

(Pub. L. 90-468, § 4, Aug. 8, 1968, 82 Stat. 664; Pub. L. 95-625, title VI, § 611, Nov. 10, 1978, 92 Stat. 3521.)

REFERENCES IN TEXT

The National Industrial Recovery Act of June 16, 1933, referred to in subsec. (a), is act June 16, 1933, ch. 90, 48 Stat. 195, as amended. Title II of the Act was classified principally to subchapter I (§ 401 et seq.) of chapter 8 of former Title 40, Public Buildings, Property, and Works, and was terminated June 30, 1943 by act June 27, 1942, ch. 450, § 1, 56 Stat. 410. Provisions of title II of the Act which were classified to former Title 40 were repealed by Pub. L. 107-217, § 6(b), Aug. 21, 2002, 116 Stat. 1304. For complete classification of this Act to the Code, see Tables.

Executive Order Numbered 7868, dated April 15, 1938, referred to in subsec. (a), was not classified to the Code.

CHANGE OF NAME

Word "park" substituted for "monument" in subsecs. (a) to (c) pursuant to Pub. L. 95-625, § 611, which is classified to section 441e-1 of this title and which redesignated Badlands National Monument as Badlands National Park.

§ 441n. Lands outside gunnery range; exchange of lands; reservation of mineral rights; grazing and mineral development rights of Indians; execution of instruments; trust title

(a) Exchange of lands; mineral and grazing rights

Title to all Federal lands and interests in lands within the boundaries of the Badlands Air Force gunnery range that are outside the boundaries of the park, and that are transferred to the administrative jurisdiction of the Secretary of the Interior as provided in section 441l(a) of this title, including lands hereafter declared to be excess, and that are not selected under sections 441l(b) or 441m of this title, and title to all lands within the boundaries of the park that were acquired by the United States for the Badlands Air Force gunnery range, subject to any life estate conveyed pursuant to section 441m(c) of this title and subject to restrictions on use that may be prescribed in regulations applicable to the park, which regulations may include provisions for the protection of the black-footed ferret, may be conveyed to the Oglala Sioux Tribe in exchange (i) for the right of the United States to use all tribal land within the park for park purposes, including the right to manage fish and wildlife and other resources and to construct visitor use and administrative facilities thereon, and (ii) for title to three thousand one hundred fifteen and sixty-three one-hundredths acres of land owned by the Oglala Sioux Tribe and located in the area of the Badlands Air Force gunnery range which is not excess to the needs of the Department of the Air Force and which is encompassed in civil action numbered 859 W.D. in the United States District Court for the District of South Dakota, if such exchange is approved by the Oglala Sioux Tribal Council. The lands acquired under paragraph (ii) shall become a part of the Badlands Air Force gunnery range retained by the Department of the Air Force. The United States and the Oglala Sioux Tribe shall reserve all mineral rights in the lands so conveyed. The right of the United States to use for park purposes lands that were tribally owned

prior to August 8, 1968, shall not impair the right of the Oglala Sioux Tribe to use such lands for grazing purposes and mineral development, including development for oil and gas.

(b) Execution of instruments

The Oglala Sioux Tribal Council may authorize the execution of the necessary instruments to effect the exchange on behalf of the tribe, and the Secretary may execute the necessary instruments on behalf of the United States.

(c) Trust title

After the exchange is effected the title of the Oglala Sioux Tribe to the property acquired by the exchange shall be held in trust subject to the same restrictions and authorities that apply to other lands of the tribe that are held in trust.

(Pub. L. 90-468, § 5, Aug. 8, 1968, 82 Stat. 665; Pub. L. 95-625, title VI, § 611, Nov. 10, 1978, 92 Stat. 3521.)

CHANGE OF NAME

Word "park" substituted for "monument" in subsec. (a) pursuant to Pub. L. 95-625, § 611, which is classified to section 441e-1 of this title and which redesignated Badlands National Monument as Badlands National Park.

§ 441o. Facilities for interpretation of park and history of Sioux Nation; conveyance of reservation lands; submission of terms to Congressional committees

The Oglala Sioux Tribe may convey and the Secretary of the Interior may acquire not to exceed forty acres of tribally owned lands on the Pine Ridge Indian Reservation for the purpose of erecting thereon permanent facilities to be used to interpret the natural phenomena of the park and the history of the Sioux Nation: *Provided*, That no such conveyance shall be made until sixty days after the terms thereof have been submitted to the Interior and Insular Affairs Committees of the House of Representatives and the Senate.

(Pub. L. 90-468, § 6, Aug. 8, 1968, 82 Stat. 666; Pub. L. 95-625, title VI, § 611, Nov. 10, 1978, 92 Stat. 3521.)

CHANGE OF NAME

Word "park" substituted in text for "monument" pursuant to Pub. L. 95-625, § 611, which is classified to section 441e-1 of this title and which redesignated Badlands National Monument as Badlands National Park.

