

or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged. In order to provide for an adequate entrance road into the McKittrick Canyon area of the park, the Secretary may accept title to and interests in lands comprising a right-of-way for a road or roads outside of the boundary of the park from United States Highway numbered 62 and 180 to the park boundary, and in exchange therefor he may convey title to and interests in lands comprising a right-of-way from said highway to the boundary which have been donated to the United States. The Secretary may accept cash from or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged. Lands and interests in lands comprising the right-of-way acquired pursuant to this subsection shall be administered as part of the park.

(Pub. L. 89-667, §2, Oct. 15, 1966, 80 Stat. 920; Pub. L. 94-174, Dec. 23, 1975, 89 Stat. 1029.)

#### AMENDMENTS

1975—Subsec. (b). Pub. L. 94-174 inserted provisions relating to the exchange of lands in order to provide for an adequate entrance road into the McKittrick Canyon area of the park.

#### **§ 283b. Establishment; notice in Federal Register; property rights**

##### **(a) Federal title to property, donation of State and other non-Federal mineral rights and interests, and establishment; notice in Federal Register; acquisition of remaining property; purchase options pending establishment of park; contingent purchase contracts**

When the title to all privately owned land within the boundary of the park, subject to such outstanding interests, rights, and easements as the Secretary determines are not objectionable, with the exception of approximately 4,574 acres which are planned to be acquired by exchange, is vested in the United States and after the State of Texas has donated or agreed to donate to the United States whatever rights and interests in minerals underlying the lands within the boundaries of the park it may have and other owners of such rights and interests have donated or agreed to donate the same to the United States, notice thereof and notice of the establishment of the Guadalupe Mountains National Park shall be published in the Federal Register. Thereafter, the Secretary may continue to acquire the remaining land and interests in land within the boundaries of the park. The Secretary is authorized, pending establishment of the park, to negotiate and acquire options for the purchase of lands and interests in land within the boundaries of the park. He is further authorized to execute contracts for the purchase of such lands and interests, but the liability of the United States under any such contract shall be contingent on the availability of appropriated or donated funds to fulfill the same.

##### **(b) Preferential right to reconveyance of mineral rights and interests upon nonuser of lands for national park purposes; notice; period for exercise; beneficiaries**

In the event said lands or any part thereof cease to be used for national park purposes, the

persons (including the State of Texas) who donated to the United States rights and interests in minerals in the lands within the park shall be given notice, in accordance with regulations to be prescribed by the Secretary, of their preferential right to a reconveyance, without consideration, of the respective rights and interests in minerals which they donated to the United States. Such notice shall be in a form reasonably calculated to give actual notice to those entitled to such preferential right, and shall provide for a period of not less than one hundred and eighty days within which to exercise such preferential right. The preferential right to such reconveyance shall inure to the benefit of the successors, heirs, devisees, or assigns of such persons having such preferential right to a reconveyance, and such successors, heirs, devisees, or assigns shall be given the notice provided for in this subsection.

##### **(c) Leases of mineral rights and interests: withdrawal from leasing; mineral leasing, sale of surplus property, and sale provisions inapplicable; subsection (c) inapplicable upon failure or refusal to exercise preferential right to reconveyance**

Such rights and interests in minerals, including all minerals of whatever nature, in and underlying the lands within the boundaries of the park and which are acquired by the United States under the provisions of this subchapter are hereby withdrawn from leasing and are hereby excluded from the application of the present or future provisions of the Mineral Leasing Act for Acquired Lands [30 U.S.C. 351 et seq.] or other Act in lieu thereof having the same purpose, and the same are hereby also excluded from the provisions of all present and future laws affecting the sale of surplus property or of said mineral interests acquired pursuant to this subchapter by the United States or any department or agency thereof, except that, if such person having such preferential right to a reconveyance fails or refuses to exercise such preferential right to a reconveyance as provided in subsection (b) of this section then this subsection (c) shall not be applicable to the rights and interests in such minerals in the identical lands of such person so failing or refusing to exercise such preferential right to a reconveyance from and after the one hundred and eighty-day period referred to in subsection (b) of this section.

