

CHANGE OF NAME

Word “park” substituted in text for “monument” pursuant to Pub. L. 95-625, §611, which is classified to section 441e-1 of this title and which redesignated Badlands National Monument as Badlands National Park.

§ 441e. Effective date of sections 441 to 441d

Sections 441 to 441d of this title shall become effective if and when all of the above conditions shall have been fully complied with to the satisfaction of the President of the United States, who shall then issue a proclamation declaring that the conditions precedent herein required have been complied with, and said proclamation shall formally dedicate and set aside the areas herein described in accordance with the provisions of section 441 of this title.

(Mar. 4, 1929, ch. 693, §6, 45 Stat. 1555.)

PROCLAMATION NO. 2320

Proclamation declaring that conditions precedent required by sections 441 to 441d of this title have been complied with, and formally dedicating and setting aside the areas therein described was issued by the President on Jan. 25, 1939. See Proc. No. 2320, Jan. 25, 1939, 4 F.R. 457, 53 Stat. 2521.

§ 441e-1. Change in name of Badlands National Monument

The area formerly known as the “Badlands National Monument”, established by Presidential Proclamation of January 25, 1939 (53 Stat. 2521), shall henceforth be known as the “Badlands National Park”.

(Pub. L. 95-625, title VI, §611, Nov. 10, 1978, 92 Stat. 3521.)

§ 441f. Adjustment and redefinition of boundaries

In order to establish a more appropriate boundary for the Badlands National Park and to consolidate Federal land ownership therein, the Secretary of the Interior, in his discretion, is authorized to adjust and redefine the exterior boundaries of the national park by appropriate reductions or additions of land: *Provided*, That the total acreage of the national park, as revised pursuant to sections 441f to 441i of this title, shall not exceed its area of approximately one hundred fifty-four thousand one hundred and nineteen acres as of May 7, 1952.

(May 7, 1952, ch. 244, §1, 66 Stat. 65; Pub. L. 95-625, title VI, §611, Nov. 10, 1978, 92 Stat. 3521.)

CODIFICATION

Reference to the monument’s approximately 154,119 acre area as of “May 7, 1952” was substituted for a reference in the original to the monument’s “present” area.

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§ 441g. Orders to effectuate revision of boundaries; publication

The revision of boundaries of the national park, as authorized in section 441f of this title,

shall be accomplished by the issuance, by the Secretary of the Interior, of an appropriate order, or orders, such order or orders to be effective upon publication in the Federal Register: *Provided*, That federally owned land under the administrative jurisdiction of any other department or agency of the Federal Government shall be included within the park only with the approval of the head of such department or agency.

(May 7, 1952, ch. 244, §2, 66 Stat. 65; Pub. L. 95-625, title VI, §611, Nov. 10, 1978, 92 Stat. 3521.)

REFERENCES IN TEXT

Section 441f of this title, referred to in text, was in the original “sections 1 and 5 of this Act”. Section 1 of the Act is classified to section 441f of this title. Section 5 is probably a reference to section 5 of the original bill, which would have authorized the inclusion of up to 4,000 acres of the Pine Ridge Indian Reservation within the Badlands National Monument. Such section 5 was stricken from the bill by Senate amendment, and as enacted the Act contained only four sections.

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§ 441h. Jurisdiction of mining and mineral rights; patents

Administrative jurisdiction over all Federal lands eliminated from the park, by the issuance of an order or orders of the Secretary of the Interior, is transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of title III of the Bankhead-Jones Farm Tenant Act [7 U.S.C. 1010 et seq.] and the related provisions of title IV thereof: *Provided*, That all of such lands formerly set apart and reserved from the public domain shall be subject to the mining and minerals-leasing laws: *And provided further*, That any disposition of any such lands formerly set apart and reserved from the public domain shall be evidenced by patents issued by the Secretary of the Interior.

(May 7, 1952, ch. 244, §3, 66 Stat. 65; Pub. L. 95-625, title VI, §611, Nov. 10, 1978, 92 Stat. 3521.)

REFERENCES IN TEXT

The Bankhead-Jones Farm Tenant Act, referred to in text, is act July 22, 1937, ch. 517, 50 Stat. 522, as amended. Title III of the Act is classified generally to subchapter III (§1010 et seq.) of chapter 33 of Title 7, Agriculture. Title IV thereof, referred to in text, which was classified to sections 1014 to 1029 of title 7, was repealed by act June 25, 1948, ch. 645, §21, 62 Stat. 862, and by Pub. L. 87-128, title III, §341(a), Aug. 8, 1961, 75 Stat. 318. For complete classification of this Act to the Code, see section 1000 of Title 7 and Tables.

