

**(c) Limitations**

The Secretary shall not use any funds associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

**(d) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section. (Pub. L. 110-229, title III, § 301, May 8, 2008, 122 Stat. 768.)

**§ 2. National parks, reservations, and monuments; supervision**

The director shall, under the direction of the Secretary of the Interior, have the supervision, management, and control of the several national parks and national monuments which on August 25, 1916, were under the jurisdiction of the Department of the Interior, and of the Hot Springs National Park in the State of Arkansas, and of such other national parks and reservations of like character as may be created by Congress. In the supervision, management, and control of national monuments contiguous to national forests the Secretary of Agriculture may cooperate with said National Park Service to such extent as may be requested by the Secretary of the Interior.

(Aug. 25, 1916, ch. 408, § 2, 39 Stat. 535; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1407.)

**CHANGE OF NAME**

Hot Springs Reservation was changed to Hot Springs National Park by section 1 of act Mar. 4, 1921.

**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.

**§ 3. Rules and regulations of national parks, reservations, and monuments; timber; leases**

The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violation of any of the rules and regulations authorized by this section and sections 1, 2, and 4 of this title shall be punished by a fine of not more than \$500 or imprisonment for not exceeding six months, or both, and be adjudged to pay all cost of the proceedings. He may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reserva-

tion. He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. No natural,<sup>1</sup> curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: *Provided, however*, That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze livestock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park: *And provided further*, That the Secretary of the Interior may grant said privileges, leases, and permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids: *And provided further*, That no contract, lease, permit, or privilege granted shall be assigned or transferred by such grantees, permittees, or licensees without the approval of the Secretary of the Interior first obtained in writing.

(Aug. 25, 1916, ch. 408, § 3, 39 Stat. 535; June 2, 1920, ch. 218, § 5, 41 Stat. 732; Mar. 7, 1928, ch. 137, § 1, 45 Stat. 235; Pub. L. 85-434, May 29, 1958, 72 Stat. 152; Pub. L. 105-391, title IV, § 415(b)(1), Nov. 13, 1998, 112 Stat. 3515.)

**REFERENCES IN TEXT**

Herein, referred to in text, means act Aug. 25, 1916, known as the "National Park Service Organic Act", which is classified to this section and sections 1, 2, and 4 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1 of this title and Tables.

**AMENDMENTS**

1998—Pub. L. 105-391, § 415(b)(1)(A), in fourth sentence, substituted "No natural," for "He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding thirty years; and no natural".

Pub. L. 105-391, § 415(b)(1)(B), in fourth sentence, struck out last proviso which read as follows: " *And provided further*, That the Secretary may, in his discretion, authorize such grantees, permittees, or licensees to execute mortgages and issue bonds, shares of stock, and other evidences of interest in or indebtedness upon their rights, properties, and franchises, for the purposes of installing, enlarging, or improving plant and equipment and extending facilities for the accommodation of the public within such national parks and monuments".

1958—Pub. L. 85-434 substituted "thirty years" for "twenty years".

1928—Act Mar. 7, 1928, inserted last three provisos.

1920—Act June 2, 1920, substituted "and any violation of any of the rules and regulations authorized by this section and sections 1, 2, and 4 of this title shall be punished by a fine of not more than \$500 or imprisonment for not exceeding six months, or both, and be adjudged to pay all cost of the proceedings" for "and any violations of any of the rules and regulations authorized by this section and sections 1, 2, and 4 of this title shall be punished as provided for in section 50 of the Act enti-

<sup>1</sup> So in original. The comma probably should not appear.

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.