

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
102102(f) .....	16 U.S.C. 1a-2(k)(4)(C).	

**CHAPTER 1023—PROGRAMS AND ORGANIZATIONS**

- Sec.  
 102301. Volunteers in parks program.  
 102302. National Capital region arts and cultural affairs.  
 102303. National Park System Advisory Board.  
 102304. National Park Service Advisory Council.

**§ 102301. Volunteers in parks program**

(a) ESTABLISHMENT.—The Secretary may recruit, train, and accept, without regard to chapter 51 and subchapter III of chapter 53 of title 5 or regulations prescribed under that chapter or subchapter, the services of individuals without compensation as volunteers for or in aid of interpretive functions or other visitor services or activities in and related to System units and related areas. In accepting those services, the Secretary shall not permit the use of volunteers in hazardous duty or law enforcement work or in policymaking processes, or to displace any employee. The services of individuals whom the Secretary determines are skilled in performing hazardous activities may be accepted.

(b) INCIDENTAL EXPENSES.—The Secretary may provide for incidental expenses of volunteers, such as transportation, uniforms, lodging, and subsistence.

(c) FEDERAL EMPLOYEE STATUS FOR VOLUNTEERS.—

(1) EMPLOYMENT STATUS OF VOLUNTEERS.—Except as otherwise provided in this section, a volunteer 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 employee benefits.

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

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

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

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not more than \$9,000,000 for each fiscal year.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3153; Pub. L. 113-235, div. F, title I, § 118, Dec. 16, 2014,

128 Stat. 2421; Pub. L. 114-113, div. G, title I, § 114, Dec. 18, 2015, 129 Stat. 2550; Pub. L. 114-289, title III, § 303, Dec. 16, 2016, 130 Stat. 1487.)

AMENDMENT NOT SHOWN IN TEXT

*Subsection (d) of this section was derived from section 18j of Title 16, Conservation, which was amended by Pub. L. 113-235, div. F, title I, § 118, Dec. 16, 2014, 128 Stat. 2421. For applicability of that amendment to this section, see section 6(b) of Pub. L. 113-287, set out as a Transitional and Savings Provisions note preceding section 100101 of this title. Former section 18j of Title 16 was amended by striking “\$3,500,000” and inserting “\$5,000,000”.*

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
102301(a) .....	16 U.S.C. 18g.	Pub. L. 91-357, § 1, July 29, 1970, 84 Stat. 472; Pub. L. 98-540, § 1(b), Oct. 24, 1984, 98 Stat. 2718.
102301(b) .....	16 U.S.C. 18h.	Pub. L. 91-357, § 2, July 29, 1970, 84 Stat. 472.
102301(c) .....	16 U.S.C. 18i.	Pub. L. 91-357, § 3, July 29, 1970, 84 Stat. 472; Pub. L. 101-286, title II, § 204(b), May 9, 1990, 104 Stat. 175.
102301(d) .....	16 U.S.C. 18j.	Pub. L. 91-357, § 4, July 29, 1970, 84 Stat. 472; Pub. L. 94-128, Nov. 13, 1975, 89 Stat. 682; Pub. L. 98-540, § 1(a), Oct. 24, 1984, 98 Stat. 2718; Pub. L. 104-333, div. I, title VIII, § 805, Nov. 12, 1996, 110 Stat. 4188.

In subsection (a), the words “chapter 51 and subchapter III of title 5” are substituted for “the civil service classification laws” for clarity and for consistency with other titles of the United States Code. The words “System units and related areas” are substituted for “areas administered by the Secretary through the National Park Service” for clarity and for consistency in the new title.

In subsection (b), the words “of volunteers” are added for clarity.

In subsection (c)(3), the words “relating to compensation to Federal employees for work injuries” are omitted as unnecessary.

In subsection (d), the words “such sums as may be necessary” are omitted as unnecessary.

**Editorial Notes**

AMENDMENTS

2016—Subsec. (d). Pub. L. 114-289 substituted “not more than \$9,000,000” for “not more than \$7,000,000”. See Amendment Subject to Availability of Appropriations note below.

2015—Subsec. (d). Pub. L. 114-113 substituted “\$7,000,000” for “\$3,500,000”.

