

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

# H. R. 6161

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2010

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

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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,*

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

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

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

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

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

9           (b) **CONFORMITY WITH ORIGINAL INTENT.**—In the codification of laws  
10 by this Act, the intent is to conform to the understood policy, intent, and  
11 purpose of Congress in the original enactments, with such amendments and  
12 corrections as will remove ambiguities, contradictions, and other imperfec-

1 tions, in accordance with section 205(c)(1) of House Resolution No. 988,  
 2 93d Congress, as enacted into law by Public Law 93–554 (2 U.S.C.  
 3 285b(1)).

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

5 Title 54, United States Code, “National Park System”, is enacted as fol-  
 6 lows:

**TITLE 54—NATIONAL PARK SYSTEM**

**Subtitle I—National Park Service**

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**[RESERVED]**

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1                   **Subtitle I—National Park Service**  
2                   **DIVISION A—ESTABLISHMENT AND GENERAL**  
3                   **ADMINISTRATION**  
4                   **CHAPTER 1001—GENERAL PROVISIONS**

Sec.

100101. Findings and purpose.

100102. Definitions.

5                   **§ 100101. Findings and purpose**

6                   (a) FINDINGS.—Congress declares that—

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

11                  (2) these areas, though distinct in character, are united through  
12                  their interrelated purposes and resources into one National Park Sys-  
13                  tem as cumulative expressions of a single national heritage;

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

19                  (4) it is the purpose of this section and sections 100501 and 100911  
20                  of this title to include all these areas in the System and to clarify the  
21                  authorities applicable to the System.

22                  (b) PURPOSE.—Congress directs that the promotion and regulation of the  
23                  various System units shall be consistent with and founded in the purpose  
24                  established by section 100301(b) of this title, to the common benefit of all  
25                  the people of the United States. The authorization of activities shall be con-  
26                  strued and the protection, management, and administration of the System  
27                  units shall be conducted in light of the high public value and integrity of

1 the System and shall not be exercised in derogation of the values and pur-  
 2 poses for which these various areas have been established, except as directly  
 3 and specifically provided by Congress.

4 **§ 100102. Definitions**

5 In this title:

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

8 (2) SECRETARY.—The term “Secretary” means the Secretary of the  
 9 Interior.

10 (3) SERVICE.—The term “Service” means the National Park Serv-  
 11 ice.

12 (4) SYSTEM.—The term “System” means the areas of land and  
 13 water described in section 100501 of this title.

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

16 **CHAPTER 1003—ESTABLISHMENT, DIRECTORS, AND**  
 17 **OTHER EMPLOYEES**

Sec.

100301. Establishment and purpose.

100302. Directors and other employees.

100303. Effect on other laws.

18 **§ 100301. Establishment and purpose**

19 (a) ESTABLISHMENT.—There is in the Department of the Interior a serv-  
 20 ice to be called the National Park Service.

21 (b) PURPOSE.—The Secretary shall promote and regulate the use of the  
 22 System by means and measures that conform to the fundamental purpose  
 23 of the System units, which purpose is to conserve the scenery and the nat-  
 24 ural and historic objects and the wildlife in, and to provide for the enjoy-  
 25 ment of, the System units in the manner and by the means that will leave  
 26 them unimpaired for the enjoyment of future generations.

27 **§ 100302. Directors and other employees**

28 (a) DIRECTOR.—

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

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

35 (3) AUTHORITY.—Under the direction of the Secretary, the Director  
 36 shall have the supervision, management, and control of System units.

37 In the supervision, management, and control of System units contig-

1           uous to national forests the Secretary of Agriculture may cooperate  
2           with the Service to such extent as may be requested by the Secretary.

3           (b) DEPUTY DIRECTORS.—The Director shall select 2 Deputy Directors.  
4           The first Deputy Director shall have responsibility for Service operations,  
5           and the second Deputy Director shall have responsibility for other programs  
6           assigned to the Service.

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

9           **§ 100303. Effect on other laws**

10          This chapter and sections 100901(a), 100906, 102101, and 102102 of  
11          this title do not affect or modify the Act of February 15, 1901 (16 U.S.C.  
12          79).

13                   **CHAPTER 1005—PLANNING AND DEVELOPMENT**

Sec.

100501. Areas included in System.

100502. Study and planning of park, parkway, and recreational-area facilities.

100503. System development program.

100504. Periodic review of System.

100505. Boundary changes of System units.

100506. Additional areas for System.

14           **§ 100501. Areas included in System**

15          The System shall include any area of land and water administered by the  
16          Secretary through the Service for park, monument, historic, parkway, rec-  
17          reational, or other purposes.

18           **§ 100502. Study and planning of park, parkway, and rec-**  
19           **reational-area facilities**

20          (a) IN GENERAL.—

21           (1) DEFINITION.—In this subsection, the term “State” includes  
22           Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

23           (2) STUDY.—The Secretary shall cause the Service to make a com-  
24           prehensive study, other than on land under the jurisdiction of the Sec-  
25           retary of Agriculture, of the public park, parkway, and recreational  
26           area programs of the United States, States, and political subdivisions  
27           of States and of areas of land throughout the United States that are  
28           or may be chiefly valuable as public park, parkway, or recreational  
29           areas. A study shall not be made in any State without the consent and  
30           approval of the State officials, boards, or departments having jurisdic-  
31           tion over the land. The study shall be such as, in the judgment of the  
32           Secretary, will provide data helpful in developing a plan for coordinated  
33           and adequate public park, parkway, and recreational-area facilities for  
34           the people of the United States.

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

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

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

6 (i) other Federal agencies and instrumentalities; and

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

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

17 (b) CONSENT OF CONGRESS TO AGREEMENTS BETWEEN STATES.—The  
 18 consent of Congress is given to any 2 or more States to negotiate and enter  
 19 into compacts or agreements with one another with reference to planning,  
 20 establishing, developing, improving, and maintaining any park, parkway, or  
 21 recreational area. No compact or agreement shall be effective until approved  
 22 by the legislatures of the States that are parties to the compact or agree-  
 23 ment and by Congress.

24 **§ 100503. System development program**

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

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

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

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

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

1 **§ 100504. Periodic review of System**

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

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

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

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

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

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

28 **§ 100505. Boundary changes of System units**

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

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

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

37 (3) an assessment of the impact of potential boundary adjustments  
38 taking into consideration the factors in section 100504(c)(3) of this  
39 title and the effect of the adjustments on the local communities and  
40 surrounding area.

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

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

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

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

14 **§ 100506. Additional areas for System**

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

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

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

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

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

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

33 (C) public petitions and Congressional resolutions.

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

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

4           (5) AUTHORITY TO CONDUCT CERTAIN ACTIVITIES NOT LIMITED.—  
5 This section and sections 100902(1), 101702(b) and (c), and 102103  
6 of this title do not limit the authority of the Service to conduct prelimi-  
7 nary resource assessments, gather data on potential study areas, pro-  
8 vide technical and planning assistance, prepare or process nominations  
9 for administrative designations, update previous studies, or complete  
10 reconnaissance surveys of individual areas requiring a total expenditure  
11 of less than \$25,000.

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

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

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

17 (c) STUDY OF AREAS FOR POTENTIAL INCLUSION.—

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

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

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

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

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

33 (4) SCOPE OF STUDY.—Each study—

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

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

36                           (ii) the threats to those resources;

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

39                           (iv) the public use potential;

40                           (v) the interpretive and educational potential;

1 (vi) costs associated with acquisition, development, and op-  
2 eration;

3 (vii) the socioeconomic impacts of any designation;

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

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

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

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

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

16 (5) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF  
17 1969.—Each study shall be completed in compliance with the National  
18 Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

23 (d) LIST OF AREAS PREVIOUSLY STUDIED.—

24 (1) WHEN LIST IS TO BE SUBMITTED.—At the beginning of each cal-  
25 endar year, with the annual budget submission, the Secretary shall sub-  
26 mit to the Committee on Natural Resources of the House of Represent-  
27 atives and the Committee on Energy and Natural Resources of the  
28 Senate, in numerical order of priority for addition to the System—

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

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

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

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

39 (e) LIST OF AREAS THAT EXHIBIT DANGER OR THREATS TO THE IN-  
40 TEGRITY OF THEIR RESOURCES.—At the beginning of each fiscal year, the  
41 Secretary shall submit to the Speaker of the House of Representatives and

1 the President of the Senate a complete and current list of all areas listed  
 2 on the Registry of Natural Landmarks, and areas of national significance  
 3 listed on the National Register of Historic places, that exhibit known or an-  
 4 ticipated damage or threats to the integrity of their resources, with nota-  
 5 tions as to the nature and severity of the damage or threats.

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

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

17 (h) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) STUDIES OF POTENTIAL NEW SYSTEM UNITS AND MONITORING  
 19 THE WELFARE OF SYSTEM UNIT RESOURCES.—To carry out studies for  
 20 potential new System units and for monitoring the welfare of historical  
 21 and natural resources referred to in subparagraphs (A) and (B) of sub-  
 22 section (d)(1), there is authorized to be appropriated not to exceed  
 23 \$1,000,000 for each fiscal year.

24 (2) MONITORING WELFARE AND INTEGRITY OF NATIONAL LAND-  
 25 MARKS.—To monitor the welfare and integrity of the national land-  
 26 marks, there is authorized to be appropriated not to exceed \$1,500,000  
 27 for each fiscal year.

28 (3) CARRYING OUT SUBSECTIONS (b), (c), and (g).—To carry out  
 29 subsections (b), (c), and (g), there is authorized to be appropriated  
 30 \$2,000,000 for each fiscal year.

## 31 **CHAPTER 1007—MANAGEMENT**

### **Subchapter I—Maintenance**

Sec.

100701. Maintenance management system.

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

100711. Protection, interpretation, and research in System.

100712. Service employee training.

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100714. System unit accountability and budgets.

### **Subchapter III—System Resource Inventory and Management**

100721. Purposes.

100722. Research mandate.

100723. Cooperative agreements.

100724. Inventory and monitoring program.

100725. Availability of System units for scientific study.

100726. Integration of study results into management decisions.

100727. Confidentiality of information.

1

## **Subchapter I—Maintenance**

2

### **§ 100701. Maintenance management system**

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

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

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

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(3) A description of work standards including—

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(A) frequency of maintenance;

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

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(C) methods for accomplishing work;

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

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(E) expected worker production for each maintenance task.

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

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

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

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

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

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### **§ 100711. Protection, interpretation, and research in System**

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

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### **§ 100712. Service employee training**

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The Secretary shall develop a comprehensive training program for employees in all professional careers in the workforce of the Service for the

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1 purpose of ensuring that the workforce has available the best, up-to-date  
 2 knowledge, skills, and abilities with which to manage, interpret, and protect  
 3 the resources of the System.

4 **§ 100713. Management development and training**

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

11 **§ 100714. System unit accountability and budgets**

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

17 (b) ANNUAL BUDGET.—

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

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

25 (A) funding allocations for resource preservation (including re-  
 26 source management), visitor services (including maintenance, in-  
 27 terpretation, law enforcement, and search and rescue), and admin-  
 28 istration; and

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

33 **Subchapter III—System Resource Inventory and**  
 34 **Management**

35 **§ 100721. Purposes**

36 The purposes of this subchapter are—

37 (1) to more effectively achieve the mission of the Service;

38 (2) to enhance management and protection of System resources by  
 39 providing clear authority and direction for the conduct of scientific  
 40 study in the System and to use the information gathered for manage-  
 41 ment purposes;

1 (3) to ensure appropriate documentation of resource conditions in  
2 the System;

3 (4) to encourage others to use the System for study to the benefit  
4 of System management as well as broader scientific value, where such  
5 study is consistent with chapter 1003 and sections 100901(a), 100906,  
6 102101, and 102102 of this title; and

7 (5) to encourage the publication and dissemination of information  
8 derived from studies in the System.

9 **§ 100722. 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 **§ 100723. Cooperative agreements**

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

20 **§ 100724. Inventory and monitoring program**

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

26 **§ 100725. Availability of System units for scientific study**

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

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

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

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

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

1 (d) BENEFIT-SHARING ARRANGEMENTS.—The Secretary may enter into  
 2 equitable, efficient benefit-sharing arrangements with the research commu-  
 3 nity and private industry.

4 **§ 100726. Integration of study results into management deci-**  
 5 **sions**

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

14 **§ 100727. 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  
 17 mineral or paleontological objects within System units, or of objects of cul-  
 18 tural patrimony within System units, may be withheld from the public in  
 19 response to a request under section 552 of title 5 unless the Secretary de-  
 20 termines that—

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

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

28 **CHAPTER 1009—ADMINISTRATION**

Sec.

- 100901. Regulations.
- 100902. Authority of Secretary to carry out certain activities.
- 100903. Central warehouses at System units.
- 100904. Services or other accommodations for public.
- 100905. Care, removal, and burial of indigents.
- 100906. Destruction of animals and plant life.
- 100907. Hire of work animals, vehicles, and equipment with or without personal services.
- 100908. Preparation of mats for reproduction of photographs.
- 100909. Advisory committees.
- 100910. Relinquishment of legislative jurisdiction.
- 100911. Applicability of other laws.

29 **§ 100901. Regulations**

30 (a) USE AND MANAGEMENT OF SYSTEM UNITS.—The Secretary shall  
 31 make such regulations as the Secretary considers necessary or proper for  
 32 the use and management of System units.

1 (b) BOATING AND OTHER ACTIVITIES ON OR RELATING TO BODIES OF  
 2 WATER.—To facilitate the administration of the System, the Secretary,  
 3 under such terms and conditions as the Secretary considers advisable, may  
 4 prescribe and enforce regulations concerning boating and other activities on  
 5 or relating to bodies of water located within System units, including bodies  
 6 of water subject to the jurisdiction of the United States. Any regulation  
 7 adopted pursuant to this subsection shall be complementary to, and not in  
 8 derogation of, the authority of the Coast Guard to regulate the use of bodies  
 9 of water subject to the jurisdiction of the United States.

10 **§ 100902. Authority of Secretary to carry out certain activi-**  
 11 **ties**

12 To facilitate the administration of the System, the Secretary, under such  
 13 terms and conditions as the Secretary may consider advisable, may carry  
 14 out the following activities:

15 (1) SERVICES, RESOURCES, OR WATER CONTRACTS.—The Secretary  
 16 may enter into contracts that provide for the sale or lease to persons,  
 17 States, or political subdivisions of States, of services, resources, or  
 18 water available within a System unit, as long as the activity does not  
 19 jeopardize or unduly interfere with the primary natural or historic re-  
 20 source of the System unit, if the person, State, or political subdivi-  
 21 sion—

22 (A) provides public accommodations or services within the im-  
 23 mediate vicinity of the System unit to individuals visiting the Sys-  
 24 tem unit; and

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

28 (2) VEHICULAR AIR CONDITIONING.—The Secretary may acquire,  
 29 and have installed, air conditioning units for any Government-owned  
 30 passenger motor vehicles used by the Service, where assigned duties ne-  
 31 cessitate long periods in automobiles or in regions of the United States  
 32 where high temperatures and humidity are common and prolonged.

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

37 (4) SUPPLIES AND RENTAL OF EQUIPMENT.—The Secretary may  
 38 furnish, on a reimbursement of appropriation basis, supplies, and rent  
 39 equipment, to persons and agencies that, in cooperation with and sub-  
 40 ject to the approval of the Secretary, render services or perform func-  
 41 tions that facilitate or supplement the activities of the Department of

1 the Interior in the administration of the System. The reimbursements  
 2 may be credited to the appropriation current at the time reimburse-  
 3 ments are received.

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

11 (6) RIGHTS-OF-WAY.—The Secretary may acquire—

12 (A) rights-of-way as may be necessary to construct, improve,  
 13 and maintain roads within the authorized boundaries of any Sys-  
 14 tem unit; and

15 (B) land and interests in land adjacent to the rights-of-way,  
 16 when—

17 (i) considered necessary by the Secretary—

18 (I) to provide adequate protection of natural features;

19 or

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

22 (ii) the acquisition of adjacent residual tracts, which other-  
 23 wise would remain after acquiring the rights-of-way, would be  
 24 in the public interest.

25 (7) OPERATION AND MAINTENANCE OF MOTOR AND OTHER EQUIP-  
 26 MENT.—

27 (A) IN GENERAL.—The Secretary may operate, repair, main-  
 28 tain, and replace motor and other equipment on a reimbursable  
 29 basis when the equipment is used on Federal projects of the Sys-  
 30 tem, chargeable to other appropriations, or on work of other Fed-  
 31 eral agencies, when requested by the agencies.

32 (B) REIMBURSEMENT.—Reimbursement shall be—

33 (i) made from appropriations applicable to the work on  
 34 which the equipment is used at rental rates established by the  
 35 Secretary, based on actual or estimated cost of operation, re-  
 36 pair, maintenance, depreciation, and equipment management  
 37 control; and

38 (ii) credited to appropriations currently available at the  
 39 time adjustment is effected.

40 (C) RENTAL OF EQUIPMENT FOR FIRE CONTROL PURPOSES.—

41 The Secretary may rent equipment for fire control purposes to

1 State, county, private, or other non-Federal agencies that cooper-  
 2 ate with the Secretary in the administration of the System and  
 3 other areas in fire control. The rental shall be under the terms  
 4 of written cooperative agreements. The amount collected for the  
 5 rentals shall be credited to appropriations currently available at  
 6 the time payment is received.

7 **§ 100903. Central warehouses at System units**

8 (a) AUTHORITY OF SECRETARY.—The Secretary, in the administration of  
 9 the System, may maintain central warehouses at System units.

10 (b) APPROPRIATIONS.—

11 (1) AVAILABILITY.—Appropriations made for the administration,  
 12 protection, maintenance, and improvement of System units shall be  
 13 available for the purchase of supplies and materials to be kept in cen-  
 14 tral warehouses for distribution at cost, including transportation and  
 15 handling, to projects under specific appropriations.

16 (2) TRANSFERS BETWEEN APPROPRIATIONS.—

17 (A) AUTHORIZATION.—Transfers between the various appro-  
 18 priations made for System units are authorized for the purpose of  
 19 charging the cost of supplies and materials, including transpor-  
 20 tation and handling, drawn from central warehouses maintained  
 21 under this authority to the particular appropriation benefited.

22 (B) AVAILABILITY OF SUPPLIES AND MATERIALS AND TRANS-  
 23 FERS IN SUBSEQUENT YEARS.—Supplies and materials that re-  
 24 main at the end of any fiscal year shall be continuously available  
 25 for issuance during subsequent fiscal years and shall be charged  
 26 for by transfers of funds between appropriations made for the ad-  
 27 ministration, protection, maintenance, and improvement of System  
 28 units for the fiscal year then current without decreasing the ap-  
 29 propriations made for that fiscal year.

30 (c) LIMITATION ON PURCHASE OF SUPPLIES AND MATERIALS.—Supplies  
 31 and materials shall not be purchased solely for the purpose of increasing  
 32 the value of storehouse stock beyond reasonable requirements for any cur-  
 33 rent fiscal year.

34 **§ 100904. Services or other accommodations for public**

35 The Secretary may contract for services or other accommodations pro-  
 36 vided in System units for the public under contract with the Department  
 37 of the Interior, as may be required in the administration of the Service, at  
 38 rates approved by the Secretary for the furnishing of those services or ac-  
 39 commodation to the Federal Government and without compliance with sec-  
 40 tion 3709 of the Revised Statutes (41 U.S.C. 5).

1    **§ 100905. Care, removal, and burial of indigents**

2       The Secretary may provide, out of amounts appropriated for the general  
3    expenses of System units, for the temporary care and removal from a Sys-  
4    tem unit of indigents, and in case of death to provide for their burial in  
5    System units not under local jurisdiction for these purposes. This section  
6    does not authorize transportation of indigents or deceased for a distance of  
7    more than 50 miles from the System unit.

8    **§ 100906. Destruction of animals and plant life**

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

11   **§ 100907. Hire of work animals, vehicles, and equipment**  
12       **with or without personal services**

13       The Secretary may hire, with or without personal services, work animals  
14   and animal-drawn and motor-propelled vehicles and equipment at rates to  
15   be approved by the Secretary and without compliance with section 3709 of  
16   the Revised Statutes.

17   **§ 100908. Preparation of mats for reproduction of photo-**  
18       **graphs**

19       The Secretary shall have prepared mats that may be used for the repro-  
20   duction in magazines and newspapers of photographs of scenery in a System  
21   unit that, in the opinion of the Secretary, would be of interest to the people  
22   of the United States and foreign nations. The mats may be furnished, with-  
23   out charge and under regulations the Secretary may prescribe, to the pub-  
24   lishers of magazines, newspapers, and any other publications that may carry  
25   photographic reproductions.

26   **§ 100909. Advisory committees**

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

31       (b) CHARTER EXCEPTION.—Section 14(b) of the Federal Advisory Com-  
32   mittee Act (5 U.S.C. App.) is waived with respect to any advisory commis-  
33   sion or advisory committee established by law in connection with any Sys-  
34   tem unit during the period for which the commission or committee is au-  
35   thorized by law.

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

40       (d) COMPENSATION AND TRAVEL EXPENSES.—Members of an advisory  
41   committee established under subsection (a) shall receive no compensation

1 for their services as such but shall be allowed necessary travel expenses as  
2 authorized by section 5703 of title 5.

3 **§ 100910. Relinquishment of legislative jurisdiction**

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

9 (1) by filing with the chief executive officer of the State, territory,  
10 or possession a notice of relinquishment to take effect on acceptance;  
11 or

12 (2) as the laws of the State, territory, or possession may otherwise  
13 provide.

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

20 (c) CONCURRENT LEGISLATIVE JURISDICTION.—The Secretary shall dili-  
21 gently pursue the consummation of arrangements with each State, territory,  
22 or possession within which a System unit is located so that insofar as prac-  
23 ticable the United States shall exercise concurrent legislative jurisdiction  
24 within System units.

25 **§ 100911. Applicability of other laws**

26 (a) IN GENERAL.—This section and sections 100501, 100902(3) to (7),  
27 101301(1)(B), 101901(2), and 102911 of this title, and the various authori-  
28 ties relating to the administration and protection of System units, including  
29 the provisions of law listed in subsection (b), shall, to the extent that those  
30 provisions are not in conflict with any such specific provision, be applicable  
31 to System units, and any reference in any of these provisions to a System  
32 unit does not limit those provisions to that System unit.

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

35 (1) chapter 1003, sections 100901(a), 100904 to 100906, 101101,  
36 101102, 101511, 102101, 102102, 102912, and 103301, and chapter  
37 1053 of this title;

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

39 (3) chapter 2001 of this title.

40 **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. Purposes 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.

**Subchapter I—Authority of Secretary**

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

The Secretary in the administration of the Service may accept—

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

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

(a) IN GENERAL.—The Secretary may—

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

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

(c) LIMIT ON ANNUAL AMOUNT.—The amount that may be appropriated annually for purposes of this section shall be limited to \$500,000.

**Subchapter II—National Park Foundation**

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

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

1    **§ 101112. Board**

2       (a) MEMBERSHIP.—The National Park Foundation shall consist of a  
3 Board having as members the Secretary, the Director, ex officio, and no  
4 fewer than 6 private citizens of the United States appointed by the Sec-  
5 retary.

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

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

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

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

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

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

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

27    **§ 101113. Gifts, devises, or bequests**

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

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

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

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

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

9 **§ 101114. Disposition of property or income**

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

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

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

29 **§ 101115. Corporate succession and powers and duties act-**  
 30 **ing as trustee; personal liability for malfeasance**

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

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

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

38 **§ 101116. Corporate powers**

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

1 **§ 101117. Authority of Board**

2 In carrying out this chapter, the Board may—

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

6 **§ 101118. Tax exemptions; contributions toward costs of  
7 local government; contributions, gifts, or transfers  
8 to or for use of United States**

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

13 (b) CONTRIBUTIONS IN LIEU OF TAXES.—The National Park Founda-  
14 tion, in the discretion of its directors, may—

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

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

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

26 **§ 101119. Liability of United States**

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

29 **§ 101120. Promotion of local fundraising support**

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

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

- 35 (1) assist in the creation of local nonprofit support organizations;  
36 and  
37 (2) provide support, national consistency, and management-improv-  
38 ing suggestions for local nonprofit support organizations.

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

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

1 (2) at a minimum shall include—

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

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

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

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

14 (e) AFFILIATIONS.—

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

17 (A) a nonprofit support organization or friends group to modify  
18 current practices or to affiliate with the National Park Founda-  
19 tion; or

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

24 (2) ESTABLISHMENT.—An affiliation with the National Park Found-  
25 ation shall be established only at the discretion of the governing board  
26 of a nonprofit organization.

27 **CHAPTER 1013—EMPLOYEES**

**Subchapter I—General Provisions**

Sec.

- 101301. Authority of Secretary to carry out certain activities.
- 101302. Medical attention for employees.
- 101303. Personal equipment and property.
- 101304. Travel expenses of System employees and dependents of deceased employees.
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**Subchapter II—Housing Improvement**

- 101311. Purposes.
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- 101314. Criteria for providing housing.
- 101315. Authorization for housing agreements.
- 101316. Housing programs.
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- 101318. Leasing of seasonal employee quarters.
- 101319. General leasing provisions.
- 101320. Assessment and priority listing.
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**Subchapter I—General Provisions**

**§ 101301. Authority of Secretary to carry out certain activities**

To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may carry out the following activities:

(1) TRANSPORTATION.—

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

(i) the area is not adequately served by commercial transportation; and

(ii) the transportation is incidental to official transportation services.

(B) EMPLOYEES OF CARLSBAD CAVERNS NATIONAL PARK.—

(i) IN GENERAL.—The Secretary may provide transportation to and from work, outside regular working hours, of employees of Carlsbad Caverns National Park, residing in or near Carlsbad, New Mexico. The transportation shall be between the park and the city, or intervening points, at reasonable rates to be determined by the Secretary, taking into consideration, among other factors, comparable rates charged by transportation companies in the locality for similar services.

(ii) AMOUNTS COLLECTED TO BE CREDITED TO CURRENT APPROPRIATION.—Amounts collected for the transportation shall be credited to the appropriation current at the time payment is received.

(iii) WHEN TRANSPORTATION MAY NOT BE OFFERED.—If adequate transportation facilities are available, or shall be available by any common carrier, at reasonable rates, the facilities contemplated by clause (i) shall not be offered.

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

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

(4) MEALS AND LODGING.—The Secretary may provide meals and lodging, as the Secretary considers appropriate, for members of the

1 United States Park Police and other employees of the Service, as the  
2 Secretary may designate, serving temporarily on extended special duty  
3 in System units. For this purpose the Secretary may use funds appro-  
4 priated for the expenses of the Department of the Interior.

5 **§ 101302. Medical attention for employees**

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

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

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

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

19 **§ 101303. Personal equipment and property**

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

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

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

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

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

40 (d) HIRE, RENTAL, AND PURCHASE OF PROPERTY.—The Secretary,  
41 under regulations the Secretary may prescribe, may authorize the hire, rent-

1 al, or purchase of property from employees of the Service whenever it would  
2 promote the public interest to do so.

3 **§ 101304. Travel expenses of System employees and depend-**  
4 **ents of deceased employees**

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

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

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

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

19 **§ 101305. Uniform allowance**

20 Notwithstanding section 5901(a) of title 5, the uniform allowance for uni-  
21 formed employees of the Service may be up to \$400 annually.

22 **Subchapter II—Housing Improvement**

23 **§ 101311. Purposes**

24 The purposes of this subchapter are—

- 25 (1) to develop where necessary an adequate supply of quality housing  
26 units for field employees of the Service within a reasonable timeframe;  
27 (2) to expand the alternatives available for construction and repair  
28 of essential Federal Government housing;  
29 (3) to rely on the private sector to finance or supply housing in car-  
30 rying out this subchapter, to the maximum extent possible, to reduce  
31 the need for Federal appropriations;  
32 (4) to ensure that adequate funds are available to provide for long-  
33 term maintenance needs of field employee housing; and  
34 (5) to eliminate unnecessary Federal Government housing and locate  
35 such housing as is required in a manner so that primary resource val-  
36 ues are not impaired.

37 **§ 101312. Definitions**

38 In this subchapter:

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

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

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

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

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

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

17 **§ 101313. General authority of Secretary**

18 (a) RENTAL HOUSING.—To enhance the ability of the Secretary to effec-  
19 tively manage System units, the Secretary may where necessary and justi-  
20 fied—

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

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

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

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

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

37 **§ 101314. Criteria for providing housing**

38 The Secretary shall maintain criteria under which housing is provided to  
39 employees of the Service. The Secretary shall examine the criteria with re-  
40 spect the circumstances under which the Service requires an employee to oc-  
41 cupy Federal Government quarters, so as to provide necessary services or

1 protect Federal Government property or because of a lack of availability of  
2 non-Federal housing in a geographic area.

3 **§ 101315. Authorization for housing agreements**

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

10 **§ 101316. Housing programs**

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

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

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

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

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

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

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

26 (B) shall require that the construction and rehabilitation of field  
27 employee quarters be done in accordance with the requirements of  
28 the Service and local applicable building codes and industry stand-  
29 ards;

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

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

39 (4) CONTRIBUTIONS BY FEDERAL GOVERNMENT.—The Secretary  
40 may make payments, subject to appropriations, or contributions in  
41 kind, in advance or on a continuing basis, to reduce the costs of plan-

1           ning, construction, or rehabilitation of quarters on or off Federal land  
2           under a lease under this subsection.

3           (b) RENTAL GUARANTEE PROGRAM.—

4           (1) GENERAL AUTHORITY.—Subject to the appropriation of nec-  
5           essary funds in advance, the Secretary may enter into a lease-to-build  
6           arrangement as set forth in subsection (a) with further agreement to  
7           guarantee the occupancy of field employee quarters constructed or re-  
8           habilitated under the lease. A guarantee made under this paragraph  
9           shall be in writing.

10          (2) LIMITATIONS ON GUARANTEES.—

11           (A) SPECIFIC GUARANTEES.—The Secretary may not guar-  
12           antee—

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

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

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

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

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

26          **§ 101317. Contracts for the management of field employee**  
27          **quarters**

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

34          **§ 101318. Leasing of seasonal employee quarters**

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

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

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

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

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

9 **§ 101319. General leasing provisions**

10 (a) EXEMPTION FROM LEASING REQUIREMENTS.—Section 104701 of  
11 this title and section 1302 of title 40 shall not apply to leases issued by  
12 the Secretary under this section.

13 (b) PROCEEDS FROM LEASES.—The proceeds from any lease under sec-  
14 tion 101316(a)(1) of this title and any lease under section 101318 of this  
15 title shall be retained by the Service and deposited in the special fund estab-  
16 lished for maintenance and operation of quarters.

17 **§ 101320. Assessment and priority listing**

18 The Secretary shall—

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

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

26 **§ 101321. Use of funds**

27 (a) EXPENDITURE SHALL FOLLOW PRIORITY LISTING.—Expenditure of  
28 any funds authorized and appropriated for new construction, repair, or re-  
29 habilitation of housing under this chapter shall follow the housing priority  
30 listing established by the Secretary under section 101320 of this title, in  
31 sequential order, to the maximum extent practicable.

32 (b) NONCONSTRUCTION FUNDS IN ANNUAL BUDGET SUBMITTAL.—The  
33 President's proposed budget to Congress shall include identification of non-  
34 construction funds to be spent for Service housing maintenance and oper-  
35 ations that are in addition to rental receipts collected.

36 **CHAPTER 1015—TRANSPORTATION**

**Subchapter I—Airports**

Sec.

101501. Airports in or near System units.

**Subchapter II—Roads and Trails**

101511. Roads and trails.

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

101521. Findings and purpose.

101522. Transportation service and facility programs.  
 101523. Transportation projects.  
 101524. Procedures applicable to transportation plans and projects.

**Subchapter IV—Fees**

101531. Fee for use of transportation services.

**Subchapter I—Airports**

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

(a) DEFINITIONS.—In this section, the terms “airport”, “project”, “project costs”, “public agency”, and “sponsor” have the meanings given the terms in subchapter I of chapter 471 of title 49.

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

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

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

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

(c) AUTHORITY OF SECRETARY.—

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

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

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

(C) enter into agreements with other public agencies providing for the construction, operation, or maintenance of airports by those agencies or jointly by the Secretary and those agencies on mutually satisfactory terms; and

(D) enter into other agreements and take other action with respect to the airports as may be necessary to carry out this section.

(2) CONSENT REQUIRED.—This section does not authorize the Secretary to acquire any land, or interest in or over land, by purchase, condemnation, grant, or lease, without first obtaining the consent of the Governor of the State, and the consent of the State political subdivision, in which the land is located.

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

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

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

7 (A) contributed or otherwise made available to the Secretary for  
8 those purposes; or

9 (B) appropriated or otherwise specifically authorized for that  
10 purpose.

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

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

#### 16 **§ 101511. Roads and trails**

17 (a) CONSTRUCTION.—The Secretary, in the administration of the Service,  
18 may construct, reconstruct, and improve roads and trails, inclusive of nec-  
19 essary bridges, in System units.

20 (b) APPROACH ROADS.—

21 (1) DESIGNATION.—When the Secretary determines it to be in the  
22 public interest, the Secretary may designate, as System unit approach  
23 roads and as supplementary parts of the highway systems of any Sys-  
24 tem unit, roads whose primary value is to carry System unit travel and  
25 that lead across land at least 90 percent owned by the Federal Govern-  
26 ment and that will connect the highways within a System unit with a  
27 convenient point on or leading to the National Highway System.

28 (2) LIMIT ON LENGTH OF APPROACH ROADS.—A designated ap-  
29 proach road shall not exceed—

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

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

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

37 (c) CONSTRUCTION AND IMPROVEMENT OF ROADS AND TRAILS WITHIN  
38 SYSTEM UNITS.—

39 (1) AUTHORITY OF SECRETARY.—

40 (A) IN GENERAL.—The Secretary may construct, reconstruct,  
41 and improve roads and trails within System units.

1 (B) AUTHORITY NOT LIMITED.—This subsection and sub-  
 2 sections (a), (b), and (d) do not limit the authority of the Sec-  
 3 retary to construct, reconstruct, improve, and maintain roads and  
 4 trails within System units.

5 (2) SECRETARY OF COMMERCE.—Under agreement with the Sec-  
 6 retary, the Secretary of Commerce may carry out any provision of this  
 7 subsection.

8 (3) ALLOCATION.—Not to be exceed \$1,500,000 shall be allocated  
 9 annually for the construction, reconstruction, and improvement of Sys-  
 10 tem unit approach roads

11 (d) APPROVAL OF SECRETARY OF AGRICULTURE REQUIRED.—When an  
 12 approach road is proposed across or within any national forest, the Sec-  
 13 retary shall secure the approval of the Secretary of Agriculture before con-  
 14 struction begins.

15 (e) CONVEYANCE TO STATES OF ROADS LEADING TO CERTAIN HISTOR-  
 16 ICAL AREAS.—

17 (1) DEFINITION.—In this subsection, the term “State” includes  
 18 Puerto Rico, Guam, and the Virgin Islands.

19 (2) AUTHORITY OF SECRETARY.—The Secretary may, subject to con-  
 20 ditions as may seem proper to the Secretary, convey by proper quit-  
 21 claim deed to any State, county, municipality, or proper agency of a  
 22 State, county, or municipality, in which the road is located, all the  
 23 right, title, and interest of the United States in and to any Federal  
 24 Government owned or controlled road leading to any national cemetery,  
 25 national military park, national historical park, national battlefield  
 26 park, or national historic site administered by the Service.

27 (3) NOTIFICATION BY STATE, AGENCY, OR MUNICIPALITY.—Prior to  
 28 the delivery of any conveyance under this section, the State, county,  
 29 or municipality to which the conveyance is to be made shall notify the  
 30 Secretary in writing of its willingness to accept and maintain the roads  
 31 included in the conveyance.

32 (4) TRANSFER OF JURISDICTION.—On the execution and delivery of  
 33 the conveyance, any jurisdiction previously ceded to the United States  
 34 by a State over the roads conveyed shall cease and determine and shall  
 35 vest and be in the particular State in which the roads are located.

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

38 **§ 101521. Findings and purpose**

39 (a) 1978 FINDINGS.—Congress finds that—

1 (1) the purpose of the System is to preserve outstanding natural,  
2 scenic, historic, and recreation areas for the enjoyment, education, in-  
3 spiration, and use of all people;

4 (2) System units have been established near major metropolitan  
5 areas to preserve remaining open space and to provide recreational op-  
6 portunities for urban residents (many of whom do not have access to  
7 personal motor vehicles); and

8 (3) circumstances that necessarily require people desiring to visit  
9 System units to rely on personal motor vehicles may diminish the nat-  
10 ural and recreational value of the System units by causing traffic con-  
11 gestion and environmental damage, and by requiring the provision of  
12 roads, parking, and other facilities in ever-increasing numbers and den-  
13 sity.

14 (b) PURPOSE.—The purpose of this subchapter is to make the System  
15 more accessible in a manner consistent with the preservation of System  
16 units and the conservation of energy by encouraging the use of transpor-  
17 tation modes other than personal motor vehicles for access to and within  
18 System units with minimum disruption to nearby communities through au-  
19 thorization of a pilot transportation program.

20 **§ 101522. Transportation service and facility programs**

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

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

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

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

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

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

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

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

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

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

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

9 (c) APPROPRIATION OF FEES COLLECTED AND DEPOSITED IN PLAN-  
 10 NING, DEVELOPMENT, AND OPERATION OF RECREATIONAL FACILITIES AP-  
 11 PROPRIATION ACCOUNT.—All fees directly collected by the Service in the op-  
 12 eration of the facilities and services authorized by this subchapter shall be  
 13 deposited into the Planning, Development, and Operation of Recreation Fa-  
 14 cilities appropriation account to be subject to appropriation.

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

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

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

34 **§ 101523. Transportation projects**

35 (a) ASSISTANCE OF HEADS OF OTHER FEDERAL DEPARTMENTS AND  
 36 AGENCIES IN FORMULATION AND IMPLEMENTATION.—To carry out this  
 37 subchapter, the Secretary of Transportation, the Secretary of Housing and  
 38 Urban Development, the Secretary of Health and Human Services, the Sec-  
 39 retary of Commerce, and the heads of other Federal departments or agen-  
 40 cies that the Secretary considers necessary shall assist the Secretary in the  
 41 formulation and implementation of transportation projects.

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

5 **§ 101524. Procedures applicable to transportation plans and**  
 6 **projects**

7 (a) DURING FORMULATION OF PLAN.—The Secretary shall, during the  
 8 formulation of any transportation plan authorized pursuant to section  
 9 101522 of this title—

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

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

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

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

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

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

30 **Subchapter IV—Fees**

31 **§ 101531. Fee for use of transportation services**

32 Notwithstanding any other provision of law, where the Service or an enti-  
 33 ty under a service contract, cooperative agreement, or other contractual  
 34 agreement with the Service provides transportation to all or a portion of any  
 35 System unit, the Secretary may impose a reasonable and appropriate charge  
 36 to the public for the use of the transportation services in addition to any  
 37 admission fee required to be paid. Collection of the transportation and ad-  
 38 mission fees may occur at the transportation staging area or any other rea-  
 39 sonably convenient location determined by the Secretary. The Secretary may  
 40 enter into agreements, with public or private entities that qualify to the Sec-  
 41 retary's satisfaction, to collect the transportation and admission fee. Trans-

1     portation fees collected pursuant to this section shall be retained by the Sys-  
 2     tem unit at which the transportation fee was collected, and the amount re-  
 3     tained shall be expended only for costs associated with the transportation  
 4     systems at the System unit where the charge was imposed.

## 5                   **CHAPTER 1017—FINANCIAL AGREEMENTS**

Sec.

101701. Challenge cost-share agreement authority.

101702. Cooperative agreements.

101703. Reimbursable agreements.

### 6     **§ 101701. Challenge cost-share agreement authority**

7           (a) DEFINITIONS.—In this section:

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

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

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

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

### 24     **§ 101702. Cooperative agreements**

25           (a) TRANSFER OF SERVICE APPROPRIATED FUNDS.—The Secretary may  
 26           enter into cooperative agreements that involve the transfer of Service appro-  
 27           priated funds to State, local, and tribal governments, other public entities,  
 28           educational institutions, and private nonprofit organizations pursuant to  
 29           section 6305 of title 31 to carry out public purposes of Service programs.

30           (b) COOPERATIVE RESEARCH AND TRAINING PROGRAMS.—

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

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

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

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

9 (c) COOPERATIVE MANAGEMENT AGREEMENTS.—

10 (1) IN GENERAL.—To facilitate the administration of the System,  
 11 the Secretary, under such terms and conditions as the Secretary con-  
 12 siders advisable, may enter into an agreement with a State or local gov-  
 13 ernment agency to provide for the cooperative management of the Fed-  
 14 eral and State or local park areas where a System unit is located adja-  
 15 cent to or near a State or local park area, and cooperative management  
 16 between the Service and a State or local government agency of a por-  
 17 tion of either the System unit or State or local park will allow for more  
 18 effective and efficient management of the System unit and State or  
 19 local park. The Secretary may not transfer administration responsibil-  
 20 ities for any System unit under this paragraph.

21 (2) PROVISION OF GOODS AND SERVICES.—Under a cooperative  
 22 management agreement, the Secretary may acquire from and provide  
 23 to a State or local government agency goods and services to be used  
 24 by the Secretary and the State or local governmental agency in the co-  
 25 operative management of land.

26 (3) ASSIGNMENT OF EMPLOYEE.—An assignment arranged by the  
 27 Secretary under section 3372 of title 5 of a Federal, State, or local em-  
 28 ployee for work on any Federal, State, or local land or an extension  
 29 of the assignment may be for any period of time determined by the  
 30 Secretary and the State or local agency to be mutually beneficial.

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

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

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

- 1 (A) provide for—
- 2 (i) the preservation, conservation, and restoration of coastal
- 3 and riparian systems, watersheds, and wetlands;
- 4 (ii) preventing, controlling, or eradicating invasive exotic
- 5 species that are within a System unit or adjacent to a System
- 6 unit; or
- 7 (iii) restoration of natural resources, including native wild-
- 8 life habitat or ecosystems;
- 9 (B) include a statement of purpose demonstrating how the
- 10 agreement will—
- 11 (i) enhance science-based natural resource stewardship at
- 12 the System unit; and
- 13 (ii) benefit the parties to the agreement;
- 14 (C) specify any staff required and technical assistance to be pro-
- 15 vided by the Secretary or other parties to the agreement in sup-
- 16 port of activities inside and outside the System unit that will—
- 17 (i) protect natural resources of the System unit; and
- 18 (ii) benefit the parties to the agreement;
- 19 (D) identify any materials, supplies, or equipment and any other
- 20 resources that will be contributed by the parties to the agreement
- 21 or by other Federal agencies;
- 22 (E) describe any financial assistance to be provided by the Sec-
- 23 retary or the partners to implement the agreement;
- 24 (F) ensure that any expenditure by the Secretary pursuant to
- 25 the agreement is determined by the Secretary to support the pur-
- 26 poses of natural resource stewardship at a System unit; and
- 27 (G) include such other terms and conditions as are agreed to
- 28 by the Secretary and the other parties to the agreement.

29 (3) LIMITATIONS.—The Secretary shall not use any funds associated

30 with an agreement entered into under paragraph (1) for the purposes

31 of land acquisition, regulatory activity, or the development, mainte-

32 nance, or operation of infrastructure, except for ancillary support facili-

33 ties that the Secretary determines to be necessary for the completion

34 of projects or activities identified in the agreement.

35 (4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to

36 be appropriated such sums as are necessary to carry out this sub-

37 section.

38 **§ 101703. Reimbursable agreements**

39 (a) IN GENERAL.—In carrying out work under reimbursable agreements

40 with any State, local, or tribal government, the Secretary, without regard

41 to any provision of law or a regulation—

1 (1) may record obligations against accounts receivable from those  
2 governments; and

3 (2) shall credit amounts received from those governments to the ap-  
4 propriate account.

5 (b) WHEN AMOUNTS SHALL BE CREDITED.—Amounts shall be credited  
6 within 90 days of the date of the original request by the Service for pay-  
7 ment.

## 8 **CHAPTER 1019—CONCESSIONS**

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

Sec.

101901. Authority of Secretary to carry out certain activities.

### **Subchapter II—Concession Management**

101911. Definitions.

101912. Findings and declaration of policy.

101913. Award of concession contracts.

101914. Terms 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. Special rule for service contract to provide transportation services.

101923. Use of nonmonetary consideration in concession contracts.

101924. Recordkeeping requirements.

101925. Promotion of sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian  
handicrafts.

101926. Commercial use authorizations.

101927. Regulations.

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

#### 10 **§ 101901. Authority of Secretary to carry out certain activi-** 11 **ties**

12 To facilitate the administration of the System, the Secretary, under such  
13 terms and conditions as the Secretary considers advisable, may carry out  
14 the following activities:

15 (1) SALE OF PRODUCTS AND SERVICES PRODUCED IN THE CONDUCT  
16 OF LIVING EXHIBITS AND INTERPRETATIVE DEMONSTRATIONS.—

17 (A) IN GENERAL.—The Secretary may—

18 (i) sell at fair market value, without regard to the require-  
19 ments of chapters 1 to 11 of title 40 and subtitle III of the  
20 Federal Property and Administrative Services Act of 1949  
21 (41 U.S.C. 251 et seq.), products and services produced in  
22 the conduct of living exhibits and interpretive demonstrations  
23 in System units;

24 (ii) enter into contracts (including cooperative arrange-  
25 ments) with respect to those living exhibits and interpretive  
26 demonstrations; and

1 (iii) subject to subparagraph (B), credit the proceeds from  
2 those sales and contracts to the appropriation bearing the  
3 cost of the exhibits and demonstrations.

4 (B) GLACIER BAY NATIONAL PARK.—

5 (i) DEFINITIONS.—In this subparagraph—

6 (I) CERTAIN PERMITTEE.—The term “certain per-  
7 mittee” means a permittee that provides overnight ac-  
8 commodations for at least 500 passengers for an  
9 itinerary of at least 3 nights.

10 (II) PERMITTEE.—The term “permittee” means a  
11 concessionaire providing visitor services within Glacier  
12 Bay.

13 (ii) LIMITATION ON USE OF FEES.—Sixty percent of the  
14 fees paid by permittees for the privilege of entering into Gla-  
15 cier Bay shall be deposited in a special account and shall be  
16 available—

17 (I) to the extent determined to be necessary, to ac-  
18 quire and pre-position necessary and adequate emergency  
19 response equipment to prevent harm or the threat of  
20 harm to aquatic park resources from permittees; and

21 (II) to conduct investigations to quantify any effect of  
22 permittees’ activity on wildlife and other natural resource  
23 values of Glacier Bay National Park.

24 (iii) PURPOSE OF INVESTIGATIONS.—The investigations  
25 provided for in this subparagraph shall be designed to provide  
26 information of value to the Secretary in determining any ap-  
27 propriate limitations on permittees’ activity in Glacier Bay.

28 (iv) NO ADDITIONAL CONDITIONS TO BE IMPOSED.—The  
29 Secretary may not impose any additional permittee operating  
30 conditions in the areas of air, water, and oil pollution beyond  
31 those determined and enforced by other appropriate agencies.

32 (v) ACCOUNTING FOR IMPACT OF PERMITTEES ON PARK  
33 VALUES AND RESOURCES.—When competitively awarding per-  
34 mits to enter Glacier Bay, the Secretary may take into ac-  
35 count the relative impact particular permittees will have on  
36 park values and resources, provided that no operating condi-  
37 tions or limitations relating to noise abatement shall be im-  
38 posed unless the Secretary determines, based on the weight  
39 of the evidence from all available studies including verifiable  
40 scientific information from the investigations provided for in

1 this paragraph, that the limitations or conditions are nec-  
 2 essary to protect park values and resources.

3 (vi) LIMIT ON AMOUNT OF FEE.—Fees paid by certain per-  
 4 mittees for the privilege of entering into Glacier Bay shall not  
 5 exceed \$5 per passenger.

6 (vii) ADDITIONAL CATEGORIES OF PERMITS OR NUMBER OF  
 7 PERMITS NOT AUTHORIZED.—This subparagraph does not au-  
 8 thorize the Secretary to require additional categories of per-  
 9 mits in, or otherwise increase the number of permits to enter,  
 10 Glacier Bay National Park.

11 (2) UTILITY SERVICES FOR CONCESSIONERS.—The Secretary may  
 12 furnish, on a reimbursement of appropriation basis, all types of utility  
 13 services to concessioners, contractors, permittees, or other users of the  
 14 services, within the System. The reimbursements for cost of the serv-  
 15 ices may be credited to the appropriation current at the time reim-  
 16 bursements are received.

