology and Training</i> .....	305301
3055.	<i>National Building Museum</i> .....	305501

**Subdivision 5—Federal Agency Historic Preservation Responsibilities**

3061.	<i>Program Responsibilities and Authorities</i> .....	306101
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**Subdivision 6—Miscellaneous**

3071.	<i>Miscellaneous</i> .....	307101
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**Division B—Organizations and Programs****Subdivision 1—Administered by National Park Service**

3081.	<i>American Battlefield Protection Program</i> .....	308101
3083.	<i>National Underground Railroad Network to Freedom</i> .....	308301
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3087.	<i>National Maritime Heritage</i> .....	308701
3089.	<i>Save America's Treasures Program</i> .....	308901
3091.	<i>Commemoration of Former Presidents</i> .....	309101

**Subdivision 2—Administered Jointly With National Park Service**

3111.	<i>Preserve America Program</i> .....	311101
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**Subdivision 3—Administered by Other Than National Park Service**

3121.	<i>National Trust for Historic Preservation in the United States</i> .....	312101
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**Division C—American Antiquities**

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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 Park

1 *System by means and measures that conform to the fundamental purpose of*  
2 *the System units, which purpose is to conserve the scenery, natural and his-*  
3 *toric objects, and wild life in the System units and to provide for the enjoy-*  
4 *ment of the scenery, natural and historic objects, and wild life in such man-*  
5 *ner and by such means as will leave them unimpaired for the enjoyment of*  
6 *future generations.*

7 (b) *DECLARATIONS.—*

8 (1) *1970 DECLARATIONS.—Congress declares that—*

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

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

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

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

24 (2) *1978 REAFFIRMATION.—Congress reaffirms, declares, and directs*  
25 *that the promotion and regulation of the various System units shall be*  
26 *consistent with and founded in the purpose established by subsection (a),*  
27 *to the common benefit of all the people of the United States. The author-*  
28 *ization of activities shall be construed and the protection, management,*  
29 *and administration of the System units shall be conducted in light of*  
30 *the high public value and integrity of the System and shall not be exer-*  
31 *cised in derogation of the values and purposes for which the System*  
32 *units have been established, except as directly and specifically provided*  
33 *by Congress.*

34 **§ 100102. Definitions**

35 *In this title:*

36 (1) *DIRECTOR.—The term “Director” means the Director of the Na-*  
37 *tional Park Service.*

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

1           (3) *SECRETARY.*—The term “Secretary” means the Secretary of the  
2           Interior.

3           (4) *SERVICE.*—The term “Service” means the National Park Service.

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

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

## 7           **Chapter 1003—Establishment, Directors,** 8           **and Other Employees**

Sec.

100301. Establishment.

100302. Directors and other employees.

100303. Effect on other laws.

### 9           **§ 100301. Establishment**

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

### 12           **§ 100302. Directors and other employees**

13           (a) *DIRECTOR.*—

14           (1) *APPOINTMENT.*—The Service shall be under the charge of a director  
15           who shall be appointed by the President, by and with the advice and con-  
16           sent of the Senate.

17           (2) *QUALIFICATIONS.*—The Director shall have substantial experience  
18           and demonstrated competence in land management and natural or cul-  
19           tural resource conservation.

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

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

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

### 31           **§ 100303. Effect on other laws**

32           This chapter and sections 100101(a), 100751(a), 100752, 100753, and  
33           102101 of this title do not affect or modify section 100902(a) of this title.

## 34           **Chapter 1005—Areas of National Park** 35           **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, the*  
9 *Secretary shall submit to Congress a list indicating the current status of com-*  
10 *pletion or revision of general management plans for each System unit. Gen-*  
11 *eral 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 (includ-*  
14 *ing visitor circulation and transportation patterns, systems, and modes)*  
15 *associated with public enjoyment and use of the area, including general*  
16 *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 out-*  
25 *comes represented in the Service-wide strategic plan prepared pursuant to sec-*  
26 *tion 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 the*  
30 *appropriation for the unit from the Operations of the National Park*  
31 *System account (but not later than January 1 of each year), the super-*  
32 *intendent of the System unit shall develop and make available to the*  
33 *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, inter-*  
37 *pretation, law enforcement, and search and rescue), and adminis-*  
38 *tration; and*

1                   (B) allocations into each of the categories in subparagraph (A)  
2                   of all funds retained from fees collected for that year, including spe-  
3                   cial use permits, concession franchise fees, and recreation use and  
4                   entrance fees.

5     **§100504. Study and planning of park, parkway, and rec-**  
6                   **reational-area facilities**

7     (a) IN GENERAL.—

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

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

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

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

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

30                                 (i) other Federal agencies and instrumentalities; and

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

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

1       (b) *CONSENT OF CONGRESS TO AGREEMENTS BETWEEN STATES.*—The con-  
2       sent of Congress is given to any 2 or more States to negotiate and enter into  
3       compacts or agreements with one another with reference to planning, estab-  
4       lishing, developing, improving, and maintaining any park, parkway, or rec-  
5       reational area. No compact or agreement shall be effective until approved by  
6       the legislatures of the States that are parties to the compact or agreement and  
7       by Congress.

8       **§ 100505. Periodic review of System**

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

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

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

23           (1) A comprehensive listing of all authorized but unacquired parcels  
24           of land within the exterior boundaries of each System unit as of Novem-  
25           ber 28, 1990.

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

31           (3) An analysis and evaluation of the current and future needs of each  
32           System unit for resource management, interpretation, construction, oper-  
33           ation and maintenance, personnel, and housing, together with an esti-  
34           mate of the costs.

35       **§ 100506. Boundary changes to System units**

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

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



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

3           (3) *an assessment of the impact of potential boundary adjustments*  
4           *taking into consideration the factors in section 100505(c)(3) of this title*  
5           *and the effect of the adjustments on the local communities and surround-*  
6           *ing area.*

7           (b) *PROPOSAL OF SECRETARY.—In proposing a boundary change to a Sys-*  
8           *tem unit, the Secretary shall—*

9           (1) *consult with affected agencies of State and local governments, sur-*  
10           *rounding communities, affected landowners, and private national, re-*  
11           *gional, and local organizations;*

12           (2) *apply the criteria developed pursuant to subsection (a) and accom-*  
13           *pany the proposal with a statement reflecting the results of the applica-*  
14           *tion of the criteria; and*

15           (3) *include with the proposal an estimate of the cost for acquiring any*  
16           *parcels proposed for acquisition, the basis for the estimate, and a state-*  
17           *ment on the relative priority for the acquisition of each parcel within*  
18           *the priorities for acquisition of other parcels for the System unit and for*  
19           *the System.*

20           (c) *MINOR BOUNDARY CHANGES.—*

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

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

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

40           (i) *shall not alienate property administered as part of the*  
41           *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 sub-  
6           section, the Secretary shall consult with the governing body of the county,  
7           city, town, or other jurisdiction or jurisdictions having primary taxing  
8           authority over the land or interest to be acquired as to the impacts of  
9           the proposed action.

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

13           (4) *ADMINISTRATION OF ACQUISITIONS.*—Land, water, and interests in  
14           land or water acquired in accordance with this subsection shall be ad-  
15           ministered as part of the System unit to which they are added, subject  
16           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 (result-  
19           ing from such causes as survey error or changed road alignments), the  
20           authority of the Secretary under paragraph (1)(A) shall apply only if  
21           each of the following conditions is met:

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

28                   (B) The acquisition, if any, is not a major Federal action signifi-  
29                   cantly affecting the quality of the human environment, as deter-  
30                   mined 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 \$750,000.

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

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

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

1           *water, will be added to or deleted from the System unit by the*  
2           *boundary change.*

3           *(G) The land abuts other Federal land administered by the Direc-*  
4           *tor.*

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

8           **§ 100507. Additional areas for System**

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

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

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

21           *(2) FACTORS TO BE CONSIDERED.—In developing the list to be submit-*  
22           *ted under this subsection, the Secretary shall consider—*

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

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

27            *(C) public petitions and Congressional resolutions.*

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

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

37           *(5) AUTHORITY TO CONDUCT CERTAIN ACTIVITIES NOT LIMITED.—This*  
38           *section and sections 100901(b), 101702(b) and (c), and 102102 of this*  
39           *title do not limit the authority of the Service to conduct preliminary re-*  
40           *source assessments, gather data on potential study areas, provide tech-*  
41           *anical and planning assistance, prepare or process nominations for ad-*



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

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

7           (5) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF  
8           1969.—Each study shall be completed in compliance with the National  
9           Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

10          (6) RECOMMENDATION OF PREFERRED MANAGEMENT OPTION.—The  
11          letter transmitting each completed study to Congress shall contain a rec-  
12          ommendation regarding the Secretary's preferred management option for  
13          the area.

14          (d) LIST OF AREAS PREVIOUSLY STUDIED.—

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

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

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

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

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

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

38          (f) REPORTS AND LISTINGS PRINTED AS HOUSE DOCUMENTS.—Each re-  
39          port and annual listing described in this section shall be printed as a House  
40          document. If adequate supplies of previously printed identical reports remain  
41          available, newly submitted identical reports shall be omitted from printing on

1 receipt by the Speaker of the House of Representatives of a joint letter from  
 2 the chairman of the Committee on Natural Resources of the House of Rep-  
 3 resentatives and the chairman of the Committee on Energy and Natural Re-  
 4 sources of Senate indicating that to be the case.

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

8 (h) AUTHORIZATION OF APPROPRIATIONS.—

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

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

19 (3) CARRYING OUT SUBSECTIONS (b), (c), and (g).—To carry out sub-  
 20 sections (b), (c), and (g), there is authorized to be appropriated  
 21 \$2,000,000 for each fiscal year.

## 22 **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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- 100735. Civil actions for just compensation by mining claim holders.
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### Subchapter IV—Administration

- 100751. Regulations.
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- 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 Ameri-*  
5       *ca's unique natural and cultural resources contained in the System, the Sec-*  
6       *retary shall continually improve the ability of the Service to provide state-*  
7       *of-the-art management, protection, and interpretation of, and research on, the*  
8       *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-dis-*  
17       *ciplinary research and develop integrated information products on the re-*  
18       *sources of the System, or the larger region of which System units are a part.*

19       **§ 100704. Inventory and monitoring program**

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

25       **§ 100705. Availability of System units for scientific study**

26           (a) *IN GENERAL.*—*The Secretary may solicit, receive, and consider requests*  
27       *from Federal or non-Federal public or private agencies, organizations, indi-*  
28       *viduals, or other entities for the use of any System unit for purposes of sci-*  
29       *entific study.*

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

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

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

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

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

4 **§ 100706. Integration of study results into management deci-**  
 5 **sions**

6 *The Secretary shall take such measures as are necessary to ensure the full*  
 7 *and proper utilization of the results of scientific study for System unit man-*  
 8 *agement decisions. In each case in which an action undertaken by the Service*  
 9 *may cause a significant adverse effect on a System unit resource, the admin-*  
 10 *istrative record shall reflect the manner in which System unit resource studies*  
 11 *have been considered. The trend in the condition of resources of the System*  
 12 *shall be a significant factor in the annual performance evaluation of each su-*  
 13 *perintendent of a System unit.*

14 **§ 100707. Confidentiality of information**

15 *Information concerning the nature and specific location of a System re-*  
 16 *source that is endangered, threatened, rare, or commercially valuable, of min-*  
 17 *eral or paleontological objects within System units, or of objects of cultural*  
 18 *patrimony within System units, may be withheld from the public in response*  
 19 *to a request under section 552 of title 5 unless the Secretary determines*  
 20 *that—*

21 (1) *disclosure of the information would further the purposes of the Sys-*  
 22 *tem unit in which the resource or object is located and would not create*  
 23 *an unreasonable risk of harm, theft, or destruction of the resource or ob-*  
 24 *ject, including individual organic or inorganic specimens; and*

25 (2) *disclosure is consistent with other laws protecting the resource or*  
 26 *object.*

27 **Subchapter II—System Unit Resource**  
 28 **Protection**

29 **§ 100721. Definitions**

30 *In this subchapter:*

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

32 (A) *compensation for—*

33 (i) *(I) the cost of replacing, restoring, or acquiring the equiv-*  
 34 *alent of a System unit resource; and*

35 (ii) *(II) the value of any significant loss of use of a System unit*  
 36 *resource pending its restoration or replacement or the acquisi-*  
 37 *tion of an equivalent resource; or*

38 (ii) *the value of the System unit resource if the System unit*  
 39 *resource cannot be replaced or restored; and*

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



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

3           (A) prevent or minimize destruction or loss of or injury to a Sys-  
4 tem unit resource;

5           (B) abate or minimize the imminent risk of the destruction, loss,  
6 or injury; or

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

9           (3) *SYSTEM UNIT RESOURCE.*—

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

13           (B) *EXCLUSION.*—The term “System unit resource” does not in-  
14 clude a resource owned by a non-Federal entity.

15 **§ 100722. Liability**

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

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

25           (c) *DEFENSES.*—A person is not liable under this section if the person es-  
26 tablishes that—

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

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

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

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

36 **§ 100723. Actions**

37           (a) *CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.*—The Attorney  
38 General, on request of the Secretary after a finding by the Secretary of de-  
39 struction, loss, or injury to a System unit resource or a finding that absent  
40 the undertaking of a response action, destruction, loss, or injury to a System  
41 unit resource would have occurred, may bring a civil action in United States

1 *district court against any person or instrumentality that may be liable under*  
2 *section 100722 of this title for response costs and damages. The Secretary*  
3 *shall submit a request for the civil action to the Attorney General whenever*  
4 *a person may be liable or an instrumentality may be liable in rem for those*  
5 *costs and damages under section 100722 of this title.*

6 (b) *RESPONSE ACTIONS AND ASSESSMENT OF DESTRUCTION, LOSS, OR IN-*  
7 *JURY.—*

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

10 (A) *prevent or minimize the destruction, loss of, or injury to Sys-*  
11 *tem unit resources; or*

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

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

16 **§ 100724. Use of recovered amounts**

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

23 (1) *REIMBURSEMENT.—To reimburse response costs and damage as-*  
24 *sessments by the Secretary or other Federal agencies as the Secretary*  
25 *considers appropriate.*

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

33 (b) *EXCESS AMOUNTS.—Any amounts remaining after expenditures pursu-*  
34 *ant to paragraphs (1) and (2) of subsection (a) shall be deposited in the*  
35 *Treasury.*

36 **§ 100725. Donations**

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

1                   **Subchapter III—Mining Activity Within**  
2                                   **System Units**

3       **§ 100731. Findings and declaration**

4           *Congress finds and declares that—*

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

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

12       **§ 100732. Preservation and management of System units by**  
13                   **Secretary; promulgation of regulations**

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

22       **§ 100733. Recordation of mining claims; publication of notice**

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

30       **§ 100734. Report on finding or notification of potential dam-**  
31                   **age to natural and historical landmarks**

32           *When the Secretary finds on the Secretary's own motion or on being noti-*  
33           *fied in writing by an appropriate scientific, historical, or archeological au-*  
34           *thority that a district, site, building, structure, or object that has been found*  
35           *to be nationally significant in illustrating natural history or the history of*  
36           *the United States and that has been designated as a natural or historic land-*  
37           *mark may be irreparably lost or destroyed in whole or in part by any surface*  
38           *mining activity, including exploration for or removal or production of min-*  
39           *erals or materials, the Secretary shall notify the person conducting the activ-*  
40           *ity and submit a report on the findings or notification, including the basis*

1 *for the Secretary's finding that the activity may cause irreparable loss or de-*  
2 *struction of a national landmark, to the Advisory Council on Historic Preser-*  
3 *vation, with a request for advice of the Council as to alternative measures*  
4 *that may be taken by the United States to mitigate or abate the activity.*

5 **§ 100735. Civil actions for just compensation by mining claim**  
6 **holders**

7 *The holder of any patented or unpatented mining claim subject to this sub-*  
8 *chapter that believes the holder has suffered a loss by operation of this sub-*  
9 *chapter, or by orders or regulations issued pursuant to this subchapter, may*  
10 *bring a civil action in United States district court to recover just compensa-*  
11 *tion, which shall be awarded if the court finds that the loss constitutes a tak-*  
12 *ing of property compensable under the Constitution.*

13 **§ 100736. Acquisition of land by Secretary**

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

22 **§ 100737. Financial disclosure by officer or employee of Sec-**  
23 **retary**

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

26 (1) *performs any function or duty under this subchapter, or any Act*  
27 *amended by the Mining in the Parks Act (Public Law 94-429, 90 Stat.*  
28 *1342) concerning the regulation of mining in the System; and*

29 (2) *has any known financial interest—*

30 (A) *in any person subject to this subchapter or any Act amended*  
31 *by the Mining in the Parks Act (Public Law 94-429, 90 Stat.*  
32 *1342); or*

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

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

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

39 (1) *define the term "known financial interest" for purposes of sub-*  
40 *section (a);*

1           (2) establish the methods by which the requirement to file written  
2           statements specified in subsection (a) will be monitored and enforced, in-  
3           cluding appropriate provisions for the filing by the officers and employ-  
4           ees of the statements and the review by the Secretary of the statements;  
5           and

6           (3) submit to Congress on June 1 of each year a report with respect  
7           to the disclosures and the actions taken in regard to the disclosures dur-  
8           ing the preceding calendar year.

9           (c) *EXEMPTIONS.*—In the rules prescribed under subsection (b), the Sec-  
10          retary may identify specific positions within the Department of the Interior  
11          that are of a nonregulatory or nonpolicymaking nature and provide that offi-  
12          cers or employees occupying those positions shall be exempt from the require-  
13          ments of this section.

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

## 16                                      **Subchapter IV—Administration**

### 17                      **§100751. Regulations**

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

21          (b) *BOATING AND OTHER ACTIVITIES ON OR RELATING TO WATER.*—The  
22          Secretary, under such terms and conditions as the Secretary considers advis-  
23          able, may prescribe regulations under subsection (a) concerning boating and  
24          other activities on or relating to water located within System units, including  
25          water subject to the jurisdiction of the United States. Any regulation under  
26          this subsection shall be complementary to, and not in derogation of, the au-  
27          thority of the Coast Guard to regulate the use of water subject to the jurisdic-  
28          tion of the United States.

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

### 31                      **§100752. Destruction of animals and plant life**

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

### 34                      **§100753. Disposal of timber**

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

1     **§ 100754. Relinquishment of legislative jurisdiction**

2         (a) *IN GENERAL.*—Notwithstanding any other provision of law, the Sec-  
3         retary may relinquish to a State or a territory (including a possession) of  
4         the United States part of the legislative jurisdiction of the United States over  
5         System land or interests in land in that State or territory. Relinquishment  
6         may be accomplished—

7             (1) *by filing with the chief executive official of the State or territory*  
8             *a notice of relinquishment to take effect on acceptance; or*

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

10         (b) *SUBMISSION OF AGREEMENT TO CONGRESS.*—Prior to consummating  
11         a relinquishment under subsection (a), the Secretary shall submit the pro-  
12         posed agreement to the Committee on Energy and Natural Resources of the  
13         Senate and the Committee on Natural Resources of the House of Representa-  
14         tives. The Secretary shall not finalize the agreement until 60 calendar days  
15         after the submission has elapsed.

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

21     **§ 100755. Applicability of other laws**

22         (a) *IN GENERAL.*—This section and sections 100501, 100901(d) to (h),  
23         101302(b)(2), 101901(c), and 102711 of this title, and the various authorities  
24         relating to the administration and protection of System units, including the  
25         provisions of law listed in subsection (b), shall, to the extent that those provi-  
26         sions are not in conflict with any such specific provision, be applicable to  
27         System units, and any reference in any of these provisions to a System unit  
28         does not limit those provisions to that System unit.

29         (b) *APPLICABLE PROVISIONS.*—The provisions of law referred to in sub-  
30         section (a) are—

31             (1) *section 100101(a), chapter 1003, sections 100751(a), 100752,*  
32             *100753, 101101, 101102, 101511, 102101, 102712, 102901, 104905, and*  
33             *104906, and chapter 2003 of this title;*

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

35             (3) *chapter 3201 of this title.*

36     **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.*

1     **§ 100901. Authority of Secretary to carry out certain activi-**  
2                     **ties**

3             (a) *IN GENERAL.*—To facilitate the administration of the System, the Sec-  
4     retary, under such terms and conditions as the Secretary may consider advis-  
5     able, may carry out the activities described in this section.

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

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

14             (2) demonstrates to the Secretary that there are no reasonable alter-  
15    natives by which to acquire or perform the necessary services, resources,  
16    or water.

17             (c) *VEHICULAR AIR CONDITIONING.*—The Secretary may acquire, and have  
18    installed, air conditioning units for any Government-owned passenger motor  
19    vehicles used by the Service, where assigned duties necessitate long periods in  
20    automobiles or in regions of the United States where high temperatures and  
21    humidity are common and prolonged.

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

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

33             (f) *CONTRACTS FOR UTILITY FACILITIES.*—The Secretary may contract,  
34    under terms and conditions that the Secretary considers to be in the interest  
35    of the Federal Government, for the sale, operation, maintenance, repair, or  
36    relocation of Government-owned electric and telephone lines and other utility  
37    facilities used for the administration and protection of the System, regardless  
38    of whether the lines and facilities are located within or outside the System.

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

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

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

4               (A) *considered necessary by the Secretary—*

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

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

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

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

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

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

18               (A) *made from appropriations applicable to the work on which*  
19 *the equipment is used at rental rates established by the Secretary,*  
20 *based on actual or estimated cost of operation, repair, maintenance,*  
21 *depreciation, and equipment management control; and*

22               (B) *credited to appropriations currently available at the time ad-*  
23 *justment is effected.*

24           (3) *RENTAL OF EQUIPMENT FOR FIRE CONTROL PURPOSES.—The Sec-*  
25 *retary may rent equipment for fire control purposes to State, county,*  
26 *private, or other non-Federal agencies that cooperate with the Secretary*  
27 *in the administration of the System and other areas in fire control. The*  
28 *rental shall be under the terms of written cooperative agreements. The*  
29 *amount collected for the rentals shall be credited to appropriations cur-*  
30 *rently available at the time payment is received.*

31 **§ 100902. Rights of way for public utilities and power and**  
32 **communication facilities**

33 (a) *PUBLIC UTILITIES.—*

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

38               (A) *electrical plants, poles, and lines for the generation and dis-*  
39 *tribution of electrical power;*

40               (B) *telephone and telegraph purposes; and*





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

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

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

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

11                   (B) abandonment.

12                   **§ 100903. Solid waste disposal operations**

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

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

19                   (2) a site used only for disposal of waste generated within that System  
20                   unit so long as the site will not degrade any of the natural or cultural  
21                   resources of the System unit.

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

26                   **§ 100904. Admission and special recreation use fees**

27                   (a) SYSTEM UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CAN-  
28                   NOT BE COLLECTED.—

29                   (1) WITHHOLDING OF AMOUNTS.—Notwithstanding section 107 of the  
30                   Department of the Interior and Related Agencies Appropriations Act,  
31                   1998 (Public Law 105–83, 111 Stat. 1561), the Secretary shall withhold  
32                   from the special account under section 807(a) of the Federal Lands  
33                   Recreation Enhancement Act (16 U.S.C. 6806(a)) 100 percent of the fees  
34                   and charges collected in connection with any System unit at which en-  
35                   trance fees or admission fees cannot be collected by reason of deed restric-  
36                   tions.

37                   (2) USE OF AMOUNTS.—Amounts withheld under paragraph (1) shall  
38                   be retained by the Secretary and shall be available, without further ap-  
39                   propriation, for expenditure by the Secretary for the System unit with  
40                   respect to which the amounts were collected for the purposes of enhancing  
41                   the quality of the visitor experience, protection of resources, repair and

1 maintenance, interpretation, signage, habitat or facility enhancement,  
2 resource preservation, annual operation (including fee collection), main-  
3 tenance, and law enforcement.

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

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

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

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

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

23 (C) ALLOCATION BASED ON FEES COLLECTED.—The amount allo-  
24 cated to each System unit under this paragraph for each fiscal year  
25 based on fees collected shall be a fraction of the total allocation to  
26 all System units under this paragraph. The fraction for each Sys-  
27 tem unit shall be determined by dividing the user fees and admis-  
28 sion fees collected under this section at that System unit during the  
29 prior fiscal year by the total of user fees and admission fees collected  
30 under this section at all System units during the prior fiscal year.

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

35 (c) SELLING OF PERMITS.—

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

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

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

3           (C) the provision of assistance and information to visitors to the  
4           System unit.

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

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

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

21           (2) *RETENTION OF CHARGE AND USE OF RETAINED AMOUNT.*—Not-  
22           withstanding any other provision of law, half of the charges imposed  
23           under paragraph (1) shall be retained by the System unit at which the  
24           service was provided. The remainder shall be deposited in the same man-  
25           ner as receipts from fees collected pursuant to this section. Fifty percent  
26           of the amount retained shall be expended only for maintenance of trans-  
27           portation systems at the System unit where the charge was imposed. The  
28           remaining 50 percent of the retained amount shall be expended only for  
29           activities related to resource protection at those System units.

30          (e) *ADMISSION FEES.*—Where the primary public access to a System unit  
31          is provided by a concessioner, the Secretary may charge an admission fee at  
32          the System unit only to the extent that the total of the fee charged by the  
33          concessioner for access to the System unit and the admission fee does not ex-  
34          ceed the maximum amount of the admission fee that could otherwise be im-  
35          posed.

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

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

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

3           (A) *Twenty-five dollars per vehicle with a passenger capacity of*  
4 *25 individuals or less.*

5           (B) *Fifty dollars per vehicle with a passenger capacity of more*  
6 *than 25 individuals.*

7           (3) *ADJUSTMENTS.*—*The Secretary may periodically make reasonable*  
8 *adjustments to the commercial tour use fee imposed under this sub-*  
9 *section.*

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

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

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

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

19          (A) *Haleakalā Crater, Crater Cabins, the Scientific Research Re-*  
20 *serve, Halemau Trail, Kaupo Gap Trail, or any designated tourist*  
21 *viewpoint in Haleakalā National Park or of Grand Canyon Na-*  
22 *tional Park; or*

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

27 **§ 100905. Commercial filming**

28          (a) *COMMERCIAL FILMING FEE.*—

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

33           (A) *The number of days the filming activity or similar project*  
34 *takes place in the System unit.*

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

36           (C) *The amount and type of equipment present in the System*  
37 *unit.*

38           (2) *OTHER FACTORS.*—*The Secretary may include other factors in de-*  
39 *termining an appropriate fee as the Secretary considers necessary.*

40          (b) *RECOVERY OF COSTS.*—*The Secretary shall collect any costs incurred*  
41 *as a result of filming activities or similar projects, including administrative*

1 *and personnel costs. All costs recovered shall be in addition to the fee assessed*  
2 *in subsection (a).*

3 (c) *STILL PHOTOGRAPHY.—*

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

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

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

18 (1) *there is a likelihood of resource damage;*

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

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

22 (e) *USE OF PROCEEDS.—*

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

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

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

33 **§ 100906. Advisory committees**

34 (a) *ESTABLISHMENT.—To facilitate the administration of the System, the*  
35 *Secretary, under such terms and conditions as the Secretary may consider ad-*  
36 *visable, may appoint and establish advisory committees in regard to the func-*  
37 *tions of the Service as the Secretary considers advisable.*

38 (b) *CHARTER EXCEPTION ON RENEWAL.—Section 14(b) of the Federal Ad-*  
39 *visory Committee Act (5 U.S.C. App.) is waived with respect to any advisory*  
40 *commission or advisory committee established by law in connection with any*

1 *System unit during the period for which the commission or committee is au-*  
 2 *thorized by law.*

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

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

## 10 **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.*

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

### 12 **§101101. Authority to accept land, rights-of-way, buildings,** 13 **other property, and money**

14 *The Secretary in the administration of the Service may accept—*

15 (1) *patented land, rights-of-way over patented land or other land,*  
 16 *buildings, or other property within a System unit; and*

17 (2) *money that may be donated for the purposes of the System.*

### 18 **§101102. Authority to accept and use funds to consolidate** 19 **Federal land ownership**

20 (a) *IN GENERAL.*—*The Secretary may—*

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

24 (2) *encourage the donation of funds for that purpose, subject to the*  
 25 *condition that donated funds are to be expended for purposes of this sec-*  
 26 *tion only if Federal funds in an amount equal to the amount of the do-*  
 27 *nated funds are appropriated for the purposes of this section.*

28 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are authorized to be ap-*  
 29 *propriated for each fiscal year not more than \$500,000 to match funds that*  
 30 *are donated for those purposes.*

1       ***Subchapter II—National Park Foundation***

2       **§ 101111. Purpose and establishment of Foundation**

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

10       **§ 101112. Board**

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

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

18       (c) *CHAIRMAN AND SECRETARY.*—*The Secretary shall be the Chairman of*  
19       *the Board and the Director shall be the Secretary of the Board.*

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

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

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

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

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

33       **§ 101113. Gifts, devises, or bequests**

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

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



1           (2) *GIFT, DEVISE, OR BEQUEST THAT IS ENCUMBERED, RESTRICTED,*  
2           *OR SUBJECT TO BENEFICIAL INTERESTS.*—A gift, devise, or bequest may  
3           be accepted by the National Park Foundation even though it is encum-  
4           bered, restricted, or subject to beneficial interests of private persons if  
5           any current or future interest in the gift, devise, or bequest is for the  
6           benefit of the Service, its activities, or its services.

7           (b) *WHEN GIFT, DEVISE, OR BEQUEST MAY NOT BE ACCEPTED.*—The Na-  
8           tional Park Foundation may not accept any gift, devise, or bequest that en-  
9           tails any expenditure other than from the resources of the Foundation.

10          (c) *INTEREST IN REAL PROPERTY.*—For purposes of this section, an inter-  
11          est in real property includes easements or other rights for preservation, con-  
12          servation, protection, or enhancement by and for the public of natural, scenic,  
13          historic, scientific, educational, inspirational, or recreational resources.

14          **§ 101114. Disposition of property or income**

15          (a) *AUTHORITY TO DISPOSE OR DEAL WITH PROPERTY OR INCOME.*—Ex-  
16          cept as otherwise required by the instrument of transfer, the National Park  
17          Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or  
18          deal with any property or income from the property as the Board may deter-  
19          mine.

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

25          (c) *USE OF SERVICES AND FACILITIES OF THE DEPARTMENTS OF THE IN-*  
26          *TERIOR AND JUSTICE.*—The National Park Foundation may utilize the serv-  
27          ices and facilities of the Department of the Interior and the Department of  
28          Justice, and the services and facilities may be made available on request to  
29          the extent practicable with or without reimbursement. Amounts reimbursed to  
30          either Department shall be returned by the Department to the account from  
31          which the funds for which the reimbursement is made were drawn and may,  
32          without further appropriation, be expended for any purpose for which the ac-  
33          count is authorized.

34          **§ 101115. Corporate succession and powers and duties acting**  
35                               **as trustee; personal liability for malfeasance**

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

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

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

3 **§ 101116. Corporate powers**

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

7 **§ 101117. Authority of Board**

8       *In carrying out this chapter, the Board may—*

9           (1) *adopt bylaws and regulations necessary for the administration of*  
10 *its functions; and*

11           (2) *contract for any necessary services.*

12 **§ 101118. Tax exemptions; contributions toward costs of local**  
13 **government; contributions, gifts, or transfers to or**  
14 **for use of United States**

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

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

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

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

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

31 **§ 101119. Liability of United States**

32       *The United States shall not be liable for any debts, defaults, acts, or omis-*  
33 *sions of the National Park Foundation.*

34 **§ 101120. Promotion of local fundraising support**

35       (a) *PROGRAM.*—*The National Park Foundation shall design and imple-*  
36 *ment a comprehensive program to assist and promote philanthropic programs*  
37 *of support at the individual System unit level.*

38       (b) *IMPLEMENTATION.*—*The program under subsection (a) shall be imple-*  
39 *mented to—*

40           (1) *assist in the creation of local nonprofit support organizations; and*

1 (2) provide support, national consistency, and management-improving  
2 suggestions for local nonprofit support organizations.

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

4 (1) shall include the greatest number of System units as is practicable;  
5 and

6 (2) at a minimum shall include—

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

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

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

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

19 (e) AFFILIATIONS.—

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

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

24 or

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

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

31 **Chapter 1013—Employees**

*Subchapter I—General Provisions*

*Sec.*

101301. Maintenance management system.

101302. Authority of Secretary to carry out certain activities.

101303. Medical attention for employees.

101304. Personal equipment and property.

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

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

101321. Service employee training.

101322. Management development and training.

*Subchapter III—Housing Improvement*

101331. Definitions.

101332. General authority of Secretary.

101333. Criteria for providing housing.

101334. Authorization for housing agreements.

101335. *Housing programs.*  
101336. *Contracts for the management of field employee quarters.*  
101337. *Leasing of seasonal employee quarters.*  
101338. *General leasing provisions.*  
101339. *Assessment and priority listing.*  
101340. *Use of funds.*

## 1                   **Subchapter I—General Provisions**

### 2           **§ 101301. Maintenance management system**

3           *The Service shall implement a maintenance management system in the*  
4           *maintenance and operations programs of the System. The system shall in-*  
5           *clude the following elements:*

6                   (1) *A workload inventory of assets including detailed information that*  
7                   *quantifies for all assets (including buildings, roads, utility systems, and*  
8                   *grounds that must be maintained) the characteristics affecting the type*  
9                   *of maintenance work performed.*

10                   (2) *A set of maintenance tasks that describe the maintenance work in*  
11                   *each System unit.*

12                   (3) *A description of work standards including—*

13                           (A) *frequency of maintenance;*

14                           (B) *measurable quality standard to which assets should be main-*  
15                           *tained;*

16                           (C) *methods for accomplishing work;*

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

18                           (E) *expected worker production for each maintenance task.*

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

22                   (5) *A work schedule that identifies and prioritizes tasks to be done in*  
23                   *a specific time period and specifies required labor resources.*

24                   (6) *Work orders specifying job authorizations and a record of work ac-*  
25                   *complished that can be used to record actual labor and material costs.*

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

### 29           **§ 101302. Authority of Secretary to carry out certain activi-** 30                   **ties**

31                   (a) *IN GENERAL.—To facilitate the administration of the System, the Sec-*  
32                   *retary, under such terms and conditions as the Secretary may consider advis-*  
33                   *able, may carry out the activities described in this section.*

34                   (b) *TRANSPORTATION.—The Secretary may provide transportation of em-*  
35                   *ployees located at an isolated area of the System and to members of their fam-*  
36                   *ilies, if—*

1           (1) *the area is not adequately served by commercial transportation;*  
2           *and*

3           (2) *the transportation is incidental to official transportation services.*

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

7           (d) *FIELD AND SPECIAL PURPOSE EQUIPMENT.—The Secretary may pur-*  
8 *chase field and special purpose equipment required by employees for the per-*  
9 *formance of assigned functions. The purchased equipment shall be regarded*  
10 *and listed as System equipment.*

11          (e) *MEALS AND LODGING.—The Secretary may provide meals and lodging,*  
12 *as the Secretary considers appropriate, for members of the United States Park*  
13 *Police and other employees of the Service, as the Secretary may designate,*  
14 *serving temporarily on extended special duty in System units. For this pur-*  
15 *pose the Secretary may use funds appropriated for the expenses of the Depart-*  
16 *ment of the Interior.*

17       **§ 101303. Medical attention for employees**

18          (a) *IN GENERAL.—In the administration of the Service, the Secretary may*  
19 *contract for medical attention and service for employees and to make nec-*  
20 *essary payroll deductions agreed to by the employees for that medical atten-*  
21 *tion and service.*

22          (b) *EMPLOYEES LOCATED AT ISOLATED SITUATIONS.—The Secretary may*  
23 *provide, out of amounts appropriated for the general expense of the System*  
24 *units, medical attention for employees of the Service located at isolated situa-*  
25 *tions, including—*

26           (1) *moving the employees to hospitals or other places where medical*  
27 *assistance is available; and*

28           (2) *in case of death, to remove the bodies of deceased employees to the*  
29 *nearest place where they can be prepared for shipment or for burial.*

30       **§ 101304. Personal equipment and property**

31          (a) *PURCHASE OF PERSONAL EQUIPMENT AND SUPPLIES.—The Secretary*  
32 *may purchase personal equipment and supplies for employees of the Service*  
33 *and make deductions for the equipment and supplies from amounts appro-*  
34 *priated for salary payments or otherwise due the employees.*

35          (b) *LOST, DAMAGED, OR DESTROYED PROPERTY.—The Secretary, in the*  
36 *administration of the Service, may reimburse employees and other owners of*  
37 *horses, vehicles, and other equipment lost, damaged, or destroyed while in the*  
38 *custody of the employee or the Department of the Interior, under authoriza-*  
39 *tion, contract, or loan, for necessary firefighting, trail, or other official busi-*  
40 *ness. Reimbursement shall be made from any available funds in the appro-*  
41 *propriation to which the hire of the equipment would be properly chargeable.*

1 (c) *EQUIPMENT REQUIRED TO BE FURNISHED BY FIELD EMPLOYEES.*—

2 *The Secretary may—*

3 (1) *require field employees of the Service to furnish horses, motor and*  
4 *other vehicles, and miscellaneous equipment necessary for the perform-*  
5 *ance of their official work; and*

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

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

13 **§ 101305. Travel expenses of System employees and depend-**  
14 **ents of deceased employees**

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

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

20 (2) *dependents of deceased employees—*

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

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

29 **Subchapter II—Service Career**  
30 **Development, Training, and Management**

31 **§ 101321. Service employee training**

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

37 **§ 101322. Management development and training**

38 *The Secretary shall maintain a clear plan for management training and*  
39 *development under which career professional Service employees from any ap-*  
40 *propriate academic field may obtain sufficient training, experience, and ad-*  
41 *vancement opportunity to enable those qualified to move into System unit*

1     *management positions, including the position of superintendent of a System*  
2     *unit.*

### 3             ***Subchapter III—Housing Improvement***

#### 4     **§ 101331. Definitions**

5         *In this subchapter:*

6             (1) *FIELD EMPLOYEE.*—*The term “field employee” means—*

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

10                (B) *any other individual who is authorized to occupy Federal*  
11                *Government quarters under section 5911 of title 5, and for whom*  
12                *there is no feasible alternative to the provision of Federal Govern-*  
13                *ment housing, and the members of the individual’s family.*

14             (2) *PRIMARY RESOURCE VALUES.*—*The term “primary resource val-*  
15             *ues” means resources that are specifically mentioned in the enabling leg-*  
16             *islation for that field unit or other resource value recognized under Fed-*  
17             *eral statute.*

18             (3) *QUARTERS.*—*The term “quarters” means quarters owned or leased*  
19             *by the Federal Government.*

20             (4) *SEASONAL QUARTERS.*—*The term “seasonal quarters” means quar-*  
21             *ters typically occupied by field employees who are hired on assignments*  
22             *of 6 months or less.*

#### 23     **§ 101332. General authority of Secretary**

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

27             (1) *make available employee housing, on or off land under the admin-*  
28             *istrative jurisdiction of the Service; and*

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

32         (b) *JOINT DEVELOPMENT AUTHORITY.*—*The Secretary may use authorities*  
33         *granted by statute in combination with one another in the furtherance of pro-*  
34         *viding where necessary and justified affordable field employee housing.*

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

39         (d) *RENTAL RATES.*—*To the extent practicable, the Secretary shall estab-*  
40         *lish rental rates for all quarters occupied by field employees of the Service*

1 *that are based on the reasonable value of the quarters in accordance with re-*  
2 *quirements applicable under section 5911 of title 5.*

3 **§ 101333. Criteria for providing housing**

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

10 **§ 101334. Authorization for housing agreements**

11 *The Secretary may, pursuant to the authorities contained in this sub-*  
12 *chapter and subject to the appropriation of necessary funds in advance, enter*  
13 *into housing agreements with housing entities under which the housing enti-*  
14 *ties may develop, construct, rehabilitate, or manage housing, located on or off*  
15 *public land, for rent to Service employees who meet the housing eligibility cri-*  
16 *teria developed by the Secretary pursuant to this subchapter.*

17 **§ 101335. Housing programs**

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

19 *(1) LEASE-TO-BUILD PROGRAM.—Subject to the appropriation of nec-*  
20 *essary funds in advance, the Secretary may lease—*

21 *(A) Federal land and interests in land to qualified persons for*  
22 *the construction of field employee quarters for any period not to ex-*  
23 *ceed 50 years; and*

24 *(B) developed and undeveloped non-Federal land for providing*  
25 *field employee quarters.*

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

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

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

33 *(B) shall require that the construction and rehabilitation of field*  
34 *employee quarters be done in accordance with the requirements of*  
35 *the Service and local applicable building codes and industry stand-*  
36 *ards;*

37 *(C) shall contain additional terms and conditions as may be ap-*  
38 *propriate to protect the Federal interest, including limits on rents*  
39 *that the lessee may charge field employees for the occupancy of quar-*  
40 *ters, conditions on maintenance and repairs, and agreements on the*  
41 *provision of charges for utilities and other infrastructure; and*



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

4           (4) CONTRIBUTIONS BY FEDERAL GOVERNMENT.—The Secretary may  
5           make payments, subject to appropriations, or contributions in kind, in  
6           advance or on a continuing basis, to reduce the costs of planning, con-  
7           struction, or rehabilitation of quarters on or off Federal land under a  
8           lease under this subsection.

9           (b) RENTAL GUARANTEE PROGRAM.—

10           (1) GENERAL AUTHORITY.—Subject to the appropriation of necessary  
11           funds in advance, the Secretary may enter into a lease-to-build arrange-  
12           ment as set forth in subsection (a) with further agreement to guarantee  
13           the occupancy of field employee quarters constructed or rehabilitated  
14           under the lease. A guarantee made under this paragraph shall be in  
15           writing.

16           (2) LIMITATIONS ON GUARANTEES.—

17           (A) SPECIFIC GUARANTEES.—The Secretary may not guaran-  
18           tee—

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

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

24           (B) TOTAL OF OUTSTANDING GUARANTEES.—Outstanding guar-  
25           antees shall not be in excess of \$3,000,000.

26           (3) AGREEMENT TO RENT TO FEDERAL GOVERNMENT EMPLOYEES.—  
27           A guarantee may be made under this subsection only if the lessee agrees  
28           to permit the Secretary to utilize for housing purposes any units for  
29           which the guarantee is made.

30           (4) OPERATION AND MAINTENANCE.—A lease shall be void if the lessee  
31           fails to maintain a satisfactory level of operation and maintenance.

32           **§101336. Contracts for the management of field employee**  
33           **quarters**

34           Subject to the appropriation of necessary funds in advance, the Secretary  
35           may enter into contracts of any duration for the management, repair, and  
36           maintenance of field employee quarters. The contract shall contain terms and  
37           conditions that the Secretary considers necessary or appropriate to protect the  
38           interests of the United States and ensure that necessary quarters are available  
39           to field employees.

1     **§ 101337. Leasing of seasonal employee quarters**

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

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

8             (2) leasing would be more cost-effective than construction of new sea-  
9             sonal field employee quarters.

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

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

16     **§ 101338. General leasing provisions**

17         (a) *EXEMPTION FROM LEASING REQUIREMENTS.*—Section 102901 of this  
18     title and section 1302 of title 40 shall not apply to leases issued by the Sec-  
19     retary under this section.

20         (b) *PROCEEDS FROM LEASES.*—The proceeds from any lease under section  
21     101335(a)(1) of this title and any lease under section 101337 of this title shall  
22     be retained by the Service and deposited in the special fund established for  
23     maintenance and operation of quarters.

24     **§ 101339. Assessment and priority listing**

25         The Secretary shall—

26             (1) complete a condition assessment for all field employee housing, in-  
27             cluding the physical condition of the housing and the necessity and suit-  
28             ability of the housing for carrying out the mission of the Service, using  
29             existing information; and

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

33     **§ 101340. Use of funds**

34         (a) *EXPENDITURE SHALL FOLLOW PRIORITY LISTING.*—Expenditure of  
35     any funds authorized and appropriated for new construction, repair, or reha-  
36     bilitation of housing under this chapter shall follow the housing priority list-  
37     ing established by the Secretary under section 101339 of this title, in sequen-  
38     tial order, to the maximum extent practicable.

39         (b) *NONCONSTRUCTION FUNDS IN ANNUAL BUDGET SUBMITTAL.*—Each fis-  
40     cal year the President's proposed budget to Congress shall include identifica-

1     tion of nonconstruction funds to be spent for Service housing maintenance  
2     and operations that are in addition to rental receipts collected.

### 3                                 **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.*

### 4                                 **Subchapter I—Airports**

#### 5     **§ 101501. Airports in or near System units**

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

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

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

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

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

25            (c) *AUTHORITY OF SECRETARY.*—

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

27                    (A) acquire necessary land and interests in or over land;

28                    (B) contract for the construction, improvement, operation, and  
29     maintenance of airports and incidental facilities;

30                    (C) enter into agreements with other public agencies providing for  
31     the construction, operation, or maintenance of airports by those

1           agencies or jointly by the Secretary and those agencies on mutually  
2           satisfactory terms; and

3           (D) enter into other agreements and take other action with re-  
4           spect to the airports as may be necessary to carry out this section.

5           (2) *CONSENT REQUIRED.*—This section does not authorize the Sec-  
6           retary to acquire any land, or interest in or over land, by purchase, con-  
7           demnation, grant, or lease, without first obtaining the consent of the  
8           Governor of the State, and the consent of the chief executive official of  
9           the State political subdivision, in which the land is located.

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

12           (1) sponsor projects under subchapter I of chapter 471 of title 49 inde-  
13           pendently or jointly with other public agencies; and

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

16           (A) contributed or otherwise made available to the Secretary for  
17           those purposes; or

18           (B) appropriated or otherwise specifically authorized for that  
19           purpose.

20          (e) *JURISDICTION OVER AIRPORTS.*—All airports under the jurisdiction of  
21          the Secretary, unless otherwise specifically provided by law, shall be operated  
22          as public airports, available for public use on fair and reasonable terms and  
23          without unjust discrimination.

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

### 25           **§ 101511. Authority of Secretary**

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

28          (b) *APPROACH ROADS.*—

29           (1) *IN GENERAL.*—

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

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

38           (i) *IN GENERAL.*—A designated approach road shall not ex-  
39           ceed—

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

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

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

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

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

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

17                  (B) ANNUAL ALLOCATION.—Not more than \$1,500,000 shall be al-  
18                  located annually for the construction, reconstruction, and improve-  
19                  ment of System unit approach roads.

20                  (3) APPROVAL OF SECRETARY OF AGRICULTURE REQUIRED.—When an  
21                  approach road is proposed under this section across or within any na-  
22                  tional forest, the Secretary shall secure the approval of the Secretary of  
23                  Agriculture before construction begins.

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

27                  **§101512. Conveyance to States of roads leading to certain**  
28                  **historical areas**

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

31                  (b) AUTHORITY OF SECRETARY.—The Secretary may, subject to conditions  
32                  as seem proper to the Secretary, convey by proper quitclaim deed to any  
33                  State, county, municipality, or agency of a State, county, or municipality  
34                  in which the road is located, all right, title, and interest of the United States  
35                  in and to any Federal Government owned or controlled road leading to any  
36                  national cemetery, national military park, national historical park, national  
37                  battlefield park, or national historic site administered by the Service.

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

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

5                   **Subchapter III—Public Transportation**  
6                   **Programs for System Units**

7       **§ 101521. Transportation service and facility programs**

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

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

13              (1) *AUTHORITY OF SECRETARY.*—To carry out subsection (a), the Sec-  
14      retary may—

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

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

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

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

26      (2) *SPECIFIC PROVISIONS RELATED TO PROPERTY ACQUISITION.*—

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

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

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

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

1       (d) *UNDERTAKING TRANSPORTATION FACILITIES AND SERVICES.*—Transportation facilities and services provided pursuant to this subchapter may be  
2       undertaken by the Secretary directly or by contract without regard to any  
3       requirement of Federal, State, or local law respecting determinations of public  
4       convenience and necessity or other similar matters. The Secretary or contractor shall consult with the appropriate State or local public service commission  
5       or other body having authority to issue certificates of convenience and necessity. A contractor shall be subject to applicable requirements of that body unless the Secretary determines that the requirements would not be consistent  
6       with the purposes and provisions of this subchapter.  
7

8       (e) *CONSTRUCTION OF GRANT OF AUTHORITY RESPECTING OPERATION OF MOTOR VEHICLES EXCEPTED FROM STATUTORY COVERAGE.*—No grant of  
9       authority in this subchapter shall be deemed to expand the exemption of section 13506(a)(9) of title 49.  
10

11       **§ 101522. Transportation projects**

12       (a) *ASSISTANCE OF HEADS OF OTHER FEDERAL DEPARTMENTS AND AGENCIES IN FORMULATION AND IMPLEMENTATION.*—To carry out this subchapter, the Secretary of Transportation, the Secretary of Housing and Urban  
13       Development, the Secretary of Health and Human Services, the Secretary of Commerce, and the heads of other Federal departments or agencies that the  
14       Secretary considers necessary shall assist the Secretary in the formulation and implementation of transportation projects.  
15

16       (b) *COMPILATION OF STATUTES AND PROGRAMS.*—The Secretary shall maintain a compilation of Federal statutes and programs providing authority for the planning, funding, or operation of transportation projects that  
17       might be utilized by the Secretary to carry out this subchapter.  
18

19       **§ 101523. Procedures applicable to transportation plans and projects**

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

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

24               (2) following the notice, hold a public meeting at a location convenient to the affected System unit.  
25

26       (b) *PRIOR TO IMPLEMENTATION OF PROJECT.*—Prior to the implementation of any project developed pursuant to the transportation plan formulated pursuant to subsection (a), the Secretary shall—  
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1           (1) *establish procedures, including public meetings, to give State and*  
2           *local governments and the public adequate notice and an opportunity to*  
3           *comment on the proposed transportation project; and*

4           (2) *when the proposed project would involve an expenditure in excess*  
5           *of \$100,000 in any fiscal year, submit a detailed report to the Committee*  
6           *on Energy and Natural Resources of the Senate and the Committee on*  
7           *Natural Resources of the House of Representatives.*

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

13          **§ 101524. Special rule for service contract to provide trans-**  
14          **portation services**

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

20                                   **Subchapter IV—Fees**

21          **§ 101531. Fee for use of transportation services**

22          *Notwithstanding any other provision of law, where the Service or an entity*  
23          *under a service contract, cooperative agreement, or other contractual agree-*  
24          *ment with the Service provides transportation to all or a portion of any Sys-*  
25          *tem unit, the Secretary may impose a reasonable and appropriate charge to*  
26          *the public for the use of the transportation services in addition to any admis-*  
27          *sion fee required to be paid. Collection of the transportation and admission*  
28          *fees may occur at the transportation staging area or any other reasonably*  
29          *convenient location determined by the Secretary. The Secretary may enter*  
30          *into agreements, with public or private entities that qualify to the Secretary's*  
31          *satisfaction, to collect the transportation and admission fee. Transportation*  
32          *fees collected pursuant to this section shall be retained by the System unit*  
33          *at which the transportation fee was collected, and the amount retained shall*  
34          *be expended only for costs associated with the transportation systems at the*  
35          *System unit where the charge was imposed.*

36                                   **Chapter 1017—Financial Agreements**

*Sec.*

101701. *Challenge cost-share agreement authority.*

101702. *Cooperative agreements.*

101703. *Cooperative management agreements.*

101704. *Reimbursable agreements.*



1     **§ 101701. Challenge cost-share agreement authority**

2     (a) *DEFINITIONS.—In this section:*

3         (1) *CHALLENGE COST-SHARE AGREEMENT.—The term “challenge cost-*  
4         *share agreement” means any agreement entered into between the Sec-*  
5         *retary and any cooperator for the purpose of sharing costs or services*  
6         *in carrying out authorized functions and responsibilities of the Secretary*  
7         *with respect to any System unit or System program, any affiliated area,*  
8         *or any designated national scenic trail or national historic trail.*

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

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

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

18     **§ 101702. Cooperative agreements**

19     (a) *TRANSFER OF SERVICE APPROPRIATED FUNDS.—A cooperative agree-*  
20     *ment entered into by the Secretary that involves the transfer of Service appro-*  
21     *priated funds to a State, local, or tribal government or other public entity,*  
22     *an educational institution, or a private nonprofit organization to carry out*  
23     *public purposes of a Service program is a cooperative agreement properly en-*  
24     *tered into under section 6305 of title 31.*

25     (b) *COOPERATIVE RESEARCH AND TRAINING PROGRAMS.—*

26         (1) *IN GENERAL.—To facilitate the administration of the System, the*  
27         *Secretary, under such terms and conditions as the Secretary may con-*  
28         *sider advisable, may—*

29             (A) *enter into cooperative agreements with public or private edu-*  
30             *cational institutions, States, and political subdivisions of States to*  
31             *develop adequate, coordinated, cooperative research and training*  
32             *programs concerning the resources of the System; and*

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

38         (2) *EFFECT OF SUBSECTION.—This subsection does not waive any re-*  
39         *quirements for research projects that are subject to Federal procurement*  
40         *regulations.*

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

5           (1) *sell at fair market value, without regard to the requirements of*  
6 *chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e),*  
7 *3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, products*  
8 *and services produced in the conduct of living exhibits and interpretive*  
9 *demonstrations in System units;*

10           (2) *enter into contracts, including cooperative arrangements, with re-*  
11 *spect to living exhibits and interpretive demonstrations in System units;*  
12 *and*

13           (3) *credit the proceeds from those sales and contracts to the appropria-*  
14 *tion bearing the cost of the exhibits and demonstrations.*

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

17           (1) *IN GENERAL.—The Secretary may enter into cooperative agree-*  
18 *ments with State, local, or tribal governments, other Federal agencies,*  
19 *other public entities, educational institutions, private nonprofit organi-*  
20 *zations, or participating private landowners for the purpose of protecting*  
21 *natural resources of System units through collaborative efforts on land*  
22 *inside and outside the System units.*

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

26           (A) *provide for—*

27           (i) *the preservation, conservation, and restoration of coastal*  
28 *and riparian systems, watersheds, and wetlands;*

29           (ii) *preventing, controlling, or eradicating invasive exotic*  
30 *species that are within a System unit or adjacent to a System*  
31 *unit; or*

32           (iii) *restoration of natural resources, including native wild-*  
33 *life habitat or ecosystems;*

34           (B) *include a statement of purpose demonstrating how the agree-*  
35 *ment will—*

36           (i) *enhance science-based natural resource stewardship at the*  
37 *System unit; and*

38           (ii) *benefit the parties to the agreement;*

39           (C) *specify any staff required and technical assistance to be pro-*  
40 *vided by the Secretary or other parties to the agreement in support*  
41 *of activities inside and outside the System unit that will—*

- 1 (i) protect natural resources of the System unit; and  
2 (ii) benefit the parties to the agreement;
- 3 (D) identify any materials, supplies, or equipment and any other  
4 resources that will be contributed by the parties to the agreement  
5 or by other Federal agencies;
- 6 (E) describe any financial assistance to be provided by the Sec-  
7 retary or the partners to implement the agreement;
- 8 (F) ensure that any expenditure by the Secretary pursuant to the  
9 agreement is determined by the Secretary to support the purposes  
10 of natural resource stewardship at a System unit; and
- 11 (G) include such other terms and conditions as are agreed to by  
12 the Secretary and the other parties to the agreement.
- 13 (3) LIMITATIONS.—The Secretary shall not use any funds associated  
14 with an agreement entered into under paragraph (1) for the purposes of  
15 land acquisition, regulatory activity, or the development, maintenance,  
16 or operation of infrastructure, except for ancillary support facilities that  
17 the Secretary determines to be necessary for the completion of projects  
18 or activities identified in the agreement.

