

LIMITATION ON NEW SPENDING AUTHORITY

Pub. L. 99-542, §2, Oct. 27, 1986, 100 Stat. 3038, provided that: "Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974 [2 U.S.C. 651]) which is provided under this Act [enacting sections 47-3 to 47-6 of this title and amending section 47-2 of this title] shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation Acts or to the extent that proceeds are available from any leases issued by the Secretary pursuant to the first section of this Act [probably means section 1 of Pub. L. 90-409, 16 U.S.C. 47-2]."

§ 47-3. Use of proceeds; administration of leases

(a) Notwithstanding any other provision of law, the proceeds from any leases issued by the Secretary pursuant to section 47-2 of this title may be credited to the appropriation bearing the cost of administering (directly or by contract) the leases and of constructing, improving, and maintaining roads, utilities, buildings, and other facilities within the El Portal administrative site. In the administration of the leases, the Secretary may contract for the management of the leases and of the leased premises, subject to such terms and conditions, including the right of the Secretary to purchase and sell the unexpired terms of leases and subleases, as will protect the interests of the United States. The Secretary may also contract for the use by him of any improvements to leased property for purposes of the El Portal administrative site or for purposes of Yosemite National Park, and he may use the proceeds from any leases for the purpose of making payments under any such contract.

(b) The Secretary may at any time acquire the unexpired term of any lease or sublease issued or entered into pursuant to sections 47-2 to 47-6 of this title by purchase with funds available from the proceeds of leases, or with donated or appropriated funds, or by donation or exchange.

(Pub. L. 90-409, §2, as added Pub. L. 99-542, §1(4), Oct. 27, 1986, 100 Stat. 3037.)

PRIOR PROVISIONS

A prior section 2 of Pub. L. 90-409, which was classified to section 47-2(b) of this title, was renumbered section 3 of Pub. L. 90-409 and is classified to section 47-4 of this title.

§ 47-4. Agreements to effectuate leases

The Secretary of the Interior may enter into agreements with other Federal agencies and with any concessioner or its successor in order to effectuate the purposes of sections 47-2 to 47-6 of this title.

(Pub. L. 90-409, §3, formerly §2, July 21, 1968, 82 Stat. 393; renumbered §3, Pub. L. 99-542, §1(4), Oct. 27, 1986, 100 Stat. 3037.)

CODIFICATION

Section was classified to section 47-2(b) of this title prior to renumbering by Pub. L. 99-542.

§ 47-5. Regulations

After October 27, 1986, no lease may be issued for the purpose of providing housing or other facilities in the El Portal administrative site except in accordance with regulations promul-

gated by the Secretary of the Interior. Such regulations shall establish the qualifications of natural persons and corporations who may be eligible to acquire a lease and a sublease, the process to be used in establishing fees for such leases and subleases, and they shall set forth the circumstances under which the Secretary may elect to acquire any unexpired lease or sublease. Such regulations shall become effective only after sixty calendar days from the day on which they have been submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(Pub. L. 90-409, §4, as added Pub. L. 99-542, §1(5), Oct. 27, 1986, 100 Stat. 3038; amended Pub. L. 103-437, §6(d)(6), Nov. 2, 1994, 108 Stat. 4583.)

AMENDMENTS

1994—Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

§ 47-6. Conflicts of interest prohibited

In carrying out the provisions of sections 47-2 to 47-6 of this title, the Secretary shall take care that there be no opportunity for any personal influence by an employee of the Department of the Interior upon the availability of housing for other such employees or employees of persons in a contractual relationship with the Department. In the selection of lessees and sublessees, the issuance of leases and subleases, the establishment or¹ rental values, and the acquisition of any unexpired term of any lease or sublease, the Secretary shall act through an agent or agents appointed by the Secretary from among associations, corporations, or natural persons having no material, financial, legal, or equitable interest in the action proposed, other than a reasonable fee for their services.

(Pub. L. 90-409, §5, as added Pub. L. 99-542, §1(5), Oct. 27, 1986, 100 Stat. 3038.)

§ 47a. Addition of certain lands to park authorized

For the purpose of preserving and consolidating timber stands along the western boundary of the Yosemite National Park the President of the United States is authorized, upon the joint recommendation of the Secretaries of Interior and Agriculture, to add to the Yosemite National Park, in the State of California, by Executive proclamation, section 1 and the north half of section 12, township 1 south, range 19 east, Mount Diablo meridian.

(May 9, 1930, ch. 234, §1, 46 Stat. 265.)

§ 47b. Inapplicability of certain laws to lands acquired under section 47a

The provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to any lands added to the Yosemite National Park under the authority of section 47a of this title.

(May 9, 1930, ch. 234, §2, 46 Stat. 265.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act of June 10, 1920, known as the Federal

¹ So in original. Probably should be "of".

Water Power Act," and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, and is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

§ 47c. Acquisition of certain lands for preservation and consolidation of timber stands

For the purpose of preserving and consolidating certain timber stands along the western boundary of the Yosemite National Park, the President of the United States is authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to said park by Executive proclamation any or all of the following-described lands: Sections 19, 20, 29, 30, 31, and 32, township 1 south, range 20 east, Mount Diablo meridian; east half section 1; east half section 12; southeast quarter section 24, township 2 south, range 19 east, Mount Diablo meridian; sections 4, 5, and 6; north half section 7; sections 8 and 9, and 19 and 20, township 2 south, range 20 east, Mount Diablo meridian, approximately nine thousand acres.

(Mar. 2, 1929, ch. 498, 45 Stat. 1486.)

§ 47d. Acquisition of certain lands for protection of park deer

For the purpose of protecting park deer along the western boundary of the Yosemite National Park, the Secretary of the Interior is authorized to acquire as part of said park, by exchange as hereinafter provided, title in fee for and on behalf of the United States of America to all that land in sections 21 and 28 in township 3 south, range 20 east, Mount Diablo meridian, lying between the abandoned railroad grade running from a point in the Wawona Road near Chinquapin to the top of the abandoned incline hoist in the northeast quarter of the southwest quarter of section 21, and the east and west center line of section 21, and in sections 22, 23, 24, 25, 26, and 27 lying between said abandoned railroad grade and the existing park boundary, containing one thousand three hundred and fifty acres, more or less, now held in private ownership, which lands upon acquisition shall be, and are, added to the park; and in exchange therefor the said Secretary is authorized to issue patent to the owner of said lands, for the Government lands described as follows: That part of the north half of northeast quarter lying south of abandoned railroad grade hereinbefore mentioned, north half of southwest quarter of northeast quarter, southwest quarter of southwest quarter of northeast quarter, southwest quarter, west half of northeast quarter of southeast quarter, and southwest quarter of southeast quarter of section 25, township 3 south, range 20 east; north half section 36, township 3 south, range 20 east; southwest quarter northeast quarter, south half northeast quarter northwest quarter, west half northwest quarter, southeast quarter northwest quarter, northwest quarter southeast quarter, and west half southwest quarter southeast quarter section 32, township 3 south, range 21 east; and northwest quarter section 5, township 4 south, range 21 east; containing one thousand and ten acres, more or less, which lands upon issuance of

patent shall be, and are eliminated from said park.

(May 28, 1928, ch. 817, 45 Stat. 787.)

§ 47e. Purchase of private lands for park authorized

The Secretary of the Interior is authorized to acquire, by purchase when purchaseable¹ at prices deemed by him reasonable—otherwise by condemnation under the provisions of section 3113 of title 40, on behalf of the United States under any fund or moneys available for such purpose, on July 9, 1937, except from the general fund of the Treasury, any of the following-described lands in the State of California now in private ownership, to wit: Section 25, lots 3, 4, 5, 8, and 9, section 34, northeast quarter, southeast quarter of the northwest quarter, lots 1 to 10, inclusive, section 35, section 36, township 1 south, range 19 east; southeast quarter northwest quarter, east half southwest quarter, southeast quarter, lots 2, 3, and 4, section 30, section 31, township 1 south, range 20 east; sections 1, 2, and 3, east half section 10, sections 11 and 12, north half section 14, northeast quarter section 15, township 2 south, range 19 east; southeast quarter northwest quarter, east half southwest quarter, lots 3 to 7, inclusive, section 6, township 2 south, range 20 east, Mount Diablo meridian.

When title to the aforesaid privately owned lands has been vested in the United States, all of the lands described in this section shall be added to and become a part of the Yosemite National Park and shall be subject to all laws and regulations applicable thereto: *Provided*, That nothing in this section or section 47f of this title shall be construed to affect any valid existing rights.

(July 9, 1937, ch. 469, §§1, 2, 50 Stat. 485, 486.)

CODIFICATION

"Section 3113 of title 40" substituted in text for "the Act of August 1, 1888" 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.

§ 47f. Inapplicability of certain laws to lands acquired under section 47e

The provisions of the Federal Power Act, as amended [16 U.S.C. 791a et seq.], shall not apply to any of the lands added to the Yosemite National Park pursuant to the provisions of section 47e of this title.

(July 9, 1937, ch. 469, §3, 50 Stat. 486.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act approved June 10, 1920, as amended, known as the Federal Water Power Act," and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, and is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

¹ So in original.