

(1) the Secretary and the head of the Federal agency having primary authority over the administration of any Federal land which the Secretary determines is suitable for use in carrying out such purpose may enter into agreements permitting the Secretary to use such land for such purposes;

(2) notwithstanding any other provision of law, the Secretary, under such terms and conditions as he determines are reasonable, may lease or acquire by purchase, donation, exchange, or any other method (except condemnation) real property (other than Federal land), office space, housing, and other necessary facilities which the Secretary determines to be suitable for carrying out such purposes; and

(3) the Secretary may construct, operate, and maintain such permanent and temporary buildings and facilities as he deems appropriate on land which is within, or in the vicinity of, any conservation system unit and with respect to which the Secretary has acquired authority under this subsection to use the property for the purpose of establishing an administrative site or visitor facility under subsection (a), except that the Secretary may not begin construction of buildings and facilities on land not owned by the United States until the owner of such land has entered into an agreement with the Secretary, the terms of which assure the continued use of such buildings and facilities in furtherance of the purposes of this Act.

(Pub. L. 96-487, title XIII, §1306, Dec. 2, 1980, 94 Stat. 2479.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1) and (b)(3), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

§ 3197. Revenue-producing visitor services

(a) Continuation of existing visitor services

Notwithstanding any other provision of law, the Secretary, under such terms and conditions as he determines are reasonable, shall permit any persons who, on or before January 1, 1979, were engaged in adequately providing any type of visitor service within any area established as or added to a conservation system unit to continue providing such type of service and similar types of visitor services within such area if such service or services are consistent with the purposes for which such unit is established or expanded.

(b) Preference

Notwithstanding provisions of law other than those contained in subsection (a), in selecting persons to provide (and in contracting for the provision of) any type of visitor service for any conservation system unit, except sport fishing and hunting guiding activities, the Secretary—

(1) shall give preference to the Native Corporations which the Secretary determines are

most directly affected by the establishment or expansion of such unit by or under the provisions of this Act;

(2) shall give preference to persons whom he determines, by rule, are local residents; and

(3) shall, consistent with the provisions of this section, offer to Cook Inlet Region, Incorporated, in cooperation with Village Corporations within the Cook Inlet Region when appropriate, the right of first refusal to provide new revenue producing visitor services within the Kenai National Moose Range or that portion of the Lake Clark National Park and Preserve within the boundaries of the Cook Inlet Region that right to remain open for a period of ninety days as agreed to in paragraph VIII of the document referred to in section 12 of the Act of January 2, 1976 (Public Law 94-204).

(c) "Visitor service" defined

As used in this section, the term "visitor service" means any service made available for a fee or charge to persons who visit a conservation system unit, including such services as providing food, accommodations, transportation, tours, and guides excepting the guiding of sport hunting and fishing. Nothing in this Act shall limit or affect the authority of the Federal Government or the State of Alaska to license and regulate transportation services.

(Pub. L. 96-487, title XIII, §1307, Dec. 2, 1980, 94 Stat. 2479; Pub. L. 105-333, §10, Oct. 31, 1998, 112 Stat. 3134.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (b)(1) and (c), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

Section 12 of the Act of January 2, 1976 (Public Law 94-204), referred to in subsec. (b)(3), is section 12 of Pub. L. 94-204, Jan. 2, 1976, 89 Stat. 1150, which is set out as a note under section 1611 of Title 43, Public Lands.

AMENDMENTS

1998—Subsec. (b)(1). Pub. L. 105-333 substituted "Native Corporations" for "Native Corporation" and "are most directly affected" for "is most directly affected".

§ 3198. Local hire

(a) Program

After consultation with the Office of Personnel Management, the Secretary shall establish an excepted service appointment authority, under which any individual who, by reason of having lived or worked in or near public lands, has special knowledge or expertise concerning the natural or cultural resources of public lands and the management thereof (as determined by the Secretary) shall be considered for selection for any position within public lands without regard to—

(1) any provision of the civil service laws or regulations thereunder which require minimum periods of formal training or experience,

(2) any such provision which provides an employment preference to any other class of applicant is such selection, and

(3) any numerical limitation on personnel otherwise applicable.