19 **§ 101703. Cooperative management agreements**

- 20 (a) IN GENERAL.—To facilitate the administration of the System, the Sec-  
21 retary, under such terms and conditions as the Secretary considers advisable,  
22 may enter into an agreement with a State or local government agency to pro-  
23 vide for the cooperative management of the Federal and State or local park  
24 areas where a System unit is located adjacent to or near a State or local park  
25 area, and cooperative management between the Service and a State or local  
26 government agency of a portion of either the System unit or State or local  
27 park will allow for more effective and efficient management of the System  
28 unit and State or local park. The Secretary may not transfer administration  
29 responsibilities for any System unit under this paragraph.
- 30 (b) PROVISION OF GOODS AND SERVICES.—Under a cooperative manage-  
31 ment agreement, the Secretary may acquire from and provide to a State or  
32 local government agency goods and services to be used by the Secretary and  
33 the State or local governmental agency in the cooperative management of  
34 land.
- 35 (c) ASSIGNMENT OF EMPLOYEE.—An assignment arranged by the Secretary  
36 under section 3372 of title 5 of a Federal, State, or local employee for work  
37 on any Federal, State, or local land or an extension of the assignment may  
38 be for any period of time determined by the Secretary and the State or local  
39 agency to be mutually beneficial.

1     **§ 101704. Reimbursable agreements**

2         (a) *IN GENERAL.*—*In carrying out work under reimbursable agreements*  
 3 *with any State, local, or tribal government, the Secretary, without regard to*  
 4 *any provision of law or a regulation—*

5             (1) *may record obligations against accounts receivable from those gov-*  
 6 *ernments; and*

7             (2) *shall credit amounts received from those governments to the appro-*  
 8 *priate account.*

9         (b) *WHEN AMOUNTS SHALL BE CREDITED.*—*Amounts shall be credited*  
 10 *within 90 days of the date of the original request by the Service for payment.*

11                     **Chapter 1019—Concessions and**  
 12                     **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.*

13                     **Subchapter I—Authority of Secretary**

14             **§ 101901. Utility services.**

15         *To facilitate the administration of the System, the Secretary, under such*  
 16 *terms and conditions as the Secretary considers advisable, may furnish, on*  
 17 *a reimbursement of appropriation basis, all types of utility services to conces-*  
 18 *sioners, contractors, permittees, or other users of the services, within the Sys-*  
 19 *tem. The reimbursements for cost of the services may be credited to the appro-*  
 20 *propriation current at the time reimbursements are received.*

21                     **Subchapter II—Commercial Visitor**  
 22                     **Services**

23             **§ 101911. Definitions**

24         *In this subchapter:*

25             (1) *ADVISORY BOARD.*—*The term “Advisory Board” means the Na-*  
 26 *tional Park Service Concessions Management Advisory Board established*  
 27 *under section 101919 of this title.*

1           (2) *PREFERENTIAL RIGHT OF RENEWAL.*—The term “preferential right  
2           of renewal” means the right of a concessioner, subject to a determination  
3           by the Secretary that the facilities or services authorized by a prior con-  
4           tract continue to be necessary and appropriate within the meaning of  
5           section 101912 of this title, to match the terms and conditions of any  
6           competing proposal that the Secretary determines to be the best proposal  
7           for a proposed new concession contract that authorizes the continuation  
8           of the facilities and services provided by the concessioner under its prior  
9           contract.

10       **§ 101912. Findings and declaration of policy**

11           (a) *FINDINGS.*—In furtherance of section 100101(a), Congress finds that the  
12           preservation and conservation of System unit resources and values requires  
13           that public accommodations, facilities, and services that have to be provided  
14           within those System units should be provided only under carefully controlled  
15           safeguards against unregulated and indiscriminate use, so that—

16               (1) visitation will not unduly impair those resources and values; and  
17               (2) development of public accommodations, facilities, and services  
18               within System units can best be limited to locations that are consistent  
19               to the highest practicable degree with the preservation and conservation  
20               of the resources and values of the System units.

21           (b) *DECLARATION OF POLICY.*—It is the policy of Congress that the develop-  
22           ment of public accommodations, facilities, and services in System units shall  
23           be limited to accommodations, facilities, and services that—

24               (1) are necessary and appropriate for public use and enjoyment of the  
25               System unit in which they are located; and  
26               (2) are consistent to the highest practicable degree with the preserva-  
27               tion and conservation of the resources and values of the System unit.

28       **§ 101913. Award of concession contracts**

29           In furtherance of the findings and policy stated in section 101912 of this  
30           title, and except as provided by this subchapter or otherwise authorized by  
31           law, the Secretary shall utilize concession contracts to authorize a person, cor-  
32           poration, or other entity to provide accommodations, facilities, and services  
33           to visitors to System units. Concession contracts shall be awarded as follows:

34               (1) *COMPETITIVE SELECTION PROCESS.*—Except as otherwise provided  
35               in this section, all proposed concession contracts shall be awarded by the  
36               Secretary to the person, corporation, or other entity submitting the best  
37               proposal, as determined by the Secretary through a competitive selection  
38               process. The competitive process shall include simplified procedures for  
39               small, individually-owned entities seeking award of a concession con-  
40               tract.

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

4           (A) *shall publicly solicit proposals for the concession contract;*  
5 *and*

6           (B) *in connection with the solicitation, shall—*

7           (i) *prepare a prospectus and publish notice of its availabil-*  
8 *ity at least once in local or national newspapers or trade pub-*  
9 *lications, by electronic means, or both, as appropriate; and*

10           (ii) *make the prospectus available on request to all interested*  
11 *persons.*

12           (3) *INFORMATION TO BE INCLUDED IN PROSPECTUS.*—*The prospectus*  
13 *shall include the following information:*

14           (A) *The minimum requirements for the contract as set forth in*  
15 *paragraph (4).*

16           (B) *The terms and conditions of any existing concession contract*  
17 *relating to the services and facilities to be provided, including all*  
18 *fees and other forms of compensation provided to the United States*  
19 *by the concessioner.*

20           (C) *Other authorized facilities or services that may be provided*  
21 *in a proposal.*

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

24           (E) *An estimate of the amount of compensation due an existing*  
25 *concessioner from a new concessioner under the terms of a prior*  
26 *concession contract.*

27           (F) *A statement as to the weight to be given to each selection fac-*  
28 *tor identified in the prospectus and the relative importance of those*  
29 *factors in the selection process.*

30           (G) *Other information related to the proposed concession oper-*  
31 *ation that is provided to the Secretary pursuant to a concession*  
32 *contract or is otherwise available to the Secretary, as the Secretary*  
33 *determines is necessary to allow for the submission of competitive*  
34 *proposals.*

35           (H) *Where applicable, a description of a preferential right to the*  
36 *renewal of the proposed concession contract held by an existing con-*  
37 *cessioner as set forth in paragraph (7).*

38           (4) *CONSIDERATION OF PROPOSALS.*—

39           (A) *MINIMUM REQUIREMENTS.*—*No proposal shall be considered*  
40 *that fails to meet the minimum requirements as determined by the*  
41 *Secretary. The minimum requirements shall include the following:*

1           (i) *The minimum acceptable franchise fee or other forms of*  
2           *consideration to the Federal Government.*

3           (ii) *Any facilities, services, or capital investment required to*  
4           *be provided by the concessioner.*

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

7           (B) *REJECTION OF PROPOSAL.—The Secretary shall reject any*  
8           *proposal, regardless of the franchise fee offered, if the Secretary de-*  
9           *termines that—*

10           (i) *the person, corporation, or entity is not qualified or is*  
11           *not likely to provide satisfactory service; or*

12           (ii) *the proposal is not responsive to the objectives of protect-*  
13           *ing and preserving resources of the System unit and of provid-*  
14           *ing necessary and appropriate facilities and services to the*  
15           *public at reasonable rates.*

16           (C) *ALL PROPOSALS FAIL TO MEET MINIMUM REQUIREMENTS OR*  
17           *ARE REJECTED.—If all proposals submitted to the Secretary fail to*  
18           *meet the minimum requirements or are rejected by the Secretary,*  
19           *the Secretary shall establish new minimum contract requirements*  
20           *and re-initiate the competitive selection process pursuant to this sec-*  
21           *tion.*

22           (D) *TERMS AND CONDITIONS MATERIALLY AMENDED OR NOT IN-*  
23           *CORPORATED IN CONTRACT.—The Secretary may not execute a con-*  
24           *cession contract that materially amends or does not incorporate the*  
25           *proposed terms and conditions of the concession contract as set forth*  
26           *in the applicable prospectus. If proposed material amendments or*  
27           *changes are considered appropriate by the Secretary, the Secretary*  
28           *shall resolicit offers for the concession contract incorporating the*  
29           *material amendments or changes.*

30           (5) *SELECTION OF THE BEST PROPOSAL.—*

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

33           (i) *The responsiveness of the proposal to the objectives of pro-*  
34           *tecting, conserving, and preserving resources of the System unit*  
35           *and of providing necessary and appropriate facilities and serv-*  
36           *ices to the public at reasonable rates.*

37           (ii) *The experience and related background of the person,*  
38           *corporation, or entity submitting the proposal, including the*  
39           *past performance and expertise of the person, corporation or*  
40           *entity in providing the same or similar facilities or services.*

1           (iii) *The financial capability of the person, corporation, or*  
2           *entity submitting the proposal.*

3           (iv) *The proposed franchise fee, except that consideration of*  
4           *revenue to the United States shall be subordinate to the objec-*  
5           *tives of protecting, conserving, and preserving resources of the*  
6           *System unit and of providing necessary and appropriate fa-*  
7           *ilities to the public at reasonable rates.*

8           (B) *SECONDARY FACTORS.—The Secretary may also consider*  
9           *such secondary factors as the Secretary considers appropriate.*

10          (C) *DEVELOPMENT OF REGULATIONS.—In developing regulations*  
11          *to implement this subchapter, the Secretary shall consider the extent*  
12          *to which plans for employment of Indians (including Native Alas-*  
13          *kans) and involvement of businesses owned by Indians, Indian*  
14          *tribes, or Native Alaskans in the operation of a concession contract*  
15          *should be identified as a factor in the selection of a best proposal*  
16          *under this section.*

17       (6) *CONGRESSIONAL NOTIFICATION.—*

18           (A) *IN GENERAL.—The Secretary shall submit any proposed con-*  
19           *cession contract with anticipated annual gross receipts in excess of*  
20           *\$5,000,000 or a duration of more than 10 years to the Committee*  
21           *on Natural Resources of the House of Representatives and the Com-*  
22           *mittee on Energy and Natural Resources of the Senate.*

23           (B) *WAITING PERIOD.—The Secretary shall not award any pro-*  
24           *posed concession contract to which subparagraph (A) applies until*  
25           *at least 60 days subsequent to the notification of both Committees.*

26       (7) *PREFERENTIAL RIGHT OF RENEWAL.—*

27           (A) *IN GENERAL.—Except as provided in subparagraph (B), the*  
28           *Secretary shall not grant a concessioner a preferential right to*  
29           *renew a concession contract, or any other form of preference to a*  
30           *concession contract.*

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

35           (C) *ENTITLEMENT TO AWARD OF NEW CONTRACT.—A concessioner*  
36           *that successfully exercises a preferential right of renewal in accord-*  
37           *ance with the requirements of this subchapter shall be entitled to*  
38           *award of the proposed new concession contract to which the pref-*  
39           *erence applies.*

40       (8) *OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—*



1 (A) *APPLICATION.*—*Paragraph (7) shall apply only to the follow-*  
2 *ing:*

3 (i) *Subject to subparagraph (B), concession contracts that*  
4 *solely authorize the provision of specialized backcountry out-*  
5 *door recreation guide services that require the employment of*  
6 *specially trained and experienced guides to accompany System*  
7 *unit visitors in the backcountry so as to provide a safe and en-*  
8 *joyable experience for visitors who otherwise may not have the*  
9 *skills and equipment to engage in that activity.*

10 (ii) *Subject to subparagraph (C), concession contracts with*  
11 *anticipated annual gross receipts under \$500,000.*

12 (B) *OUTFITTING AND GUIDE CONCESSIONERS.*—

13 (i) *DESCRIPTION.*—*Outfitting and guide concessioners,*  
14 *where otherwise qualified, include concessioners that provide*  
15 *guided river running, hunting, fishing, horseback, camping,*  
16 *and mountaineering experiences.*

17 (ii) *WHEN ENTITLED TO PREFERENTIAL RIGHT.*—*An outfit-*  
18 *ting and guide concessioner is entitled to a preferential right*  
19 *of renewal under this subchapter only if—*

20 (I) *the contract with the outfitting and guide conces-*  
21 *sioner does not grant the concessioner any interest, includ-*  
22 *ing any leasehold surrender interest or possessory interest,*  
23 *in capital improvements on land owned by the United*  
24 *States within a System unit, other than a capital im-*  
25 *provement constructed by a concessioner pursuant to the*  
26 *terms of a concession contract prior to November 13, 1998,*  
27 *or constructed or owned by a concessioner or the conces-*  
28 *sioner's predecessor before the subject land was incor-*  
29 *porated into the System;*

30 (II) *the Secretary determines that the concessioner has*  
31 *operated satisfactorily during the term of the contract (in-*  
32 *cluding any extension); and*

33 (III) *the concessioner has submitted a responsive pro-*  
34 *posal for a proposed new concession contract that satisfies*  
35 *the minimum requirements established by the Secretary*  
36 *pursuant to paragraph (4).*

37 (C) *CONTRACT WITH ESTIMATED GROSS RECEIPTS OF LESS THAN*  
38 *\$500,000.*—*A concessioner that holds a concession contract that the*  
39 *Secretary estimates will result in gross annual receipts of less than*  
40 *\$500,000 if renewed shall be entitled to a preferential right of re-*  
41 *newal under this subchapter if—*

1           (i) the Secretary has determined that the concessioner has  
2           operated satisfactorily during the term of the contract (includ-  
3           ing any extension); and

4           (ii) the concessioner has submitted a responsive proposal for  
5           a proposed new concession contract that satisfies the minimum  
6           requirements established by the Secretary pursuant to para-  
7           graph (4).

8           (9) *NEW OR ADDITIONAL SERVICES.*—The Secretary shall not grant a  
9           preferential right to a concessioner to provide new or additional services  
10          in a System unit.

11          (10) *AUTHORITY OF SECRETARY NOT LIMITED.*—Nothing in this sub-  
12          chapter shall be construed as limiting the authority of the Secretary to  
13          determine whether to issue a concession contract or to establish its terms  
14          and conditions in furtherance of the policies expressed in this subchapter.

15          (11) *EXCEPTIONS.*—Notwithstanding this section, the Secretary may  
16          award, without public solicitation, the following:

17           (A) *TEMPORARY CONTRACT.*—To avoid interruption of services to  
18           the public at a System unit, the Secretary may award a temporary  
19           concession contract or an extension of an existing concessions con-  
20           tract for a term not to exceed 3 years, except that prior to making  
21           the award, the Secretary shall take all reasonable and appropriate  
22           steps to consider alternatives to avoid the interruption.

23           (B) *CONTRACT IN EXTRAORDINARY CIRCUMSTANCES.*—The Sec-  
24           retary may award a concession contract in extraordinary circum-  
25           stances where compelling and equitable considerations require the  
26           award of a concession contract to a particular party in the public  
27           interest. Award of a concession contract under this subparagraph  
28           shall not be made by the Secretary until at least 30 days after—

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

32           (ii) submission of notice to the Committee on Energy and  
33           Natural Resources of the Senate and the Committee on Natural  
34           Resources of the House of Representatives.

35          **§ 101914. Term of concession contracts**

36          A concession contract entered into pursuant to this subchapter shall gener-  
37          ally be awarded for a term of 10 years or less. The Secretary may award  
38          a contract for a term of up to 20 years if the Secretary determines that the  
39          contract terms and conditions, including the required construction of capital  
40          improvements, warrant a longer term.

1     **§ 101915. Protection of concessioner investment**

2     (a) *DEFINITIONS.—In this section:*

3         (1) *CAPITAL IMPROVEMENT.—The term “capital improvement” means*  
4         *a structure, a fixture, or nonremovable equipment provided by a conces-*  
5         *sioner pursuant to the terms of a concession contract and located on land*  
6         *of the United States within a System unit.*

7         (2) *CONSUMER PRICE INDEX.—The term “Consumer Price Index”*  
8         *means—*

9             (A) *the “Consumer Price Index—All Urban Consumers” pub-*  
10            *lished by the Bureau of Labor Statistics of the Department of*  
11            *Labor; or*

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

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

19         (1) *IN GENERAL.—A concessioner shall have a leasehold surrender in-*  
20         *terest in each capital improvement constructed by a concessioner under*  
21         *a concession contract, consisting solely of a right to compensation for the*  
22         *capital improvement to the extent of the value of the concessioner’s lease-*  
23         *hold surrender interest in the capital improvement.*

24         (2) *PLEDGE AS SECURITY.—A leasehold surrender interest may be*  
25         *pledged as security for financing of a capital improvement or the acqui-*  
26         *sition of a concession contract when approved by the Secretary pursuant*  
27         *to this subchapter.*

28         (3) *TRANSFER AND RELINQUISHMENT OR WAIVER OF INTEREST.—A*  
29         *leasehold surrender interest shall be transferred by the concessioner in*  
30         *connection with any transfer of the concession contract and may be re-*  
31         *linquished or waived by the concessioner.*

32         (4) *LIMIT ON EXTINGUISHING OR TAKING INTEREST.—A leasehold sur-*  
33         *render interest shall not be extinguished by the expiration or other termi-*  
34         *nation of a concession contract and may not be taken for public use ex-*  
35         *cept on payment of just compensation.*

36         (5) *VALUE OF INTEREST.—The value of a leasehold surrender interest*  
37         *in a capital improvement shall be an amount equal to the initial value*  
38         *(construction cost of the capital improvement), increased (or decreased)*  
39         *by the same percentage increase (or decrease) as the percentage increase*  
40         *(or decrease) in the Consumer Price Index, from the date of making the*  
41         *investment in the capital improvement by the concessioner to the date*

1           of payment of the value of the leasehold surrender interest, less depreci-  
2           ation of the capital improvement as evidenced by the condition and pro-  
3           spective serviceability in comparison with a new unit of like kind.

4           (6) *VALUE OF INTEREST IN CERTAIN NEW CONCESSION CONTRACTS.*—

5           (A) *HOW VALUE IS DETERMINED.*—The Secretary may provide,  
6           in any new concession contract that the Secretary estimates will  
7           have a leasehold surrender interest of more than \$10,000,000, that  
8           the value of any leasehold surrender interest in a capital improve-  
9           ment shall be based on—

10           (i) a reduction on an annual basis, in equal portions, over  
11           the same number of years as the time period associated with  
12           the straight line depreciation of the initial value (construction  
13           cost of the capital improvement), as provided by applicable  
14           Federal income tax laws and regulations in effect on November  
15           12, 1998; or

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

18           (B) *WHEN ALTERNATIVE FORMULA MAY BE USED.*—The Sec-  
19           retary may use an alternative formula under subparagraph (A)(ii)  
20           only if the Secretary determines, after scrutiny of the financial and  
21           other circumstances involved in the particular concession contract  
22           (including providing notice in the Federal Register and opportunity  
23           for comment), that the alternative formula is, compared to the  
24           standard method of determining value provided for in paragraph  
25           (5), necessary to provide a fair return to the Federal Government  
26           and to foster competition for the new contract by providing a rea-  
27           sonable opportunity to make a profit under the new contract. If no  
28           responsive offers are received in response to a solicitation that in-  
29           cludes the alternative formula, the concession opportunity shall be  
30           resolicited with the leasehold surrender interest value as described  
31           in paragraph (5).

32           (7) *INCREASE IN VALUE OF INTEREST.*—Where a concessioner, pursu-  
33           ant to the terms of a concession contract, makes a capital improvement  
34           to an existing capital improvement in which the concessioner has a lease-  
35           hold surrender interest, the cost of the additional capital improvement  
36           shall be added to the then-current value of the concessioner's leasehold  
37           surrender interest.

38           (c) *SPECIAL RULE FOR POSSESSORY INTEREST EXISTING BEFORE NOVEM-*  
39           *BER 13, 1998.*—

40           (1) *IN GENERAL.*—A concessioner that has obtained a possessory inter-  
41           est (as defined pursuant to the Act of October 9, 1965 (known as the Na-

1           *tional Park Service Concessions Policy Act; Public Law 89–249, 79 Stat.*  
2           *969), as in effect on November 12, 1998) under the terms of a concession*  
3           *contract entered into before November 13, 1998, shall, on the expiration*  
4           *or termination of the concession contract, be entitled to receive compensa-*  
5           *tion for the possessory interest improvements in the amount and manner*  
6           *as described by the concession contract. Where that possessory interest is*  
7           *not described in the existing concession contract, compensation of posses-*  
8           *sory interest shall be determined in accordance with the laws in effect*  
9           *on November 12, 1998.*

10           (2) *EXISTING CONCESSIONER AWARDED A NEW CONTRACT.*—*A conces-*  
11           *sioner awarded a new concession contract to replace an existing conces-*  
12           *sion contract after November 13, 1998, instead of directly receiving the*  
13           *possessory interest compensation, shall have a leasehold surrender inter-*  
14           *est in its existing possessory interest improvements under the terms of*  
15           *the new concession contract and shall carry over as the initial value of*  
16           *the leasehold surrender interest (instead of construction cost) an amount*  
17           *equal to the value of the existing possessory interest as of the termination*  
18           *date of the previous concession contract. In the event of a dispute between*  
19           *the concessioner and the Secretary as to the value of the possessory inter-*  
20           *est, the matter shall be resolved through binding arbitration.*

21           (3) *NEW CONCESSIONER AWARDED A CONTRACT.*—*A new concessioner*  
22           *awarded a concession contract and required to pay a prior concessioner*  
23           *for possessory interest in prior improvements shall have a leasehold sur-*  
24           *render interest in the prior improvements. The initial value in the lease-*  
25           *hold surrender interest (instead of construction cost) shall be an amount*  
26           *equal to the value of the existing possessory interest as of the termination*  
27           *date of the previous concession contract.*

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

38           (d) *TRANSITION TO SUCCESSOR CONCESSIONER.*—*On expiration or termi-*  
39           *nation of a concession contract entered into after November 13, 1998, a con-*  
40           *cessioner shall be entitled under the terms of the concession contract to receive*  
41           *from the United States or a successor concessioner the value of any leasehold*

1     *surrender interest in a capital improvement as of the date of the expiration*  
2     *or termination. A successor concessioner shall have a leasehold surrender in-*  
3     *terest in the capital improvement under the terms of a new concession con-*  
4     *tract and the initial value of the leasehold surrender interest in the capital*  
5     *improvement (instead of construction cost) shall be the amount of money the*  
6     *new concessioner is required to pay the prior concessioner for its leasehold*  
7     *surrender interest under the terms of the prior concession contract.*

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

11    **§ 101916. Reasonableness of rates and charges**

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

15    (b) *APPROVAL BY SECRETARY REQUIRED.—*

16       (1) *FACTORS TO CONSIDER.—A concessioner's rates and charges to the*  
17       *public shall be subject to approval by the Secretary. The approval process*  
18       *utilized by the Secretary shall be as prompt and as unburdensome to the*  
19       *concessioner as possible and shall rely on market forces to establish rea-*  
20       *sonableness of rates and charges to the maximum extent practicable. The*  
21       *Secretary shall approve rates and charges that the Secretary determines*  
22       *to be reasonable and appropriate. Unless otherwise provided in the con-*  
23       *cession contract, the reasonableness and appropriateness of rates and*  
24       *charges shall be determined primarily by comparison with those rates*  
25       *and charges for facilities, goods, and services of comparable character*  
26       *under similar conditions, with due consideration to the following factors*  
27       *and other factors deemed relevant by the Secretary:*

28           (A) *Length of season.*

29           (B) *Peakloads.*

30           (C) *Average percentage of occupancy.*

31           (D) *Accessibility.*

32           (E) *Availability and costs of labor and materials.*

33           (F) *Type of patronage.*

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

38       (c) *IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 6 months*  
39       *after receiving recommendations from the Advisory Board regarding conces-*  
40       *sioner rates and charges to the public, the Secretary shall implement the rec-*

1     *ommendations or report to Congress the reasons for not implementing the rec-*  
2     *ommendations.*

3     **§ 101917. Franchise fees**

4         *(a) IN GENERAL.—A concession contract shall provide for payment to the*  
5     *Federal Government of a franchise fee or other monetary consideration as de-*  
6     *termined by the Secretary, on consideration of the probable value to the con-*  
7     *cessioner of the privileges granted by the particular contract involved. Prob-*  
8     *able value shall be based on a reasonable opportunity for net profit in relation*  
9     *to capital invested and the obligations of the concession contract. Consider-*  
10    *ation of revenue to the United States shall be subordinate to the objectives of*  
11    *protecting and preserving System units and of providing necessary and ap-*  
12    *propriate services for visitors at reasonable rates.*

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

24         *(c) SPECIAL ACCOUNT IN TREASURY.—*

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

33             *(2) SUBACCOUNT FOR EACH SYSTEM UNIT.—There shall be established*  
34    *within the special account a subaccount for each System unit. Each sub-*  
35    *account shall be credited with 80 percent of the franchise fees (and other*  
36    *monetary consideration) collected at a single System unit under conces-*  
37    *sion contracts. The funds credited to the subaccount for a System unit*  
38    *shall be available for expenditure by the Secretary, without further ap-*  
39    *propriation, for use at the System unit for visitor services and for pur-*  
40    *poses of funding high-priority and urgently necessary resource manage-*

1           *ment programs and operations. The funds credited to a subaccount shall*  
2           *remain available until expended.*

3       **§ 101918. Transfer or conveyance of concession contracts or**  
4           **leasehold surrender interests**

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

9           (b) *CONDITIONS.*—*The Secretary shall approve a transfer or conveyance de-*  
10          *scribed in subsection (a) unless the Secretary finds that—*

11           (1) *the individual, corporation, or other entity seeking to acquire a*  
12           *concession contract is not qualified or able to satisfy the terms and con-*  
13           *ditions of the concession contract;*

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

15           (A) *the protection, conservation, or preservation of the resources*  
16           *of the System unit; or*

17           (B) *the provision of necessary and appropriate facilities and*  
18           *services to visitors at reasonable rates and charges; and*

19           (3) *the terms of the transfer or conveyance are likely, directly or indi-*  
20           *rectly, to—*

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

23           (B) *adversely affect the quality of facilities and services provided*  
24           *by the concessioner; or*

25           (C) *result in a need for increased rates and charges to the public*  
26           *to maintain the quality of the facilities and services.*

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

32       **§ 101919. National Park Service Concessions Management**  
33           **Advisory Board**

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

38           (b) *DUTIES.*—

39           (1) *ADVICE.*—*The Advisory Board shall advise on each of the follow-*  
40           *ing:*



1           (A) *Policies and procedures intended to ensure that services and*  
2           *facilities provided by concessioners—*

3                 (i) *are necessary and appropriate;*

4                 (ii) *meet acceptable standards at reasonable rates with a*  
5                 *minimum of impact on System unit resources and values; and*

6                 (iii) *provide the concessioners with a reasonable opportunity*  
7                 *to make a profit.*

8           (B) *Ways to make Service concession programs and procedures*  
9           *more cost effective, more process efficient, less burdensome, and time-*  
10           *lier.*

11          (2) *RECOMMENDATIONS.—The Advisory Board shall make recom-*  
12          *mendations to the Secretary regarding each of the following:*

13                 (A) *The Service contracting with the private sector to conduct ap-*  
14                 *propriate elements of concession management.*

15                 (B) *Ways to make the review or approval of concessioner rates*  
16                 *and charges to the public more efficient, less burdensome, and time-*  
17                 *lier.*

18                 (C) *The nature and scope of products that qualify as Indian,*  
19                 *Alaska Native, and Native Hawaiian handicrafts within the mean-*  
20                 *ing of this subchapter.*

21                 (D) *The allocation of concession fees.*

22          (3) *ANNUAL REPORT.—The Advisory Board shall provide an annual*  
23          *report on its activities to the Committee on Natural Resources of the*  
24          *House of Representatives and the Committee on Energy and Natural Re-*  
25          *sources of the Senate.*

26          (c) *ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board shall*  
27          *be appointed on a staggered basis by the Secretary for a term not to exceed*  
28          *4 years and shall serve at the pleasure of the Secretary. The Advisory Board*  
29          *shall be comprised of not more than 7 individuals appointed from among citi-*  
30          *zens of the United States not in the employment of the Federal Government*  
31          *and not in the employment of or having an interest in a Service concession.*  
32          *Of the 7 members of the Advisory Board—*

33                 (1) *one member shall be privately employed in the hospitality industry*  
34                 *and have both broad knowledge of hotel or food service management and*  
35                 *experience in the parks and recreation concession business;*

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

37                 (3) *one member shall be privately employed in the accounting indus-*  
38                 *try;*

39                 (4) *one member shall be privately employed in the outfitting and guide*  
40                 *industry;*

1           (5) *one member shall be a State government employee with expertise*  
2           *in park concession management;*

3           (6) *one member shall be active in promotion of traditional arts and*  
4           *crafts; and*

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

7           (d) *SERVICE ON ADVISORY BOARD.—Service of an individual as a member*  
8           *of the Advisory Board shall not be deemed to be service or employment bring-*  
9           *ing the individual within the provisions of any Federal law relating to con-*  
10           *licts of interest or otherwise imposing restrictions, requirements, or penalties*  
11           *in relation to the employment of individuals, the performance of services, or*  
12           *the payment or receipt of compensation in connection with claims, proceed-*  
13           *ings, or matters involving the United States. Service as a member of the Advi-*  
14           *sory Board shall not be deemed service in an appointive or elective position*  
15           *in the Federal Government for purposes of section 8344 of title 5 or other*  
16           *comparable provisions of Federal law.*

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

20           **§ 101920. Contracting for services**

21           (a) *CONTRACTING AUTHORIZED.—*

22           (1) *MANAGEMENT ELEMENTS FOR WHICH CONTRACT REQUIRED TO*  
23           *MAXIMUM EXTENT PRACTICABLE.—To the maximum extent practicable,*  
24           *the Secretary shall contract with private entities to conduct or assist in*  
25           *elements of the management of the Service concession program considered*  
26           *by the Secretary to be suitable for non-Federal performance. Those man-*  
27           *agement elements shall include each of the following:*

28                   (A) *Health and safety inspections.*

29                   (B) *Quality control of concession operations and facilities.*

30                   (C) *Strategic capital planning for concession facilities.*

31                   (D) *Analysis of rates and charges to the public.*

32           (2) *MANAGEMENT ELEMENTS FOR WHICH CONTRACT ALLOWED.—The*  
33           *Secretary may also contract with private entities to assist the Secretary*  
34           *with each of the following:*

35                   (A) *Preparation of the financial aspects of prospectuses for Serv-*  
36                   *ice concession contracts.*

37                   (B) *Development of guidelines for a System capital improvement*  
38                   *and maintenance program for all concession occupied facilities.*

39                   (C) *Making recommendations to the Director regarding the con-*  
40                   *duct of annual audits of concession fee expenditures.*

1       (b) *OTHER MANAGEMENT ELEMENTS.*—The Secretary shall consider, tak-  
 2       ing into account the recommendations of the Advisory Board, contracting out  
 3       other elements of the concessions management program, as appropriate.

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

11      **§ 101921. Multiple contracts within a System unit**

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

20      **§ 101922. Use of nonmonetary consideration in concession**  
 21              **contracts**

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

24      **§ 101923. Recordkeeping requirements**

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

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

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

40      (a) *IN GENERAL.*—Promoting the sale of authentic United States Indian,  
 41      Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating

1 *to the cultural, historical, and geographic characteristics of System units is*  
2 *encouraged, and the Secretary shall ensure that there is a continuing effort*  
3 *to enhance the handicraft trade where it exists and establish the trade in ap-*  
4 *propriate areas where the trade does not exist.*

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

9 **§ 101925. Commercial use authorizations**

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

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

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

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

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

26 (2) *ELEMENTS OF COMMERCIAL USE AUTHORIZATION.—The Secretary*  
27 *shall—*

28 (A) *require payment of a reasonable fee for issuance of a commer-*  
29 *cial use authorization, the fees to remain available without further*  
30 *appropriation to be used, at a minimum, to recover associated man-*  
31 *agement and administrative costs;*

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

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

39 (D) *have no authority under this section to issue more commer-*  
40 *cial use authorizations than are consistent with the preservation*  
41 *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 appropriate  
4           visitor services, and protection and proper management of System  
5           unit resources and values.

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

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

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

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

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

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

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

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

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

## 28       **§ 101926. Regulations**

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

31          (b) *CONTENTS.*—The regulations—

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

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

## 40       **Chapter 1021—Privileges and Leases**

102101. *General provisions.*

102102. *Authority of Secretary to enter into lease for buildings and associated property.*

1     **§ 102101. General provisions**

2     (a) *LIMITATION.*—

3         (1) *NO LEASE OR GRANT OF A PRIVILEGE THAT INTERFERES WITH*  
4         *FREE ACCESS.*—*No natural curiosity, wonder, or object of interest shall*  
5         *be leased or granted to anyone on such terms as to interfere with free*  
6         *access by the public to any System unit.*

7         (2) *EXCEPTION FOR GRAZING LIVESTOCK.*—*The Secretary, under such*  
8         *regulations and on such terms as the Secretary may prescribe, may*  
9         *grant the privilege to graze livestock within a System unit when, in the*  
10         *Secretary's judgment, the use is not detrimental to the primary purpose*  
11         *for which the System unit was created. This paragraph does not apply*  
12         *to Yellowstone National Park.*

13         (b) *ADVERTISING AND COMPETITIVE BIDS NOT REQUIRED.*—*The Secretary*  
14         *may grant privileges and enter into leases described in subsection (a), and*  
15         *enter into related contracts with responsible persons, firms, or corporations,*  
16         *without advertising and without securing competitive bids.*

17         (c) *ASSIGNMENT OR TRANSFER.*—*No contract, lease, or privilege described*  
18         *in subsection (a) or (b) that is entered into or granted shall be assigned or*  
19         *transferred by the grantee, lessee, or licensee without the prior written ap-*  
20         *proval of the Secretary.*

21     **§ 102102. Authority of Secretary to enter into lease for build-**  
22             **ings and associated property**

23         (a) *IN GENERAL.*—*To facilitate the administration of the System, the Sec-*  
24         *retary, under such terms and conditions as the Secretary may consider advis-*  
25         *able, and except as provided in subsection (b) and subject to subsection (c),*  
26         *may enter into a lease with any person or government entity for the use of*  
27         *buildings and associated property administered by the Secretary as part of*  
28         *the System.*

29         (b) *PROHIBITED ACTIVITIES.*—*The Secretary may not use a lease under*  
30         *subsection (a) to authorize the lessee to engage in activities that are subject*  
31         *to authorization by the Secretary through a concession contract, commercial*  
32         *use authorization, or similar instrument.*

33         (c) *USE.*—*Buildings and associated property leased under subsection (a)—*

34             (1) *shall be used for an activity that is consistent with the purposes*  
35             *established by law for the System unit in which the building is located;*

36             (2) *shall not result in degradation of the purposes and values of the*  
37             *System unit; and*

38             (3) *shall be compatible with Service programs.*

39         (d) *RENTAL AMOUNTS.*—

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

## Chapter 1023—Programs and Organizations

30           *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.*

### 31           **§ 102301. Volunteers in parks program**

- 32           (a) *ESTABLISHMENT.*—The Secretary may recruit, train, and accept, with-
- 33           out regard to chapter 51 and subchapter III of chapter 53 of title 5 or regula-
- 34           tions prescribed under that chapter or subchapter, the services of individuals
- 35           without compensation as volunteers for or in aid of interpretive functions or
- 36           other visitor services or activities in and related to System units and related
- 37           areas. In accepting those services, the Secretary shall not permit the use of

1 volunteers in hazardous duty or law enforcement work or in policymaking  
2 processes, or to displace any employee. The services of individuals whom the  
3 Secretary determines are skilled in performing hazardous activities may be  
4 accepted.

5 (b) *INCIDENTAL EXPENSES.*—The Secretary may provide for incidental ex-  
6 penses of volunteers, such as transportation, uniforms, lodging, and subsist-  
7 ence.

8 (c) *FEDERAL EMPLOYEE STATUS FOR VOLUNTEERS.*—

9 (1) *EMPLOYMENT STATUS OF VOLUNTEERS.*—Except as otherwise pro-  
10 vided in this section, a volunteer shall not be deemed a Federal employee  
11 and shall not be subject to the provisions of law relating to Federal em-  
12 ployment, including those relating to hours of work, rates of compensa-  
13 tion, leave, unemployment compensation, and Federal employee benefits.

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

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

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

26 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be ap-  
27 propriated to carry out this section not more than \$3,500,000 for each fiscal  
28 year.

29 **§ 102302. National Capital region arts and cultural affairs**

30 (a) *ESTABLISHMENT.*—There is under the direction of the Service a pro-  
31 gram to support and enhance artistic and cultural activities in the National  
32 Capital region.

33 (b) *GRANT ELIGIBILITY.*—

34 (1) *ELIGIBLE ORGANIZATIONS.*—Eligibility for grants shall be limited  
35 to organizations—

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

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

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

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



1                   (B) *The organization has an annual audience or visitation of at*  
2                   *least 200,000 people.*

3                   (C) *The organization has a paid staff of at least 100 individuals.*

4                   (D) *The organization is eligible under section 320102(f) of this*  
5                   *title.*

6                   (3) *ORGANIZATIONS NOT ELIGIBLE.—Public or private colleges and*  
7                   *universities are not eligible for grants under the program under this sec-*  
8                   *tion.*

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

12                  (d) *RESPONSIBILITIES OF DIRECTOR.—The Director shall—*

13                   (1) *establish an application process;*

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

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

17                  (e) *FORD'S THEATER AND WOLF TRAP NATIONAL PARK FOR THE PER-*  
18                  *FORMING ARTS.—The contractual amounts required for the support of Ford's*  
19                  *Theater and Wolf Trap National Park for the Performing Arts shall be avail-*  
20                  *able within the amount provided in this section without regard to any other*  
21                  *provision of this section.*

### 22                  **§ 102303. National Park System Advisory Board**

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

25                  (b) *ESTABLISHMENT AND PURPOSE.—There is established a National Park*  
26                  *System Advisory Board, whose purpose is to advise the Director on matters*  
27                  *relating to the Service, the System, and programs administered by the Ser-*  
28                  *vice. The Board shall advise the Director on matters submitted to the Board*  
29                  *by the Director as well as any other issues identified by the Board.*

30                  (c) *MEMBERSHIP.—*

31                   (1) *APPOINTMENT AND TERM OF OFFICE.—Members of the Board shall*  
32                   *be appointed on a staggered term basis by the Secretary for a term not*  
33                   *to exceed 4 years and shall serve at the pleasure of the Secretary.*

34                   (2) *COMPOSITION.—The Board shall be composed of no more than 12*  
35                   *persons, appointed from among citizens of the United States having a*  
36                   *demonstrated commitment to the mission of the Service. Board members*  
37                   *shall be selected to represent various geographic regions, including each*  
38                   *of the administrative regions of the Service. At least 6 of the members*  
39                   *shall have outstanding expertise in one or more of the following fields:*  
40                   *history, archeology, anthropology, historical or landscape architecture,*  
41                   *biology, ecology, geology, marine science, or social science. At least 4 of*

1        *the members shall have outstanding expertise and prior experience in the*  
2        *management of national or State parks or protected areas, or natural*  
3        *or cultural resources management. The remaining members shall have*  
4        *outstanding expertise in one or more of the areas described above or in*  
5        *another professional or scientific discipline, such as financial manage-*  
6        *ment, recreation use management, land use planning, or business man-*  
7        *agement, important to the mission of the Service. At least one individual*  
8        *shall be a locally elected official from an area adjacent to a park.*

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

12       (4) *VACANCY.—Any vacancy in the Board shall not affect its powers,*  
13       *but shall be filled in the same manner in which the original appointment*  
14       *was made.*

15       (5) *COMPENSATION.—All members of the Board shall be reimbursed for*  
16       *travel and per diem in lieu of subsistence expenses during the perform-*  
17       *ance of duties of the Board while away from home or their regular place*  
18       *of business, in accordance with subchapter I of chapter 57 of title 5. With*  
19       *the exception of travel and per diem, a member of the Board who other-*  
20       *wise is an officer or employee of the United States Government shall*  
21       *serve on the Board without additional compensation.*

22       (d) *DUTIES AND POWERS OF BOARD.—*

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

26       (2) *ADVICE AND RECOMMENDATIONS.—The Board shall advise the Sec-*  
27       *retary on matters relating to the System, to other related areas, and to*  
28       *the administration of chapter 3201 of this title, including matters sub-*  
29       *mitted to it for consideration by the Secretary, but it shall not be re-*  
30       *quired to provide recommendations as to the suitability or desirability*  
31       *of surplus real and related personal property for use as a historic monu-*  
32       *ment. The Board shall also provide recommendations on the designation*  
33       *of national historic landmarks and national natural landmarks. The*  
34       *Board is strongly encouraged to consult with the major scholarly and*  
35       *professional organizations in the appropriate disciplines in making the*  
36       *recommendations.*

37       (3) *ACTIONS ON REQUEST OF DIRECTOR.—On request of the Director,*  
38       *the Board is authorized to—*

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

40                (B) *take such testimony;*

41                (C) *have such printing and binding done;*

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

2                   (E) make such expenditures; and

3                   (F) take such other actions

4           as the Board may consider advisable.

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

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

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

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

15          (f) FEDERAL LAW NOT APPLICABLE TO SERVICE.—Service as a member  
16          of the Board shall not be deemed service or employment bringing the individ-  
17          ual within the provisions of any Federal law relating to conflicts of interest  
18          or otherwise imposing restrictions, requirements, or penalties relating to the  
19          employment of individuals, the performance of services, or the payment or re-  
20          ceipt of compensation in connection with claims, proceedings, or matters in-  
21          volving the United States. Service as a member or an employee of the Board  
22          shall not be deemed service in an appointive or elective position in the Fed-  
23          eral Government for purposes of section 8344 of title 5 or comparable provi-  
24          sions of Federal law.

25          (g) COOPERATION OF FEDERAL AGENCIES.—

26               (1) INFORMATION.—The Board may secure directly from any office,  
27               department, agency, establishment, or instrumentality of the Federal  
28               Government such information as the Board may require for the purpose  
29               of this section, and each office, department, agency, establishment, or in-  
30               strumentality shall furnish, to the extent permitted by law, the informa-  
31               tion, suggestions, estimates, and statistics directly to the Board, on re-  
32               quest made by a member of the Board.

33               (2) FACILITIES AND SERVICES.—On request of the Board, the head of  
34               any Federal department, agency, or instrumentality may make any of  
35               the facilities and services of the department, agency, or instrumentality  
36               available to the Board, on a nonreimbursable basis, to assist the Board  
37               in carrying out its duties under this section.

38          (h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Commit-  
39          tee Act (5 U.S.C. App.), with the exception of section 14(b), applies to the  
40          Board.

