

SUBCHAPTER IV—CONCESSIONS FOR ACCOMMODATIONS, FACILITIES, AND SERVICES IN AREAS ADMINISTERED BY NATIONAL PARK SERVICE

§§ 20 to 20g. Repealed. Pub. L. 105-391, title IV, § 415(a), Nov. 13, 1998, 112 Stat. 3515

Section 20, Pub. L. 89-249, §1, Oct. 9, 1965, 79 Stat. 969, related to congressional findings and statement of purpose.

Section 20a, Pub. L. 89-249, §2, Oct. 9, 1965, 79 Stat. 969, related to authority of Secretary of the Interior to encourage concessioners.

Section 20b, Pub. L. 89-249, §3, Oct. 9, 1965, 79 Stat. 969, related to protection of concessioner's investment.

Section 20c, Pub. L. 89-249, §4, Oct. 9, 1965, 79 Stat. 970, related to new or additional services, preferential rights, and operations by a single concessioner.

Section 20d, Pub. L. 89-249, §5, Oct. 9, 1965, 79 Stat. 970, related to renewal preference for satisfactory performance, extensions, new contracts, and public notice.

Section 20e, Pub. L. 89-249, §6, Oct. 9, 1965, 79 Stat. 970, related to concessioner's possessory interest in concession property, limitations, compensation for taking, and determination of just compensation.

Section 20f, Pub. L. 89-249, §7, Oct. 9, 1965, 79 Stat. 971, related to use of non-monetary consideration in leases of government property.

Section 20g, Pub. L. 89-249, §9, Oct. 9, 1965, 79 Stat. 971, related to recordkeeping, audit and examination, and access to books and records.

Sections 20 to 20g were popularly known as the National Park System Concessions Policy Act. For similar provisions, see section 5951 et seq. of this title.

REPEAL OF NATIONAL PARK SERVICE CONCESSIONS POLICY ACT; SAVINGS PROVISION

Pub. L. 105-391, title IV, §415(a), Nov. 13, 1998, 112 Stat. 3515, provided that: "Public Law 89-249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.) is repealed. The repeal of such Act shall not affect the validity of any concessions contract or permit entered into under such Act, but the provisions of this title [see Short Title note set out under section 5901 of this title] shall apply to any such contract or permit except to the extent such provisions are inconsistent with the terms and conditions of any such contract or permit. References in this title to concessions contracts awarded under authority of such Act also apply to concessions permits awarded under such authority."

SUBCHAPTER V—YELLOWSTONE NATIONAL PARK

§ 21. Establishment; boundaries; trespassers

The tract of land in the States of Montana and Wyoming, lying near the headwaters of the Yellowstone River and described as follows, to wit, commencing at the junction of Gardiner's River, with the Yellowstone River, and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring ground for

the benefit and enjoyment of the people; and all persons who locate, or settle upon, or occupy any part of the land thus set apart as a public park, except as provided in section 22 of this title, shall be considered trespassers and removed therefrom.

(R.S. §2474.)

CODIFICATION

R.S. §2474 derived from act Mar. 1, 1872, ch. 24, §1, 17 Stat. 32.

§ 21a. Revision of boundaries; contiguous national forests; jurisdiction of forests

The boundary of the Yellowstone National Park is changed so as to read as follows:

Beginning on the present north boundary line of Yellowstone National Park at its intersection with the hydrographic divide immediately north of Pebble Creek, approximately at park boundary monument 29 east; thence following said divide around the head of the drainage of Pebble Creek to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 54 north; thence southerly along said boundary line to its intersection with the hydrographic divide between Soda Butte and Cache Creeks, at a point near park boundary monument 51 north; thence easterly along said hydrographic divide to its intersection with the crest of the Absaroka Range; thence southerly along said crest to its intersection with the main hydrographic divide between Little Lamar River and the North Fork of Shoshone River, passing over Republic and Hoodoo Peaks; thence westerly along said divide passing over Notch Mountain to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 26 north; thence continuing westerly along said divide, now between the headwaters of Lamar River and Jones Creek; headwaters of Sedge, Bear, Cub, and Clear Creeks, and the headwaters of Jones and Crow Creeks, and between Crow Creek and Middle Creek, to its intersection with the present east boundary line of Yellowstone National Park, approximately at park boundary monument 18 north, passing over Pyramid and Cathedral Peaks, Mount Chittenden, and Avalanche Peak, thence southerly along said boundary line to its intersection with the hydrographic divide immediately south of Middle Creek, approximately at park boundary monument 15 north; thence westerly along said divide, now between a southern tributary of Middle Creek, headwaters of Beaverdam, Trappers, and Mountain Creeks, and the headwaters of Canfield and Eagle Creeks, to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 5 north, passing over Reservation and Atkins Peaks, Mount Schurz, Mount Humphreys, and Eagle Peak; and

