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- 1474e. Sums received by the Bureau of Land Management for the sale of seeds.
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- 1475. Bureau of Reclamation acceptance of services of volunteers.
- 1475a. Participation of non-Federal entities in contract negotiations and source selection proceedings.
- 1475b. Volunteer authority.

§ 1451. Establishment

There shall be at the seat of government an executive department to be known as the Department of the Interior, and a Secretary of the Interior, who shall be the head thereof.

(R.S. § 437.)

CODIFICATION

R.S. § 437 derived from act Mar. 3, 1849, ch. 108, § 1, 9 Stat. 395.

Section was formerly classified to section 481 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-125, § 1, Dec. 7, 2005, 119 Stat. 2544, provided that: "This Act [enacting section 1475b of this title and provisions set out as a note under section 1475b of this title] may be cited as the 'Department of the Interior Volunteer Recruitment Act of 2005'."

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 below.

STEWART LEE UDALL DEPARTMENT OF THE INTERIOR BUILDING

Pub. L. 111-176, June 8, 2010, 124 Stat. 1259, provided that:

"SECTION 1. DESIGNATION.

"The United States Department of the Interior Building located at 1849 C Street, Northwest, in Washington, District of Columbia, shall be known and designated as the 'Stewart Lee Udall Department of the Interior Building'.

"SEC. 2. REFERENCES.

"Any reference in a law, map, regulation, document, record, or other paper of the United States to the building referred to in section 1 shall be considered to be a reference to the 'Stewart Lee Udall Department of the Interior Building'."

CHARGES FOR USE OF PROPERTY AT MAIN AND SOUTH INTERIOR BUILDING COMPLEX, WASHINGTON, D.C.

Pub. L. 106-113, div. B, § 1000(a)(3) [title I, § 115], Nov. 29, 1999, 113 Stat. 1535, 1501A-158, provided that: "Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, the Secretary is authorized to permit persons, firms or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of title 40, United States Code) [now sections 3301(a)(4), (5) and 3306(a) of Title 40, Public Buildings, Property, and Works] not currently occupying such space to use courtyards, auditoriums, meeting rooms, and other space of the main and south Interior building complex, Washington, D.C., the main-

tenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 [see chapters 1 to 11 of Title 40, and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of Title 41, Public Contracts], and to assess reasonable charges therefore, subject to such procedures as the Secretary deems appropriate for such uses. Charges may be for the space, utilities, maintenance, repair, and other services. Charges for such space and services may be at rates equivalent to the prevailing commercial rate for comparable space and services devoted to a similar purpose in the vicinity of the main and south Interior building complex, Washington, D.C., for which charges are being assessed. The Secretary may without further appropriation hold, administer, and use such proceeds within the Departmental Management Working Capital Fund to offset the operation of the buildings under his jurisdiction, whether delegated or otherwise, and for related purposes, until expended."

Similar provisions were contained in Pub. L. 105-277, div. A, §101(e) [title I, §117], Oct. 21, 1998, 112 Stat. 2681-231, 2681-256.

COMPENSATION OF SECRETARY

Compensation of Secretary, see section 5312 of Title 5, Government Organization and Employees.

ORDER OF SUCCESSION

For order of succession during any period when both Secretary and Deputy Secretary of the Interior are unable to perform functions and duties of office of Secretary, see Ex. Ord. No. 13244, Dec. 18, 2001, 66 F.R. 66267, listed in a table under section 3345 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER NO. 9432

Ex. Ord. No. 9432, eff. Mar. 28, 1944, 9 F.R. 3411, which related to designation of Under Secretary and Assistant Secretaries of the Interior to act as Secretary of the Interior, was superseded by Ex. Ord. No. 9866, eff. June 14, 1947, 12 F.R. 3909, formerly set out below.

EXECUTIVE ORDER NO. 9866

Ex. Ord. No. 9866, eff. June 14, 1947, 12 F.R. 3909, which related to designation of officers to act as Secretary of the Interior, was superseded by Ex. Ord. No. 10156, eff. Aug. 26, 1950, 15 F.R. 5789, formerly set out below.

