

tled 'An Act to codify and amend the Penal Laws of the United States,' approved March 4, 1909, as amended by section 6 of the Act of June 25, 1910 (Thirty-sixth United States Statutes at Large, page 857,').

#### 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.

#### § 3a. Recovery of costs associated with special use permits

Notwithstanding any other provision of law, the National Park Service may on and after November 11, 1993, recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time.

(Pub. L. 103-138, title I, Nov. 11, 1993, 107 Stat. 1387.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1384.  
 Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 999.  
 Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1923.  
 Pub. L. 101-121, title I, Oct. 23, 1989, 103 Stat. 709.  
 Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1788.  
 Pub. L. 100-202, §101(g) [title I], Dec. 22, 1987, 101 Stat. 1329-213, 1329-223.  
 Pub. L. 99-500, §101(h) [title I], Oct. 18, 1986, 100 Stat. 1783-242, 1783-251, and Pub. L. 99-591, §101(h) [title I], Oct. 30, 1986, 100 Stat. 3341-242, 3341-251.

#### § 3b. Maintenance and repair of Government improvements under concession contracts

Privileges, leases, and permits granted by the Secretary of the Interior for the use of land for the accommodation of park visitors, pursuant to section 3 of this title, may provide for the maintenance and repair of Government improvements by the grantee notwithstanding the provisions of section 1302 of title 40, or any other provision of law.

(Pub. L. 87-608, Aug. 24, 1962, 76 Stat. 405.)

#### CODIFICATION

"Section 1302 of title 40" substituted in text for "section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b)" on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

Section was classified to section 303c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

#### § 4. Rights-of-way through public lands

The provisions of sections 1, 2, and 3 of this title shall not affect or modify the provisions of section 79 of this title.

(Aug. 25, 1916, ch. 408, § 4, 39 Stat. 536.)

#### REFERENCES IN TEXT

Section 79 of this title, referred to in text, was in the original a reference to act Feb. 15, 1901, ch. 372, 31 Stat. 790. For further details, see Codification note set out under section 79 of this title.

#### § 5. Rights-of-way through parks or reservations for power and communications facilities

The head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to the extent of two hundred feet on each side of the center line of such lines and poles and not to exceed four hundred feet by four hundred feet for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: *Provided*, That such right-of-way shall be allowed within or through any national park or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has been issued a permit, prior to March 4, 1911, for any of the purposes specified herein under any law existing at that date, may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations making application under the provisions of this section subsequent to said date.

(Mar. 4, 1911, ch. 238, 36 Stat. 1253; May 27, 1952, ch. 338, 66 Stat. 95.)

#### REPEALS

*Section repealed by Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.*

#### CODIFICATION

Section, insofar as it relates also to rights-of-way in military and other reservations and national forests, is also set out as sections 420 and 523 of this title, and, in so far as it relates to rights-of-way on public lands generally, and Indian reservations, is set out as section 961 of Title 43, Public Lands.

#### AMENDMENTS

1952—Act May 27, 1952, inserted reference to rights-of-way for radio, television, and other forms of communication, and increased from 40 feet to 400 feet the maximum width of rights-of-way for lines and poles.

## SAVINGS PROVISION

Repeal by Pub. L. 94-579, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

**§ 6. Donations of lands within national parks and monuments and moneys**

The Secretary of the Interior in his administration of the National Park Service is authorized, in his discretion, to accept patented lands, rights-of-way over patented lands or other lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purposes of the national park and monument system.

(June 5, 1920, ch. 235, § 1, 41 Stat. 917.)

**§ 6a. Repealed. Pub. L. 90-209, § 2, Dec. 18, 1967, 81 Stat. 656**

Section, act July 10, 1935, ch. 375, § 4, 49 Stat. 478, related to acceptance of gifts or bequests of money. See section 19g of this title.

**§ 7. Repealed. Oct. 31, 1951, ch. 654, § 1(35), 65 Stat. 702**

Section, act Jan. 24, 1923, ch. 42, 42 Stat. 1215, related to purchase of supplies or services for National Park Service.

