(Aug. 17, 1937, ch. 687, § 4, 50 Stat. 670; June 29, 1940, ch. 459, § 1, 54 Stat. 702; Mar. 6, 1946, ch. 50, 60 Stat. 32.)

**Editorial Notes**

AMENDMENTS

1946—Act Mar. 6, 1946, substituted ''fifteen years'' for ''ten years'' before ''from August 17, 1937''.

**Statutory Notes and Related Subsidiaries**

CHANGE OF NAME

Words ''national seashore recreational area'' substituted in text for ''national seashore'' pursuant to act June 29, 1940.

**Executive Documents**

TRANSFER OF FUNCTIONS

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

## § 459a–3. Migratory bird refuges not to be affected

Notwithstanding any other provisions of sections 459 to 459a–3 of this title, lands and waters on or after August 17, 1937, included in any migratory bird refuge under the jurisdiction of the Secretary of Agriculture, within the boundaries of the national seashore recreational area as designated by the Secretary of the Interior under section 459 of this title, shall continue as such refuge under the jurisdiction of the Secretary of Agriculture for the protection of migratory birds, but such lands and waters shall be a part of the aforesaid national seashore recreational area and shall be administered by the National Park Service for recreational uses not inconsistent with the purposes of such refuge under such rules and regulations as the Secretaries of the Interior and Agriculture may jointly approve. The proviso to section 459 of this title shall not limit the power of the Secretary of Agriculture to acquire lands for any migratory bird refuge by purchase with any funds made available therefor by applicable law.

(Aug. 17, 1937, ch. 687, § 5, 50 Stat. 670; June 29, 1940, ch. 459, § 1, 54 Stat. 702.)

**Statutory Notes and Related Subsidiaries**

CHANGE OF NAME

Words ''national seashore recreational area'' substituted in text for ''national seashore'' pursuant to act June 29, 1940.

**Executive Documents**

TRANSFER OF FUNCTIONS

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

Reorg. Plan No. II of 1939, set out in the Appendix to Title 5, Government Organization and Employees, transferred functions of Secretary of Agriculture relating to conservation of wildlife, game, and migratory birds to Secretary of the Interior.

## § 459a–4. Omitted

**Editorial Notes**

CODIFICATION

Section, acts June 3, 1948, ch. 393, 62 Stat. 301; June 30, 1949, ch. 288, title I, § 105(a), 63 Stat. 381, which transferred lands in Dare County, North Carolina, to the administrative jurisdiction of the Department of the Interior to be administered as a part of the Cape Hatteras National Seashore Recreational Area project, is omitted in view of Pub. L. 87–313, set out as a note under this section.

**Statutory Notes and Related Subsidiaries**

DISPOSAL OF LANDS

Pub. L. 87–313, Sept. 26, 1961, 75 Stat. 675, provided: ''That the tract of Federal property comprising eight and one-tenth acres of land situated in Dare County, North Carolina, approximately two miles north of Kitty Hawk, which was transferred to the administrative jurisdiction of the Department of the Interior by the Act of June 3, 1948 (62 Stat. 301; 16 U.S.C. 459a [this section]), to be administered as a part of the Cape Hatteras National Seashore Recreational Area, may be disposed of by the Administrator of General Services in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [see chapters 1 to 11 of Title 40, Public Buildings, Property, and Works, and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of Title 41, Public Contracts].''

## § 459a–5. Addition of lands; Naval Amphibious Training Station

There is transferred to the Secretary of the Interior without reimbursement or transfer of funds, administrative jurisdiction over an area of approximately twenty-one and eight-tenths acres of federally owned land, formerly designated as the Naval Amphibious Training Station, together with any improvements thereon which may exist at the time of the transfer, situated on Ocracoke Island within the village of Ocracoke, County of Hyde, in the State of North Carolina. The property so transferred shall be administered by the Department of the Interior and shall become a part of the Cape Hatteras National Seashore Recreational Area, when established.

(July 14, 1953, ch. 191, 67 Stat. 148.)

## § 459a–5a. Addition of lands; Hatteras

The tracts of excess Federal lands and improvements thereon in the village of Hatteras, Dare County, North Carolina, bearing General Services Administration control numbers T–NC–442 and C–NC–444, comprising forty-three one-hundredths and one and five-tenths acres of land, respectively, the exact descriptions for which shall be determined by the Administrator of General Services, are transferred, without exchange of funds, to the administrative jurisdiction of the Secretary of the Interior to be administered as a part of the Cape Hatteras National Seashore Recreational Area, authorized by sections 459 to 459a–3 of this title, and shall be subject to all the laws and regulations applicable thereto.

