

tion, or other service in the Park, the Secretary shall, insofar as practicable, give first preference to qualified members of the Tribe.

“(b) GAMING.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on trust lands within the Park.

“(c) INITIAL RESERVATION.—Lands taken into trust for the Tribe pursuant to section 5, except for the Park land described in subsections (b)(1)(A) and (d)(1) of such section, shall be considered to be the Tribe’s initial reservation for purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

“(d) TRIBAL JURISDICTION OVER TRUST LANDS.—All trust lands that are transferred under this Act and located within California shall be exempt from section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, upon the certification by the Secretary, after consultation with the Attorney General, that the law enforcement system in place for such lands will be adequate to provide for the public safety and the public interest, except that no such certification may take effect until the expiration of the 3-year period beginning on the date of enactment of this Act [Nov. 1, 2000].

“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this Act such sums as may be necessary.”

FINDINGS AND POLICY

Pub. L. 103-433, §2, Oct. 31, 1994, 108 Stat. 4471, provided that:

“(a) The Congress finds and declares that—

“(1) the federally owned desert lands of southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

“(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

“(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

“(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

“(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 [43 U.S.C. 1781] of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal Government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

“(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

“(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that—

“(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—

“(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

“(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

“(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

“(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

“(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.”

REMOVAL OF FERAL BURROS AND HORSES FROM DEATH VALLEY NATIONAL MONUMENT

Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1384, provided in part: “That in fiscal year 1993 and thereafter, the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses”.

DEFINITIONS

Pub. L. 103-433, §3, as added by Pub. L. 116-9, title I, §1458(b), Mar. 12, 2019, 133 Stat. 718, provided that:

“(a) TITLES I THROUGH IX.—In titles I through IX [enacting this subchapter, subchapter CXLII, provisions listed in a table of Wilderness Areas set out under section 1132 of this title, provisions set out as notes under this section, section 410aaa-82 of this title, and section 1781 of Title 43, Public Lands, and amending provisions listed in a table of National Monuments Established Under Presidential Proclamation set out under section 431 of this title and a table of Wilderness Areas set out under section 1132 of this title], the term ‘this Act’ means only—

“(1) sections 1 and 2 [enacting provisions set out as notes under this section]; and

“(2) titles I through IX [enacting this subchapter, subchapter CXLII, provisions listed in a table of Wilderness Areas set out under section 1132 of this title, provisions set out as notes under section 410aaa-82 of this title and section 1781 of Title 43, Public Lands, and amending provisions listed in a table of National Monuments Established Under Presidential Proclamation set out under section 431 of this title and a table of Wilderness Areas set out under section 1132 of this title].

“(b) TITLES XIII AND XIV.—In titles XIII and XIV [enacting part E of subchapter LIX-Y of this chapter and subchapter CXLIII of this chapter]:

“(1) CONSERVATION AREA.—The term ‘Conservation Area’ means the California Desert Conservation Area.

“(2) SECRETARY.—The term ‘Secretary’ means—

“(A) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior; and

“(B) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture.

“(3) STATE.—The term ‘State’ means the State of California.”

Pub. L. 103-433, title I, §103(a), Oct. 31, 1994, 108 Stat. 4481, provided in part that in this subchapter “Secretary” means the Secretary of the Interior.

§ 410aaa-1. Establishment

There is hereby established the Death Valley National Park (hereinafter in this part referred to as the “park”) as generally depicted on twenty-three maps entitled “Death Valley National Park Boundary and Wilderness—Proposed”, numbered in the title one through twenty-three, and dated July 1993 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Depart-

ment of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(Pub. L. 103-433, title III, §302, Oct. 31, 1994, 108 Stat. 4485.)

§ 410aaa-2. Transfer and administration of lands

On October 31, 1994, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted in the maps described in section 410aaa-1 of this title, without consideration, to the administrative jurisdiction of the National Park Service for administration as part of the National Park System, and the boundary of the park shall be adjusted accordingly. The Secretary shall administer the areas added to the park by this part in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).¹

(Pub. L. 103-433, title III, §303, Oct. 31, 1994, 108 Stat. 4486.)

Editorial Notes

REFERENCES IN TEXT

The Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

§ 410aaa-3. Maps and legal description

Within six months after October 31, 1994, the Secretary shall file maps and a legal description of the park designated under this part with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this part, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 410aaa-1 of this title. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior.

(Pub. L. 103-433, title III, §304, Oct. 31, 1994, 108 Stat. 4486.)

¹ See References in Text note below.

§ 410aaa-4. Withdrawal

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

(Pub. L. 103-433, title III, §305, Oct. 31, 1994, 108 Stat. 4486.)

§ 410aaa-5. Grazing

(a) In general

The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) Sale of property

If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

(Pub. L. 103-433, title III, §306, Oct. 31, 1994, 108 Stat. 4486.)

§ 410aaa-6. Death Valley National Park Advisory Commission

(a) Establishment

The Secretary shall establish an Advisory Commission of no more than fifteen members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Death Valley National Park.

(b) Membership

(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.

(2) Vacancies in the advisory commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the advisory commission.