##### **(d) Preferential right to lease mineral rights and interests necessary for national welfare or emergency; notice, terms and conditions, beneficiaries; other leases upon failure or refusal to exercise right: terms and conditions**

If at any time in the future an Act of Congress provides that the national welfare or an emergency requires the development and production of the minerals underlying the lands within the boundaries of the national park, or any portion thereof, and such Act of Congress, notwithstanding the provisions of subsection (c) of this section or any other Act, authorizes the Secretary to lease said land for the purpose of drilling, mining, developing, and producing said minerals, the Secretary shall give the persons (including the State of Texas) who donated such

minerals to the United States notice of their preferential right to lease, without consideration, all or any part of the respective rights and interests in minerals which they donated to the United States, subject to such terms and conditions as the Secretary may prescribe. Such preferential right shall inure to the benefit of the successors or assigns, and of the heirs or devisees of such persons having such preferential right in the premises. The persons entitled to a preferential right under this subsection shall be given the same notice thereof as persons entitled to preferential rights under subsection (b) of this section. If such person having such preferential right fails or refuses to exercise such right within the time specified in the above notice, the Secretary may thereafter lease the minerals involved to any other person under such terms and conditions as he may prescribe.

**(e) Proceeds from communitization agreement or protective action; beneficiaries**

If at any time oil, gas, or other minerals should be discovered and produced in commercial quantities from lands outside of the boundaries of the park, thereby causing drainage of oil, gas, or other minerals from lands within the boundaries of the park, and if the Secretary participates in a communitization agreement or takes other action to protect the rights of the United States, the proceeds, if any, derived from such agreement or action shall inure to the benefit of the donors of the oil, gas, or other minerals, or their successors, heirs, devisees, or assigns.

(Pub. L. 89-667, §3, Oct. 15, 1966, 80 Stat. 920.)

REFERENCES IN TEXT

The Mineral Leasing Act for Acquired Lands, referred to in subsec. (c), is act Aug. 7, 1947, ch. 513, 61 Stat. 913, as amended, which is classified generally to chapter 7 (§351 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 351 of Title 30 and Tables.

**§ 283c. Administration**

The Guadalupe Mountains National Park shall be administered by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4),<sup>1</sup> as amended and supplemented.

(Pub. L. 89-667, §4, Oct. 15, 1966, 80 Stat. 922.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

<sup>1</sup> See References in Text note below.

**§ 283d. Availability of funds**

Any funds available for the purpose of administering the five thousand six hundred and thirty-two acres of lands previously donated to the United States in Culberson County, Texas, shall upon establishment of the Guadalupe Mountains National Park pursuant to this subchapter be available to the Secretary for purposes of such park.

(Pub. L. 89-667, §5, Oct. 15, 1966, 80 Stat. 922.)

**§ 283e. Authorization of appropriations; expenditure for improvements limitation**

(a) There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of lands and interest in lands, and not more than \$24,715,000 as may be necessary for the development of the Guadalupe Mountains National Park. No funds appropriated for development purposes pursuant to this subchapter may be expended for improvements incompatible with wilderness management within the corridor of the park leading to the summit of Guadalupe Peak.

(b) In addition to amounts authorized to be appropriated under subsection (a), there is authorized to be appropriated such sums as may be necessary for the construction of a fence to protect the natural and cultural resources of the area added to Guadalupe Mountains National Park by section 283a(b) of this title.

(Pub. L. 89-667, §6, Oct. 15, 1966, 80 Stat. 922; Pub. L. 95-625, title I, §101(12), Nov. 10, 1978, 92 Stat. 3471; Pub. L. 100-541, §2, Oct. 28, 1988, 102 Stat. 2720.)

AMENDMENTS

1988—Pub. L. 100-541 designated existing provisions as subsec. (a), substituted “sums” for “sums, but not more than \$1,800,000 in all,” and added subsec. (b).

1978—Pub. L. 95-625 increased development appropriations authorization to \$24,715,000 from \$10,362,000 and prohibited expenditure of funds for improvements incompatible with wilderness management within the corridor of the park leading to the summit of Guadalupe Peak.

SUBCHAPTER XXXV—WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS

**§ 284. Establishment; statement of purposes; description; acquisition of property; acreage limitation**

For the purpose of establishing in the National Capital area a park for the performing arts and related educational programs, and for recreation use in connection therewith, the Secretary of the Interior is authorized to establish, develop, improve, operate, and maintain the Wolf Trap National Park for the Performing Arts in Fairfax County, Virginia. The park shall encompass the portions of the property formerly known as Wolf Trap Farm and Symphony Hill in Fairfax County, Virginia, to be donated for park purposes to the United States, and such additional lands or interests therein as the Secretary may acquire for purposes of the park by donation or purchase with donated or appropriated funds, the aggregate of which shall not exceed one hundred and forty-five acres.