**Statutory Notes and Related Subsidiaries**

AMENDMENT SUBJECT TO AVAILABILITY OF APPROPRIATIONS

Pub. L. 114-289, title III, § 303, Dec. 16, 2016, 130 Stat. 1487, provided that the amendment of this section by section 303 is subject to the availability of appropriations.

**§ 102302. National Capital region arts and cultural affairs**

(a) ESTABLISHMENT.—There is under the direction of the Service a program to support and enhance artistic and cultural activities in the National Capital region.

(b) GRANT ELIGIBILITY.—

(1) ELIGIBLE ORGANIZATIONS.—Eligibility for grants shall be limited to organizations—

(A) that are of demonstrated national significance; and

(B) that meet at least 2 of the criteria stated in paragraph (2).

(2) CRITERIA.—The criteria referred to in paragraph (1) are the following:

(A) The organization has an annual operating budget in excess of \$1,000,000.

(B) The organization has an annual audience or visitation of at least 200,000 people.

(C) The organization has a paid staff of at least 100 individuals.

(D) The organization is eligible under section 320102(f) of this title.

(3) ORGANIZATIONS NOT ELIGIBLE.—Public or private colleges and universities are not eligible for grants under the program under this section.

(c) USE OF GRANTS.—Grants awarded under this section may be used to support general operations and maintenance, security, or special projects. No organization may receive a grant in excess of \$500,000 in a single year.

(d) RESPONSIBILITIES<sup>1</sup> OF DIRECTOR.—The Director shall—

(1) establish an application process;

(2) appoint a review panel of 5 qualified individuals, at least a majority of whom reside in the National Capital region; and

(3) develop other program guidelines and definitions as required.

(e) FORD'S THEATER AND WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS.—The contractual amounts required for the support of Ford's Theater and Wolf Trap National Park for the Performing Arts shall be available within the amount provided in this section without regard to any other provision of this section.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3154.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
102302 .....	16 U.S.C. 1e.	Pub. L. 98-473, title I, §101(c) [title I, §100], Oct. 12, 1984, 98 Stat. 1837, 1844; Pub. L. 89-671, §14(c), as added Pub. L. 107-219, §1(a)(3), Aug. 21, 2002, 116 Stat. 10330.)

§ 102303. National Park System Advisory Board

(a) DEFINITION.—In this section, the term “Board” means the National Park System Advisory Board established under subsection (b).

(b) ESTABLISHMENT AND PURPOSE.—There is established a National Park System Advisory Board, whose purpose is to advise the Director on matters relating to the Service, the System, and programs administered by the Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board.

(c) MEMBERSHIP.—

(1) APPOINTMENT AND TERM OF OFFICE.—Members of the Board shall be appointed on a stag-

gered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary.

(2) COMPOSITION.—The Board shall be composed of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the Service. At least 6 of the members shall have outstanding expertise in one or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or natural or cultural resources management. The remaining members shall have outstanding expertise in one or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning, or business management, important to the mission of the Service. At least one individual shall be a locally elected official from an area adjacent to a park.

(3) FIRST MEETING.—The Board shall hold its 1st meeting no later than 60 days after the date on which all members of the Board who are to be appointed have been appointed.

(4) VACANCY.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) COMPENSATION.—All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5. With the exception of travel and per diem, a member of the Board who otherwise is an officer or employee of the United States Government shall serve on the Board without additional compensation.

(d) DUTIES AND POWERS OF BOARD.—

(1) ADOPT RULES.—The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(2) ADVICE AND RECOMMENDATIONS.—The Board shall advise the Secretary on matters relating to the System, to other related areas, and to the administration of chapter 3201 of this title, including matters submitted to it for consideration by the Secretary, but it shall not be required to provide recommendations as to the suitability or desirability of surplus real and related personal property for use as a historic monument. The Board shall also provide recommendations on the designation of national historic landmarks and national natural landmarks. The Board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making the recommendations.

(3) ACTIONS ON REQUEST OF DIRECTOR.—On request of the Director, the Board is authorized to—

<sup>1</sup> So in original. Probably should be “RESPONSIBILITIES”.