Beginning on the present west boundary line of Yellowstone National Park at its intersection with the left bank of Gallatin River between park monuments 45 and 46 north; thence northwesterly along said bank to a point opposite the hydrographic divide between Daly and Tepee Creeks; thence northeasterly across the Gallatin

River and along said divide, around the headwaters of Daly, Black Butte, Specimen, and Fan Creeks, to the intersection of said divide with the present north boundary line of Yellowstone National Park, at a point near park boundary monument 11 west.

All of those lands lying within the boundary lines above described and the present north, east, and west boundary lines are included in and made a part of the Yellowstone National Park; and all of those lands of the present Yellowstone National Park excluded from the park are included in and made a part of the contiguous national forests subject to all laws and regulations applicable to national forests, and upon acceptance thereof by appropriate action of the State, jurisdiction for all purposes whatsoever shall be, and is, ceded over the land excluded from the park to the State of Wyoming.

(Mar. 1, 1929, ch. 437, §1, 45 Stat. 1435; Apr. 19, 1930, ch. 190, 46 Stat. 220.)

AMENDMENTS

1930—Act Apr. 19, 1930, struck out “*Provided*, That whereas it is the purpose and intent of Congress to retain the areas hereby added to the park in its original wilderness character, therefore, no new roads shall be constructed and no hotels or permanent camps shall be authorized or permitted to be maintained on such lands”.

§ 21b. Extension of certain laws to park

The provisions of section 21 of this title, reserving lands for park purposes, the Act of July 10, 1890 admitting the State of Wyoming into the Union, and sections 1, 2, 3, 4, 24, 26, 30 and 30a of this title and all Acts supplementary to and amendatory of said sections are made applicable to and extended over the lands added to the park: *Provided*, That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend over such lands.

(Mar. 1, 1929, ch. 437, §2, 45 Stat. 1436.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the “Act of June 10, 1920, entitled ‘An Act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the River and Harbor Appropriation Act, approved August 8, 1917, and for other purposes,’” and was redesignated the Federal Power Act by section 791a of this title. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, and is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

§ 21c. Section 485 as extending to revised boundaries; lands acquired by exchange

The provisions of section 485 of this title shall continue to be applicable to the areas included within the Yellowstone National Park by section 21a of this title, and any lands within such areas acquired by exchange thereunder shall thereupon become a part of the Yellowstone National Park.

(Mar. 1, 1929, ch. 437, §3, 45 Stat. 1436.)

§ 21d. Existing claims, locations, and entries as affected by revised boundaries

Nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral right of way, or any other purposes whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land.

(Mar. 1, 1929, ch. 437, §4, 45 Stat. 1436.)

REFERENCES IN TEXT

Herein, referred to in text, means act Mar. 1, 1929, which is classified to sections 21a to 21d of this title. For complete classification of this Act to the Code, see Tables.

§ 22. Control of park by Secretary of the Interior; removal of trespassers

The Yellowstone National Park shall be under the exclusive control of the Secretary of the Interior. In addition to the powers and duties enumerated in section 3 of this title not inconsistent with this section, he shall make regulations providing for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding thirty years, of small parcels of ground, at such places in the park as may require the erection of buildings for the accommodation of visitors. He shall provide against the wanton destruction of the fish and game found within the park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section.

(R.S. §2475; Aug. 25, 1916, ch. 408, §3, 39 Stat. 535; Pub. L. 85-434, May 29, 1958, 72 Stat. 152.)

