

Indian owner of the land, and with the further exception that other fees and revenues obtained from mineral development and from activities under other public land laws within the recreation area shall be disposed of in accordance with the provisions of the applicable laws.

(Pub. L. 88-639, §8, Oct. 8, 1964, 78 Stat. 1041.)

**§ 460n-8. United States magistrate judge: appointment; functions; probation; fees**

A United States magistrate judge shall be appointed for that portion of the Lake Mead National Recreation Area that is situated in Mohave County, Arizona. Such magistrate judge shall be appointed by the United States district court having jurisdiction thereover, and the magistrate judge shall serve as directed by such court, as well as pursuant to, and within the limits of, the authority of said court.

The functions of the magistrate judge shall include the trial and sentencing of persons charged with the commission of misdemeanors and infractions as defined in section 3581 of title 18. The exercise of additional functions by the magistrate judge shall be consistent with and be carried out in accordance with the authority, laws, and regulations, of general application to United States magistrate judges. The probation laws shall be applicable to persons tried by the magistrate judge and he shall have power to grant probation. The magistrate judge shall receive the fees, and none other, provided by law for like or similar services.

(Pub. L. 88-639, §9, Oct. 8, 1964, 78 Stat. 1041; Pub. L. 98-473, title II, §222, Oct. 12, 1984, 98 Stat. 2028; Pub. L. 100-702, title IV, §404(c), Nov. 19, 1988, 102 Stat. 4651; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

**Editorial Notes**

AMENDMENTS

1988—Pub. L. 100-702 struck out after second sentence of second par. “The provisions of title 18, section 3402, and the rules of procedure and practice prescribed by the Supreme Court pursuant thereto, shall apply to all cases handled by such magistrate.”

1984—Pub. L. 98-473, §222(a), substituted “magistrate” for “commissioner” wherever appearing in first par.

Pub. L. 98-473, §222(b), substituted provisions relating to trial and sentencing of persons charged with misdemeanors and infractions as defined in section 3581 of title 18, for provisions relating to trial and sentencing of persons committing petty offenses as defined in title 18, section 1, and right of election of such persons to be tried in the district court of the United States.

**Statutory Notes and Related Subsidiaries**

CHANGE OF NAME

“United States magistrate judge”, “magistrate judge”, and “United States magistrate judges” substituted for “United States magistrate”, “magistrate”, and “United States magistrates”, respectively, wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-702 effective Dec. 1, 1988, see section 407 of Pub. L. 100-702, set out as a note under section 2071 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

**§ 460n-9. Authorization of appropriations**

There are hereby authorized to be appropriated not more than \$7,100,000 for the acquisition of land and interests in land pursuant to section 460n-1 of this title.

(Pub. L. 88-639, §10, Oct. 8, 1964, 78 Stat. 1041; Pub. L. 93-477, title I, §101(12), Oct. 26, 1974, 88 Stat. 1445.)

**Editorial Notes**

AMENDMENTS

1974—Pub. L. 93-477 substituted “\$7,100,000” for “\$1,200,000”.

SUBCHAPTER LXXIII—DELAWARE WATER GAP NATIONAL RECREATION AREA

**§ 460o. Establishment**

In order to further the purposes of the joint resolution approved September 27, 1961 (re Delaware River Basin compact; 75 Stat. 688), and to provide in a manner coordinated with the other purposes of the Tocks Island Reservoir project, for public outdoor recreation use and enjoyment of the proposed Tocks Island Reservoir and lands adjacent thereto by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, the Secretary of the Interior is authorized, as herein provided, to establish and administer the Delaware Water Gap National Recreation Area, hereinafter referred to as the “area”, as part of the Tocks Island Reservoir project, hereinafter referred to as “the project”.

(Pub. L. 89-158, §1, Sept. 1, 1965, 79 Stat. 612.)

**Editorial Notes**

REFERENCES IN TEXT

The joint resolution approved September 27, 1961, referred to in text, is Pub. L. 87-328, which was not classified to the Code.

**Statutory Notes and Related Subsidiaries**

JOSEPH M. MCDADE RECREATIONAL TRAIL

Pub. L. 105-277, div. A, §101(e) [title I, §118], Oct. 21, 1998, 112 Stat. 2681-231, 2681-257, provided that: “The 37 mile River Valley Trail from the town of Delaware Gap to the edge of the town of Milford, Pennsylvania located within the Delaware Water Gap National Recreation Area shall hereafter be referred to in any law, regulation, document, or record of the United States as the Joseph M. McDade Recreational Trail.”

