

in this section) corresponding to the appropriate map.

(2) The property is located within the boundaries delineated on the map described in such table which corresponds to such date.

(3) The property is not located within the boundaries of any other map referred to in such table which bears an earlier date.

The term “appropriate map”, means a map identified as “Boundary Map—Indiana Dunes National Lakeshore” (or “A Proposed Indiana Dunes National Lakeshore” in the case of a dwelling the construction of which was begun before January 4, 1965) which is dated and numbered as provided in the following table.

Property within boundaries of map	Construction began before
Dated October 1992, No. 626-80,039-C	October 1, 1991
Dated October 1986, No. 626-80,033-B	February 1, 1986
Dated December 1980, No. 626-91014	January 1, 1981
Dated September 1976, No. 626-91007	February 1, 1973
Dated September 1966, No. LNPNE-1008-ID	January 4, 1965

The term “improved property” also includes the lands on which the dwelling is situated which meets both of the following criteria:

(A) The land is in the same ownership as the dwelling.

(B) The Secretary has designated the lands as reasonably necessary for the enjoyment of the dwelling for the sole purpose of non-commercial residential use.

Such term also includes any structures accessory to the dwelling which are situated on the lands so designated. The maps referred to in this section shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior. The Secretary shall designate the land referred to in subparagraph (B). The amount of land so designated shall in every case be not more than three acres in area, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided*, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters, as he may deem necessary for public access thereto or public use thereof. All rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this subchapter.

(Pub. L. 89-761, §4, Nov. 5, 1966, 80 Stat. 1309; Pub. L. 94-549, §1(3), Oct. 18, 1976, 90 Stat. 2529; Pub. L. 96-612, §1(5), Dec. 28, 1980, 94 Stat. 3575; Pub. L. 99-583, §1(b), Oct. 29, 1986, 100 Stat. 3318; Pub. L. 102-430, §4(a), Oct. 23, 1992, 106 Stat. 2208.)

AMENDMENTS

1992—Pub. L. 102-430 amended table generally. Prior to amendment, table read as follows:

“Property Within Boundaries of Map	Construction Began Before
Dated October 1986, #626-80,033-B	February 1, 1986
Dated December 1980, #626-91014	January 1, 1981
Dated September 1976, #626-91007	February 1, 1973
Dated September 1966, #LNPNE-1008-ID	January 4, 1965”.

1986—Pub. L. 99-583 substituted provisions defining “improved property” and “appropriate map” for former provisions which read as follows: “The term “improved property”, whenever used in this subchapter, shall mean a detached, one-family dwelling, construction of which was begun before January 1, 1981 or, in the case of improved property located within the boundaries delineated on a map identified as “Boundary Map, Indiana Dunes National Lakeshore”, dated September 1976 and bearing the number 626-91007, before February 1, 1973, or, in the case of improved property located within the boundaries delineated on a map identified as “A Proposed Indiana Dunes National Lakeshore”, dated September 1966, and bearing the number “LNPNE-1008-ID”, which map is on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, before January 4, 1965, 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 non-commercial residential use, together with any structures accessory to the dwelling which are situated on the lands so designated.”

1980—Pub. L. 96-612 inserted “January 1, 1981 or, in the case of improved property located within the boundaries delineated on a map identified as ‘Boundary Map, Indiana Dunes National Lakeshore’, dated September 1976 and bearing the number 626-91007, before” after “began before”.

1976—Pub. L. 94-549 struck out subsec. (a) which related to the suspension of the authority of the Secretary to acquire improved property by condemnation when an appropriate zoning agency had in force a valid zoning ordinance, designated subsec. (b) as the entire provision, and in the entire provision as so designated, inserted provision including in definition of “improved property” a one-family dwelling the construction of which was begun before February 1, 1973, or in the case of improved property located within the boundaries of the map bearing the number “LNPNE-1008-ID”, property the construction of which was begun before January 4, 1965, and provision which subjected all rights of use and occupancy to terms and conditions the Secretary deems appropriate.

§ 460u-4. Repealed. Pub. L. 94-549, § 1(9), Oct. 18, 1976, 90 Stat. 2533

Section, Pub. L. 89-761, §5, Nov. 5, 1966, 80 Stat. 1310, authorized Secretary to set standards for and to approve use of local zoning ordinances with regard to preservation and development of lakeshore areas and in event of nonconforming variances, to terminate suspension of his authority to acquire improved property by condemnation.

§ 460u-5. Owner’s retention of right of use and occupancy for residential purposes

(a) Election; conveyance or lease of right; adjustment of compensation; retained rights

(1) Except for owners described in paragraph (2) and owners of improved property within the area on the map referred to in section 460u-3 of this title, dated December 1980, and numbered 626-91014, as area II-B, any owner or owners of record of improved property may retain a right of use and occupancy of said improved property for noncommercial residential purposes for a term (A) ending on his or her death or the death of his or her spouse, whichever occurs last, or (B) for a fixed term not to extend beyond September 30, 2010, or such lesser term as the owner or owners may elect at the time of acquisition by the Secretary. In the case of improved property within the boundaries of the map dated De-