CODIFICATION

R.S. §2475 derived from act Mar. 1, 1872, ch. 24, §2, 17 Stat. 33.

The words “whose duty it shall be, as soon as practicable, to make and publish such regulations as he may deem necessary or proper for the care and management of the same” were omitted from the end of the first sentence as executed legislation.

The words “In addition to the powers and duties enumerated in section 3 of this title not inconsistent with this section” were added to relate this section to later law, defining the duties of the Secretary of the Interior as to national parks.

“Thirty years” was substituted for “ten years” in view of section 3 of act Aug. 25, 1916, and act May 29, 1958, which authorized the Secretary to grant privileges, leases, and permits in the various parks for periods not exceeding thirty years. See section 3 of this title.

As originally enacted, this section also contained a provision that “all of the proceeds of such leases, and all other revenues that may be derived from any source connected with the park, to be expended under his [Secretary of the Interior] direction in the management of the same, and the construction of roads and bridlepaths therein.” This provision was superseded by section 452 of this title providing for the disposition of all revenues from national parks.

§ 23. Detail of troops for protection of park

The Secretary of the Army, upon the request of the Secretary of the Interior, is authorized and directed to make the necessary details of troops to prevent trespassers or intruders from entering the park for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law, and to remove such persons from the park if found therein.

(Mar. 3, 1883, ch. 143, 22 Stat. 627; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

§ 24. Jurisdiction over park; fugitives from justice

The Yellowstone National Park, as its boundaries now are defined, or as they may be hereafter defined or extended, shall be under the sole and exclusive jurisdiction of the United States. All the laws applicable to places under the sole and exclusive jurisdiction of the United States, shall have force and effect in said park. Nothing in this Act shall be construed to forbid the service in the park of any civil or criminal process of any court having jurisdiction in the States of Idaho, Montana, and Wyoming. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Wyoming.

(May 7, 1894, ch. 72, §1, 28 Stat. 73.)

REFERENCES IN TEXT

This Act, referred to in text, is act May 7, 1894, which is classified to sections 24 to 30a of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section 2 of act May 7, 1894, provided that the Yellowstone National Park should be part of the judicial district of Wyoming, and that the courts of the United States for the district should have jurisdiction of all offenses committed within the park. It was superseded by act Mar. 3, 1911, ch. 231, §115, 36 Stat. 1130, constituting the State of Wyoming and Yellowstone National Park the judicial district of Wyoming, that section being in turn superseded by act June 5, 1924, ch. 260, 43 Stat. 388. Provisions of that act are covered by section 131 of Title 28, Judiciary and Judicial Procedure.

WYOMING: JURISDICTION OVER PARK

The act admitting the State of Wyoming into the Union, act July 10, 1890, ch. 664, 26 Stat. 222, contained a proviso annexed to the description of the boundaries of the State, in section 2 of the act, as follows: "That nothing in this act contained shall repeal or affect any act of Congress relating to the Yellowstone National Park, or the reservation of the Park as now defined, or as may be hereafter defined or extended, or the power of the United States over it; and nothing contained in this act shall interfere with the right and ownership of the United States in said park and reservation as it

now is or may hereafter be defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said park of civil and criminal process lawfully issued by the authority of said State."

§ 25. Repealed. June 25, 1948, ch. 646, §39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act May 7, 1894, ch. 72, §3, 28 Stat. 73, related to applicability of criminal laws. See section 13 of Title 18, Crimes and Criminal Procedure.

§ 26. Regulations for hunting and fishing in park; punishment for violations; forfeitures

All hunting, or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals, when it is necessary to prevent them from destroying human life or inflicting an injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park by means of seines, nets, traps, or by the use of drugs or any explosive substances or compounds, or in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park; and for the protection of the animals and birds in the park, from capture or destruction, or to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within the said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, or stage or express company or railway company, receiving for transportation any of the said animals, birds, or fish so killed, taken, or caught shall be deemed guilty of a misdemeanor, and shall be fined for every such offense not exceeding \$300. Any person found guilty of violating any of the provisions of this Act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in the said park, shall be deemed guilty of a misdemeanor, and shall be subjected to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, en-

snaring, or capturing such wild beasts, birds, or wild animals shall be forfeited to the United States, and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(May 7, 1894, ch. 72, § 4, 28 Stat. 73; June 28, 1916, ch. 179, 39 Stat. 238.)

