

**TITLE 43 - PUBLIC LANDS****CHAPTER 31 - DEPARTMENT OF THE INTERIOR****§ 1457a. Authorization of appropriations for particular programs****(a) Maximum amounts for specified years**

Notwithstanding any other provision of law, there shall not be appropriated to the Secretary of the Interior for Department of the Interior programs as defined in subsection (e) of this section in excess of \$4,095,404,000 for the fiscal year ending on September 30, 1981; in excess of \$3,970,267,000 for the fiscal year ending on September 30, 1982; \$4,680,223,000 for the fiscal year ending on September 30, 1983; and \$4,797,281,000 for the fiscal year ending on September 30, 1984.

**(b) Ceilings on certain appropriations**

It is the sense of the Congress that the appropriation targets for such fiscal years should be: not less than \$275,000,000 to be appropriated annually pursuant to the provisions of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460z); not less than \$30,000,000 to be appropriated annually pursuant to the provisions of the National Historic Preservation Act of 1966 (80 Stat. 915; 16 U.S.C. 470); not less than \$10,000,000 to be appropriated annually pursuant to the provisions of the Urban Park and Recreation Recovery Act of 1978 (92 Stat. 3538; 16 U.S.C. 2501, et seq.); not less than \$105,000,000 to be appropriated annually to be used for the restoration and rehabilitation of units of the National Park System, as authorized by law; not less than \$239,000,000 to be appropriated annually for the Office of Territorial and International Affairs (including amounts for the Trust Territory of the Pacific Islands); not less than \$6,200,000 to be appropriated annually to carry out the provisions of title III of the Surface Mining Control and Reclamation Act of 1977 (91 Stat. 445);<sup>1</sup> and not less than \$100,000,000 to be appropriated annually pursuant to chapter 69 of title 31 including not less than \$5,000,000 annually to carry out the purposes of section 6904 of title 31.

**(c) Additional limitations**

Notwithstanding the limitation otherwise imposed by subsection (a) of this section—

- (1) the authorization for obligation and appropriations for the Department of the Interior may exceed the amount specified in subsection (a) of this section by such amount as permanent and annual indefinite appropriations exceed the estimates for such appropriations as contained in “The Budget of the United States Government, Fiscal Year 1982,” as revised by the March 1981, publication of the Office of Management and Budget entitled “Fiscal Year 1982 Budget Revisions”, when receipts available to be appropriated equal or exceed such appropriations, and
- (2) the authorization for obligation and appropriations for the Department of the Interior may exceed the amount specified in subsection (a) of this section by such amounts as may be required for emergency firefighting and for increased pay costs authorized by law.

**(d) Omitted****(e) Applicable programs**

For the purposes of this section, the term “Department of the Interior programs” means—

- (1) Alaska Native Fund amounts included in Bureau of Indian Affairs programs funded from Miscellaneous Trust Funds and Miscellaneous Permanent Appropriations accounts;
- (2) Bureau of Land Management programs;
- (3) United States Bureau of Mines programs;
- (4) National Park Service programs other than the John F. Kennedy Center for the Performing Arts (including those programs formerly administered by the Heritage Conservation and Recreation Service as of October 1, 1980);
- (5) Offices of the Solicitor and the Secretary;
- (6) Office of Surface Mining Reclamation and Enforcement programs;

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscodeprint.html>).*

- (7) Office of Territorial Affairs programs;
- (8) United States Geological Survey programs; and
- (9) Bureau of Reclamation (including those programs formerly administered by the Water and Power Resources Service).

### **Footnotes**

<sup>1</sup> See References in Text note below.

(Pub. L. 97–35, title XIV, § 1401, Aug. 13, 1981, 95 Stat. 748, 749; Pub. L. 102–285, § 10(b), May 18, 1992, 106 Stat. 172.)

### **References in Text**

The Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460z), referred to in subsec. (b), is Pub. L. 88–578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§ 4601–4 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 4601–4 of Title 16 and Tables.

