Title 54 of the U.S. Code
Background and Guidance
The U.S. Code

- The U.S. Code is the repository of the general and permanent laws of the United States (Federal law).

- The U.S. Code is divided into various subject matter titles. Today there are 52 titles.
Background

National park laws primarily have been codified in Title 16, Conservation.
Background

Codification

• When Congress enacts a bill, and the President signs it, it is codified (included in the Code) by the Office of the Law Revision Counsel (LRC), an arm of the House of Representatives.

• The LRC decides in which title to codify the various provisions of a new public law.
Background

Codification

• Not all provisions of a law are codified – some appear only as notes in the code.

• A provision requiring a report to Congress every year is considered permanent law and is codified, while a provision making a one-year appropriation for a program is only viewed as temporary and is not codified.
Public Law 102-543
102d Congress

An Act

To establish the Keweenaw National Historical Park, 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. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) The oldest and largest lava flow known on Earth is located on the Keweenaw Peninsula of Michigan. This volcanic activity produced the only place on Earth where large scale economically recoverable 97 percent pure native copper is found.

(2) The Keweenaw Peninsula is the only site in the country where prehistoric, aboriginal mining of copper occurred. Artifacts made from this copper by these ancient Indians were traded as far south as present day Alabama.

(3) Copper mining on the Keweenaw Peninsula pioneered deep shaft, hard rock mining, milling, and smelting techniques and advancements in related mining technologies later used throughout the world.

(4) Michigan Technological University, located in the copper district, was established in 1885 to supply the great demand for new technologies and trained engineers requested by the area’s mining operations. Michigan Technological University possesses a wealth of both written and photographic historic documentation of the mining era in its archives.

(5) Michigan’s copper country became a principal magnet to European immigrants during the mid-1800’s and the cultural heritage of these varied nationalities is still preserved in this remarkable ethnic conglomeration.

(6) The corporate-sponsored community planning in Calumet, Michigan, as evidenced in the architecture, municipal design, surnames, foods, and traditions, and the large scale corporate paternalism was unprecedented in American industry and continues to express the heritage of the district.

(7) The entire picture of copper mining on Michigan’s Keweenaw Peninsula is best represented by three components: the Village of Calumet, the former Calumet and Hecla Mining Company properties (including the Osceola #13 mine complex), and the former Quincy Mining Company properties. The Village of Calumet best represents the social, ethnic, and commercial
Public Law 108-192
108th Congress

An Act

To establish the Carter G. Woodson Home National Historic Site in the District of Columbia, 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.

This Act may be cited as the “Carter G. Woodson Home National Historic Site Act”.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CARTER G. WOODSON HOME.—The term “Carter G. Woodson Home” means the property located at 1538 Ninth Street, Northwest, in the District of Columbia, as depicted on the map.

(2) HISTORIC SITE.—The term “historic site” means the Carter G. Woodson Home National Historic Site.


(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. CARTER G. WOODSON HOME NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—Upon acquisition by the Secretary of the Carter G. Woodson Home, or interests therein, the Secretary shall establish the historic site as a unit of the National Park System by publication of a notice to that effect in the Federal Register.

(b) ADDITIONS TO HISTORIC SITE.—

(1) IN GENERAL.—The Secretary may acquire any of the 3 properties immediately north of the Carter G. Woodson Home located at 1540, 1542, and 1544 Ninth Street, Northwest, described on the map as “Potential Additions to National Historic Site”, for addition to the historic site.

(2) BOUNDARY REVISION.—Upon the acquisition of any of the properties described in paragraph (1), the Secretary shall revise the boundaries of the historic site to include the property.

(c) AVAILABILITY OF MAP.—The map shall be available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) ACQUISITION AUTHORITY.—The Secretary may acquire the Carter G. Woodson Home or any of the properties described in subsection (b)(1), including interests therein, and any improvements
In 1974, Congress enacted a law requiring the LRC to “prepare, and submit...a complete compilation, restatement, and revision of the general and permanent laws of the United States which conforms to the understood policy, intent, and purpose of the Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections both of substance and of form, separately stated, with a view to the enactment of each title as positive law.”

A positive law codification provides an opportunity to restate the laws using a consistent drafting style and consistent word choices.
Positive Law

• This mandate is accomplished by compiling the general and permanent laws on a given subject into a new title of the Code that is introduced as a bill in Congress, passed by the House and Senate, and signed by the President.

• Once the bill is signed by the President, that new title of the Code is considered positive law, which constitutes the authoritative form of the law in Federal and State Courts.

• Conversely, a non-positive law title is considered to be evidence of the law, but it is less authoritative than the underlying public law.
• Because Title 16 included laws from multiple agencies, it was becoming too large and disorganized. Staff of the LRC approached the NPS Office of Legislative and Congressional Affairs (OLCA) over five years ago about creating a new Title 54 for national park laws.