REFERENCES IN TEXT

This Act, referred to in text, is act May 7, 1894, which is classified to sections 24 to 30a of this title. For complete classification of this Act to the Code, see Tables.

§§ 27 to 29. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 27, acts May 7, 1894, ch. 72, § 5, 28 Stat. 74; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; June 28, 1938, ch. 778, § 1, 52 Stat. 1213, related to jurisdiction and powers of commissioner [now magistrate judges]. See sections 131, 631, and 632 of Title 28, Judiciary and Judicial Procedure.

Section 28, act May 7, 1894, ch. 72, § 6, 28 Stat. 75, related to deputy marshals. See section 562 of Title 28.

Section 29, acts May 7, 1894, ch. 72, § 7, 28 Stat. 75; Apr. 17, 1900, ch. 192, § 1, 31 Stat. 133; Mar. 4, 1923, ch. 295, 42 Stat. 1560, related to compensation of commissioners [now magistrate judges], marshals, and United States attorneys. See sections 548, 571, 572, and 634 of Title 28.

§ 30. Jail building; office of magistrate judge

The Secretary of the Interior shall cause to be erected in Yellowstone National Park a suitable building to be used as a jail, and also having in said building an office for the use of the United States magistrate judge.

(May 7, 1894, ch. 72, § 9, 28 Stat. 75; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

CODIFICATION

Section 9 of the act of May 7, 1894, contained the added clause, "the cost of such building not to exceed five thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated upon certificate of the Secretary as a voucher therefor," which was superseded by the provisions contained in section 451 of this title.

CHANGE OF NAME

"United States magistrate judge" substituted in text for "magistrate" pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "magistrate" substituted for "commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

§ 30a. Existing laws as affected

This Act shall not be construed to repeal existing laws conferring upon the Secretary of the Interior and the Secretary of the Army certain powers with reference to the protection, improvement, and control of the said Yellowstone National Park.

(May 7, 1894, ch. 72, § 10, 28 Stat. 75; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

REFERENCES IN TEXT

This Act, referred to in text, is act May 7, 1894, which is classified to sections 24 to 30a of this title. For complete classification of this Act to the Code, see Tables.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

§ 31. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section, act May 7, 1894, ch. 72, § 8, 28 Stat. 75, related to payment of costs and expenses.

§ 32. Lease of lands within park

The Secretary of the Interior is authorized and empowered to lease for a period not exceeding twenty years, at an annual rental to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yellowstone National Park, separate tracts of land, not exceeding twenty acres each, at such places not to exceed ten in number to any one person, corporation, or company, in said park as the comfort and convenience of visitors may require for the construction and maintenance of substantial hotel buildings and buildings for the protection of stage, stock, and equipment.

Such lease or leases shall not include any of the geysers or any objects of curiosity or interest in said park, or exclude the public from free and convenient approach thereto, or include any ground within one-eighth of a mile of any of the geysers of the Yellowstone Falls, the Grand Canyon, or the Yellowstone River, Mammoth Hot Springs, or any object of curiosity in the park; nor shall such lease convey either expressly or by implication any exclusive privilege within the park, except on the premises held thereunder and for the time therein granted. Every lease made for any property of said park shall require the lessee to observe and obey each and every provision in any Act of Congress, every rule, order, or regulation made or which shall hereafter be made and published by the Secretary of the Interior concerning the use, care, management, or government of the park, or any object or property therein under penalty of forfeiture of such lease, and shall be subject to the right of revocation and forfeiture, which shall therein be reserved by the Secretary of the Interior.

The provisions of this section are not to be construed as mandatory upon the Secretary of the Interior, but the authority herein given is to be exercised in his sound discretion.

(Aug. 3, 1894, ch. 198, 28 Stat. 222; June 4, 1906, ch. 2570, 34 Stat. 207; Mar. 2, 1907, ch. 2518, 34 Stat. 1219.)

