ATTACHMENT

and of any regulation or permit issued under this chapter there is reasonable grounds to believe that a person has conspired is attempting to commit an act prohibited by section 2403(a) of this title.

(3) seize without warrant any evidentiary item where there is reasonable grounds to believe that a person has committed or is attempting to commit any such act.

(4) offer and pay rewards for services or information which may lead to the apprehension of violators of such provisions;

(5) make inquiries, and administer to, or take from, any person an oath, affirmation, or affidavit, concerning any matter which is relevant to the enforcement of such provisions;

(6) detain for inspection of any package, crate, or other container, including its contents, and all accompanying documents, upon importation into, or exportation from, the United States; and

(7) make an arrest with or without a warrant with respect to any act prohibited by section 2403(a) of this title if such official has reasonable grounds to believe that the person to be arrested is committing or has committed such act in his presence or view, or has consented to such act.

(c) Seizure.—Any property or item seized pursuant to subsection (b) of this section shall be held by any person authorized by the Director, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of the Interior, the bureau of Customs, or the Coast Guard, in the possession of the Director, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of the Interior, or the person in charge of the department in which the Coast Guard is operating, as the case may be, in such manner as the Secretary of the Treasury may prescribe, except that such authorized person may, in lieu of holding such property or item, permit the owner or consignee thereof to post a bond or other satisfactory surety.

(d) Forfeiture.—(1) Any animal or plant with respect to which an act prohibited by section 2403(a) of this title is committed shall be subject to forfeiture to the United States.

(2) All guns, traps, nets, and other equipment, vessels, vehicles, aircraft, and other means of transportation used in the commission of any act prohibited by section 2403(a) of this title shall be subject to forfeiture to the United States.

(3) Upon the forfeiture of the United States of any property or item described in paragraph (1) or (2), or upon the abandonment or waiver of any claim to any such property or item, it shall be disposed of by the Director, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of the Interior, or the person in charge of the department in which the Coast Guard is operating, as the case may be, in such manner as the Secretary of the Treasury may prescribe, except that no native mammal, native bird, or native fish may be disposed of by sale to the public.

(f) Application of customs laws.—All provisions of law relating to the seizure, forfeiture, or condemnation of a vessel or for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred or alleged to have been incurred under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Customs Service may, for the purposes of this chapter, also be exercised or performed by the Director, the Secretary of Commerce, the Secretary of the Interior, or the Secretary of the Coast Guard in operating, or by such persons as each may designate.

§ 2410. Jurisdiction of courts.

The district court of the United States shall be the court of jurisdiction of any case or controversy arising under the provisions of this chapter or any regulation prescribed or permit issued hereunder, and any such case or controversy shall be tried without a jury.

§ 2411. Federal agency cooperation.

Each Federal department or agency whose activities affect Antarctica shall utilize, to the maximum extent practicable, its authorities in furtherance of the purposes of this chapter and shall cooperate with the Director in effecting the purposes of this chapter.

§ 2412. Relationship to existing treaties.

Nothing in this chapter shall be construed as contravening or superseding the provisions of any international treaty, convention, or agreement, if such treaty, convention, or agreement is in force with respect to the United States on October 28, 1978, or of any statute which implements any such treaty, convention, or agreement.

CHAPTER 45—URBAN PARK AND RECREATION PROGRAM [NEW]
§ 2501. Congressional findings

The Congress finds that—

(a) the quality of life in urban areas is closely related to the availability of fully functional park and recreation systems including land, facilities, and service programs;

(b) residents of cities need close-to-home recreational opportunities that are adequate to specialized urban demands with parks and facilities properly located, developed, and well maintained;

(c) the greatest recreational deficiencies with respect to land, facilities, and programs are found in many large cities, especially at the neighborhood level;

(d) inadequate financing of urban recreation programs due to fiscal difficulties in many large cities has led to the deterioration of facilities, nonavailability of recreation services, and an inability to adapt recreational programs to changing circumstances; and

(e) there is no existing Federal assistance program which fully addresses the needs for physical rehabilitation and revitalization of these park and recreation systems.


