

land. The United States Reclamation Service may enter upon and utilize for flowage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project. No lands within the limits of Glacier National Park belonging to or claimed by any railroad or other corporation having or claiming before May 11, 1910, the right of indemnity selection by virtue of any law or contract whatsoever shall be used as a basis for indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of Glacier National Park.

(May 11, 1910, ch. 226, §1, 36 Stat. 354; Jan. 26, 1931, ch. 47, §5, 46 Stat. 1043.)

REFERENCES IN TEXT

The land laws of the United States, referred to in text, are classified generally to Title 43, Public Lands.

Herein, referred to in text, means act May 11, 1910, ch. 226, 36 Stat. 354, which is classified to this section and section 162 of this title.

CODIFICATION

In sentence beginning "Nothing herein contained", the words "before May 11, 1910" were inserted to give effect to the preceding word "existing", and in the last sentence the words "having or claiming before May 11, 1910" are a translation of the words "now having or claiming" of the original text.

AMENDMENTS

1931—Act Jan. 26, 1931, struck out provision that right of way through the valleys of the North and Middle Forks of the Flathead River might be acquired within Glacier National Park for steam or electric railways.

CHANGE OF NAME

The Reclamation Service, established in July 1902, changed to the Bureau of Reclamation on June 20, 1923, then to the Water and Power Resources Service on Nov. 6, 1979, and then back to the Bureau of Reclamation on May 18, 1981. See 155 Dep't of the Interior, Departmental Manual 1.1 (2008 repl.); Sec'y Hubert Work, Dep't of the Interior, Order (June 20, 1923); Sec'y Cecil D. Andrus, Dep't of the Interior, Secretarial Order 3042, §§1, 4 (Nov. 6, 1979); Sec'y James G. Watt, Dep't of the Interior, Secretarial Order 3064, §§3, 5 (May 18, 1981).

§ 161a. Part of Waterton-Glacier International Peace Park

For the purpose of permanently commemorating the long-existing relationship of peace and good will existing between the people and Governments of Canada and the United States and upon the enactment by the proper authority of the Canadian Government of a similar provision respecting the Waterton Lakes National Park in the Province of Alberta, and upon the proclamation of the President of the United States, who is authorized to issue such a proclamation, the Glacier National Park in the State of Montana shall become a part of an international park to be known as the Waterton-Glacier International Peace Park.

(May 2, 1932, ch. 157, §1, 47 Stat. 145.)

§ 161b. Designation for purposes of administration, promotion, development, and support

For purposes of administration, promotion, development, and support by appropriations

that part of the said Waterton-Glacier International Peace Park within the territory of the United States shall be designated as the Glacier National Park.

(May 2, 1932, ch. 157, §2, 47 Stat. 145.)

§ 161c. Addition of land; establishment of fish hatchery

The Secretary of the Interior is authorized to administer as a part of the Glacier National Park, in the State of Montana, subject to all laws and regulations applicable thereto, the lands, or interests in lands, within the State of Montana, in township 28 north, range 20 west, Montana meridian, which may be acquired by the United States for the establishment by the National Park Service of a fish hatchery for restocking the waters of the said park.

(July 31, 1939, ch. 395, 53 Stat. 1142.)

§ 161d. Elimination of fish hatchery; transfer of administration of hatchery to Fish and Wildlife Service

The property at Creston, Montana, acquired by the United States for the establishment of a fish hatchery for restocking the waters of Glacier National Park and administered as a part of the park pursuant to section 161c of this title, together with the improvements and equipment utilized in connection with the hatchery property, is eliminated from the park.

The functions of the National Park Service with regard to the administration of the aforesaid properties for the benefit of the park are transferred to and shall be exercised by the Fish and Wildlife Service for the same purposes: *Provided, however,* That such fish propagated at the hatchery as may be in excess of the number necessary to restock and maintain an optimum fish population in the waters of the park at all times may be utilized for the restocking of other waters.

(Dec. 13, 1944, ch. 555, 58 Stat. 801.)

TRANSFER OF FUNCTIONS

Fish and Wildlife Service, created by Reorg. Plan No. III of 1940, §3, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, succeeded by United States Fish and Wildlife Service established by act Aug. 8, 1956, ch. 1036, §3, 70 Stat. 1120. See section 742b of this title.

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.