CODIFICATION

The first paragraph of this section is from act June 4, 1906, as amended by act Mar. 2, 1907, which changed the authorized term of leasing from ten years to twenty years as set out above. It superseded earlier provisions covering similar matter contained in the first sentence of act Aug. 3, 1894.

The second paragraph of the section is from act Aug. 3, 1894, which contained a further proviso that "persons or corporations now holding leases of ground in the park may, upon the surrender thereof, be granted new leases hereunder, and upon the terms and stipulations contained in their present leases, with such modifications, restrictions, and reservations as the Secretary of the Interior may prescribe" which has been omitted as temporary and executed.

A further provision that "so much of that portion of the act of March third, eighteen hundred and eighty-three, relating to the Yellowstone Park as conflict with the act, be and the same is hereby, repealed" and the portion of the act March 3, 1883, referred to in such provision, have been omitted from the Code, the last named portion having been superseded by the Acts cited to text.

§ 33. Mortgages by lessees within the park

Any person, corporation, or company holding a lease within Yellowstone Park for the purposes described in section 32 of this title is authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights, properties, and franchises, including his or its contract or contracts with the Secretary of the Interior, and such mortgages, together with the approval of the Secretary of the Interior may be filed for record in the office of the Secretary of the Interior, and when so recorded shall have all the effect of a public record. Any mortgage, lien, or encumbrance created under the provisions of this section shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchaser under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor.

(June 4, 1906, ch. 2570, 34 Stat. 207.)

§ 34. Road extensions

Road extensions and improvements shall be made in the Yellowstone National Park under and in harmony with the general plan of roads and improvements to be approved by the Secretary of the Interior.

(July 1, 1918, ch. 113, § 1, 40 Stat. 678.)

§ 35. Private use of electricity from lighting and power plant

Private parties or companies doing business in the Yellowstone National Park under authority from the Government may be permitted, in the discretion of the Secretary of the Army, to use electricity furnished by the electric lighting and power plant of Fort Yellowstone and Mammoth Hot Springs at actual cost to the Government for operation, maintenance, and depreciation of the plant and 10 per centum additional, under such regulations as may be prescribed by the Secretary of the Army.

(Mar. 3, 1903, ch. 1007, § 1, 32 Stat. 1130; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

§ 36. Disposition of surplus elk, buffalo, bear, beaver, and predatory animals

The Secretary of the Interior is authorized, in his discretion and under regulations to be prescribed by him, to give surplus elk, buffalo, bear, beaver, and predatory animals inhabiting Yellowstone National Park to Federal, State, county, and municipal authorities for preserves, zoos, zoological gardens, and parks. He may sell or otherwise dispose of the surplus buffalo of the Yellowstone National Park herd, and all moneys received from the sale of any such surplus buffalo shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Jan. 24, 1923, ch. 42, 42 Stat. 1214.)

§ 36a. Disposition of surplus elk

The Secretary of the Interior is authorized in his discretion, and under regulations to be prescribed by him, to sell or otherwise dispose of the surplus elk from the Yellowstone National Park herd, and all moneys received from the sale of any such surplus elk shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Mar. 4, 1929, ch. 707, 45 Stat. 1644.)

§ 37. Provision of feed and range facilities for game animals

As a means of providing within township 8 south, ranges 7 and 8 east, and township 9 south, ranges 7, 8, and 9 east, Montana principal meridian, the winter range and winter feed facilities indispensable for the adequate and proper protection, preservation, and propagation of the elk, antelope, and other game animals of the Yellowstone National Park and adjacent lands, the Secretary of the Interior, in his discretion, and subject to the limitation hereinafter prescribed may, and is, authorized to perform the following acts:

(a) Accept and deposit in a special fund in the Treasury, and expend for the acquisition of lands as herein authorized, private funds donated for such purpose.

(b) Acquire by purchase, or by acceptance of donations or bequests, such lands in private or State ownership within the townships above described as he may deem necessary to carry out the purpose of sections 37 to 40 of this title.

(May 26, 1926, ch. 399, § 1, 44 Stat. 655.)