DELAWARE WATER GAP NATIONAL RECREATION AREA  
CITIZEN ADVISORY COMMISSION

Pub. L. 100-573, Oct. 31, 1988, 102 Stat. 2890, as amended by Pub. L. 104-333, div. I, title VIII, §814(d)(1)(K), Nov. 12, 1996, 110 Stat. 4196; Pub. L. 105-355, title V, §507, Nov. 6, 1998, 112 Stat. 3264; Pub. L. 106-176, title III, §301, Mar. 10, 2000, 114 Stat. 31, established Delaware Water

Gap National Recreation Area Citizen Advisory Commission to advise Secretary of the Interior on management and operation of Delaware Water Gap National Recreation Area, and other matters affecting the recreation area and surrounding communities, and terminated Commission on the date that is 20 years after Oct. 31, 1988.

**§ 460o-1. Acquisition of lands**

**(a) Authority of Secretary of Army; transfer of jurisdiction over lands to Secretary of the Interior; authority of such Secretary; retention of use and occupancy rights; termination and transfer of authority and funds; acquisition priorities**

The Secretary of the Army is authorized and directed to acquire, by such means as he may deem to be in the public interest, and as a part of his acquisition of properties for the project, lands and interests therein within the boundaries of the area, as generally depicted on the drawing entitled "Proposed Tocks Island National Recreation Area" dated and numbered September 1962, NRA-TI-7100, which drawing is on file in the Office of the National Park Service, Department of the Interior. In acquiring these lands, the Secretary of the Army may utilize such statutory authorities as are available to him for the acquisition of project lands: *Provided*, That the Secretary of the Army shall acquire no lands or interests in land by exchange for lands or interests in land in Federal ownership unless the latter are in the States of Pennsylvania, New Jersey, or New York. Periodically, and as soon as practicable after such lands and interests within the area are acquired, the Secretary of the Army shall transfer jurisdiction thereover to the Secretary of the Interior for the purposes of this subchapter. Beginning on November 10, 1978, the Secretary of the Interior is authorized to acquire for purposes of the recreation area established under this subchapter all lands and interests therein within the exterior boundaries of the area depicted on the drawing referred to in this subsection (including any lands within such exterior boundaries designated for acquisition by the Secretary of the Army in connection with the project referred to in this subsection). In exercising such authority, the Secretary of the Interior may permit the retention of rights of use and occupancy in the same manner as provided in the case of acquisitions by the Secretary of the Army under subsection (d). On November 10, 1978, the acquisition authorities of any other Federal agency contained in this subsection shall terminate and the head of any other Federal agency shall transfer to the Secretary of the Interior jurisdiction over all lands and interests therein acquired by said agency under the authority of this subchapter, or any other authority of law which lands are within the exterior boundaries of the area depicted on the drawing referred to in this subsection. On November 10, 1978, all unexpended balances available to any other Federal agency for acquisition of land within the exterior boundaries referred to in the preceding sentence shall be transferred to the Secretary of the Interior to be used for such purposes. In carrying out his acquisition authority under this section the Secretary shall give priority to the following:

(1) completion of acquisition of lands for which condemnation proceedings have been started pursuant to the authorization of the project referred to in this subsection;

(2) acquisition of lands of beneficial owners, not being a corporation, who in the judgment of the Secretary would suffer hardship if acquisition of their lands were delayed;

(3) acquisition of lands on which, in the judgment of the Secretary, there is an imminent danger of development that would be incompatible with the purposes of the recreation area;

(4) acquisition of lands of beneficial owners, not being a corporation, who are willing to sell their lands provided they are able to continue to use it for noncommercial residential purposes for a limited period of time which will not, in the judgment of the Secretary, unduly interfere with the development of public use facilities for such national recreation area, pursuant to the authorization for such area;

(5) acquisition of scenic easements when, in the judgment of the Secretary, such easements are sufficient to carry out the purposes for which such national recreation area was authorized; and

(6) acquisition of lands necessary to preserve the integrity of the recreation area.

**(b) Omission of designated lands from area**

Notwithstanding the provisions of subsection (a) of this section, the Secretary of the Interior is authorized, after consultation with appropriate public officials of the affected political subdivisions of the States of Pennsylvania or New Jersey, as the case may be, to designate not more than three hundred acres adjacent and contiguous to the Borough of Milford, Pennsylvania, and not more than one thousand acres in Sussex County, New Jersey, for omission from the Delaware Valley National Recreation Area and the lands so designated shall not be acquired for said national recreation area under authority of this subchapter.

**(c) Extension of boundaries; study and report to Congress**

The Secretary of the Interior shall investigate, study, and report to the President and the Congress on the feasibility and usefulness of extending the boundaries of the Delaware Water Gap National Recreation Area to include, in whole or in part, that portion of Tocks Island Reservoir which lies upstream from the northern terminus of the national recreation area as shown on the map hereinbefore referred to and lands adjacent to said portion of said reservoir. No such extension of boundaries, however, shall be made until authorized by Act of Congress.

**(d) Noncommercial residential occupancy for life or fixed term of years; price for property; "improved residential property" defined; waiver of relocation assistance benefits or rights**

The beneficial owner, not being a corporation, of a freehold interest acquired before January 1, 1965, in improved residential property within the area to be acquired by the Secretary of the Army under authority of this subchapter, the