## 17 **Subchapter II—Concession Management**

### 18 **§ 101911. Definitions**

19 In this subchapter:

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

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

### 32 **§ 101912. Findings and declaration of policy**

33 (a) FINDINGS.—In furtherance of section 100301(b), Congress finds that  
 34 the preservation and conservation of System unit resources and values re-  
 35 quires that public accommodations, facilities, and services that have to be  
 36 provided within those System units should be provided only under carefully  
 37 controlled safeguards against unregulated and indiscriminate use, so that—

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

39 (2) development of public accommodations, facilities, and services  
 40 within System units can best be limited to locations that are consistent

1 to the highest practicable degree with the preservation and conservation  
2 of the resources and values of the System units.

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

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

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

10 **§ 101913. Award of concession contracts**

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

17 (1) COMPETITIVE SELECTION PROCESS.—Except as otherwise pro-  
18 vided in this section, all proposed concession contracts shall be awarded  
19 by the Secretary to the person, corporation, or other entity submitting  
20 the best proposal, as determined by the Secretary through a competi-  
21 tive selection process. The competitive process shall include simplified  
22 procedures for small, individually-owned concession contractors.

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

26 (A) shall publicly solicit proposals for the concession contract;  
27 and

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

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

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

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

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

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

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

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

5 (E) An estimate of the amount of compensation due an existing  
6 concessioner from a new concessioner under the terms of a prior  
7 concession contract.

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

11 (G) Other information related to the proposed concession oper-  
12 ation that is provided to the Secretary pursuant to a concession  
13 contract or is otherwise available to the Secretary, as the Sec-  
14 retary determines is necessary to allow for the submission of com-  
15 petitive proposals.

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

19 (4) CONSIDERATION OF PROPOSALS.—

20 (A) MINIMUM REQUIREMENTS.—No proposal shall be consid-  
21 ered that fails to meet the minimum requirements as determined  
22 by the Secretary. The minimum requirements shall include the fol-  
23 lowing:

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

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

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

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

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

35 (ii) the proposal is not responsive to the objectives of pro-  
36 tecting and preserving resources of the System unit and of  
37 providing necessary and appropriate facilities and services to  
38 the public at reasonable rates.

39 (C) ALL PROPOSALS FAIL TO MEET MIMIMUM REQUIREMENTS  
40 OR ARE REJECTED.—If all proposals submitted to the Secretary  
41 fail to meet the minimum requirements or are rejected by the Sec-

1           retary, the Secretary shall establish new minimum contract re-  
2           quirements and re-initiate the competitive selection process pursu-  
3           ant to this section.

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

12       (5) SELECTION OF THE BEST PROPOSAL.—

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

15               (i) The responsiveness of the proposal to the objectives of  
16               protecting, conserving, and preserving resources of the Sys-  
17               tem unit and of providing necessary and appropriate facilities  
18               and services to the public at reasonable rates.

19               (ii) The experience and related background of the person,  
20               corporation, or entity submitting the proposal, including the  
21               past performance and expertise of the person, corporation or  
22               entity in providing the same or similar facilities or services.

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

25               (iv) The proposed franchise fee, except that consideration  
26               of revenue to the United States shall be subordinate to the  
27               objectives of protecting, conserving, and preserving resources  
28               of the System unit and of providing necessary and appro-  
29               priate facilities to the public at reasonable rates.

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

32           (C) DEVELOPMENT OF REGULATIONS.—In developing regula-  
33           tions to implement this subchapter, the Secretary shall consider  
34           the extent to which plans for employment of Indians (including  
35           Native Alaskans) and involvement of businesses owned by Indians,  
36           Indian tribes, or Native Alaskans in the operation of a concession  
37           contract should be identified as a factor in the selection of a best  
38           proposal under this section.

39       (6) CONGRESSIONAL NOTIFICATION.—

40           (A) IN GENERAL.—The Secretary shall submit any proposed  
41           concession contract with anticipated annual gross receipts in ex-

1           cess of \$5,000,000 or a duration of more than 10 years to the  
2           Committee on Natural Resources of the House of Representatives  
3           and the Committee on Energy and Natural Resources of the Sen-  
4           ate.

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

9           (7) PREFERENTIAL RIGHT OF RENEWAL.—

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

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

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

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

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

26           (i) Subject to subparagraph (B), concession contracts that  
27           solely authorize the provision of specialized backcountry out-  
28           door recreation guide services that require the employment of  
29           specially trained and experienced guides to accompany System  
30           unit visitors in the backcountry so as to provide a safe and  
31           enjoyable experience for visitors who otherwise may not have  
32           the skills and equipment to engage in that activity.

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

35           (B) OUTFITTING AND GUIDE CONCESSIONERS.—

36           (i) DESCRIPTION.—Outfitting and guide concessioners,  
37           where otherwise qualified, include concessioners that provide  
38           guided river running, hunting, fishing, horseback, camping,  
39           and mountaineering experiences.

1 (ii) WHEN ENTITLED TO PREFERENTIAL RIGHT.—An out-  
2 fitting and guide concessioner is entitled to a preferential  
3 right of renewal under this subchapter only if—

4 (I) the contract with the outfitting and guide conces-  
5 sioner does not grant the concessioner any interest, in-  
6 cluding any leasehold surrender interest or possessory in-  
7 terest, in capital improvements on land owned by the  
8 United States within a System unit, other than a capital  
9 improvement constructed by a concessioner pursuant to  
10 the terms of a concession contract prior to November 13,  
11 1998, or constructed or owned by a concessioner or the  
12 concessioner's predecessor before the subject land was  
13 incorporated into the System;

14 (II) the Secretary determines that the concessioner  
15 has operated satisfactorily during the term of the con-  
16 tract (including any extension); and

17 (III) the concessioner has submitted a responsive pro-  
18 posal for a proposed new concession contract that satis-  
19 fies the minimum requirements established by the Sec-  
20 retary pursuant to paragraph (4).

21 (C) CONTRACT WITH ESTIMATED GROSS RECEIPTS OF LESS  
22 THAN \$500,000.—A concessioner that holds a concession contract  
23 that the Secretary estimates will result in gross annual receipts of  
24 less than \$500,000 if renewed shall be entitled to a preferential  
25 right of renewal under this subchapter if—

26 (i) the Secretary has determined that the concessioner has  
27 operated satisfactorily during the term of the contract (in-  
28 cluding any extension); and

29 (ii) the concessioner has submitted a responsive proposal  
30 for a proposed new concession contract that satisfies the min-  
31 imum requirements established by the Secretary pursuant to  
32 paragraph (4).

33 (9) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant  
34 a preferential right to a concessioner to provide new or additional serv-  
35 ices in a System unit.

36 (10) AUTHORITY OF SECRETARY NOT LIMITED.—Nothing in this  
37 subchapter shall be construed as limiting the authority of the Secretary  
38 to determine whether to issue a concession contract or to establish its  
39 terms and conditions in furtherance of the policies expressed in this  
40 subchapter.

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

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

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

16 (i) publication in the Federal Register of notice of the Sec-  
17 retary’s intention to award the contract and the reasons for  
18 the action; and

19 (ii) submission of notice to the Committee on Energy and  
20 Natural Resources of the Senate and the Committee on Nat-  
21 ural Resources of the House of Representatives.

22 **§ 101914. Term of concession contracts**

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

28 **§ 101915. Protection of concessioner investment**

29 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

11 (2) PLEDGE, TRANSFER, RELINQUISHMENT, AND WAIVER OF INTER-  
 12 EST; INTEREST NOT TO BE EXTINGUISHED; WHEN INTEREST MAY BE  
 13 TAKEN FOR PUBLIC USE.—A leasehold surrender interest—

14 (A) may be pledged as security for financing of a capital im-  
 15 provement or the acquisition of a concession contract when ap-  
 16 proved by the Secretary pursuant to this subchapter;

17 (B) shall be transferred by the concessioner in connection with  
 18 any transfer of the concession contract and may be relinquished  
 19 or waived by the concessioner; and

20 (C) shall not be extinguished by the expiration or other termi-  
 21 nation of a concession contract and may not be taken for public  
 22 use except on payment of just compensation.

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

33 (4) VALUE OF INTEREST IN CERTAIN NEW CONCESSION CON-  
 34 TRACTS.—

35 (A) HOW VALUE IS DETERMINED.—The Secretary may provide,  
 36 in any new concession contract that the Secretary estimates will  
 37 have a leasehold surrender interest of more than \$10,000,000,  
 38 that the value of any leasehold surrender interest in a capital im-  
 39 provement shall be based on—

40 (i) a reduction on an annual basis, in equal portions, over  
 41 the same number of years as the time period associated with

1 the straight line depreciation of the initial value (construction  
2 cost of the capital improvement), as provided by applicable  
3 Federal income tax laws and regulations in effect on Novem-  
4 ber 12, 1998; or

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

7 (B) WHEN ALTERNATIVE FORMULA MAY BE USED.—The Sec-  
8 retary may use an alternative formula only if the Secretary deter-  
9 mines, after scrutiny of the financial and other circumstances in-  
10 volved in the particular concession contract (including providing  
11 notice in the Federal Register and opportunity for comment), that  
12 the alternative formula is, compared to the standard method of de-  
13 termining value provided for in paragraph (3), necessary to pro-  
14 vide a fair return to the Federal Government and to foster com-  
15 petition for the new contract by providing a reasonable oppor-  
16 tunity to make a profit under the new contract. If no responsive  
17 offers are received in response to a solicitation that includes the  
18 alternative formula, the concession opportunity shall be resolicited  
19 with the leasehold surrender interest value as described in para-  
20 graph (3).

21 (5) INCREASE IN VALUE OF INTEREST.—Where a concessioner, pur-  
22 suant to the terms of a concession contract, makes a capital improve-  
23 ment to an existing capital improvement in which the concessioner has  
24 a leasehold surrender interest, the cost of the additional capital im-  
25 provement shall be added to the then-current value of the conces-  
26 sioner's leasehold surrender interest.

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

29 (1) IN GENERAL.—A concessioner that has obtained a possessory in-  
30 terest (as defined pursuant to the Act of October 9, 1965 (known as  
31 the National Park Service Concessions Policy Act; Public Law 89-249,  
32 79 Stat. 969), as in effect on November 12, 1998) under the terms  
33 of a concession contract entered into before November 13, 1998, shall,  
34 on the expiration or termination of the concession contract, be entitled  
35 to receive compensation for the possessory interest improvements in the  
36 amount and manner as described by the concession contract. Where  
37 that possessory interest is not described in the existing concession con-  
38 tract, compensation of possessory interest shall be determined in ac-  
39 cordance with the laws in effect on November 12, 1998.

40 (2) EXISTING CONCESSIONER AWARDED A NEW CONTRACT.—A con-  
41 cessioner awarded a new concession contract to replace an existing con-

1           cession contract after November 13, 1998, instead of directly receiving  
 2           the possessory interest compensation, shall have a leasehold surrender  
 3           interest in its existing possessory interest improvements under the  
 4           terms of the new concession contract and shall carry over as the initial  
 5           value of the leasehold surrender interest (instead of construction cost)  
 6           an amount equal to the value of the existing possessory interest as of  
 7           the termination date of the previous concession contract. In the event  
 8           of a dispute between the concessioner and the Secretary as to the value  
 9           of the possessory interest, the matter shall be resolved through binding  
 10          arbitration.

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

18           (d) TRANSITION TO SUCCESSOR CONCESSIONER.—On expiration or ter-  
 19          mination of a concession contract entered into after November 13, 1998, a  
 20          concessioner shall be entitled under the terms of the concession contract to  
 21          receive from the United States or a successor concessioner the value of any  
 22          leasehold surrender interest in a capital improvement as of the date of the  
 23          expiration or termination. A successor concessioner shall have a leasehold  
 24          surrender interest in the capital improvement under the terms of a new con-  
 25          cession contract and the initial value of the leasehold surrender interest in  
 26          the capital improvement (instead of construction cost) shall be the amount  
 27          of money the new concessioner is required to pay the prior concessioner for  
 28          its leasehold surrender interest under the terms of the prior concession con-  
 29          tract.

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

### 33   **§ 101916. Reasonableness of rates and charges**

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

37           (b) APPROVAL BY SECRETARY REQUIRED.—

38           (1) FACTORS TO CONSIDER.—A concessioner's rates and charges to  
 39          the public shall be subject to approval by the Secretary. The approval  
 40          process utilized by the Secretary shall be as prompt and as  
 41          unburdensome to the concessioner as possible and shall rely on market

1 forces to establish reasonableness of rates and charges to the maximum  
 2 extent practicable. The Secretary shall approve rates and charges that  
 3 the Secretary determines to be reasonable and appropriate. Unless oth-  
 4 erwise provided in the concession contract, the reasonableness and ap-  
 5 propriateness of rates and charges shall be determined primarily by  
 6 comparison with those rates and charges for facilities, goods, and serv-  
 7 ices of comparable character under similar conditions, with due consid-  
 8 eration to the following factors and other factors deemed relevant by  
 9 the Secretary:

10 (A) Length of season.

11 (B) Peakloads.

12 (C) Average percentage of occupancy.

13 (D) Accessibility.

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

15 (F) Type of patronage.

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

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

25 **§ 101917. Franchise fees**

26 (a) IN GENERAL.—A concession contract shall provide for payment to the  
 27 Federal Government of a franchise fee or other monetary consideration as  
 28 determined by the Secretary, on consideration of the probable value to the  
 29 concessioner of the privileges granted by the particular contract involved.  
 30 Probable value shall be based on a reasonable opportunity for net profit in  
 31 relation to capital invested and the obligations of the concession contract.  
 32 Consideration of revenue to the United States shall be subordinate to the  
 33 objectives of protecting and preserving System units and of providing nec-  
 34 essary and appropriate services for visitors at reasonable rates.

35 (b) PROVISIONS TO BE SPECIFIED IN CONTRACT.—The amount of the  
 36 franchise fee or other monetary consideration paid to the United States for  
 37 the term of the concession contract shall be specified in the concession con-  
 38 tract and may be modified only to reflect extraordinary unanticipated  
 39 changes from the conditions anticipated as of the effective date of the con-  
 40 cession contract. The Secretary shall include in concession contracts with a  
 41 term of more than 5 years a provision that allows reconsideration of the

1 franchise fee at the request of the Secretary or the concessioner in the event  
2 of extraordinary unanticipated changes. The provision shall provide for  
3 binding arbitration in the event that the Secretary and the concessioner are  
4 unable to agree on an adjustment to the franchise fee in those cir-  
5 cumstances.

6 (c) SPECIAL ACCOUNT IN TREASURY.—

7 (1) DEPOSIT AND AVAILABILITY.—All franchise fees (and other mon-  
8 etary consideration) paid to the United States pursuant to concession  
9 contracts shall be deposited in a special account established in the  
10 Treasury. Twenty percent of the funds deposited in the special account  
11 shall be available for expenditure by the Secretary, without further ap-  
12 propriation, to support activities throughout the System regardless of  
13 the System unit in which the funds were collected. The funds deposited  
14 in the special account shall remain available until expended.

15 (2) SUBACCOUNT FOR EACH SYSTEM UNIT.—There shall be estab-  
16 lished within the special account a subaccount for each System unit.  
17 Each subaccount shall be credited with 80 percent of the franchise fees  
18 (and other monetary consideration) collected at a single System unit  
19 under concession contracts. The funds credited to the subaccount for  
20 a System unit shall be available for expenditure by the Secretary, with-  
21 out further appropriation, for use at the System unit for visitor services  
22 and for purposes of funding high-priority and urgently necessary re-  
23 source management programs and operations. The funds credited to a  
24 subaccount shall remain available until expended.

25 **§ 101918. Transfer or conveyance of concession contracts or**  
26 **leasehold surrender interests**

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

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

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

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

37 (A) the protection, conservation, or preservation of the resources  
38 of the System unit; or

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

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

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

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

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

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

14 **§ 101919. National Park Service Concessions Management**  
15 **Advisory Board**

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

20 (b) DUTIES.—

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

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

25 (i) are necessary and appropriate;

26 (ii) meet acceptable standards at reasonable rates with a  
27 minimum of impact on park resources and values; and

28 (iii) provide the concessioners with a reasonable oppor-  
29 tunity to make a profit.

30 (B) Ways to make Service concession programs and procedures  
31 more cost effective, more process efficient, less burdensome, and  
32 timelier.

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

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

37 (B) Ways to make the review or approval of concessioner rates  
38 and charges to the public more efficient, less burdensome, and  
39 timelier.

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

4 (D) The allocation of concession fees.

5 (3) ANNUAL REPORT.—The Advisory Board shall provide an annual  
6 report on its activities to the Committee on Natural Resources of the  
7 House of Representatives and the Committee on Energy and Natural  
8 Resources of the Senate.

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

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

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

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

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

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

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

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

30 (d) SERVICE ON ADVISORY BOARD.—Service of an individual as a mem-  
31 ber of the Advisory Board shall not be deemed to be service or employment  
32 bringing the individual within the provisions of any Federal law relating to  
33 conflicts of interest or otherwise imposing restrictions, requirements, or pen-  
34 alties in relation to the employment of individuals, the performance of serv-  
35 ices, or the payment or receipt of compensation in connection with claims,  
36 proceedings, or matters involving the United States. Service as a member  
37 of the Advisory Board shall not be deemed service in an appointive or elec-  
38 tive position in the Federal Government for purposes of section 8344 of title  
39 5 or other comparable provisions of Federal law.

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

4 **§ 101920. Contracting for services**

5 (a) CONTRACTING AUTHORIZED.—

6 (1) MANAGEMENT ELEMENTS FOR WHICH CONTRACT REQUIRED.—

7 To the maximum extent practicable, the Secretary shall contract with  
 8 private entities to conduct or assist in elements of the management of  
 9 the Service concessions program considered by the Secretary to be suit-  
 10 able for non-Federal performance. Those management elements shall  
 11 include each of the following:

12 (A) Health and safety inspections.

13 (B) Quality control of concessions operations and facilities.

14 (C) Strategic capital planning for concessions facilities.

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

16 (2) MANAGEMENT ELEMENTS FOR WHICH CONTRACT ALLOWED.—

17 The Secretary may also contract with private entities to assist the Sec-  
 18 retary with each of the following:

19 (A) Preparation of the financial aspects of prospectuses for  
 20 Service concession contracts.

21 (B) Development of guidelines for a System capital improve-  
 22 ment and maintenance program for all concession occupied facili-  
 23 ties.

24 (C) Making recommendations to the Director regarding the con-  
 25 duct of annual audits of concession fee expenditures.

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

29 (c) AUTHORITY OF SECRETARY NOT DIMINISHED.—Nothing in this sec-  
 30 tion shall diminish the governmental responsibilities and authority of the  
 31 Secretary to administer concession contracts and activities pursuant to this  
 32 subchapter and chapter 1003 and sections 100901(a), 100906, 102101, and  
 33 102102 of this title. The Secretary reserves the right to make the final deci-  
 34 sion or contract approval on contracting services dealing with the manage-  
 35 ment of the Service concessions program under this section.

36 **§ 101921. Multiple contracts within a System unit**

37 If multiple concession contracts are awarded to authorize concessioners  
 38 to provide the same or similar outfitting, guiding, river running, or other  
 39 similar services at the same approximate location or resource within a Sys-  
 40 tem unit, the Secretary shall establish a comparable franchise fee structure  
 41 for those contracts or similar contracts, except that the terms and condi-

1 tions of any existing concession contract shall not be subject to modification  
 2 or open to renegotiation by the Secretary because of an award of a new con-  
 3 tract at the same approximate location or resource.

4 **§ 101922. Special rule for service contract to provide trans-**  
 5 **portation services**

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

11 **§ 101923. Use of nonmonetary consideration in concession**  
 12 **contracts**

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

15 **§ 101924. Recordkeeping requirements**

16 (a) IN GENERAL.—A concessioner and any subconcessioner shall keep  
 17 such records as the Secretary may prescribe to enable the Secretary to de-  
 18 termine that all terms of a concession contract have been and are being  
 19 faithfully performed. The Secretary and any authorized representative of the  
 20 Secretary shall, for the purpose of audit and examination, have access to  
 21 those records and to other records of the concessioner or subconcessioner  
 22 pertinent to the concession contract and all terms and conditions of the con-  
 23 cession contract.

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

30 **§ 101925. Promotion of sale of Indian, Alaska Native, Native**  
 31 **Samoan, and Native Hawaiian handicrafts**

32 (a) IN GENERAL.—Promoting the sale of authentic United States Indian,  
 33 Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating  
 34 to the cultural, historical, and geographic characteristics of System units is  
 35 encouraged, and the Secretary shall ensure that there is a continuing effort  
 36 to enhance the handicraft trade where it exists and establish the trade in  
 37 appropriate areas where the trade does not exist.

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

1    **§ 101926. Commercial use authorizations**

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

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

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

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

15           (B) are consistent with the purpose for which the System unit  
16           was established and with all applicable management plans and  
17           Service policies and regulations.

18       (2) ELEMENTS OF COMMERCIAL USE AUTHORIZATION.—The Sec-  
19       retary shall—

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

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

28           (C) take appropriate steps to limit the liability of the United  
29           States arising from the provision of services under a commercial  
30           use authorization;

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

34           (E) shall establish other conditions for issuance of a commercial  
35           use authorization that the Secretary determines to be appropriate  
36           for the protection of visitors, provision of adequate and appro-  
37           priate visitor services, and protection and proper management of  
38           System unit resources and values.

39       (c) LIMITATIONS.—Any commercial use authorization shall be limited  
40       to—

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

4 (2) the incidental use of resources of the System unit by commercial  
5 operations that provide services originating and terminating outside the  
6 boundaries of the System unit; or

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

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

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

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

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

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

## 22 § 101927. Regulations

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

25 (b) CONTENTS.—The regulations—

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

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

## 34 CHAPTER 1021—PRIVILEGES, LEASES, RENTALS, AND 35 PERMITS

Sec.

102101. General provisions.

102102. Disposal of timber.

102103. Authority of Secretary to enter into lease for buildings and associated property.

102104. Maintenance and repair of Federal Government improvements under concession con-  
tracts.

### 36 § 102101. General provisions

37 (a) LIMITATION.—

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

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

11 (b) ADVERTISING AND COMPETITIVE BIDS NOT REQUIRED.—The Sec-  
 12 retary may grant privileges, leases, and permits described in subsection (a)  
 13 and enter into related contracts with responsible persons, firms, or corpora-  
 14 tions without advertising and without securing competitive bids.

15 (c) ASSIGNMENT OR TRANSFER.— No contract, lease, permit, or privilege  
 16 described in subsection (a) or (b) that is entered into or granted shall be  
 17 assigned or transferred by the grantee, permittee, or licensee without the  
 18 prior written approval of the Secretary.

19 **§ 102102. Disposal of timber**

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

25 **§ 102103. Authority of Secretary to enter into lease for**  
 26 **buildings and associated property**

27 (a) IN GENERAL.—To facilitate the administration of the System, the  
 28 Secretary, under such terms and conditions as the Secretary may consider  
 29 advisable, and except as provided in subsection (b) and subject to subsection  
 30 (c), may enter into a lease with any person or government entity for the  
 31 use of buildings and associated property administered by the Secretary as  
 32 part of the System.

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

37 (c) USE.—Buildings and associated property leased under subsection  
 38 (a)—

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

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

3 (3) shall be compatible with Service programs.

4 (d) RENTAL AMOUNTS.—

5 (1) IN GENERAL.—With respect to a lease under subsection (a)—

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

7 (B) section 1302 of title 40 shall not apply.

8 (2) ADJUSTMENT.—The Secretary may adjust the rental amount as  
9 appropriate to take into account any amounts to be expended by the  
10 lessee for preservation, maintenance, restoration, improvement, or re-  
11 pair and related expenses.

12 (e) SPECIAL ACCOUNT.—

13 (1) DEPOSITS.—Rental payments under a lease under subsection (a)  
14 shall be deposited in a special account in the Treasury.

15 (2) AVAILABILITY.—Amounts in the special account shall be avail-  
16 able until expended, without further appropriation, for infrastructure  
17 needs at System units, including—

18 (A) facility refurbishment;

19 (B) repair and replacement;

20 (C) infrastructure projects associated with park resource protec-  
21 tion; and

22 (D) direct maintenance of the leased buildings and associated  
23 properties.

24 (3) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop  
25 procedures for the use of the special account that ensure accountability  
26 and demonstrated results consistent with this section and sections  
27 100101, 100503, 100506, 100901(b), 100902(1) and (2), 100909(a)  
28 and (d), 100910, 101301(1)(A) and (2) to (4), 101305, 101702(b) and  
29 (e), 101901(1), 102901, and 102902 of this title.

30 (f) REGULATIONS.—The Secretary shall prescribe regulations imple-  
31 menting this section that include provisions to encourage and facilitate com-  
32 petition in the leasing process and provide for timely and adequate public  
33 comment.

34 **§ 102104. Maintenance and repair of Federal Government**  
35 **improvements under concession contracts**

36 Privileges, leases, and permits granted by the Secretary for the use of  
37 land for the accommodation of System unit visitors, pursuant to sections  
38 100901(a), 100906, 102101, and 102102 of this title, may provide for the  
39 maintenance and repair of Federal Government improvements by the grant-  
40 ee notwithstanding section 1302 of title 40 or any other provision of law.

1     **CHAPTER 1023—SYSTEM UNIT RESOURCE PROTECTION**

Sec.

102301. Definitions.  
 102302. Liability.  
 102303. Actions.  
 102304. Use of recovered amounts.  
 102305. Donations.

2     **§ 102301. Definitions**

3         In this chapter:

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

5                 (A) compensation for—

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

8                     (II) the value of any significant loss of use of a System  
 9                         unit resource pending its restoration or replacement or the  
 10                         acquisition of an equivalent resource; or

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

13                 (B) the cost of a damage assessment under section 102303(b)  
 14                     of this title.

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

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

19                 (B) abate or minimize the imminent risk of the destruction,  
 20                     loss, or injury; and

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

23             (3) **SYSTEM UNIT RESOURCE.**—

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

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

29     **§ 102302. Liability**

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

34             (b) **LIABILITY IN REM.**—Any instrumentality, including a vessel, vehicle,  
 35             aircraft, or other equipment, that destroys, causes the loss of, or injures any  
 36             System unit resource shall be liable in rem to the United States for re-

1     sponse costs and damages resulting from the destruction, loss, or injury to  
2     the same extent as a person is liable under subsection (a).

3     (c) DEFENSES.—A person is not liable under this section if—

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

6         (2) the person acted with due care, and the destruction, loss of, or  
7         injury to the System unit resource was caused solely by an act or omis-  
8         sion of a third party, other than an employee or agent of the person;  
9         or

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

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

#### 14     **§ 102303. Actions**

15     (a) CIVIL ACTION FOR RESPONSE COSTS AND DAMAGES.—The Attorney  
16     General, on request of the Secretary after a finding by the Secretary of de-  
17     struction, loss, or injury to a System unit resource or a finding that absent  
18     the undertaking of response costs, destruction, loss, or damage to a System  
19     unit resource would have occurred, may bring a civil action in United States  
20     district court against any person or instrumentality that may be liable under  
21     section 102302 of this title for response costs and damages. The Secretary  
22     shall submit a request for the action to the Attorney General whenever a  
23     person or instrumentality may be liable for those costs and damages under  
24     section 102302 of this title.

25     (b) RESPONSE ACTIONS AND ASSESSMENT OF DAMAGES.—

26         (1) ACTIONS TO PREVENT OR MINIMIZE DESTRUCTION, LOSS, OR IN-  
27         JURY.—The Secretary shall undertake all necessary actions to prevent  
28         or minimize the destruction, loss of, or injury to System unit resources,  
29         or to minimize the imminent risk of such destruction, loss, or injury.

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

#### 32     **§ 102304. Use of recovered amounts**

33     (a) LIMITATION ON USE.—Response costs and damages recovered by the  
34     Secretary under this chapter or amounts recovered by the Federal Govern-  
35     ment under any Federal, State, or local law or regulation or otherwise as  
36     a result of destruction, loss of, or injury to any System unit resource shall  
37     be available to the Secretary and without further Congressional action may  
38     be used only as follows:

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

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

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

## 12          **§ 102305. Donations**

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

## 17          **CHAPTER 1025—VOLUNTEERS IN PARKS PROGRAMS**

Sec.

102501. Establishment of program.

102502. Incidental expenses.

102503. Federal employee status for volunteers.

102504. Authorization of appropriations.

### 18          **§ 102501. Establishment of program**

19          The Secretary may recruit, train, and accept, without regard to chapter  
 20          51 and subchapter III of chapter 53 of title 5 or regulations prescribed  
 21          under that chapter or subchapter, the services of individuals without com-  
 22          pensation as volunteers for or in aid of interpretive functions or other visitor  
 23          services or activities in and related to System units. In accepting those serv-  
 24          ices, the Secretary shall not permit the use of volunteers in hazardous duty  
 25          or law enforcement work or in policymaking processes, or to displace any  
 26          employee. The services of individuals whom the Secretary determines are  
 27          skilled in performing hazardous activities may be accepted.

### 28          **§ 102502. Incidental expenses**

29          The Secretary may provide for incidental expenses of volunteers, such as  
 30          transportation, uniforms, lodging, and subsistence.

### 31          **§ 102503. Federal employee status for volunteers**

32          (a) EMPLOYMENT STATUS OF VOLUNTEERS.—Except as otherwise pro-  
 33          vided in this section, a volunteer shall not be deemed a Federal employee  
 34          and shall not be subject to the provisions of law relating to Federal employ-  
 35          ment, including those relating to hours of work, rates of compensation,  
 36          leave, unemployment compensation, and Federal employee benefits.

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

4 (c) VOLUNTEERS DEEMED CIVIL EMPLOYEES.—For the purposes of sub-  
 5 chapter I of chapter 81 of title 5, volunteers under this chapter shall be  
 6 deemed civil employees of the United States within the meaning of the term  
 7 “employee” as defined in section 8101 of title 5, and subchapter I of chap-  
 8 ter 81 of title 5 shall apply.

9 (d) COMPENSATION FOR LOSSES AND DAMAGES.—For the purpose of  
 10 claims relating to damage to, or loss of, personal property of a volunteer  
 11 incident to volunteer service, a volunteer under this chapter shall be deemed  
 12 a Federal employee, and section 3721 of title 31 shall apply.

13 **§ 102504. Authorization of appropriations**

14 There are authorized to be appropriated such amounts as are necessary  
 15 to carry out this chapter, but not more than \$3,500,000 shall be appro-  
 16 priated in any one year.

17 **CHAPTER 1027—MUSEUMS**

Sec.

102701. Purpose.

102702. Definition.

102703. Authority of Secretary.

102704. Review and approval.

102705. Disposal of unnecessary or duplicate museum objects.

18 **§ 102701. Purpose**

19 The purpose of this chapter is to increase the public benefits from muse-  
 20 ums established within System units and the Department of the Interior  
 21 Museum as a means of informing the public concerning the areas and pre-  
 22 serving valuable objects and relics relating to the areas.

23 **§ 102702. Definition**

24 (a) IN GENERAL.—In this chapter, the term “museum object” means an  
 25 object that—

- 26 (1) is eligible to be, or is made part of, a museum, library, or archive  
 27 collection through a formal procedure, such as accessioning; and  
 28 (2) is usually movable.

29 (b) INCLUSIONS.—In this chapter, the term “museum object” includes a  
 30 prehistoric or historic artifact, work of art, book, document, photograph, or  
 31 natural history specimen.

32 **§ 102703. Authority of Secretary**

33 Notwithstanding other provisions or limitations of law, the Secretary may  
 34 perform the following functions in the manner that the Secretary considers  
 35 to be in the public interest:

- 36 (1) DONATIONS AND BEQUESTS.—The Secretary may accept dona-  
 37 tions and bequests of money or other personal property, and hold, use,

1           expend, and administer the money or other personal property for pur-  
2           poses of this chapter.

3           (2) PURCHASES.—The Secretary may purchase museum objects and  
4           other personal property at prices that the Secretary considers to be  
5           reasonable.

6           (3) EXCHANGES.—The Secretary may make exchanges by accepting  
7           museum objects and other personal property and by granting in ex-  
8           change for the museum objects or other personal property museum  
9           property under the administrative jurisdiction of the Secretary that no  
10          longer is needed or that may be held in duplicate among the museum  
11          properties administered by the Secretary. Exchanges shall be con-  
12          summated on a basis that the Secretary considers to be equitable and  
13          in the public interest.

14          (4) ACCEPTING LOANS OF PROPERTY.—The Secretary may accept  
15          the loan of museum objects and other personal property and pay trans-  
16          portation costs incidental to the museum objects or other personal  
17          property. Loans shall be accepted on terms and conditions that the  
18          Secretary considers necessary.

19          (5) LOANING PROPERTY.—The Secretary may loan to responsible  
20          public or private organizations, institutions, or agencies, without cost  
21          to the United States, such museum objects and other personal property  
22          as the Secretary shall consider advisable. Loans shall be made on terms  
23          and conditions that the Secretary considers necessary to protect the  
24          public interest in those properties.

25          (6) TRANSFER OF MUSEUM OBJECTS.—The Secretary may transfer  
26          museum objects that the Secretary determines are no longer needed for  
27          museum purposes to qualified Federal agencies, including the Smithso-  
28          nian Institution, that have programs to preserve and interpret cultural  
29          or natural heritage, and accept the transfer of museum objects for the  
30          purposes of this chapter from any other Federal agency, without reim-  
31          bursement. The head of any other Federal agency may transfer, with-  
32          out reimbursement, museum objects directly to the administrative juris-  
33          diction of the Secretary for the purpose of this chapter.

34          (7) DESTRUCTION OF MUSEUM OBJECTS.—The Secretary may de-  
35          stroy or cause to be destroyed museum objects that the Secretary de-  
36          termines to have no scientific, cultural, historic, educational, esthetic,  
37          or monetary value.

38          (8) CONVEYANCE OF MUSEUM OBJECTS.—The Secretary may convey  
39          museum objects that the Secretary determines are no longer needed for  
40          museum purposes, without monetary consideration but subject to such  
41          terms and conditions as the Secretary considers necessary, to private

1 institutions exempt from Federal taxation under section 501(c)(3) of  
 2 the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and to non-  
 3 Federal governmental entities if the Secretary determines that the re-  
 4 cipient is dedicated to the preservation and interpretation of natural or  
 5 cultural heritage and is qualified to manage the property, prior to any  
 6 conveyance under this paragraph and paragraphs (6) and (7).

7 **§ 102704. Review and approval**

8 The Secretary shall ensure that museum objects are treated in a careful  
 9 and deliberate manner that protects the public interest. Prior to taking any  
 10 action under section 102703(6), (7), or (8) of this title, the Secretary shall  
 11 establish a systematic review and approval process, including consultation  
 12 with appropriate experts, that meets the highest standards of the museum  
 13 profession for all actions taken under section 102703(6), (7), or (8) of this  
 14 title.

15 **§ 102705. Disposal of unnecessary or duplicate museum ob-**  
 16 **jects**

17 The Secretary may dispose of objects no longer needed for the Depart-  
 18 ment of the Interior Museum or held in duplicate among museum properties  
 19 and apply the proceeds to the purchase of museum objects and other per-  
 20 sonal property at reasonable prices.

21 **CHAPTER 1029—LAW ENFORCEMENT AND EMERGENCY**  
 22 **ASSISTANCE**

**Subchapter I—Law Enforcement**

Sec.

102901. Law enforcement personnel within System.

102902. Crime prevention assistance.

**Subchapter II—Emergency Assistance**

102911. Authority of Secretary to carry out certain activities.

102912. Aid to visitors, grantees, permittees, or licensees in emergencies.

23 **Subchapter I—Law Enforcement**

24 **§ 102901. Law enforcement personnel within System**

25 (a) OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF THE INTE-  
 26 RIOR.—

27 (1) DESIGNATION AUTHORITY OF SECRETARY.—The Secretary, pur-  
 28 suant to standards prescribed in regulations by the Secretary, may des-  
 29 ignate certain officers or employees of the Department of the Interior  
 30 who shall maintain law and order and protect individuals and property  
 31 within System units.

32 (2) POWERS AND DUTIES OF DESIGNEES.—In the performance of  
 33 the duties described in paragraph (1), the designated officers or em-  
 34 ployees may—

35 (A) carry firearms;

1 (B) make arrests without warrant for any offense against the  
2 United States committed in the presence of the officer or em-  
3 ployee, or for any felony cognizable under the laws of the United  
4 States if the officer or employee has reasonable grounds to believe  
5 that the individual to be arrested has committed or is committing  
6 the felony, provided the arrests occur within the System or the in-  
7 dividual to be arrested is fleeing from the System to avoid arrest;

8 (C) execute any warrant or other process issued by a court or  
9 officer of competent jurisdiction for the enforcement of the provi-  
10 sions of any Federal law or regulation issued pursuant to law aris-  
11 ing out of an offense committed in the System or, where the indi-  
12 vidual subject to the warrant or process is in the System, in con-  
13 nection with any Federal offense; and

14 (D) conduct investigations of offenses against the United States  
15 committed in the System in the absence of investigation of the of-  
16 fenses by any other Federal law enforcement agency having inves-  
17 tigative jurisdiction over the offense committed or with the concu-  
18 rrence of the other agency.

19 (b) OTHER INDIVIDUALS.—The Secretary may designate officers and em-  
20 ployees of any other Federal agency, or law enforcement personnel of a  
21 State or political subdivision of a State, when determined to be economical  
22 and in the public interest and with the concurrence of that agency, State,  
23 or subdivision, to—

24 (1) act as special police officers in System units when supplemental  
25 law enforcement personnel may be needed; and

26 (2) exercise the powers and authority provided by subparagraphs (A)  
27 to (D) of subsection (a)(2).

28 (c) COOPERATION WITH STATES AND POLITICAL SUBDIVISIONS.—The  
29 Secretary may—

30 (1) cooperate, within the System, with any State or political subdivi-  
31 sion of a State in the enforcement of supervision of the laws or ordi-  
32 nances of that State or subdivision;

33 (2) mutually waive, in any agreement pursuant to paragraph (1) and  
34 subsection (b) or pursuant to subparagraphs (A) and (B) of subsection  
35 (a)(2) with any State or political subdivision of a State where State  
36 law requires the waiver and indemnification, all civil claims against all  
37 the other parties to the agreement and, subject to available appropria-  
38 tions, indemnify and save harmless the other parties to the agreement  
39 from all claims by third parties for property damage or personal injury,  
40 that may arise out of the parties' activities outside their respective ju-  
41 risdictions under the agreement; and

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

(d) SUPPLEMENTAL AUTHORITY; DELEGATION OF SERVICE LAW ENFORCEMENT RESPONSIBILITIES NOT AUTHORIZED.—Subsections (b) and (c) supplement the law enforcement responsibilities of the Service and do not authorize the delegation of law enforcement responsibilities of the Service to State and local governments.

(e) SPECIAL POLICE OFFICERS NOT DEEMED FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a law enforcement officer of a State or political subdivision of a State designated to act as a special police officer under subsection (b) shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(2) EXCEPTIONS.—A law enforcement officer of a State or political subdivision of a State, when acting as a special police officer under subsection (b), is deemed to be—

(A) a Federal employee for purposes of sections 1346(b) and 2401(b) and chapter 171 of title 28; and

(B) a civil service employee of the United States within the meaning of the term “employee” as defined in section 8101 of title 5, for purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, and the provisions of subchapter I of chapter 81 of title 5 shall apply.

(f) FEDERAL INVESTIGATIVE JURISDICTION AND STATE CIVIL AND CRIMINAL JURISDICTION NOT PREEMPTED.—This section and sections 100101, 100503, 100506, 100901(b), 100902(1) and (2), 100909(a) and (d), 100910, 101301(1)(A) and (2) to (4), 101305, 101702(b) and (c), 101901(1), 102103, and 102902 of this title shall not be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the Service, and nothing shall be construed or applied to affect any right of a State or political subdivision of a State to exercise civil and criminal jurisdiction within the System.

**§ 102902. Crime prevention assistance**

(a) RECOMMENDATIONS FOR IMPROVEMENT.—The Secretary shall direct the chief official responsible for law enforcement within the Service to—

1 (1) compile a list of System units with the highest rates of violent  
2 crime;

3 (2) make recommendations concerning capital improvements, and  
4 other measures, needed within the System to reduce the rates of violent  
5 crime, including the rate of sexual assault; and

6 (3) publish the information required by paragraphs (1) and (2) in  
7 the Federal Register.

8 (b) DISTRIBUTION OF FUNDS.—Based on the recommendations and list  
9 issued pursuant to subsection (a), the Secretary shall distribute the funds  
10 authorized by subsection (d) throughout the System. Priority shall be given  
11 to areas with the highest rates of sexual assault.

12 (c) USE OF FUNDS.—Funds provided under this section may be used—

13 (1) to increase lighting within or adjacent to System units;

14 (2) to provide emergency phone lines to contact law enforcement or  
15 security personnel in areas within or adjacent to System units;

16 (3) to increase security or law enforcement personnel within or adja-  
17 cent to System units; or

18 (4) for any other project intended to increase the security and safety  
19 of System units.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-  
21 propriated out of the Violent Crime Reduction Trust Fund not to exceed  
22 \$10,000,000 for the Secretary to take all necessary actions to seek to re-  
23 duce the incidence of violent crime in the System.

## 24 **Subchapter II—Emergency Assistance**

### 25 **§ 102911. Authority of Secretary to carry out certain activi-** 26 **ties**

27 To facilitate the administration of the System, the Secretary may render  
28 emergency rescue, firefighting, and cooperative assistance to nearby law en-  
29 forcement and fire prevention agencies and for related purposes outside the  
30 System.

### 31 **§ 102912. Aid to visitors, grantees, permittees, or licencees** 32 **in emergencies**

33 (a) VISITORS.—The Secretary may aid visitors within a System unit in  
34 an emergency, when no other source is available for the procurement of food  
35 or supplies, by the sale, at cost, of food or supplies in quantities sufficient  
36 to enable the visitors to reach safely a point where food or supplies can be  
37 purchased. Receipts from the sales shall be deposited as a refund to the ap-  
38 propriation current at the date of the deposit and shall be available for the  
39 purchase of similar food or supplies.

40 (b) GRANTEEES, PERMITTEES, AND LICENSEES.—The Secretary may in  
41 an emergency, when no other source is available for the immediate procure-

1 ment of supplies, materials, or special services, aid grantees, permittees, or  
 2 licensees conducting operations for the benefit of the public in a System unit  
 3 by the sale, at cost, including transportation and handling, of supplies, ma-  
 4 terials, or special services as may be necessary to relieve the emergency and  
 5 ensure uninterrupted service to the public. Receipts from the sales shall be  
 6 deposited as a refund to the appropriation current at the date of the deposit  
 7 and shall be available for expenditure for System unit purposes.

8 **CHAPTER 1031—MINING ACTIVITY WITHIN SYSTEM**  
 9 **UNITS**

Sec.

103101. Findings and declaration of policy.

103102. Preservation and management of System units by Secretary; promulgation of regula-  
 tions.

103103. Recordation of mining claims; publication of notice.

103104. Report on finding or notification of potential damage to natural and historical land-  
 marks.

103105. Civil actions for just compensation by mining claim holders.

103106. Acquisition of land by Secretary.

103107. Financial disclosure by officer or employee of Secretary.

10 **§ 103101. Findings and declaration of policy**

11 The Congress finds and declares that—

12 (1) continued application of the mining laws of the United States to  
 13 System units to which the mining laws apply conflicts with the pur-  
 14 poses for which the System units were established; and

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

18 **§ 103102. Preservation and management of System units by**  
 19 **Secretary; promulgation of regulations**

20 To preserve for the benefit of present and future generations the pristine  
 21 beauty of System units, and to further the purposes of chapter 1003 and  
 22 sections 100901(a), 100906, 102101, and 102102 of this title and the indi-  
 23 vidual organic Acts for the System units, all activities resulting from the  
 24 exercise of valid existing mineral rights on patented or unpatented mining  
 25 claims within any System unit shall be subject to such regulations pre-  
 26 scribed by the Secretary as the Secretary considers necessary or desirable  
 27 for the preservation and management of the System units.

28 **§ 103103. Recordation of mining claims; publication of no-**  
 29 **tice**

30 All mining claims under the Mining Law of 1872 (30 U.S.C. chapter 2,  
 31 sections 161 and 162, and chapters 12A and 16) that lie within the bound-  
 32 aries of System units that were not recorded with the Secretary within one  
 33 year after September 28, 1976, shall be conclusively presumed to be aban-  
 34 doned and shall be void. The recordation does not render valid any claim

1 that was not valid on September 28, 1976, or that becomes invalid there-  
2 after.

3 **§ 103104. Report on finding or notification of potential dam-**  
4 **age to natural and historical landmarks**

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

19 **§ 103105. Civil actions for just compensation by mining**  
20 **claim holders**

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

27 **§ 103106. Acquisition of land by Secretary**

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

37 **§ 103107. Financial disclosure by officer or employee of Sec-**  
38 **retary**

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

1 (1) performs any function or duty under this chapter, or any Act  
 2 amended by the Mining in the Parks Act (Public Law 94–429, 90 Stat.  
 3 1342) concerning the regulation of mining in the System; and

4 (2) has any known financial interest—

5 (A) in any person subject to this chapter or any Act amended  
 6 by the Mining in the Parks Act (Public Law 94–429, 90 Stat.  
 7 1342); or

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

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

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

15 (1) prescribe regulations that—

16 (A) define the term “known financial interest” for purposes of  
 17 subsection (a); and

18 (B) establish the methods by which the requirement to file writ-  
 19 ten statements specified in subsection (a) will be monitored and  
 20 enforced, including appropriate provisions for the filing by the offi-  
 21 cers and employees of the statements and the review by the Sec-  
 22 retary of the statements; and

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

26 (c) EXEMPTIONS.—In the regulations prescribed under subsection (b), the  
 27 Secretary may identify specific positions within the Department of the Interi-  
 28 or that are of a nonregulatory or nonpolicymaking nature and provide that  
 29 officers or employees occupying those positions shall be exempt from the re-  
 30 quirements of this section.

## 31 **CHAPTER 1033—LAND TRANSFERS**

Sec.

103301. Conveyance of property and interests in property in System units or related areas.

### 32 **§ 103301. Conveyance of property and interests in property** 33 **in System units or related areas**

34 (a) FREEHOLD AND LEASEHOLD INTERESTS.—With respect to any prop-  
 35 erty acquired by the Secretary within a System unit or related area, except  
 36 property within national parks or within national monuments of scientific  
 37 significance, the Secretary may convey a freehold or leasehold interest in the  
 38 property, subject to such terms and conditions as will ensure the use of the  
 39 property in a manner that is, in the judgment of the Secretary, consistent  
 40 with the purpose for which the System unit or related area was authorized

1 by Congress. The Secretary shall convey the interest to the highest bidder,  
 2 in accordance with such regulations as the Secretary may prescribe. The  
 3 conveyance shall be at not less than the fair market value of the interest,  
 4 as determined by the Secretary, except that if the conveyance is proposed  
 5 within 2 years after the property to be conveyed is acquired by the Sec-  
 6 retary, the Secretary shall allow the last owner of record of the property  
 7 30 days following the date on which the owner is notified by the Secretary  
 8 in writing that the property is to be conveyed within which to notify the  
 9 Secretary that the owner wishes to acquire the interest. On receiving the  
 10 timely request, the Secretary shall convey the interest to the person, in ac-  
 11 cordance with such regulations as the Secretary may prescribe, on payment  
 12 or agreement to pay an amount equal to the highest bid price.

13 (b) EXCHANGE OF LAND.—

14 (1) IN GENERAL.—The Secretary may accept title to any non-Fed-  
 15 eral property or interest in property within a System unit or related  
 16 area under the Secretary's administration in exchange for any Feder-  
 17 ally-owned property or interest under the Secretary's jurisdiction that  
 18 the Secretary determines is suitable for exchange or other disposal and  
 19 that is located in the same State as the non-Federal property to be ac-  
 20 quired.

21 (2) EXCEPTION.—Timberland subject to harvest under a sustained  
 22 yield program shall not be exchanged under paragraph (1).

23 (3) PUBLIC HEARING.—On request of a State or a political subdivi-  
 24 sion thereof, or of a party in interest, prior to an exchange under this  
 25 subsection the Secretary shall hold a public hearing in the area where  
 26 the properties to be exchanged are located.

27 (4) VALUES OF PROPERTIES EXCHANGED.—The values of the prop-  
 28 erties exchanged—

29 (A) shall be approximately equal; or

30 (B) if they are not approximately equal, shall be equalized by  
 31 the payment of cash to the grantor from funds appropriated for  
 32 the acquisition of land for the area, or to the Secretary, as the  
 33 circumstances require.

34 (c) SOLID WASTE DISPOSAL OPERATIONS.—

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

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

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

4 (2) REGULATIONS.—The Secretary shall prescribe regulations to  
 5 carry out this subsection, including reasonable regulations to mitigate  
 6 the adverse effects of solid waste disposal sites in operation as of Sep-  
 7 tember 1, 1984, on property of the United States.