Individuals appointed under this subsection shall not be taken into account in applying any personnel limitation described in paragraph (3).

(b) Preference eligibles within local hire

Notwithstanding the provisions of subsection (a), any individual who is eligible to be selected for a position under the provisions of subsection (a) and is a preference eligible as defined in section 2108(3) of title 5 shall be given an employment preference, consistent with the preference in the excepted service as defined in section 2103 of such title.

(c) Payment of expenses after death of an employee

(1) Definition of immediate family member

In this subsection, the term “immediate family member” means a person related to a deceased employee that was a member of the household of the deceased employee at the time of death.

(2) Payments

If an employee appointed under the program established by subsection (a) dies in the performance of any assigned duties on or after October 1, 2002, the Secretary may—

(A) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for the preparation and transportation of the remains of the deceased employee to a location in the State of Alaska which is selected by the surviving head of household of the deceased employee;

(B) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for transporting immediate family members and the baggage and household goods of the deceased employee and immediate family members to a community in the State of Alaska which is selected by the surviving head of household of the deceased employee.

(d) Reports

The Secretary shall from time to time prepare and submit to the Congress reports indicating the actions taken in carrying out the provisions of subsection (a) of this section together with any recommendations for legislation in furtherance of the purposes of this section.

(e) Competitive status

(1) In general

Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status in the same manner as any other employee hired as part of the competitive service.

(2) Conversion to competitive service

Employees who satisfactorily complete two years of continuous service in a permanent appointment made under subsection (a) and who meet satisfactory performance and competitive service qualification requirements shall have their appointment converted to competitive service career-conditional or career em-

ployment as appropriate. This paragraph applies to individuals appointed on or after March 30, 2009. An employee who does not meet competitive service qualification requirements after two years of continuous service in an appointment made under subsection (a) shall be converted upon meeting such qualification requirements. Temporary and time-limited appointments will be made in the excepted service. There is no provision for conversion to competitive service when appointments are time-limited.

(3) Resignation of certain positions

(A) Persons serving in original positions

Not later than 60 days after March 30, 2009, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of March 30, 2009, the Secretary shall redesignate that position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

(B) Persons no longer serving in original positions

With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of March 30, 2009—

(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the service of the person as being part of the competitive service.

(Pub. L. 96-487, title XIII, §1308, Dec. 2, 1980, 94 Stat. 2480; Pub. L. 100-689, title IV, §401, Nov. 18, 1988, 102 Stat. 4177; Pub. L. 102-415, §16, Oct. 14, 1992, 106 Stat. 2124; Pub. L. 108-199, div. H, §147, Jan. 23, 2004, 118 Stat. 445; Pub. L. 111-11, title VI, §6101, Mar. 30, 2009, 123 Stat. 1170; Pub. L. 112-74, div. E, title I, §121(b), Dec. 23, 2011, 125 Stat. 1012.)

Editorial Notes

AMENDMENTS

2011—Subsec. (a). Pub. L. 112-74, §121(b)(1), substituted “establish an excepted service appointment authority,” for “establish a program” in introductory provisions.

Subsec. (b). Pub. L. 112-74, §121(b)(2), substituted “excepted service as defined in section 2103 of such title” for “competitive service as defined in section 2102 of such title for which such person is eligible under subchapter I of chapter 33 of such title, in selection to such position”.

Subsec. (e)(2), (3). Pub. L. 112-74, §121(b)(3), added par. (2) and redesignated former par. (2) as (3).

2009—Subsec. (e). Pub. L. 111-11 added subsec. (e).

2004—Subsecs. (c), (d). Pub. L. 108-199 added subsec. (c) and redesignated former subsec. (c) as (d).

1992—Subsec. (a). Pub. L. 102-415 substituted “public lands” for “a conservation system unit” and substituted “public lands” for “such unit” in two places.

1988—Subsecs. (b), (c). Pub. L. 100-689 added subsec. (b) and redesignated former subsec. (b) as (c).

