

the National Information Infrastructure to enable integration with that effort.

(b) *Standardized Documentation of Data.* Beginning 9 months from the date of this order, each agency shall document all new geospatial data it collects or produces, either directly or indirectly, using the standard under development by the FGDC, and make that standardized documentation electronically accessible to the Clearinghouse network. Within 1 year of the date of this order, agencies shall adopt a schedule, developed in consultation with the FGDC, for documenting, to the extent practicable, geospatial data previously collected or produced, either directly or indirectly, and making that data documentation electronically accessible to the Clearinghouse network.

(c) *Public Access to Geospatial Data.* Within 1 year of the date of this order, each agency shall adopt a plan, in consultation with the FGDC, establishing procedures to make geospatial data available to the public, to the extent permitted by law, current policies, and relevant OMB circulars, including OMB Circular No. A-130 ("Management of Federal Information Resources") and any implementing bulletins.

(d) *Agency Utilization of the Clearinghouse.* Within 1 year of the date of this order, each agency shall adopt internal procedures to ensure that the agency accesses the Clearinghouse before it expends Federal funds to collect or produce new geospatial data, to determine whether the information has already been collected by others, or whether cooperative efforts to obtain the data are possible.

(e) *Funding.* The Department of the Interior shall provide funding for the Clearinghouse to cover the initial prototype testing, standards development, and monitoring of the performance of the Clearinghouse. Agencies shall continue to fund their respective programs that collect and produce geospatial data; such data is then to be made part of the Clearinghouse for wider accessibility.

**SEC. 4. DATA STANDARDS ACTIVITIES.** (a) *General FGDC Responsibility.* The FGDC shall develop standards for implementing the NSDI, in consultation and cooperation with State, local, and tribal governments, the private and academic sectors, and, to the extent feasible, the international community, consistent with OMB Circular No. A-119 ("Federal Participation in the Development and Use of Voluntary Standards"), and other applicable law and policies.

(b) *Standards for Which Agencies Have Specific Responsibilities.* Agencies assigned responsibilities for data categories by OMB Circular No. A-16 shall develop, through the FGDC, standards for those data categories, so as to ensure that the data produced by all agencies are compatible.

(c) *Other Standards.* The FGDC may from time to time identify and develop, through its member agencies, and to the extent permitted by law, other standards necessary to achieve the objectives of this order. The FGDC will promote the use of such standards and, as appropriate, such standards shall be submitted to the Department of Commerce for consideration as Federal Information Processing Standards. Those standards shall apply to geospatial data as defined in section 1 of this order.

(d) *Agency Adherence to Standards.* Federal agencies collecting or producing geospatial data, either directly or indirectly (e.g. through grants, partnerships, or contracts with other entities), shall ensure, prior to obligating funds for such activities, that data will be collected in a manner that meets all relevant standards adopted through the FGDC process.

**SEC. 5. NATIONAL DIGITAL GEOSPATIAL DATA FRAMEWORK.** In consultation with State, local, and tribal governments and within 9 months of the date of this order, the FGDC shall submit a plan and schedule to OMB for completing the initial implementation of a national digital geospatial data framework ("framework") by January 2000 and for establishing a process of ongoing data maintenance. The framework shall include geospatial data that are significant, in the deter-

mination of the FGDC, to a broad variety of users within any geographic area or nationwide. At a minimum, the plan shall address how the initial transportation, hydrology, and boundary elements of the framework might be completed by January 1998 in order to support the decennial census of 2000.

**SEC. 6. PARTNERSHIPS FOR DATA ACQUISITION.** The Secretary, under the auspices of the FGDC, and within 9 months of the date of this order, shall develop, to the extent permitted by law, strategies for maximizing cooperative participatory efforts with State, local, and tribal governments, the private sector, and other nonfederal organizations to share costs and improve efficiencies of acquiring geospatial data consistent with this order.

**SEC. 7. SCOPE.** (a) For the purposes of this order, the term "agency" shall have the same meaning as the term "Executive agency" in 5 U.S.C. 105, and shall include the military departments and components of the Department of Defense.