8 (d) PROCEEDS CREDITED TO LAND AND WATER CONSERVATION  
 9 FUND.—The proceeds received from any conveyance under this section shall  
 10 be credited to the Land and Water Conservation Fund.

## 11 **CHAPTER 1035—APPROPRIATIONS AND ACCOUNTING**

Sec.

103501. Availability and use of appropriations.

103502. Appropriations authorized and available for certain purposes.

103503. Amounts provided by private entities for utility services.

103504. Recovery of costs associated with special use permits.

### 12 **§ 103501. Availability and use of appropriations**

13 (a) CREDITS OF RECEIPTS FOR MEALS AND QUARTERS FURNISHED  
 14 FEDERAL GOVERNMENT EMPLOYEES IN THE FIELD.—Cash collections and  
 15 payroll deductions made for meals and quarters furnished by the Service to  
 16 employees of the Federal Government in the field and to cooperating agen-  
 17 cies may be credited as a reimbursement to the current appropriation for  
 18 the administration of the System unit in which the accommodations are fur-  
 19 nished.

20 (b) AVAILABILITY FOR EXPENSE OF RECORDING DONATED LAND.—Ap-  
 21 propriations made for the Service shall be available for any expenses inci-  
 22 dent to the preparation and recording of title evidence covering land to be  
 23 donated to the United States for administration by the Service.

24 (c) USE OF FUNDS FOR LAW ENFORCEMENT AND EMERGENCIES.—

25 (1) IN GENERAL.—Funds, not to exceed \$250,000 per incident,  
 26 available to the Service may be used, with the approval of the Sec-  
 27 retary, to—

28 (A) maintain law and order in emergency and other unforeseen  
 29 law enforcement situations; and

30 (B) conduct emergency search and rescue operations in the Sys-  
 31 tem.

32 (2) REPLENISHMENT OF FUNDS.—If the Secretary expends funds  
 33 under paragraph (1), the funds shall be replenished by a supplemental  
 34 appropriation for which the Secretary shall make a request as promptly  
 35 as possible.

36 (d) CONTRIBUTION FOR ANNUITY BENEFITS.—

37 (1) IN GENERAL.—Necessary amounts are appropriated for reim-  
 38 bursement, pursuant to the Policemen and Firemen's Retirement and

1 Disability Act amendments of 1957 (Public Law 85–157, 71 Stat.  
2 391), to the District of Columbia on a monthly basis for benefit pay-  
3 ments by the District of Columbia to United States Park Police annu-  
4 itants under section 12 of the Policemen and Firemen’s Retirement  
5 and Disability Act (ch. 433, 39 Stat. 718), to the extent that those  
6 payments exceed contributions made by active Park Police members  
7 covered under the Policemen and Firemen’s Retirement and Disability  
8 Act.

9 (2) NONAVAILABILITY OF APPROPRIATIONS TO THE SERVICE.—Ap-  
10 propriations made to the Service are not available for the purpose of  
11 making reimbursements under paragraph (1).

12 (e) WATERPROOF FOOTWEAR.—Appropriations for the Service that are  
13 available for the purchase of equipment may be used for purchase of water-  
14 proof footwear, which shall be regarded and listed as System equipment.

15 **§ 103502. Appropriations authorized and available for cer-**  
16 **tain purposes**

17 Appropriations for the Service are authorized and are available for—

18 (1)(A) necessary protection of the area of federally owned land in the  
19 custody of the Service known as the Ocean Strip and Queets Corridor,  
20 adjacent to Olympic National Park, Washington;

21 (B) necessary repairs to the roads from Glacier Park Station  
22 through the Blackfeet Indian Reservation to the various points in the  
23 boundary line of Glacier National Park, Montana, and the international  
24 boundary;

25 (C) repair and maintenance of approximately 2.77 miles of road  
26 leading from United States Highway 187 to the north entrance of  
27 Grand Teton National Park, Wyoming;

28 (D) maintenance of approach roads through the Lassen National  
29 Forest leading to Lassen Volcanic National Park, California;

30 (E) maintenance and repair of the Generals Highway between the  
31 boundaries of Sequoia National Park, California, and the Grant Grove  
32 section of Kings Canyon National Park, California;

33 (F) maintenance of approximately 2.25 miles of roads comprising the  
34 portions of the Fresno-Kings Canyon approach road, Park Ridge Look-  
35 out Road, and Ash Mountain-Advance truck trail necessary to the ad-  
36 ministration and protection of Sequoia National Park and Kings Can-  
37 yon National Park;

38 (G) maintenance of the roads in the national forests leading out of  
39 Yellowstone National Park, Wyoming, Idaho, and Montana;

1 (H) maintenance of the road in the Stanislaus National Forest con-  
2 necting the Tioga Road with the Hetch Hetchy Road near Mather Sta-  
3 tion, Yosemite National Park, California;

4 (I) maintenance and repair of the approach road to the Little Big-  
5 horn Battlefield National Monument and the road connecting that  
6 monument with the Reno Monument site, Montana; and

7 (J) repair and maintenance of the class C road lying between the  
8 terminus of F.A. 383 at the east boundary of Coronado National For-  
9 est and the point where that class C road enters Coronado National  
10 Memorial in the vicinity of Montezuma Pass, approximately 5.3 miles;

11 (2) administration, protection, improvement, and maintenance of  
12 areas, under the jurisdiction of other Federal agencies, that are devoted  
13 to recreational use pursuant to cooperative agreements;

14 (3) necessary local transportation and subsistence in kind of individ-  
15 uals selected for employment or as cooperators, serving without other  
16 compensation, while attending fire protection training camps;

17 (4) administration, protection, maintenance, and improvement of the  
18 Chesapeake and Ohio Canal;

19 (5) educational lectures in or in the vicinity of and with respect to  
20 System units, and services of field employees in cooperation with such  
21 nonprofit scientific and historical societies engaged in educational work  
22 in System units as the Secretary may designate;

23 (6) travel expenses of employees attending—

24 (A) Federal Government camps for training in forest fire pre-  
25 vention and suppression;

26 (B) the Federal Bureau of Investigation National Police Acad-  
27 emy; and

28 (C) Federal, State, or municipal schools for training in building  
29 fire prevention and suppression;

30 (7) investigation and establishment of water rights in accordance  
31 with local custom, laws, and decisions of courts, including the acquisi-  
32 tion of water rights or of land or interests in land or rights-of-way for  
33 use and protection of water rights necessary or beneficial in the admin-  
34 istration and public use of System units;

35 (8) acquisition of rights-of-way and construction and maintenance of  
36 a water supply line partly outside the boundaries of Mesa Verde Na-  
37 tional Park;

38 (9) official telephone service in the field in the case of official tele-  
39 phones installed in private houses when authorized under regulations  
40 established by the Secretary; and

1 (10) provision of transportation for children in nearby communities  
 2 to and from any System unit used in connection with organized recre-  
 3 ation and interpretive programs of the Service.

4 **§ 103503. Amounts provided by private entities for utility**  
 5 **services**

6 Notwithstanding any other provision of law, amounts provided to the  
 7 Service by private entities for utility services shall be credited to the appro-  
 8 priate account and remain available until expended.

9 **§ 103504. 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.  
 13 The reimbursements shall be credited to the appropriation current at that  
 14 time.

15 **CHAPTER 1037—NATIONAL MILITARY PARKS**

Sec.

- 103701. Military maneuvers.
- 103702. Camps for military instruction.
- 103703. Performance of duties of commissions.
- 103704. Recovery of land withheld.
- 103705. Travel expenses incident to study of battlefields.
- 103706. Studies.

16 **§ 103701. Military maneuvers**

17 To obtain practical benefits of great value to the country from the es-  
 18 tablishment of national military parks, the parks and their approaches are  
 19 declared to be national fields for military maneuvers for the Regular Army  
 20 or Regular Air Force and the National Guard or militia of the States. Na-  
 21 tional military parks shall be opened for those purposes only in the discre-  
 22 tion of the Secretary, and under such regulations as the Secretary may pre-  
 23 scribe.

24 **§ 103702. Camps for military instruction**

25 (a) ASSEMBLING OF FORCES AND DETAILING OF INSTRUCTORS.—The  
 26 Secretary of the Army or Secretary of the Air Force, within the limits of  
 27 appropriations that may be available for that purpose, may assemble in  
 28 camp at such season of the year and for such period as the Secretary of  
 29 the Army or Secretary of the Air Force may designate, at the field of mili-  
 30 tary maneuvers, such portions of the military forces of the United States  
 31 as the Secretary of the Army or Secretary of the Air Force may think best,  
 32 to receive military instruction there. The Secretary of the Army or Secretary  
 33 of the Air Force may detail instructors from the Regular Army or Regular  
 34 Air Force, respectively, for those forces during their exercises.

35 (b) REGULATIONS.—The Secretary of the Army or Secretary of the Air  
 36 Force may prescribe regulations governing the assembling of the National  
 37 Guard or militia of the States on the maneuvering grounds.

1    **§ 103703. 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    **§ 103704. 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  
9 possession has been demanded for the United States by the park super-  
10 intendent, or against a person retaining possession of land lying within the  
11 boundary of a national military park that the person has sold to the United  
12 States for park purposes and received payment therefor, after possession of  
13 the land has been demanded for the United States by the park super-  
14 intendent, to recover possession of the land withheld. The civil action shall  
15 be brought according to the statutes of the State in which the national mili-  
16 tary park is situated.

17       (b) TRESPASS.—A person described in subsection (a) shall be guilty of  
18 trespass.

19    **§ 103705. Travel expenses incident to study of battlefields**

20       Mileage of officers of the Army and actual expenses of civilian employees  
21 traveling on duty in connection with the studies, surveys, and field investiga-  
22 tions of battlefields shall be paid from the appropriations made to meet ex-  
23 penses for those purposes.

24    **§ 103706. Studies**

25       (a) STUDY OF BATTLEFIELDS FOR COMMEMORATIVE PURPOSES.—The  
26 Secretary of the Army may have made studies and investigations and, where  
27 necessary, surveys of all battlefields within the continental limits of the  
28 United States on which troops of the United States or of the original 13  
29 colonies have been engaged against a common enemy, with a view to pre-  
30 paring a general plan and such detailed projects as may be required for  
31 properly commemorating such battlefields or other adjacent points of his-  
32 toric and military interest.

33       (b) INCLUSION OF ESTIMATE OF COST OF PROJECTED SURVEYS IN AP-  
34 PROPRIATION ESTIMATES.—The Secretary shall include annually in the De-  
35 partment of the Interior appropriation estimates a list of the battlefields for  
36 which surveys or other field investigations are planned for the fiscal year  
37 in question, with the estimated cost of making each survey or other field  
38 investigation.

39       (c) PURCHASE OF REAL ESTATE FOR NATIONAL MILITARY PARK PUR-  
40 POSSES.—No real estate shall be purchased for national military park pur-  
41 poses by the Federal Government unless a report on the real estate has been

1 made by the Secretary through the President to Congress under section  
2 103724 of this title.

3 (d) REPORT TO CONGRESS.—The Secretary annually shall submit  
4 through the President to Congress a detailed report of progress made under  
5 this subchapter, with recommendations for further operations.

6 **CHAPTER 1039—MISCELLANEOUS**

Sec.

103901. National Capital region arts and cultural affairs.

103902. National Park System Advisory Board.

103903. National Park Service Advisory Council.

103904. Protecting the right of individuals to bear arms.

103905. Limitation on extension or establishment of national parks in Wyoming.

103906. Donations of land near or adjacent to national forest in North Carolina for System  
unit purposes.

7 **§ 103901. National Capital region arts and cultural affairs**

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

11 (b) GRANT ELIGIBILITY.—

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

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

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

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

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

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

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

24 (D) The organization is eligible under 200102(5) of this title.

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

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

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

32 (1) establish an application process;

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

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

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

6 **§ 103902. National Park System Advisory Board**

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

9 (b) ESTABLISHMENT AND PURPOSE.—There is a National Park System  
 10 Advisory Board, whose purpose is to advise the Director on matters relating  
 11 to the Service, the System, and programs administered by the Service. The  
 12 Board shall advise the Director on matters submitted to the Board by the  
 13 Director as well as any other issues identified by the Board.

14 (c) MEMBERSHIP.—

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

19 (2) COMPOSITION.—The Board shall be comprised of no more than  
 20 12 persons, appointed from among citizens of the United States having  
 21 a demonstrated commitment to the mission of the Service. Board mem-  
 22 bers shall be selected to represent various geographic regions, including  
 23 each of the administrative regions of the Service. At least 6 of the  
 24 members shall have outstanding expertise in one or more of the fol-  
 25 lowing fields: history, archaeology, anthropology, historical or landscape  
 26 architecture, biology, ecology, geology, marine science, or social science.  
 27 At least 4 of the members shall have outstanding expertise and prior  
 28 experience in the management of national or State parks or protected  
 29 areas, or national or cultural resources management. The remaining  
 30 members shall have outstanding expertise in one or more of the areas  
 31 described above or in another professional or scientific discipline, such  
 32 as financial management, recreation use management, land use plan-  
 33 ning, or business management, important to the mission of the Service.  
 34 At least one individual shall be a locally elected official from an area  
 35 adjacent to a park.

36 (3) VACANCY.—Any vacancy in the Board shall not affect its powers,  
 37 but shall be filled in the same manner in which the original appoint-  
 38 ment was made.

39 (4) COMPENSATION.—All members of the Board shall be reimbursed  
 40 for travel and per diem in lieu of subsistence expenses during the per-  
 41 formance of duties of the Board while away from home or their regular

1 place of business, in accordance with subchapter I of chapter 57 of title  
 2 5. With the exception of travel and per diem, a member of the Board  
 3 who otherwise is an officer or employee of the United States Govern-  
 4 ment shall serve on the Board without additional compensation.

5 (d) DUTIES AND POWERS OF BOARD.—

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

9 (2) ADVICE AND RECOMMENDATIONS.—The Board shall advise the  
 10 Secretary on matters relating to the System, to other related areas,  
 11 and to the administration of chapter 2001 of this title, including mat-  
 12 ters submitted to it for consideration by the Secretary, but it shall not  
 13 be required to provide recommendations as to the suitability or desir-  
 14 ability of surplus real and related personal property for use as an his-  
 15 toric monument. The Board shall also provide recommendations on the  
 16 designation of national historic landmarks and national natural land-  
 17 marks. The Board is strongly encouraged to consult with the major  
 18 scholarly and professional organizations in the appropriate disciplines  
 19 in making the recommendations.

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

- 22 (A) hold such hearings and sit and act at such times;
- 23 (B) take such testimony;
- 24 (C) have such printing and binding done;
- 25 (D) enter into such contracts and other arrangements;
- 26 (E) make such expenditures; and
- 27 (F) take such other actions

28 as the Board may consider advisable.

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

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

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

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

39 (f) FEDERAL LAW NOT APPLICABLE TO SERVICE.—Service as a member  
 40 of the Board shall not be deemed service or employment bringing the indi-  
 41 vidual within the provisions of any Federal law relating to conflicts of inter-

1 est or otherwise imposing restrictions, requirements, or penalties relating to  
 2 the employment of individuals, the performance of services, or the payment  
 3 or receipt of compensation in connection with claims, proceedings, or mat-  
 4 ters involving the United States. Service as a member or an employee of  
 5 the Board shall not be deemed service in an appointive or elective position  
 6 in the Federal Government for purposes of section 8344 of title 5 or com-  
 7 parable provisions of Federal law.

8 (g) COOPERATION OF FEDERAL AGENCIES.—

9 (1) INFORMATION.—The Board may secure directly from any office,  
 10 department, agency, establishment, or instrumentality of the Federal  
 11 Government such information as the Board may require for the pur-  
 12 pose of this section, and each office, department, agency, establish-  
 13 ment, or instrumentality shall furnish, to the extent permitted by law,  
 14 the information, suggestions, estimates, and statistics directly to the  
 15 Board, on request made by a member of the Board.

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

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

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

25 **§ 103903. National Park Service Advisory Council**

26 (a) DEFINITIONS.—In this section:

27 (1) BOARD.—The term “Board” means the National Park System  
 28 Advisory Board established under section 103902 of this title.

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

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

33 (c) MEMBERSHIP.—

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

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

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

3 **§ 103904. Protecting the right of individuals to bear arms**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The Second Amendment to the Constitution provides that “the  
6 right of the people to keep and bear Arms, shall not be infringed”.

7 (2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, pro-  
8 vides that “except as otherwise provided in this section and parts 7  
9 (special regulations) and 13 (Alaska regulations), the following are pro-  
10 hibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon,  
11 trap or net (iii) Using a weapon, trap or net”.

12 (3) The regulations described in paragraph (2) prevent individuals  
13 complying with Federal and State laws from exercising the Second  
14 amendment rights of the individuals while at System units.

15 (4) The existence of different laws relating to the transportation and  
16 possession of firearms at different System units entrapped law-abiding  
17 gun owners while at System units.

18 (5) Although the Bush administration issued new regulations relat-  
19 ing to the Second Amendment rights of law-abiding citizens in System  
20 units that went into effect on January 9, 2009—

21 (A) on March 19, 2009, the United States District Court for  
22 the District of Columbia granted a preliminary injunction with re-  
23 spect to the implementation and enforcement of the new regula-  
24 tions; and

25 (B) the new regulations—

26 (i) are under review by the Obama administration; and

27 (ii) may be altered.

28 (6) Congress needs to weigh in on the new regulations to ensure that  
29 unelected bureaucrats and judges cannot again override the Second  
30 Amendment rights of law-abiding citizens on 83,600,000 acres of Sys-  
31 tem land.

32 (7) Federal laws should make it clear that the Second amendment  
33 rights of an individual at a System unit should not be infringed.

34 (b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN SYS-  
35 TEM UNITS.—The Secretary shall not promulgate or enforce any regula-  
36 tion that prohibits an individual from possessing a firearm, including an as-  
37 sembled or functional firearm, in any System unit if—

38 (1) the individual is not otherwise prohibited by law from possessing  
39 the firearm; and

40 (2) the possession of the firearm is in compliance with the law of  
41 the State in which the System Unit is located.

1    **§ 103905. Limitation on extension or establishment of na-**  
 2                    **tional parks in Wyoming**

3            No extension or establishment of national parks in Wyoming may be un-  
 4    dertaken except by express authorization of Congress.

5    **§ 103906. Donations of land near or adjacent to national for-**  
 6                    **est in North Carolina for System unit purposes**

7            The Secretary may accept for System unit purposes any land and right-  
 8    of-way, including the Grandfather Mountain, near or adjacent to the na-  
 9    tional forest in western North Carolina.

10                   **DIVISION B—OUTDOOR RECREATION**  
 11                    **PROGRAMS**

12                   **CHAPTER 1051—COORDINATION OF PROGRAMS**

Sec.

105101. Definitions.

105102. Findings and declaration of policy.

105103. Powers and duties of Secretary.

105104. Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan.

13    **§ 105101. Definitions**

14            As used in this chapter:

15            (1) STATE.—The term “State” may, to the extent practicable, in-  
 16            clude Puerto Rico, the Virgin Islands, Guam, American Samoa, and the  
 17            Northern Mariana Islands.

18            (2) UNITED STATES.—The term “United States”—

19                    (A) shall include the District of Columbia; and

20                    (B) may, to the extent practicable, include Puerto Rico, the Vir-  
 21                    gin Islands, Guam, American Samoa, and the Northern Mariana  
 22                    Islands.

23    **§ 105102. Findings and declaration of policy**

24            Congress finds and declares it to be desirable that—

25            (1) all American people of present and future generations be assured  
 26            adequate outdoor recreation resources; and

27            (2) it is desirable for all levels of government and private interests  
 28            to take prompt and coordinated action to the extent practicable without  
 29            diminishing or affecting their respective powers and functions to con-  
 30            serve, develop, and utilize those resources for the benefit and enjoyment  
 31            of the American people.

32    **§ 105103. Powers and duties of Secretary**

33            To carry out this chapter, the Secretary may perform the following func-  
 34    tions and activities:

35            (1) INVENTORY AND EVALUATION.—The Secretary may prepare and  
 36            maintain a continuing inventory and evaluation of outdoor recreation  
 37            needs and resources of the United States.

1           (2) CLASSIFICATION SYSTEM.—The Secretary may prepare a system  
2 for classification of outdoor recreation resources to assist in the effective  
3 and beneficial use and management of such resources.

4           (3) RECREATION PLAN.—The Secretary may formulate and maintain  
5 a comprehensive nationwide outdoor recreation plan, taking into consideration  
6 the plans of the various Federal agencies, States, and their political subdivisions.  
7 The plan shall set forth the needs and demands of the public for outdoor recreation  
8 and the current and foreseeable availability in the future of outdoor recreation  
9 resources to meet those needs. The plan shall identify critical outdoor recreation  
10 problems, recommend solutions, and recommend desirable actions to be taken at  
11 each level of government and by private interests. The Secretary shall  
12 submit the plan to the President for transmittal to Congress. Revisions  
13 of the plan shall be similarly transmitted at succeeding 5-year intervals.  
14 When a plan or revision is transmitted to the Congress, the Secretary  
15 shall transmit copies to the chief executive officers of the States.

17           (4) TECHNICAL ASSISTANCE AND ADVICE.—The Secretary may provide  
18 technical assistance and advice to and cooperate with States, political subdivisions,  
19 and private interests, including nonprofit organizations, with respect to outdoor  
20 recreation.

21           (5) INTERSTATE AND REGIONAL COOPERATION.—The Secretary may  
22 encourage interstate and regional cooperation in the planning, acquisition,  
23 and development of outdoor recreation resources.

24           (6) RESEARCH, INFORMATION, AND EDUCATION PROGRAMS AND ACTIVITIES.—  
25 The Secretary may—

26           (A) sponsor, engage in, and assist in research relating to outdoor  
27 recreation, directly or by contract or cooperative agreements, and make payments  
28 for such purposes without regard to the limitations of section 3324(a) and (b) of  
29 title 31 concerning advances of funds when the Secretary considers such action  
30 to be in the public interest;

32           (B) undertake studies and assemble information concerning outdoor  
33 recreation, directly or by contract or cooperative agreement, and disseminate  
34 the information without regard to section 3204 of title 39; and

35           (C) cooperate with educational institutions and others to assist  
36 in establishing education programs and activities and to encourage  
37 public use and benefits from outdoor recreation.

38           (7) COOPERATION AND COORDINATION WITH FEDERAL DEPARTMENTS  
39 AND AGENCIES.—

40           (A) IN GENERAL.—The Secretary may—  
41

1 (i) cooperate with and provide technical assistance to Fed-  
 2 eral departments and agencies and obtain from them informa-  
 3 tion, data, reports, advice, and assistance that are needed and  
 4 can reasonably be furnished in carrying out the purposes of  
 5 this chapter; and

6 (ii) promote coordination of Federal plans and activities  
 7 generally relating to outdoor recreation.

8 (B) FUNDING.—Any department or agency furnishing advice or  
 9 assistance under this paragraph may expend its own funds for  
 10 those purposes, with or without reimbursement, as may be agreed  
 11 to by that department or agency.

12 (8) DONATIONS.—The Secretary may accept and use donations of  
 13 money, property, personal services, or facilities for the purposes of this  
 14 chapter.

15 **§ 105104. Consultations of Secretary with administrative of-**  
 16 **ficers; execution of administrative responsibilities**  
 17 **in conformity with nationwide plan**

18 To carry out the policy declared in section 105102 of this title, the heads  
 19 of Federal departments and independent agencies having administrative re-  
 20 sponsibility over activities or resources the conduct or use of which is perti-  
 21 nent to fulfillment of that policy shall, individually or as a group—

22 (1) consult with and be consulted by the Secretary from time to time  
 23 both with respect to their conduct of those activities and their use of  
 24 those resources and with respect to the activities that the Secretary  
 25 carries on under authority of this chapter which are pertinent to their  
 26 work; and

27 (2) carry out that responsibility in general conformance with the na-  
 28 tionwide plan authorized under section 105103(3) of this title.

29 **CHAPTER 1053—LAND AND WATER CONSERVATION**  
 30 **FUND**

Sec.

- 105301. Purposes.
- 105302. Definitions.
- 105303. Establishment of Land and Water Conservation Fund.
- 105304. Appropriations for expenditure of Fund amounts.
- 105305. Admission and special recreation use fees.
- 105306. Commercial filming.
- 105307. Statement of estimated requirements.
- 105308. Financial assistance to States.
- 105309. Allocation of Fund amounts for Federal purposes.
- 105310. Availability of Fund amounts for publicity purposes.
- 105311. Contracts for acquisition of land and water.
- 105312. Contracts for options to acquire land and water in System.
- 105313. Transfers to and from Fund.

31 **§ 105301. Purposes**

32 The purposes of this chapter are—

1 (1) to assist in preserving, developing, and ensuring accessibility to  
 2 all citizens of the United States of present and future generations and  
 3 visitors who are lawfully present within the boundaries of the United  
 4 States such quality and quantity of outdoor recreation resources as  
 5 may be available and are necessary and desirable for individual active  
 6 participation in such recreation; and

7 (2) to strengthen the health and vitality of the citizens of the United  
 8 States by—

9 (A) providing funds for and authorizing Federal assistance to  
 10 the States in planning, acquisition, and development of needed  
 11 land and water areas and facilities; and

12 (B) providing funds for the Federal acquisition and development  
 13 of certain land and other areas.

#### 14 **§ 105302. Definitions**

15 In this chapter:

16 (1) FUND.—The term “Fund” means the Land and Water Con-  
 17 servation Fund established under section 105303 of this title.

18 (2) STATE.—The term “State” means a State, the District of Co-  
 19 lumbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and  
 20 the Northern Mariana Islands.

#### 21 **§ 105303. Establishment of Land and Water Conservation** 22 **Fund**

23 (a) ESTABLISHMENT.—There is established in the Treasury the Land  
 24 and Water Conservation Fund.

25 (b) DEPOSITS.—During the period ending September 30, 2015, there  
 26 shall be deposited in the Fund the following revenues and collections:

27 (1) All proceeds (except so much thereof as may be otherwise obli-  
 28 gated, credited, or paid under authority of the provisions of law set  
 29 forth in section 572(a) or 574(a) to (c) of title 40 or under authority  
 30 of any appropriation Act that appropriates an amount, to be derived  
 31 from proceeds from the transfer of excess property and the disposal of  
 32 surplus property, for necessary expenses, not otherwise provided for, in-  
 33 cident to the utilization and disposal of excess and surplus property)  
 34 received from any disposal of surplus real property and related personal  
 35 property under chapter 5 of title 40, notwithstanding any provision of  
 36 law that such proceeds shall be credited to miscellaneous receipts of the  
 37 Treasury. Nothing in this chapter shall affect existing laws or regula-  
 38 tions concerning disposal of real or personal surplus property to  
 39 schools, hospitals, and States and their political subdivisions.

40 (2) The amounts provided for in section 105313 of this title.

41 (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  
 5 such amounts as are necessary to make the income of the Fund not  
 6 less than \$900,000,000 for each fiscal year through September 30,  
 7 2015.

8 (2) RECEIPTS UNDER OUTER CONTINENTAL SHELF LANDS ACT.—To  
 9 the extent that amount appropriated under paragraph (1) are not suffi-  
 10 cient to make the total annual income of the Fund equivalent to the  
 11 amounts provided in paragraph (1), an amount sufficient to cover the  
 12 remainder shall be credited to the Fund from revenues due and payable  
 13 to the United States for deposit in the Treasury as miscellaneous re-  
 14 ceipts under the Outer Continental Shelf Lands Act (43 U.S.C. 1331  
 15 et seq.).

16 (3) AVAILABILITY OF DEPOSITS.—Notwithstanding section 105303  
 17 of this title, money deposited in the Fund under this subsection shall  
 18 remain in the Fund until appropriated by Congress to carry out this  
 19 chapter.

#### 20 **§ 105304. Appropriations for expenditure of Fund amounts**

21 Amounts deposited in the Fund shall be available for expenditure for the  
 22 purposes of this chapter only when appropriated therefor. The appropria-  
 23 tions may be made without fiscal-year limitation. Amounts made available  
 24 for obligation or expenditure from the Fund may be obligated or expended  
 25 only as provided in this chapter.

#### 26 **§ 105305. Admission and special recreation use fees**

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

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

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 en-  
 41 hancing the quality of the visitor experience, protection of resources,

1 repair and maintenance, interpretation, signage, habitat or facility en-  
 2 hancement, resource preservation, annual operation (including fee col-  
 3 lection), maintenance, 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  
 10 FEES COLLECTED.—

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

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

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

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

36 (c) SELLING OF PERMITS.—

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

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

1 (B) the purposes and resources of the System units in which  
2 they 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  
8 surety bond. The Secretary may enter into arrangements with qualified  
9 public or private entities pursuant to which the entities may sell (with-  
10 out cost to the United States) annual admission permits (including  
11 Golden Eagle Passports) at any appropriate location. The arrange-  
12 ments shall require each such entity to reimburse the United States for  
13 the full amount to be received from the sale of the permits at or before  
14 the Secretary delivers 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 Serv-  
18 ice provides transportation to view all or a portion of any System unit,  
19 the Director may impose a charge for the service in lieu of an admis-  
20 sion 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  
25 manner as receipts from fees collected pursuant to this section. Fifty  
26 percent of the amount retained shall be expended only for maintenance  
27 of transportation systems at the System unit where the charge was im-  
28 posed. The remaining 50 percent of the retained amount shall be ex-  
29 pended only for activities related to resource protection at those System  
30 units.

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

37 (f) COMMERCIAL TOUR USE FEES.—

38 (1) ESTABLISHMENT.—In the case of each System unit for which an  
39 admission fee is charged under this section, the Secretary shall estab-  
40 lish a commercial tour use fee to be imposed on each vehicle entering

1 the System unit for the purpose of providing commercial tour services  
2 within the System unit.

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

5 (A) Twenty-five dollars per vehicle with a passenger capacity of  
6 25 individual or less.

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

9 (3) ADJUSTMENTS.—The Secretary may periodically make reason-  
10 able adjustments to the commercial tour use fee imposed under this  
11 subsection.

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

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

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

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

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

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

29 **§ 105306. Commercial filming**

30 (a) COMMERCIAL FILMING FEE.—

31 (1) IN GENERAL.—The Secretary shall require a permit and shall es-  
32 tablish a reasonable fee for commercial filming activities or similar  
33 projects on Federal land administered by the Secretary. The fee shall  
34 provide a fair return to the United States and shall be based on the  
35 following criteria:

36 (A) The number of days the filming activity or similar project  
37 takes place on Federal land under the Secretary's jurisdiction.

38 (B) The size of the film crew present on Federal land under the  
39 Secretary's jurisdiction.

40 (C) The amount and type of equipment present.

1           (2) OTHER FACTORS TO BE INCLUDED.—The Secretary may include  
2           other factors in determining an appropriate fee as the Secretary con-  
3           siders necessary.

4           (b) RECOVERY OF COSTS.—The Secretary shall collect any costs incurred  
5           as a result of filming activities or similar project, including administrative  
6           and personnel costs. All costs recovered shall be in addition to the fee as-  
7           sessed in subsection (a).

8           (c) STILL PHOTOGRAPHY.—

9           (1) IN GENERAL.—Except as provided in paragraph (2), the Sec-  
10           retary shall not require a permit or assess a fee for still photography  
11           on land administered by the Secretary if the photography takes place  
12           where members of the public are generally allowed. The Secretary may  
13           require a permit, fee, or both, if the photography takes place at other  
14           locations where members of the public are generally not allowed, or  
15           where additional administrative costs are likely.

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

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

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

27           (e) USE OF PROCEEDS.—

28           (1) IN GENERAL.—All fees collected under this section shall be avail-  
29           able for expenditure by the Secretary, without further appropriation, in  
30           accordance with the formula and purposes established for the Rec-  
31           reational Fee Demonstration Program authorized by section 315 of the  
32           Department of the Interior and Related Agencies Appropriations Act,  
33           1996 (110 Stat. 1321–200). All fees collected shall remain available  
34           until expended.

35           (2) AVAILABLE FOR EXPENDITURE WHERE COLLECTED.—All costs  
36           recovered under this section shall be available for expenditure by the  
37           Secretary, without further appropriation, at the site where collected. All  
38           costs recovered shall remain available until expended.

39           (f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall estab-  
40           lish a process to ensure that permit applicants for commercial filming, still  
41           photography, or other activity are responded to in a timely manner.

1    **§ 105307. Statement of estimated requirements**

2       There shall be submitted with the annual budget of the United States a  
3    comprehensive statement of estimated requirements during the ensuing fis-  
4    cal year for appropriations from the Fund. Not less than 40 percent of such  
5    appropriations shall be available for Federal purposes.

6    **§ 105308. Financial assistance to States**

7       (a) AUTHORITY OF SECRETARY TO MAKE PAYMENTS.—The Secretary  
8    may provide financial assistance to the States from amounts available for  
9    State purposes. Payments may be made to the States by the Secretary as  
10   provided in this section, subject to such terms and conditions as the Sec-  
11   retary considers appropriate and in the public interest to carry out the pur-  
12   poses of this chapter, for outdoor recreation:

13       (1) Planning.

14       (2) Acquisition of land, water, or interests in land or water.

15       (3) Development.

16       (b) APPORTIONMENT AMONG STATES.—Amounts appropriated and avail-  
17    able for State purposes for each fiscal year shall be apportioned among the  
18    States by the Secretary, whose determination shall be final, in accordance  
19    with the following formula:

20       (1) Forty percent of the first \$225,000,000; 30 percent of the next  
21       \$275,000,000; and 20 percent of all additional appropriations shall be  
22       apportioned equally among the States.

23       (2) At any time, the remaining appropriation shall be apportioned  
24       on the basis of need to individual States by the Secretary in such  
25       amounts as in the Secretary's judgment will best accomplish the pur-  
26       poses of this chapter. The determination of need shall include a consid-  
27       eration of—

28           (A) the proportion that the population of each State bears to  
29           the total population of the United States;

30           (B) of the use of outdoor recreation resources of individual  
31           States by persons from outside the State; and

32           (C) the Federal resources and programs in the particular  
33           States.

34       (3) The total allocation to an individual State under paragraphs (1)  
35       and (2) shall not exceed 10 percent of the total amount allocated to  
36       the States in any one year.

37       (4) The Secretary shall notify each State of its apportionments. The  
38       amounts shall be available for payment to the State for planning, ac-  
39       quisition, or development projects as prescribed. Any amount of any  
40       apportionment that has not been paid or obligated by the Secretary  
41       during the fiscal year in which the notification is given and for 2 fiscal

1 years thereafter shall be reapportioned by the Secretary in accordance  
 2 with paragraph (2) without regard to the 10 percent limitation to an  
 3 individual State specified in this subsection.

4 (5) For the purposes of paragraph (1), the District of Columbia,  
 5 Puerto Rico, the Virgin Islands, Guam, American Samoa, and the  
 6 Northern Mariana Islands shall be deemed to be one State, and shall  
 7 receive shares of the apportionment in proportion to their populations..

8 (c) MATCHING REQUIREMENTS.—Payments to any State shall cover not  
 9 more than 50 percent of the cost of planning, acquisition, or development  
 10 projects that are undertaken by the State. The remaining share of the cost  
 11 shall be borne by the State in a manner and with funds or services as shall  
 12 be satisfactory to the Secretary.

13 (d) COMPREHENSIVE STATE PLAN.—

14 (1) REQUIRED FOR CONSIDERATION OF FINANCIAL ASSISTANCE.—A  
 15 comprehensive statewide outdoor recreation plan shall be required prior  
 16 to the consideration by the Secretary of financial assistance for acquisi-  
 17 tion or development projects. The plan shall be adequate if, in the judg-  
 18 ment of the Secretary, it encompasses and will promote the purposes  
 19 of this chapter. No plan shall be approved unless the chief executive  
 20 officer of the State certifies that ample opportunity for public partici-  
 21 pation in plan development and revision has been accorded. The Sec-  
 22 retary shall develop, in consultation with others, criteria for public par-  
 23 ticipation, which criteria shall constitute the basis for the certification  
 24 by the chief executive officer. The plan shall contain—

25 (A) the name of the State agency that will have authority to  
 26 represent and act for the State in dealing with the Secretary for  
 27 purposes of this chapter;

28 (B) an evaluation of the demand for and supply of outdoor  
 29 recreation resources and facilities in the State;

30 (C) a program for the implementation of the plan; and

31 (D) other necessary information, as determined by the Sec-  
 32 retary.

33 (2) FACTORS TO BE CONSIDERED.—The plan shall take into account  
 34 relevant Federal resources and programs and shall be correlated so far  
 35 as practicable with other State, regional, and local plans. Where there  
 36 exists or is in preparation for any particular State a comprehensive  
 37 plan financed in part with funds supplied by the Secretary of Housing  
 38 and Urban Development, any statewide outdoor recreation plan pre-  
 39 pared for purposes of this part shall be based upon the same popu-  
 40 lation, growth, and other pertinent factors as are used in formulating  
 41 plans financed by the Secretary of Housing and Urban Development.

1           (3) PROVISION OF ASSISTANCE WHEN PLAN NOT OTHERWISE AVAIL-  
2 ABLE OR TO MAINTAIN PLAN.—The Secretary may provide financial as-  
3 sistance to any State for projects for the preparation of a compre-  
4 hensive statewide outdoor recreation plan when the plan is not otherwise  
5 available or for the maintenance of the plan.

6           (4) WETLANDS.—A comprehensive statewide outdoor recreation plan  
7 shall specifically address wetlands within the State as an important  
8 outdoor recreation resource as a prerequisite to approval, except that  
9 a revised comprehensive statewide outdoor recreation plan shall not be  
10 required by the Secretary, if a State submits, and the Secretary, acting  
11 through the Director, approves, as a part of and as an addendum to  
12 the existing comprehensive statewide outdoor recreation plan, a wet-  
13 lands priority plan developed in consultation with the State agency with  
14 responsibility for fish and wildlife resources and consistent with the na-  
15 tional wetlands priority conservation plan developed under section 301  
16 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3921)  
17 or, if the national plan has not been completed, consistent with the pro-  
18 visions of that section.

19 (e) PROJECTS FOR LAND AND WATER ACQUISITION.—

20           (1) IN GENERAL.—In addition to assistance for planning projects,  
21 the Secretary may provide financial assistance to any State for the  
22 types of projects described in paragraphs (2) and (3), or combinations  
23 of those projects, if the projects are in accordance with the State com-  
24 prehensive plan.

25           (2) ACQUISITION OF LAND OR WATER.—

26           (A) IN GENERAL.—Under paragraph (1), the Secretary may  
27 provide financial assistance for a project for the acquisition of  
28 land, water, or an interest in land or water, or a wetland area or  
29 an interest in a wetland area, as identified in the wetlands provi-  
30 sions of the comprehensive plan (other than land, water, or an in-  
31 terest in land or water acquired from the United States for less  
32 than fair market value), but not including incidental costs relating  
33 to acquisition.

34           (B) RETENTION OF RIGHT OF USE AND OCCUPANCY.—When a  
35 State provides that the owner of a single-family residence may, at  
36 the owner's option, elect to retain a right of use and occupancy  
37 for not less than 6 months after the date of acquisition of the resi-  
38 dence and the owner elects to retain such a right—

39                   (i) the owner shall be deemed to have waived any benefits  
40                   under sections 203 to 206 of the Uniform Relocation Assist-

1                   ance and Real Property Acquisition Policies Act of 1970 (42  
2                   U.S.C. 4623 to 4626); and

3                   (ii) for the purposes of those sections the owner shall not  
4                   be deemed to be a displaced person as defined in section 101  
5                   of that Act (42 U.S.C. 4601).

6                   (3) DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.—

7                   Under paragraph (1), the Secretary may provide financial assistance  
8                   for a project for development of basic outdoor recreation facilities to  
9                   serve the general public, including the development of Federal land  
10                  under lease to States for terms of 25 years or more. No assistance  
11                  shall be available under this chapter to enclose or shelter facilities nor-  
12                  mally used for outdoor recreation activities, but the Secretary may per-  
13                  mit local funding, and not to exceed 10 percent of the total amount  
14                  allocated to a State in any one year, to be used for sheltered facilities  
15                  for swimming pools and ice skating rinks in areas where the Secretary  
16                  determines that the severity of climatic conditions and the increased  
17                  public use thereby made possible justifies the construction of the facili-  
18                  ties.

19                  (f) PAYMENTS.—

20                  (1) CRITERIA FOR MAKING PAYMENTS.—The Secretary may make a  
21                  payment to a State only for a planning, acquisition, or development  
22                  project that is approved by the Secretary. The Secretary shall not make  
23                  a payment for or on account of any project with respect to which finan-  
24                  cial assistance has been given or promised under any other Federal  
25                  program or activity, and no financial assistance shall be given under  
26                  any other Federal program or activity for or on account of any project  
27                  with respect to which the assistance has been given or promised under  
28                  this chapter. The Secretary may make payments from time to time in  
29                  keeping with the rate of progress toward the satisfactory completion of  
30                  a project. The approval of all projects and all payments, or any com-  
31                  mitments relating thereto, shall be withheld until the Secretary receives  
32                  appropriate written assurance from the State that the State has the  
33                  ability and intention to finance its share of the cost of all of the  
34                  projects, and to operate and maintain by acceptable standards, at State  
35                  expense, the properties or facilities acquired or developed for public  
36                  outdoor recreation use.

37                  (2) PAYMENT RECIPIENTS.—Payments for all projects shall be made  
38                  by the Secretary to the chief executive officer of the State or to a State  
39                  official or agency designated by the chief executive officer or by State  
40                  law having authority and responsibility to accept and to administer  
41                  funds paid under this section for approved projects. If consistent with

1 an approved project, funds may be transferred by the State to a polit-  
2 ical subdivision or other appropriate public agency.

3 (g) CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION  
4 USE.—No property acquired or developed with assistance under this section  
5 shall, without the approval of the Secretary, be converted to other than pub-  
6 lic outdoor recreation use. The Secretary shall approve a conversion only if  
7 the Secretary finds it to be in accordance with the then-existing comprehen-  
8 sive statewide outdoor recreation plan and only on such conditions as the  
9 Secretary considers necessary to ensure the substitution of other recreation  
10 properties of at least equal fair market value and of reasonably equivalent  
11 usefulness and location. Wetland areas and interests therein as identified in  
12 the wetlands provisions of the comprehensive plan and proposed to be ac-  
13 quired as suitable replacement property within the same State that is other-  
14 wise acceptable to the Secretary, acting through the Director, shall be  
15 deemed to be of reasonably equivalent usefulness with the property proposed  
16 for conversion.

17 (h) REPORTS AND ACCOUNTING PROCEDURES.—No payment shall be  
18 made to any State until the State has agreed to—

19 (1) provide such reports to the Secretary in such form and con-  
20 taining such information as may be reasonably necessary to enable the  
21 Secretary to perform the Secretary's duties under this chapter; and

22 (2) provide such fiscal control and fund accounting procedures as  
23 may be necessary to ensure proper disbursement and accounting for  
24 Federal funds paid to the State under this chapter.

25 (i) RECORDS.—A recipient of assistance under this chapter shall keep  
26 such records as the Secretary shall prescribe, including records that fully  
27 disclose—

28 (1) the amount and the disposition by the recipient of the proceeds  
29 of the assistance;

30 (2) the total cost of the project or undertaking in connection with  
31 which the assistance is given or used; and

32 (3) the amount and nature of that portion of the cost of the project  
33 or undertaking supplied by other sources, and such other records as  
34 will facilitate an effective audit.

35 (j) ACCESS TO RECORDS.—The Secretary, and the Comptroller General,  
36 or any of their duly authorized representatives, shall have access for the  
37 purpose of audit and examination to any records of the recipient that are  
38 pertinent to assistance received under this chapter.

39 (k) PROHIBITION OF DISCRIMINATION.—With respect to property ac-  
40 quired or developed with assistance from the Fund, discrimination on the  
41 basis of residence, including preferential reservation or membership systems,

1 is prohibited except to the extent that reasonable differences in admission  
2 and other fees may be maintained on the basis of residence.

3 (l) COORDINATION WITH FEDERAL AGENCIES.—To ensure consistency in  
4 policies and actions under this chapter with other related Federal programs  
5 and activities and to ensure coordination of the planning, acquisition, and  
6 development assistance to States under this section with other related Fed-  
7 eral programs and activities—

8 (1) the President may issue such regulations with respect thereto as  
9 the President considers desirable; and

10 (2) the assistance may be provided only in accordance with the regu-  
11 lations.

12 (m) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE  
13 CRIME.—

14 (1) AVAILABILITY AND PURPOSE OF FUNDS.—In addition to assist-  
15 ance for planning projects, and in addition to the projects identified in  
16 subsection (e), and from amounts appropriated out of the Violent  
17 Crime Reduction Trust Fund, the Secretary may provide financial as-  
18 sistance to the States, not to exceed \$15,000,000, for projects or com-  
19 binations thereof for the purpose of making capital improvements and  
20 other measures to increase safety in urban parks and recreation areas,  
21 including funds to—

22 (A) increase lighting within or adjacent to public parks and  
23 recreation areas;

24 (B) provide emergency telephone lines to contact law enforce-  
25 ment or security personnel in areas within or adjacent to public  
26 parks and recreation areas;

27 (C) increase security personnel within or adjacent to public  
28 parks and recreation areas; and

29 (D) fund any other project intended to increase the security and  
30 safety of public parks and recreation areas.

31 (2) ELIGIBILITY.—In addition to the requirements for project ap-  
32 proval imposed by this section, eligibility for assistance under this sub-  
33 section shall depend on a showing of need. In providing funds under  
34 this subsection, the Secretary shall give priority to projects proposed  
35 for urban parks and recreation areas with the highest rates of crime  
36 and, in particular, to urban parks and recreation areas with the highest  
37 rates of sexual assault.

38 (3) FEDERAL SHARE.—Notwithstanding subsection (e), the Sec-  
39 retary may provide 70 percent improvement grants for projects under-  
40 taken by a State for the purposes described in this subsection.

1 **§ 105309. Allocation of Fund amounts for Federal purposes**

2 (a) ALLOWABLE PURPOSES AND SUBPURPOSES.—

3 (1) IN GENERAL.—Amounts appropriated from the Fund for Federal  
4 purposes shall, unless otherwise allotted in the appropriation Act mak-  
5 ing them available, be allotted by the President for the purposes and  
6 subpurposes stated in this subsection.

7 (2) ACQUISITION OF LAND, WATER, OR AN INTEREST IN LAND OR  
8 WATER.—

9 (A) SYSTEM UNITS AND RECREATION AREAS ADMINISTERED  
10 FOR RECREATION PURPOSES.—Amounts shall be allotted for the  
11 acquisition of land, water, or an interest in land or water within  
12 the exterior boundary of—

13 (i) a System unit authorized or established; and

14 (ii) an area authorized to be administered by the Secretary  
15 for outdoor recreation purposes.

16 (B) NATIONAL FOREST SYSTEM.—

17 (i) IN GENERAL.—Amounts shall be allotted for the acqui-  
18 sition of land, water, or an interest in land or water within  
19 inholdings within—

20 (I) wilderness areas of the National Forest System;  
21 and

22 (II) other areas of national forests as the boundaries  
23 of those forests existed on January 1, 1965, or purchase  
24 units approved by the National Forest Reservation Com-  
25 mission subsequent to January 1, 1965, all of which  
26 other areas are primarily of value for outdoor recreation  
27 purposes.

28 (ii) ADJACENT LAND.—Land outside but adjacent to an ex-  
29 isting national forest boundary, not to exceed 3,000 acres in  
30 the case of any one forest, that would comprise an integral  
31 part of a forest recreational management area may also be  
32 acquired with amounts appropriated from the Fund.

33 (iii) LIMITATION.—Except for areas specifically authorized  
34 by Act of Congress, not more than 15 percent of the acreage  
35 added to the National Forest System pursuant to this section  
36 shall be west of the 100th meridian.

37 (C) ENDANGERED SPECIES AND THREATENED SPECIES; FISH  
38 AND WILDLIFE REFUGE AREAS; NATIONAL WILDLIFE REFUGE SYS-  
39 TEM.—Amounts shall be allotted for the acquisition of land, water,  
40 or an interest in land or water for—

1 (i) endangered species and threatened species authorized  
2 under section 5(a) of the Endangered Species Act of 1973  
3 (16 U.S.C. 1534(a));

4 (ii) areas authorized by section 2 of the Refuge Recreation  
5 Act (16 U.S.C. 460k-1);

6 (iii) national wildlife refuge areas under section 7(a)(4) of  
7 the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and  
8 wetlands acquired under section 304 of the Emergency Wet-  
9 lands Resources Act of 1986 (16 U.S.C. 3922); and

10 (iv) any area authorized for the National Wildlife Refuge  
11 System by specific Acts.

