

of the Treasury taking into account the current average market yield on outstanding marketable obligations of the United States with twenty years remaining to date of maturity, adjusted to the nearest one-eighth of 1 per centum.

(3) Title to the tract purchased shall be held in trust for the purchaser if it was held in trust status at the time the tract was acquired by the United States; otherwise, the title to the tract purchased shall be conveyed to the purchaser subject to a mortgage and such other security instruments as the Secretary deems appropriate. If a tract purchased under this subsection is offered for resale during the following ten-year period, the tribe must be given the first right to purchase it.

(4) The unpaid balance of the purchase price shall be a lien against the land if the title is held in trust and against all rents, bonuses, and royalties received therefrom. In the event of default in the payment of any installment of the purchase price the Secretary may take such action to enforce the lien as he deems appropriate, including foreclosure and conveyance of the land to the Oglala Sioux Tribe.

(5) An application to purchase the tract must be filed with the Secretary of the Interior within one year from the date a notice is published in the Federal Register that the tract has been transferred to the jurisdiction of the Secretary.

(6) No application may be filed by more than five of the former owners of an interest in the tract. If more than one such application is filed for a tract the applicants must agree on not more than five of the former owners who shall make the purchase, and failing such agreement all such applications for the tract shall be rejected by the Secretary.

(7) "Former owner" means, for the purposes of subsection (b) of this section, each person from whom the United States acquired an interest in the tract, or if such person is deceased, his spouse, or if such spouse is deceased, his children.

(Pub. L. 90-468, § 3, Aug. 8, 1968, 82 Stat. 663; Pub. L. 95-625, title VI, § 611, Nov. 10, 1978, 92 Stat. 3521.)

#### CODIFICATION

In subpar. (D) of introductory provisions, "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" 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.

#### CHANGE OF NAME

In provision preceding subsec. (a) and in subsec. (a), "Park" and "park" substituted for "Monument" and "monument", respectively, 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.

### § 441m. Disposition of excess gunnery range lands and reservation lands; purchase; terms and conditions; life estates and use restrictions

#### (a) Gunnery range lands; reservation lands

All Federal lands and interests in lands within the Badlands Air Force gunnery range that are outside the boundaries of the park, and that have been declared excess to the needs of the Department of the Air Force, and that are not purchased by former owners under section 441l(b) of this title, and all lands that have been acquired by the United States under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), and subsequent relief Acts, situated within the Pine Ridge Indian Reservation, administrative jurisdiction over which has heretofore been transferred by the President from the Secretary of Agriculture to the Secretary of the Interior by Executive Order Numbered 7868, dated April 15, 1938, shall be subject to the following provisions of this section.

#### (b) Purchases

Any former Indian owner of land that is within the Badlands Air Force gunnery range and outside the boundaries of the park and that has not been declared excess to the needs of the Department of the Air Force on August 8, 1968, may, within the period specified in section 441l(b)(5) of this title, elect (i) to purchase an available tract of land described in subsection (a) of substantially the same value, or (ii) to purchase the tract formerly owned by him at such time as such tract is declared excess and transferred to the Secretary of the Interior as provided in section 441l(a) of this title.

#### (c) Life estates and use restrictions

Any former Indian owner of a tract of land within the boundaries of the park that was acquired by the United States for the Badlands Air Force gunnery range, and that is transferred to the Secretary of the Interior pursuant to section 441k of this title, may, within the period specified in section 441l(b)(5) of this title, elect (i) to acquire from the Secretary of the Interior a life estate in such tract at no cost, subject to restrictions on use that may be prescribed in regulations applicable to the park, or (ii) to purchase an available tract of land described in subsection (a) of substantially the same value.

#### (d) Purchase restrictions

Purchases under subsection (b) and clause (ii) of subsection (c) of this section shall be made on the terms provided in section 441l(b) of this title.

(Pub. L. 90-468, § 4, Aug. 8, 1968, 82 Stat. 664; Pub. L. 95-625, title VI, § 611, Nov. 10, 1978, 92 Stat. 3521.)

#### REFERENCES IN TEXT

The National Industrial Recovery Act of June 16, 1933, referred to in subsec. (a), is act June 16, 1933, ch. 90, 48 Stat. 195, as amended. Title II of the Act was classified principally to subchapter I (§ 401 et seq.) of chapter 8 of former Title 40, Public Buildings, Property, and Works, and was terminated June 30, 1943 by act June 27, 1942, ch. 450, § 1, 56 Stat. 410. Provisions of title II of the Act which were classified to former Title 40 were repealed by Pub. L. 107-217, § 6(b), Aug. 21, 2002, 116 Stat. 1304. For complete classification of this Act to the Code, see Tables.

