

proximately equal qualifications for a job for which they are to receive full consideration, that applicant with the greatest creditable service shall be given preference among those applicants entitled to full consideration; and

(D) upon the filing of a complaint by an employee who alleges that said employee's rights to full consideration were disregarded, the Secretary shall make a finding on the merits of such complaint. If it is determined that there has been noncompliance with this section, the Secretary shall take such action as may be appropriate to correct the situation.

(2) To assist in implementing this section, agencies shall notify the Secretary, in advance, of any job opening as provided for by subsection (d) and of any Federal commitment as provided for by subsection (e).

(3) The Secretary shall—

(A) seek the cooperation of the State of California and the county and local governments within Humboldt and Del Norte Counties in the implementation of the provisions of this section and in the adoption of similar provisions for full consideration of affected employees with regard to State, county, and local jobs and activities; and

(B) appoint, from among nominees proposed by certified or recognized unions representing employees, a person or persons who shall serve as the Secretary's liaison with employees and their union and as consultant to the Secretary with regard to the administration of those provisions of this Act for which the Secretary is responsible.

**(h) Judicial review of determination of Secretary respecting employee, etc.; procedures applicable**

An employee, a group of employees, a certified or recognized union, or an authorized representative of such employee or group, aggrieved by any determination by the Secretary under this Act shall be entitled to judicial review of such determination in the same manner and under the same conditions as provided by section 2395 of title 19, except that such review shall be in the appropriate court of appeals of the United States, and the judgment of such court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

**(i) Additional or alternative rights under existing labor laws, regulations, or contracts unaffected; compensation of employees appointed to Federal jobs**

Nothing in this section shall be construed to affect any additional or alternative rights under a law, regulation, or contract (including, but not limited to, veteran preference and contracts between private employers and unions) in effect as of March 27, 1978, and the implementation of this section shall be carried out in accord with applicable civil service laws and regulations except as otherwise provided for in this section. Employees appointed to Federal jobs pursuant to this section shall have their compensation fixed at rates not to exceed that now or hereafter prescribed for the highest rate of grade 15 of the General Schedule under section 5332 of title 5.

(Pub. L. 95-250, title I, §103, Mar. 27, 1978, 92 Stat. 167; Pub. L. 96-417, title VI, §602, Oct. 10, 1980, 94 Stat. 1744; Pub. L. 105-277, div. A, §101(f) [title VIII, §405(b)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-417.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in subsecs. (a), (b), (g)(3)(B), and (h), means Pub. L. 95-250, Mar. 27, 1978, 92 Stat. 163, as amended, which, insofar as classified to the Code, enacted sections 79c-1 and 79k to 79q of this title, amended former section 1a-1 and sections 79b and 79c of this title, and enacted provisions set out and formerly set out as notes under section 79k of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was not enacted as part of Pub. L. 90-545, Oct. 2, 1968, 82 Stat. 931, which comprises this subchapter.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277, §101(f) [title VIII, §405(b)(1)], struck out at end “In filling these positions, preference shall be given to affected employees (as defined in title II of this Act) for a period ending on September 30, 1984, notwithstanding applicable civil service laws and regulations.”

Subsec. (b). Pub. L. 105-277, §101(f) [title VIII, §405(b)(2)], struck out after first sentence “In filling these positions, preference shall be given to affected employees (as defined in title II) for a period ending on September 30, 1984, notwithstanding applicable civil service laws and regulations.”

1980—Subsec. (h). Pub. L. 96-417 substituted provision for judicial review under section 2395 of title 19 for review under section 2322 of title 19 and provided for review in the appropriate court of appeals of the United States and for review of the judgment of the court of appeals by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-417 effective Nov. 1, 1980, and applicable with respect to civil actions pending on or commenced on or after such date, see section 701(a) of Pub. L. 96-417, set out as a note under section 251 of Title 28, Judiciary and Judicial Procedure.

REFERENCE TO SECRETARY AS REFERENCE TO SECRETARY OF DEPARTMENT OF THE INTERIOR; EXCEPTION

Reference to Secretary, unless otherwise indicated, as reference to Secretary of Department of the Interior, except for purposes of subsecs. (d) to (i) of this section, where reference to Secretary shall refer to Secretary of the Department of Labor, see section 109 of Pub. L. 95-250, set out as a note under section 79k of this title.

**§ 79m. Annual reporting requirements; contents; comprehensive general management plan; submission date and scope**

(a) The Secretary shall submit an annual written report to the Congress on January 1, 1979, and annually thereafter for ten years, reporting on the status of payment by the Secretary for real property acquired pursuant to section 79c(b)(1) and section 79b of this title; the status of the actions taken regarding land management practices and watershed rehabilitation efforts authorized by section 79c(e) and section 79k(b) of

this title; the status of the efforts to mitigate adverse economic impacts as directed by this Act; this<sup>1</sup> status of National Park Service employment requirements as authorized by section 79l of this title; the status of the new bypass highway and of the agreement for the donation of the State park lands as contemplated by section 79c(b)(2) of this title; and, the status of the National Park Service general management plan for the park.