(Pub. L. 85–540, July 18, 1958, 72 Stat. 398.)

### § 459a–6. Acquisition of non-Federal land within boundaries of recreational area

Section 101102 of title 54 is amended to extend the authority of the Secretary of the Interior, contained therein, to the Cape Hatteras National Seashore Recreational Area.

(Aug. 6, 1956, ch. 988, § 1, 70 Stat. 1066.)

#### Editorial Notes

CODIFICATION

In text, ''Section 101102 of title 54'' substituted for ''the Act of August 31, 1954 (68 Stat. 1037),'' on authority of Pub. L. 113–287, § 6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

### § 459a–7. Availability of appropriations

Any funds appropriated to the Department of the Interior for the acquisition of non-Federal lands within areas of the National Park System shall after August 6, 1956, be available for the acquisition of non-Federal lands within the Cape Hatteras National Seashore Recreational Area, and the appropriation of funds for the acquisition of such lands is authorized.

(Aug. 6, 1956, ch. 988, § 2, 70 Stat. 1066.)

### § 459a–8. Limitation on expenditure

The total amount which may be expended for the land acquisition program at Cape Hatteras National Seashore Recreational Area, pursuant to the authorizations contained in sections 459a–6 to 459a–8 of this title, is expressly limited to $250,000.

(Aug. 6, 1956, ch. 988, § 3, 70 Stat. 1066.)

### § 459a–9. Conveyance of land for improvement with public health facility; reversion; consideration; status of property upon transfer of title

The Secretary of the Interior is authorized to convey the tract of land and improvements thereon situate in the village of Hatteras, Dare County, North Carolina, and administered as part of the Cape Hatteras National Seashore, formerly bearing General Services Administration excess property control number C–NC–444, comprising one and five-tenths acres, the exact description for which shall be determined by the Secretary, to the Board of Commissioners of Dare County, for purposes of providing thereon a public health facility: *Provided*, That title to the land and any improvements shall revert to the United States upon a finding and notification to the grantee by the Secretary that the property is used for purposes other than a public health facility. The conveyance herein authorized shall be without monetary consideration.

Upon the transfer of title to the grantee, the property herein conveyed shall cease to be a part of the Cape Hatteras National Seashore.

(Pub. L. 89–146, Aug. 28, 1965, 79 Stat. 583.)

### § 459a–10. Transfer of Ocracoke Light Station to Secretary of the Interior

The Administrator of the General Services Administration shall transfer administrative jurisdiction over the Federal property consisting of approximately 2 acres, known as the Ocracoke Light Station, to the Secretary of the Interior, subject to such reservations, terms, and conditions as may be necessary for Coast Guard purposes. All property so transferred shall be included in and administered as part of the Cape Hatteras National Seashore.

(Pub. L. 105–383, title IV, § 420, Nov. 13, 1998, 112 Stat. 3439.)

#### Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 459b. Cape Cod National Seashore; description of area

(a) The area comprising that portion of the land and waters located in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham in the Commonwealth of Massachusetts, and described in subsection (b), is designated for establishment as Cape Cod National Seashore (hereinafter referred to as ''the seashore'').

(b) The area referred to in subsection (a) is described as follows:

Beginning at a point in the Atlantic Ocean one-quarter of a mile due west of the mean low-water line of the Atlantic Ocean on Cape Cod at the westernmost extremity of Race Point, Provincetown, Massachusetts;

thence from the point of beginning along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean, Cape Cod Bay, and Provincetown Harbor in generally southerly, easterly, and northerly directions rounding Long Point and then southwesterly to a point a quarter of a mile offshore of the mean low-water line on the harbor side of the dike depicted on the United States Geological Survey Provincetown quadrangle sheet (1949) crossing an arm of the Provincetown Harbor;

thence northerly, along a line a quarter of a mile offshore of and parallel to the low-water line at the dike to a point easterly of the point of intersection of the said dike with the boundary of the Province Lands Reservation as depicted on the said Provincetown quadrangle sheet;

thence westerly to the said point of intersection of the dike and the Province Lands Reservation boundary;

thence along the boundaries of the Province Lands Reservation northwesterly, northeasterly, northerly, and easterly to the easternmost corner of the reservation being near United States Route 6;

thence leaving the said easternmost corner along an extension of the southerly reservation boundary line easterly to the northerly right-of-way line of United States Route 6;