• Because the NPS has so many laws, the Title 54 project was divided into two parts: the first would involve compiling the NPS system-wide laws; the second would involve the compilation of individual park laws.
The LRC shared the initial draft of the Title 54 bill with OLCA and we sent it to our program offices and various other interested parties for review. We received over 130 pages of comments.

OLCA provided those comments to the LRC and held several meetings to discuss each of the comments. We included the people who proposed the majority of the comments in those meetings and decisions were made on resolving each of the comments.
Congressional Action on Title 54

• A draft Title 54 bill with our system-wide laws was introduced, but was not considered in the 111th Congress. It was reintroduced and passed the House in the 112th Congress, but did not pass the Senate.

• The bill was reintroduced in the 113th Congress as H.R. 1068 on March 12, 2013. It passed the House on April 23, 2013 and the Senate on December 15, 2014.

• The President signed H.R. 1068 into law, P.L. 113-287, on December 19, 2014.
Next Steps For Title 54

• By signing Title 54 into law, the previous laws that existed under Title 16 are repealed, including popular names, i.e. the National Park Service Organic Act, the National Park System General Authorities Act, the Historic Preservation Act, etc. However, this does not stop us from continuing to use these names in our daily work. Suggest referring to them as “commonly known as _____ Act.”

• However, not all previous law are repealed by Title 54. Public laws that were not codified still exist (public laws still exist that only appear in the Code as a note under a particular section of Title 54)
Next Steps For Title 54

• Other key public laws that concern the NPS, as well as other land management agencies, remain in Title 16, such as:
  o The Wild and Scenic Rivers Act
  o The National Trail System Act
  o The Wilderness Act

• The Commemorative Works Act remains in Title 40.

• It is possible the citation numbers for other titles remaining in Title 16 will also change.
Title 54 has plenty of room to grow based on the new numbering system:

Title 54—NATIONAL PARK SERVICE AND RELATED PROGRAMS

Subtitle I—National Park System
  Division A—Establishment and General Administration
    Chap. 1001. General Provisions ........................................... 100101
    1002. Establishment, Directors, and Other Employees ............... 100201
    1005. Areas of National Park System ................................ 100501
    1007. Resource Management .............................................. 100701
    1009. Administration ....................................................... 100901
    1011. Donations ............................................................. 101101
    1013. Employees ............................................................ 101301

Subtitle II—Outdoor Recreation Programs
  Division A—Historic Preservation
    Subdivision 1—General Provisions .................................... 300101
    3003. Definitions ......................................................... 300301
    Subdivision 2—Historic Preservation Program
      3021. National Register of Historic Places .......................... 302101
      3023. State Historic Preservation Programs ......................... 302301
      3025. Certification of Local Governments ........................... 302501
      3027. Historic Preservation Programs and Authorities for Indian Tribes and Native Hawaiian Organizations
      3029. Grants ............................................................... 302901
      3031. Historic Preservation Fund ..................................... 303101
      3033. Through 3038. Reserved ........................................ 303301
      3039. Miscellaneous ................................................... 303901
    Subdivision 3—Advisory Council on Historic Preservation
      3041. Advisory Council on Historic Preservation ..................... 304101
    Subdivision 4—Other Organizations and Programs
      3051. Historic Preservation Organization ............................ 305101
      3053. National Center for Preservation Technology and Training 305301
      3055. National Building Museum ....................................... 305501
    Subdivision 5—Federal Agency Historic Preservation Responsibilities
      3061. Program Responsibilities and Authorities ...................... 306101
    Subdivision 6—Miscellaneous
      3071. Miscellaneous ................................................... 307101
    Division B—Organizations and Programs
      Subdivision 1—Administered by National Park Service
        3101. American Battlefield Protection Program .................... 310101
        3103. National Underground Railroad Network to Freedom ......... 310301
        3105. National Women's Rights History Project .................. 310501
        3107. National Maritime Heritage .................................. 310701
        3109. Save America's Treasures Program .......................... 310901
        3109. Commemoration of Former Presidents ........................ 310901
      Subdivision 2—Administered Jointly With National Park Service
        3111. Preserve America Program .................................... 311101
    Subdivision 3—Administered by Other Than National Park Service
      3121. National Trust for Historic Preservation in the United States 312101
      3123. Commission for the Preservation of America's Heritage Abroad 312301
      3125. Preservation of Historical and Archeological Data ........ 312501

Division C—American Antiquities
  Subdivision 1. Policy and Administrative Provisions .................. 320101
  Subdivision 2. Monuments, Ruins, Sites, and Objects of Antiquity .... 320201
Next Steps For Title 54

• Division A of Subtitle I of Title 54 includes our system-wide laws. Division B of Subtitle I is specifically reserved for the laws applicable to our park units.

• We hope to have the text of Division B completed in the 114th Congress for introduction as a separate bill.