(b) The following activities are exempt from compliance with this order:

(i) national security-related activities of the Department of Defense as determined by the Secretary of Defense;

(ii) national defense-related activities of the Department of Energy as determined by the Secretary of Energy;

(iii) intelligence activities as determined by the Director of Central Intelligence; and

(iv) the national security-related activities of the Department of Homeland Security as determined by the Secretary of Homeland Security.

(c) The NSDI may involve the mapping, charting, and geodesy activities of the Department of Defense relating to foreign areas, as determined by the Secretary of Defense.

(d) This order does not impose any requirements on tribal governments.

(e) Nothing in the order shall be construed to contravene the development of Federal Information Processing Standards and Guidelines adopted and promulgated under the provisions of section 111(d) of the Federal Property and Administrative Services Act of 1949 [former 40 U.S.C. 759(d)], as amended by the Computer Security Act of 1987 (Public Law 100-235), or any other United States law, regulation, or international agreement.

**SEC. 8. JUDICIAL REVIEW.** This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

#### SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified, or repealed by Submerged Lands Act, see section 1303 of this title.

### § 1457a. Authorization of appropriations for particular programs

#### (a) Maximum amounts for specified years

Notwithstanding any other provision of law, there shall not be appropriated to the Secretary of the Interior for Department of the Interior programs as defined in subsection (e) in excess of \$4,095,404,000 for the fiscal year ending on September 30, 1981; in excess of \$3,970,267,000 for the fiscal year ending on September 30, 1982; \$4,680,223,000 for the fiscal year ending on September 30, 1983; and \$4,797,281,000 for the fiscal year ending on September 30, 1984.

#### (b) Ceilings on certain appropriations

It is the sense of the Congress that the appropriation targets for such fiscal years should be:

not less than \$275,000,000 to be appropriated annually pursuant to the provisions of chapter 2003 of title 54; not less than \$30,000,000 to be appropriated annually pursuant to the provisions of division A of subtitle III of title 54; not less than \$10,000,000 to be appropriated annually pursuant to the provisions of chapter 2005 of title 54; not less than \$105,000,000 to be appropriated annually to be used for the restoration and rehabilitation of units of the National Park System, as authorized by law; not less than \$239,000,000 to be appropriated annually for the Office of Territorial and International Affairs (including amounts for the Trust Territory of the Pacific Islands); not less than \$6,200,000 to be appropriated annually to carry out the provisions of title III of the Surface Mining Control and Reclamation Act of 1977 (91 Stat. 445);<sup>1</sup> and not less than \$100,000,000 to be appropriated annually pursuant to chapter 69 of title 31 including not less than \$5,000,000 annually to carry out the purposes of section 6904 of title 31.

**(c) Additional limitations**

Notwithstanding the limitation otherwise imposed by subsection (a) of this section—

(1) the authorization for obligation and appropriations for the Department of the Interior may exceed the amount specified in subsection (a) by such amount as permanent and annual indefinite appropriations exceed the estimates for such appropriations as contained in “The Budget of the United States Government, Fiscal Year 1982,” as revised by the March 1981, publication of the Office of Management and Budget entitled “Fiscal Year 1982 Budget Revisions”, when receipts available to be appropriated equal or exceed such appropriations, and

(2) the authorization for obligation and appropriations for the Department of the Interior may exceed the amount specified in subsection (a) by such amounts as may be required for emergency firefighting and for increased pay costs authorized by law.

**(d) Omitted**

**(e) Applicable programs**

For the purposes of this section, the term “Department of the Interior programs” means—

(1) Alaska Native Fund amounts included in Bureau of Indian Affairs programs funded from Miscellaneous Trust Funds and Miscellaneous Permanent Appropriations accounts;

(2) Bureau of Land Management programs;

(3) United States Bureau of Mines programs;

(4) National Park Service programs other than the John F. Kennedy Center for the Performing Arts (including those programs formerly administered by the Heritage Conservation and Recreation Service as of October 1, 1980);

(5) Offices of the Solicitor and the Secretary;

(6) Office of Surface Mining Reclamation and Enforcement programs;

(7) Office of Territorial Affairs programs;

(8) United States Geological Survey programs; and

(9) Bureau of Reclamation (including those programs formerly administered by the Water and Power Resources Service).