**§ 7a. Airports in national parks, monuments and recreation areas; construction, etc.**

The Secretary of the Interior (hereinafter called the "Secretary") is authorized to plan, acquire, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports in the continental United States in, or in close proximity to, national parks, national monuments, and national recreation areas, when such airports are determined by him to be necessary to the proper performance of the functions of the Department of the Interior: *Provided*, That no such airport shall be acquired, established, or constructed by the Secretary unless such airport is included in the then current revision of the national airport plan formulated by the Secretary of Transportation pursuant to the provisions of the Federal Airport Act: *Provided further*, That the operation and maintenance of such airports shall be in accordance with the standards, rules, or regulations prescribed by the Secretary of Transportation.

(Mar. 18, 1950, ch. 72, § 1, 64 Stat. 27; Pub. L. 85-726, title XIV, § 1402(e), Aug. 23, 1958, 72 Stat. 807; Pub. L. 91-258, title I, § 52(b)(1), May 21, 1970, 84 Stat. 235.)

## REFERENCES IN TEXT

The Federal Airport Act, referred to in text, is act May 13, 1946, ch. 251, 60 Stat. 170, as amended, which was classified to chapter 14 (§ 1101 et seq.) of former Title 49, Transportation. The Act was repealed by section 52(a) of the Airport and Airway Development Act of 1970 (Pub. L. 91-258, title I, May 21, 1970, 84 Stat. 235). See chapter 471 of Title 49, Transportation.

## AMENDMENTS

1970—Pub. L. 91-258 substituted "Secretary of Transportation" for "Administrator of the Federal Aviation Agency" in two places.

1958—Pub. L. 85-726 substituted "Administrator of the Federal Aviation Agency" for "Administrator of Civil Aeronautics" in two places.

## EFFECTIVE DATE OF 1958 AMENDMENT

Section 1505(2) of Pub. L. 85-726 provided that the amendment made by Pub. L. 85-726 is effective on 60th day following date on which the Administrator of the Federal Aviation Agency first appointed under Pub. L. 85-726 qualifies and takes office. The Administrator was appointed, qualified and took office on Oct. 31, 1958.

**§ 7b. Acquisition of lands for airport use; contracts for operation and maintenance**

In order to carry out the purposes of sections 7a to 7e of this title, the Secretary is authorized to acquire necessary lands and interests in or over lands; to contract for the construction, improvement, operation, and maintenance of airports and incidental facilities; to enter into agreements with other public agencies providing for the construction, operation, or maintenance of airports by such other public agencies or jointly by the Secretary and such other public agencies upon mutually satisfactory terms; and to enter into such other agreements and take such other action with respect to such airports as may be necessary to carry out the purposes of said sections: *Provided*, That nothing in said sections shall be held to 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 such land is located: *And provided further*, That the authorization herein granted shall not exceed \$3,500,000.

(Mar. 18, 1950, ch. 72, § 2, 64 Stat. 28; Pub. L. 89-763, Nov. 5, 1966, 80 Stat. 1313.)

## AMENDMENTS

1966—Pub. L. 89-763 substituted "\$3,500,000" for "\$2,000,000".

**§ 7c. Authorization to sponsor airport projects; use of funds**

In order to carry out the purposes of sections 7a to 7e of this title, the Secretary is authorized to sponsor projects under the Federal Airport Act either independently or jointly with other public agencies, and to use, for payment of the sponsor's share of the project costs of such projects, any funds that may be contributed or otherwise made available to him for such purpose (receipt of which funds and their use for such purposes is authorized) or may be appropriated or otherwise specifically authorized therefor.

(Mar. 18, 1950, ch. 72, § 3, 64 Stat. 28.)

## REFERENCES IN TEXT

The Federal Airport Act, referred to in text, is act May 13, 1946, ch. 251, 60 Stat. 170, as amended, which was classified to chapter 14 (§ 1101 et seq.) of former Title 49, Transportation. The Act was repealed by section 52(a) of the Airport and Airway Development Act of 1970 (Pub. L. 91-258, title I, May 21, 1970, 84 Stat. 235). See chapter 471 of Title 49, Transportation.

**§ 7d. Jurisdiction over airports; public operation**

All airports under the jurisdiction of the Secretary, unless otherwise specifically provided by