EXECUTIVE ORDER NO. 10156

Ex. Ord. No. 10156, eff. Aug. 26, 1950, 15 F.R. 5789, which related to designation of certain officers of Department of the Interior to act as Secretary of the Interior, was superseded by Ex. Ord. No. 10753, eff. Feb. 15, 1958, 23 F.R. 1107, formerly set out below.

EXECUTIVE ORDER NO. 10753

Ex. Ord. No. 10753, eff. Feb. 15, 1958, 23 F.R. 1107, which provided for succession to office of Secretary of the Interior, was superseded by Ex. Ord. No. 11487, eff. Oct. 6, 1969, 34 F.R. 15593, listed in a table under section 3345 of Title 5, Government Organization and Employees.

REORGANIZATION PLAN NO. 3 OF 1950

Eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, as amended June 1, 1971, Pub. L. 92-22, § 3, 85 Stat. 76.

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 [see 5 U.S.C. 901 et seq.].

DEPARTMENT OF THE INTERIOR

SECTION 1. TRANSFER OF FUNCTIONS TO THE SECRETARY

(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Sec-

retary of the Interior all functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) [see 5 U.S.C. 551 et seq. and 701 et seq.] in hearing examiners employed by the Department of the Interior, nor to the functions of the Virgin Islands Corporation or of its Board of Directors or officers.

SEC. 2. PERFORMANCE OF FUNCTIONS OF SECRETARY

The Secretary of the Interior may from time to time make such provisions as he shall deem appropriate authorizing the performance by an other officer, or by any agency or employee, of the Department of the Interior of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

SEC. 3. ASSISTANT SECRETARY OF THE INTERIOR

There shall be in the Department of the Interior one additional Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of the Interior shall prescribe, and who shall receive compensation at the rate prescribed by law for Assistant Secretaries of executive departments.

SEC. 4. ADMINISTRATIVE ASSISTANT SECRETARY

[Repealed. Pub. L. 92-22, § 3, June 1, 1971, 85 Stat. 76. Section authorized appointment of Administrative Assistant Secretary of the Interior. See 43 U.S.C. 1453a and 5 U.S.C. 5315. Section 3 provided that such repeal be effective upon Senate confirmation of Presidential appointment of Assistant Secretary of the Interior under successor provisions.]

SEC. 5. INCIDENTAL TRANSFERS

The Secretary of the Interior may from time to time effect such transfers within the Department of the Interior of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 3 of 1950, prepared in accordance with the Reorganization Act of 1949 and providing for reorganizations in the Department of the Interior. My reasons for transmitting this plan are stated in an accompanying general message.

After investigation I have found and hereby declare that each reorganization included in Reorganization Plan No. 3 of 1950 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

I have found and hereby declare that it is necessary to include in the accompanying reorganization plan, by reason of reorganizations made thereby, provisions for the appointment and compensation of an Assistant Secretary of the Interior and an Administrative Assistant Secretary of the Interior. The rate of compensation fixed for these officers is that which I have found to prevail in respect of comparable officers in the executive branch of the Government.

The taking effect of the reorganizations included in this plan may not in itself result in substantial immediate savings. However, many benefits in improved operations are probable during the next years which will result in a reduction in expenditures as compared with those that would be otherwise necessary. An itemization of these reductions in advance of actual experience under this plan is not practicable.

HARRY S. TRUMAN.

THE WHITE HOUSE, March 13, 1950.

§ 1452. Deputy Secretary of the Interior; appointment

The position of Deputy Secretary is established in the Department of the Interior with appointment thereto by the President, by and with the advice and consent of the Senate.

(May 9, 1935, ch. 101, §1, 49 Stat. 177; Pub. L. 101-509, title V, §529 [title I, §112(a)(2)], Nov. 5, 1990, 104 Stat. 1427, 1454.)

CODIFICATION

Provisions of this section which prescribed the annual rate of basic compensation of the Deputy Secretary were omitted to conform to the provisions of the Federal Executive Salary Schedule. See section 5313 of Title 5, Government Organization and Employees.

