

(c) Make necessary investigations and researches in the United States relating to particular sites, buildings, or objects to obtain true and accurate historical and archaeological facts and information concerning the same.

(d) For the purpose of sections 461 to 467 of this title, acquire in the name of the United States by gift, purchase, or otherwise any property, personal or real, or any interest or estate therein, title to any real property to be satisfactory to the Secretary: *Provided*, That no such property which is owned by any religious or educational institution, or which is owned or administered for the benefit of the public shall be so acquired without the consent of the owner: *Provided further*, That no such property shall be acquired or contract or agreement for the acquisition thereof made which will obligate the general fund of the Treasury for the payment of such property, unless or until Congress has appropriated money which is available for that purpose.

(e) Contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, with proper bond where deemed advisable, to protect, preserve, maintain, or operate any historic or archaeological building, site, object, or property used in connection therewith for public use, regardless as to whether the title thereto is in the United States: *Provided*, That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

(f) Restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance and where deemed desirable establish and maintain museums in connection therewith.

(g) Erect and maintain tablets to mark or commemorate historic or prehistoric places and events of national historical or archaeological significance.

(h) Operate and manage historic and archaeological sites, buildings, and properties acquired under the provisions of sections 461 to 467 of this title together with lands and subordinate buildings for the benefit of the public, such authority to include the power to charge reasonable visitation fees and grant concessions, leases, or permits for the use of land, building space, roads, or trails when necessary or desirable either to accommodate the public or to facilitate administration: *Provided*, That the Secretary may grant such concessions, leases, or permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids.

(i) When the Secretary determines that it would be administratively burdensome to restore, reconstruct, operate, or maintain any particular historic or archaeological site, building, or property donated to the United States through the National Park Service, he may cause the same to be done by organizing a corporation for that purpose under the laws of the District of Columbia or any State.

(j) Develop an educational program and service for the purpose of making available to the

public facts and information pertaining to American historic and archaeological sites, buildings, and properties of national significance. Reasonable charges may be made for the dissemination of any such facts or information.

(k) Perform any and all acts, and make such rules and regulations not inconsistent with sections 461 to 467 of this title as may be necessary and proper to carry out the provisions thereof. Any person violating any of the rules and regulations authorized by said sections shall be punished by a fine of not more than \$500 and be adjudged to pay all cost of the proceedings.

(Aug. 21, 1935, ch. 593, §2, 49 Stat. 666; Pub. L. 89-249, §8, Oct. 9, 1965, 79 Stat. 971.)

AMENDMENTS

1965—Subsec. (h). Pub. L. 89-249 changed proviso to allow granting concessions, leases, and permits and entering into contracts with responsible persons, firms, or corporations without advertising and without securing competitive bids.

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.

FINANCIAL ASSISTANCE FOR MAINTENANCE AND PROTECTION OF FOLGER LIBRARY AND CORCORAN GALLERY OF ART; LIMITATION ON CONTRACT AUTHORITY

Pub. L. 96-344, §1, Sept. 8, 1980, 94 Stat. 1133, provided: "That (a) in furtherance of the purposes of subsection 2(e) of the Act of August 21, 1935 (49 Stat. 666) [subsec. (e) of this section], the Secretary of the Interior may provide financial assistance for the maintenance and protection of the Folger Library and the Corcoran Gallery of Art.

"(b) Authority to enter into contracts or cooperative agreements, to incur obligations, or to make payments under this Act [Pub. L. 96-344, Sept. 8, 1980, 94 Stat. 1133] shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts."

§ 463. National Park System Advisory Board

(a) Establishment; composition; duties

There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the following fields: history, arche-

ology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or national or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning or business management, important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1¹ of chapter 57 of title 5. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of sections 461 to 467 of this title, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument. Such board shall also provide recommendations on the designation of national historic landmarks and national natural landmarks. Such board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making such recommendations.

(b) Staff; applicability of Federal law

(1) The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.

