by the individual holding such permit of an annual fee in the same amount as required as of July 1, 1991.

(Pub. L. 86–321, § 7, as added Pub. L. 102–488, § 2(5)[(4)], Oct. 24, 1992, 106 Stat. 3136.)

§ 410x–2. "Residential property" defined

As used in this subchapter, the term ''residential property'' means a single-family dwelling, the construction of which began before July 1, 1991, together with such land on which the dwelling and appurtenant buildings are located as is in the same ownership as such dwelling and as the Secretary designates as reasonably necessary for the owner's continued use and occupancy of the dwelling.

(Pub. L. 86–321, § 8, as added Pub. L. 102–488, § 2(5)[(4)], Oct. 24, 1992, 106 Stat. 3137.)

SUBCHAPTER LVI—CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

§ 410y. Definitions

As used in this subchapter—

(a) ''Park'' means the Chesapeake and Ohio Canal National Historical Park, as herein established.

(b) ''Canal'' means the Chesapeake and Ohio Canal, including its towpath.

(c) ''Secretary'' means the Secretary of the Interior.

(d) ''State'' means any State, and includes the District of Columbia.

(e) ''Local government'' means any political subdivision of a State, including a county, municipality, city, town, township, or a school or other special district created pursuant to State law.

(f) ''Person'' means any individual, partnership, corporation, private nonprofit organization, or club.

(g) ''Landowner'' means any person, local government, or State owning, or on reasonable grounds professing to own, lands or interests in lands adjacent to or in the vicinity of the park.

(Pub. L. 91–664, § 2, Jan. 8, 1971, 84 Stat. 1978.)

SHORT TITLE

Section 1 of Pub. L. 91–664, Jan. 8, 1971, 84 Stat. 1978, provided: ''That this Act [enacting this subchapter] shall be known as the 'Chesapeake and Ohio Canal Development Act'.''

DEDICATION TO JUSTICE WILLIAM O. DOUGLAS

Pub. L. 95–11, Mar. 15, 1977, 91 Stat. 21, provided: ''That the canal and towpath of the Chesapeake and Ohio Canal National Historical Park are hereby dedicated to Justice William O. Douglas in grateful recognition of his long outstanding service as a prominent American conservationist and for his efforts to preserve and protect the canal and towpath from development.

''SEC. 2. In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such identification by signs, including, but not limited to changes in existing signs, materials, maps, markers, interpretive programs or other means as will appropriately inform the public of the contributions of Justice William O. Douglas.

''SEC. 3. The Secretary of the Interior is further authorized and directed to cause to be erected and maintained, within the exterior boundaries of the Chesapeake and Ohio Canal National Historical Park, an appropriate memorial to Justice William O. Douglas. Such memorial shall be of such design and be located at such place within the park as the Secretary shall determine.

''SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.''

§ 410y–1. Purposes; establishment; boundaries; acquisition of lands; procedure for acquisition; time of acquisition

(a) In order to preserve and interpret the historic and scenic features of the Chesapeake and Ohio Canal, and to develop the potential of the canal for public recreation, including such restoration as may be needed, there is hereby established the Chesapeake and Ohio Canal National Historical Park, in the States of Maryland and West Virginia and in the District of Columbia. The park as initially established shall comprise those particular properties in Federal ownership, containing approximately five thousand two hundred and fifty acres, including those properties along the line of the Chesapeake and Ohio Canal in the State of Maryland and appurtenances in the State of West Virginia designated as the Chesapeake and Ohio Canal National Monument, and those properties along the line of the Chesapeake and Ohio Canal between Rock Creek in the District of Columbia and the terminus of the Chesapeake and Ohio Canal National Monument near the mouth of Seneca Creek in the State of Maryland. The boundaries of the park shall be as generally depicted on the drawing entitled ''Boundary Map, Proposed Chesapeake and Ohio Canal National Historical Park,'' in five sheets, numbered CHOH 91,000, and dated October 1969, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior: *Provided*, That no lands owned by any State shall be included in the boundaries of the park—

(1) unless they are donated to the United States, or

(2) until a written cooperative agreement is negotiated by the Secretary which assures the administration of such lands in accordance with established administrative policies for national parks, and

(3) until the terms and conditions of such donation or cooperative agreement have been forwarded to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at least sixty days prior to being executed.