12 (3) PAYMENT AS OFFSET OF CAPITAL COSTS.—Amounts shall be al-  
13 lotted for payment into miscellaneous receipts of the Treasury as a par-  
14 tial offset for capital costs, if any, of Federal water development  
15 projects authorized to be constructed by or pursuant to an Act of Con-  
16 gress that are allocated to public recreation and the enhancement of  
17 fish and wildlife values and financed through appropriations to water  
18 resource agencies.

19 (4) AVAILABILITY OF APPROPRIATIONS.—Appropriations allotted for  
20 the acquisition of land, water, or an interest in land or water as set  
21 forth under subparagraphs (A) and (B) of paragraph (2) shall be avail-  
22 able for those acquisitions notwithstanding any statutory ceiling on the  
23 appropriations contained in any other provision of law enacted prior to  
24 January 4, 1977, or, in the case of national recreation areas, prior to  
25 January 15, 1979, except that for any such area expenditures shall not  
26 exceed a statutory ceiling during any one fiscal year by 10 percent of  
27 the ceiling or \$1,000,000, whichever is greater.

28 (b) ACQUISITION RESTRICTIONS.—Appropriations from the Fund pursu-  
29 ant to this section shall not be used for acquisition unless the acquisition  
30 is otherwise authorized by law. Appropriations from the Fund may be used  
31 for preacquisition work where authorization is imminent and where substan-  
32 tial monetary savings could be realized.

33 (c) BOUNDARY CHANGES IN SYSTEM UNITS.—

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

1 (A) make minor revisions of the boundary of the System unit,  
2 and amounts appropriated from the Fund shall be available for ac-  
3 quisition of any land, water, and interests in land or water added  
4 to the System unit by the boundary revision subject to such statu-  
5 tory limitations, if any, on methods of acquisition and appropri-  
6 ations thereof as may be specifically applicable to the System unit;  
7 and

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

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

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

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

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

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

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

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

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

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

4 (C) The sum of the total appraised value of the land, water, and  
 5 interests in land or water to be added to the System unit and the  
 6 total appraised value of the land, water, and interests in land or  
 7 water to be deleted from the System unit does not exceed  
 8 \$750,000.

9 (D) The proposed boundary revision is not an element of a more  
 10 comprehensive boundary modification proposal.

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

13 (F) The Director obtains written consent for the boundary  
 14 modification from all property owners whose land, water, or inter-  
 15 ests in land or water, or a portion of whose land, water, or inter-  
 16 ests in land or water, will be added to or deleted from the System  
 17 unit by the boundary modification.

18 (G) The land abuts other Federal land administered by the Di-  
 19 rector.

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

23 **§105310. Availability of Fund amounts for publicity pur-**  
 24 **poses**

25 (a) IN GENERAL.—Amounts derived from the sources listed in section  
 26 105303 of this title shall not be available for publicity purposes.

27 (b) EXCEPTION FOR TEMPORARY SIGNING.—In each case where signifi-  
 28 cant acquisition or development is initiated, appropriate standardized tem-  
 29 porary signing shall be located on or near the affected site, to the extent  
 30 feasible, so as to indicate the action taken is a product of funding made  
 31 available through the Fund. The signing may indicate the percentage  
 32 amounts and dollar amounts financed by Federal and non-Federal funds,  
 33 and that the source of the funding includes amounts derived from Outer  
 34 Continental Shelf receipts. The Secretary shall prescribe standards and  
 35 guidelines for the usage of the signing to ensure consistency of design and  
 36 application.

37 **§105311. Contracts for acquisition of land and water**

38 Not to exceed \$30,000,000 of the amount authorized to be appropriated  
 39 from the Fund by section 105304 of this title may be obligated by contract  
 40 during each fiscal year for the acquisition of land, water, or interest in land  
 41 or water within areas specified in section 105309(a)(2) of this title. The

1 contract may be executed by the head of the department concerned, within  
 2 limitations prescribed by the Secretary. The contract shall be deemed a con-  
 3 tractual obligation of the United States and shall be liquidated with money  
 4 appropriated from the fund specifically for liquidation of that contract obli-  
 5 gation. No contract may be entered into for the acquisition of property pur-  
 6 suant to this section unless the acquisition is otherwise authorized by Fed-  
 7 eral law.

8 **§ 105312. Contracts for options to acquire land and water in**  
 9 **System**

10 The Secretary may enter into contracts for options to acquire land, water,  
 11 or interests in land or water within the exterior boundaries of any area the  
 12 acquisition of which is authorized by law for inclusion in the System. The  
 13 minimum period of any such option shall be 2 years, and any sums ex-  
 14 pended for the purchase thereof shall be credited to the purchase price of  
 15 the area. Not to exceed \$500,000 of the sum authorized to be appropriated  
 16 from the Fund by section 105304 of this title may be expended by the Sec-  
 17 retary in any one fiscal year for the options.

18 **§ 105313. Transfers to and from Fund**

19 (a) MOTORBOAT FUEL TAXES.—There shall be set aside in the Fund the  
 20 amounts specified in section 9503(e)(4)(B) of the Internal Revenue Code of  
 21 1986 (26 U.S.C. 9503(e)(4)(B)).

22 (b) REFUNDS OF TAXES.—There shall be paid from time to time from  
 23 the Fund into the general fund of the Treasury amounts estimated by the  
 24 Secretary of the Treasury as equivalent to—

25 (1) the amounts paid before October 1, 2012, under section 6421 of  
 26 the Internal Revenue Code of 1986 (26 U.S.C. 6421) with respect to  
 27 gasoline used after December 31, 1964, in motorboats, on the basis of  
 28 claims filed for periods ending before October 1, 2011; and

29 (2) 80 percent of the floor stocks refunds made before October 1,  
 30 2012, under section 6412(a)(1) of the Internal Revenue Code of 1986  
 31 (26 U.S.C. 6412(a)(1)) with respect to gasoline to be used in motor-  
 32 boats.

33 **CHAPTER 1055—URBAN PARK AND RECREATION**  
 34 **RECOVERY PROGRAM**

Sec.	
105501.	Findings.
105502.	Purposes.
105503.	Definitions.
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105505.	Rehabilitation and innovation grants.
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- 105511. Recordkeeping.
- 105512. Authorization of appropriations.
- 105513. Limitation on use of funds.
- 105514. Report.

1     **§ 105501. Findings**

2           Congress finds that—

3           (1) the quality of life in urban areas is closely related to the avail-  
4           ability of fully functional park and recreation systems including land,  
5           facilities, and service programs;

6           (2) residents of cities need close-to-home recreational opportunities  
7           that are adequate to specialized urban demands, with parks and facili-  
8           ties properly located, developed, and well maintained;

9           (3) the greatest recreational deficiencies with respect to land, facili-  
10          ties, and programs are found in many large cities, especially at the  
11          neighborhood level;

12          (4) inadequate financing of urban recreation programs due to fiscal  
13          difficulties in many large cities has led to the deterioration of facilities,  
14          nonavailability of recreation services, and an inability to adapt re-  
15          creational programs to changing circumstances; and

16          (5) there is no existing Federal assistance program which fully ad-  
17          dresses the needs for physical rehabilitation and revitalization of these  
18          park and recreation systems.

19     **§ 105502. Purposes**

20          (a) ESTABLISH PROGRAM.—The purpose of this chapter is to authorize  
21          the Secretary to establish an urban park and recreation recovery program  
22          which would provide Federal grants to economically hard-pressed commu-  
23          nities specifically for the rehabilitation of critically needed recreation areas,  
24          facilities, and development of improved recreation programs. This program  
25          is intended to complement existing Federal programs such as the Land and  
26          Water Conservation Fund and Community Development Grant Programs by  
27          encouraging and stimulating local governments to revitalize their park and  
28          recreation systems and to make long-term commitments to continuing main-  
29          tenance of these systems. Such assistance shall be subject to such terms and  
30          conditions as the Secretary considers appropriate and in the public interest  
31          to carry out the purposes of this chapter.

32          (b) IMPROVE RECREATION FACILITIES AND EXPAND RECREATION SER-  
33          VICES.—It is further the purpose of this chapter to improve recreation facili-  
34          ties and expand recreation services in urban areas with a high incidence of  
35          crime and to help deter crime through the expansion of recreation opportu-  
36          nities for at-risk youth.

37          (c) INCREASE SECURITY.—It is the further purpose of this chapter to in-  
38          crease the security of urban parks and to promote collaboration between

1 local agencies involved in parks and recreation, law enforcement, youth so-  
2 cial services, and juvenile justice system.

3 **§ 105503. Definitions**

4 In this chapter:

5 (1) AT-RISK YOUTH RECREATION GRANTS.—The term “at-risk youth  
6 recreation grants” means grants in neighborhoods and communities  
7 with a high prevalence of crime, particularly violent crime or crime  
8 committed by youthful offenders and include—

9 (A) rehabilitation grants,

10 (B) innovation grants, or

11 (C) matching grants for continuing program support for pro-  
12 grams of demonstrated value or success in providing constructive  
13 alternatives to youth at risk for engaging in criminal behavior, in-  
14 cluding grants for operating, or coordinating recreation programs  
15 and services.

16 (2) GENERAL PURPOSE LOCAL GOVERNMENT.—The term “general  
17 purpose local government” means any city, county, town, township,  
18 parish, village, or other general purpose political subdivision of a State,  
19 including the District of Columbia, and insular areas.

20 (3) INNOVATION GRANTS.—The term “innovation grants” means  
21 matching grants to local governments to cover costs of personnel, faci-  
22 lities, equipment, supplies, or services designed to demonstrate innova-  
23 tive and cost-effective ways to augment park and recreation opportuni-  
24 ties at the neighborhood level and to address common problems related  
25 to facility operations and improved delivery of recreation service, and  
26 which shall exclude routine operation and maintenance activities.

27 (4) INSULAR AREAS.—The term “insular areas” means Guam, the  
28 Virgin Islands, American Samoa, and the Northern Mariana Islands.

29 (5) MAINTENANCE.—The term “maintenance” means all commonly  
30 accepted practices necessary to keep recreation areas and facilities op-  
31 erating in a state of good repair and to protect them from deterioration  
32 resulting from normal wear and tear.

33 (6) PRIVATE, NONPROFIT AGENCY.—The term “private, nonprofit  
34 agency” means a community-based, non-profit organization, corpora-  
35 tion, or association organized for purposes of providing recreational,  
36 conservation, and educational services directly to urban residents on ei-  
37 ther a neighborhood or communitywide basis through voluntary dona-  
38 tions, voluntary labor, or public or private grants.

39 (7) RECOVERY ACTION PROGRAM GRANTS.—The term “recovery ac-  
40 tion program grants” means matching grants to local governments for  
41 development of local park and recreation recovery action programs to

1 meet the requirements of this chapter. Such grants will be for resource  
 2 and needs assessment, coordination, citizen involvement and planning,  
 3 and program development activities to encourage public definition of  
 4 goals, and develop priorities and strategies for overall recreation system  
 5 recovery.

6 (8) RECREATIONAL AREAS AND FACILITIES.—The term “recreational  
 7 areas and facilities” means indoor or outdoor parks, buildings, sites,  
 8 or other facilities which are dedicated to recreation purposes and ad-  
 9 ministered by public or private nonprofit agencies to serve the recre-  
 10 ation needs of community residents. Emphasis shall be on public facili-  
 11 ties readily accessible to residential neighborhoods, including multiple-  
 12 use community centers which have recreation as one of their primary  
 13 purposes, but excluding major sports arenas, exhibition areas, and con-  
 14 ference halls used primarily for commercial sports, spectator, or display  
 15 activities.

16 (9) REHABILITATION GRANTS.—The term “rehabilitation grants”  
 17 means matching capital grants to local governments for—

18 (A) rebuilding, remodeling, expanding, or developing existing  
 19 outdoor or indoor recreation areas and facilities, including im-  
 20 provements in park landscapes, buildings, and support facilities,  
 21 but excluding routine maintenance and upkeep activities; and

22 (B) lighting, emergency phones or other capital improvements  
 23 that will improve the security of urban parks.

24 (10) SPECIAL PURPOSE LOCAL GOVERNMENT.—The term “special  
 25 purpose local government” means any local or regional special district,  
 26 public-purpose corporation or other limited political subdivision of a  
 27 State, including but not limited to park authorities; park, conservation,  
 28 water or sanitary districts; and school districts;

29 (11) STATE.—The term “State” means any State of the United  
 30 States or any instrumentality of a State approved by the Governor,  
 31 Puerto Rico, and insular areas.

### 32 § 105504. Federal assistance grants

33 (a) ELIGIBLE GENERAL PURPOSE LOCAL GOVERNMENTS.—In addition  
 34 to eligible local governments established in accordance with section 1005(a)  
 35 of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95–  
 36 625, 92 Stat. 3540), the Secretary may establish eligibility, in accord with  
 37 the findings and purpose of this chapter, of other general purpose local gov-  
 38 ernments in standard metropolitan statistical areas as defined by the cen-  
 39 sus.

40 (b) 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 recre-  
6 ation opportunities, particularly for minority, and low- and mod-  
7 erate-income residents;

8 (D) public participation in determining rehabilitation or develop-  
9 ment needs;

10 (E) the extent to which a project supports or complements tar-  
11 get activities undertaken as part of a local government’s overall  
12 community development and urban revitalization program;

13 (F) the extent to which a proposed project would provide em-  
14 ployment opportunities for minorities, youth, and low- and mod-  
15 erate-income residents in the project neighborhood and/or would  
16 provide for participation of neighborhood, nonprofit or tenant or-  
17 ganizations in the proposed rehabilitation activity or in subsequent  
18 maintenance, staffing, or supervision of recreation areas and facili-  
19 ties; and

20 (G) the amount of State and private support for a project as  
21 evidenced by commitments of non-Federal resources to project  
22 construction or operation.

23 (2) AT-RISK YOUTH RECREATION GRANTS.—For at-risk youth recre-  
24 ation grants, the Secretary shall give a priority to each of the following  
25 criteria:

26 (A) Programs that are targeted to youth who are at the greatest  
27 risk of becoming involved in violence and crime.

28 (B) Programs that teach important values and life skills, includ-  
29 ing teamwork, respect, leadership, and self-esteem.

30 (C) Programs that offer tutoring, remedial education, men-  
31 toring, and counseling in addition to recreation opportunities.

32 (D) Programs that offer services during late night or other non-  
33 school hours.

34 (E) Programs that demonstrate collaboration between local park  
35 and recreation, juvenile justice, law enforcement, and youth social  
36 service agencies and nongovernmental entities, including the pri-  
37 vate sector and community and nonprofit organizations.

38 (F) Programs that leverage public or private recreation invest-  
39 ments in the form of services, materials, or cash.

1 (G) Programs that show the greatest potential of being contin-  
 2 ued with non-Federal funds or which can serve as models for other  
 3 communities.

4 (e) LIMITATION OF FUNDS.—Grants to discretionary applicants under  
 5 subsection (a) may not be more than 15 percent of the total amount of  
 6 funds appropriated under this chapter for rehabilitation, innovation, and re-  
 7 recovery action program grants.

8 **§ 105505. Rehabilitation and innovation grants**

9 (a) MATCHING GRANTS.—The Secretary may provide 70 percent match-  
 10 ing rehabilitation and innovative grants directly to eligible general purpose  
 11 local governments on the Secretary's approval of applications for those  
 12 grants by the chief executives of those governments.

13 (b) SPECIAL CONSIDERATIONS.—Innovation grants should be closely tied  
 14 to goals, priorities, and implementation strategies expressed in local park  
 15 and recreation recovery action programs, with particular regard to the spe-  
 16 cial considerations listed in section 105506(e)(2) of this title.

17 (c) TRANSFER.—At the discretion of the applicants, and if consistent  
 18 with an approved application, rehabilitation and innovation grants may be  
 19 transferred in whole or in part to independent special purpose local govern-  
 20 ments, private nonprofit agencies or county or regional park authorities pro-  
 21 vided that assisted recreation areas and facilities owned or managed by the  
 22 transferree offer recreation opportunities to the general population within  
 23 the jurisdictional boundaries of an eligible applicant.

24 (d) PAYMENTS.—Payments may be made only for rehabilitation or inno-  
 25 vative projects that have been approved by the Secretary. Payments may be  
 26 made from time to time in keeping with the rate of progress toward the  
 27 satisfactory completion of a project, except that the Secretary, when appro-  
 28 priate, may make advance payments on approved rehabilitation and innova-  
 29 tive projects in an amount not to exceed 20 percent of the total project cost.

30 (e) MODIFICATION OF PROJECT.—The Secretary may authorize modifica-  
 31 tion of an approved project only when a grantee has adequately dem-  
 32 onstrated that the modification is necessary because of circumstances not  
 33 foreseeable at the time a project was proposed.

34 **§ 105506. Recovery action programs**

35 (a) EVIDENCE OF LOCAL COMMITMENT TO ONGOING PROGRAMS.—As a  
 36 requirement for project approval, local governments applying for assistance  
 37 under this chapter shall submit to the Secretary evidence of their commit-  
 38 ments to ongoing planning, rehabilitation, service, operation, and mainte-  
 39 nance programs for their park and recreation systems. These commitments  
 40 will be expressed in local park and recreation recovery action programs that  
 41 maximize coordination of all community resources, including other federally

1 supported urban development and recreation programs. During an initial in-  
2 terim period to be established by regulations under this chapter, this re-  
3 quirement may be satisfied by local government submissions of preliminary  
4 action programs that briefly define objectives, priorities, and implementation  
5 strategies for overall system recovery and maintenance and commit the ap-  
6 plicant to a scheduled program development process. Following this interim  
7 period, all local applicants shall submit to the Secretary, as a condition of  
8 eligibility, a 5-year action program for park and recreation recovery that  
9 satisfactorily demonstrates—

10 (1) systematic identification of recovery objectives, priorities, and im-  
11 plementation strategies;

12 (2) adequate planning for rehabilitation of specific recreation areas  
13 and facilities, including projections of the cost of proposed projects;

14 (3) the capacity and commitment to ensure that facilities provided  
15 or improved under this chapter shall continue to be adequately main-  
16 tained, protected, staffed, and supervised;

17 (4) the intention to maintain total local public outlays for park and  
18 recreation purposes at levels at least equal to those in the year pre-  
19 ceeding that in which grant assistance is sought except in any case  
20 where a reduction in park and recreation outlays is proportionate to  
21 a reduction in overall spending by the applicant; and

22 (5) the relationship of the park and recreation recovery program to  
23 overall community development and urban revitalization efforts.

24 (b) CONTINUING PLANNING PROCESS.—Where appropriate, the Secretary  
25 may encourage local governments to meet action program requirements  
26 through a continuing planning process that includes periodic improvements  
27 and updates in action program submissions to eliminate identified gaps in  
28 program information and policy development.

29 (c) SPECIAL CONSIDERATIONS.—Action programs shall address, but are  
30 not limited to—

31 (1) rehabilitation of existing recreational sites and facilities, includ-  
32 ing—

33 (A) general systemwide renovation;

34 (B) special rehabilitation requirements for recreational sites and  
35 facilities in areas of high population concentration and economic  
36 distress; and

37 (C) restoration of outstanding or unique structures, land-  
38 scaping, or similar features in parks of historical or architectural  
39 significance; and

1 (2) local commitments to innovative and cost-effective programs and  
 2 projects at the neighborhood level to augment recovery of park and  
 3 recreation systems, including—

4 (A) recycling of abandoned schools and other public buildings  
 5 for recreational purposes;

6 (B) multiple use of operating educational and other public  
 7 buildings, 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  
 15 projects as may be appropriate;

16 (E) conversion of recreation use of street space, derelict land,  
 17 and other public land not now designated for neighborhood rec-  
 18 reational use; and

19 (F) use of various forms of compensated and uncompensated  
 20 land regulation, tax inducements, or other means to encourage the  
 21 private sector to provide neighborhood park and recreation facili-  
 22 ties and programs.

23 (d) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall establish  
 24 and publish in the Federal Register requirements for preparation, submis-  
 25 sion, and updating of local park and recreation recovery action programs.

26 (e) ELIGIBILITY FOR AT-RISK YOUTH RECREATION GRANTS.—To be eli-  
 27 gible to receive at-risk youth recreation grants a local government shall  
 28 amend its 5-year action program to incorporate the goal of reducing crime  
 29 and juvenile delinquency and to provide a description of the implementation  
 30 strategies to achieve this goal. The plan shall also address how the local  
 31 government is coordinating its recreation programs with crime prevention  
 32 efforts of law enforcement, juvenile corrections, and youth social service  
 33 agencies.

34 (f) MATCHING GRANTS.—The Secretary may provide up to 50 percent  
 35 matching grants to eligible local applicants for program development and  
 36 planning specifically to meet the objectives of this chapter.

37 **§ 105507. State action**

38 (a) ADDITIONAL MATCH.—The Secretary may increase Federal imple-  
 39 mentation grants authorized in section 105505 of this title by providing an  
 40 additional match equal to the total match provided by a State of up to 15

1 percent of total project costs. In no event may the Federal matching amount  
2 exceed 85 percent of total project cost.

3 (b) ADEQUATE IMPLEMENTATION OF LOCAL RECOVERY PLANS.—The  
4 Secretary shall encourage States to assist the Secretary in ensuring that  
5 local recovery plans and programs are adequately implemented by cooper-  
6 ating with the Department of the Interior in monitoring local park and  
7 recreation recovery plans and programs and in ensuring consistency of the  
8 plans and programs, where appropriate, with State recreation policies as set  
9 forth in statewide comprehensive outdoor recreation plans.

10 **§ 105508. Non-Federal share of project costs**

11 (a) SOURCES.—

12 (1) ALLOWABLE SOURCES.—The non-Federal share of project costs  
13 assisted under this chapter may be derived from general or special pur-  
14 pose State or local revenues, State categorical grants, special appro-  
15 priations by State legislatures, donations of land, buildings, or building  
16 materials, and in-kind construction, technical, and planning services.  
17 Reasonable local costs of action program development to meet the re-  
18 quirements of section 105506(a) of this title may be used as part of  
19 the local match only when local applicants have not received program  
20 development grants under the authority of section 105506(f) of this  
21 title.

22 (2) NON-ALLOWABLE SOURCES.—No amounts from the Land and  
23 Water Conservation Fund established under section 105303 of this title  
24 or from any other Federal grant program other than the community  
25 development block grant programs shall be used to match Federal  
26 grants under this program.

27 (b) ENCOURAGEMENT OF STATES AND PRIVATE INTERESTS.—The Sec-  
28 retary shall encourage States and private interests to contribute, to the  
29 maximum extent possible, to the non-Federal share of project costs.

30 **§ 105509. Conversion of recreation property**

31 No property improved or developed with assistance under this chapter  
32 shall, without the approval of the Secretary, be converted to other than pub-  
33 lic recreation uses. The Secretary shall approve such conversion only if the  
34 Secretary finds it to be in accord with the current local park and recreation  
35 recovery action program and only on such conditions as the Secretary con-  
36 siders necessary to ensure the provision of adequate recreation properties  
37 and opportunities of reasonably equivalent location and usefulness.

38 **§ 105510. Coordination of program**

39 The Secretary shall—

40 (1) coordinate the urban park and recreation recovery program with  
41 the total urban recovery effort and cooperate to the fullest extent pos-

1           sible with other Federal departments and agencies and with State  
2           agencies that administer programs and policies affecting urban areas,  
3           including programs in housing, urban development, natural resources  
4           management, employment, transportation, community services, and vol-  
5           untary action;

6           (2) encourage maximum coordination of the program between appro-  
7           priate State agencies and local applicants; and

8           (3) require that local applicants include provisions for participation  
9           of community and neighborhood residents and for public-private coordi-  
10          nation in recovery planning and project selection.

#### 11   **§ 105511. Recordkeeping**

12          Each recipient of assistance under this chapter shall keep such records  
13          as the Secretary shall prescribe, including records that fully disclose the  
14          amount and disposition of project undertakings in connection with which as-  
15          sistance under this chapter is given or used, the amount and nature of that  
16          portion of the cost of the project or undertaking supplied by other sources,  
17          and such other records as will facilitate an effective audit. The Secretary,  
18          and the Comptroller General of the United States, or their duly authorized  
19          representatives, shall have access for the purpose of audit and examination  
20          to any records of the recipient that are pertinent to assistance received  
21          under this chapter.

#### 22   **§ 105512. Authorization of appropriations**

23          (a) LIMITATION OF FUNDS.—Grants made under this chapter for projects  
24          in any one State shall not be more than 15 percent of the total amount  
25          of funds authorized to be appropriated in any fiscal year.

26          (b) INSULAR AREAS.—Amounts authorized for the insular areas are not  
27          subject to the matching provisions of this chapter, and may only be subject  
28          to such conditions, reports, plans, and agreements, if any, as determined by  
29          the Secretary.

30          (c) PROGRAM SUPPORT.—Not more than 25 percent of the amounts  
31          made available under this chapter to any local government may be used for  
32          program support.

#### 33   **§ 105513. Limitation on use of funds**

34          No funds available under this chapter shall be used for the acquisition  
35          of land or interests in land.

#### 36   **§ 105514. Report**

37          Within 90 days of the expiration of this authority, the Secretary shall re-  
38          port to Congress on the overall impact of the urban park and recreation  
39          recovery program.

1 **DIVISION C—SYSTEM UNITS AND RELATED**  
 2 **AREAS**

3 [RESERVED]

4 **Subtitle II—Historic Sites, Buildings,**  
 5 **Objects, and Antiquities**

6 **DIVISION A—GENERAL PROVISIONS**

7 **CHAPTER 2001—POLICY AND ADMINISTRATIVE**  
 8 **PROVISIONS**

Sec.

200101. Declaration of national policy.

200102. Duties of Secretary.

200103. Cooperation with governmental and private agencies and individuals.

200104. Jurisdiction of States in acquired land.

200105. Authorization of appropriations.

9 **§ 200101. Declaration of national policy**

10 It is declared that it is a national policy to preserve for public use historic  
 11 sites, buildings, and objects of national significance for the inspiration and  
 12 benefit of the people of the United States.

13 **§ 200102. Duties of Secretary**

14 The Secretary, through the Service, for the purpose of effectuating the  
 15 policy expressed in this chapter, shall perform the following duties:

16 (1) The Secretary shall secure, collate, and preserve drawings, plans,  
 17 photographs, and other data of historic and archaeologic sites, build-  
 18 ings, and objects.

19 (2) The Secretary shall make a survey of historic and archaeologic  
 20 sites, buildings, and objects for the purpose of determining which pos-  
 21 sess exceptional value as commemorating or illustrating the history of  
 22 the United States.

23 (3) The Secretary shall make necessary investigations and researches  
 24 in the United States relating to particular sites, buildings, and objects  
 25 to obtain accurate historical and archaeological facts and information  
 26 concerning the sites, buildings, and objects.

27 (4) The Secretary shall, for the purpose of this chapter, acquire in  
 28 the name of the United States by gift, purchase, or otherwise any prop-  
 29 erty, personal or real, or any interest or estate in property, title to any  
 30 real property to be satisfactory to the Secretary. Property that is  
 31 owned by any religious or educational institution or that is owned or  
 32 administered for the benefit of the public shall not be acquired without  
 33 the consent of the owner. No property shall be acquired or contract or  
 34 agreement for the acquisition of the property made that will obligate  
 35 the general fund of the Treasury for the payment of the property, un-  
 36 less Congress has appropriated money that is available for that pur-  
 37 pose.

1           (5) The Secretary shall contract and make cooperative agreements  
2 with States, municipal subdivisions, corporations, associations, or indi-  
3 viduals, with proper bond where considered advisable, to protect, pre-  
4 serve, maintain, or operate any historic or archaeologic building, site,  
5 or object, or property used in connection with the building, site, or ob-  
6 ject, for public use, regardless whether the title to the building, site,  
7 object, or property is in the United States. No contract or cooperative  
8 agreement shall be made or entered into that will obligate the general  
9 fund of the Treasury unless or until Congress has appropriated money  
10 for that purpose.

11           (6) The Secretary shall restore, reconstruct, rehabilitate, preserve,  
12 and maintain historic or prehistoric sites, buildings, objects, and prop-  
13 erties of national historical or archaeological significance and where  
14 deemed desirable establish and maintain museums in connection with  
15 the sites, buildings, objects, and properties.

16           (7) The Secretary shall erect and maintain tablets to mark or com-  
17 memorate historic or prehistoric places and events of national historical  
18 or archaeological significance.

19           (8) The Secretary shall operate and manage historic and  
20 archaeologic sites, buildings, and properties acquired under this chapter  
21 together with land and subordinate buildings for the benefit of the pub-  
22 lic. The authority under this paragraph includes the power to charge  
23 reasonable visitation fees and grant concessions, leases, or permits for  
24 the use of land, building space, roads, or trails when necessary or desir-  
25 able either to accommodate the public or to facilitate administration.  
26 The Secretary may grant those concessions, leases, or permits and  
27 enter into contracts relating to the contracts, leases, or permits with  
28 responsible persons, firms, or corporations without advertising and  
29 without securing competitive bids.

30           (9) When the Secretary determines that it would be administratively  
31 burdensome to restore, reconstruct, operate, or maintain any particular  
32 historic or archaeologic site, building, or property donated to the  
33 United States through the Service, the Secretary may cause the res-  
34 toration, reconstruction, operation, or maintenance to be done by orga-  
35 nizing a corporation for that purpose under the laws of the District of  
36 Columbia or any State.

37           (10) The Secretary shall develop an educational program and service  
38 for the purpose of making available to the public information per-  
39 taining to American historic and archaeologic sites, buildings, and  
40 properties of national significance. Reasonable charges may be made  
41 for the dissemination of any such information.

1 (11) The Secretary shall perform any and all acts and make regula-  
 2 tions not inconsistent with this chapter that may be necessary and  
 3 proper to carry out this chapter.

4 **§ 200103. Cooperation with governmental and private agen-**  
 5 **cies and individuals**

6 (a) AUTHORIZATION OF SECRETARY.—The Secretary may cooperate with  
 7 and may seek and accept the assistance of any Federal, State, or local agen-  
 8 cy, educational or scientific institution, patriotic association, or individual.

9 (b) TECHNICAL ADVISORY COMMITTEES.—When the Secretary considers  
 10 it necessary, the Secretary may establish technical advisory committees to  
 11 act in an advisory capacity in connection with the restoration or reconstruc-  
 12 tion of any historic or prehistoric building or other structure.

13 (c) EMPLOYMENT OF ASSISTANCE.—The Secretary may employ profes-  
 14 sional and technical assistance and establish service as may be required to  
 15 accomplish the purposes of this chapter and for which money may be appro-  
 16 priated by Congress or made available by gifts for those purposes.

17 **§ 200104. Jurisdiction of States in acquired land**

18 Nothing in this chapter shall be held to deprive any State, or political  
 19 subdivision of a State, of its civil and criminal jurisdiction in and over land  
 20 acquired by the United States under this chapter.

21 **§ 200105. Authorization of appropriations**

22 (a) IN GENERAL.—There are authorized to be appropriated to carry out  
 23 this chapter such sums as Congress may from time to time determine.

24 (b) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—Notwithstanding  
 25 any other provision of law, no funds appropriated or otherwise made avail-  
 26 able to the Secretary to carry out paragraph (5) or (6) of section 200102  
 27 of this title may be obligated or expended—

28 (1) unless the appropriation of the funds has been specifically au-  
 29 thorized by law enacted on or after October 30, 1992; or

30 (2) in excess of the amount prescribed by law enacted on or after  
 31 October 30, 1992.

32 **CHAPTER 2003—DEFINITIONS**

Sec.  
 200301. National Trust.

33 **§ 200301. National Trust.**

34 In this subtitle, the term “National Trust” means the National Trust for  
 35 Historic Preservation in the United States established under section 207102  
 36 of this title.

37 **DIVISION B—HISTORIC PRESERVATION**

38 **Subdivision 1—General Provisions**

39 **CHAPTER 2011—FINDINGS, POLICY, AND DEFINITIONS**

Sec.

201101. Findings.  
 201102. Declaration of policy.  
 201103. Definitions.

1     **§ 201101. Findings**

2           Congress finds that—

3                 (1) the spirit and direction of the Nation are founded on and re-  
 4                 flected in its historic heritage;

5                 (2) the historical and cultural foundations of the Nation should be  
 6                 preserved as a living part of our community life and development in  
 7                 order to give a sense of orientation to the American people;

8                 (3) historic properties significant to the Nation’s heritage are being  
 9                 lost or substantially altered, often inadvertently, with increasing fre-  
 10                 quency;

11                (4) the preservation of this irreplaceable heritage is in the public in-  
 12                terest so that its vital legacy of cultural, educational, aesthetic, inspira-  
 13                tional, economic, and energy benefits will be maintained and enriched  
 14                for future generations of Americans;

15                (5) in the face of ever-increasing extensions of urban centers, high-  
 16                ways, and residential, commercial, and industrial developments, the  
 17                governmental and nongovernmental historic preservation programs and  
 18                activities as of December 12, 1980, were inadequate to ensure future  
 19                generations a genuine opportunity to appreciate and enjoy the rich her-  
 20                itage of our Nation;

21                (6) the increased knowledge of our historic properties, the establish-  
 22                ment of better means of identifying and administering them, and the  
 23                encouragement of their preservation will improve the planning and exe-  
 24                cution of Federal and federally assisted projects and will assist eco-  
 25                nomic growth and development; and

26                (7) although the major burdens of historic preservation have been  
 27                borne and major efforts initiated by private agencies and individuals,  
 28                and both should continue to play a vital role, it is nevertheless nec-  
 29                essary and appropriate for the Federal Government to accelerate its  
 30                historic preservation programs and activities, to give maximum encour-  
 31                agement to agencies and individuals undertaking preservation by pri-  
 32                vate means, and to assist State and local governments and the National  
 33                Trust to expand and accelerate their historic preservation programs  
 34                and activities.

35     **§ 201102. Declaration of policy**

36           It is the policy of the Federal Government, in cooperation with other na-  
 37           tions and in partnership with States, local governments, Indian tribes, Na-  
 38           tive Hawaiians, and private organizations and individuals, to—

1 (1) use measures, including financial and technical assistance, to fos-  
 2 ter conditions under which our modern society and our historic prop-  
 3 erties can exist in productive harmony and fulfill the social, economic,  
 4 and other requirements of present and future generations;

5 (2) provide leadership in the preservation of the historic properties  
 6 of the United States and of the international community of nations and  
 7 in the administration of the national preservation program;

8 (3) administer federally owned, administered, or controlled historic  
 9 properties in a spirit of stewardship for the inspiration and benefit of  
 10 present and future generations;

11 (4) contribute to the preservation of nonfederally owned historic  
 12 properties and give maximum encouragement to organizations and indi-  
 13 viduals undertaking preservation by private means;

14 (5) encourage the public and private preservation and utilization of  
 15 all usable elements of the Nation's historic built environment; and

16 (6) assist State and local governments, Indian tribes and Native Ha-  
 17 waiian organizations, and the National Trust to expand and accelerate  
 18 their historic preservation programs and activities.

19 **§ 201103. Definitions**

20 In this division:

21 (1) AGENCY.—The term “agency” has the meaning given the term  
 22 in section 551 of title 5.

23 (2) CERTIFIED LOCAL GOVERNMENT.—The term “certified local gov-  
 24 ernment” means a local government whose local historic preservation  
 25 program is certified pursuant to chapter 2027 of this title.

26 (3) COUNCIL.—The term “Council” means the Advisory Council on  
 27 Historic Preservation established by section 204101 of this title.

28 (4) CULTURAL PARK.—The term “cultural park” means a definable  
 29 area that—

30 (A) is distinguished by historic properties and land related to  
 31 those properties; and

32 (B) constitutes an interpretive, educational, and recreational re-  
 33 source for the public at large.

34 (5) HISTORIC CONSERVATION DISTRICT.—The term “historic con-  
 35 servation district” means an area that contains—

36 (A) historic properties;

37 (B) buildings having similar or related architectural characteris-  
 38 tics;

39 (C) cultural cohesiveness; or

40 (D) any combination of features described in subparagraphs (A)  
 41 to (C).

1 (6) HISTORIC PRESERVATION FUND.—The term “Historic Preserva-  
2 tion Fund” means the Historic Preservation Fund established under  
3 section 205511 of this title.

4 (7) HISTORIC PRESERVATION REVIEW COMMISSION.—The term “his-  
5 toric preservation review commission” means a board, council, commis-  
6 sion, or other similar collegial body—

7 (A) that is established by State or local legislation as provided  
8 in section 202702(a)(2) of this title; and

9 (B) the members of which are appointed by the chief elected of-  
10 ficial of a jurisdiction (unless State or local law provides for ap-  
11 pointment by another official) from among—

12 (i) professionals in the disciplines of architecture, history,  
13 architectural history, planning, prehistoric and historic ar-  
14 chaeology, folklore, cultural anthropology, curation, conserva-  
15 tion, and landscape architecture, or related disciplines, to the  
16 extent that those professionals are available in the commu-  
17 nity; and

18 (ii) other individuals who have demonstrated special inter-  
19 est, experience, or knowledge in history, architecture, or re-  
20 lated disciplines and will provide for an adequate and quali-  
21 fied commission.

22 (8) HISTORIC PROPERTY.—The term “historic property” means any  
23 prehistoric or historic property included on, or eligible for inclusion on,  
24 the National Register.

25 (9) INDIAN TRIBE.—The term “Indian tribe” means an Indian tribe,  
26 band, nation, or other organized group or community, including a Na-  
27 tive village, Regional Corporation or Village Corporation (as those  
28 terms are defined in section 3 of the Alaska Native Claims Settlement  
29 Act (16 U.S.C. 1602)), that is recognized as eligible for the special pro-  
30 grams and services provided by the United States to Indians because  
31 of their status as Indians.

32 (10) LOCAL GOVERNMENT.—The term “local government” means a  
33 city, county, parish, township, municipality, or borough, or any other  
34 general purpose political subdivision of any State.

35 (11) NATIONAL REGISTER.—The term “National Register” means  
36 the National Register of Historic Places maintained under chapter  
37 2023 of this title.

38 (12) NATIVE HAWAIIAN.—The term “Native Hawaiian” means any  
39 individual who is a descendant of the aboriginal people who, prior to  
40 1778, occupied and exercised sovereignty in the area that now con-  
41 stitutes Hawaii.

1 (13) NATIVE HAWAIIAN ORGANIZATION.—

2 (A) IN GENERAL.—The term “Native Hawaiian organization”  
3 means any organization that—

4 (i) serves and represents the interests of Native Hawaiians;

5 (ii) has as a primary and stated purpose the provision of  
6 services to Native Hawaiians; and

7 (iii) has demonstrated expertise in aspects of historic pres-  
8 ervation that are culturally significant to Native Hawaiians.

9 (B) INCLUSIONS.—The term “Native Hawaiian organization”  
10 includes the Office of Hawaiian Affairs of Hawaii and Hui  
11 Malama I Na Kupuna O Hawai'i Nei, an organization incor-  
12 porated under the laws of Hawaii.

13 (14) PRESERVATION OR HISTORIC PRESERVATION.—The term “pres-  
14 ervation” or “historic preservation” includes—

15 (A) identification, evaluation, recordation, documentation,  
16 curation, acquisition, protection, management, rehabilitation, res-  
17 toration, stabilization, maintenance, research, interpretation, and  
18 conservation;

19 (B) education and training regarding the foregoing activities; or

20 (C) any combination of the foregoing activities.

21 (15) PROPERTY.—

22 (A) IN GENERAL.—The term “property” means a district, site,  
23 building, structure, or object.

24 (B) INCLUSIONS.—The term “property” includes artifacts,  
25 records, and material remains that are related to a district, site,  
26 building, structure, or object.

27 (16) STATE.—The term “State” means a State, the District of Co-  
28 lumbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, the  
29 Northern Mariana Islands, the Marshall Islands, the Federated States  
30 of Micronesia, and Palau.

31 (17) STATE HISTORIC PRESERVATION REVIEW BOARD.—The term  
32 “State historic preservation review board” means a board, council,  
33 commission, or other similar collegial body established as provided in  
34 section 202501(2) of this title—

35 (A) the members of which are appointed by the State Historic  
36 Preservation Officer (unless otherwise provided for by State law);

37 (B) a majority of the members of which are professionals quali-  
38 fied in history, prehistoric and historic archaeology, architectural  
39 history, architecture, folklore, cultural anthropology, curation, con-  
40 servation, landscape architecture, and related disciplines; and

41 (C) that has the authority to—

- 1 (i) review National Register nominations and appeals from  
 2 nominations;  
 3 (ii) review appropriate documentation submitted in con-  
 4 junction with the Historic Preservation Fund;  
 5 (iii) provide general advice and guidance to the State His-  
 6 toric Preservation Officer; and  
 7 (iv) perform such other duties as may be appropriate.

8 (18) TRIBAL LAND.—The term “tribal land” means—

9 (A) all land within the exterior boundaries of any Indian res-  
 10 ervation; and

11 (B) all dependent Indian communities.

12 (19) UNDERTAKING.—The term “undertaking” means a project, ac-  
 13 tivity, or program funded in whole or in part under the direct or indi-  
 14 rect jurisdiction of a Federal agency, including—

15 (A) those carried out by or on behalf of the Federal agency;

16 (B) those carried out with Federal financial assistance;

17 (C) those requiring a Federal permit license, or approval; and

18 (D) those subject to State or local regulation administered pur-  
 19 suant to a delegation or approval by a Federal agency.

20 (20) WORLD HERITAGE CONVENTION.—The term “World Heritage  
 21 Convention” means the Convention concerning the Protection of the  
 22 World Cultural and Natural Heritage, done at Paris November 23,  
 23 1972 (27 UST 37).

## 24 **Subdivision 2—Historic Preservation Program**

### 25 **CHAPTER 2021—DEFINITIONS**

Sec.

202101. Definitions.

#### 26 **§ 202101. Definitions**

27 In this subdivision:

28 (1) DESIGNATION.—The term “designation” means the identification  
 29 and registration of properties for protection that meet criteria estab-  
 30 lished by a State or locality for significant historic properties within the  
 31 jurisdiction of a local government.

32 (2) PROTECTION.—The term “protection” means protection by  
 33 means of a local review process under State or local law for proposed  
 34 demolition of, changes to, or other action that may affect historic prop-  
 35 erties designated pursuant to chapter 2027 of this title.

### 36 **CHAPTER 2023—NATIONAL REGISTER OF HISTORIC** 37 **PLACES**

Sec.

202301. Maintenance by Secretary.

202302. Inclusion of properties on National Register.

202303. Criteria and regulations.

202304. Nominations for inclusion on National Register.

202305. Objection to inclusion on National Register or designation as National Historic Landmark.

202306. Regulations.

202307. Review of threats to historic properties.

1     **§ 202301. Maintenance by Secretary**

2         The Secretary may expand and maintain a National Register of Historic  
3     Places composed of properties significant in American history, architecture,  
4     archaeology, engineering, and culture.

5     **§ 202302. Inclusion of properties on National Register**

6         (a) IN GENERAL.—A property that meets the criteria for National His-  
7     toric Landmarks established pursuant to section 202303 of this title shall  
8     be designated as a National Historic Landmark and included on the Na-  
9     tional Register, subject to the requirements of section 202306 of this title.

10        (b) HISTORIC PROPERTIES ON NATIONAL REGISTER ON DECEMBER 12,  
11     1980.—All historic properties included on the National Register on Decem-  
12     ber 12, 1980, shall be deemed to be included on the National Register as  
13     of their initial listing for purposes of this division.

14        (c) HISTORIC PROPERTIES LISTED IN FEDERAL REGISTER OF FEB-  
15     RUARY 6, 1979, OR PRIOR TO DECEMBER 12, 1980, AS NATIONAL HIS-  
16     TORIC LANDMARKS.—All historic properties listed in the Federal Register  
17     of February 6, 1979, or prior to December 12, 1980, as National Historic  
18     Landmarks are declared by Congress to be National Historic Landmarks of  
19     national historic significance as of their initial listing in the Federal Reg-  
20     ister for purposes of this division and chapter 2001 of this title.

21        (d) BOUNDARIES.—In the case of a National Historic Landmark district  
22     for which no boundaries had been established as of December 12, 1980,  
23     boundaries must first be published in the Federal Register.

24     **§ 202303. Criteria and regulations**

25         The Secretary, in consultation with national historical and archaeological  
26     associations, shall—

27           (1) establish criteria for properties to be included on the National  
28     Register and criteria for National Historic Landmarks; and

29           (2) promulgate regulations for—

30                (A) nominating properties for inclusion on, and removal from,  
31     the National Register and the recommendation of properties by  
32     certified local governments;

33                (B) designating properties as National Historic Landmarks and  
34     removing that designation;

35                (C) considering appeals from recommendations, nominations, re-  
36     movals, and designations (or any failure or refusal by a nomi-  
37     nating authority to nominate or designate);

1 (D) nominating historic properties for inclusion in the World  
2 Heritage List in accordance with the World Heritage Convention;

3 (E) making determinations of eligibility of properties for inclu-  
4 sion on the National Register; and

5 (F) notifying the owner of a property, any appropriate local gov-  
6 ernments, and the general public, when the property is being con-  
7 sidered for inclusion on the National Register, for designation as  
8 a National Historic Landmark, or for nomination to the World  
9 Heritage List.

10 **§ 202304. Nominations for inclusion on National Register**

11 (a) NOMINATION BY STATE.—Subject to the requirements of section  
12 202306 of this title, any State that is carrying out a program approved  
13 under chapter 2025 of this title shall nominate to the Secretary properties  
14 that meet the criteria promulgated under section 202303 of this title for  
15 inclusion on the National Register. Subject to section 202306 of this title,  
16 any property nominated under this subsection or under section 205102 of  
17 this title shall be included on the National Register on the date that is 45  
18 days after receipt by the Secretary of the nomination and the necessary docu-  
19 mentation, unless the Secretary disapproves the nomination within the 45-  
20 day period or unless an appeal is filed under subsection (c).

21 (b) NOMINATION BY PERSON OR LOCAL GOVERNMENT.—Subject to the  
22 requirements of section 202306 of this title, the Secretary may accept a  
23 nomination directly from any person or local government for inclusion of a  
24 property on the National Register only if the property is located in a State  
25 where there is no program approved under chapter 2025 of this title. The  
26 Secretary may include on the National Register any property for which such  
27 a nomination is made if the Secretary determines that the property is eligi-  
28 ble in accordance with the regulations promulgated under section 202303  
29 of this title. The determination shall be made within 90 days from the date  
30 of the nomination unless the nomination is appealed under subsection (c).

31 (c) APPEAL.—Any person or local government may appeal to the Sec-  
32 retary—

33 (1) a nomination of any property for inclusion on the National Reg-  
34 ister; and

35 (2) the failure or refusal of a nominating authority to nominate a  
36 property in accordance with this chapter.

37 **§ 202305. Objection to inclusion on National Register or des-  
38 ignation as National Historic Landmark**

39 (a) REGULATIONS.—The Secretary shall promulgate regulations requiring  
40 that before any property may be included on the National Register or des-  
41 ignated as a National Historic Landmark, the owner of the property, or a

1 majority of the owners of the individual properties within a district in the  
2 case of a historic district, shall be given the opportunity (including a reason-  
3 able period of time) to concur in, or object to, the nomination of the prop-  
4 erty for inclusion or designation. The regulations shall include provisions to  
5 carry out this section in the case of multiple ownership of a single property.

6 (b) WHEN PROPERTY SHALL NOT BE INCLUDED ON NATIONAL REG-  
7 ISTER OR DESIGNATED AS NATIONAL HISTORIC LANDMARK.—If the owner  
8 of any privately owned property, or a majority of the owners of privately  
9 owned properties within the district in the case of a historic district, object  
10 to inclusion or designation, the property shall not be included on the Na-  
11 tional Register or designated as a National Historic Landmark until the ob-  
12 jection is withdrawn.

13 (c) REVIEW BY SECRETARY.—The Secretary shall review the nomination  
14 of the property when an objection has been made and shall determine  
15 whether or not the property is eligible for inclusion or designation. If the  
16 Secretary determines that the property is eligible for inclusion or designa-  
17 tion, the Secretary shall inform the Advisory Council on Historic Preserva-  
18 tion, the appropriate State Historic Preservation Officer, the appropriate  
19 chief elected local official, and the owner or owners of the property of the  
20 Secretary's determination.

21 (d) RETENTION OF NAME.—Notwithstanding section 43(e) of the Act of  
22 July 5, 1946 (known as the Trademark Act of 1946) (15 U.S.C. 1125(e)),  
23 buildings and structures on or eligible for inclusion on the National Register  
24 (either individually or as part of a historic district), or designated as an in-  
25 dividual landmark or as a contributing building in a historic district by a  
26 unit of State or local government, may retain the name historically associ-  
27 ated with the building or structure.

