

3. Salem Maritime National Historic Site¹

Authorizing transfer of customhouse at Salem, Massachusetts, to Interior Department.....Act of May 26, 1936 134

An Act To authorize the transfer of the customhouse at Salem, Massachusetts, from the jurisdiction of the Treasury Department to the Department of the Interior, approved May 26, 1936 (49 Stat. 1374)

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

Salem, Mass.
Transfer of customhouse to Department of Interior, authorized.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer to the control and jurisdiction of the Secretary of the Interior the customhouse at Salem, Massachusetts, and such adjoining property, both real and personal, as may now be under the jurisdiction of the Secretary of the Treasury.

Preserving of, as an historic site.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to acquire the above property for the purpose of establishing same as an historic site or otherwise preserving the buildings and grounds in connection therewith: *Provided*, That the Secretary of the Treasury may retain sufficient space in the building for the necessary operation of the Bureau of Customs.

Space for Customs Bureau.

¹ Designated by Order of the Secretary of the Interior on March 17, 1938 (3 Fed. Reg. 671).

D: LEGISLATION

12. Salem Maritime National Historic Site

Designation of certain lands to comprise the site: Order of March 17, 1938...

ORDER DESIGNATING THE SALEM MARITIME NATIONAL HISTORIC SITE, SALEM, MASS.

[March 17, 1938—3 F. R. 787]

WHEREAS the Congress of the United States has declared it to be a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States, and

WHEREAS certain lands and structures in Salem, Massachusetts, including Derby Wharf, the Richard Derby House, and the Custom House, by reason of their relationship to the maritime history of New England and the United States, have been declared by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments to be an historic site of national significance, and

WHEREAS the Commonwealth of Massachusetts, the City of Salem, the Society for the Preservation of New England Antiquities, the Home for Aged Women, and certain citizens of Salem have made possible the donation of the necessary property to the United States;

NOW, THEREFORE, I, Harold L. Ickes, Secretary of the Interior, under and by virtue of the authority conferred by Section 2 of the Act of Congress approved August 21, 1935 (49 Stat. 666), do hereby designate the following-described lands, with the structures standing thereon, to be a national historic site, having the name "Salem Maritime National Historic Site":

PARCEL 1

Beginning at a point, the northeast corner of Derby and Orange Streets; thence N. $14^{\circ}02'10''$ W. 73.64'; thence N. $11^{\circ}15'30''$ W. 28.07' to the northwestern corner of the Custom House; thence N. $7^{\circ}57'20''$ W. 95.79'; thence N. $78^{\circ}01'10''$ E. 6.36'; thence N. $76^{\circ}48'00''$ E. 20.45'; thence N. $83^{\circ}38'10''$ E. 56.93'; thence N. $5^{\circ}45'30''$ W. 48.44'; thence N. $5^{\circ}03'50''$ W. 21.41'; thence N. $86^{\circ}09'30''$ E. 44.63'; thence N. $86^{\circ}19'30''$ E. 42.92'; thence N. $82^{\circ}57'50''$ E. 52.66'; thence N. $81^{\circ}34'40''$ E. 25.61'; thence S. $7^{\circ}18'30''$ E. 11.32'; thence S. $9^{\circ}07'50''$ E. 40.39'; thence S. $7^{\circ}18'50''$ E. 85.71'; thence S. $7^{\circ}00'30''$ E. 31.65'; thence S. $7^{\circ}08'20''$ E. 68.84' to a point, the N. W. corner of Polfrey Court and Derby Street; thence along the northern side of Derby Street S. $75^{\circ}54'20''$ W. 74.34'; thence S. $77^{\circ}57'20''$ W. 22.05'; thence S. $76^{\circ}06'40''$ W. 27.45'; thence S. $77^{\circ}25'10''$ W. 25.21'; thence S. $78^{\circ}19'40''$ W. 29.70'; thence S. $78^{\circ}39'20''$ W. 62.68' to point of beginning.