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§ 441i. Exchanges of land

In order that exchanges of land may be effectuated for the purposes of sections 441f to 441i of

this title, the Secretary of the Interior is authorized, in his discretion and in accordance with the provisions of sections 3111 and 3112 of title 40, to accept, on behalf of the United States, title to any land or interests in land within the exterior boundaries of the Badlands National Park as revised pursuant to sections 441f to 441i of this title, and, in exchange therefor, with the approval and concurrence of the Secretary of Agriculture, the Secretary of the Interior may patent lands of approximately equal value which were formerly set apart and reserved from the public domain within the Badlands Fall River soil conservation project, SD-LU-1. In effectuating such exchanges, in lieu of conveyances by the Secretary of the Interior, the Secretary of Agriculture may convey lands of approximately equal value within said project which have been acquired heretofore by the United States. All such exchanges shall, in all other respects, be considered as exchanges under the provisions of section 32c,¹ title III, of the Bankhead-Jones Farm Tenant Act [7 U.S.C. 1011(c)] and shall otherwise be in accordance with provisions of said Act [7 U.S.C. 1000 et seq.]; except that, upon acceptance of title to any lands so acquired by the United States under this section, such lands and any other lands acquired otherwise by the United States within the park boundaries shall be a part of that area. In consummating land exchanges hereunder upon an equitable basis, patents and instruments of conveyance may be issued, and property may be accepted, by the United States, subject to such reservations as may be necessary or in the public interest.

(May 7, 1952, ch. 244, § 4, 66 Stat. 66; Pub. L. 95-625, title VI, § 611, Nov. 10, 1978, 92 Stat. 3521.)

REFERENCES IN TEXT

The Bankhead-Jones Farm Tenant Act, referred to in text, is act July 22, 1937, ch. 517, 50 Stat. 522, as amended, which is classified generally to chapter 33 (§1000 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1000 of Title 7 and Tables.

CODIFICATION

“Sections 3111 and 3112 of title 40” substituted in text for “section 355 of the Revised Statutes” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

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§ 441j. Revision of boundaries

In order to include lands of outstanding scenic and scientific character in the Badlands National Park, the boundaries of the park are revised as generally depicted on the map entitled “Badlands National Monument”, numbered NM-BL-7021B, dated August 1967, which is on file and available for public inspection in the offices of the National Park Service, Department

of the Interior. The Secretary of the Interior may make minor adjustments in the boundaries, but the total acreage in the park may not exceed the acreage within the boundaries depicted on the map referred to herein. Lands within the boundaries of the park that are acquired by the United States shall be subject to the laws and regulations applicable to the park.

(Pub. L. 90-468, § 1, Aug. 8, 1968, 82 Stat. 663; Pub. L. 95-625, title VI, § 611, Nov. 10, 1978, 92 Stat. 3521.)

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§ 441k. Acquisition of property for park

(a) Consent of State or Oglala Sioux Tribe of South Dakota; transfer from Federal agency

Subject to the provisions of subsection (b) of this section, the Secretary of the Interior may, within the boundaries of the park, acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that any lands or interests in lands owned by the State of South Dakota, a political subdivision thereof, or the Oglala Sioux Tribe of South Dakota may be acquired only with the consent of owner. Notwithstanding any other provision of law, lands and interests in lands located within the park under the administrative jurisdiction of any other Federal agency may be transferred to the administrative jurisdiction of the Secretary without a transfer of funds.

(b) Easements

As to lands located within the boundaries of the park but outside the boundaries of the gunnery range referred to in section 441l of this title, the Secretary of the Interior may acquire only rights-of-way and scenic easements.

(Pub. L. 90-468, § 2, Aug. 8, 1968, 82 Stat. 663; Pub. L. 95-625, title VI, § 611, Nov. 10, 1978, 92 Stat. 3521.)

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§ 441l. Exchange of lands; transfer from Federal agency to administrative jurisdiction of Secretary; terms and conditions of purchase

Inasmuch as (A) most of the lands added to the Badlands National Park by section 441j of this title are inside the boundaries of the Pine Ridge Sioux Indian Reservation, (B) such lands are also within a tract of land forty-three miles long and twelve and one-half miles wide which is in the north-western part of such Indian reservation and has been used by the United States Air Force as a gunnery range since the early part of World War II, (C) the tribal lands within such gunnery range were leased by the Federal Government and the other lands within such gun-

¹ So in original. Probably should be “32(c).”