## 28 § 202306. Regulations

29 The Secretary shall promulgate regulations—

30 (1) ensuring that significant prehistoric and historic artifacts, and  
31 associated records, subject to subchapter I of chapter 2051 of this title,  
32 chapter 2081 of this title, and the Archaeological Resources Protection  
33 Act of 1979 (16 U.S.C. 470aa et seq.) are deposited in an institution  
34 with adequate long-term curatorial capabilities;

35 (2) establishing a uniform process and standards for documenting  
36 historic properties by public agencies and private parties for purposes  
37 of incorporation into, or complementing, the national historical archi-  
38 tectural and engineering records in the Library of Congress; and

39 (3) certifying local governments, in accordance with sections 202701  
40 and 202702 of this title and for the allocation of funds pursuant to  
41 section 205503(d) of this title.

1 **§ 202307. Review of threats to historic properties**

2 At least once every 4 years, the Secretary, in consultation with the Coun-  
3 cil and with State Historic Preservation Officers, shall review significant  
4 threats to historic properties to—

- 5 (1) determine the kinds of historic properties that may be threat-  
6 ened;  
7 (2) ascertain the causes of the threats; and  
8 (3) develop and submit to the President and Congress recommenda-  
9 tions for appropriate action.

10 **CHAPTER 2025—STATE HISTORIC PRESERVATION**  
11 **PROGRAMS**

Sec.

202501. Regulations.  
202502. Program evaluation.  
202503. State Historic Preservation Officer.  
202504. Contracts and cooperative agreements.

12 **§ 202501. Regulations**

13 The Secretary, in consultation with the National Conference of State His-  
14 toric Preservation Officers and the National Trust for Historic Preserva-  
15 tion, shall promulgate or revise regulations for State Historic Preservation  
16 Programs. The regulations shall provide that a State program submitted to  
17 the Secretary under this chapter shall be approved by the Secretary if the  
18 Secretary determines that the program provides for—

- 19 (1) the designation and appointment by the chief executive officer of  
20 the State of a State Historic Preservation Officer to administer the  
21 program in accordance with section 202503 of this title and for the em-  
22 ployment or appointment by the officer of professionally qualified staff  
23 that may be necessary for those purposes;  
24 (2) an adequate and qualified State historic preservation review  
25 board designated by the State Historic Preservation Officer unless oth-  
26 erwise provided for by State law; and  
27 (3) adequate public participation in the State Historic Preservation  
28 Program, including the process of recommending properties for nomi-  
29 nation to the National Register.

30 **§ 202502. Program evaluation**

31 (a) WHEN EVALUATION SHOULD OCCUR.—Periodically, but not less  
32 than every 4 years after the approval of any State program under this sec-  
33 tion, the Secretary, in consultation with the Council on the appropriate pro-  
34 visions of this division, and in cooperation with the State Historic Preserva-  
35 tion Officer, shall evaluate the program to determine whether it is consistent  
36 with this division.

37 (b) DISAPPROVAL OF PROGRAM.—If, at any time, the Secretary deter-  
38 mines that a major aspect of a State program is not consistent with this

1 division, the Secretary shall disapprove the program and suspend in whole  
 2 or in part any contracts or cooperative agreements with the State and the  
 3 State Historic Preservation Officer under this division, until the program  
 4 is consistent with this division, unless the Secretary determines that the  
 5 program will be made consistent with this division within a reasonable pe-  
 6 riod of time.

7 (e) OVERSIGHT.—The Secretary, in consultation with State Historic Pres-  
 8 ervation Officers, shall establish oversight methods to ensure State program  
 9 consistency and quality without imposing undue review burdens on State  
 10 Historic Preservation Officers.

11 (d) STATE FISCAL AUDIT AND MANAGEMENT SYSTEM.—

12 (1) SUBSTITUTION FOR COMPARABLE FEDERAL SYSTEMS.—At the  
 13 discretion of the Secretary, a State system of fiscal audit and manage-  
 14 ment may be substituted for comparable Federal systems so long as the  
 15 State system—

16 (A) establishes and maintains substantially similar account-  
 17 ability standards; and

18 (B) provides for independent professional peer review.

19 (2) FISCAL AUDITS AND REVIEW BY SECRETARY.—The Secretary—

20 (A) may conduct periodic fiscal audits of State programs ap-  
 21 proved under this subdivision as needed; and

22 (B) shall ensure that the programs meet applicable account-  
 23 ability standards.

24 **§ 202503. State Historic Preservation Officer**

25 (a) IN GENERAL.—It shall be the responsibility of a State Historic Pres-  
 26 ervation Officer to administer a State Historic Preservation Program.

27 (b) PARTICULAR RESPONSIBILITIES.—It shall be the responsibility of a  
 28 State Historic Preservation Officer to—

29 (1) in cooperation with Federal and State agencies, local govern-  
 30 ments, and private organizations and individuals, direct and conduct a  
 31 comprehensive statewide survey of historic properties and maintain in-  
 32 ventories of the properties;

33 (2) identify and nominate eligible properties to the National Register  
 34 and otherwise administer applications for listing historic properties on  
 35 the National Register;

36 (3) prepare and implement a comprehensive statewide historic pres-  
 37 ervation plan;

38 (4) administer the State program of Federal assistance for historic  
 39 preservation within the State;

1 (5) advise and assist, as appropriate, Federal and State agencies and  
 2 local governments in carrying out their historic preservation respon-  
 3 sibilities;

4 (6) cooperate with the Secretary, the Council, other Federal and  
 5 State agencies, local governments, and organizations and individuals to  
 6 ensure that historic properties are taken into consideration at all levels  
 7 of planning and development;

8 (7) provide public information, education, and training and technical  
 9 assistance in historic preservation;

10 (8) cooperate with local governments in the development of local his-  
 11 toric preservation programs and assist local governments in becoming  
 12 certified pursuant to chapter 2027 of this title;

13 (9) consult with appropriate Federal agencies in accordance with this  
 14 division on—

15 (A) Federal undertakings that may affect historic properties;

16 and

17 (B) the content and sufficiency of any plans developed to pro-  
 18 tect, manage, or reduce or mitigate harm to those properties; and

19 (10) advise and assist in the evaluation of proposals for rehabilita-  
 20 tion projects that may qualify for Federal assistance.

21 **§ 202504. Contracts and cooperative agreements**

22 (a) STATE.—Any State may carry out all or any part of its responsibil-  
 23 ities under this chapter by contract or cooperative agreement with any  
 24 qualified nonprofit organization or educational institution.

25 (b) SECRETARY.—

26 (1) IN GENERAL.—

27 (A) AUTHORITY TO ASSIST SECRETARY.—Subject to paragraphs  
 28 (3) and (4), the Secretary may enter into contracts or cooperative  
 29 agreements with a State Historic Preservation Officer for any  
 30 State authorizing the Officer to assist the Secretary in carrying  
 31 out one or more of the following responsibilities within that State:

32 (i) Identification and preservation of historic properties.

33 (ii) Determination of the eligibility of properties for listing  
 34 on the National Register.

35 (iii) Preparation of nominations for inclusion on the Na-  
 36 tional Register.

37 (iv) Maintenance of historical and archaeological data  
 38 bases.

39 (v) Evaluation of eligibility for Federal preservation incen-  
 40 tives.

1 (B) AUTHORITY TO MAINTAIN NATIONAL REGISTER.—Nothing  
 2 in subparagraph (A) shall be construed to provide that any State  
 3 Historic Preservation Officer or any other person other than the  
 4 Secretary shall have the authority to maintain the National Reg-  
 5 ister for properties in any State.

6 (2) REQUIREMENTS.—The Secretary may enter into a contract or  
 7 cooperative agreement under paragraph (1) only if—

8 (A) the State Historic Preservation Officer has requested the  
 9 additional responsibility;

10 (B) the Secretary has approved the State historic preservation  
 11 program pursuant to sections 204501 and 204502 of this title;

12 (C) the State Historic Preservation Officer agrees to carry out  
 13 the additional responsibility in a timely and efficient manner ac-  
 14 ceptable to the Secretary and the Secretary determines that the  
 15 Officer is fully capable of carrying out the responsibility in that  
 16 manner;

17 (D) the State Historic Preservation Officer agrees to permit the  
 18 Secretary to review and revise, as appropriate in the discretion of  
 19 the Secretary, decisions made by the Officer pursuant to the con-  
 20 tract or cooperative agreement; and

21 (E) the Secretary and the State Historic Preservation Officer  
 22 agree on the terms of additional financial assistance to the State,  
 23 if there is to be any, for the costs of carrying out that responsi-  
 24 bility.

25 (3) ESTABLISH CONDITIONS AND CRITERIA.—For each significant  
 26 program area under the Secretary’s authority, the Secretary shall es-  
 27 tablish specific conditions and criteria essential for the assumption by  
 28 a State Historic Preservation Officer of the Secretary’s duties in each  
 29 of those programs.

30 (4) PRESERVATION PROGRAMS AND ACTIVITIES NOT DIMINISHED.—  
 31 Nothing in this chapter shall have the effect of diminishing the preser-  
 32 vation programs and activities of the Service.

### 33 **CHAPTER 2027—CERTIFICATION OF LOCAL** 34 **GOVERNMENTS**

Sec.

202701. Certification as part of State program.

202702. Requirements for certification.

202703. Consideration of property for inclusion on National Register.

202704. Eligibility and responsibility of certified local government.

#### 35 **§ 202701. Certification as part of State program**

36 Any State program approved under this subdivision shall provide a mech-  
 37 anism for the certification by the State Historic Preservation Officer of local  
 38 governments to carry out the purposes of this division and provide for the

1 transfer, in accordance with section 205503(d) of this title, of a portion of  
 2 the grants received by the States under this division, to those local govern-  
 3 ments.

4 **§ 202702. Requirements for certification**

5 (a) APPROVED STATE PROGRAM.—Any local government shall be certified  
 6 to participate under this section if the applicable State Historic Preservation  
 7 Officer, and the Secretary, certify that the local government—

8 (1) enforces appropriate State or local legislation for the designation  
 9 and protection of historic properties;

10 (2) has established an adequate and qualified historic preservation  
 11 review commission by State or local legislation;

12 (3) maintains a system for the survey and inventory of historic prop-  
 13 erties that furthers the purposes of chapter 2025 of this title;

14 (4) provides for adequate public participation in the local historic  
 15 preservation program, including the process of recommending prop-  
 16 erties for nomination to the National Register; and

17 (5) satisfactorily performs the responsibilities delegated to it under  
 18 this division.

19 (b) NO APPROVED STATE PROGRAM.—Where there is no approved State  
 20 program, a local government may be certified by the Secretary if the Sec-  
 21 retary determines that the local government meets the requirements of sub-  
 22 section (a). The Secretary may make grants to the local government cer-  
 23 tified under this subsection for purposes of this subdivision.

24 **§ 202703. Consideration of property for inclusion on Na-**  
 25 **tional Register**

26 (a) NOTICE.—Before a property within the jurisdiction of a certified local  
 27 government may be considered by a State to be nominated to the Secretary  
 28 for inclusion on the National Register, the State Historic Preservation Offi-  
 29 cer shall notify the owner, the applicable chief local elected official, and the  
 30 local historic preservation commission.

31 (b) REPORT.—The local historic preservation commission, after reason-  
 32 able opportunity for public comment, shall prepare a report as to whether  
 33 the property, in the Commission's opinion, meets the criteria of the National  
 34 Register. Within 60 days of notice from the State Historic Preservation Of-  
 35 ficer, the chief local elected official shall transmit the report of the commis-  
 36 sion and the recommendation of the local official to the State Historic Pres-  
 37 ervation Officer.

38 (c) RECOMMENDATION.—

39 (1) PROPERTY NOMINATED TO NATIONAL REGISTER.—Except as  
 40 provided in paragraph (2), after receipt of the report and recommenda-  
 41 tion, or if no report and recommendation are received within 60 days,

1 the State shall make the nomination pursuant to section 204304 of this  
 2 title. The State may expedite the process with the concurrence of the  
 3 certified local government.

4 (2) PROPERTY NOT NOMINATED TO NATIONAL REGISTER.—If both  
 5 the commission and the chief local elected official recommend that a  
 6 property not be nominated to the National Register, the State Historic  
 7 Preservation Officer shall take no further action, unless, within 30 days  
 8 of the receipt of the recommendation by the State Historic Preserva-  
 9 tion Officer, an appeal is filed with the State. If an appeal is filed, the  
 10 State shall follow the procedures for making a nomination pursuant to  
 11 section 202304 of this title. Any report and recommendations made  
 12 under this section shall be included with any nomination submitted by  
 13 the State to the Secretary.

14 **§ 202704. Eligibility and responsibility of certified local gov-**  
 15 **ernment**

16 Any local government that is certified under this section or that is mak-  
 17 ing efforts to become certified—

18 (1) shall be eligible for funds under section 205503(d) of this title;  
 19 and

20 (2) shall carry out any responsibilities delegated to it in accordance  
 21 with such terms and conditions as the Secretary considers necessary or  
 22 advisable.

23 **CHAPTER 2029—HISTORIC PROPERTIES OF INDIAN**  
 24 **TRIBES**

Sec.

202901. Program to assist Indian tribes in preserving historic properties.

202902. Indian tribe to assume functions of State Historic Preservation Officer.

202903. Apportionment of grant funds.

202904. Contracts and cooperative agreements.

202905. Agreement for review under tribal historic preservation regulations.

202906. Eligibility for inclusion on National Register.

25 **§ 202901. Program to assist Indian tribes in preserving his-**  
 26 **toric properties**

27 (a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a pro-  
 28 gram and promulgate regulations to assist Indian tribes in preserving their  
 29 historic properties.

30 (b) COMMUNICATION AND COOPERATION.—The Secretary shall foster  
 31 communication and cooperation between Indian tribes and State Historic  
 32 Preservation Officers in the administration of the national historic preserva-  
 33 tion program to—

34 (1) ensure that all types of historic properties and all public interests  
 35 in historic properties are given due consideration; and

36 (2) encourage coordination among Indian tribes, State Historic Pres-  
 37 ervation Officers, and Federal agencies in historic preservation plan-

1           ning and in the identification, evaluation, protection, and interpretation  
2           of historic properties.

3           (c) TRIBAL VALUES.—The program under subsection (a) shall be devel-  
4           oped in a manner to ensure that tribal values are taken into account to the  
5           extent feasible. The Secretary may waive or modify requirements of this  
6           subdivision to conform to the cultural setting of tribal heritage preservation  
7           goals and objectives.

8           (d) SCOPE OF TRIBAL PROGRAMS.—The tribal programs implemented by  
9           specific tribal organizations may vary in scope, as determined by each In-  
10          dian tribe’s chief governing authority.

11          **§ 202902. Indian tribe to assume functions of State Historic**  
12          **Preservation Officer**

13          An Indian tribe may assume all or any part of the functions of a State  
14          Historic Preservation Officer in accordance with sections 202502 and  
15          202503 of this title, with respect to tribal land, as those responsibilities may  
16          be modified for tribal programs through regulations issued by the Secretary,  
17          if—

18               (1) the Indian tribe’s chief governing authority so requests;

19               (2) the Indian tribe designates a tribal preservation official to admin-  
20               ister the tribal historic preservation program, through appointment by  
21               the Indian tribe’s chief governing authority or as a tribal ordinance  
22               may otherwise provide;

23               (3) the tribal preservation official provides the Secretary with a plan  
24               describing how the functions the tribal preservation official proposes to  
25               assume will be carried out;

26               (4) the Secretary determines, after consulting with the Indian tribe,  
27               the appropriate State Historic Preservation Officer, the Council (if the  
28               Indian tribe proposes to assume the functions of the State Historic  
29               Preservation Officer with respect to review of undertakings under sec-  
30               tion 205302 of this title), and other Indian tribes, if any, whose tribal  
31               or aboriginal land may be affected by conduct of the tribal preservation  
32               program, that—

33                       (A) the tribal preservation program is fully capable of carrying  
34                       out the functions specified in the plan provided under paragraph  
35                       (3);

36                       (B) the plan defines the remaining responsibilities of the Sec-  
37                       retary and the State Historic Preservation Officer; and

38                       (C) the plan provides, with respect to properties neither owned  
39                       by a member of the Indian tribe nor held in trust by the Secretary  
40                       for the benefit of the Indian tribe, at the request of the owner of  
41                       the properties, that the State Historic Preservation Officer, in ad-

1           dition to the tribal preservation official, may exercise the historic  
2           preservation responsibilities in accordance with sections 202502  
3           and 202503 of this title; and

4           (5) based on satisfaction of the conditions stated in paragraphs (1),  
5           (2), (3), and (4), the Secretary approves the plan.

6           **§ 202903. Apportionment of grant funds**

7           In consultation with interested Indian tribes, other Native American orga-  
8           nizations, and affected State Historic Preservation Officers, the Secretary  
9           shall establish and implement procedures for carrying out section  
10          205503(a)(1) of this title with respect to tribal programs that assume re-  
11          sponsibilities under section 202902 of this title.

12          **§ 202904. Contracts and cooperative agreements**

13          At the request of an Indian tribe whose preservation program has been  
14          approved to assume functions and responsibilities pursuant to section  
15          202902 of this title, the Secretary shall enter into a contract or cooperative  
16          agreement with the Indian tribe permitting the assumption by the Indian  
17          tribe of any part of the responsibilities described in section 202504(b) of  
18          this title on tribal land, if—

19               (1) the Secretary and the Indian tribe agree on additional financial  
20               assistance, if any, to the Indian tribe for the costs of carrying out those  
21               authorities;

22               (2) the Secretary finds that the tribal historic preservation program  
23               has been demonstrated to be sufficient to carry out the contract or co-  
24               operative agreement and this division; and

25               (3) the contract or cooperative agreement specifies the continuing re-  
26               sponsibilities of the Secretary or of the appropriate State Historic Pres-  
27               ervation Officers and provides for appropriate participation by—

28                       (A) the Indian tribe's traditional cultural authorities;

29                       (B) representatives of other Indian tribes whose traditional land  
30                       is under the jurisdiction of the Indian tribe assuming responsibil-  
31                       ities; and

32                       (C) the public.

33          **§ 202905. Agreement for review under tribal historic preser-  
34          vation regulations**

35          The Council may enter into an agreement with an Indian tribe to permit  
36          undertakings on tribal land to be reviewed under tribal historic preservation  
37          regulations in place of review under regulations promulgated by the Council  
38          to govern compliance with section 205302 of this title, if the Council, after  
39          consultation with the Indian tribe and appropriate State Historic Preserva-  
40          tion Officers, determines that the tribal preservation regulations will afford

1 historic properties consideration equivalent to those afforded by the Coun-  
2 cil's regulations.

3 **§ 202906. Eligibility for inclusion on National Register**

4 (a) IN GENERAL.—Properties of traditional religious and cultural impor-  
5 tance to an Indian tribe or Native Hawaiian organization may be deter-  
6 mined to be eligible for inclusion on the National Register.

7 (b) CONSULTATION.—In carrying out its responsibilities under section  
8 205302 of this title, a Federal agency shall consult with any Indian tribe  
9 or Native Hawaiian organization that attaches religious and cultural signifi-  
10 cance to properties described in subsection (a).

11 (c) HAWAII.—In carrying out responsibilities under section 202503 of  
12 this title, the State Historic Preservation Officer for Hawaii shall—

13 (1) consult with Native Hawaiian organizations in assessing the cul-  
14 tural significance of any property in determining whether to nominate  
15 the property to the National Register;

16 (2) consult with Native Hawaiian organizations in developing the  
17 cultural component of a preservation program or plan for the property;  
18 and

19 (3) enter into a memorandum of understanding or agreement with  
20 Native Hawaiian organizations for the assessment of the cultural sig-  
21 nificance of a property in determining whether to nominate the prop-  
22 erty to the National Register and to carry out the cultural component  
23 of the preservation program or plan.

24 **CHAPTER 2031—GRANTS**

Sec.

203101. Matching grants.

203102. Grants to National Trust.

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203108. Training in, and dissemination of information concerning, professional methods and  
techniques for preservation of historic properties.

203109. Preservation education and training program.

25 **§ 203101. Matching grants**

26 (a) IN GENERAL.—The Secretary shall administer a program of matching  
27 grants to the States for the purposes of carrying out this division.

28 (b) FEDERATED STATES OF MICRONESIA, THE MARSHALL ISLANDS, AND  
29 PALAU.—

30 (1) IN GENERAL.—As part of the program of matching grant assist-  
31 ance from the Historic Preservation Fund to States, the Secretary shall  
32 administer a program of direct grants to the Federated States of Mi-  
33 cronesia, the Marshall Islands, and Palau in furtherance of the Com-

1 pact of Free Association between the United States and the Federated  
 2 States of Micronesia and the Marshall Islands, approved by the Com-  
 3 pact of Free Association Act of 1985 (48 U.S.C. 1901 et seq., 2001  
 4 et seq.), and the Compact of Free Association between the United  
 5 States and Palau, approved by the Joint Resolution entitled “Joint  
 6 Resolution to approve the ‘Compact of Free Association’ between the  
 7 United States and Government of Palau, and for other purposes” (48  
 8 U.S.C. 1931 et seq.).

9 (2) GOAL OF PROGRAM.—The goal of the program shall be to estab-  
 10 lish historic and cultural preservation programs that meet the unique  
 11 needs of each of those nations so that at the termination of the com-  
 12 pacts the programs shall be firmly established.

13 (3) BASIS OF ALLOCATING AMOUNTS.—The amounts to be made  
 14 available under this subsection shall be allocated by the Secretary on  
 15 the basis of needs as determined by the Secretary.

16 (4) WAIVERS AND MODIFICATIONS.—The Secretary may waive or  
 17 modify the requirements of this subdivision to conform to the cultural  
 18 setting of those nations. Matching funds may be waived or modified.

19 **§ 203102. Grants to National Trust**

20 The Secretary may administer grants to the National Trust consistent  
 21 with the purposes of its charter and this division.

22 **§ 203103. Direct grants for the preservation of properties in-  
 23 cluded on National Register**

24 (a) ADMINISTRATION OF PROGRAM.—The Secretary shall administer a  
 25 program of direct grants for the preservation of properties included on the  
 26 National Register.

27 (b) AVAILABLE AMOUNT.—Funds to support the program annually shall  
 28 not exceed 10 percent of the amount appropriated annually for the Historic  
 29 Preservation Fund.

30 (c) USES OF GRANTS.—

31 (1) IN GENERAL.—Grants under this section may be made by the  
 32 Secretary, in consultation with the appropriate State Historic Preserva-  
 33 tion Officer—

34 (A) for the preservation of—

35 (i) National Historic Landmarks that are threatened with  
 36 demolition or impairment; and

37 (ii) historic properties of World Heritage significance;

38 (B) for demonstration projects that will provide information  
 39 concerning professional methods and techniques having application  
 40 to historic properties;

1 (C) for the training and development of skilled labor in trades  
2 and crafts, and in analysis and curation, relating to historic pres-  
3 ervation; and

4 (D) to assist individuals or small businesses within any historic  
5 district included on the National Register to remain within the  
6 district.

7 (2) LIMIT ON CERTAIN GRANTS.—A grant may be made under sub-  
8 paragraph (A) or (D) of paragraph (1) only to the extent that the  
9 project cannot be carried out in as effective a manner through the use  
10 of an insured loan under section 205504 of this title.

11 **§ 203104. Religious properties**

12 (a) IN GENERAL.—Grants may be made under sections 203101 to  
13 203103, 203105, and 203106 of this title for the preservation, stabilization,  
14 restoration, or rehabilitation of religious properties listed on the National  
15 Register if the purpose of the grant—

16 (1) is secular;

17 (2) does not promote religion; and

18 (3) seeks to protect qualities that are historically significant.

19 (b) EFFECT OF SECTION.—Nothing in this section shall be construed to  
20 authorize the use of any funds made available under this subdivision for the  
21 acquisition of any religious property listed on the National Register.

22 **§ 203105. Grants and loans to Indian tribes and nonprofit**  
23 **organizations representing ethnic or minority**  
24 **groups**

25 The Secretary may, in consultation with the appropriate State Historic  
26 Preservation Officer, make grants or loans or both under this subdivision  
27 to Indian tribes and to nonprofit organizations representing ethnic or mi-  
28 nority groups for the preservation of their cultural heritage.

29 **§ 203106. Grants to Indian tribes and Native Hawaiian orga-**  
30 **nizations**

31 The Secretary shall administer a program of direct grants to Indian  
32 tribes and Native Hawaiian organizations for the purpose of carrying out  
33 this division as it pertains to Indian tribes and Native Hawaiian organiza-  
34 tions. Matching fund requirements may be modified. Federal funds available  
35 to an Indian tribe or Native Hawaiian organization may be used as match-  
36 ing funds for the purposes of the Indian tribe's or Native Hawaiian organi-  
37 zation's conducting its responsibilities pursuant to this subdivision.

38 **§ 203107. Prohibited use of funds**

39 No part of any grant made under this subdivision may be used to com-  
40 pensate any person intervening in any proceeding under this division.

1    **§ 203108. Training in, and dissemination of information con-**  
 2                   **cerning, professional methods and techniques for**  
 3                   **preservation of historic properties**

4       The Secretary shall develop and make available to Federal agencies, State  
 5 and local governments, private organizations and individuals, and other na-  
 6 tions and international organizations pursuant to the World Heritage Con-  
 7 vention, training in, and information concerning, professional methods and  
 8 techniques for the preservation of historic properties and for the administra-  
 9 tion of the historic preservation program at the Federal, State, and local  
 10 level. The Secretary shall also develop mechanisms to provide information  
 11 concerning historic preservation to the general public including students.

12    **§ 203109. Preservation education and training program**

13       The Secretary, in consultation with the Council and other appropriate  
 14 Federal, tribal, Native Hawaiian, and non-Federal organizations, shall de-  
 15 velop and implement a comprehensive preservation education and training  
 16 program. The program shall include—

17           (1) standards and increased preservation training opportunities for  
 18           Federal workers involved in preservation-related functions;

19           (2) preservation training opportunities for other Federal, State, trib-  
 20           al and local government workers, and students;

21           (3) technical or financial assistance, or both, to historically black col-  
 22           leges and universities, to tribal colleges, and to colleges with a high en-  
 23           rollment of Native Americans or Native Hawaiians, to establish preser-  
 24           vation training and degree programs; and

25           (4) where appropriate, coordination with the National Center for  
 26           Preservation Technology and Training of—

27                   (A) distribution of information on preservation technologies;

28                   (B) provision of training and skill development in trades, crafts,  
 29                   and disciplines related to historic preservation in Federal training  
 30                   and development programs; and

31                   (C) support for research, analysis, conservation, curation, inter-  
 32                   pretation, and display related to preservation.

33                   **Subdivision 3—Other Organizations and**  
 34                   **Programs**

35                   **CHAPTER 2041—ADVISORY COUNCIL ON HISTORIC**  
 36                   **PRESERVATION**

Sec.

204101. Establishment; vacancies.

204102. Duties of Council.

204103. Cooperation between Council and instrumentalities of executive branch of Federal  
 Government.

204104. Compensation of members of Council.

204105. Administration.

- 204106. International Centre for the Study of the Preservation and Restoration of Cultural Property.
- 204107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress.
- 204108. Regulations, procedures, and guidelines.
- 204109. Budget submission.
- 204110. Report by Secretary to Council.
- 204111. Reimbursements from State and local agencies.
- 204112. Effectiveness of Federal grant and assistance programs.
- 204113. Authorization of appropriations.

1     **§ 204101. Establishment; vacancies**

2           (a) ESTABLISHMENT.—There is established as an independent agency of  
3 the United States Government an Advisory Council on Historic Preserva-  
4 tion, which shall be composed of the following members:

5           (1) A Chairman appointed by the President selected from the general  
6 public.

7           (2) The Secretary.

8           (3) The Architect of the Capitol.

9           (4) The Secretary of Agriculture and the heads of 7 other agencies  
10 of the United States (other than the Department of the Interior), the  
11 activities of which affect historic preservation, designated by the Presi-  
12 dent.

13           (5) One Governor appointed by the President.

14           (6) One mayor appointed by the President.

15           (7) The President of the National Conference of State Historic Pres-  
16 ervation Officers.

17           (8) The Chairman of the National Trust.

18           (9) Four experts in the field of historic preservation appointed by  
19 the President from architecture, history, archaeology, and other appro-  
20 priate disciplines.

21           (10) Three members from the general public, appointed by the Presi-  
22 dent.

23           (11) One member of an Indian tribe or Native Hawaiian organiza-  
24 tion who represents the interests of the Indian tribe or Native Hawai-  
25 ian organization of which he or she is a member, appointed by the  
26 President.

27           (b) DESIGNATION OF SUBSTITUTES.—Each member of the Council speci-  
28 fied in paragraphs (2) to (5), (7), and (8) of subsection (a) may designate  
29 another officer of the department, agency, or organization to serve on the  
30 Council instead of the member, except that, in the case of paragraphs (2)  
31 and (4), no officer other than an Assistant Secretary or an officer having  
32 major department-wide or agency-wide responsibilities may be designated.

33           (c) TERM OF OFFICE.—Each member of the Council appointed under  
34 paragraphs (1) and (9) to (11) of subsection (a) shall serve for a term of  
35 4 years from the expiration of the term of the member's predecessor. The

1 members appointed under paragraphs (5) and (6) shall serve for the term  
2 of their elected office but not in excess of 4 years. An appointed member  
3 may not serve more than 2 terms. An appointed member whose term has  
4 expired shall serve until that member's successor has been appointed.

5 (d) VACANCIES.—A vacancy in the Council shall not affect its powers, but  
6 shall be filled, not later than 60 days after the vacancy commences, in the  
7 same manner as the original appointment (and for the balance of the unex-  
8 pired term).

9 (e) DESIGNATION OF VICE CHAIRMAN.—The President shall designate a  
10 Vice Chairman from the members appointed under paragraph (5), (6), (9),  
11 or (10) of subsection (a). The Vice Chairman may act in place of the Chair-  
12 man during the absence or disability of the Chairman or when the office  
13 is vacant.

14 (f) QUORUM.—Twelve members of the Council shall constitute a quorum.

### 15 **§ 204102. Duties of Council**

16 (a) DUTIES.—The Council shall—

17 (1) advise the President and Congress on matters relating to historic  
18 preservation, recommend measures to coordinate activities of Federal,  
19 State, and local agencies and private institutions and individuals relat-  
20 ing to historic preservation, and advise on the dissemination of infor-  
21 mation pertaining to those activities;

22 (2) encourage, in cooperation with the National Trust and appro-  
23 priate private agencies, public interest and participation in historic  
24 preservation;

25 (3) recommend the conduct of studies in such areas as—

26 (A) the adequacy of legislative and administrative statutes and  
27 regulations pertaining to historic preservation activities of State  
28 and local governments; and

29 (B) the effects of tax policies at all levels of government on his-  
30 toric preservation;

31 (4) advise as to guidelines for the assistance of State and local gov-  
32 ernments in drafting legislation relating to historic preservation;

33 (5) encourage, in cooperation with appropriate public and private  
34 agencies and institutions, training and education in the field of historic  
35 preservation;

36 (6) review the policies and programs of Federal agencies and rec-  
37 ommend to Federal agencies methods to improve the effectiveness, co-  
38 ordination, and consistency of those policies and programs with the  
39 policies and programs carried out under this division; and

1 (7) inform and educate Federal agencies, State and local govern-  
 2 ments, Indian tribes, other nations and international organizations and  
 3 private groups and individuals as to the Council's authorized activities.

4 (b) ANNUAL REPORT.—The Council annually shall submit to the Presi-  
 5 dent a comprehensive report of its activities and the results of its studies  
 6 and shall from time to time submit additional and special reports as it  
 7 deems advisable. Each report shall propose legislative enactments and other  
 8 actions as, in the judgment of the Council, are necessary and appropriate  
 9 to carry out its recommendations and shall provide the Council's assessment  
 10 of current and emerging problems in the field of historic preservation and  
 11 an evaluation of the effectiveness of the programs of Federal agencies, State  
 12 and local governments, and the private sector in carrying out this division.

13 **§ 204103. Cooperation between Council and instrumental-**  
 14 **ities of executive branch of Federal Government**

15 The Council may secure directly from any Federal agency information,  
 16 suggestions, estimates, and statistics for the purpose of this chapter. Each  
 17 Federal agency may furnish information, suggestions, estimates, and statis-  
 18 tics to the extent permitted by law and within available funds.

19 **§ 204104. Compensation of members of Council**

20 The members of the Council specified in paragraphs (2), (3), and (4) of  
 21 section 204101(a) of this title shall serve without additional compensation.  
 22 The other members of the Council shall receive \$100 per diem when en-  
 23 gaged in the performance of the duties of the Council. All members of the  
 24 Council shall receive reimbursement for necessary traveling and subsistence  
 25 expenses incurred by them in the performance of the duties of the Council.

26 **§ 204105. Administration**

27 (a) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the  
 28 Council who shall be appointed in the competitive service by the Chairman  
 29 with the concurrence of the Council. The Executive Director shall report di-  
 30 rectly to the Council and perform such functions and duties as the Council  
 31 may prescribe.

32 (b) GENERAL COUNSEL AND APPOINTMENT OF OTHER ATTORNEYS.—

33 (1) GENERAL COUNSEL.—The Council shall have a General Counsel,  
 34 who shall be appointed by the Executive Director. The General Counsel  
 35 shall report directly to the Executive Director and serve as the Coun-  
 36 cil's legal advisor.

37 (2) APPOINTMENT OF OTHER ATTORNEYS.—The Executive Director  
 38 shall appoint other attorneys as may be necessary to—

39 (A) assist the General Counsel;

1 (B) represent the Council in court when appropriate, including  
2 enforcement of agreements with Federal agencies to which the  
3 Council is a party;

4 (C) assist the Department of Justice in handling litigation con-  
5 cerning the Council in court; and

6 (D) perform such other legal duties and functions as the Execu-  
7 tive Director and the Council may direct.

8 (e) APPOINTMENT AND COMPENSATION OF OFFICERS AND EMPLOY-  
9 EES.—The Executive Director of the Council may appoint and fix the com-  
10 pensation of officers and employees in the competitive service who are nec-  
11 essary to perform the functions of the Council at rates not to exceed that  
12 prescribed for the highest rate for grade 15 of the General Schedule under  
13 section 5332 of title 5. The Executive Director, with the concurrence of the  
14 Chairman, may appoint and fix the compensation of not to exceed 5 employ-  
15 ees in the competitive service at rates not to exceed that prescribed for a  
16 position classified above GS-15 pursuant to section 5108 of title 5.

17 (d) APPOINTMENT AND COMPENSATION OF ADDITIONAL PERSONNEL.—  
18 The Executive Director may appoint and fix the compensation of such addi-  
19 tional personnel as may be necessary to carry out the Council's duties, with-  
20 out regard to the civil service laws and chapter 51 and subchapter III of  
21 chapter 53 of title 5.

22 (e) EXPERT AND CONSULTANT SERVICES.—The Executive Director may  
23 procure expert and consultant services in accordance with section 3109 of  
24 title 5.

25 (f) FINANCIAL AND ADMINISTRATIVE SERVICES.—

26 (1) SERVICES TO BE PROVIDED BY SECRETARY, AGENCY, OR PRI-  
27 VATE ENTITY.—Financial and administrative services (including those  
28 related to budgeting, accounting, financial reporting, personnel and  
29 procurement) shall be provided the Council by the Secretary or, at the  
30 discretion of the Council, another agency or private entity that reaches  
31 an agreement with the Council, for which payments shall be made in  
32 advance, or by reimbursement, from funds of the Council in such  
33 amounts as may be agreed on by the Chairman of the Council and the  
34 head of the agency or the authorized representative of the private enti-  
35 ty that will provide the services.

36 (2) FEDERAL AGENCY REGULATIONS RELATING TO COLLECTION  
37 APPLY.—When a Federal agency affords those services, the regulations  
38 of that agency under section 5514(b) of title 5 for the collection of in-  
39 debtedness of personnel resulting from erroneous payments shall apply  
40 to the collection of erroneous payments made to or on behalf of a  
41 Council employee, and regulations of that agency under sections

1 1513(d) and 1514 of title 31 for the administrative control of funds  
 2 shall apply to appropriations of the Council. The Council shall not be  
 3 required to prescribe those regulations.

4 (g) FUNDS, PERSONNEL, FACILITIES, AND SERVICES.—

5 (1) PROVIDED BY FEDERAL AGENCY.—Any Federal agency may pro-  
 6 vide the Council, with or without reimbursement as may be agreed on  
 7 by the Chairman and the agency, with such funds, personnel, facilities,  
 8 and services under its jurisdiction and control as may be needed by the  
 9 Council to carry out its duties, to the extent that the funds, personnel,  
 10 facilities, and services are requested by the Council and are otherwise  
 11 available for that purpose. Any funds provided to the Council pursuant  
 12 to this subsection shall be expended by the end of the fiscal year fol-  
 13 lowing the fiscal year in which the funds are received by the Council.

14 (2) OBTAINING ADDITIONAL PROPERTY, FACILITIES, AND SERVICES  
 15 AND RECEIVING DONATIONS OF MONEY.—To the extent of available ap-  
 16 propriations, the Council may obtain by purchase, rental, donation, or  
 17 otherwise additional property, facilities, and services as may be needed  
 18 to carry out its duties and may receive donations of money for that  
 19 purpose. The Executive Director may accept, hold, use, expend, and ad-  
 20 minister the property, facilities, services, and money for the purposes  
 21 of this division.

22 (h) RIGHTS, BENEFITS, AND PRIVILEGES OF TRANSFERRED EMPLOY-  
 23 EES.—Any employee in the competitive service of the United States trans-  
 24 ferred to the Council under this section shall retain all the rights, benefits,  
 25 and privileges pertaining to the competitive service held prior to the trans-  
 26 fer.

27 (i) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The  
 28 Council is exempt from the Federal Advisory Committee Act (5 U.S.C.  
 29 App.).

30 (j) PROVISIONS THAT GOVERN OPERATIONS OF COUNCIL.—Subchapter  
 31 II of chapter 5 and chapter 7 of title 5 shall govern the operations of the  
 32 Council.

33 **§ 204106. International Centre for the Study of the Preserva-**  
 34 **tion and Restoration of Cultural Property**

35 (a) AUTHORIZATION OF PARTICIPATION.—The participation of the United  
 36 States as a member in the International Centre for the Study of the Preser-  
 37 vation and Restoration of Cultural Property is authorized.

38 (b) OFFICIAL DELEGATION.—The Council shall recommend to the Sec-  
 39 retary of State, after consultation with the Smithsonian Institution and  
 40 other public and private organizations concerned with the technical problems  
 41 of preservation, the members of the official delegation that will participate

1 in the activities of the International Centre for the Study of the Preserva-  
 2 tion and Restoration of Cultural Property on behalf of the United States.  
 3 The Secretary of State shall appoint the members of the official delegation  
 4 from the persons recommended to the Secretary of State by the Council.

5 **§ 204107. Transmittal of legislative recommendations, testi-**  
 6 **mony, or comments to any officer or agency of the**  
 7 **United States prior to submission to Congress**

8 No officer or agency of the United States shall have any authority to re-  
 9 quire the Council to submit its legislative recommendations, or testimony,  
 10 or comments on legislation to any officer or agency of the United States  
 11 for approval, comments, or review, prior to the submission of the rec-  
 12 ommendations, testimony, or comments to Congress. When the Council vol-  
 13 untarily seeks to obtain the comments or review of any officer or agency  
 14 of the United States, the Council shall include a description of the actions  
 15 in its legislative recommendations, testimony, or comments on legislation  
 16 that it transmits to Congress.

17 **§ 204108. Regulations, procedures, and guidelines**

18 (a) IN GENERAL.—The Council may promulgate regulations as it con-  
 19 sidered necessary to govern the implementation of section 205302 of this  
 20 title.

21 (b) PARTICIPATION BY LOCAL GOVERNMENTS.—The Council shall by reg-  
 22 ulation establish such procedures as may be necessary to provide for partici-  
 23 pation by local governments in proceedings and other actions taken by the  
 24 Council with respect to undertakings referred to in section 205302 of this  
 25 title that affect the local governments.

26 (c) EXEMPTION FOR FEDERAL PROGRAMS OR UNDERTAKINGS.—The  
 27 Council, with the concurrence of the Secretary, shall promulgate regulations  
 28 or guidelines, as appropriate, under which Federal programs or under-  
 29 takings may be exempted from any or all of the requirements of this divi-  
 30 sion when the exemption is determined to be consistent with the purposes  
 31 of this division, taking into consideration the magnitude of the exempted un-  
 32 dertaking or program and the likelihood of impairment of historic prop-  
 33 erties.

34 **§ 204109. Budget submission**

35 (a) TIME AND MANNER OF SUBMISSION.—The Council shall submit its  
 36 budget annually as a related agency of the Department of the Interior.

37 (b) TRANSMITTAL OF COPIES TO CONGRESSIONAL COMMITTEES.—When-  
 38 ever the Council submits any budget estimate or request to the President  
 39 or the Office of Management and Budget, it shall concurrently transmit  
 40 copies of that estimate or request to the Committee on Natural Resources  
 41 and Committee on Appropriations of the House of Representatives and the

1 Committee on Energy and Natural Resources and Committee on Appropria-  
2 tions of the Senate.

3 **§ 204110. Report by Secretary to Council**

4 To assist the Council in discharging its responsibilities under this divi-  
5 sion, the Secretary at the request of the Chairman shall provide a report  
6 to the Council detailing the significance of any historic property, describing  
7 the effects of any proposed undertaking on the affected property, and rec-  
8 ommending measures to avoid, minimize, or mitigate adverse effects.

9 **§ 204111. Reimbursements from State and local agencies**

10 Subject to applicable conflict of interest laws, the Council may receive re-  
11 imbursements from State and local agencies and others pursuant to agree-  
12 ments executed in furtherance of this division.

13 **§ 204112. Effectiveness of Federal grant and assistance pro-**  
14 **grams**

15 (a) COOPERATIVE AGREEMENTS.—The Council may enter into a coopera-  
16 tive agreement with any Federal agency that administers a grant or assist-  
17 ance program for the purpose of improving the effectiveness of the adminis-  
18 tration of the program in meeting the purposes and policies of this division.  
19 The cooperative agreement may include provisions that modify the selection  
20 criteria for a grant or assistance program to further the purposes of this  
21 division or that allow the Council to participate in the selection of recipients,  
22 if those provisions are not inconsistent with the grant or assistance pro-  
23 gram's statutory authorization and purpose.

24 (b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council  
25 may—

26 (1) review the operation of any Federal grant or assistance program  
27 to evaluate the effectiveness of the program in meeting the purposes  
28 and policies of this division;

29 (2) make recommendations to the head of any Federal agency that  
30 administers the program to further the consistency of the program with  
31 the purposes and policies of this division and to improve its effective-  
32 ness in carrying out those purposes and policies; and

33 (3) make recommendations to the President and Congress regarding  
34 the effectiveness of Federal grant and assistance programs in meeting  
35 the purposes and policies of this division, including recommendations  
36 with regard to appropriate funding levels.

37 **§ 204113. Authorization of appropriations**

38 There are authorized to be appropriated such amounts as are necessary  
39 to carry out this chapter.

**CHAPTER 2043—HISTORIC LIGHT STATION  
PRESERVATION**

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Sec.

204301. Definitions.

204302. Duties of Secretary in providing a national historic light station program.

204303. Selection of eligible entity and conveyance of historic light stations.

204304. Terms of conveyance.

204305. Description of property.

204306. Historic light station sales.

**§ 204301. Definitions**

In this chapter:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) any department or agency of the Federal Government; or

(B) any department or agency of the State in which a historic light station is located, the local government of the community in which a historic light station is located, a nonprofit corporation, an educational agency, or a community development organization that—

(i) has agreed to comply with the conditions set forth in section 204304 of this title and to have the conditions recorded with the deed of title to the historic light station; and

(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in section 204304 of this title.

(3) FEDERAL AID TO NAVIGATION.—

(A) IN GENERAL.—The term “Federal aid to navigation” means any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(B) INCLUSIONS.—The term “Federal aid to navigation” includes a light, lens, lantern, antenna, sound signal, camera, sensor, piece of electronic navigation equipment, power source, or other piece of equipment associated with a device described in subparagraph (A).

(4) HISTORIC LIGHT STATION.—The term “historic light station” includes the light tower, lighthouse, keeper’s dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated with a historic light station that is a historic property.

1    **§ 204302. Duties of Secretary in providing a national his-**  
2                   **toric light station program**

3           To provide a national historic light station program, the Secretary shall—

4               (1) collect and disseminate information concerning historic light sta-  
5               tions;

6               (2) foster educational programs relating to the history, practice, and  
7               contribution to society of historic light stations;

8               (3) sponsor or conduct research and study into the history of light  
9               stations;

10              (4) maintain a listing of historic light stations; and

11              (5) assess the effectiveness of the program established by this chap-  
12              ter regarding the conveyance of historic light stations.

13    **§ 204303. Selection of eligible entity and conveyance of his-**  
14                   **toric light stations**

15           (a) PROCESS AND POLICIES.—The Secretary and the Administrator shall  
16           maintain a process and policies for identifying, and selecting, an eligible en-  
17           tity to which a historic light station could be conveyed for education, park,  
18           recreation, cultural, or historic preservation purposes, and to monitor the  
19           use of the light station by the eligible entity.

20           (b) APPLICATION REVIEW.—

21               (1) IN GENERAL.—The Secretary shall—

22                   (A) review all applications for the conveyance of a historic light  
23                   station, when the agency with administrative jurisdiction over the  
24                   historic light station has determined the property to be excess  
25                   property (as that term is defined in section 102 of title 40); and

26                   (B) forward to the Administrator a single approved application  
27                   for the conveyance of the historic light station.

28               (2) CONSULTATION.—When selecting an eligible entity, the Secretary  
29               shall consult with the State Historic Preservation Officer of the State  
30               in which the historic light station is located.

31           (c) CONVEYANCE OR SALE OF HISTORIC LIGHT STATIONS.—

32               (1) CONVEYANCE BY ADMINISTRATOR.—Except as provided in para-  
33               graph (2), after the Secretary's selection of an eligible entity, the Ad-  
34               ministrator shall convey, by quitclaim deed, without consideration, all  
35               right, title, and interest of the United States in and to a historic light  
36               station, subject to the conditions set forth in section 204304 of this  
37               title. The conveyance of a historic light station under this chapter shall  
38               not be subject to the McKinney-Vento Homeless Assistance Act (42  
39               U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authoriza-  
40               tion Act of 1998 (Public Law 105–383, 14 U.S.C. 93 note).

1 (2) HISTORIC LIGHT STATION LOCATED WITHIN A SYSTEM UNIT OR  
2 A REFUGE WITHIN NATIONAL WILDLIFE REFUGE SYSTEM.—

3 (A) APPROVAL OF SECRETARY REQUIRED.—A historic light sta-  
4 tion located within the exterior boundaries of a System unit or a  
5 refuge within the National Wildlife Refuge System shall be con-  
6 veyed or sold only with the approval of the Secretary.

7 (B) CONDITIONS OF CONVEYANCE.—If the Secretary approves  
8 the conveyance of a historic light station described in subpara-  
9 graph (A), the conveyance shall be subject to the conditions set  
10 forth in section 204304 of this title and any other terms or condi-  
11 tions that the Secretary considers necessary to protect the re-  
12 sources of the System unit or wildlife refuge.

13 (C) CONDITIONS OF SALE.—If the Secretary approves the sale  
14 of a historic light station described in subparagraph (A), the sale  
15 shall be subject to the conditions set forth in paragraphs (1) to  
16 (4) and (8) of subsection (a), and subsection (b), of section  
17 204304 of this title and any other terms or conditions that the  
18 Secretary considers necessary to protect the resources of the Sys-  
19 tem unit or wildlife refuge.

20 (D) COOPERATIVE AGREEMENTS.—The Secretary is encouraged  
21 to enter into cooperative agreements with appropriate eligible enti-  
22 ties with respect to historic light stations described in subpara-  
23 graph (A), as provided in this division, to the extent that the coop-  
24 erative agreements are consistent with the Secretary's responsibil-  
25 ities to manage and administer the System unit or wildlife refuge.