PARCEL 2

Beginning at a point at south edge of Derby Street and east edge of 40 ft. right-of-way to Derby Wharf, shown as point A² on map "Land Takings for National Park Derby Wharf and vicinity, Salem, Massachusetts, scale 1"—20', dated December 1936"; thence N. $75^{\circ}25'50''$ E. 31.05'; thence N. $79^{\circ}00'20''$ E. 15.99'; thence N. $78^{\circ}44'40''$ E. 6.2'; thence N. $77^{\circ}53'00''$ E. 43.83'; thence N. $74^{\circ}03'50''$ E. 17.05'; thence N. $78^{\circ}21'10''$ E. 30.37'; thence N. $73^{\circ}17'00''$ E. 15.09'; thence N. $71^{\circ}17'00''$ E. 19.26'; thence

652315° — 47 — 7

VI. NATIONAL HISTORIC SITES—SALEM MARITIME

S. $6^{\circ}56'30''$ E. 31.36'; thence S. $7^{\circ}11'00''$ E. 88.84'; thence S. $6^{\circ}26'50''$ E. 23.51'; thence S. $7^{\circ}19'10''$ E. 53.93'; thence S. $9^{\circ}40'00''$ E. 39.85'; thence S. $7^{\circ}15'30''$ E. 40.84'; thence S. $6^{\circ}32'30''$ E. 38.89'; thence S. $7^{\circ}01'10''$ E. 34.77'; thence S. $8^{\circ}51'20''$ E. 40.99'; thence S. $81^{\circ}52'30''$ W. approximately 40' to mean high water line; thence southwesterly along mean high water line approximately 42' to property line of land formerly owned by East Massachusetts Street Railway Company; thence S. $6^{\circ}23'30''$ E. approximately 18'; thence S. $82^{\circ}47'20''$ W. approximately 12' to mean high water line; thence southwesterly along mean high water line approximately 164' to east line of Derby Wharf; thence southerly along east edge of Derby Wharf to the northerly corner of lighthouse property of the United States; thence westerly at right angles to wharf edge 26' to westerly corner of lighthouse property of the United States; thence southeasterly parallel with east edge of Derby Wharf 22.5' to south edge of Derby Wharf; thence westerly along south edge of Derby Wharf to an angle in Wharf; thence northerly along western edge of wharf to line of property, formerly owned by Association for Relief of Aged and Destitute Women; thence westerly along edges of Wharves to line of property formerly owned by Andrew J. Abdo, which is also east edge of Central Wharf; thence S. $10^{\circ}43'40''$ E. to channel; thence northwesterly along south edge of Wharf 146' to a point; thence N. $9^{\circ}46'00''$ W. 474.0'; thence N. $11^{\circ}04'40''$ W. 120.22'; thence N. $8^{\circ}47'10''$ W. 145.83' to a point on the south edge of Derby Street; thence along the south edge of Derby Street N. $76^{\circ}21'10''$ E. 301.22'; thence easterly approximately 40' to point of beginning.

The administration, protection, and development of this national historic site shall be exercised by the National Park Service in accordance with the provisions of the Act of August 21, 1935.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface or remove any feature of this historic site.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 17th day of March 1938.

[SEAL]

HAROLD L. ICKES,
Secretary of the Interior.



Public Law 88-199
 88th Congress, H. R. 976
 December 12, 1963

An Act

77 STAT. 255.

To authorize the Secretary of the Interior to acquire and add certain lands to the Salem Maritime National Historic Site in Massachusetts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve, as a part of the Salem Maritime National Historic Site, one of the few substantially unaltered houses of seventeenth century Massachusetts, the Secretary of the Interior is authorized to procure by purchase, donation, or purchase with donated funds certain lands and interests in lands situated in Salem, Massachusetts, being known as the Karbonne House, and consisting of approximately 0.187 acre, the same being the premises conveyed to Margaret Hale by deed dated November 5, 1958, and recorded with the Essex County deeds, book 4511, page 578. When acquired, said lands shall be administered as a part of the site under the laws and regulations applicable thereto.

Sec. 2. There are hereby authorized to be appropriated such sums, but not more than \$18,000, as may be necessary to acquire the property described in section 1 of this Act.

Approved December 12, 1963.

LEGISLATIVE HISTORY:

- HOUSE REPORT No. 430 (Comm. on Interior & Insular Affairs).
- SENATE REPORT No. 660 (Comm. on Interior & Insular Affairs).
- CONGRESSIONAL RECORD, Vol. 109 (1963):
- July 8: Passed House.
- Nov. 27: Considered and passed Senate.