Executive Order Numbered 7868, dated April 15, 1938, referred to in subsec. (a), was not classified to the Code.

CHANGE OF NAME

Word “park” substituted for “monument” in subsecs. (a) to (c) 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.

**§ 441n. Lands outside gunnery range; exchange of lands; reservation of mineral rights; grazing and mineral development rights of Indians; execution of instruments; trust title**

**(a) Exchange of lands; mineral and grazing rights**

Title to all Federal lands and interests in lands within the boundaries of the Badlands Air Force gunnery range that are outside the boundaries of the park, and that are transferred to the administrative jurisdiction of the Secretary of the Interior as provided in section 441l(a) of this title, including lands hereafter declared to be excess, and that are not selected under sections 441l(b) or 441m of this title, and title to all lands within the boundaries of the park that were acquired by the United States for the Badlands Air Force gunnery range, subject to any life estate conveyed pursuant to section 441m(c) of this title and subject to restrictions on use that may be prescribed in regulations applicable to the park, which regulations may include provisions for the protection of the black-footed ferret, may be conveyed to the Oglala Sioux Tribe in exchange (i) for the right of the United States to use all tribal land within the park for park purposes, including the right to manage fish and wildlife and other resources and to construct visitor use and administrative facilities thereon, and (ii) for title to three thousand one hundred fifteen and sixty-three one-hundredths acres of land owned by the Oglala Sioux Tribe and located in the area of the Badlands Air Force gunnery range which is not excess to the needs of the Department of the Air Force and which is encompassed in civil action numbered 859 W.D. in the United States District Court for the District of South Dakota, if such exchange is approved by the Oglala Sioux Tribal Council. The lands acquired under paragraph (ii) shall become a part of the Badlands Air Force gunnery range retained by the Department of the Air Force. The United States and the Oglala Sioux Tribe shall reserve all mineral rights in the lands so conveyed. The right of the United States to use for park purposes lands that were tribally owned prior to August 8, 1968, shall not impair the right of the Oglala Sioux Tribe to use such lands for grazing purposes and mineral development, including development for oil and gas.

**(b) Execution of instruments**

The Oglala Sioux Tribal Council may authorize the execution of the necessary instruments to effect the exchange on behalf of the tribe, and the Secretary may execute the necessary instruments on behalf of the United States.

**(c) Trust title**

After the exchange is effected the title of the Oglala Sioux Tribe to the property acquired by the exchange shall be held in trust subject to

the same restrictions and authorities that apply to other lands of the tribe that are held in trust.

(Pub. L. 90-468, §5, Aug. 8, 1968, 82 Stat. 665; Pub. L. 95-625, title VI, §611, Nov. 10, 1978, 92 Stat. 3521.)

CHANGE OF NAME

Word “park” substituted for “monument” in subsec. (a) 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.

**§ 441o. Facilities for interpretation of park and history of Sioux Nation; conveyance of reservation lands; submission of terms to Congressional committees**

The Oglala Sioux Tribe may convey and the Secretary of the Interior may acquire not to exceed forty acres of tribally owned lands on the Pine Ridge Indian Reservation for the purpose of erecting thereon permanent facilities to be used to interpret the natural phenomena of the park and the history of the Sioux Nation: *Provided*, That no such conveyance shall be made until sixty days after the terms thereof have been submitted to the Interior and Insular Affairs Committees of the House of Representatives and the Senate.

(Pub. L. 90-468, §6, Aug. 8, 1968, 82 Stat. 666; Pub. L. 95-625, title VI, §611, Nov. 10, 1978, 92 Stat. 3521.)

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.

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

**§ 442. George Washington Birthplace National Monument**

The land owned by the United States at Wakefield, Westmoreland County, Virginia, and all structures thereon shall constitute the George Washington Birthplace National Monument at Wakefield, Virginia, which is established and set apart for the preservation of the historical associations connected therewith, for the benefit and enjoyment of the people, and the said national monument shall be after January 23, 1930, administered by the National Park Service under the direction of the Secretary of the Interior subject to the provisions of the Act of August 25, 1916 (Thirty-ninth Statutes, page 535),<sup>1</sup> as amended.

(Jan. 23, 1930, ch. 24, §§1, 2, 46 Stat. 58.)

<sup>1</sup> See References in Text note below.