26 **§ 204304. Terms of conveyance**

27 (a) IN GENERAL.—The conveyance of a historic light station shall be  
28 made subject to any conditions, including the reservation of easements and  
29 other rights on behalf of the United States, that the Administrator con-  
30 sidered necessary to ensure that—

31 (1) the Federal aids to navigation located at the historic light station  
32 in operation on the date of conveyance remain the personal property  
33 of the United States and continue to be operated and maintained by  
34 the United States for as long as needed for navigational purposes;

35 (2) there is reserved to the United States the right to remove, re-  
36 place, or install any Federal aid to navigation located at the historic  
37 light station as may be necessary for navigational purposes;

38 (3) the eligible entity to which the historic light station is conveyed  
39 shall not interfere or allow interference in any manner with any Fed-  
40 eral aid to navigation or hinder activities required for the operation and  
41 maintenance of any Federal aid to navigation without the express writ-

1 ten permission of the head of the agency responsible for maintaining  
2 the Federal aid to navigation;

3 (4)(A) the eligible entity to which the historic light station is con-  
4 veyed shall, at its own cost and expense, use and maintain the historic  
5 light station in accordance with this division, the Secretary's Standards  
6 for the Treatment of Historic Properties contained in part 68 of title  
7 36, Code of Federal Regulations, and other applicable laws; and

8 (B) any proposed changes to the historic light station shall be re-  
9 viewed and approved by the Secretary in consultation with the State  
10 Historic Preservation Officer of the State in which the historic light  
11 station is located, for consistency with section 800.5(a)(2)(vii) of title  
12 36, Code of Federal Regulations and the Secretary's Standards for Re-  
13 habilitation contained in section 67.7 of title 36, Code of Federal Regu-  
14 lations;

15 (5) the eligible entity to which the historic light station is conveyed  
16 shall make the historic light station available for education, park, recre-  
17 ation, cultural, or historic preservation purposes for the general public  
18 at reasonable times and under reasonable conditions;

19 (6) the eligible entity to which the historic light station is conveyed  
20 shall not sell, convey, assign, exchange, or encumber the historic light  
21 station, any part of the historic light station, or any associated historic  
22 artifact conveyed to the eligible entity in conjunction with the historic  
23 light station conveyance, including any lens or lantern, unless the sale,  
24 conveyance, assignment, exchange, or encumbrance is approved by the  
25 Secretary;

26 (7) the eligible entity to which the historic light station is conveyed  
27 shall not conduct any commercial activity at the historic light station,  
28 at any part of the historic light station, or in connection with any asso-  
29 ciated historic artifact conveyed to the eligible entity in conjunction  
30 with the historic light station conveyance, in any manner, unless the  
31 commercial activity is approved by the Secretary; and

32 (8) the United States shall have the right, at any time, to enter the  
33 historic light station without notice, for purposes of operating, main-  
34 taining, and inspecting any aid to navigation and for the purpose of  
35 ensuring compliance with this section, to the extent that it is not pos-  
36 sible to provide advance notice.

37 (b) MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which  
38 a historic light station is conveyed shall not be required to maintain any  
39 Federal aid to navigation associated with a historic light station, except any  
40 private aid to navigation permitted to the eligible entity under section 83  
41 of title 14.

1 (c) REVERSION.—In addition to any term or condition established pursu-  
2 ant to this section, the conveyance of a historic light station shall include  
3 a condition that the historic light station, or any associated historic artifact  
4 conveyed to the eligible entity in conjunction with the historic light station  
5 conveyance, including any lens or lantern, at the option of the Adminis-  
6 trator, shall revert to the United States and be placed under the administra-  
7 tive control of the Administrator, if—

8 (1) the historic light station, any part of the historic light station,  
9 or any associated historic artifact ceases to be available for education,  
10 park, recreation, cultural, or historic preservation purposes for the gen-  
11 eral public at reasonable times and under reasonable conditions that  
12 shall be set forth in the eligible entity’s application;

13 (2) the historic light station or any part of the historic light station  
14 ceases to be maintained in a manner that ensures its present or future  
15 use as a site for a Federal aid to navigation;

16 (3) the historic light station, any part of the historic light station,  
17 or any associated historic artifact ceases to be maintained in compli-  
18 ance with this division, the Secretary of the Interior’s Standards for  
19 the Treatment of Historic Properties contained in part 68 of title 36,  
20 Code of Federal Regulations, and other applicable laws;

21 (4) the eligible entity to which the historic light station is conveyed  
22 sells, conveys, assigns, exchanges, or encumbers the historic light sta-  
23 tion, any part of the historic light fixture, or any associated historic  
24 artifact, without approval of the Secretary;

25 (5) the eligible entity to which the historic light station is conveyed  
26 conducts any commercial activity at the historic light station, at any  
27 part of the historic light station, or in conjunction with any associated  
28 historic artifact, without approval of the Secretary; or

29 (6) at least 30 days before the reversion, the Administrator provides  
30 written notice to the owner that the historic light station or any part  
31 of the historic light station is needed for national security purposes.

32 (d) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHOR-  
33 ITY.—On receiving notice of an executed or intended conveyance by an  
34 owner that received from the Federal Government under authority other  
35 than this division an historic light station in which the United States retains  
36 a reversionary or other interest and that is conveying it to another person  
37 by sale, gift, or any other manner, the Secretary shall review the terms of  
38 the executed or proposed conveyance to ensure that any new owner is capa-  
39 ble of or is complying with any and all conditions of the original conveyance.  
40 The Secretary may require the parties to the conveyance and relevant Fed-  
41 eral agencies to provide information as is necessary to complete the review.

1 If the Secretary determines that the new owner has not complied or is un-  
2 able to comply with those conditions, the Secretary shall immediately advise  
3 the Administrator, who shall invoke any reversionary interest or take other  
4 action as may be necessary to protect the interests of the United States.

5 **§ 204305. Description of property**

6 (a) IN GENERAL.—The Administrator shall prepare the legal description  
7 of any historic light station conveyed under this chapter. The Administrator,  
8 in consultation with the Secretary of Homeland Security and the Secretary,  
9 may retain all right, title, and interest of the United States in and to any  
10 historical artifact, including any lens or lantern, that is associated with the  
11 historic light station and located at the historic light station at the time of  
12 conveyance. Wherever possible, the historical artifacts should be used in in-  
13 terpreting the historic light station. In cases where there is no method for  
14 preserving lenses and other artifacts and equipment in situ, priority should  
15 be given to preservation or museum entities most closely associated with the  
16 historic light station, if they meet loan requirements.

17 (b) ARTIFACTS.—Artifacts associated with, but not located at, a historic  
18 light station at the time of conveyance shall remain the property of the  
19 United States under the administrative control of the Secretary of Home-  
20 land Security.

21 (c) COVENANTS.—All conditions placed with the quitclaim deed of title to  
22 the historic light station shall be construed as covenants running with the  
23 land.

24 (d) SUBMERGED LAND.—No submerged land shall be conveyed under this  
25 chapter.

26 **§ 204306. Historic light station sales**

27 (a) IN GENERAL.—

28 (1) WHEN SALE MAY OCCUR.—If no applicant is approved for the  
29 conveyance of a historic light station pursuant to sections 204301 to  
30 204305 of this title, the historic light station shall be offered for sale.

31 (2) TERMS OF SALE.—Terms of the sales—

32 (A) shall be developed by the Administrator; and

33 (B) shall be consistent with the requirements of paragraphs (1)  
34 to (4) and (8) of subsection (a), and subsection (b), of section  
35 204304 of this title.

36 (3) COVENANTS TO BE INCLUDED IN CONVEYANCE DOCUMENTS.—  
37 Conveyance documents shall include all necessary covenants to protect  
38 the historical integrity of the historic light station and ensure that any  
39 Federal aid to navigation located at the historic light station is oper-  
40 ated and maintained by the United States for as long as needed for  
41 that purpose.

1 (b) NET SALE PROCEEDS.—

2 (1) DISPOSITION AND USE OF FUNDS.—Net sale proceeds from the  
3 disposal of a historic light station—

4 (A) located on public domain land shall be transferred to the  
5 National Maritime Heritage Grants Program established under  
6 chapter 283 of this title in the Department of the Interior; and

7 (B) under the administrative control of the Secretary of Home-  
8 land Security—

9 (i) shall be credited to the Coast Guard’s Operating Ex-  
10 penses appropriation account; and

11 (ii) shall be available for obligation and expenditure for the  
12 maintenance of light stations remaining under the adminis-  
13 trative control of the Secretary of Homeland Security.

14 (2) AVAILABILITY OF FUNDS.—The funds referred to in paragraph  
15 (1)(B) shall remain available until expended and shall be available in  
16 addition to funds available in the Coast Guard’s Operating Expense ap-  
17 propriation for that purpose.

18 **CHAPTER 2045—NATIONAL CENTER FOR**  
19 **PRESERVATION TECHNOLOGY AND TRAINING**

Sec.

204501. Findings.  
204502. Definitions.  
204503. National Center for Preservation Technology and Training.  
204504. Preservation Technology and Training Board.  
204505. Preservation grants.  
204506. General provisions.  
204507. Service preservation centers and offices.

20 **§ 204501. Findings**

21 Congress finds that, given the complexity of technical problems encoun-  
22 tered in preserving historic properties and the lack of adequate distribution  
23 of technical information to preserve historic properties, a national initiative  
24 to coordinate and promote research, distribute information, and provide  
25 training about preservation skills and technologies would be beneficial.

26 **§ 204502. Definitions**

27 In this chapter:

28 (1) BOARD.—The term “Board” means the Preservation Technology  
29 and Training Board established pursuant to section 204504 of this  
30 title.

31 (2) CENTER.—The term “Center” means the National Center for  
32 Preservation Technology and Training established pursuant to section  
33 204503 of this title.

1     **§ 204503. National Center for Preservation Technology and**  
2                     **Training**

3             (a) ESTABLISHMENT.—There is established within the Department of the  
4 Interior a National Center for Preservation Technology and Training. The  
5 Center shall be located at Northwestern State University of Louisiana in  
6 Natchitoches, Louisiana.

7             (b) PURPOSES.—The purposes of the Center shall be to—

8                 (1) develop and distribute preservation and conservation skills and  
9 technologies for the identification, evaluation, conservation, and inter-  
10 pretation of historic properties;

11                (2) develop and facilitate training for Federal, State, and local re-  
12 source preservation professionals, cultural resource managers, mainte-  
13 nance personnel, and others working in the preservation field;

14                (3) take steps to apply preservation technology benefits from ongoing  
15 research by other agencies and institutions;

16                (4) facilitate the transfer of preservation technology among Federal  
17 agencies, State and local governments, universities, international orga-  
18 nizations, and the private sector; and

19                (5) cooperate with related international organizations including the  
20 International Council on Monuments and Sites, the International Cen-  
21 ter for the Study of Preservation and Restoration of Cultural Property,  
22 and the International Council on Museums.

23             (c) PROGRAMS.—The purposes shall be carried out through research, pro-  
24 fessional training, technical assistance, and programs for public awareness,  
25 and through a program of grants established under section 204505 of this  
26 title.

27             (d) EXECUTIVE DIRECTOR.—The Center shall be headed by an Executive  
28 Director with demonstrated expertise in historic preservation appointed by  
29 the Secretary with advice of the Board.

30             (e) ASSISTANCE FROM SECRETARY.—The Secretary shall provide the  
31 Center assistance in obtaining such personnel, equipment, and facilities as  
32 may be needed by the Center to carry out its activities.

33     **§ 204504. Preservation Technology and Training Board**

34             (a) ESTABLISHMENT.—There is established a Preservation Technology  
35 and Training Board.

36             (b) DUTIES.—The Board shall—

37                 (1) provide leadership, policy advice, and professional oversight to  
38 the Center;

39                 (2) advise the Secretary on priorities and the allocation of grants  
40 among the activities of the Center; and

41                 (3) submit an annual report to the President and Congress.

1 (c) MEMBERSHIP.—The Board shall be comprised of—

2 (1) the Secretary;

3 (2) 6 members appointed by the Secretary, who shall represent ap-  
4 propriate Federal, State, and local agencies, State and local historic  
5 preservation commissions, and other public and international organiza-  
6 tions; and

7 (3) 6 members appointed by the Secretary on the basis of out-  
8 standing professional qualifications, who represent major organizations  
9 in the fields of archaeology, architecture, conservation, curation, engi-  
10 neering, history, historic preservation, landscape architecture, planning,  
11 or preservation education.

12 **§ 204505. Preservation grants**

13 (a) IN GENERAL.—The Secretary, in consultation with the Board, shall  
14 provide preservation technology and training grants to eligible applicants  
15 with a demonstrated institutional capability and commitment to the pur-  
16 poses of the Center, in order to ensure an effective and efficient system of  
17 research, information distribution, and skills training in all the related his-  
18 toric preservation fields.

19 (b) GRANT REQUIREMENTS.—

20 (1) ALLOCATION.—Grants provided under this section shall be allo-  
21 cated in such a fashion as to reflect the diversity of the historic preser-  
22 vation fields and shall be geographically distributed.

23 (2) LIMIT ON AMOUNT A RECIPIENT MAY RECEIVE.—No grant recipi-  
24 ent may receive more than 10 percent of the grants allocated under  
25 this section within any year.

26 (3) LIMIT ON ADMINISTRATIVE COSTS.—The total administrative  
27 costs, direct and indirect, charged for carrying out grants under this  
28 section may not exceed 25 percent of the aggregate costs.

29 (c) ELIGIBLE APPLICANTS.—Eligible applicants may include—

30 (1) Federal and non-Federal laboratories;

31 (2) accredited museums;

32 (3) universities;

33 (4) nonprofit organizations;

34 (5) System units and offices and Cooperative Park Study Units of  
35 the System;

36 (6) State Historic Preservation Offices;

37 (7) tribal preservation offices; and

38 (8) Native Hawaiian organizations.

39 (d) STANDARDS AND METHODS.—Grants shall be awarded in accordance  
40 with accepted professional standards and methods, including peer review of  
41 projects.

1 **§ 204506. General provisions**

2 (a) ACCEPTANCE OF GRANTS AND TRANSFERS.—The Center may ac-  
3 cept—

4 (1) grants and donations from private individuals, groups, organiza-  
5 tions, corporations, foundations, and other entities; and

6 (2) transfers of funds from other Federal agencies.

7 (b) CONTRACTS AND COOPERATIVE AGREEMENTS.—Subject to appropria-  
8 tions, the Center may enter into contracts and cooperative agreements with  
9 Federal, State, local, and tribal governments, Native Hawaiian organiza-  
10 tions, educational institutions, and other public entities to carry out the  
11 Center's responsibilities under this chapter.

12 (c) ADDITIONAL FUNDS.—Funds appropriated for the Center shall be in  
13 addition to funds appropriated for Service programs, centers, and offices in  
14 existence on October 30, 1992.

15 **§ 204507. Service preservation centers and offices**

16 To improve the use of existing Service resources, the Secretary shall fully  
17 utilize and further develop the Service preservation (including conservation)  
18 centers and regional offices. The Secretary shall improve the coordination  
19 of the centers and offices within the Service, and shall, where appropriate,  
20 coordinate their activities with the Center and with other appropriate par-  
21 ties.

22 **Subdivision 4—Federal Responsibilities**

23 **CHAPTER 2051—HISTORIC PROPERTIES**

**Subchapter I—Historic Properties Owned or Controlled by Federal  
Agencies**

Sec.

- 205101. Assumption of responsibility for preservation of historic properties.
- 205102. Preservation program.
- 205103. Records on historic properties to be altered or demolished.
- 205104. Agency Preservation Officer.
- 205105. Agency programs and projects.
- 205106. Review of plans of transferees of surplus federally owned historic properties.
- 205107. Planning and actions to minimize harm to National Historic Landmarks.
- 205108. Costs of preservation as eligible project costs.
- 205109. Annual preservation awards program.
- 205110. Environmental impact statement.
- 205111. Waiver of provisions in event of natural disaster or imminent threat to national security.
- 205112. Assistance for adversely affected historic property.
- 205113. Documentation of decisions respecting undertakings.

**Subchapter II—Lease, Exchange, or Management of Historic Property**

- 205121. Lease or exchange.
- 205122. Contracts for management of historic property.

**Subchapter III—Protection and Preservation of Resources**

- 205131. Standards and guidelines.
- 205132. Access to information.



1 ation to the preservation of those values in the case of properties des-  
 2 ignated as having national significance;

3 (3) the preservation of properties not under the jurisdiction or con-  
 4 trol of the agency but potentially affected by agency actions are given  
 5 full consideration in planning;

6 (4) the agency's preservation-related activities are carried out in con-  
 7 sultation with other Federal, State, and local agencies, Indian tribes,  
 8 Native Hawaiian organizations carrying out historic preservation plan-  
 9 ning activities, and the private sector; and

10 (5) the agency's procedures for compliance with section 205302 of  
 11 this title—

12 (A) are consistent with regulations promulgated by the Council  
 13 pursuant to section 204108(a) and (b) of this title;

14 (B) provide a process for the identification and evaluation of  
 15 historic properties for listing in the National Register and the de-  
 16 velopment and implementation of agreements, in consultation with  
 17 State Historic Preservation Officers, local governments, Indian  
 18 tribes, Native Hawaiian organizations, and the interested public,  
 19 as appropriate, regarding the means by which adverse effects on  
 20 historic properties will be considered; and

21 (C) provide for the disposition of Native American cultural  
 22 items from Federal or tribal land in a manner consistent with sec-  
 23 tion 3(c) of the Native American Graves Protection and Repatri-  
 24 ation Act (25 U.S.C. 3002(c)).

25 **§ 205103. Records on historic properties to be altered or de-**  
 26 **molished**

27 Each Federal agency shall initiate measures to ensure that where, as a  
 28 result of Federal action or assistance carried out by the agency, a historic  
 29 property is to be substantially altered or demolished—

30 (1) timely steps are taken to make or have made appropriate  
 31 records; and

32 (2) the records are deposited, in accordance with section 202306 of  
 33 this title, in the Library of Congress or with such other appropriate  
 34 agency as the Secretary may designate, for future use and reference.

35 **§ 205104. Agency Preservation Officer**

36 The head of each Federal agency (except an agency that is exempted  
 37 under section 204108(e) of this title) shall designate a qualified official to  
 38 be known as the agency's Preservation Officer who shall be responsible for  
 39 coordinating the agency's activities under this division. Each Preservation  
 40 Officer may, to be considered qualified, satisfactorily complete an appro-

1 puate training program established by the Secretary under section  
2 205101(e) of this title.

3 **§ 205105. Agency programs and projects**

4 Consistent with the agency's missions and mandates, each Federal agency  
5 shall carry out agency programs and projects (including those under which  
6 any Federal assistance is provided or any Federal license, permit, or other  
7 approval is required) in accordance with the purposes of this division and  
8 give consideration to programs and projects that will further the purposes  
9 of this division.

10 **§ 205106. Review of plans of transferees of surplus federally**  
11 **owned historic properties**

12 The Secretary shall review and approve the plans of transferees of surplus  
13 federally owned historic properties not later than 90 days after receipt of  
14 the plans to ensure that the prehistorical, historical, architectural, or cul-  
15 turally significant values will be preserved or enhanced.

16 **§ 205107. Planning and actions to minimize harm to Na-**  
17 **tional Historic Landmarks**

18 Prior to the approval of any Federal undertaking that may directly and  
19 adversely affect any National Historic Landmark, the head of the respon-  
20 sible Federal agency shall—

- 21 (1) to the maximum extent possible, undertake such planning and  
22 actions as may be necessary to minimize harm to the landmark; and  
23 (2) afford the Council a reasonable opportunity to comment on the  
24 undertaking.

25 **§ 205108. Costs of preservation as eligible project costs**

26 A Federal agency may include the costs of preservation activities of the  
27 agency under this division as eligible project costs in all undertakings of the  
28 agency or assisted by the agency. The eligible project costs may include  
29 amounts paid by a Federal agency to a State to be used in carrying out  
30 the preservation responsibilities of the Federal agency under this division,  
31 and reasonable costs may be charged to Federal licensees and permittees  
32 as a condition to the issuance of the license or permit.

33 **§ 205109. Annual preservation awards program**

34 The Secretary shall establish an annual preservation awards program  
35 under which the Secretary may make monetary awards in amounts of not  
36 to exceed \$1,000 and provide citations for special achievement to officers  
37 and employees of Federal, State, and certified local governments in recogni-  
38 tion of their outstanding contributions to the preservation of historic re-  
39 sources. The program may include the issuance of annual awards by the  
40 President to any citizen of the United States recommended for the award  
41 by the Secretary.

1 **§ 205110. Environmental impact statement**

2 Nothing in this division shall be construed to—

3 (1) require the preparation of an environmental impact statement  
4 where the statement would not otherwise be required under the Na-  
5 tional Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

6 (2) provide any exemption from any requirement respecting the prep-  
7 aration of an environmental impact statement under that Act.

8 **§ 205111. Waiver of provisions in event of natural disaster**  
9 **or imminent threat to national security**

10 The Secretary shall promulgate regulations under which the requirements  
11 of this chapter may be waived in whole or in part in the event of a major  
12 natural disaster or an imminent threat to national security.

13 **§ 205112. Assistance for adversely affected historic property**

14 Each Federal agency shall ensure that the agency will not grant a loan,  
15 loan guarantee, permit, license, or other assistance to an applicant that,  
16 with intent to avoid the requirements of section 205302 of this title, has  
17 intentionally significantly adversely affected a historic property to which the  
18 grant would relate, or having legal power to prevent it, has allowed the sig-  
19 nificant adverse effect to occur, unless the agency, after consultation with  
20 the Council, determines that circumstances justify granting the assistance  
21 despite the adverse effect created or permitted by the applicant.

22 **§ 205113. Documentation of decisions respecting under-**  
23 **takings**

24 With respect to any undertaking subject to section 205302 of this title  
25 that adversely affects any property included in or eligible for inclusion on  
26 the National Register, and for which a Federal agency has not entered into  
27 an agreement pursuant to regulations issued by the Council, the head of the  
28 agency shall document any decision made pursuant to section 205302 of  
29 this title. The head of the agency may not delegate responsibilities pursuant  
30 to that section. Where a memorandum of agreement under section 205302  
31 of this title has been executed with respect to an undertaking, the memo-  
32 randum shall govern the undertaking and all of its parts.

33 **Subchapter II—Lease, Exchange, or Management of Historic**  
34 **Property**

35 **§ 205121. Lease or exchange**

36 (a) AUTHORITY TO LEASE OR EXCHANGE.—Notwithstanding any other  
37 provision of law, each Federal agency, after consultation with the Council—

38 (1) shall, to the extent practicable, establish and implement alter-  
39 natives (including adaptive use) for historic properties that are not  
40 needed for current or projected agency purposes; and

1           (2) may lease a historic property owned by the agency to any person  
2           or organization, or exchange any property owned by the agency with  
3           comparable historic property, if the agency head determines that the  
4           lease or exchange will adequately ensure the preservation of the historic  
5           property.

6           (b) PROCEEDS OF LEASE.—Notwithstanding any other provision of law,  
7           the proceeds of any lease under subsection (a) may be retained by the agen-  
8           cy entering into the lease and used to defray the costs of administration,  
9           maintenance, repair, and related expenses incurred by the agency with re-  
10          spect to that property or other properties that are on the National Register  
11          that are owned by, or are under the jurisdiction or control of, the agency.  
12          Any surplus proceeds from the leases shall be deposited in the Treasury at  
13          the end of the second fiscal year following the fiscal year in which the pro-  
14          ceeds were received.

15          **§ 205122. Contracts for management of historic property**

16          The head of any Federal agency having responsibility for the management  
17          of any historic property may, after consultation with the Council, enter into  
18          a contract for the management of the property. The contract shall contain  
19          terms and conditions that the head of the agency considers necessary or ap-  
20          propriate to protect the interests of the United States and ensure adequate  
21          preservation of the historic property.

22          **Subchapter III—Protection and Preservation of Resources**

23          **§ 205131. Standards and guidelines**

24          (a) STANDARDS.—

25                (1) IN GENERAL.—Each Federal agency that is responsible for the  
26                protection of historic property (including archaeological property) pur-  
27                suant to this division or any other law shall ensure that—

28                    (A) all actions taken by employees or contractors of the agency  
29                    meet professional standards under regulations developed by the  
30                    Secretary in consultation with the Council, other affected agencies,  
31                    and the appropriate professional societies of archaeology, architec-  
32                    ture, conservation, history, landscape architecture, and planning;

33                    (B) agency personnel or contractors responsible for historic  
34                    properties meet qualification standards established by the Office of  
35                    Personnel Management in consultation with the Secretary and ap-  
36                    propriate professional societies of archaeology, architecture, con-  
37                    servation, curation, history, landscape architecture, and planning;  
38                    and

39                    (C) records and other data, including data produced by histor-  
40                    ical research and archaeological surveys and excavations, are per-  
41                    manently maintained in appropriate databases and made available

1 to potential users pursuant to such regulations as the Secretary  
2 shall promulgate.

3 (2) CONSIDERATIONS.—The standards referred to in paragraph  
4 (1)(B) shall consider the particular skills and expertise needed for the  
5 preservation of historic properties and shall be equivalent requirements  
6 for the disciplines involved.

7 (b) GUIDELINES.—To promote the preservation of historic property eligi-  
8 ble for listing on the National Register, the Secretary shall, in consultation  
9 with the Council, promulgate guidelines to ensure that Federal, State, and  
10 tribal historic preservation programs subject to this division include plans  
11 to—

12 (1) provide information to the owners of historic property with dem-  
13 onstrated or likely research significance, about the need for protection  
14 of the historic property, and the available means of protection;

15 (2) encourage owners to preserve historic property intact and in  
16 place and offer the owners of the historic property information on the  
17 tax and grant assistance available for the donation of the historic prop-  
18 erty or of a preservation easement of the historic property;

19 (3) encourage the protection of Native American cultural items  
20 (within the meaning of section 2 of the Native American Graves Pro-  
21 tection and Repatriation Act (25 U.S.C. 3001)) and of properties of  
22 religious or cultural importance to Indian tribes, Native Hawaiians, or  
23 other Native American groups; and

24 (4) encourage owners that are undertaking archaeological exca-  
25 vations to—

26 (A) conduct excavations and analyses that meet standards for  
27 federally-sponsored excavations established by the Secretary;

28 (B) donate or lend artifacts of research significance to an ap-  
29 propriate research institution;

30 (C) allow access to artifacts for research purposes; and

31 (D) prior to excavating or disposing of a Native American cul-  
32 tural item in which an Indian tribe or Native Hawaiian organiza-  
33 tion may have an interest under subparagraph (B) or (C) of sec-  
34 tion 3(a)(2) of the Native American Graves Protection and Repa-  
35 triation Act (25 U.S.C. 3002(a)(2)(B), (C)), give notice to and  
36 consult with the Indian tribe or Native Hawaiian organization.

37 **§ 205132. Access to information**

38 (a) AUTHORITY TO WITHHOLD FROM DISCLOSURE.—The head of a Fed-  
39 eral agency, or other public official receiving grant assistance pursuant to  
40 this division, after consultation with the Secretary, shall withhold from dis-  
41 closure to the public information about the location, character, or ownership

1 of a historic property if the Secretary and the agency determine that disclo-  
2 sure may—

- 3 (1) cause a significant invasion of privacy;  
4 (2) risk harm to the historic property; or  
5 (3) impede the use of a traditional religious site by practitioners.

6 (b) ACCESS DETERMINATION.—When the head of a Federal agency or  
7 other public official determines that information should be withheld from  
8 the public pursuant to subsection (a), the Secretary, in consultation with  
9 the Federal agency head or official, shall determine who may have access  
10 to the information for the purpose of carrying out this division.

11 (c) CONSULTATION WITH COUNCIL.—When information described in sub-  
12 section (a) has been developed in the course of an agency’s compliance with  
13 section 205107 or 205302 of this title, the Secretary shall consult with the  
14 Council in reaching determinations under subsections (a) and (b).

## 15 **CHAPTER 2053—UNDERTAKINGS**

Sec.

205301. Undertakings outside United States.

205302. Effect of undertakings on historic property.

### 16 **§ 205301. Undertakings outside United States**

17 Prior to the approval of any undertaking outside the United States that  
18 may directly and adversely affect a property that is on the World Heritage  
19 List or on the applicable country’s equivalent of the National Register, the  
20 head of a Federal agency having direct or indirect jurisdiction over the un-  
21 dertaking shall take into account the effect of the undertaking on the prop-  
22 erty for purposes of avoiding or mitigating any adverse effect.

### 23 **§ 205302. Effect of undertakings on historic property**

24 The head of any Federal agency having direct or indirect jurisdiction over  
25 a proposed undertaking in any State and the head of any Federal depart-  
26 ment or independent agency having authority to license any undertaking  
27 shall, prior to the approval of the expenditure of any Federal funds on the  
28 undertaking or prior to the issuance of any license, as the case may be, take  
29 into account the effect of the undertaking on any historic property. The  
30 head of the Federal agency shall afford the Council a reasonable oppor-  
31 tunity to comment with regard to the undertaking.

## 32 **CHAPTER 2055—FINANCING**

### **Subchapter I—Financial Assistance**

Sec.

205501. Awarding grant funds.

205502. Grants to National Trust.

205503. Apportionment of grant funds.

205504. Loan insurance program for preservation of property included on National Register.

205505. Recordkeeping.

### **Subchapter II—Sources of Funds**

205511. Historic Preservation Fund.

205512. Acceptance by Secretary of privately donated funds.

**Subchapter I—Financial Assistance****§ 205501. Awarding grant funds**

(a) CONDITIONS.—

(1) IN GENERAL.—No grant may be made under this division—

(A) unless application for the grant is submitted to the Secretary in accordance with regulations and procedures prescribed by the Secretary;

(B) unless the application is in accordance with the comprehensive statewide historic preservation plan that has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to chapter 1053;

(C) for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 202503 of this title in any one fiscal year;

(D) unless the grantee has agreed to make reports, in such form and containing such information, as the Secretary may from time to time require;

(E) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

(F) until the grantee has complied with such further terms and conditions as the Secretary may consider necessary or advisable.

(2) SOURCE OF STATE SHARE OF COSTS.—Except as permitted by other law, the State share of the costs referred to in paragraph (1)(C) shall be contributed by non-Federal sources.

(b) GRANT NOT TREATED AS TAXABLE INCOME.—Notwithstanding any other provision of law, no grant made pursuant to this division shall be treated as taxable income for purposes of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq).

(c) WAIVER.—The Secretary may waive the requirements of subparagraphs (B) and (E) of subsection (a)(1) for any grant under this division to the National Trust.

(d) RESTRICTION ON USE OF REAL PROPERTY TO MEET NON-FEDERAL SHARE OF COST OF PROJECT.—No State shall be permitted to utilize the value of real property obtained before October 15, 1966, in meeting the non-Federal share of the cost of a project for which a grant is made under this division.

1 (e) AVAILABILITY.—The Secretary shall make funding available to indi-  
2 vidual States and the National Trust as soon as practicable after execution  
3 of a grant agreement. For purposes of administration, grants to individual  
4 States and the National Trust each shall be deemed to be one grant and  
5 shall be administered by the Service as one grant.

6 (f) ADMINISTRATIVE COSTS.—The total administrative costs, direct and  
7 indirect, charged for carrying out State projects and programs may not ex-  
8 ceed 25 percent of the aggregate costs except in the case of a grant under  
9 section 203101(b) of this title.

#### 10 **§ 205502. Grants to National Trust**

11 The Secretary of Housing and Urban Development may make grants to  
12 the National Trust, on terms and conditions and in amounts (not exceeding  
13 \$90,000 with respect to any one structure) as the Secretary of Housing and  
14 Urban Development considers appropriate, to cover the costs incurred by  
15 the National Trust in renovating or restoring structures that the National  
16 Trust considers to be of historic or architectural value and that the National  
17 Trust has accepted and will maintain (after the renovation or restoration)  
18 for historic purposes.

#### 19 **§ 205503. Apportionment of grant funds**

20 (a) BASES FOR APPORTIONMENT.—The amounts appropriated and made  
21 available for grants to the States—

22 (1) for the purposes of this division shall be apportioned among the  
23 States by the Secretary on the basis of needs as determined by the Sec-  
24 retary; and

25 (2) for projects and programs under this division for each fiscal year  
26 shall be apportioned among the States as the Secretary determines to  
27 be appropriate.

28 (b) NOTIFICATION.—The Secretary shall notify each State of its appor-  
29 tionment under subsection (a)(2) within 30 days after the date of enactment  
30 of legislation appropriating funds under this division.

31 (c) REAPPORTIONMENT.—Any amount of any apportionment that has not  
32 been paid or obligated by the Secretary during the fiscal year in which the  
33 notification is given or during the 2 fiscal years after that fiscal year shall  
34 be reapportioned by the Secretary in accordance with subsection (a)(2). The  
35 Secretary shall analyze and revise as necessary the method of appor-  
36 tionment. The method and any revision shall be published by the Secretary in  
37 the Federal Register.

38 (d) TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—Not  
39 less than 10 percent of the annual apportionment distributed by the Sec-  
40 retary to each State for the purposes of carrying out this division shall be  
41 transferred by the State, pursuant to the requirements of this division, to

1 certified local governments for historic preservation projects or programs of  
 2 the certified local governments. In any year in which the total annual appor-  
 3 tionment to the States exceeds \$65,000,000, 50 percent of the excess shall  
 4 also be transferred by the States to certified local governments.

5 (e) GUIDELINES FOR USE AND DISTRIBUTION OF FUNDS TO CERTIFIED  
 6 LOCAL GOVERNMENTS.—The Secretary shall establish guidelines for the use  
 7 and distribution of funds under subsection (d) to ensure that no certified  
 8 local government receives a disproportionate share of the funds available,  
 9 and may include a maximum or minimum limitation on the amount of funds  
 10 distributed to any single certified local government. The guidelines shall not  
 11 limit the ability of any State to distribute more than 10 percent of its an-  
 12 nual apportionment under subsection (d), nor shall the Secretary require  
 13 any State to exceed the 10 percent minimum distribution to certified local  
 14 governments.

15 **§ 205504. Loan insurance program for preservation of prop-**  
 16 **erty included on National Register**

17 (a) ESTABLISHMENT.—The Secretary shall maintain a program by which  
 18 the Secretary may, on application of a private lender, insure loans (includ-  
 19 ing loans made in accordance with a mortgage) made by the lender to fi-  
 20 nance any project for the preservation of a property included on the Na-  
 21 tional Register.

22 (b) LOAN QUALIFICATIONS.—A loan may be insured under this section  
 23 if—

24 (1) the loan is made by a private lender approved by the Secretary  
 25 as financially sound and able to service the loan properly;

26 (2) the amount of the loan, and interest rate charged with respect  
 27 to the loan, do not exceed the amount and rate established by the Sec-  
 28 retary by regulation;

29 (3) the Secretary has consulted the appropriate State Historic Pres-  
 30 ervation Officer concerning the preservation of the historic property;

31 (4) the Secretary has determined that the loan is adequately secured  
 32 and there is reasonable assurance of repayment;

33 (5) the repayment period of the loan does not exceed the lesser of  
 34 40 years or the expected life of the asset financed;

35 (6) the amount insured with respect to the loan does not exceed 90  
 36 percent of the loss sustained by the lender with respect to the loan;  
 37 and

38 (7) the loan, the borrower, and the historic property to be preserved  
 39 meet such other terms and conditions as may be prescribed by the Sec-  
 40 retary by regulation, especially terms and conditions relating to the na-  
 41 ture and quality of the preservation work.

1 (c) CONSULTATION.—The Secretary shall consult with the Secretary of  
2 the Treasury regarding the interest rate of loans insured under this section.

3 (d) LIMITATION ON AMOUNT OF UNPAID PRINCIPAL BALANCE OF  
4 LOANS.—The aggregate unpaid principal balance of loans insured under  
5 this section and outstanding at any one time may not exceed the amount  
6 that has been deposited in the Historic Preservation Fund pursuant to sec-  
7 tion 205511 of this title and subsections (h) and (i), as in effect on Decem-  
8 ber 12, 1980, but which has not been appropriated for any purpose.

9 (e) INSURANCE CONTRACTS.—Any contract of insurance executed by the  
10 Secretary under this section may be assignable, shall be an obligation sup-  
11 ported by the full faith and credit of the United States, and shall be incon-  
12 testable except for fraud or misrepresentation of which the holder had ac-  
13 tual knowledge at the time it became a holder.

14 (f) CONDITIONS AND METHODS OF PAYMENT AS RESULT OF LOSS.—The  
15 Secretary shall specify, by regulation and in each contract entered into  
16 under this section, the conditions and method of payment to a private lender  
17 as a result of losses incurred by the lender on any loan insured under this  
18 section.

19 (g) PROTECTION OF FINANCIAL INTERESTS OF FEDERAL GOVERN-  
20 MENT.—In entering into any contract to insure a loan under this section,  
21 the Secretary shall take steps to ensure adequate protection of the financial  
22 interests of the Federal Government. The Secretary may—

23 (1) in connection with any foreclosure proceeding, obtain, on behalf  
24 of the Federal Government, the historic property securing a loan insu-  
25 red under this section; and

26 (2) operate or lease the historic property for such period as may be  
27 necessary to protect the interest of the Federal Government and to  
28 carry out subsection (h).

29 (h) CONVEYANCE TO GOVERNMENTAL OR NONGOVERNMENTAL ENTITY  
30 OF PROPERTY ACQUIRED BY FORECLOSURE.—

31 (1) ATTEMPT TO CONVEY TO ENSURE PROPERTY'S PRESERVATION  
32 AND USE.—In any case in which a historic property is obtained pursu-  
33 ant to subsection (g), the Secretary shall attempt to convey the prop-  
34 erty to any governmental or nongovernmental entity under conditions  
35 that will ensure the property's continued preservation and use. If, after  
36 a reasonable time, the Secretary, in consultation with the Council, de-  
37 termines that there is no feasible and prudent means to convey the  
38 property and to ensure its continued preservation and use, the Sec-  
39 retary may convey the property at the fair market value of its interest  
40 in the property to any entity without restriction.

1           (2) DISPOSITION OF FUNDS.—Any funds obtained by the Secretary  
2           in connection with the conveyance of any historic property pursuant to  
3           paragraph (1) shall be deposited in the Historic Preservation Fund and  
4           shall remain available in the Historic Preservation Fund until appro-  
5           priated by the Congress to carry out this division.

6           (i) ASSESSMENT OF FEES IN CONNECTION WITH INSURING LOANS.—  
7           The Secretary may assess appropriate and reasonable fees in connection  
8           with insuring loans under this section. The fees shall be deposited in the  
9           Historic Preservation Fund and shall remain available in the Historic Pres-  
10          ervation Fund until appropriated by Congress to carry out this division.

11          (j) TREATMENT OF LOANS AS NON-FEDERAL FUNDS.—Notwithstanding  
12          any other provision of law, any loan insured under this section shall be  
13          treated as non-Federal funds for the purposes of satisfying any requirement  
14          of any other provision of law under which Federal funds to be used for any  
15          project or activity are conditioned on the use of non-Federal funds by the  
16          recipient for payment of any portion of the costs of the project or activity.

17          (k) INELIGIBILITY OF DEBT OBLIGATION FOR PURCHASE OR COMMIT-  
18          MENT TO PURCHASE BY, OR SALE OR ISSUANCE TO, FEDERAL FINANCING  
19          BANK.—No debt obligation that is made or committed to be made, or that  
20          is insured or committed to be insured, by the Secretary under this section  
21          shall be eligible for purchase by, or commitment to purchase by, or sale or  
22          issuance to, the Federal Financing Bank.

### 23       **§ 205505. Recordkeeping**

24          A beneficiary of assistance under this division shall keep—

25               (1) such records as the Secretary shall prescribe, including records  
26               that fully disclose—

27                       (A) the disposition by the beneficiary of the proceeds of the as-  
28                       sistance;

29                       (B) the total cost of the project or undertaking in connection  
30                       with which the assistance is given or used; and

31                       (C) the amount and nature of that portion of the cost of the  
32                       project or undertaking supplied by other sources; and

33               (2) such other records as will facilitate an effective audit.

## 34                       **Subchapter II—Sources of Funds**

### 35       **§ 205511. Historic Preservation Fund**

36          (a) ESTABLISHMENT.—To carry out this division, there is in the Treas-  
37          ury the Historic Preservation Fund.

38          (b) CONTENTS.—For each of fiscal years 2009 to 2015, \$150,000,000  
39          shall be deposited in the Historic Preservation Fund from revenues due and  
40          payable to the United States under section 9 of the Outer Continental Shelf  
41          Lands Act (43 U.S.C. 1338) or section 7433(b) of title 10, notwithstanding

1 any provision of law that those proceeds shall be credited to miscellaneous  
2 receipts of the Treasury.

3 (c) USE AND AVAILABILITY.—Amounts in the Historic Preservation Fund  
4 shall be used only to carry out this division and shall be available for ex-  
5 penditure only when appropriated by Congress. Any amount not appro-  
6 priated shall remain available in the Historic Preservation Fund until ap-  
7 propriated for those purposes. Appropriations made pursuant to this section  
8 may be made without fiscal year limitation.

9 **§ 205512. Acceptance by Secretary of privately donated**  
10 **funds**

11 (a) PROJECTS FOR WHICH FUNDS MAY BE USED.—In furtherance of the  
12 purposes of this division, the Secretary may accept the donation of funds  
13 that may be expended by the Secretary for projects to acquire, restore, pre-  
14 serve, or recover data from any property included on the National Register,  
15 as long as the project is owned by a State, any unit of local government,  
16 or any nonprofit entity.

17 (b) CONSIDERATION OF FACTORS RESPECTING EXPENDITURE OF  
18 FUNDS.—

19 (1) IN GENERAL.—In expending the funds, the Secretary shall give  
20 due consideration to—

- 21 (A) the national significance of the project;
- 22 (B) its historical value to the community;
- 23 (C) the imminence of its destruction or loss; and
- 24 (D) the expressed intentions of the donor.

25 (2) FUNDS AVAILABLE WITHOUT REGARD TO MATCHING REQUIRE-  
26 MENTS.—Funds expended under this subsection shall be made available  
27 without regard to the matching requirements established by section  
28 205501 of this title, but the recipient of the funds shall be permitted  
29 to utilize them to match any grants from the Historic Preservation  
30 Fund.

31 (c) TRANSFER OF UNOBLIGATED FUNDS.—The Secretary may transfer  
32 unobligated funds previously donated to the Secretary for the purposes of  
33 the Service, with the consent of the donor, and any funds so transferred  
34 shall be used or expended in accordance with this division.

35 **Subdivision 5—Miscellaneous**  
36 **CHAPTER 2061—MISCELLANEOUS**

Sec.

- 206101. World Heritage Convention.
- 206102. National Building Museum.
- 206103. Effective date of regulations.
- 206104. White House, Supreme Court building, and United States Capitol not included in program for preservation of historic properties.
- 206105. Attorney's fees and costs to prevailing parties in civil actions.
- 206106. Authorization for expenditure of appropriated funds.

206107. Donations and bequests of money, personal property, and less than fee interests in historic property.

1 **§ 206101. World Heritage Convention**

2 (a) PARTICIPATION BY UNITED STATES.—The Secretary shall direct and  
3 coordinate participation by the United States in the World Heritage Con-  
4 vention in cooperation with the Secretary of State, the Smithsonian Institu-  
5 tion, and the Council. Whenever possible, expenditures incurred in carrying  
6 out activities in cooperation with other nations and international organiza-  
7 tions shall be paid for in such excess currency of the country or area where  
8 the expense is incurred as may be available to the United States.

9 (b) NOMINATION OF PROPERTY TO WORLD HERITAGE COMMITTEE.—  
10 The Secretary shall periodically nominate properties that the Secretary de-  
11 termines are of international significance to the World Heritage Committee  
12 on behalf of the United States. No property may be nominated unless it has  
13 previously been determined to be of national significance. Each nomination  
14 shall include evidence of such legal protections as may be necessary to en-  
15 sure preservation of the property and its environment (including restrictive  
16 covenants, easements, or other forms of protection). Before making any  
17 nomination, the Secretary shall notify the Committee on Natural Resources  
18 of the House of Representatives and the Committee on Energy and Natural  
19 Resources of the Senate.

20 (c) NOMINATION OF NON-FEDERAL PROPERTY TO WORLD HERITAGE  
21 COMMITTEE REQUIRES WRITTEN CONCURRENCE OF OWNER.—No non-  
22 Federal property may be nominated by the Secretary to the World Heritage  
23 Committee for inclusion on the World Heritage List unless the owner of the  
24 property concurs in the nomination in writing.

25 **§ 206102. National Building Museum**

26 (a) DEFINITIONS.—In this section:

27 (1) BUILDING ARTS.—The term “building arts” includes all practical  
28 and scholarly aspects of prehistoric, historic, and contemporary archi-  
29 tecture, archaeology, construction, building technology and skills, land-  
30 scape architecture, preservation and conservation, building and con-  
31 struction, engineering, urban and community design and renewal, city  
32 and regional planning, and related professions, skills, trades, and  
33 crafts.

34 (2) COMMITTEE.—The term “Committee” means the Committee for  
35 a National Museum of the Building Arts, Incorporated, a nonprofit cor-  
36 poration organized and existing under the laws of the District of Co-  
37 lumbia, or its successor.

38 (b) COOPERATIVE AGREEMENT TO OPERATE MUSEUM.—To provide a  
39 national center to commemorate and encourage the building arts and to pre-  
40 serve and maintain a nationally significant building that exemplifies the

1 great achievements of the building arts in the United States, the Secretary  
2 and the Administrator of General Services shall enter into a cooperative  
3 agreement with the Committee for the operation of a National Building Mu-  
4 seum in the Federal building located in the block bounded by Fourth Street,  
5 Fifth Street, F Street, and G Street, Northwest in Washington, District of  
6 Columbia.

7 (c) PURPOSES OF MUSEUM.—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  
10 and historic documents, publications, and research relating to the  
11 building arts;

12 (2) foster educational programs relating to the history, practice, and  
13 contribution to society of the building arts, including promotion of  
14 imaginative educational approaches to enhance understanding and ap-  
15 preciation 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  
19 building arts and their role in shaping our civilization; and

20 (5) encourage contributions to the building arts.

21 (d) PROVISIONS OF COOPERATIVE AGREEMENT.—The cooperative agree-  
22 ment referred to in subsection (b) shall include provisions that—

23 (1) make the site available to the Committee without charge;

24 (2) provide, subject to available appropriations, such maintenance,  
25 security, information, janitorial, and other services as may be necessary  
26 to ensure the preservation and operation of the site; and

27 (3) prescribe reasonable terms and conditions by which the Com-  
28 mittee can fulfill its responsibilities under this division.

29 (e) MATCHING GRANTS TO COMMITTEE.—The Secretary shall provide  
30 matching grants to the Committee for its programs related to historic pres-  
31 ervation. The Committee shall match the grants in such a manner and with  
32 such funds and services as shall be satisfactory to the Secretary, except that  
33 not more than \$500,000 may be provided to the Committee in any one fiscal  
34 year.

35 (f) ANNUAL COMMITTEE REPORT TO SECRETARY AND ADMINIS-  
36 TRATOR.—The Committee shall submit an annual report to the Secretary  
37 and the Administrator of General Services concerning its activities under  
38 this section and shall provide the Secretary and the Administrator of Gen-  
39 eral Services with such other information as the Secretary may consider  
40 necessary or advisable.

1 **§ 206103. Effective date of regulations**

2 (a) PUBLICATION IN FEDERAL REGISTER.—No final regulation of the  
3 Secretary shall become effective prior to the expiration of 30 calendar days  
4 after it is published in the Federal Register during which either or both  
5 Houses of Congress are in session.

6 (b) DISAPPROVAL OF REGULATION BY RESOLUTION OF CONGRESS.—The  
7 regulation shall not become effective if, within 90 calendar days of contin-  
8 uous session of Congress after the date of promulgation, both Houses of  
9 Congress adopt a concurrent resolution, the matter after the resolving  
10 clause of which is as follows: “That Congress disapproves the regulation  
11 promulgated by the Secretary dealing with the matter of \_\_\_\_\_, which  
12 regulation was transmitted to Congress on \_\_\_\_\_, ” the blank spaces  
13 in the resolution being appropriately filled.

14 (c) FAILURE OF CONGRESS TO ADOPT RESOLUTION OF DISAPPROVAL OF  
15 REGULATION.—If at the end of 60 calendar days of continuous session of  
16 Congress after the date of promulgation of a regulation, no committee of  
17 either House of Congress has reported or been discharged from further con-  
18 sideration of a concurrent resolution disapproving the regulation, and nei-  
19 ther House has adopted such a resolution, the regulation may go into effect  
20 immediately. If, within the 60 calendar days, a committee has reported or  
21 been discharged from further consideration of such a resolution, the regula-  
22 tion may go into effect not sooner than 90 calendar days of continuous ses-  
23 sion of Congress after its promulgation unless disapproved as provided for.

24 (d) SESSIONS OF CONGRESS.—For purposes of this section—

25 (1) continuity of session is broken only by an adjournment sine die;  
26 and

27 (2) the days on which either House is not in session because of an  
28 adjournment of more than 3 days to a day certain are excluded in the  
29 computation of 60 and 90 calendar days of continuous session of Con-  
30 gress.

31 (e) CONGRESSIONAL INACTION OR REJECTION OF RESOLUTION OF DIS-  
32 APPROVAL NOT DEEMED APPROVAL OF REGULATION.—Congressional inac-  
33 tion on or rejection of a resolution of disapproval shall not be deemed an  
34 expression of approval of the regulation.

35 **§ 206104. White House, Supreme Court building, and United**  
36 **States Capitol not included in program for preser-**  
37 **vation of historic properties**

38 Nothing in this division shall be construed to be applicable to the White  
39 House and its grounds, the Supreme Court building and its grounds, or the  
40 United States Capitol and its related buildings and grounds.