35. Salem Maritime

An Act to authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho. (92 Stat. 3467) (P.L. 95-625)

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

TITLE III—BOUNDARY CHANGES

SEC. 301. The boundaries of the following units of the National Park System are revised as follows, and there are authorized to be appropriated such sums as may be necessary, but not exceed the amounts specified in the following paragraphs for acquisitions of lands and interests in lands within areas added by reason of such revisions:

* * * * *

(15) Salem Maritime National Historic Site, Massachusetts: To add approximately fifteen one-hundredths of an acre as generally depicted on the map entitled "Salem Maritime National Historic Site Boundary Map", numbered 373-80,010, and dated February 1978; \$67,500.

SEC. 302. Within twelve months after the date of the enactment of the Act, the Secretary shall publish in the Federal Register a detailed map or other detailed description of the lands added or excluded from any area pursuant to section 301.

SEC. 303. (a) Within the boundaries of the areas as revised in accordance with section 301, the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. Lands and interests therein so acquired shall become part of the area to which they are added, shall be subjected to all laws, rules, and regulations applicable thereto. When acquiring any land pursuant to this title, the Secretary may acquire any such land subject to the retention of a right of use and occupancy for a term not to exceed twenty-five years or for the life of the owner or owners. Lands owned by a State or political subdivision thereof may be acquired only by donation.

(b) (1) Lands and interests therein deleted from any area pursuant to section 301 may be exchanged for non-Federal lands within the revised boundaries of such area, or transferred to the jurisdiction of any other Federal agency or to a State or political subdivision thereof, without monetary consideration, or be administered as public lands by the Secretary, as the Secretary may deem appropriate.

(2) In exercising the authority contained in this section with respect to lands and interests therein deleted from any such area which were acquired from a State, the Secretary may, on behalf of the United States, transfer to such State exclusive or concurrent legislative jurisdiction over such lands, subject to such terms and conditions as he may deem appropriate, to be effective upon acceptance thereof by the State.

(c) It is the established policy of Congress that wilderness, wildlife conservation, and park and recreation values of real property owned by the United States be conserved, enhanced, and developed. It is further declared to be the policy of Congress that unutilized, underutilized, or excess Federal real property be timely studied as to suitability for wilderness, wildlife conservation, or park and recreation purposes. To implement this policy, the Secretary, the Administrator of General Services, and the Director of the Office of Management and Budget shall establish a system with appropriate procedures to permit the Secretary full and early opportunity to make such studies and propose appropriate recommendations to disposing agencies for consideration in connection with determinations of further utilization or disposal of such property under existing law. Each affected executive agency is authorized and directed to provide to the Secretary such advice and information relating to such studies as the Secretary may request.

SEC. 304. The authorities in this title are supplementary to any other authorities available to the Secretary with respect to the acquisition, development, and administration of the areas referred to in section 301.

* * * * *

Approved November 10, 1978.

Approved October 28, 1974

TITLE III—MISCELLANEOUS PROVISIONS

SAN JUAN NATIONAL HISTORIC SITE

Sec. 321. Section 403 of the Act of October 28, 1974 (88 Stat. 1447), is amended by adding the following subsection (c):
"(c) To carry out the priority repairs as determined by the study performed in accordance with subsection

9. Salem Maritime

102 STAT. 659

PUBLIC LAW 100-349—JUNE 27, 1988

Public Law 100-349
100th Congress

An Act

June 27, 1988
[H.R. 2652]

To revise the boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and for other purposes.

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

Conservation.

SECTION 1. BOUNDARY REVISION OF SALEM MARITIME NATIONAL HISTORIC SITE.

(a) BOUNDARY REVISION.—The Salem Maritime National Historic Site (hereafter in this Act referred to as the "national historic site"), designated on March 17, 1938, under section 2 of the Act of August 21, 1935 (49 Stat. 666), and located in Salem, Massachusetts, shall consist of lands and interests in lands as generally depicted on the map entitled "Boundary Map, Salem Maritime National Historic Site, Salem, Massachusetts", numbered 373-80,011, and dated April 1987. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Public
information.