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

1     **§ 102304. National Park Service Advisory Council**

2     (a) *DEFINITIONS.*—*In this section:*

3         (1) *BOARD.*—*The term “Board” means the National Park System Ad-*  
4         *visory Board established under section 102303 of this title.*

5         (2) *COUNCIL.*—*The term “Council” means the National Park Service*  
6         *Advisory Council established under subsection (b).*

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

9     (c) *MEMBERSHIP.*—

10         (1) *ELIGIBILITY.*—*Membership on the Council shall be limited to indi-*  
11         *viduals whose term on the Board has expired. Those individuals may*  
12         *serve as long as they remain active except that not more than 12 mem-*  
13         *bers may serve on the Council at any one time.*

14         (2) *COMPENSATION.*—*Members of the Council shall receive no salary*  
15         *but may be paid expenses incidental to travel when engaged in discharg-*  
16         *ing their duties as members.*

17     (d) *VOTING RESTRICTION.*—*Members of the Council shall not have a vote*  
18     *on the Board.*

19   **Chapter 1025—Museums**

*Sec.*

102501. *Purpose.*

102502. *Definition of museum object.*

102503. *Authority of Secretary.*

102504. *Review and approval.*

20     **§ 102501. Purpose**

21     *The purpose of this chapter is to increase the public benefits from museums*  
22     *established within System units as a means of informing the public concern-*  
23     *ing the areas and preserving valuable objects and relics relating to the areas.*

24     **§ 102502. Definition of museum object**

25     *In this chapter:*

26         (1) *IN GENERAL.*—*The term “museum object” means an object that—*

27             (A) *typically is movable; and*

28             (B) *is eligible to be, or is made part of, a museum, library, or*  
29             *archive collection through a formal procedure, such as accessioning.*

30         (2) *INCLUSIONS.*—*The term “museum object” includes a prehistoric or*  
31         *historic artifact, work of art, book, document, photograph, or natural his-*  
32         *tory specimen.*

33     **§ 102503. Authority of Secretary**

34     (a) *IN GENERAL.*—*Notwithstanding other provisions or limitations of law,*  
35     *the Secretary may perform the functions described in this section in the man-*  
36     *ner that the Secretary considers to be in the public interest.*

1       (b) *DONATIONS AND BEQUESTS.*—*The Secretary may accept donations and*  
2 *bequests of money or other personal property, and hold, use, expend, and ad-*  
3 *minister the money or other personal property for purposes of this chapter.*

4       (c) *PURCHASES.*—*The Secretary may purchase museum objects and other*  
5 *personal property at prices that the Secretary considers to be reasonable.*

6       (d) *EXCHANGES.*—*The Secretary may make exchanges by accepting mu-*  
7 *seum objects and other personal property and by granting in exchange for the*  
8 *museum objects or other personal property museum property under the ad-*  
9 *ministrative jurisdiction of the Secretary that no longer is needed or that may*  
10 *be held in duplicate among the museum properties administered by the Sec-*  
11 *retary. Exchanges shall be consummated on a basis that the Secretary consid-*  
12 *ers to be equitable and in the public interest.*

13       (e) *ACCEPTANCE OF LOANS OF PROPERTY.*—*The Secretary may accept the*  
14 *loan of museum objects and other personal property and pay transportation*  
15 *costs incidental to the museum objects or other personal property. Loans shall*  
16 *be accepted on terms and conditions that the Secretary considers necessary.*

17       (f) *LOANS OF PROPERTY.*—*The Secretary may loan to responsible public*  
18 *or private organizations, institutions, or agencies, without cost to the United*  
19 *States, such museum objects and other personal property as the Secretary*  
20 *shall consider advisable. Loans shall be made on terms and conditions that*  
21 *the Secretary considers necessary to protect the public interest in those prop-*  
22 *erties.*

23       (g) *TRANSFER OF MUSEUM OBJECTS.*—*The Secretary may transfer mu-*  
24 *seum objects that the Secretary determines are no longer needed for museum*  
25 *purposes to qualified Federal agencies, including the Smithsonian Institution,*  
26 *that have programs to preserve and interpret cultural or natural heritage,*  
27 *and accept the transfer of museum objects for the purposes of this chapter*  
28 *from any other Federal agency, without reimbursement. The head of any other*  
29 *Federal agency may transfer, without reimbursement, museum objects directly*  
30 *to the administrative jurisdiction of the Secretary for the purpose of this*  
31 *chapter.*

32       (h) *CONVEYANCE OF MUSEUM OBJECTS.*—*The Secretary may convey mu-*  
33 *seum objects that the Secretary determines are no longer needed for museum*  
34 *purposes, without monetary consideration but subject to such terms and con-*  
35 *ditions as the Secretary considers necessary, to private institutions exempt*  
36 *from Federal taxation under section 501(c)(3) of the Internal Revenue Code*  
37 *of 1986 (26 U.S.C. 501(c)(3)) and to non-Federal governmental entities if the*  
38 *Secretary determines that the recipient is dedicated to the preservation and*  
39 *interpretation of natural or cultural heritage and is qualified to manage the*  
40 *property, prior to any conveyance under this subsection and subsection (g).*

1       (i) *DESTRUCTION OF MUSEUM OBJECTS.*—*The Secretary may destroy or*  
 2 *cause to be destroyed museum objects that the Secretary determines to have*  
 3 *no scientific, cultural, historic, educational, esthetic, or monetary value.*

4       **§ 102504. Review and approval**

5       *The Secretary shall ensure that museum objects are treated in a careful and*  
 6 *deliberate manner that protects the public interest. Prior to taking any action*  
 7 *under subsection (g), (h), or (i) of section 102503 of this title, the Secretary*  
 8 *shall establish a systematic review and approval process, including consulta-*  
 9 *tion with appropriate experts, that meets the highest standards of the museum*  
 10 *profession for all actions taken under those subsections.*

11                   **Chapter 1027—Law Enforcement and**  
 12                   **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 assist-*  
*ance to nearby law enforcement and fire prevention agencies and for related activi-*  
*ties outside the System.*

102712. *Aid to visitors, grantees, permittees, or licensees in emergencies.*

13                   **Subchapter I—Law Enforcement**

14       **§ 102701. Law enforcement personnel within System**

15       (a) *OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF THE INTERIOR.*—

16           (1) *DESIGNATION AUTHORITY OF SECRETARY.*—*The Secretary, pursu-*  
 17 *ant to standards prescribed in regulations by the Secretary, may des-*  
 18 *ignate certain officers or employees of the Department of the Interior who*  
 19 *shall maintain law and order and protect individuals and property*  
 20 *within System units.*

21           (2) *POWERS AND DUTIES OF DESIGNEES.*—*In the performance of the*  
 22 *duties described in paragraph (1), the designated officers or employees*  
 23 *may—*

24                   (A) *carry firearms;*

25                   (B) *make arrests without warrant for any offense against the*  
 26 *United States committed in the presence of the officer or employee,*  
 27 *or for any felony cognizable under the laws of the United States if*  
 28 *the officer or employee has reasonable grounds to believe that the in-*  
 29 *dividual to be arrested has committed or is committing the felony,*  
 30 *provided the arrests occur within the System or the individual to*  
 31 *be arrested is fleeing from the System to avoid arrest;*

32                   (C) *execute any warrant or other process issued by a court or of-*  
 33 *ficer of competent jurisdiction for the enforcement of the provisions*  
 34 *of any Federal law or regulation issued pursuant to law arising out*  
 35 *of an offense committed in the System or, where the individual sub-*

1           *ject to the warrant or process is in the System, in connection with*  
2           *any Federal offense; and*

3           *(D) conduct investigations of offenses against the United States*  
4           *committed in the System in the absence of investigation of the of-*  
5           *fenses by any other Federal law enforcement agency having inves-*  
6           *tigative jurisdiction over the offense committed or with the concur-*  
7           *rence of the other agency.*

8       **(b) SPECIAL POLICE OFFICERS.—**

9           **(1) IN GENERAL.—***The Secretary may designate officers and employees*  
10          *of any other Federal agency, or law enforcement personnel of a State or*  
11          *political subdivision of a State, when determined to be economical and*  
12          *in the public interest and with the concurrence of that agency, State, or*  
13          *subdivision, to—*

14                **(A)** *act as special police officers in System units when supple-*  
15                *mental law enforcement personnel may be needed; and*

16                **(B)** *exercise the powers and authority provided by subparagraphs*  
17                *(A) to (D) of subsection (a)(2).*

18          **(2) COOPERATION WITH STATES AND POLITICAL SUBDIVISIONS.—***The*  
19          *Secretary may—*

20                **(A)** *cooperate, within the System, with any State or political sub-*  
21                *division of a State in the enforcement of supervision of the laws or*  
22                *ordinances of that State or subdivision;*

23                **(B)** *mutually waive, in any agreement pursuant to subparagraph*  
24                *(A) and paragraph (1) or pursuant to subparagraphs (A) and (B)*  
25                *of subsection (a)(2) with any State or political subdivision of a*  
26                *State where State law requires the waiver and indemnification, all*  
27                *civil claims against all the other parties to the agreement and, sub-*  
28                *ject to available appropriations, indemnify and save harmless the*  
29                *other parties to the agreement from all claims by third parties for*  
30                *property damage or personal injury, that may arise out of the par-*  
31                *ties' activities outside their respective jurisdictions under the agree-*  
32                *ment; and*

33                **(C)** *provide limited reimbursement, to a State or political sub-*  
34                *divisions of a State, in accordance with such regulations as the Sec-*  
35                *retary may prescribe, where the State has ceded concurrent legisla-*  
36                *tive jurisdiction over the affected area of the System, for expendi-*  
37                *tures incurred in connection with its activities within the System*  
38                *that were rendered pursuant to paragraph (1).*

39          **(3) SUPPLEMENTAL AUTHORITY; DELEGATION OF SERVICE LAW EN-**  
40          **FORCEMENT RESPONSIBILITIES NOT AUTHORIZED.—***Paragraphs (1) and*  
41          *(2) supplement the law enforcement responsibilities of the Service and do*

1           *not authorize the delegation of law enforcement responsibilities of the*  
2           *Service to State or local governments.*

3           (4) *SPECIAL POLICE OFFICERS NOT DEEMED FEDERAL EMPLOYEES.—*

4           (A) *IN GENERAL.—Except as otherwise provided in this sub-*  
5           *section, a law enforcement officer of a State or political subdivision*  
6           *of a State designated to act as a special police officer under para-*  
7           *graph (1) shall not be deemed a Federal employee and shall not be*  
8           *subject to the provisions of law relating to Federal employment, in-*  
9           *cluding those relating to hours of work, rates of compensation, leave,*  
10           *unemployment compensation, and Federal benefits.*

11           (B) *EXCEPTIONS.—A law enforcement officer of a State or politi-*  
12           *cal subdivision of a State, when acting as a special police officer*  
13           *under paragraph (1), is deemed to be—*

14           (i) *a Federal employee for purposes of sections 1346(b) and*  
15           *2401(b) and chapter 171 of title 28; and*

16           (ii) *a civil service employee of the United States within the*  
17           *meaning of the term “employee” as defined in section 8101 of*  
18           *title 5, for purposes of subchapter I of chapter 81 of title 5,*  
19           *relating to compensation to Federal employees for work inju-*  
20           *ries, and the provisions of subchapter I of chapter 81 of title*  
21           *5 shall apply.*

22           (c) *FEDERAL INVESTIGATIVE JURISDICTION AND STATE CIVIL AND CRIMI-*  
23           *NAL JURISDICTION NOT PREEMPTED.—This section and sections 100101(b),*  
24           *100502, 100507, 100751(b), 100754, 100901(b) and (c), 100906(a) and (d),*  
25           *101302(b)(1) and (c) to (e), 101306, 101702(b) and (c), 101901, 102102, and*  
26           *102702 of this title shall not be construed or applied to limit or restrict the*  
27           *investigative jurisdiction of any Federal law enforcement agency other than*  
28           *the Service, and nothing shall be construed or applied to affect any right of*  
29           *a State or political subdivision of a State to exercise civil and criminal juris-*  
30           *isdiction within the System.*

31           **§ 102702. Crime prevention assistance**

32           (a) *RECOMMENDATIONS FOR IMPROVEMENT.—The Secretary shall direct the*  
33           *chief official responsible for law enforcement within the Service to—*

34           (1) *compile a list of System units with the highest rates of violent*  
35           *crime;*

36           (2) *make recommendations concerning capital improvements, and*  
37           *other measures, needed within the System to reduce the rates of violent*  
38           *crime, including the rate of sexual assault; and*

39           (3) *publish the information required by paragraphs (1) and (2) in the*  
40           *Federal Register.*



1       (b) *DISTRIBUTION OF FUNDS.*—Based on the recommendations and list is-  
2       sued pursuant to subsection (a), the Secretary shall distribute the funds au-  
3       thorized by subsection (d) throughout the System. Priority shall be given to  
4       areas with the highest rates of sexual assault.

5       (c) *USE OF FUNDS.*—Funds provided under this section may be used—

6           (1) to increase lighting within or adjacent to System units;

7           (2) to provide emergency phone lines to contact law enforcement or se-  
8       curity personnel in areas within or adjacent to System units;

9           (3) to increase security or law enforcement personnel within or adja-  
10       cent to System units; or

11          (4) for any other project intended to increase the security and safety  
12       of System units.

13       (d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be ap-  
14       propriated out of the Violent Crime Reduction Trust Fund not more than  
15       \$10,000,000 for the Secretary to take all necessary actions to seek to reduce  
16       the incidence of violent crime in the System.

## 17                   **Subchapter II—Emergency Assistance**

### 18       **§ 102711. Authority of Secretary to use applicable appropria-** 19                   **tions for the System to render assistance to nearby** 20                   **law enforcement and fire prevention agencies and** 21                   **for related activities outside the System**

22       To facilitate the administration of the System, the Secretary may use ap-  
23       plicable appropriations for the System to render emergency rescue, firefight-  
24       ing, and cooperative assistance to nearby law enforcement and fire prevention  
25       agencies and for related purposes outside the System.

### 26       **§ 102712. Aid to visitors, grantees, permittees, or licensees in** 27                   **emergencies**

28       (a) *VISITORS.*—The Secretary may aid visitors within a System unit in  
29       an emergency, when no other source is available for the procurement of food  
30       or supplies, by the sale, at cost, of food or supplies in quantities sufficient  
31       to enable the visitors to reach safely a point where food or supplies can be  
32       purchased. Receipts from the sales shall be deposited as a refund to the appro-  
33       priation current at the date of the deposit and shall be available for the pur-  
34       chase of similar food or supplies.

35       (b) *GRANTEES, PERMITTEES, AND LICENSEES.*—The Secretary may in an  
36       emergency, when no other source is available for the immediate procurement  
37       of supplies, materials, or special services, aid grantees, permittees, or licensees  
38       conducting operations for the benefit of the public in a System unit by the  
39       sale, at cost, including transportation and handling, of supplies, materials,  
40       or special services as may be necessary to relieve the emergency and ensure  
41       uninterrupted service to the public. Receipts from the sales shall be deposited

1 as a refund to the appropriation current at the date of the deposit and shall  
2 be available for expenditure for System unit purposes.

3 **Chapter 1029—Land Transfers**

Sec.

102901. Conveyance of property and interests in property in System units or related areas.

4 **§ 102901. Conveyance of property and interests in property in**  
5 **System units or related areas**

6 (a) *FREEHOLD AND LEASEHOLD INTERESTS.*—With respect to any prop-  
7 erty acquired by the Secretary within a System unit or related area, except  
8 property within national parks or within national monuments of scientific  
9 significance, the Secretary may convey a freehold or leasehold interest in the  
10 property, subject to such terms and conditions as will ensure the use of the  
11 property in a manner that is, in the judgment of the Secretary, consistent  
12 with the purpose for which the System unit or related area was authorized  
13 by Congress. The Secretary shall convey the interest to the highest bidder, in  
14 accordance with such regulations as the Secretary may prescribe. The convey-  
15 ance shall be at not less than the fair market value of the interest, as deter-  
16 mined by the Secretary, except that if the conveyance is proposed within 2  
17 years after the property to be conveyed is acquired by the Secretary, the Sec-  
18 retary shall allow the last owner of record of the property 30 days following  
19 the date on which the owner is notified by the Secretary in writing that the  
20 property is to be conveyed within which to notify the Secretary that the owner  
21 wishes to acquire the interest. On receiving the timely request, the Secretary  
22 shall convey the interest to the person, in accordance with such regulations  
23 as the Secretary may prescribe, on payment or agreement to pay an amount  
24 equal to the highest bid price.

25 (b) *EXCHANGE OF LAND.*—

26 (1) *IN GENERAL.*—The Secretary may accept title to any non-Federal  
27 property or interest in property within a System unit or related area  
28 under the Secretary's administration in exchange for any Federally-  
29 owned property or interest under the Secretary's jurisdiction that the  
30 Secretary determines is suitable for exchange or other disposal and that  
31 is located in the same State as the non-Federal property to be acquired.

32 (2) *EXCEPTION.*—Timberland subject to harvest under a sustained  
33 yield program shall not be exchanged under paragraph (1).

34 (3) *PUBLIC HEARING.*—On request of a State or a political subdivi-  
35 sion thereof, or of a party in interest, prior to an exchange under this  
36 subsection the Secretary shall hold a public hearing in the area where  
37 the properties to be exchanged are located.

38 (4) *VALUES OF PROPERTIES EXCHANGED.*—The values of the prop-  
39 erties exchanged—

- 1                   (A) shall be approximately equal; or  
 2                   (B) if they are not approximately equal, shall be equalized by the  
 3                   payment of cash to the grantor from funds appropriated for the ac-  
 4                   quisition of land for the area, or to the Secretary, as the circum-  
 5                   stances require.

- 6           (c) *PROCEEDS CREDITED TO LAND AND WATER CONSERVATION FUND.*—  
 7           The proceeds received from any conveyance under this section shall be credited  
 8           to the Land and Water Conservation Fund.

## 9                   **Chapter 1031—Appropriations and** 10                   **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.

### 11           **§ 103101. Availability and use of appropriations**

- 12           (a) *CREDITS OF RECEIPTS FOR MEALS AND QUARTERS FURNISHED FED-*  
 13           *ERAL GOVERNMENT EMPLOYEES IN THE FIELD.*—Cash collections and pay-  
 14           roll deductions made for meals and quarters furnished by the Service to em-  
 15           ployees of the Federal Government in the field and to cooperating agencies  
 16           may be credited as a reimbursement to the current appropriation for the ad-  
 17           ministration of the System unit in which the accommodations are furnished.

- 18           (b) *AVAILABILITY FOR EXPENSE OF RECORDING DONATED LAND.*—Appro-  
 19           priations made for the Service shall be available for any expenses incident  
 20           to the preparation and recording of title evidence covering land to be donated  
 21           to the United States for administration by the Service.

- 22           (c) *USE OF FUNDS FOR LAW ENFORCEMENT AND EMERGENCIES.*—

- 23           (1) *IN GENERAL.*—Funds, not to exceed \$250,000 per incident, avail-  
 24           able to the Service may be used, with the approval of the Secretary, to—

- 25                   (A) maintain law and order in emergency and other unforeseen  
 26                   law enforcement situations; and

- 27                   (B) conduct emergency search and rescue operations in the Sys-  
 28                   tem.

- 29           (2) *REPLENISHMENT OF FUNDS.*—If the Secretary expends funds  
 30           under paragraph (1), the funds shall be replenished by a supplemental  
 31           appropriation for which the Secretary shall make a request as promptly  
 32           as possible.

- 33           (d) *CONTRIBUTION FOR ANNUITY BENEFITS.*—

- 34           (1) *IN GENERAL.*—Necessary amounts are appropriated for reimburse-  
 35           ment, pursuant to the Policemen and Firemen's Retirement and Disabil-  
 36           ity Act amendments of 1957 (Public Law 85-157, 71 Stat. 391), to the  
 37           District of Columbia on a monthly basis for benefit payments by the Dis-

1            *trict of Columbia to United States Park Police annuitants under section*  
2            *12 of the Policemen and Firemen's Retirement and Disability Act (ch.*  
3            *433, 39 Stat. 718), to the extent that those payments exceed contributions*  
4            *made by active Park Police members covered under the Policemen and*  
5            *Firemen's Retirement and Disability Act.*

6            (2) *NONAVAILABILITY OF APPROPRIATIONS TO THE SERVICE.*—*Appro-*  
7            *priations made to the Service are not available for the purpose of making*  
8            *reimbursements under paragraph (1).*

9            (e) *WATERPROOF FOOTWEAR.*—*Appropriations for the Service that are*  
10           *available for the purchase of equipment may be used for purchase of water-*  
11           *proof footwear, which shall be regarded and listed as System equipment.*

12           **§ 103102. Appropriations authorized and available for cer-**  
13           **tain purposes**

14           *Appropriations for the Service are authorized and are available for—*

15           (1) *administration, protection, improvement, and maintenance of*  
16           *areas, under the jurisdiction of other Federal agencies, that are devoted*  
17           *to recreational use pursuant to cooperative agreements;*

18           (2) *necessary local transportation and subsistence in kind of individ-*  
19           *uals selected for employment or as cooperators, serving without other*  
20           *compensation, while attending fire protection training camps;*

21           (3) *administration, protection, maintenance, and improvement of the*  
22           *Chesapeake and Ohio Canal;*

23           (4) *educational lectures in or in the vicinity of and with respect to*  
24           *System units, and services of field employees in cooperation with such*  
25           *nonprofit scientific and historical societies engaged in educational work*  
26           *in System units as the Secretary may designate;*

27           (5) *travel expenses of employees attending—*

28           (A) *Federal Government camps for training in forest fire preven-*  
29           *tion and suppression;*

30           (B) *the Federal Bureau of Investigation National Police Acad-*  
31           *emy; and*

32           (C) *Federal, State, or municipal schools for training in building*  
33           *fire prevention and suppression;*

34           (6) *investigation and establishment of water rights in accordance with*  
35           *local custom, laws, and decisions of courts, including the acquisition of*  
36           *water rights or of land or interests in land or rights-of-way for use and*  
37           *protection of water rights necessary or beneficial in the administration*  
38           *and public use of System units;*

39           (7) *official telephone service in the field in the case of official tele-*  
40           *phones installed in private houses when authorized under regulations es-*  
41           *tablished by the Secretary; and*

1           (8) provision of transportation for children in nearby communities to  
2           and from any System unit used in connection with organized recreation  
3           and interpretive programs of the Service.

4       **§ 103103. Amounts provided by private entities for utility**  
5           **services**

6           Notwithstanding any other provision of law, amounts provided to the Serv-  
7           ice by private entities for utility services shall be credited to the appropriate  
8           account and remain available until expended.

9       **§ 103104. Recovery of costs associated with special use per-**  
10           **mits**

11           Notwithstanding any other provision of law, the Service may recover all  
12           costs of providing necessary services associated with special use permits. The  
13           reimbursements shall be credited to the appropriation current at that time.

14       **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.

15       **§ 103301. Military maneuvers**

16           To obtain practical benefits of great value to the country from the estab-  
17           lishment of national military parks, the parks and their approaches are de-  
18           clared to be national fields for military maneuvers for the Regular Army or  
19           Regular Air Force and the National Guard or militia of the States. National  
20           military parks shall be opened for those purposes only in the discretion of  
21           the Secretary, and under such regulations as the Secretary may prescribe.

22       **§ 103302. Camps for military instruction**

23           (a) ASSEMBLING OF FORCES AND DETAILING OF INSTRUCTORS.—The Sec-  
24           retary of the Army or Secretary of the Air Force, within the limits of appro-  
25           priations that may be available for that purpose, may assemble in camp at  
26           such season of the year and for such period as the Secretary of the Army or  
27           Secretary of the Air Force may designate, at the field of military maneuvers,  
28           such portions of the military forces of the United States as the Secretary of  
29           the Army or Secretary of the Air Force may think best, to receive military  
30           instruction there. The Secretary of the Army or Secretary of the Air Force  
31           may detail instructors from the Regular Army or Regular Air Force, respec-  
32           tively, for those forces during their exercises.

33           (b) REGULATIONS.—The Secretary of the Army or Secretary of the Air  
34           Force may prescribe regulations governing the assembling of the National  
35           Guard or militia of the States on the maneuvering grounds.

1     **§ 103303. Performance of duties of commissions**

2         *The duties of commissions in charge of national military parks shall be*  
3     *performed under the direction of the Secretary.*

4     **§ 103304. Recovery of land withheld**

5         (a) *CIVIL ACTION.*—*The United States may bring a civil action in the*  
6     *courts of the United States against a person to whom land lying within a*  
7     *national military park has been leased that refuses to give up possession of*  
8     *the land to the United States after the termination of the lease, and after pos-*  
9     *session has been demanded for the United States by the park superintendent,*  
10    *or against a person retaining possession of land lying within the boundary*  
11    *of a national military park that the person has sold to the United States for*  
12    *park purposes and received payment therefor, after possession of the land has*  
13    *been demanded for the United States by the park superintendent, to recover*  
14    *possession of the land withheld. The civil action shall be brought according*  
15    *to the statutes of the State in which the national military park is situated.*

16         (b) *TRESPASS.*—*A person described in subsection (a) shall be guilty of tres-*  
17    *pass.*

18    **§ 103305. Travel expenses incident to study of battlefields**

19         *Mileage of officers of the Army and actual expenses of civilian employees*  
20    *traveling on duty in connection with the studies, surveys, and field investiga-*  
21    *tions of battlefields shall be paid from the appropriations made to meet ex-*  
22    *penditures for those purposes.*

23    **§ 103306. Studies**

24         (a) *STUDY OF BATTLEFIELDS FOR COMMEMORATIVE PURPOSES.*—*The Sec-*  
25    *retary of the Army may make studies and investigations and, where nec-*  
26    *essary, surveys of all battlefields within the continental limits of the United*  
27    *States on which troops of the United States or of the original 13 colonies have*  
28    *been engaged against a common enemy, with a view to preparing a general*  
29    *plan and such detailed projects as may be required for properly commemorat-*  
30    *ing such battlefields or other adjacent points of historic and military interest.*

31         (b) *INCLUSION OF ESTIMATE OF COST OF PROJECTED SURVEYS IN APPRO-*  
32    *PRIATION ESTIMATES.*—*The Secretary of the Army shall include annually in*  
33    *the Department of the Interior appropriation estimates a list of the battle-*  
34    *fields for which surveys or other field investigations are planned for the fiscal*  
35    *year in question, with the estimated cost of making each survey or other field*  
36    *investigation.*

37         (c) *PURCHASE OF REAL ESTATE FOR NATIONAL MILITARY PARK PUR-*  
38    *CHASES.*—*No real estate shall be purchased for national military park pur-*  
39    *poses by the Federal Government unless a report on the real estate has been*  
40    *made by the Secretary of the Army through the President to Congress under*  
41    *subsection (d).*

1       (d) *REPORT TO CONGRESS.*—*The Secretary of the Army, through the Presi-*  
 2       *dent, shall annually submit to Congress a detailed report of progress made*  
 3       *under this subchapter, with recommendations for further operations.*

4                   **Chapters 1035 through 1047—Reserved**  
 5                   **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.*

6       **§ 104901. Central warehouses at System units**

7       (a) *AUTHORITY OF SECRETARY.*—*The Secretary, in the administration of*  
 8       *the System, may maintain central warehouses at System units.*

9       (b) *APPROPRIATIONS.*—

10       (1) *AVAILABILITY.*—*Appropriations made for the administration, pro-*  
 11       *tection, maintenance, and improvement of System units shall be avail-*  
 12       *able for the purchase of supplies and materials to be kept in central*  
 13       *warehouses for distribution at cost, including transportation and han-*  
 14       *dling, to projects under specific appropriations.*

15       (2) *TRANSFERS BETWEEN APPROPRIATIONS.*—

16       (A) *AUTHORIZATION.*—*Transfers between the various appropria-*  
 17       *tions made for System units are authorized for the purpose of*  
 18       *charging the cost of supplies and materials, including transpor-*  
 19       *tation and handling, drawn from central warehouses maintained*  
 20       *under this authority to the particular appropriation benefited.*

21       (B) *AVAILABILITY OF SUPPLIES AND MATERIALS AND TRANSFERS*  
 22       *IN SUBSEQUENT YEARS.*—*Supplies and materials that remain at*  
 23       *the end of any fiscal year shall be continuously available for issu-*  
 24       *ance during subsequent fiscal years and shall be charged for by*  
 25       *transfers of funds between appropriations made for the administra-*  
 26       *tion, protection, maintenance, and improvement of System units for*  
 27       *the fiscal year then current without decreasing the appropriations*  
 28       *made for that fiscal year.*

29       (c) *LIMITATION ON PURCHASE OF SUPPLIES AND MATERIALS.*—*Supplies*  
 30       *and materials shall not be purchased solely for the purpose of increasing the*  
 31       *value of storehouse stock beyond reasonable requirements for any current fiscal*  
 32       *year.*

33       **§ 104902. Services or other accommodations for public**

34       *The Secretary may contract for services or other accommodations provided*  
 35       *in System units for the public under contract with the Department of the In-*

1     *terior, as may be required in the administration of the Service, at rates ap-*  
2     *proved by the Secretary for the furnishing of those services or accommodations*  
3     *to the Federal Government and without compliance with section 6101 of title*  
4     *41.*

5     **§ 104903. Care, removal, and burial of indigents**

6     *The Secretary may provide, out of amounts appropriated for the general*  
7     *expenses of System units, for the temporary care and removal from a System*  
8     *unit of indigents, and in case of death to provide for their burial in System*  
9     *units not under local jurisdiction for these purposes. This section does not au-*  
10    *thorize transportation of indigents or deceased for a distance of more than*  
11    *50 miles from the System unit.*

12    **§ 104904. Hire of work animals, vehicles, and equipment with**  
13    **or without personal services**

14    *The Secretary may hire, with or without personal services, work animals*  
15    *and animal-drawn and motor-propelled vehicles and equipment at rates to be*  
16    *approved by the Secretary and without compliance with section 6101 of title*  
17    *41.*

18    **§ 104905. Preparation of mats for reproduction of photo-**  
19    **graphs**

20    *The Secretary shall prepare mats that may be used for the reproduction*  
21    *in magazines and newspapers of photographs of scenery in a System unit*  
22    *that, in the opinion of the Secretary, would be of interest to the people of the*  
23    *United States and foreign nations. The mats may be furnished, without*  
24    *charge and under regulations the Secretary may prescribe, to the publishers*  
25    *of magazines, newspapers, and any other publications that may carry photo-*  
26    *graphic reproductions.*

27    **§ 104906. Protection of right of individuals to bear arms**

28    (a) *FINDINGS.*—Congress finds the following:

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

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

36       (3) *The regulations described in paragraph (2) prevent individuals*  
37       *complying with Federal and State laws from exercising the 2d amend-*  
38       *ment rights of the individuals while at System units.*

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



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

4                   (A) *on March 19, 2009, the United States District Court for the*  
 5                   *District of Columbia granted a preliminary injunction with respect*  
 6                   *to the implementation and enforcement of the new regulations; 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 that*  
 11           *unelected bureaucrats and judges cannot again override the 2d amend-*  
 12           *ment rights of law-abiding citizens on 83,600,000 acres of System land.*

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

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

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

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

23           **§104907. Limitation on extension or establishment of na-**  
 24           **tional parks in Wyoming**

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

27                   **Division B—System Units and Related**  
 28                   **Areas—Reserved**  
 29                   **Subtitle II—Outdoor Recreation Programs**  
 30                   **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 re-*  
*sponsibilities in conformity with nationwide plan.*

31           **§200101. Findings and declaration of policy**

32           *Congress finds and declares it is desirable—*

33                   (1) *that all American people of present and future generations be as-*  
 34                   *ured adequate outdoor recreation resources; and*

35                   (2) *for all levels of government and private interests to take prompt*  
 36                   *and coordinated action to the extent practicable without diminishing or*

1           *affecting their respective powers and functions to conserve, develop, and*  
2           *utilize those resources for the benefit and enjoyment of the American peo-*  
3           *ple.*

4           **§ 200102. Definitions**

5           *As used in this chapter:*

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

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

10            (A) *includes the District of Columbia; and*

11            (B) *to the extent practicable, as determined by the Secretary, in-*  
12            *cludes Puerto Rico, Guam, American Samoa, the Virgin Islands,*  
13            *and the Northern Mariana Islands.*

14           **§ 200103. Authority of Secretary to carry out certain func-**  
15            **tions and activities**

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

18           (b) *INVENTORY AND EVALUATION.*—*The Secretary may prepare and main-*  
19            *tain a continuing inventory and evaluation of outdoor recreation needs and*  
20            *resources of the United States.*

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

24           (d) *RECREATION PLAN.*—*The Secretary may formulate and maintain a*  
25            *comprehensive nationwide outdoor recreation plan, taking into consideration*  
26            *the plans of the various Federal agencies, States, and their political subdivi-*  
27            *sions. The plan shall set forth the needs and demands of the public for outdoor*  
28            *recreation and the current and foreseeable availability in the future of outdoor*  
29            *recreation resources to meet those needs. The plan shall identify critical out-*  
30            *door recreation problems, recommend solutions, and recommend desirable ac-*  
31            *tions to be taken at each level of government and by private interests. The*  
32            *Secretary shall submit the plan to the President for transmittal to Congress.*  
33            *Revisions of the plan shall be similarly transmitted at succeeding 5-year in-*  
34            *tervals. When a plan or revision is transmitted to the Congress, the Secretary*  
35            *shall transmit copies to the chief executive officials of the States.*

36           (e) *TECHNICAL ASSISTANCE AND ADVICE.*—*The Secretary may provide*  
37            *technical assistance and advice to and cooperate with States, political sub-*  
38            *divisions, and private interests, including nonprofit organizations, with re-*  
39            *spect to outdoor recreation.*

1 (f) *INTERSTATE AND REGIONAL COOPERATION.*—The Secretary may en-  
2 courage interstate and regional cooperation in the planning, acquisition, and  
3 development of outdoor recreation resources.

4 (g) *RESEARCH, INFORMATION, AND EDUCATION PROGRAMS AND ACTIVI-*  
5 *TIES.*—The Secretary may—

6 (1) sponsor, engage in, and assist in research relating to outdoor recre-  
7 ation, directly or by contract or cooperative agreements, and make pay-  
8 ments for such purposes without regard to the limitations of section  
9 3324(a) and (b) of title 31 concerning advances of funds when the Sec-  
10 retary considers such action to be in the public interest;

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

14 (3) cooperate with educational institutions and others to assist in es-  
15 tablishing education programs and activities and to encourage public use  
16 and benefits from outdoor recreation.

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

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

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

23 (B) promote coordination of Federal plans and activities gener-  
24 ally relating to outdoor recreation.

25 (2) *FUNDING.*—An agency furnishing advice or assistance under this  
26 paragraph may expend its own funds for those purposes, with or without  
27 reimbursement, as may be agreed to by that agency.

28 (i) *DONATIONS.*—The Secretary may accept and use donations of money,  
29 property, personal services, or facilities for the purposes of this chapter.

30 **§200104. Consultations of Secretary with administrative offi-**  
31 **cers; execution of administrative responsibilities in**  
32 **conformity with nationwide plan**

33 To carry out the policy declared in section 200101 of this title, the heads  
34 of Federal agencies having administrative responsibility over activities or re-  
35 sources the conduct or use of which is pertinent to fulfillment of that policy  
36 shall, individually or as a group—

37 (1) consult with and be consulted by the Secretary from time to time  
38 both with respect to their conduct of those activities and their use of those  
39 resources and with respect to the activities that the Secretary carries on  
40 under authority of this chapter that are pertinent to their work; and

1           (2) carry out that responsibility in general conformance with the na-  
2           tionwide plan authorized under section 200103(d) of this title.

3                           **Chapter 2003—Land and Water**  
4                           **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.

5           **§200301. Definitions**

6           In this chapter:

7                   (1) *FUND*.—The term “Fund” means the Land and Water Conserva-  
8                   tion Fund established under section 200302 of this title.

9                   (2) *STATE*.—The term “State” means a State, the District of Colum-  
10                   bia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the  
11                   Northern Mariana Islands.

12           **§200302. Establishment of Land and Water Conservation**  
13                           **Fund**

14           (a) *ESTABLISHMENT*.—There is established in the Treasury the Land and  
15           Water Conservation Fund.

16           (b) *DEPOSITS*.—During the period ending September 30, 2015, there shall  
17           be deposited in the Fund the following revenues and collections:

18                   (1) All proceeds (except so much thereof as may be otherwise obligated,  
19                   credited, or paid under authority of the provisions of law set forth in  
20                   section 572(a) or 574(a) to (c) of title 40 or under authority of any ap-  
21                   propriation Act that appropriates an amount, to be derived from pro-  
22                   ceeds from the transfer of excess property and the disposal of surplus  
23                   property, for necessary expenses, not otherwise provided for, incident to  
24                   the utilization and disposal of excess and surplus property) received from  
25                   any disposal of surplus real property and related personal property  
26                   under chapter 5 of title 40, notwithstanding any provision of law that  
27                   such proceeds shall be credited to miscellaneous receipts of the Treasury.  
28                   Nothing in this chapter shall affect existing laws or regulations concern-  
29                   ing disposal of real or personal surplus property to schools, hospitals,  
30                   and States and their political subdivisions.

31                   (2) The amounts provided for in section 200310 of this title.

32           (c) *AUTHORIZATION OF APPROPRIATIONS*.—

1           (1) *IN GENERAL.*—*In addition to the sum of the revenues and collec-*  
2           *tions estimated by the Secretary to be deposited in the Fund pursuant*  
3           *to this section, there are authorized to be appropriated annually to the*  
4           *Fund out of any money in the Treasury not otherwise appropriated such*  
5           *amounts as are necessary to make the income of the Fund not less than*  
6           *\$900,000,000 for each fiscal year through September 30, 2015.*

7           (2) *RECEIPTS UNDER OUTER CONTINENTAL SHELF LANDS ACT.*—*To*  
8           *the extent that amounts appropriated under paragraph (1) are not suffi-*  
9           *cient to make the total annual income of the Fund equivalent to the*  
10           *amounts provided in paragraph (1), an amount sufficient to cover the*  
11           *remainder shall be credited to the Fund from revenues due and payable*  
12           *to the United States for deposit in the Treasury as miscellaneous receipts*  
13           *under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).*

14           (3) *AVAILABILITY OF DEPOSITS.*—*Notwithstanding section 200303 of*  
15           *this title, money deposited in the Fund under this subsection shall re-*  
16           *main in the Fund until appropriated by Congress to carry out this*  
17           *chapter.*

### 18   **§200303. Appropriations for expenditure of Fund amounts**

19           *Amounts deposited in the Fund shall be available for expenditure for the*  
20           *purposes of this chapter only when appropriated for those purposes. The ap-*  
21           *propriations may be made without fiscal-year limitation. Amounts made*  
22           *available for obligation or expenditure from the Fund may be obligated or*  
23           *expended only as provided in this chapter.*

### 24   **§200304. Statement of estimated requirements**

25           *There shall be submitted with the annual budget of the United States a*  
26           *comprehensive statement of estimated requirements during the ensuing fiscal*  
27           *year for appropriations from the Fund. Not less than 40 percent of such ap-*  
28           *propriations shall be available for Federal purposes.*

### 29   **§200305. Financial assistance to States**

30           (1) *AUTHORITY OF SECRETARY TO MAKE PAYMENTS.*—*The Secretary may*  
31           *provide financial assistance to the States from amounts available for State*  
32           *purposes. Payments may be made to the States by the Secretary as provided*  
33           *in this section, subject to such terms and conditions as the Secretary considers*  
34           *appropriate and in the public interest to carry out the purposes of this chap-*  
35           *ter, for outdoor recreation:*

36                   (1) *Planning.*

37                   (2) *Acquisition of land, water, or interests in land or water.*

38                   (3) *Development.*

39           (2) *APPORTIONMENT AMONG STATES.*—*Amounts appropriated and avail-*  
40           *able for State purposes for each fiscal year shall be apportioned among the*

1 *States by the Secretary, whose determination shall be final, in accordance*  
2 *with the following formula:*

3 *(1) Forty percent of the 1st \$225,000,000; 30 percent of the next*  
4 *\$275,000,000; and 20 percent of all additional appropriations shall be*  
5 *apportioned equally among the States.*

6 *(2) At any time, the remaining appropriation shall be apportioned on*  
7 *the basis of need to individual States by the Secretary in such amounts*  
8 *as in the Secretary's judgment will best accomplish the purposes of this*  
9 *chapter. The determination of need shall include consideration of—*

10 *(A) the proportion that the population of each State bears to the*  
11 *total population of the United States;*

12 *(B) the use of outdoor recreation resources of each State by per-*  
13 *sons from outside the State; and*

14 *(C) the Federal resources and programs in each State.*

15 *(3) The total allocation to a State under paragraphs (1) and (2) shall*  
16 *not exceed 10 percent of the total amount allocated to all of the States*  
17 *in any one year.*

18 *(4) The Secretary shall notify each State of its apportionments. The*  
19 *amounts shall be available for payment to the State for planning, acqui-*  
20 *sition, or development projects as prescribed. Any amount of any appor-*  
21 *tionment that has not been paid or obligated by the Secretary during*  
22 *the fiscal year in which the notification is given and for 2 fiscal years*  
23 *thereafter shall be reapportioned by the Secretary in accordance with*  
24 *paragraph (2) without regard to the 10 percent limitation to an individ-*  
25 *ual State specified in this subsection.*

26 *(5) For the purposes of paragraph (1), the District of Columbia, Puer-*  
27 *to Rico, Guam, American Samoa, the Virgin Islands, and the Northern*  
28 *Mariana Islands shall be deemed to be one State, and shall receive shares*  
29 *of the apportionment in proportion to their populations.*

30 *(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not*  
31 *more than 50 percent of the cost of planning, acquisition, or development*  
32 *projects that are undertaken by the State. The remaining share of the cost*  
33 *shall be borne by the State in a manner and with funds or services as shall*  
34 *be satisfactory to the Secretary.*

35 *(d) COMPREHENSIVE STATE PLAN.—*

36 *(1) REQUIRED FOR CONSIDERATION OF FINANCIAL ASSISTANCE.—A*  
37 *comprehensive statewide outdoor recreation plan shall be required prior*  
38 *to the consideration by the Secretary of financial assistance for acquisi-*  
39 *tion or development projects. The plan shall be adequate if, in the judg-*  
40 *ment of the Secretary, it encompasses and will promote the purposes of*  
41 *this chapter. No plan shall be approved unless the chief executive official*

1           of the State certifies that ample opportunity for public participation in  
2           plan development and revision has been accorded. The Secretary shall de-  
3           velop, in consultation with others, criteria for public participation,  
4           which criteria shall constitute the basis for the certification by the chief  
5           executive official. The plan shall contain—

6                   (A) the name of the State agency that will have authority to rep-  
7                   resent and act for the State in dealing with the Secretary for pur-  
8                   poses of this chapter;

9                   (B) an evaluation of the demand for and supply of outdoor recre-  
10                  ation resources and facilities in the State;

11                  (C) a program for the implementation of the plan; and

12                  (D) other necessary information, as determined by the Secretary.

13           (2) *FACTORS TO BE CONSIDERED.*—The plan shall take into account  
14           relevant Federal resources and programs and shall be correlated so far  
15           as practicable with other State, regional, and local plans. Where there  
16           exists or is in preparation for any particular State a comprehensive  
17           plan financed in part with funds supplied by the Secretary of Housing  
18           and Urban Development, any statewide outdoor recreation plan prepared  
19           for purposes of this part shall be based on the same population, growth,  
20           and other pertinent factors as are used in formulating plans financed  
21           by the Secretary of Housing and Urban Development.

22           (3) *PROVISION OF ASSISTANCE WHEN PLAN NOT OTHERWISE AVAIL-*  
23           *ABLE OR TO MAINTAIN PLAN.*—The Secretary may provide financial as-  
24           sistance to any State for projects for the preparation of a comprehensive  
25           statewide outdoor recreation plan when the plan is not otherwise avail-  
26           able or for the maintenance of the plan.

27           (4) *WETLANDS.*—A comprehensive statewide outdoor recreation plan  
28           shall specifically address wetlands within the State as an important out-  
29           door recreation resource as a prerequisite to approval, except that a re-  
30           vised comprehensive statewide outdoor recreation plan shall not be re-  
31           quired by the Secretary, if a State submits, and the Secretary, acting  
32           through the Director, approves, as a part of and as an addendum to the  
33           existing comprehensive statewide outdoor recreation plan, a wetlands  
34           priority plan developed in consultation with the State agency with re-  
35           sponsibility for fish and wildlife resources and consistent with the na-  
36           tional wetlands priority conservation plan developed under section 301  
37           of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3921) or,  
38           if the national plan has not been completed, consistent with the provi-  
39           sions of that section.

40           (e) *PROJECTS FOR LAND AND WATER ACQUISITION AND DEVELOPMENT OF*  
41           *BASIC OUTDOOR RECREATION FACILITIES.*—

1           (1) *IN GENERAL.*—*In addition to assistance for planning projects, the*  
2           *Secretary may provide financial assistance to any State for the types of*  
3           *projects described in paragraphs (2) and (3), or combinations of those*  
4           *projects, if the projects are in accordance with the State comprehensive*  
5           *plan.*

6           (2) *ACQUISITION OF LAND OR WATER.*—

7           (A) *IN GENERAL.*—*Under paragraph (1), the Secretary may pro-*  
8           *vide financial assistance for a project for the acquisition of land,*  
9           *water, or an interest in land or water, or a wetland area or an in-*  
10           *terest in a wetland area, as identified in the wetlands provisions*  
11           *of the comprehensive plan (other than land, water, or an interest*  
12           *in land or water acquired from the United States for less than fair*  
13           *market value), but not including incidental costs relating to acquisi-*  
14           *tion.*

15           (B) *RETENTION OF RIGHT OF USE AND OCCUPANCY.*—*When a*  
16           *State provides that the owner of a single-family residence may, at*  
17           *the owner's option, elect to retain a right of use and occupancy for*  
18           *not less than 6 months after the date of acquisition of the residence*  
19           *and the owner elects to retain such a right—*

20                   (i) *the owner shall be deemed to have waived any benefits*  
21                   *under sections 203 to 206 of the Uniform Relocation Assistance*  
22                   *and Real Property Acquisition Policies Act of 1970 (42 U.S.C.*  
23                   *4623 to 4626); and*

24                   (ii) *for the purposes of those sections the owner shall not be*  
25                   *deemed to be a displaced person as defined in section 101 of*  
26                   *that Act (42 U.S.C. 4601).*

27           (3) *DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.*—

28           *Under paragraph (1), the Secretary may provide financial assistance for*  
29           *a project for development of basic outdoor recreation facilities to serve*  
30           *the general public, including the development of Federal land under lease*  
31           *to States for terms of 25 years or more. No assistance shall be available*  
32           *under this chapter to enclose or shelter a facility normally used for an*  
33           *outdoor recreation activity, but the Secretary may permit local funding,*  
34           *not to exceed 10 percent of the total amount allocated to a State in any*  
35           *one year, to be used for construction of a sheltered facility for a swim-*  
36           *ming pool or ice skating rink in an area where the Secretary determines*  
37           *that the construction is justified by the severity of climatic conditions*  
38           *and the increased public use made possible by the construction.*

39           (f) *PAYMENTS.*—

40           (1) *CRITERIA FOR MAKING PAYMENTS.*—*The Secretary may make a*  
41           *payment to a State only for a planning, acquisition, or development*



1        *project that is approved by the Secretary. The Secretary shall not make*  
2        *a payment for or on account of any project with respect to which finan-*  
3        *cial assistance has been given or promised under any other Federal pro-*  
4        *gram or activity, and no financial assistance shall be given under any*  
5        *other Federal program or activity for or on account of any project with*  
6        *respect to which the assistance has been given or promised under this*  
7        *chapter. The Secretary may make payments from time to time in keep-*  
8        *ing with the rate of progress toward the satisfactory completion of a*  
9        *project. The approval of all projects and all payments, or any commit-*  
10       *ments relating thereto, shall be withheld until the Secretary receives ap-*  
11       *propriate written assurance from the State that the State has the ability*  
12       *and intention to finance its share of the cost of all of the projects, and*  
13       *to operate and maintain by acceptable standards, at State expense, the*  
14       *properties or facilities acquired or developed for public outdoor recre-*  
15       *ation use.*

16        (2) *PAYMENT RECIPIENTS.—Payments for all projects shall be made*  
17        *by the Secretary to the chief executive official of the State or to a State*  
18        *official or agency designated by the chief executive official or by State*  
19        *law having authority and responsibility to accept and to administer*  
20        *funds paid under this section for approved projects. If consistent with*  
21        *an approved project, funds may be transferred by the State to a political*  
22        *subdivision or other appropriate public agency.*

23        (3) *CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION*  
24        *USE.—No property acquired or developed with assistance under this sec-*  
25        *tion shall, without the approval of the Secretary, be converted to other*  
26        *than public outdoor recreation use. The Secretary shall approve a conver-*  
27        *sion only if the Secretary finds it to be in accordance with the then-exist-*  
28        *ing comprehensive statewide outdoor recreation plan and only on such*  
29        *conditions as the Secretary considers necessary to ensure the substitution*  
30        *of other recreation properties of at least equal fair market value and of*  
31        *reasonably equivalent usefulness and location. Wetland areas and inter-*  
32        *ests therein as identified in the wetlands provisions of the comprehensive*  
33        *plan and proposed to be acquired as suitable replacement property with-*  
34        *in the same State that is otherwise acceptable to the Secretary, acting*  
35        *through the Director, shall be deemed to be of reasonably equivalent use-*  
36        *fulness with the property proposed for conversion.*

37        (4) *REPORTS AND ACCOUNTING PROCEDURES.—No payment shall be*  
38        *made to any State until the State has agreed to—*

39            (A) *provide such reports to the Secretary in such form and con-*  
40            *taining such information as may be reasonably necessary to enable*

1           *the Secretary to perform the Secretary's duties under this chapter;*  
2           *and*

3           *(B) provide such fiscal control and fund accounting procedures*  
4           *as may be necessary to ensure proper disbursement and accounting*  
5           *for Federal funds paid to the State under this chapter.*

6           *(g) RECORDS.—A recipient of assistance under this chapter shall keep such*  
7           *records as the Secretary shall prescribe, including records that fully disclose—*

8           *(1) the amount and the disposition by the recipient of the proceeds of*  
9           *the assistance;*

10          *(2) the total cost of the project or undertaking in connection with*  
11          *which the assistance is given or used; and*

12          *(3) the amount and nature of that portion of the cost of the project*  
13          *or undertaking supplied by other sources, and such other records as will*  
14          *facilitate an effective audit.*

15          *(h) ACCESS TO RECORDS.—The Secretary, and the Comptroller General, or*  
16          *any of their duly authorized representatives, shall have access for the purpose*  
17          *of audit and examination to any records of the recipient that are pertinent*  
18          *to assistance received under this chapter.*

19          *(i) PROHIBITION OF DISCRIMINATION.—With respect to property acquired*  
20          *or developed with assistance from the Fund, discrimination on the basis of*  
21          *residence, including preferential reservation or membership systems, is pro-*  
22          *hibited except to the extent that reasonable differences in admission and other*  
23          *fees may be maintained on the basis of residence.*

24          *(j) COORDINATION WITH FEDERAL AGENCIES.—To ensure consistency in*  
25          *policies and actions under this chapter with other related Federal programs*  
26          *and activities and to ensure coordination of the planning, acquisition, and*  
27          *development assistance to States under this section with other related Federal*  
28          *programs and activities—*

29          *(1) the President may issue such regulations with respect thereto as*  
30          *the President considers desirable; and*

31          *(2) the assistance may be provided only in accordance with the regula-*  
32          *tions.*

33          *(k) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—*

34          *(1) AVAILABILITY AND PURPOSE OF FUNDS.—In addition to assistance*  
35          *for planning projects, and in addition to the projects identified in sub-*  
36          *section (e), and from amounts appropriated out of the Violent Crime Re-*  
37          *duction Trust Fund, the Secretary may provide financial assistance to*  
38          *the States, not to exceed \$15,000,000, for projects or combinations thereof*  
39          *for the purpose of making capital improvements and other measures to*  
40          *increase safety in urban parks and recreation areas, including funds*  
41          *to—*

1           (A) increase lighting within or adjacent to public parks and  
2 recreation areas;

3           (B) provide emergency telephone lines to contact law enforcement  
4 or security personnel in areas within or adjacent to public parks  
5 and recreation areas;

6           (C) increase security personnel within or adjacent to public parks  
7 and recreation areas; and

8           (D) fund any other project intended to increase the security and  
9 safety of public parks and recreation areas.

10          (2) *ELIGIBILITY.*—In addition to the requirements for project approval  
11 imposed by this section, eligibility for assistance under this subsection  
12 shall depend on a showing of need. In providing funds under this sub-  
13 section, the Secretary shall give priority to projects proposed for urban  
14 parks and recreation areas with the highest rates of crime and, in par-  
15 ticular, to urban parks and recreation areas with the highest rates of sex-  
16 ual assault.

17          (3) *FEDERAL SHARE.*—Notwithstanding subsection (c), the Secretary  
18 may provide 70 percent improvement grants for projects undertaken by  
19 a State for the purposes described in this subsection.

20       **§200306. Allocation of Fund amounts for Federal purposes**

21       (a) *ALLOWABLE PURPOSES AND SUBPURPOSES.*—

22           (1) *IN GENERAL.*—Amounts appropriated from the Fund for Federal  
23 purposes shall, unless otherwise allotted in the appropriation Act making  
24 them available, be allotted by the President for the purposes and subpur-  
25 poses stated in this subsection.

26           (2) *ACQUISITION OF LAND, WATER, OR AN INTEREST IN LAND OR*  
27 *WATER.*—

28           (A) *SYSTEM UNITS AND RECREATION AREAS ADMINISTERED FOR*  
29 *RECREATION PURPOSES.*—Amounts shall be allotted for the acquisi-  
30 tion of land, water, or an interest in land or water within the exte-  
31 rior boundary of—

32                   (i) a System unit authorized or established; and

33                   (ii) an area authorized to be administered by the Secretary  
34 for outdoor recreation purposes.

35           (B) *NATIONAL FOREST SYSTEM.*—

36                   (i) *IN GENERAL.*—Amounts shall be allotted for the acquisi-  
37 tion of land, water, or an interest in land or water within in-  
38 holdings within—

39                           (I) wilderness areas of the National Forest System; and

40                           (II) other areas of national forests as the boundaries of  
41 those forests existed on January 1, 1965, or purchase units

1                   *approved by the National Forest Reservation Commission*  
2                   *subsequent to January 1, 1965, all of which other areas*  
3                   *are primarily of value for outdoor recreation purposes.*

4                   (ii) *ADJACENT LAND.—Land outside but adjacent to an ex-*  
5                   *isting national forest boundary, not to exceed 3,000 acres in*  
6                   *the case of any one forest, that would comprise an integral part*  
7                   *of a forest recreational management area may also be acquired*  
8                   *with amounts appropriated from the Fund.*

9                   (iii) *LIMITATION.—Except for areas specifically authorized*  
10                   *by Act of Congress, not more than 15 percent of the acreage*  
11                   *added to the National Forest System pursuant to this section*  
12                   *shall be west of the 100th meridian.*

13                   (C) *ENDANGERED SPECIES AND THREATENED SPECIES; FISH AND*  
14                   *WILDLIFE REFUGE AREAS; NATIONAL WILDLIFE REFUGE SYSTEM.—*  
15                   *Amounts shall be allotted for the acquisition of land, water, or an*  
16                   *interest in land or water for—*

17                   (i) *endangered species and threatened species authorized*  
18                   *under section 5(a) of the Endangered Species Act of 1973 (16*  
19                   *U.S.C. 1534(a));*

20                   (ii) *areas authorized by section 2 of the Refuge Recreation*  
21                   *Act (16 U.S.C. 460k-1);*

22                   (iii) *national wildlife refuge areas under section 7(a)(4) of*  
23                   *the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and*  
24                   *wetlands acquired under section 304 of the Emergency Wet-*  
25                   *lands Resources Act of 1986 (16 U.S.C. 3922); and*

26                   (iv) *any area authorized for the National Wildlife Refuge*  
27                   *System by specific Acts.*

28                   (3) *PAYMENT AS OFFSET OF CAPITAL COSTS.—Amounts shall be allot-*  
29                   *ted for payment into miscellaneous receipts of the Treasury as a partial*  
30                   *offset for capital costs, if any, of Federal water development projects au-*  
31                   *thorized to be constructed by or pursuant to an Act of Congress that are*  
32                   *allocated to public recreation and the enhancement of fish and wildlife*  
33                   *values and financed through appropriations to water resource agencies.*

34                   (4) *AVAILABILITY OF APPROPRIATIONS.—Appropriations allotted for*  
35                   *the acquisition of land, water, or an interest in land or water as set forth*  
36                   *under subparagraphs (A) and (B) of paragraph (2) shall be available for*  
37                   *those acquisitions notwithstanding any statutory ceiling on the appro-*  
38                   *priations contained in any other provision of law enacted prior to Janu-*  
39                   *ary 4, 1977, or, in the case of national recreation areas, prior to Janu-*  
40                   *ary 15, 1979, except that for any such area expenditures shall not exceed*

1           a statutory ceiling during any one fiscal year by 10 percent of the ceil-  
2           ing or \$1,000,000, whichever is greater.

