

(ii) other appropriate ways to enhance historical research, education, interpretation, and public awareness of the Transcontinental Railroad.

(3) Report

Not later than 3 years after the date on which funds are made available to carry out the study under paragraph (2), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the findings and recommendations of the study.

(4) Freight railroad operations

The Program shall not include any properties that are—

(A) used in active freight railroad operations (or other ancillary purposes); or

(B) reasonably anticipated to be used for freight railroad operations in the future.

(5) Elements of the program

In carrying out the Program under this subsection, the Secretary—

(A) shall produce and disseminate appropriate education materials relating to the history, construction, and legacy of the Transcontinental Railroad, such as handbooks, maps, interpretive guides, or electronic information;

(B) may enter into appropriate cooperative agreements and memoranda of understanding and provide technical assistance to the heads of other Federal agencies, States, units of local government, regional governmental bodies, and private entities to further the purposes of the Program and this section; and

(C) may—

(i) create and adopt an official, uniform symbol or device to identify the Program; and

(ii) issue guidance for the use of the symbol or device created and adopted under clause (i).

(d) Programmatic agreement

(1) In general

Not later than 180 days after March 12, 2019, the Secretary shall seek to enter into a programmatic agreement with the Utah State Historic Preservation Officer to add to the list of undertakings eligible for streamlined review under section 306108 of title 54 certain uses that would have limited physical impact to land in the Park.

(2) Development and consultation

The programmatic agreement entered into under paragraph (1) shall be developed—

(A) in accordance with applicable laws (including regulations); and

(B) in consultation with adjacent landowners, Indian Tribes, and other interested parties.

(3) Approval

The Secretary shall—

(A) consider any application for uses covered by the programmatic agreement; and

(B) not later than 60 days after the receipt of an application described in subparagraph

(A), approve the application, if the Secretary determines the application is consistent with—

(i) the programmatic agreement entered into under paragraph (1); and

(ii) applicable laws (including regulations).

(e) Invasive species

The Secretary shall consult with, and seek to coordinate with, adjacent landowners to address the treatment of invasive species adjacent to, and within the boundaries of, the Park.

(Pub. L. 116-9, title II, §2205, Mar. 12, 2019, 133 Stat. 738.)

Editorial Notes

CODIFICATION

Section was enacted as part of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, and not as part of Pub. L. 89-102 which comprises this subchapter.

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 116-9, set out as a note under section 1 of this title.

SUBCHAPTER LIX-BBB—WHITE SANDS NATIONAL PARK

§ 410ddd. White Sands National Park

(a) Definitions

In this section:

(1) Map

The term “Map” means the map entitled “White Sands National Park Proposed Boundary Revision & Transfer of Lands Between National Park Service & Department of the Army”, numbered 142/136,271, and dated February 14, 2017.

(2) Military munitions

The term “military munitions” has the meaning given the term in section 101(e)¹ of title 10.

(3) Missile range

The term “missile range” means the White Sands Missile Range, New Mexico, administered by the Secretary of the Army.

(4) Monument

The term “Monument” means the White Sands National Monument, New Mexico, established by Presidential Proclamation No. 2025 (54 U.S.C. 320301 note), dated January 18, 1933, and administered by the Secretary of the Interior.

(5) Munitions debris

The term “munitions debris” has the meaning given the term in volume 8 of the Department of Defense Manual Number 6055.09-M entitled “DoD Ammunitions and Explosives Safety Standards” and dated February 29, 2008 (as in effect on December 20, 2019).

¹ See References in Text note below.

(6) Park

The term “Park” means the White Sands National Park established by subsection (b)(1).

(7) Public land order

The term “Public Land Order” means Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(8) State

The term “State” means the State of New Mexico.

(b) White Sands National Park**(1) Establishment**

To protect, preserve, and restore its scenic, scientific, educational, natural, geological, historical, cultural, archaeological, paleontological, hydrological, fish, wildlife, and recreational values and to enhance visitor experiences, there is established in the State the White Sands National Park as a unit of the National Park System.

(2) Abolishment of White Sands National Monument**(A) Abolishment**

Due to the establishment of the Park, the Monument is abolished.

(B) Incorporation

The land and interests in land that comprise the Monument are incorporated in, and shall be considered to be part of, the Park.

(3) References

Any reference in a law, map, regulation, document, paper, or other record of the United States to the “White Sands National Monument” shall be considered to be a reference to the “White Sands National Park”.

(4) Availability of funds

Any funds available for the Monument shall be available for the Park.

(5) Administration

The Secretary of the Interior shall administer the Park in accordance with—

(A) this subsection; and

(B) the laws generally applicable to units of the National Park System, including section 100101(a), chapter 1003, sections 100751(a), 100752, 100753, and 102101, and chapter 3201 of title 54.

(6) World Heritage List nomination**(A) County concurrence**

The Secretary of the Interior shall not submit a nomination for the Park to be included on the World Heritage List of the United Nations Educational, Scientific and Cultural Organization unless each county in which the Park is located concurs in the nomination.

