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; Pub. L. 116–6, div. E, title I, §115(a)(1)(B), Feb. 15, 2019, 133 Stat. 232.)

Editorial Notes

AMENDMENTS

2019—Subsec. (a). Pub. L. 116–6 substituted ''Park'' for ''lakeshore''.

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.

Statutory Notes and Related Subsidiaries

ACQUISITION OF LANDS BY EXCHANGE

Pub. L. 97–356, Oct. 19, 1982, 96 Stat. 1703, provided: ''That (a) notwithstanding the fourth sentence of section 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 Park 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 Park 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 Park.

(Pub. L. 89–761, §3, Nov. 5, 1966, 80 Stat. 1309; Pub. L. 94–549, §1(2), Oct. 18, 1976, 90 Stat. 2529; Pub. L. 116–6, div. E, title I, §115(a)(1), Feb. 15, 2019, 133 Stat. 232.)

Editorial Notes

AMENDMENTS

2019—Pub. L. 116–6 substituted ''National Park'' for ''National Lakeshore'' and ''Park'' for ''lakeshore'' in two places.

1976—Pub. L. 94–549 inserted provision requiring the Secretary to publish in the Federal Register, no later than October 1, 1977, the boundaries of the lakeshore

and from time to time publish any additional changes in the boundaries as they occur.

§ 460u–3. "Improved property" and "appropriate map" defined; terms and conditions for rights of use and occupancy

As used in this subchapter, the term ''improved property'' means a detached, one-family dwelling which meets each of the following criteria:

(1) The construction of the dwelling began before the date (shown in the table contained 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 noncommercial 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.)

Editorial Notes

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 noncommercial 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 ''begun 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