3           (b) *ACQUISITION RESTRICTIONS.*—Appropriations from the Fund pursuant  
4           to this section shall not be used for acquisition unless the acquisition is other-  
5           wise authorized by law. Appropriations from the Fund may be used for pre-  
6           acquisition work where authorization is imminent and where substantial  
7           monetary savings could be realized.

8           **§200307. Availability of Fund amounts for publicity pur-  
9           poses**

10          (a) *IN GENERAL.*—Amounts derived from the sources listed in section  
11          200302 of this title shall not be available for publicity purposes.

12          (b) *EXCEPTION FOR TEMPORARY SIGNING.*—In a case where significant ac-  
13          quisition or development is initiated, appropriate standardized temporary  
14          signing shall be located on or near the affected site, to the extent feasible, so  
15          as to indicate the action taken is a product of funding made available through  
16          the Fund. The signing may indicate the percentage amounts and dollar  
17          amounts financed by Federal and non-Federal funds, and that the source of  
18          the funding includes amounts derived from Outer Continental Shelf receipts.  
19          The Secretary shall prescribe standards and guidelines for the usage of the  
20          signing to ensure consistency of design and application.

21          **§200308. Contracts for acquisition of land and water**

22          Not more than \$30,000,000 of the amount authorized to be appropriated  
23          from the Fund by section 200303 of this title may be obligated by contract  
24          during each fiscal year for the acquisition of land, water, or interest in land  
25          or water within areas specified in section 200306(a)(2) of this title. The con-  
26          tract may be executed by the head of the department concerned, within limita-  
27          tions prescribed by the Secretary. The contract shall be a contractual obliga-  
28          tion of the United States and shall be liquidated with money appropriated  
29          from the Fund specifically for liquidation of that contract obligation. No con-  
30          tract may be entered into for the acquisition of property pursuant to this sec-  
31          tion unless the acquisition is otherwise authorized by Federal law.

32          **§200309. Contracts for options to acquire land and water in  
33          System**

34          The Secretary may enter into contracts for options to acquire land, water,  
35          or interests in land or water within the exterior boundaries of any area the  
36          acquisition of which is authorized by law for inclusion in the System. The  
37          minimum period of any such option shall be 2 years, and any sums expended  
38          for the purchase of an option shall be credited to the purchase price of the  
39          area. Not more than \$500,000 of the sum authorized to be appropriated from  
40          the Fund by section 200303 of this title may be expended by the Secretary  
41          in any one fiscal year for the options.

1    **§ 200310. Transfers to and from Fund**

2       (a) *MOTORBOAT FUEL TAXES.*—There shall be set aside in the Fund the  
3 amounts specified in section 9503(c)(3)(B) of the Internal Revenue Code of  
4 1986 (26 U.S.C. 9503(c)(3)(B)).

5       (b) *REFUNDS OF TAXES.*—There shall be paid from time to time from the  
6 Fund into the general fund of the Treasury amounts estimated by the Sec-  
7 retary of the Treasury as equivalent to—

8           (1) the amounts paid before April 1, 2013, under section 6421 of the  
9 Internal Revenue Code of 1986 (26 U.S.C. 6421) with respect to gasoline  
10 used after December 31, 1964, in motorboats, on the basis of claims filed  
11 for periods ending before April 1, 2012; and

12           (2) 80 percent of the floor stocks refunds made before April 1, 2013,  
13 under section 6412(a)(1) of the Internal Revenue Code of 1986 (26  
14 U.S.C. 6412(a)(1)) with respect to gasoline to be used in motorboats.

15       **Chapter 2005—Urban Park and Recreation**  
16       **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.

17    **§ 200501. Definitions**

18       In this chapter:

19       (1) *AT-RISK YOUTH RECREATION GRANT.*—

20           (A) *IN GENERAL.*—The term “at-risk youth recreation grant”  
21 means a grant in a neighborhood or community with a high preva-  
22 lence of crime, particularly violent crime or crime committed by  
23 youthful offenders.

24           (B) *INCLUSIONS.*—The term “at-risk youth recreation grant” in-  
25 cludes—

26           (i) a rehabilitation grant;

27           (ii) an innovation grant; and

28           (iii) a matching grant for continuing program support for  
29 a program of demonstrated value or success in providing con-  
30 structive alternatives to youth at risk for engaging in criminal  
31 behavior, including a grant for operating, or coordinating, a  
32 recreation program or service.

1           (C) *ADDITIONAL USES OF REHABILITATION GRANT.*—*In addition*  
2           *to the purposes specified in paragraph (8), a rehabilitation grant*  
3           *that serves as an at-risk youth recreation grant may be used for the*  
4           *provision of lighting, emergency phones, or any other capital im-*  
5           *provement that will improve the security of an urban park.*

6           (2) *GENERAL PURPOSE LOCAL GOVERNMENT.*—*The term “general pur-*  
7           *pose local government” means—*

8                   (A) *a city, county, town, township, village, or other general pur-*  
9                   *pose political subdivision of a State; and*

10                   (B) *the District of Columbia.*

11           (3) *INNOVATION GRANT.*—*The term “innovation grant” means a*  
12           *matching grant to a local government to cover costs of personnel, facili-*  
13           *ties, equipment, supplies, or services designed to demonstrate innovative*  
14           *and cost-effective ways to augment park and recreation opportunities at*  
15           *the neighborhood level and to address common problems related to facil-*  
16           *ity operations and improved delivery of recreation service, not including*  
17           *routine operation and maintenance activities.*

18           (4) *MAINTENANCE.*—*The term “maintenance” means all commonly ac-*  
19           *cepted practices necessary to keep recreation areas and facilities operat-*  
20           *ing in a state of good repair and to protect them from deterioration re-*  
21           *sulting from normal wear and tear.*

22           (5) *PRIVATE, NONPROFIT AGENCY.*—*The term “private, nonprofit*  
23           *agency” means a community-based, nonprofit organization, corporation,*  
24           *or association organized for purposes of providing recreational, conserva-*  
25           *tion, and educational services directly to urban residents on a neighbor-*  
26           *hood or communitywide basis through voluntary donations, voluntary*  
27           *labor, or public or private grants.*

28           (6) *RECOVERY ACTION PROGRAM GRANT.*—

29                   (A) *IN GENERAL.*—*The term “recovery action program grant”*  
30                   *means a matching grant to a local government for development of*  
31                   *local park and recreation recovery action programs to meet the re-*  
32                   *quirements of this chapter.*

33                   (B) *USE.*—*A recovery action program grant shall be used for re-*  
34                   *source and needs assessment, coordination, citizen involvement and*  
35                   *planning, and program development activities to—*

36                           (i) *encourage public definition of goals; and*

37                           (ii) *develop priorities and strategies for overall recreation*  
38                           *system recovery.*

39           (7) *RECREATION AREA OR FACILITY.*—*The term “recreation area or fa-*  
40           *cility” means an indoor or outdoor park, building, site, or other facility*  
41           *that is dedicated to recreation purposes and administered by a public*

1           or private nonprofit agency to serve the recreation needs of community  
2           residents. *Emphasis shall be on public facilities readily accessible to resi-*  
3           *dential neighborhoods, including multiple-use community centers that*  
4           *have recreation as one of their primary purposes, but excluding major*  
5           *sports arenas, exhibition areas, and conference halls used primarily for*  
6           *commercial sports, spectator, or display activities.*

7           (8) *REHABILITATION GRANT.*—*The term “rehabilitation grant” means*  
8           *a matching capital grant to a local government for rebuilding, remodel-*  
9           *ing, expanding, or developing an existing outdoor or indoor recreation*  
10           *area or facility, including improvements in park landscapes, buildings,*  
11           *and support facilities, but excluding routine maintenance and upkeep*  
12           *activities.*

13           (9) *SPECIAL PURPOSE LOCAL GOVERNMENT.*—

14           (A) *IN GENERAL.*—*The term “special purpose local government”*  
15           *means a local or regional special district, public-purpose corpora-*  
16           *tion, or other limited political subdivision of a State.*

17           (B) *INCLUSIONS.*—*The term “special purpose local government”*  
18           *includes—*

19                   (i) *a park authority;*

20                   (ii) *a park, conservation, water, or sanitary district; and*

21                   (iii) *a school district.*

22           (10) *STATE.*—*The term “State” means a State, an instrumentality of*  
23           *a State approved by the Governor of the State, Puerto Rico, Guam,*  
24           *American Samoa, the Virgin Islands, and the Northern Mariana Islands.*

## 25   **§200502. Federal assistance**

26           (a) *ELIGIBILITY DETERMINED BY SECRETARY.*—*Eligibility of general pur-*  
27           *pose local governments for assistance under this chapter shall be based on need*  
28           *as determined by the Secretary. The Secretary shall publish in the Federal*  
29           *Register a list of local governments eligible to participate in this program,*  
30           *to be accompanied by a discussion of criteria used in determining eligibility.*  
31           *Criteria shall be based on factors that the Secretary determines are related*  
32           *to deteriorated recreational facilities or systems and physical and economic*  
33           *distress.*

34           (b) *ADDITIONAL ELIGIBLE GENERAL PURPOSE LOCAL GOVERNMENTS.*—*In*  
35           *addition to eligible local governments established in accordance with sub-*  
36           *section (a), the Secretary may establish eligibility, in accord with the findings*  
37           *and purpose of the Urban Park and Recreation Recovery Act of 1978 (Public*  
38           *Law 95–625, 92 Stat. 3538), of other general purpose local governments in*  
39           *metropolitan statistical areas as defined by the Director of the Office of Man-*  
40           *agement and Budget.*

41           (c) *PRIORITY CRITERIA FOR PROJECT SELECTION AND APPROVAL.*—



1           (1) *IN GENERAL.*—*The Secretary shall establish priority criteria for*  
2 *project selection and approval that consider such factors as—*

3           (A) *population;*

4           (B) *condition of existing recreation areas and facilities;*

5           (C) *demonstrated deficiencies in access to neighborhood recreation*  
6 *opportunities, particularly for minority and low- and moderate-in-*  
7 *come residents;*

8           (D) *public participation in determining rehabilitation or devel-*  
9 *opment needs;*

10          (E) *the extent to which a project supports or complements target*  
11 *activities undertaken as part of a local government's overall commu-*  
12 *nity development and urban revitalization program;*

13          (F) *the extent to which a proposed project would provide—*

14           (i) *employment opportunities for minorities, youth, and low-*  
15 *and moderate-income residents in the project neighborhood;*

16           (ii) *for participation of neighborhood, nonprofit, or tenant*  
17 *organizations in the proposed rehabilitation activity or in sub-*  
18 *sequent maintenance, staffing, or supervision of recreation*  
19 *areas and facilities; or*

20           (iii) *both; and*

21          (G) *the amount of State and private support for a project as evi-*  
22 *denced by commitments of non-Federal resources to project construc-*  
23 *tion or operation.*

24          (2) *AT-RISK YOUTH RECREATION GRANTS.*—*For at-risk youth recre-*  
25 *ation grants, the Secretary shall give a priority to each of the following*  
26 *criteria:*

27           (A) *Programs that are targeted to youth who are at the greatest*  
28 *risk of becoming involved in violence and crime.*

29           (B) *Programs that teach important values and life skills, includ-*  
30 *ing teamwork, respect, leadership, and self-esteem.*

31           (C) *Programs that offer tutoring, remedial education, mentoring,*  
32 *and counseling in addition to recreation opportunities.*

33           (D) *Programs that offer services during late night or other non-*  
34 *school hours.*

35           (E) *Programs that demonstrate collaboration between local park*  
36 *and recreation, juvenile justice, law enforcement, and youth social*  
37 *service agencies and nongovernmental entities, including the private*  
38 *sector and community and nonprofit organizations.*

39           (F) *Programs that leverage public or private recreation invest-*  
40 *ments in the form of services, materials, or cash.*

1                   (G) *Programs that show the greatest potential of being continued*  
2                   *with non-Federal funds or that can serve as models for other com-*  
3                   *munities.*

4                   (d) *LIMITATION OF FUNDS.—Grants to discretionary applicants under sub-*  
5                   *section (b) may not be more than 15 percent of the total amount of funds*  
6                   *appropriated under this chapter for rehabilitation grants, innovation grants,*  
7                   *and recovery action program grants.*

8                   **§200503. Rehabilitation grants and innovation grants**

9                   (a) *MATCHING GRANTS.—The Secretary may provide 70 percent matching*  
10                   *rehabilitation grants and innovation grants directly to eligible general pur-*  
11                   *pose local governments on the Secretary's approval of applications for the*  
12                   *grants by the chief executive officials of those governments.*

13                   (b) *SPECIAL CONSIDERATIONS.—An innovation grant should be closely tied*  
14                   *to goals, priorities, and implementation strategies expressed in local park and*  
15                   *recreation recovery action programs, with particular regard to the special*  
16                   *considerations listed in section 200504(c)(2) of this title.*

17                   (c) *TRANSFER.—If consistent with an approved application, a grant recipi-*  
18                   *ent may transfer a rehabilitation grant or innovation grant in whole or in*  
19                   *part to an independent special purpose local government, private nonprofit*  
20                   *agency, or county or regional park authority if the assisted recreation area*  
21                   *or facility owned or managed by the transferee offers recreation opportunities*  
22                   *to the general population within the jurisdictional boundaries of the grant re-*  
23                   *ipient.*

24                   (d) *PAYMENTS.—Payments may be made only for a rehabilitation project*  
25                   *or innovation project that has been approved by the Secretary. Payments may*  
26                   *be made from time to time in keeping with the rate of progress toward the*  
27                   *satisfactory completion of the project, except that the Secretary, when appro-*  
28                   *priate, may make advance payments on an approved rehabilitation project*  
29                   *or innovation project in an amount not to exceed 20 percent of the total*  
30                   *project cost.*

31                   (e) *MODIFICATION OF PROJECT.—The Secretary may authorize modifica-*  
32                   *tion of an approved project only when a grant recipient adequately dem-*  
33                   *onstrates that the modification is necessary because of circumstances not fore-*  
34                   *seeable at the time at which the project was proposed.*

35                   **§200504. Recovery action programs**

36                   (a) *EVIDENCE OF LOCAL COMMITMENT TO ONGOING PROGRAMS.—As a re-*  
37                   *quirement for project approval, local governments applying for assistance*  
38                   *under this chapter shall submit to the Secretary evidence of their commit-*  
39                   *ments to ongoing planning, rehabilitation, service, operation, and mainte-*  
40                   *nance programs for their park and recreation systems. These commitments*  
41                   *will be expressed in local park and recreation recovery action programs that*

1 *maximize coordination of all community resources, including other federally*  
2 *supported urban development and recreation programs. During an initial in-*  
3 *terim period to be established by regulations under this chapter, this require-*  
4 *ment may be satisfied by local government submissions of preliminary action*  
5 *programs that briefly define objectives, priorities, and implementation strate-*  
6 *gies for overall system recovery and maintenance and commit the applicant*  
7 *to a scheduled program development process. Following this interim period,*  
8 *all local applicants shall submit to the Secretary, as a condition of eligibility,*  
9 *a 5-year action program for park and recreation recovery that satisfactorily*  
10 *demonstrates—*

11 *(1) systematic identification of recovery objectives, priorities, and im-*  
12 *plementation strategies;*

13 *(2) adequate planning for rehabilitation of specific recreation areas*  
14 *and facilities, including projections of the cost of proposed projects;*

15 *(3) the capacity and commitment to ensure that facilities provided or*  
16 *improved under this chapter shall continue to be adequately maintained,*  
17 *protected, staffed, and supervised;*

18 *(4) the intention to maintain total local public outlays for park and*  
19 *recreation purposes at levels at least equal to those in the year preceding*  
20 *that in which grant assistance is sought except in any case where a re-*  
21 *duction in park and recreation outlays is proportionate to a reduction*  
22 *in overall spending by the applicant; and*

23 *(5) the relationship of the park and recreation recovery program to*  
24 *overall community development and urban revitalization efforts.*

25 *(b) CONTINUING PLANNING PROCESS.—Where appropriate, the Secretary*  
26 *may encourage local governments to meet action program requirements*  
27 *through a continuing planning process that includes periodic improvements*  
28 *and updates in action program submissions to eliminate identified gaps in*  
29 *program information and policy development.*

30 *(c) SPECIAL CONSIDERATIONS.—Action programs shall address, but are not*  
31 *limited to—*

32 *(1) rehabilitation of existing recreational areas and facilities, includ-*  
33 *ing—*

34 *(A) general systemwide renovation;*

35 *(B) special rehabilitation requirements for recreational areas and*  
36 *facilities in areas of high population concentration and economic*  
37 *distress; and*

38 *(C) restoration of outstanding or unique structures, landscaping,*  
39 *or similar features in parks of historical or architectural signifi-*  
40 *cance; and*

1           (2) *local commitments to innovative and cost-effective programs and*  
2 *projects at the neighborhood level to augment recovery of park and recre-*  
3 *ation systems, including—*

4           (A) *recycling of abandoned schools and other public buildings for*  
5 *recreational purposes;*

6           (B) *multiple use of operating educational and other public build-*  
7 *ings, purchase of recreation services on a contractual basis;*

8           (C) *use of mobile facilities and recreational, cultural, and edu-*  
9 *cational programs or other innovative approaches to improving ac-*  
10 *cess for neighborhood residents;*

11           (D) *integration of recovery program with federally assisted*  
12 *projects to maximize recreational opportunities through conversion*  
13 *of abandoned railroad and highway rights of way, waterfront, and*  
14 *other redevelopment efforts and such other federally assisted projects*  
15 *as may be appropriate;*

16           (E) *conversion of recreation use of street space, derelict land, and*  
17 *other public land not now designated for neighborhood recreational*  
18 *use; and*

19           (F) *use of various forms of compensated and uncompensated land*  
20 *regulation, tax inducements, or other means to encourage the pri-*  
21 *vate sector to provide neighborhood park and recreation facilities*  
22 *and programs.*

23           (d) *PUBLICATION IN FEDERAL REGISTER.—The Secretary shall establish*  
24 *and publish in the Federal Register requirements for preparation, submission,*  
25 *and updating of local park and recreation recovery action programs.*

26           (e) *ELIGIBILITY FOR AT-RISK YOUTH RECREATION GRANTS.—To be eligi-*  
27 *ble to receive at-risk youth recreation grants a local government shall amend*  
28 *its 5-year action program to incorporate the goal of reducing crime and juve-*  
29 *nile delinquency and to provide a description of the implementation strategies*  
30 *to achieve this goal. The plan shall also address how the local government is*  
31 *coordinating its recreation programs with crime prevention efforts of law en-*  
32 *forcement, juvenile corrections, and youth social service agencies.*

33           (f) *MATCHING RECOVERY ACTION PROGRAM GRANTS.—The Secretary may*  
34 *provide up to 50 percent matching recovery action program grants to eligible*  
35 *local governments for program development and planning specifically to meet*  
36 *the objectives of this chapter.*

37           **§200505. State action**

38           (a) *ADDITIONAL MATCH.—The Secretary may increase rehabilitation*  
39 *grants or innovation grants authorized in section 200503 of this title by pro-*  
40 *viding an additional match equal to the total match provided by a State of*

1 up to 15 percent of total project costs. The Federal matching amount shall  
2 not exceed 85 percent of total project cost.

3 (b) *ADEQUATE IMPLEMENTATION OF LOCAL RECOVERY PLANS.*—The Sec-  
4 retary shall encourage States to assist the Secretary in ensuring—

5 (1) that local recovery plans and programs are adequately imple-  
6 mented by cooperating with the Secretary in monitoring local park and  
7 recreation recovery plans and programs; and

8 (2) consistency of the plans and programs, where appropriate, with  
9 State recreation policies as set forth in statewide comprehensive outdoor  
10 recreation plans.

### 11 **§200506. Non-Federal share of project costs**

12 (a) *SOURCES.*—

13 (1) *ALLOWABLE SOURCES.*—The non-Federal share of project costs as-  
14 sisted under this chapter may be derived from general or special purpose  
15 State or local revenues, State categorical grants, special appropriations  
16 by State legislatures, donations of land, buildings, or building materials,  
17 and in-kind construction, technical, and planning services. Reasonable  
18 local costs of recovery action program development to meet the require-  
19 ments of section 200504(a) of this title may be used as part of the local  
20 match only when the local government has not received a recovery action  
21 program grant.

22 (2) *NON-ALLOWABLE SOURCES.*—No amount from the Land and Water  
23 Conservation Fund or from any other Federal grant program other than  
24 the community development block grant programs shall be used to match  
25 Federal grants under this program.

26 (b) *ENCOURAGEMENT OF STATES AND PRIVATE INTERESTS.*—The Sec-  
27 retary shall encourage States and private interests to contribute, to the maxi-  
28 mum extent possible, to the non-Federal share of project costs.

### 29 **§200507. Conversion of recreation property**

30 No property improved or developed with assistance under this chapter shall,  
31 without the approval of the Secretary, be converted to other than public recre-  
32 ation uses. The Secretary shall approve such a conversion only if the Sec-  
33 retary finds it to be in accord with the then-current local park and recreation  
34 recovery action program and only on such conditions as the Secretary consid-  
35 ers necessary to ensure the provision of adequate recreation properties and op-  
36 portunities of reasonably equivalent location and usefulness.

### 37 **§200508. Coordination of program**

38 The Secretary shall—

39 (1) coordinate the urban park and recreation recovery program with  
40 the total urban recovery effort and cooperate to the fullest extent possible  
41 with other Federal agencies and with State agencies that administer pro-

1           grams and policies affecting urban areas, including programs in hous-  
2           ing, urban development, natural resources management, employment,  
3           transportation, community services, and voluntary action;

4           (2) encourage maximum coordination of the program between State  
5           agencies and local applicants; and

6           (3) require that local applicants include provisions for participation  
7           of community and neighborhood residents and for public-private coordi-  
8           nation in recovery planning and project selection.

9           **§200509. Recordkeeping**

10          (a) *IN GENERAL.*—A recipient of assistance under this chapter shall keep  
11          such records as the Secretary shall prescribe, including—

12           (1) records that disclose—

13               (A) the amount and disposition of project undertakings in con-  
14               nection with which assistance under this chapter is given or used;  
15               and

16               (B) the amount and nature of the portion of the cost of the project  
17               or undertaking that is supplied by other sources; and

18           (2) such other records as will facilitate an effective audit.

19          (b) *ACCESS.*—The Secretary and the Comptroller General shall have access  
20          for the purpose of audit and examination to any records of the recipient that  
21          are pertinent to assistance received under this chapter.

22          **§200510. Inapplicability of matching provisions**

23          Amounts authorized for Guam, American Samoa, the Virgin Islands, and  
24          the Northern Mariana Islands are not subject to the matching provisions of  
25          this chapter, and may be subject only to such conditions, reports, plans, and  
26          agreements, if any, as the Secretary may determine.

27          **§200511. Funding limitations**

28          (a) *LIMITATION OF FUNDS.*—The amount of grants made under this chap-  
29          ter for projects in any one State for any fiscal year shall not be more than  
30          15 percent of the amount made available for grants to all of the States for  
31          that fiscal year.

32          (b) *RECOVERY ACTION PROGRAM GRANTS.*—Not more than 3 percent of the  
33          amount made available for grants under this chapter for a fiscal year shall  
34          be used for recovery action program grants.

35          (c) *INNOVATION GRANTS.*—Not more than 10 percent of the amount made  
36          available for grants under this chapter for a fiscal year shall be used for inno-  
37          vation grants.

38          (d) *PROGRAM SUPPORT.*—Not more than 25 percent of the amount made  
39          available under this chapter to any local government shall be used for pro-  
40          gram support.

1 (e) *NO LAND ACQUISITION.*—No funds made available under this chapter  
2 shall be used for the acquisition of land or an interest in land.

3 **Subtitle III—National Preservation**  
4 **Programs**  
5 **Division A—Historic Preservation**  
6 **Subdivision 1—General Provisions**  
7 **Chapter 3001—Policy**

Sec.

300101. *Policy.*

8 **§300101. Policy**

9 *It is the policy of the Federal Government, in cooperation with other na-*  
10 *tions and in partnership with States, local governments, Indian tribes, Native*  
11 *Hawaiian organizations, and private organizations and individuals, to—*

12 (1) *use measures, including financial and technical assistance, to fos-*  
13 *ter conditions under which our modern society and our historic property*  
14 *can exist in productive harmony and fulfill the social, economic, and*  
15 *other requirements of present and future generations;*

16 (2) *provide leadership in the preservation of the historic property of*  
17 *the United States and of the international community of nations and*  
18 *in the administration of the national preservation program;*

19 (3) *administer federally owned, administered, or controlled historic*  
20 *property in a spirit of stewardship for the inspiration and benefit of*  
21 *present and future generations;*

22 (4) *contribute to the preservation of nonfederally owned historic prop-*  
23 *erty and give maximum encouragement to organizations and individuals*  
24 *undertaking preservation by private means;*

25 (5) *encourage the public and private preservation and utilization of*  
26 *all usable elements of the Nation's historic built environment; and*

27 (6) *assist State and local governments, Indian tribes and Native Ha-*  
28 *waiian organizations, and the National Trust to expand and accelerate*  
29 *their historic preservation programs and activities.*

30 **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 sec-*  
3         *tion 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 resource*  
16             *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 Historic*  
26         *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” means*  
29         *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—*



1           (A) *professionals in the disciplines of architecture, history, archi-*  
2           *tectural history, planning, prehistoric and historic archeology, folk-*  
3           *lore, cultural anthropology, curation, conservation, and landscape*  
4           *architecture, or related disciplines, to the extent that those profes-*  
5           *ionals are available in the community; and*

6           (B) *other individuals who have demonstrated special interest, ex-*  
7           *perience, or knowledge in history, architecture, or related disciplines*  
8           *and will provide for an adequate and qualified commission.*

9           **§ 300308. Historic property**

10          *In this division, the term “historic property” means any prehistoric or his-*  
11          *toric dustruct, site, building, structure, or object included on, or eligible for*  
12          *inclusion on, the National Register, including artifacts, records, and material*  
13          *remains relating to the district, site, building, structure, or object.*

14          **§ 300309. Indian tribe**

15          *In this division, the term “Indian tribe” means an Indian tribe, band, na-*  
16          *tion, or other organized group or community, including a Native village, Re-*  
17          *gional Corporation or Village Corporation (as those terms are defined in sec-*  
18          *tion 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), that*  
19          *is recognized as eligible for the special programs and services provided by the*  
20          *United States to Indians because of their status as Indians.*

21          **§ 300310. Local government**

22          *In this division, the term “local government” means a city, county, town-*  
23          *ship, municipality, or borough, or any other general purpose political sub-*  
24          *division of any State.*

25          **§ 300311. National Register**

26          *In this division, the term “National Register” means the National Register*  
27          *of Historic Places maintained under chapter 3021 of this title.*

28          **§ 300312. National Trust**

29          *In this division, the term “National Trust” means the National Trust for*  
30          *Historic Preservation in the United States established under section 312102*  
31          *of this title.*

32          **§ 300313. Native Hawaiian**

33          *In this division, the term “Native Hawaiian” means any individual who*  
34          *is a descendant of the aboriginal people who, prior to 1778, occupied and ex-*  
35          *ercised sovereignty in the area that now constitutes Hawaii.*

36          **§ 300314. Native Hawaiian organization**

37          (a) *IN GENERAL.—In this division, the term “Native Hawaiian organiza-*  
38          *tion” means any organization that—*

39                 (1) *serves and represents the interests of Native Hawaiians;*

40                 (2) *has as a primary and stated purpose the provision of services to*  
41                 *Native Hawaiians; and*

1           (3) *has demonstrated expertise in aspects of historic preservation that*  
2           *are culturally significant to Native Hawaiians.*

3           (b) *INCLUSIONS.—In this division, the term “Native Hawaiian organiza-*  
4           *tion” includes the Office of Hawaiian Affairs of Hawaii and Hui Malama*  
5           *I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws*  
6           *of the State of Hawaii.*

7           **§300315. Preservation or historic preservation**

8           *In this division, the term “preservation” or “historic preservation” in-*  
9           *cludes—*

10           (1) *identification, evaluation, recordation, documentation, curation,*  
11           *acquisition, protection, management, rehabilitation, restoration, sta-*  
12           *bilization, maintenance, research, interpretation, and conservation;*

13           (2) *education and training regarding the foregoing activities; or*

14           (3) *any combination of the foregoing activities.*

15           **§300316. Secretary**

16           *In this division, the term “Secretary” means the Secretary acting through*  
17           *the Director.*

18           **§300317. State**

19           *In this division, the term “State” means—*

20           (1) *a State, the District of Columbia, Puerto Rico, Guam, American*  
21           *Samoa, the Virgin Islands, and the Northern Mariana Islands; and*

22           (2) *the Republic of the Marshall Islands, the Federated States of Mi-*  
23           *cronesia, and the Republic of Palau.*

24           **§300318. State historic preservation review board**

25           *In this division, the term “State historic preservation review board” means*  
26           *a board, council, commission, or other similar collegial body established as*  
27           *provided in section 302301(2) of this title—*

28           (1) *the members of which are appointed by the State Historic Preser-*  
29           *vation Officer (unless otherwise provided for by State law);*

30           (2) *a majority of the members of which are professionals qualified in*  
31           *history, prehistoric and historic archeology, architectural history, archi-*  
32           *tecture, folklore, cultural anthropology, curation, conservation, landscape*  
33           *architecture, and related disciplines; and*

34           (3) *that has the authority to—*

35           (A) *review National Register nominations and appeals from*  
36           *nominations;*

37           (B) *review appropriate documentation submitted in conjunction*  
38           *with the Historic Preservation Fund;*

39           (C) *provide general advice and guidance to the State Historic*  
40           *Preservation Officer; and*

41           (D) *perform such other duties as may be appropriate.*

1     **§ 300319. Tribal land**

2         *In this division, the term “tribal land” means—*

3             (1) *all land within the exterior boundaries of any Indian reservation;*

4             *and*

5             (2) *all dependent Indian communities.*

6     **§ 300320. Undertaking**

7         *In this division, the term “undertaking” means a project, activity, or pro-*  
 8         *gram funded in whole or in part under the direct or indirect jurisdiction of*  
 9         *a Federal agency, including—*

10             (1) *those carried out by or on behalf of the Federal agency;*

11             (2) *those carried out with Federal financial assistance;*

12             (3) *those requiring a Federal permit, license, or approval; and*

13             (4) *those subject to State or local regulation administered pursuant to*  
 14         *a delegation or approval by a Federal agency.*

15     **§ 300321. World Heritage Convention**

16         *In this division, the term “World Heritage Convention” means the Conven-*  
 17         *tion concerning the Protection of the World Cultural and Natural Heritage,*  
 18         *done at Paris November 23, 1972 (27 UST 37).*

19                     **Subdivision 2—Historic Preservation**  
 20                                 **Program**  
 21                     **Chapter 3021—National Register of**  
 22                                 **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.*

23     **§ 302101. Maintenance by Secretary**

24         *The Secretary may expand and maintain a National Register of Historic*  
 25         *Places composed of districts, sites, buildings, structures, and objects signifi-*  
 26         *cant in American history, architecture, archeology, engineering, and culture.*

27     **§ 302102. Inclusion of properties on National Register**

28         (a) *IN GENERAL.—A property that meets the criteria for National Historic*  
 29         *Landmarks established pursuant to section 302103 of this title shall be des-*  
 30         *ignated as a National Historic Landmark and included on the National Reg-*  
 31         *ister, subject to the requirements of section 302107 of this title.*

32         (b) *HISTORIC PROPERTY ON NATIONAL REGISTER ON DECEMBER 12,*  
 33         *1980.—All historic property included on the National Register on December*

1 12, 1980, shall be deemed to be included on the National Register as of their  
2 initial listing for purposes of this division.

3 (c) *HISTORIC PROPERTY LISTED IN FEDERAL REGISTER OF FEBRUARY 6,*  
4 *1979, OR PRIOR TO DECEMBER 12, 1980, AS NATIONAL HISTORIC LAND-*  
5 *MARKS.—All historic property listed in the Federal Register of February 6,*  
6 *1979, or prior to December 12, 1980, as National Historic Landmarks are*  
7 *declared by Congress to be National Historic Landmarks of national historic*  
8 *significance as of their initial listing in the Federal Register for purposes of*  
9 *this division and chapter 3201 of this title, except that in the case of a Na-*  
10 *tional Historic Landmark district for which no boundaries had been estab-*  
11 *lished as of December 12, 1980, boundaries shall first be published in the Fed-*  
12 *eral Register.*

13 **§302103. Criteria and regulations relating to National Reg-**  
14 **ister, National Historic Landmarks, and World**  
15 **Heritage List**

16 *The Secretary, in consultation with national historical and archeological*  
17 *associations, shall—*

18 (1) *establish criteria for properties to be included on the National Reg-*  
19 *ister and criteria for National Historic Landmarks; and*

20 (2) *promulgate regulations for—*

21 (A) *nominating properties for inclusion on, and removal from,*  
22 *the National Register and the recommendation of properties by cer-*  
23 *tified local governments;*

24 (B) *designating properties as National Historic Landmarks and*  
25 *removing that designation;*

26 (C) *considering appeals from recommendations, nominations, re-*  
27 *movals, and designations (or any failure or refusal by a nominating*  
28 *authority to nominate or designate);*

29 (D) *nominating historic property for inclusion in the World Her-*  
30 *itage List in accordance with the World Heritage Convention;*

31 (E) *making determinations of eligibility of properties for inclu-*  
32 *sion on the National Register; and*

33 (F) *notifying the owner of a property, any appropriate local gov-*  
34 *ernments, and the general public, when the property is being consid-*  
35 *ered for inclusion on the National Register, for designation as a Na-*  
36 *tional Historic Landmark, or for nomination to the World Heritage*  
37 *List.*

38 **§302104. Nominations for inclusion on National Register**

39 (a) *NOMINATION BY STATE.—Subject to the requirements of section 302107*  
40 *of this title, any State that is carrying out a program approved under chap-*  
41 *ter 3023 shall nominate to the Secretary property that meets the criteria pro-*

1 *mulgated under section 302103 of this title for inclusion on the National Reg-*  
2 *ister. Subject to section 302107 of this title, any property nominated under*  
3 *this subsection or under section 306102 of this title shall be included on the*  
4 *National Register on the date that is 45 days after receipt by the Secretary*  
5 *of the nomination and the necessary documentation, unless the Secretary dis-*  
6 *approves the nomination within the 45-day period or unless an appeal is filed*  
7 *under subsection (c).*

8 (b) *NOMINATION BY PERSON OR LOCAL GOVERNMENT.*—*Subject to the re-*  
9 *quirements of section 302107 of this title, the Secretary may accept a nomina-*  
10 *tion directly from any person or local government for inclusion of a property*  
11 *on the National Register only if the property is located in a State where there*  
12 *is no program approved under chapter 3023 of this title. The Secretary may*  
13 *include on the National Register any property for which such a nomination*  
14 *is made if the Secretary determines that the property is eligible in accordance*  
15 *with the regulations promulgated under section 302103 of this title. The deter-*  
16 *mination shall be made within 90 days from the date of the nomination un-*  
17 *less the nomination is appealed under subsection (c).*

18 (c) *APPEAL.*—*Any person or local government may appeal to the Sec-*  
19 *retary—*

20 (1) *a nomination of any property for inclusion on the National Reg-*  
21 *ister; and*

22 (2) *the failure of a nominating authority to nominate a property in*  
23 *accordance with this chapter.*

24 **§302105. Owner participation in nomination process**

25 (a) *REGULATIONS.*—*The Secretary shall promulgate regulations requiring*  
26 *that before any property may be included on the National Register or des-*  
27 *ignated as a National Historic Landmark, the owner of the property, or a*  
28 *majority of the owners of the individual properties within a district in the*  
29 *case of a historic district, shall be given the opportunity (including a reason-*  
30 *able period of time) to concur in, or object to, the nomination of the property*  
31 *for inclusion or designation. The regulations shall include provisions to carry*  
32 *out this section in the case of multiple ownership of a single property.*

33 (b) *WHEN PROPERTY SHALL NOT BE INCLUDED ON NATIONAL REGISTER*  
34 *OR DESIGNATED AS NATIONAL HISTORIC LANDMARK.*—*If the owner of any*  
35 *privately owned property, or a majority of the owners of privately owned*  
36 *properties within the district in the case of a historic district, object to inclu-*  
37 *sion or designation, the property shall not be included on the National Reg-*  
38 *ister or designated as a National Historic Landmark until the objection is*  
39 *withdrawn.*

40 (c) *REVIEW BY SECRETARY.*—*The Secretary shall review the nomination of*  
41 *the property when an objection has been made and shall determine whether*

1 or not the property is eligible for inclusion or designation. If the Secretary  
2 determines that the property is eligible for inclusion or designation, the Sec-  
3 retary shall inform the Advisory Council on Historic Preservation, the appro-  
4 priate State Historic Preservation Officer, the appropriate chief elected local  
5 official, and the owner or owners of the property of the Secretary's determina-  
6 tion.

7 **§ 302106. Retention of name**

8 Notwithstanding section 43(c) of the Act of July 5, 1946 (known as the  
9 Trademark Act of 1946) (15 U.S.C. 1125(c)), buildings and structures on or  
10 eligible for inclusion on the National Register (either individually or as part  
11 of a historic district), or designated as an individual landmark or as a con-  
12 tributing building in a historic district by a unit of State or local govern-  
13 ment, may retain the name historically associated with the building or struc-  
14 ture.

15 **§ 302107. Regulations**

16 The Secretary shall promulgate regulations—

17 (1) ensuring that significant prehistoric and historic artifacts, and as-  
18 sociated records, subject to subchapter I of chapter 3061, chapter 3125,  
19 or the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa  
20 et seq.) are deposited in an institution with adequate long-term curato-  
21 rial capabilities;

22 (2) establishing a uniform process and standards for documenting his-  
23 toric property by public agencies and private parties for purposes of in-  
24 corporation into, or complementing, the national historical architectural  
25 and engineering records in the Library of Congress; and

26 (3) certifying local governments, in accordance with sections 302502  
27 and 302503 of this title, and for the transfer of funds pursuant to section  
28 302902(c)(4) of this title.

29 **§ 302108. Review of threats to historic property**

30 At least once every 4 years, the Secretary, in consultation with the Council  
31 and with State Historic Preservation Officers, shall review significant threats  
32 to historic property to—

33 (1) determine the kinds of historic property that may be threatened;

34 (2) ascertain the causes of the threats; and

35 (3) develop and submit to the President and Congress recommenda-  
36 tions for appropriate action.

37 **Chapter 3023—State Historic Preservation**  
38 **Programs**

Sec.

302301. Regulations.

302302. Program evaluation.

302303. Responsibilities of State Historic Preservation Officer.

302304. Contracts and cooperative agreements.

1     **§302301. Regulations**

2         *The Secretary, in consultation with the National Conference of State His-*  
3 *toric Preservation Officers and the National Trust, shall promulgate regula-*  
4 *tions for State Historic Preservation Programs. The regulations shall provide*  
5 *that a State program submitted to the Secretary under this chapter shall be*  
6 *approved by the Secretary if the Secretary determines that the program pro-*  
7 *vides for—*

8             (1) *the designation and appointment by the chief elected official of the*  
9 *State of a State Historic Preservation Officer to administer the program*  
10 *in accordance with section 302303 of this title and for the employment*  
11 *or appointment by the officer of such professionally qualified staff as*  
12 *may be necessary for those purposes;*

13             (2) *an adequate and qualified State historic preservation review board*  
14 *designated by the State Historic Preservation Officer unless otherwise*  
15 *provided for by State law; and*

16             (3) *adequate public participation in the State Historic Preservation*  
17 *Program, including the process of recommending properties for nomina-*  
18 *tion to the National Register.*

19     **§302302. Program evaluation**

20             (a) *WHEN EVALUATION SHOULD OCCUR.—Periodically, but not less than*  
21 *every 4 years after the approval of any State program under section 302301*  
22 *of this title, the Secretary, in consultation with the Council on the appro-*  
23 *propriate provisions of this division, and in cooperation with the State Historic*  
24 *Preservation Officer, shall evaluate the program to determine whether it is*  
25 *consistent with this division.*

26             (b) *DISAPPROVAL OF PROGRAM.—If, at any time, the Secretary determines*  
27 *that a major aspect of a State program is not consistent with this division,*  
28 *the Secretary shall disapprove the program and suspend in whole or in part*  
29 *any contracts or cooperative agreements with the State and the State Historic*  
30 *Preservation Officer under this division, until the program is consistent with*  
31 *this division, unless the Secretary determines that the program will be made*  
32 *consistent with this division within a reasonable period of time.*

33             (c) *OVERSIGHT.—The Secretary, in consultation with State Historic Pres-*  
34 *ervation Officers, shall establish oversight methods to ensure State program*  
35 *consistency and quality without imposing undue review burdens on State*  
36 *Historic Preservation Officers.*

37             (d) *STATE FISCAL AUDIT AND MANAGEMENT SYSTEM.—*

38                 (1) *SUBSTITUTION FOR COMPARABLE FEDERAL SYSTEMS.—At the dis-*  
39 *cretion of the Secretary, a State system of fiscal audit and management*

1           *may be substituted for comparable Federal systems so long as the State*  
2           *system—*

3                   *(A) establishes and maintains substantially similar accountabil-*  
4                   *ity standards; and*

5                   *(B) provides for independent professional peer review.*

6           (2) *FISCAL AUDITS AND REVIEW BY SECRETARY.—The Secretary—*

7                   *(A) may conduct periodic fiscal audits of State programs ap-*  
8                   *proved under this subdivision as needed; and*

9                   *(B) shall ensure that the programs meet applicable accountability*  
10                  *standards.*

11       **§302303. Responsibilities of State Historic Preservation Offi-**  
12                  **cer**

13           *(a) IN GENERAL.—It shall be the responsibility of the State Historic Pres-*  
14           *ervation Officer to administer the State Historic Preservation Program.*

15           *(b) PARTICULAR RESPONSIBILITIES.—It shall be the responsibility of the*  
16           *State Historic Preservation Officer to—*

17                   *(1) in cooperation with Federal and State agencies, local governments,*  
18                   *and private organizations and individuals, direct and conduct a compre-*  
19                   *hensive statewide survey of historic property and maintain inventories*  
20                   *of the property;*

21                   *(2) identify and nominate eligible property to the National Register*  
22                   *and otherwise administer applications for listing historic property on the*  
23                   *National Register;*

24                   *(3) prepare and implement a comprehensive statewide historic preser-*  
25                   *vation plan;*

26                   *(4) administer the State program of Federal assistance for historic*  
27                   *preservation within the State;*

28                   *(5) advise and assist, as appropriate, Federal and State agencies and*  
29                   *local governments in carrying out their historic preservation responsibil-*  
30                   *ities;*

31                   *(6) cooperate with the Secretary, the Council, other Federal and State*  
32                   *agencies, local governments, and private organizations and individuals*  
33                   *to ensure that historic property is taken into consideration at all levels*  
34                   *of planning and development;*

35                   *(7) provide public information, education, and training and technical*  
36                   *assistance in historic preservation;*

37                   *(8) cooperate with local governments in the development of local his-*  
38                   *toric preservation programs and assist local governments in becoming*  
39                   *certified pursuant to chapter 3025;*

40                   *(9) consult with appropriate Federal agencies in accordance with this*  
41                   *division on—*



- 1                   (A) Federal undertakings that may affect historic property; and  
2                   (B) the content and sufficiency of any plans developed to protect,  
3                   manage, or reduce or mitigate harm to that property; and  
4                   (10) advise and assist in the evaluation of proposals for rehabilitation  
5                   projects that may qualify for Federal assistance.

6     **§ 302304. Contracts and cooperative agreements**

7                   (a) STATE.—A State may carry out all or any part of its responsibilities  
8                   under this chapter by contract or cooperative agreement with a qualified non-  
9                   profit organization or educational institution.

10                  (b) SECRETARY.—

11                   (1) IN GENERAL.—

12                   (A) AUTHORITY TO ASSIST SECRETARY.—Subject to paragraphs  
13                   (3) and (4), the Secretary may enter into contracts or cooperative  
14                   agreements with a State Historic Preservation Officer for any State  
15                   authorizing the Officer to assist the Secretary in carrying out one  
16                   or more of the following responsibilities within that State:

17                   (i) Identification and preservation of historic property.

18                   (ii) Determination of the eligibility of property for listing on  
19                   the National Register.

20                   (iii) Preparation of nominations for inclusion on the Na-  
21                   tional Register.

22                   (iv) Maintenance of historical and archeological data bases.

23                   (v) Evaluation of eligibility for Federal preservation incen-  
24                   tives.

25                   (B) AUTHORITY TO MAINTAIN NATIONAL REGISTER.—Nothing in  
26                   subparagraph (A) shall be construed to provide that any State His-  
27                   toric Preservation Officer or any other person other than the Sec-  
28                   retary shall have the authority to maintain the National Register  
29                   for properties in any State.

30                   (2) REQUIREMENTS.—The Secretary may enter into a contract or co-  
31                   operative agreement under paragraph (1) only if—

32                   (A) the State Historic Preservation Officer has requested the ad-  
33                   ditional responsibility;

34                   (B) the Secretary has approved the State historic preservation  
35                   program pursuant to sections 302301 and 302302 of this title;

36                   (C) the State Historic Preservation Officer agrees to carry out the  
37                   additional responsibility in a timely and efficient manner accept-  
38                   able to the Secretary and the Secretary determines that the Officer  
39                   is fully capable of carrying out the responsibility in that manner;

40                   (D) the State Historic Preservation Officer agrees to permit the  
41                   Secretary to review and revise, as appropriate in the discretion of

1           the Secretary, decisions made by the Officer pursuant to the con-  
2           tract or cooperative agreement; and

3           (E) the Secretary and the State Historic Preservation Officer  
4           agree on the terms of additional financial assistance to the State,  
5           if there is to be any, for the costs of carrying out that responsibility.

6           (3) *ESTABLISH CONDITIONS AND CRITERIA.*—For each significant pro-  
7           gram area under the Secretary’s authority, the Secretary shall establish  
8           specific conditions and criteria essential for the assumption by a State  
9           Historic Preservation Officer of the Secretary’s duties in each of those  
10          programs.

11          (4) *PRESERVATION PROGRAMS AND ACTIVITIES NOT DIMINISHED.*—  
12          Nothing in this chapter shall have the effect of diminishing the preserva-  
13          tion programs and activities of the Service.

## 14                           **Chapter 3025—Certification of Local** 15   **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.*

### 16           **§ 302501. Definitions**

17           In this chapter:

18           (1) *DESIGNATION.*—The term “designation” means the identification  
19           and registration of property for protection that meets criteria established  
20           by a State or locality for significant historic property within the juris-  
21           diction of a local government.

22           (2) *PROTECTION.*—The term “protection” means protection by means  
23           of a local review process under State or local law for proposed demolition  
24           of, changes to, or other action that may affect historic property des-  
25           ignated pursuant to this chapter.

### 26           **§ 302502. Certification as part of State program**

27           Any State program approved under this subdivision shall provide a mecha-  
28           nism for the certification by the State Historic Preservation Officer of local  
29           governments to carry out the purposes of this division and provide for the  
30           transfer, in accordance with section 302902(c)(4) of this title, of a portion  
31           of the grants received by the States under this division, to those local govern-  
32           ments.

### 33           **§ 302503. Requirements for certification**

34           (a) *APPROVED STATE PROGRAM.*—Any local government shall be certified  
35           to participate under this section if the applicable State Historic Preservation  
36           Officer, and the Secretary, certify that the local government—

1           (1) enforces appropriate State or local legislation for the designation  
2           and protection of historic property;

3           (2) has established an adequate and qualified historic preservation re-  
4           view commission by State or local legislation;

5           (3) maintains a system for the survey and inventory of historic prop-  
6           erty that furthers the purposes of chapter 3023;

7           (4) provides for adequate public participation in the local historic  
8           preservation program, including the process of recommending properties  
9           for nomination to the National Register; and

10          (5) satisfactorily performs the responsibilities delegated to it under  
11          this division.

12          (b) *NO APPROVED STATE PROGRAM.*—Where there is no State program ap-  
13          proved under sections 302301 and 302302 of this title, a local government  
14          may be certified by the Secretary if the Secretary determines that the local  
15          government meets the requirements of subsection (a). The Secretary may make  
16          grants to the local government certified under this subsection for purposes of  
17          this subdivision.

18          **§302504. Participation of certified local governments in Na-**  
19          **tional Register nominations**

20          (a) *NOTICE.*—Before a property within the jurisdiction of a certified local  
21          government may be considered by a State to be nominated to the Secretary  
22          for inclusion on the National Register, the State Historic Preservation Officer  
23          shall notify the owner, the applicable chief local elected official, and the local  
24          historic preservation commission.

25          (b) *REPORT.*—The local historic preservation commission, after reasonable  
26          opportunity for public comment, shall prepare a report as to whether the  
27          property, in the Commission's opinion, meets the criteria of the National Reg-  
28          ister. Within 60 days of notice from the State Historic Preservation Officer,  
29          the chief local elected official shall transmit the report of the commission and  
30          the recommendation of the local official to the State Historic Preservation Of-  
31          ficer.

32          (c) *RECOMMENDATION.*—

33                 (1) *PROPERTY NOMINATED TO NATIONAL REGISTER.*—Except as pro-  
34                 vided in paragraph (2), after receipt of the report and recommendation,  
35                 or if no report and recommendation are received within 60 days, the  
36                 State shall make the nomination pursuant to section 302104 of this title.  
37                 The State may expedite the process with the concurrence of the certified  
38                 local government.

39                 (2) *PROPERTY NOT NOMINATED TO NATIONAL REGISTER.*—If both the  
40                 commission and the chief local elected official recommend that a property  
41                 not be nominated to the National Register, the State Historic Preserva-

1           tion Officer shall take no further action, unless, within 30 days of the  
2           receipt of the recommendation by the State Historic Preservation Officer,  
3           an appeal is filed with the State. If an appeal is filed, the State shall  
4           follow the procedures for making a nomination pursuant to section  
5           302104 of this title. Any report and recommendations made under this  
6           section shall be included with any nomination submitted by the State  
7           to the Secretary.

