

- (i) transfer of administrative jurisdiction from the Department of Energy by agreement between the Secretary and the Secretary of Energy;
- (ii) donation;
- (iii) exchange; or
- (iv) in the case of land and interests in land within the eligible areas described in subparagraphs (A) and (B) of subsection (c)(2), purchase from a willing seller.

(B) No use of condemnation

The Secretary may not acquire by condemnation any land or interest in land under this section.

(C) Facilities

The Secretary may acquire land or interests in land in the vicinity of the Historical Park for visitor and administrative facilities.

(5) Donations; cooperative agreements

(A) Federal facilities

(i) In general

The Secretary may enter into one or more agreements with the head of a Federal agency to provide public access to, and management, interpretation, and historic preservation of, historically significant Manhattan Project resources under the jurisdiction or control of the Federal agency.

(ii) Donations; cooperative agreements

The Secretary may accept donations from, and enter into cooperative agreements with, State governments, units of local government, tribal governments, organizations, or individuals to further the purpose of an interagency agreement entered into under clause (i) or to provide visitor services and administrative facilities within reasonable proximity to the Historical Park.

(B) Technical assistance

The Secretary may provide technical assistance to State, local, or tribal governments, organizations, or individuals for the management, interpretation, and historic preservation of historically significant Manhattan Project resources not included within the Historical Park.

(C) Donations to Department of Energy

For the purposes of this section, or for the purpose of preserving and providing access to historically significant Manhattan Project resources, the Secretary of Energy may accept, hold, administer, and use gifts, bequests, and devises (including labor and services).

(g) Adjacent management

(1) In general

Nothing in this section creates a protective perimeter or buffer zone around the boundary of the Historical Park.

(2) Activities outside the boundary of the Historical Park

The fact that an activity or use on land outside the boundary of the Historical Park can

be seen or heard from within the boundary shall not preclude the activity or use outside the boundary of the Historical Park.

(h) No cause of action

Nothing in this section shall be construed to create a cause of action with respect to activities outside or adjacent to the established boundary of the Historical Park.

(Pub. L. 113-291, div. B, title XXX, § 3039, Dec. 19, 2014, 128 Stat. 3784.)

REFERENCES IN TEXT

The National Park System Organic Act (16 U.S.C. 1 et seq.), referred to in subsec. (f)(1)(B)(i), probably means the National Park Service Organic Act, act Aug. 25, 1916, ch. 408, 39 Stat. 535, 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.

The Act of August 21, 1935 (16 U.S.C. 461 et seq.), referred to in subsec. (f)(1)(B)(ii), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 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. 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.

CODIFICATION

In subsec. (f)(2), “section 100502 of title 54” substituted for “section 12(b) of Public Law 91-383 (commonly known as the National Park Service General Authorities Act; 16 U.S.C. 1a-7(b))” on authority of Pub. L. 113-287, § 6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

SUBCHAPTER LIX—TT—OREGON CAVES
NATIONAL MONUMENT AND PRESERVE

§ 410vvv. Oregon Caves National Monument and Preserve

(a) Definitions

In this section:

(1) Map

The term “map” means the map entitled “Oregon Caves National Monument and Preserve”, numbered 150/80,023, and dated May 2010.

(2) Monument

The term “Monument” means the Oregon Caves National Monument established by Presidential Proclamation Number 876 (36 Stat. 2497), dated July 12, 1909.

(3) National Monument and Preserve

The term “National Monument and Preserve” means the Oregon Caves National

Monument and Preserve designated by subsection (b)(1)(A).

(4) National Preserve

The term “National Preserve” means the National Preserve designated by subsection (b)(1)(B).

(5) Secretary

The term “Secretary” means the Secretary of the Interior.

(6) Secretary concerned

The term “Secretary concerned” means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management.

(7) State

The term “State” means the State of Oregon.

(b) Designations; land transfer; boundary adjustment

(1) Designations

(A) In general

The Monument and the National Preserve shall be administered as a single unit of the National Park System and collectively known and designated as the “Oregon Caves National Monument and Preserve”.

(B) National Preserve

The approximately 4,070 acres of land identified on the map as “Proposed Addition Lands” shall be designated as a National Preserve.

(2) Transfer of administrative jurisdiction

(A) In general

Administrative jurisdiction over the land designated as a National Preserve under paragraph (1)(B) is transferred from the Secretary of Agriculture to the Secretary, to be administered as part of the National Monument and Preserve.

(B) Exclusion of land

The boundaries of the Rogue River-Siskiyou National Forest are adjusted to exclude the land transferred under subparagraph (A).

(3) Boundary adjustment

The boundary of the National Monument and Preserve is modified to exclude approximately 4 acres of land—

(A) located in the City of Cave Junction; and

(B) identified on the map as the “Cave Junction Unit”.

(4) Availability of map

The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) References

Any reference in a law, map, regulation, document, paper, or other record of the United

States to the Monument shall be considered to be a reference to the “Oregon Caves National Monument and Preserve”.

(c) Administration

(1) In general

The Secretary shall administer the National Monument and Preserve in accordance with—

(A) this section;

(B) Presidential Proclamation Number 876 (36 Stat. 2497), dated July 12, 1909; and

(C) any law (including regulations) generally applicable to units of the National Park System, including the National Park Service Organic Act (16 U.S.C. 1 et seq.).¹

(2) Fire management

As soon as practicable after December 19, 2014, in accordance with paragraph (1), the Secretary shall—

(A) revise the fire management plan for the Monument to include the land transferred under subsection (b)(2)(A); and

(B) in accordance with the revised plan, carry out hazardous fuel management activities within the boundaries of the National Monument and Preserve.