§ 161e. Additional lands, buildings, or other real and personal property

The Secretary of the Interior is authorized to acquire, and the State of Montana is authorized to convey to the United States, without regard to the requirements contained in section 11 of the Act approved February 22, 1889 (25 Stat. 676), any lands, interests in lands, buildings, or other property, real and personal, owned by the State of Montana within the boundaries of Glacier National Park. The aforesaid properties may be acquired from the State of Montana by the Sec-

retary of the Interior for such consideration as he may deem advisable, when the acquisition of such property would, in his judgment, be in the best interests of the United States.

(Mar. 16, 1948, ch. 133, 62 Stat. 80.)

REFERENCES IN TEXT

Section 11 of the Act approved February 22, 1889 (25 Stat. 676), referred to in text, was not classified to the Code.

§ 162. Control; regulations; leases; sale and removal of timber

Glacier National Park shall be under the exclusive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title not inconsistent with this section, he shall make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary or proper for the care, protection, management, and improvement of the same, which regulations shall provide for the preservation of the park in a state of nature so far as is consistent with the purposes of this section and section 161 of this title, and for the care and protection of the fish and game within the boundaries thereof. He may, in his discretion, execute leases to parcels of ground not exceeding ten acres in extent at any one place to any one person or company, for not to exceed twenty years, when such ground is necessary for the erection of buildings for the accommodation of visitors, and to parcels of ground not exceeding one acre in extent and for not to exceed twenty years to persons who have heretofore erected or whom he may hereafter authorize to erect summer homes or cottages; he may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park.

(May 11, 1910, ch. 226, § 2, 36 Stat. 354.)

§ 162a. Summer homes and cottages

After January 26, 1931, no permit, license, lease, or other authorization for the use of land within the Glacier National Park, Montana, for the erection and maintenance of summer homes or cottages shall be granted or made: *Provided, however,* That the Secretary of the Interior may, in his discretion, renew any permit, license, lease, or other authorization for such purpose granted or made prior to January 26, 1931.

(Jan. 26, 1931, ch. 47, § 3, 46 Stat. 1043.)

§ 163. Jurisdiction by the United States; fugitives from justice

Sole and exclusive jurisdiction is assumed by the United States over the territory embraced within the Glacier National Park, saving, however, to the State of Montana the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State but outside of said park, and saving, further, to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places

under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Montana.

(Aug. 22, 1914, ch. 264, § 1, 38 Stat. 699.)

CODIFICATION

A provision accepting the act of the Montana Legislature which ceded to the United States Exclusive Jurisdiction over the Territory referred to in this section has been omitted as executed.

§ 164. Eliminating private holdings of lands; timber or public lands of equal value in exchange

The Secretary of the Interior, for the purpose of eliminating private holdings within the Glacier National Park and the preservation intact of the natural forest along the roads in the scenic portions of the park, both on patented and park lands, is empowered, in his discretion: (1) To obtain for the United States the complete title to any or all of the lands held in private or State ownership within the boundaries of said park within townships 32 and 33 north, ranges 18 and 19 west of Montana principal meridian, by the exchange of dead, decadent, or matured timber of approximately equal values that can be removed from any part of the park without injuriously affecting the scenic beauty thereof; or, upon the approval of the Secretary of Agriculture, the timber to be selected or exchanged may be taken from the Government lands within the metes and bounds of the national forests within the State of Montana, or, (2) to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park by accepting from the owners of such privately owned lands complete relinquishment thereof and by granting and patenting to such owners, in exchange therefor, in each instance, like public land of equal value situate in the State of Montana, after due notice of the proposed exchange has been given by publication for not less than thirty days in the counties where the lands proposed to be exchanged or taken in exchange are located.

(Mar. 3, 1917, ch. 164, § 1, 39 Stat. 1122; Feb. 28, 1923, ch. 144, § 1, 42 Stat. 1324.)

CODIFICATION

Section is based on section 1 of act Mar. 3, 1917, and section 1 of act Feb. 23, 1923; subdivision (1) being from the former and subdivision (2) being from the latter act. Of the language preceding subdivision (1), that portion from the beginning of the section to the word "and" was common to both of the sections aforesaid, while the remaining portion was derived from section 1 of act Mar. 3, 1917.

§ 165. Value of lands sought to be exchanged

For purposes of subdivision (2) of section 164 of this title the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of other lands of the United States elsewhere situate, to be given in exchange therefor, shall be ascertained in such manner as the Secretary of the Interior may di-