(b) ACQUISITION OF LANDS.—The Secretary of the Interior may acquire lands or interests therein within the boundary of the national historic site by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests in lands owned by the Commonwealth of Massachusetts or any political subdivision thereof may be acquired only by donation. Lands and interests therein acquired pursuant to this Act shall become part of the national historic site and shall be subject to all the laws and regulations applicable to the national historic site.

Gifts and
property.

Approved June 27, 1988.

LEGISLATIVE HISTORY—H.R. 2652:

HOUSE REPORTS: No. 100-344 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-357 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 133 (1987): Oct. 5, considered and passed House.

Vol. 134 (1988): June 10, considered and passed Senate.

PUBLIC LAW 101-632—NOV. 28, 1990

104 STAT. 4575

Public Law 101-632
101st Congress

An Act

To provide for a visitor center at Salem Maritime National Historic Site in the Commonwealth of Massachusetts.

Nov. 28, 1990
[H.R. 4834]

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

SECTION 1. VISITOR CENTER FOR THE SALEM MARITIME NATIONAL HISTORIC SITE.

16 USC 461 note.

Section 1(b) of the Act entitled "An Act to revise the boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and for other purposes" (102 Stat. 659) is amended—

(1) by striking "LANDS.—The" and inserting "LANDS.—(1) The";

and

(2) by adding at the end the following:

"(2)(A) Subject to subparagraph (B), the Secretary may acquire under this subsection property or an interest therein in the city of Salem for use as a visitor center for the national historic site. The Secretary shall conduct an economic analysis of the costs and benefits of acquiring such property or interest therein. Funds appropriated for the development and operation of the visitor center may be expended on property in which the Secretary has acquired less than a fee simple interest.

"(B)(i) Any acquisition under this paragraph shall provide that—

"(I) under any lease, the leased period shall not be less than 25 years and shall contain an option to renew for an additional 25 years;

"(II) the owner of the property shall maintain the property to a standard acceptable to the Secretary;

"(III) under any lease, rental amounts paid by the Secretary may not exceed the fair market value of the leased premises, as determined by an independent party acceptable to both the lessor and the Secretary; and

"(IV) under any lease, rental payment be reduced by the fair market value of improvements in the leased premises made by or at the expense of the Secretary.

"(ii) The Secretary may not acquire an interest in more than 12,000 square feet under this paragraph. .

"(iii) The Secretary shall submit the economic analysis, together with any proposed acquisition, to the appropriate committees of Congress for their review at least 120 days before the effective date of such acquisition."

Approved November 28, 1990.

SECTION 1 VISITOR CENTER FOR THE SALER NATIONAL HISTORIC SITE
Section 1(b) of the Act entitled "An Act to revise the boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and for other purposes," (103 Stat. 632) is amended—
(1) by striking "lands—The" and inserting "lands—(1) The";
(2) by adding at the end the following:
"(2)(A) Subject to subparagraph (B), the Secretary may acquire under this subsection property or an interest therein in the city of Salem for use as a visitor center for the national historic site. The Secretary shall conduct an economic analysis of the costs and benefits of acquiring such property or interest therein. Funds appropriated for the development and operation of the visitor center may be expended on property in which the Secretary has acquired less than a fee simple interest."
"(B) Any acquisition under this paragraph shall provide that—
(1) under any lease the leased period shall not be less than 25 years and shall contain an option to renew for an additional 25 years;
(2) the owner of the property shall maintain the property to a standard acceptable to the Secretary;
(3) under any lease, rental amounts paid by the Secretary may not exceed the fair market value of the leased premises, as determined by an independent party acceptable to both the Secretary and the Secretary; and
(4) under any lease, rental payment be reduced by the fair market value of improvements in the leased premises made by the Secretary at the expense of the Secretary."

LEGISLATIVE HISTORY—H.R. 4834:
HOUSE REPORTS: No. 101-576 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 101-506 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 136 (1990):
July 10, considered and passed House.
Oct. 27, considered and passed Senate.

One Hundred Fourth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Wednesday, the third day of January, one thousand nine hundred and ninety-six

An Act

To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes.

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS

This Act may be cited as the "Omnibus Parks and Public Lands Management Act of 1996."

TITLE V: ESSEX NATIONAL HERITAGE AREA

Sec. 501. Findings and purpose.

Sec. 502. Definitions.

Sec. 503. Designation of National Heritage Area.

Sec. 504. Management entity.

Sec. 505. Duties of the Secretary.

Sec. 506. Private property.

Sec. 507. Sunset.

Sec. 508. Authorization of appropriations.

SEC. 501. FINDINGS AND PURPOSE

(a) FINDINGS: The Congress finds that:

- (1) Essex County, Massachusetts, was host to a series of historic events that influenced the course of the early settlement of the United States, its emergence as a maritime power, and its subsequent industrial development;
- (2) the North Shore of Essex County and the Merrimack River valley in Essex County contain examples of significant early American architecture and significant Federal-period architecture, many sites and buildings associated with the establishment of the maritime trade in the United States, the site of the witchcraft trials of 1692, the birthplace of successful iron manufacture, and the establishment of the textile and leather industries in and around the cities of Peabody, Beverly, Lynn, Lawrence, and Haverhill;
- (3) Salem, Massachusetts has a rich heritage as one of the earliest landing sites of the English colonists, the first major world harbor for the United States, and an early thriving hub of American industries;
- (4) the Saugus Iron Works National Historic Site is the site of the first sustained, integrated iron works in Colonial America, and the technology employed at the Iron Works was dispersed throughout the Colonies and was critical to the development of industry and technology in America;
- (5) the Salem Maritime National Historic Site contains nationally significant resources that explain the manner in which the Nation was settled, its evolution into a maritime power, and its development as a major industrial force;

Appendices

- (6) the story told at the Salem Maritime and Saugus Iron Works National Historic Sites would be greatly enhanced through the interpretation of significant theme-related resources in Salem and Saugus and throughout Essex County;
 - (7) partnerships between the private and public sectors have been created and additional partnerships will be encouraged to preserve the rich cultural heritage of the region, which will stimulate cultural awareness, preservation, and economic development through tourism;
 - (8) a visitors' center that has already been constructed at the Salem Maritime National Historic Site in Salem, Massachusetts will be available to interpret the themes of the Essex National Heritage Area established by this title and to coordinate the interpretive and preservation activities of the Area; and
 - (9) the resident and business communities of the region have formed the Essex Heritage Ad Hoc Commission for the preservation, interpretation, promotion, and development of the historic, cultural, and natural resources of the region and are investing significant private funds and energy to develop a plan to preserve the nationally significant resources of Essex County.
- (b) PURPOSE: It is the purpose of this title:
- (1) to establish the Essex National Heritage Area to recognize, preserve, promote, interpret, and make available for the benefit of the public the historic, cultural, and natural resources of the North Shore and lower Merrimack River valley in Essex County, Massachusetts, which encompass the three primary themes of the Salem Maritime National Historic Site and Saugus Iron Works National Historic Site (the histories of early settlement, maritime trade, and the textile and leather industries);
 - (2) to implement the appropriate alternative as described in the document entitled "The Salem Project: A Study of Alternatives", dated January 1990, within the boundaries of Essex County; and
 - (3) to provide a management framework to assist the Commonwealth of Massachusetts and its units of local government in the development and implementation of an integrated cultural, historical, and land resource management program in order to retain, enhance, and interpret the significant values of the lands, waters, and structures located in the Essex National Heritage Area.

SEC. 502. DEFINITIONS

For purposes of this title:

- (1) The terms "Area" and "National Heritage Area" mean the Essex National Heritage Area established by section 503.
- (2) The term "Secretary" means the Secretary of the Interior.

SEC. 503. DESIGNATION OF NATIONAL HERITAGE AREA

- (a) DESIGNATION: For the purpose of preserving and interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of certain historic and cultural lands, natural waterways, and structures within the County of Essex in the Commonwealth of Massachusetts, there is hereby established the Essex National Heritage Area.
- (b) BOUNDARIES: The Area shall comprise the lands generally depicted on the map numbered NAR-51-80,000 and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.
- (c) ADMINISTRATION: The Area shall be administered in accordance with the provisions of this title.

SEC. 504. MANAGEMENT ENTITY

- (a) IN GENERAL: The management entity for the National Heritage Area shall be an entity which, selected by the Essex Heritage Ad Hoc Commission or its designee, reflects a broad cross-section of interests within the Area, and includes:

Appendices

- (1) at least 1 representative of one or more units of government in each State in which the National Heritage Area is located; and
 - (2) private property owners who reside within the National Heritage Area.
- (b) DUTIES: The management entity for the Area shall fulfill each of the following requirements:
- (1) HERITAGE PLAN: Not later than 3 years after the date of the designation of the Area as a National Heritage Area, the management entity shall develop and forward to the Secretary and to the Governor of Massachusetts a heritage plan for the Area.
 - (2) PRIORITIES: The management entity shall give priority to the implementation of action, goals, and policies set forth in the compact and heritage plan for the Area, including assisting units of government and others in:
 - (A) carrying out programs which recognize important resource values within the Area;
 - (B) encouraging economic viability in the affected communities;
 - (C) establishing and maintaining interpretive exhibits in the Area;
 - (D) developing recreational and educational opportunities in the Area;
 - (E) increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Area;
 - (F) restoring historic buildings that are located within the boundaries of the Area and relate to the theme of the Area; and
 - (G) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are put in place throughout the Area.
 - (3) CONSIDERATION OF INTERESTS OF LOCAL GROUPS: The management entity shall, in developing and implementing the heritage plan for the Area, consider the interests of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.
 - (4) PUBLIC MEETINGS: The management entity shall conduct public meetings at least annually regarding the implementation of the heritage plan for the Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Area and shall make the minutes of the meeting available to the public.

SEC. 505. DUTIES OF THE SECRETARY

- (a) IN GENERAL: To carry out the purpose of this title, the Secretary shall assist the management entity in preparing such studies and plans as the Secretary considers appropriate and in implementing the recommendations contained in a study report prepared by the management entity. The Secretary is authorized to enter into agreements with the Commission or with any owner of property with national historic or cultural significance within the Area for the purpose of facilitating public use and enjoyment of such resources or to otherwise further the objectives of the management entity. Any such agreement shall provide whenever appropriate that:
- (1) the public may have access to such resources at specified, reasonable times for the purpose of viewing the property or exhibits or attending programs or other activities, as may be appropriate;
 - (2) the Secretary may make improvements to such resources as the management entity or the Secretary deem necessary to enhance the public use and enjoyment of the resources, or to render such property usable by the Secretary, the management entity, or any person for the purpose of this title; and
 - (3) the Secretary may occupy, utilize, and acquire easements or leasehold interests in resources as required to implement the programs and purpose of this title.
- (b) TECHNICAL ASSISTANCE AND GRANTS: The Secretary may provide, upon request, technical assistance and grants to the management entity to assist the management entity in the performance of its powers and functions as authorized under this title. The Secretary may provide to any owner of property within the Area, to

Appendices

the Commonwealth of Massachusetts, to the City of Salem and other participating municipalities, to any other Federal or State entity, to any institution, or to any person such technical assistance and grants as the Secretary considers appropriate to carry out the purpose of this title.

SEC. 506. PRIVATE PROPERTY

No privately owned property shall be included within the boundaries of the Area unless the government of the county, city, or town in which the property is located agrees to be so included and submits notification of such agreement to the Secretary.

SEC. 507. SUNSET

The Secretary may not make any grant or provide any assistance under this title after September 30, 2012.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS

- (a) IN GENERAL: There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Area under this title.
- (b) 50 PERCENT MATCH: Federal funding provided under this title, after the designation of the Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

Historic Sites Act of 1935

AS AMENDED

This Act became law on August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467) and has been amended eight times. This description of the Act, as amended, tracks the language of the United States Code except that (in following common usage) we refer to the “Act” (meaning the Act, as amended) rather than to the “subchapter” or the “title” of the Code. This title is not an official short title, but is merely a convenience for the reader.

16 U.S.C. 461,
Declaration of national
policy

Section 1

It is hereby declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

16 U.S.C. 462,
Administration by
the Secretary of the
Interior, powers and
duties enumerated

Section 2

The Secretary of the Interior (hereinafter in sections 1 to 7 of this Act referred to as the Secretary), through the National Park Service, for the purpose of effectuating the policy expressed in section 1 of this Act, shall have the following powers and perform the following duties and functions:

16 U.S.C. 462(a),
Basis for Historic
American Buildings
Survey/Historic
American Engineering
Record/Historic
American Landscapes
Survey

(a) Secure, collate, and preserve drawings, plans, photographs, and other data of historic and archaeological sites, buildings, and objects.

16 U.S.C. 462(b),
Basis for National
Historic Landmarks
Program

(b) Make a survey of historic and archaeological sites, buildings, and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States.

16 U.S.C. 462(c),
Collection of true and
accurate information

(c) Make necessary investigations and researches in the United States relating to particular sites, buildings, or objects to obtain true and accurate historical and archaeological [sic] facts and information concerning the same.

Historic Sites Act of 1935

16 U.S.C. 462(d),
Federal acquisition
of personal or real
property

(d) For the purpose of sections 1 to 7 of this Act, acquire in the name of the United States by gift, purchase, or otherwise any property, personal or real, or any interest or estate therein, title to any real property to be satisfactory to the Secretary: *Provided*, That no such property which is owned by any religious or educational institution, or which is owned or administered for the benefit of the public shall be so acquired without the consent of the owner: *Provided further*, That no such property shall be acquired or contract or agreement for the acquisition thereof made which will obligate the general fund of the Treasury for the payment of such property, unless or until Congress has appropriated money which is available for that purpose.

16 U.S.C. 462(e),
Cooperative
agreements

(e) Contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, with proper bond where deemed advisable, to protect, preserve, maintain, or operate any historic or archaeological building, site, object, or property used in connection therewith for public use, regardless as to whether the title thereto is in the United States: *Provided*, That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

16 U.S.C. 462(f),
Protection of historic
properties, related
museums

(f) Restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance and where deemed desirable establish and maintain museums in connection therewith.

16 U.S.C. 462(g),
Commemorative
plaques

(g) Erect and maintain tablets to mark or commemorate historic or prehistoric places and events of national historical or archaeological [sic] significance.

Historic Sites Act of 1935

16 U.S.C. 462(h),
Operation and management of historic properties

(h) Operate and manage historic and archaeological sites, buildings, and properties acquired under the provisions of sections 1 to 7 of this Act together with lands and subordinate buildings for the benefit of the public, such authority to include the power to charge reasonable visitation fees and grant concessions, leases, or permits for the use of land, building space, roads, or trails when necessary or desirable either to accommodate the public or to facilitate administration: *Provided*, That the Secretary may grant such concessions, leases, or permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids.

16 U.S.C. 462(i),
Organization of special corporations to carry out purposes of the Act

(i) When the Secretary determines that it would be administratively burdensome to restore, reconstruct, operate, or maintain any particular historic or archaeological site, building, or property donated to the United States through the National Park Service, he may cause the same to be done by organizing a corporation for that purpose under the laws of the District of Columbia or any State.

16 U.S.C. 462(j),
Educational programs

(j) Develop an educational program and service for the purpose of making available to the public facts and information pertaining to American historic and archaeological sites, buildings, and properties of national significance. Reasonable charges may be made for the dissemination of any such facts or information.

16 U.S.C. 462(k),
Regulations and fines

(k) Perform any and all acts, and make such rules and regulations not inconsistent with sections 1 to 7 of this Act as may be necessary and proper to carry out the provisions thereof. Any person violating any of the rules and regulations authorized by said sections shall be punished by a fine of not more than \$500 and be adjudged to pay all cost of the proceedings.

16 U.S.C. 463,
National Park System Advisory Board

16 U.S.C. 463(a),
Establishment, composition, duties

Section 3

(a) There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed

Historic Sites Act of 1935

on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine sciences, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or national [sic; probably meant “natural”] or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning or business management important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1 of chapter 57 of Title 5 [5 U.S.C. 5701-5709, travel and subsistence expenses]. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation.

Historic Sites Act of 1935

It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of sections 1 to 7 of this Act, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument. Such board shall also provide recommendations on the designation of national historic landmarks and national natural landmarks. Such board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making such recommendations.

16 U.S.C. 463(b),
Staff, applicability of
Federal law

(b)(1) The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.

(2) Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an appointive or elective position in the Government for purposes of Section 8344 of Title 5 [5 U.S.C. 8344, civil service retirement, annuities and pay on reemployment], or comparable provisions of Federal law.

