

ate” for “until sixty days after he has notified the President of the Senate” in existing provisions and inserted provisions relating to the availability of funds for the acquisition of interests in land, the implementation of contracts and cooperative agreements pursuant to this subsection, and rehabilitative activities generally designed to minimize erosion and sedimentation in ways designed to assure adequate protection for Redwood National Park, contribute to the economic revival of Del Norte and Humboldt Counties in northern California, and provide employment opportunities to individuals affected by taking of land and interests in land.

§ 79c-1. Vesting in United States of all right, title, etc., in real property and down tree personal property in additional lands; effective date; authorization of appropriations

Notwithstanding any provision of the Act of October 2, 1968 [16 U.S.C. 79a et seq.], the vesting in the United States of all right, title, and interest in, and the right to immediate possession of, all real property and all down tree personal property within the area indicated as “Proposed Additions” on the map entitled “Additional Lands, Redwood National Park, California,” numbered 167-80005-D and dated March 1978, as established by section 79c(b)(1) of this title, shall be effective on March 27, 1978. The provisions of section 79c(b)(3) of this title shall also relate to the effective date of this section. From the appropriations authorized for fiscal year 1978 and succeeding fiscal years such sums as may be necessary may be expended for the acquisition of lands and interests in lands, and down tree personal property, authorized to be acquired, or acquired, pursuant to the provisions of this Act.

(Pub. L. 95-250, title I, §101(c), Mar. 27, 1978, 92 Stat. 166.)

Editorial Notes

REFERENCES IN TEXT

Act of October 2, 1968, referred to in text, is Pub. L. 90-545, Oct. 2, 1968, 82 Stat. 931, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Tables.

Section 79c(b)(1) of this title, referred to in text, was in the original “subsection (a)(4) of the first section of this Act”, meaning section 101(a)(4) of Pub. L. 95-250, which amended section 79c(b)(1) of this title.

This Act, referred to in text, means Pub. L. 95-250, Mar. 27, 1978, 92 Stat. 163, which, insofar as classified to the Code, enacted sections 79c-1 and 79k to 79q of this title, amended former section 1a-1 and sections 79b and 79c of this title, and enacted provisions set out and formerly set out as notes under section 79k of this title. For complete classification of this Act to the Code, see Tables.

The effective date of this section, referred to in text, probably means the date of enactment of section 101 of Pub. L. 95-250, which was approved Mar. 27, 1978.

CODIFICATION

Section was not enacted as part of Pub. L. 90-545, Oct. 2, 1968, 82 Stat. 931, which comprises this subchapter.

§ 79d. Acquisition of lands

(a) Owner’s retention of right of use and occupancy for noncommercial residential purposes for fixed term of years or for life; election of term; fair market value; termination of use and occupancy inconsistent with stated purpose and upon payment of sum for unexpired right

The owner of improved property on the date of its acquisition by the Secretary under this subchapter may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than 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 reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purpose of this subchapter, and it shall terminate by operation of law upon the Secretary’s notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) “Improved property” defined

The term “improved property”, as used in this section, means a detached, noncommercial residential dwelling, the construction of which was begun before October 9, 1967, 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.

(c) Sale or lease of certain realty to former owner; conditions and restrictions

The Secretary shall have, with respect to any real property acquired by him in sections 5 and 8, township 13 north, range 1 east, Humboldt meridian, authority to sell or lease the same to the former owner under such conditions and restrictions as will assure that it is not utilized in a manner or for purposes inconsistent with the national park.

(Pub. L. 90-545, § 4, Oct. 2, 1968, 82 Stat. 933.)

§ 79e. Exchange of property; cash equalization payments; commercial operations, minimum economic dislocation and disruption

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park, and outside of such boundaries within the limits prescribed in this subchapter. Notwithstanding any other provision of law, the Secretary may acquire such property from the

grantor by exchange for any federally owned property under the jurisdiction of the Bureau of Land Management in California, except property needed for public use and management, which he classifies as suitable for exchange or other disposal, or any federally owned property he may designate within the Northern Redwood Purchase Unit in Del Norte County, California, except that section known and designated as the Yurok Experimental Forest, consisting of approximately nine hundred and thirty-five acres. Such federally owned property shall also be available for use by the Secretary in lieu of, or together with, cash in payment of just compensation for any real property taken pursuant to section 79c(b) of this title. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the value shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Through the exercise of his exchange authority, the Secretary shall, to the extent possible, minimize economic dislocation and the disruption of the grantor's commercial operations.

(Pub. L. 90-545, § 5, Oct. 2, 1968, 82 Stat. 933.)

§ 79f. Transfer of property from Federal agency to administrative jurisdiction of Secretary

Notwithstanding any other provision of law, any Federal property located within any of the areas described in sections 79b and 79c of this title may, with the concurrence of the head of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this subchapter.

(Pub. L. 90-545, § 6, Oct. 2, 1968, 82 Stat. 934.)

§ 79g. Contract authorization within prescribed cost limits; installments: duration, interest; provisions for payment of judgments and compromise settlements applicable to judgments against United States

(a) Notwithstanding any other provision of law, the Secretary shall have the same authority with respect to contracts for the acquisition of land and interests in land for the purposes of this subchapter as was given the Secretary of the Treasury for other land acquisitions by section 3171 of title 40, and the Secretary and the owner of land to be acquired under this subchapter may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities on the installments.

(b) Judgments against the United States, including final partial judgments and compromise settlements of claims referred to the Attorney General for defense of suits against the United States, for amounts in excess of the deposit in court in actions under section 79c of this title shall be paid in accordance with the provisions

of section 1304 of title 31, and section 2414 of title 28. Final partial judgments and compromise settlements are payable only after certification by the Attorney General to the Comptroller General that it is in the interest of the United States to do so.

(Pub. L. 90-545, § 7, Oct. 2, 1968, 82 Stat. 934; Pub. L. 99-151, title II, § 203, Nov. 13, 1985, 99 Stat. 807.)

Editorial Notes

CODIFICATION

“Section 3171 of title 40” substituted in subsec. (a) for “section 34 of the Act of May 30, 1908 (35 Stat. 545; 40 U.S.C. 261)” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

1985—Subsec. (b). Pub. L. 99-151, in amending subsec. (b) generally, inserted provisions relating to final partial judgments and compromise settlements, substituted reference to actions under section 79c of this title for reference to condemnation actions, and deleted reference to section 2517 of title 28.

§ 79h. Memorial groves named for benefactors

The present practice of the California Department of Parks and Recreation of maintaining memorial groves of redwood trees named for benefactors of the State redwood parks shall be continued by the Secretary in the Redwood National Park.

(Pub. L. 90-545, § 8, Oct. 2, 1968, 82 Stat. 934.)

§ 79i. Administration

The Secretary shall administer the Redwood National Park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 1-4),¹ as amended and supplemented.

(Pub. L. 90-545, § 9, Oct. 2, 1968, 82 Stat. 934.)

Editorial Notes

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 1-4), referred to in text, 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.

§ 79j. Authorization of appropriations

There are hereby authorized to be appropriated \$92,000,000 for land acquisition to carry out the provisions of this subchapter.

(Pub. L. 90-545, § 10, Oct. 2, 1968, 82 Stat. 934.)

¹ See References in Text note below.