(2) Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an ap-

pointive or elective position in the Government for purposes of section 8344 of title 5 or comparable provisions of Federal law.

(c) Authority of Board

(1) Upon request of the Director, the Board is authorized to—

- (A) hold such hearings and sit and act at such times,
- (B) take such testimony,
- (C) have such printing and binding done,
- (D) enter into such contracts and other arrangements,²
- (E) make such expenditures, and
- (F) take such other actions, as the Board may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(2) The Board may establish committees or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

(d) Federal Advisory Committee Act

The provisions of the Federal Advisory Committee Act shall apply to the Board established under this section with the exception of section 14(b).

(e) Cooperation of Federal agencies; use of mails

(1) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Board, upon request made by a member of the Board.

(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality to³ the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.

(f) Termination

The National Park System Advisory Board shall continue to exist until January 1, 2010. The provisions of section 14(b) of the Federal Advisory Committee Act (the Act of October 6, 1972; 86 Stat. 776) are hereby waived with respect to the Board, but in all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

(g) National Park Service Advisory Council

There is hereby established the National Park Service Advisory Council (hereafter in this section referred to as the "advisory council") which shall provide advice and counsel to the National Park System Advisory Board. Member-

¹ So in original. Probably should be subchapter "I".

² So in original. The period probably should be a comma.

³ So in original. Probably should be "available to".

ship on the advisory council shall be limited to those individuals whose term on the advisory board has expired. Such individuals may serve as long as they remain active except that not more than 12 members may serve on the advisory council at any one time. Members of the advisory council shall not have a vote on the National Park System Advisory Board. Members of the advisory council shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. Initially, the Secretary shall choose 12 former members of the Advisory Board to constitute the advisory council. In so doing, the Secretary shall consider their professional expertise and demonstrated commitment to the National Park System and to the Advisory Board.

(Aug. 21, 1935, ch. 593, § 3, 49 Stat. 667; Pub. L. 91-383, § 9, Aug. 18, 1970, as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1940; amended Pub. L. 95-625, title VI, § 604(2), Nov. 10, 1978, 92 Stat. 3518; Pub. L. 101-628, title XII, §§ 1211, 1212, Nov. 28, 1990, 104 Stat. 4507; Pub. L. 104-333, div. I, title VIII, § 814(f)(1), Nov. 12, 1996, 110 Stat. 4197; Pub. L. 109-156, § 5, Dec. 30, 2005, 119 Stat. 2948; Pub. L. 110-161, div. F, title I, Dec. 26, 2007, 121 Stat. 2107; Pub. L. 111-8, div. E, title I, Mar. 11, 2009, 123 Stat. 710.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subssecs. (d) and (f), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2009—Subsec. (f). Pub. L. 111-8 substituted “2010” for “2009”.

2007—Subsec. (f). Pub. L. 110-161 substituted “2009” for “2007”.

2005—Subsec. (f). Pub. L. 109-156 substituted “2007” for “2006”.

1996—Subsec. (a). Pub. L. 104-333, § 814(f)(1)(A), substituted provisions relating to establishment of Board, its purpose, advisory duties, members’ terms, composition, first meeting, vacancies, rules, and members’ compensation for “A general advisory board to be known as the National Park System Advisory Board is hereby established, to be composed of not to exceed sixteen persons, citizens of the United States who have a demonstrated commitment to the National Park System, to include but not be limited to representatives competent in the fields of history, archaeology, architecture, anthropology, biology, geology, and related disciplines, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civic, and educational societies, associations, and institutions. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members.”

Subsecs. (b) to (e). Pub. L. 104-333, § 814(f)(1)(C), added subssecs. (b) to (e). Former subssecs. (b) and (c) redesignated (f) and (g), respectively.

Subsec. (f). Pub. L. 104-333, § 814(f)(1)(B), redesignated former subsec. (b) as (f) and substituted “2006” for “1995”.

Subsec. (g). Pub. L. 104-333, § 814(f)(1)(B), redesignated former subsec. (c) as (g).