8           **§302505. Eligibility and responsibility of certified local gov-**  
9           **ernment**

10          Any local government—

11           (1) that is certified under this chapter shall be eligible for funds under  
12           section 302902(c)(4) of this title; and

13           (2) that is certified, or making efforts to become certified, under this  
14           chapter shall carry out any responsibilities delegated to it in accordance  
15           with such terms and conditions as the Secretary considers necessary or  
16           advisable.

17           **Chapter 3027—Historic Preservation Pro-**  
18           **grams and Authorities for Indian Tribes**  
19           **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.

20           **§302701. Program to assist Indian tribes in preserving his-**  
21           **toric property**

22           (a) *ESTABLISHMENT OF PROGRAM.*—The Secretary shall establish a pro-  
23           gram and promulgate regulations to assist Indian tribes in preserving their  
24           historic property.

25           (b) *COMMUNICATION AND COOPERATION.*—The Secretary shall foster com-  
26           munication and cooperation between Indian tribes and State Historic Preser-  
27           vation Officers in the administration of the national historic preservation  
28           program to—

29           (1) ensure that all types of historic property and all public interests  
30           in historic property are given due consideration; and

31           (2) encourage coordination among Indian tribes, State Historic Pres-  
32           ervation Officers, and Federal agencies in historic preservation planning  
33           and in the identification, evaluation, protection, and interpretation of  
34           historic property.

35           (c) *TRIBAL VALUES.*—The program under subsection (a) shall be developed  
36           in a manner to ensure that tribal values are taken into account to the extent

1 *feasible. The Secretary may waive or modify requirements of this subdivision*  
2 *to conform to the cultural setting of tribal heritage preservation goals and ob-*  
3 *jectives.*

4 (d) *SCOPE OF TRIBAL PROGRAMS.—The tribal programs implemented by*  
5 *specific tribal organizations may vary in scope, as determined by each Indian*  
6 *tribe's chief governing authority.*

7 (e) *CONSULTATION.—The Secretary shall consult with Indian tribes, other*  
8 *Federal agencies, State Historic Preservations Officers, and other interested*  
9 *parties concerning the program under subsection (a).*

10 **§302702. Indian tribe to assume functions of State Historic**  
11 **Preservation Officer**

12 *An Indian tribe may assume all or any part of the functions of a State*  
13 *Historic Preservation Officer in accordance with sections 302302 and 302303*  
14 *of this title, with respect to tribal land, as those responsibilities may be modi-*  
15 *fied for tribal programs through regulations issued by the Secretary, if—*

16 (1) *the Indian tribe's chief governing authority so requests;*

17 (2) *the Indian tribe designates a tribal preservation official to admin-*  
18 *ister the tribal historic preservation program, through appointment by*  
19 *the Indian tribe's chief governing authority or as a tribal ordinance may*  
20 *otherwise provide;*

21 (3) *the tribal preservation official provides the Secretary with a plan*  
22 *describing how the functions the tribal preservation official proposes to*  
23 *assume will be carried out;*

24 (4) *the Secretary determines, after consulting with the Indian tribe,*  
25 *the appropriate State Historic Preservation Officer, the Council (if the*  
26 *Indian tribe proposes to assume the functions of the State Historic Pres-*  
27 *ervation Officer with respect to review of undertakings under section*  
28 *306108 of this title), and other Indian tribes, if any, whose tribal or ab-*  
29 *original land may be affected by conduct of the tribal preservation pro-*  
30 *gram, that—*

31 (A) *the tribal preservation program is fully capable of carrying*  
32 *out the functions specified in the plan provided under paragraph*  
33 *(3);*

34 (B) *the plan defines the remaining responsibilities of the Sec-*  
35 *retary and the State Historic Preservation Officer; and*

36 (C) *the plan provides, with respect to properties neither owned*  
37 *by a member of the Indian tribe nor held in trust by the Secretary*  
38 *for the benefit of the Indian tribe, at the request of the owner of the*  
39 *properties, that the State Historic Preservation Officer, in addition*  
40 *to the tribal preservation official, may exercise the historic preserva-*

1            *tion responsibilities in accordance with sections 302302 and 302303*  
2            *of this title; and*  
3            *(5) based on satisfaction of the conditions stated in paragraphs (1),*  
4            *(2), (3), and (4), the Secretary approves the plan.*

5            **§ 302703. Apportionment of grant funds**

6            *In consultation with interested Indian tribes, other Native American orga-*  
7            *nizations, and affected State Historic Preservation Officers, the Secretary*  
8            *shall establish and implement procedures for carrying out section*  
9            *302902(c)(1)(A) of this title with respect to tribal programs that assume re-*  
10           *sponsibilities under section 302702 of this title.*

11           **§ 302704. Contracts and cooperative agreements**

12           *At the request of an Indian tribe whose preservation program has been ap-*  
13           *proved to assume functions and responsibilities pursuant to section 302702*  
14           *of this title, the Secretary shall enter into a contract or cooperative agreement*  
15           *with the Indian tribe permitting the assumption by the Indian tribe of any*  
16           *part of the responsibilities described in section 302304(b) of this title on tribal*  
17           *land, if—*

18           *(1) the Secretary and the Indian tribe agree on additional financial*  
19           *assistance, if any, to the Indian tribe for the costs of carrying out those*  
20           *authorities;*

21           *(2) the Secretary finds that the tribal historic preservation program*  
22           *has been demonstrated to be sufficient to carry out the contract or coop-*  
23           *erative agreement and this division; and*

24           *(3) the contract or cooperative agreement specifies the continuing re-*  
25           *sponsibilities of the Secretary or of the appropriate State Historic Pres-*  
26           *ervation Officers and provides for appropriate participation by—*

27           *(A) the Indian tribe's traditional cultural authorities;*

28           *(B) representatives of other Indian tribes whose traditional land*  
29           *is under the jurisdiction of the Indian tribe assuming responsibil-*  
30           *ities; and*

31           *(C) the interested public.*

32           **§ 302705. Agreement for review under tribal historic preser-**  
33           ***vation regulations***

34           *The Council may enter into an agreement with an Indian tribe to permit*  
35           *undertakings on tribal land to be reviewed under tribal historic preservation*  
36           *regulations in place of review under regulations promulgated by the Council*  
37           *to govern compliance with section 306108 of this title, if the Council, after*  
38           *consultation with the Indian tribe and appropriate State Historic Preserva-*  
39           *tion Officers, determines that the tribal preservation regulations will afford*  
40           *historic property consideration equivalent to that afforded by the Council's*  
41           *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 or  
7     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 this  
10    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 cul-  
15             tural component of a preservation program or plan for the property; and

16             (3) enter into a memorandum of understanding or agreement with Na-  
17             tive Hawaiian organizations for the assessment of the cultural signifi-  
18             cance of a property in determining whether to nominate the property to  
19             the National Register and to carry out the cultural component of the  
20             preservation program or plan.

21                                     **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.

22     **§ 302901. Awarding of grants and availability of grant funds**

23         (a) *IN GENERAL.*—No grant may be made under this division unless appli-  
24     cation for the grant is submitted to the Secretary in accordance with regula-  
25     tions and procedures prescribed by the Secretary.

26         (b) *GRANT NOT TREATED AS TAXABLE INCOME.*—No grant made pursuant  
27     to this division shall be treated as taxable income for purposes of the Internal  
28     Revenue Code of 1986 (26 U.S.C. 1 et seq).

29         (c) *AVAILABILITY.*—The Secretary shall make funding available to individ-  
30     ual States and the National Trust as soon as practicable after execution of  
31     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 shall*  
2 *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 comprehensive*  
11 *statewide outdoor recreation plan prepared pursuant to chapter*  
12 *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 of*  
17 *the project, the total cost of the continued maintenance, repair, and*  
18 *administration of the property in a manner satisfactory to the Sec-*  
19 *retary; 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 subpara-*  
23 *graphs (A) and (C) of paragraph (1) for any grant under this division*  
24 *to the National Trust.*

25 (3) *AMOUNT LIMITATION.—*

26 (A) *IN GENERAL.—No grant may be made under this division for*  
27 *more than 60 percent of the aggregate costs of carrying out projects*  
28 *and programs under the administrative control of the State Historic*  
29 *Preservation Officer as specified in section 302303 of this title in*  
30 *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 uti-*  
36 *lize the value of real property obtained before October 15, 1966, in meet-*  
37 *ing the non-Federal share of the cost of a project for which a grant is*  
38 *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 by  
3           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 appor-  
8           tionment under paragraph (1)(B) within 30 days after the date of enact-  
9           ment of legislation appropriating funds under this division.

10          (3) REAPPORTIONMENT.—Any amount of any apportionment that has  
11          not been paid or obligated by the Secretary during the fiscal year in  
12          which the notification is given or during the 2 fiscal years after that fis-  
13          cal 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 pub-  
16          lished by the Secretary in the Federal Register.

17          (4) TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—Not  
18          less than 10 percent of the annual apportionment distributed by the Sec-  
19          retary to each State for the purposes of carrying out this division shall  
20          be transferred by the State, pursuant to the requirements of this division,  
21          to certified local governments for historic preservation projects or pro-  
22          grams of the certified local governments. In any year in which the total  
23          annual apportionment to the States exceeds \$65,000,000, 50 percent of  
24          the excess shall also be transferred by the States to certified local govern-  
25          ments.

26          (5) GUIDELINES FOR USE AND DISTRIBUTION OF FUNDS TO CERTIFIED  
27          LOCAL GOVERNMENTS.—The Secretary shall establish guidelines for the  
28          use and distribution of funds under paragraph (4) to ensure that no cer-  
29          tified local government receives a disproportionate share of the funds  
30          available, and may include a maximum or minimum limitation on the  
31          amount of funds distributed to any single certified local government. The  
32          guidelines shall not limit the ability of any State to distribute more than  
33          10 percent of its annual apportionment under paragraph (4), nor shall  
34          the Secretary require any State to exceed the 10 percent minimum dis-  
35          tribution to certified local governments.

36          (d) ADMINISTRATIVE COSTS.—The total direct and indirect administrative  
37          costs charged for carrying out State projects and programs shall not exceed  
38          25 percent of the aggregate costs (except in the case of a grant to the Fed-  
39          erated States of Micronesia, the Republic of the Marshall Islands, or the Re-  
40          public of Palau).

1     **§302903. Grants to National Trust**

2         (a) *SECRETARY OF THE INTERIOR.*—*The Secretary may administer grants*  
3 *to the National Trust consistent with the purposes of its charter and this divi-*  
4 *sion.*

5         (b) *SECRETARY OF HOUSING AND URBAN DEVELOPMENT.*—*The Secretary*  
6 *of Housing and Urban Development may make grants to the National Trust,*  
7 *on terms and conditions and in amounts (not exceeding \$90,000 with respect*  
8 *to any one structure) as the Secretary of Housing and Urban Development*  
9 *considers appropriate, to cover the costs incurred by the National Trust in*  
10 *renovating or restoring structures that the National Trust considers to be of*  
11 *historic or architectural value and that the National Trust has accepted and*  
12 *will maintain (after the renovation or restoration) for historic purposes.*

13     **§302904. Direct grants for the preservation of properties in-**  
14 **cluded on National Register**

15         (a) *ADMINISTRATION OF PROGRAM.*—*The Secretary shall administer a pro-*  
16 *gram of direct grants for the preservation of properties included on the Na-*  
17 *tional Register.*

18         (b) *AVAILABLE AMOUNT.*—*Funds to support the program annually shall*  
19 *not exceed 10 percent of the amount appropriated annually for the Historic*  
20 *Preservation Fund.*

21         (c) *USES OF GRANTS.*—

22             (1) *IN GENERAL.*—*Grants under this section may be made by the Sec-*  
23 *retary, in consultation with the appropriate State Historic Preservation*  
24 *Officer—*

25                 (A) *for the preservation of—*

26                     (i) *National Historic Landmarks that are threatened with*  
27 *demolition or impairment; and*

28                     (ii) *historic property of World Heritage significance;*

29                 (B) *for demonstration projects that will provide information con-*  
30 *cerning professional methods and techniques having application to*  
31 *historic property;*

32                 (C) *for the training and development of skilled labor in trades*  
33 *and crafts, and in analysis and curation, relating to historic preser-*  
34 *vation; and*

35                 (D) *to assist individuals or small businesses within any historic*  
36 *district included on the National Register to remain within the dis-*  
37 *trict.*

38             (2) *LIMIT ON CERTAIN GRANTS.*—*A grant may be made under sub-*  
39 *paragraph (A) or (D) of paragraph (1) only to the extent that the project*  
40 *cannot be carried out in as effective a manner through the use of an in-*  
41 *sured loan under section 303901 of this title.*

1     **§ 302905. Religious property**

2         (a) *IN GENERAL.*—Grants may be made under this chapter for the preser-  
3         vation, stabilization, restoration, or rehabilitation of religious property listed  
4         on the National Register if the purpose of the grant—

5             (1) is secular;

6             (2) does not promote religion; and

7             (3) seeks to protect qualities that are historically significant.

8         (b) *EFFECT OF SECTION.*—Nothing in this section shall be construed to au-  
9         thorize the use of any funds made available under this subdivision for the ac-  
10         quisition of any religious property listed on the National Register.

11     **§ 302906. Grants and loans to Indian tribes and nonprofit or-**  
12             **ganizations representing ethnic or minority groups**

13         The Secretary may, in consultation with the appropriate State Historic  
14         Preservation Officer, make grants or loans or both under this subdivision to  
15         Indian tribes and to nonprofit organizations representing ethnic or minority  
16         groups for the preservation of their cultural heritage.

17     **§ 302907. Grants to Indian tribes and Native Hawaiian orga-**  
18             **nizations**

19         The Secretary shall administer a program of direct grants to Indian tribes  
20         and Native Hawaiian organizations for the purpose of carrying out this divi-  
21         sion as it pertains to Indian tribes and Native Hawaiian organizations.  
22         Matching fund requirements may be modified. Federal funds available to an  
23         Indian tribe or Native Hawaiian organization may be used as matching  
24         funds for the purposes of the Indian tribe's or Native Hawaiian organiza-  
25         tion's conducting its responsibilities pursuant to this subdivision.

26     **§ 302908. Grants to the Federated States of Micronesia, the**  
27             **Republic of the Marshall Islands, and the Republic**  
28             **of Palau**

29         (a) *IN GENERAL.*—As part of the program of matching grant assistance  
30         from the Historic Preservation Fund to States, the Secretary shall administer  
31         a program of direct grants to the Federated States of Micronesia, the Republic  
32         of the Marshall Islands, and the Republic of Palau in furtherance of the Com-  
33         pact of Free Association between the United States and the Federated States  
34         of Micronesia and the Marshall Islands, approved by the Compact of Free As-  
35         sociation Act of 1985 (48 U.S.C. 1901 et seq., 2001 et seq.), and the Compact  
36         of Free Association between the United States and Palau, approved by the  
37         Joint Resolution entitled “Joint Resolution to approve the ‘Compact of Free  
38         Association’ between the United States and Government of Palau, and for  
39         other purposes” (48 U.S.C. 1931 et seq.) or any successor enactment.

40         (b) *GOAL OF PROGRAM.*—The goal of the program shall be to establish his-  
41         toric and cultural preservation programs that meet the unique needs of each

1 *of those nations so that at the termination of the compacts the programs shall*  
 2 *be firmly established.*

3 (c) *BASIS OF ALLOCATING AMOUNTS.—The amounts to be made available*  
 4 *under this subsection shall be allocated by the Secretary on the basis of needs*  
 5 *as determined by the Secretary.*

6 (d) *WAIVERS AND MODIFICATIONS.—The Secretary may waive or modify*  
 7 *the requirements of this subdivision to conform to the cultural setting of those*  
 8 *nations. Matching funds may be waived or modified.*

9 **§ 302909. Prohibited use of grant amounts**

10 *No part of any grant made under this subdivision shall be used to com-*  
 11 *pensate any person intervening in any proceeding under this division.*

12 **§ 302910. Recordkeeping**

13 *A recipient of assistance under this division shall keep—*

14 (1) *such records as the Secretary shall prescribe, including records that*  
 15 *fully disclose—*

16 (A) *the disposition by the recipient of the proceeds of the assist-*  
 17 *ance;*

18 (B) *the total cost of the project or undertaking in connection with*  
 19 *which the assistance is given or used; and*

20 (C) *the amount and nature of that portion of the cost of the*  
 21 *project or undertaking supplied by other sources; and*

22 (2) *such other records as will facilitate an effective audit.*

23 **Chapter 3031—Historic Preservation Fund**

*Sec.*

303101. *Establishment.*

303102. *Content.*

303103. *Use and availability.*

24 **§ 303101. Establishment**

25 *To carry out this division (except chapter 3041) and chapter 3121, there*  
 26 *is established in the Treasury the Historic Preservation Fund.*

27 **§ 303102. Contents**

28 *For each of fiscal years 2012 to 2015, \$150,000,000 shall be deposited in*  
 29 *the Historic Preservation Fund from revenues due and payable to the United*  
 30 *States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C.*  
 31 *1338), section 7433(b) of title 10, or both, notwithstanding any provision of*  
 32 *law that those proceeds shall be credited to miscellaneous receipts of the Treas-*  
 33 *ury.*

34 **§ 303103. Use and availability**

35 *Amounts in the Historic Preservation Fund shall be used only to carry out*  
 36 *this division and shall be available for expenditure only when appropriated*  
 37 *by Congress. Any amount not appropriated shall remain available in the His-*  
 38 *toric Preservation Fund until appropriated for those purposes. Appropria-*

1     tions made pursuant to this section may be made without fiscal year limita-  
2     tion.

3             **Chapters 3033 Through 3037—Reserved**  
4             **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.

5     **§303901. Loan insurance program for preservation of prop-**  
6             **erty included on National Register**

7             (a) *ESTABLISHMENT.*—The Secretary shall establish and maintain a pro-  
8     gram by which the Secretary may, on application of a private lender, insure  
9     loans (including loans made in accordance with a mortgage) made by the  
10    lender to finance any project for the preservation of a property included on  
11    the National Register.

12            (b) *LOAN QUALIFICATIONS.*—A loan may be insured under this section if—

13               (1) the loan is made by a private lender approved by the Secretary  
14               as financially sound and able to service the loan property;

15               (2) the amount of the loan, and interest rate charged with respect to  
16               the loan, do not exceed the amount and rate established by the Secretary  
17               by regulation;

18               (3) the Secretary has consulted the appropriate State Historic Preser-  
19               vation Officer concerning the preservation of the historic property;

20               (4) the Secretary has determined that the loan is adequately secured  
21               and there is reasonable assurance of repayment;

22               (5) the repayment period of the loan does not exceed the lesser of 40  
23               years or the expected life of the asset financed;

24               (6) the amount insured with respect to the loan does not exceed 90 per-  
25               cent of the loss sustained by the lender with respect to the loan; and

26               (7) the loan, the borrower, and the historic property to be preserved  
27               meet such other terms and conditions as may be prescribed by the Sec-  
28               retary by regulation, especially terms and conditions relating to the na-  
29               ture and quality of the preservation work.

30            (c) *CONSULTATION.*—The Secretary shall consult with the Secretary of the  
31    Treasury regarding the interest rate of loans insured under this section.

32            (d) *LIMITATION ON AMOUNT OF UNPAID PRINCIPAL BALANCE OF LOANS.*—  
33    The aggregate unpaid principal balance of loans insured under this section  
34    may not exceed the amount that has been deposited in the Historic Preserva-  
35    tion Fund but which has not been appropriated for any purpose.

36            (e) *INSURANCE CONTRACTS.*—Any contract of insurance executed by the  
37    Secretary under this section may be assignable, shall be an obligation sup-

1     ported by the full faith and credit of the United States, and shall be incontest-  
2     able except for fraud or misrepresentation of which the holder had actual  
3     knowledge at the time it became a holder.

4     (f) *CONDITIONS AND METHODS OF PAYMENT AS RESULT OF LOSS.*—The  
5     Secretary shall specify, by regulation and in each contract entered into under  
6     this section, the conditions and method of payment to a private lender as a  
7     result of losses incurred by the lender on any loan insured under this section.

8     (g) *PROTECTION OF FINANCIAL INTERESTS OF FEDERAL GOVERNMENT.*—  
9     In entering into any contract to insure a loan under this section, the Sec-  
10    retary shall take steps to ensure adequate protection of the financial interests  
11    of the Federal Government. The Secretary may—

12       (1) in connection with any foreclosure proceeding, obtain, on behalf of  
13       the Federal Government, the historic property securing a loan insured  
14       under this section; and

15       (2) operate or lease the historic property for such period as may be  
16       necessary to protect the interest of the Federal Government and to carry  
17       out subsection (h).

18    (h) *CONVEYANCE TO GOVERNMENTAL OR NONGOVERNMENTAL ENTITY OF*  
19    *PROPERTY ACQUIRED BY FORECLOSURE.*—

20       (1) *ATTEMPT TO CONVEY TO ENSURE PROPERTY'S PRESERVATION AND*  
21       *USE.*—In any case in which historic property is obtained pursuant to  
22       subsection (g), the Secretary shall attempt to convey the property to any  
23       governmental or nongovernmental entity under conditions that will en-  
24       sure the property's continued preservation and use. If, after a reasonable  
25       time, the Secretary, in consultation with the Council, determines that  
26       there is no feasible and prudent means to convey the property and to  
27       ensure its continued preservation and use, the Secretary may convey the  
28       property at the fair market value of its interest in the property to any  
29       entity without restriction.

30       (2) *DISPOSITION OF FUNDS.*—Any funds obtained by the Secretary in  
31       connection with the conveyance of any historic property pursuant to  
32       paragraph (1) shall be deposited in the Historic Preservation Fund and  
33       shall remain available in the Historic Preservation Fund until appro-  
34       priated by Congress to carry out this division.

35    (i) *ASSESSMENT OF FEES IN CONNECTION WITH INSURING LOANS.*—The  
36    Secretary may assess appropriate and reasonable fees in connection with in-  
37    suring loans under this section. The fees shall be deposited in the Historic  
38    Preservation Fund and shall remain available in the Historic Preservation  
39    Fund until appropriated by Congress to carry out this division.

40    (j) *TREATMENT OF LOANS AS NON-FEDERAL FUNDS.*—Notwithstanding  
41    any other provision of law, any loan insured under this section shall be treat-

1 *ed as non-Federal funds for the purposes of satisfying any requirement of any*  
2 *other provision of law under which Federal funds to be used for any project*  
3 *or activity are conditioned on the use of non-Federal funds by the recipient*  
4 *for payment of any portion of the costs of the project or activity.*

5 *(k) INELIGIBILITY OF DEBT OBLIGATION FOR PURCHASE OR COMMITMENT*  
6 *TO PURCHASE BY, OR SALE OR ISSUANCE TO, FEDERAL FINANCING BANK.—*  
7 *No debt obligation that is made or committed to be made, or that is insured*  
8 *or committed to be insured, by the Secretary under this section shall be eligi-*  
9 *ble for purchase by, or commitment to purchase by, or sale or issuance to,*  
10 *the Federal Financing Bank.*

11 **§ 303902. Training in, and dissemination of information con-**  
12 **cerning, professional methods and techniques for**  
13 **preservation of historic property**

14 *The Secretary shall develop and make available to Federal agencies, State*  
15 *and local governments, private organizations and individuals, and other na-*  
16 *tions and international organizations pursuant to the World Heritage Con-*  
17 *vention, training in, and information concerning, professional methods and*  
18 *techniques for the preservation of historic property and for the administration*  
19 *of the historic preservation program at the Federal, State, and local level. The*  
20 *Secretary shall also develop mechanisms to provide information concerning*  
21 *historic preservation to the general public including students.*

22 **§ 303903. Preservation education and training program**

23 *The Secretary, in consultation with the Council and other appropriate Fed-*  
24 *eral, tribal, Native Hawaiian, and non-Federal organizations, shall develop*  
25 *and implement a comprehensive preservation education and training pro-*  
26 *gram. The program shall include—*

27 *(1) standards and increased preservation training opportunities for*  
28 *Federal workers involved in preservation-related functions;*

29 *(2) preservation training opportunities for other Federal, State, tribal*  
30 *and local government workers, and students;*

31 *(3) technical or financial assistance, or both, to historically black col-*  
32 *leges and universities, to tribal colleges, and to colleges with a high en-*  
33 *rollment of Native Americans or Native Hawaiians, to establish preser-*  
34 *vation training and degree programs; and*

35 *(4) where appropriate, coordination with the National Center for Pres-*  
36 *ervation Technology and Training of—*

37 *(A) distribution of information on preservation technologies;*

38 *(B) provision of training and skill development in trades, crafts,*  
39 *and disciplines related to historic preservation in Federal training*  
40 *and development programs; and*

1                   (C) support for research, analysis, conservation, curation, inter-  
2                   pretation, and display related to preservation.

3                   **Subdivision 3—Advisory Council on**  
4                   **Historic Preservation**  
5                   **Chapter 3041—Advisory Council on Historic**  
6                   **Preservation**

Sec.

304101. Establishment; vacancies.

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7                   **§ 304101. Establishment; vacancies**

8                   (a) *ESTABLISHMENT.*—There is established as an independent agency of the  
9                   United States Government an Advisory Council on Historic Preservation,  
10                  which shall be composed of the following members:

11                  (1) A Chairman appointed by the President selected from the general  
12                  public.

13                  (2) The Secretary.

14                  (3) The Architect of the Capitol.

15                  (4) The Secretary of Agriculture and the heads of 7 other agencies of  
16                  the United States (other than the Department of the Interior), the activi-  
17                  ties of which affect historic preservation, designated by the President.

18                  (5) One Governor appointed by the President.

19                  (6) One mayor appointed by the President.

20                  (7) The President of the National Conference of State Historic Preser-  
21                  vation Officers.

22                  (8) The Chairman of the National Trust.

23                  (9) Four experts in the field of historic preservation appointed by the  
24                  President from architecture, history, archeology, and other appropriate  
25                  disciplines.

26                  (10) Three members from the general public, appointed by the Presi-  
27                  dent.

28                  (11) One member of an Indian tribe or Native Hawaiian organization  
29                  who represents the interests of the Indian tribe or Native Hawaiian or-  
30                  ganization of which he or she is a member, appointed by the President.



1       (b) *DESIGNATION OF SUBSTITUTES.*—Each member of the Council specified  
2 in paragraphs (2) to (5), (7), and (8) of subsection (a) may designate another  
3 officer of the department, agency, or organization to serve on the Council in-  
4 stead of the member, except that, in the case of paragraphs (2) and (4), no  
5 officer other than an Assistant Secretary or an officer having major depart-  
6 ment-wide or agency-wide responsibilities may be designated.

7       (c) *TERM OF OFFICE.*—Each member of the Council appointed under para-  
8 graphs (1) and (9) to (11) of subsection (a) shall serve for a term of 4 years  
9 from the expiration of the term of the member's predecessor. The members ap-  
10 pointed under paragraphs (5) and (6) shall serve for the term of their elected  
11 office but not in excess of 4 years. An appointed member may not serve more  
12 than 2 terms. An appointed member whose term has expired shall serve until  
13 that member's successor has been appointed.

14       (d) *VACANCIES.*—A vacancy in the Council shall not affect its powers, but  
15 shall be filled, not later than 60 days after the vacancy commences, in the  
16 same manner as the original appointment (and for the balance of the un-  
17 expired term).

18       (e) *DESIGNATION OF VICE CHAIRMAN.*—The President shall designate a  
19 Vice Chairman from the members appointed under paragraph (5), (6), (9),  
20 or (10) of subsection (a). The Vice Chairman may act in place of the Chair-  
21 man during the absence or disability of the Chairman or when the office is  
22 vacant.

23       (f) *QUORUM.*—Twelve members of the Council shall constitute a quorum.

## 24 **§ 304102. Duties of Council**

25       (a) *DUTIES.*—The Council shall—

26           (1) advise the President and Congress on matters relating to historic  
27 preservation, recommend measures to coordinate activities of Federal,  
28 State, and local agencies and private institutions and individuals relat-  
29 ing to historic preservation, and advise on the dissemination of informa-  
30 tion pertaining to those activities;

31           (2) encourage, in cooperation with the National Trust and appro-  
32 priate private agencies, public interest and participation in historic  
33 preservation;

34           (3) recommend the conduct of studies in such areas as—

35               (A) the adequacy of legislative and administrative statutes and  
36 regulations pertaining to historic preservation activities of State  
37 and local governments; and

38               (B) the effects of tax policies at all levels of government on his-  
39 toric preservation;

40           (4) advise as to guidelines for the assistance of State and local govern-  
41 ments in drafting legislation relating to historic preservation;

1           (5) encourage, in cooperation with appropriate public and private  
2           agencies and institutions, training and education in the field of historic  
3           preservation;

4           (6) review the policies and programs of Federal agencies and rec-  
5           ommend to Federal agencies methods to improve the effectiveness, coordi-  
6           nation, and consistency of those policies and programs with the policies  
7           and programs carried out under this division; and

8           (7) inform and educate Federal agencies, State and local governments,  
9           Indian tribes, other nations and international organizations and private  
10          groups and individuals as to the Council's authorized activities.

11         (b) ANNUAL REPORT.—The Council annually shall submit to the President  
12         a comprehensive report of its activities and the results of its studies and shall  
13         from time to time submit additional and special reports as it deems advis-  
14         able. Each report shall propose legislative enactments and other actions as,  
15         in the judgment of the Council, are necessary and appropriate to carry out  
16         its recommendations and shall provide the Council's assessment of current  
17         and emerging problems in the field of historic preservation and an evaluation  
18         of the effectiveness of the programs of Federal agencies, State and local gov-  
19         ernments, and the private sector in carrying out this division.

20         **§304103. Cooperation between Council and instrumentalities**  
21                 **of executive branch of Federal Government**

22         The Council may secure directly from any Federal agency information,  
23         suggestions, estimates, and statistics for the purpose of this chapter. Each  
24         Federal agency may furnish information, suggestions, estimates, and statistics  
25         to the extent permitted by law and within available funds.

26         **§304104. Compensation of members of Council**

27         The members of the Council specified in paragraphs (2), (3), and (4) of  
28         section 304101(a) of this title shall serve without additional compensation.  
29         The other members of the Council shall receive \$100 per diem when engaged  
30         in the performance of the duties of the Council. All members of the Council  
31         shall receive reimbursement for necessary traveling and subsistence expenses  
32         incurred by them in the performance of the duties of the Council.

33         **§304105. Administration**

34         (a) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the  
35         Council who shall be appointed by the Chairman with the concurrence of the  
36         Council in the competitive service at a rate within the General Schedule, in  
37         the competitive service at a rate that may exceed the rate prescribed for the  
38         highest rate established for grade 15 of the General Schedule under section  
39         5322 of title 5, or in the Senior Executive Service under section 3393 of title  
40         5. The Executive Director shall report directly to the Council and perform  
41         such functions and duties as the Council may prescribe.

1 (b) *GENERAL COUNSEL AND APPOINTMENT OF OTHER ATTORNEYS.—*

2 (1) *GENERAL COUNSEL.—The Council shall have a General Counsel,*  
3 *who shall be appointed by the Executive Director. The General Counsel*  
4 *shall report directly to the Executive Director and serve as the Council's*  
5 *legal advisor.*

6 (2) *APPOINTMENT OF OTHER ATTORNEYS.—The Executive Director*  
7 *shall appoint other attorneys as may be necessary to—*

8 (A) *assist the General Counsel;*

9 (B) *represent the Council in court when appropriate, including*  
10 *enforcement of agreements with Federal agencies to which the Coun-*  
11 *cil is a party;*

12 (C) *assist the Department of Justice in handling litigation con-*  
13 *cerning the Council in court; and*

14 (D) *perform such other legal duties and functions as the Execu-*  
15 *tive Director and the Council may direct.*

16 (c) *APPOINTMENT AND COMPENSATION OF OFFICERS AND EMPLOYEES.—*  
17 *The Executive Director of the Council may appoint and fix the compensation*  
18 *of officers and employees in the competitive service who are necessary to per-*  
19 *form the functions of the Council at rates not to exceed that prescribed for*  
20 *the highest rate for grade 15 of the General Schedule under section 5332 of*  
21 *title 5. The Executive Director, with the concurrence of the Chairman, may*  
22 *appoint and fix the compensation of not to exceed 5 employees in the competi-*  
23 *tive service at rates that exceed that prescribed for the highest rate established*  
24 *for grade 15 of the General Schedule under section 5332 of title 5 or in the*  
25 *Senior Executive Service under section 3393 of title 5.*

26 (d) *APPOINTMENT AND COMPENSATION OF ADDITIONAL PERSONNEL.—The*  
27 *Executive Director may appoint and fix the compensation of such additional*  
28 *personnel as may be necessary to carry out the Council's duties, without re-*  
29 *gard to the civil service laws and chapter 51 and subchapter III of chapter*  
30 *53 of title 5.*

31 (e) *EXPERT AND CONSULTANT SERVICES.—The Executive Director may*  
32 *procure expert and consultant services in accordance with section 3109 of title*  
33 *5.*

34 (f) *FINANCIAL AND ADMINISTRATIVE SERVICES.—*

35 (1) *SERVICES TO BE PROVIDED BY SECRETARY, AGENCY, OR PRIVATE*  
36 *ENTITY.—Financial and administrative services (including those related*  
37 *to budgeting, accounting, financial reporting, personnel and procure-*  
38 *ment) shall be provided the Council by the Secretary or, at the discretion*  
39 *of the Council, another agency or private entity that reaches an agree-*  
40 *ment with the Council, for which payments shall be made in advance,*  
41 *or by reimbursement, from funds of the Council in such amounts as may*

1           *be agreed on by the Chairman of the Council and the head of the agency*  
2           *or the authorized representative of the private entity that will provide*  
3           *the services.*

4           (2) *FEDERAL AGENCY REGULATIONS RELATING TO COLLECTION*  
5           *APPLY.—When a Federal agency affords those services, the regulations of*  
6           *that agency under section 5514(b) of title 5 for the collection of indebted-*  
7           *ness of personnel resulting from erroneous payments shall apply to the*  
8           *collection of erroneous payments made to or on behalf of a Council em-*  
9           *ployee, and regulations of that agency under sections 1513(d) and 1514*  
10           *of title 31 for the administrative control of funds shall apply to appro-*  
11           *priations of the Council. The Council shall not be required to prescribe*  
12           *those regulations.*

13           (g) *FUNDS, PERSONNEL, FACILITIES, AND SERVICES.—*

14           (1) *PROVIDED BY FEDERAL AGENCY.—Any Federal agency may pro-*  
15           *vide the Council, with or without reimbursement as may be agreed on*  
16           *by the Chairman and the agency, with such funds, personnel, facilities,*  
17           *and services under its jurisdiction and control as may be needed by the*  
18           *Council to carry out its duties, to the extent that the funds, personnel,*  
19           *facilities, and services are requested by the Council and are otherwise*  
20           *available for that purpose. Any funds provided to the Council pursuant*  
21           *to this subsection shall be obligated by the end of the fiscal year following*  
22           *the fiscal year in which the funds are received by the Council.*

23           (2) *OBTAINING ADDITIONAL PROPERTY, FACILITIES, AND SERVICES*  
24           *AND RECEIVING DONATIONS OF MONEY.—To the extent of available ap-*  
25           *propriations, the Council may obtain by purchase, rental, donation, or*  
26           *otherwise additional property, facilities, and services as may be needed*  
27           *to carry out its duties and may receive donations of money for that pur-*  
28           *pose. The Executive Director may accept, hold, use, expend, and admin-*  
29           *ister the property, facilities, services, and money for the purposes of this*  
30           *division.*

31           (h) *RIGHTS, BENEFITS, AND PRIVILEGES OF TRANSFERRED EMPLOYEES.—*  
32           *Any employee in the competitive service of the United States transferred to*  
33           *the Council under section 207 of the National Historic Preservation Act (Pub-*  
34           *lic Law 89–665) retains all the rights, benefits, and privileges pertaining to*  
35           *the competitive service held prior to the transfer.*

36           (i) *EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Council*  
37           *is exempt from the Federal Advisory Committee Act (5 U.S.C. App.).*

38           (j) *PROVISIONS THAT GOVERN OPERATIONS OF COUNCIL.—Subchapter II*  
39           *of chapter 5 and chapter 7 of title 5 shall govern the operations of the Coun-*  
40           *cil.*

1     **§ 304106. International Centre for the Study of the Preserva-**  
2                     **tion and Restoration of Cultural Property**

3             (a) *AUTHORIZATION OF PARTICIPATION.*—The participation of the United  
4     States as a member in the International Centre for the Study of the Preserva-  
5     tion and Restoration of Cultural Property is authorized.

6             (b) *OFFICIAL DELEGATION.*—The Council shall recommend to the Secretary  
7     of State, after consultation with the Smithsonian Institution and other public  
8     and private organizations concerned with the technical problems of preserva-  
9     tion, the members of the official delegation that will participate in the activi-  
10    ties of the International Centre for the Study of the Preservation and Restora-  
11    tion of Cultural Property on behalf of the United States. The Secretary of  
12    State shall appoint the members of the official delegation from the persons  
13    recommended to the Secretary of State by the Council.

14     **§ 304107. Transmittal of legislative recommendations, testi-**  
15                     **mony, or comments to any officer or agency of the**  
16                     **United States prior to submission to Congress**

17             No officer or agency of the United States shall have any authority to re-  
18     quire the Council to submit its legislative recommendations, or testimony, or  
19     comments on legislation to any officer or agency of the United States for ap-  
20     proval, comments, or review, prior to the submission of the recommendations,  
21     testimony, or comments to Congress. When the Council voluntarily seeks to  
22     obtain the comments or review of any officer or agency of the United States,  
23     the Council shall include a description of the actions in its legislative recom-  
24     mendations, testimony, or comments on legislation that it transmits to Con-  
25     gress.

26     **§ 304108. Regulations, procedures, and guidelines**

27             (a) *IN GENERAL.*—The Council may promulgate regulations as it considers  
28     necessary to govern the implementation of section 306108 of this title in its  
29     entirety.

30             (b) *PARTICIPATION BY LOCAL GOVERNMENTS.*—The Council shall by regu-  
31     lation establish such procedures as may be necessary to provide for participa-  
32     tion by local governments in proceedings and other actions taken by the Coun-  
33     cil with respect to undertakings referred to in section 306108 of this title that  
34     affect the local governments.

35             (c) *EXEMPTION FOR FEDERAL PROGRAMS OR UNDERTAKINGS.*—The Coun-  
36     cil, with the concurrence of the Secretary, shall promulgate regulations or  
37     guidelines, as appropriate, under which Federal programs or undertakings  
38     may be exempted from any or all of the requirements of this division when  
39     the exemption is determined to be consistent with the purposes of this divi-  
40     sion, taking into consideration the magnitude of the exempted undertaking or  
41     program and the likelihood of impairment of historic property.

1     **§304109. Budget submission**

2         (a) *TIME AND MANNER OF SUBMISSION.*—The Council shall submit its  
3     budget annually as a related agency of the Department of the Interior.

4         (b) *TRANSMITTAL OF COPIES TO CONGRESSIONAL COMMITTEES.*—Whenever  
5     the Council submits any budget estimate or request to the President or the  
6     Office of Management and Budget, it shall concurrently transmit copies of  
7     that estimate or request to the Committee on Natural Resources and Commit-  
8     tee on Appropriations of the House of Representatives and the Committee on  
9     Energy and Natural Resources and Committee on Appropriations of the Sen-  
10    ate.

11    **§304110. Report by Secretary to Council**

12         To assist the Council in discharging its responsibilities under this division,  
13     the Secretary at the request of the Chairman shall provide a report to the  
14     Council detailing the significance of any historic property, describing the ef-  
15     fects of any proposed undertaking on the affected property, and recommending  
16     measures to avoid, minimize, or mitigate adverse effects.

17    **§304111. Reimbursements from State and local agencies**

18         Subject to applicable conflict of interest laws, the Council may receive reim-  
19     bursements from State and local agencies and others pursuant to agreements  
20     executed in furtherance of this division.

21    **§304112. Effectiveness of Federal grant and assistance pro-**  
22         **grams**

23         (a) *COOPERATIVE AGREEMENTS.*—The Council may enter into a coopera-  
24     tive agreement with any Federal agency that administers a grant or assist-  
25     ance program for the purpose of improving the effectiveness of the administra-  
26     tion of the program in meeting the purposes and policies of this division. The  
27     cooperative agreement may include provisions that modify the selection cri-  
28     teria for a grant or assistance program to further the purposes of this division  
29     or that allow the Council to participate in the selection of recipients, if those  
30     provisions are not inconsistent with the grant or assistance program's statu-  
31     tory authorization and purpose.

32         (b) *REVIEW OF GRANT AND ASSISTANCE PROGRAMS.*—The Council may—

33             (1) review the operation of any Federal grant or assistance program  
34             to evaluate the effectiveness of the program in meeting the purposes and  
35             policies of this division;

36             (2) make recommendations to the head of any Federal agency that ad-  
37             ministers the program to further the consistency of the program with the  
38             purposes and policies of this division and to improve its effectiveness in  
39             carrying out those purposes and policies; and

40             (3) make recommendations to the President and Congress regarding  
41             the effectiveness of Federal grant and assistance programs in meeting the

1           purposes and policies of this division, including recommendations with  
2           regard to appropriate funding levels.

3           **Subdivision 4—Other Organizations and**  
4                                   **Programs**  
5           **Chapter 3051—Historic Light Station**  
6                                   **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.

7           **§ 305101. Definitions**

8           In this chapter:

9           (1) ADMINISTRATOR.—The term “Administrator” means the Adminis-  
10           trator of General Services.

11           (2) ELIGIBLE ENTITY.—The term “eligible entity” means—

12                   (A) any department or agency of the Federal Government; or

13                   (B) any department or agency of the State in which a historic  
14           light station is located, the local government of the community in  
15           which a historic light station is located, a nonprofit corporation, an  
16           educational agency, or a community development organization  
17           that—

18                           (i) has agreed to comply with the conditions set forth in sec-  
19                           tion 305104 of this title and to have the conditions recorded  
20                           with the deed of title to the historic light station; and

21                           (ii) is financially able to maintain the historic light station  
22                           in accordance with the conditions set forth in section 305104  
23                           of this title.

24           (3) FEDERAL AID TO NAVIGATION.—

25                   (A) IN GENERAL.—The term “Federal aid to navigation” means  
26           any device, operated and maintained by the United States, external  
27           to a vessel or aircraft, intended to assist a navigator to determine  
28           position or safe course, or to warn of dangers or obstructions to  
29           navigation.

30                   (B) INCLUSIONS.—The term “Federal aid to navigation” includes  
31           a light, lens, lantern, antenna, sound signal, camera, sensor, piece  
32           of electronic navigation equipment, power source, or other piece of  
33           equipment associated with a device described in subparagraph (A).

34           (4) HISTORIC LIGHT STATION.—The term “historic light station” in-  
35           cludes the light tower, lighthouse, keeper’s dwelling, garages, storage  
36           sheds, oil house, fog signal building, boat house, barn, pumphouse,

1           *tramhouse support structures, piers, walkways, underlying and appur-*  
2           *tenant land and related real property and improvements associated with*  
3           *a historic light station that is a historic property.*

4           **§305102. Duties of Secretary in providing a national historic**  
5           **light station program**

6           *To provide a national historic light station program, the Secretary shall—*

7           (1) *collect and disseminate information concerning historic light sta-*  
8           *tions;*

9           (2) *foster educational programs relating to the history, practice, and*  
10           *contribution to society of historic light stations;*

11           (3) *sponsor or conduct research and study into the history of light sta-*  
12           *tions;*

13           (4) *maintain a listing of historic light stations; and*

14           (5) *assess the effectiveness of the program established by this chapter*  
15           *regarding the conveyance of historic light stations.*

16           **§305103. Selection of eligible entity and conveyance of his-**  
17           **toric light stations**

18           (a) *PROCESS AND POLICIES.—The Secretary and the Administrator shall*  
19           *maintain a process and policies for identifying, and selecting, an eligible en-*  
20           *tity to which a historic light station could be conveyed for education, park,*  
21           *recreation, cultural, or historic preservation purposes, and to monitor the use*  
22           *of the light station by the eligible entity.*

23           (b) *APPLICATION REVIEW.—*

24           (1) *IN GENERAL.—The Secretary shall—*

25           (A) *review all applications for the conveyance of a historic light*  
26           *station, when the agency with administrative jurisdiction over the*  
27           *historic light station has determined the property to be excess prop-*  
28           *erty (as that term is defined in section 102 of title 40); and*

29           (B) *forward to the Administrator a single approved application*  
30           *for the conveyance of the historic light station.*

31           (2) *CONSULTATION.—When selecting an eligible entity, the Secretary*  
32           *shall consult with the State Historic Preservation Officer of the State in*  
33           *which the historic light station is located.*

34           (c) *CONVEYANCE OR SALE OF HISTORIC LIGHT STATIONS.—*

35           (1) *CONVEYANCE BY ADMINISTRATOR.—Except as provided in para-*  
36           *graph (2), after the Secretary's selection of an eligible entity, the Admin-*  
37           *istrator shall convey, by quitclaim deed, without consideration, all right,*  
38           *title, and interest of the United States in and to a historic light station,*  
39           *subject to the conditions set forth in section 305104 of this title. The con-*  
40           *veyance of a historic light station under this chapter shall not be subject*  
41           *to the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et*



1 *seq.) or section 416(d) of the Coast Guard Authorization Act of 1998*  
2 *(Public Law 105–383, 14 U.S.C. 93 note).*

3 *(2) HISTORIC LIGHT STATION LOCATED WITHIN A SYSTEM UNIT OR A*  
4 *REFUGE WITHIN NATIONAL WILDLIFE REFUGE SYSTEM.—*

5 *(A) APPROVAL OF SECRETARY REQUIRED.—A historic light sta-*  
6 *tion located within the exterior boundaries of a System unit or a*  
7 *refuge within the National Wildlife Refuge System shall be conveyed*  
8 *or sold only with the approval of the Secretary.*

9 *(B) CONDITIONS OF CONVEYANCE.—If the Secretary approves the*  
10 *conveyance of a historic light station described in subparagraph*  
11 *(A), the conveyance shall be subject to the conditions set forth in sec-*  
12 *tion 305104 of this title and any other terms or conditions that the*  
13 *Secretary considers necessary to protect the resources of the System*  
14 *unit or wildlife refuge.*

15 *(C) CONDITIONS OF SALE.—If the Secretary approves the sale of*  
16 *a historic light station described in subparagraph (A), the sale shall*  
17 *be subject to the conditions set forth in paragraphs (1) to (4) and*  
18 *(8) of subsection (a), and subsection (b), of section 305104 of this*  
19 *title and any other terms or conditions that the Secretary considers*  
20 *necessary to protect the resources of the System unit or wildlife ref-*  
21 *uge.*

22 *(D) COOPERATIVE AGREEMENTS.—The Secretary is encouraged to*  
23 *enter into cooperative agreements with appropriate eligible entities*  
24 *with respect to historic light stations described in subparagraph (A),*  
25 *as provided in this division, to the extent that the cooperative agree-*  
26 *ments are consistent with the Secretary’s responsibilities to manage*  
27 *and administer the System unit or wildlife refuge.*

28 **§305104. Terms of conveyance**

29 *(a) IN GENERAL.—The conveyance of a historic light station shall be made*  
30 *subject to any conditions, including the reservation of easements and other*  
31 *rights on behalf of the United States, that the Administrator considers nec-*  
32 *essary to ensure that—*

33 *(1) the Federal aids to navigation located at the historic light station*  
34 *in operation on the date of conveyance remain the personal property of*  
35 *the United States and continue to be operated and maintained by the*  
36 *United States for as long as needed for navigational purposes;*

37 *(2) there is reserved to the United States the right to remove, replace,*  
38 *or install any Federal aid to navigation located at the historic light sta-*  
39 *tion as may be necessary for navigational purposes;*

40 *(3) the eligible entity to which the historic light station is conveyed*  
41 *shall not interfere or allow interference in any manner with any Federal*

1           *aid to navigation or hinder activities required for the operation and*  
2           *maintenance of any Federal aid to navigation without the express writ-*  
3           *ten permission of the head of the agency responsible for maintaining the*  
4           *Federal aid to navigation;*

5           (4)(A) *the eligible entity to which the historic light station is conveyed*  
6           *shall, at its own cost and expense, use and maintain the historic light*  
7           *station in accordance with this division, the Secretary of the Interior's*  
8           *Standards for the Treatment of Historic Properties contained in part 68*  
9           *of title 36, Code of Federal Regulations, and other applicable laws; and*

10          (B) *any proposed changes to the historic light station shall be reviewed*  
11          *and approved by the Secretary in consultation with the State Historic*  
12          *Preservation Officer of the State in which the historic light station is lo-*  
13          *cated, for consistency with section 800.5(a)(2)(vii) of title 36, Code of*  
14          *Federal Regulations and the Secretary's Standards for Rehabilitation*  
15          *contained in section 67.7 of title 36, Code of Federal Regulations;*

16          (5) *the eligible entity to which the historic light station is conveyed*  
17          *shall make the historic light station available for education, park, recre-*  
18          *ation, cultural, or historic preservation purposes for the general public*  
19          *at reasonable times and under reasonable conditions;*

20          (6) *the eligible entity to which the historic light station is conveyed*  
21          *shall not sell, convey, assign, exchange, or encumber the historic light sta-*  
22          *tion, any part of the historic light station, or any associated historic ar-*  
23          *tifact conveyed to the eligible entity in conjunction with the historic light*  
24          *station conveyance, including any lens or lantern, unless the sale, con-*  
25          *veyance, assignment, exchange, or encumbrance is approved by the Sec-*  
26          *retary;*

27          (7) *the eligible entity to which the historic light station is conveyed*  
28          *shall not conduct any commercial activity at the historic light station,*  
29          *at any part of the historic light station, or in connection with any asso-*  
30          *ciated historic artifact conveyed to the eligible entity in conjunction with*  
31          *the historic light station conveyance, in any manner, unless the commer-*  
32          *cial activity is approved by the Secretary; and*

33          (8) *the United States shall have the right, at any time, to enter the*  
34          *historic light station without notice, for purposes of operating, maintain-*  
35          *ing, and inspecting any aid to navigation and for the purpose of ensur-*  
36          *ing compliance with this section, to the extent that it is not possible to*  
37          *provide advance notice.*

38          (b) *MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which*  
39          *a historic light station is conveyed shall not be required to maintain any Fed-*  
40          *eral aid to navigation associated with a historic light station, except any pri-*

1     *vate aid to navigation permitted to the eligible entity under section 83 of title*  
2     *14.*

3     (c) *REVERSION.*—*In addition to any term or condition established pursu-*  
4     *ant to this section, the conveyance of a historic light station shall include a*  
5     *condition that the historic light station, or any associated historic artifact*  
6     *conveyed to the eligible entity in conjunction with the historic light station*  
7     *conveyance, including any lens or lantern, at the option of the Administrator,*  
8     *shall revert to the United States and be placed under the administrative con-*  
9     *trol of the Administrator, if—*

10         (1) *the historic light station, any part of the historic light station, or*  
11         *any associated historic artifact ceases to be available for education, park,*  
12         *recreation, cultural, or historic preservation purposes for the general*  
13         *public at reasonable times and under reasonable conditions that shall be*  
14         *set forth in the eligible entity's application;*

15         (2) *the historic light station or any part of the historic light station*  
16         *ceases to be maintained in a manner that ensures its present or future*  
17         *use as a site for a Federal aid to navigation;*

18         (3) *the historic light station, any part of the historic light station, or*  
19         *any associated historic artifact ceases to be maintained in compliance*  
20         *with this division, the Secretary of the Interior's Standards for the*  
21         *Treatment of Historic Properties contained in part 68 of title 36, Code*  
22         *of Federal Regulations, and other applicable laws;*

