

(2) Eight members to be appointed from recommendations submitted by the Governor of the State of Maryland, the Governor of the State of West Virginia, the Governor of the Commonwealth of Virginia, and the Mayor of the District of Columbia, of which two members shall be appointed from recommendations submitted by each such Governor or Mayor, as the case may be; and

(3) Three members to be appointed by the Secretary, one of whom shall be designated Chairman of the Commission and two of whom shall be members of regularly constituted conservation organizations.

(c) Vacancies

Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made. A member may serve after the expiration of his term until his successor has taken office.

(d) Compensation and payment of expenses

Members of the Commission shall serve without compensation, as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this subchapter.

(e) Consultation by Secretary

The Secretary, or his designee, shall from time to time but at least annually, meet and consult with the Commission on general policies and specific matters related to the administration and development of the park.

(f) Majority vote

The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(g) Termination

The Commission shall cease to exist 40 years from January 8, 1971.

(Pub. L. 91-664, §6, Jan. 8, 1971, 84 Stat. 1980; Pub. L. 93-198, title IV, §421, Dec. 24, 1973, 87 Stat. 789; Pub. L. 96-555, Dec. 19, 1980, 94 Stat. 3260; Pub. L. 101-320, July 3, 1990, 104 Stat. 292; Pub. L. 106-554, §1(a)(4) [div. B, title I, §134], Dec. 21, 2000, 114 Stat. 2763, 2763A-230.)

Editorial Notes

AMENDMENTS

2000—Subsec. (g). Pub. L. 106-554 substituted “40” for “thirty”.

1990—Subsec. (c). Pub. L. 101-320, §1(a), inserted at end “A member may serve after the expiration of his term until his successor has taken office.”

Subsec. (g). Pub. L. 101-320, §1(b), substituted “thirty” for “twenty”.

1980—Subsec. (g). Pub. L. 96-555 substituted “twenty” for “ten”.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, “Mayor” substituted in subsec. (b)(2) for “Commissioner” in two places.

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Pub. L. 113-178, §1, Sept. 26, 2014, 128 Stat. 1912, provided that: “The Chesapeake and Ohio Canal National Historical Park Commission (referred to in this Act [enacting this note] as the ‘Commission’) is authorized in accordance with the provisions of section 6 of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4), except that the Commission shall terminate 10 years after the date of enactment of this Act [Sept. 26, 2014].”

§ 410y-5. Administration

The Chesapeake and Ohio Canal National Historical Park shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (30 Stat. 535; 16 U.S.C. 1, 2-4),¹ as amended and supplemented.

(Pub. L. 91-664, §7, Jan. 8, 1971, 84 Stat. 1980.)

Editorial Notes

REFERENCES IN TEXT

The Act of August 25, 1916 (30 Stat. 535; 16 U.S.C. 1, 2-4), 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.

§ 410y-6. Availability of funds; authorization of appropriations; adjustment of appropriations

(a) Any funds that may be available for purposes of administration of the Chesapeake and Ohio Canal property may hereafter be used by the Secretary for the purposes of the park.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, not to exceed \$28,400,000 for land acquisition and not to exceed \$17,000,000 (1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

(Pub. L. 91-664, §8, Jan. 8, 1971, 84 Stat. 1980; Pub. L. 95-625, title III, §320, Nov. 10, 1978, 92 Stat. 3488.)

Editorial Notes

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-625 substituted “\$28,400,000” for “\$20,400,000”.

¹ See References in Text note below.

SUBCHAPTER LVII—BOSTON NATIONAL
HISTORICAL PARK

§ 410z. Establishment

(a) Acquisition of properties by donation or with donated funds

In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain historic structures and properties of outstanding national significance located in Boston, Massachusetts, and associated with the American Revolution and the founding and growth of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") may, in accordance with the provisions of this subchapter, acquire by donation or by purchase with donated funds, all lands and improvements thereon or interests therein comprising the following described areas:

- (1) Faneuil Hall, located at Dock Square, Boston;
- (2) Paul Revere House, 19 North Square, Boston;
- (3) The area identified as the Old North Church area, 193 Salem Street, Boston;
- (4) The Old State House, Washington and State Streets, Boston;
- (5) Bunker Hill, Breeds Hill, Boston;
- (6) Old South Meeting House, Milk and Washington Streets, Boston;
- (7) Charlestown Navy Yard; and
- (8) Dorchester Heights, Boston.

