

its use and management: *Provided*, That he may grant nonexclusive privileges, leases, and permits for the use of land in the area and enter into contracts relating to the same, subject to the limitations and conditions applying to the similar authority provided in section 3 of the Act of August 25, 1916 (39 Stat. 535), as amended (45 Stat. 235, 16 U.S.C., 1952 edition, sec. 3).<sup>1</sup>

**(f) Availability of funds**

Funds now or hereafter appropriated or otherwise available for operating and capital programs in the areas administered by the National Park Service, including funds for acquisition of land and interests in land, are made available to acquire land, interests in land, and appurtenances thereto, within the administrative site, and to further the purpose of this section. (Pub. L. 85-922, §§1-6, Sept. 2, 1958, 72 Stat. 1772.)

REFERENCES IN TEXT

Week's law, referred to in subsec. (c), is act Mar. 1, 1911, ch. 186, 36 Stat. 961, which is classified to sections 480, 500, 513 to 519, 521, 552 and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

Section 3 of the Act of August 25, 1916 (39 Stat. 535), as amended (45 Stat. 235, 16 U.S.C., 1952 edition, sec. 3), referred to in subsec. (e), is section 3 of act Aug. 25, 1916, ch. 408, 39 Stat. 535, which enacted section 3 of this title. Section 3 of the Act was repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and sections 100751(a), 100752, 100753, and 102101 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272.

CODIFICATION

Subsecs. (a) to (f) are based on sections 1 to 6, respectively, of Pub. L. 85-922.

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Pub. L. 105-363, §4, Nov. 6, 1998, 112 Stat. 3298, authorized transfer from the United States of land within the El Portal Administrative Site to party conveying to United States an adjacent property known as the Yosemite View parcel, and provided for equalization of values of Federal and non-Federal lands, applicability of other laws to the exchange, boundary adjustment, map, and additional terms and conditions.

**§ 47-2. Leases for employee housing, community facilities, administrative offices, maintenance facilities, and commercial services at or on administrative site**

In furtherance of the purposes of section 47-1 of this title, the Secretary of the Interior is authorized, notwithstanding any other provision of law, to lease lands within the El Portal administrative site for periods of not to exceed ninety-nine years to any individual, including an employee of the United States Government, to any operator of concession facilities in the park, or the administrative site, or its successor, or to any public or private corporation or organization (including a nonprofit corporation) for purposes of providing employee housing, community facilities, administrative offices, maintenance facilities, and commercial services. Such

leases shall provide that if the lessee is a concessioner, corporation, or other organization (including a nonprofit corporation) such lessee may sublease the property to its employees, employees of the United States Government, or other individuals whose residence on the leased premises is solely in support of Yosemite National Park or the El Portal administrative site for terms not to exceed the remaining terms of such leases, and they shall be subject to such terms and conditions as the Secretary of the Interior may require to assure appropriate administration, protection, and development of the land for purposes incident to the provisions of facilities and services required in the operation and administration of the park: *Provided*, That the Secretary of the Interior shall grant such leases in consideration of payment to the United States of the fair rental value of the leased lands, as determined by him.

(Pub. L. 90-409, §1, July 21, 1968, 82 Stat. 393; Pub. L. 99-542, §1(1)-(3), Oct. 27, 1986, 100 Stat. 3037.)

CODIFICATION

Section formerly consisted of subsecs. (a) and (b) which were based on sections 1 and 2, respectively, of Pub. L. 90-409. Section 2 was renumbered section 3 of Pub. L. 90-409 and is classified to section 47-4 of this title. A new section 2 of Pub. L. 90-409 was added and is classified to section 47-3 of this title.

AMENDMENTS

1986—Pub. L. 99-542 substituted “not to exceed ninety-nine years to any individual, including an employee of the United States Government, to any operator of concession facilities in the park, or the administrative site, or its successor, or to any public or private corporation or organization (including a nonprofit corporation) for purposes of providing employee housing, community facilities, administrative offices, maintenance facilities, and commercial services” for “fifty-five years to any operator of concession facilities in the park, or its successor, for purposes of providing employee housing”, substituted “if the lessee is a concessioner, corporation, or other organization (including a nonprofit corporation) such lessee may sublease the property to its employees, employees of the United States Government, or other individuals whose residence on the leased premises is solely in support of Yosemite National Park or the El Portal administrative site” for “the concessioner may sublease the property to its employees”, struck out “an annual” before “payment” in proviso, and substituted a period for “at the beginning of each calendar year” after “him”.

LIMITATION ON NEW SPENDING AUTHORITY

Pub. L. 99-542, §2, Oct. 27, 1986, 100 Stat. 3038, provided that: “Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974 [2 U.S.C. 651]) which is provided under this Act [enacting sections 47-3 to 47-6 of this title and amending section 47-2 of this title] shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriation Acts or to the extent that proceeds are available from any leases issued by the Secretary pursuant to the first section of this Act [probably means section 1 of Pub. L. 90-409, 16 U.S.C. 47-2].”