16 U.S.C. 463(c),
Authority of Board

(c)(1) Upon request of the Director, the Board is authorized to—

- (A) hold such hearings and sit and act at such times,
- (B) take such testimony,
- (C) have such printing and binding done,
- (D) enter into such contracts and other arrangements,
- (E) make such expenditures, and

(F) take such other actions, as the Board may deem advisable.

Historic Sites Act of 1935

Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(2) The Board may establish committee or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

16 U.S.C. 463(d),
Federal Advisory
Committee Act

(d) The provisions of the Federal Advisory Committee Act [Public Law 92-463, as amended, 5 U.S.C. Appendix] shall apply to the Board established under this section with the exception of section 14(b).

16 U.S.C. 463(e),
Cooperation of Federal
agencies, use of funds

(e)(i) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Board, upon request made by a member of the Board.

(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality [sic; word missing, probably “available”] to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.

16 U.S.C. 463(f),
Sunset

(f) The National Park System Advisory Board shall continue to exist until January 1, 2006. The provisions of section 14(b) of the Federal Advisory Committee Act (the Act of October 6, 1972; 86 Stat. 776) [Public Law 92-463, as amended, 5 U.S.C. Appendix] are hereby waived with respect to the Board, but in all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

Historic Sites Act of 1935

16 U.S.C. 463(g),
National Park Service
Advisory Council

(g) There is hereby established the National Park Service Advisory Council (hereafter in this section referred to as the “advisory council”) which shall provide advice and counsel to the National Park System Advisory Board. Membership on the advisory council shall be limited to those individuals whose term on the advisory board has expired. Such individuals may serve as long as they remain active except that not more than 12 members may serve on the advisory council at any one time. Members of the advisory council shall not have a vote on the National Park System Advisory Board. Members of the advisory council shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. Initially, the Secretary shall choose 12 former members of the Advisory Board to constitute the advisory council. In so doing, the Secretary shall consider their professional expertise and demonstrated commitment to the National Park System and to the Advisory Board.

16 U.S.C. 464,
Cooperation with gov-
ernmental and private
agencies

Section 4

(a) The Secretary, in administering sections 1 to 7 of this Act, is authorized to cooperate with and may seek and accept the assistance of any Federal, State, or municipal department or agency, or any educational or scientific institution, or any patriotic association, or any individual.

16 U.S.C. 464(a),
Authorization

16 U.S.C. 464(b),
Technical advisory
committees

(b) When deemed necessary, technical advisory committees may be established to act in an advisory capacity in connection with the restoration or reconstruction of any historic or prehistoric building or structure.

16 U.S.C. 464(c),
Technical assistance

(c) Such professional and technical assistance may be employed, and such service may be established as may be required to accomplish the purposes of sections 1 to 7 of this Act and for which money may be appropriated by Congress or made available by gifts for such purpose.

16 U.S.C. 465,
Jurisdiction of States
and political subdivi-
sions in acquired lands

Section 5

Nothing in sections 1 to 7 of this Act shall be held to deprive any State, or political subdivision thereof, of its civil and criminal jurisdiction in and over lands acquired by the United States under said sections.

Historic Sites Act of 1935

16 U.S.C. 466,
Requirement for
specific authorization

16 U.S.C. 466(a),
In general

16 U.S.C. 466(b),
Savings provision

16 U.S.C. 466(c),
Authorization of
appropriations

16 U.S.C. 467,
Conflict of laws

Section 6

(a) Except as provided in subsection (b) of this section, notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary of the Interior to carry out section 2(e) or 2(f) of this Act may be obligated or expended after October 30, 1992—

(1) unless the appropriation of such funds has been specifically authorized by law enacted on or after October 30, 1992; or

(2) in excess of the amount prescribed by law enacted on or after such date.

(b) Nothing in this section shall prohibit or limit the expenditure or obligation of any funds appropriated prior to January 1, 1993.

(c) Except as provided by subsection (a) of this section, there is authorized to be appropriated for carrying out the purposes of sections 1 to 7 of this Act such sums as the Congress may from time to time determine.

Section 7

The provisions of sections 1 to 7 of this Act shall control if any of them are in conflict with any other Act or Acts relating to the same subject matter.