23         (4) *the eligible entity to which the historic light station is conveyed*  
24         *sells, conveys, assigns, exchanges, or encumbers the historic light station,*  
25         *any part of the historic light fixture, or any associated historic artifact,*  
26         *without approval of the Secretary;*

27         (5) *the eligible entity to which the historic light station is conveyed*  
28         *conducts any commercial activity at the historic light station, at any*  
29         *part of the historic light station, or in conjunction with any associated*  
30         *historic artifact, without approval of the Secretary; or*

31         (6) *at least 30 days before the reversion, the Administrator provides*  
32         *written notice to the owner that the historic light station or any part*  
33         *of the historic light station is needed for national security purposes.*

34     (d) *LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHOR-*  
35     *ITY.*—*On receiving notice of an executed or intended conveyance by an owner*  
36     *that received from the Federal Government under authority other than this*  
37     *division a historic light station in which the United States retains a rever-*  
38     *sionary or other interest and that is conveying it to another person by sale,*  
39     *gift, or any other manner, the Secretary shall review the terms of the executed*  
40     *or proposed conveyance to ensure that any new owner is capable of or is com-*  
41     *plying with any and all conditions of the original conveyance. The Secretary*

1     *may require the parties to the conveyance and relevant Federal agencies to*  
2     *provide information as is necessary to complete the review. If the Secretary*  
3     *determines that the new owner has not complied or is unable to comply with*  
4     *those conditions, the Secretary shall immediately advise the Administrator,*  
5     *who shall invoke any reversionary interest or take other action as may be nec-*  
6     *essary to protect the interests of the United States.*

7     **§305105. Description of property**

8         *(a) IN GENERAL.—The Administrator shall prepare the legal description of*  
9         *any historic light station conveyed under this chapter. The Administrator, in*  
10        *consultation with the Secretary of Homeland Security and the Secretary, may*  
11        *retain all right, title, and interest of the United States in and to any histori-*  
12        *cal artifact, including any lens or lantern, that is associated with the historic*  
13        *light station and located at the historic light station at the time of convey-*  
14        *ance. Wherever possible, the historical artifacts should be used in interpreting*  
15        *the historic light station. In cases where there is no method for preserving*  
16        *lenses and other artifacts and equipment in situ, priority should be given to*  
17        *preservation or museum entities most closely associated with the historic light*  
18        *station, if they meet loan requirements.*

19        *(b) ARTIFACTS.—Artifacts associated with, but not located at, a historic*  
20        *light station at the time of conveyance shall remain the property of the United*  
21        *States under the administrative control of the Secretary of Homeland Secu-*  
22        *rity.*

23        *(c) COVENANTS.—All conditions placed with the quitclaim deed of title to*  
24        *the historic light station shall be construed as covenants running with the*  
25        *land.*

26        *(d) SUBMERGED LAND.—No submerged land shall be conveyed under this*  
27        *chapter.*

28     **§305106. Historic light station sales**

29        *(a) IN GENERAL.—*

30            *(1) WHEN SALE MAY OCCUR.—If no applicant is approved for the con-*  
31            *voyance of a historic light station pursuant to sections 305101 through*  
32            *305105 of this title, the historic light station shall be offered for sale.*

33            *(2) TERMS OF SALE.—Terms of the sales—*

34                *(A) shall be developed by the Administrator; and*

35                *(B) shall be consistent with the requirements of paragraphs (1)*  
36                *to (4) and (8) of subsection (a), and subsection (b), of section*  
37                *305104 of this title.*

38            *(3) COVENANTS TO BE INCLUDED IN CONVEYANCE DOCUMENTS.—Con-*  
39            *voyance documents shall include all necessary covenants to protect the*  
40            *historical integrity of the historic light station and ensure that any Fed-*  
41            *eral aid to navigation located at the historic light station is operated*

1           *and maintained by the United States for as long as needed for that pur-*  
 2           *pose.*

3       **(b) NET SALE PROCEEDS.—**

4           **(1) DISPOSITION AND USE OF FUNDS.—***Net sale proceeds from the dis-*  
 5           *posal of a historic light station—*

6                   **(A)** *located on public domain land shall be transferred to the Na-*  
 7                   *tional Maritime Heritage Grants Program established under chap-*  
 8                   *ter 3087 in the Department of the Interior; and*

9                   **(B)** *under the administrative control of the Secretary of Home-*  
 10                   *land Security—*

11                           **(i)** *shall be credited to the Coast Guard’s Operating Ex-*  
 12                           *penditures appropriation account; and*

13                           **(ii)** *shall be available for obligation and expenditure for the*  
 14                           *maintenance of light stations remaining under the administra-*  
 15                           *tive control of the Secretary of Homeland Security.*

16           **(2) AVAILABILITY OF FUNDS.—***The funds referred to in paragraph*  
 17           **(1)(B)** *shall remain available until expended and shall be available in*  
 18           *addition to funds available in the Coast Guard’s Operating Expense ap-*  
 19           *propriation for that purpose.*

20                           **Chapter 3053—National Center for**  
 21                           **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.*

22       **§ 305301. Definitions**

23       *In this chapter:*

24           **(1) BOARD.—***The term “Board” means the Preservation Technology*  
 25           *and Training Board established pursuant to section 305303 of this title.*

26           **(2) CENTER.—***The term “Center” means the National Center for Pres-*  
 27           *ervation Technology and Training established pursuant to section*  
 28           *305302 of this title.*

29       **§ 305302. National Center for Preservation Technology and**  
 30       **Training**

31           **(a) ESTABLISHMENT.—***There is established within the Department of the*  
 32           *Interior a National Center for Preservation Technology and Training. The*  
 33           *Center shall be located at Northwestern State University of Louisiana in*  
 34           *Natchitoches, Louisiana.*

35           **(b) PURPOSES.—***The purposes of the Center shall be to—*

1           (1) *develop and distribute preservation and conservation skills and*  
2           *technologies for the identification, evaluation, conservation, and interpre-*  
3           *tation of historic property;*

4           (2) *develop and facilitate training for Federal, State, and local re-*  
5           *source preservation professionals, cultural resource managers, mainte-*  
6           *nance personnel, and others working in the preservation field;*

7           (3) *take steps to apply preservation technology benefits from ongoing*  
8           *research by other agencies and institutions;*

9           (4) *facilitate the transfer of preservation technology among Federal*  
10           *agencies, State and local governments, universities, international organi-*  
11           *zations, and the private sector; and*

12           (5) *cooperate with related international organizations including the*  
13           *International Council on Monuments and Sites, the International Center*  
14           *for the Study of Preservation and Restoration of Cultural Property, and*  
15           *the International Council on Museums.*

16           (c) *PROGRAMS.*—*The purposes shall be carried out through research, profes-*  
17           *sional training, technical assistance, and programs for public awareness, and*  
18           *through a program of grants established under section 305304 of this title.*

19           (d) *EXECUTIVE DIRECTOR.*—*The Center shall be headed by an Executive*  
20           *Director with demonstrated expertise in historic preservation appointed by*  
21           *the Secretary with advice of the Board.*

22           (e) *ASSISTANCE FROM SECRETARY.*—*The Secretary shall provide the Cen-*  
23           *ter assistance in obtaining such personnel, equipment, and facilities as may*  
24           *be needed by the Center to carry out its activities.*

### 25           **§305303. Preservation Technology and Training Board**

26           (a) *ESTABLISHMENT.*—*There is established a Preservation Technology and*  
27           *Training Board.*

28           (b) *DUTIES.*—*The Board shall—*

29                   (1) *provide leadership, policy advice, and professional oversight to the*  
30                   *Center;*

31                   (2) *advise the Secretary on priorities and the allocation of grants*  
32                   *among the activities of the Center; and*

33                   (3) *submit an annual report to the President and Congress.*

34           (c) *MEMBERSHIP.*—*The Board shall be comprised of—*

35                   (1) *the Secretary;*

36                   (2) *6 members appointed by the Secretary, who shall represent appro-*  
37                   *priate Federal, State, and local agencies, State and local historic preser-*  
38                   *vation commissions, and other public and international organizations;*  
39                   *and*

40                   (3) *6 members appointed by the Secretary on the basis of outstanding*  
41                   *professional qualifications, who represent major organizations in the*

1           *fields of archeology, architecture, conservation, curation, engineering, his-*  
2           *tory, historic preservation, landscape architecture, planning, or preserva-*  
3           *tion education.*

4       **§305304. Preservation grants**

5           (a) *IN GENERAL.*—*The Secretary, in consultation with the Board, shall*  
6           *provide preservation technology and training grants to eligible applicants*  
7           *with a demonstrated institutional capability and commitment to the purposes*  
8           *of the Center, in order to ensure an effective and efficient system of research,*  
9           *information distribution, and skills training in all the related historic preser-*  
10          *vation fields.*

11          (b) *GRANT REQUIREMENTS.*—

12               (1) *ALLOCATION.*—*Grants provided under this section shall be allo-*  
13               *cated in such a fashion as to reflect the diversity of the historic preserva-*  
14               *tion fields and shall be geographically distributed.*

15               (2) *LIMIT ON AMOUNT A RECIPIENT MAY RECEIVE.*—*No grant recipient*  
16               *may receive more than 10 percent of the grants allocated under this sec-*  
17               *tion within any year.*

18               (3) *LIMIT ON ADMINISTRATIVE COSTS.*—*The total administrative costs,*  
19               *direct and indirect, charged for carrying out grants under this section*  
20               *may not exceed 25 percent of the aggregate costs.*

21          (c) *ELIGIBLE APPLICANTS.*—*Eligible applicants may include—*

22               (1) *Federal and non-Federal laboratories;*

23               (2) *accredited museums;*

24               (3) *universities;*

25               (4) *nonprofit organizations;*

26               (5) *System units and offices and Cooperative Park Study Units of the*  
27               *System;*

28               (6) *State Historic Preservation Offices;*

29               (7) *tribal preservation offices; and*

30               (8) *Native Hawaiian organizations.*

31          (d) *STANDARDS AND METHODS.*—*Grants shall be awarded in accordance*  
32           *with accepted professional standards and methods, including peer review of*  
33           *projects.*

34       **§305305. General provisions**

35          (a) *ACCEPTANCE OF GRANTS AND TRANSFERS.*—*The Center may accept—*

36               (1) *grants and donations from private individuals, groups, organiza-*  
37               *tions, corporations, foundations, and other entities; and*

38               (2) *transfers of funds from other Federal agencies.*

39          (b) *CONTRACTS AND COOPERATIVE AGREEMENTS.*—*Subject to appropria-*  
40           *tions, the Center may enter into contracts and cooperative agreements with*  
41           *Federal, State, local, and tribal governments, Native Hawaiian organizations,*

1 *educational institutions, and other public entities to carry out the Center's*  
 2 *responsibilities under this chapter.*

3 (c) *ADDITIONAL FUNDS.—Funds appropriated for the Center shall be in*  
 4 *addition to funds appropriated for Service programs, centers, and offices in*  
 5 *existence on October 30, 1992.*

6 **§ 305306. Service preservation centers and offices**

7 *To improve the use of existing Service resources, the Secretary shall fully*  
 8 *utilize and further develop the Service preservation (including conservation)*  
 9 *centers and regional offices. The Secretary shall improve the coordination of*  
 10 *the centers and offices within the Service, and shall, where appropriate, coor-*  
 11 *ordinate their activities with the Center and with other appropriate parties.*

12 **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.*

13 **§ 305501. Definitions**

14 *In this chapter:*

15 (1) *BUILDING ARTS.—The term “building arts” includes all practical*  
 16 *and scholarly aspects of prehistoric, historic, and contemporary architec-*  
 17 *ture, archeology, construction, building technology and skills, landscape*  
 18 *architecture, preservation and conservation, building and construction,*  
 19 *engineering, urban and community design and renewal, city and re-*  
 20 *gional planning, and related professions, skills, trades, and crafts.*

21 (2) *COMMITTEE.—The term “Committee” means the Committee for a*  
 22 *National Museum of the Building Arts, Incorporated, a nonprofit cor-*  
 23 *poration organized and existing under the laws of the District of Colum-*  
 24 *bia, or its successor.*

25 **§ 305502. Cooperative agreement to operate museum**

26 *To provide a national center to commemorate and encourage the building*  
 27 *arts and to preserve and maintain a nationally significant building that ex-*  
 28 *emplifies the great achievements of the building arts in the United States, the*  
 29 *Secretary and the Administrator of General Services shall enter into a cooper-*  
 30 *ative agreement with the Committee for the operation of a National Building*  
 31 *Museum in the Federal building located in the block bounded by Fourth*  
 32 *Street, Fifth Street, F Street, and G Street, Northwest in Washington, Dis-*  
 33 *trict of Columbia. The cooperative agreement shall include provisions that—*

34 (1) *make the site available to the Committee without charge;*



1           (2) provide, subject to available appropriations, such maintenance, se-  
2           curity, information, janitorial, and other services as may be necessary  
3           to ensure the preservation and operation of the site; and

4           (3) prescribe reasonable terms and conditions by which the Committee  
5           can fulfill its responsibilities under this division.

6           **§ 305503. Activities and functions**

7           *The National Building Museum shall—*

8           (1) collect and disseminate information concerning the building arts,  
9           including the establishment of a national reference center for current and  
10          historic documents, publications, and research relating to the building  
11          arts;

12          (2) foster educational programs relating to the history, practice, and  
13          contribution to society of the building arts, including promotion of imag-  
14          inative educational approaches to enhance understanding and apprecia-  
15          tion of all facets of the building arts;

16          (3) publicly display temporary and permanent exhibits illustrating,  
17          interpreting and demonstrating the building arts;

18          (4) sponsor or conduct research and study into the history of the build-  
19          ing arts and their role in shaping our civilization; and

20          (5) encourage contributions to the building arts.

21          **§ 305504. Matching grants to Committee**

22          *The Secretary shall provide matching grants to the Committee for its pro-  
23          grams related to historic preservation. The Committee shall match the grants  
24          in such a manner and with such funds and services as shall be satisfactory  
25          to the Secretary, except that not more than \$500,000 may be provided to the  
26          Committee in any one fiscal year.*

27          **§ 305505. Annual report**

28          *The Committee shall submit an annual report to the Secretary and the Ad-  
29          ministrator of General Services concerning its activities under this chapter  
30          and shall provide the Secretary and the Administrator of General Services  
31          with such other information as the Secretary may consider necessary or ad-  
32          visable.*

33                   **Subdivision 5—Federal Agency Historic**  
34                   **Preservation Responsibilities**  
35                   **Chapter 3061—Program Responsibilities**  
36                   **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 security.*  
 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.*

## **Subchapter I—In General**

### **§306101. Assumption of responsibility for preservation of historic property**

(a) *IN GENERAL.*—

(1) *AGENCY HEAD RESPONSIBILITY.*—*The head of each Federal agency shall assume responsibility for the preservation of historic property that is owned or controlled by the agency.*

(2) *USE OF AVAILABLE HISTORIC PROPERTY.*—*Prior to acquiring, constructing, or leasing a building for purposes of carrying out agency responsibilities, a Federal agency shall use, to the maximum extent feasible, historic property available to the agency, in accordance with Executive Order No. 13006 (40 U.S.C. 3306 note).*

(3) *NECESSARY PRESERVATION.*—*Each Federal agency shall undertake, consistent with the preservation of historic property, the mission of the agency, and the professional standards established pursuant to subsection (c), any preservation as may be necessary to carry out this chapter.*

(b) *GUIDELINES FOR FEDERAL AGENCY RESPONSIBILITY FOR AGENCY-OWNED HISTORIC PROPERTY.*—*In consultation with the Council, the Secretary shall promulgate guidelines for Federal agency responsibilities under this subchapter (except section 306108).*

(c) *PROFESSIONAL STANDARDS FOR PRESERVATION OF FEDERALLY OWNED OR CONTROLLED HISTORIC PROPERTY.*—*The Secretary shall establish, in consultation with the Secretary of Agriculture, the Secretary of Defense, the Smithsonian Institution, and the Administrator of General Services, professional standards for the preservation of historic property in Federal ownership or control.*

### **§306102. Preservation program**

(a) *ESTABLISHMENT.*—*Each Federal agency shall establish (except for programs or undertakings exempted pursuant to section 304108(c) of this title), in consultation with the Secretary, a preservation program for the identifica-*

1 *tion, evaluation, and nomination to the National Register, and protection, of*  
2 *historic property.*

3 (b) *REQUIREMENTS.—The program shall ensure that—*

4 (1) *historic property under the jurisdiction or control of the agency*  
5 *is identified, evaluated, and nominated to the National Register;*

6 (2) *historic property under the jurisdiction or control of the agency*  
7 *is managed and maintained in a way that considers the preservation of*  
8 *their historic, archeological, architectural, and cultural values in compli-*  
9 *ance with section 306108 of this title and gives special consideration to*  
10 *the preservation of those values in the case of property designated as hav-*  
11 *ing national significance;*

12 (3) *the preservation of property not under the jurisdiction or control*  
13 *of the agency but potentially affected by agency actions is given full con-*  
14 *sideration in planning;*

15 (4) *the agency's preservation-related activities are carried out in con-*  
16 *sultation with other Federal, State, and local agencies, Indian tribes, Na-*  
17 *tive Hawaiian organizations carrying out historic preservation planning*  
18 *activities, and the private sector; and*

19 (5) *the agency's procedures for compliance with section 306108 of this*  
20 *title—*

21 (A) *are consistent with regulations promulgated by the Council*  
22 *pursuant to section 304108(a) and (b) of this title;*

23 (B) *provide a process for the identification and evaluation of his-*  
24 *toric property for listing on the National Register and the develop-*  
25 *ment and implementation of agreements, in consultation with State*  
26 *Historic Preservation Officers, local governments, Indian tribes, Na-*  
27 *tive Hawaiian organizations, and the interested public, as appro-*  
28 *priate, regarding the means by which adverse effects on historic*  
29 *property will be considered; and*

30 (C) *provide for the disposition of Native American cultural items*  
31 *from Federal or tribal land in a manner consistent with section 3(c)*  
32 *of the Native American Graves Protection and Repatriation Act (25*  
33 *U.S.C. 3002(c)).*

34 **§306103. Recordation of historic property prior to alteration**  
35 **or demolition**

36 *Each Federal agency shall initiate measures to ensure that where, as a re-*  
37 *sult of Federal action or assistance carried out by the agency, a historic prop-*  
38 *erty is to be substantially altered or demolished—*

39 (1) *timely steps are taken to make or have made appropriate records;*

40 *and*

1           (2) *the records are deposited, in accordance with section 302107 of this*  
2           *title, in the Library of Congress or with such other appropriate agency*  
3           *as the Secretary may designate, for future use and reference.*

4           **§306104. Agency Preservation Officer**

5           *The head of each Federal agency (except an agency that is exempted under*  
6           *section 304108(c) of this title) shall designate a qualified official as the agen-*  
7           *cy's Preservation Officer who shall be responsible for coordinating the agency's*  
8           *activities under this division. Each Preservation Officer may, to be considered*  
9           *qualified, satisfactorily complete an appropriate training program established*  
10          *by the Secretary under section 306101(c) of this title.*

11          **§306105. Agency programs and projects**

12          *Consistent with the agency's missions and mandates, each Federal agency*  
13          *shall carry out agency programs and projects (including those under which*  
14          *any Federal assistance is provided or any Federal license, permit, or other*  
15          *approval is required) in accordance with the purposes of this division and*  
16          *give consideration to programs and projects that will further the purposes of*  
17          *this division.*

18          **§306106. Review of plans of transferees of surplus federally**  
19                                  **owned historic property**

20          *The Secretary shall review and approve the plans of transferees of surplus*  
21          *federally owned historic property not later than 90 days after receipt of the*  
22          *plans to ensure that the prehistorical, historical, architectural, or culturally*  
23          *significant values will be preserved or enhanced.*

24          **§306107. Planning and actions to minimize harm to Na-**  
25                                  **tional Historic Landmarks**

26          *Prior to the approval of any Federal undertaking that may directly and*  
27          *adversely affect any National Historic Landmark, the head of the responsible*  
28          *Federal agency shall to the maximum extent possible undertake such planning*  
29          *and actions as may be necessary to minimize harm to the landmark. The*  
30          *head of the Federal agency shall afford the Council a reasonable opportunity*  
31          *to comment with regard to the undertaking.*

32          **§306108. Effect of undertaking on historic property**

33          *The head of any Federal agency having direct or indirect jurisdiction over*  
34          *a proposed Federal or federally assisted undertaking in any State and the*  
35          *head of any Federal department or independent agency having authority to*  
36          *license any undertaking, prior to the approval of the expenditure of any Fed-*  
37          *eral funds on the undertaking or prior to the issuance of any license, shall*  
38          *take into account the effect of the undertaking on any historic property. The*  
39          *head of the Federal agency shall afford the Council a reasonable opportunity*  
40          *to comment with regard to the undertaking.*

1    **§306109. Costs of preservation as eligible project costs**

2        *A Federal agency may include the costs of preservation activities of the*  
3 *agency under this division as eligible project costs in all undertakings of the*  
4 *agency or assisted by the agency. The eligible project costs may include*  
5 *amounts paid by a Federal agency to a State to be used in carrying out the*  
6 *preservation responsibilities of the Federal agency under this division, and*  
7 *reasonable costs may be charged to Federal licensees and permittees as a con-*  
8 *dition to the issuance of the license or permit.*

9    **§306110. Annual preservation awards program**

10        *The Secretary shall establish an annual preservation awards program*  
11 *under which the Secretary may make monetary awards in amounts of not*  
12 *to exceed \$1,000 and provide citations for special achievement to officers and*  
13 *employees of Federal, State, and certified local governments in recognition of*  
14 *their outstanding contributions to the preservation of historic property. The*  
15 *program may include the issuance of annual awards by the President to any*  
16 *citizen of the United States recommended for the award by the Secretary.*

17    **§306111. Environmental impact statement**

18        *Nothing in this division shall be construed to—*

19            (1) *require the preparation of an environmental impact statement*  
20            *where the statement would not otherwise be required under the National*  
21            *Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or*

22            (2) *provide any exemption from any requirement respecting the prepa-*  
23            *ration of an environmental impact statement under that Act.*

24    **§306112. Waiver of provisions in event of natural disaster or**  
25        ***imminent threat to national security***

26        *The Secretary shall promulgate regulations under which the requirements*  
27 *of this subchapter (except section 306108) may be waived in whole or in part*  
28 *in the event of a major natural disaster or an imminent threat to national*  
29 *security.*

30    **§306113. Anticipatory demolition**

31        *Each Federal agency shall ensure that the agency will not grant a loan,*  
32 *loan guarantee, permit, license, or other assistance to an applicant that, with*  
33 *intent to avoid the requirements of section 306108 of this title, has inten-*  
34 *tionally significantly adversely affected a historic property to which the grant*  
35 *would relate, or having legal power to prevent it, has allowed the significant*  
36 *adverse effect to occur, unless the agency, after consultation with the Council,*  
37 *determines that circumstances justify granting the assistance despite the ad-*  
38 *verse effect created or permitted by the applicant.*

1    **§306114. Documentation of decisions respecting undertak-**  
2                                    **ings**

3            *With respect to any undertaking subject to section 306108 of this title that*  
4            *adversely affects any historic property for which a Federal agency has not*  
5            *entered into an agreement pursuant to regulations issued by the Council, the*  
6            *head of the agency shall document any decision made pursuant to section*  
7            *306108 of this title. The head of the agency may not delegate the responsibil-*  
8            *ity to document a decision pursuant to this section. Where an agreement pur-*  
9            *suant to regulations issued by the Council has been executed with respect to*  
10           *an undertaking, the agreement shall govern the undertaking and all of its*  
11            *parts.*

12                                    **Subchapter II—Lease, Exchange, or**  
13                                    **Management of Historic Property**

14    **§306121. Lease or exchange**

15            (a) *AUTHORITY TO LEASE OR EXCHANGE.*—*Notwithstanding any other*  
16            *provision of law, each Federal agency, after consultation with the Council—*

17                    (1) *shall, to the extent practicable, establish and implement alter-*  
18                    *natives (including adaptive use) for historic property that is not needed*  
19                    *for current or projected agency purposes; and*

20                    (2) *may lease historic property owned by the agency to any person*  
21                    *or organization, or exchange any property owned by the agency with*  
22                    *comparable historic property, if the agency head determines that the*  
23                    *lease or exchange will adequately ensure the preservation of the historic*  
24                    *property.*

25            (b) *PROCEEDS OF LEASE.*—*Notwithstanding any other provision of law,*  
26            *the proceeds of a lease under subsection (a) may be retained by the agency*  
27            *entering into the lease and used to defray the costs of administration, mainte-*  
28            *nance, repair, and related expenses incurred by the agency with respect to*  
29            *that property or other property that is on the National Register that is owned*  
30            *by, or are under the jurisdiction or control of, the agency. Any surplus pro-*  
31            *ceeds from the leases shall be deposited in the Treasury at the end of the 2d*  
32            *fiscal year following the fiscal year in which the proceeds are received.*

33    **§306122. Contracts for management of historic property**

34            *The head of any Federal agency having responsibility for the management*  
35            *of any historic property may, after consultation with the Council, enter into*  
36            *a contract for the management of the property. The contract shall contain*  
37            *terms and conditions that the head of the agency considers necessary or ap-*  
38            *propriate to protect the interests of the United States and ensure adequate*  
39            *preservation of the historic property.*

1                                   ***Subchapter III—Protection and***  
2                                   ***Preservation of Resources***

3       **§306131. Standards and guidelines**

4       (a) *STANDARDS.—*

5           (1) *IN GENERAL.—Each Federal agency that is responsible for the pro-*  
6           *tection of historic property (including archeological property) pursuant*  
7           *to this division or any other law shall ensure that—*

8                   (A) *all actions taken by employees or contractors of the agency*  
9                   *meet professional standards under regulations developed by the Sec-*  
10                   *retary in consultation with the Council, other affected agencies, and*  
11                   *the appropriate professional societies of archeology, architecture,*  
12                   *conservation, history, landscape architecture, and planning;*

13                   (B) *agency personnel or contractors responsible for historic prop-*  
14                   *erty meet qualification standards established by the Office of Per-*  
15                   *sonnel Management in consultation with the Secretary and appro-*  
16                   *priate professional societies of archeology, architecture, conservation,*  
17                   *curation, history, landscape architecture, and planning; and*

18                   (C) *records and other data, including data produced by historical*  
19                   *research and archeological surveys and excavations, are perma-*  
20                   *nently maintained in appropriate databases and made available to*  
21                   *potential users pursuant to such regulations as the Secretary shall*  
22                   *promulgate.*

23       (2) *CONSIDERATIONS.—The standards referred to in paragraph (1)(B)*  
24       *shall consider the particular skills and expertise needed for the preserva-*  
25       *tion of historic property and shall be equivalent requirements for the dis-*  
26       *ciplines involved.*

27       (3) *REVISION.—The Office of Management and Budget shall revise*  
28       *qualification standards for the disciplines involved.*

29       (b) *GUIDELINES.—To promote the preservation of historic property eligible*  
30       *for listing on the National Register, the Secretary shall, in consultation with*  
31       *the Council, promulgate guidelines to ensure that Federal, State, and tribal*  
32       *historic preservation programs subject to this division include plans to—*

33           (1) *provide information to the owners of historic property (including*  
34           *architectural, curatorial, and archeological property) with demonstrated*  
35           *or likely research significance, about the need for protection of the his-*  
36           *toric property, and the available means of protection;*

37           (2) *encourage owners to preserve historic property intact and in place*  
38           *and offer the owners of historic property information on the tax and*  
39           *grant assistance available for the donation of the historic property or of*  
40           *a preservation easement of the historic property;*

1           (3) encourage the protection of Native American cultural items (within  
2           the meaning of section 2 of the Native American Graves Protection and  
3           Repatriation Act (25 U.S.C. 3001)) and of property of religious or cul-  
4           tural importance to Indian tribes, Native Hawaiian organizations, or  
5           other Native American groups; and

6           (4) encourage owners that are undertaking archeological excavations  
7           to—

8                   (A) conduct excavations and analyses that meet standards for fed-  
9                   erally-sponsored excavations established by the Secretary;

10                   (B) donate or lend artifacts of research significance to an appro-  
11                   priate research institution;

12                   (C) allow access to artifacts for research purposes; and

13                   (D) prior to excavating or disposing of a Native American cul-  
14                   tural item in which an Indian tribe or Native Hawaiian organiza-  
15                   tion may have an interest under subparagraph (B) or (C) of section  
16                   3(a)(2) of the Native American Graves Protection and Repatriation  
17                   Act (25 U.S.C. 3002(a)(2)(B), (C)), give notice to and consult with  
18                   the Indian tribe or Native Hawaiian organization.

## 19                   **Subdivision 6—Miscellaneous** 20                   **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 his-  
toric property.

307108. Privately donated funds.

### 21           **§307101. World Heritage Convention**

22           (a) *AUTHORITY OF SECRETARY.*—In carrying out this section, the Sec-  
23           retary of the Interior may act directly or through an appropriate officer in  
24           the Department of the Interior.

25           (b) *PARTICIPATION BY UNITED STATES.*—The Secretary shall direct and  
26           coordinate participation by the United States in the World Heritage Con-  
27           vention in cooperation with the Secretary of State, the Smithsonian Institution,  
28           and the Council. Whenever possible, expenditures incurred in carrying out ac-  
29           tivities in cooperation with other nations and international organizations  
30           shall be paid for in such excess currency of the country or area where the  
31           expense is incurred as may be available to the United States.

32           (c) *NOMINATION OF PROPERTY TO WORLD HERITAGE COMMITTEE.*—The  
33           Secretary shall periodically nominate property that the Secretary determines



1 *is of international significance to the World Heritage Committee on behalf of*  
2 *the United States. No property may be nominated unless it has previously*  
3 *been determined to be of national significance. Each nomination shall include*  
4 *evidence of such legal protections as may be necessary to ensure preservation*  
5 *of the property and its environment (including restrictive covenants, ease-*  
6 *ments, or other forms of protection). Before making any nomination, the Sec-*  
7 *retary shall notify the Committee on Natural Resources of the House of Rep-*  
8 *resentatives and the Committee on Energy and Natural Resources of the Sen-*  
9 *ate.*

10 *(d) NOMINATION OF NON-FEDERAL PROPERTY TO WORLD HERITAGE COM-*  
11 *MITTEE REQUIRES WRITTEN CONCURRENCE OF OWNER.—No non-Federal*  
12 *property may be nominated by the Secretary to the World Heritage Commit-*  
13 *tee for inclusion on the World Heritage List unless the owner of the property*  
14 *concurs in the nomination in writing.*

15 *(e) CONSIDERATION OF UNDERTAKING ON PROPERTY.—Prior to the ap-*  
16 *proval of any undertaking outside the United States that may directly and*  
17 *adversely affect a property that is on the World Heritage List or on the appli-*  
18 *cable country's equivalent of the National Register, the head of a Federal*  
19 *agency having direct or indirect jurisdiction over the undertaking shall take*  
20 *into account the effect of the undertaking on the property for purposes of*  
21 *avoiding or mitigating any adverse effect.*

22 **§307102. Effective date of regulations**

23 *(a) PUBLICATION IN FEDERAL REGISTER.—No final regulation of the Sec-*  
24 *retary shall become effective prior to the expiration of 30 calendar days after*  
25 *it is published in the Federal Register during which either or both Houses*  
26 *of Congress are in session.*

27 *(b) DISAPPROVAL OF REGULATION BY RESOLUTION OF CONGRESS.—The*  
28 *regulation shall not become effective if, within 90 calendar days of continuous*  
29 *session of Congress after the date of promulgation, both Houses of Congress*  
30 *adopt a concurrent resolution, the matter after the resolving clause of which*  
31 *is as follows: "That Congress disapproves the regulation promulgated by the*  
32 *Secretary dealing with the matter of \_\_\_\_\_, which regulation was trans-*  
33 *mitted to Congress on \_\_\_\_\_, " the blank spaces in the resolution being*  
34 *appropriately filled.*

35 *(c) FAILURE OF CONGRESS TO ADOPT RESOLUTION OF DISAPPROVAL OF*  
36 *REGULATION.—If at the end of 60 calendar days of continuous session of Con-*  
37 *gress after the date of promulgation of a regulation, no committee of either*  
38 *House of Congress has reported or been discharged from further consideration*  
39 *of a concurrent resolution disapproving the regulation, and neither House has*  
40 *adopted such a resolution, the regulation may go into effect immediately. If,*  
41 *within the 60 calendar days, a committee has reported or been discharged*

1 *from further consideration of such a resolution, the regulation may go into*  
2 *effect not sooner than 90 calendar days of continuous session of Congress after*  
3 *its promulgation unless disapproved as provided for.*

4 (d) *SESSIONS OF CONGRESS.—For purposes of this section—*

5 (1) *continuity of session is broken only by an adjournment sine die;*  
6 *and*

7 (2) *the days on which either House is not in session because of an ad-*  
8 *jourment of more than 3 days to a day certain are excluded in the com-*  
9 *putation of 60 and 90 calendar days of continuous session of Congress.*

10 (e) *CONGRESSIONAL INACTION OR REJECTION OF RESOLUTION OF DIS-*  
11 *APPROVAL NOT DEEMED APPROVAL OF REGULATION.—Congressional inac-*  
12 *tion on or rejection of a resolution of disapproval shall not be deemed an ex-*  
13 *pression of approval of the regulation.*

14 **§307103. Access to information**

15 (a) *AUTHORITY TO WITHHOLD FROM DISCLOSURE.—The head of a Federal*  
16 *agency, or other public official receiving grant assistance pursuant to this di-*  
17 *vision, after consultation with the Secretary, shall withhold from disclosure*  
18 *to the public information about the location, character, or ownership of a his-*  
19 *toric property if the Secretary and the agency determine that disclosure*  
20 *may—*

21 (1) *cause a significant invasion of privacy;*

22 (2) *risk harm to the historic property; or*

23 (3) *impede the use of a traditional religious site by practitioners.*

24 (b) *ACCESS DETERMINATION.—When the head of a Federal agency or other*  
25 *public official determines that information should be withheld from the public*  
26 *pursuant to subsection (a), the Secretary, in consultation with the Federal*  
27 *agency head or official, shall determine who may have access to the informa-*  
28 *tion for the purpose of carrying out this division.*

29 (c) *CONSULTATION WITH COUNCIL.—When information described in sub-*  
30 *section (a) has been developed in the course of an agency's compliance with*  
31 *section 306107 or 306108 of this title, the Secretary shall consult with the*  
32 *Council in reaching determinations under subsections (a) and (b).*

33 **§307104. Inapplicability of division to White House, Supreme**  
34 **Court building, or United States Capitol**

35 *Nothing in this division applies to the White House and its grounds, the*  
36 *Supreme Court building and its grounds, or the United States Capitol and*  
37 *its related buildings and grounds.*

38 **§307105. Attorney's fees and costs to prevailing parties in**  
39 **civil actions**

40 *In any civil action brought in any United States district court by any in-*  
41 *terested person to enforce this division, if the person substantially prevails in*

1 *the action, the court may award attorney's fees, expert witness fees, and other*  
2 *costs of participating in the civil action, as the court considers reasonable.*

3 **§307106. Authorization for expenditure of appropriated**  
4 **funds**

5 *Where appropriate, each Federal agency may expend funds appropriated*  
6 *for its authorized programs for the purposes of activities carried out pursuant*  
7 *to this division, except to the extent that appropriations legislation expressly*  
8 *provides otherwise.*

9 **§307107. Donations and bequests of money, personal prop-**  
10 **erty, and less than fee interests in historic property**

11 *(a) MONEY AND PERSONAL PROPERTY.—The Secretary may accept dona-*  
12 *tions and bequests of money and personal property for the purposes of this*  
13 *division and shall hold, use, expend, and administer the money and personal*  
14 *property for those purposes.*

15 *(b) LESS THAN FEE INTEREST IN HISTORIC PROPERTY.—The Secretary*  
16 *may accept gifts or donations of less than fee interests in any historic prop-*  
17 *erty where the acceptance of an interest will facilitate the conservation or*  
18 *preservation of the historic property. Nothing in this section or in any provi-*  
19 *sion of this division shall be construed to affect or impair any other authority*  
20 *of the Secretary under other provision of law to accept or acquire any prop-*  
21 *erty for conservation or preservation or for any other purpose.*

22 **§307108. Privately donated funds**

23 *(a) PROJECTS FOR WHICH FUNDS MAY BE USED.—In furtherance of the*  
24 *purposes of this division, the Secretary may accept the donation of funds that*  
25 *may be expended by the Secretary for projects to acquire, restore, preserve,*  
26 *or recover data from any property included on the National Register, as long*  
27 *as the project is owned by a State, any unit of local government, or any non-*  
28 *profit entity.*

29 *(b) CONSIDERATION OF FACTORS RESPECTING EXPENDITURE OF FUNDS.—*

30 *(1) IN GENERAL.—In expending the funds, the Secretary shall give due*  
31 *consideration to—*

- 32 *(A) the national significance of the project;*  
33 *(B) its historical value to the community;*  
34 *(C) the imminence of its destruction or loss; and*  
35 *(D) the expressed intentions of the donor.*

36 *(2) FUNDS AVAILABLE WITHOUT REGARD TO MATCHING REQUIRE-*  
37 *MENTS.—Funds expended under this subsection shall be made available*  
38 *without regard to the matching requirements established by sections*  
39 *302901 and 302902(b) of this title, but the recipient of the funds shall*  
40 *be permitted to utilize them to match any grants from the Historic Pres-*  
41 *ervation Fund.*

1       (c) *TRANSFER OF UNOBLIGATED FUNDS.*—The Secretary may transfer un-  
 2       obligated funds previously donated to the Secretary for the purposes of the  
 3       Service, with the consent of the donor, and any funds so transferred shall be  
 4       used or expended in accordance with this division.

5       ***Division B—Organizations and Programs***  
 6       ***Subdivision 1—Administered by National***  
 7                       ***Park Service***  
 8       ***Chapter 3081—American Battlefield***  
 9                       ***Protection Program***

Sec.

308101. *Definition.*

308102. *Preservation assistance.*

308103. *Battlefield acquisition grant program.*

10       **§ 308101. Definition**

11       In this chapter, the term “Secretary” means the Secretary, acting through  
 12       the American Battlefield Protection Program.

13       **§ 308102. Preservation assistance**

14       (a) *IN GENERAL.*—Using the established national historic preservation pro-  
 15       gram to the extent practicable, the Secretary shall encourage, support, assist,  
 16       recognize, and work in partnership with citizens, Federal, State, local, and  
 17       tribal governments, other public entities, educational institutions, and private  
 18       nonprofit organizations in identifying, researching, evaluating, interpreting,  
 19       and protecting historic battlefields and associated sites on a national, State,  
 20       and local level.

21       (b) *FINANCIAL ASSISTANCE.*—To carry out subsection (a), the Secretary  
 22       may use a cooperative agreement, grant, contract, or other generally adopted  
 23       means of providing financial assistance.

24       (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be ap-  
 25       propriated to carry out this section \$3,000,000 for each fiscal year, to remain  
 26       available until expended.

27       **§ 308103. Battlefield acquisition grant program**

28       (a) *DEFINITION.*—In this section, the term “eligible site” means a site—

29               (1) that is not within the exterior boundaries of a System unit; and

30               (2) that is identified in the document entitled “Report on the Nation’s  
 31       Civil War Battlefields”, prepared by the Civil War Sites Advisory Com-  
 32       mission, and dated July 1993.

33       (b) *ESTABLISHMENT.*—The Secretary shall establish a battlefield acquisi-  
 34       tion grant program under which the Secretary may provide grants to State  
 35       and local governments to pay the Federal share of the cost of acquiring inter-  
 36       ests in eligible sites for the preservation and protection of those eligible sites.

1       (c) *NONPROFIT PARTNERS.*—A State or local government may acquire an  
2 interest in an eligible site using a grant under this section in partnership  
3 with a nonprofit organization.

4       (d) *NON-FEDERAL SHARE.*—The non-Federal share of the total cost of ac-  
5 quiring an interest in an eligible site under this section shall be not less than  
6 50 percent.

7       (e) *LIMITATION ON LAND USE.*—An interest in an eligible site acquired  
8 under this section shall be subject to section 200305(f)(3) of this title.

9       (f) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appro-  
10 priated to the Secretary to provide grants under this section \$10,000,000 for  
11 each of fiscal years 2012 and 2013.

## 12                   **Chapter 3083—National Underground** 13                   **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.

### 14       **§ 308301. Definition**

15       In this chapter, the term “national network” means the National Under-  
16 ground Railroad Network to Freedom established under section 308302 of this  
17 title.

### 18       **§ 308302. Program**

19       (a) *ESTABLISHMENT; RESPONSIBILITIES OF SECRETARY.*—The Secretary  
20 shall establish in the Service the National Underground Railroad Network to  
21 Freedom. Under the national network, the Secretary shall—

22           (1) produce and disseminate appropriate educational materials, such  
23 as handbooks, maps, interpretive guides, or electronic information;

24           (2) enter into appropriate cooperative agreements and memoranda of  
25 understanding to provide technical assistance under subsection (c); and

26           (3) create and adopt an official, uniform symbol or device for the na-  
27 tional network and issue regulations for its use.

28       (b) *ELEMENTS.*—The national network shall encompass the following ele-  
29 ments:

30           (1) All System units and programs of the Service determined by the  
31 Secretary to pertain to the Underground Railroad.

32           (2) Other Federal, State, local, and privately owned properties per-  
33 taining to the Underground Railroad that have a verifiable connection  
34 to the Underground Railroad and that are included on, or determined  
35 by the Secretary to be eligible for inclusion on, the National Register of  
36 Historic Places.

1           (3) *Other governmental and nongovernmental facilities and programs*  
2           *of an educational, research, or interpretive nature that are directly relat-*  
3           *ed to the Underground Railroad.*

4           (c) *COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—*  
5           *To achieve the purposes of this chapter and to ensure effective coordination*  
6           *of the Federal and non-Federal elements of the national network with System*  
7           *units and programs of the Service, the Secretary may enter into cooperative*  
8           *agreements and memoranda of understanding with, and provide technical as-*  
9           *istance—*

10           (1) *to the heads of other Federal agencies, States, localities, regional*  
11           *governmental bodies, and private entities; and*

12           (2) *in cooperation with the Secretary of State, to the governments of*  
13           *Canada, Mexico, and any appropriate country in the Caribbean.*

14           **§308303. *Preservation and interpretation of Underground***  
15           ***Railroad history, historic sites, and structures***

16           (a) *AUTHORITY TO MAKE GRANTS.—The Secretary may make grants in*  
17           *accordance with this section for the preservation and restoration of historic*  
18           *buildings or structures associated with the Underground Railroad, and for re-*  
19           *lated research and documentation to sites, programs, or facilities that have*  
20           *been included in the national network.*

21           (b) *GRANT CONDITIONS.—Any grant made under this section shall provide*  
22           *that—*

23           (1) *no change or alteration may be made in property for which the*  
24           *grant is used except with the agreement of the property owner and the*  
25           *Secretary;*

26           (2) *the Secretary shall have the right of access at reasonable times to*  
27           *the public portions of the property for interpretive and other purposes;*  
28           *and*

29           (3) *conversion, use, or disposal of the property for purposes contrary*  
30           *to the purposes of this chapter, as determined by the Secretary, shall re-*  
31           *sult in a right of the United States to compensation equal to all Federal*  
32           *funds made available to the grantee under this chapter.*

33           (c) *MATCHING REQUIREMENT.—The Secretary may obligate funds made*  
34           *available for a grant under this section only if the grantee agrees to match,*  
35           *from funds derived from non-Federal sources, the amount of the grant with*  
36           *an amount that is equal to or greater than the grant. The Secretary may*  
37           *waive the requirement if the Secretary determines that an extreme emergency*  
38           *exists or that a waiver is in the public interest to ensure the preservation of*  
39           *historically significant resources.*

1     **§ 308304. Authorization of appropriations**

2         (a) AMOUNTS.—*There is authorized to be appropriated to carry out this*  
3 *chapter \$2,500,000 for each fiscal year, of which—*

4             (1) *\$2,000,000 shall be used to carry out section 308302 of this title;*

5             *and*

6             (2) *\$500,000 shall be used to carry out section 308303 of this title.*

7         (b) LIMITATION.—*No amount may be appropriated for the purposes of this*  
8 *chapter except to the Secretary for carrying out the responsibilities of the Sec-*  
9 *retary as set forth in this chapter.*

10           **Chapter 3085—National Women’s Rights**  
11           **History Project**

Sec.

308501. *National women’s rights history project national registry.*

308502. *National women’s rights history project partnerships network.*

12     **§ 308501. National women’s rights history project national**  
13           **registry**

14         (a) IN GENERAL.—*The Secretary may make annual grants to State his-*  
15 *toric preservation offices for not more than 5 years to assist the State historic*  
16 *preservation offices in surveying, evaluating, and nominating to the National*  
17 *Register of Historic Places women’s rights history properties.*

18         (b) ELIGIBILITY.—*In making grants under subsection (a), the Secretary*  
19 *shall give priority to grants relating to properties associated with the multiple*  
20 *facets of the women’s rights movement, such as politics, economics, education,*  
21 *religion, and social and family rights.*

22         (c) UPDATES.—*The Secretary shall ensure that the National Register travel*  
23 *itinerary website entitled “Places Where Women Made History” is updated*  
24 *to contain—*

25             (1) *the results of the inventory conducted under subsection (a); and*

26             (2) *any links to websites related to places on the inventory.*

27         (d) COST-SHARING REQUIREMENT.—*The Federal share of the cost of any*  
28 *activity carried out using any assistance made available under this section*  
29 *shall be 50 percent.*

30         (e) AUTHORIZATION OF APPROPRIATIONS.—*There is authorized to be ap-*  
31 *propriated to the Secretary to carry out this section \$1,000,000 for each of*  
32 *fiscal years 2012 and 2013.*

33     **§ 308502. National women’s rights history project partner-**  
34           **ships network**

35         (a) GRANTS.—*The Secretary may make matching grants and give technical*  
36 *assistance for development of a network of governmental and nongovernmental*  
37 *entities (referred to in this section as the “network”), the purpose of which*

1 *is to provide interpretive and educational program development of national*  
 2 *women's rights history, including historic preservation.*

3 (b) *MANAGEMENT OF NETWORK.—*

4 (1) *IN GENERAL.—Through a competitive process, the Secretary shall*  
 5 *designate a nongovernmental managing entity to manage the network.*

6 (2) *COORDINATION.—The nongovernmental managing entity des-*  
 7 *ignated under paragraph (1) shall work in partnership with the Director*  
 8 *and State historic preservation offices to coordinate operation of the net-*  
 9 *work.*

10 (c) *COST-SHARING REQUIREMENT.—*

11 (1) *IN GENERAL.—The Federal share of the cost of any activity carried*  
 12 *out using any assistance made available under this section shall be 50*  
 13 *percent.*

14 (2) *STATE HISTORIC PRESERVATION OFFICES.—Matching grants for*  
 15 *historic preservation specific to the network may be made available*  
 16 *through State historic preservation offices.*

17 (d) *AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-*  
 18 *propriated to the Secretary to carry out this section \$1,000,000 for each of*  
 19 *fiscal years 2012 and 2013.*

20 ***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.*

21 **§ 308701. Policy**

22 *It shall be the policy of the Federal Government, in partnership with the*  
 23 *States and local governments and private organizations and individuals, to—*

24 (1) *use measures, including financial and technical assistance, to fos-*  
 25 *ter conditions under which our modern society and our historic maritime*  
 26 *resources can exist in productive harmony;*

27 (2) *provide leadership in the preservation of the historic maritime re-*  
 28 *sources of the United States;*

29 (3) *contribute to the preservation of historic maritime resources and*  
 30 *give maximum encouragement to organizations and individuals under-*  
 31 *taking preservation by private means; and*

32 (4) *assist State and local governments to expand their maritime his-*  
 33 *toric preservation programs and activities.*

34 **§ 308702. Definitions**

35 *In this chapter:*



1           (1) *NATIONAL TRUST.*—The term “National Trust” means the Na-  
2           tional Trust for Historic Preservation in the United States established  
3           under section 312102 of this title.

4           (2) *PRIVATE NONPROFIT ORGANIZATION.*—The term “private nonprofit  
5           organization” means any person that is exempt from taxation under sec-  
6           tion 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)) and  
7           described in section 501(c)(3) of the Internal Revenue Code of 1986 (26  
8           U.S.C. 501(c)(3)).

9           (3) *PROGRAM.*—The term “Program” means the National Maritime  
10          Heritage Grants Program established under section 308703(a) of this  
11          title.

12          (4) *STATE HISTORIC PRESERVATION OFFICER.*—The term “State His-  
13          toric Preservation Officer” means a State Historic Preservation Officer  
14          appointed pursuant to section 302301(1) of this title by the chief execu-  
15          tive official of a State having a State Historic Preservation Program ap-  
16          proved by the Secretary under that section.

17       **§308703. National Maritime Heritage Grants Program**

18          (a) *ESTABLISHMENT.*—There is established in the Department of the Inte-  
19          rior the National Maritime Heritage Grants Program, to foster in the Amer-  
20          ican public a greater awareness and appreciation of the role of maritime en-  
21          deavors in our Nation’s history and culture. The Program shall consist of—

22               (1) annual grants to the National Trust for subgrants administered  
23               by the National Trust for maritime heritage education projects under  
24               subsection (b); and

25               (2) grants to State Historic Preservation Officers for maritime herit-  
26               age preservation projects carried out or administered by those Officers  
27               under subsection (c).

28          (b) *GRANTS FOR MARITIME HERITAGE EDUCATION PROJECTS.*—

29               (1) *GRANTS TO NATIONAL TRUST.*—The Secretary, subject to para-  
30               graph (2), and the availability of amounts for that purpose under section  
31               308704(b)(1)(A) of this title, shall make an annual grant to the National  
32               Trust for maritime heritage education projects.

33               (2) *USE OF GRANTS.*—Amounts received by the National Trust as an  
34               annual grant under this subsection shall be used to make subgrants to  
35               State and local governments and private nonprofit organizations to  
36               carry out education projects that have been approved by the Secretary  
37               under subsection (f) and that consist of—

38                       (A) assistance to any maritime museum or historical society  
39                       for—

1           (i) existing and new educational programs, exhibits, edu-  
2           cational activities, conservation, and interpretation of artifacts  
3           and collections;

4           (ii) minor improvements to educational and museum facili-  
5           ties; and

6           (iii) other similar activities;

7           (B) activities designed to encourage the preservation of tradi-  
8           tional maritime skills, including—

9           (i) building and operation of vessels of all sizes and types  
10          for educational purposes;

11          (ii) special skills such as wood carving, sail making, and  
12          rigging;

13          (iii) traditional maritime art forms; and

14          (iv) sail training;

15          (C) other educational activities relating to historic maritime re-  
16          sources, including—

17          (i) maritime educational waterborne-experience programs  
18          in historic vessels or vessel reproductions;

19          (ii) maritime archeological field schools; and

20          (iii) educational programs on other aspects of maritime his-  
21          tory;

22          (D) heritage programs focusing on maritime historic resources,  
23          including maritime heritage trails and corridors; or

24          (E) the construction and use of reproductions of historic mari-  
25          time resources for educational purposes, if a historic maritime re-  
26          source no longer exists or would be damaged or consumed through  
27          direct use.

28       (c) GRANTS FOR MARITIME HERITAGE PRESERVATION PROJECTS.—

29           (1) GRANTS TO STATE HISTORIC PRESERVATION OFFICERS.—The Sec-  
30           retary, acting through the National Maritime Initiative of the Service  
31           and subject to paragraph (2), and the availability of amounts for that  
32           purpose under section 308704(b)(1)(B) of this title, shall make grants to  
33           State Historic Preservation Officers for maritime heritage preservation  
34           projects.