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 442. George Washington Birthplace National Monument

The land owned by the United States at Wakefield, Westmoreland County, Virginia, and all structures thereon shall constitute the George

Washington Birthplace National Monument at Wakefield, Virginia, which is established and set apart for the preservation of the historical associations connected therewith, for the benefit and enjoyment of the people, and the said national monument shall be after January 23, 1930, administered by the National Park Service under the direction of the Secretary of the Interior subject to the provisions of the Act of August 25, 1916 (Thirty-ninth Statutes, page 535),¹ as amended.

(Jan. 23, 1930, ch. 24, §§ 1, 2, 46 Stat. 58.)

REFERENCES IN TEXT

The Act of August 25, 1916 (Thirty-ninth Statutes, page 535), 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.

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 in the Appendix to Title 5, Government Organization and Employees.

GEORGE WASHINGTON'S BOYHOOD HOME, FERRY FARM

Pub. L. 105-355, title V, § 509, Nov. 6, 1998, 112 Stat. 3264, provided that:

“(a) ACQUISITION OF EASEMENT.—The Secretary of the Interior may acquire no more than a less than fee interest in the property generally known as George Washington's Boyhood Home, Ferry Farm, located in Stafford County, Virginia, across the Rappahannock River from Fredericksburg, Virginia, comprising approximately 85 acres as generally depicted on the map entitled ‘George Washington Birthplace National Monument Boundary Map’, numbered 322/80,020, and dated April 1998, to ensure the preservation of the important cultural and natural resources associated with Ferry Farm. The Secretary of the Interior shall keep the map on file and available for public inspection in appropriate offices of the National Park Service.

“(b) MANAGEMENT OF EASEMENT.—The Secretary shall enter into a cooperative agreement with Kenmore Association, Inc., for the management of Ferry Farm pending completion of the study referred to in subsection (c).

“(c) RESOURCE STUDY.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives a resource study of the property described in subsection (a). The study shall—

“(1) identify the full range of resources and historic themes associated with Ferry Farm, including those associated with George Washington's tenure at the property and those associated with the Civil War period;

“(2) identify alternatives for further National Park Service involvement at the property beyond those

that may be provided for in the acquisition authorized under subsection (a); and

“(3) include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified.

“(d) AGREEMENTS.—Upon completion of the resource study under subsection (c), the Secretary of the Interior may enter into an agreement with the owner of the property described in subsection (a) or other entities for the purpose of providing programs, services, facilities, or technical assistance that further the preservation and public use of the property.”

REVISION OF BOUNDARIES; ACQUISITION OF LANDS; ADMINISTRATION; AUTHORIZATION OF APPROPRIATIONS

Pub. L. 107-354, Dec. 17, 2002, 116 Stat. 2984, provided that:

“SECTION 1. ADDITION TO NATIONAL MONUMENT.

“The boundaries of the George Washington Birthplace National Monument (hereinafter referred to as the ‘National Monument’) are hereby modified to include the area comprising approximately 115 acres, as generally depicted on the map entitled ‘George Washington Birthplace National Monument Boundary Map’, numbered 332/80,023 and dated October 2001, which shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

“SEC. 2. ACQUISITION OF LANDS.

“Within the boundaries of the National Monument, the Secretary of the Interior (hereinafter referred to as the ‘Secretary’) is authorized to acquire lands, or interests therein, from willing owners by donation, purchase with donated money or appropriated funds, or exchange.

“SEC. 3. ADMINISTRATION OF NATIONAL MONUMENT.

“In administering the National Monument, the Secretary shall take actions necessary to preserve and interpret the history and resources associated with George Washington, the generations of the Washington family who lived in the vicinity and their contemporaries, and 18th century plantation life and society.”

Pub. L. 103-25, May 3, 1993, 107 Stat. 68, provided that:

“SECTION 1. ADDITION TO NATIONAL MONUMENT.

“The boundaries of the George Washington Birthplace National Monument (hereinafter referred to as the ‘National Monument’) are hereby modified to include the area comprising approximately 12 acres, as generally depicted on the map entitled ‘George Washington Birthplace National Monument Boundary Map’, numbered 332/80,011A and dated September 1992, which shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

“SEC. 2. ACQUISITION OF LANDS.

“Within the boundaries of the National Monument, the Secretary of the Interior (hereinafter referred to as the ‘Secretary’) is authorized to acquire lands, or interests therein, by donation, purchase with donated or appropriated funds, or exchange.

“SEC. 3. ADMINISTRATION OF NATIONAL MONUMENT.

“In administering the National Monument, the Secretary shall take such action as is necessary to preserve and interpret the history and resources associated with George Washington, the generations of the Washington family who lived in the vicinity, and their contemporaries, as well as 18th century plantation life and society.

“SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary to carry out this Act.”

