

The functions of the magistrate judge shall include the trial and sentencing of persons charged with the commission of misdemeanors and infractions as defined in section 3581 of title 18. The exercise of additional functions by the magistrate judge shall be consistent with and be carried out in accordance with the authority, laws, and regulations, of general application to United States magistrate judges. The probation laws shall be applicable to persons tried by the magistrate judge and he shall have power to grant probation. The magistrate judge shall receive the fees, and none other, provided by law for like or similar services.

(Pub. L. 88-639, §9, Oct. 8, 1964, 78 Stat. 1041; Pub. L. 98-473, title II, §222, Oct. 12, 1984, 98 Stat. 2028; Pub. L. 100-702, title IV, §404(c), Nov. 19, 1988, 102 Stat. 4651; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

AMENDMENTS

1988—Pub. L. 100-702 struck out after second sentence of second par. “The provisions of title 18, section 3402, and the rules of procedure and practice prescribed by the Supreme Court pursuant thereto, shall apply to all cases handled by such magistrate.”

1984—Pub. L. 98-473, §222(a), substituted “magistrate” for “commissioner” wherever appearing in first par.

Pub. L. 98-473, §222(b), substituted provisions relating to trial and sentencing of persons charged with misdemeanors and infractions as defined in section 3581 of title 18, for provisions relating to trial and sentencing of persons committing petty offenses as defined in title 18, section 1, and right of election of such persons to be tried in the district court of the United States.

CHANGE OF NAME

“United States magistrate judge”, “magistrate judge”, and “United States magistrate judges” substituted for “United States magistrate”, “magistrate”, and “United States magistrates”, respectively, wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-702 effective Dec. 1, 1988, see section 407 of Pub. L. 100-702, set out as a note under section 2071 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

§ 460n-9. Authorization of appropriations

There are hereby authorized to be appropriated not more than \$7,100,000 for the acquisition of land and interests in land pursuant to section 460n-1 of this title.

(Pub. L. 88-639, §10, Oct. 8, 1964, 78 Stat. 1041; Pub. L. 93-477, title I, §101(12), Oct. 26, 1974, 88 Stat. 1445.)

AMENDMENTS

1974—Pub. L. 93-477 substituted “\$7,100,000” for “\$1,200,000”.

SUBCHAPTER LXXIII—DELAWARE WATER GAP NATIONAL RECREATION AREA

§ 460o. Establishment

In order to further the purposes of the joint resolution approved September 27, 1961 (re Delaware River Basin compact; 75 Stat. 688), and to provide in a manner coordinated with the other purposes of the Tocks Island Reservoir project, for public outdoor recreation use and enjoyment of the proposed Tocks Island Reservoir and lands adjacent thereto by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, the Secretary of the Interior is authorized, as herein provided, to establish and administer the Delaware Water Gap National Recreation Area, hereinafter referred to as the “area”, as part of the Tocks Island Reservoir project, hereinafter referred to as “the project”.

(Pub. L. 89-158, §1, Sept. 1, 1965, 79 Stat. 612.)

REFERENCES IN TEXT

The joint resolution approved September 27, 1961, referred to in text, is Pub. L. 87-328, which was not classified to the Code.

JOSEPH M. MCDADE RECREATIONAL TRAIL

Pub. L. 105-277, div. A, §101(e) [title I, §118], Oct. 21, 1998, 112 Stat. 2681-231, 2681-257, provided that: “The 37 mile River Valley Trail from the town of Delaware Gap to the edge of the town of Milford, Pennsylvania located within the Delaware Water Gap National Recreation Area shall hereafter be referred to in any law, regulation, document, or record of the United States as the Joseph M. McDade Recreational Trail.”

DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION

Pub. L. 100-573, Oct. 31, 1988, 102 Stat. 2890, as amended by Pub. L. 104-333, div. I, title VIII, §814(d)(1)(K), Nov. 12, 1996, 110 Stat. 4196; Pub. L. 105-355, title V, §507, Nov. 6, 1998, 112 Stat. 3264; Pub. L. 106-176, title III, §301, Mar. 10, 2000, 114 Stat. 31, established Delaware Water Gap National Recreation Area Citizen Advisory Commission to advise Secretary of the Interior on management and operation of Delaware Water Gap National Recreation Area, and other matters affecting the recreation area and surrounding communities, and terminated Commission on the date that is 20 years after Oct. 31, 1988.