§ 2502. Congressional statement of purposes; short-term complementary program authorization; terms and conditions

The purpose of this chapter is to authorize the Secretary to establish an urban park and recreation recovery program which would provide Federal grants to economically hard-pressed communities specifically for the rehabilitation of critically needed recreation areas, fully needed recreation areas, and development of improved recreation programs for a period of five years. This short-term program is intended to complement existing Federal programs such as the Land and Water Conservation Fund and Community Development Block Grant Programs by encouraging and stimulating local governments to revitalize their park and recreation systems and to make long-term commitments to continuing maintenance of these systems. Such assistance shall be subject to such terms and conditions as the Secretary considers appropriate and in the public interest to carry out the purposes of this chapter.


§ 2503. Definitions

When used in this chapter the term—

(a) "recreational areas and facilities" means indoor or outdoor parks, buildings, sites, or other facilities which are dedicated to recreation purposes and administered by public or private nonprofit agencies to serve the recreation needs of community residents. Such facilities shall be on public facilities readily accessible to residential neighborhoods, including multiple-use community centers which have recreation as one of their primary purposes, but excluding major sports arenas, exhibition areas, and conference halls used primarily for commercial sports, spectator, or display activities;

(b) "rehabilitation grants" means matching capital grants to local governments for the purpose of rebuilding, remodeling expanding, or developing existing outdoor or indoor recreation areas and facilities, including improvements in park landscapes, buildings, and support facilities, but excluding routine maintenance and upkeep activities;

(c) "innovation grants" means matching grants to local governments to cover costs of personnel, facilities, equipment, supplies, or services designed to demonstrate innovative and cost-effective ways and improved delivery of recreation service, and which shall exclude routine operation and maintenance activities;

(d) "recovery action program grants" means matching grants to local governments for development of local park and recreation recovery action programs to meet the requirements of this chapter. Such grants will be for resource and needs assessment, coordination, citizen involvement and planning, and program development activities to encourage public definition of goals, and develop priorities and strategies for overall recreation system recovery;

(e) "maintenance" means all commonly accepted practices necessary to keep recreation areas and facilities operating in a state of good repair and to protect them from deterioration resulting from normal wear and tear;

(f) "general purpose local government" means any city, town, townships, parish, village, or other general purpose political subdivision of a State, including the District of Columbia, and Insular Areas;

(g) "special purpose local government" means any local or regional special district, "public purpose corporation or other limited political subdivision" of a State, including but not limited to park authorities; parks, conservation, water or sanitary districts; and school districts;

(h) "private, nonprofit agency" means a community-based, nonprofit organization, corporation, or association organized for purposes of providing recreational, conservation, and educational services directly to urban residents on either a neighborhood or community-wide basis through voluntary donations, voluntary labor, or public or private grants.

(i) "State" means any State of the United States or any Instrumentality of a State approved by the Governor; the Commonwealth of Puerto Rico, and Insular Areas; and

(j) "outlying areas" means Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands.


§ 2504. Federal assistance grants—General purpose local governments eligible for assistance; basis; publication in Federal Register; list of eligibles, criteria of eligibility

(a) Eligibility of general purpose local governments for assistance under this chapter shall be based upon need as determined by the Secretary. Within one hundred and twenty days after the effective date of this chapter, the Secretary shall publish in the Federal Register, a list of the local governments eligible to participate in this program, to be accompanied by a discussion of criteria used in determining eligibility. Such criteria shall be based upon factors which the Secretary determines are related to deteriorated recreational facilities or systems, and physical and economic distress.

Other general purpose local governments eligible for assistance: limitation of funds

(b) Notwithstanding the list of eligible local governments established in accordance with subsection (a) of this section, the Secretary is also authorized to establish eligibility, at his discretion and in accord with the findings and purpose of this chapter, to other general purpose local governments in standard metropolitan statistical areas as defined by the Secretary. That grants to these discretionary applicants do not exceed in the aggregate 15 per centum of funds appropriated under this chapter for rehabilitation, innovation, and recovery action program grants.
§ 2504. Conservation

Priority criteria for project selection and approval

(c) The Secretary shall also establish priority criteria for project selection and approval which consider such factors as—