The exact boundaries of the park shall be established, published, and otherwise publicized within eighteen months after January 8, 1971, and the owners of property other than property lying between the canal and the Potomac River shall be notified within said period as to the extent of their property included in the park.

(b) Within the boundaries of the park, the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but he shall refrain from acquiring, for two years from January 8, 1971, any lands designated on the bound-

ary map for acquisition by any State if he has negotiated and consummated a written cooperative agreement with such State pursuant to subsection (a) of this section.

(Pub. L. 91–664, § 3, Jan. 8, 1971, 84 Stat. 1978; Pub. L. 103–437, § 6(g), Nov. 2, 1994, 108 Stat. 4585.)

AMENDMENTS

1994—Subsec. (a)(3). Pub. L. 103–437 substituted ''Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives'' for ''Committees on Interior and Insular Affairs of the United States House of Representatives and Senate''.

§ 410y–1a. Boundary revision

The boundaries of the park are revised to include approximately 600 additional acres.

(Pub. L. 95–625, title III, § 320, Nov. 10, 1978, 92 Stat. 3488; Pub. L. 96–199, title I, § 101(c), Mar. 5, 1980, 94 Stat. 68.)

CODIFICATION

Section was enacted as part of the National Parks and Recreation Act of 1978, and not as part of the Chesapeake and Ohio Canal Development Act which comprises this subchapter.

AMENDMENTS

1980—Pub. L. 96–199 struck out proviso that additions to the park as authorized by this section shall not include any properties located between 30th Street and Thomas Jefferson Street in the northwest section of the District of Columbia.

§ 410y–2. Consideration by Secretary of comprehensive local or State development, land use, or recreational plans

The Secretary shall take into account comprehensive local or State development, land use, or recreational plans affecting or relating to areas in the vicinity of the canal, and shall, wherever practicable, consistent with the purposes of this subchapter, exercise the authority granted by this subchapter, in a manner which he finds will not conflict with such local or State plans.

(Pub. L. 91–664, § 4, Jan. 8, 1971, 84 Stat. 1979.)

§ 410y–3. Access

(a) Pre-existing rights and permits

The enactment of this subchapter shall not affect adversely any valid rights heretofore existing, or any valid permits heretofore issued, within or relating to areas authorized for inclusion in the park.

(b) Issuance of permits by Secretary for use of park lands and utility, highway, and railway crossings

Other uses of park lands, and utility, highway, and railway crossings, may be authorized under permit by the Secretary, if such uses and crossings are not in conflict with the purposes of the park and are in accord with any requirements found necessary to preserve park values.

(c) Crossing by foot at designated locations; purposes; conduct

Authority is hereby granted for individuals to cross the park by foot at locations designated by the Secretary for the purpose of gaining access to the Potomac River or to non-Federal lands for hunting purposes: *Provided*, That while such individuals are within the boundaries of the park firearms shall be unloaded, bows unstrung, and dogs on leash.

(Pub. L. 91–664, § 5, Jan. 8, 1971, 84 Stat. 1979.)

§ 410y–4. Chesapeake and Ohio Canal National Historical Park Commission

(a) Establishment

There is hereby established a Chesapeake and Ohio Canal National Historical Park Commission (hereafter in this section referred to as the ''Commission'').

(b) Membership; appointment; term

The Commission shall be composed of nineteen members appointed by the Secretary for terms of five years each, as follows:

(1) Eight members to be appointed from recommendations submitted by the boards of commissioners or the county councils, as the case may be, of Montgomery, Frederick, Washington, and Allegany Counties, Maryland, of which two members shall be appointed from recommendations submitted by each such board or council, as the case may be;

(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.)

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''.

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.

§ 410y–5. Administration

The Chesapeake and Ohio Canal National Historical Park shall be administered by the Secretary of the Interior in accordance with sections 1, 2, 3, and 4 of this title, as amended and supplemented.

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

§ 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.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–625 substituted ''$28,400,000'' for ''$20,400,000''.

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