

fective management of the horses and limit Federal expenditures to the costs of monitoring the agreement. The Secretary shall issue permits for adequate pastures to accommodate the historic population level of the free-roaming horse herd, which shall be not less than the number of horses in existence on November 12, 1996, nor more than 50.

**(b) Removal of horses**

The Secretary may not remove, or assist in, or permit the removal of any free-roaming horses from Federal lands within the boundary of the Ozark National Scenic Riverways unless—

(1) the entity with whom the Secretary has entered into the agreement under subsection (a) of this section, following notice and a 90-day response period, substantially fails to meet the terms and conditions of the agreement;

(2) the number of free-roaming horses exceeds 50; or

(3) in the case of an emergency or to protect public health and safety, as defined in the agreement.

**(c) Construction; liability of United States**

Nothing in this section shall be construed as creating liability for the United States for any damages caused by the free-roaming horses to property located inside or outside the boundaries of the Ozark National Scenic Riverways.

(Pub. L. 88-492, §7, Aug. 27, 1964, 78 Stat. 609; Pub. L. 104-333, div. I, title VIII, §803(b), Nov. 12, 1996, 110 Stat. 4186.)

CODIFICATION

November 12, 1996, referred to in subsec. (a), was in the original “enactment of this section” and “the date of the enactment of this section”, respectively, which were translated as meaning the date of enactment of Pub. L. 104-333, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1996—Pub. L. 104-333 amended section generally, substituting provisions relating to free-roaming horses for provisions relating to Ozark National Scenic Riverways Commission.

**§ 460m-7. Authorization of appropriations**

There are hereby authorized to be appropriated such sums (but not more than \$10,804,000 for the acquisition of lands or interests in lands) as are necessary to carry out the purposes of this subchapter.

(Pub. L. 88-492, §8, Aug. 27, 1964, 78 Stat. 610; Pub. L. 92-272, title I, §101(7), Apr. 11, 1972, 86 Stat. 120.)

AMENDMENTS

1972—Pub. L. 92-272 increased maximum amount authorized to be appropriated for acquisition of lands or interests in lands from not more than \$7,000,000 to not more than \$10,804,000.

SUBCHAPTER LXXI—BUFFALO NATIONAL RIVER

**§ 460m-8. Establishment**

For the purposes of conserving and interpreting an area containing unique scenic and sci-

entific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the “Secretary”) may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled “Proposed Buffalo National River” numbered NR-BUF-7103 and dated December 1967, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary is authorized to make minor revisions of the boundaries of the national river when necessary, after advising the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate in writing, but the total acreage within such boundaries shall not exceed ninety-five thousand seven hundred and thirty acres.

(Pub. L. 92-237, §1, Mar. 1, 1972, 86 Stat. 44; Pub. L. 103-437, §6(n)(1), Nov. 2, 1994, 108 Stat. 4586.)

AMENDMENTS

1994—Pub. L. 103-437 substituted “Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate” for “Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate”.

**§ 460m-9. Acquisition of lands and waters**

**(a) Donation, purchase, and exchange; reimbursement of State of Arkansas**

Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation: *Provided*, That the Secretary may, with funds appropriated for development of the area, reimburse such State for its share of the cost of facilities developed on State park lands if such facilities were developed in a manner approved by the Secretary and if the development of such facilities commenced subsequent to March 1, 1972: *Provided further*, That such reimbursement shall not exceed a total of \$375,000. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of 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. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

**(b) Retention of rights**

Except for property which the Secretary determines to be necessary for the purposes of administration, development, access or public use, an owner or owners (hereafter referred to as "owner") of any improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary or any owner of lands used solely for agricultural purposes (including, but not limited to, grazing) may retain, as a condition of the acquisition of such property or lands, a right of use and occupancy of such property for such residential or agricultural purposes. The term of the right retained shall expire upon the death of the owner or the death of his spouse, whichever occurs later, or in lieu thereof, after a definite term which shall not exceed twenty-five years after the date of acquisition. The owner shall elect, at the time of conveyance, the term of the right reserved. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner. Such right may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this subchapter. Upon a determination that the property, or any portion thereof, has ceased to be used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

**(c) "Improved property" defined**

As used in this section the term "improved property" means a detached year-round one-family dwelling which serves as the owner's permanent place of abode at the time of acquisition, and construction of which was begun before September 3, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

(Pub. L. 92-237, § 2, Mar. 1, 1972, 86 Stat. 44.)

## CODIFICATION

In subsec. (a), "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" substituted for "the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 471 et seq.), as amended" on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

**§ 460m-10. Hunting and fishing; rules and regulations**

The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the Buffalo National

River in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Arkansas Fish and Game Commission.

(Pub. L. 92-237, § 3, Mar. 1, 1972, 86 Stat. 45.)

**§ 460m-11. Water resource projects**

The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting the Buffalo National River and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on March 1, 1972. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river is established, as determined by the Secretary, nor shall such department or agency request appropriations to begin construction on any such project, whether heretofore or hereafter authorized, without, at least sixty days in advance, (i) advising the Secretary, in writing, of its intention so to do and (ii) reporting to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, respectively, the nature of the project involved and the manner in which such project would conflict with the purposes of this subchapter or would affect the national river and the values to be protected by it under this subchapter.

(Pub. L. 92-237, § 4, Mar. 1, 1972, 86 Stat. 45; Pub. L. 95-91, title IV, § 402(a)(1)(A), Aug. 4, 1977, 91 Stat. 583; Pub. L. 103-437, § 6(n)(1), Nov. 2, 1994, 108 Stat. 4586.)

## REFERENCES IN TEXT

The Federal Power Act, referred to in text, is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which 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.

## AMENDMENTS

1994—Pub. L. 103-437 substituted "Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate" for "Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate".