National Park Service
U.S. Department of the Interior

Big Bend National Park
Rio Grande Wild & Scenic River

Big Bend National Park
PO Box 129
Big Bend National Park, TX

432 477-2251 phone
432 477-1175 fax

Big Bend National Park
Enabling Legislation

2. Big Bend National Park

		Page
Establishment of park authorized	Act of June 20, 1935	29
Jurisdiction, cession to U. S.	State Act of May 12, 1939	29

An Act To provide for the establishment of the Big Bend National Park in the State of Texas, and for other purposes, approved June 20, 1935 (49 Stat. 393)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when title to such lands as may be determined by the Secretary of the Interior as necessary for recreational park purposes within the boundaries to be determined by him within the area of approximately one million five hundred thousand acres, in the counties of Brewster and Presidio, in the State of Texas, known as the "Big Bend" area, shall have been vested in the United States, such lands shall be, and are hereby, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people and shall be known as the "Big Bend National Park": *Provided,* That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public and private donations. (16 U.S.C. sec. 156.)

Big Bend National Park, Texas.

Establishment.

Area, location, etc.

Proviso.

Lands secured by donation only.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept, on behalf of the United States, title to the lands referred to in the previous section hereof as may be deemed by him necessary or desirable for national-park purposes: *Provided,* That no land for said park shall be accepted until exclusive jurisdiction over the entire area, in form satisfactory to the Secretary of the Interior, shall have been ceded by the State of Texas to the United States. (16 U.S.C. sec. 157.)

Acceptance of title.

Proviso.

Exclusive jurisdiction required.

SEC. 3. The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", as amended: *Provided,* That the provisions of the Act of June 10, 1920, known as the "Federal Water Power Act", shall not apply to this park. (16 U.S.C. sec. 158.)

National Park Service to administer, etc.

Water Power Act not applicable. 41 Stat. 1063.

Excerpt from An Act of the Legislature of Texas, approved May 12, 1939, authorizing the cession to the United States of exclusive jurisdiction over lands conveyed to the United States for the Big Bend National Park. (Art. 6077e, Vernon's Annotated Revised Civil Statutes of the State of Texas)

The United States Government, through the Secretary of the Interior or any other Agency, is hereby authorized to

EXPERIENCE YOUR AMERICA™
The National Park Service cares for special places saved by the American people so that all may experience our heritage.

acquire title, to hold, occupy and possess the area herein defined as the Big Bend National Park and the Governor of the State of Texas is hereby authorized to execute a deed of conveyance to the United States Government covering the area acquired under the terms of this Act as the Big Bend National Park for the use of the public for recreational park purposes, in consideration of the United States Government agreeing to establish and maintain said area as a National Park under an Act of Congress, being Public—No. 157, enacted by the Seventy-fourth Congress of the United States and to cede to the United States jurisdiction over said lands in conformity with the provisions of Article 5247, of the Revised Civil Statutes of Texas, 1925; reserving, however, to the State of Texas, the right to retain concurrent jurisdiction with the United States over every portion of the lands so ceded, so far, that all process, civil or criminal, issuing under the authority of this State or any of the courts or judicial officers thereof, may be executed by the proper officers of the State, upon any person amenable to the same within the limits of the land so ceded as the area for the Big Bend National Park, in like manner and like effect as if no such cession had taken place; and, reserving further, to the State the right to levy and collect taxes on sales of products or commodities upon which a sales tax is levied in this State, and to tax persons and corporations, their franchises and properties, on land or lands deeded and conveyed under the terms of this Act; and reserving also, to persons residing in or on any of the land or lands deeded or conveyed under the terms of this Act to the United States Government the right to vote at all elections within the counties, in which said land or lands are located, upon like terms and conditions and to the same extent as they would be entitled to vote in such counties had not such lands been deeded or conveyed as aforesaid to the United States of America.

2. Big Bend National Park

		Page
Commissioner, authorizing appointment	Act of May 15, 1947	93
Acquisition and addition of lands in Block 234, Brewster County, authorized	Act of August 30, 1949	94
Acquisition of remaining non-Federal lands within park authorized	Act of August 8, 1953	94

An Act Providing for the appointment of a United States commissioner for the Big Bend National Park in the State of Texas, and for other purposes, approved May 15, 1947 (61 Stat. 91)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the establishment of the Big Bend National Park in the State of Texas pursuant to the provisions of the Act of June 20, 1935 (49 Stat. 393), entitled "An Act to provide for the establishment of the Big Bend National Park in the State of Texas, and for other purposes," the United States District Court for the Western District of Texas shall appoint a commissioner for the said national park. The district court shall prescribe the rules of procedure and practice for the commissioner in the trial of cases and for appeal to the district court. The commissioner shall be paid an annual salary, as appropriated for by the Congress. (See 28 U.S.C. §§ 631, 634 notes.)

Big Bend National Park, Texas. Appointment of Commissioner. 16 U.S.C. §§ 156–158.

Salary.

SEC. 2. The commissioner shall have jurisdiction to issue process in the name of the United States for the arrest of any person charged with a violation of any of the rules and regulations made by the Secretary of the Interior in pursuance of law for the government and protection of the park, or with the commission within the park of a petty offense against the law, and to try the person so charged, who, if found guilty, shall be subject to the punishment prescribed by section 3 of the Act of August 25, 1916 (39 Stat. 535; U.S.C., title 16, sec. 3), as amended. For the purposes of this Act, the term "petty offense" shall be defined as in section 335 of the Criminal Code (U.S.C., title 18, sec. 541). In all cases of conviction an appeal shall lie from the judgment of said commissioner to the district court. (See 28 U.S.C. § 632 note.)

Jurisdiction of commissioner.

"Petty offense." 35 Stat. 1152.

SEC. 3. The commissioner shall have power to issue process in the name of the United States for the arrest of any person charged with the commission within said park of any criminal offense not covered by the provisions of section 2 of this Act, and to hear the evidence introduced. If he is of the opinion that probable cause is shown for holding the person so charged for trial, he

Criminal offense.

EXPERIENCE YOUR AMERICA™
The National Park Service cares for special places saved by the American people so that all may experience our heritage.

shall commit such person for further appropriate action, and shall certify a transcript of the record of his proceedings and the testimony in such case to the district court, which court shall have jurisdiction of the case. (*Ibid.*)

Fees, costs, expenses, etc.

SEC. 4. All fees, costs, and expenses arising in cases under this Act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. All fines, fees, costs, and expenses imposed and collected shall be deposited by the commissioner, or by the marshal of the United States collecting the same, with the clerk of the United States District Court for the Western District of Texas. (See 28 U.S.C. § 634 note.)

An Act To authorize the addition of certain lands to the Big Bend National Park in the State of Texas, and for other purposes, approved August 30, 1949 (63 Stat. 679)

Big Bend National Park, Tex. Additional land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to acquire, in such manner as he shall consider to be in the public interest, any land or interests in land situated within sections 15, 22, 27, 34, block 234, Brewster County, Texas, which he shall consider to be suitable for addition to the Big Bend National Park: *Provided, however*, That the aggregate cost to the Federal Government of properties acquired hereafter and under the provisions hereof shall not exceed the sum of $10,000. Properties acquired pursuant to this Act shall become a part of the park upon acquisition of title thereto by the United States. (16 U.S.C. § 157a.)

An Act To authorize the acquisition by the United States of the remaining non-Federal lands within Big Bend National Park, and for other purposes, approved August 8, 1953 (67 Stat. 497)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Secretary of the Interior is hereby authorized to procure, in such manner as he may consider to be in the public interest, the remaining non-Federal land and interests in land within the boundaries of Big Bend National Park. (16 U.S.C. § 157b.)

2. Big Bend

Public Law 96-607
96th Congress

An Act

Dec. 28, 1980
[S. 2363]

To provide, with respect to the national park system for the establishment of new units; for adjustment in boundaries; for increases in appropriation authorizations for land acquisition and development; and for other purposes.

National Park System, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

TITLE IV

BIG BEND NATIONAL PARK

16 USC 157c.

SEC. 401. The boundary of the Big Bend National Park in the State of Texas as hereby revised to include the lands and interests therein within the area generally depicted on the map entitled "Big Bend National Park, Boundary Additions", numbered 155/80,019-A and dated June 1980 which shall be on file and available for public inspection in the local and Washington, District of Columbia, Offices of the National Park Service, Department of the Interior. The Secretary is authorized to acquire the lands and interests therein added to the park by this section by donation, purchase with donated or appropriated funds, or exchange, except that lands and interests therein owned by the State of Texas or any political subdivision thereof may be acquired only by donation or exchange. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not to exceed $1,500,000 for the acquisition of lands and interests therein.

94 STAT. 3540
Appropriation authorization.

* * * * * * *

94 STAT. 3549

Approved December 28, 1980.

LEGISLATIVE HISTORY:
HOUSE REPORTS: No. 96-1024 accompanying H.R. 3 (Comm. on Interior and Insular Affairs) and No. 96-1520 (Comm. of Conference).
SENATE REPORT No. 96-755 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 20, H.R. 3 considered and passed House.
June 5, considered and passed Senate.
June 17, considered and passed House, amended.
Dec. 3, House and Senate agreed to conference report.