(1) population;
(2) condition of existing recreation areas and facilities;
(3) demonstrated deficiencies in access to neighborhood recreation opportunities, particularly for minority, and low- and moderate-income residents;
(4) public participation in determining rehabilitation or development needs;
(5) the extent to which a project supports or complements target activities undertaken as part of a local government's overall community development and urban revitalization program;
(6) the extent to which a proposed project would provide employment opportunities for minorities, youth, and low- and moderate-income residents in the project neighborhood and/or would provide for participation of neighborhood, nonprofit or tenant organizations in the proposed rehabilitation activity or in subsequent maintenance, staffing, or supervision of recreation areas and facilities; and
(7) the amount of State and private support for a project as evidenced by commitments of non-Federal resources to project construction or operation.


References in Text. Effective date, referred to in subsec. (a), probably refers to Nov. 10, 1978, date of approval of Title X of Pub.L. 95–623, classified to this chapter.

§ 2505. Federal implementation grants—Rehabilitation and innovations; transference of grants; payments

(a) The Secretary is authorized to provide 70 per centum matching rehabilitation and innovative grants directly to eligible general purpose local governments upon his approval of applications therefor by the chief executives of such governments.

(1) At the discretion of such applicants, and if consistent with an approved application, rehabilitation and innovation grants may be transferred in whole or in part to independent special purposes or public facilities, private nonprofit agencies or county or regional park authorities. Provided, That assisted recreation areas and facilities owned or managed by them offer recreation opportunities to the general population within the jurisdictional boundaries of the applicant.

(2) Payments may be made only for those rehabilitation or innovative projects which have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward the satisfactory completion of a project, except that the Secretary may, when appropriate, make advance payments on approved rehabilitation and innovative projects in an amount not to exceed 20 per centum of the total project cost.

(3) The Secretary may authorize modification of an approved project only when a grantee has adequately demonstrated that such modification is necessary because of circumstances not foreseeable at the time a project was proposed.

Innovation grants; special considerations

(b) Innovation grants should be closely tied to goals, priorities, and implementation strategies expressed in local park and recreation recovery action programs, with particular regard to the special considerations listed in section 2506(b)(2) of this title.


§ 2506. Local commitments to system recovery and maintenance—Recovery action programs—Preliminary action programs—Five-year recovery action programs—Continuing planning process

(a) As a requirement for project approval, local governments applying for assistance under this chapter shall submit to the Secretary evidence of their commitments to ongoing planning, rehabilitation, service operation, and maintenance programs for their park and recreation systems. These commitments will be expressed in local park and recreation recovery action programs which identify a need for coordination of all community resources, including other federalally supported urban development and recreation programs. During an initial interim period to be established by regulations under this chapter, this requirement may be satisfied by local government's submissions of preliminary action programs which briefly define objectives, priorities, and implementation strategies for overall system recovery and maintenance and commit the applicant to a scheduled program development process. Following this interim period, all local applicants shall submit to the Secretary, as a condition of eligibility, a five-year action program for park and recreation recovery that satisfactorily demonstrates:

(1) systematic identification of recovery objectives, priorities, and implementation strategies;

(2) adequate planning for rehabilitation of specific recreation areas and facilities, including projections of the cost of proposed projects;

(3) capacity and commitment to assure that facilities provided or improved under this chapter shall thereafter continue to be adequately maintained, protected, staffed, and supervised;

(4) intention to maintain total local public outlays for park and recreation purposes at levels at least equal to those prevailing in the fiscal year 1980 except in any case where a reduction in park and recreation outlays is proportionate to a reduction in overall spending by the applicant; and

(5) the relationship of the park and recreation recovery program to overall community development and urban revitalization efforts. Where appropriate, the Secretary may encourage local governments to meet action program requirements through a continuing planning process which includes periodic improvements and updates in action program submissions to eliminate identified gaps in program information and policy development.

Recovery action program special considerations

(b) Action programs shall address, but are not limited to the following considerations:

(1) Rehabilitation of existing recreational sites and facilities, including general systemwide renovation; special rehabilitation requirements for recreational sites and facilities in areas of high population concentration and economic distress; and restoration of outstanding or unique structures, landscaping, or similar features in parks of historical or architectural significance.

