

from Federal lands within the boundary of the Ozark National Scenic Riverways unless—

(1) the entity with whom the Secretary has entered into the agreement under subsection (a), following notice and a 90-day response period, substantially fails to meet the terms and conditions of the agreement;

(2) the number of free-roaming horses exceeds 50; or

(3) in the case of an emergency or to protect public health and safety, as defined in the agreement.

**(c) Construction; liability of United States**

Nothing in this section shall be construed as creating liability for the United States for any damages caused by the free-roaming horses to property located inside or outside the boundaries of the Ozark National Scenic Riverways.

(Pub. L. 88-492, §7, Aug. 27, 1964, 78 Stat. 609; Pub. L. 104-333, div. I, title VIII, §803(b), Nov. 12, 1996, 110 Stat. 4186.)

**Editorial Notes**

CODIFICATION

November 12, 1996, referred to in subsec. (a), was in the original “enactment of this section” and “the date of the enactment of this section”, respectively, which were translated as meaning the date of enactment of Pub. L. 104-333, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1996—Pub. L. 104-333 amended section generally, substituting provisions relating to free-roaming horses for provisions relating to Ozark National Scenic Riverways Commission.

**§ 460m-7. Authorization of appropriations**

There are hereby authorized to be appropriated such sums (but not more than \$10,804,000 for the acquisition of lands or interests in lands) as are necessary to carry out the purposes of this subchapter.

(Pub. L. 88-492, §8, Aug. 27, 1964, 78 Stat. 610; Pub. L. 92-272, title I, §101(7), Apr. 11, 1972, 86 Stat. 120.)

**Editorial Notes**

AMENDMENTS

1972—Pub. L. 92-272 increased maximum amount authorized to be appropriated for acquisition of lands or interests in lands from not more than \$7,000,000 to not more than \$10,804,000.

SUBCHAPTER LXXI—BUFFALO NATIONAL RIVER

**§ 460m-8. Establishment**

For the purposes of conserving and interpreting an area containing unique scenic and scientific features, and preserving as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the “Secretary”) may establish and administer the Buffalo National River. The boundaries of the national river shall be as generally depicted on the drawing entitled “Proposed Buffalo National

River” numbered NR-BUF-7103 and dated December 1967, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary is authorized to make minor revisions of the boundaries of the national river when necessary, after advising the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate in writing, but the total acreage within such boundaries shall not exceed ninety-five thousand seven hundred and thirty acres.

(Pub. L. 92-237, §1, Mar. 1, 1972, 86 Stat. 44; Pub. L. 103-437, §6(n)(1), Nov. 2, 1994, 108 Stat. 4586.)

**Editorial Notes**

AMENDMENTS

1994—Pub. L. 103-437 substituted “Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate” for “Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate”.

**§ 460m-9. Acquisition of lands and waters**

**(a) Donation, purchase, and exchange; reimbursement of State of Arkansas**

Within the boundaries of the Buffalo National River, the Secretary may acquire lands and waters or interests therein by donation, purchase or exchange, except that lands owned by the State of Arkansas or a political subdivision thereof may be acquired only by donation: *Provided*, That the Secretary may, with funds appropriated for development of the area, reimburse such State for its share of the cost of facilities developed on State park lands if such facilities were developed in a manner approved by the Secretary and if the development of such facilities commenced subsequent to March 1, 1972: *Provided further*, That such reimbursement shall not exceed a total of \$375,000. When an individual tract of land is only partly within the boundaries of the national river, the Secretary may acquire all of the tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside of the boundaries of the national river may be exchanged by the Secretary for non-Federal lands within the national river boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41. With the concurrence of the agency having custody thereof, any Federal property within the boundaries of the national river may be transferred without consideration to the administrative jurisdiction of the Secretary for administration as part of the national river.

**(b) Retention of rights**

Except for property which the Secretary determines to be necessary for the purposes of administration, development, access or public use, an owner or owners (hereafter referred to as “owner”) of any improved property which is used solely for noncommercial residential pur-