**§ 47-3. Use of proceeds; administration of leases**

(a) Notwithstanding any other provision of law, the proceeds from any leases issued by the Secretary pursuant to section 47-2 of this title may be credited to the appropriation bearing

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

the cost of administering (directly or by contract) the leases and of constructing, improving, and maintaining roads, utilities, buildings, and other facilities within the El Portal administrative site. In the administration of the leases, the Secretary may contract for the management of the leases and of the leased premises, subject to such terms and conditions, including the right of the Secretary to purchase and sell the unexpired terms of leases and subleases, as will protect the interests of the United States. The Secretary may also contract for the use by him of any improvements to leased property for purposes of the El Portal administrative site or for purposes of Yosemite National Park, and he may use the proceeds from any leases for the purpose of making payments under any such contract.

(b) The Secretary may at any time acquire the unexpired term of any lease or sublease issued or entered into pursuant to sections 47-2 to 47-6 of this title by purchase with funds available from the proceeds of leases, or with donated or appropriated funds, or by donation or exchange. (Pub. L. 90-409, § 2, as added Pub. L. 99-542, § 1(4), Oct. 27, 1986, 100 Stat. 3037.)

#### PRIOR PROVISIONS

A prior section 2 of Pub. L. 90-409, which was classified to section 47-2(b) of this title, was renumbered section 3 of Pub. L. 90-409 and is classified to section 47-4 of this title.

#### § 47-4. Agreements to effectuate leases

The Secretary of the Interior may enter into agreements with other Federal agencies and with any concessioner or its successor in order to effectuate the purposes of sections 47-2 to 47-6 of this title.

(Pub. L. 90-409, § 3, formerly § 2, July 21, 1968, 82 Stat. 393; renumbered § 3, Pub. L. 99-542, § 1(4), Oct. 27, 1986, 100 Stat. 3037.)

#### CODIFICATION

Section was classified to section 47-2(b) of this title prior to renumbering by Pub. L. 99-542.

#### § 47-5. Regulations

After October 27, 1986, no lease may be issued for the purpose of providing housing or other facilities in the El Portal administrative site except in accordance with regulations promulgated by the Secretary of the Interior. Such regulations shall establish the qualifications of natural persons and corporations who may be eligible to acquire a lease and a sublease, the process to be used in establishing fees for such leases and subleases, and they shall set forth the circumstances under which the Secretary may elect to acquire any unexpired lease or sublease. Such regulations shall become effective only after sixty calendar days from the day on which they have been submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(Pub. L. 90-409, § 4, as added Pub. L. 99-542, § 1(5), Oct. 27, 1986, 100 Stat. 3038; amended Pub. L. 103-437, § 6(d)(6), Nov. 2, 1994, 108 Stat. 4583.)

#### AMENDMENTS

1994—Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

#### § 47-6. Conflicts of interest prohibited

In carrying out the provisions of sections 47-2 to 47-6 of this title, the Secretary shall take care that there be no opportunity for any personal influence by an employee of the Department of the Interior upon the availability of housing for other such employees or employees of persons in a contractual relationship with the Department. In the selection of lessees and sublessees, the issuance of leases and subleases, the establishment or<sup>1</sup> rental values, and the acquisition of any unexpired term of any lease or sublease, the Secretary shall act through an agent or agents appointed by the Secretary from among associations, corporations, or natural persons having no material, financial, legal, or equitable interest in the action proposed, other than a reasonable fee for their services.

(Pub. L. 90-409, § 5, as added Pub. L. 99-542, § 1(5), Oct. 27, 1986, 100 Stat. 3038.)

#### § 47a. Addition of certain lands to park authorized

For the purpose of preserving and consolidating timber stands along the western boundary of the Yosemite National Park the President of the United States is authorized, upon the joint recommendation of the Secretaries of Interior and Agriculture, to add to the Yosemite National Park, in the State of California, by Executive proclamation, section 1 and the north half of section 12, township 1 south, range 19 east, Mount Diablo meridian.

(May 9, 1930, ch. 234, § 1, 46 Stat. 265.)

#### § 47b. Inapplicability of certain laws to lands acquired under section 47a

The provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to any lands added to the Yosemite National Park under the authority of section 47a of this title.

(May 9, 1930, ch. 234, § 2, 46 Stat. 265.)

#### REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the “Act of June 10, 1920, known as the Federal Water Power Act,” and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, and 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.

#### § 47c. Acquisition of certain lands for preservation and consolidation of timber stands

For the purpose of preserving and consolidating certain timber stands along the western boundary of the Yosemite National Park, the President of the United States is authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to

<sup>1</sup> So in original. Probably should be “of”.