(2) Local commitments to innovative and cost-effective programs and projects at the neighborhood level to augment recovery of park and recreation systems, including but not limited to recycling of abandoned schools and other public buildings for recreational purposes; multiple use of operating educational and other public buildings; purchase of recreation services on a contractual basis; use of mobile facilities and recreational, cultural, and educational programs or other innovative approaches to improving access for neighborhood residents; integration of recovery program with federally assisted projects to maximize recreational opportunities through.
§ 2506. CONSERVATION

front, and other redevelopment efforts and such other federally assisted projects as may be appropriate; conversion of recreation use of street space, derelict land, and other public lands not now designated for neighborhood recreational use; and use of various forms of compensated and uncompensated land acquisition, tax inducements, or other means to encourage the private sector to provide neighborhood park and recreation facilities and programs.

The Secretary shall establish and publish in the Federal Register requirements for preparation, submission, and updating of local park and recreation recovery action programs.

Recovery action program grants
(c) The Secretary is authorized to provide up to 50 percent of the amount of grants to eligible local applicants for program development and planning specifically to meet the objectives of this chapter.


§ 2507. State action incentive; Federal implementation grants, increase

The Secretary is authorized to increase Federal implementation grants authorized in section 2506 of this title by providing an additional match equal to the total match provided by a State of up to 15 percent of total project costs. In no event may the Federal matching amount exceed 85 percent of total project cost. The Secretary shall further encourage the States to assist in assuring that local recovery plans and programs are adequately implemented by cooperating with the Department of the Interior in monitoring local park and recreation recovery plans and programs and in assuring consistency of such plans and programs, where appropriate, with State recreation policies as set forth in statewide comprehensive outdoor recreation plans.


§ 2508. Matching requirements; non-Federal share of project costs

The non-Federal share of project costs assisted under this chapter may be derived from general or special purpose State or local revenues, State capital or other local grants, special appropriations by State legislatures, donations of land, buildings, or building materials and/or in-kind construction, technical, and planning services. No moneys from the Land and Water Conservation Fund (77 Stat. 49), as amended, or from any other Federal grant program other than general revenue sharing and the community development block grant programs shall be used to match Federal grants under this program. Reasonable local costs of action program development to meet the requirements of section 2506 (a) of this title may be used as part of the local match only when local applicants have not received program development grants under the authority of section 2506 (c) of this title. The Secretary shall encourage States and private interests to contribute, to the maximum extent possible, to the non-Federal share of project costs.


References in Text. The Land and Water Conservation Fund (77 Stat. 49), as amended, referred to in text, is section 4001 et seq. of this title.

§ 2509. Conversion of recreation property

No property improved or developed with assistance under this chapter shall, without the approval of the Secretary, be converted to other than public recreation use. The Secretary shall approve such conversion only if he finds it to be in accord with the current local park and recreation recovery action program and only upon such conditions as he deems necessary to assure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.

§ 2510. Coordination of program

(a) The Secretary shall: (a) coordinate the urban park and recreation recovery program with the total urban recovery effort and cooperate to the fullest extent possible with other Federal departments and agencies and with State agencies which administer programs and policies affecting urban areas, including but not limited to, programs in housing, urban development, natural resources management, employment, transportation, community services, and voluntary action; (b) encourage maximum coordination of the program between appropriate State agencies and local applicants; and (c) ensure that local applicants include provisions for participation of community and neighborhood residents and for public-private coordination in recovery planning and project selection.


§ 2511. Audit requirements; recordkeeping

Each recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of project undertakings in connection with which assistance under this chapter is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The Secretary, and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this chapter.


§ 2512. Authorization of appropriations

There are hereby authorized to be appropriated for the purposes of this chapter, not to exceed $100,000,000 for each of the fiscal years 1979 through 1982, and $125,000,000 in fiscal year 1983, such sums to remain available until expended. Not more than 3 percent of the funds authorized in any fiscal year may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 2506 (a) and 2506 (c) of this title, and not more than 10 percent may be used for innovation grants pursuant to section 2505 of this title. Grants made under this chapter for projects in any one State shall not exceed the aggregate 15 percent of the aggregate amount of funds authorized to be appropriated in any fiscal year. For the authorizations made in subsection (a), any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.