(Pub. L. 97-35, title XIV, § 1401, Aug. 13, 1981, 95 Stat. 748, 749; Pub. L. 102-285, § 10(b), May 18, 1992, 106 Stat. 172; Pub. L. 113-287, § 5(l)(3), Dec. 19, 2014, 128 Stat. 3271.)

REFERENCES IN TEXT

The Surface Mining Control and Reclamation Act of 1977 (91 Stat. 445), referred to in subsec. (b), is Pub. L. 95-87, Aug. 3, 1977, 91 Stat. 445, as amended. Title III of the Surface Mining Control and Reclamation Act of 1977 was formerly classified generally to subchapter III (§ 1221 et seq.) of chapter 25 of Title 30, Mineral Lands and Mining, prior to the replacement of subchapter III by Pub. L. 98-409. For complete classification of this Act to the Code, see Short Title note set out under section 1201 of Title 30 and Tables.

CODIFICATION

In subsec. (b), “chapter 69 of title 31” and “section 6904 of title 31” substituted for “the Act of October 20, 1976 (90 Stat. 2662; 31 U.S.C. 1601, et. seq.)” and “section 3 of said Act [31 U.S.C. 1603]”, respectively, on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Subsec. (d) of this section is set out as a note under section 1734 of this title.

AMENDMENTS

2014—Subsec. (b). Pub. L. 113-287, § 5(l)(3)(B), (C), substituted “division A of subtitle III of title 54” for “the National Historic Preservation Act of 1966 (80 Stat. 915; 16 U.S.C. 470)” and “chapter 2005 of title 54” for “the Urban Park and Recreation Recovery Act of 1978 (92 Stat. 3538; 16 U.S.C. 2501, et seq.)”.

Pub. L. 113-287, § 5(l)(3)(A), which directed substitution of “chapter 2003 of title 54” for “the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460z)” was executed by making the substitution for “the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460z)” to reflect the probable intent of Congress.

CHANGE OF NAME

“United States Bureau of Mines” substituted for “Bureau of Mines” in subsec. (e)(3) pursuant to section 10(b) of Pub. L. 102-285, set out as a note under section 1 of Title 30, Mineral Lands and Mining. For provisions relating to closure and transfer of functions of the United States Bureau of Mines, see note set out under section 1 of Title 30.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

CIRCULAR OF OFFICE OF MANAGEMENT AND BUDGET AND SIMILAR ORDERS OR DIRECTIVES INAPPLICABLE TO CERTAIN PUBLIC LAND ACTIVITIES WITHOUT AFFECTING OTHER AUTHORIZATIONS; CONGRESSIONAL FINDINGS

Pub. L. 98-540, § 3, Oct. 24, 1984, 98 Stat. 2718, provided that:

“(a) The Congress finds that—

“(1) the public lands administered by the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service contain valuable wildlife, scenery, natural and historic features, and other resources;

“(2) the Congress has specified the duties and responsibilities of the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service to balance the conservation and protection of these public lands and resources with permitted uses in ways Congress has found to be appropriate for each of the various land areas;

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

“(3) the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service are currently under congressional mandates to maintain sufficient visitor and recreational services in our national parks, campgrounds, and wildlife refuges;

“(4) the Congress has authorized the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service to contract for the provision of certain facilities, accommodations, and services by non-Federal entities, but with certain limitations that reflect the values and appropriate management policies of the various conservation areas, parks, wildlife refuges, and other public lands;

“(5) expansion of the contracting authority of the managers of these conservation areas, parks, wildlife refuges, and lands should be considered only after careful study of the existing management mandates and contracting authorities; and

“(6) management and regulation of natural resources on Federal lands are inherently Government functions and should be performed by Federal employees.