(B) Army notification

Before submitting a nomination for the Park to be included on the World Heritage List of the United Nations Educational, Scientific and Cultural Organization, the Secretary of the Interior shall notify the Secretary of the Army of the intent of the Secretary of the Interior to nominate the Park.

(7) Effect

Nothing in this subsection affects—

(A) valid existing rights (including water rights);

(B) permits or contracts issued by the Monument;

(C) existing agreements, including agreements with the Department of Defense;

(D) the jurisdiction of the Department of Defense regarding the restricted airspace above the Park; or

(E) the airshed classification of the Park under the Clean Air Act (42 U.S.C. 7401 et seq.).

(c) Modification of Boundaries of White Sands National Park and White Sands Missile Range**(1) Transfers of administrative jurisdiction****(A) Transfer of administrative jurisdiction to the Secretary of the Interior****(i) In general**

Administrative jurisdiction over the land described in clause (i) is transferred from the Secretary of the Army to the Secretary of the Interior.

(ii) Description of land

The land referred to in clause (i) is—

(I) the approximately 2,826 acres of land identified as “To NPS, lands inside current boundary” on the Map; and

(II) the approximately 5,766 acres of land identified as “To NPS, new additions” on the Map.

(B) Transfer of administrative jurisdiction to the Secretary of the Army**(i) In general**

Administrative jurisdiction over the land described in clause (ii) is transferred from the Secretary of the Interior to the Secretary of the Army.

(ii) Description of land

The land referred to in clause (i) is the approximately 3,737 acres of land identified as “To DOA” on the Map.

(2) Boundary modifications**(A) Park****(i) In general**

The boundary of the Park is revised to reflect the boundary depicted on the Map.

(ii) Map**(I) In general**

The Secretary of the Interior, in coordination with the Secretary of the Army, shall prepare and keep on file for public inspection in the appropriate office of the Secretary of the Interior a map and a legal description of the revised boundary of the Park.

(II) Effect

The map and legal description under subclause (I) shall have the same force and effect as if included in this section, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(iii) Boundary survey

As soon as practicable after the date of the establishment of the Park and subject to the availability of funds, the Secretary of the Interior shall complete an official boundary survey of the Park.

(B) Missile range**(i) In general**

The boundary of the missile range and the Public Land Order are modified to exclude the land transferred to the Secretary of the Interior under paragraph (1)(A) and to include the land transferred to the Secretary of the Army under paragraph (1)(B).

(ii) Map

The Secretary of the Interior shall prepare a map and legal description depicting the revised boundary of the missile range.

(C) Omitted**(3) Administration****(A) Park**

The Secretary of the Interior shall administer the land transferred under paragraph (1)(A) in accordance with laws (including regulations) applicable to the Park.

(B) Missile range

Subject to subparagraph (C), the Secretary of the Army shall administer the land transferred to the Secretary of the Army under paragraph (1)(B) as part of the missile range.

(C) Infrastructure; resource management**(i) Range road 7****(I) Infrastructure management**

To the maximum extent practicable, in planning, constructing, and managing infrastructure on the land described in subclause (III), the Secretary of the Army shall apply low-impact development techniques and strategies to prevent impacts within the missile range and the Park from stormwater runoff from the land described in that subclause.

(II) Resource management

The Secretary of the Army shall—

(aa) manage the land described in subclause (III) in a manner consistent with the protection of natural and cultural resources within the missile range and the Park and in accordance with section 670a(a)(1)(B) of this title, division A of subtitle III of title 54, and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(bb) include the land described in subclause (III) in the integrated natural and cultural resource management plan for the missile range.

(III) Description of land

The land referred to in subclauses (I) and (II) is the land that is transferred to the administrative jurisdiction of the Secretary of the Army under paragraph

(1)(B) and located in the area east of Range Road 7 in—

(aa) T. 17 S., R. 5 E., sec. 31;

(bb) T. 18 S., R. 5 E.; and

(cc) T. 19 S., R. 5 E., sec. 5.

(ii) Fence**(I) In general**

The Secretary of the Army shall continue to allow the Secretary of the Interior to maintain the fence shown on the Map until such time as the Secretary of the Interior determines that the fence is unnecessary for the management of the Park.

(II) Removal

If the Secretary of the Interior determines that the fence is unnecessary for the management of the Park under subclause (I), the Secretary of the Interior shall promptly remove the fence at the expense of the Department of the Interior.

(D) Research

The Secretary of the Army and the Secretary of the Interior may enter into an agreement to allow the Secretary of the Interior to conduct certain research in the area identified as “Cooperative Use Research Area” on the Map.

(E) Military munitions and munitions debris**(i) Response action**

With respect to any Federal liability, the Secretary of the Army shall remain responsible for any response action addressing military munitions or munitions debris on the land transferred under paragraph (1)(A) to the same extent as on the day before December 20, 2019.

