

in paragraph 1(E)¹ shall revert to the United States for administration by the Secretary as part of the park; and

(B) enters into a recordable agreement satisfactory to the Secretary which provides that—

(i) the State has established a wildlife management area in the area authorized to be deleted and conveyed to the State by paragraph 1(E);

(ii) the State has prepared a plan acceptable to the Secretary to manage all the waters of and State lands riparian to Black Bay (including all of the State-owned lands and waters of Rainy Lake) to preserve the natural resources of the area so as to complement to the fullest extent possible the purposes for which the park was established;

(iii) the State shall not transfer any right, title, or interest in, or control over, any land described in paragraph 1(E) to any person other than the Secretary; and

(iv) the State shall permit access by the Secretary at reasonable times to the land described in paragraph 1(E).

(3) If at any time the State fails to comply with the material requirements of the agreement referred to in paragraph 2(B), all right, title, and interest in the land described in paragraph 1(E) shall revert to the United States for administration by the Secretary as part of the park. Such reversion shall take effect upon the delivery by the Secretary of notice to the State respecting such failure to comply 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 notice. In any such action the court may issue such orders as are appropriate to carry out the requirements of this subsection.

(Pub. L. 91-661, §102, Jan. 8, 1971, 84 Stat. 1970; Pub. L. 97-405, §1(1), (2), Jan. 3, 1983, 96 Stat. 2028.)

CODIFICATION

Provisions of section 102 of Pub. L. 91-661 [this section] were formerly set out as an undesignated second paragraph in section 160a of this title prior to amendment by Pub. L. 97-405.

AMENDMENTS

1983—Subsec. (a). Pub. L. 97-405, §1(1), substituted “(a) Except as provided in subsection (b) of this section, the park” for “The park”.

Subsec. (b). Pub. L. 97-405, §1(2), added subsec. (b).

§ 160b. Acquisition of lands; lands outside of boundaries; transfer of Federal property within boundaries to administrative jurisdiction of Secretary; consideration by Secretary of offers to sell property within park area

(a) The Secretary may acquire lands or interests therein within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to mini-

mize the payment of severance costs. Land so acquired outside of the park boundaries may be exchanged by the Secretary for non-Federal lands within the park boundaries. Any portion of land acquired outside the park boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41. Any Federal property located within the boundaries of the park may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the park. Lands within the boundaries of the park owned by the State of Minnesota, or any political subdivision thereof, may be acquired only by donation.

(b) In exercising his authority to acquire property under this section, the Secretary shall give immediate and careful consideration to any offer made by any individual owning property within the park area to sell such property to the Secretary. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

(Pub. L. 91-661, §201, Jan. 8, 1971, 84 Stat. 1970.)

CODIFICATION

In subsec. (a), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 160c. Acquisition of improved property

(a) Owner’s reservation of right of use and occupancy for residential purposes for life or fixed term of years; election of term; fair market value

Any owner or owners (hereinafter referred to as “owner”) of improved property on the date of its acquisition by the Secretary may, if the Secretary determines that such improved property is not, at the time of its acquisition, required for the proper administration of the park, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is later. The owner shall elect the term to be retained. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) Use and occupancy by lessee of lands donated by State of Minnesota within boundaries of park; term of use and occupancy

If the State of Minnesota donates to the United States any lands within the boundaries of the park subject to an outstanding lease on which the lessee began construction of a non-commercial or recreational residential dwelling

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

prior to January 1, 1969, the Secretary may grant to such lessee a right of use and occupancy for such period of time as the Secretary, in his discretion, shall determine: *Provided*, That no such right of use and occupancy shall be granted, extended, or continue after ten years from the date of the establishment of the park.

(c) Termination of use and occupancy; tender by Secretary of fair market value of unexpired right

Any right of use and occupancy retained or granted pursuant to this section shall be subject to termination by the Secretary upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this subchapter or upon his determination that the property is required for the proper administration of the park. The Secretary shall tender to the holder of the right so terminated an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(d) "Improved property" defined

The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(Pub. L. 91-661, §202, Jan. 8, 1971, 84 Stat. 1971.)

§ 160d. Concession contracts with former owners of commercial, recreational, resort, or similar properties within park boundaries

Notwithstanding any other provision of law, the Secretary is authorized to negotiate and enter into concession contracts with former owners of commercial, recreational, resort, or similar properties located within the park boundaries for the provision of such services at their former location as he may deem necessary for the accommodation of visitors.

(Pub. L. 91-661, §203, Jan. 8, 1971, 84 Stat. 1972.)

§ 160e. Payment of value differential by Secretary to owner of commercial timberlands exchanging lands for State lands outside of park; determination of value; prerequisites

The Secretary is authorized to pay a differential in value, as hereinafter set forth, to any owner of commercial timberlands within the park with whom the State of Minnesota has negotiated, for the purpose of conveyance to the United States, an exchange of lands for State lands outside the park. Payment hereunder may be made when an exchange is based upon valuations for timber purposes only, and shall be the difference between the value of such lands for timber purposes, as agreeable to the State, the Secretary, and any owner, and the higher value, if any, of such lands for recreational purposes not attributable to establishment or authoriza-

tion of the park: *Provided*, That any payment shall be made only at such time as fee title of lands so acquired within the boundaries is conveyed to the United States.

(Pub. L. 91-661, §204, Jan. 8, 1971, 84 Stat. 1972.)

§ 160f. Administration

(a) Authority of Secretary

Except as hereinafter provided, the Secretary shall administer the lands acquired for the park, and after establishment shall administer the park, in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1-4).¹

(b) Preservation of area as a wilderness; study and report to President; procedure for designation as a wilderness

Within four years from the date of establishment, the Secretary of the Interior shall review the area within the Voyageurs National Park and shall report to the President, in accordance with subsections (c) and (d) of section 1132 of this title, his recommendation as to the suitability or nonsuitability of any area within the lakeshore for preservation as wilderness, and any designation of any such area as a wilderness may be accomplished in accordance with said subsections. The President shall, no later than June 1, 1983, advise the United States Senate and House of Representatives of his recommendations with respect to the suitability or nonsuitability as wilderness of any area within the park.

(c) Mining and mineral activities and commercial water power development within park boundaries

All mining and mineral activities and commercial water power development within the boundaries of the park shall be prohibited, and further, any conveyance from the State of Minnesota shall contain a covenant that the State of Minnesota, its licensees, permittees, lessees, assigns, or successors in interest shall not engage in or permit any mining activity nor water power development.

(Pub. L. 91-661, §301, Jan. 8, 1971, 84 Stat. 1972; Pub. L. 97-405, §1(3), Jan. 3, 1983, 96 Stat. 2029.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1-4), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

AMENDMENTS

1983—Subsec. (b). Pub. L. 97-405 inserted provision directing the President to advise the Senate and House of

¹ See References in Text note below.