¹ See References in Text note below.

ADDITIONAL LANDS

Additional lands were added to and made part of the monument by Presidential Proc. No. 1944, Mar. 30, 1931, 47 Stat. 2446.

§§ 443 to 443f. Transferred

CODIFICATION

Sections, acts July 3, 1930, ch. 837, §§1-7, 46 Stat. 856; Mar. 3, 1931, ch. 405, 46 Stat. 1490; June 5, 1936, ch. 525, §§1, 2, 49 Stat. 1483, which related to Colonial National Historical Park, were transferred to sections 81, 81a, 81c, and 81e to 81i of this title.

§ 444. Petrified Forest National Monument; elimination of private holdings of land within boundaries; exchange of lands

The Secretary of the Interior, for the purpose of eliminating private holdings of land within the Petrified Forest National Monument, Arizona, is empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of the Petrified Forest National Monument, Arizona, as now or as may be hereafter defined, by accepting from the owners of such privately owned lands complete relinquishment thereof and by granting and patenting to such owners in exchange therefor, in each instance, like public lands of equal value situated in Navajo and/or Apache Counties, in the State of Arizona, after due notice of the proposed exchange has been given by publication for not less than thirty days in the counties where the lands proposed to be exchanged or taken in exchange are located: *Provided*, That the Secretary of the Interior shall, on application or otherwise, designate public lands located outside the extreme boundaries of the said monument subject to exchange under this section which are, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of character similar to the privately owned lands offered in exchange.

(May 14, 1930, ch. 271, §1, 46 Stat. 278.)

DISESTABLISHMENT OF PETRIFIED FOREST NATIONAL MONUMENT

Disestablishment of Petrified Forest National Monument upon establishment of Petrified Forest National Park, see section 119 of this title.

§ 444a. Ascertainment of value of lands offered for exchange; evidence of title

The value of all patented lands within said monument offered for exchange, and the value of the lands of the United States to be given in exchange therefor, shall be ascertained in such manner as the Secretary of the Interior may direct; and the owners of such privately owned lands within said monument shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and lands conveyed to the United States under section 444 of this title shall be and remain a part of the Petrified Forest National Monument.

(May 14, 1930, ch. 271, §2, 46 Stat. 278.)

DISESTABLISHMENT OF PETRIFIED FOREST NATIONAL MONUMENT

Disestablishment of Petrified Forest National Monument upon establishment of Petrified Forest National Park, see section 119 of this title.

§ 445. Canyon De Chelly National Monument; establishment; boundaries

With the consent of the tribal council of the Navajo Tribe of Indians, the President of the United States is authorized to establish by presidential proclamation the Canyon De Chelly National Monument, within the Navajo Indian Reservation, Arizona, including the lands hereinafter described.

All lands in Del Muerto, De Chelly, and Monument Canyons, in the canyons tributary thereto, and the lands within one-half mile of the rims of the said canyons, situated in unsurveyed townships 4 and 5 north, range 7 west; townships 4, 5, and 6 north, range 8 west; townships 4 and 5 north, range 9 west; and in surveyed townships 4 and 5 north, range 6 west; townships 3, 6, and 7 north, range 7 west; township 6 north, range 9 west; and township 5 north, range 10 west; embracing about eighty-three thousand eight hundred and forty acres, all of the Navajo meridian, in Arizona.

(Feb. 14, 1931, ch. 188, §1, 46 Stat. 1161; Mar. 1, 1933, ch. 161, 47 Stat. 1419.)

AMENDMENTS

1933—Act Mar. 1, 1933, redescribed lands referred to in second par.

ESTABLISHMENT OF MONUMENT; BOUNDARIES

Monument and boundaries established by Presidential Proc. No. 1945, Apr. 1, 1931, 47 Stat. 2448; Proc. No. 2036, Mar. 3, 1933, 47 Stat. 2562.

§ 445a. Rights and privileges of Navajo Indians in canyons

Nothing herein shall be construed as in any way impairing the right, title, and interest of the Navajo Tribe of Indians which they now have and hold to all lands and minerals, including oil and gas, and the surface use of such lands for agricultural, grazing, and other purposes, except as defined in section 445b of this title; and the said tribe of Indians is granted the preferential right, under regulations to be prescribed by the Secretary of the Interior, of furnishing riding animals for the use of visitors to the monument.

(Feb. 14, 1931, ch. 188, §2, 46 Stat. 1161.)

REFERENCES IN TEXT

Herein, referred to in text, means act Feb. 14, 1931, which is classified to sections 445 to 445b of this title. For complete classification of this Act to the Code, see Tables.

§ 445b. Administration by National Park Service; powers and duties

The National Park Service, under the direction of the Secretary of the Interior, is charged with the administration of the area of said national monument, so far as it applies to the care, maintenance, preservation and restoration of the prehistoric ruins, or other features of sci-