Notwithstanding any other provision of this Act, or any other law, or regulation of the United States, any funds further authorized to be appropriated in section 4005 (c) of this Act for each of the fiscal years 1979 through 1983, such sums to remain available until expended, to each of the insular areas. Such sums shall not be subject to the matching provisions of this section, and may only be subject to such conditions, reports, plans, and agreements, if any, as determined by the Secretary.


References in Text. This Act, referred to in text, was Pub.L. 95–625, the National Parks and Recreation Act of 1978. For references in this Act to the National Parks and Recreation Code, see Short Title of 1978 Amendment note under section 2 of this title.

Codification. Section "2505" was substituted for section "9" of this Act to conform to congressional intent for naming section 4005 (c) of the Act. Section 2505 is now section "2505", but inadvertently referred to in text as section "9", then being additionally no section "9" enacted by Pub.L. 95–625.

§ 2513. Limitation of use of funds

No funds available under this chapter shall be used for the acquisition of land or interests in land.
§ 2514. Sunset and reporting provisions; reports to Congress  
(a) Within ninety days of the expiration of this authority, the Secretary shall report to the Congress on the overall impact of the urban park and recreation recovery program.  
(b) On December 31, 1979, and on the same date in each year that the program is funded, the Secretary shall report to the Congress on the annual achievements of the innovation grant program, with emphasis on the nationwide implications of successful innovation projects.  

CHAPTER 46—PUBLIC UTILITY REGULATORY POLICIES [NEW]

Sec. 2511. Findings. 
Sec. 2512. Definitions. 
Sec. 2513. Relationship to antitrust laws.  
Sec. 2514. Authority to intervene and participate.  
Sec. 2515. Access to information.  
Sec. 2516. Effective date; procedures.  
Sec. 2517. Consumer representation.  
Sec. 2518. Costs.  
Sec. 2519. Alternative means.  
Sec. 2520. Disposition.  
Sec. 2521. Procedural requirements for consideration and determination.  
Sec. 2522. Implementation.  
Sec. 2523. Obligations to issue and determine.  
Sec. 2524. Time limitations.  
Sec. 2525. Failure to comply.  
Sec. 2526. Adoption of certain standards.  
Sec. 2527. Adoption of standards.  
Sec. 2528. Establishment.  
Sec. 2529. Procedural requirements.  
Sec. 2530. Financial assistance.  
Sec. 2531. Prior proceedings.  
Sec. 2532. Special rules for standards.  
Sec. 2533. Cost of service.  
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Sec. 2600. Cost of service.  
Sec. 2601. Cost of service.  
Sec. 2602. Definitions.  

As used in this Act, except as otherwise specifically provided—  
(1) The term “antitrust laws” includes the Sherman Antitrust Act, the Clayton Antitrust Act, the Federal Trade Commission Act, the Wilson Tariff Act, the act of June 19, 1936, chapter 322.  
(2) The term “class” means, with respect to electric consumers, any group of such consumers who have similar characteristics of electric energy use.  
(4) The term “electric utility” means any person, State agency, or Federal agency, which sells electric energy.  
(5) The term “electric consumer” means any person, State agency, or Federal agency, to which electric energy is sold other than for purposes of resale.  
(6) The term “evidentiary hearing” means—  
(A) In the case of a State agency, a proceeding which (i) is open to the public, (ii) includes notice to participants and an opportunity for participants to present direct and rebuttal evidence and to cross-examine witnesses, (iii) includes a written decision, based upon evidence appearing in a written record of the proceedings, and (iv) is subject to judicial review;  
(B) In the case of a Federal agency, a proceeding conducted as provided in sections 554, 556, and 557 of Title 5; and  
(C) In the case of a proceeding conducted by any entity other than a State or Federal agency, a proceeding which conforms, to the extent appropriate, with the requirements of subparagraph (A).  
(7) The term “Federal agency” means an executive agency (as defined in section 105 of Title 5).  
(8) The term “load management technique” means any technique that is capable of reducing the maximum