35           (2) USE OF GRANTS.—Amounts received by a State Historic Preserva-  
36           tion Officer as a grant under this subsection shall be used by the Officer  
37           to carry out, or to make subgrants to local governments and private non-  
38           profit organizations to carry out, projects that have been approved by  
39           the Secretary under subsection (f) for the preservation of historic mari-  
40           time resources through—

1           (A) identification of historic maritime resources, including un-  
2           derwater archeological sites;

3           (B) acquisition of historic maritime resources for the purposes of  
4           preservation;

5           (C) repair, restoration, stabilization, maintenance, or other cap-  
6           ital improvements to historic maritime resources, in accordance  
7           with standards prescribed by the Secretary; and

8           (D) research, recording (through drawings, photographs, or other-  
9           wise), planning (through feasibility studies, architectural and engi-  
10          neering services, or otherwise), and other services carried out as  
11          part of a preservation program for historic maritime resources.

12          (d) *CRITERIA FOR DIRECT GRANT AND SUBGRANT ELIGIBILITY.*—To qual-  
13          ify for a subgrant from the National Trust under subsection (b), or a direct  
14          grant to or a subgrant from a State Historic Preservation Officer under sub-  
15          section (c), a person shall—

16               (1) demonstrate that the project for which the direct grant or subgrant  
17               will be used has the potential for reaching a broad audience with an ef-  
18               fective educational program based on American maritime history, tech-  
19               nology, or the role of maritime endeavors in American culture;

20               (2) match the amount of the direct grant or subgrant, on a 1-to-1  
21               basis, with non-Federal assets from non-Federal sources, which may in-  
22               clude cash or donated services fairly valued as determined by the Sec-  
23               retary;

24               (3) maintain records as may be reasonably necessary to fully dis-  
25               close—

26                       (A) the amount and the disposition of the proceeds of the direct  
27                       grant or subgrant;

28                       (B) the total cost of the project for which the direct grant or  
29                       subgrant is made; and

30                       (C) other records as may be required by the Secretary, including  
31                       such records as will facilitate an effective accounting for project  
32                       funds;

33               (4) provide access to the Secretary for the purposes of any required  
34               audit and examination of any records of the person; and

35               (5) be a unit of State or local government, or a private nonprofit orga-  
36               nization.

37          (e) *PROCEDURES, TERMS, AND CONDITIONS.*—

38               (1) *APPLICATION PROCEDURES.*—An application for a subgrant under  
39               subsection (b), or a direct grant or subgrant under subsection (c), shall  
40               be submitted under procedures prescribed by the Secretary.

1           (2) *TERMS AND CONDITIONS.*—*A person may not receive a subgrant*  
2           *under subsection (b), or a direct grant or subgrant under subsection (c),*  
3           *unless the person agrees to assume, after completion of the project for*  
4           *which the direct grant or subgrant is awarded, the total cost of the con-*  
5           *tinued maintenance, repair, and administration of any property for*  
6           *which the subgrant will be used in a manner satisfactory to the Sec-*  
7           *retary.*

8           (f) *ALLOCATION OF, AND LIMITATION ON, GRANT FUNDING.*—

9           (1) *ALLOCATION.*—*To the extent feasible, the Secretary shall ensure*  
10           *that the amount made available under subsection (b) for maritime herit-*  
11           *age education projects is equal to the amount made available under sub-*  
12           *section (c) for maritime heritage preservation projects.*

13           (2) *LIMITATION.*—*The amount provided by the Secretary in a fiscal*  
14           *year as grants under this section for projects relating to historic mari-*  
15           *time resources owned or operated by the Federal Government shall not*  
16           *exceed 40 percent of the total amount available for the fiscal year for*  
17           *grants under this section.*

18           (g) *PUBLICATION OF DIRECT GRANT AND SUBGRANT INFORMATION.*—*The*  
19           *Secretary shall publish annually in the Federal Register and otherwise as the*  
20           *Secretary considers appropriate—*

21           (1) *a solicitation of applications for direct grants and subgrants under*  
22           *this section;*

23           (2) *a list of priorities for the making of those direct grants and sub-*  
24           *grants;*

25           (3) *a single deadline for the submission of applications for those direct*  
26           *grants and subgrants; and*

27           (4) *other relevant information.*

28           (h) *DIRECT GRANT AND SUBGRANT ADMINISTRATION.*—

29           (1) *RESPONSIBILITY.*—

30           (A) *NATIONAL TRUST.*—*The National Trust is responsible for ad-*  
31           *ministering subgrants for maritime heritage education projects*  
32           *under subsection (b).*

33           (B) *SECRETARY.*—*The Secretary is responsible for administering*  
34           *direct grants for maritime heritage preservation projects under sub-*  
35           *section (c).*

36           (C) *STATE HISTORIC PRESERVATION OFFICERS.*—*State Historic*  
37           *Preservation Officers are responsible for administering subgrants for*  
38           *maritime heritage preservation projects under subsection (c).*

39           (2) *ACTIONS.*—*The appropriate responsible party under paragraph (1)*  
40           *shall administer direct grants or subgrants by—*

1           (A) publicizing the Program to prospective grantees, subgrantees,  
2           and the public at large, in cooperation with the Service, the Mari-  
3           time Administration, and other appropriate government agencies  
4           and private institutions;

5           (B) answering inquiries from the public, including providing in-  
6           formation on the Program as requested;

7           (C) distributing direct grant and subgrant applications;

8           (D) receiving direct grant and subgrant applications and ensur-  
9           ing their completeness;

10          (E) keeping records of all direct grant and subgrant awards and  
11          expenditures of funds;

12          (F) monitoring progress of projects carried out with direct grants  
13          and subgrants; and

14          (G) providing to the Secretary such progress reports as may be  
15          required by the Secretary.

16          (i) ASSISTANCE OF MARITIME PRESERVATION ORGANIZATIONS.—The Sec-  
17          retary, the National Trust, and the State Historic Preservation Officers may,  
18          individually or jointly, enter into cooperative agreements with any private  
19          nonprofit organization with appropriate expertise in maritime preservation  
20          issues, or other qualified maritime preservation organizations, to assist in the  
21          administration of the Program.

22          (j) REPORT TO CONGRESS.—The Secretary shall submit to Congress an an-  
23          nual report on the Program, including—

24                (1) a description of each project funded under the Program in the pe-  
25                riod covered by the report;

26                (2) the results or accomplishments of each such project; and

27                (3) recommended priorities for achieving the policy set forth in section  
28                308701 of this title.

### 29       **§ 308704. Funding**

30          (a) AVAILABILITY OF FUNDS FROM SALE AND SCRAPPING OF OBSOLETE  
31          VESSELS.—

32                (1) IN GENERAL.—Notwithstanding any other provision of law, the  
33                amount of funds credited in a fiscal year to the Vessel Operations Re-  
34                volving Fund established by section 50301(a) of title 46 that is attrib-  
35                utable to the sale of obsolete vessels in the National Defense Reserve Fleet  
36                that are scrapped or sold under section 57102, 57103, or 57104 of title  
37                46 shall be available until expended as follows:

38                    (A) Fifty percent shall be available to the Administrator of the  
39                    Maritime Administration for such acquisition, maintenance, repair,  
40                    reconditioning, or improvement of vessels in the National Defense  
41                    Reserve Fleet as is authorized under other Federal law.

1           (B) *Twenty five percent shall be available to the Administrator*  
2 *of the Maritime Administration for the payment or reimbursement*  
3 *of expenses incurred by or on behalf of State maritime academies*  
4 *or the United States Merchant Marine Academy for facility and*  
5 *training ship maintenance, repair, and modernization, and for the*  
6 *purchase of simulators and fuel.*

7           (C) *The remainder shall be available—*

8                 (i) *to the Secretary to carry out the Program, as provided*  
9 *in subsection (b); or*

10                (ii) *if otherwise determined by the Administrator of the Mar-*  
11 *itime Administration, for use in the preservation and presen-*  
12 *tation to the public of maritime heritage property of the Mari-*  
13 *time Administration.*

14           (2) *APPLICABILITY.—Paragraph (1) does not apply to amounts cred-*  
15 *ited to the Vessel Operations Revolving Fund before July 1, 1994.*

16 (b) *USE OF AMOUNTS FOR PROGRAM.—*

17           (1) *IN GENERAL.—Except as provided in paragraph (2), of amounts*  
18 *available each fiscal year for the Program under subsection (a)(1)(C)—*

19                 (A) *one half shall be used for grants under section 308703(b) of*  
20 *this title; and*

21                 (B) *one half shall be used for grants under section 308703(c) of*  
22 *this title.*

23           (2) *ADMINISTRATIVE EXPENSES.—*

24                 (A) *IN GENERAL.—Not more than 15 percent or \$500,000, which-*  
25 *ever is less, of the amount available for the Program under sub-*  
26 *section (a)(1)(C) for a fiscal year may be used for expenses of ad-*  
27 *ministering the Program.*

28                 (B) *ALLOCATION.—Of the amount available under subparagraph*  
29 *(A) for a fiscal year—*

30                     (i) *one half shall be allocated to the National Trust for ex-*  
31 *penditures incurred in administering grants under section*  
32 *308703(b) of this title; and*

33                     (ii) *one half shall be allocated as appropriate by the Sec-*  
34 *retary to the Service and participating State Historic Preser-*  
35 *vation Officers.*

36 (c) *DISPOSAL OF VESSELS.—*

37           (1) *REQUIREMENT.—The Secretary of Transportation shall dispose*  
38 *(by sale or by purchase of disposal services) of all vessels described in*  
39 *paragraph (2)—*



1           (2) *The South Street Seaport Museum, located at 207 Front Street,*  
2           *New York, New York.*

3           (c) *FUTURE DESIGNATION OF OTHER MUSEUMS NOT PRECLUDED.—The*  
4           *designation of the museums referred to in subsection (b) as museums of Amer-*  
5           *ica’s National Maritime Museum does not preclude the designation by law of*  
6           *any other museum that meets the criteria specified in subsection (a) as a mu-*  
7           *seum of America’s National Maritime Museum.*

8           (d) *REFERENCE TO MUSEUMS.—Any reference in any law, map, regula-*  
9           *tion, document, paper, or other record of the United States to a museum des-*  
10           *ignated by law to be a museum of America’s National Maritime Museum*  
11           *shall be deemed to be a reference to that museum as a museum of America’s*  
12           *National Maritime Museum.*

13           **§308706. Regulations**

14           *The Secretary, after consultation with the National Trust, the National*  
15           *Conference of State Historic Preservation Officers, and appropriate members*  
16           *of the maritime heritage community, shall prescribe appropriate guidelines,*  
17           *procedures, and regulations to carry out the chapter, including direct grant*  
18           *and subgrant priorities, the method of solicitation and review of direct grant*  
19           *and subgrant proposals, criteria for review of direct grant and subgrant pro-*  
20           *posals, administrative requirements, reporting and recordkeeping require-*  
21           *ments, and any other requirements the Secretary considers appropriate.*

22           **§308707. Applicability of other authorities**

23           *The authorities contained in this chapter shall be in addition to, and shall*  
24           *not be construed to supersede or modify those contained in division A of this*  
25           *subtitle.*

26           **Chapter 3089—Save America’s Treasures**  
27           **Program**

*Sec.*

308901. *Definitions.*

308902. *Establishment.*

308903. *Grants.*

308904. *Guidelines and regulations.*

308905. *Authorization of appropriations.*

28           **§308901. Definitions**

29           *In this chapter:*

30           (1) *COLLECTION.—The term “collection” means a collection of intellec-*  
31           *tual and cultural artifacts, including documents, sculpture, and works*  
32           *of art.*

33           (2) *ELIGIBLE ENTITY.—The term “eligible entity” means a Federal*  
34           *entity, State, local, or tribal government, educational institution, or non-*  
35           *profit organization.*



1           (3) *HISTORIC PROPERTY*.—The term “historic property” has the  
2           meaning given the term in section 300308 of this title.

3           (4) *NATIONALLY SIGNIFICANT*.—The term “nationally significant”, in  
4           reference to a collection or historic property, means a collection or his-  
5           toric property that meets the applicable criteria for national signifi-  
6           cance, in accordance with regulations promulgated by the Secretary pur-  
7           suant to section 302103 of this title.

8           (5) *PROGRAM*.—The term “program” means the Save America’s Treas-  
9           ures Program established under section 308902(a) of this title.

10          (6) *SECRETARY*.—The term “Secretary” means the Secretary, acting  
11          through the Director.

## 12   **§308902. Establishment**

13          (a) *IN GENERAL*.—There is established in the Department of the Interior  
14          the Save America’s Treasures Program.

15          (b) *PARTICIPANTS*.—In consultation and partnership with the National  
16          Endowment for the Arts, the National Endowment for the Humanities, the  
17          Institute of Museum and Library Services, the National Trust for Historic  
18          Preservation in the United States, the National Conference of State Historic  
19          Preservation Officers, the National Association of Tribal Historic Preserva-  
20          tion Officers, and the President’s Committee on the Arts and the Humanities,  
21          the Secretary shall use the amounts made available under section 308905 of  
22          this title to provide grants to eligible entities for projects to preserve nation-  
23          ally significant collections and historic property.

## 24   **§308903. Grants**

25          (a) *DETERMINATION OF GRANTS*.—Of the amounts made available for  
26          grants under section 308905 of this title, not less than 50 percent shall be  
27          made available for grants for projects to preserve collections and historic  
28          property, to be distributed through a competitive grant process administered  
29          by the Secretary, subject to the selection criteria established under subsection  
30          (d).

31          (b) *APPLICATION FOR GRANTS*.—To be considered for a grant under the  
32          program an eligible entity shall submit to the Secretary an application con-  
33          taining such information as the Secretary may require.

34          (c) *COLLECTIONS AND HISTORIC PROPERTY ELIGIBLE FOR GRANTS*.—

35                  (1) *IN GENERAL*.—A collection or historic property shall be provided  
36                  a grant under the program only if the Secretary determines that the col-  
37                  lection or historic property is—

38                          (A) nationally significant; and

39                          (B) threatened or endangered.

40                  (2) *ELIGIBLE COLLECTIONS*.—A determination by the Secretary re-  
41                  garding the national significance of a collection under paragraph (1)(A)

1           *shall be made in consultation with the organizations described in section*  
2           *308902(b) of this title, as appropriate.*

3           (3) *ELIGIBLE HISTORIC PROPERTY.—To be eligible for a grant under*  
4           *the program, a historic property shall, as of the date of the grant appli-*  
5           *cation—*

6                   (A) *be listed on the National Register of Historic Places at the*  
7                   *national level of significance; or*

8                   (B) *be designated as a National Historic Landmark.*

9           (d) *SELECTION CRITERIA.—*

10                   (1) *IN GENERAL.—The Secretary shall not provide a grant under this*  
11                   *chapter to a project for a collection or historic property unless the*  
12                   *project—*

13                           (A) *eliminates or substantially mitigates the threat of destruction*  
14                           *or deterioration of the eligible collection or historic property;*

15                           (B) *has a clear public benefit; and*

16                           (C) *is able to be completed on schedule and within the budget de-*  
17                           *scribed in the grant application.*

18                   (2) *PREFERENCE.—In providing grants under this chapter, the Sec-*  
19                   *retary may give preference to projects that carry out the purposes of both*  
20                   *the program and the Preserve America Program.*

21                   (3) *LIMITATION.—In providing grants under this chapter, the Sec-*  
22                   *retary shall provide only one grant to each project selected for a grant.*

23           (e) *CONSULTATION AND NOTIFICATION BY SECRETARY.—*

24                   (1) *CONSULTATION.—*

25                           (A) *IN GENERAL.—Subject to subparagraph (B), the Secretary*  
26                           *shall consult with the organizations described in section 308902(b)*  
27                           *of this title in preparing the list of projects to be provided grants*  
28                           *for a fiscal year under the program.*

29                           (B) *LIMITATION.—If an organization described in section*  
30                           *308902(b) of this title has submitted an application for a grant*  
31                           *under the program, the organization shall be recused by the Sec-*  
32                           *retary from the consultation requirements under subparagraph (A)*  
33                           *and section 308902(b) of this title.*

34                   (2) *NOTIFICATION.—Not later than 30 days before the date on which*  
35                   *the Secretary provides grants for a fiscal year under the program, the*  
36                   *Secretary shall submit to the Committee on Energy and Natural Re-*  
37                   *sources and Committee on Appropriations of the Senate and the Com-*  
38                   *mittee on Natural Resources and Committee on Appropriations of the*  
39                   *House of Representatives a list of any eligible projects that are to be pro-*  
40                   *vided grants under the program for the fiscal year.*

41           (f) *COST-SHARING REQUIREMENT.—*

1           (1) *IN GENERAL.*—*The non-Federal share of the cost of carrying out*  
 2           *a project provided a grant under this chapter shall be not less than 50*  
 3           *percent of the total cost of the project.*

4           (2) *FORM OF NON-FEDERAL SHARE.*—*The non-Federal share required*  
 5           *under paragraph (1) shall be in the form of—*

6                   (A) *cash; or*

7                   (B) *donated supplies or related services, the value of which shall*  
 8                   *be determined by the Secretary.*

9           (3) *REQUIREMENT.*—*The Secretary shall ensure that each applicant*  
 10           *for a grant has the capacity and a feasible plan for securing the non-*  
 11           *Federal share for an eligible project required under paragraph (1) before*  
 12           *a grant is provided to the eligible project under the program.*

13           **§308904. Guidelines and regulations**

14           *The Secretary shall develop any guidelines and prescribe any regulations*  
 15           *that the Secretary determines to be necessary to carry out this chapter.*

16           **§308905. Authorization of appropriations**

17           *There is authorized to be appropriated to carry out this chapter*  
 18           *\$50,000,000 for each fiscal year, to remain available until expended.*

19           **Chapter 3091—Commemoration of Former**  
 20           **Presidents**

Sec.

309101. *Sites and structures that commemorate former Presidents.*

21           **§309101. Sites and structures that commemorate former**  
 22           **Presidents**

23           (a) *SURVEY.*—*The Secretary may conduct a survey of sites that the Sec-*  
 24           *retary considers exhibit qualities most appropriate for the commemoration of*  
 25           *each former President. The survey may—*

26                   (1) *include sites associated with the deeds, leadership, or lifework of*  
 27                   *a former President; and*

28                   (2) *identify sites or structures historically unrelated to a former Presi-*  
 29                   *dent but that may be suitable as a memorial to honor that President.*

30           (b) *REPORTS.*—*The Secretary shall, from time to time, prepare and trans-*  
 31           *mit to the Committee on Natural Resources of the House of Representatives*  
 32           *and the Committee on Energy and Natural Resources of the Senate reports*  
 33           *on individual sites and structures identified in a survey under subsection (a),*  
 34           *together with the Secretary's recommendation as to whether the site or struc-*  
 35           *ture is suitable for establishment as a national historic site or national memo-*  
 36           *rial to commemorate a former President. Each report shall include pertinent*  
 37           *information with respect to the need for acquisition of land and interests in*  
 38           *land, the development of facilities, and the operation and maintenance of the*  
 39           *site or structure and the estimated cost of the operation and maintenance.*

1 (c) *ESTABLISHMENT AS NATIONAL HISTORIC SITE.*—If during the 6-month  
 2 period following the transmittal of a report pursuant to subsection (b) neither  
 3 Committee has by vote of a majority of its members disapproved a recom-  
 4 mendation of the Secretary that a site or structure is suitable for establish-  
 5 ment as a national historic site, the Secretary may by appropriate order es-  
 6 tablish the site or structure as a national historic site, including the land and  
 7 interests in land identified in the report accompanying the recommendation  
 8 of the Secretary.

9 (d) *ACQUISITION OF LAND AND INTERESTS IN LAND.*—The Secretary may  
 10 acquire the land and interests in land by donation, purchase with donated  
 11 or appropriated funds, transfer from any other Federal agency, or exchange.

12 (e) *EFFECT OF SECTION.*—Nothing in this section shall be construed as di-  
 13 minishing the authority of the Secretary under chapter 3201 of this title or  
 14 as authorizing the Secretary to establish any national memorial, creation of  
 15 which is expressly reserved to Congress.

16 **Subdivision 2—Administered Jointly With**  
 17 **National Park Service**  
 18 **Chapter 3111—Preserve America Program**

Sec.

311101. Definitions.

311102. Establishment.

311103. Designation of Preserve America Communities.

311104. Regulations.

311105. Authorization of appropriations.

19 **§311101. Definitions**

20 In this chapter:

21 (1) *COUNCIL.*—The term “Council” means the Advisory Council on  
 22 Historic Preservation.

23 (2) *HERITAGE TOURISM.*—The term “heritage tourism” means the  
 24 conduct of activities to attract and accommodate visitors to a site or area  
 25 based on the unique or special aspects of the history, landscape (includ-  
 26 ing trail systems), and culture of the site or area.

27 (3) *PROGRAM.*—The term “program” means the Preserve America  
 28 Program established under section 311102(a).

29 **§311102. Establishment**

30 (a) *IN GENERAL.*—There is established in the Department of the Interior  
 31 the Preserve America Program, under which the Secretary, in partnership  
 32 with the Council, may provide competitive grants to States, local governments  
 33 (including local governments in the process of applying for designation as  
 34 Preserve America Communities under section 311103 of this title, Indian  
 35 tribes, communities designated as Preserve America Communities under sec-  
 36 tion 311103 of this title, State historic preservation offices, and tribal historic

1     *preservation offices to support preservation efforts through heritage tourism,*  
2     *education, and historic preservation planning activities.*

3     (b) *ELIGIBLE PROJECTS.—*

4         (1) *IN GENERAL.—The following projects shall be eligible for a grant*  
5         *under this chapter:*

6             (A) *A project for the conduct of—*

7                 (i) *research on, and documentation of, the history of a com-*  
8                 *munity; and*

9                 (ii) *surveys of the historic resources of a community.*

10             (B) *An education and interpretation project that conveys the his-*  
11             *tory of a community or site.*

12             (C) *A planning project (other than building rehabilitation) that*  
13             *advances economic development using heritage tourism and historic*  
14             *preservation.*

15             (D) *A training project that provides opportunities for profes-*  
16             *sional development in areas that would aid a community in using*  
17             *and promoting its historic resources.*

18             (E) *A project to support heritage tourism in a Preserve America*  
19             *Community designated under section 311103 of this title.*

20             (F) *Other nonconstruction projects that identify or promote his-*  
21             *toric properties or provide for the education of the public about his-*  
22             *toric properties that are consistent with the purposes of this chapter.*

23         (2) *LIMITATION.—In providing grants under this chapter, the Sec-*  
24         *retary shall provide only one grant to each eligible project selected for*  
25         *a grant.*

26         (c) *PREFERENCE.—In providing grants under this chapter, the Secretary*  
27         *may give preference to projects that carry out the purposes of both the pro-*  
28         *gram and the Save America's Treasures Program.*

29         (d) *CONSULTATION AND NOTIFICATION.—*

30             (1) *CONSULTATION.—The Secretary shall consult with the Council in*  
31             *preparing the list of projects to be provided grants for a fiscal year under*  
32             *the program.*

33             (2) *NOTIFICATION.—Not later than 30 days before the date on which*  
34             *the Secretary provides grants for a fiscal year under the program, the*  
35             *Secretary shall submit to the Committee on Energy and Natural Re-*  
36             *sources and Committee on Appropriations of the Senate and the Com-*  
37             *mittee on Natural Resources and Committee on Appropriations of the*  
38             *House of Representatives a list of any eligible projects that are to be pro-*  
39             *vided grants under the program for the fiscal year.*

40         (e) *COST-SHARING REQUIREMENT.—*

1           (1) *IN GENERAL.*—*The non-Federal share of the cost of carrying out*  
2           *a project provided a grant under this chapter shall be not less than 50*  
3           *percent of the total cost of the project.*

4           (2) *FORM OF NON-FEDERAL SHARE.*—*The non-Federal share required*  
5           *under paragraph (1) shall be in the form of—*

6                   (A) *cash; or*

7                   (B) *donated supplies and related services, the value of which shall*  
8                   *be determined by the Secretary.*

9           (3) *REQUIREMENT.*—*The Secretary shall ensure that each applicant*  
10           *for a grant has the capacity to secure, and a feasible plan for securing,*  
11           *the non-Federal share for an eligible project required under paragraph*  
12           *(1) before a grant is provided to the eligible project under the program.*

### 13   **§311103. Designation of Preserve America Communities**

14           (a) *APPLICATION.*—*To be considered for designation as a Preserve America*  
15           *Community, a community, tribal area, or neighborhood shall submit to the*  
16           *Council an application containing such information as the Council may re-*  
17           *quire.*

18           (b) *CRITERIA.*—*To be designated as a Preserve America Community under*  
19           *the program, a community, tribal area, or neighborhood that submits an ap-*  
20           *plication under subsection (a) shall, as determined by the Council, in con-*  
21           *sultation with the Secretary, meet criteria required by the Council and, in*  
22           *addition, consider—*

23                   (1) *protection and celebration of the heritage of the community, tribal*  
24                   *area, or neighborhood;*

25                   (2) *use of the historic assets of the community, tribal area, or neigh-*  
26                   *borhood for economic development and community revitalization; and*

27                   (3) *encouragement of people to experience and appreciate local historic*  
28                   *resources through education and heritage tourism programs.*

29           (c) *LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESER-*  
30           *VATION ACTIVITIES.*—*The Council shall establish an expedited process for Pre-*  
31           *serve America Community designation for local governments previously cer-*  
32           *tified for historic preservation activities under section 302502 of this title.*

33           (d) *GUIDELINES.*—*The Council, in consultation with the Secretary, shall*  
34           *establish any guidelines that are necessary to carry out this section.*

### 35   **§311104. Regulations**

36           *The Secretary shall develop any guidelines and issue any regulations that*  
37           *the Secretary determines to be necessary to carry out this chapter.*

### 38   **§311105. Authorization of appropriations**

39           *There is authorized to be appropriated to carry out this chapter*  
40           *\$25,000,000 for each fiscal year, to remain available until expended.*

1                   **Subdivision 3—Administered by Other**  
2                   **Than National Park Service**  
3                   **Chapter 3121—National Trust for Historic**  
4                   **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.

5                   **§312101. Definitions**

6                   In this chapter:

7                   (1) *BOARD.*—The term “Board” means the board of trustees of the Na-  
8                   tional Trust.

9                   (2) *NATIONAL TRUST.*—The term “National Trust” means the Na-  
10                   tional Trust for Historic Preservation in the United States established  
11                   under section 312102 of this title.

12                   **§312102. Establishment and purposes**

13                   (a) *ESTABLISHMENT.*—To further the policy enunciated in chapter 3201 of  
14                   this title, and to facilitate public participation in the preservation of sites,  
15                   buildings, and objects of national significance or interest, there is established  
16                   a charitable, educational, and nonprofit corporation to be known as the Na-  
17                   tional Trust for Historic Preservation in the United States.

18                   (b) *PURPOSES.*—The purposes of the National Trust shall be to—

19                   (1) receive donations of sites, buildings, and objects significant in  
20                   American history and culture;

21                   (2) preserve and administer the sites, buildings, and objects for public  
22                   benefit;

23                   (3) accept, hold, and administer gifts of money, securities, or other  
24                   property of any character for the purpose of carrying out the preserva-  
25                   tion program; and

26                   (4) execute other functions vested in the National Trust by this chap-  
27                   ter.

28                   **§312103. Principal office**

29                   The National Trust shall have its principal office in the District of Colum-  
30                   bia and shall be deemed, for purposes of venue in civil actions, to be a resi-  
31                   dent of the District of Columbia. The National Trust may establish offices in  
32                   other places as it may consider necessary or appropriate in the conduct of  
33                   its business.

34                   **§312104. Board of trustees**

35                   (a) *MEMBERSHIP.*—The affairs of the National Trust shall be under the  
36                   general direction of a board of trustees composed as follows:

1           (1) *The Attorney General, the Secretary, and the Director of the Na-*  
2           *tional Gallery of Art, ex officio.*

3           (2) *Not fewer than 6 general trustees who shall be citizens of the*  
4           *United States.*

5           (b) *DESIGNATION OF ANOTHER OFFICER.—The Attorney General and the*  
6           *Secretary, when it appears desirable in the interest of the conduct of the busi-*  
7           *ness of the Board and to such extent as they consider it advisable, may, by*  
8           *written notice to the National Trust, designate any officer of their respective*  
9           *departments to act for them in the discharge of their duties as a member of*  
10          *the Board.*

11          (c) *GENERAL TRUSTEES.—*

12           (1) *NUMBER AND SELECTION.—The number of general trustees shall*  
13           *be fixed by the Board and shall be chosen by the members of the National*  
14           *Trust from its members at any regular meeting of the National Trust.*

15           (2) *TERM OF OFFICE.—The respective terms of office of the general*  
16           *trustees shall be as prescribed by the Board but in no case shall exceed*  
17           *a period of 5 years from the date of election.*

18           (3) *SUCCESSOR.—A successor to a general trustee shall be chosen in*  
19           *the same manner and shall have a term expiring 5 years from the date*  
20           *of the expiration of the term for which the predecessor was chosen, except*  
21           *that a successor chosen to fill a vacancy occurring prior to the expiration*  
22           *of a term shall be chosen only for the remainder of that term.*

23           (d) *CHAIRMAN.—The chairman of the Board shall be elected by a majority*  
24           *vote of the members of the Board.*

25           (e) *COMPENSATION AND REIMBURSEMENT.—No compensation shall be paid*  
26           *to the members of the Board for their services as such members, but they shall*  
27           *be reimbursed for travel and actual expenses necessarily incurred by them in*  
28           *attending board meetings and performing other official duties on behalf of the*  
29           *National Trust at the direction of the Board.*

30          **§312105. Powers**

31           (a) *IN GENERAL.—To the extent necessary to enable it to carry out the*  
32           *functions vested in it by this chapter, the National Trust has the general pow-*  
33           *ers described in this section.*

34           (b) *SUCCESSION.—The National Trust has succession until dissolved by Act*  
35           *of Congress, in which event title to the property of the National Trust, both*  
36           *real and personal, shall, insofar as consistent with existing contractual obliga-*  
37           *tions and subject to all other legally enforceable claims or demands by or*  
38           *against the National Trust, pass to and become vested in the United States.*

39           (c) *SUE AND BE SUED.—The National Trust may sue and be sued in its*  
40           *corporate name.*



1       (d) *CORPORATE SEAL.*—*The National Trust may adopt, alter, and use a*  
2 *corporate seal that shall be judicially noticed.*

3       (e) *CONSTITUTION, BYLAWS, AND REGULATIONS.*—*The National Trust may*  
4 *adopt a constitution and prescribe such bylaws and regulations, not inconsis-*  
5 *ent with the laws of the United States or of any State, as it considers nec-*  
6 *essary for the administration of its functions under this chapter, including*  
7 *among other matters, bylaws and regulations governing visitation to historic*  
8 *properties, administration of corporate funds, and the organization and pro-*  
9 *cedure of the Board.*

10       (f) *PERSONAL PROPERTY.*—*The National Trust may accept, hold, and ad-*  
11 *minister gifts and bequests of money, securities, or other personal property*  
12 *of any character, absolutely or in trust, for the purposes for which the Na-*  
13 *tional Trust is created. Unless otherwise restricted by the terms of a gift or*  
14 *bequest, the National Trust may sell, exchange, or otherwise dispose of, and*  
15 *invest or reinvest in investments as it may determine from time to time, the*  
16 *moneys, securities, or other property given or bequeathed to it. The principal*  
17 *of corporate funds and the income from those funds and all other revenues*  
18 *received by the National Trust from any source shall be placed in such deposi-*  
19 *tories as the National Trust shall determine and shall be subject to expendi-*  
20 *ture by the National Trust for its corporate purposes.*

21       (g) *REAL PROPERTY.*—*The National Trust may acquire by gift, devise,*  
22 *purchase, or otherwise, absolutely or in trust, and hold and, unless otherwise*  
23 *restricted by the terms of the gift or devise, encumber, convey, or otherwise*  
24 *dispose of, any real property, or any estate or interest in real property (ex-*  
25 *cept property within the exterior boundaries of a System unit), as may be*  
26 *necessary and proper in carrying into effect the purposes of the National*  
27 *Trust.*

28       (h) *CONTRACTS AND COOPERATIVE AGREEMENTS RESPECTING PROTEC-*  
29 *TION, PRESERVATION, MAINTENANCE, OR OPERATION.*—*The National Trust*  
30 *may contract and make cooperative agreements with Federal, State, or local*  
31 *agencies, corporations, associations, or individuals, under terms and condi-*  
32 *tions that the National Trust considers advisable, respecting the protection,*  
33 *preservation, maintenance, or operation of any historic site, building, object,*  
34 *or property used in connection with the site, building, object, or property for*  
35 *public use, regardless of whether the National Trust has acquired title to the*  
36 *property, or any interest in the property.*

37       (i) *ENTER INTO CONTRACTS AND EXECUTE INSTRUMENTS.*—*The National*  
38 *Trust may enter into contracts generally and execute all instruments nec-*  
39 *essary or appropriate to carry out its corporate purposes, including conces-*  
40 *sion contracts, leases, or permits for the use of land, buildings, or other prop-*

1 *erty considered desirable either to accommodate the public or to facilitate ad-*  
 2 *ministration.*

3 (j) *OFFICERS, AGENTS, AND EMPLOYEES.*—*The National Trust may ap-*  
 4 *point and prescribe the duties of officers, agents, and employees as may be*  
 5 *necessary to carry out its functions, and fix and pay compensation to them*  
 6 *for their services as the National Trust may determine.*

7 (k) *LAWFUL ACTS.*—*The National Trust may generally do any and all*  
 8 *lawful acts necessary or appropriate to carry out the purposes for which the*  
 9 *National Trust is created.*

10 **§312106. Consultation with National Park System Advisory**  
 11 **Board**

12 *In carrying out its functions under this chapter, the National Trust may*  
 13 *consult with the National Park System Advisory Board on matters relating*  
 14 *to the selection of sites, buildings, and objects to be preserved and protected*  
 15 *pursuant to this chapter.*

16 **Chapter 3123—Commission for the**  
 17 **Preservation of America’s Heritage Abroad**

*Sec.*

312301. *Definition.*

312302. *Declaration of national interest.*

312303. *Establishment.*

312304. *Duties and powers; administrative support.*

312305. *Reports.*

18 **§312301. Definition**

19 *In this chapter, the term “Commission” means the Commission for the*  
 20 *Preservation of America’s Heritage Abroad established under section 312303*  
 21 *of this title.*

22 **§312302. Declaration of national interest**

23 *Because the fabric of a society is strengthened by visible reminders of the*  
 24 *historical roots of the society, it is in the national interest to encourage the*  
 25 *preservation and protection of the cemeteries, monuments, and historic build-*  
 26 *ings associated with the foreign heritage of United States citizens.*

27 **§312303. Establishment**

28 (a) *ESTABLISHMENT.*—*There is established a commission to be known as*  
 29 *the Commission for the Preservation of America’s Heritage Abroad.*

30 (b) *MEMBERSHIP.*—*The Commission shall consist of 21 members appointed*  
 31 *by the President, 7 of whom shall be appointed after consultation with the*  
 32 *Speaker of the House of Representatives and 7 of whom shall be appointed*  
 33 *after consultation with the President pro tempore of the Senate.*

34 (c) *TERM.*—

35 (1) *IN GENERAL.*—*Except as provided in paragraph (2), a member of*  
 36 *the Commission shall be appointed for a term of 3 years.*

1           (2) *VACANCY.*—*A member appointed to fill a vacancy on the Commis-*  
2           *sion shall serve for the remainder of the term for which the member's*  
3           *predecessor was appointed.*

4           (3) *MEMBER UNTIL SUCCESSOR APPOINTED.*—*A member may retain*  
5           *membership on the Commission until the member's successor has been*  
6           *appointed.*

7           (d) *CHAIRMAN.*—*The President shall designate the Chairman of the Com-*  
8           *mission from among its members.*

9           (e) *MEETINGS.*—*The Commission shall meet at least once every 6 months.*

10          (f) *COMPENSATION AND EXPENSES.*—

11           (1) *COMPENSATION.*—*Members of the Commission shall receive no pay*  
12           *on account of their service on the Commission.*

13           (2) *EXPENSES.*—*While away from their homes or regular places of*  
14           *business in the performance of services for the Commission, members of*  
15           *the Commission shall be allowed travel expenses, including per diem in*  
16           *lieu of subsistence, in the same manner as individuals employed inter-*  
17           *mittently in the Government service are allowed expenses under section*  
18           *5703 of title 5.*

19          **§312304. Duties and powers; administrative support**

20          (a) *DUTIES.*—*The Commission shall—*

21           (1) *identify and publish a list of cemeteries, monuments, and historic*  
22           *buildings located abroad that are associated with the foreign heritage of*  
23           *United States citizens from eastern and central Europe, particularly*  
24           *cemeteries, monuments, and buildings that are in danger of deterioration*  
25           *or destruction;*

26           (2) *encourage the preservation and protection of those cemeteries,*  
27           *monuments, and historic buildings by obtaining, in cooperation with the*  
28           *Secretary of State, assurances from foreign governments that the ceme-*  
29           *teries, monuments, and buildings will be preserved and protected; and*

30           (3) *prepare and disseminate reports on the condition of, and the*  
31           *progress toward preserving and protecting, those cemeteries, monuments,*  
32           *and historic buildings.*

33          (b) *POWERS.*—

34           (1) *HOLD HEARINGS, REQUEST ATTENDANCE, TAKE TESTIMONY, AND*  
35           *RECEIVE EVIDENCE.*—*The Commission or any member it authorizes*  
36           *may, for the purposes of carrying out this chapter, hold such hearings,*  
37           *sit and act at such times and places, request such attendance, take such*  
38           *testimony, and receive such evidence, as the Commission considers appro-*  
39           *priate.*

40           (2) *APPOINT PERSONNEL AND FIX PAY.*—*The Commission may ap-*  
41           *point such personnel (subject to the provisions of title 5 governing ap-*

1           pointments in the competitive service) and may fix the pay of such per-  
2           sonnel (subject to the provisions of chapter 51 and subchapter III of  
3           chapter 53 of title 5), as the Commission considers desirable.

4           (3) *PROCURE TEMPORARY AND INTERMITTENT SERVICES.*—The Com-  
5           mission may procure temporary and intermittent services to the same  
6           extent as is authorized by section 3109(b) of title 5, but at rates for indi-  
7           viduals not to exceed the daily equivalent of the maximum annual rate  
8           of basic pay then in effect under section 5376 of title 5.

9           (4) *DETAIL PERSONNEL TO COMMISSISON.*—On request of the Commis-  
10          sion, the head of any Federal department or agency, including the Sec-  
11          retary of State, may detail, on a reimbursable basis, any of the personnel  
12          of that department or agency to the Commission to assist it in carrying  
13          out its duties under this chapter.

14          (5) *SECURE INFORMATION.*—The Commission may secure directly  
15          from any department or agency of the United States, including the De-  
16          partment of State, any information necessary to enable it to carry out  
17          this chapter. On the request of the Chairman of the Commission, the head  
18          of the department or agency shall furnish the information to the Com-  
19          mission.

20          (6) *GIFTS OR DONATIONS.*—The Commission may accept, use, and dis-  
21          pose of gifts or donations of money or property.

22          (7) *USE OF MAILS.*—The Commission may use the United States  
23          mails in the same manner and on the same conditions as other depart-  
24          ments and agencies of the United States.

25          (c) *ADMINISTRATIVE SUPPORT.*—The Administrator of General Services  
26          shall provide to the Commission on a reimbursable basis administrative sup-  
27          port services as the Commission may request.

## 28       **§ 312305. Reports**

29          As soon as practicable after the end of each fiscal year, the Commission  
30          shall transmit to the President a report that includes—

31               (1) a detailed statement of the activities and accomplishments of the  
32               Commission during the fiscal year; and

33               (2) any recommendations of the Commission for legislation and ad-  
34               ministrative actions.

## 35       **Chapter 3125—Preservation of Historical** 36       **and Archeological Data**

Sec.

312501. Definition.

312502. Threat of irreparable loss or destruction of significant scientific, prehistorical, histori-  
cal, 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 historic 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 North-  
4        ern 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 construction  
12            project or federally licensed project, activity, or program may cause ir-  
13            reparable loss or destruction of significant scientific, prehistorical, histor-  
14            ical, or archeological data, the agency shall notify the Secretary, in writ-  
15            ing, and shall provide the Secretary with appropriate information con-  
16            cerning the project, program, or activity.

17            (2) *RECOVERY, PROTECTION, AND PRESERVATION OF DATA.—*The agen-  
18            cy—

19                (A) may request the Secretary to undertake the recovery, protec-  
20                tion, 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 fi-  
30            nancial assistance by loan, grant, or otherwise to any private person, as-  
31            sociation, or public entity, the Secretary, if the Secretary determines that  
32            significant scientific, prehistorical, historical, or archeological data  
33            might be irrevocably lost or destroyed, may, with funds appropriated ex-  
34            pressly for this purpose—

35                (A) conduct, with the consent of all persons, associations, or pub-  
36                lic entities having a legal interest in the property, a survey of the  
37                affected site; and

1                   (B) undertake the recovery, protection, and preservation of the  
2                   data (including analysis and publication).

3                   (2) COMPENSATION.—The Secretary shall, unless otherwise agreed to  
4                   in writing, compensate any person, association, or public entity dam-  
5                   aged as a result of delays in construction or as a result of the temporary  
6                   loss of the use of private or any nonfederally owned land.

7                   **§312503. Survey and recovery by Secretary**

8                   (a) IN GENERAL.—The Secretary, on notification, in writing, by any Fed-  
9                   eral or State agency or appropriate historical or archeological authority that  
10                  scientific, prehistorical, historical, or archeological data are being or may be  
11                  irrevocably lost or destroyed by any Federal or federally assisted or licensed  
12                  project, activity, or program, shall, if the Secretary determines that the data  
13                  are significant and are being or may be irrevocably lost or destroyed and  
14                  after reasonable notice to the agency responsible for funding or licensing the  
15                  project, activity, or program—

16                  (1) conduct or cause to be conducted a survey and other investigation  
17                  of the areas that are or may be affected; and

18                  (2) recover and preserve the data (including analysis and publication)  
19                  that, in the opinion of the Secretary, are not being, but should be, recov-  
20                  ered and preserved in the public interest.

21                  (b) WHEN SURVEY OR RECOVERY NOT REQUIRED.—No survey or recovery  
22                  work shall be required pursuant to this section that, in the determination of  
23                  the head of the responsible agency, would impede Federal or federally assisted  
24                  or licensed projects or activities undertaken in connection with any emer-  
25                  gency, including projects or activities undertaken in anticipation of, or as a  
26                  result of, a natural disaster.

27                  (c) INITIATION OF SURVEY.—The Secretary shall initiate the survey or re-  
28                  covery effort within—

29                  (1) 60 days after notification pursuant to subsection (a); or

30                  (2) such time as may be agreed on with the head of the agency respon-  
31                  sible for funding or licensing the project, activity, or program in all  
32                  other cases.

33                  (d) COMPENSATION BY SECRETARY.—The Secretary shall, unless otherwise  
34                  agreed to in writing, compensate any person, association, or public entity  
35                  damaged as a result of delays in construction or as a result of the temporary  
36                  loss of the use of private or nonfederally owned land.

37                  **§312504. Progress reports by Secretary on surveys and work**  
38                  **undertaken as result of surveys**

39                  (a) PROGRESS REPORTS TO FUNDING OR LICENSING AGENCY.—The Sec-  
40                  retary shall keep the agency responsible for funding or licensing the project  
41                  notified at all times of the progress of any survey made under this chapter

1     *or of any work undertaken as a result of a survey, in order that there will*  
2     *be as little disruption or delay as possible in the carrying out of the functions*  
3     *of the agency. The survey and recovery programs shall terminate at a time*  
4     *agreed on by the Secretary and the head of the agency unless extended by*  
5     *agreement.*

6     **(b) DISPOSITION OF RELICS AND SPECIMENS.**—*The Secretary shall consult*  
7     *with any interested Federal and State agencies, educational and scientific or-*  
8     *ganizations, private institutions, and qualified individuals, with a view to*  
9     *determining the ownership of, and the most appropriate repository for, any*  
10    *relics and specimens recovered as a result of any work performed as provided*  
11    *for in this section.*

12    **(c) COORDINATION OF ACTIVITIES.**—*The Secretary shall coordinate all Fed-*  
13    *eral survey and recovery activities authorized under this chapter.*

14    **§ 312505. Notice of dam construction**

15    **(a) IN GENERAL.**—*Before any Federal agency undertakes the construction*  
16    *of a dam, or issues a license to any private individual or corporation for the*  
17    *construction of a dam, it shall give written notice to the Secretary setting*  
18    *forth the site of the proposed dam and the approximate area to be flooded*  
19    *and otherwise changed if construction is undertaken.*

20    **(b) DAMS WITH CERTAIN DETENTION CAPACITY OR RESERVOIR.**—*With re-*  
21    *spect to any flood water retarding dam that provides fewer than 5,000 acre-*  
22    *feet of detention capacity, and with respect to any other type of dam that*  
23    *creates a reservoir of fewer than 40 surface acres, this section shall apply only*  
24    *when the constructing agency, in its preliminary surveys, finds or is pre-*  
25    *sented with evidence that historical or archeological materials exist or may*  
26    *be present in the proposed reservoir area.*

27    **§ 312506. Administration**

28    *In the administration of this chapter, the Secretary may—*

29        **(1)** *enter into contracts or make cooperative agreements with any Fed-*  
30        *eral or State agency, educational or scientific organization, or institu-*  
31        *tion, corporation, association, or qualified individual;*

32        **(2)** *obtain the services of experts and consultants or organizations of*  
33        *experts and consultants in accordance with section 3109 of title 5; and*

34        **(3)** *accept and utilize funds made available for salvage archeological*  
35        *purposes by any private person or corporation or transferred to the Sec-*  
36        *retary by any Federal agency.*

37    **§ 312507. Assistance to Secretary by Federal agencies respon-**  
38    **sible for construction projects**

39    **(a) ASSISTANCE OF FEDERAL AGENCIES.**—*To carry out this chapter, any*  
40    *Federal agency responsible for a construction project may assist the Secretary*  
41    *or may transfer to the Secretary funds as may be agreed on, but not more*

1 *than 1 percent of the total amount authorized to be appropriated for the*  
 2 *project, except that the 1 percent limitation under this section shall not apply*  
 3 *if the cost of the project is \$50,000 or less. The costs of the survey, recovery,*  
 4 *analysis, and publication shall be deemed nonreimbursable project costs.*

5 (b) *AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated for pur-*  
 6 *poses of this section shall remain available until expended.*

7 **§312508. Costs for identification, surveys, evaluation, and**  
 8 **data recovery with respect to historic property**

9 *Notwithstanding section 312507(a) of this title or any other provision of*  
 10 *law—*

11 (1) *identification, surveys, and evaluation carried out with respect to*  
 12 *historic property within project areas may be treated for purposes of any*  
 13 *law or rule of law as planning costs of the project and not as costs of*  
 14 *mitigation;*

15 (2) *reasonable costs for identification, surveys, evaluation, and data*  
 16 *recovery carried out with respect to historic property within project*  
 17 *areas may be charged to Federal licensees and permittees as a condition*  
 18 *to the issuance of the license or permit; and*

19 (3) *Federal agencies, with the concurrence of the Secretary and after*  
 20 *notification of the Committee on Natural Resources of the House of Rep-*  
 21 *resentatives and the Committee on Energy and Natural Resources of the*  
 22 *Senate, may waive, in appropriate cases, the 1 percent limitation under*  
 23 *section 312507(a) of this title.*

24 **Division C—American Antiquities**  
 25 **Chapter 3201—Policy and Administrative**  
 26 **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.*

27 **§320101. Declaration of national policy**

28 *It is declared that it is a national policy to preserve for public use historic*  
 29 *sites, buildings, and objects of national significance for the inspiration and*  
 30 *benefit of the people of the United States.*

31 **§320102. Powers and duties of Secretary**

32 (a) *IN GENERAL.—The Secretary, acting through the Director, for the pur-*  
 33 *pose of effectuating the policy expressed in section 320101 of this title, has*  
 34 *the powers and shall perform the duties set out in this section.*



1       (b) *PRESERVATION OF DATA.*—The Secretary shall secure, collate, and pre-  
2       serve drawings, plans, photographs, and other data of historic and archeologic  
3       sites, buildings, and objects.

4       (c) *SURVEY.*—The Secretary shall make a survey of historic and archeologic  
5       sites, buildings, and objects for the purpose of determining which possess ex-  
6       ceptional value as commemorating or illustrating the history of the United  
7       States.

8       (d) *INVESTIGATIONS AND RESEARCHES.*—The Secretary shall make nec-  
9       essary investigations and researches in the United States relating to particu-  
10      lar sites, buildings, and objects to obtain accurate historical and archeological  
11      facts and information concerning the sites, buildings, and objects.

12      (e) *ACQUISITION OF PROPERTY.*—The Secretary may, for the purpose of  
13      this chapter, acquire in the name of the United States by gift, purchase, or  
14      otherwise any property, personal or real, or any interest or estate in property,  
15      title to any real property to be satisfactory to the Secretary. Property that  
16      is owned by any religious or educational institution or that is owned or ad-  
17      ministered for the benefit of the public shall not be acquired without the con-  
18      sent of the owner. No property shall be acquired or contract or agreement for  
19      the acquisition of the property made that will obligate the general fund of the  
20      Treasury for the payment of the property, unless Congress has appropriated  
21      money that is available for that purpose.

22      (f) *CONTRACTS AND COOPERATIVE AGREEMENTS.*—The Secretary may con-  
23      tract and make cooperative agreements with States, municipal subdivisions,  
24      corporations, associations, or individuals, with proper bond where considered  
25      advisable, to protect, preserve, maintain, or operate any historic or archeo-  
26      logic building, site, or object, or property used in connection with the build-  
27      ing, site, or object, for public use, regardless whether the title to the building,  
28      site, object, or property is in the United States. No contract or cooperative  
29      agreement shall be made or entered into that will obligate the general fund  
30      of the Treasury unless or until Congress has appropriated money for that  
31      purpose.

32      (g) *PROTECTION OF SITES, BUILDINGS, OBJECTS, AND PROPERTY.*—The  
33      Secretary shall restore, reconstruct, rehabilitate, preserve, and maintain his-  
34      toric or prehistoric sites, buildings, objects, and property of national historical  
35      or archeological significance and where considered desirable establish and  
36      maintain museums in connection with the sites, buildings, objects, and prop-  
37      erty.

38      (h) *TABLETS TO MARK OR COMMEMORATE PLACES AND EVENTS.*—The  
39      Secretary shall erect and maintain tablets to mark or commemorate historic  
40      or prehistoric places and events of national historical or archeological signifi-  
41      cance.

1       (i) *OPERATION FOR BENEFIT OF PUBLIC.*—The Secretary may operate and  
2       manage historic and archeologic sites, buildings, and property acquired under  
3       this chapter together with land and subordinate buildings for the benefit of  
4       the public and may charge reasonable visitation fees and grant concessions,  
5       leases, or permits for the use of land, building space, roads, or trails when  
6       necessary or desirable either to accommodate the public or to facilitate admin-  
7       istration. The Secretary may grant those concessions, leases, or permits and  
8       enter into contracts relating to the contracts, leases, or permits with respon-  
9       sible persons, firms, or corporations without advertising and without securing  
10      competitive bids.