(b) No later than January 1, 1980, the Secretary shall submit to the Committee on Interior and Insular Affairs of the House of Representatives, and to the Committee on Energy and Natural Resources of the Senate, a comprehensive general management plan for Redwood National Park, to include but not be limited to the following:

(1) the objectives, goals, and proposed actions designed to assure the preservation and perpetuation of a natural redwood forest ecosystem;

(2) the type and level of visitor use to be accommodated by the park, by specific area, with specific indications of carrying capacities consistent with the protection of park resources;

(3) the type, extent, and estimated cost of development proposed to accommodate visitor use and to protect the resource, to include anticipated location of all major development areas, roads, and trails; and

(4) the specific locations and types of foot trail access to the Tall Trees Grove, of which one route shall, unless shown by the Secretary to be inadvisable, principally traverse the east side of Redwood Creek through the essentially virgin forest, connecting with the roadhead on the west side of the park east of Orick.

(Pub. L. 95-250, title I, §104, Mar. 27, 1978, 92 Stat. 170.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 79c(b)(1) of this title, referred to in subsec. (a), was in the original "section 101(a)(4) . . . of this amendment", meaning section 101(a)(4) of Pub. L. 95-250, which amended section 79c(b)(1) of this title.

Section 79b of this title, referred to in subsec. (a), was in the original "section 101(a)(2) of this amendment", meaning section 101(a)(2) of Pub. L. 95-250, which amended subsecs. (a) and (b), and added subsec. (c), of section 79b of this title.

Section 79c(e) of this title, referred to in subsec. (a), was in the original "section 101(a)(6) . . . of this amendment", meaning section 101(a)(6) of Pub. L. 95-250, which amended section 79c(e) of this title.

Section 79k(b) of this title, referred to in subsec. (a), was in the original "section 102(b) of this amendment", meaning section 102(b) of Pub. L. 95-250, which enacted section 79k(b) of this title.

This Act, referred to in subsec. (a), means Pub. L. 95-250, Mar. 27, 1978, 92 Stat. 163, as amended, which, insofar as classified to the Code, enacted sections 79c-1 and 79k to 79q of this title, amended former section 1a-1 and sections 79b and 79c of this title, and enacted provisions set out and formerly set out as notes under section 79k of this title. For complete classification of this Act to the Code, see Tables.

Section 79l of this title, referred to in subsec. (a), was in the original "section 102 of this amendment", mean-

ing section 103 of Pub. L. 95-250, which enacted section 79l of this title.

Section 79c(b)(2) of this title, referred to in subsec. (a), was in the original "section 101(a)(5) of this amendment", meaning section 101(a)(5) of Pub. L. 95-250, which amended section 79c(b)(2) of this title.

##### CODIFICATION

Section was not enacted as part of Pub. L. 90-545, Oct. 2, 1968, 82 Stat. 931, which comprises this subchapter.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

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.

##### REFERENCE TO SECRETARY AS REFERENCE TO SECRETARY OF DEPARTMENT OF THE INTERIOR; EXCEPTION

Reference to Secretary, unless otherwise indicated, as reference to Secretary of Department of the Interior, see section 109 of Pub. L. 95-250, set out as a note under section 79k of this title.

#### § 79n. Authorization of appropriations for rehabilitation programs

Effective on October 1, 1978, there are hereby authorized to be appropriated \$33,000,000 to carry out the rehabilitation provisions of this Act.

(Pub. L. 95-250, title I, §105, Mar. 27, 1978, 92 Stat. 171.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 95-250, Mar. 27, 1978, 92 Stat. 163, as amended, which, insofar as classified to the Code, enacted sections 79c-1 and 79k to 79q of this title, amended former section 1a-1 and sections 79b and 79c of this title, and enacted provisions set out and formerly set out as notes under section 79k of this title. For complete classification of this Act to the Code, see Tables.

##### CODIFICATION

Section was not enacted as part of Pub. L. 90-545, Oct. 2, 1968, 82 Stat. 931, which comprises this subchapter.

#### § 79o. Repealed. Pub. L. 97-258, § 5(b), Sept. 13, 1982, 96 Stat. 1068

Section, Pub. L. 95-250, title I, §106, Mar. 27, 1978, 92 Stat. 171, related to payments to local government units for entitlement lands within the Redwood National Park. See section 6905 of Title 31, Money and Finance.

#### § 79p. Community services and employment opportunities of Redwoods United, Inc. to be maintained at present rate of employment

The Secretary is further authorized, and the Congress specifically directs that it shall be a purpose of this Act, that the community services and employment opportunities provided by Redwoods United, Incorporated, a nonprofit corporation located in Manila, California, shall be maintained at the present rate of employment to the greatest degree practicable.

(Pub. L. 95-250, title I, §107, Mar. 27, 1978, 92 Stat. 171.)

<sup>1</sup> So in original. Probably should be "the".