The National Historic Preservation Act of 1966 (80 Stat. 915; 16 U.S.C. 470), referred to in subsec. (b), probably means Pub. L. 89–665, Oct. 15, 1966, 80 Stat. 915, as amended, known as the National Historic Preservation Act, which is classified generally to subchapter II (§ 470 et seq.) of chapter 1A of Title 16. For complete classification of this Act to the Code, see section 470 (a) of Title 16 and Tables.

The Urban Park and Recreation Recovery Act of 1978 (92 Stat. 3538; 16 U.S.C. 2501 et seq.), referred to in subsec. (b), is title X of Pub. L. 95–625, Nov. 10, 1978, 92 Stat. 3538, which is classified generally to chapter 45 (§ 2501 et seq.) of Title 16. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of Title 16 and Tables.

The Surface Mining Control and Reclamation Act of 1977 (91 Stat. 445), referred to in subsec. (b), is Pub. L. 95–87, Aug. 3, 1977, 91 Stat. 445, as amended. Title III of the Surface Mining Control and Reclamation Act of 1977 was formerly classified generally to subchapter III (§ 1221 et seq.) of chapter 25 of Title 30, Mineral Lands and Mining, prior to the replacement of subchapter III by Pub. L. 98–409. For complete classification of this Act to the Code, see Short Title note set out under section 1201 of Title 30 and Tables.

### **Codification**

In subsec. (b), “chapter 69 of title 31” and “section 6904 of title 31” substituted for “the Act of October 20, 1976 (90 Stat. 2662; 31 U.S.C. 1601, et. seq.)” and “section 3 of said Act [31 U.S.C. 1603]”, respectively, on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Subsec. (d) of this section is set out as a note under section 1734 of this title.

### **Change of Name**

“United States Bureau of Mines” substituted for “Bureau of Mines” in subsec. (e)(3) pursuant to section 10(b) of Pub. L. 102–285, set out as a note under section 1 of Title 30, Mineral Lands and Mining. For provisions relating to closure and transfer of functions of the United States Bureau of Mines, see note set out under section 1 of Title 30.

### **Termination of Trust Territory of the Pacific Islands**

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

### **Circular of Office of Management and Budget and Similar Orders or Directives Inapplicable to Certain Public Land Activities Without Affecting Other Authorizations; Congressional Findings**

Pub. L. 98–540, § 3, Oct. 24, 1984, 98 Stat. 2718, provided that:

“(a) The Congress finds that—

“(1) the public lands administered by the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service contain valuable wildlife, scenery, natural and historic features, and other resources;

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

“(2) the Congress has specified the duties and responsibilities of the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service to balance the conservation and protection of these public lands and resources with permitted uses in ways Congress has found to be appropriate for each of the various land areas;

“(3) the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service are currently under congressional mandates to maintain sufficient visitor and recreational services in our national parks, campgrounds, and wildlife refuges;

“(4) the Congress has authorized the National Park Service, the Bureau of Land Management, and the United States Fish and Wildlife Service to contract for the provision of certain facilities, accommodations, and services by non-Federal entities, but with certain limitations that reflect the values and appropriate management policies of the various conservation areas, parks, wildlife refuges, and other public lands;

“(5) expansion of the contracting authority of the managers of these conservation areas, parks, wildlife refuges, and lands should be considered only after careful study of the existing management mandates and contracting authorities; and

“(6) management and regulation of natural resources on Federal lands are inherently Government functions and should be performed by Federal employees.

“(b)(1)(A) The provisions of Office of Management and Budget Circular A-76 and any similar provisions in any other order or directive shall not apply to activities conducted by the National Park Service, United States Fish and Wildlife Service, and the Bureau of Land Management which involve ten full time equivalents (FTE) or less.

“(B) For fiscal years 1985 through and including 1988, no contracts, for activities conducted by the National Park Service, United States Fish and Wildlife Service, or the Bureau of Land Management which have been subject to the provisions of Office of Management and Budget Circular A-76 or any similar provision in any other order or directive, shall be entered into by the United States until funds have been specifically provided therefore by an Act of Congress.

“(2) Nothing in this section shall prevent the National Park Service, United States Fish and Wildlife Service, and the Bureau of Land Management from entering into contracts for services and materials under provisions of law and rules, regulations, orders, and policies other than the circular referred to in paragraph (1) or any similar order or directive.”