

on October 1, 1981. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.”

§ 460u-1. Acquisition of property

(a) Authority of Secretary; negotiation for Indiana Dunes State Park; exchange of property; acquisition of land owned for educational purposes

Within the boundaries of the lakeshore the Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to acquire lands, waters, and other property, or any interest therein, by donation, purchase with donated or appropriated funds, exchange, or otherwise. The Indiana Dunes State Park may be acquired only by donation of the State of Indiana, and the Secretary is hereby directed to negotiate with the State for the acquisition of said park. In exercising his authority to acquire property by exchange for the purposes of this subchapter, the Secretary may accept title to non-Federal property located within the area described in section 460u of this title and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary which he classifies as suitable for exchange or other disposal within the State of Indiana or Illinois. Properties so exchanged shall be approximately equal in fair market value, as determined by the Secretary who may, in his discretion, base his determination on an independent appraisal obtained by him: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged. The Secretary is expressly authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, lands or interests therein which are owned for school or educational purposes by a State or a political subdivision thereof.

(b) Liability of United States under contracts contingent on appropriations

In exercising his authority to acquire property under subsection (a) of this section, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized to be appropriated by section 460u-9 of this title, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(Pub. L. 89-761, §2, Nov. 5, 1966, 80 Stat. 1309; Pub. L. 96-612, §1(3), (4), Dec. 28, 1980, 94 Stat. 3575.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-612, §1(3), inserted provision authorizing the Secretary to acquire or exchange lands or interests therein owned for school or educational purposes by a State or political subdivision thereof.

Subsec. (b). Pub. L. 96-612, §1(4), made technical amendment to reference in original act which appears in text as reference to section 460u-9 of this title.

ACQUISITION OF LANDS BY EXCHANGE

Pub. L. 97-356, Oct. 19, 1982, 96 Stat. 1703, provided: “That (a) notwithstanding the fourth sentence of sec-

tion 2(a) of the Act entitled ‘An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes’, approved November 5, 1966 (16 U.S.C. 460u-1(a)), or any other provision of law, the Secretary of the Interior is authorized—

“(1) to accept from the State of Indiana the conveyance of 69.17 acres of land located within area IV-A, as designated on the map referred to in the first section of such Act (16 U.S.C. 460u), commonly known as ‘Blue Heron Rookery’, and

“(2) in exchange for such conveyance, to convey to the State of Indiana 31.26 acres of land located within area IV, as designated on such map, commonly known as ‘Hoosier Prairie’.

“(b) The Secretary of the Interior may not carry out the conveyance specified in subsection (a)(2) unless, simultaneously with such conveyance and in consideration of such conveyance, the State of Indiana—

“(1) transfers to the Secretary all right, title, and interest in the land described in subsection (a)(1);

“(2) enters into a recordable agreement satisfactory to the Secretary providing that—

“(A) the State will not use, or permit the use, of the land described in subsection (a)(2) for any purpose other than the interpretation and public appreciation and use of the Hoosier Prairie Unit of the Indiana Dunes National Lakeshore;

“(B) the State will not transfer any right, title, or interest in, or control over, any land described in subsection (a)(2) to any person other than the Secretary;

“(C) the State will permit access by the Secretary at reasonable times to the land described in subsection (a)(2); and

“(D) upon a final determination by the Secretary that—

“(i) the State has failed to comply with the requirements of subparagraph (A) or (B), and

“(ii) after receipt of notice from the Secretary respecting such failure, the State has failed or refused to comply with such requirements, all right, title, and interest in such land shall revert to the United States for administration by the Secretary as part of the lakeshore.

The Secretary may make a determination under subparagraph (D) only after notice and opportunity for hearing on the record. The reversion under subparagraph (D) shall take effect upon publication of such determination by the Secretary in the Federal Register without further notice or requirement for physical entry by the Secretary unless an action for judicial review is brought in the United States court of appeals for the appropriate circuit within ninety days following such publication. In any such action the court may issue such orders as appropriate to carry out the requirements of this subsection.”

§ 460u-2. Direction for establishment; publication in Federal Register; continuing acquisition of lands

As soon as practicable after November 5, 1966, and following the acquisition by the Secretary of an acreage within the boundaries of the area described in section 460u of this title which in his opinion is efficiently administrable for the purposes of this subchapter, he shall establish the Indiana Dunes National Lakeshore by publication of notice thereof in the Federal Register. By no later than October 1, 1977, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the lakeshore and shall from time to time so publish any additional boundary changes as may occur. Following such establishment and subject to the limitations and conditions prescribed in section 460u of this title, the Secretary may continue to acquire lands and interests in lands for the lakeshore.