§ 38. Exchange for State or private lands authorized

The Secretary of Agriculture is authorized in his discretion to accept, on behalf of the United States, title to any lands held in private or

State ownership within the townships described in section 37 of this title, and in exchange therefor may patent not to exceed an equal value of national forest land in the State of Montana, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove not to exceed an equal value of timber within the national forests of said State, the values in each case to be determined by the Secretary of Agriculture: *Provided*, That before any such exchange is effected, notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in exchange shall be cut and removed from national forests under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

(May 26, 1926, ch. 399, §2, 44 Stat. 655; Pub. L. 86-509, §1(f), June 11, 1960, 74 Stat. 205.)

TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior under this section, with respect to exchanges of lands held in private or State ownership for national forest lands or timber in Montana, transferred to Secretary of Agriculture, see Pub. L. 86-509, June 11, 1960, 74 Stat. 205, set out as a note under section 2201 of Title 7, Agriculture.

§ 39. Reservation of timber, minerals, or easements by owners on exchange

Reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the lands conveyed, may be made by the owner or owners thereof in lands conveyed to the United States under the provisions of sections 37 to 40 of this title. Where such reservations are made, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior or the Secretary of Agriculture, whichever may be responsible for the handling and use of the land as provided in said sections: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of land conveyed to the United States shall be subject to the tax laws of the States where such lands are located.

(May 26, 1926, ch. 399, §3, 44 Stat. 656.)

§ 40. Additions to park; entry under other acts

The President of the United States is authorized, in his discretion, to add by Executive proclamation to Yellowstone National Park any or all of the lands within a certain territory or tract in township 9 south, ranges 7 and 8 east, Montana principal meridian, to wit: Beginning at a point on the north line of said Yellowstone National Park where said line crosses the divide between Reese Creek and Mol Heron Creek, thence northeasterly along said divide to the

junction of said divide with the branch divide north and west of Reese Creek; thence along said branch divide in a northeasterly and easterly direction around the drainage of Reese Creek, to the Yellowstone River; thence southerly and southeasterly along the west bank of the Yellowstone River to the line marking the western limits of the town of Gardiner, Montana; thence south on said town limits line to the northern boundary of Yellowstone National Park; thence west along the north boundary of Yellowstone National Park to the point of beginning, which are unappropriated lands of the United States or which may be acquired by the United States under the provisions of sections 37 to 40 of this title, within the territory described in this section, subject, however, to all valid existing claims and to reservations such as are authorized by section 39 of this title; but, with the exception of valid existing claims, no land so added to Yellowstone National Park shall be subject to entry under the mining laws of the United States: *Provided*, That the Secretary of the Interior for such lands as are added to Yellowstone National Park may provide by rules and regulations for the management and use of the added lands as may in his discretion be necessary to accomplish the purposes of sections 37 to 40 of this title: *And provided further*, That the lands of the United States acquired by donation or purchase within the area described in section 37 of this title shall not be subject to location and entry under the mining laws of the United States nor the Act of June 11, 1906, authorizing homestead entries in national forests.

(May 26, 1926, ch. 399, §6, 44 Stat. 656.)

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

Act of June 11, 1906, referred to in text, means act June 11, 1906, ch. 3074, 34 Stat. 233, which was classified to sections 506 to 508 and 509 of this title, and was repealed by Pub. L. 87-869, §4, Oct. 23, 1962, 76 Stat. 1157.

§ 40a. Educational facilities for dependents of employees; payments to school districts; limitation on amount

Under such regulations as may be prescribed by the Secretary of the Interior, payments may be made, as provided in sections 40a to 40c of this title, in advance or otherwise, from any revenues received by the United States from visitors to Yellowstone National Park, to the appropriate school district or districts serving that park, as reimbursement for educational facilities (including, where appropriate, transportation to and from school) furnished by the said district or districts to pupils who are dependents of persons engaged in the administration, operation, and maintenance of the park, and living at or near the park upon real property of the United States not subject to taxation by the State or local agencies and upon which payments in lieu of taxes are not made by the United States: *Provided*, That the payments for any school year for the aforesaid purpose shall not exceed that part of the cost of operating and maintaining such facilities which the number of pupils, in average daily attendance during that

year, bears to the whole number of pupils in average daily attendance at those schools for that year.

(June 4, 1948, ch. 417, §1, 62 Stat. 338.)