1 **§ 206105. Attorney’s fees and costs to prevailing parties in**  
 2 **civil actions**

3 In any civil action brought in any United States district court by any in-  
 4 terested person to enforce this division, if the person substantially prevails  
 5 in the action, the court may award attorney’s fees, expert witness fees, and  
 6 other costs of participating in the civil action, as the court considers reason-  
 7 able.

8 **§ 206106. Authorization for expenditure of appropriated**  
 9 **funds**

10 Where appropriate, each Federal agency may expend funds appropriated  
 11 for its authorized programs for the purposes of activities carried out pursu-  
 12 ant to this division, except to the extent that appropriations legislation ex-  
 13 pressly provides otherwise.

14 **§ 206107. Donations and bequests of money, personal prop-**  
 15 **erty, and less than fee interests in historic prop-**  
 16 **erty**

17 (a) MONEY AND PERSONAL PROPERTY.—The Secretary may accept dona-  
 18 tions and bequests of money and personal property for the purposes of this  
 19 division and shall hold, use, expend, and administer the money and personal  
 20 property for those purposes.

21 (b) LESS THAN FEE INTEREST IN HISTORIC PROPERTY.—The Secretary  
 22 may accept gifts or donations of less than fee interests in any historic prop-  
 23 erty where the acceptance of an interest will facilitate the conservation or  
 24 preservation of the historic property. Nothing in this section or in any provi-  
 25 sion of this division shall be construed to affect or impair any other author-  
 26 ity of the Secretary under other provision of law to accept or acquire any  
 27 property for conservation or preservation or for any other purpose.

28 **DIVISION C—ORGANIZATIONS AND PROGRAMS**  
 29 **CHAPTER 2071—NATIONAL TRUST FOR HISTORIC**  
 30 **PRESERVATION IN THE UNITED STATES**

Sec.

- 207101. Definition.
- 207102. Establishment and purposes.
- 207103. Principal office.
- 207104. Board of trustees.
- 207105. Powers and duties.
- 207106. Consultation with Advisory Board.

31 **§ 207101. Definition**

32 In this chapter, the term “Board” means the board of trustees of the Na-  
 33 tional Trust.

34 **§ 207102. Establishment and purposes**

35 (a) ESTABLISHMENT.—To further the policy enunciated in chapter 201  
 36 of this title, and to facilitate public participation in the preservation of sites,  
 37 buildings, and objects of national significance or interest, there is estab-

1 lished a charitable, educational, and nonprofit corporation to be known as  
2 the National Trust for Historic Preservation in the United States.

3 (b) PURPOSES.—The purposes of the National Trust shall be to—

4 (1) receive donations of sites, buildings, and objects significant in  
5 American history and culture;

6 (2) preserve and administer them for public benefit;

7 (3) accept, hold, and administer gifts of money, securities, or other  
8 property of any character for the purpose of carrying out the preserva-  
9 tion of sites, buildings, and objects of natural significance or interest;  
10 and

11 (4) execute other functions vested in it by this chapter.

12 **§ 207103. Principal office**

13 The National Trust shall have its principal office in the District of Co-  
14 lumbia and shall be deemed, for purposes of venue in civil actions, to be  
15 a resident of the District of Columbia. The National Trust may establish  
16 offices in other places as it may consider necessary or appropriate in the  
17 conduct of its business.

18 **§ 207104. Board of trustees**

19 (a) MEMBERSHIP.—The affairs of the National Trust shall be under the  
20 general direction of a board of trustees composed as follows:

21 (1) The Attorney General, the Secretary, and the Director of the Na-  
22 tional Gallery of Art, *ex officio*.

23 (2) Not fewer than 6 general trustees who shall be citizens of the  
24 United States.

25 (b) DESIGNATION OF ANOTHER OFFICER.—The Attorney General and  
26 the Secretary, when it appears desirable in the interest of the conduct of  
27 the business of the Board and to such extent as they consider it advisable,  
28 may, by written notice to the National Trust, designate any officer of their  
29 respective departments to act for them in the discharge of their duties as  
30 a member of the Board.

31 (c) GENERAL TRUSTEES.—

32 (1) NUMBER AND SELECTION.—The number of general trustees shall  
33 be fixed by the Board and shall be chosen by the members of the Na-  
34 tional Trust from its members at any regular meeting of the National  
35 Trust.

36 (2) TERM OF OFFICE.—The respective terms of office of the general  
37 trustees shall be as prescribed by the Board but in no case shall exceed  
38 a period of 5 years from the date of election.

39 (3) SUCCESSOR.—A successor to a general trustee shall be chosen  
40 in the same manner and shall have a term expiring 5 years from the  
41 date of the expiration of the term for which the predecessor was cho-

1           sen, except that a successor chosen to fill a vacancy occurring prior to  
2           the expiration of a term shall be chosen only for the remainder of that  
3           term.

4           (d) CHAIRMAN.—The chairman of the Board shall be elected by a major-  
5           ity vote of the members of the Board.

6           (e) COMPENSATION AND REIMBURSEMENT.—No compensation shall be  
7           paid to the members of the Board for their services as such members, but  
8           they shall be reimbursed for travel and actual expenses necessarily incurred  
9           by them in attending board meetings and performing other official duties  
10          on behalf of the National Trust at the direction of the Board.

11       **§ 207105. Powers and duties**

12          To the extent necessary to enable it to carry out the functions vested in  
13          it by this chapter, the National Trust shall have the following general pow-  
14          ers:

15               (1) The National Trust shall have succession until dissolved by Act  
16               of Congress, in which event title to the properties of the National  
17               Trust, both real and personal, shall, insofar as consistent with existing  
18               contractual obligations and subject to all other legally enforceable  
19               claims or demands by or against the National Trust, pass to and be-  
20               come vested in the United States.

21               (2) The National Trust may sue and be sued in its corporate name.

22               (3) The National Trust may adopt, alter, and use a corporate seal  
23               that shall be judicially noticed.

24               (4) The National Trust may adopt a constitution and make bylaws  
25               and regulations, not inconsistent with the laws of the United States or  
26               of any State, as it considers necessary for the administration of its  
27               functions under this chapter, including among other matter, bylaws and  
28               regulations governing visitation to historic properties, administration of  
29               corporate funds, and the organization and procedure of the Board.

30               (5) The National Trust may accept, hold, and administer gifts and  
31               bequests of money, securities, or other personal property of any char-  
32               acter, absolutely or in trust, for the purposes for which the National  
33               Trust is created. Unless otherwise restricted by the terms of a gift or  
34               bequest, the National Trust may sell, exchange, or otherwise dispose  
35               of, and invest or reinvest in investments as it may determine from time  
36               to time, the moneys, securities, or other property given or bequeathed  
37               to it. The principal of corporate funds, together with the income from  
38               those funds and all other revenues received by it from any source, shall  
39               be placed in depositories that the National Trust shall determine and  
40               shall be subject to expenditure by the National Trust for its corporate  
41               purposes.

1           (6) The National Trust may acquire by gift, devise, purchase, or oth-  
 2           erwise, absolutely or in trust, and hold and, unless otherwise restricted  
 3           by the terms of the gift or devise, encumber, convey, or otherwise dis-  
 4           pose of, any real property, or any estate or interest in the property (ex-  
 5           cept property within the exterior boundaries of a System unit), as may  
 6           be necessary and proper in carrying into effect the purposes of the Na-  
 7           tional Trust.

8           (7) The National Trust may contract and make cooperative agree-  
 9           ments with Federal, State, or local agencies, corporations, associations,  
 10          or individuals, under terms and conditions that the National Trust con-  
 11          siders advisable, respecting the protection, preservation, maintenance,  
 12          or operation of any historic site, building, object, or property used in  
 13          connection with the site, building, or object for public use, regardless  
 14          of whether the National Trust has acquired title to the properties, or  
 15          any interest in the properties.

16          (8) The National Trust may enter into contracts generally and exe-  
 17          cute all instruments necessary or appropriate to carry out its corporate  
 18          purposes, including concession contracts, leases, or permits for the use  
 19          of land, buildings, or other property considered desirable either to ac-  
 20          commodate the public or to facilitate administration.

21          (9) The National Trust may appoint and prescribe the duties of offi-  
 22          cers, agents, and employees as may be necessary to carry out its func-  
 23          tions, and fix and pay compensation to them for their services as the  
 24          National Trust may determine.

25          (10) The National Trust may generally do any and all lawful acts  
 26          necessary or appropriate to carry out the purposes for which the Na-  
 27          tional Trust is created.

#### 28   **§ 207106. Consultation with Advisory Board**

29          In carrying out its functions under this chapter, the National Trust may  
 30          consult with the Advisory Board on National Parks, Historic Sites, Build-  
 31          ings, and Monuments on matters relating to the selection of sites, buildings,  
 32          and objects to be preserved and protected pursuant to this chapter.

### 33   **CHAPTER 2073—COMMISSION FOR THE PRESERVATION** 34   **OF AMERICA'S HERITAGE ABROAD**

Sec.

- 207301. Definition.
- 207302. Declaration of national interest.
- 207303. Establishment.
- 207304. Duties and powers; administrative support.
- 207305. Reports.

1 **§ 207301. Definition**

2 In this chapter, the term “Commission” means the Commission for the  
3 Preservation of America’s Heritage Abroad established under section  
4 207303 of this title.

5 **§ 207302. Declaration of national interest**

6 Because the fabric of a society is strengthened by visible reminders of the  
7 historical roots of the society, it is in the national interest to encourage the  
8 preservation and protection of the cemeteries, monuments, and historic  
9 buildings associated with the foreign heritage of United States citizens.

10 **§ 207303. Establishment**

11 (a) ESTABLISHMENT.—There is established a commission to be known as  
12 the Commission for the Preservation of America’s Heritage Abroad.

13 (b) MEMBERSHIP.—The Commission shall consist of 21 members ap-  
14 pointed by the President, 7 of whom shall be appointed after consultation  
15 with the Speaker of the House of Representatives and 7 of whom shall be  
16 appointed after consultation with the President pro tempore of the Senate.

17 (c) TERM.—

18 (1) IN GENERAL.—Except as provided in paragraph (2), a member  
19 of the Commission shall be appointed for a term of 3 years.

20 (2) VACANCY.—A member appointed to fill a vacancy on the Com-  
21 mission shall serve for the remainder of the term for which the mem-  
22 ber’s predecessor was appointed.

23 (3) MEMBER UNTIL SUCCESSOR APPOINTED.—A member may retain  
24 membership on the Commission until the member’s successor has been  
25 appointed.

26 (d) CHAIRMAN.—The President shall designate the Chairman of the Com-  
27 mission from among its members.

28 (e) MEETINGS.—The Commission shall meet at least once every 6  
29 months.

30 (f) COMPENSATION AND EXPENSES.—

31 (1) COMPENSATION.—Members of the Commission shall receive no  
32 pay on account of their service on the Commission.

33 (2) EXPENSES.—While away from their homes or regular places of  
34 business in the performance of services for the Commission, members  
35 of the Commission shall be allowed travel expenses, including per diem  
36 in lieu of subsistence, in the same manner as individuals employed  
37 intermittently in the Government service are allowed expenses under  
38 section 5703 of title 5.

39 **§ 207304. Duties and powers; administrative support**

40 (a) DUTIES.—The Commission shall—

1 (1) identify and publish a list of cemeteries, monuments, and historic  
2 buildings located abroad that are associated with the foreign heritage  
3 of United States citizens from eastern and central Europe, particularly  
4 cemeteries, monuments, and buildings that are in danger of deteriora-  
5 tion or destruction;

6 (2) encourage the preservation and protection of those cemeteries,  
7 monuments, and historic buildings by obtaining, in cooperation with the  
8 Secretary of State, assurances from foreign governments that the ceme-  
9 teries, monuments, and buildings will be preserved and protected; and

10 (3) prepare and disseminate reports on the condition of, and the  
11 progress toward preserving and protecting, those cemeteries, monu-  
12 ments, and historic buildings.

13 (b) POWERS.—

14 (1) HOLD HEARINGS, REQUEST ATTENDANCE, TAKE TESTIMONY,  
15 AND RECEIVE EVIDENCE.—The Commission or any member it author-  
16 izes may, for the purposes of carrying out this chapter, hold such hear-  
17 ings, sit and act at such times and places, request such attendance,  
18 take such testimony, and receive such evidence, as the Commission con-  
19 siders appropriate.

20 (2) APPOINT PERSONNEL AND FIX PAY.—The Commission may ap-  
21 point such personnel (subject to the provisions of title 5 governing ap-  
22 pointments in the competitive service) and may fix the pay of such per-  
23 sonnel (subject to the provisions of chapter 51 and subchapter III of  
24 chapter 53 of title 5), as the Commission considers desirable.

25 (3) PROCURE TEMPORARY AND INTERMITTENT SERVICES.—The  
26 Commission may procure temporary and intermittent services to the  
27 same extent as is authorized by section 3109(b) of title 5, but at rates  
28 for individuals not to exceed the daily equivalent of the maximum an-  
29 nual rate of basic pay then in effect under section 5376 of title 5.

30 (4) DETAIL PERSONNEL TO COMMISSION.—On request of the Com-  
31 mission, the head of any Federal department or agency, including the  
32 Secretary of State, may detail, on a reimbursable basis, any of the per-  
33 sonnel of that department or agency to the Commission to assist it in  
34 carrying out its duties under this chapter.

35 (5) SECURE INFORMATION.—The Commission may secure directly  
36 from any department or agency of the United States, including the De-  
37 partment of State, any information necessary to enable it to carry out  
38 this chapter. On the request of the Chairman of the Commission, the  
39 head of the department or agency shall furnish the information to the  
40 Commission.

1 (6) GIFTS OR DONATIONS.—The Commission may accept, use, and  
2 dispose of gifts or donations of money or property.

3 (7) USE OF MAILS.—The Commission may use the United States  
4 mails in the same manner and on the same conditions as other depart-  
5 ments and agencies of the United States.

6 (c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services  
7 shall provide to the Commission on a reimbursable basis administrative sup-  
8 port services as the Commission may request.

9 **§ 207305. Reports**

10 The Commission shall transmit an annual report to the President as soon  
11 as practicable after the end of each fiscal year. Each report shall include  
12 a detailed statement of the activities and accomplishments of the Commis-  
13 sion during the preceding fiscal year and any recommendations by the Com-  
14 mission for legislation and administrative actions.

15 **CHAPTER 2075—AMERICAN BATTLEFIELD PROTECTION**  
16 **PROGRAM**

Sec.

207501. Purpose.

207502. Definitions.

207503. Preservation assistance.

207504. Battlefield acquisition grant program.

17 **§ 207501. Purpose**

18 The purpose of this chapter is to assist citizens, public and private insti-  
19 tutions, and governments at all levels in planning, interpreting, and pro-  
20 tecting sites where historic battles were fought on American soil during the  
21 armed conflicts that shaped the growth and development of the United  
22 States, in order that present and future generations may learn and gain in-  
23 spiration from the ground where Americans made their ultimate sacrifice.

24 **§ 207502. Definitions**

25 In this chapter:

26 (1) ELIGIBLE ENTITY.—The term “eligible entity” means a State or  
27 local government.

28 (2) ELIGIBLE SITE.—The term “eligible site” means a site—

29 (A) that is not within the exterior boundaries of a System unit;  
30 and

31 (B) that is identified in the document entitled “Report on the  
32 Nation’s Civil War Battlefields”, prepared by the Civil War Sites  
33 Advisory Commission, and dated July 1993.

34 (3) SECRETARY.—The term “Secretary” means the Secretary, acting  
35 through the American Battlefield Protection Program.

36 **§ 207503. Preservation assistance**

37 (a) IN GENERAL.—Using the established national historic preservation  
38 program to the extent practicable, the Secretary shall encourage, support,

1 assist, recognize, and work in partnership with citizens, Federal, State,  
 2 local, and tribal governments, other public entities, educational institutions,  
 3 and private nonprofit organizations in identifying, researching, evaluating,  
 4 interpreting, and protecting historic battlefields and associated sites on a  
 5 national, State, and local level.

6 (b) FINANCIAL ASSISTANCE.—To carry out subsection (a), the Secretary  
 7 may use a cooperative agreement, grant, contract, or other generally adopt-  
 8 ed means of providing financial assistance.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-  
 10 propriated \$3,000,000 annually to carry out this section, to remain available  
 11 until expended.

#### 12 **§ 207504. Battlefield acquisition grant program**

13 (a) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisi-  
 14 tion grant program under which the Secretary may provide grants to eligible  
 15 entities to pay the Federal share of the cost of acquiring interests in eligible  
 16 sites for the preservation and protection of those eligible sites.

17 (b) NONPROFIT PARTNERS.—An eligible entity may acquire an interest  
 18 in an eligible site using a grant under this section in partnership with a  
 19 nonprofit organization.

20 (c) NON-FEDERAL SHARE.—The non-Federal share of the total cost of  
 21 acquiring an interest in an eligible site under this section shall be not less  
 22 than 50 percent.

23 (d) LIMITATION ON LAND USE.—An interest in an eligible site acquired  
 24 under this section shall be subject to section 105308(g) of this title.

25 (e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-  
 26 propriated to the Secretary to provide grants under this section  
 27 \$10,000,000 for each of fiscal year 2009 to 2013.

### 28 **CHAPTER 2077—NATIONAL UNDERGROUND RAILROAD** 29 **NETWORK TO FREEDOM**

Sec.

207701. Purposes.

207702. Definitions.

207703. Program.

207704. Preservation of historic sites or structures.

207705. Authorization of appropriations.

#### 30 **§ 207701. Purposes**

31 The purposes of this chapter are—

32 (1) to recognize the importance of the Underground Railroad, the  
 33 sacrifices made by those who used the Underground Railroad in search  
 34 of freedom from tyranny and oppression, and the sacrifices made by  
 35 the people who helped them; and

36 (2) to authorize the Secretary to coordinate and facilitate Federal  
 37 and non-Federal activities to commemorate, honor, and interpret the

1 history of the Underground Railroad, its significance as a crucial ele-  
 2 ment in the evolution of the national civil rights movement, and its rel-  
 3 evance in fostering the spirit of racial harmony and national reconcili-  
 4 ation.

5 **§ 207702. Definition**

6 In this chapter, the term “national network” means the National Under-  
 7 ground Railroad Network to Freedom established under section 207703 of  
 8 this title.

9 **§ 207703. Program**

10 (a) ESTABLISHMENT; RESPONSIBILITIES OF SECRETARY.—The Secretary  
 11 shall establish in the Service a program to be known as the National Under-  
 12 ground Railroad Network to Freedom. Under the program, the Secretary  
 13 shall—

14 (1) produce and disseminate appropriate educational materials, such  
 15 as handbooks, maps, interpretive guides, or electronic information;

16 (2) enter into appropriate cooperative agreements and memoranda of  
 17 understanding to provide technical assistance under subsection (c); and

18 (3) create and adopt an official, uniform symbol or device for the  
 19 national network and issue regulations for its use.

20 (b) ELEMENTS.—The national network shall encompass the following ele-  
 21 ments:

22 (1) All System units and programs of the Service determined by the  
 23 Secretary to pertain to the Underground Railroad.

24 (2) Other Federal, State, local, and privately owned properties per-  
 25 taining to the Underground Railroad that have a verifiable connection  
 26 to the Underground Railroad and that are included on, or determined  
 27 by the Secretary to be eligible for inclusion on, the National Register  
 28 of Historic Places.

29 (3) Other governmental and nongovernmental facilities and programs  
 30 of an educational, research, or interpretive nature that are directly re-  
 31 lated to the Underground Railroad.

32 (c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDER-  
 33 STANDING.—To achieve the purposes of this chapter and to ensure effective  
 34 coordination of the Federal and non-Federal elements of the national net-  
 35 work with System units and programs of the Service, the Secretary may  
 36 enter into cooperative agreements and memoranda of understanding with,  
 37 and provide technical assistance—

38 (1) to the heads of other Federal agencies, States, localities, regional  
 39 governmental bodies, and private entities; and

40 (2) in cooperation with the Secretary of State, to the governments  
 41 of Canada, Mexico, and any appropriate country in the Caribbean.

1 **§ 207704. Preservation of historic sites or structures**

2 (a) **AUTHORITY TO MAKE GRANTS.**—The Secretary may make grants in  
3 accordance with this section for the preservation and restoration of historic  
4 buildings or structures associated with the Underground Railroad, and for  
5 related research and documentation to sites, programs, or facilities that  
6 have been included in the national network.

7 (b) **GRANT CONDITIONS.**—Any grant made under this section shall pro-  
8 vide that—

9 (1) no change or alteration may be made in property for which the  
10 grant is used except with the agreement of the property owner and the  
11 Secretary;

12 (2) the Secretary shall have the right of access at reasonable times  
13 to the public portions of the property for interpretive and other pur-  
14 poses; and

15 (3) conversion, use, or disposal of the property for purposes contrary  
16 to the purposes of this chapter, as determined by the Secretary, shall  
17 result in a right of the United States to compensation equal to all Fed-  
18 eral funds made available to the grantee under this chapter.

19 (c) **MATCHING REQUIREMENT.**—The Secretary may obligate funds made  
20 available for a grant under this section only if the grantee agrees to match,  
21 from funds derived from non-Federal sources, the amount of the grant with  
22 an amount that is equal to or greater than the grant. The Secretary may  
23 waive the requirement if the Secretary determines that an extreme emer-  
24 gency exists or that a waiver is in the public interest to ensure the preserva-  
25 tion of historically significant resources.

26 **§ 207705. Authorization of appropriations**

27 (a) **AMOUNTS.**—There are authorized to be appropriated to carry out this  
28 chapter \$2,500,000 for each fiscal year, to be allocated as follows:

29 (1) \$2,000,000 is to be used for the purposes of section 207703 of  
30 this title.

31 (2) \$500,000 is to be used for the purposes of section 207704 of  
32 this title.

33 (b) **RESTRICTIONS.**—No amounts may be appropriated for the purposes  
34 of this chapter except to the Secretary for carrying out the responsibilities  
35 of the Secretary as set forth in this chapter.

36 **CHAPTER 2079—NATIONAL WOMEN'S RIGHTS HISTORY**  
37 **PROJECT**

Sec.

207901. National women's rights history project national registry.

207902. National women's rights history project partnerships network.

1 **§ 207901. National women’s rights history project national**  
 2 **registry**

3 (a) IN GENERAL.—The Secretary may make annual grants to State his-  
 4 toric preservation offices for not more than 5 years to assist the State his-  
 5 toric preservation offices in surveying, evaluating, and nominating to the  
 6 National Register of Historic Places women’s rights history properties.

7 (b) ELIGIBILITY.—In making grants under subsection (a), the Secretary  
 8 shall give priority to grants relating to properties associated with the mul-  
 9 tiple facets of the women’s rights movement, such as politics, economics,  
 10 education, religion, and social and family rights.

11 (c) UPDATES.—The Secretary shall ensure that the National Register  
 12 travel itinerary website entitled “Places Where Women Made History” is  
 13 updated to contain—

- 14 (1) the results of the inventory conducted under subsection (a); and
- 15 (2) any links to websites related to places on the inventory.

16 (d) COST-SHARING REQUIREMENT.—The Federal share of the cost of any  
 17 activity carried out using any assistance made available under this section  
 18 shall be 50 percent.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-  
 20 propriated to the Secretary to carry out this section \$1,000,000 for each  
 21 of fiscal years 2009 through 2013.

22 **§ 207902. National women’s rights history project partner-**  
 23 **ships network**

24 (a) GRANTS.—The Secretary may make matching grants and give tech-  
 25 nical assistance for development of a network of governmental and non-  
 26 governmental entities (referred to in this section as the “network”), the pur-  
 27 pose of which is to provide interpretive and educational program develop-  
 28 ment of national women’s rights history, including historic preservation.

29 (b) MANAGEMENT OF NETWORK.—

30 (1) IN GENERAL.—Through a competitive process, the Secretary  
 31 shall designate a nongovernmental managing network to manage the  
 32 network.

33 (2) COORDINATION.—The nongovernmental managing entity des-  
 34 ignated under paragraph (1) shall work in partnership with the Direc-  
 35 tor and State historic preservation offices to coordinate operation of the  
 36 network.

37 (c) COST-SHARING REQUIREMENT.—

38 (1) IN GENERAL.—The Federal share of the cost of any activity car-  
 39 ried out using any assistance made available under this section shall  
 40 be 50 percent.

1           (2) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for  
2           historic preservation specific to the network may be made available  
3           through State historic preservation offices.

4           (d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be ap-  
5           propriated to the Secretary to carry out this section \$1,000,000 for each  
6           of fiscal years 2009 through 2013.

7           **CHAPTER 2081—PRESERVATION OF HISTORICAL AND**  
8           **ARCHAEOLOGICAL DATA**

Sec.

208101. Purpose.

208102. Definition.

208103. Notice of dam construction.

208104. Threat of irreparable loss or destruction of significant scientific, prehistorical, histor-  
          ical, or archaeological data by Federal construction projects.

208105. Survey and recovery by Secretary.

208106. Progress reports by Secretary on surveys and work undertaken as result of surveys.

208107. Administration.

208108. Assistance to Secretary by Federal agencies responsible for construction projects;  
          availability of appropriations.

9           **§ 208101. Purpose**

10          It is the purpose of this chapter to further the policy set forth in chapter  
11          2001 of this title by specifically providing for the preservation of historical  
12          and archaeological data (including relics and specimens) that might other-  
13          wise be irreparably lost or destroyed as the result of—

14           (1) flooding, the building of access roads, the erection of worker’s  
15           communities, the relocation of railroads and highways, and other alter-  
16           ations of the terrain caused by the construction of a dam by any—

17                   (A) Federal agency; or

18                   (B) private person or corporation holding a license issued by  
19                   any Federal agency; or

20           (2) any alteration of the terrain caused as a result of any Federal  
21           construction project or federally licensed activity or program.

22          **§ 208102. Definition**

23          In this chapter, the term “State” includes a State, the District of Colum-  
24          bia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the  
25          Northern Mariana Islands.

26          **§ 208103. Notice of dam construction**

27           (a) IN GENERAL.—Before any Federal agency undertakes the construc-  
28           tion of a dam, or issues a license to any private individual or corporation  
29           for the construction of a dam, it shall give written notice to the Secretary  
30           setting forth the site of the proposed dam and the approximate area to be  
31           flooded and otherwise changed if construction is undertaken.

32           (b) DAMS WITH CERTAIN DETENTION CAPACITY OR RESERVOIR.—With  
33           respect to any flood water retarding dam that provides fewer than 5,000  
34           acre-feet of detention capacity, and with respect to any other type of dam

1 that creates a reservoir of fewer than 40 surface acres, this section shall  
 2 apply only when the constructing agency, in its preliminary surveys, finds  
 3 or is presented with evidence that historical or archaeological materials exist  
 4 or may be present in the proposed reservoir area.

5 **§ 208104. Threat of irreparable loss or destruction of signifi-**  
 6 **cant scientific, prehistorical, historical, or archae-**  
 7 **ological 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 archaeological  
 11 authority, that its activities in connection with any Federal construc-  
 12 tion project or federally licensed project, activity, or program may  
 13 cause irreparable loss or destruction of significant scientific, pre-  
 14 historical, historical, or archaeological data, the agency shall notify the  
 15 Secretary, in writing, and shall provide the Secretary with appropriate  
 16 information concerning the project, program, or activity.

17 (2) RECOVERY, PROTECTION, AND PRESERVATION OF DATA.—The  
 18 agency—

19 (A) may request the Secretary to undertake the recovery, pro-  
 20 tection, and preservation of the data (including preliminary survey,  
 21 or other investigation as needed, and analysis and publication of  
 22 the reports resulting from the investigation); or

23 (B) may, with funds appropriated for the project, program, or  
 24 activity, undertake those activities.

25 (3) AVAILABILITY OF REPORTS.—Copies of reports of any investiga-  
 26 tions made pursuant to this section shall be submitted to the Secretary,  
 27 who shall make them available to the public for inspection and review.

28 (b) ACTIVITY OF PRIVATE PERSON, ASSOCIATION, OR PUBLIC ENTITY.—

29 (1) RECOVERY BY SECRETARY.—When any Federal agency provides  
 30 financial assistance by loan, grant, or otherwise to any private person,  
 31 association, or public entity, the Secretary, if the Secretary determines  
 32 that significant scientific, prehistorical, historical, or archaeological  
 33 data might be irrevocably lost or destroyed, may, with funds appro-  
 34 priated expressly for this purpose—

35 (A) conduct, with the consent of all persons, associations, or  
 36 public entities having a legal interest in the property, a survey of  
 37 the affected site; and

38 (B) undertake the recovery, protection, and preservation of the  
 39 data (including analysis and publication).

40 (2) COMPENSATION.—The Secretary shall, unless otherwise agreed  
 41 to in writing, compensate any person, association, or public entity dam-

1           aged as a result of delays in construction or as a result of the tem-  
2           porary loss of the use of private or any nonfederally owned land.

3   **§ 208105. Survey and recovery by Secretary**

4           (a) IN GENERAL.—The Secretary, on notification, in writing, by any Fed-  
5           eral or State agency or appropriate historical or archaeological authority  
6           that scientific, prehistorical, historical, or archaeological data are being or  
7           may be irrevocably lost or destroyed by any Federal or federally assisted  
8           or licensed project, activity, or program, shall, if the Secretary determines  
9           that the data are significant and are being or may be irrevocably lost or  
10          destroyed and after reasonable notice to the agency responsible for funding  
11          or licensing the project, activity, or program—

12           (1) conduct or cause to be conducted a survey and other investiga-  
13          tion of the areas that are or may be affected; and

14           (2) recover and preserve the data (including analysis and publica-  
15          tion) that, in the opinion of the Secretary, are not being, but should  
16          be, recovered and preserved in the public interest.

17          (b) WHEN SURVEY OR RECOVERY NOT REQUIRED.—No survey or recov-  
18          ery work shall be required pursuant to this section that, in the determina-  
19          tion of the head of the responsible agency, would impede Federal or feder-  
20          ally assisted or licensed projects or activities undertaken in connection with  
21          any emergency, including projects or activities undertaken in anticipation of,  
22          or as a result of, a natural disaster.

23          (c) INITIATION OF SURVEY.—The Secretary shall initiate the survey or  
24          recovery effort within—

25           (1) 60 days after notification pursuant to subsection (a); or

26           (2) such time as may be agreed on with the head of the agency re-  
27          sponsible for funding or licensing the project, activity, or program in  
28          all other cases.

29          (d) COMPENSATION BY SECRETARY.—The Secretary shall, unless other-  
30          wise agreed to in writing, compensate any person, association, or public en-  
31          tity damaged as a result of delays in construction or as a result of the tem-  
32          porary loss of the use of private or nonfederally owned land.

33   **§ 208106. Progress reports by Secretary on surveys and**  
34           **work undertaken as result of surveys**

35          (a) PROGRESS REPORTS TO FUNDING OR LICENSING AGENCY.—The Sec-  
36          retary shall keep the agency responsible for funding or licensing the project  
37          notified at all times of the progress of any survey made under this chapter  
38          or of any work undertaken as a result of a survey, in order that there will  
39          be as little disruption or delay as possible in the carrying out of the func-  
40          tions of the agency. The survey and recovery programs shall terminate at

1 a time agreed on by the Secretary and the head of the agency unless ex-  
2 tended by agreement.

3 (b) DISPOSITION OF RELICS AND SPECIMENS.—The Secretary shall con-  
4 sult with any interested Federal and State agencies, educational and sci-  
5 entific organizations, private institutions, and qualified individuals, with a  
6 view to determining the ownership of, and the most appropriate repository  
7 for, any relics and specimens recovered as a result of any work performed  
8 as provided for in this section.

9 (c) COORDINATION OF ACTIVITIES.—The Secretary shall coordinate all  
10 Federal survey and recovery activities authorized under this chapter.

### 11 **§ 208107. Administration**

12 In the administration of this chapter, the Secretary may—

13 (1) enter into contracts or make cooperative agreements with any  
14 Federal or State agency, educational or scientific organization, or insti-  
15 tution, corporation, association, or qualified individual;

16 (2) obtain the services of experts and consultants or organizations  
17 of experts and consultants in accordance with section 3109 of title 5;  
18 and

19 (3) accept and utilize funds made available for salvage archaeological  
20 purposes by any private person or corporation or transferred to the  
21 Secretary by any Federal agency.

### 22 **§ 208108. Assistance to Secretary by Federal agencies re- 23 sponsible for construction projects; availability of 24 appropriations**

25 (a) ASSISTANCE OF FEDERAL AGENCIES.—To carry out the purposes of  
26 this chapter, any Federal agency responsible for a construction project may  
27 assist the Secretary or may transfer to the Secretary funds as may be  
28 agreed on, but not more than one percent of the total amount authorized  
29 to be appropriated for the project, except that the one percent limitation  
30 of this section shall not apply if the cost of the project is \$50,000 or less.  
31 The costs of the survey, recovery, analysis, and publication shall be deemed  
32 nonreimbursable project costs.

33 (b) COSTS FOR IDENTIFICATION, SURVEYS, EVALUATION, AND DATA RE-  
34 COVERY WITH RESPECT TO HISTORIC PROPERTIES.—Notwithstanding sub-  
35 section (a) or any other provision of law—

36 (1) identification, surveys, and evaluation carried out with respect to  
37 historic properties within project areas may be treated for purposes of  
38 any law or rule of law as planning costs of the project and not as costs  
39 of mitigation;

40 (2) reasonable costs for identification, surveys, evaluation, and data  
41 recovery carried out with respect to historic properties within project

1 areas may be charged to Federal licensees and permittees as a condi-  
2 tion to the issuance of the license or permit; and

3 (3) Federal agencies, with the concurrence of the Secretary and after  
4 notification of the Committee on Natural Resources of the House of  
5 Representatives and the Committee on Energy and Natural Resources  
6 of the Senate, may waive, in appropriate cases, the one percent limita-  
7 tion contained in subsection (a).

8 (e) AVAILABILITY OF APPROPRIATIONS.—Sums appropriated for purposes  
9 of this section shall remain available until expended.

## 10 **CHAPTER 2083—NATIONAL MARITIME HERITAGE**

Sec.

208301. Declaration of policy.

208302. Definitions.

208303. National Maritime Heritage Grants Program.

208304. Funding.

208305. Designation of America's National Maritime Museum.

208306. Regulations.

208307. Application of authorities.

### 11 **§ 208301. Declaration of policy**

12 It shall be the policy of the Federal Government, in partnership with the  
13 States and local governments and private organizations and individuals,  
14 to—

15 (1) use measures, including financial and technical assistance, to fos-  
16 ter conditions under which our modern society and our historic mari-  
17 time resources can exist in productive harmony;

18 (2) provide leadership in the preservation of the historic maritime re-  
19 sources of the United States;

20 (3) contribute to the preservation of historic maritime resources and  
21 give maximum encouragement to organizations and individuals under-  
22 taking preservation by private means; and

23 (4) assist State and local governments to expand their maritime his-  
24 toric preservation programs and activities.

### 25 **§ 208302. Definitions**

26 In this chapter:

27 (1) NATIONAL TRUST.—The term “National Trust” means the Na-  
28 tional Trust for Historic Preservation created by section 207102 of this  
29 title.

30 (2) PRIVATE NONPROFIT ORGANIZATION.—The term “private non-  
31 profit organization” means any person that is exempt from taxation  
32 under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C.  
33 501(a)) and described in section 501(c)(3) of the Internal Revenue  
34 Code of 1986 (26 U.S.C. 501(c)(3)).

35 (3) PROGRAM.—The term “Program” means the National Maritime  
36 Heritage Grants Program established by section 208303(a) of this title.

1 (4) STATE HISTORIC PRESERVATION OFFICER.—The term “State  
2 Historic Preservation Officer” means a State Historic Preservation Of-  
3 ficer appointed pursuant to section 202501(1) of this title by the chief  
4 executive officer of a State having a State Historic Preservation Pro-  
5 gram approved by the Secretary under that section.

6 **§ 208303. National Maritime Heritage Grants Program**

7 (a) ESTABLISHMENT.—There is in the Department of the Interior the  
8 National Maritime Heritage Grants Program, to foster in the American  
9 public a greater awareness and appreciation of the role of maritime endeav-  
10 ors in our Nation’s history and culture. The Program shall consist of—

11 (1) annual grants to the National Trust for subgrants administered  
12 by the National Trust for maritime heritage education projects under  
13 subsection (b); and

14 (2) grants to State Historic Preservation Officers for maritime herit-  
15 age preservation projects carried out or administered by those Officers  
16 under subsection (c).

17 (b) GRANTS FOR MARITIME HERITAGE EDUCATION PROJECTS.—

18 (1) GRANTS TO NATIONAL TRUST.—The Secretary, subject to para-  
19 graph (2), and the availability of amounts for that purpose under sec-  
20 tion 208304(b)(1)(A) of this title, shall make an annual grant to the  
21 National Trust for maritime heritage education projects.

22 (2) USE OF GRANTS.—Amounts received by the National Trust as  
23 an annual grant under this subsection shall be used to make subgrants  
24 to State and local governments and private nonprofit organizations to  
25 carry out education projects that have been approved by the Secretary  
26 under subsection (f) and that consist of—

27 (A) assistance to any maritime museum or historical society  
28 for—

29 (i) existing and new educational programs, exhibits, edu-  
30 cational activities, conservation, and interpretation of arti-  
31 facts and collections;

32 (ii) minor improvements to educational and museum facili-  
33 ties; and

34 (iii) other similar activities;

35 (B) activities designed to encourage the preservation of tradi-  
36 tional maritime skills, including—

37 (i) building and operation of vessels of all sizes and types  
38 for educational purposes;

39 (ii) special skills such as wood carving, sail making, and  
40 rigging;

41 (iii) traditional maritime art forms; and

- 1 (iv) sail training;
- 2 (C) other educational activities relating to historic maritime re-
- 3 sources, including—
- 4 (i) maritime educational waterborne-experience programs
- 5 in historic vessels or vessel reproductions;
- 6 (ii) maritime archaeological field schools; and
- 7 (iii) educational programs on other aspects of maritime his-
- 8 tory;
- 9 (D) heritage programs focusing on maritime historic resources,
- 10 including maritime heritage trails and corridors; or
- 11 (E) the construction and use of reproductions of historic mari-
- 12 time resources for educational purposes, if a historic maritime re-
- 13 source no longer exists or would be damaged or consumed through
- 14 direct use.

15 (c) GRANTS FOR MARITIME HERITAGE PRESERVATION PROJECTS.—

16 (1) GRANTS TO STATE HISTORIC PRESERVATION OFFICERS.—The

17 Secretary, acting through the National Maritime Initiative of the Serv-

18 ice and subject to paragraph (2), and the availability of amounts for

19 that purpose under section 208304(b)(1)(B) of this title, shall make

20 grants to State Historic Preservation Officers for maritime heritage

21 preservation projects.

22 (2) USE OF GRANTS.—Amounts received by a State Historic Preser-

23 vation Officer as a grant under this subsection shall be used by the

24 Officer to carry out, or to make subgrants to local governments and

25 private nonprofit organizations to carry out, projects that have been

26 approved by the Secretary under subsection (f) for the preservation of

27 historic maritime resources through—

28 (A) identification of historic maritime resources, including un-

29 derwater archaeological sites;

30 (B) acquisition of historic maritime resources for the purposes

31 of preservation;

32 (C) repair, restoration, stabilization, maintenance, or other cap-

33 ital improvements to historic maritime resources, in accordance

34 with standards prescribed by the Secretary; and

35 (D) research, recording (through drawings, photographs, or oth-

36 erwise), planning (through feasibility studies, architectural and en-

37 gineering services, or otherwise), and other services carried out as

38 part of a preservation program for historic maritime resources.

39 (d) CRITERIA FOR DIRECT GRANT AND SUBGRANT ELIGIBILITY.—To

40 qualify for a subgrant from the National Trust under subsection (b), or a

1 direct grant to or a subgrant from a State Historic Preservation Officer  
2 under subsection (c), a person shall—

3 (1) demonstrate that the project for which the direct grant or  
4 subgrant will be used has the potential for reaching a broad audience  
5 with an effective educational program based on American maritime his-  
6 tory, technology, or the role of maritime endeavors in American culture;

7 (2) match the amount of the direct grant or subgrant, on a 1-to-  
8 1 basis, with non-Federal assets from non-Federal sources, which may  
9 include cash or donated services fairly valued as determined by the Sec-  
10 retary;

11 (3) maintain records as may be reasonably necessary to fully dis-  
12 close—

13 (A) the amount and the disposition of the proceeds of the direct  
14 grant or subgrant;

15 (B) the total cost of the project for which the direct grant or  
16 subgrant is made; and

17 (C) other records as may be required by the Secretary, including  
18 such records as will facilitate an effective accounting for project  
19 funds;

20 (4) provide access to the Secretary for the purposes of any required  
21 audit and examination of any records of the person; and

22 (5) be a unit of State or local government, or a private nonprofit  
23 organization.

24 (e) PROCEDURES, TERMS, AND CONDITIONS.—

25 (1) APPLICATION PROCEDURES.—An application for a subgrant  
26 under subsection (b), or a direct grant or subgrant under subsection  
27 (c), shall be submitted under procedures prescribed by the Secretary.

28 (2) TERMS AND CONDITIONS.—A person may not receive a subgrant  
29 under subsection (b), or a direct grant or subgrant under subsection  
30 (c), unless the person agrees to assume, after completion of the project  
31 for which the direct grant or subgrant is awarded, the total cost of the  
32 continued maintenance, repair, and administration of any property for  
33 which the subgrant will be used in a manner satisfactory to the Sec-  
34 retary.

35 (f) ALLOCATION OF, AND LIMITATION ON, GRANT FUNDING.—

36 (1) ALLOCATION.—To the extent feasible, the Secretary shall ensure  
37 that the amount made available under subsection (b) for maritime her-  
38 itage education projects is equal to the amount made available under  
39 subsection (c) for maritime heritage preservation projects.

40 (2) LIMITATION.—The amount provided by the Secretary in a fiscal  
41 year as grants under this section for projects relating to historic mari-

1 time resources owned or operated by the Federal Government shall not  
2 exceed 40 percent of the total amount available for the fiscal year for  
3 grants under this section.

4 (g) PUBLICATION OF DIRECT GRANT AND SUBGRANT INFORMATION.—  
5 The Secretary shall publish annually in the Federal Register and otherwise  
6 as the Secretary considers appropriate—

7 (1) a solicitation of applications for direct grants and subgrants  
8 under this section;

9 (2) a list of priorities for the making of those direct grants and sub-  
10 grants;

11 (3) a single deadline for the submission of applications for those di-  
12 rect grants and subgrants; and

13 (4) other relevant information.

14 (h) DIRECT GRANT AND SUBGRANT ADMINISTRATION.—

15 (1) RESPONSIBILITY.—

16 (A) NATIONAL TRUST.—The National Trust is responsible for  
17 administering subgrants for maritime heritage education projects  
18 under subsection (b).

19 (B) SECRETARY.—The Secretary is responsible for admin-  
20 istering direct grants for maritime heritage preservation projects  
21 under subsection (c).

22 (C) STATE HISTORIC PRESERVATION OFFICERS.—State Historic  
23 Preservation Officers are responsible for administering subgrants  
24 for maritime heritage preservation projects under subsection (c).

25 (2) ACTIONS.—The appropriate responsible party under paragraph  
26 (1) shall administer direct grants or subgrants by—

27 (A) publicizing the Program to prospective grantees, sub-  
28 grantees, and the public at large, in cooperation with the Service,  
29 the Maritime Administration, and other appropriate government  
30 agencies and private institutions;

31 (B) answering inquiries from the public, including providing in-  
32 formation on the Program as requested;

33 (C) distributing direct grant and subgrant applications;

34 (D) receiving direct grant and subgrant applications and ensur-  
35 ing their completeness;

36 (E) keeping records of all direct grant and subgrant awards and  
37 expenditures of funds;

38 (F) monitoring progress of projects carried out with direct  
39 grants and subgrants; and

40 (G) providing to the Secretary such progress reports as may be  
41 required by the Secretary.

1 (i) ASSISTANCE OF MARITIME PRESERVATION ORGANIZATIONS.—The  
 2 Secretary, the National Trust, and the State Historic Preservation Officers  
 3 may, individually or jointly, enter into cooperative agreements with any pri-  
 4 vate nonprofit organization with appropriate expertise in maritime preserva-  
 5 tion issues, or other qualified maritime preservation organizations, to assist  
 6 in the administration of the Program.

7 (j) REPORT TO CONGRESS.—The Secretary shall submit to Congress an  
 8 annual report on the Program, including—

9 (1) a description of each project funded under the Program in the  
 10 period covered by the report;

11 (2) the results or accomplishments of each such project; and

12 (3) recommended priorities for achieving the policy set forth in sec-  
 13 tion 208301 of this title.

14 **§ 208304. Funding**

15 (a) AVAILABILITY OF FUNDS FROM SALE AND SCRAPPING OF OBSOLETE  
 16 VESSELS.—

17 (1) IN GENERAL.—Notwithstanding any other provision of law, the  
 18 amount of funds credited in a fiscal year to the Vessel Operations Re-  
 19 volving Fund established by section 50301(a) of title 46 that is attrib-  
 20 utable to the sale of obsolete vessels in the National Defense Reserve  
 21 Fleet that are scrapped or sold under section 57102, 57103, or 57104  
 22 of title 46 shall be available until expended as follows:

23 (A) Fifty percent shall be available to the Administrator of the  
 24 Maritime Administration for such acquisition, maintenance, repair,  
 25 reconditioning, or improvement of vessels in the National Defense  
 26 Reserve Fleet as is authorized under other Federal law.

27 (B) Twenty five percent shall be available to the Administrator  
 28 of the Maritime Administration for the payment or reimbursement  
 29 of expenses incurred by or on behalf of State maritime academies  
 30 or the United States Merchant Marine Academy for facility and  
 31 training ship maintenance, repair, and modernization, and for the  
 32 purchase of simulators and fuel.

33 (C) The remainder shall be available to the Secretary to carry  
 34 out the Program, as provided in subsection (b).

35 (2) APPLICABILITY.—Paragraph (1) does not apply to amounts cred-  
 36 ited to the Vessel Operations Revolving Fund before July 1, 1994.

37 (b) USE OF AMOUNTS FOR PROGRAM.—

38 (1) IN GENERAL.—Except as provided in paragraph (2), of amounts  
 39 available each fiscal year for the Program under subsection (a)(1)(C)—

40 (A) one half shall be used for grants under section 208303(b)  
 41 of this title; and

1 (B) one half shall be used for grants under section 208303(c)  
2 of this title.

3 (2) ADMINISTRATIVE EXPENSES.—

4 (A) IN GENERAL.—Not more than 15 percent or \$500,000,  
5 whichever is less, of the amount available for the Program under  
6 subsection (a)(1)(C) for a fiscal year may be used for expenses of  
7 administering the Program.

8 (B) ALLOCATION.—Of the amount available under subpara-  
9 graph (A) for a fiscal year—

10 (i) one half shall be allocated to the National Trust for ex-  
11 penses incurred in administering grants under section  
12 208303(b) of this title; and

13 (ii) one half shall be allocated as appropriate by the Sec-  
14 retary to the Service and participating State Historic Preser-  
15 vation Officers.

16 (c) DISPOSAL OF VESSELS.—

17 (1) REQUIREMENT.—The Secretary of Transportation shall dispose  
18 of all vessels described in paragraph (2)—

19 (A) in accordance with a priority system for disposing of vessels,  
20 as determined by the Secretary, that shall include provisions re-  
21 quiring the Maritime Administration to—

22 (i) dispose of all deteriorated high priority ships that are  
23 available for disposal within 12 months of their designation  
24 as available for disposal; and

25 (ii) give priority to the disposition of those vessels that pose  
26 the most significant danger to the environment or cost the  
27 most to maintain;

28 (B) in the manner that provides the best value to the Federal  
29 Government, except in any case in which obtaining the best value  
30 would require towing a vessel and the towing poses a serious  
31 threat to the environment; and

32 (C) in accordance with the plan of the Department of Transpor-  
33 tation for disposal of those vessels and requirements under sec-  
34 tions 57102 to 57104 of title 46.

35 (2) VESSELS DESCRIBED.—The vessels referred to in paragraph (1)  
36 are the vessels in the National Defense Reserve Fleet after July 1,  
37 1994, that—

38 (A) are not assigned to the Ready Reserve Force component of  
39 the National Defense Reserve Fleet; and

40 (B) are not specifically authorized or required by statute to be  
41 used for a particular purpose.

1 (d) TREATMENT OF AVAILABLE AMOUNTS.—Amounts available under  
2 this section shall not be considered in any determination of the amounts  
3 available to the Department of the Interior.