§ 460o-1. Acquisition of lands

(a) Authority of Secretary of Army; transfer of jurisdiction over lands to Secretary of the Interior; authority of such Secretary; retention of use and occupancy rights; termination and transfer of authority and funds; acquisition priorities

The Secretary of the Army is authorized and directed to acquire, by such means as he may deem to be in the public interest, and as a part of his acquisition of properties for the project, lands and interests therein within the boundaries of the area, as generally depicted on the drawing entitled “Proposed Tocks Island National Recreation Area” dated and numbered September 1962, NRA-TI-7100, which drawing is on file in the Office of the National Park Service, Department of the Interior. In acquiring these lands, the Secretary of the Army may uti-

lize such statutory authorities as are available to him for the acquisition of project lands: *Provided*, That the Secretary of the Army shall acquire no lands or interests in land by exchange for lands or interests in land in Federal ownership unless the latter are in the States of Pennsylvania, New Jersey, or New York. Periodically, and as soon as practicable after such lands and interests within the area are acquired, the Secretary of the Army shall transfer jurisdiction thereover to the Secretary of the Interior for the purposes of this subchapter. Beginning on November 10, 1978, the Secretary of the Interior is authorized to acquire for purposes of the recreation area established under this subchapter all lands and interests therein within the exterior boundaries of the area depicted on the drawing referred to in this subsection (including any lands within such exterior boundaries designated for acquisition by the Secretary of the Army in connection with the project referred to in this subsection). In exercising such authority, the Secretary of the Interior may permit the retention of rights of use and occupancy in the same manner as provided in the case of acquisitions by the Secretary of the Army under subsection (d) of this section. On November 10, 1978, the acquisition authorities of any other Federal agency contained in this subsection shall terminate and the head of any other Federal agency shall transfer to the Secretary of the Interior jurisdiction over all lands and interests therein acquired by said agency under the authority of this subchapter, or any other authority of law which lands are within the exterior boundaries of the area depicted on the drawing referred to in this subsection. On November 10, 1978, all unexpended balances available to any other Federal agency for acquisition of land within the exterior boundaries referred to in the preceding sentence shall be transferred to the Secretary of the Interior to be used for such purposes. In carrying out his acquisition authority under this section the Secretary shall give priority to the following:

- (1) completion of acquisition of lands for which condemnation proceedings have been started pursuant to the authorization of the project referred to in this subsection;
- (2) acquisition of lands of beneficial owners, not being a corporation, who in the judgment of the Secretary would suffer hardship if acquisition of their lands were delayed;
- (3) acquisition of lands on which, in the judgment of the Secretary, there is an imminent danger of development that would be incompatible with the purposes of the recreation area;
- (4) acquisition of lands of beneficial owners, not being a corporation, who are willing to sell their lands provided they are able to continue to use it for noncommercial residential purposes for a limited period of time which will not, in the judgment of the Secretary, unduly interfere with the development of public use facilities for such national recreation area, pursuant to the authorization for such area;
- (5) acquisition of scenic easements when, in the judgment of the Secretary, such easements are sufficient to carry out the purposes

for which such national recreation area was authorized; and

(6) acquisition of lands necessary to preserve the integrity of the recreation area.

(b) Omission of designated lands from area

Notwithstanding the provisions of subsection (a) of this section, the Secretary of the Interior is authorized, after consultation with appropriate public officials of the affected political subdivisions of the States of Pennsylvania or New Jersey, as the case may be, to designate not more than three hundred acres adjacent and contiguous to the Borough of Milford, Pennsylvania, and not more than one thousand acres in Sussex County, New Jersey, for omission from the Delaware Valley National Recreation Area and the lands so designated shall not be acquired for said national recreation area under authority of this subchapter.

(c) Extension of boundaries; study and report to Congress

The Secretary of the Interior shall investigate, study, and report to the President and the Congress on the feasibility and usefulness of extending the boundaries of the Delaware Water Gap National Recreation Area to include, in whole or in part, that portion of Tocks Island Reservoir which lies upstream from the northern terminus of the national recreation area as shown on the map hereinbefore referred to and lands adjacent to said portion of said reservoir. No such extension of boundaries, however, shall be made until authorized by Act of Congress.

(d) Noncommercial residential occupancy for life or fixed term of years; price for property; "improved residential property" defined; waiver of relocation assistance benefits or rights

The beneficial owner, not being a corporation, of a freehold interest acquired before January 1, 1965, in improved residential property within the area to be acquired by the Secretary of the Army under authority of this subchapter, the continued use of which property for noncommercial residential purposes for a limited time will not, in the judgment of the Secretary of the Interior, unduly interfere with the development of public-use facilities for the national recreation area and will not, in the judgment of the Secretary of the Army, unduly interfere with the operation of the Tocks Island Reservoir project, may retain a right of use and occupancy of such property for noncommercial residential purposes for, as said owner may elect, either (i) a period terminating upon his death or the death of his spouse, whichever occurs later, or (ii) a term of not more than twenty-five years: *Provided*, That in no case shall the period or term for which such right of use and occupancy is retained extend beyond the term of the freehold interest acquired by the United States. The price payable to the owner of such property shall be reduced by an amount equal to the value of the right retained. As used in this subchapter "improved residential property" means a single-family year-round dwelling, the construction of which was begun before January 21, 1963, which dwelling serves as the owner's permanent place of abode at the time of its acquisition by the

United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located which land the Secretary of the Interior or the Secretary of the Army, as the case may be, finds is reasonably necessary for the owner's continued use and occupancy of the dwelling: *Provided, further*, That whenever an owner of property elects to retain a right of use and occupancy pursuant to this subchapter, such owner shall be deemed to have waived any benefits or rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.].