Statutory Notes and Related Subsidiaries

PILOT PROGRAM

Pub. L. 106-488, §2, Nov. 9, 2000, 114 Stat. 2205, provided that:

“(a) In furtherance of the goals of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act [16 U.S.C. 3197, 3198] and the provisions of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5301 et seq.], the Secretary [of the Interior] shall—

“(1) implement pilot programs to employ residents of local communities at the following units of the National Park System located in northwest Alaska—

“(A) Bering Land Bridge National Preserve,

“(B) Cape Krusenstern National Monument,

“(C) Kobuk Valley National Park, and

“(D) Noatak National Preserve; and

“(2) report on the results of the programs within one year to the Committee on Energy and Natural Resources of the United States [Senate] and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives.

“(b) In implementing the programs, the Secretary shall consult with the Native Corporations, nonprofit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve such groups in the development of interpretive materials and the pilot programs relating to such units.”

LOCAL HIRE REPORT

Pub. L. 105-333, §11, Oct. 31, 1998, 112 Stat. 3135, provided that not later than 18 months after Oct. 31, 1998, the Secretary of the Interior would transmit to Congress a report indicating the actions taken in carrying out subsection (b) of this section, addressing the recruitment processes that may restrict employees hired under subsection (a) of this section from successfully obtaining positions in the competitive service, and describing the actions of the Secretary of the Interior in contracting with Alaska Native Corporations to provide services with respect to public lands in Alaska.

§ 3199. Navigation aids and other facilities**(a) Existing facilities**

Within conservation system units established or expanded by this Act, reasonable access to, and operation and maintenance of, existing air and water navigation aids, communications sites and related facilities and existing facilities for weather, climate, and fisheries research and monitoring shall be permitted in accordance with the laws and regulations applicable to units of such systems, as appropriate. Reasonable access to and operation and maintenance of facilities for national defense purposes and related air and water navigation aids within or adjacent to such areas shall continue in accordance with the laws and regulations governing such facilities notwithstanding any other provision of this Act. Nothing in the Wilderness Act [16 U.S.C. 1131 et seq.] shall be deemed to prohibit such access, operation and maintenance within wilderness areas designated by this Act.

(b) New facilities

The establishment, operation, and maintenance within any conservation system unit of new air and water navigation aids and related facilities, facilities for national defense purposes, and related air and water navigation aids, and facilities for weather, climate, and fisheries research and monitoring shall be permitted but only (1) after consultation with the Secretary or

the Secretary of Agriculture, as appropriate, by the head of the Federal department or agency undertaking such establishment, operation, or maintenance, and (2) in accordance with such terms and conditions as may be mutually agreed in order to minimize the adverse effects of such activities within such unit.

(Pub. L. 96-487, title XIII, §1310, Dec. 2, 1980, 94 Stat. 2481.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Wilderness Act, referred to in subsec. (a), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

§ 3200. Denali Scenic Highway study**(a) Withdrawal**

Subject to valid existing rights, all public lands within an area, the centerline of which is the centerline of the Parks Highway from the entrance to Denali National Park to the Talkeetna junction which is one hundred and thirty-six miles south of Cantwell, the Denali Highway between Cantwell and Paxson, the Richardson Highway and Edgerton Highway between Paxson and Chitina, and the existing road between Chitina and McCarthy (as those highways and road are depicted on the official maps of the department of transportation of the State of Alaska) and the boundaries of which are parallel to the centerline and one mile distant therefrom on either side, are hereby withdrawn from all forms of entry or appropriation under the mining laws and from operation of the mineral leasing laws of the United States. Nothing in this section shall be construed to preclude minor road realignment, minor road improvement, or the extraction of gravel for such purposes from lands withdrawn or affected by the study mandated herein.

(b) Study

During the three-year period beginning on December 2, 1980, the Secretary shall study the desirability of establishing a Denali Scenic Highway to consist of all or part of the lands described in subsection (a) of this section. In conducting the studies, the Secretary, through a study team which includes representatives of the Secretary of Transportation, the National Park Service, the Bureau of Land Management, the State, and of each Regional Corporation within whose area of operation the lands described in subsection (a) are located, shall consider the scenic and recreational values of the lands withdrawn under this section, the importance of providing protection to those values, the desirability of providing a symbolic and actual physical connection between the national parks in south central Alaska, and the desirability of enhancing the experience of persons