1990—Subsec. (a). Pub. L. 101-628, § 1211(1), (2), substituted “sixteen” for “twelve”, “United States who have a demonstrated commitment to the National Park System,” for “United States,” and “anthropology, biol-

ogy, geology, and related disciplines,” for “and natural science,” and inserted at end “Such board shall also provide recommendations on the designation of national historic landmarks and national natural landmarks. Such board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making such recommendations.”

Subsec. (b). Pub. L. 101-628, § 1211(3), (4), substituted “1995” for “1990” and “The provisions of section 14(b) of the Federal Advisory Committee Act (the Act of October 6, 1972; 86 Stat. 776) are hereby waived with respect to the Board, but in” for “In”.

Subsec. (c). Pub. L. 101-628, § 1212, added subsec. (c).

1978—Subsec. (a). Pub. L. 95-625 increased Board membership to twelve from eleven.

1976—Pub. L. 91-383, § 9, as added by Pub. L. 94-458, renamed the Advisory Board on National Parks, Historic Sites, Buildings and Monuments as the National Park System Advisory Board, substituted natural science for human geography as a field from which member selection may be made, limited appointment term to four years rather than at pleasure of Secretary, eliminated duty of Board to make recommendations concerning use of surplus property as an historic monument, provided for continuation of Board until Jan. 1, 1990, and made it subject to the provisions of the Federal Advisory Committee Act.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-156, § 5, Dec. 30, 2005, 119 Stat. 2948, provided that the amendment made by section 5 is effective Jan. 1, 2006.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-333, div. I, title VIII, § 814(f)(3), Nov. 12, 1996, 110 Stat. 4199, provided that: “This subsection [amending this section and enacting provisions set out as a note below] shall take effect on December 7, 1997.”

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 104-333, div. I, title VIII, § 814(f)(2), Nov. 12, 1996, 110 Stat. 4199, provided that: “There are authorized to be appropriated to the National Park System Advisory Board \$200,000 per year to carry out the provisions of section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463).”

NEW YORK CITY NATIONAL SHRINES ADVISORY BOARD

Act Aug. 11, 1955, ch. 779, §§ 1, 2, 69 Stat. 632, as amended by Pub. L. 85-658, Aug. 14, 1958, 72 Stat. 613, provided for the appointment of an advisory board, to be known as the New York City National Shrines Advisory Board, to render advice to the Secretary of the Interior and to further public participation in the rehabilitation, development and the preservation of those historic properties in the New York City area that are of great national significance, identified as the Federal Hall National Memorial, Castle Clinton National Monument, and the Statue of Liberty National Monument, to conduct a study of these historic properties, and to submit recommendations concerning their preservation and administration to the Secretary of the Interior, such report and recommendations of the Board to be transmitted to the Congress by the Secretary of the Interior, together with his recommendations thereon, within one year following the date of the establishment of the Board, and with the Board to cease to exist when the Secretary of the Interior found that its purposes had been accomplished. The Secretary of the Interior was authorized to accept donations of funds for rehabilitation, development and preservation of the historic properties including any made upon condition that such funds are to be expended only if Federal funds in an amount equal to the donated funds are appropriated for such purposes.

FEDERAL HALL NATIONAL MEMORIAL

Act Aug. 11, 1955, ch. 779, § 3, 69 Stat. 633, provided that the Federal Hall Memorial National Historic Site,

established pursuant to the Historic Sites Act of August 21, 1935 (49 Stat. 666) [sections 461 to 467 of this title], should thereafter be known as the “Federal Hall National Memorial”.

§ 464. Cooperation with governmental and private agencies

(a)¹ Authorization

The Secretary, in administering sections 461 to 467 of this title, is authorized to cooperate with and may seek and accept the assistance of any Federal, State, or municipal department or agency, or any educational or scientific institution, or any patriotic association, or any individual.

(b) Advisory committees

When deemed necessary, technical advisory committees may be established to act in an advisory capacity in connection with the restoration or reconstruction of any historic or prehistoric building or structure.