(Pub. L. 89-158, § 2, Sept. 1, 1965, 79 Stat. 612; Pub. L. 92-575, § 2, Oct. 27, 1972, 86 Stat. 1250; Pub. L. 95-625, title III, § 316, Nov. 10, 1978, 92 Stat. 3483.)

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (d), is Pub. L. 91-646, Jan. 2, 1971, 84 Stat. 1894, which is classified principally to chapter 61 (§ 4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-625 authorized acquisition of lands within the exterior boundaries of the area by the Secretary of the Interior, retention of use and occupancy rights, termination of Federal agency authority over lands and transfer of authority and funds to the Secretary of the Interior, and prescribed acquisition priorities for the Secretary of the Interior.

1972—Subsec. (d). Pub. L. 92-575 provided for waiver of benefits or rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, upon election to retain right of use and occupancy pursuant to this subchapter.

§ 460o-2. Designation of area; boundaries

(a) Publication in Federal Register; description of boundaries; administration of transferred lands and waters

As soon as practicable after September 1, 1965, and following the transfer to the Secretary of the Interior by the Secretary of the Army of jurisdiction over those lands and interests therein within the boundary generally depicted on the drawing described in section 460o-1 of this title which, in the opinion of the Secretary of the Interior, constitute an efficiently administrable unit, the Secretary of the Interior shall declare establishment of the area by publication of notice thereof in the Federal Register. Such notice shall contain a detailed description of the boundaries of the area which shall encompass, to the extent practicable, the lands and waters shown on said drawing. Prior to such establishment, the Secretary of the Interior shall administer such transferred lands and waters, consistent with the construction of the project, for purposes in contemplation of the establishment of the area pursuant to this subchapter.

(b) Adjustments in boundaries; publication in Federal Register; acquisition of additional lands; acreage limitations

The Secretary of the Interior may subsequently make adjustments in the boundary of

the area by publication of the amended description thereof in the Federal Register and acquire, by such means as he may deem to be in the public interest, including an exchange of excluded for included lands or interests therein with or without the payment or receipt of money to equalize values, additional lands and interests therein included in the area by reason of the boundary adjustment: *Provided*, That the area encompassed by such revised boundary shall not exceed the acreage included within the detailed boundary first described pursuant to this section.

(c) Continuance of existing uses

On lands acquired pursuant to this subchapter for recreation purposes, the Secretary of the Army, with the concurrence of the Secretary of the Interior, may permit the continuance of existing uses consistent with the purposes of this subchapter.

(Pub. L. 89-158, § 3, Sept. 1, 1965, 79 Stat. 613.)

§ 460o-3. Administration authorities for conservation, management, or disposal of natural resources; coordination of administrative responsibilities of the Secretary of the Interior and Secretary of the Army

In the administration of the area for the purposes of this subchapter, the Secretary of the Interior may utilize such statutory authorities relating to areas of the national park system and such statutory authorities otherwise available to him for the conservation, management, or disposal of vegetative, mineral, or fish or wildlife resources as he deems appropriate to carry out the purposes of this subchapter. To assure consistent and effective planning, development, and operation for all purposes of the project, the Secretary of the Interior and the Secretary of the Army shall coordinate the administration of their respective responsibilities in the project; and such administration shall be consistent with the joint resolution approved September 27, 1961 (re Delaware River Basin compact; 75 Stat. 688).

(Pub. L. 89-158, § 4, Sept. 1, 1965, 79 Stat. 613.)

§ 460o-4. Land and water use management plan; adoption, implementation, and revision; provisions

In the administration of the area for the purposes of this subchapter, the Secretary of the Interior, subject to provisions of section 460o-3 of this title, shall adopt and implement, and may from time to time revise, a land and water use management plan, which shall include specific provision for, in order of priority—

- (1) public outdoor recreation benefits;
- (2) preservation of scenic, scientific, and historic features contributing to public enjoyment;
- (3) such utilization of natural resources as in the judgment of the Secretary of the Interior is consistent with, and does not significantly impair, public recreation and protection of scenic, scientific, and historic features contributing to public enjoyment.

(Pub. L. 89-158, § 5, Sept. 1, 1965, 79 Stat. 614.)