4 **§ 208305. Designation of America’s National Maritime Mu-**  
5 **seum**

6 (a) IN GENERAL.—America’s National Maritime Museum is comprised of  
7 those museums designated by law to be museums of America’s National  
8 Maritime Museum on the basis that they—

9 (1) house a collection of maritime artifacts clearly representing the  
10 Nation’s maritime heritage; and

11 (2) provide outreach programs to educate the public about the Na-  
12 tion’s maritime heritage.

13 (b) INITIAL DESIGNATION.—The following museums (meeting the criteria  
14 specified in subsection (a)) are designated as museums of America’s Na-  
15 tional Maritime Museum:

16 (1) The Mariners’ Museum, located at 100 Museum Drive, Newport  
17 News, Virginia.

18 (2) The South Street Seaport Museum, located at 207 Front Street,  
19 New York, New York.

20 (c) FUTURE DESIGNATION OF OTHER MUSEUMS NOT PRECLUDED.—The  
21 designation of the museums referred to in subsection (b) as museums of  
22 America’s National Maritime Museum does not preclude the designation by  
23 law of any other museum that meets the criteria specified in subsection (a)  
24 as a museum of America’s National Maritime Museum.

25 (d) REFERENCE TO MUSEUMS.—Any reference in any law, map, regula-  
26 tion, document, paper, or other record of the United States to a museum  
27 designated by law to be a museum of America’s National Maritime Museum  
28 shall be deemed to be a reference to that museum as a museum of Amer-  
29 ica’s National Maritime Museum.

30 **§ 208306. Regulations**

31 The Secretary, after consultation with the National Trust, the National  
32 Conference of State Historic Preservation Officers, and appropriate mem-  
33 bers of the maritime heritage community, shall prescribe appropriate guide-  
34 lines, procedures, and regulations to carry out the chapter, including direct  
35 grant and subgrant priorities, the method of solicitation and review of direct  
36 grant and subgrant proposals, criteria for review of direct grant and  
37 subgrant proposals, administrative requirements, reporting and record-  
38 keeping requirements, and any other requirements the Secretary considers  
39 appropriate.

1 **§ 208307. Application of authorities**

2 The authorities contained in this chapter shall be in addition to, and shall  
3 not be construed to supercede or modify those contained in division B of  
4 this subtitle.

5 **CHAPTER 2085—PRESERVE AMERICA PROGRAM**

Sec.

208501. Purpose.  
208502. Definitions.  
208503. Establishment.  
208504. Designation of Preserve America Communities.  
208505. Regulations.  
208506. Authoriztion of appropriations.

6 **§ 208501. Purpose**

7 The purpose of this chapter is to authorize the Preserve America Pro-  
8 gram, including—

- 9 (1) the Preserve America grant program within the Department of  
10 the Interior;  
11 (2) the recognition programs administered by the Advisory Council  
12 on Historic Preservation; and  
13 (3) the related efforts of Federal agencies, working in partnership  
14 with State, tribal, and local governments and the private sector, to sup-  
15 port and promote the preservation of historic resources.

16 **§ 208502. Definitions**

17 In this chapter:

- 18 (1) COUNCIL.—The term “Council” means the Advisory Council on  
19 Historic Preservation.  
20 (2) HERITAGE TOURISM.—The term “heritage tourism” means the  
21 conduct of activities to attract and accommodate visitors to a site or  
22 area based on the unique or special aspects of the history, landscape  
23 (including trail systems), and culture of the site or area.  
24 (3) PROGRAM.—The term “program” means the Preserve America  
25 Program established under section 208503(a).

26 **§ 208503. Establishment**

27 (a) IN GENERAL.—There is established in the Department of the Interior  
28 the Preserve America Program, under which the Secretary, in partnership  
29 with the Council, may provide competitive grants to States, local govern-  
30 ments (including local governments in the process of applying for designa-  
31 tion as Preserve America Communities under section 208504 of this title,  
32 Indian tribes, communities designated as Preserve America Communities  
33 under section 208504 of this title, State historic preservation offices, and  
34 tribal historic preservation offices to support preservation efforts through  
35 heritage tourism, education, and historic preservation planning activities.

36 (b) ELIGIBLE PROJECTS.—

1 (1) IN GENERAL.—The following projects shall be eligible for a grant  
2 under this chapter:

3 (A) A project for the conduct of—

4 (i) research on, and documentation of, the history of a  
5 community; and

6 (ii) surveys of the historic resources of a community.

7 (B) An education and interpretation project that conveys the  
8 history of a community or site.

9 (C) A planning project (other than building rehabilitation) that  
10 advances economic development using heritage tourism and his-  
11 toric preservation.

12 (D) A training project that provides opportunities for profes-  
13 sional development in areas that would aid a community in using  
14 and promoting its historic resources.

15 (E) A project to support heritage tourism in a Preserve America  
16 Community designated under section 208504 of this title.

17 (F) Other nonconstruction projects that identify or promote his-  
18 toric properties or provide for the education of the public about  
19 historic properties that are consistent with the purposes of this  
20 chapter.

21 (2) LIMITATION.—In providing grants under this chapter, the Sec-  
22 retary shall provide only one grant to each eligible project selected for  
23 a grant.

24 (c) PREFERENCE.—In providing grants under this chapter, the Secretary  
25 may give preference to projects that carry out the purposes of both the pro-  
26 gram and the Save America’s Treasures Program.

27 (d) CONSULTATION AND NOTIFICATION.—

28 (1) CONSULTATION.—The Secretary shall consult with the Council in  
29 preparing the list of projects to be provided grants for a fiscal year  
30 under the program.

31 (2) NOTIFICATION.—Not later than 30 days before the date on  
32 which the Secretary provides grants for a fiscal year under the pro-  
33 gram, the Secretary shall submit to the Committee on Energy and Nat-  
34 ural Resources and the Committee on Appropriations of the Senate and  
35 the Committee on Natural Resources and the Committee on Appropria-  
36 tions of the House of Representatives a list of any eligible projects that  
37 are to be provided grants under the program for the fiscal year.

38 (e) COST-SHARING REQUIREMENT.—

39 (1) IN GENERAL.—The non-Federal share of the cost of carrying out  
40 a project provided a grant under this chapter shall be not less than  
41 50 percent of the total cost of the project.

1 (2) FORM OF NON-FEDERAL SHARE.—The non-Federal share re-  
2 quired under paragraph (1) shall be in the form of—

3 (A) cash; or

4 (B) donated supplies and related services, the value of which  
5 shall be determined by the Secretary.

6 (3) REQUIREMENT.—The Secretary shall ensure that each applicant  
7 for a grant has the capacity to secure, and a feasible plan for securing,  
8 the non-Federal share for an eligible project required under paragraph  
9 (1) before a grant is provided to the eligible project under the program.

#### 10 **§ 208504. Designation of Preserve America Communities**

11 (a) APPLICATION.—To be considered for designation as a Preserve Amer-  
12 ica Community, a community, tribal area, or neighborhood shall submit to  
13 the Council an application containing such information as the Council may  
14 require.

15 (b) CRITERIA.—To be designated as a Preserve America Community  
16 under the program, a community, tribal area, or neighborhood that submits  
17 an application under subsection (a) shall, as determined by the Council, in  
18 consultation with the Secretary, meet criteria required by the Council and,  
19 in addition, consider—

20 (1) protection and celebration of the heritage of the community, trib-  
21 al area, or neighborhood;

22 (2) use of the historic assets of the community, tribal area, or neigh-  
23 borhood for economic development and community revitalization; and

24 (3) encouragement of people to experience and appreciate local his-  
25 toric resources through education and heritage tourism programs.

26 (c) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRES-  
27 ERVATION ACTIVITIES.—The Council shall establish an expedited process  
28 for Preserve America Community designation for local governments pre-  
29 viously certified for historic preservation activities under section 202702 of  
30 this title.

31 (d) GUIDELINES.—The Council, in consultation with the Secretary, shall  
32 establish any guidelines that are necessary to carry out this section.

#### 33 **§ 208505. Regulations**

34 The Secretary shall develop any guidelines and issue any regulations that  
35 the Secretary determines to be necessary to carry out this chapter.

#### 36 **§ 208506. Authorization of appropriations**

37 There is authorized to be appropriated to carry out this chapter  
38 \$25,000,000 for each fiscal year, to remain available until expended.

### 39 **CHAPTER 2087—SAVE AMERICA'S TREASURES** 40 **PROGRAM**

Sec.  
208701. Purpose.

208702. Definitions.  
 208703. Establishment.  
 208704. Regulations.  
 208705. Authorization of appropriations.

1 **§ 208701. Purpose**

2 The purpose of this chapter is to authorize within the Department of the  
 3 Interior the Save America’s Treasures Program, to be carried out by the  
 4 Director, in partnership with—

- 5 (1) the National Endowment for the Arts;  
 6 (2) the National Endowment for the Humanities;  
 7 (3) the Institute of Museum and Library Services;  
 8 (4) the National Trust for Historic Preservation;  
 9 (5) the National Conference of State Historic Preservation Officers;  
 10 (6) the National Association of Tribal Historic Preservation Officers;  
 11 and  
 12 (7) the President’s Committee on the Arts and the Humanities.

13 **§ 208702. Definitions**

14 In this chapter:

15 (1) COLLECTION.—The term “collection” means a collection of intel-  
 16 lectual and cultural artifacts, including documents, sculpture, and  
 17 works of art.

18 (2) ELIGIBLE ENTITY.—The term “eligible entity” means a Federal  
 19 entity, State, local, or tribal government, educational institution, or  
 20 nonprofit organization.

21 (3) HISTORIC PROPERTY.—The term “historic property” has the  
 22 meaning given the term in section 201103 of this title.

23 (4) NATIONALLY SIGNIFICANT.—The term “nationally significant”  
 24 means a collection or historic property that meets the applicable cri-  
 25 teria for national significance, in accordance with regulations promul-  
 26 gated by the Secretary pursuant to section 202303 of this title.

27 (5) PROGRAM.—The term “program” means the Save America’s  
 28 Treasures Program established under section 208703(a) of this title.

29 (6) SECRETARY.—The term “Secretary” means the Secretary, acting  
 30 through the Director.

31 **§ 208703. Establishment**

32 (a) IN GENERAL.—There is established in the Department of the Interior  
 33 the Save America’s Treasures Program, under which the amounts made  
 34 available to the Secretary under section 208705 of this title shall be used  
 35 by the Secretary, in consultation with the organizations described in section  
 36 208701 of this title, subject to subsection (f)(1)(B), to provide grants to  
 37 eligible entities for projects to preserve nationally significant collections and  
 38 historic properties.

1 (b) DETERMINATION OF GRANTS.—Of the amounts made available for  
2 grants under section 208705 of this title, not less than 50 percent shall be  
3 made available for grants for projects to preserve collections and historic  
4 properties, to be distributed through a competitive grant process adminis-  
5 tered by the Secretary, subject to the eligibility criteria established under  
6 subsection (e).

7 (c) APPLICATION FOR GRANTS.—To be considered for a competitive grant  
8 under the program an eligible entity shall submit to the Secretary an appli-  
9 cation containing such information as the Secretary may require.

10 (d) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETI-  
11 TIVE GRANTS.—

12 (1) IN GENERAL.—A collection or historic property shall be provided  
13 a competitive grant under the program only if the Secretary determines  
14 that the collection or historic property is—

15 (A) nationally significant; and

16 (B) threatened or endangered.

17 (2) ELIGIBLE COLLECTIONS.—A determination by the Secretary re-  
18 garding the national significance of collections under paragraph (1)(A)  
19 shall be made in consultation with the organizations described in sec-  
20 tion 208701 of this title, as appropriate.

21 (3) ELIGIBLE HISTORIC PROPERTIES.—To be eligible for a competi-  
22 tive grant under the program, a historic property shall, as of the date  
23 of the grant application—

24 (A) be listed in the National Register of Historic Places at the  
25 national level of significance; or

26 (B) be designated as a National Historic Landmark.

27 (e) SELECTION CRITERIA FOR GRANTS.—

28 (1) IN GENERAL.—The Secretary shall not provide a grant under  
29 this chapter to a project for an eligible collection or historic property  
30 unless the project—

31 (A) eliminates or substantially mitigates the threat of destruc-  
32 tion or deterioration of the eligible collection or historic property;

33 (B) has a clear public benefit; and

34 (C) is able to be completed on schedule and within the budget  
35 described in the grant application.

36 (2) PREFERENCE.—In providing grants under this chapter, the Sec-  
37 retary may give preference to projects that carry out the purposes of  
38 both the program and the Preserve America Program.

39 (3) LIMITATION.—In providing grants under this chapter, the Sec-  
40 retary shall only provide one grant to each eligible project selected for  
41 a grant.

1 (f) CONSULTATION AND NOTIFICATION BY SECRETARY.—

2 (1) CONSULTATION.—

3 (A) IN GENERAL.—Subject to subparagraph (B), the Secretary  
4 shall consult with the organizations described in section 208701  
5 of this title in preparing the list of projects to be provided grants  
6 for a fiscal year by the Secretary under the program.

7 (B) LIMITATION.—If an entity described in subparagraph (A)  
8 has submitted an application for a grant under the program, the  
9 entity shall be recused by the Secretary from the consultation re-  
10 quirements under that subparagraph and subsection (a).

11 (2) NOTIFICATION.—Not later than 30 days before the date on  
12 which the Secretary provides grants for a fiscal year under the pro-  
13 gram, the Secretary shall submit to the Committee on Energy and Nat-  
14 ural Resources of the Senate, the Committee on Appropriations of the  
15 Senate, the Committee on Natural Resources of the House of Rep-  
16 resentatives, and the Committee on Appropriations of the House of  
17 Representatives a list of any eligible projects that are to be provided  
18 grants under the program for the fiscal year.

19 (g) COST-SHARING REQUIREMENT.—

20 (1) IN GENERAL.—The non-Federal share of the cost of carrying out  
21 a project provided a grant under this chapter shall be not less than  
22 50 percent of the total cost of the project.

23 (2) FORM OF NON-FEDERAL SHARE.—The non-Federal share re-  
24 quired under paragraph (1) shall be in the form of—

25 (A) cash; or

26 (B) donated supplies or related services, the value of which shall  
27 be determined by the Secretary.

28 (3) REQUIREMENT.—The Secretary shall ensure that each applicant  
29 for a grant has the capacity and a feasible plan for securing the non-  
30 Federal share for an eligible project required under paragraph (1) be-  
31 fore a grant is provided to the eligible project under the program.

32 **§ 208704. Regulations**

33 The Secretary shall develop any guidelines and issue any regulations that  
34 the Secretary determines to be necessary to carry out this chapter.

35 **§ 208705. Authorization of appropriations**

36 There is authorized to be appropriated to carry out this chapter  
37 \$50,000,000 for each fiscal year, to remain available until expended.

38 **CHAPTER 2089—COMMEMORATION OF FORMER**  
39 **PRESIDENTS**

Sec.

208901. Sites and structures that commemorate former Presidents.

1    **§ 208901. Sites and structures that commemorate former**  
 2                   **Presidents**

3           (a) SURVEY.—The Secretary may conduct a survey of sites that the Sec-  
 4   retary considers exhibit qualities most appropriate for the commemoration  
 5   of each former President. The survey may—

6           (1) include sites associated with the deeds, leadership, or lifework of  
 7           a former President; and

8           (2) identify sites or structures historically unrelated to a former  
 9   President but that may be suitable as a memorial to honor that Presi-  
 10   dent.

11          (b) REPORTS.—The Secretary shall, from time to time, prepare and  
 12   transmit to the Committee on Natural Resources of the House of Rep-  
 13   resentatives and the Committee on Energy and Natural Resources of the  
 14   Senate reports on individual sites and structures identified in a survey  
 15   under subsection (a), together with the Secretary’s recommendation as to  
 16   whether the site or structure is suitable for establishment as a national his-  
 17   toric site or national memorial to commemorate a former President. Each  
 18   report shall include pertinent information with respect to the need for acqui-  
 19   sition of land and interests in land, the development of facilities, and the  
 20   operation and maintenance of the site or structure and the estimated cost  
 21   of the operation and maintenance.

22          (c) ESTABLISHMENT AS NATIONAL HISTORIC SITE.—If during the 6-  
 23   month period following the transmittal of a report pursuant to subsection  
 24   (b) neither Committee has by vote of a majority of its members disapproved  
 25   a recommendation of the Secretary that a site or structure is suitable for  
 26   establishment as a national historic site, the Secretary may by appropriate  
 27   order establish the site or structure as a national historic site, including the  
 28   land and interests in land identified in the report accompanying the rec-  
 29   ommendation of the Secretary.

30          (d) ACQUISITION OF LAND AND INTERESTS IN LAND.—The Secretary  
 31   may acquire the land and interests in land by donation, purchase with do-  
 32   nated or appropriated funds, transfer from any other Federal agency, or ex-  
 33   change.

34          (e) EFFECT OF SECTION.—Nothing in this section shall be construed as  
 35   diminishing the authority of the Secretary under chapter 201 of this title  
 36   or as authorizing the Secretary to establish any national memorial, creation  
 37   of which is expressly reserved to Congress.

38                   **DIVISION D—AMERICAN ANTIQUITIES**  
 39                   **CHAPTER 201—MONUMENTS, RUINS, SITES, AND**  
 40                   **OBJECTS OF ANTIQUITY**

Sec.  
 220101. National monuments.

220102. Permits.

220103. Regulations.

1    **§ 220101. National monuments**

2       (a) **PRESIDENTIAL DECLARATION.**—The President may declare by public  
3 proclamation historic landmarks, historic and prehistoric structures, and  
4 other objects of historic or scientific interest that are situated on land  
5 owned or controlled by the Federal Government to be national monuments.

6       (b) **RESERVATION OF LAND.**—The President may reserve a parcel of land  
7 as a part of a national monument. The limits of the parcel shall be confined  
8 to the smallest area compatible with the proper care and management of  
9 the objects to be protected.

10      (c) **RELINQUISHMENT TO FEDERAL GOVERNMENT.**—When an object is  
11 situated on a parcel covered by a bona fide unperfected claim or held in  
12 private ownership, the parcel, or so much of the parcel as may be necessary  
13 for the proper care and management of the object, may be relinquished to  
14 the Federal Government and the Secretary may accept the relinquishment  
15 of the parcel on behalf of the Federal Government.

16      (d) **LIMITATION ON EXTENSION OR ESTABLISHMENT OF NATIONAL**  
17 **MONUMENTS IN WYOMING.**—No extension or establishment of national  
18 monuments in Wyoming may be undertaken except by express authorization  
19 of Congress.

20    **§ 220102. Permits**

21      (a) **AUTHORITY TO GRANT PERMIT.**—The Secretary, the Secretary of  
22 Agriculture, or the Secretary of the Army may grant a permit for the exam-  
23 ination of ruins, the excavation of archaeological sites, and the gathering  
24 of objects of antiquity on land under their respective jurisdictions to an in-  
25 stitution that the Secretary, Secretary of Agriculture, or Secretary of the  
26 Army, as applicable, considers properly qualified to conduct the examina-  
27 tion, excavation, or gathering. The permit may be granted subject to such  
28 regulations as the Secretary, Secretary of Agriculture, or Secretary of the  
29 Army may prescribe.

30      (b) **PURPOSE OF EXAMINATION, EXCAVATION, OR GATHERING.**—A per-  
31 mit may be granted only if—

32          (1) the examination, excavation, or gathering is undertaken for the  
33 benefit of a reputable museum, university, college, or other recognized  
34 scientific or educational institution, with a view to increasing the  
35 knowledge of the objects; and

36          (2) the gathering shall be made for permanent preservation in a pub-  
37 lic museum.

1    **§ 220103. Regulations**

2       The Secretary, the Secretary of Agriculture, and the Secretary of the  
3    Army shall make and publish uniform regulations for the purpose of carry-  
4    ing out this chapter.

5    **SEC. 4. CONFORMING AMENDMENTS.**

6       (a) TITLE 18.—

7           (1) IN GENERAL.—Chapter 91 of title 18, United States Code, is  
8       amended by adding at the end the following:

9    **“§ 1865. National Park Service**

10       “(a) VIOLATION OF REGULATIONS RELATING TO USE AND MANAGEMENT  
11    OF NATIONAL PARK SYSTEM UNITS.—A person that violates any regulation  
12    authorized by chapter 1003 or section 100901(a), 100906, 102101, or  
13    102102 of title 54 shall be imprisoned not more than 6 months, fined under  
14    this title, or both, and be adjudged to pay all cost of the proceedings.

15       “(b) FINANCIAL DISCLOSURE BY OFFICERS OR EMPLOYEES PER-  
16    FORMING FUNCTIONS OR DUTIES UNDER CHAPTER 1031 OF TITLE 54.—  
17    An officer or employee of the Department of the Interior who is subject to,  
18    and knowingly violates, section 130107 of title 54 or any regulation pre-  
19    scribed under that section shall be imprisoned not more than one year, fined  
20    under this title, or both.

21       “(c) OFFENSES RELATING TO STRUCTURES AND VEGETATION.—A per-  
22    son that willfully destroys, mutilates, defaces, injures, or removes any monu-  
23    ment, statue, marker, guidepost, or other structure, or that willfully de-  
24    stroys, cuts, breaks, injures, or removes any tree, shrub, or plant within a  
25    national military park shall be imprisoned for not less than 15 days nor  
26    more than one year, fined under this title but not less than \$10 for each  
27    monument, statue, marker, guidepost, or other structure, tree, shrub, or  
28    plant destroyed, defaced, injured, cut, or removed, or both.

29       “(d) TRESPASSING IN A NATIONAL MILITARY PARK TO HUNT OR  
30    SHOOT.—An individual who trespasses in a national military park to hunt  
31    or shoot, or hunts game of any kind in a national military park with a gun  
32    or dog, or sets a trap or net or other device in a national military park  
33    to hunt or catch game of any kind, shall be imprisoned not less than 5 nor  
34    more than 30 days, fined under title 18, or both.

35    **“§ 1866. Historic or prehistoric items and antiquities**

36       “(a) VIOLATION OF REGULATIONS AUTHORIZED BY CHAPTER 2001 OF  
37    TITLE 54.—A person that violates any of the regulations authorized by  
38    chapter 2001 of title 54 shall be fined under this title and be adjudged to  
39    pay all cost of the proceedings.

40       “(b) APPROPRIATION OF, INJURY TO, OR DESTRUCTION OF HISTORIC OR  
41    PREHISTORIC RUIN OR MONUMENT OR OBJECT OF ANTIQUITY.—A person

1 that appropriates, excavates, injures, or destroys any historic or prehistoric  
 2 ruin or monument or any other object of antiquity under chapter 2201 of  
 3 title 54 that is situated on land owned or controlled by the Federal Govern-  
 4 ment without the permission of the Secretary having jurisdiction over the  
 5 land on which the object is situated, shall be imprisoned not more than 90  
 6 days, fined under this title, or both.”.

7 (2) ANALYSIS.—The analysis of chapter 91 of title 18, United States  
 8 Code, is amended by adding at the end the following:

“1865. National Park Service.

“1866. Historic or prehistoric items and antiquities.”.

9 (b) TITLE 28.—

10 (1) IN GENERAL.—Part VI of title 28, United States Code, is  
 11 amended by adding at the end the following:

12 **“CHAPTER 190—MISCELLANEOUS**

“Sec.

“5001. Civil action for death or personal injury in national park or other place subject to  
 exclusive jurisdiction of United States.

13 **“§ 5001. Civil action for death or personal injury in national**  
 14 **park or other place subject to exclusive jurisdic-**  
 15 **tion of United States**

16 “(a) DEATH.—In the case of the death of an individual by the neglect  
 17 or wrongful act of another in a national park or other place subject to the  
 18 exclusive jurisdiction of the United States, within the exterior boundaries of  
 19 any State, a right of action shall exist as though the national park or other  
 20 place were under the jurisdiction of the State within whose exterior bound-  
 21 aries the national park or other place may be.

22 “(b) PERSONAL INJURY.—In a civil action brought to recover on account  
 23 of injuries sustained in a place described in subsection (a), the rights of the  
 24 parties shall be governed by the laws of the State within the exterior bound-  
 25 aries of which the place may be.”.

26 (2) ANALYSIS.—The analysis of chapters for part VI of title 28,  
 27 United States Code, is amended by adding at the end the following:

**“190. Miscellaneous ..... 5001”.**

28 (c) ACT OF MAY 26, 2000.—Section 1 of the Act of May 26, 2000 (Pub-  
 29 lic Law 106–206, 114 Stat. 314), is amended to read as follows:

30 **“SECTION 1. COMMERCIAL FILMING.**

31 “(a) COMMERCIAL FILMING FEE.—The Secretary of Agriculture (here-  
 32 after referred to as the ‘Secretary’) shall require a permit and shall estab-  
 33 lish a reasonable fee for commercial filming activities or similar projects on  
 34 Federal land administered by the Secretary. Such fee shall provide a fair  
 35 return to the United States and shall be based upon the following criteria:

1           “(1) The number of days the filming activity or similar project takes  
2 place on Federal land under the Secretary’s jurisdiction.

3           “(2) The size of the film crew present on Federal land under the  
4 Secretary’s jurisdiction.

5           “(3) The amount and type of equipment present.

6           “The Secretary may include other factors in determining an appropriate fee  
7 as the Secretary deems necessary.

8           “(b) RECOVERY OF COSTS.—The Secretary shall also collect any costs in-  
9 curred as a result of filming activities or similar project, including but not  
10 limited to administrative and personnel costs. All costs recovered shall be  
11 in addition to the fee assessed in subsection (a) of this section.

12           “(c) STILL PHOTOGRAPHY.—(1) Except as provided in paragraph (2), the  
13 Secretary shall not require a permit nor assess a fee for still photography  
14 on land administered by the Secretary if such photography takes place  
15 where members of the public are generally allowed. The Secretary may re-  
16 quire a permit, fee, or both, if such photography takes place at other loca-  
17 tions where members of the public are generally not allowed, or where addi-  
18 tional administrative costs are likely.

19           “(2) The Secretary shall require and shall establish a reasonable fee for  
20 still photography that uses models or props which are not a part of the  
21 site’s natural or cultural resources or administrative facilities.

22           “(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any  
23 filming, still photography or other related activity if the Secretary deter-  
24 mines—

25           “(1) there is a likelihood of resource damage;

26           “(2) there would be an unreasonable disruption of the public’s use  
27 and enjoyment of the site; or

28           “(3) that the activity poses health or safety risks to the public.

29           “(e) USE OF PROCEEDS.—(1) All fees collected under this section shall  
30 be available for expenditure by the Secretary, without further appropriation.  
31 All fees collected shall remain available until expended.

32           “(2) All costs recovered under this section shall be available for expendi-  
33 ture by the Secretary, without further appropriation, at the site where col-  
34 lected. All costs recovered shall remain available until expended.

35           “(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall estab-  
36 lish a process to ensure that permit applicants for commercial filming, still  
37 photography, or other activity are responded to in a timely manner.”.

38           (d) CREDIT CARD ACCOUNTABILITY RESPONSIBILITY AND DISCLOSURE  
39 ACT OF 2009.—Section 512 of the Credit Card Accountability Responsi-  
40 bility and Disclosure Act of 2009 (Public Law 111–24, 123 Stat. 1764) is  
41 amended to read as follows:



1           “(1) the individual is not otherwise prohibited by law from pos-  
2           sessing the firearm; and

3           “(2) the possession of the firearm is in compliance with the law of  
4           the State in which the unit of the National Wildlife Refuge System is  
5           located.”.

6       **SEC. 5. CONFORMING CROSS-REFERENCES.**

7           (a) TITLE 10.—Section 2684(c)(1) of title 10, United States Code, is  
8           amended by striking “section 101(a) of the National Historic Preservation  
9           Act (16 U.S.C. 470a(a))” and substituting “section 202301 of title 54”.

10          (b) TITLE 23.—Title 23, United States Code, is amended—

11           (1) in section 103(e)(5)—

12                   (A) in subparagraph (B), by striking “section 106 of the Na-  
13                   tional Historic Preservation Act (16 U.S.C. 470f)” and sub-  
14                   stituting “section 205302 of title 54”; and

15                   (B) in subparagraph (C), by striking “section 106 of the Na-  
16                   tional Historic Preservation Act (16 U.S.C. 470f)” and sub-  
17                   stituting “section 205302 of title 54”;

18           (2) in section 133(e)(5)(B)—

19                   (A) by striking “title II of the National Historic Preservation  
20                   Act (16 U.S.C. 470i et seq.)” and substituting “section 204101  
21                   of title 54”; and

22                   (B) by striking “section 106 of such Act (16 U.S.C. 470f)” and  
23                   substituting “section 205302 of title 54”; and

24           (3) in section 138(b)(2)(A), by striking “section 106 of the National  
25           Historic Preservation Act (16 U.S.C. 470f)” and substituting “section  
26           205302 of title 54”.

27           (c) TITLE 36.—Section 153513(a)(1) of title 36, United States Code, is  
28           amended by striking “the Act of August 25, 1916 (16 U.S.C. 1 et seq.)  
29           (known as the National Park Service Organic Act)” and substituting “chap-  
30           ter 1003 and sections 100901(a), 100906, 102101, and 102102 of title 54”.

31          (d) TITLE 40.—Title 40, United States Code, is amended—

32           (1) in section 550(h)(1)(B), by striking “section 3 of the Act of Au-  
33           gust 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings,  
34           and Antiquities Act)” and substituting “section 103902 of title 54”;

35           (2) in section 1303(c), by striking “the Act of August 21, 1935 (16  
36           U.S.C. 461 et seq.) (known as the Historic Sites, Buildings, and Antiq-  
37           uities Act)” and substituting “chapter 2001 of title 54”;

38           (3) in section 1314(a)(2)(A)(ii), by striking “the Act of August 25,  
39           1916 (16 U.S.C. 1, 2, 3, 4) (known as the National Park Service Or-  
40           ganic Act)” and substituting “chapter 1003 and sections 100901(a),  
41           100906, 102101, and 102102 of title 54”;

1 (4) in section 3303(e), by striking “title II of the National Historic  
2 Preservation Act (16 U.S.C. 470i et seq.)” and substituting “section  
3 204101 of title 54”; and

4 (5) in section 3306(a)(4), by striking “section 101 of the National  
5 Historic Preservation Act (16 U.S.C. 470a)” and substituting “chapter  
6 2023 of title 54”.

7 **SEC. 6. TRANSITIONAL AND SAVINGS PROVISIONS.**

8 (a) DEFINITIONS.—In this section:

9 (1) SOURCE PROVISION.—The term “source provision” means a pro-  
10 vision of law that is replaced by a title 54 provision.

11 (2) TITLE 54 PROVISION.—The term “title 54 provision” means a  
12 provision of title 54, United States Code, that is enacted by section 3.

13 (b) CUTOFF DATE.—The title 54 provisions replace certain provisions of  
14 law enacted on or before July 31, 2009. If a law enacted after that date  
15 amends or repeals a source provision, that law is deemed to amend or re-  
16 peal, as the case may be, the corresponding title 54 provision. If a law en-  
17 acted after that date is otherwise inconsistent with a title 54 provision or  
18 a provision of this Act, that law supersedes the title 54 provision or provi-  
19 sion of this Act to the extent of the inconsistency.

20 (c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of de-  
21 termining whether one provision of law supersedes another based on enact-  
22 ment later in time, a title 54 provision is deemed to have been enacted on  
23 the date of enactment of the source provision that the title 54 provision re-  
24 places.

25 (d) REFERENCES TO TITLE 54 PROVISIONS.—A reference to a title 54  
26 provision is deemed to refer to the corresponding source provision.

27 (e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source pro-  
28 vision, including a reference in a regulation, order, or other law, is deemed  
29 to refer to the corresponding title 54 provision.

30 (f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A  
31 regulation, order, or other administrative action in effect under a source  
32 provision continues in effect under the corresponding title 54 provision.

33 (g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or  
34 an offense committed under a source provision is deemed to have been taken  
35 or committed under the corresponding title 54 provision.

36 **SEC. 7. REPEALS.**

37 The following provisions of law are repealed, except with respect to rights  
38 and duties that matured, penalties that were incurred, or proceedings that  
39 were begun before the date of enactment of this Act:

## Schedule of Laws Repealed

Act	Section	United States Code Former Classification
Act of June 8, 1906 (ch. 3060) .....	1 .....	16 U.S.C. 433.
	2 .....	16 U.S.C. 431.
	3 .....	16 U.S.C. 432.
	4 .....	16 U.S.C. 432.
Act of August 25, 1916 (ch. 408) .....	1 .....	16 U.S.C. 1.
	2 .....	16 U.S.C. 2.
	3 .....	16 U.S.C. 3.
	4 .....	16 U.S.C. 4.
Act of June 12, 1917 (ch. 27) .....	1 (13th undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 453.
	1 (21st undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 452.
Act of June 5, 1920 (ch. 235) .....	1 (2d undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 6.
Act of May 24, 1922 (ch. 199) .....	(1st sentence in 9th undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 452.
Act of April 9, 1924 (ch. 86) .....	1 .....	16 U.S.C. 8.
	4 .....	16 U.S.C. 8a.
	5 .....	16 U.S.C. 8b.
	6 .....	16 U.S.C. 8c.
Act of May 10, 1926 (ch. 277) .....	1 (28th undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 456.
	1 (last undesignated paragraph under heading "NATIONAL PARKS").	16 U.S.C. 11.
Act of June 11, 1926 (ch. 555) .....	1 .....	16 U.S.C. 455.
	2 .....	16 U.S.C. 455a.
	3 .....	16 U.S.C. 455b.
	4 .....	16 U.S.C. 455c.
Act of July 3, 1926 (ch. 792) .....	1 .....	16 U.S.C. 12.
	2 .....	16 U.S.C. 13.
Act of February 1, 1928 (ch. 15) .....	.....	16 U.S.C. 457.
Act of March 7, 1928 (ch. 137) .....	1 (28th undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 15.
Act of March 8, 1928 (ch. 152) .....	.....	16 U.S.C. 458.
Act of April 18, 1930 (ch. 187) .....	.....	16 U.S.C. 16.
Act of May 26, 1930 (ch. 324) .....	1 .....	16 U.S.C. 17.
	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.
	10 .....	16 U.S.C. 17i.
	11 .....	16 U.S.C. 17j.
	Act of March 4, 1931 (ch. 522) .....	title I (proviso in last undesignated paragraph under heading "NATIONAL PARK SERVICE").

## Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
Act of March 2, 1933 (ch. 180) .....	1 .....	16 U.S.C. 9a.
Act of May 9, 1935 (ch. 101) .....	1 (34th undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14b, 456a.
Act of August 21, 1935 (ch. 593) .....	1 .....	16 U.S.C. 461.
	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.
Act of June 23, 1936 (ch. 735) .....	1 .....	16 U.S.C. 17k.
	2 .....	16 U.S.C. 17l.
	3 .....	16 U.S.C. 17m.
	4 .....	16 U.S.C. 17n.
Act of May 10, 1939 (ch. 119) .....	1 (41st undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14a.
Act of June 18, 1940 (ch. 395) .....	1 (proviso in 3d undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 17j-1.
Act of July 19, 1940 (ch. 642) .....	1 .....	16 U.S.C. 18.
	2 .....	16 U.S.C. 18a.
	3 .....	16 U.S.C. 18b.
	4 .....	16 U.S.C. 18c.
	5 .....	16 U.S.C. 18d.
Act of August 27, 1940 (ch. 690) .....	1 .....	16 U.S.C. 458a.
Act of June 28, 1941 (ch. 259) .....	1 (41st undesignated paragraph under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14c.
Act of August 7, 1946 (ch. 788) .....	.....	16 U.S.C. 17j-2.
Act of June 3, 1948 (ch. 401) .....	1 .....	16 U.S.C. 8e.
	2 .....	16 U.S.C. 8f.
Act of October 26, 1949 (ch. 755) .....	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.
Act of March 18, 1950 (ch. 72) .....	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.
Act of September 14, 1950 (ch. 950) .....	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.
Act of August 8, 1953 (ch. 384) .....	1 .....	16 U.S.C. 1b.
	2 .....	16 U.S.C. 1c.
	3 .....	16 U.S.C. 1d.
Act of August 31, 1954 (ch. 1163) .....	.....	16 U.S.C. 452a.

## Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
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.
Act of June 27, 1960 (Pub. L. 86-523)	1 .....	16 U.S.C. 469.
	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. 469e-1.
Act of August 24, 1962 (Pub. L. 87-608) .....	.....	16 U.S.C. 3b.
Act of May 28, 1963 (Pub. L. 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, § 1(b) .....	16 U.S.C. 460l-4.
	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).
	title I, § 4(j)-(n) .....	16 U.S.C. 460l-6a(j)-(n).
	title I, § 5 .....	16 U.S.C. 460l-7.
	title I, § 6 .....	16 U.S.C. 460l-8.
	title I, § 7 .....	16 U.S.C. 460l-9.
	title I, § 8 .....	16 U.S.C. 460l-10.
	title I, § 9 .....	16 U.S.C. 460l-10a.
	title I, § 10 .....	16 U.S.C. 460l-10b.
	title I, § 11 .....	16 U.S.C. 460l-10c.
	title I, § 12 .....	16 U.S.C. 460l-10d.
title I, § 13 .....	16 U.S.C. 460l-10e.	
title II, § 201 .....	16 U.S.C. 460l-11.	
National Historic Preservation Act (Pub. L. 89-665) .....	1 .....	16 U.S.C. 470.
	2 .....	16 U.S.C. 470-1.
	101 .....	16 U.S.C. 470a.
	102 .....	16 U.S.C. 470b.
	103 .....	16 U.S.C. 470c.
	104 .....	16 U.S.C. 470d.
	105 .....	16 U.S.C. 470e.
	106 .....	16 U.S.C. 470f.
	107 .....	16 U.S.C. 470g.
	108 .....	16 U.S.C. 470h.
	109 .....	16 U.S.C. 470h-1.
	110 .....	16 U.S.C. 470h-2.
	111 .....	16 U.S.C. 470h-3.
	112 .....	16 U.S.C. 470h-4.
	113 .....	16 U.S.C. 470h-5.
	201 .....	16 U.S.C. 470i.
	202 .....	16 U.S.C. 470j.
	203 .....	16 U.S.C. 470k.
	204 .....	16 U.S.C. 470l.
	205 .....	16 U.S.C. 470m.
	206 .....	16 U.S.C. 470n.
	207 .....	16 U.S.C. 470o.
	208 .....	16 U.S.C. 470p.
	209 .....	16 U.S.C. 470q.
	210 .....	16 U.S.C. 470r.
	211 .....	16 U.S.C. 470s.
	212 .....	16 U.S.C. 470t.
	213 .....	16 U.S.C. 470u.
	214 .....	16 U.S.C. 470v.
	215 .....	16 U.S.C. 470v-1.
	216 .....	16 U.S.C. 470v-2.
	301 .....	16 U.S.C. 470w.
	302 .....	16 U.S.C. 470w-1.
	303 .....	16 U.S.C. 470w-2.
	304 .....	16 U.S.C. 470w-3.
	305 .....	16 U.S.C. 470w-4.
	306 .....	16 U.S.C. 470w-5.
	307 .....	16 U.S.C. 470w-6.
	308 .....	16 U.S.C. 470w-7.
	309 .....	16 U.S.C. 470w-8.
	401 .....	16 U.S.C. 470x.
	402 .....	16 U.S.C. 470x-1.
	403 .....	16 U.S.C. 470x-2.
	404 .....	16 U.S.C. 470x-3.

## Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
	405 .....	16 U.S.C. 470x-4.
	406 .....	16 U.S.C. 470x-5.
	407 .....	16 U.S.C. 470x-6.
Demonstration Cities and Metropolitan Development Act of 1966 (Pub. L. 89-754) .....	603 .....	16 U.S.C. 470b-1.
Act of December 18, 1967 (Pub. L. 90-209) .....	1 .....	16 U.S.C. 19e.
	2 .....	16 U.S.C. 19f.
	3 .....	16 U.S.C. 19g.
	4 .....	16 U.S.C. 19h.
	5 .....	16 U.S.C. 19i.
	6 .....	16 U.S.C. 19j.
	7 .....	16 U.S.C. 19k.
	8 .....	16 U.S.C. 19l.
	9 .....	16 U.S.C. 19m.
	10 .....	16 U.S.C. 19n.
	11 .....	16 U.S.C. 19o.
Act of July 15, 1968 (Pub. L. 90-401)	5 .....	16 U.S.C. 460l-22.
Volunteers in the Parks Act of 1969 (Pub. L. 91-357) .....	1 .....	16 U.S.C. 18g.
	2 .....	16 U.S.C. 18h.
	3 .....	16 U.S.C. 18i.
	4 .....	16 U.S.C. 18j.
Act of August 18, 1970 (Pub. L. 91-383) .....	1 .....	16 U.S.C. 1a-1.
	3 .....	16 U.S.C. 1a-2.
	6 .....	16 U.S.C. 1a-3.
	7 .....	16 U.S.C. 1a-4.
	8 .....	16 U.S.C. 1a-5.
	10 .....	16 U.S.C. 1a-6.
	12 .....	16 U.S.C. 1a-7.
	13 .....	16 U.S.C. 1a-7a.
Act of September 28, 1976 (Pub. L. 94-429) .....	1 .....	16 U.S.C. 1901.
	2 .....	16 U.S.C. 1902.
	4 .....	16 U.S.C. 1903.
	5 .....	16 U.S.C. 1904.
	6 .....	16 U.S.C. 1905.
	7 .....	16 U.S.C. 1906.
	8 .....	16 U.S.C. 1907.
	9 .....	16 U.S.C. 1908.
	10 .....	16 U.S.C. 1909.
	11 .....	16 U.S.C. 1910.
	12 .....	16 U.S.C. 1911.
	13 .....	16 U.S.C. 1912.
Act of August 15, 1978 (Pub. L. 95-344) .....	title III, § 301 .....	16 U.S.C. 2301.
	title III, § 302 .....	16 U.S.C. 2302.
	title III, § 303 .....	16 U.S.C. 2303.
	title III, § 304 .....	16 U.S.C. 2304.
	title III, § 305 .....	16 U.S.C. 2305.
	title III, § 306 .....	16 U.S.C. 2306.
Act of March 5, 1980 (Pub. L. 96-199)	title I, § 120 .....	16 U.S.C. 467b.
National Historic Preservation Act Amendments of 1980 (Pub. L. 96-515) .....	208 .....	16 U.S.C. 469e-2.
	401 .....	16 U.S.C. 470a-1.
	402 .....	16 U.S.C. 470a-2.
Act of October 12, 1984 (Pub. L. 98-473) .....	title I, § 101(e) [title I, § 100]	16 U.S.C. 1e.
Act of October 24, 1984 (Pub. L. 98-540) .....	4(a) .....	16 U.S.C. 1a-8(a).

## Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
International Security and Development Cooperation Act of 1985 (Pub. L. 99-83) .....	1303 .....	16 U.S.C. 469j.
Act of July 27, 1990 (Pub. L. 101-337)	1 .....	19jj.
	2 .....	19jj-1.
	3 .....	19jj-2.
	4 .....	19jj-3.
	5 .....	19jj-4.
Department of the Interior and Related Agencies Appropriations Act, 1991 (Pub. L. 101-512) .....	116 .....	16 U.S.C. 18f-1.
Act of November 28, 1990 (Pub. L. 101-628) .....	title XII, § 1213 .....	16 U.S.C. 1a-9.
	title XII, § 1214 .....	16 U.S.C. 1a-10.
	title XII, § 1215 .....	16 U.S.C. 1a-11.
	title XII, § 1216 .....	16 U.S.C. 1a-12.
	title XII, § 1217 .....	16 U.S.C. 1a-13.
Department of the Interior and Related Agencies Appropriations Act, 1993 (Pub. L. 102-381) .....	title I (1st proviso in paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14d.
Act of October 26, 1992 (Pub. L. 102-525) .....	title III, § 301 .....	16 U.S.C. 1a-14.
Agricultural Reconciliation Act of 1993 (Pub. L. 103-66) .....	title I, § 1401 .....	16 U.S.C. 460l-6e.
Department of the Interior and Related Agencies Appropriations Act, 1994 (Pub. L. 103-138) .....	title I (3d proviso in paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE").	16 U.S.C. 3a.
National Maritime Heritage Act of 1994 (Pub. L. 103-451) .....	3 .....	16 U.S.C. 5402.
	4 .....	16 U.S.C. 5403.
	5 .....	16 U.S.C. 5404.
	6 .....	16 U.S.C. 5405.
	7 .....	16 U.S.C. 5406.
	8 .....	16 U.S.C. 5407.
	9 .....	16 U.S.C. 5408.
Omnibus Consolidated Appropriations Act, 1997 (Pub. L. 104-208) .....	div. A, title I, § 101(d) [title I (3d undesignated paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE")].	16 U.S.C. 1g.
Omnibus Parks and Public Lands Management Act of 1996 (Pub. L. 104-333) .....	div. I, title VI, § 604 .....	16 U.S.C. 469k.
	div. I, title VIII, § 814(a) .....	16 U.S.C. 17o.
	div. I, title VIII, § 814(g) .....	16 U.S.C. 1f.
National Underground Railroad Network to Freedom Act of 1998 (Pub. L. 105-203) .....	2 .....	16 U.S.C. 469l.
	3 .....	16 U.S.C. 469l-1.
	4 .....	16 U.S.C. 469l-2.
Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Pub. L. 105-261) .....	div. A, title X, § 1068 .....	16 U.S.C. 5409.

## Schedule of Laws Repealed—Continued

Act	Section	United States Code Former Classification
National Parks Omnibus Management Act of 1998 (Pub. L. 105-391) .....	2 .....	16 U.S.C. 5901.
	101 .....	16 U.S.C. 5911.
	102 .....	16 U.S.C. 5912.
	103 .....	16 U.S.C. 5913.
	104 .....	16 U.S.C. 5914.
	201 .....	16 U.S.C. 5931.
	202 .....	16 U.S.C. 5932.
	203 .....	16 U.S.C. 5933.
	204 .....	16 U.S.C. 5934.
	205 .....	16 U.S.C. 5935.
	206 .....	16 U.S.C. 5936.
	207 .....	16 U.S.C. 5937.
	402 .....	16 U.S.C. 5951.
	403 .....	16 U.S.C. 5952.
	404 .....	16 U.S.C. 5953.
	405 .....	16 U.S.C. 5954.
	406 .....	16 U.S.C. 5955.
	407 .....	16 U.S.C. 5956.
	408 .....	16 U.S.C. 5957.
	409 .....	16 U.S.C. 5958.
	410 .....	16 U.S.C. 5959.
	411 .....	16 U.S.C. 5960.
	412 .....	16 U.S.C. 5961.
	413 .....	16 U.S.C. 5962.
	414 .....	16 U.S.C. 5963.
	416 .....	16 U.S.C. 5964.
	417 .....	16 U.S.C. 5965.
418 .....	16 U.S.C. 5966.	
501 .....	16 U.S.C. 5981.	
801 .....	16 U.S.C. 6011.	
Act of May 26, 2000 (Pub. L. 106-206)	1 (relating to the Secretary of the Interior).	16 U.S.C. 460l-6d (relating to the Secretary of the Interior).
Department of the Interior and Related Agencies Appropriations Act, 2002 (Pub. L. 107-63) .....	title I (paragraph under heading "CONTRIBUTION FOR ANNUITY BENEFITS" under heading "NATIONAL PARK SERVICE").	16 U.S.C. 14e.
Civil War Battlefield Preservation Act of 2002 (Pub. L. 107-359) .....	2(b) .....	16 U.S.C. 469k note.
Consolidated Appropriations Resolution, 2003 (Pub. L. 108-7) .....	div. F, title I (words before proviso in last undesignated paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE").	16 U.S.C. 1h.
	div. F, title I (proviso in last undesignated paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "NATIONAL PARK SERVICE").	16 U.S.C. 1i.
Consolidated Natural Resources Act of 2008 (Pub. L. 110-229) .....	title III, subtitle A, § 301 .....	16 U.S.C. 1j.
	title III, subtitle G, § 361(1) ...	16 U.S.C. 469l-1.
	title III, subtitle G, § 361(2) ...	16 U.S.C. 469l-2.
	title III, subtitle G, § 361(3) ...	16 U.S.C. 469l-3.
Omnibus Public Land Management Act of 2009 (Pub. L. 111-11) .....	title VII, subtitle B, § 7111(b)	16 U.S.C. 469m(b).
	title VII, subtitle B, § 7111(c)	16 U.S.C. 469m(e).
	title VII, subtitle D, § 7301 ....	16 U.S.C. 469k-1.
	title VII, subtitle D, § 7302 ....	16 U.S.C. 469n.
	title VII, subtitle D, § 7303 ....	16 U.S.C. 469o.
	title VII, subtitle E, § 7403 ....	16 U.S.C. 5958.
Credit Card Accountability Responsibility and Disclosure Act of 2009 (Pub. L. 111-24) .....	title V, § 512 (relating to National Park System).	16 U.S.C. 1a-7b (relating to National Park System).