11      (j) *CORPORATION TO CARRY OUT DUTIES.*—When the Secretary determines  
12      that it would be administratively burdensome to restore, reconstruct, operate,  
13      or maintain any particular historic or archeologic site, building, or property  
14      donated to the United States through the Service, the Secretary may cause  
15      the restoration, reconstruction, operation, or maintenance to be done by orga-  
16      nizing a corporation for that purpose under the laws of the District of Colum-  
17      bia or any State.

18      (k) *EDUCATIONAL PROGRAM AND SERVICE.*—The Secretary shall develop  
19      an educational program and service for the purpose of making available to  
20      the public information pertaining to American historic and archeologic sites,  
21      buildings, and properties of national significance. Reasonable charges may be  
22      made for the dissemination of any such information.

23      (l) *ACTIONS AND REGULATIONS NECESSARY TO CARRY OUT CHAPTER.*—  
24      The Secretary shall perform any and all acts and make regulations not incon-  
25      sistent with this chapter that may be necessary and proper to carry out this  
26      chapter.

27      **§320103. Cooperation with governmental and private agen-**  
28      **cies and individuals**

29      (a) *AUTHORIZATION OF SECRETARY.*—The Secretary may cooperate with  
30      and may seek and accept the assistance of any Federal, State, or local agency,  
31      educational or scientific institution, patriotic association, or individual.

32      (b) *TECHNICAL ADVISORY COMMITTEES.*—When the Secretary considers it  
33      necessary, the Secretary may establish technical advisory committees to act  
34      in an advisory capacity in connection with the restoration or reconstruction  
35      of any historic or prehistoric building or other structure.

36      (c) *EMPLOYMENT OF ASSISTANCE.*—The Secretary may employ professional  
37      and technical assistance and establish service as may be required to accom-  
38      plish the purposes of this chapter and for which money may be appropriated  
39      by Congress or made available by gifts for those purposes.

1    **§ 320104. Jurisdiction of States in acquired land**

2        *Nothing in this chapter shall be held to deprive any State, or political sub-*  
 3 *division of a State, of its civil and criminal jurisdiction in and over land*  
 4 *acquired by the United States under this chapter.*

5    **§ 320105. Criminal penalties**

6        *Criminal penalties for a violation of a regulation authorized by this chap-*  
 7 *ter are provided by section 1866 of title 18.*

8    **§ 320106. Limitation on obligation or expenditure of appro-**  
 9 ***riated amounts***

10       *Notwithstanding any other provision of law, no funds appropriated or*  
 11 *otherwise made available to the Secretary to carry out subsection (f) or (g)*  
 12 *of section 320102 of this title may be obligated or expended—*

13           *(1) unless the appropriation of the funds has been specifically author-*  
 14 *ized by law enacted on or after October 30, 1992; or*

15           *(2) in excess of the amount prescribed by law enacted on or after Octo-*  
 16 *ber 30, 1992.*

17           **Chaper 3203—Monuments, Ruins, Sites,**  
 18 ***and Objects of Antiquity***

*Sec.*

*320301. National monuments.*

*320302. Permits.*

*320303. Regulations.*

19    **§ 320301. National monuments**

20        *(a) PRESIDENTIAL DECLARATION.—The President may, in the President's*  
 21 *discretion, declare by public proclamation historic landmarks, historic and*  
 22 *prehistoric structures, and other objects of historic or scientific interest that*  
 23 *are situated on land owned or controlled by the Federal Government to be*  
 24 *national monuments.*

25        *(b) RESERVATION OF LAND.—The President may reserve parcels of land as*  
 26 *a part of the national monuments. The limits of the parcels shall be confined*  
 27 *to the smallest area compatible with the proper care and management of the*  
 28 *objects to be protected.*

29        *(c) RELINQUISHMENT TO FEDERAL GOVERNMENT.—When an object is situ-*  
 30 *ated on a parcel covered by a bona fide unperfected claim or held in private*  
 31 *ownership, the parcel, or so much of the parcel as may be necessary for the*  
 32 *proper care and management of the object, may be relinquished to the Federal*  
 33 *Government and the Secretary may accept the relinquishment of the parcel*  
 34 *on behalf of the Federal Government.*

35        *(d) LIMITATION ON EXTENSION OR ESTABLISHMENT OF NATIONAL MONU-*  
 36 *MENTS IN WYOMING.—No extension or establishment of national monuments*  
 37 *in Wyoming may be undertaken except by express authorization of Congress.*

1     **§ 320302. Permits**

2         (a) *AUTHORITY TO GRANT PERMIT.*—The Secretary, the Secretary of Agri-  
3         culture, or the Secretary of the Army may grant a permit for the examination  
4         of ruins, the excavation of archeological sites, and the gathering of objects of  
5         antiquity on land under their respective jurisdictions to an institution that  
6         the Secretary concerned considers properly qualified to conduct the examina-  
7         tion, excavation, or gathering, subject to such regulations as the Secretary  
8         concerned may prescribe.

9         (b) *PURPOSE OF EXAMINATION, EXCAVATION, OR GATHERING.*—A permit  
10         may be granted only if—

11             (1) *the examination, excavation, or gathering is undertaken for the*  
12             *benefit of a reputable museum, university, college, or other recognized sci-*  
13             *entific or educational institution, with a view to increasing the knowl-*  
14             *edge of the objects; and*

15             (2) *the gathering shall be made for permanent preservation in a public*  
16             *museum.*

17     **§ 320303. Regulations**

18         *The Secretary, the Secretary of Agriculture, and the Secretary of the Army*  
19         *shall make and publish uniform regulations for the purpose of carrying out*  
20         *this chapter.*

21     **SEC. 4. CONFORMING AMENDMENTS.**

22         (a) *TITLE 18.*—

23             (1) *IN GENERAL.*—Chapter 91 of title 18, United States Code, is  
24             amended by adding at the end the following:

25     **“§ 1865. National Park Service**

26         “(a) *VIOLATION OF REGULATIONS RELATING TO USE AND MANAGEMENT*  
27         *OF NATIONAL PARK SYSTEM UNITS.*—A person that violates any regulation  
28         authorized by section 100751(a) of title 54 shall be imprisoned not more than  
29         6 months, fined under this title, or both, and be adjudged to pay all cost of  
30         the proceedings.

31         “(b) *FINANCIAL DISCLOSURE BY OFFICERS OR EMPLOYEES PERFORMING*  
32         *FUNCTIONS OR DUTIES UNDER SUBCHAPTER III OF CHAPTER 1007 OF*  
33         *TITLE 54.*—An officer or employee of the Department of the Interior who is  
34         subject to, and knowingly violates, section 100737 of title 54 or any regulation  
35         prescribed under that section shall be imprisoned not more than one year,  
36         fined under this title, or both.

37         “(c) *OFFENSES RELATING TO STRUCTURES AND VEGETATION.*—A person  
38         that willfully destroys, mutilates, defaces, injures, or removes any monument,  
39         statue, marker, guidepost, or other structure, or that willfully destroys, cuts,  
40         breaks, injures, or removes any tree, shrub, or plant within a national mili-  
41         tary park shall be imprisoned not less than 15 days nor more than one year,

1 *fined under this title but not less than \$10 for each monument, statue, mark-*  
 2 *er, guidepost, or other structure, tree, shrub, or plant that is destroyed, de-*  
 3 *facied, injured, cut, or removed, or both.*

4 *“(d) TRESPASSING IN A NATIONAL MILITARY PARK TO HUNT OR SHOOT.—*  
 5 *An individual who trespasses in a national military park to hunt or shoot,*  
 6 *or hunts game of any kind in a national military park with a gun or dog,*  
 7 *or sets a trap or net or other device in a national military park to hunt or*  
 8 *catch game of any kind, shall be imprisoned not less than 5 nor more than*  
 9 *30 days, fined under this title, or both.*

10 **“§ 1866. Historic, archeologic, or prehistoric items and antiq-**  
 11 **uities**

12 *“(a) VIOLATION OF REGULATIONS AUTHORIZED BY CHAPTER 3201 OF*  
 13 *TITLE 54.—A person that violates any of the regulations authorized by chap-*  
 14 *ter 3201 of title 54 shall be fined under this title and be adjudged to pay*  
 15 *all cost of the proceedings.*

16 *“(b) APPROPRIATION OF, INJURY TO, OR DESTRUCTION OF HISTORIC OR*  
 17 *PREHISTORIC RUIN OR MONUMENT OR OBJECT OF ANTIQUITY.—A person*  
 18 *that appropriates, excavates, injures, or destroys any historic or prehistoric*  
 19 *ruin or monument or any other object of antiquity that is situated on land*  
 20 *owned or controlled by the Federal Government without the permission of the*  
 21 *head of the Federal agency having jurisdiction over the land on which the*  
 22 *object is situated, shall be imprisoned not more than 90 days, fined under*  
 23 *this title, or both.”.*

24 *(2) TABLE OF CONTENTS.—The table of contents of chapter 91 of title*  
 25 *18, United States Code, is amended by adding at the end the following:*

*“1865. National Park Service.*

*“1866. Historic, archeologic, or prehistoric items and antiquities.”.*

26 *(b) TITLE 28.—*

27 *(1) IN GENERAL.—Part VI of title 28, United States Code, is amended*  
 28 *by adding at the end the following:*

29 **“CHAPTER 190—MISCELLANEOUS**

*“Sec.*

*“5001. Civil action for death or personal injury in a place subject to exclusive jurisdiction of*  
*United States.*

30 **“§ 5001. Civil action for death or personal injury in a place**  
 31 **subject to exclusive jurisdiction of United States**

32 *“(a) DEATH.—In the case of the death of an individual by the neglect or*  
 33 *wrongful act of another in a place subject to the exclusive jurisdiction of the*  
 34 *United States within a State, a right of action shall exist as though the place*  
 35 *were under the jurisdiction of the State in which the place is located.*

36 *“(b) PERSONAL INJURY.—In a civil action brought to recover on account*  
 37 *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 28,  
4 United States Code, is amended by adding at the end the following:

5 **“190. Miscellaneous ..... 5001”.**

6 (c) ACT OF MAY 26, 2000.—Section 1 of Public Law 106–206 (114 Stat.  
7 314) is amended to read as follows:

8 **“SECTION 1. COMMERCIAL FILMING.**

9 **“(a) COMMERCIAL FILMING FEE.—**

10 **“(1) IN GENERAL.—**The Secretary of the Interior or the Secretary of  
11 **Agriculture (hereafter individually referred to as the ‘Secretary’ with re-**  
12 **spect to land (except land in a System unit as defined in section 100102**  
13 **of title 54, United States Code) under their respective jurisdictions) shall**  
14 **require a permit and shall establish a reasonable fee for commercial film-**  
15 **ing activities or similar projects on Federal land administered by the**  
16 **Secretary. The fee shall provide a fair return to the United States and**  
17 **shall be based on the following criteria:**

18 **“(A) The number of days the filming activity or similar project**  
19 **takes place on Federal land under the Secretary’s jurisdiction.**

20 **“(B) The size of the film crew present on Federal land under the**  
21 **Secretary’s jurisdiction.**

22 **“(C) The amount and type of equipment present.**

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

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

29 **“(c) STILL PHOTOGRAPHY.—**

30 **“(1) IN GENERAL.—**Except as provided in paragraph (2), the Sec-  
31 **retary shall not require a permit nor assess a fee for still photography**  
32 **on land administered by the Secretary if such photography takes place**  
33 **where members of the public are generally allowed. The Secretary may**  
34 **require a permit, fee, or both, if such photography takes place at other**  
35 **locations where members of the public are generally not allowed, or where**  
36 **additional administrative costs are likely.**

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



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

4           “(B) the new regulations—

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

6                 “(ii) may be altered.

7           “(6) Congress needs to weigh in on the new regulations to ensure that  
8           unelected bureaucrats and judges cannot again override the 2d amend-  
9           ment rights of law-abiding citizens on 90,790,000 acres of land under  
10          the jurisdiction of the United States Fish and Wildlife Service.

11          “(7) Federal laws should make it clear that the 2d amendment rights  
12          of an individual at a unit of the National Wildlife Refuge System should  
13          not be infringed.

14          “(b) **PROTECTION OF RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF**  
15          **THE NATIONAL WILDLIFE REFUGE SYSTEM.**—The Secretary shall not pro-  
16          mulgate or enforce any regulation that prohibits an individual from possess-  
17          ing a firearm, including an assembled or functional firearm, in any unit of  
18          the National Wildlife Refuge System if—

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

21                 “(2) the possession of the firearm is in compliance with the law of the  
22                 State in which the unit of the National Wildlife Refuge System is lo-  
23                 cated.”.

24          **SEC. 5. CONFORMING CROSS-REFERENCES.**

25          (a) **TITLE 7, UNITED STATES CODE.**—Section 32(e) of the Bankhead-Jones  
26          Farm Tenant Act (7 U.S.C. 1011(e)) is amended by striking “the Land and  
27          Water Conservation Fund Act of 1965 (78 Stat. 897)” and substituting  
28          “chapter 2003 of title 54, United States Code”.

29          (b) **TITLE 10, UNITED STATES CODE.**—Section 2684(c)(1) of title 10,  
30          United States Code, is amended by striking “section 101(a) of the National  
31          Historic Preservation Act (16 U.S.C. 470a(a))” and substituting “section  
32          2023.01 of title 54”.

33          (c) **TITLE 15, UNITED STATES CODE.**—Section 1072(a)(3)(D) of the Alaska  
34          Natural Gas Pipeline Act (15 U.S.C. 720(a)(3)(D)) is amended by striking  
35          “the National Historic Preservation Act (16 U.S.C. 470 et seq.)” and sub-  
36          stituting “chapter 2003 of title 54, United States Code”.

37          (d) **TITLE 16, UNITED STATES CODE.**—

38                 (1) Section 6 of Public Law 89–72 (16 U.S.C. 460l–17) is amended—

39                         (A) in subsection (a), by striking “subsection 5(d) of the Land  
40                         and Water Conservation Fund Act of 1965 (78 Stat. 897)” and sub-  
41                         stituting “section 200305(d) of title 54, United States Code”; and



1                   (B) in subsection (g), by striking “Subsection 6(a)(2) of the Land  
2                   and Water Development Fund Act of 1965 (78 Stat. 897)” and sub-  
3                   stituting “section 200306(a)(3) of title 54, United States Code.”.

4                   (2) Section 8 of Public Law 90-540 (16 U.S.C. 460v-7) is amended  
5                   by striking “section 6 of the Act of September 3, 1964 (78 Stat. 897,  
6                   903)” and substituting “section 200306 of title 54, United States Code”.

7                   (3) Section 7(c) of the Springs Mountain National Recreation Area  
8                   Act (16 U.S.C. 460hhh-5(c)) is amended by striking “section 7 of the  
9                   Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9)”  
10                  and substituting “section 100506 of title 54, United States Code”.

11                  (4) Section 5(b) of Public Law 103-64 (16 U.S.C. 460iii-4(b)) is  
12                  amended by striking “section 7(a) of the Land and Water Conservation  
13                  Fund Act of 1964 (16 U.S.C. 460l-9(a))” and substituting “section  
14                  200306(a) of title 54, United States Code”.

15                  (5) Section 702(a) of the Steens Mountain Cooperative Management  
16                  and Protection Act of 2000 (16 U.S.C. 460nnn-122(a)) is amended by  
17                  striking “section 2 of the Land and Water Conservation Fund Act of  
18                  1965 (16 U.S.C. 460l-5)” and substituting “section 200302 of title 54,  
19                  United States Code.”.

20                  (6) Section 4 of the Archaeological Resources Protection Act of 1979  
21                  (16 U.S.C. 470cc) is amended—

22                         (A) in subsection (h)—

23                                 (i) in paragraph (1), by striking “the Act of June 8, 1906  
24                                 (16 U.S.C. 431-433)” and substituting “chapter 3203 of title  
25                                 54, United States Code”; and

26                                 (ii) in paragraph (2), by striking “the Act of June 8, 1906”  
27                                 each place it appears and substituting “chapter 3203 of title  
28                                 54, United States Code”; and

29                         (B) in subsection (i), by striking “section 106 of the Act of Octo-  
30                                 ber 15, 1966 (80 Stat. 917, 16 U.S.C. 470f)” and substituting “sec-  
31                                 tion 306108 of title 54, United States Code”.

32                  (7) Section 5 of the Archaeological Resources Protection Act of 1979  
33                  (16 U.S.C. 470dd) is amended by striking “the Act of June 27, 1960 (16  
34                  U.S.C. 469-469e) or the Act of June 8, 1906 (16 U.S.C. 431-433)” and  
35                  substituting “chapter 3125 or chapter 3203 of title 54, United States  
36                  Code”.

37                  (8) Section 9(a)(2) of the Archaeological Resources Protection Act of  
38                  1979 (16 U.S.C. 470hh(a)(2)) is amended by striking “the Act of June  
39                  27, 1960 (16 U.S.C. 469-469e)” and substituting “chapter 3125 of title  
40                  54, United States Code”.

1           (9) Section 6311(1) of the Omnibus Public Land Management Act of  
2 2009 (16 U.S.C. 470aaa–10(1)) is amended by striking “Public Law 94–  
3 429 (commonly known as the ‘Mining in the Parks Act’ (16 U.S.C. 1901  
4 et seq.)” and substituting “subchapter 3 of chapter 1007 of title 54,  
5 United States Code”.

6           (10) Section 502(h)(1)(B) of the National Parks and Recreation Act  
7 of 1998 (16 U.S.C. 471i(h)(1)(B)) is amended by striking “the Land and  
8 Water Conservation Fund Act” and substituting “chapter 2003 of title  
9 54, United States Code”.

10           (11) Section 339(f)(4)(H) of the Department of the Interior and Related  
11 Agencies Appropriations Act, 2000 (Public Law 106–113, div. B,  
12 §1000(a)(3), title III, 16 U.S.C. 528 note), is amended by striking “Sec-  
13 tion 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C.  
14 460l–6a)” and substituting “Section 100904 of title 54, United States  
15 Code”.

16           (12) Section 6(d) of the Alaska Land Status Technical Corrections Act  
17 of 1992 (Public Law 102–415, 16 U.S.C. 539 note) is amended by strik-  
18 ing “section 7 of the Land and Water Conservation Fund Act of 1965  
19 (16 U.S.C. 460l–9)” and substituting “section 100506 of title 54, United  
20 States Code”.

21           (13) Section 2(b) of the Greer Spring Acquisition and Protection Act  
22 of 1991 (Public Law 102–220, 16 U.S.C. 539h note) is amended by strik-  
23 ing “section 7 of the Land and Water Conservation Fund Act of 1965  
24 (16 U.S.C. 460l–9)” and substituting “section 100506 of title 54, United  
25 States Code”.

26           (14) Section 606 of the Interstate 90 Land Exchange Act of 1998  
27 (Public Law 105–277, div. A, §101(e), title VI, 16 U.S.C. 539k note)  
28 is amended—

29           (A) in subsection (a)(3), by striking “section 7 of the Land and  
30 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)” and sub-  
31 stituting “section 100506 of title 54, United States Code,”;

32           (B) in subsection (b)(2), by striking “the National Historic Pres-  
33 ervation Act” and substituting “division A of subtitle III of title 54,  
34 United States Code”; and

35           (C) in subsection (g)(1), by striking “the National Historic Pres-  
36 ervation Act” and substituting “division A of subtitle III of title 54,  
37 United States Code,”.

38           (15) Section 6 of Public Law 93–535 (16 U.S.C. 541e) is amended by  
39 striking “clause 7(a)(1) of the Act of September 3, 1964 (78 Stat. 903),  
40 as amended” and substituting “section 200306(a)(2) of title 54, United  
41 States Code”.

1           (16) Section 14(e)(3)(D)(iii) of the Columbia River Gorge National  
2 Scenic Area Act (16 U.S.C. 544l(e)(3)(D)(iii)) is amended by striking  
3 “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–  
4 4 through 11)” and substituting “chapter 2003 of title 54, United States  
5 Code,”.

6           (17) Section 16(a)(1) of the Columbia River Gorge National Scenic  
7 Area Act (16 U.S.C. 544n(a)(1)) is amended by striking “the Land and  
8 Water Conservation Fund (16 U.S.C. 460l–4 and following)” and sub-  
9 stituting “chapter 2003 of title 54, United States Code,”.

10          (18) Section 3(b) of the Saint Helena Island National Scenic Area Act  
11 (16 U.S.C. 546a(b)) is amended by striking “section 8 of the Land and  
12 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9)” and sub-  
13 stituting “section 100506 of title 54, United States Code”.

14          (19) Section 6(a) of the Act of June 22, 1948 (known as the Thye-  
15 Blatnik Act) (16 U.S.C. 577h(a)) is amended by striking “the Land and  
16 Water Conservation Fund Act (78 Stat. 897), as amended” and sub-  
17 stituting “chapter 2003 of title 54, United States Code”.

18          (20) Section 104(f) of the Valles Caldera Preservation Act (16 U.S.C.  
19 688v–2(f)) is amended by striking “section 7 of the Land and Water  
20 Conservation Fund Act of 1965 (16 U.S.C. 460l–9)” and substituting  
21 “section 100506 of title 54, United States Code”.

22          (21) Section 4(a)(3) of the Wilderness Act (16 U.S.C. 1133(a)(3)) is  
23 amended—

24           (A) by striking “the Act of August 25, 1916” and substituting  
25 “section 100101(b)(1), chapter 1003, and sections 100751(a),  
26 100752, 100753, and 102101 of title 54, United States Code”; and

27           (B) by striking “the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C.  
28 432 et seq); section 3(2) of the Federal Power Act (16 U.S.C.  
29 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C.  
30 461 et seq.)” and substituting “section 3(2) of the Federal Power  
31 Act (16 U.S.C. 796(2)); and chapters 3201 and 3203 of title 54,  
32 United States Code”.

33          (22) Section 5 of Public Law 90–454 (16 U.S.C. 1225) is amended  
34 by striking “the Land and Water Conservation Fund Act of 1965 (78  
35 Stat. 897)” and substituting “chapter 2003 of title 54, United States  
36 Code”.

37          (23) Section 7(h)(1) of the National Trails System Act (16 U.S.C.  
38 1246(h)(1)) is amended by striking “the Volunteers in the Parks Act of  
39 1969” and substituting “section 102301 of title 54, United States Code,”.

40          (24) Section 8(a) of the National Trails System Act (16 U.S.C.  
41 1247(a)) is amended—

1           (A) by striking “the Land and Water Conservation Fund Act”  
2           and substituting “chapter 2003 of title 54, United States Code”;

3           (B) by striking “the Act of October 15, 1966 (80 Stat. 915), as  
4           amended” and substituting “division A of subtitle III of title 54,  
5           United States Code”; and

6           (C) by striking “the Act of May 28, 1963 (77 Stat. 49” and sub-  
7           stituting “chapter 2003 of title 54, United States Code”.

8           (25) Section 9(e)(3) of the National Trails System Act (16 U.S.C.  
9           1248 (e)(3)) is amended by striking “section 2 of the Land and Water  
10           Conservation Fund Act of 1965” and substituting “section 200302 of  
11           title 54, United States Code”.

12           (26) Section 10(a)(1) of the National Trails System Act (16 U.S.C.  
13           1249(a)(1)) is amended by striking “the Land and Water Conservation  
14           Fund Act (78 Stat. 897), as amended” and substituting “chapter 2003  
15           of title 54, United States Code”.

16           (27) Section 11(a)(2) of the National Trails System Act (16 U.S.C.  
17           1250(a)(2)) is amended—

18           (A) by striking “the Volunteers in the Parks Act of 1969” and  
19           substituting “section 102301 of title 54, United States Code”; and

20           (B) by striking “section 6 of the Land and Water Conservation  
21           Fund Act of 1965” and substituting “200305 of title 54, United  
22           States Code”.

23           (28) Section 12(4) of the National Trails System Act (16 U.S.C.  
24           1251(4)) is amended by striking “the Land and Water Conservation  
25           Fund Act of 1965” and substituting “chapter 2003 of title 54, United  
26           States Code,”.

27           (29) Section 2(a) of the Wild and Scenic Rivers Act (16 U.S.C.  
28           1273(a)) is amended by striking “the Land and Water Conservation Act  
29           of 1965” and substituting “chapter 2003 of title 54, United States  
30           Code,”.

31           (30) Section 7(d) of the Wild and Scenic Rivers Act (16 U.S.C.  
32           1278(d)) is amended by striking “the Land and Water Conservation  
33           Fund Act of 1965” and substituting “chapter 2003 of title 54, United  
34           States Code”.

35           (31) Section 11 of the Wild and Scenic Rivers Act (16 U.S.C. 1282)  
36           is amended—

37           (A) in subsection (a), by striking “the Land and Water Conserva-  
38           tion Fund Act of 1965 (78 Stat. 897” and substituting “chapter  
39           2003 of title 54, United States Code”; and

40           (B) in subsection (b)(2)—

1                   (i) in subparagraph (A), by striking “the Volunteers in the  
2                   Parks Act of 1969” and substituting “section 102301 of title  
3                   54, United States Code,”; and

4                   (ii) in subparagraph (B), by striking “the Land and Water  
5                   Conservation Fund Act of 1965” and substituting “chapter  
6                   2003 of title 54, United States Code”.

7           (32) Section 5(b) of the Endangered Species Act of 1973 (16 U.S.C.  
8           1534(b)) is amended by striking “the Land and Water Conservation Fund  
9           Act of 1965, as amended” and substituting “chapter 2003 of title 54,  
10           United States Code”.

11           (33) Section 815(4) of the Alaska National Interest Lands Conserva-  
12           tion Act (16 U.S.C. 3125(4)) is amended—

13                   (A) by striking “the National Park Service Organic Act (39 Stat.  
14                   535, 16 U.S.C. 1, 2, 3, 4)” and substituting “section 100101(b)(1),  
15                   chapter 1003, and sections 100751(a), 100752, 100753, and 102101  
16                   of title 54, United States Code”; and

17                   (B) by adding “or such title” after “such Acts”.

18           (34) Section 6(a)(6)(C) of the Coastal Barrier Act of 1968 (16 U.S.C.  
19           3505(a)(6)(C)) is amended by striking “the Land and Water Conserva-  
20           tion Fund Act of 1965 (16 U.S.C. 460l–4 through 11)” and substituting  
21           “chapter 2003 of title 54, United States Code,”.

22           (35) Section 11 of the National Fish and Wildlife Foundation Estab-  
23           lishment Act (16 U.S.C. 3710) is amended by striking “Public Law 90–  
24           209 (16 U.S.C. 19e et seq.)” and substituting “subchapter II of chapter  
25           1011 of title 54, United States Code”.

26           (36) Section 805(f)(1) of the Federal Lands Recreation Enhancement  
27           Act (16 U.S.C. 6804(f)(1)) is amended—

28                   (A) by striking “(16 U.S.C. 460l–6a)”;

29                   (B) by striking “; 16 U.S.C. 5991–5995”.

30           (37) Section 813 of the Federal Lands Recreation Enhancement Act  
31           (16 U.S.C. 6812) is amended—

32                   (A) in subsection (A), by striking “(16 U.S.C. 460l–6a et seq.)”;

33                   (B) in subsection (b), by striking “; 16 U.S.C. 460l–6a”;

34                   (C) in subsection (c)—

35                           (i) in paragraph (1), by striking “; 16 U.S.C. 5982”; and

36                           (ii) in paragraph (2), by striking “; 16 U.S.C. 5991–5995”;

37                           and

38                   (D) in subsection (e)—

39                           (i) in paragraph (1), by striking “(16 U.S.C. 460l–  
40                           6a(i)(1))”;

1                   (ii) in paragraph (2), by striking “; 16 U.S.C. 5991–5995”;  
2                   and  
3                   (iii) in paragraph (3), by striking “; 16 U.S.C. 460l–6a”.

4 (e) TITLE 20, UNITED STATES CODE.—

5           (1) Section 2 of the Act of August 15, 1949 (20 U.S.C. 78a) is amend-  
6           ed by striking “the Act of June 8, 1906 (16 U.S.C. 432, 433)” and sub-  
7           stituting “section 1866(b) of title 18, United States Code, and sections  
8           320302 and 320303 of title 54, United States Code”.

9           (2) Section 1517(a)(3) of the American Indian, Alaska Native, and  
10           Native Hawaiian Culture and Art Development Act (20 U.S.C.  
11           4424(a)(3)) is amended by striking “the National Historic Preservation  
12           Act (16 U.S.C. 470 et seq.)” and substituting “division A of subtitle III  
13           of title 54, United States Code”.

14           (3) Section 7202(13)(E) of the Native Hawaiian Education Act (20  
15           U.S.C. 7512(13)(D)) is amended by striking “ the National Historic  
16           Preservation Act (16 U.S.C. 470 et seq.)” and substituting “division A  
17           of subtitle III of title 54, United States Code”.

18 (f) TITLE 23, UNITED STATES CODE.—

19           (1) Section 103(c)(5) of title 23, United States Code, is amended—

20                   (A) in subparagraph (B), by striking “section 106 of the National  
21                   Historic Preservation Act (16 U.S.C. 470f)” and substituting “sec-  
22                   tion 306108 of title 54”; and

23                   (B) in subparagraph (C), by striking “section 106 of the National  
24                   Historic Preservation Act (16 U.S.C. 470f)” and substituting “sec-  
25                   tion 306108 of title 54”.

26           (2) Section 133(e)(5)(B) of title 23, United States Code, is amended—

27                   (A) by striking “title II of the National Historic Preservation Act  
28                   (16 U.S.C. 470i et seq.)” and substituting “section 304101 of title  
29                   54”; and

30                   (B) by striking “section 106 of such Act (16 U.S.C. 470f)” and  
31                   substituting “section 306108 of title 54”.

32           (3) Section 138(b)(2)(A) of title 23, United States Code, is amended  
33           by striking “section 106 of the National Historic Preservation Act (16  
34           U.S.C. 470f)” and substituting “section 306108 of title 54”.

35           (4) Section 206 of title 23, United States Code, is amended—

36                   (A) in subsection (d)(1)(B), by striking “the Land and Water  
37                   Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)” and sub-  
38                   stituting “chapter 2003 of title 54”;

39                   (B) in subsection (d)(2)(D)(ii), by striking “the Land and Water  
40                   Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)” and sub-  
41                   stituting “chapter 2003 of title 54”; and

1                   (C) in subsection (h)(3), by striking “section 6(f)(3) of the Land  
2                   and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-  
3                   8(f)(3))” and substituting “section 200305(f)(3) of title 54”.

4                   (g) TITLE 25, UNITED STATES CODE.—Section 509(a) of the Indian Self-  
5                   Determination and Education Assistance Act (25 U.S.C. 458aaa-8(a)) is  
6                   amended by striking “the National Historic Preservation Act (16 U.S.C.  
7                   470et seq.)” and substituting “division A of subtitle III of title 54, United  
8                   States Code”.

9                   (h) TITLE 26, UNITED STATES CODE.—Section 9503(c)(3)(A)(i) of the In-  
10                  ternal Revenue Code of 1986 (26 U.S.C. 9503(c)(3)(A)(i)) is amended by  
11                  striking “title I of the Land and Water Conservation Fund Act of 1965” and  
12                  substituting “chapter 2003 of title 54”.

13                  (i) TITLE 36, UNITED STATES CODE.—Section 153513(a)(1) of title 36,  
14                  United States Code, is amended by striking “the Act of August 25, 1916 (16  
15                  U.S.C. 1 et seq.) (known as the National Park Service Organic Act)” and sub-  
16                  stituting “section 100101(a), chapter 1003, and sections 100751(a), 100752,  
17                  100753, and 102101 of title 54, United States Code”.

18                  (j) TITLE 40, UNITED STATES CODE.—

19                         (1) Section 549(c)(3)(B)(ix) of title 40, United States code, is amend-  
20                         ed—

21                                 (A) by striking “section 308(e)(2) of the National Historic Preser-  
22                                 vation Act (16 U.S.C. 470w-7(e)(2))” and substituting “section  
23                                 305101(4) of title 54”; and

24                                 (B) by striking “subsection (b) of that section” and substituting  
25                                 “section 305103 of title 54”.

26                         (2) Section 550(h)(1)(B) of title 40, United States Code, is amended  
27                         by striking “section 3 of the Act of August 21, 1935 (16 U.S.C. 463)  
28                         (known as the Historic Sites, Buildings, and Antiquities Act)” and sub-  
29                         stituting “section 102303 of title 54”.

30                         (3) Section 1303(c) of title 40, United States Code, is amended by  
31                         striking “the Act of August 21, 1935 (16 U.S.C. 461 et seq.) (known as  
32                         the Historic Sites, Buildings, and Antiquities Act)” and substituting  
33                         “chapter 3201 of title 54”.

34                         (4) Section 1314(a)(2)(A)(ii) of title 40, United States Code, is  
35                         amended by striking “the Act of August 25, 1916 (16 U.S.C. 1, 2, 3, 4)  
36                         (known as the National Park Service Organic Act)” and substituting  
37                         “section 100101(a), chapter 1003, and sections 100751(a), 100752,  
38                         100753, and 102101 of title 54”.

39                         (5) Section 3303(c) of title 40, United States Code, is amended by  
40                         striking “title II of the National Historic Preservation Act (16 U.S.C.  
41                         470i et seq.)” and substituting “section 304101 of title 54”.

1           (6) *Section 3306(a)(4) of title 40, United States Code, is amended by*  
2 *striking “section 101 of the National Historic Preservation Act (16*  
3 *U.S.C. 470a)” and substituting “chapter 3021 of title 54”.*

4           (7) *Section 14507(a)(1)(A)(ii) of title 40, United States Code, is*  
5 *amended by striking “the Land and Water Conservation Fund Act of*  
6 *1965 (16 U.S.C. 460l–4 et seq.)” and substituting “chapter 2003 of title*  
7 *54”.*

8 (k) *TITLE 42, UNITED STATES CODE.—*

9           (1) *Section 303(2) of the Water Resources Planning Act (42 U.S.C.*  
10 *1962c–2(2)) is amended by striking “the Land and Water Conservation*  
11 *Fund Act of 1965” and substituting “chapter 2003 of title 54, United*  
12 *States Code”.*

13           (2) *Section 208(2) of the Demonstration Cities and Metropolitan De-*  
14 *velopment Act of 1966 (42 U.S.C. 3338(2)) is amended by striking “sec-*  
15 *tion 5(e) of the Land And Water Conservation Fund Act of 1965” and*  
16 *substituting “section 200305(e) of title 54, United States Code”.*

17           (3) *Section 5(c) of the Department of Housing and Urban Develop-*  
18 *ment Act (42 U.S.C. 3534(c)) is amended by striking “the Land and*  
19 *Water Conservation Fund Act of 1965 (78 Stat. 897)” and substituting*  
20 *“chapter 2003 of title 54, United States Code,”.*

21           (4) *Section 121 of the Housing and Community Development Act of*  
22 *1974 (42 U.S.C. 5320) is amended—*

23           (A) *by amending subsection (a) to read as follows:*

24           “(a) *With respect to applications for assistance under section 5318 of this*  
25 *title, the Secretary of the Interior, after consulting with the Secretary, shall*  
26 *prescribe and implement regulations concerning projects funded under section*  
27 *5318 of this title and their relationship with division A of subtitle III and*  
28 *chapter 3125 of title 54, United States Code.”;*

29 *and*

30           (B) *in subsection (c), by striking “section 106 of the Act referred*  
31 *to in subsection (a)(1)” and substituting “section 306108 of title 54,*  
32 *United States Code,”.*

33           (5) *Section 504(c)(2) of the Americans with Disabilities Act of 1990*  
34 *(42 U.S.C. 12204(c)(2)) is amended by striking “the National Historic*  
35 *Preservation Act (16 U.S.C. 470 et seq.)” and substituting “division A*  
36 *of subtitle III of title 54, United States Code”.*

37           (6) *Section 999H(c)(2) of the Energy Policy Act of 2005 Energy Re-*  
38 *search, Development, Demonstration, and Commercial Application Act of*  
39 *2005 (42 U.S.C. 16378(c)(2)) is amended—*

40           (A) *in subparagraph (B), by striking “section 2(c) of the Land*  
41 *and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5(c))”*



1           and substituting “section 200302(c) of title 54, United States Code”;  
2           and

3           (B) in subparagraph (C), by striking “section 108 of the National  
4           Historic Preservation Act (16 U.S.C. 470h)” and substituting  
5           “chapter 3031 of title 54, United States Code”.

6 (l) TITLE 43, UNITED STATES CODE.—

7           (1) The second paragraph under the heading “ADMINISTRATIVE PROVI-  
8           SIONS” under the heading “BUREAU OF RECLAMATION” (43 U.S.C. 377b)  
9           is amended by striking “the Acts of August 21, 1935 (16 U.S.C. 461–  
10          467) and June 27 1960 (16 U.S.C. 469)” and substituting “chapters  
11          3125 and 3201 of title 54, United States Code”.

12          (2) Section 105 of the Gulf of Mexico Energy Security Act of 2006  
13          (Public Law 109–432, div. C, title I, 43 U.S.C. 1331 note) is amended—

14           (A) in subsection (a)(2)(B)—

15           (i) by striking “section 6 of the Land And Water Conserva-  
16           tion Fund Act of 1965 (16 U.S.C. 460l–8)” and substituting  
17           “section 200305 of title 54, United States Code”; and

18           (ii) by striking “section 2 of that Act (16 U.S.C. 460l–5)”  
19           and substituting “section 200302 of that title”; and

20           (B) in subsection (e)(3)(B), by striking “the Land and Water  
21           Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)” and sub-  
22           stituting “chapter 2003 of title 54, United States Code”.

23          (3) Section 1401(b) of the Omnibus Budget Reconciliation Act of 1981  
24          (43 U.S.C. 1457a(b)) is amended—

25           (A) by striking “the Land and Water Conservation Fund Act of  
26           1965 (78 Stat; 897; 16 U.S.C. 460z)” and substituting “chapter  
27           2003 of title 54, United States Code”;

28           (B) by striking “the National Historic Preservation Act of 1966  
29           (80 Stat. 915; 16 U.S.C. 470)” and substituting “division A of sub-  
30           title III of title 54, United States Code”; and

31           (C) by striking “the Urban Park and Recreation Recovery Act of  
32           1978 (92 Stat. 3538; 16 U.S.C. 2501, et seq.)” and substituting  
33           “chapter 2005 of title 54, United States Code”.

34          (4) The paragraph under the heading “NATURAL RESOURCE DAMAGE  
35          ASSESSMENT AND RESTORATION FUND” under the heading “UNITED  
36          STATES FISH AND WILDLIFE SERVICE” in Public Law 103–138 (43  
37          U.S.C. 1474b–1) is omitted by striking “the Act of July 27, 1990 (Public  
38          Law 101–337)” and substituting “subchapter II of chapter 1007 of title  
39          54, United States Code.”.

40          (5) Section 7(e)(3) of the Colorado River Floodway Protection Act (43  
41          U.S.C. 1600e(e)(3)) is amended by striking “the Land and Water Con-

1           *ervation Fund Act of 1965 (16 U.S.C. 460l–4 through 11)” and sub-*  
2           *stituting “chapter 2003 of title 54, United States Code”.*

3           (6) *Section 202(c)(9) of the Federal Land Policy and Management Act*  
4           *of 1976 (43 U.S.C. 1712(c)(9)) is amended by striking “the Act of Sep-*  
5           *tember 3, 1964 (78 Stat. 897), as amended” and substituting “chapter*  
6           *2003 of title 54, United States Code”.*

7           (7) *Section 204(j) of the Federal Land Policy and Management Act*  
8           *of 1976 (43 U.S.C. 1714(j)) is amended by striking “the Act of June 8,*  
9           *1906 (34 Stat. 225; 16 U.S.C. 431–433)” and substituting “chapter 3203*  
10           *of title 54, United States Code”.*

11           (8) *Section 201(d)(3)(E) of the Consolidated Natural Resources Act of*  
12           *2008 (43 U.S.C. 1786(d)(3)(E)) is amended by striking “the National*  
13           *Historic Preservation Act (16 U.S.C. 470 et seq.)” and substituting “di-*  
14           *vision A of subtitle III of title 54, United States Code,”.*

15           (9) *Section 206 of the Federal Land Transaction Facilitation Act (43*  
16           *U.S.C. 2305) is amended—*

17           (A) *in subsection (e), by striking “the Land and Water Conserva-*  
18           *tion Fund Act (16 U.S.C. 460l–4 et seq.)” and substituting “chapter*  
19           *2003 of title 54, United States Code”; and*

20           (B) *in subsection (f)(2), by striking “section 3 of the Land and*  
21           *Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6)” and sub-*  
22           *stituting “section 200303 of title 54, United States Code”.*

23           (m) *TITLE 45, UNITED STATES CODE.—*

24           (1) *Section 1168(a) of the Omnibus Budget Reconciliation Act of 1981*  
25           *(45 U.S.C. 1111(a)) is amended by striking “the National Historic Pres-*  
26           *ervation Act” and substituting “division A of subtitle III of title 54,*  
27           *United States Code”.*

28           (2) *Section 613(a) of the Alaska Railroad Transfer Act of 1982 (45*  
29           *U.S.C. 1212(a)) is amended by striking “the National Historic Preserva-*  
30           *tion Act (16 U.S.C. 470 et seq.)” and substituting “division A of subtitle*  
31           *III of title 54, United States Code”.*

32           (n) *TITLE 46, UNITED STATES CODE.—Section 13102(b)(2) of title 46,*  
33           *United States Code, is amended by striking “the Land and Water Conserva-*  
34           *tion Fund Act of 1965 (16 U.S.C. 460l–4—460–11)” and substituting “chap-*  
35           *ter 2003 of title 54, United States Code,”.*

36           (o) *TITLE 48, UNITED STATES CODE.—*

37           (1) *Section 105(l) of Public Law 99–239 (known as the Compact of*  
38           *Free Association Amendments Act of 2003) (48 U.S.C. 1905(l)) is*  
39           *amended by striking “the National Historic Preservation Act (80 Stat.*  
40           *915; 16 U.S.C. 470–470t)” and substituting “division A of subtitle III*  
41           *of title 54, United States Code”.*

1           (2) *Section 105(j) of Public Law 108–188 (known as the Compact of*  
2           *Free Association Act of 1985) (48 U.S.C. 1921(d)) is amended by strik-*  
3           *ing “the National Historic Preservation Act (80 Stat. 915; 16 U.S.C.*  
4           *470–470t)” and substituting “division A of subtitle III of title 54,*  
5           *United States Code”.*

6           (p) *TITLE 49, UNITED STATES CODE.—Section 303(d)(2) of title 49,*  
7           *United States Code, is amended by striking “section 106 of the National His-*  
8           *toric Preservation Act (16 U.S.C. 470f)” and substituting “section 306108 of*  
9           *title 54, United States Code”.*

10       **SEC. 6. TRANSITIONAL AND SAVINGS PROVISIONS.**

11       (a) *DEFINITIONS.—In this section:*

12           (1) *SOURCE PROVISION.—The term “source provision” means a provi-*  
13           *sion of law that is replaced by a title 54 provision.*

14           (2) *TITLE 54 PROVISION.—The term “title 54 provision” means a pro-*  
15           *vision of title 54, United States Code, that is enacted by section 3.*

16       (b) *CUTOFF DATE.—The title 54 provisions replace certain provisions of*  
17       *law enacted on or before January 3, 2012. If a law enacted after that date*  
18       *amends or repeals a source provision, that law is deemed to amend or repeal,*  
19       *as the case may be, the corresponding title 54 provision. If a law enacted after*  
20       *that date is otherwise inconsistent with a title 54 provision or a provision*  
21       *of this Act, that law supersedes the title 54 provision or provision of this Act*  
22       *to the extent of the inconsistency.*

23       (c) *ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of deter-*  
24       *mining whether one provision of law supersedes another based on enactment*  
25       *later in time, a title 54 provision is deemed to have been enacted on the date*  
26       *of enactment of the source provision that the title 54 provision replaces.*

27       (d) *REFERENCES TO TITLE 54 PROVISIONS.—A reference to a title 54 pro-*  
28       *vision is deemed to refer to the corresponding source provision.*

29       (e) *REFERENCES TO SOURCE PROVISIONS.—A reference to a source provi-*  
30       *sion, including a reference in a regulation, order, or other law, is deemed to*  
31       *refer to the corresponding title 54 provision.*

32       (f) *REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A*  
33       *regulation, order, or other administrative action in effect under a source pro-*  
34       *vision continues in effect under the corresponding title 54 provision.*

35       (g) *ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an*  
36       *offense committed under a source provision is deemed to have been taken or*  
37       *committed under the corresponding title 54 provision.*

38       **SEC. 7. REPEALS.**

39       *The following provisions of law are repealed, except with respect to rights*  
40       *and duties that matured, penalties that were incurred, or proceedings that*  
41       *were begun before the date of enactment of this Act:*

## Schedule of Laws Repealed

<i>Act</i>	<i>Section</i>	<i>United States Code Former Classification</i>
<i>Act of February 15, 1901 (ch. 372 relating to System units)</i> .....	.....	16 U.S.C. 79.
<i>Act of June 8, 1906 (ch. 3060)</i> .....	1 .....	16 U.S.C. 433.
	2 .....	16 U.S.C. 431.
	3 .....	16 U.S.C. 432.
	4 .....	16 U.S.C. 432.
<i>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"))</i> .....	.....	16 U.S.C. 5.
<i>Act of August 25, 1916 (ch. 408)</i> .....	1 .....	16 U.S.C. 1.
	2 .....	16 U.S.C. 2.
	3 .....	16 U.S.C. 3.
	4 .....	16 U.S.C. 4.
<i>Act of June 12, 1917 (ch. 27)</i> .....	1 (21st undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 452.
<i>Act of June 5, 1920 (ch. 235)</i> .....	1 (2d undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 6.
<i>Act of May 24, 1922 (ch. 199)</i> .....	(1st sentence in 9th undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 452.
<i>Act of April 9, 1924 (ch. 86)</i> .....	1 .....	16 U.S.C. 8.
	4 .....	16 U.S.C. 8a.
	5 .....	16 U.S.C. 8b.
	6 .....	16 U.S.C. 8c.
<i>Act of May 10, 1926 (ch. 277)</i> .....	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.
<i>Act of June 11, 1926 (ch. 555)</i> .....	1 .....	16 U.S.C. 455.
	2 .....	16 U.S.C. 455a.
	3 .....	16 U.S.C. 455b.
	4 .....	16 U.S.C. 455c.
<i>Act of July 3, 1926 (ch. 792)</i> .....	1 .....	16 U.S.C. 12.
	2 .....	16 U.S.C. 13.
<i>Act of February 1, 1928 (ch. 15)</i> .....	.....	16 U.S.C. 457.
<i>Act of March 7, 1928 (ch. 137)</i> .....	1 (28th undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 15.
<i>Act of March 8, 1928 (ch. 152)</i> .....	.....	16 U.S.C. 458.
<i>Act of April 18, 1930 (ch. 187)</i> .....	.....	16 U.S.C. 16.
<i>Act of May 26, 1930 (ch. 324)</i> .....	1 .....	16 U.S.C. 17.
	3 .....	16 U.S.C. 17b.
	4 .....	16 U.S.C. 17c.
	5 .....	16 U.S.C. 17d.
	6 .....	16 U.S.C. 17e.
	7 .....	16 U.S.C. 17f.
	8 .....	16 U.S.C. 17g.
	9 .....	16 U.S.C. 17h.

*Schedule of Laws Repealed—Continued*

<i>Act</i>	<i>Section</i>	<i>United States Code Former Classification</i>
	10 .....	16 U.S.C. 17i.
	11 .....	16 U.S.C. 17j.
<i>Act of March 4, 1931 (ch. 522)</i> .....	<i>title I (proviso in last undesignated paragraph under heading "NATIONAL PARK SERVICE").</i>	16 U.S.C. 9a.
<i>Act of March 2, 1933 (ch. 180)</i> .....	1 .....	16 U.S.C. 9a.
<i>Act of May 9, 1935 (ch. 101)</i> .....	1 (34th undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14b, 456a.
<i>Act of August 21, 1935 (ch. 593)</i> .....	1 .....	16 U.S.C. 461.
	2 .....	16 U.S.C. 462.
	3 .....	16 U.S.C. 463.
	4 .....	16 U.S.C. 464.
	5 .....	16 U.S.C. 465.
	6 .....	16 U.S.C. 466.
	7 .....	16 U.S.C. 467.
<i>Act of June 23, 1936 (ch. 735)</i> .....	1 .....	16 U.S.C. 17k.
	2 .....	16 U.S.C. 17l.
	3 .....	16 U.S.C. 17m.
	4 .....	16 U.S.C. 17n.
<i>Act of May 10, 1939 (ch. 119)</i> .....	1 (41st undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14a.
<i>Act of June 18, 1940 (ch. 395)</i> .....	1 (proviso in 3d undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 17j-1.
<i>Act of August 27, 1940 (ch. 690)</i> .....	1 .....	16 U.S.C. 458a.
<i>Act of June 28, 1941 (ch. 259)</i> .....	1 (41st undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14c.
<i>Act of August 7, 1946 (ch. 788)</i> .....	(b) through (g) .....	16 U.S.C. 17j-2(b) through (g).
	(i), (j) .....	16 U.S.C. 17j-2(i), (j).
<i>Act of June 3, 1948 (ch. 401)</i> .....	1 .....	16 U.S.C. 8e.
	2 .....	16 U.S.C. 8f.
<i>Act of October 26, 1949 (ch. 755)</i> .....	1 .....	16 U.S.C. 468.
	2 .....	16 U.S.C. 468a.
	3 .....	16 U.S.C. 468b.
	4 .....	16 U.S.C. 468c.
	5 .....	16 U.S.C. 468d.
<i>Act of March 18, 1950 (ch. 72)</i> .....	1 .....	16 U.S.C. 7a.
	2 .....	16 U.S.C. 7b.
	3 .....	16 U.S.C. 7c.
	4 .....	16 U.S.C. 7d.
	5 .....	16 U.S.C. 7e.
<i>Act of September 14, 1950 (ch. 950)</i> .....	1 (last sentence proviso relating to national monuments).	16 U.S.C. 431a.
	1 (last sentence proviso relating to national parks).	16 U.S.C. 451a.
<i>Act of August 8, 1953 (ch. 384)</i> .....	1 (less (3)) .....	16 U.S.C. 1b (less (3)).

Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
	2 .....	16 U.S.C. 1c.
	3 .....	16 U.S.C. 1d.
Act of August 31, 1954 (ch. 1163) .....	.....	16 U.S.C. 452a.
Act of July 1, 1955 (ch. 259) .....	1 .....	16 U.S.C. 18f.
	2 .....	16 U.S.C. 18f-2.
	3 .....	16 U.S.C. 18f-3.
Public Law 86-523 .....	2 .....	16 U.S.C. 469a.
	3 .....	16 U.S.C. 469a-1.
	4 .....	16 U.S.C. 469a-2.
	5 .....	16 U.S.C. 469a-3.
	6 .....	16 U.S.C. 469b.
	7 .....	16 U.S.C. 469c.
	8 .....	16 U.S.C. 469c-1.
Public Law 87-608 .....	.....	16 U.S.C. 3b.
Public Law 88-29 .....	1 .....	16 U.S.C. 460l.
	2 .....	16 U.S.C. 460l-1.
	3 .....	16 U.S.C. 460l-2.
	4 .....	16 U.S.C. 460l-3.
Land and Water Conservation Fund Act of 1965 (Pub. L. 88-578) .....	title I, § 2 .....	16 U.S.C. 460l-5.
	title I, § 3 .....	16 U.S.C. 460l-6.
	title I, § 4(i)(1)(C) .....	16 U.S.C. 460l-6a(i)(1)(C).
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