

Bay and convey such lands to the State of Minnesota.

All of the aforementioned boundary changes if accomplished shall be accomplished such that the boundary of the park shall conform to that generally depicted on the drawing entitled “Boundary, Voyageurs National Park, United States Department of the Interior, National Park Service”, numbered 172-80, 008-MWR, and dated November 1981, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(2) The Secretary may not delete or convey the lands referred to in paragraph (1)(E) unless, prior to or simultaneously with such deletion or conveyance and in consideration of such conveyance, the State of Minnesota—

(A) tenders a conveyance of the lands described in subparagraphs (C) and (D) of paragraph (1) to the United States by such instrument and in such manner as are satisfactory to the Secretary, including but not limited to lease or easement; *Provided*, That if the interest conveyed is a lease or easement, the State of Minnesota shall substitute therefore a transfer of all right, title, and interest in the land by June 30, 1987; *Provided further*, That if the State does not transfer all right, title, and interest in such lands by June 30, 1987, the land described in paragraph (1)(E) 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; Pub. L. 116-9, title II, §2107(a), Mar. 12, 2019, 133 Stat. 727.)

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

2019—Subsec. (a). Pub. L. 116-9, §2107(a)(1), substituted “the map entitled ‘Voyageurs National Park, Proposed Land Transfer & Boundary Adjustment’, numbered 172/80,056, and dated June 2009 (22 sheets)” for “the drawing entitled ‘A Proposed Voyageurs National Park, Minnesota,’ numbered LNPW-VOYA-1001, dated February 1969”, “such map” for “such drawing”, and “revised map” for “revised drawing”.

Subsec. (b)(2)(A). Pub. L. 116-9, §2107(a)(2), substituted “subparagraphs (C) and (D) of paragraph (1)” for “paragraph (1)(C) and (D)” and “paragraph (1)(E)” for “paragraph 1(E)”.

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. Land acquisitions

(a) Authorization

(1) In general

The Secretary may acquire lands or interests therein within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange.

(2) Certain portions of tracts

(A) In general

In any case in which only a portion of a tract of land is within the boundaries of the park, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs.

(B) Exchange

(i) In general

Any land acquired pursuant to subparagraph (A) outside of the park boundaries may be exchanged by the Secretary for non-Federal lands within the park boundaries.

(ii) Portions not exchanged

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.

(C) Transfers of Federal property

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.

(D) Administrative jurisdiction

Effective beginning on March 12, 2019, there is transferred to the National Park Service administrative jurisdiction over—

(i) any land managed by the Bureau of Land Management within the boundaries of the park, as depicted on the map described in section 160a-1(a) of this title; and

(ii) any additional public land identified by the Bureau of Land Management as appropriate for transfer within the boundaries of the park.

(E) Land owned by State

(i) Donations and exchanges

Any land located within or adjacent to the boundaries of the park that is owned by the State of Minnesota (or a political subdivision of the State) may be acquired by the Secretary only through donation or exchange.

(ii) Revision

On completion of an acquisition from the State under clause (i), the Secretary shall revise the boundaries of the park to reflect the acquisition.

(b) Offers by individuals

In exercising the 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; Pub. L. 116-9, title II, §2107(b), Mar. 12, 2019, 133 Stat. 727.)

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.

AMENDMENTS

2019—Pub. L. 116-9, §2107(b)(1), inserted section catchline.

Subsec. (a). Pub. L. 116-9, §2107(b)(1), (2), inserted subsec. heading and in six sentences of existing provisions: designated first sentence as par. (1) and inserted heading; designated second to fifth sentences collectively as par. (2) and individually as subpars. (A), (B)(i), (B)(ii), and (C) of par. (2), respectively, and inserted par., subpar., and cl. headings; and struck out sixth sentence which read as follows: “Lands within the boundaries of the park owned by the State of Minnesota, or any political subdivision thereof, may be acquired only by donation.”

Subsec. (a)(2)(A). Pub. L. 116-9, §2107(b)(2)(A), substituted “In any case in which only a portion of a tract of land is within the boundaries of the park” for “When any tract of land is only partly within such boundaries”.

Subsec. (a)(2)(B)(i). Pub. L. 116-9, §2107(b)(2)(B), substituted “Any land acquired pursuant to subparagraph (A)” for “Land so acquired”.

Subsec. (a)(2)(D), (E). Pub. L. 116-9, §2107(b)(2)(E), added subpars. (D) and (E).

Subsec. (b). Pub. L. 116-9, §2107(b)(3), inserted heading and substituted “the authority” for “his authority”.

§ 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 noncommercial or recreational residential dwelling 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.)