• Only about half of our individual parks had their laws’ text included in the old Title 16, with the other half denoted only by a note in various sections of Title 16 – primarily under the text of the Historic Sites Act and the Antiquities Act.
Next Steps For Title 54

• OLCA requested that the LRC include the text for all of our units in Title 54. They agreed to do so as much as possible with the exception of many national monuments, as the text of Presidential Proclamations cannot be codified; and of many national memorials, since those laws only provide authority for a group to build a memorial in accordance with the Commemorative Works Act.

• OLCA has gathered and edited the text of over 500 public laws for those park units whose laws are not codified. We are working to prepare the text of those laws for the LRC so it can be codified in Division B of Subtitle I of Title 54.
What the New Title 54 Means for NPS

• The NPS has referenced Title 16 in many ways: letters, memos, policy documents, director’s orders, reference guides, etc.

• These references will now change to refer to the new sections of Title 54. For example, the law that addresses damages to national park resources, 16 U.S.C. 19jj, commonly known as “19jj,” is now found at 54 U.S.C. 100721.
What the New Title 54 Means for NPS

• The House Judiciary Committee report for H.R. 1068 includes a table with the location of each section of Title 16 and its corresponding section in Title 54. This report is available online at: http://www.gpo.gov/fdsys/pkg/CRPT-113hrpt44/pdf/CRPT-113hrpt44.pdf.

• This table will serve as a reference point until people become familiar with the new sections of Title 54.
<table>
<thead>
<tr>
<th>Former United States Code Section</th>
<th>Disposition</th>
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<tbody>
<tr>
<td>16 U.S.C. 1a</td>
<td>Previously repealed.</td>
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<tr>
<td>16 U.S.C. 1a-1</td>
<td>54 U.S.C. 100101</td>
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<td>16 U.S.C. 1a-2 (matter before (a))</td>
<td>54 U.S.C. 101301, 100906, 101302, 101702, 101703, 102102</td>
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<td>16 U.S.C. 1a-2(a)</td>
<td>54 U.S.C. 101302</td>
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<td>16 U.S.C. 1a-2(b)</td>
<td>54 U.S.C. 101302</td>
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<td>16 U.S.C. 1a-2(c)</td>
<td>54 U.S.C. 100906</td>
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<td>16 U.S.C. 1a-2(d)</td>
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<td>16 U.S.C. 1a-6</td>
<td>54 U.S.C. 102701</td>
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<tr>
<td>16 U.S.C. 1a-7(a)</td>
<td>Repealed as obsolete. Required the Secretary of the Interior to transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a detailed program for the development of facilities, structures, or buildings for each unit of the National Park System consistent with general management plans. Repealed as obsolete because of the termination of the reporting requirement with respect to Congress, effective May 15, 2000. See section 3003 of the Federal Reports Elimination and Sunset Act of 1996 (Pub. L. 104-66, 91 U.S.C. 1133 notes) and page 110 of House Document No. 103-7.</td>
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<tr>
<td>16 U.S.C. 1a-7(b)</td>
<td>54 U.S.C. 100102</td>
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<td>16 U.S.C. 1a-7(a)</td>
<td>54 U.S.C. 102702</td>
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<td>16 U.S.C. 1a-7(b) (relating to National Park System)</td>
<td>54 U.S.C. 104506</td>
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<tr>
<td>16 U.S.C. 1a-7(a) (relating to National Wildlife Refuge System)</td>
<td>See § 4(d) of bill.</td>
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<td>16 U.S.C. 1a-8(a)</td>
<td>54 U.S.C. 101301</td>
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<tr>
<td>16 U.S.C. 1a-9 through 1a-11</td>
<td>54 U.S.C. 100906</td>
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<td>16 U.S.C. 1a-12, 1a-13</td>
<td>54 U.S.C. 100901, 101901, 102711</td>
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<td>16 U.S.C. 1b (matter before (1))</td>
<td>54 U.S.C. 102711</td>
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<tr>
<td>16 U.S.C. 1b(1)</td>
<td>54 U.S.C. 100001</td>
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<tr>
<td>16 U.S.C. 1b(2)</td>
<td>54 U.S.C. 100001</td>
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</table>
| 16 U.S.C. 1b(3)                    | Not repealed but omitted from the text of title 54. Provides for transportation of employees of Carlsbad Caverns Na-
What the New Title 54 Means for NPS

• Materials created prior to the President signing H.R. 1068 into law on December 19, 2014 and that have not been finalized should be checked for outdated references to Title 16, because, the codified NPS sections of Title 16 were repealed and ceased to exist.

• P.L. 113-287 (the law that enacted Title 54) makes it clear that a reference to Title 54 is to be considered to be a reference to the underlying provision of Title 16 that Title 54 replaces.

• Similarly, a regulation, order, or administrative action that was in effect under the Title 16 provision remains in effect, and an action taken or an offence committed under Title 16 is considered to be an action taken or an offence committed under Title 54.
If you have questions, we encourage you to contact the Solicitor’s Office or the Office of Legislative and Congressional Affairs.

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National Park Service
U.S. Department of the Interior