(3) Existing Forest Service contracts

(A) In general

The Secretary shall—

(i) allow for the completion of any Forest Service stewardship or service contract executed as of December 19, 2014, with respect to the National Preserve; and

(ii) recognize the authority of the Secretary of Agriculture for the purpose of administering a contract described in clause (i) through the completion of the contract.

(B) Terms and conditions

All terms and conditions of a contract described in subparagraph (A)(i) shall remain in place for the duration of the contract.

(C) Liability

The Forest Service shall be responsible for any liabilities relating to a contract described in subparagraph (A)(i).

(4) Grazing

(A) In general

Subject to subparagraph (B), the Secretary may allow the grazing of livestock within the National Preserve to continue as authorized under permits or leases in existence as of December 19, 2014.

(B) Applicable law

Grazing under subparagraph (A) shall be—

(i) at a level not greater than the level at which the grazing exists as of December 19, 2014, as measured in Animal Unit Months; and

(ii) in accordance with each applicable law (including National Park Service regulations).

(5) Fish and wildlife

The Secretary shall permit hunting and fishing on land and waters within the National

¹ See References in Text note below.

Preserve in accordance with applicable Federal and State laws, except that the Secretary may, in consultation with the Oregon Department of Fish and Wildlife, designate zones in which, and establish periods during which, no hunting or fishing shall be permitted for reasons of public safety, administration, or compliance by the Secretary with any applicable law (including regulations).

(d) Voluntary grazing lease or permit donation program

(1) Donation of lease or permit

(A) Acceptance by Secretary concerned

The Secretary concerned shall accept a grazing lease or permit that is donated by a lessee or permittee for—

(i) the Big Grayback Grazing Allotment located in the Rogue River-Siskiyou National Forest; and

(ii) the Billy Mountain Grazing Allotment located on a parcel of land that is managed by the Secretary (acting through the Director of the Bureau of Land Management).

(B) Termination

With respect to each grazing permit or lease donated under subparagraph (A), the Secretary shall—

(i) terminate the grazing permit or lease; and

(ii) ensure a permanent end to grazing on the land covered by the grazing permit or lease.

(2) Effect of donation

A lessee or permittee that donates a grazing lease or grazing permit (or a portion of a grazing lease or grazing permit) under this section shall be considered to have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

(Pub. L. 113-291, div. B, title XXX, §3041, Dec. 19, 2014, 128 Stat. 3789.)

REFERENCES IN TEXT

Presidential Proclamation Number 876, referred to in subsecs. (a)(2) and (c)(1)(B), is listed in a table of National Monuments Established Under Presidential Proclamation set out under section 320301 of Title 54, National Park Service and Related Programs.

The National Park Service Organic Act (16 U.S.C. 1 et seq.), referred to in subsec. (c)(1)(C), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, 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.

CODIFICATION

Section is comprised of section 3041 of Pub. L. 113-291. Subsec. (e) of section 3041 of Pub. L. 113-291 amended sections 1274 and 1276 of this title.

SUBCHAPTER LX—NATIONAL MILITARY PARKS

§ 411. Omitted

CODIFICATION

Section, act May 15, 1896, ch. 182, §1, 29 Stat. 120; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501, related to military maneuvers. Section was restated as section 103301 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3165.

§ 412. Omitted

CODIFICATION

Section, act May 15, 1896, ch. 182, §2, 29 Stat. 121; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501, related to camps for military instruction; regulations for militia. Section was restated as section 103302 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3165.

§ 413. Omitted

CODIFICATION

Section, act Mar. 3, 1897, ch. 372, §§1, 5, 29 Stat. 621, 622, related to offenses relating to structures and vegetation. Section was restated as section 1865(c) of Title 18, Crimes and Criminal Procedure, by Pub. L. 113-287, §4(a)(1), Dec. 19, 2014, 128 Stat. 3260.

§ 414. Omitted

CODIFICATION

Section, act Mar. 3, 1897, ch. 372, §§2, 5, 29 Stat. 621, 622, related to trespassing for hunting or shooting. Section was restated as section 1865(d) of Title 18, Crimes and Criminal Procedure, by Pub. L. 113-287, §4(a)(1), Dec. 19, 2014, 128 Stat. 3260.

§ 415. Repealed. Pub. L. 91-383, §10(a)(1), as added Pub. L. 94-458, §2, Oct. 7, 1976, 90 Stat. 1941

Section, act Mar. 3, 1897, ch. 372, §§3, 5, 29 Stat. 621, 622, authorized superintendent or any guardian of a national military park to arrest and prosecute anyone engaged or who may have been engaged in committing any misdemeanor named in former sections 413 and 414 of this title.

§ 416. Omitted

CODIFICATION

Section, act Mar. 3, 1897, ch. 372, §§4, 5, 29 Stat. 622, related to refusal to surrender leased land within national military parks. Section was restated as section 103304 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3166.

§ 417. Omitted

CODIFICATION

Section, act Aug. 18, 1894, ch. 301, §1, 28 Stat. 405, authorized acceptance of donations of land for road or other purposes, and is considered obsolete by the Judge Advocate General. See J.A.G. 601.1, June 27, 1935.

§ 418. Repealed. Feb. 20, 1931, ch. 235, 46 Stat. 1191

Section, act Mar. 3, 1925, ch. 418, 43 Stat. 1104, was in opinion of Judge Advocate General repealed by act Feb. 20, 1931, providing that no real estate of the Department of the Army should be disposed of without authority of Congress and providing “all existing acts or