§ 40b. Cooperative agreements with States or local agencies; expansion; Federal contributions

If in the opinion of the Secretary of the Interior, the aforesaid educational facilities cannot be provided adequately and payment made therefor on a pro rata basis, as prescribed in section 40a of this title, the Secretary of the Interior, in his discretion, may enter into cooperative agreements with States or local agencies for (a) the operation of school facilities, (b) for the construction and expansion of local facilities at Federal expense, and (c) for contribution by the Federal Government, on an equitable basis satisfactory to the Secretary, to cover the increased cost to local agencies for providing the educational services required for the purposes of sections 40a to 40c of this title.

(June 4, 1948, ch. 417, §2, 62 Stat. 339.)

§ 40c. Creation of special fund; expenditure

For the purposes of sections 40a and 40b of this title, the Secretary of the Treasury is authorized to maintain hereafter in a special fund a sufficient portion of the park revenues, based upon estimates to be submitted by the Secretary of the Interior, and to expend the same upon certification by the Secretary of the Interior.

(June 4, 1948, ch. 417, §3, 62 Stat. 339.)

SUBCHAPTER VI—SEQUOIA AND YOSEMITE NATIONAL PARKS

GENERAL GRANT NATIONAL PARK ABOLISHED

General Grant National Park was abolished and lands transferred to Kings Canyon National Park, see section 80a of this title.

§ 41. Sequoia National Park; establishment; boundaries; trespassers

The tract of land in the State of California known and described as township numbered 18 south, of range numbered 30 east, also township 18 south, range 31 east; and sections 31, 32, 33, and 34, township 17 south, range 30 east, all east of Mount Diablo meridian, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park, or pleasure ground, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon, or occupy the same or any part thereof except as provided in section 43 of this title, shall be considered trespassers and removed therefrom.

(Sept. 25, 1890, ch. 926, §1, 26 Stat. 478.)

§ 42. Repealed. Dec. 16, 1930, ch. 14, §1, 46 Stat. 1028

Section, act July 1, 1916, ch. 209, §1, 39 Stat. 308, related to donations of lands or rights-of-way. For general provisions relating to donations of lands, etc., see section 6 of this title.

§ 43. Sequoia National Park; rules and regulations; leases; fish and game; trespassers

Sequoia National Park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities or wonders within said park, and their retention in their natural condition. He may, in his discretion, grant leases for building purposes for terms not exceeding thirty years of small parcels of ground not exceeding five acres, at such places in said park as shall require the erection of buildings for the accommodation of visitors. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and, generally, shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this section and section 41 of this title.

(Sept. 25, 1890, ch. 926, §2, 26 Stat. 478; Aug. 25, 1916, ch. 408, §3, 39 Stat. 535; Pub. L. 85-434, May 29, 1958, 72 Stat. 152.)

CODIFICATION

“Thirty years” substituted for “ten years” in view of section 3 of act Aug. 25, 1916, and act May 29, 1958, which authorized the Secretary to grant privileges, leases, and permits in the various parks for periods not exceeding thirty years. See section 3 of this title.

As originally enacted, this section contained a further provision that “all of the proceeds of said leases and other revenues that may be derived from any source connected with said park to be expended under his [Secretary of the Interior] direction in the management of the same and the construction of roads and paths therein”. This provision was superseded by section 452 of this title providing for the disposition of all revenues from the national parks.

§§ 44, 45. Transferred

CODIFICATION

Section 44, act Oct. 1, 1890, ch. 1263, §1, 26 Stat. 650, which related to lands in California set aside as reserved forest lands, was transferred to section 471c of this title.

Section 45, act Oct. 1, 1890, ch. 1263, §3, 26 Stat. 651, which related to additional forest reserves in California, was transferred to section 471d of this title.

§ 45a. Sequoia National Park; revision of boundaries

The boundaries of the Sequoia National Park, California, are changed as follows:

Beginning at the southwest corner of the present boundary of Sequoia National Park, being the southwest corner of township 18 south, range 30 east of the Mount Diablo base and meridian, California, thence easterly along the present south boundary of Sequoia National Park to its intersection with the hydrographic divide between the headwaters of South Fort¹

¹ So in original. Probably should be “Fork”.