

## AMENDMENTS

2002—Pub. L. 89–671, §14(c), as added by Pub. L. 107–219, which provided that any reference to “Wolf Trap Farm Park” shall be considered to be a reference to “Wolf Trap National Park for the Performing Arts”, was executed by substituting “Wolf Trap National Park for the Performing Arts” for “Wolf Trap Farm Park for the Performing Arts” in concluding provisions to reflect the probable intent of Congress.

**§ 1f. Challenge cost-share agreement authority****(1) Definitions**

For purposes of this subsection:

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

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

**(2) Challenge cost-share agreements**

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

**(3) Use of Federal funds**

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

(Pub. L. 104–333, div. I, title VIII, §814(g), Nov. 12, 1996, 110 Stat. 4199.)

**§ 1g. Cooperative agreements**

The National Park Service may in fiscal year 1997 and thereafter enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs pursuant to section 6305 of title 31 to carry out public purposes of National Park Service programs.

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

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

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

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

**§ 1i. Reimbursable agreements**

Heretofore and hereafter, in carrying out the work under reimbursable agreements with any

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

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

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

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

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

## CHANGE OF NAME

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

## TRANSFER OF FUNCTIONS

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

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

The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violation of any of the rules and regulations authorized by this section and sections 1, 2, and 4 of this title shall be punished by a fine of not more than \$500 or imprisonment for not exceeding six months, or both, and be adjudged to pay all cost of the proceedings. He may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. No natural,<sup>1</sup> curiosities, wonders, or objects of

<sup>1</sup> So in original. The comma probably should not appear.

interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: *Provided, however*, That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze livestock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park: *And provided further*, That the Secretary of the Interior may grant said privileges, leases, and permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids: *And provided further*, That no contract, lease, permit, or privilege granted shall be assigned or transferred by such grantees, permittees, or licensees without the approval of the Secretary of the Interior first obtained in writing.

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

#### REFERENCES IN TEXT

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

#### AMENDMENTS

1998—Pub. L. 105-391, § 415(b)(1)(A), in fourth sentence, substituted “No natural,” for “He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding thirty years; and no natural”.

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

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

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

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

#### TRANSFER OF FUNCTIONS

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

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

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

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

#### PRIOR PROVISIONS

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

Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1384.  
 Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 999.  
 Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1923.  
 Pub. L. 101-121, title I, Oct. 23, 1989, 103 Stat. 709.  
 Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1788.  
 Pub. L. 100-202, § 101(g) [title I], Dec. 22, 1987, 101 Stat. 1329-213, 1329-223.

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

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

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

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

#### CODIFICATION

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

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

### § 4. Rights-of-way through public lands

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

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

#### REFERENCES IN TEXT

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

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

The head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for