(b) Acquisition of properties with appropriated funds

In the event that the properties described in this section are not donated to the United States or purchased with donated funds, they may be acquired by the Secretary with appropriated funds: *Provided*, That, except for privately held lands within the Charlestown Navy Yard as described in subsection (d) of this section, the Secretary shall not acquire any such properties by eminent domain so long as he determines that a binding, written cooperative agreement, assuring the preservation and historical integrity of such properties remains in force and effect. Lands owned by the Commonwealth of Massachusetts, or any of its political subdivisions, may be acquired only by donation.

(c) Publication of notice

At such time as the Secretary determines that sufficient lands, improvements, and interests therein have been acquired or that cooperative agreements satisfying the preservation and historical objective of this subchapter have been executed, he may establish the Boston National Historical Park by publication of notice to that effect in the Federal Register, together with a detailed description or map setting forth the properties included therein.

(d) Charlestown Navy Yard

As used in this section, the Charlestown Navy Yard shall include the United States Ship Constitution and the lands generally depicted on the map entitled "Boundary Map: Charlestown Naval Shipyard—U.S.S. Constitution, Boston National Historical Park", numbered BONA 20,000 and dated March 1974 which shall be on file

and available in the offices of the Director of the National Park Service, Department of the Interior, Washington, D.C. As used in this section, the Charlestown Navy Yard shall also include the properties known as the Ropewalk and Tar House and the Chain Forge and Round House, designated on such map as buildings numbered 58, 60, and 105. All right, title, and interest in the Federal properties and improvements included therein shall be transferred to the Secretary of the Interior: *Provided*, That he may, by written agreement with the Secretary of the Navy, permit the continued use of any such buildings and facilities as the Secretary of the Interior determines to be necessary for the preservation and maintenance of the Constitution, which agreement shall provide that the Department of the Navy shall transfer to the Department of the Interior funds sufficient to cover the costs attributable to the functions and services which are provided by the Department of the Interior. The Secretary shall consult with representatives of the city of Boston and the Commonwealth of Massachusetts concerning the development of suitable transportation plans consistent with the purposes for which the Navy Yard was included in the historical park and the Secretary is authorized to grant, in accordance with such terms and conditions as he deems necessary and consistent with the purposes of this subchapter, easements and rights-of-way to the Commonwealth of Massachusetts or any political subdivision thereof including the Boston Redevelopment Authority for purposes of the vehicular, pedestrian and utility access to that portion of the Boston Navy Yard outside the boundaries of the Park. Such grants of easements and rights-of-way shall be upon the express condition that the grantee convey to the United States the property known as Building No. 107, being a part of the Boston Navy Yard and owned by the Boston Redevelopment Authority.

(Pub. L. 93-431, § 2, Oct. 1, 1974, 88 Stat. 1184; Pub. L. 95-625, title III, § 310(a), (d), Nov. 10, 1978, 92 Stat. 3478; Pub. L. 96-344, § 5, Sept. 8, 1980, 94 Stat. 1134.)

Editorial Notes

AMENDMENTS

1980—Subsec. (d). Pub. L. 96-344 inserted provision including within the Charlestown Navy Yard properties known as the Ropewalk and Tar House and the Chain Forge and Round House, designated as buildings numbered 58, 60, and 105.

1978—Subsec. (a)(8). Pub. L. 95-625, § 310(a), added par. (8).

Subsec. (d). Pub. L. 95-625, § 310(d), authorized grant of easements and rights-of-way for vehicular, pedestrian and utility access to the Boston Navy Yard outside the boundaries of the Boston National Historical Park upon express condition that the grantee convey to the United States the part of the Boston Navy Yard owned by the Boston Redevelopment Authority.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 93-431, § 1, Oct. 1, 1974, 88 Stat. 1184, provided: "That this Act [enacting this subchapter] may be cited as the 'Boston National Historical Park Act of 1974'."