(c) Employment of assistance

Such professional and technical assistance may be employed, and such service may be established as may be required to accomplish the purposes of sections 461 to 467 of this title and for which money may be appropriated by Congress or made available by gifts for such purpose.

(Aug. 21, 1935, ch. 593, § 4, 49 Stat. 668.)

CODIFICATION

In subsec. (c), provisions that authorized employment of professional and technical assistance “without regard to the civil-service laws” were omitted as such employment is subject to the civil service laws unless specifically excepted by such laws or by laws enacted subsequent to Executive Order 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5, Government Organization and Employees.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 465. Jurisdiction of States in acquired lands

Nothing in sections 461 to 467 of this title shall be held to deprive any State, or political subdivision thereof, of its civil and criminal jurisdiction in and over lands acquired by the United States under said sections.

(Aug. 21, 1935, ch. 593, § 5, 49 Stat. 668.)

§ 466. Requirement for specific authorization

(a) In general

Except as provided in subsection (b) of this section, notwithstanding any other provision of

¹ Subsection designation “(a)” supplied.

law, no funds appropriated or otherwise made available to the Secretary of the Interior to carry out section 462(e) or 462(f) of this title may be obligated or expended after October 30, 1992—

(1) unless the appropriation of such funds has been specifically authorized by law enacted on or after October 30, 1992; or

(2) in excess of the amount prescribed by law enacted on or after October 30, 1992.

(b) Savings provision

Nothing in this section shall prohibit or limit the expenditure or obligation of any funds appropriated prior to January 1, 1993.

(c) Authorization of appropriations

Except as provided by subsection (a) of this section, there is authorized to be appropriated for carrying out the purposes of sections 461 to 467 of this title such sums as the Congress may from time to time determine.

(Aug. 21, 1935, ch. 593, § 6, 49 Stat. 668; Pub. L. 102-575, title XL, § 4023, Oct. 30, 1992, 106 Stat. 4768.)

CODIFICATION

October 30, 1992, referred to in subsec. (a), was in the original “the date of enactment of this section” and “such date”, which were translated as meaning the date of enactment of Pub. L. 102-575 which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1992—Pub. L. 102-575 amended section generally. Prior to amendment, section read as follows: “There is authorized to be appropriated for carrying out the purposes of sections 461 to 467 of this title such sums as the Congress may from time to time determine.”

§ 467. Conflict of laws

The provisions of sections 461 to 467 of this title shall control if any of them are in conflict with any other Act or Acts relating to the same subject matter.

(Aug. 21, 1935, ch. 593, § 7, 49 Stat. 668.)

§ 467a. Repealed. Pub. L. 96-586, § 4(a)(1), (b), Dec. 23, 1980, 94 Stat. 3386

Section, Pub. L. 92-527, § 1, Oct. 21, 1972, 86 Stat. 1049, authorized the Secretary of the Interior to accept, maintain, develop, and administer the Mar-A-Lago National Historic Site described in the order of designation dated Jan. 16, 1969, as part of the national park system and directed the Secretary to enter into agreements and take such action as deemed necessary to provide for administration and use of the Mar-A-Lago National Historic Site as a temporary residence for visiting foreign dignitaries or heads of state or members of the executive branch of the United States Government, with any further use determined by the Secretary after conferring with the Mar-A-Lago National Historic Site Advisory Commission.

EFFECTIVE DATE OF REPEAL

For effective date of repeal, see Pub. L. 96-586, § 4, Dec. 23, 1980, 94 Stat. 3386, set out as a note below.

REPEALS, REDESIGNATIONS, CONVEYANCES, ETC., INVOLVING MAR-A-LAGO NATIONAL HISTORIC SITE

Pub. L. 96-586, § 4, Dec. 23, 1980, 94 Stat. 3386, provided that:

“(a)(1) Effective upon the conveyance or transfer authorized in subsection b, the Act of October 21, 1972, en-