(ii) Investigation of military munitions and munitions debris**(I) In general**

The Secretary of the Interior may request that the Secretary of the Army conduct 1 or more investigations of military munitions or munitions debris on any land transferred under paragraph (1)(A).

(II) Access

The Secretary of the Interior shall give access to the Secretary of the Army to the land covered by a request under subclause (I) for the purposes of conducting the 1 or more investigations under that subclause.

(III) Limitation

An investigation conducted under this clause shall be subject to available appropriations.

(iii) Applicable law

Any activities undertaken under this subparagraph shall be carried out in accordance with—

(I) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

- (II) the purposes for which the Park was established; and
 - (III) any other applicable law.
- (Pub. L. 116–92, div. B, title XXVIII, §2851, Dec. 20, 2019, 133 Stat. 1895.)

Editorial Notes

REFERENCES IN TEXT

Section 101(e) of title 10, referred to in subsec. (a)(2), was redesignated section 101(f) of title 10, and a new subsec. 101(e) of title 10 was added, by Pub. L. 118–31, div. A, title XVII, §1713(a), Dec. 22, 2023, 137 Stat. 625.

Presidential Proclamation No. 2025, referred to in subsec. (a)(4), is Proc. No. 2025, Jan. 18, 1933, 47 Stat. 2551, which is listed in a table of National Monuments Established Under Presidential Proclamation set out under section 320301 of Title 54, National Park Service and Related Programs.

The Clean Air Act, referred to in subsec. (b)(7)(E), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

The Native American Graves Protection and Repatriation Act, referred to in subsec. (c)(3)(C)(i)(II)(aa), is Pub. L. 101–601, Nov. 16, 1990, 104 Stat. 3048, which is classified principally to chapter 32 (§3001 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 25 and Tables.

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, referred to in subsec. (c)(3)(E)(iii)(I), is Pub. L. 96–510, Dec. 11, 1980, 94 Stat. 2767, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

CODIFICATION

Section is comprised of section 2851 of Pub. L. 116–92. Subsec. (c)(2)(C) of section 2851 of Pub. L. 116–92 repealed section 2854 of Pub. L. 104–201, div. B, title XXVIII, Sept. 23, 1996, 110 Stat. 2803, which is listed in a table of National Monuments Established Under Presidential Proclamation set out under section 320301 of Title 54, National Park Service and Related Programs.

SUBCHAPTER LIX—CCC—NEW RIVER GORGE NATIONAL PARK AND PRESERVE

Editorial Notes

CODIFICATION

Subchapter was formerly classified to subchapter LXXI–A (§460m–15 et seq.) of this chapter prior to transfer to this subchapter.

§ 410eeee. New River Gorge National Park and Preserve Designation

(a) Short title

This section may be cited as the “New River Gorge National Park and Preserve Designation Act”.

(b) Designation of New River Gorge National Park and New River Gorge National Preserve, West Virginia

(1) Redesignation

The New River Gorge National River established under section 1101¹ of the National

Parks and Recreation Act of 1978 (16 U.S.C. 460m–15) shall be known and designated as the “New River Gorge National Park and Preserve”, consisting of—

- (A) the New River Gorge National Park; and
- (B) the New River Gorge National Preserve.

(2) New River Gorge National Park

The boundaries of the New River Gorge National Park referred to in paragraph (1)(A) shall be the boundaries depicted as “Proposed National Park Area” on the map entitled “New River Gorge National Park and Preserve Proposed Boundary”, numbered 637/163,199A, and dated September 2020.

(3) New River Gorge National Preserve; boundary

The boundaries of the New River Gorge National Preserve referred to in paragraph (1)(B) shall be the boundaries depicted as “Proposed National Preserve Area” on the map entitled “New River Gorge National Park and Preserve Proposed Boundary”, numbered 637/163,199A, and dated September 2020.

(c) Administration

(1) In general

The New River Gorge National Park and Preserve shall be administered by the Secretary of the Interior (referred to in this section as the “Secretary”) in accordance with—

- (A) this section;
- (B) the laws generally applicable to units of the National Park System, including—
 - (i) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54; and
 - (ii) chapter 3201 of title 54; and

- (C) title XI of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15 et seq.),¹ except that the provisions of section 1106¹ of that Act (16 U.S.C. 460m–20) relating to hunting shall not apply to the New River Gorge National Park.

(2) Hunting and fishing

(A) Hunting

Hunting within the New River Gorge National Preserve shall be administered by the Secretary—

- (i) in the same manner as hunting was administered on the day before December 27, 2020, in those portions of the New River Gorge National River designated as the New River Gorge National Preserve by subsection (b)(3); and
- (ii) in accordance with—
 - (I) section 1106¹ of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–20); and
 - (II) other applicable laws.

(B) Fishing

Fishing within the New River Gorge National Park and Preserve shall be administered by the Secretary—

- (i) in the same manner as fishing was administered within the New River Gorge National River on the day before December 27, 2020; and

¹ See References in Text note below.