Section was formerly classified to section 481a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1990—Pub. L. 101-509 substituted “Deputy Secretary” for “Under Secretary”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on first day of first pay period beginning on or after Nov. 5, 1990, with continued service by incumbent Under Secretary of the Interior, see section 529 [title I, §112(e)(1), (2)(B)] of Pub. L. 101-509, set out as a note under section 3404 of Title 20, Education.

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 under section 1451 of this title.

§ 1453. Assistant Secretaries of the Interior

There shall be in the Department of the Interior two Assistant Secretaries of the Interior who shall be without numerical distinction of rank and who shall be appointed by the President, by and with the advice and consent of the Senate.

(R.S. § 438; Mar. 3, 1885, ch. 360, 23 Stat. 497; Mar. 3, 1917, ch. 163, §1, 39 Stat. 1102; Feb. 29, 1944, ch. 72, 58 Stat. 107.)

CODIFICATION

Act Feb. 29, 1944, provided that the Assistant Secretaries shall be without numerical distinction of rank.

R.S. § 438 derived from acts Mar. 14, 1862, ch. 41, §6, 12 Stat. 369; Mar. 3, 1873, ch. 226, §1, 17 Stat. 486.

Section was formerly classified to section 482 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

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 under section 1451 of this title.

Functions, powers, and duties of Office of Audit and Investigation in Department of the Interior transferred to Office of Inspector General in Department of the In-

terior, as established by section 9(a)(1)(F) of Inspector General Act of 1978, Pub. L. 95-452, set out in the Appendix to Title 5, Government Organization and Employees.

ADMINISTRATIVE ASSISTANT SECRETARY

An Administrative Assistant Secretary of the Interior, to be appointed, with the approval of the President, by the Secretary of the Interior under the classified civil service, to perform such duties as the Secretary of the Interior shall prescribe, and to receive compensation at the rate of \$14,800 per annum, was provided for by section 4 of Reorg. Plan No. 3 of 1950, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out as a note under section 1451 of this title, prior to repeal of section 4 by Pub. L. 92-22, §3, June 1, 1971, 85 Stat. 76.

ADDITIONAL ASSISTANT SECRETARY

An additional Assistant Secretary of the Interior, to be appointed by the President, by and with the advice and consent of the Senate, to perform such duties as the Secretary of the Interior shall prescribe, and to receive compensation at the rate prescribed by law for Assistant Secretaries of executive departments, was provided for by Reorg. Plan No. 3 of 1950, §3, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in note under section 1451 of this title.

TEMPORARY ADDITIONAL ASSISTANT SECRETARY

The office of a temporary additional Assistant Secretary of the Interior, which was provided for by act Feb. 29, 1944, ch. 72, 58 Stat. 107, ceased to exist by the terms of such act at the expiration of six months following the cessation of hostilities in World War II, which was proclaimed by the President at 12 o'clock noon of December 31, 1946, in Proc. No. 2714, 12 F.R. 1, set out as a note under section 601 of the Appendix to Title 50, War and National Defense.

§ 1453a. Additional Assistant Secretary of the Interior; appointment; duties; compensation

There shall be hereafter in the Department of the Interior, in addition to the Assistant Secretaries now provided by law, an additional Assistant Secretary of the Interior who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe, and shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior.

(Pub. L. 92-22, §1, June 1, 1971, 85 Stat. 75.)

SENATE CONFIRMATION OF PRESIDENTIAL APPOINTMENT OF ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR AS REPEALING PROVISIONS FOR ASSISTANT SECRETARY OF THE INTERIOR FOR ADMINISTRATION

Pub. L. 92-22, §3, June 1, 1971, 85 Stat. 76, provided that: “Section 4 of Reorganization Plan Numbered 3 of 1950, as amended (64 Stat. 1262) [set out under section 1451 of this title], and item (25) of section 5316, title 5, United States Code, are repealed, effective upon the confirmation by the United States Senate of a Presidential appointee to fill the position created by this Act [enacting this section and section 5315(18) of Title 5, Government Organization and Employees].”

§ 1454. Duties of Assistant Secretary and assistant to Secretary

The Assistant Secretary of the Interior shall perform such duties in the Department of the Interior as shall be prescribed by the Secretary, or may be required by law. The assistant to the Secretary of the Interior is authorized to sign