“(b)(1)(A) The provisions of Office of Management and Budget Circular A-76 and any similar provisions in any other order or directive shall not apply to activities conducted by the National Park Service, United States Fish and Wildlife Service, and the Bureau of Land Management which involve ten full time equivalents (FTE) or less.

“(B) For fiscal years 1985 through and including 1988, no contracts, for activities conducted by the National Park Service, United States Fish and Wildlife Service, or the Bureau of Land Management which have been subject to the provisions of Office of Management and Budget Circular A-76 or any similar provision in any other order or directive, shall be entered into by the United States until funds have been specifically provided therefore by an Act of Congress.

“(2) Nothing in this section shall prevent the National Park Service, United States Fish and Wildlife Service, and the Bureau of Land Management from entering into contracts for services and materials under provisions of law and rules, regulations, orders, and policies other than the circular referred to in paragraph (1) or any similar order or directive.”

#### § 1457b. Use of cooperative agreements

For fiscal year 2010, and each fiscal year thereafter, the Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

(Pub. L. 111-88, div. A, title I, §112, Oct. 30, 2009, 123 Stat. 2928.)

#### CODIFICATION

Section is from the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

#### § 1458. Secretary to exercise certain powers over Territories

The Secretary of the Interior shall exercise all the powers and perform all the duties in relation to the Territories of the United States that

were, prior to March 1, 1873, by law or by custom exercised and performed by the Secretary of State.

(R.S. § 442.)

#### CODIFICATION

R.S. § 442 derived from act Mar. 1, 1873, ch. 217, 17 Stat. 484.

Section was formerly classified to section 486 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.

#### EX. ORD. NO. 10967. ADMINISTRATION OF PALMYRA ISLAND

Ex. Ord. No. 10967, eff. Oct. 10, 1961, 26 F.R. 9667, provided:

By virtue of the authority vested in me by section 48 of the Hawaii Omnibus Act (approved July 12, 1960; 74 Stat. 424; P.L. 86-624) [set out as a note preceding section 491 of Title 48, Territories and Insular Possessions] and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of the Interior shall be responsible for the civil administration of Palmyra Island and all executive and legislative authority necessary for that administration, and all judicial authority respecting Palmyra Island other than the authority contained in the Act of June 15, 1950 (64 Stat. 217), as amended (48 U.S.C. 644a), shall be vested in the Secretary of the Interior.

SEC. 2. The executive, legislative, and judicial authority provided for in section 1 of this order (1) may be exercised through such agency or agencies of the Department of the Interior, or through such officers or employees under the jurisdiction of the Secretary of the Interior, as the Secretary may direct or authorize, (2) may be exercised through such agency or agencies, other than or not in the Department of the Interior, or through such officers or employees of the United States not under the administrative supervision of the Secretary, for such time and under such conditions as may be agreed upon between the Secretary and such agency, agencies, officers or employees of the United States, and (3) shall be exercised in such manner as the Secretary, or any person or persons acting under the authority of the Secretary, may direct or authorize.

SEC. 3. The Secretary of the Interior may confer upon the United States District Court for the District of Hawaii such jurisdiction, in addition to that contained in the Act of June 15, 1950 [48 U.S.C. 644a], and such judicial functions and duties, as he may deem appropriate for the civil administration of Palmyra Island.

SEC. 4. The foregoing provisions of this order shall continue in force until the Congress shall provide for the civil administration of Palmyra Island or until such earlier time as the President may specify.

SEC. 5. As used herein, the term “Palmyra Island” means the place of that name, consisting of a group of islets located in the Pacific Ocean approximately at Latitude 5°52’ North and Longitude 162°06’ West, and includes the territorial waters of that place and includes also the reefs surrounding that place or any part thereof.

SEC. 6. To the extent that any prior Executive order or proclamation is inconsistent with the provisions of this order, this order shall control.

SEC. 7. Nothing in this order shall be deemed to reduce, limit, or otherwise modify the authority or responsibility of the Attorney General to represent the